

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

2 JANET SOLANDER,

)

CASE NO. 76228

)

3           Appellant,

)

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4 vs.

)

**VOLUME XV**

5 THE STATE OF NEVADA,

)

6           Respondent.

)

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

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

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1 MS. MCAMIS: That's page 75. I don't think I told  
2 you that.

3 MS. BLUTH: Thank you. That's fine.

4 BY MS. MCAMIS:

5 Q Would you have any reason to disagree with that if  
6 that's what the transcribed statement said -- transcribed  
7 transcript said?

8 A Can I say something real quick?

9 Q My question to you is asking about Anastasia's  
10 training potty. So that's what my question is.

11 A I don't remember any of this that you're talking  
12 about right now. I only remember some of it.

13 Q Okay.

14 A I don't remember anything of what you're about to  
15 tell me in the next couple of questions. I don't remember what  
16 you're telling me.

17 Q Okay.

18 A Because that was three years ago.

19 Q Okay. And so it's been a little while. That's fine.  
20 Now, you and I have not had an opportunity to talk at all;  
21 right?

22 A No.

23 Q So you don't know what my next questions coming up  
24 are; right? None of this is rehearsed; right?

25 A No.



1           Q     Okay. All right. I'm going to ask you to review  
2 your prior testimony. Directing everyone to page 75 of your  
3 prior testimony of the transcript, and if you could look at  
4 this and this question and then your answer. Let me know when  
5 you've had an opportunity to read that.

6           A     Okay.

7           Q     Okay. Ava, you had an opportunity to read that?

8           A     Yes.

9           Q     Okay. And so you were asked a question, Okay, and so  
10 Anastasia was told to sit on a little training potty, correct,  
11 and you answered, Yes?

12          A     Yes.

13          Q     Okay. All right. So all of these questions are  
14 about the basically the bathroom timers and the accidents that  
15 you and your sisters were having; okay. So even though you  
16 were asked when the timer went off if you needed to go to the  
17 bathroom, there were times that you chose to go to the  
18 bathroom; right?

19          A     Yes.

20          Q     And there were times where you said I don't have to  
21 go to the bathroom or you just didn't say anything; right?

22          A     Yes.

23          Q     And then there were times that you had accidents even  
24 after being asked if you needed to use the bathroom when the  
25 timer was up; right?

1           A     Yes.

2           Q     Okay. And you had those accidents because you were  
3 holding in either your pee or your poop; correct?

4           A     Yes.

5           Q     Okay. And you were asked -- well, I'll ask it this  
6 way. So even though Janet and Dwight asked if you had to go to  
7 the bathroom every hour when the timer was up, you chose not to  
8 go every hour; correct?

9           A     Yes.

10          Q     And sometimes isn't it true that you peed or pooped  
11 on yourself to make Janet or Dwight mad?

12          A     No.

13          Q     You're saying that never happened?

14          A     No.

15          Q     Okay. Okay. So you were asked questions about the  
16 rules for taking showers and baths, things like that. I'm  
17 going to direct your attention to that, and you testified that  
18 you had to either air dry or dry off with a fan; right?

19          A     Yes.

20          Q     That's a yes?

21          A     Yes.

22          Q     Okay. Sorry. You have such a soft voice, okay.  
23 Now, after your shower, you actually had a specific towel that  
24 you had to use to dry off; right?

25          A     Yes.

1 Q Okay. And each one of you and your sisters had a  
2 different color towel that you guys would use; right?

3 A Yes.

4 Q And your towel is the blue towel; right?

5 A I don't remember the color.

6 Q Okay. If I said to you that when you testified at  
7 the preliminary hearing in this matter that you testified it  
8 was a blue towel, would you have any reason to disagree with  
9 that?

10 A Yeah, because I don't remember what color it was.

11 Q Okay. Fair enough. All right. So I'm going to  
12 direct you to page 107 of your testimony at the preliminary  
13 hearing [unintelligible], and if I could have you look at this  
14 middle section [unintelligible] 15 and 17, this section  
15 [unintelligible] done reading that.

16 A Okay.

17 Q Okay. Did that refresh your memory about what you  
18 testified to about the towel and the color?

19 A Yes.

20 Q Okay. And so you had a blue towel that was yours?

21 A Yes.

22 Q Okay. And you were also responsible for hanging up  
23 that towel after your shower to keep it clean; right?

24 A Yes.

25 Q Okay. Ava, I want to ask you some questions about

1 the doctor visits that you had when you lived with Ms. Janet;  
2 okay?

3 A Uh-huh. Okay.

4 Q Okay. So you saw a doctor for your stomach issues;  
5 right?

6 A Yes.

7 Q That was Dr. Christopher Rhee?

8 A Yes.

9 Q Okay. And you talked about your stomach issues when  
10 you went to Dr. Rhee?

11 A [No audible response.]

12 Q Well, I can ask it this way. When you went to see  
13 Dr. Rhee, you were having stomach issues where you could not go  
14 to the bathroom for several days; right?

15 A Yes.

16 Q Okay. And it was also unfortunately hurting your  
17 stomach when you were going to the bathroom; right?

18 A Yes.

19 Q Okay. And then we talked about how more than once  
20 there was blood in your poop, and that's why you went to see  
21 Dr. Rhee with Janet.

22 A [Unintelligible.]

23 Q I can ask that again. Do you want me to ask that  
24 again.

25 A No.

1 Q Okay. Well, I need an answer to the question.

2 A Yes.

3 Q Okay. So that was correct. Okay. And it was after  
4 your meeting with Dr. Rhee that Janet started blending your  
5 meals; right?

6 A Yes.

7 Q And it was after Janet started blending your meals  
8 your stomach didn't hurt anymore when you were eating?

9 A No.

10 Q No. Okay. So you recall testifying at the  
11 preliminary hearing in this matter; right?

12 A Wait. What did you say?

13 Q You recall testifying at the preliminary hearing in  
14 this matter?

15 A I don't know --

16 Q Did you testify in court --

17 A -- no, I don't remember.

18 Q -- before about this?

19 A Yes.

20 Q Okay. And at that time, isn't it true that you  
21 testified that after you started having the blended food that  
22 your stomach didn't hurt anymore; right?

23 MS. BLUTH: I'm sorry. May I have a page number.

24 MS. MCAMIS: Yeah, it's page 79.

25 MS. BLUTH: Thank you.

1 MS. MCAMIS: Actually, Court's indulgence.

2 BY MS. MCAMIS:

3 Q Well, let me ask it this way. Before you saw  
4 Dr. Rhee, there were times where you would eat and your stomach  
5 hurt; right?

6 A No, it's not because I ate.

7 Q Okay. Fair enough. But there were times where your  
8 stomach hurt before you saw Dr. Rhee?

9 A Yes.

10 Q And then after you and Janet saw Dr. Rhee and your  
11 meals changed, then your stomach didn't hurt as often; right?

12 A Yes.

13 Q Okay. All right. That was just my question. And  
14 then Janet took you to see other doctors as well; right?

15 A Yes.

16 Q And you saw Dr. Jonathan Bernstein for your stomach  
17 problems?

18 A I don't know if it was for my stomach problems, but I  
19 did see him.

20 Q Okay. You remember seeing Dr. Bernstein?

21 A Yes.

22 Q Okay. Ava, when you were spanked with the paint  
23 sticks, it was because you were being punished; right?

24 A Yes.

25 Q Okay. And so you got punished for a lot of different

1 reasons in the home; right?

2 A Yes.

3 Q Okay. Sometimes you had, you know, disobeyed a rule  
4 in the home; right?

5 A [No audible response.]

6 Q Is it fair to say you were disciplined for things  
7 like lying?

8 A Yeah, technically.

9 Q Okay. And did you get punished for, like, breaking  
10 the rules in the home?

11 A We had a lot of rules, but they were changed.

12 Q Okay. My question was, if you broke rules in the  
13 home, that's an example of when you would get punished by being  
14 spanked with a paint stick; right?

15 A Like peeing my pants.

16 Q Or breaking the rules in the home. That was my  
17 question.

18 MS. BLUTH: Judge, I'm going to object as to vague in  
19 regards to what rules in the home.

20 THE COURT: Well she can answer generally if she got  
21 punished for breaking the rules in the home, and you can follow  
22 up with her.

23 THE WITNESS: No.

24 BY MS. MCAMIS:

25 Q Okay. You didn't get punished for breaking the rules

1 in the home?

2 A No.

3 Q Okay. But you got punished for doing things to your  
4 sister; right?

5 A Like, we couldn't talk to each other. So I can't do  
6 anything to her in order to get punished for that reason.

7 Q Okay. And you remember testifying --

8 MS. MCAMIS: Page 70.

9 BY MS. MCAMIS:

10 Q -- you remember testifying at the preliminary hearing  
11 about the different reasons that you got in trouble in the  
12 home; right?

13 A Yes.

14 Q Okay. And you were asked, Sometimes you had done  
15 things to your sisters, and you answered, Yes?

16 MS. BLUTH: I'm sorry. Do you have a page number?  
17 You said it, but I missed it.

18 MS. MCAMIS: 70. 70.

19 MS. BLUTH: 70, okay, thank you.

20 BY MS. MCAMIS:

21 Q Okay. So my question was sometimes you had done  
22 things to your sisters, and you answered, Yes?

23 A I don't know. Yeah, I actually did because I was  
24 talking about the Jubilee home. At the Wakashan home, we  
25 weren't allowed to talk to each other, look at each other. So



1 I couldn't have done anything to them.

2 Q Okay. So at the Jubilee home, there were times where  
3 you acted out against your sisters, and that's when you got  
4 disciplined with the spanking; correct?

5 A Yeah.

6 Q Yeah. Okay.

7 A But not with the paint stick.

8 Q Not with the paint stick?

9 A Yes.

10 Q So you did get disciplined?

11 A Yes.

12 Q So while we're talking about discipline, there's  
13 actually, like, an award or a star chart on the fridge; right?

14 A Yes.

15 Q Okay. And the award chart marked when you and your  
16 sisters had good or bad behavior?

17 A Yes.

18 Q Okay. So you got stars on the chart next to your  
19 name for good behavior; right?

20 A Yes.

21 Q Okay. And once you earned enough stars on your  
22 chart, you got to pick a toy out of a prize box; right?

23 A Yes.

24 Q Okay. And then there were consequences if you had  
25 bad behavior; right?

1           A     Yes.

2           Q     Okay. And so some of those consequences were you get  
3 yelled at; right?

4           A     I don't remember getting yelled at for not having any  
5 good behavior. I just wouldn't get anything.

6           Q     Okay. So you wouldn't get anything out of the toy  
7 box if you didn't have enough stars; right?

8           A     Yes.

9           Q     Okay. Now, there was a time when Anastasia was about  
10 to pass you up on the chart because she had good behavior;  
11 right?

12          A     Yes.

13          Q     And you got upset?

14          A     Yes.

15          Q     Okay. And so you retaliated or you did something to  
16 Anastasia because you were upset?

17          A     Yes.

18          Q     Okay. Isn't it true that you and Anastasia got into  
19 a fight when she passed you up on the chart, and that's how she  
20 got the burn marks is because you and she were fighting?

21          A     No.

22          Q     Okay. And isn't it true that's why after that fight  
23 between you and Anastasia about the chart, that's when Janet  
24 took a picture of Anastasia?

25          A     No.

1           Q     Okay. Now, you had other rules in the house like  
2 about chores, things that you were doing as being part of the  
3 family; right?

4           A     Yes.

5           Q     Okay. And so one of your chores earlier on when you  
6 lived in the Wakashan home was that you were in charge of  
7 giving out toilet paper to your sisters; right?

8           A     It wasn't a chore, but, yes, I was in charge for a  
9 little bit.

10          Q     Okay. So that was just something that you were  
11 assigned to do in home, and that's a responsibility you had  
12 perhaps?

13          A     Yes.

14          Q     Okay. And you lost that responsibility because you  
15 would not give enough toilet paper to your sisters?

16          A     No, I was giving too much.

17          Q     Okay. And that's why you lost the responsibility --

18          A     Yes.

19          Q     -- about the toilet paper. Okay. Now, you remember  
20 testifying in the preliminary hearing in this matter; right?

21          A     Yes.

22          Q     And so at that time, isn't it true that you testified  
23 that you got in trouble or actually that you lost the  
24 responsibility of giving out the toilet paper because you would  
25 not give enough toilet paper to your sisters; right?

1           A     Yes.  Yes.

2           Q     Okay.  And that's what you testified to previously is  
3     that it wasn't that you were giving too much.  It was that the  
4     responsibility was taken away because you weren't giving enough  
5     toilet paper?

6           A     Yes.

7           Q     Okay.  I have some questions for you about Amaya,  
8     your middle sister; okay?

9           A     Okay.

10          Q     All right.  So you knew that when, well, I mean  
11     you've known Amaya, basically her whole life; right?  You guys  
12     grew up together?

13          A     Yeah.

14          Q     So you know her pretty well?

15          A     Yeah.

16          Q     And you knew that Amaya would make up stories that  
17     weren't true?

18          A     Yes.

19          Q     And you knew that Amaya made up a story about your  
20     mother's boyfriend molesting her; right?

21          A     I don't know if that's made up.

22          Q     Okay.  You remember testifying at the preliminary  
23     hearing on this matter and asked questions about when Amaya  
24     would make up stories; right?

25          A     Yes.

1 Q Okay. And the preliminary hearing was several years  
2 ago; right?

3 A Yes.

4 Q So this was -- so the preliminary hearing was a lot  
5 closer in time to when all of the discussion and interviews and  
6 allegations came out about what happened when you lived at the  
7 Solander home; right?

8 A Yes.

9 Q Okay. And so at that time --

10 MS. MCAMIS: Did I tell you it's page 85?

11 MS. BLUTH: No, you didn't, but thank you.

12 BY MS. MCAMIS:

13 Q All right. At that time you were asked a question,  
14 Did you tell Ms. Janet that you thought -- or actually it's  
15 line 6 -- actually, I'll ask it this way. You remember being  
16 asked questions about if you and your sisters made up stories  
17 at preliminary -- at the preliminary hearing; right?

18 MS. BLUTH: I apologize, Caitlyn. Could you rephrase  
19 it. I didn't hear it.

20 MS. MCAMIS: Sure.

21 BY MS. MCAMIS:

22 Q You remember at the preliminary hearing that you were  
23 asked generally about you and your sisters making up stories;  
24 right?

25 A Yes.

1 Q Okay. And so you were asked about the different  
2 stories that you guys had made up over the time that you lived  
3 with Ms. Janet; right?

4 A Yes.

5 Q Okay. And so you testified in response to a  
6 question: Do you remember meeting with the doctor and telling  
7 the doctor that your mother's boyfriend molested you, and your  
8 answer was, yes?

9 A Yeah, I do remember that.

10 Q Okay. And so that's something that you told the  
11 doctor?

12 A Yes.

13 Q Okay. But there were other times when your sister,  
14 like Amaya, would make up stories as well; right?

15 MS. BLUTH: Well, I'm going to object to make up  
16 stories as well. I don't think it's been established that Ava  
17 made up what happened with her mother's boyfriend.

18 THE COURT: All right.

19 MS. MCAMIS: I can rephrase.

20 THE COURT: Okay.

21 BY MS. MCAMIS:

22 Q You did testify that there were times where you did  
23 make up stories though?

24 A Yeah.

25 Q Okay. And there were times where Amaya made up

1 stories as well?

2 A Yes.

3 Q Okay. And you remember a time where Amaya faked  
4 having a seizure after she had her real seizure in December  
5 of 2012; right?

6 A Yes.

7 Q Okay. And that was when Dwight was at home, and he  
8 thought it was a real seizure; right?

9 A Yes.

10 Q And Amaya convinced Dwight to call 9-1-1; right?

11 A Yes.

12 Q And an ambulance actually took Amaya to the hospital;  
13 right?

14 A Yes.

15 Q And that was even though she was not having a seizure  
16 at that time?

17 A Yes.

18 Q Okay. So I have some questions for you about the  
19 time period where you were getting ready to go to The Marvelous  
20 Grace Girls Academy, like the weeks leading up to that; okay?

21 A Okay.

22 Q Okay. And so you went to Marvelous Grace Girls  
23 Academy in the middle of November 2013; right?

24 A Yes.

25 Q Okay. And so before you went to the girls academy,

1 Janet took you and your sisters to the doctor to get a  
2 physical; right?

3 A Yes.

4 Q And when you had your physical done, do you remember  
5 how long it took?

6 A No.

7 Q Okay. But you remember that a doctor came in and  
8 looked at you; right?

9 A Yes.

10 Q And that there were nurses that would come in and  
11 also look at you, nurses at the doctor's office; right?

12 A Yes.

13 Q Okay. And you remember that you got a shot in your  
14 arm --

15 A Yes.

16 Q Is that a yes?

17 A Yes.

18 Q Okay. I apologize for talking, and if I could just  
19 ask you a small favor. They record this. So we have to take  
20 turns talking. So I will try not to over speak you, and I'll  
21 just ask could you answer my questions when I'm done asking  
22 them; okay?

23 A Okay.

24 Q Thank you. All right. Now, you started school at  
25 Marvelous Grace Girls Academy in November, like we talked



1 about. There were rules at The Marvelous Grace Girls Academy  
2 in Florida; right?

3 A Yes.

4 Q Okay. And if you did not follow the rules at the  
5 academy, you received a demerit; right?

6 A Yes.

7 Q And a demerit was like a bad mark basically or a bad  
8 point because they had a demerit system; right?

9 A Yes.

10 Q Okay. And so if you received enough demerit points,  
11 you were put on a restriction?

12 A Yes.

13 Q And a restriction was like a loss of privileges;  
14 right?

15 A Yes.

16 Q Okay. And so you received a demerit after you got  
17 mad at someone and took it out on the wrong person; right?

18 A That's not why I received it, but, yes, I did receive  
19 one.

20 Q Okay. You remember testifying in the preliminary  
21 hearing about the demerits you received --

22 MS. MCAMIS: Page 81.

23 MS. BLUTH: Thank you.

24 BY MS. MCAMIS:

25 Q -- about the demerits you received at Marvelous Grace

1 Girls Academy; right?

2 A Yes.

3 Q Okay. And you remember being asked the question, Why  
4 did you get demerits; right?

5 A Yes.

6 Q And your answer was, Because I was mad at someone; so  
7 I took it out on the wrong person? Would you like to look at  
8 your statement? Do you just not remember saying you?

9 A No, I do remember.

10 Q You remember saying that?

11 A Yes.

12 Q Okay. So you did say because I was mad at someone.  
13 So I took it out on the wrong person?

14 A Yes.

15 Q Okay. So you attended school at Marvelous Grace for  
16 about four months; right?

17 A Yes.

18 Q So you received more than one demerit during the four  
19 months that you were there; right?

20 A Yes.

21 Q And after four months, that was when CPS came out and  
22 started asking you questions; right?

23 A Yes.

24 Q Okay. And you told them that you liked it at  
25 Marvelous Grace Girls Academy?

1 A Yes.

2 Q And that you did not want to come back to Nevada?

3 A Yes.

4 Q Okay. Now, isn't it true that when you lived with  
5 Janet and Dwight as a foster child you said you did not like it  
6 there?

7 A Yes.

8 Q Okay. Isn't it true that you also said that you did  
9 not want to be adopted by Janet and Dwight?

10 A Yes.

11 Q Okay. And you actually also told your sisters that  
12 you did not want to be adopted by Janet and Dwight?

13 A Yes.

14 Q Okay. Now, before you testified today, isn't it true  
15 that you met with the prosecutors to go over what questions  
16 were going to be asked of you?

17 A Who are the prosecutors?

18 Q Oh, that's fair. I'll ask it this way. Before you  
19 went to court today in order to prepare for your testimony, did  
20 you get to meet with and talk about the questions that would be  
21 asked with either of these two individuals?

22 A I met with them, but --

23 Q And I'm not asking just more specifically.

24 MS. BLUTH: Judge, I'd ask that she be able to answer  
25 the question.

1 MS. MCAMIS: Oh, I just -- I don't want her to --  
2 THE COURT: I think she did. I met with them both.  
3 THE WITNESS: No. I said, "I met with them, but."  
4 THE COURT: Oh, "I met with them, but." I'm sorry.  
5 MS. MCAMIS: What did she say?  
6 MS. BLUTH: I met with them, but.  
7 THE COURT: So did you meet with both of them?  
8 THE WITNESS: Who, Ms. Jacqueline and Mr. -- I don't  
9 know his name.  
10 THE COURT: Mr. Hamner, the fellow --  
11 MS. MCAMIS: Oh, okay.  
12 THE WITNESS: My bad.  
13 MR. HAMNER: No worries. I'm good.  
14 THE COURT: Did you meet with him too?  
15 THE WITNESS: Yes.  
16 THE COURT: Okay. The two of them?  
17 THE WITNESS: Yes.  
18 THE COURT: All right.  
19 BY MS. MCAMIS:  
20 Q Okay. And I just want to be clear. when I was trying  
21 to interrupt, I was not asking what you said to them; okay?  
22 All right?  
23 A Okay.  
24 Q I was just asking isn't it true that you met with  
25 them?

1           A     Yes.

2           Q     And you went over what questions you were going to be  
3 asked today by them?

4           A     No.

5           Q     You didn't go over what your testimony was going to  
6 be about generally?

7           A     We went -- we didn't go over the questions I was  
8 going to be asked, but I went over my statement from the  
9 preliminary hearing.

10          Q     Okay. But it's fair to say you talked about  
11 everything that we're talking about today?

12          A     Yes.

13          Q     Okay. And that was not recorded; correct?

14          A     No.

15          Q     No video camera, no one with a taping device in  
16 there; right?

17          A     No.

18          Q     Okay. And CPS wasn't in there with you; right?

19          A     No.

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

21 BY MS. MCAMIS:

22          Q     All right. Okay. I just have a few more questions  
23 okay? All right. So, Ava, when you met with the prosecutors,  
24 you were telling the truth; right?

25          A     Yes.

1 Q Okay. And when you were testifying today, you  
2 promised that you were telling us all the truth; right?

3 A Yes.

4 Q Okay. And then when you testified at the preliminary  
5 hearing in this matter, the one where I kept coming up to you  
6 and having you read the pages, you promised at that time to  
7 tell the truth; right?

8 A Yes.

9 Q And then when you were interviewed by CPS in March  
10 of 2014, before you were asked any questions, you were asked,  
11 you know, the difference between a truth and a nontruth, and  
12 you promised to tell the truth then too; right?

13 A Yes.

14 Q And then when you were talking to the people in  
15 Florida, the CPS people in Florida in approximately late  
16 February, early March of 2014, and when they talked to you, you  
17 promised to tell the truth to them too; right?

18 A Yes.

19 MS. MCAMIS: Okay. Pass the witness.

20 THE COURT: All right. Redirect.

21 MS. BLUTH: Yes, Judge, just a few. Thank you. Just  
22 one moment.

23 Just one second, Ava. Let me get my stuff put  
24 together; okay.

25 / / /

REDIRECT EXAMINATION

BY MS. BLUTH:

Q Okay. I just have a few things, Ava. You used the term you were lying technically. When Ms. McAmis was asking you questions, I think it was, like, did you not get a star on the chart or something for lying, and you said, I was technically lying. What did you mean by that? Do you remember saying that?

A I said that because of the star.

Q I thought it was because of the chart, but maybe --

A No.

Q Or maybe it was she asked you sometimes you were disciplined for lying, and you said, Well, I guess it was technically lying. What did you mean by that?

A Technically lying, that means that I was being honest, but to the Solanders, I was lying.

Q Okay. Could you give me an example of what you're talking about.

A Just any example? Like with the frosting, because there was a can of frosting or a jar of frosting, and Janet had said that I had went in there along with Anastasia, and we put our finger in there and ate some.

Q Okay.

A But I know I didn't, but, to them, since they said that they saw me on the camera do it, I was lying.

1 Q Okay.

2 A But I really wasn't lying.

3 Q Got it. So I have two questions about that. On the  
4 camera aspect of it, in conversations with Janet, maybe either  
5 if she wasn't home at the time or she was in another room,  
6 would she tell you that she had seen you do something on the  
7 cameras?

8 MS. MCAMIS: Objection. Beyond the scope of  
9 cross-examination.

10 THE COURT: Overruled.

11 Was that the only time that that happened where Janet  
12 said she saw you do something on the camera?

13 THE WITNESS: No, that wasn't the only time.

14 BY MS. BLUTH:

15 Q Okay. So would she say that she had watched you do  
16 things on the camera?

17 A Yes.

18 Q Would she have to watch it, like, live on the camera,  
19 or could she come home at the end of the day and look back at  
20 the camera footage according to what she said?

21 A She could look back.

22 Q At camera footage?

23 A Yes.

24 Q You were asked some questions about the towels that  
25 you received, and I think previously you had said you had a



1 blue towel. Was that before you got adopted when you had the  
2 towels?

3 A For after taking a shower?

4 Q Yeah. Like, when you had towels to dry off your  
5 body?

6 A Yeah.

7 Q Was that before or after you got adopted?

8 A It was before, but we only used it like once or -- we  
9 only use it a couple of times when we were adopted. That's why  
10 I'm -- like I said before, it was either a towel or a fan to  
11 dry off sometimes.

12 Q Okay. And then once you got adopted and into  
13 Wakashan, that's when it became full-time fans?

14 A Yes.

15 Q You said that there were a lot of rules, and they  
16 kept on changing. What do you mean by that?

17 A What I mean by that is, like, the rules would just  
18 change on their own somehow, like I had to ask to use the  
19 bathroom, and then I didn't or the timer would be set for,  
20 like, I'd say -- this is just an example.

21 Q Okay.

22 A So let's say the timer was set for an hour and then  
23 it changes to two hours. They would just change at random.

24 Q Okay. Because those rules were constantly changing,  
25 did that confuse you?

1           A     Yes.

2           Q     I want to ask you a question.  You were asked a lot  
3 of questions about the timers.  Okay.  So in regards to your  
4 preliminary hearing testimony in regards to whether or not you  
5 could go, like, every hour on the hour, you stated that, During  
6 that, since the times got changed a lot, but during that  
7 specific time, I had to ask to use the bathroom, and if I  
8 didn't ask, then I was in -- then Ms. Janet wasn't going to  
9 take me because I didn't ask.

10                   The question was, Okay.  I guess what I'm asking is  
11 is did you -- did you feel like you had to hold it for a long  
12 time?

13                   Answer, Yes.

14                   Question, Okay.  Who made you feel that way?

15                   Answer, Ms. Janet.

16                   Question, Okay.  And so were you able to hold it, or  
17 was that why you would have your accidents?

18                   Answer, I wasn't able to hold it.

19                   So were there times, even when the timers were being  
20 used, where you felt like you had to hold it or you'd get in  
21 trouble?

22           A     Yes.

23           Q     And then did you end up having accidents?

24           A     Yes.

25           Q     When there was blood in your poop, was that -- so

1 explain to me there being blood in your poop. Was that after,  
2 like, was it hard to get the poop out, or was it just blood and  
3 regular poop?

4 A It was hard to get it out.

5 Q So, like, were you constipated?

6 A Yes.

7 Q Had Janet taken you to the doctor even before there  
8 was blood in your poop?

9 A I don't remember.

10 Q And then I only have two last things to ask you, Ava.  
11 Just one second. Sorry, Ava. There's so many pages.

12 Okay. Now, we talked a little bit before about the  
13 preliminary hearing. At the preliminary hearing, during direct  
14 questioning, you had stated that you had licked your pee off of  
15 the ground. You remember those questions?

16 A Yes.

17 Q Okay. And just like we're doing today, at the  
18 preliminary hearing, I got to ask you some questions, and then  
19 defense attorneys got to ask you questions, and then I got to.  
20 It lasted a really long time; right?

21 A Yes.

22 Q A lot longer than we've been here today?

23 A Yes.

24 Q More than one day?

25 A Yes.

1           Q     Okay. And when it was on redirect, meaning I got to  
2 ask you questions again, you did state that you had to lick  
3 your pee off of the ground, but you didn't remember exactly  
4 what date that was; right?

5           A     Yes.

6           Q     And when you described where the pee was, you said,  
7 It was a small puddle; you would say, like, a medium puddle,  
8 about an inch and a half of water -- inch and a half of pee?

9           A     Yes.

10          Q     And then when you were asked on recross  
11 examination --

12                   MS. BLUTH: Page 38, Counsel.

13 BY MS. BLUTH:

14          Q     -- when Mr. Solander was -- when Mr. Solander,  
15 Dwight's attorney was asking you questions, they asked was  
16 Dwight there when you had to lick your urine off the floor, and  
17 you stated no; is that right?

18          A     Yes.

19          Q     Okay. And then the last thing I wanted to ask you is  
20 on direct examination I had asked you to describe what the  
21 razor looked like, and I apologize. Could you say it again  
22 what the razor looked like.

23          A     It was silver grayish. It was shiny, and it was,  
24 like, a rectangle.

25          Q     Okay. And you said small. You kind of had your hand

1 out, like an inch long?

2 A Yeah.

3 Q Okay. And then what did the catheter look like?

4 A It was a plastic bag.

5 MS. MCAMIS: Objection. Beyond the scope of --

6 THE COURT: It does exceed the scope, but I'll let  
7 her answer. We haven't been observing those rules real  
8 strictly.

9 BY MS. BLUTH:

10 Q Go ahead, Ava.

11 A It's a plastic clear bag with measurements on it and  
12 a tube attached to it.

13 Q Okay. Showing you State's --

14 MR. FIGLER: Objection.

15 MS. BLUTH: It's in evidence.

16 MR. FIGLER: Can we approach?

17 THE COURT: Sure.

18 (Conference at the bench not recorded)

19 THE COURT: It does exceed the scope, but I'm going  
20 to allow Ms. Bluth to ask the question.

21 BY MS. BLUTH:

22 Q Ava, I'm showing you State's 204. Do you recognize  
23 what's in this picture?

24 A Yes.

25 Q And what do you recognize it to be?

1 A The catheter.

2 Q I'm sorry?

3 A A catheter.

4 Q And when you said measurements, does this bag have  
5 the measurements like the catheter that was used on you?

6 A Yes.

7 MS. BLUTH: Nothing further.

8 THE COURT: Any recross?

9 MS. MCAMIS: Yes, Your Honor.

10 RECROSS-EXAMINATION

11 BY MS. MCAMIS:

12 Q I'm going to be pretty short; okay?

13 A Okay.

14 Q Ava, Ms. Bluth just asked -- are you okay?

15 A Yeah.

16 Q Okay. Ms. Bluth just asked you about the pee on the  
17 floor and the licking incident and those allegations. Okay.  
18 So she asked you about what you testified to at preliminary  
19 hearing and said, you know, and you described the size of the  
20 pee on the floor; right?

21 A Yes.

22 Q Okay. But it's your testimony today, as you are  
23 sitting here before this jury, you did not lick that pee up off  
24 of the floor?

25 A I didn't.

1 Q Because it was disgusting, and you refused; right?

2 A Yes.

3 Q Okay. All right. And then you were asked questions,  
4 follow-up questions about the towels that were used; okay. So  
5 I want to direct your attention back to the towels; okay. You  
6 testified that when you lived at the Jubilee Gardens address,  
7 that was when you were still in foster care; right?

8 A Yes.

9 Q And that was before you were adopted then; correct?

10 A I got adopted while I was in that house.

11 Q Okay. Fair enough. And then you moved to the  
12 Wakashan address after you were adopted; right?

13 A Yes.

14 Q Okay. And then at the preliminary hearing, you were  
15 asked about the towels that you used at the Wakashan address;  
16 correct?

17 A Yes.

18 Q Okay. So you remember that you were specifically  
19 asked -- you were told about which towels to use, and your  
20 answer was, What home are you talking about? And the question  
21 to you was, At the Wakashan house; right?

22 A Yes.

23 Q Okay. And that was when you talked about having a  
24 blue towel, and you had to hang it up and clean up after  
25 yourself after the shower; right?

1           A     Yes.

2           MS. MCAMIS:  Okay.  No further questions.

3           THE COURT:  Anything else based on those questions?

4           MS. BLUTH:  No, Your Honor.

5           THE COURT:  Do we have any juror questions for this  
6 witness?

7           May I see counsel at the bench.

8           (Conference at the bench not recorded)

9           THE COURT:  -- jurors.

10          MR. FIGLER:  Everybody gets to ask questions.

11          THE COURT:  I'm going to ask them to you right now;  
12 okay?

13          THE WITNESS:  Okay.

14          THE COURT:  All right.  A juror wants to know, After  
15 obtaining the eye injury from being repeatedly hit against the  
16 counter, did Janet take you to the doctor to have your eye  
17 looked at?

18          THE WITNESS:  No.

19          THE COURT:  Okay.  And another question, when you  
20 were interviewed by CPS in 2014 in Florida or in Nevada or  
21 during your preliminary hearing, okay, did you feel there was a  
22 possibility you would be returned to live with the Solanders?

23          THE WITNESS:  Yes.

24          THE COURT:  Okay.  At what point in time were you  
25 told you no longer had to ever live with the Solanders again?



1 THE WITNESS: Like, short -- I don't remember. Like  
2 shortly -- I think, like, two days after we were in Child Haven  
3 because they took us to the back because we were qualified to  
4 go back into the cottages.

5 THE COURT: Okay. Was that before you went to live  
6 with Debbie McClain again?

7 THE WITNESS: Yes.

8 THE COURT: Okay. When you first went to live with  
9 Debbie McClain as a foster child, did you think you might have  
10 to go back and live with the Solanders?

11 THE WITNESS: Yes.

12 THE COURT: Okay. And do you remember when you  
13 realized or you learned that you didn't have to go back to the  
14 Solander house?

15 THE WITNESS: No. I don't.

16 THE COURT: Okay. And so you don't remember that?

17 THE WITNESS: No.

18 THE COURT: Any follow-up?

19 FOLLOW-UP EXAMINATION

20 BY MS. BLUTH:

21 Q I want to ask you some questions about your eye;  
22 okay?

23 A Okay.

24 Q You said that it was that way, like closed for about  
25 a week?

1           A     Yeah.

2           Q     So I doubt you remember, like, what day of the week  
3 that happened, okay. So for the purposes of these questions,  
4 let's pretend like it was a Monday if that's okay; okay?

5           A     Okay.

6           Q     So, like, on that Monday when you got hurt, did it  
7 hurt all day on Monday?

8           A     Yes.

9           Q     And was it closed? Could you see out of it on  
10 Monday?

11          A     Barely.

12          Q     Okay. And then did it hurt on Tuesday?

13          A     Yes.

14          Q     What about Wednesday?

15          A     It started going down.

16          Q     Okay. What about Thursday?

17          A     Started going down.

18          Q     And then each day did it start going down?

19          A     Yes.

20          Q     And then with each day when it started going down,  
21 was it able to open and you could see through it?

22          A     Yes.

23          Q     Okay. Do you have any issues today with that eye?

24          A     I can't see obviously.

25          Q     Well, that's because you didn't bring your glasses,

1 but when you have your glasses on, can you see?

2 A Yeah, for the most part.

3 Q Is there anything that having to do when Janet hit  
4 your eye into the counter that has caused you issues with that  
5 eye?

6 A I just had to get glasses after that. That's about  
7 it.

8 MS. BLUTH: Nothing further. Thank you, Judge.

9 FOLLOW-UP EXAMINATION

10 BY MS. MCAMIS:

11 Q Ava, you testified about that eye incident I guess  
12 we'll call it, and you testified that your head and your eye  
13 was repeatedly slammed into the counter; correct?

14 A Yes.

15 Q Your words were repeatedly; correct?

16 A Yes.

17 Q Now, you actually testified about this incident at  
18 the preliminary hearing as well; correct?

19 A Yes.

20 Q And isn't it true that at the preliminary hearing you  
21 testified that the repeated slamming incident was close in time  
22 to you going to Florida; right?

23 A Yes.

24 Q And so it was close in time around you going to a  
25 doctor's appointment; right?

1           A     Yes.

2           Q     Okay. And that's what you testified to at the  
3 preliminary hearing; right?

4           A     What did you say about the doctors?

5           Q     That the eye slamming incident was close in time to  
6 you going to a doctor's appointment; right?

7           A     Not that close.

8           Q     Okay. But at the preliminary hearing, your testimony  
9 was it was close in time?

10          A     Can you show me what I said, please.

11          Q     I can. So I'm actually going to ask to have you read  
12 the whole page because there was lots of questions. So if you  
13 could read that page to yourself and look up when you're done.

14               MS. MCAMIS: I'll be louder.

15               THE COURT RECORDER: Okay. Good. If you want it on  
16 the record.

17               MS. MCAMIS: I just didn't want to yell at the  
18 witness or be loud.

19 BY MS. MCAMIS:

20          Q     Okay. Ava, did you have an opportunity to review  
21 that?

22          A     Yes.

23          Q     Did that refresh your memory about what you testified  
24 to at the preliminary hearing in this matter about the  
25 eye-slamming incident?

1           A     Yes.

2           Q     Okay. And at that time, you testified that the  
3 eye-slamming incident was close in time to going to Florida;  
4 correct?

5           A     I said no.

6           Q     Oh, I'm sorry. It was close in time to you going to  
7 a doctor's appointment; correct?

8           A     Yes.

9           Q     And it was close in time for you going to the  
10 physical before going to Florida?

11          A     Can you repeat it.

12          Q     Uh-huh. My question to you was that the eye-slamming  
13 incident was close in time to you getting the physical done  
14 before you went to Florida?

15          A     No.

16          Q     Okay. Okay. So that's not your testimony?

17          A     No. I don't remember saying that.

18          Q     But you do acknowledge that this page says that the  
19 eye-slamming incident, It was close around me going to a  
20 doctor's appointment; correct?

21          A     I swear I said -- did I. I said no to that, but I  
22 said it was -- I forgot what I just read, but I swear I said  
23 that I said no to the doctor's appointment.

24          Q     You said no to Florida. We'll do it this way. You  
25 didn't -- you said -- there was a question: When was this?

1           Your answer, Don't know the exact date or time.

2           You said it was close to you going to Florida; is  
3 that correct?

4           Your answer was No.

5           Then the question was, No. When was it? What time?

6           And your answer was it was close around me going to a  
7 doctor's appointment.

8           Correct?

9           A     Yes.

10          Q     That was your answer; right?

11          A     Yes.

12          Q     Those were your words. It wasn't an attorney's  
13 words. Those were your words?

14          A     Yes.

15          Q     Okay. And then when Ms. Janet did the eye-slamming  
16 incident, the injury was to one eye, not both eyes; correct?

17          A     Yes.

18                MS. BLUTH: Okay. I have no further questions.

19                THE COURT: Ms. Bluth.

20                MS. BLUTH: No, nothing, Your Honor.

21                THE COURT: Do we have any additional juror  
22 questions?

23                All right. I see no additional questions.

24                Thank you for your testimony, and please don't  
25 discuss your testimony with anyone else, and you are excused.

1           And, ladies and gentlemen, we're going to take a  
2 break.

3           15?

4           MS. BLUTH: 10, 15 if you don't mind.

5           THE COURT: All right. We'll go ahead and take a  
6 break, just about 10 minutes, put us right around a little  
7 after 2:45.

8           And during the brief recess, you are all reminded  
9 that you're not to discuss the case or anything relating to the  
10 case with each other or with anyone else. You're not to read,  
11 watch or listen to any reports of or commentaries on the case,  
12 person or subject matter relating to the case. Do not do any  
13 independent research by way of the Internet or any other  
14 medium, and please don't form or express an opinion on the  
15 trial.

16           Please place your notepads in your chairs and follow  
17 the bailiff through the double doors.

18                       (Jury recessed 2:35 p.m.)

19           THE COURT: And you are excused.

20           MR. FIGLER: We can make a record when we come back  
21 or now?

22           THE COURT: What we can make it now. I guess  
23 Ms. Bluth is gone. Do we need her?

24           MR. FIGLER: I think Mr. Hamner could probably handle  
25 it. If not, then we can grab Ms. Bluth.

1           MR. HAMNER: It depends on what it is, but let's  
2 start, and if I need her, I can grab her.

3           THE COURT: Well, we're moving along more rapidly now  
4 than I thought. So maybe we will finish next week.

5           MR. HAMNER: Hopefully.

6           MS. MCAMIS: Again, the defense does not have a  
7 desire to be in trial indefinitely.

8           THE COURT: Go ahead.

9           MR. FIGLER: Thank you, Your Honor. So at the bench,  
10 the defense was objected to in trying to enter into a line of  
11 questions, and the defense felt that we couldn't ask any  
12 questions on this matter. So Ms. McAmis had started with the  
13 simple enough question, Where are you living right now? We  
14 knew that the answer would be that she had been separated from  
15 her sisters because of a number of different things that had  
16 occurred which is subject to not only a CPS investigation, but  
17 a court hearing which is apparently coming up next week.

18           Young Ms. Solander has testified on direct --

19           MS. BLUTH: Ms. McClain. Ms. McClain.

20           MR. FIGLER: Oh, Ms. McClain, Ava, little Ava has  
21 testified that at one point in her life she would do anything  
22 for to be with her sisters and that that strong bond was  
23 important to her, and now she is being separated from her  
24 sisters, and there's going to be a court hearing to determine  
25 who gets to live where, and Ms. McAmis had indicated that she



1 felt that it was a proper line of questioning as to the  
2 potential bias of the witness as to why she would be  
3 maintaining a story that is lacking in full veracity because  
4 she does not want to do anything that would interfere with her  
5 ability to stay in the same home, wherever that would be, with  
6 the rest of her sisters.

7           The Court had ruled at the bench or had stated at the  
8 bench --

9           THE COURT: Previously ruled.

10           MR. FIGLER: -- that you felt that it was too tenuous  
11 a connection to bias, that you did not feel that that was a  
12 relevant line of questioning, and, therefore, the defense was  
13 precluded from getting into anything about the separation from  
14 her sisters, the court hearing, the runaway, anything of that  
15 nature that had been disclosed to defense a couple days ago.

16           There was a jury question that came up that asked her  
17 when she knew she wasn't going to go back to the Solanders', et  
18 cetera. So there was obviously some concern about that that  
19 might have been a bias for why she made up a story or why she  
20 sticking to the story, et cetera. And we feel that we have  
21 been taken out of the ability to impeach this witness by not  
22 getting into the fact that it could be a likely motivator for  
23 her to testify in the way that she testified here today to  
24 ensure that she be able to stay with her sisters, and that was  
25 more of a concern than going back with the Solanders, but the

1 Court had ruled at the bench, and so we did not get into it.

2 So we feel that that Court ruling was in error. The  
3 State had objected based on relevancy grounds, and the Court  
4 had sustained that objection. That's the record.

5 THE COURT: That's a pretty fair synopsis. I'd just  
6 add that the Court noted that the idea -- first of all, she  
7 didn't say that she would, you know, always do anything, and  
8 she never wanted to be separated from her sisters. I think the  
9 testimony was more that she didn't want to be separated from  
10 her sisters in the Solander house because she felt like she  
11 needed to protect them, and so if she didn't care about being  
12 separated from her sisters in the McClain house, it's just as  
13 reasonable to assume that that's because they don't feel in  
14 danger in the McClain home, that she doesn't need to protect  
15 them from Mrs. McClain because there's no abuse going on. So I  
16 don't think that the fact that she ran away is inconsistent  
17 with her desire to protect her sisters when she lived in the  
18 Solander house.

19 Ms. Bluth.

20 MS. BLUTH: Yeah. I mean, I was very open and honest  
21 about the fact that she had run away, but there's nothing in --  
22 you know, we're four years removed from the situation with the  
23 Solanders, and she's been with Debbie a couple weeks after  
24 March of 2014. So I don't think that she opened the door in  
25 any way when she said, you know, I was scared to tell CPS. I

1 was scared to be separated from my sisters. What if they went  
2 to a different home and then I couldn't protect them and that  
3 she blamed the abuse on herself. I don't think that that in  
4 any way they should be able to open the door and say, well,  
5 where do you live? Why did you run away?

6 And also we had had a very clear ruling on that, and  
7 that was their very first question out of the gate, which is, I  
8 think, now, I mean, it's very clear to the jury what's going  
9 on. I mean, I don't think they specifically know where she is,  
10 but they know she's not living with Debbie now.

11 THE COURT: Oh, I don't think that's -- I don't know  
12 that that's clear at all.

13 MS. BLUTH: Where do you live, and I object and asked  
14 to approach, I mean -- I think --

15 THE COURT: I mean, they could just as -- I don't  
16 know. I mean, they might have gotten that, or they could infer  
17 we don't want to state her address on the record. We don't  
18 want Mrs. Solander to know what their address is. I mean  
19 there's other inferences that they could make.

20 MS. BLUTH: I didn't think of those.

21 THE COURT: We don't want the media to know where her  
22 current address is. So it could be something like that. I  
23 mean, I don't know that necessarily they're going to guess  
24 that, oh, she's been removed from Mrs. McClain's. I'm just  
25 saying it could just as easily be one of those other

1 explanations.

2 MS. BLUTH: Sure. So I'd just ask moving forward,  
3 you know, if it's a situation we're not sure about, I've been  
4 in those situations before, and I just ask to approach before I  
5 ask it because this late in the game the bell just can't be  
6 un-rung. So that's my only request.

7 MR. FIGLER: Well, I think you'll agree that  
8 Ms. McAmis asked that question in a very open way without --  
9 she could have asked it as a very leading question but did not.  
10 She just said where do you live now, and she could've said  
11 isn't it true you live at the group home up in Amargosa Valley  
12 because that --

13 MS. BLUTH: But she knew the answer.

14 MR. FIGLER: -- she could have done anything, but,  
15 you know, she left it as an open question.

16 MS. BLUTH: But she knew the answer.

17 MR. FIGLER: -- the State objected, and we  
18 adjudicated it.

19 MS. MCAMIS: Right. But we still have to make a --

20 MR. FIGLER: But we felt we had an absolute right to  
21 ask that question.

22 MS. MCAMIS: Right.

23 THE COURT: Well, except again Ms. McAmis knew what  
24 the answer was going to be.

25 MS. MCAMIS: Correct.

1 MS. BLUTH: And that was ruled that it wasn't coming  
2 in. So how --

3 THE COURT: Right.

4 MS. MCAMIS: Well, it was ruled it wasn't coming in  
5 based on relevance grounds, but based on her testimony, I felt  
6 that it was able to be reconsidered by this Court because of  
7 the bias.

8 THE COURT: Well, as I said, I don't think she opened  
9 the door in saying she wanted to protect her sisters, and  
10 now --

11 MR. FIGLER: Well, the record is what it is.

12 THE COURT: -- they may feel they're safe. I mean,  
13 again, there's nothing -- and, you know, the fact that I've  
14 reviewed the CPS records, and there's been no investigation  
15 except for this recent thing when Ms. McClain didn't want to  
16 pick the girls up, would tend to support the idea that there  
17 hasn't been danger or violence in the McClain home.

18 MR. FIGLER: Well, I don't know what's going to  
19 happen at this next court hearing. Just I assume what it's all  
20 about is placement based on what's been represented so far.  
21 So, I mean, we'll try to keep our eyes on it as best we can,  
22 but --

23 THE COURT: When is this new court hearing?

24 MR. FIGLER: I think it's March 6th or 7th.

25 MS. BLUTH: I didn't even see it, but I accept that.

1 THE COURT: So it's next week on Tuesday.

2 MR. FIGLER: Correct.

3 THE COURT: Right. I mean, if Mrs. McClain -- I'm  
4 just speculating. So if Mrs. McClain decides she wants the  
5 girls back --

6 MS. BLUTH: But she has the girls back.

7 THE COURT: Except for Ava.

8 MS. BLUTH: Right. Ava is in the home. I can't  
9 remember if it six months or a year, but Anastasia and Amaya  
10 are with the girls, and they're all --

11 THE COURT: Oh, she's in the home for six months to a  
12 year. I didn't know that.

13 MS. BLUTH: It's a specific period of time. I don't  
14 know it, but I know that the -- there is a therapy services  
15 that attached with that home. I don't know the specifics. We  
16 could ask Debbie. I just know that, like, it's decided that  
17 Anastasia is staying. Amaya is staying, and really, per Ava's  
18 choice, wanted to be in a group setting to get rehabilitation  
19 services.

20 THE COURT: Okay. So it's not that they found, as  
21 far as we know, Mrs. McClain lacking.

22 MS. BLUTH: Oh, no. No. No. No.

23 THE COURT: It's that Ava purportedly wanted to avail  
24 herself of therapeutic services in this group home setting?

25 MR. FIGLER: If that hearing happens, that court

1 hearing happens while this trial is still pending, we'd ask  
2 that the court review that in camera and see what's up.

3 THE COURT: That's fine.

4 (Proceedings recessed 2:44 p.m. to 3:20 p.m.)

5 (In the presence of the jury)

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

10 And the State may call its next witness.

11 MS. BLUTH: Thank you, Your Honor. The State calls  
12 Amaya McClain.

13 THE COURT: All right. And, ladies and gentlemen,  
14 I'd just remind everyone to please keep your notes to  
15 yourselves until you go back in the jury deliberation room to  
16 discuss the case, and do not discuss the case with one another  
17 until you begin your deliberations as a group.

18 Face this lady right there.

19 **AMAYA MCCLAIN**

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

22 THE CLERK: Thank you. Have a seat. State and spell  
23 both your first and last name for the record.

24 THE WITNESS: Hi, guys. My name is Amaya McClain.  
25 My name, it's spelled, A-m-a-y-a, M-c-C-l-a-i-n.

1 THE COURT: All right. Thank you.

2 MS. BLUTH: Court's indulgence, Your Honor. I'm  
3 sorry.

4 DIRECT EXAMINATION

5 BY MS. BLUTH:

6 Q Hello, Amaya. All right. So do you need any water  
7 before we get started?

8 A Yeah.

9 Q I'm going to -- if you don't mind, I'm going to pour  
10 it because I've seen this go bad a few times. All right.

11 A Thanks.

12 Q You're welcome. Okay. So, Amaya, I'm going to ask  
13 you some questions. If at any time you don't understand what  
14 I'm saying, just ask me to repeat it or rephrase it; okay?

15 A Okay.

16 Q All right. How old are you as you sit here today?

17 A 15.

18 Q When's your birthday?

19 A January 23rd, 2003.

20 Q Say the month again.

21 A January.

22 Q Okay. And what grade are you in?

23 A I'm in ninth grade.

24 Q So is that a freshman?

25 A Yeah.



1 Q All right. And what types of things are you learning  
2 in school right now?

3 A Math, English, biology, video production. I have PE,  
4 and I do flag football.

5 Q Okay. And is flag football, is it like there a team  
6 at school?

7 A Yeah.

8 Q And then do you visit other schools and play?

9 A Yeah.

10 Q And besides flag football, what other types of things  
11 do you do for fun when you're not at school?

12 A I like to sleep.

13 Q You like to sleep?

14 A Yeah.

15 Q Me too. And do you have any sisters?

16 A Yeah.

17 Q How many sisters do you have?

18 A I have two.

19 Q And what are their names?

20 A Ava and Anastasia.

21 Q And where are you at agewise in the middle of those  
22 three sisters?

23 A I'm the middle one.

24 Q Okay. And how old are they?

25 A Anastasia is 13. Ava is 16.

1 Q Which one of you is the boss out of the three?

2 A There's not really a boss. My mom is the boss. Like  
3 there's not a boss.

4 Q Okay. So you said your mom. And who is your mom?

5 A Ms. Debbie.

6 Q And that's Debbie McClain?

7 A Yeah.

8 Q All right. I'm going to ask you a few questions  
9 about a time when you were in foster care; okay?

10 A Okay.

11 Q Do you remember how old you were when you went into  
12 the foster care system for the first time?

13 A I think I was 5. I'm not sure. I was really tiny  
14 though.

15 Q Okay. And when you were a foster child, did you go  
16 in Ms. Debbie's house as a foster child?

17 A Yeah.

18 Q And when you were in Ms. Debbie's house, were both of  
19 your sisters with you?

20 A Uh-huh. Yeah.

21 Q Do you know about how long you lived with Ms. Debbie  
22 as a foster child?

23 A Like a year.

24 Q When you were living with Ms. Debbie, did you ever  
25 have any issues with going to the bathroom? Like did you ever

1 have any accidents?

2 A No.

3 Q When you were with Ms. Debbie were you scared to ask  
4 her if you could use the bathroom?

5 A No, I could go whenever.

6 Q Okay. And that's kind of what I was going to ask you  
7 is were there any rules about going to the bathroom?

8 A No.

9 Q Were there any issues -- or were there any rules  
10 about how much toilet paper you could use?

11 A No.

12 Q When you were with Ms. Debbie, what types of foods  
13 would she give you?

14 A Normal food I guess you could say, like, well, it was  
15 like macaroni because I like macaroni.

16 Q Okay.

17 A And, like, sandwiches and, yeah.

18 Q Okay. All right. So just kind of normal or everyday  
19 regular food?

20 A Yeah.

21 Q When you would eat that food, did it ever upset your  
22 stomach?

23 A No.

24 Q Were you on any type of special diet when you were  
25 with Ms. Debbie?

1 A No.

2 Q Did you ever have to eat blended food when you were  
3 with Ms. Debbie?

4 A No.

5 Q Were you ever timed while you eat with Ms. Debbie?

6 A No.

7 Q When you were with Ms. Debbie, did you go to an  
8 elementary school?

9 A Yeah.

10 Q And what grade were you in?

11 A The first grade.

12 Q And did you like that school?

13 A Yeah. I had a lot of friends.

14 Q At the school?

15 A Yeah.

16 Q And overall, did you like living with Ms. Debbie when  
17 you were a foster kid?

18 A Yeah.

19 Q All right. After a period of time of living with  
20 Ms. Debbie, did you then move into a different foster home?

21 A Yeah.

22 Q And who were the people that lived at that home?

23 A Janet Solander and Dwight Solander and their daughter  
24 Danielle.

25 Q Okay. And I know you just pointed, but could you

1 just tell me an article of clothing that Janet is wearing.

2 A She's wearing a white blouse I guess you could say.

3 MS. BLUTH: Your Honor, may the --

4 THE WITNESS: [Unintelligible.] see her.

5 MS. BLUTH: I'm sorry. Say it again, Amaya.

6 THE WITNESS: I can't really see her. I mean, she's  
7 sitting down.

8 MS. BLUTH: Okay. May the --

9 THE COURT: The record will reflect the  
10 identification.

11 MS. BLUTH: Thank you.

12 BY MS. BLUTH:

13 Q And when you were with the Solanders, how many houses  
14 did you live in with them?

15 A Two.

16 Q And do you remember like -- you don't have to give me  
17 the exact address, but do you remember the names of the streets  
18 the houses were on?

19 A Not the first one. I mean, I remember the second.

20 Q What was the second house called?

21 A 9500 Wakashan Avenue.

22 Q All right. And just so we can -- so I don't have to  
23 keep saying the first house, there has been previous testimony  
24 that that house was Jubilee. Is it okay if I refer to that as  
25 Jubilee?

1           A     [No audible response.]

2           Q     Okay. Thank you.

3           A     Uh-huh.

4           Q     So when you lived in the Jubilee house, who lived in  
5 that house?

6           A     Me, my sisters -- Ava and Anastasia -- Janet, Dwight  
7 and Danielle.

8           Q     Okay. And in the Jubilee house, is that when you  
9 guys were foster children in the Solander house?

10          A     Yeah.

11          Q     And then at some point you move over into Wakashan;  
12 correct?

13          A     Yeah.

14          Q     In a minute I'm going to ask you some questions about  
15 some things that happened to you while you were in the  
16 Solanders' home, okay, and you know what things I'm talking  
17 about; right?

18          A     Yeah.

19          Q     Did those things happen in the Jubilee house or in  
20 the Wakashan house?

21          A     Both I guess you could say, but it was, like, mainly  
22 in the Wakashan.

23          Q     All right. Were you treated differently when you  
24 were a foster child compared to when you were an adopted child?

25          A     I guess you could say she was a little bit nicer.

1 Like, a scale of 1 to 10, in the Wakashan Avenue was like past  
2 10, but like in the first house it was like 7.

3 Q Okay. Once you get adopted in January of 2011, do  
4 things get worse?

5 A Uh-huh. Yeah.

6 Q All right. Between Janet and Dwight, they became  
7 your adopted mother and father during that time period. Which  
8 one of them would you consider to be the boss of the two?

9 A Janet.

10 Q And why do you say that?

11 A Well, I mean, Dwight wasn't really around. He was  
12 always at work. She just, like, basically told everyone else  
13 what to do, and they would do it.

14 Q And when you say "everyone else," do you mean Dwight  
15 and Danielle?

16 A Yeah.

17 Q After you went to the Solanders' either as a foster  
18 kid or as an adopted kid, were there times when you saw  
19 Ms. Debbie?

20 A Like, as well, we saw her a couple times. We saw her  
21 like -- I don't know what it was called, but we saw her at,  
22 like, this little event. It was for Christmas I guess.

23 Q Okay.

24 A And like we went. I'd be, like, and I'd say, Oh,  
25 look, it's Ms. Debbie, and then I saw her, and then we -- well,

1 I went and hugged her, and then we saw her at the bowling alley  
2 one time.

3 Q Okay. When you would see her, like let's say at  
4 those two things, did you feel like you could go up and talk to  
5 Ms. Debbie?

6 A If I wanted to, yeah.

7 Q Okay. Could you leave Janet and go over to Debbie by  
8 yourself?

9 A Well, she would be like -- well, when we saw her at,  
10 like, the Christmas thing, she was, like, Oh, where? And I  
11 pointed at her. She was like, Oh. And then I don't think we  
12 said hi to her, but I said hi to her at the bowling alley.

13 Q Okay. Now, when you get to the Solander house, when  
14 you are a foster kid, are you having any toileting issues like  
15 right before you get there?

16 A Before I was a foster child in their placement, no.

17 Q Yeah. So let's say like on the very last day you are  
18 with Ms. Debbie, are you having any toileting issues at all at  
19 that point?

20 A No.

21 Q All right. Did you begin to start having issues with  
22 going to the bathroom once you get to the Solanders?

23 MS. MCAMIS: Well, leading.

24 THE COURT: Overruled.

25 / / /



1 BY MS. BLUTH:

2 Q You can answer.

3 A Oh. Yeah.

4 Q Can you explain to me what issues you started having.

5 A Like, she wouldn't let us go to the bathroom. I  
6 don't know why, but we would tell her we had to go to the  
7 bathroom. She had, like, this little timer, and she would  
8 time, and would have to, like, wait for an hour, and she was  
9 like you have to wait until the timer goes off, even if we  
10 would tell her, and like I had to go really bad. So then I  
11 would just pee myself.

12 Q Okay. And if the timer went off, would she always  
13 let you go to the bathroom even when the timer went off?

14 A Sometimes. Sometimes she would tell us to wait  
15 longer. I don't know why.

16 Q How did you feel about asking her to go to the  
17 bathroom?

18 A I guess well, I was scared because, like, if I had --  
19 well, she would be like -- she was always like -- well, when I  
20 would have to go to the bathroom, she's like, You better not  
21 flood the toilet. And I guess she'd mean, like, you better not  
22 pee a lot in the toilet because, I guess, in her eyes it meant  
23 like we were holding it too long, and so then I wouldn't go all  
24 the way I guess, and then I was just scared to ask her because  
25 I didn't know what she would do, slap me off the toilet or

1 something.

2 Q Okay. What would she do if she didn't like what you  
3 were doing on the toilet?

4 A She would yell at us, and she would, like, slap us.

5 Q Where would she slap you?

6 A In the face.

7 Q With what?

8 A Her hand.

9 Q Did she wear any jewelry?

10 A Yeah.

11 Q What did she wear?

12 A She'd wear rings, and I think she was wearing a  
13 bracelet one time.

14 Q When she would hit you, what would happen to your  
15 face?

16 A It was my [unintelligible]. Like, I'm telling you I  
17 had scratches everywhere. It was not even funny.

18 Q When you went to the bathroom, talk to me about what  
19 happened with toilet paper.

20 A She would give us three squares for pee, and six if  
21 we had to take Number 2.

22 Q Okay. Were there ever times when you needed more  
23 toilet paper than, like, the six?

24 A Yeah.

25 Q And so what would happen?

1           A     Wouldn't give us any more.

2           Q     Okay.

3           A     So it was get off the toilet.

4           Q     And then when you put on your underwear, would

5 sometimes your underwear get dirty?

6           A     Yeah.

7           Q     And was your underwear ever checked?

8           A     Yeah.

9           Q     Who would check your underwear?

10          A     It depends on who was home, but mainly Janet because

11 she was always home basically.

12          Q     Okay. And if she checked your underwear and there

13 was something in it, like a mark, what would happen?

14          A     She would tell us that we peed ourselves, and then

15 she would hit us, and then she would call Dwight. They just

16 peed themselves.

17          Q     She'd call Dwight?

18          A     Yeah.

19          Q     Would Dwight and Janet communicate with one another

20 about your toileting issues?

21          A     I'm pretty sure, yeah, they would because I would

22 hear crying on the phone. Anastasia or Amaya just pissed

23 themselves, as she would say, and then she would whoop us.

24          Q     She would whoop you?

25          A     Yeah.

1 Q What would she whoop you with?

2 A A paint stick.

3 Q Can you tell me what it looked like.

4 A It was, like, long, and it was like slim, and then  
5 she would -- even if we were, like, walking, she would just hit  
6 us with it. Like I could just be -- like, for example, like if  
7 I was walking right now, like, she would just [demonstrates a  
8 noise].

9 Q Hit you?

10 A Yeah.

11 Q Where would she hit you?

12 A Sometimes she would hit us on our hands. Like she  
13 would make us hold our hands out and, like, smack us on our  
14 hands.

15 Q Okay.

16 A And then she, like, would, like, kick us in the back  
17 of our legs, and then like we would try to get up, but then she  
18 would kick us again. She's, like, get up, and I was just how  
19 am I supposed to get up if you keep kicking me, and then I  
20 guess she would just had us all the time, wherever.

21 Q Okay. And I apologize I didn't do this. You held  
22 your hands out, and I think you held -- I'm not very good with,  
23 like, the whole inch thing, but I think it was about 18 inches.  
24 Could you just show me with your hands again so I could guess.

25 A That long. Like the stick was long.

1 Q I think that's more, like, 24. I don't know.

2 A I don't know. Like it was long though. But I don't  
3 know what size it was.

4 Q Okay. What did it -- did it say anything on it?

5 A Home Depot, orange.

6 Q It was orange?

7 A Well, it had Home Depot written in orange.

8 Q All right. And did anybody ever write anything on  
9 it?

10 A I don't recall. She would just hit us with the  
11 stick.

12 Q Do you remember Dwight ever writing anything on it?

13 A No.

14 Q Okay. So I know what you're saying, that you would  
15 be timed in between. Like, you were allowed to go to the  
16 bathroom, and then let's say you went to the bathroom and then  
17 you were timed again until you could go to the bathroom again,  
18 but my question is is when you are going to the bathroom, when  
19 you were actually going, were you timed then too?

20 A Yeah. She would stand in front of us and time us.

21 Q Okay. And what would happen if you went too fast or  
22 too slow?

23 A Well, if we were -- how do I explain this? If we  
24 were going too fast, she would just look at us and then, like,  
25 stop the timer. She's, like, you waited, and then she would

1 smack us, and if we were going slow, she would start yelling at  
2 us. She'll be like hurry up, and then we would be like, yes,  
3 ma'am.

4 Q So if you went too fast, meaning like if there was a  
5 lot coming out, you would get in trouble because she said you  
6 waited?

7 A Yeah.

8 Q Like, you waited to go to the bathroom?

9 A Yeah.

10 Q But didn't you have to wait until the timer went off?

11 A Yeah.

12 Q Okay. Were you confused?

13 A No. I just think about it. Like I don't --

14 Q No. No. I mean were you confused then, not now?

15 A Yeah. I was just like what?

16 Q But as, like, a small child, did you understand  
17 really what you were supposed to do?

18 A After a while, like, yeah, because I didn't want to  
19 get on her nerves. I didn't know what she would do, like smack  
20 me again.

21 Q What about at nighttime? Were you allowed to use the  
22 bathroom whenever you wanted at night?

23 A She would let us go to the bathroom right before we  
24 would go to sleep, and then, like, she would lay out toilet  
25 paper for us on, like, this little table in the bathroom, and

1 then she would leave the door open, and I guess there was a  
2 camera in the bathtub. I don't know. I guess she could see us  
3 on, like, her computer or something.

4 Q Why do you say that?

5 A Because, like, sometimes she would come out, and she  
6 would, like, see who was in the bathroom, and then she would  
7 say, oh, you're in the bathroom, I guess, and then she would  
8 have, like, this little alarm on the door. She would close it,  
9 and then I remember when I had opened it to go to the bathroom,  
10 and I didn't hear her come out, and then she saw me in the  
11 bathroom. She just, like, looked at me and then just went back  
12 to sleep.

13 Q Okay. Was there ever a time when the doors were  
14 locked at night, and you couldn't use the rest room?

15 A I don't remember.

16 Q Okay. So there was -- you said that per Janet there  
17 was a camera upstairs?

18 A Yeah, there was cameras like all over the house.

19 Q And then were there any gates upstairs?

20 A She would put a gate, like, when she would, like, go  
21 to the store or something, and she wouldn't take us. She would  
22 put a gate in, like, the loft, and then she would put one,  
23 like, when we were sleeping.

24 Q And where would the gate be when you were sleeping?

25 A Like between the laundry room and the bathroom

1 upstairs.

2 Q Okay. Did either her or Dwight tell you something  
3 would happen to you if you touched the gate?

4 A Yeah. I can't remember which one it was, but one of  
5 them told me, like, if you touched it you would get  
6 electrocuted or something.

7 Q Did you believe that when they told you that?

8 A Yeah, I didn't touch that gate.

9 Q You didn't touch the gate?

10 A No.

11 Q You talked a little bit earlier when we were talking  
12 about going to the bathroom that you became scared to ask. How  
13 often were you having accidents in your pants?

14 A Well, how do I put it? It wasn't like every five  
15 minutes for me. It was, like, probably like a couple times a  
16 day, but, like, she would make us hold it, and I would have to  
17 go.

18 Q Right. Okay. And so it was happening a couple times  
19 or more than a couple times a day?

20 A Yeah.

21 Q All right. And when you would, like, when you --  
22 every time you had an accident, were you disciplined?

23 A Yeah.

24 Q And were you always disciplined with the stick?

25 A Well, sometimes, like, mainly with the stick, but



1 sometimes she would just hit us, like kick us down the stairs  
2 or whatever.

3 Q Do you remember -- like do you remember a specific  
4 time about being kicked down the stairs? Like, tell me what  
5 you remember about that.

6 A Well, it was one morning where, well, it was, like,  
7 the day before that. I had peed myself, and I laid in it  
8 because I was, like, too scared to get up, and then she came  
9 out and then, like, the night, that night she was like, oh, if  
10 you pee yourself you better not lay in it. You better stand  
11 up. I was sleeping by her door like on my board, and so I peed  
12 myself, and I was wearing purple and green underwear because,  
13 like, I remember that day, and so I stood up, and I saw her  
14 come out, and then I just looked at it. I was like, oh, is she  
15 going to hit me? She didn't hit me. So I was like, okay.  
16 Maybe she's not matter something. That's what I thought, like,  
17 okay, she's not mad.

18 She went and took my sisters Ava and Anastasia to the  
19 bathroom, and then when she was done with them, she told me to  
20 start walking, and I started walking, and, like, I could feel  
21 like she was going to do something, like she was going to hit  
22 me or something, and then I was walking, and she kicked me in  
23 the back of my legs, and then I was trying to get up, and then  
24 she kicked me again, and then she kicked me up against  
25 Danielle's door, and then she picked me up by my neck and just

1 slammed me on the door.

2 And I started crying, and I was, like, trying to  
3 breathe, and then Ava and Anastasia, like it was, like, in the  
4 hallway. It was, like, it was, like, this, but then it was  
5 like it was, like, a hole in it. It wasn't, like, a purpose  
6 thing. It was in the whole house [unintelligible], like, a  
7 design, and they were standing right there.

8 And she told me to go in the bathroom, and I went in  
9 the bathroom, and then she started hitting me, and then she hit  
10 me up against, like, in the corner where the trash was, and I,  
11 like, knocked the trash can over because, like, she hit me so  
12 hard, and I started crying. I was trying to get up, and she  
13 told me to pick the trash up. So I started picking up the  
14 trash, and she was, like, hurry up, and I got up, and then,  
15 like, she grabbed me and shoved my face up the sink, and I  
16 started crying. I told her to stop, and then she stopped and,  
17 like, just threw me on the floor.

18 Q Okay. Showing you State's Exhibit 197, who is that?

19 A [No response.]

20 Q Do you want a drink of water?

21 THE COURT: Just take your time.

22 THE WITNESS: Okay. I can do this. That was me.

23 BY MS. BLUTH:

24 Q Okay. The marks that we see on your face, do you  
25 know how you got those marks?

1           A     Yeah. She, like, beat me that day, like just kept  
2 hitting me.

3           Q     When we see your face like that, did that happen to  
4 you just one time?

5           A     No. It happened, like, all the time. Like, I don't  
6 know why she took like -- like, the smallest things. Like, it  
7 would just make her so angry, like getting a math problem  
8 wrong. She would, like -- she'd be, like, you're acting stupid  
9 or something. It's like no, I don't know how to do the  
10 problem, and then she would hit us, and then I'm just sitting  
11 there, like, why are you hitting us. Like, I'm asking you for  
12 help, and she would try to explain it to me. Like, she was  
13 trying to -- I didn't know how to tell time, and she was trying  
14 to tell me, well teach me how to tell time, and I didn't get  
15 it. I just struggled with it, and then she would get mad, and  
16 then she would hit me.

17          Q     What would she hit you with?

18          A     She wasn't, like, sometimes -- mainly it was, she  
19 was, like, if we were, like, doing our homework, she would hit  
20 us with her hand.

21          Q     Okay. I wanted to ask you, because you said that she  
22 would kick you down the stairs. Can you tell me about a time  
23 that she kicked you down the stairs.

24          A     I think I peed myself, and I was walking downstairs.  
25 Well, I was getting ready to, like, walk, and then she kicked

1 me, and I was trying to get up, and then it was -- because the  
2 stairs, it was her room right here. Like, if it was here in  
3 the house, it was her room right here, and, like, straight  
4 down, it was, like, the stairs, and then it was, like, it would  
5 turn this way and then just go straight down.

6 Q Okay.

7 A And then, like, I was, like, in the corner of the  
8 stairs, and I was trying to get up, and, like, she caught up  
9 with me, and then she kicked me down the rest of the stairs,  
10 and then I was walking, and then she kept, like, kicking me,  
11 and she just told me to do my homework.

12 Q When you would get kicked down the stairs, I know it  
13 sounds like a silly question, but would that hurt you?

14 A Yeah.

15 Q Where would it hurt?

16 A Well, like it would hurt when she kicked me in the  
17 back of my legs, but, like, when she would kick us, sometimes I  
18 would hit my chin, and it would hurt.

19 Q Like on the stairs?

20 A Yeah.

21 Q Okay. When you would be hit with the sticks, did you  
22 ever -- did you have to stand a certain way? Sit a certain  
23 way? How would you have to be?

24 A Dwight would be, like, assume the position. We'd  
25 have to get in, like, a push-up form, and then we would have to

1 just stay like that, and then, like, we had to pull our  
2 underwear down because, like, that's all she would let us wear,  
3 and then she would just whoop us, and then sometimes, like, she  
4 would have us, like, all three line up. It was Ava, Anastasia,  
5 then me, and then she would have us with our pants down, and we  
6 would be in, like, the position, and then she would just -- and  
7 then either Dwight or Janet would whoop us with the stick.

8 And sometimes it would break, and, like, you know,  
9 how, like, when would breaks it's, like, sharp, and then, like,  
10 she would keep whooping us, and then we would start bleeding.

11 Q Okay. When you say get in a push-up position, like  
12 I'm not going to get in a push-up position, but, like, would  
13 your back be flat or --

14 A We would just -- it was just like -- I don't want to  
15 do it either. My back hurts, but like it was --

16 Q Like show me with your hands how your body would be.

17 A It was, like, this. We had to have our hands  
18 straight and our legs back, and, like, straighten your back  
19 out, okay.

20 Q Okay. And so Janet and Dwight would sometimes it  
21 would be both of them during that time period, like Dwight --

22 MS. MCAMIS: Objection. Leading.

23 THE COURT: Overruled.

24 BY MS. BLUTH:

25 Q When you were testifying earlier, are you saying that

1 Janet and Dwight would both be there sometimes when that was  
2 happening?

3 A Well, like, Dwight wasn't never really home, but,  
4 like, sometimes he would be home, and he would be in the room,  
5 and he would whoop us sometimes.

6 Q Okay.

7 A And Janet would stand there and watch, or she would  
8 whoop us, and then he would watch.

9 Q Okay. And when that was happening, you said that you  
10 would all three have to line up and assume the position?

11 A Yeah.

12 Q You said that it would bleed. So I'm assuming since  
13 it would bleed it broke your skin?

14 A Yeah.

15 Q Do you have any scars from that?

16 A I don't look. Like I don't look because it's like  
17 not weird, but it's, like, I don't want to think about that.

18 Q Okay. We're going to talk in a little bit about how  
19 you went to Florida, but when you came back from Florida, they  
20 took some pictures of your body; right?

21 A Uh-huh.

22 Q Is that a yes?

23 A Yeah. My bad.

24 Q That's okay. It's hard to get used to. And did they  
25 take some pictures of your bottom area?

1           A     Yeah.

2           Q     And --

3           A     Like, just places where I had scars.

4           Q     Right. In those places that you had scars, what are  
5 those from?

6           A     Getting beat every day.

7           Q     Okay. All right. All right. We just have to make  
8 it clear on the record. I know some of these questions sound  
9 super silly.

10                   Did Danielle ever hit you with any of the sticks?

11          A     Yeah.

12          Q     How many times?

13          A     When Janet had went to Ohio -- I don't know which  
14 daughter was having a kid -- and we got caught stealing food  
15 because we had a nanny -- I don't know if she was upstairs. I  
16 can't remember -- me and Anastasia, we got caught, and Ava was  
17 doing her homework, and Danielle had, like, she caught us, and  
18 so then she had me and Anastasia and Ava, we all went upstairs,  
19 and we were in her room, and then she closed the door, and,  
20 like, I guess she was talking to Janet like on the computer or  
21 something, and so then she was, like, oh, I just caught them  
22 stealing food from our pantry.

23                   And I was trying to walk over around her, but I  
24 stepped on her clothes, and her room was just nasty. Like  
25 there was all these clothes everywhere, like, dirty clothes,

1 like clean up after yourself, and so she got mad because I  
2 stepped on it, and she got the stick, and she hit me in the  
3 back of my leg, and when she hit me, I was just like -- like it  
4 hurt, and I was just, like, trying to walk. Like, I was trying  
5 to straighten my leg out, but I couldn't because it was, like,  
6 a little -- it was, like, a little sore, and, like, I couldn't.  
7 Like it was hurting, like, the back of my leg, and then she had  
8 hit me on my elbow.

9 Q Do you still have a scar from where she hit you on  
10 your elbow?

11 A Yeah. It's this one.

12 Q Can I see it, please. Right there on the corner?

13 A Yeah.

14 Q This little one right here that I'm touching?

15 A Yeah, these two. It wasn't, like, a big one, but  
16 then, like, it's still there though.

17 Q Okay.

18 A And I was trying to tell Janet on the computer, hey,  
19 can you tell Danielle not to hit me, and that's when she hit me  
20 on my elbow, and Janet didn't listen to me. She just hung up,  
21 and then she slapped me because I remember my face, like, being  
22 red. Ava and Anastasia -- Anastasia got whooped I think. I'm  
23 not sure, but I just remember, like, her slapping me, and I was  
24 walking out of the room, and I just, like, I wanted to cry, but  
25 I didn't. I was just, like, trying to hold my tears back, and



1 then I was --

2 Q Danielle slapped you?

3 A Yeah.

4 Q Okay. And then you were walking away and what?

5 A She told me to go downstairs and do my homework.

6 Q Okay. When you would have an accident, besides being  
7 physically punished, like we've been talking about, would other  
8 things be taken away from you?

9 A We didn't really have anything, like not any toys  
10 or --

11 Q I'm talking --

12 A Like, are you talking, like, food?

13 Q Yes.

14 A Yeah.

15 Q Okay. Explain that to me.

16 A Like, when we would pee ourselves or poop ourselves  
17 because she wouldn't let us go to the bathroom, when she would,  
18 like, make us wait and we couldn't hold it, like she wouldn't  
19 feed us because she said, like, because first it was like  
20 water. Like we weren't allowed to have water, and then, like,  
21 when she would blend up our food, like there was water in it,  
22 and, like, I mean, food has water in it; right? So, like,  
23 yeah, and so she would blend it up, and then sometimes she  
24 would, like, blend it up for, like, the day after that or like  
25 for the rest of the week.

1 Q Okay.

2 A And then, like, me, it's kind of funny now that I  
3 look at it. Like, I would hear her blending it for me. I'd  
4 be, like, yea, I get to eat. Like, I'm starving, you know, but  
5 she wouldn't feed us and, like, she would make it for, like,  
6 the next day.

7 Q Okay.

8 A And so, yeah, she just wouldn't feed us for, like,  
9 oh, a good week or a couple of days.

10 Q Okay. So if you had an accident, that would be one  
11 of your punishments?

12 A Yeah.

13 Q Would you be allowed to have like a cup of water,  
14 like the water in front of you?

15 A No.

16 Q Okay. When you went to the bathroom, when you did  
17 use, like, the rest room, could you use any room in the house  
18 to go to the bathroom?

19 A No. We had to go to the one, like, upstairs in,  
20 like, the loft. We had to go to that one.

21 Q Did Janet ever tell you why you had to do that?

22 A I think because she told us we were disgusting.

23 Q Okay. There were other foster children in the home  
24 at times; right?

25 A Yeah.

1 Q Do you know what bathrooms they used?

2 A They would, like, for example, Ivy and Autumn, like  
3 they would -- well, Autumn would go to school, but, like, on  
4 the weekends, like, they would sit, like, downstairs kind of  
5 like where we were doing our homework, and they would play, and  
6 then I would go to the bathroom. They'd be, like, oh, I have  
7 to go to the bathroom, and they would go to the one downstairs.

8 Q Okay.

9 A Or they would go to the one upstairs.

10 Q Okay. Your hair is up today on the top of your  
11 hair -- head, but you actually have very long hair; right?

12 A It's really curly.

13 Q Yeah. When you went to Janet's house, did you have  
14 long hair?

15 A No. A couple times she shaved my head bald.

16 Q Okay. Did she tell you why she did that?

17 A Because I peed or pooped myself.

18 Q Did you ever -- did you ever have to do anything with  
19 your underwear besides wearing them?

20 A She would put it in our mouth.

21 Q Explain that to me.

22 A Like, does that have to be, like, about me, or can I  
23 give an example, like, of my other sisters?

24 Q You can give an example of one of your other sisters.

25 A One time my little sister, Anastasia, she pooped

1 herself, and Janet would, like, make her put it in her mouth or  
2 on top of her head and would make her stand there with her  
3 hands up in the air.

4 Q All right. Did you ever have to put underwear in  
5 your mouth?

6 A Yeah. She would shove it in my mouth.

7 Q And that underwear would be dirty?

8 A Yeah.

9 Q Were -- getting that bun back in place?

10 A No. My head hurt.

11 Q It hurts. Okay.

12 A Yeah. It's really tight.

13 Q Just take it out. It'll feel better. Would there be  
14 times that Dwight was at the house and Janet wasn't, like  
15 Dwight was taking care of you?

16 A A couple of times she would go to the store.

17 Q Okay.

18 A And she would leave us with him.

19 Q Were there any rules?

20 A Well, like, I mean, rules that she would make when he  
21 was gone, yeah.

22 Q When he was there?

23 A No. Like, when he wasn't at work -- well, I mean --  
24 my bad. When he was at work, she would, like, make like these  
25 rules.

1           Q     So what about though when she left and it was just  
2 Dwight? Did you still have to, you know, ask to go to the  
3 bathroom?

4           A     Yeah.

5           Q     Okay. And --

6           A     Or, like, before she would leave sometimes, she would  
7 set a timer. She was, like, oh, don't let them go to the  
8 bathroom until the timer is gone.

9           Q     Okay. And would Dwight listen to her?

10          A     Yeah, of course. She was the queen.

11          Q     Okay. Were there times though when Janet would leave  
12 the house and you guys would be left there at the house by  
13 yourself?

14          A     Yeah.

15          Q     And would you be able to walk freely around the  
16 house?

17          A     No.

18          Q     Okay. Where would you be?

19          A     She would lock us up in the bath and make us play  
20 this allowance board game or, like, make us stand in the loft  
21 and do our homework.

22          Q     Okay. Were there ever times when she was leaving,  
23 you know, she was going to be a gone a while, and she would  
24 check to make sure if you had to pee or not?

25          A     Yeah. She would let us go to the bathroom before she

1 would leave, and then she would be, like, oh, you better not go  
2 to the bathroom like right after we leave -- or right after I  
3 leave. My bad.

4 Q Okay. And did she ever use anything on you to check  
5 to see if you were telling the truth?

6 A One time I had to pee.

7 Q Okay.

8 A And I guess she thought because we would have to go  
9 to, like, the bathroom right after a break that we were holding  
10 it, and that, like, we were lying to her, but we were just  
11 scared to tell her we had to go to the bathroom. So, like, she  
12 would, like, make us go to the bathroom, and she would, like,  
13 set out, like, a towel on the floor. She would make us like  
14 lay there, and then she would, like, come in with a catheter.  
15 That's what she told me, and she was, like, if I put this  
16 catheter in you, and you pee, you're going to get a whooping,  
17 and so then, like, before, like, she put the catheter in me I  
18 would just pee because it's like, well, if I pee in the  
19 catheter, I'm still going to get whooped or beat. So why pee  
20 in the catheter?

21 Q Okay. Makes sense. Did she ever use the catheter on  
22 you?

23 A Yeah.

24 Q And when she used it on you, explain to me where the  
25 catheter would go.

1           A     In my private part.

2           Q     Okay. And when that happened, what room -- what room  
3 in the house did it happened in?

4           A     When she put the catheter in me, she made me go in  
5 Ivy and Autumn's bathroom, I guess you could say it was, that  
6 little, yeah.

7           Q     And did you have to lay down on a towel?

8           A     Yeah.

9           Q     And when she put it in your private part, like you  
10 said, did anything come out of it?

11          A     I would pee.

12          Q     So pee would come through the tube?

13          A     Yeah, or sometimes like before she would --

14               MR. FIGLER: Objection. Leading.

15               THE WITNESS: -- like -- huh?

16               THE COURT: Well, she can finish.

17               THE WITNESS: Oh. Sometimes like that time, she  
18 was -- she had put it in me, and then, like, I got, like, I was  
19 scared. I was, like, and then I, like, started shaking because  
20 I had to go, and I was, like, just pee yourself. She's going  
21 to whoop you anyways. So I peed, and then she ended up not  
22 whooping me or disciplining me. She ended up beating me with  
23 the stick.

24 BY MS. BLUTH:

25          Q     Okay. Because the pee had gotten on her or --

1 MS. MCAMIS: Leading.

2 MS. BLUTH: I'm asking --

3 THE COURT: I mean, did the pee get on Janet or on

4 the floor, or where did it go?

5 THE WITNESS: On the towel.

6 THE COURT: I'm sorry. On the towel?

7 THE WITNESS: On the towel because she, yeah, would

8 make us go on a towel.

9 BY MS. BLUTH:

10 Q Did anyone put the catheter in you besides Janet?

11 A No.

12 Q Where was Dwight when this was going on?

13 A Like I said, he was never home. He was always

14 working.

15 Q Were you ever threatened with anything if you moved?

16 A [Unintelligible] like razor blade. I'm going to cut

17 your vagina out.

18 Q Did she show you a razor?

19 A Yeah. I remember one time Ava, she peed. I don't

20 think it was with the catheter. I think she had just peed

21 because she had to the bathroom really bad, and Janet made her

22 go upstairs, in Ivy and Autumn's bathroom, and she laid in

23 the -- she is, like, Ava was crying, and I think I was standing

24 like where, like, the design was.

25 Q The entryway?



1           A     Yeah.

2           Q     Okay.

3           A     I think it was me and Anastasia, and I was standing  
4 there, and I heard her crying, and, like, I felt bad, but I  
5 couldn't do anything. I knew she was, like, If you pee in the  
6 tub, I'm going to cut your private out, and I'm going to watch  
7 you bleed to death. I'm going to laugh. I just stood there.  
8 I was like -- like I stood there, and I was, like, you're our  
9 mom, but you're going to tell your kids that. Like --

10          Q     How did you feel when she threatened you with a razor  
11 blade?

12          A     I was scared, and I just felt, like, unwanted. Like  
13 I felt like she just didn't care about me, like, at all, like  
14 zero.

15          Q     So I talked a little bit ago about, you know, you  
16 were adopted in January of 2011, and then in a little bit I'm  
17 going to ask you about when you went to Marvelous Grace Girls  
18 Academy in November of 2013. When you were threatened with the  
19 razor, was that closer to when you got adopted, or was that  
20 closer when you went to Florida?

21          A     That was closer to when we went to Florida.

22          Q     I want to ask some questions about food in the house,  
23 and you talked a little bit about it already. So early on when  
24 you were with Janet did you get regular food?

25          A     Yeah.

1           Q     At what point did you stop getting regular food if  
2 you know?

3           A     I don't remember, like, when exactly, but, like, like  
4 when she would feed us, like, regular food, like, it was the  
5 4th of July, and well she gave us, like, I remember, like, she  
6 gave us Fourth of July food. She gave us hotdogs. She gave us  
7 macaroni and before, like, we got, like, like, macaroni or  
8 something, she would give us, like, a plate of vegetables, and  
9 we have to finish that, finish my vegetables.

10                   And I think that day I had made her mad already, and  
11 I'm pretty sure this is before she had adopted us. She said to  
12 hurry up and eat my regular food, and then she was, like, hurry  
13 up. Bite your hotdog, and I couldn't bite the hot dog. Like,  
14 the hotdog was, like, really big and, like, I just couldn't  
15 bite it, and so she -- she's, like, take a bite, and so then  
16 she let me take a couple bites, and, like, she let me take two  
17 bites of the bread, not the even hotdog, and then she, like,  
18 took it from me.

19                   And then Ava and Anastasia, they got to do, like, the  
20 slip and slide outside in the backyard with Dwight, and then  
21 she went back there, and then I was in trouble I think and,  
22 like, I had to go to my room, and I started crying. Yeah.

23           Q     So there were times when you were a foster kid that  
24 you got regular food?

25           A     Yeah.

1 Q And then some time after you got adopted, did she  
2 start blending your food?

3 A Yeah. When we had stomach issues.

4 MS. BLUTH: Okay. And just for -- because the  
5 record -- I just want for the record to show that when Amaya  
6 said "stomach issues," she did "stomach issues" in quotes.

7 THE COURT: Okay.

8 BY MS. BLUTH:

9 Q Is that right, Amaya?

10 A Yeah.

11 Q Okay. And when you say "stomach issues" in quotes,  
12 why are you doing that?

13 A I'm sorry, but I'm not trying to be rude, but it was,  
14 like, she would, like, tell doctors that, oh, Ava has Crohn's  
15 disease. She said I was autistic and, like, she would just  
16 make up, like, all these issues and, like, I was dumb enough to  
17 believe it, and, like, she was, like, a couple times me --  
18 well, I just remember me getting a couple colonoscopies, and  
19 she said because I had stomach issues that I was always  
20 constipated or something.

21 Q Okay. Do you know what was making you constipated?

22 A No. Like, I don't know. Like, she just said that we  
23 had issues. Like, oh, Amaya is autistic. Ava has Crohn's  
24 disease. Anastasia has diabetes. Like, she said that I was --  
25 well, she put me in Monte Vista -- I think I was -- I was

1 around 7 or 8 -- because, like, I would pick, like, right here,  
2 but it's, like, because the skin would get dry, and, like, I  
3 just don't like dry skin. So I would just pick it off. She  
4 said I was, like, trying to kill myself because I would do  
5 that.

6 Q Picking your thumb?

7 A Yeah. Yeah, and we went up there. She was, like,  
8 oh, she hurts herself. I was, like, I'm not hurting myself. I  
9 don't like the dead skin on my fingers, and, like, she just,  
10 like, basically made up all this baloney.

11 Q When you would go to the doctors, would you ever talk  
12 to the doctor?

13 A No. She did all the talking.

14 Q Did you feel like you could tell the doctor what was  
15 going on?

16 A No.

17 Q When you would eat the blended food, how many times  
18 during the day would you get it, or did it vary?

19 A It varied. Like, sometimes -- well, like, this was  
20 like an everyday thing. She would wake us up. She would feed  
21 herself a nice breakfast, and she would watch The Young and The  
22 Restless, and we would have to sit on our buckets and read,  
23 like, stories -- well, not stories, but, like, homework, like,  
24 because we were homeschooled, and she would make us do that.

25 And then, like, we would just be sitting there. I

1 would be sitting there, like, okay, when she's going to feed us  
2 because I'm hungry, and then, like, it just depended, like,  
3 when she was ready to feed us.

4 Q Did she tell you what was in the food?

5 A I remember one time she told me there was, like, cow  
6 balls in my food.

7 Q Like cow privates?

8 A Yeah. And I was, like, what? And, like, I just  
9 remember, like, she fed us, like, this weird meat. It was,  
10 like, really salty. Like, I was eating it, and I started  
11 gagging; it was so disgusting.

12 Q When you would eat the blended food, was there a time  
13 when you would get it, like, three times a day?

14 A Sometimes, yeah.

15 Q Okay. And then sometimes what else would it be?

16 A Sometimes it would be three times a day. Sometimes  
17 she would only feed us once a day or sometimes she would feed  
18 us twice a day.

19 Q Okay. And then you said earlier if you had accidents  
20 you wouldn't eat?

21 A Yeah. Yeah.

22 Q And did that include water as well?

23 A Yeah. She didn't even give us water.

24 Q Would you sneak water sometimes?

25 A Yeah.

1 Q How would you sneak it?

2 A She would tell us to rinse ourselves off in the  
3 shower. Like, I would look to see if she was looking. I would  
4 put my mouth, I would drink that shower water because I was so  
5 thirsty.

6 Q Okay. When you would eat, would you stand or sit?

7 A It depended. Sorry. It depended because -- I can  
8 say that word; right? She would, like, sometimes fix us, like,  
9 a bowl of rice and beans, and she would let us sit and eat it,  
10 but that was, like, very rare. And then she would, like, have  
11 us stand in different spots in the kitchen sometimes or, like,  
12 by, like, the counter.

13 Q Okay.

14 A So there wasn't really a spot.

15 Q Were you timed while you ate the blended food?

16 A Yeah. Like, one time, it was the counter, and then  
17 it was, like, this little, like, it was, like, okay, where the  
18 sink was. It was Ava, and then it was Anastasia, like, right  
19 here, and I was, like, where her computer was. And I was  
20 drinking my food too fast, and she told me to slow down, and so  
21 I got mad and, like, I, like, I guess you could say I was being  
22 extra. Like, I started drinking it, like, super slow, and  
23 then, like, she kicked me in the back of my legs and, like,  
24 kicked me so hard I went [demonstrates a noise]. Like, I flew.  
25 Like, I fell down and, like, the food spilled everywhere. It

1 spilled on the cabinets, and she got mad at me, and she had hit  
2 me, and then she told me she was, like, you don't get any more  
3 food for the rest of the day, and I was, like, okay.

4 Q And did you get any food for the rest of the day?

5 A No.

6 Q How did the blended food make your stomach feel?

7 A Well, I mean, she would, like, rarely feed us. It  
8 made my stomach feel great. Absolutely.

9 Q When you would eat you mean?

10 A Yeah.

11 Q Okay. When they --

12 A I'm sorry. I'm just being honest, like --

13 Q No. And that's good. You said you used the term  
14 Autumn and Ivy. When Autumn and Ivy were there, did they eat  
15 blended food?

16 A No.

17 Q What did they eat?

18 A They ate PB&J sandwiches with their little carrots.

19 Q And where did they eat it at?

20 A At the pink princess table.

21 Q Did Janet ever tell you any reason why they got to  
22 eat at the princess table and regular food?

23 A No. I'm pretty sure it's because they were foster  
24 kids.

25 MS. MCAMIS: Well, objection. Speculation.

1 THE COURT: That's overruled.

2 But did you ever ask Janet or --

3 THE WITNESS: No.

4 THE COURT: Did she say anything?

5 THE WITNESS: No. I mean, but I feel like because  
6 they were foster kids, like, she did the same thing --

7 THE COURT: Well, we don't want you to speculate.

8 THE WITNESS: -- with us when we are foster kids.  
9 Okay.

10 THE COURT: So go on.

11 MS. BLUTH: That's okay.

12 BY MS. BLUTH:

13 Q What about Areahia and Kaeshia and Demyer and  
14 Novaleih? Do you remember them?

15 A Yeah.

16 Q Where did they eat?

17 A They ate -- well, Demyer and Kaeshia, they ate at the  
18 princess table, and Areahia, she ate at a desk I think.

19 Q Okay. Did Janet ever say anything was wrong with  
20 Areahia healthwise to you?

21 A No. I just remember, like, one night Janet was  
22 sitting on the couch, and she was watching TV, and Areahia, I  
23 think she was eating a salad, and she said that she was eating  
24 it too fast. She's, like, slow down, and then Areahia was,  
25 like, okay. I don't know what she did.



1           Q     I want to ask you some questions about -- you were  
2 talking about homework.

3           A     Uh-huh.

4           Q     All right. So you said that you were homeschooled,  
5 but we had talked a little bit earlier, and you said before you  
6 had gone to -- what was it? Hornbeck or --

7           A     Heckethorn.

8           Q     Heckethorn. And then when you went originally to  
9 Ms. Janet's, did you still go to school, like regular school?

10          A     When we were foster kids, yeah.

11          Q     Okay. And at some point did you get pulled out of  
12 regular school and get homeschooled?

13          A     Yeah.

14          Q     Did Janet tell you why?

15          A     Well, because we were stealing food.

16          Q     Okay. Now, were you actually stealing food, or were  
17 people giving you food?

18          A     I stole that food. I would go in the lunch line, get  
19 me two cinnamon rolls because this is what she would do. So  
20 she would feed us regular food; right? But me, like, I was  
21 just, like, hungry. That food -- like, she would put us on a  
22 timer, and if we didn't finish, she would take the food away  
23 from us.

24          Q     Okay.

25          A     And I was hungry. So I took food to feed myself.

1 Q Okay. And so Janet found out about that?

2 A Yeah.

3 Q And were there ever any times where Janet and Dwight  
4 would go to school with you while you ate?

5 A Yeah.

6 Q Tell me about that.

7 A She would well, she would come to our school, and she  
8 would have, like, this container of rice and beans with okra or  
9 whatever type vegetable, and we had to sit there and eat it in  
10 front of her, and sometimes she would bring Danielle, and I  
11 was, like, because we had stomach problems. That's what she  
12 said. That's what she told us.

13 Q Okay.

14 A And that's why we were eating, like, that food I  
15 guess you could say, like, for lunch.

16 Q Okay. But then there came a time when, like I said,  
17 you were homeschooled, and you talked a little bit about doing  
18 your homeschool. Like, explain to me the hours in which you  
19 would do your schoolwork.

20 A Like, all day. If we didn't get a problem right,  
21 you're not going to sleep until you get this problem right.

22 Q So, like, what time in the morning would you start  
23 the work?

24 A Well, we had a nanny, Ms. Andrea. So Janet would go  
25 to work, and so we would get up, like, around six or something,

1 and then we would have to do our homework because our nanny  
2 would leave, like, around 3:00, and then that's when Janet  
3 would come home, and then she would, like, read what Ms. Andrea  
4 wrote. Like, I guess you could say it was a review of our day,  
5 like of what we did or any bad things we did, and Janet would,  
6 like, for example, if I didn't get a sheet of long division  
7 done at all, Ms. Andrea, Amaya, didn't get her long division  
8 done at all.

9 Q Okay.

10 A And so Janet, she would come home, and she would yell  
11 at us. She would yell at me or me and my sisters. She said  
12 why weren't -- she's, like, you've been stuck on this problem  
13 all day. She would be, like, oh, you're playing games. I'm,  
14 like, I don't know how to do it, and then she would yell at us,  
15 and, like, if I would be done with it, and I would be, like,  
16 I'm done, and she would check it. She was, like, this is  
17 wrong, and then she's, like, you keep making the same mistake,  
18 and then she would -- sometimes she would, like, come over to  
19 me and, like, show me how to do it, but I just didn't know how  
20 to do it.

21 Q Okay. But, I mean, you were homeschooled. So who  
22 was teaching you? Like, who was teaching you science? Who was  
23 teaching you math? How were you --

24 A She didn't teach us. She would give us a worksheet,  
25 tell us to do it.

1 Q Okay. Where would you do your homework at when you  
2 were homeschooled?

3 A On the counter.

4 Q In the kitchen?

5 A Yeah.

6 Q Okay. And would you always sit in the same spot,  
7 different spots?

8 A In the same spot.

9 Q And when you were doing your homework, could you  
10 freely talk to your sisters?

11 A No.

12 Q Why not?

13 A I don't know. Because she said we couldn't.

14 Q Who is that "she"?

15 A Janet.

16 Q When you would do your homework, would you be  
17 standing or sitting?

18 A It depends. We would do both.

19 Q When you would stand, would you stand in the same  
20 three spots and do it?

21 A Yeah.

22 Q And when you would sit, what would you sit on?

23 A Home Depot buckets. I'm sorry.

24 Q That's okay. Tell me what those looked like.

25 A They were orange buckets with it had, like, Home

1 Depot on it, and then Dwight went and bought toilet seats and  
2 put them on top of it, like, the bucket and made us sit on it.

3 Q Okay. And was anything ever written on the buckets?

4 A I don't remember anything being written.

5 Q Okay. And I'm going to ask you -- I'm showing you  
6 State's 113, which is a -- well, you tell me. What is this?

7 A That's the counter. That ain't my chair because she  
8 never put us in those chairs. She put us in these, like,  
9 black -- well, I just remember one time she gave us all chairs,  
10 and, like, mine, it was, like, kind of creaky. Like, one of  
11 the heels -- one of the heels, like, if I were, like, to try to  
12 sit up and, like, sit straight, it would go [demonstrates a  
13 noise].

14 Q Make a little creek noise?

15 A Yeah. And it was black, and it wasn't hard, but it  
16 wasn't soft.

17 Q Okay. And when you would sit, you said that you  
18 would always sit in the same spot every day. So on that TV in  
19 front of you, you can actually, like, mark on it, and it will  
20 show me. So could you show me where you sat.

21 A I sat right here.

22 Q All right. And where did Amaya sit -- Anastasia sit?

23 A Anastasia, I think she sat next to me.

24 Q Okay.

25 A Right there.

1 Q All right.

2 A And then Ava stood -- stood or sat right there.

3 Q Okay. So in regards to the buckets, when you would  
4 sit on the buckets, how often were you sitting on buckets?

5 A Like, all day.

6 Q Like, as long as you were doing your homework?

7 A Yeah.

8 Q So you said you started off in the morning, but I  
9 didn't ask you, like, at what time would you get to be done  
10 with your schoolwork?

11 A Whenever she would, like -- like, even when she would  
12 come home from work, she would still make us do our homework.  
13 Like, we weren't allowed to play with, like, our toys or  
14 anything, but she took our toys. Yeah. And she would tell us  
15 to stop, like, when she would get tired. She would say -- she  
16 would be, like, okay, well, you have to do this worksheet  
17 tomorrow, and she would just -- it would just depend, like,  
18 when she wanted us to stop doing our homework.

19 Q Okay. But I guess I'm trying to figure out is, like,  
20 would that be in the afternoon? Would it be late evening?  
21 Would it be --

22 A Our nanny got off at 3:00. Most of the time we  
23 didn't get done with our homework until, like, 11:00 at night.

24 Q Would you ever, like, fall asleep while doing that?

25 A Yeah.

1 Q What would Janet do if you fell asleep?

2 A Well, sometimes, like, me and my sister we would tell  
3 each other, like, wake up. I would, like, I guess, you could  
4 say stop my foot on the ground to, like, try and wake them up,  
5 or I'd, like, kick their bucket, like, wake up. Or, like, if  
6 she caught us, like, falling asleep, she would come over, and  
7 she would hit us. She's, like, wake up.

8 Like, I remember one time I was reading this,  
9 woe-is-me story. It was a paper that she gave me, and I was  
10 reading it, and she said that I didn't have enough enthusiasm,  
11 but I was reading it, but I didn't have, like -- you know how  
12 authors with like -- you know what I'm talking about. Like,  
13 authors, like, when that one scene comes, they get, like, it's  
14 dramatic. So they, like, read dramatic. I didn't have enough  
15 of that.

16 And it's kind of funny though when I think about it,  
17 but I was reading it, and I think Danielle had brought it to  
18 her attention. She's, like, she's not reading it right. She's  
19 not saying whoa, whatever the word was. She's not saying it  
20 right, and so Janet came over to me, and she's, like, you're  
21 not saying it right. So she was, like, you're going to keep  
22 reading the story until you have more enthusiasm.

23 And I remember I had medicine, and I was standing,  
24 and I was reading, and I just kept nodding off. Like, I would  
25 nod off, and I didn't know. Like, I would be standing reading

1 my paper, and I'll be, like, looking down at it, and I would  
2 still be reading the story, but I would be asleep.

3 Q Did she ever use anything to keep you guys awake?

4 A Yeah.

5 Q Like what?

6 A She would use fans, spray bottles.

7 Q What would she do with the spray bottles?

8 A If we were falling asleep, she would just squirt us  
9 in the face with the spray bottle.

10 Q Okay. Showing you State's 189 --

11 A Oh, she's so tiny.

12 Q Can you tell who that is?

13 A Yeah. That's Anastasia. That used to be my desk.

14 Q And then, like, the fans, are those --

15 A Yeah.

16 Q What is this thing on the right?

17 A That's a fan.

18 Q Okay. I can't tell from here.

19 A Yeah.

20 Q And then obviously I understand the thing on the left  
21 is a fan, but is that what you're talking about?

22 A Yeah. Like, she would spray us in the face and then  
23 put, like, the fan on us. Sometimes she would just, like, hit  
24 us.

25 Q All right. When you would sit on the buckets, would



1 you have any clothes on?

2 A It was mainly just our underwear, or, like, when we  
3 would, like, get ready to sit on our buckets, we have to, like,  
4 take our underwear off and not, like, take it all the way off,  
5 but just pull it down.

6 Q Now, were you allowed to go to the bathroom in the  
7 buckets?

8 A No. I don't know why they got them. I guess it was  
9 to prevent us from going to the bathroom on ourselves.

10 Q Okay. But what happened if you went to the bathroom  
11 in them?

12 A Well, one time I knew Ava had to go to the bathroom  
13 really bad. Like, she was shaking, and I told her, I was,  
14 like, Ava, just tell her you have to go to the bathroom. I  
15 was, like, just -- I told her, I was, like, you would rather go  
16 to the bathroom and probably just have her yell at you and slap  
17 you a couple times than for her to kick you down the stairs and  
18 do all of this. So I was just, like, Go to the bathroom, and  
19 she had went in the bathroom in the bucket already, but I guess  
20 she didn't know.

21 And she told -- she was, like, I have to go to the  
22 bathroom, and then -- no. She had to go to the bathroom. The  
23 timer hadn't went off yet. There was a couple minutes left,  
24 and so she waited until then, and then Janet had took her up to  
25 the bathroom, and she flooded the toilet, and I remember

1 hearing Ava crying, and, like, I know she had slapped Ava off  
2 the toilet because, like, you heard, like, the thud on the  
3 floor, and Janet had kicked her, was kicking her down the  
4 stairs.

5           And Janet had checked her bucket, and she saw that  
6 Ava had use the bathroom in the bucket. So she grabbed Ava's  
7 head and slammed it into the counter, and I was standing next  
8 to Ava, and, like, I started shaking, and, like, her eye was,  
9 like, like, swollen. It was black. Like, there was no color.  
10 Like, this one was, like, normal, and then this one was,  
11 like -- and then, like, I just remember Danielle running down  
12 the stairs and getting Janet off of Ava, and she was, like --  
13 she told Janet. She was, like, what are you doing? You can't  
14 do that.

15           And I just remember seeing Ava crying, and I saw  
16 Anastasia crying. I felt bad, and I didn't start crying  
17 because it's, like, I don't want them to know that, like --  
18 because, like -- like, when that happened, like, I felt bad  
19 because it's, like, I wanted to help my sister, but I couldn't,  
20 and, like, no. I'm not going to cry. Okay, you've got this.

21           Okay. And I remember when I saw Anastasia crying, I  
22 was, like -- it was just, like, so many emotions because it  
23 was, like, you're mad she went to the bathroom, but why  
24 couldn't we just go to the bathroom ourselves? Like, that  
25 would have saved us a whole lot of trouble. We wouldn't have

1 needed the sticks, the buckets. We would've been able to wear  
2 regular clothes, and in my mind, it's, like, if she would just  
3 let us go to the bathroom whenever she wanted, like, this would  
4 never happen.

5 Q Okay. The other kids that were in the home,  
6 especially, like, Areahia, Kaeshia, Demyer and Novaleih, did  
7 they have workers that would come into the home and pick them  
8 up and work with them on things?

9 A I remember Demyer had a caseworker, I think.

10 Q When people would come into the house, like anybody  
11 who was working with them, where would you be?

12 A Janet would make us go upstairs to our bathroom and,  
13 like, tell us to be quiet.

14 Q Did she tell --

15 A She would, okay, turn the music up so we couldn't  
16 hear what they were saying.

17 Q Did she tell you why you needed to go to the  
18 bathroom?

19 A No. Like, she would just, like, lock us up in the  
20 bathroom, not lock, but, like, put us in the bathroom so, like,  
21 they couldn't see us.

22 Q Did she tell you why she didn't want them to see you?

23 A No. But I'm pretty sure it's because, like, she  
24 knew --

25 MS. MCAMIS: Well, objection. Speculation.

1 THE COURT: Well, don't speculate. Just if she told  
2 you.

3 THE WITNESS: Oh, okay.

4 BY MS. BLUTH:

5 Q What did you look like when she would have you go up  
6 there? Were there any marks on you?

7 MS. MCAMIS: Leading.

8 MS. BLUTH: Were there any marks on you --

9 THE COURT: Overruled. She can answer.

10 THE WITNESS: Can I answer?

11 MS. BLUTH: Yeah.

12 THE WITNESS: Oh. I'm pretty sure I always had marks  
13 on me. Like, I was always getting slapped around.

14 BY MS. BLUTH:

15 Q In regards to the foster kids, did Janet ever make  
16 you do things that embarrassed you in front of them?

17 A Yeah.

18 Q Like what?

19 A She would, like, make us -- like, if me and Anastasia  
20 ever peed ourselves on the same day, or if it was just, like,  
21 two of us or one of us, she would, like, make us put pacifiers  
22 in our mouth and, like, wear diapers, and she would be, like,  
23 she would have Ivy and Autumn to sit on the floor and laugh at  
24 us. Like, goo goo gaga, I'm a little baby. Yeah, I remember,  
25 like, and I would just feel so embarrassed because, like, I

1 have a -- I don't know how old she was, but she was, like,  
2 little. It's, like, I have this little girl laughing at me.

3 Q And when you say you would have to say, Goo goo gaga,  
4 I'm a little baby, who would have you say that?

5 A Janet. And we would have to, like, waddle around,  
6 turn in circles like idiots.

7 Q How did you bathe when you were at the Solander house  
8 after you got adopted?

9 A She would have us go upstairs in the bathroom. She  
10 would, like, make us take cold showers, and she would get a  
11 pitcher, fill it up with ice and pour it on us, and, like, if I  
12 was in the shower trying to scoop the ice, okay, towards the  
13 drain because it was cold on my feet.

14 Q Okay. And then once you got out of the shower, how  
15 did you dry off?

16 A Well, she would, like, make us stand in the shower.  
17 We had to, like, flick the water off, like, this, like, and  
18 shake our feet and our -- just, like, shake -- we'd have to  
19 shake to dry, or she would, like, put a fan on us. Sometimes  
20 she would give us towels, but that was rare, very rare.

21 Q All right. Did she ever check the shower in any way?

22 A Yeah.

23 Q What would she check it with?

24 A Purple light because I guess you could see if someone  
25 peed themselves.

1 Q Did you ever find anything in there?

2 A Sometimes.

3 Q What would she do?

4 A She said that we would pee ourselves, and, like, but  
5 we didn't. I was, like, we just got out of the shower. Like,  
6 there was water on the tub. Of course it's going to be purple  
7 spots everywhere.

8 Q So would you be disciplined or punished if she  
9 thought you peed in the shower?

10 A Yeah. She would, like, slap us in the -- I was going  
11 to say toilet. She would, like, slap us around in the tub.

12 Q I had asked you earlier if your underwear was ever  
13 checked, and you said that it was. Did either Janet or Dwight  
14 take pictures of either your underwear or you or your sisters  
15 if you had had accidents?

16 A I remember she had Anastasia hold her underwear out  
17 and take a picture, but I don't know who she sent it to. She  
18 probably sent it to Dwight.

19 MS. MCAMIS: Well, speculation.

20 THE COURT: Yeah. Don't guess if you don't know.

21 THE WITNESS: Okay.

22 BY MS. BLUTH:

23 Q But did she -- would she take pictures of those types  
24 of things?

25 A Yeah.

1 Q Where did you sleep?

2 A We slept in the loft or in the hallways.

3 Q What would you sleep on?

4 A Boards.

5 Q What did they look like?

6 A Like wood, like a plain, like, a long gray piece of  
7 wood with, like, two bars, like, on top. Like, because it was,  
8 like, it was, like, a long piece of wood, and it was, like, it  
9 was, like this, like, I guess you could say to, like, hold us  
10 in the board, and it had on the other side, and then it was,  
11 like, the two small bricks like across from it so we couldn't  
12 get out, but we would, like, slip out. Like, we could -- I  
13 don't know how to explain it.

14 Q Would you be able to draw it if I asked?

15 A Yeah.

16 MS. BLUTH: Just you have just a piece of paper,  
17 just, like, a piece of computer paper? I can use my notepad,  
18 but --

19 (Pause in the proceedings)

20 MS. BLUTH: May I approach, Your Honor?

21 THE COURT: Sure.

22 BY MS. BLUTH:

23 Q Could you explain to me what you mean.

24 A I just need, like -- it doesn't matter which one.

25 Q Okay. [Unintelligible] for you. Just let me know

1 when you're done.

2 A I'm done.

3 MS. BLUTH: Okay. All right. And, Your Honor, may I  
4 have this marked?

5 THE COURT: Sure.

6 MS. BLUTH: Can I have this marked as State's next,  
7 please.

8 THE CLERK: 247.

9 MS. BLUTH: Okay. Thank you. And I'd move for its  
10 admission, Your Honor.

11 MS. MCAMIS: Can I just take a look at it briefly.

12 THE COURT: Can you show it to Ms. McAmis.

13 MS. BLUTH: I'm sorry. What?

14 MS. MCAMIS: Just can I take a look at it briefly.

15 MS. BLUTH: Yeah.

16 MS. MCAMIS: Okay.

17 MS. BLUTH: And I'd move for its admission.

18 THE COURT: Submitted?

19 MS. MCAMIS: Submitted.

20 THE COURT: All right. That'll be admitted.

21 (State's Exhibit Number 247 admitted.)

22 MS. BLUTH: And ask to publish.

23 THE COURT: You may.

24 BY MS. BLUTH:

25 Q Okay. So do I have this situated; right?



1           A     Yeah.

2           Q     Do you know what I mean? Okay. So could you point  
3 to us and explain what you mean.

4           A     Okay, I tried to make it 3-D, but I can't draw. So,  
5 like, this right here, like, above it --

6           THE COURT: If you touch the computer screen with  
7 your finger, it'll make a mark.

8           THE WITNESS: Okay. Like -- Okay. So, like, right  
9 here. It's ugly. Like, right here, it was, like, it had,  
10 like, like a bed. It was like a bed, but it was just wood,  
11 and, like you know how you have a bunk bed, and it's, like,  
12 against the wall. It has that little board on it to prevent  
13 you from falling over, it had, like, two of those on both  
14 sides, and then it had, like, these small things right here.  
15 Right there, yeah. It had those to, like, like if we wanted to  
16 get up whenever we could, we would have to slide out, like,  
17 face first.

18 BY MS. BLUTH:

19           Q     Okay. Okay. And when you would sleep on those, what  
20 would you wear?

21           A     Underwear.

22           Q     And did you have any sheets or pillows?

23           A     No.

24           Q     And when you talked about fans being downstairs, were  
25 there any fans upstairs?

1           A     Yeah.

2           Q     And how many were there upstairs if you know?

3           A     We had, because there was a radio, there was a black  
4 and yellow small one, and then it was -- because we each had a  
5 fan on us. So but if it was, like, a real small fan, she would  
6 put, like, two of those on us, but if it was, like, a big fan,  
7 she would just put it on us.

8           Q     While you slept?

9           A     Yeah.

10          Q     Okay. You said that there were cameras all over the  
11 house. Tell me which cameras you actually saw with your eyes.  
12 Like, you could say I knew where that one was, where that one  
13 was.

14          A     There was a camera in, like -- hold on. Like, the  
15 kitchen, like, where the cabinets were, like, kind of where the  
16 fridge was, like there was a camera above that, and there was,  
17 like, plants, like, fake plants up there.

18          Q     Okay.

19          A     And there was a camera, like, right when we were,  
20 like, entering the kitchen. There's a camera upstairs. There  
21 was several upstairs. Like, we had one where the bathroom was,  
22 and it would, like, face us, and then we had one, like, when we  
23 were, like, going upstairs.

24          Q     Did Janet or Dwight tell you there were any hidden  
25 cameras?

1           A     At the first house, Dwight told me that there were  
2 because they had, like, these tiger pictures. Dwight told me  
3 that there was cameras in the pictures.

4           Q     But when you were a little kid, did you believe it?

5           A     Yeah.

6           Q     Okay. Did Janet ever talk to you about, like,  
7 watching you on the cameras?

8           A     Yeah, a couple of times. Like, she was, like, like,  
9 if we were falling asleep, stop falling asleep. Sometimes I  
10 would say I'm not falling asleep. She said I just saw you on  
11 the camera.

12          Q     Okay. Did you think that the house at Wakashan was,  
13 like, haunted?

14          A     Yeah. Yeah, I did.

15          Q     Why did you think that?

16          A     Because, like, she said that there was demons in the  
17 house.

18          Q     Who is she?

19          A     Sorry. My bad. Janet said that there was demons  
20 after us. Like, it started in the first house, like, when we  
21 would start hearing things. Like, one night, all of us were in  
22 trouble, and I disrespected my nanny. I don't remember how,  
23 but she had read the paper that the nanny had said about all of  
24 us, and it was mainly about me, and she's, like, well because  
25 our nanny was a Christian, she was, like, oh, the demons are

1 going to come and get you today.

2           So she's on the phone gossiping with her daughter  
3 Kim, and she's in the kitchen blending our food up, and then,  
4 like, Danielle had came out, and she was, like, oh, I just saw,  
5 like, horns. Like, I guess horns where, like -- because at the  
6 first house, we had -- I had my own room, and then I switched  
7 over into Anastasia's room, and so my old room, it was a  
8 window, like, on the side of the house, and she said that she  
9 saw horns, like, hanging on the window, and so then she had  
10 went back in her room.

11           And then Janet is, like, looking down blending the  
12 food, and she looks up, and then, like, I look up. I am, like,  
13 well, she didn't, like, see it first, and, like, I just see,  
14 like, this thing walking with horns and, like, red eyes, and I  
15 just start screaming, and I'm trying to like -- I'm trying to,  
16 like, run. Like, I'm trying to, like, (demonstrates a noise)  
17 trying to leave. I ain't trying to be in there and, like,  
18 Janet saw. She was, like, Oh, my God, and she, like -- she,  
19 like, just dropped her phone, and she started freaking out.

20           And then she came over to where we were, and I  
21 remember, like, I just stopped running. I just stood there,  
22 and I just froze, and then she's, like, the demon pointed at  
23 me, like, it wanted me or something. So --

24           Q     Who said that?

25           A     No. Like, that's what it did.

1 Q Okay.

2 A And so Janet and Danielle had -- Janet had me by my  
3 legs. Danielle had me by my arms, and they were trying to give  
4 me to it, the demon, and I kicked Janet, and I ran back to  
5 where I was, and, like, it was just, like, so scary. Like, I'm  
6 telling you all, like, traumatized forever.

7 Q But would Janet talk about demons? Would she scare  
8 you guys about things like that?

9 A Yeah. Like, all the time.

10 Q You said that you were on some medicine, and when you  
11 were on that medicine, would it make you kind of loopy?

12 A Like, drunk?

13 Q Yeah.

14 A I don't know what drunk feels like, but I just  
15 remember, like, I would, like -- I would, like, doze off.  
16 Like, like, what I told you. Like, I would read the paper. I  
17 am, like -- like, I'm sleeping, but I don't know I'm sleeping.

18 Q Okay.

19 A So I don't know how to --

20 Q Would Janet get frustrated with you when you would --

21 A She would get mad at me, but it's, like, did you read  
22 the side effects of the medicine?

23 Q In regards to -- I want to ask you some questions  
24 about Anastasia. Was there a day that Anastasia got hurt with  
25 some water?

1 A Yeah.

2 Q Can you tell me about that.

3 A Anastasia, I'm not sure what happened, but I just  
4 remember I was sitting and doing my homework, and it was in the  
5 downstairs bathroom. I think she was -- I'm not sure, but --

6 MS. MCAMIS: Well, speculation.

7 THE WITNESS: I guess she -- because, like --

8 THE COURT: Well, just tell us what you actually saw  
9 or heard.

10 THE WITNESS: I was sitting doing my homework, and I  
11 heard Anastasia screaming, and Janet was making her, like, put  
12 her hands in, like, boiling water, and, like, Anastasia was,  
13 like, screaming, and then I just remember, like, Janet yelling  
14 at her. And then, but I just, like, heard her crying, and then  
15 I looked at her, and, like, she had, like, this blotch of,  
16 like, burned skin, like, on her, like, right here on her.

17 BY MS. BLUTH:

18 Q On her shoulder?

19 A Yeah. And, like, she was crying.

20 Q Okay. If I showed you a picture, would you recognize  
21 it?

22 A Yeah.

23 MR. FIGLER: Can we approach?

24 THE COURT: Sure.

25 / / /

1 BY MS. BLUTH:

2 Q Showing you State's 192, is that what Anastasia  
3 looked like when she came out of the bathroom with Janet?

4 A Yeah.

5 Q Okay. If you know, did Janet ever take Anastasia to  
6 the hospital?

7 A No. She was selfish.

8 Q Okay. I want to ask you some questions about your  
9 haircuts; okay. Showing you State's 203, who's that?

10 A Anastasia. She's so cute.

11 Q Is that after one of the times she got her hair cut?

12 A Yeah.

13 Q Who cut her hair?

14 A Janet. She'd just get scissors. Snip, snip, snip,  
15 snip, done.

16 Q Showing you State's 202, who is that?

17 A That's Anastasia.

18 Q The way Anastasia looks in this photograph, not  
19 necessarily her hair, but her body, is that what her body  
20 looked like before you guys got to the Solanders?

21 A No. We had meat on us. Like, oh, gosh.

22 Q Showing you State's 190, I'm going to zoom out for a  
23 second. Who's that?

24 A I think that's me.

25 Q Okay. Is this one of the times you got your hair

1 cut?

2 A Yeah. She told me, like, she cut it straight because  
3 we looked like mushrooms to make fun of us. That's okay. My  
4 hair back though.

5 MS. BLUTH: That's actually the end of that section,  
6 Judge. So I don't know if you wanted me to stop.

7 THE COURT: All right. Let's go ahead then and take  
8 our weekend recess. We will reconvene Monday morning at  
9 9:00 a.m.

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

18 Please place your notepads in your chairs and follow  
19 the bailiff through the double doors. We'll see everyone back  
20 at 9:00 o'clock on Monday.

21 (Jury recessed 4:40 p.m. for the evening)

22 THE COURT: And, Amaya, during the break, you are not  
23 to discuss your testimony with anybody else, including family  
24 members.

25 THE WITNESS: I know.



1 THE COURT: And the witness is excused. I don't know  
2 if --

3 Did you want to put anything on the record?

4 MR. FIGLER: We can put that on the record quickly.

5 THE COURT: All right. Mr. Figler had objected at  
6 the bench to showing the last photo, which was the picture of  
7 the burns on Anastasia, saying it was cumulative and designed  
8 to elicit an emotional response from --

9 MR. FIGLER: That its prejudicial impact was far  
10 excessive --

11 THE COURT: -- though --

12 MR. FIGLER: I'm sorry, Your Honor. You're right. I  
13 didn't mean to speak over you.

14 THE COURT: Go ahead.

15 MR. FIGLER: No. No. Go ahead. Please make your  
16 record.

17 THE COURT: No, I was done. I was done.

18 MR. FIGLER: Cumulative and it also what Your Honor  
19 said, and I apologize for speaking over Your Honor. It's  
20 just --

21 THE COURT: Ms. Bluth.

22 MR. FIGLER: I just don't understand the necessity to  
23 show a child that photo. Its prejudicial impact was so  
24 apparent versus any probative value at this point given that  
25 the photo has already been identified by one sister. It was

1 taken off of Dwight's phone. The jury clearly has to  
2 understand that that is the condition of the child that was in  
3 the house at the time, and the State is tying that up to the  
4 incident.

5 The incident was described in great detail, and the  
6 injuries were described in great detail by the witness, that  
7 there was no necessity to show that poor child, who has been  
8 through whatever abuse by whomever has done it, to show her a  
9 traumatic photo of a child that had all those blotches and  
10 wounds on her for any reason other than to elicit the response.

11 And this outgoing, gregarious witness immediately  
12 turned dour, sad. She had to -- she had tears running down her  
13 eyes, which she had to dab with the tissue which she took out  
14 just as predicted. She didn't wail.

15 THE COURT: She didn't wail. She didn't moan.

16 MR. FIGLER: But she did certainly have an emotional  
17 reaction.

18 THE COURT: She didn't sob. She didn't gasp. She  
19 didn't howl. She didn't do any of the things that would be  
20 maybe over the top. Her eyes teared up, and she took a  
21 Kleenex, and she dabbed at them, and I'm not aware of anything  
22 in the rules of evidence that say if someone has an emotional  
23 reaction to something you can't ask them about that.

24 MR. FIGLER: No, that's not the objection.

25 THE COURT: Again, if it's overly emotional, they're,

1 you know, crying and sobbing and howling and carrying on, but  
2 she looked away from the jury toward me, and I didn't see a  
3 tear running down her cheek. I saw her eyes got kind of red,  
4 which I'm not sure the jury would have seen anyway, but maybe  
5 they did. I don't know.

6 MR. FIGLER: And she wiped her face, her entire face  
7 of the tears off from --

8 THE COURT: Well, I didn't see any. I am sitting --

9 MR. FIGLER: And I'm --

10 MS. MCAMIS: No. And, but --

11 MR. FIGLER: -- just saying that is the record.

12 MS. MCAMIS: -- we sit right in front of her, and we  
13 can see it. She wasn't sobbing.

14 THE COURT: I'm sitting 4 feet away from her. I  
15 didn't see these tears flowing. She did have an emotional  
16 response to the picture, but they're allowed to ask her about  
17 the picture, and here's the thing. Her credibility is at  
18 issue. You know, it's the defense's position that these girls  
19 are exaggerating what happened, and, you know, that may have  
20 been at one or two --

21 MR. FIGLER: But that doesn't make it more probative  
22 that Janet did it other than that it happened.

23 THE COURT: Well, yes, it does.

24 MR. FIGLER: It does not.

25 MR. HAMNER: Can I please just --

1           MR. FIGLER: It [unintelligible]. Your Honor, let my  
2 argue -- is there anything else? I'm done.

3           THE COURT: You know what, Mr. Figler.

4           MR. FIGLER: I'm done with that issue.

5           THE COURT: Well, wait a minute.

6           MR. FIGLER: We'll submit it.

7           THE COURT: You don't get to just make a record that  
8 may or may not be accurate, and in this case, once again, I  
9 think you're mischaracterizing what was the demeanor of the  
10 witness.

11           MR. FIGLER: It went from gregarious to dour, and she  
12 wiped her face entirely with --

13           THE COURT: Well, you know, what, Mr. Figler. What  
14 we're going to wind up doing, and we're -- Susie already made  
15 it for the last witness because in my opinion, you're  
16 mischaracterizing the demeanor of these witnesses at particular  
17 instances. So what we're going to have to do, and I have to  
18 tell you I think it's the first time we've had to do this in,  
19 oh, I don't know, I've been on the bench, this is my 18th --  
20 not my 18th year. This is my 16th year.

21           MR. FIGLER: That's correct.

22           THE COURT: -- because I think you're  
23 mischaracterizing things that the witnesses have done in terms  
24 of their facial expressions or what not. So what we're going  
25 to do is we are going to have isolated JAVS of those, just

1 those, and then we're going to make those court's exhibits.

2 MR. FIGLER: Thank you.

3 THE COURT: Because I think you're, just like before  
4 the lunch break, I think you're mischaracterizing what the  
5 witnesses are doing. So, you know, that's the only way to  
6 preserve this.

7 MR. FIGLER: That's our preference.

8 THE COURT: But you don't get to make a  
9 mischaracterization and make your argument and then, you know,  
10 take your little satchel there and storm out of the room before  
11 the State has an opportunity to respond. Now, I don't know if  
12 you need to use the rest room or you're trying to catch a bus  
13 or what the deal is, but you don't get to make your point and  
14 then run out of the room before they make their point.

15 MR. FIGLER: We've always been asking --

16 THE COURT: We are not done.

17 MR. FIGLER: We've been asking for the JAVS of these  
18 things. I would respectfully disagree with the Court. We look  
19 very carefully at the witnesses when we anticipate what is  
20 going to happen, and I depicted exactly what I saw, which was a  
21 very smiling and happy girl who was being very gregarious to go  
22 to dour, and then her eyes welled up, as Your Honor indicated,  
23 and then I saw her reach for the tissues and then wipe her eyes  
24 and down her face which would indicate to me that there were  
25 tears.

1 THE COURT: Well, first of all --

2 MR. FIGLER: That's the record that I saw.

3 THE COURT: -- smiling, gregarious, I'm sorry. I  
4 would describe it as angry. I would describe her as looking at  
5 Janet Solander with anger and disdain, and what you -- I don't  
6 think it's smiling and happiness. I think she's smiling in  
7 self-consciousness and smiling because, you know, I'm  
8 recounting these things, meaning I'm saying this now as her.  
9 She's recounting these things and can't believe that they  
10 occurred, but I'm getting -- what I'm reading from this girl is  
11 a lot of anger directed at your client, and sometimes she's  
12 even looking at your client.

13 So to characterize her as somehow smiling and  
14 gregarious, as if she's happily recounting these incidents, I  
15 think, is, with all due respect, ridiculous. I'm sorry. I  
16 mean, she compared to the sister, the older sister, she's much  
17 more verbal.

18 MR. FIGLER: Yes.

19 THE COURT: She's much more talkative.

20 MR. FIGLER: Yes.

21 THE COURT: But to say gregarious, and I just -- I  
22 mean, compared to Ava, yes. She is much more communicative.  
23 She can describe the incidents, but to me your connotation is  
24 somehow happy and lighthearted. In my opinion, that is  
25 completely inaccurate.

1                   Mr. Hamner.

2                   MR. HAMNER: Thank you very much. Your Honor, the  
3 fundamental flaw with the defendant's argument -- defense's  
4 argument with respect to this is they are completely ignoring  
5 the fact that their entire defense or at least half of it is  
6 that these kids are liars and that they make these things up  
7 and that these are loving, attentive parents that care for  
8 these kids, and if that is what they put in issue, that all  
9 these kids are lying or they embellish or they're all mental  
10 cases and that's what they're putting at issue, it is  
11 imperative because it's the State's burden to prove that these  
12 children are not embellishing.

13                   So it is not cumulative. It's not to evoke an  
14 emotional response. It is to directly rebut the defense which  
15 is these kids are making it up. So it is imperative for the  
16 State to show a photo from one of the codefendants, of Dwight  
17 Solander's email, that he sent or that she sent to him of this  
18 child and determine when this child talks about, yeah, Janet  
19 burned my sister with boiling or hot scalding water, we need to  
20 determine if that photo actually matches up with what her  
21 observations were at that time.

22                   It's not irrelevant or cumulative or prejudicial.  
23 It's patently relevant, and it directly rebuts this  
24 connotation, and we need to do it with every single child, and  
25 they self-corroborate because maybe one child may look at it

1 and go, no, I don't remember my sister looking like that, but  
2 the only way to do it is to show these witnesses the photo, and  
3 that's what we're doing. We are meeting our burden and  
4 responding and rebutting to their defense.

5 MS. BLUTH: Well, and also they had brought up on  
6 cross with Ava, Isn't it true that you did that to your sister?  
7 So, I mean, which I'm not even going to get into what I find it  
8 so disgustingly offensive it's not even, okay, but the fact  
9 that they would say that Ava Solander, Ava McClain did that to  
10 her little sister, so now which they did at the preliminary  
11 hearing and now they're doing it again, so now we have to show  
12 the burns because, okay, did Ava do this? Or was there a day  
13 that Ava did something that looked like this? So, yeah, it was  
14 relevant before, and now that they've tried to pin that burn on  
15 another little girl, yeah, that picture is coming out with  
16 every child because now we have to differentiate between, okay,  
17 did Ava ever burn Anastasia. When Ms. McClain -- or when  
18 Ms. Solander burned Anastasia, what did it look like? So it's  
19 even more relevant than it was before.

20 And there were several times when Amaya started to  
21 cry. She took a deep breath and said I am not going to cry.  
22 I've got this, and so this is a child abuse case. I've never  
23 made it through a child abuse case when a child didn't break  
24 down, okay. That's why we're here. Things are going to upset  
25 them, and there's nothing in the rules that says if these kids



1 cry it's a mistrial. That's what it is, and these kids have  
2 held it together really well in my opinion, and they have been  
3 really strong. So I don't think that there's anything wrong  
4 with anything Amaya Solander -- Amaya McClain did today.

5 MR. HAMNER: And I would just say --

6 THE COURT: Right. I mean, to me, what I'm picking  
7 up is she doesn't want to cry --

8 MS. BLUTH: No.

9 THE COURT: -- because, just like, as a child --

10 MR. FIGLER: Which is our point.

11 THE COURT: -- she doesn't want to give Ms. Solander  
12 the satisfaction --

13 MR. FIGLER: Correct. Fine.

14 THE COURT: -- of knowing that she's hurt by this --

15 MR. FIGLER: Fine. And the State is --

16 THE COURT: -- that is exactly what I --

17 MR. FIGLER: -- intending to elicit it, and they're  
18 very good at it, and their very self-satisfying speeches  
19 argument that recognizes no prejudice to that --

20 THE COURT: Well, Mr. Figler --

21 MR. FIGLER: -- we submit it, Your Honor.

22 THE COURT: -- I'm touched that your concern is  
23 purportedly for the child --

24 MR. FIGLER: Really.

25 THE COURT: -- but your duty --

1 MR. FIGLER: Because it is.

2 THE COURT: No, I'm being sarcastic. As we both know  
3 your duty is to Ms. Solander, and I don't frankly think that  
4 your concern about the impact on the child --

5 MR. FIGLER: Really. That's offensive to me. Thank  
6 you, Your Honor.

7 THE COURT: Well, I'm sorry, but it's not your duty  
8 to protect --

9 MR. FIGLER: I appreciate your comments about that.

10 THE COURT: No. It's not your duty to protect the  
11 child. It's your duty to protect Ms. Solander, and I don't for  
12 a minute doubt that you're aware of that duty and that you're  
13 focused on your duty to your client, which is your primary  
14 duty. So I think --

15 MR. FIGLER: Right. But, as a human person, I can  
16 recognize the prejudice of that as well, and I don't believe  
17 that the State is -- well, you know, what, they have their  
18 belief.

19 THE COURT: Well, what you're saying -- I'm sorry  
20 you're deeply offended, but I think what you're saying to the  
21 State is incredibly deeply offensive, that they're somehow  
22 eliciting this, I don't know, hurtful testimony to further hurt  
23 this victim, just to obtain a guilty verdict or just to parade  
24 her in front of the jury --

25 MR. FIGLER: We'll let the record stand on that

1 issue.

2 THE COURT: -- well, I don't think they're doing it,  
3 number one, and I think that the connotation of what you've  
4 just said is offensive to them, and it should be. I don't know  
5 if they're offended, but I certainly don't think that they're  
6 doing that, and if I thought that that was the ploy or the  
7 point, I would've sustained your objection. So I guess I find  
8 it offensive as to me as well --

9 MR. FIGLER: Well, what you --

10 THE COURT: -- but I don't see that that's what  
11 they're doing, and like I said, I think your duty is to your  
12 client. I think you've been doing a good job for your client,  
13 but let's not pretend that the reason you're making this  
14 objection is because you're so concerned about the victim here.

15 MR. HAMNER: And the State --

16 MR. FIGLER: We could agree to disagree about all the  
17 motivations of anything other than the fact that a record is a  
18 record, and you are correct 100 percent, Your Honor, that I  
19 absolutely need to make the record as I see it, and if Your  
20 Honor and I disagree about that, so be it. It is a record.  
21 That is what is important in a criminal proceeding.

22 THE COURT: Right. But the record has to be  
23 accurate.

24 MR. FIGLER: Right. And we disagree about it which  
25 is why I appreciate the Court putting the JAVS in because the

1 record is the record.

2 THE COURT: It's not going to be the whole JAVS.  
3 It's just going to be whatever we hopefully Susie --

4 MR. FIGLER: But whatever point of contention  
5 between -- right. I agree with that.

6 MR. HAMNER: Well, listen and the State wants to at  
7 least make a record about the record kept. Mr. Figler made  
8 with respect to what was going on with that witness, and with  
9 all due respect, the State agrees with the Court, but I think  
10 what Mr. Figler is doing is deliberately trying to verbally  
11 create a record that completely misrepresents what these  
12 witnesses were doing. He is deliberately distorting what  
13 actually happened because he knows the words he says get  
14 transcribed in the record, and it's a calculated move that he's  
15 doing for the benefit of his client --

16 MR. FIGLER: Can we show the JAVS right now.

17 MR. HAMNER: So I'm happy --

18 (Counsel speaking over each other)

19 THE MARSHAL: Stop interrupting --

20 (All parties talking at once)

21 MR. FIGLER: -- because this is ridiculous. This is  
22 an offense to me.

23 THE COURT: You know it --

24 MR. FIGLER: File a bar complaint.

25 MR. HAMNER: I want to -- I want to make a record

1 that I think it's important that the Court isolate these videos  
2 because every time he does this, if we don't have these videos,  
3 we're going to be left only with his words, but that child was  
4 completely appropriate. As Ms. Bluth says, as the Court said,  
5 but I just want to make a record with respect to that.

6 MS. BLUTH: And we did that with Heather Richardson,  
7 right, when he said she had any emotional outburst, and we did  
8 do that.

9 THE COURT: No. The only one Susie so far was Ava  
10 McClain on the issue of her looking towards the jury with the  
11 big brown eyes, and, in fact, she was squinting and was not  
12 looking towards the jury.

13 MR. FIGLER: I have a duty to make the record as I  
14 see it. You, Your Honor, absolutely can disagree with that  
15 record. That is all that there is. If I'm being accused of  
16 falsifying the record, we need to bear this out now because I  
17 am not. I am reporting what I see, and I think that if the  
18 JAVS are there to be able to show that, that it is a fair and  
19 accurate representation not of what the State is saying I am  
20 saying, but the exact and very precisely chosen words that I  
21 use based on my exact observations contemporaneous of the  
22 witnesses. That is all that I am doing.

23 THE COURT: Mr. Figler, I am saying that the way  
24 you're describing the witnesses does not comport with what I  
25 have seen. So that's why I'm causing the JAVS to be saved

1 because I disagree --

2 MR. FIGLER: And that's fair.

3 THE COURT: -- with what you're describing.

4 MR. FIGLER: Okay.

5 THE COURT: And I think you're exaggerating what  
6 you're observing, and I think you're exaggerating it for the  
7 benefit of your client quite frankly because, again, especially  
8 with Ava Solander, I mean, she's not looking over at the jury.  
9 She was very uncomfortable. She's squirming, and, in fact, I  
10 don't know if she had like a blemish, or it was almost, like,  
11 she was picking --

12 MS. BLUTH: She picks at her eyebrows.

13 THE COURT: -- she was almost, with her fingers,  
14 tweezing at her eyebrows during her testimony, and it was like  
15 a nervous thing, and she was squinting.

16 MR. FIGLER: And I focused on the one question.  
17 Didn't Ms. Janet tell you your parents don't love you --

18 MS. BLUTH: I didn't say that.

19 MR. FIGLER: -- and with regard to this --

20 MS. BLUTH: I didn't say that.

21 MR. FIGLER: That was what they knew the answer was  
22 going to be.

23 MS. BLUTH: My question was, What did Janet tell you  
24 about your biological family. Anyways, I just do want to --  
25 Judge, I do think that you actually did ask Susie for the JAVS

1 in regards to Heather Richardson.

2 MR. HAMNER: We did.

3 MS. BLUTH: Because Mr. Figler said she had an  
4 emotional outburst, and everybody else said that she didn't --

5 MR. FIGLER: Not everyone else.

6 MS. MCAMIS: No, that's not true. That is not true.

7 MS. BLUTH: Okay. You didn't let me finish. We  
8 didn't -- nobody else said she had an emotional outburst. I  
9 was near Ms. Richardson, as I think at that time Ms. McAmis was  
10 somewhere --

11 MS. MCAMIS: No, I was here.

12 MS. BLUTH: -- and I said in all candor I was sitting  
13 next to her, and I did see her eyes well up with tears, and a  
14 tear came down her face. I'm not afraid to tell the truth. I  
15 did see that, but this thing that she had this emotional  
16 outburst and that she wasn't controlling herself, that was not  
17 true, and so I did ask for a JAVS on that --

18 MR. FIGLER: Well, and now my words are being  
19 mischaracterized, and we can go back.

20 MS. BLUTH: No, those were the exact words.

21 MR. FIGLER: She was very emotional. She was choked  
22 up on words and had to take a moment to be able to speak.  
23 There were tear -- it appeared at least one tear come down, and  
24 then she was emotionally impacted by those photos that didn't  
25 need to be shown.

1 MS. BLUTH: The exact --

2 MR. FIGLER: That's exactly what an emotional  
3 reaction, which I believe is the words that I chose, but I  
4 described it in the moment.

5 MS. BLUTH: Emotional outbursts. To a T.

6 MR. HAMNER: With those words.

7 MS. BLUTH: Yeah. See exactly. Emotional outburst,  
8 110 percent. I would put my paycheck on it because that's what  
9 I had a fit about because there's a lot of difference between  
10 an emotional response than an emotional outburst, and so we  
11 need the JAVS to show that what he is saying is absolutely not  
12 occurring.

13 THE COURT: Yeah. I didn't hear, number one, hear,  
14 or number two, observe an emotional outburst, which I think  
15 connotes --

16 MR. FIGLER: I described it the best I saw, Your  
17 Honor.

18 THE COURT: -- you know, whaling, crying --

19 MR. FIGLER: And Your Honor disagreed with me --

20 THE COURT: -- sobbing, gasping --

21 THE MARSHAL: One at a time, Counsel.

22 THE COURT: -- hiccupping, something like that. I  
23 certainly do not --

24 MR. FIGLER: I said she was choked up.

25 THE MARSHAL: Counsel, stop talking when the Judge is



1 talking.

2 THE COURT: So it's going to be what it is. It is  
3 what it is and, you know, if I agreed with your  
4 representations, and I didn't think they were exaggerated, I  
5 wouldn't be making the JAVS or having Susie make the JAVS, but  
6 I think they're exaggerated, and that's why we're going to have  
7 the visual record preserved of those witnesses, and hopefully  
8 the camera is on them because it does go back and forth.

9 MR. FIGLER: And that was defense request too;  
10 correct? We requested that as well, the JAVS.

11 MS. BLUTH: Well, whoever requested it.

12 THE COURT: I don't.

13 MS. MCAMIS: And my recollection --

14 THE COURT: I'm not saying you didn't request it.  
15 I'm just saying I don't know who requested it. I'm saying that  
16 I've asked for it because --

17 MR. FIGLER: You want the record. We both do.

18 THE COURT: -- there is not enough of -- I don't  
19 agree with your characterization. You may have requested the  
20 JAVS. They may have requested the JAVS. I don't remember,  
21 frankly.

22 MS. BLUTH: What time did we say -- you say?

23 THE COURT: I said 9:00.

24 MS. BLUTH: Okay.

25 THE COURT: Oh, and I just got this other big packet

1 here of records.

2 MS. BLUTH: Oh, with Ms. McClain.

3 THE COURT: I'll review those and see if it's --

4 MS. BLUTH: And I'm not going to have Ms. McClain  
5 come back until I get clearance from the defense once you get  
6 those.

7 THE COURT: On the McClain, the only final thing on  
8 the McClain thing, don't play the audio of the Wednesday's  
9 Child, just the video to show the kids running around or  
10 whatever but don't play the audio.

11 THE CLERK: Are we admitting the CD?

12 THE COURT: It was already admitted.

13 THE CLERK: No. I don't --

14 MS. BLUTH: No, I never moved for it in because they  
15 objected.

16 THE COURT: No, they didn't. What I remember --

17 MS. BLUTH: Oh, no, you're right.

18 MR. HAMNER: No, it went in.

19 THE COURT: I submitted. It was admitted.

20 MR. HAMNER: It was admitted.

21 (All parties talking at the same time)

22 MR. HAMNER: And then there was an objection after  
23 admission.

24 THE COURT: -- and then Mr. Figler wanted to  
25 approach, and then he objected. So I said, well, I'll listen

1 to it, and we can --

2 MR. FIGLER: Redact or do whatever we need to do.

3 THE COURT: -- redact the audio. So you can play the  
4 video because that shows the kids being healthy, running  
5 around, on the jungle gym and all of that stuff.

6 MS. BLUTH: Sure. But my only thing is is I need to  
7 make an argument in regards to the vocal of it.

8 THE COURT: Well, I guess Mr. Figler is leaving.  
9 We're done for the day.

10 MR. FIGLER: No, I'm not leaving. I've never left  
11 the courtroom or moved from the well area right here.

12 MS. BLUTH: Okay.

13 MR. FIGLER: I'm here.

14 MS. BLUTH: So anyways, my point in that was that  
15 Debbie was asked to explain each girl, and I had never seen  
16 that until after she testified to be honest with you because I  
17 just got it, and so it goes to her credibility because  
18 everything she explained of those little girls, which is now  
19 being challenged, is what she said in that video. So I'm just  
20 going to ask for Your Honor to hold your decision until cross  
21 because if she's challenged at all, I would like to play that  
22 video in regards to --

23 THE COURT: Well, if there is a challenge as to,  
24 like, a recent fabrication or a fabrication, then maybe, but  
25 other than that, I thought it was consistent with what she said

1 on the stand, and I think she's already said that, and, as I  
2 said, it was consistent. So if there's another reason to  
3 introduce it, otherwise it's just hearsay, and it's not really  
4 probative on the health status of the girls.

5 MS. BLUTH: Okay.

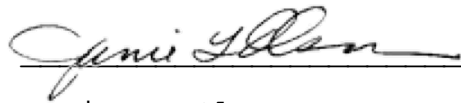
6 THE COURT: I think the running around and the  
7 climbing on the swings or whatever they were doing is probative  
8 on that question. So you can admit just the visual.

9 MS. BLUTH: Okay. Got it. Thank you.

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

11 -oOo-

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

15  
16 

17 Janie L. Olsen  
18 Transcriber  
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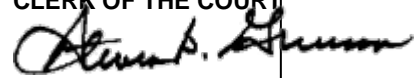
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1 **RTRAN**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5 THE STATE OF NEVADA,

6 Plaintiff(s),

7 vs.

8 JANET SOLANDER,

9 Defendant(s).

Case No. C-14-299737-3

DEPT. XXI

10  
11  
12 BEFORE THE HONORABLE VALERIE P. ADAIR,  
13 DISTRICT COURT JUDGE

14 MONDAY, MARCH 5, 2018

15  
16 **TRANSCRIPT OF PROCEEDINGS RE:**  
17 **JURY TRIAL - DAY 15**

18 **APPEARANCES:**

19 For the Plaintiff(s):

JACQUELINE M. BLUTH, ESQ.

Chief Deputy District Attorney

CHRISTOPHER S. HAMNER, ESQ.

Deputy District Attorney

22 For the Defendant(s):

DAYVID J. FIGLER, ESQ.

CAITLYN L. McAMIS, ESQ.

24 RECORDED BY: SUSIE SCHOFIELD, COURT RECORDER

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1                   **LAS VEGAS, NEVADA, MONDAY, MARCH 5, 2018**

2                   [Proceedings convened at 9:16 a.m.]

3  
4                   [In the presence of the jury.]

5                   THE COURT: Court is now back in session. The record  
6 should reflect the presence of the State through the deputy district  
7 attorneys, the presence of the defendant and his counsel, the officers of  
8 the court, and the ladies and gentlemen of the jury.

9                   And ladies and gentlemen, due to some scheduling issues,  
10 the State is going to call the next witness out of order, and the resume  
11 with the witness we ended with yesterday. And once again, to remind  
12 everyone, the order in which the testimony comes in is of no importance,  
13 because you're all to keep an open mind until everything has been  
14 presented to you in this case.

15                  Mr. Hamner --

16                  MR. HAMNER: Thank you very much.

17                  THE COURT: -- the State may call its next witness.

18                  MR. HAMNER: State's going to call Dr. Jonathan Bernstein to  
19 the stand.

20                  THE COURT: And, Doctor, just follow my bailiff right up here  
21 by me, please. And just up those couple of stairs, and please remain  
22 standing facing this lady right here who will administer the oath to you.

23                               **JONATHAN BERNSTEIN,**

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

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

3 THE WITNESS: Jonathan Bernstein, J-O-N-A-T-H-A-N  
4 B-E-R-N-S-T-E-I-N.

5 THE COURT: All right. Thank you.

6 Mr. Hamner, you may proceed.

7 MR. HAMNER: Thank you, very much.

8 **DIRECT EXAMINATION**

9 BY MR. HAMNER:

10 Q Sir, if you could explain to the jury, what do you do for a living?

11 A I'm a pediatric cancer and blood doctor. So specializing in  
12 blood disorders.

13 Q Okay. Is that a hematologist or hematology, would that be  
14 your field of study?

15 A Correct.

16 Q If you could, explain to the jury a little bit about your  
17 educational background, how you got your medical degrees, things of  
18 that nature.

19 A Basically, went to college first time, taught elementary school,  
20 went to college second time, got premed, got my master's degree in  
21 statistics and epidemiology. Went to medical school at University of  
22 Rochester. Went to residency over at Jones Hospital Los Angeles,  
23 fellowship at Riley Hospital for Children in Indianapolis.

24 Q And how long have you been practicing medicine, Doctor?

25 A 20 -- probably 21 now years.

1 Q How -- and did you practice in Las Vegas?

2 A For about 19 years.

3 Q Are you currently in Las Vegas?

4 A No, I'm not. I'm over at Connecticut Children's Medical Center  
5 in Hartford, Connecticut.

6 Q Okay. I want to turn your attention to May of 2011; did you  
7 see a patient at that time by the name of Ava Solander?

8 A Correct.

9 Q Okay. And was she referred to you for potential blood  
10 disorder?

11 A Correct. From the emergency room, I think.

12 Q Do you remember kind of what symptomology she was  
13 presented -- presenting with or what was being reported to you as to  
14 what her symptoms were?

15 A Blood in stool.

16 Q Okay. Was she on any medication at that time, do you -- if  
17 you remember?

18 A I do not remember. I'd have to look back at that.

19 Q Would it help refresh your memory to maybe see a copy of  
20 your record?

21 A Correct.

22 Q Just regarding a --

23 A That would have all -- generally list all medications.

24 Q Okay. Just referring to May 3rd, 2011. What was she -- what  
25 was she taking at that time?



1           A     Stool softener, Miralax.

2           Q     Okay. Other than -- other than these reported symptoms, is  
3 everything generally normal with respect to her?

4           A     Yes. There were some questions that Mom brought up  
5 other -- from the stool and from some losing her hair, but otherwise  
6 nothing much else.

7           Q     Okay. Did you make a plan to maybe test to see if she had a  
8 disease called Von Willebrand's disease?

9           A     Correct.

10          Q     Okay. What is Von Willebrand's disease?

11          A     Willebrand's disease, it is the most common bleeding disorder.  
12 It's basically about 1 percent of the population. What happens is you  
13 have multiple phases of clotting. So the first phase the blood vessel  
14 clamps down a little bit. The second phase, a plug forms. And Von  
15 Willebrand's is basically kind of a lasso for those platelets to bring them  
16 into the hole that's there and hold them there to block off bleeding  
17 temporarily.

18                The next phase of bleeding is where you get the -- you get the  
19 scab that kind of forms inside or wherever else it is, and that's basically  
20 made up of fibrinogen, Factor VIII, and several other factors.

21          Q     Okay. So in order to kind of examine that, you send -- do you  
22 do, like, blood tests and send the lab -- go get some lab work; is that --

23          A     Correct.

24          Q     -- kind of the identifier?

25          A     And I think the emergency room probably had some lab tests

1 that ruled out certain things, but Von Willebrand's can't be ruled out as  
2 easily, so therefore it needs a specialized test for it.

3 Q Okay. Additionally, did this child have some markers that  
4 might be indicative of Crohn's disease?

5 A She did later on. The first thing we did was I think send off a  
6 CRP which, from my -- from my remembrance, is negative. However,  
7 with the continued blood in the stool and having up to an ounce,  
8 supposedly, in the stool, decided at that point in time to send off what  
9 would be a Crohn's disease workup.

10 Q Okay.

11 A Sent it off. It was slightly positive. We sent -- referred the  
12 patient over to someone who takes care of that.

13 Q And when you say it was slightly positive, you're talking about  
14 the marker --

15 A The market.

16 Q Okay.

17 A Yes. I'm not -- the markers can be positive for other reasons  
18 as well.

19 Q And I -- and I'm going to refer to you to 6/1/2011. Would it  
20 help just to see your records just in case --

21 A Sure.

22 Q Okay. Just 6/1/2011. Did you see her on that date?

23 A Correct.

24 Q Okay. I know you had said when we -- originally we were  
25 talking about this May 3rd meeting, but you said ultimately at a later

1 point you kind of got these markers that were maybe indicative of  
2 Crohn's and you sent them off to a GI. Was that what was going on  
3 on -- on June 1st of 2011?

4 A Correct.

5 Q Okay. Symptomology essentially all the same from -- from the  
6 last visit?

7 A Correct.

8 Q And you're --

9 A Not much difference maybe, just some -- just the constipation  
10 and blood.

11 Q And -- and ultimately does -- you said you referred them over  
12 to someone else; who was that? Do you remember who that was?

13 A Originally it was Dr. Dezenberg. He was the -- he was the  
14 pediatric gastroenterologist that I talked to at the time.

15 Q And then ultimately does a Dr. Rhee kind of take over for his  
16 work?

17 A I think so. Yes.

18 Q Okay.

19 A That's what I remember.

20 Q I want to turn your attention to August 22nd of 2011, so that's  
21 about a little -- almost -- it's two months later. Is there another follow-up  
22 with Ava?

23 A Correct.

24 Q The same symptomology, essentially? The blood in the stool?

25 A Correct.

1 Q Nothing -- you know, every --  
2 A Nothing new.  
3 Q -- other examination is relatively normal; is that right?  
4 A Correct.  
5 Q Okay. And you're still at this point I think still waiting for the  
6 Von Willebrand's panel to come back; is that right?  
7 A Right.  
8 Q Okay.  
9 A For some reason, it had taken a little bit longer than normal.  
10 Q By this point has a Meckel's scan been -- been done?  
11 A I did order one. I don't know about the date at that point. I'd  
12 have to look at the sheet.  
13 Q Sure.  
14 A My old notes.  
15 Q I'm referring to 8/22/2011.  
16 A It's part of a standard for working up --  
17 Q Take a look at that --  
18 A -- blood in stool.  
19 Q -- look at the last page and let me know if that helps refresh  
20 your memory as to whether or not a Meckel's scan had been done.  
21 A Yeah, it was negative at that time and I -- Dr. Dezenberg had  
22 left to move to Washington, so I referred them to a different GI in the  
23 same practice.  
24 Q Okay. And that would be Dr. Rhee?  
25 A That would be -- well, it was Dr. Barron and Dr. Rhee.

1 Q Okay. The -- the Meckel's scan -- what's a Meckel's scan?

2 A Meckel's scan is a -- is basically a -- what we do is take a --  
3 put an I.V. in, put some radioactive substance in that picks up certain  
4 areas of bowel that may not be in complete attachment or in regular  
5 attachment to the regular bowel. This shows up that area of tissue. It  
6 picks it up and does not have the substance come out of it as rapidly.  
7 And you can see whether or not there's some extra tissue or extra G.I.  
8 tissue there.

9 Q And -- and there wasn't anything extra there, it was all  
10 normal?

11 A There wasn't anything extra there. The idea is, is if there is, it  
12 can cause -- be a cause of bleeding.

13 Q And -- and, Doctor, as you're -- if you're -- as you're getting  
14 these kind of reported symptoms and things of that nature, who are you  
15 typically getting that from? Is that from the parent or is that from the  
16 child?

17 A At the time, what I remember, it was both.

18 Q Okay. I want to turn your attention then to September 30th  
19 of 2011. Does she come in for another follow-up at that time?

20 A I think so.

21 Q Okay. Would it help refresh your memory --

22 A Sure.

23 Q -- to take a look at that?

24 A It's always nice.

25 MR. HAMNER: We're on September 30th, 2011, counsel.

1 THE WITNESS: Thank you.

2 BY MR. HAMNER:

3 Q Are we having essentially the same reported symptoms  
4 generally?

5 A Correct.

6 Q Has the Von Willebrand's panel come back yet or is still  
7 pending?

8 A Let me look at the back. Says that it's still pending at this  
9 point.

10 Q Okay. On -- on November 2nd, 2011, do you receive the  
11 results of your Von Willebrand's panel?

12 A Correct.

13 Q Okay. What was the result of that panel?

14 A I don't have it with me, because it wasn't given. But the  
15 results in my notes says negative.

16 Q Okay. And -- and referring to November 2nd, 2011 --

17 A Correct.

18 Q -- let's take a look. So did you note it at --

19 A And then there were -- there also at that point in time, I guess  
20 Dr. Rhee was setting up a colonoscopy to look whether or not he could  
21 find any abnormalities within the intestine.

22 Q So you've -- you've got your -- you've got a negative panel for  
23 the Von Willebrand's, but at the same time, Dr. Rhee is kind of working  
24 on the -- the G.I. --

25 A The G.I.

1 Q -- tract, it kind of focus --

2 A Because that's not my area.

3 Q Sure. Any other kind of change in symptomology? Any  
4 reported symptoms or anything like that --

5 A No.

6 Q -- or is it all pretty much the same? Okay. Lastly, did you see  
7 her on January 6, 2012?

8 A I think that was my last visit, yes.

9 Q Okay. Was it for kind of a -- a lab visit, kind of look at --

10 A Just to follow up, make sure that her labs were standing  
11 relative normal at the time.

12 Q Would it help to take a look at -- at your report?

13 A Correct. And I think it was following her hemoglobin from that  
14 point of view just to make sure it wasn't dropping.

15 Q Okay. So you -- you checked -- you checked on her  
16 hemoglobin levels?

17 A Correct. And it was within normal limits.

18 Q Okay. So the hemoglobin was normal and the Von  
19 Willebrand's was normal; so did you make any blood disorder diagnoses  
20 during the time that you saw her?

21 A No. Not at that point in time.

22 Q Okay. Thank you.

23 MR. HAMNER: No further questions at this time.

24 THE COURT: All right. Cross.

25 **CROSS-EXAMINATION**

1 BY MS. McAMIS:

2 Q Good morning, Dr. Bernstein.

3 A Morning.

4 Q All right. So you treated Ava Solander as it related to a  
5 suspicion of a blood disorder, correct?

6 A Correct. Suspicion.

7 Q Suspicion -- exactly. So she initially came to you after a  
8 follow-up from an ER visit, correct?

9 A Correct.

10 Q And in the ER visit, Ava was found to have large hard stools  
11 with fresh blood in it, correct?

12 A Correct.

13 Q Okay. And so --

14 A It was thought to be a little bit more than was normal from the  
15 point of view of constipation.

16 Q I see. And so that's why there was a referral for a specialist,  
17 correct?

18 A Correct.

19 Q Just to rule out anything more serious potentially?

20 A Correct.

21 Q Okay. So you actually met with Ava a number of times and  
22 the -- and the prosecutor went through those different dates with you.  
23 So you met her in -- excuse me -- you met Ava initially on May 3rd --

24 A Correct.

25 Q -- of 2011. And when you meet a patient --



1           A     Uh-huh.

2           Q     Do you have your notes in front of you, sir? Okay. And I'll just  
3 ask that you testify what you're able to remember. If you need to  
4 refresh, just let us know. That's all.

5           A     You got it.

6           Q     Okay. Thank you. So on that May 3rd, 2011, visit, when you  
7 interact with a patient, you're also physically looking at that patient,  
8 right?

9           A     Correct.

10          Q     You're doing a physical examination to, you know, just see the  
11 general overall health and well-being of that patient, correct?

12          A     Correct.

13          Q     And so you actually make notes and -- just like you were  
14 reading off of about your different observations of the patient, correct?

15          A     Correct.

16          Q     Okay. And so on May 3rd, 2011, when you met with Ava, you  
17 documented that she was well appearing?

18          A     Correct.

19          Q     And also well developed?

20          A     Correct.

21          Q     And then you also documented that she was both well  
22 nourished and well hydrated, right?

23          A     Correct.

24          Q     And at that time you were just looking for reasons why there  
25 may be this blood that was just a little bit above normal and was giving

1 everyone kind of cause for concern, right?

2 A Correct.

3 Q Okay. And so that's the -- the point where you -- you said,  
4 okay, well, maybe we should rule out this Von Willebrand's disease,  
5 correct?

6 A Correct.

7 Q Okay.

8 A I think that's primarily why she was sent over.

9 Q Okay. And that's something that you would have discussed  
10 potentially ruling out with Ms. Solander, Janet, correct?

11 A Correct.

12 Q And that's language and -- and potential diagnoses or we're  
13 going to take this procedure to rule out something, that's a conversation  
14 you very routinely have with patients' parents, correct?

15 A Right. And I go over with them all the different information. In  
16 this case, since we had little family history other than the siblings, we  
17 had -- I couldn't go by getting the rest of the family history at that point in  
18 time, which can sometimes help.

19 Q Right. Because you -- forgive me, but I'm just assuming this --  
20 is it fair to say you actually knew that she had -- Ava had come from a  
21 foster home background, and that's the reason why there was limited  
22 medical information?

23 A Correct.

24 Q Okay. So Janet came to you as a specialist looking for your  
25 guidance and for treatment if necessary for Ava, correct?

1 A Correct.

2 Q Okay. And so she followed up and continued to bring Ava in  
3 on June 1st, 2011, correct?

4 A Uh-huh.

5 Q At that time you made the same physical examination of Ava  
6 and you documented she was both well nourished and well hydrated,  
7 correct?

8 A Correct.

9 Q And at that time there was an update that you already testified  
10 about, about positive Crohn's markers, correct?

11 A Correct.

12 Q Okay. So there's -- not only are you --

13 A That was which date?

14 Q I'm sorry. June 1st, 2011.

15 A Let me quickly go to that.

16 Q Of course.

17 A Just to make sure. I know I've gone through this, but I'd rather  
18 make sure --

19 Q It's been a little while.

20 A -- that there's no -- that's June 1st. Okay. Okay.

21 Q And you do see on your -- on your plan, you've entered:  
22 Sent off Crohn's markers that are positive, discuss with  
23 Dr. Dezenberg and referred --

24 A Correct.

25 Q -- over.

1 Correct?

2 A [No audible response.]

3 Q Okay. So there -- is that a yes, sir?

4 A Yes. Sorry.

5 Q That's okay.

6 A I forgot to ask him, just shake my head. Yes, correct.

7 Q Thank you. All right. And so that's an indication that not only

8 are you seeing this patient, but there's a referral, so you were working in

9 conjunction, potentially, with another specialist, correct?

10 A Correct.

11 Q Okay. And so after June 1st, 2011, Ava continued to follow up

12 with you in your office. In fact, she came back on August 22nd, 2011,

13 correct?

14 A Correct.

15 Q And at that time you did another physical examination of Ava?

16 A [No audible response.]

17 Q Is that a yes?

18 A Yes.

19 Q Thank you. And at that time you documented again that she

20 was both well nourished and well hydrated?

21 A Yes.

22 Q And you also, you know, followed up on all of the previous

23 testing that was ordered by both you and the other specialist, correct?

24 A Correct.

25 Q And basically at that point everything was still pending, there

1 was no formal diagnosis, and nothing --

2 A Right. I was trying to get her into see Dr. Dezenberg at the  
3 time and what I didn't realize is there was a changeover going in the  
4 practice over there. So she -- I don't think she made it in at that time to  
5 see them.

6 Q Okay. But there was definitely follow-up by you to re-refer her,  
7 make sure there was a specialist available?

8 A Definitely.

9 Q Okay. And that's something that, as a conscientious doctor,  
10 you would have been following up on at these office visits --

11 A Correct.

12 Q -- is discussing both your potential treatment or tests that you  
13 were doing and others, as well?

14 A Correct.

15 Q Okay. And then again you followed up with an office visit with  
16 Ava on September 30th of 2011?

17 A Correct.

18 Q And that -- at that time you did note that Ava had actually seen  
19 Dr. Rhee?

20 A Correct.

21 Q And you again did a physical examination of Ava at that time?

22 A Uh-huh.

23 Q Is that a yes?

24 A Yes.

25 Q Thank you.

1           A     Sorry.

2           Q     That's okay. And at that time you documented that Ava was  
3 well nourished and well hydrated?

4           A     Correct.

5           Q     Okay. And then you did a -- another visit again on  
6 November 2nd, 2011. That was an office visit with some labs, right?

7           A     Correct.

8           Q     And at that time there was still -- you noted that Ava was still  
9 on Miralax, there was still some GI problems, but there was still no  
10 definitive answer, correct?

11          A     Correct.

12          Q     Okay. And then Ava actually got her flu vaccine on that day?

13          A     Correct.

14          Q     And then you did another physical examination of Ava, right?

15          A     Correct.

16          Q     And you documented that she was both well nourished and  
17 well hydrated, correct?

18          A     Correct.

19          Q     And then the final time that you saw Ava with Ms. Janet  
20 Solander was the January 6, 2012, visit, correct?

21          A     Correct.

22          Q     And by that time Ava had been a patient seen by you for the  
23 past approximately eight months, correct?

24          A     Correct.

25          Q     Okay. And at that time you documented, after a physical

1 examination, that Ava was well nourished and well hydrated, correct?

2 A Correct.

3 Q All right. Doctor, you're a mandated reporter, correct?

4 A Correct.

5 Q So that means if you have even a suspicion of child abuse or  
6 neglect, you have a legal duty to call that into CPS or law enforcement,  
7 correct?

8 A Correct. And I did not see any signs of any abuse at that time,  
9 nor did I get any feeling from the child at that point in time that there was  
10 any.

11 Q Okay. And, in fact, you -- any of these visits over the eight  
12 periods -- eight-month period you observed no recent or fresh injuries,  
13 correct?

14 A No.

15 Q You observed --

16 A Just the normal little bruises that people get playing.

17 Q Okay. And -- and at that point she would have been --

18 A I think 9 to 10.

19 Q -- roughly 10 -- 9 or 10? Exactly. And so if you had suspected  
20 anything, even neglect, or if these had been bruises of a nonaccidental  
21 nature, you have a legal obligation to make that call in, correct?

22 A Correct.

23 Q And so based on all of your visits over that eight-month period,  
24 there was no indication or nothing that triggered your duty to report,  
25 correct?

1           A     No -- yes. Not in my notes here.

2           Q     And, Dr. Bernstein, if you had a suspicion that the mother of  
3 this child was withholding care or withholding, like, just the basic needs  
4 of this child, you would also have a duty to report, correct?

5           A     Correct.

6           Q     Okay.

7                 MS. McAMIS: Nothing further.

8                 THE COURT: All right. Redirect.

9                                 **REDIRECT EXAMINATION**

10          BY MR. HAMNER:

11           Q     Let's just stay on this topic of triggering the duty to report.  
12 Was it reported to you that anyone was inserting catheters in these  
13 children?

14                 MR. FIGLER: Approach.

15                 THE COURT: Yeah.

16                                 [Off-record bench conference.]

17          BY MR. HAMNER:

18           Q     Well, let -- let's talk about seeing no signs of abuse. Doctor,  
19 you didn't examine the -- when you checked the child out, did you do a  
20 full head-to-toe body check on the child?

21           A     Generally do on the first exam. I don't always on the rest of  
22 the exams unless if something is to tend me towards it.

23           Q     Is that a --

24           A     First exam I didn't see anything.

25           Q     Is that mean examining their bare buttocks?



1           A     Well, for someone who's having severe constipation, that can  
2 be -- yes --

3           Q     Well --

4           A     -- that is the case.

5           Q     -- let me -- so do you have anything in your notes that  
6 indicates that you did that type of examination on her bare buttocks on  
7 this particular child in any of the visits?

8           A     It would be the first visit only. Let me find my -- doesn't  
9 specifically say buttocks here. But when I say the urinary system is  
10 normal, I usually including looking at both.

11          Q     Okay.

12          A     I probably should have separately.

13          Q     Okay. And this is back in 2011; is that right?

14          A     That's -- as far as I can remember --

15          Q     Sure.

16          A     -- back in 2011.

17          Q     So you didn't see this child in 2012, 2013, or 2014?

18          A     No, I did not.

19          Q     Okay. So you couldn't have done any physical examination  
20 on the child --

21          A     Not at that point.

22          Q     Okay. With this -- did you make any recommendations, given  
23 this kind of symptomology, for the child to hold off on going to the  
24 bathroom for extended periods of time?

25                 MS. McAMIS: Well, objection.

1 MR. HAMNER: It's not argumentative.

2 THE COURT: He can -- he can answer.

3 Did you make any such recommendation?

4 THE WITNESS: To stop?

5 BY MR. HAMNER:

6 Q Like, hold off on using the bathroom if you have the feeling --  
7 need to go --

8 A No.

9 Q -- with this symptom --

10 A No, it would have been the opposite. It would be going to the  
11 bathroom on a scheduled basis, meaning going every -- you know, at  
12 least every couple of hours to try to go poop at a certain point.

13 Q Okay. So you actually would have recommended and  
14 encouraged --

15 A That --

16 Q -- to the bathroom --

17 A And that's -- I don't know that I did that for her.

18 Q Okay.

19 A I -- I can just say that I -- that's one of the things I've been  
20 taught by the GI specialists sometimes.

21 Q Fine. But to be clear, you wouldn't -- you wouldn't have done  
22 the opposite, you wouldn't have told --

23 A No. Not to hold --

24 Q -- with this symptomology, please hold off on going to the  
25 bathroom?

1           A     Definitely not.

2           MR. HAMNER: No further questions.

3           THE COURT: Ms. McAmis?

4                                   **RECROSS-EXAMINATION**

5   BY MS. McAMIS:

6           Q     Doctor?

7           A     Yes.

8           Q     If a patient was being encouraged and instructed to use the  
9 bathroom on a scheduled basis every hour, do you consider that to be --

10          A     That's pretty much --

11          Q     -- problematic for your -- I'm sorry, what?

12          A     That would probably be too much. But I'm talking about  
13 going -- going and trying a couple of times a day.

14          Q     Okay. So at the other end of the extreme, it's not problematic  
15 for the child to have the at least opportunity to go to the bathroom every  
16 hour or on a scheduled basis, correct?

17          A     That's a different -- well, okay. I'm not sure what you're trying  
18 to say in that one. What I'm talking about is just making sure that they at  
19 least give it a try, for someone who's constipated, a couple of times a  
20 day. We're talking about poop, not pee. From that point of view, they  
21 should always go when -- when they feel like they have to go.

22          Q     Okay. But I believe that you testified that going to the  
23 bathroom on a scheduled basis would be something appropriate for a  
24 patient like Ava, who come to you with those symptoms?

25          A     It's going on -- going -- at least trying to go at least a couple of

1 times a day with someone who's -- was severely constipated.

2 Q Okay. And you were also asked about your physical  
3 examination of Ava, and I believe that you testified that it your ordinary  
4 practice to do a head-to-toe examination --

5 A Correct.

6 Q -- on a first visit?

7 A Correct.

8 Q Okay. And so --

9 A I don't always do it on the rest of the visits if I didn't see any  
10 problems down there the first time.

11 Q Okay. And at the time -- thank you. And at the time of your  
12 first visit, had you noted any recent or fresh injuries to this child on any  
13 part of that body, would that have been in your notes?

14 A That would have been in my notes and that just -- and I have,  
15 with other patients, called in when there has been an abnormality.

16 Q Okay. And you were -- I think you also testified, actually,  
17 when we were talking, about there may have been, like, little bumps and  
18 bruises and nothing out of the ordinary. Those kinds of things, if they're  
19 old or they're nonpermanent, they don't make it into your report, correct?

20 A The bumps and bruises on knees or -- on knees and below,  
21 no.

22 Q Okay. All right.

23 MS. McAMIS: Court's indulgence.

24 Pass the witness.

25 THE COURT: Mr. Hamner, any other questions?

1 MR. HAMNER: Just one brief clarification question.

2 **FURTHER REDIRECT EXAMINATION**

3 BY MR. HAMNER:

4 Q Just to be -- and I just want to -- for clarification.

5 A Yes.

6 Q My question was more centered on with this sort of  
7 symptomology, if the child had an urge to go to the bathroom, would you  
8 recommend that child hold off on --

9 A No.

10 Q -- going to the -- okay.

11 A Go -- go as often as they feel that they need to at the time.

12 Q Thank you very much.

13 MR. HAMNER: No further questions.

14 THE COURT: Ms. McAmis, anything else?

15 MS. McAMIS: No.

16 THE COURT: Do we have any juror questions for this  
17 witness? All right.

18 I'll see counsel at the bench.

19 They're allowed to ask you questions. So just sit there and --

20 THE WITNESS: Oh. Okay.

21 THE COURT: -- the lawyers and I will look at it, at the written  
22 question, and then possibly ask you.

23 [Off-record bench conference.]

24 THE COURT: A juror asks, in your medical career, how many  
25 children have you been concerned about an reported to the authorities

1 for suspected abuse or neglect?

2 THE WITNESS: It's going to be an -- it's going to be an  
3 estimate, but I'd probably say about six or seven. Somewhere right in  
4 that area. It doesn't happen that I see them very often. I'm often  
5 referred over to me with the possibility of the patient having a -- and  
6 abusive situation and they -- they send them over to me to rule out a  
7 bleeding disorder just in case there might be abuse going on. Or just in  
8 case there wasn't abuse but a bleeding disorder going on. But usually  
9 it's that -- it's that reason -- that's the way I see these patients. It's very  
10 rare that it -- that it's the other way around.

11 I have, when a child has brought up something to me or when  
12 a parent or someone else I've called in, but it's generally secondhand so  
13 that they can report.

14 THE COURT: Okay. So in other words one physician might  
15 see a child covered with bruises suspect abuse and then refer that child  
16 to you so that you could rule out a bleeding disorder?

17 THE WITNESS: Correct. Or --

18 THE COURT: That might account for the bruising?

19 THE WITNESS: Or the -- the child abuse doc would refer  
20 them over to make sure, because there are rare instances where you  
21 can find a person that has it, and we've had -- one of the things I didn't  
22 originally when I was teaching at the medical school here, was to teach  
23 all the docs, which included at least one of the child abuse doctors that --  
24 that needed to rule out bleeding disorders.

25 THE COURT: All right. Thank you.

1 Ms. Hamner, do you have any follow-up to that question?

2 MR. HAMNER: No, Your Honor.

3 THE COURT: Ms. McAmis, do you have any follow-up?

4 MS. McAMIS: Briefly.

5 **ADDITIONAL RECROSS-EXAMINATION**

6 BY MS. McAMIS:

7 Q And to confirm, the reason for the referral for Ava to you was  
8 because of blood in her stool that was found in the ER?

9 A Correct. Yeah, I -- there was no -- no one had asked me at  
10 that point in time about any type of abuse, and I did not see any type of  
11 abuse at that time --

12 Q Okay.

13 A -- that I noted.

14 MS. McAMIS: Nothing further.

15 THE COURT: Anything else, Mr. Hamner?

16 MR. HAMNER: No, Your Honor.

17 THE COURT: Any other juror questions? All right.

18 I'll see counsel at the bench, please.

19 One more question.

20 THE WITNESS: Okay.

21 [Off-record bench conference.]

22 THE COURT: All right. A juror asks, what do you do to  
23 determine a designation of well nourished or well hydrated? Do you use  
24 your observations, urine testing, or how do you discern whether or not a  
25 patient is well nourished or well hydrated?

1 THE WITNESS: So there's certain things we're taught on an  
2 exam to take a look at a patient to decide if they're well nourished or well  
3 hydrated. So from the point of view of well nourished, do they have a  
4 little bit of fat on their body to the point that it's normal, not abnormal.  
5 She was not -- neither obese nor skinny. She was within normal range  
6 for weight and height for the child at that point.

7 As far as the hydration, you basically -- some of the things you  
8 do is you look at the mouth, like right now you'd see my mouth is pretty  
9 dry. Sorry. But you can just -- you can take a look at that. You also do  
10 what's called pressure onto the skin to see how rapidly the bloody  
11 vessels refill in the -- in the skin. And in her case, those refilled  
12 normally.

13 THE COURT: Any follow-up, Mr. Hamner?

14 **ADDITIONAL REDIRECT EXAMINATION**

15 BY MR. HAMNER:

16 Q Doctor, with respect to that, did you have any indication or had  
17 you seen the patient, like, a year prior to that? You -- you hadn't seen  
18 her, what she looked like --

19 A No.

20 Q -- the year before that, right?

21 A No. So if the year before that, I would have no idea, and the  
22 year after that, I would have no idea.

23 Q Thank you. No further --

24 A So if things changed, I wouldn't have any idea --

25 Q Thank you.



1           A       -- about those things.

2           THE COURT: Ms. McAmis?

3           MS. McAMIS: No follow-up.

4           THE COURT: Any additional juror questions?

5           All right. Doctor, I see no additional questions. Thank you for

6 your testimony. You are excused at this time. Thank you.

7           THE WITNESS: Okay.

8           THE COURT: You ready?

9           MS. BLUTH: Yeah.

10          THE COURT: All right.

11          MS. BLUTH: So the State will call back to the stand Amaya

12 Solander.

13          All right.

14          MS. BLUTH: Amaya McClain.

15          THE COURT: All right.

16          MR. FIGLER: Can we briefly approach, Your Honor?

17          THE COURT: Sure.

18                   [Off-record bench conference.]

19          THE COURT: Ladies and gentlemen, you'll see that an

20 individual is seated here with the witness. That is the court-appointed

21 special advocate who has been appointed through the family court. And

22 she is allowed to sit with the witness.

23          And Ms. McClain, you are still under oath, do you understand

24 that?

25          THE WITNESS: Yeah

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**AMAYA McCLAIN,**

[having been previously called as a witness and first reaffirmed, testified  
as follows:]

THE COURT: Okay. And the State may resume its direct  
examination.

MS. BLUTH: Okay. Thank you, Your Honor.

**DIRECT EXAMINATION (CONT.)**

BY MS. BLUTH:

Q Okay. Amaya, I wanted to ask you some questions about  
your testimony on Friday afternoon. And on Friday afternoon I had  
asked -- I had asked you if at night you remembered if there were any  
gates or alarms that prevented you from going to the bathroom at night,  
and you said that you couldn't remember, that you weren't sure; do you  
remember that?

A Yeah.

Q Okay. And so I am going to approach with page 15 of your  
preliminary hearing. All right. And if you could just read by your -- to  
yourself, right here on page 5 to 21. Okay. And then let me know when  
you're done, or look up, and then I'll have some questions for you.

MS. McAMIS: I think you mean line 5 to 21?

MS. BLUTH: Yeah. Did I say page? Sorry. Yeah, no. So  
page 15, lines 5 through 21. Thank you, Ms. McAmis.

THE WITNESS: [Witness complies.] Okay. Done.

BY MS. BLUTH:

Q Okay. Does it help refresh your recollection?

1           A     Yeah.

2           Q     And tell me about the gates and the alarms at nighttime.

3           A     There was a gate between the laundry room and the  
4 bathroom. So, like, she would lock us up in the lock, I guess you could  
5 say, we couldn't go past the gate. We would just being blocked.

6           Q     Okay. And at some point during the nighttime, were you not  
7 allowed anymore to use the bathroom?

8           A     Yeah, if we ran out of toilet paper.

9           Q     Okay.

10          A     Because she only gave us three squares.

11          Q     Okay. And then if you were -- let's say you had to go number  
12 two and you were forced to hold it for a long time, what would that do to  
13 your stomach?

14          A     I don't know. I would just have to go the bathroom.

15          Q     Okay. And you remember speaking to CPS in Florida, right?

16          A     Yeah.

17          Q     Okay. I'm just trying to -- all right. So I'm going to approach  
18 you. And you just have to read one line, because there's actually a lot  
19 here. If you could just start right there, this sentence, and just read it to  
20 yourself and let me know when you're done.

21          A     [Witness complies.]

22          Q     Does that help --

23          A     Yeah.

24          Q     -- refresh your recollection? And what did you tell Florida CPS  
25 about when you had to hold it for long periods of time, what did that do

1 to your stomach?

2 A It would hurt my stomach, and I would just pee, because she  
3 wouldn't let me go to the bathroom.

4 Q Okay. And then lastly I had asked you if you remembered  
5 whether or not anyone wrote anything on the buckets that you sat on,  
6 and you said that you couldn't remember; is that right?

7 A Yeah.

8 Q And I'm going to approach with page 21. And then if you  
9 could read lines 8 to 22, please, to yourself.

10 A [Witness complies.]

11 Q Does that help --

12 A Yeah.

13 Q -- refresh your recollection? Okay. And what did you say?

14 MS. McAMIS: Well, objection. Speculation.

15 THE COURT: Counsel approach.

16 [Off-record bench conference.]

17 BY MS. BLUTH:

18 Q And so you don't remember what the actual names were,  
19 right?

20 A No.

21 Q But they were names that made fun of you?

22 A Yeah.

23 Q When you were asked in regards to where cameras were in  
24 the house or where you were told cameras were in the house, you said  
25 that you were -- you couldn't remember, but you said there was

1 something about a tiger eye in a picture, right?

2 A Yeah.

3 Q That would be --

4 MS. BLUTH: One second. On page 19 of the voluntary  
5 statement, please.

6 Q All right. And if you could just read right here on lines 26  
7 through 28.

8 A [Witness complies.] Yeah, whatever.

9 Q Okay. And what did Janet or -- and/or Dwight tell you about  
10 the cameras in the house?

11 A That they were, like, hidden behind the walls or, like, pictures,  
12 or mirrors.

13 Q Did you believe that when you were little?

14 A Yeah.

15 Q All right. So I want to ask you some questions now about  
16 where -- where you slept. Did we talk about that on Friday?

17 A Yeah.

18 Q Okay. And what did you say?

19 A We slept in the loft on boards.

20 Q Okay. Oh, yeah, and that's right -- and then you drew the  
21 board. I apologize. Thank you.

22 But was there any point in the Waukeshan [phonetic] house  
23 where you guys slept on anything except for boards?

24 A We slept on my -- well, wasn't -- it was just, like, a bed, but it  
25 was, like, if you had guests over, it was, like, a rolled bed. Like, you

1 would be able to roll the bed.

2 Q Okay. And if there were pictures of it, do you think you would  
3 be able to identify what they look like?

4 A Yeah.

5 Q All right. I'm showing you -- is your monitor on in front of you?

6 A I don't know.

7 Q Okay.

8 THE MARSHAL: I don't think you need it.

9 THE COURT: It's --

10 MS. BLUTH: Is nothing on?

11 THE COURT: I don't know.

12 MS. BLUTH: Okay.

13 THE MARSHAL: Hold on one sec.

14 MS. BLUTH: No worries.

15 THE COURT: Are you looking at a seal of the State of  
16 Nevada? Is that what's on -- okay. That was on my monitor too. Right  
17 now I think we're -- is the TV on?

18 MS. BLUTH: It's the -- the ELMO wasn't on.

19 THE COURT: It's still not on.

20 MS. BLUTH: There we go.

21 BY MS. BLUTH:

22 Q Okay. Let me zoom in. All right. Amaya, so what do you see  
23 in this picture?

24 A Like everything?

25 Q Okay. Tell me about it.

1           A     There's a bookshelf, and then there's a couch, and then  
2 there's, like, this doll, and then there's a board, and then there's a bed.  
3           Q     Okay. So would you do me a favor and circle the -- what you  
4 referred to as the board?  
5           A     [Witness complies.]  
6           Q     Okay. And then -- and then the bed.  
7           A     [Witness complies.]  
8           Q     All right. Now, this board that we -- that you pointed to that's  
9 against the wall, is that one of the boards that you would sleep on?  
10          A     Yeah, that's Anastasia's.  
11          Q     And how do you know it's Anastasia's?  
12          A     Because Anastasia didn't have the side things on it.  
13                     [Interruption due to technical problem.]  
14          MS. BLUTH: Sorry. We're having technical difficulties.  
15          THE CLERK: Sorry.  
16          MS. BLUTH: That's okay. No worries.  
17 BY MS. BLUTH:  
18          Q     Okay. So Anastasia's board didn't have those kind of wood  
19 things that you were talking about?  
20          A     Yeah, no.  
21          Q     All right. And then this bed, when would you get to sleep on  
22 that bed versus the boards?  
23          A     We slept on those when we had our nannies.  
24          Q     When the nannies --  
25          A     When she went --

1 Q -- were there?

2 A -- to Ohio, we had those.

3 Q Okay. And when you say she, you mean Janet?

4 A Yeah.

5 Q All right. And then if Janet was there, did you sleep on the  
6 board or the bed?

7 A The board. She wasn't going to give us no bed.

8 Q Okay. I had asked you some questions in regards to  
9 Anastasia being burned. And I can't remember if I asked you what  
10 bathroom that happened in?

11 A I don't remember either.

12 Q Okay. You don't remember what happened in it or you don't  
13 remember if I asked you?

14 A I don't remember if you asked me.

15 Q Okay.

16 A I think you brought it up, but I don't know exactly what you  
17 said.

18 Q Do you -- as you sit here today, do you remember what  
19 bathroom that that occurred in?

20 A I think it was the one downstairs.

21 Q Okay. And at any point in time did Amaya have -- did Ava  
22 have anything to do with burning Anastasia?

23 MS. McAMIS: Well, objection. Calls for speculation. Based  
24 on her earlier testimony?

25 THE COURT: Did she -- you can ask her did she ever



1 observe Amaya having --

2 BY MS. BLUTH:

3 Q Did you ever observe --

4 THE COURT: Ava.

5 BY MS. BLUTH:

6 Q -- Ava --

7 A Burning my little sister?

8 Q Yeah.

9 A No.

10 Q Did you ever observe any of your sisters either being forced to  
11 eat or lick urine or feces?

12 A Did I ever see it?

13 Q Yes.

14 A Yeah. Janet had smashed my little sister's face in her poop.

15 Q Okay. Can you explain to me what you remember from that?

16 A Anastasia had pooped herself because she wouldn't let her go  
17 to the bathroom. And Janet had went upstairs in the laundry room and  
18 she threw the poop from Anastasia into -- into, like, this little train potty  
19 thing. And then she smashed her face into the poop. And then Danielle  
20 came out and started laughing.

21 Q Okay. You had talked a little bit on Friday about being forced  
22 to have underwear in your mouth, like, soiled underwear in your mouth,  
23 you and your sisters; is that right?

24 A Yeah.

25 Q Did any of you ever have to put soiled underwear on your

1 head?

2 A Yeah.

3 Q Explain to me about that.

4 A It was mainly Anastasia, like, if she were to pee herself or  
5 poop herself, she would make her put her underwear on her head or in  
6 her mouth.

7 Q Okay. And where would -- would Anastasia have to stand in a  
8 certain area when that happened or hold her body in a certain way?

9 A She had to stand with her arms in the air. Like, if we were  
10 upstairs, if we were downstairs.

11 Q Did -- which of the three of you had the most issues with the  
12 toileting?

13 A Anastasia.

14 Q Was Anastasia disciplined the most out of all three of you in  
15 regards to the toileting?

16 A I would say yeah.

17 Q Did Anastasia after -- ever have to stand in anything and go to  
18 the -- like, we talked about sitting on the buckets; did Anastasia ever  
19 have to stand in anything while she went to the bathroom?

20 MS. McAMIS: Well, objection. Speculation.

21 MS. BLUTH: If she saw it or if she knows.

22 MS. McAMIS: She just said think.

23 THE COURT: If she saw it or only -- well, she'd know.

24 BY MS. BLUTH:

25 Q Did you ever --

1           A     She stood -- she stood in a plastic bag one time. It was, like,  
2 a big plastic bag, she made her stand in it.

3           Q     Who made her stand in it?

4           A     Janet, so she wouldn't get poop or pee on the floor.

5           Q     Okay. Do you remember what the bag looked like?

6           A     It was like a clear bag, just --

7           Q     Like --

8           A     It was like -- it was like a trash bag, but it was clear.

9           Q     Okay. When you would -- you testified on Friday that you  
10 weren't able to move around the house freely. But my question is when  
11 you did move around the house, was there a specific way you had to  
12 hold your body or parts of your body while you moved from place to  
13 place?

14          A     Well, if we had to go to the bathroom, we would have to walk  
15 up the stairs with our arms in the air.

16          Q     Okay. Did you ever talk to Dwight or try to talk to Dwight  
17 about the things that were going on while he was out of town?

18          A     Yeah.

19          Q     And what did you say to him?

20          A     It was after my sister Ava had got her head slammed on the  
21 counter. And they had let the swelling go down, and they had came  
22 back from an appointment for -- for these glasses. And I peed myself  
23 that day, so Janet was already mad at me. And Dwight had came home  
24 and one of my sisters go McDonald's, and I can't remember who. And  
25 Janet had took me upstairs, because I peed myself. And then she was

1 whipping me -- or, whipping me -- and then Dwight came up and he was,  
2 like, What's going on? And I told him I was, like, all she does is hit us,  
3 like, she never feeds us.

4 And then I had turned around, I was showing him, like, scars  
5 on my legs, I was, like, how do you think I got this? I didn't do it to  
6 myself. And then Janet was, like, oh, you're lying. And I was, I'm not  
7 lying. And I started crying.

8 And then I started yelling at Janet, because I -- I was just fed  
9 up. I was, like, I was trying to explain to him, and he just did not believe  
10 me. But, you know.

11 Q What -- what would you say Dwight's involvement in this  
12 situation that was going on in your house was?

13 A He was a punk.

14 MS. McAMIS: Objection. Ambiguous. I move to strike.

15 MS. BLUTH: Absolutely relevant.

16 THE COURT: Well, she can answer. And I think she did.

17 BY MS. BLUTH:

18 Q That he was a punk?

19 A Yeah. Like, anything that she told him to do, he would do it.  
20 Not to feed me, he wouldn't feed me or my sisters. Whipping, he would  
21 whip us.

22 Q If Janet told him --

23 A Yeah.

24 Q -- to whip you, he would do what she said?

25 A Yeah. Felt sorry for him.

1 Q Why?

2 A Because, like, personally, as a grown man, you should be able  
3 to stand your own ground. You shouldn't have someone else tell you  
4 what to do.

5 Q As you sit here today, do you feel sorry for him?

6 A No.

7 MS. McAMIS: Objection. Relevance.

8 THE COURT: Yeah, it's sustained.

9 BY MS. BLUTH:

10 Q You said that on that day, that one or both of your sisters had  
11 gotten McDonald's.

12 A Yeah.

13 Q So were there times that you would get regular food?

14 A When she wanted to be nice.

15 Q So let's say out of a month, would that happen multiple times  
16 in a month?

17 A No.

18 Q Okay. Tell me, like, the frequency in which that would  
19 happen?

20 A Very rare. Like, if we were going -- like, if we went to, like,  
21 appointments, she would sometimes buy us food. Like, one time she  
22 bought Ava and Anastasia Subway, and she didn't buy me Subway, and  
23 I got mad.

24 Q Okay.

25 A This was at the first house.

1 Q Okay. So if you were out and about --

2 A Yeah.

3 Q -- like, at -- going to doctor's appointments?

4 A Yeah.

5 Q Okay. I want to ask you some questions about going to the  
6 doctor. While you were living with Janet and Dwight, did you go to  
7 doctors quite frequently?

8 A Well, when we had appointments, but I wouldn't say it was  
9 frequently.

10 Q Okay. When you would go to the doctor's, would Janet do the  
11 talking or would you do the talking?

12 A Janet would.

13 Q What was your understanding as to what Janet did for a  
14 living?

15 A She said she was a nurse. I believed it.

16 Q All right. And when you guys were in your doctors'  
17 appointments, do you remember it coming up to the doctors that Janet  
18 was a nurse?

19 A I think -- well, hold on. She mentioned it -- mentioned it once  
20 to one of my doctors. I'm not sure which one it was though.

21 Q Okay. And would Janet be honest in regards to what was  
22 going on in the house? And when I say that, I mean, like, what you were  
23 eating, drinking, the amount of sleep you were getting, stuff like that?

24 A No. She lied to my doctors.

25 Q Okay. And what would she say?

1           A     Well, my psychiatrist, like, she said I was depressed. Of  
2 course I was depressed, I had no freedom. And then she said that I  
3 would, like, try to kill myself, because I picked at my fingers.

4           Q     Okay.

5           A     And that wasn't true. Like, I wouldn't want to kill myself.

6           Q     And then besides your psychiatrist, like, did you sometimes go  
7 to stomach doctors, or what's referred to as gastroenterologist?

8           A     Yeah.

9           Q     And when she was speaking with them, would she be honest  
10 in regards to what you were eating, drinking, how much sleep you were  
11 getting, etcetera?

12          A     About the food, but not the sleeping. We rarely got sleep.

13          Q     What would she say about the sleeping?

14          A     Well, they're asking about how many hours of sleep does  
15 she -- do they get? She would say about eight. I really, like, two hours  
16 though.

17          Q     You would do your homework so late?

18          A     But -- yeah.

19          Q     Was there a time at Janet and Dwight's house that you  
20 actually did have a seizure?

21          A     Yeah.

22          Q     All right. Can you explain to me what you remember from the  
23 seizure and, like, your health state right before you had the seizure?

24          A     No. I don't remember nothing.

25          Q     Okay. Do you --

1           A     Just what my sisters told me.

2           Q     Okay. And so we're not -- I'm not going to get into what your  
3 sisters told you, but before you had that seizure, like, let's say that day, I  
4 don't -- that -- it might have been evening, I'm not sure, but before that  
5 day, were you happy and healthy? Or were you under the weather?

6           A     I know I was sick, that was all I know.

7           Q     Okay. And -- and then you were in the hospital for a period of  
8 time; is that right?

9           A     Yeah.

10          Q     Just one second. Would you recognize pictures of yourself in  
11 the hospital?

12          A     Yeah.

13          Q     Okay. So I'm showing you what's already in evidence as 187.  
14 Is that you?

15          A     Yeah.

16          Q     All right. I'm going to zoom in, and I don't know if you can --  
17 can you see if there's any marks on your face in that photo?

18          A     Yeah, I have several marks.

19          Q     Okay. Now I'm going to show you State's 188, which is  
20 another -- sorry the glare on this is so bad, so I'm trying to -- are there  
21 marks on this photo as well?

22          A     Yeah, I have, like, right here, by my --

23          Q     The left part of --

24          A     -- by my eye.

25          Q     -- your eye?



1           A     Yeah.

2           Q     Okay. Now, what was causing those marks on your face?

3           A     I don't remember anything, like, that happened. But I always  
4 had marks on my face.

5                   MS. McAMIS: Well, objection. Speculation.

6                   THE COURT: Yeah, don't -- don't guess.

7                   THE WITNESS: Well, I mean, she would always hit me in the  
8 face, so.

9                   MS. McAMIS: Move to strike.

10                  THE COURT: Well --

11 BY MS. BLUTH:

12           Q     Was it common --

13                   THE COURT: -- overruled.

14                   But you don't remember that particular mark or how you got it,  
15 correct?

16                   THE WITNESS: No.

17                   THE COURT: Okay.

18 BY MS. BLUTH:

19           Q     Is there anything you can think of besides Janet hitting you in  
20 the face that ever caused you to have marks on your face?

21           A     Like, what do you mean?

22           Q     Like, you know, the scratches or bruises or anything like that,  
23 did anything else happen to your face besides Janet hitting you that left  
24 marks on your face like that?

25           A     No.

1 Q Now, did you also fake a seizure while --

2 A Yeah, I wanted to get up out of there. I -- my opinion, I would  
3 rather be in the hospital than be in the house with her.

4 Q Is that the reason why you faked a seizure?

5 A Yeah. I don't want to be there.

6 Q What -- what was your plan?

7 A It's kind of funny to -- I just wanted to get out of there. I  
8 wanted to get me and my sisters out. I just wanted to leave, like, god, I  
9 do not want -- I did not want to be in that house.

10 Q So what were you going to do?

11 A We planned to run away several times, but it never worked. I  
12 don't know. I guess you could say I faked my seizer. Yeah.

13 Q Okay. And then were you going to -- did you -- were you  
14 going to go to the hospital?

15 A I was hoping. I could tell my doctors what she was doing to  
16 me.

17 Q You talked a little bit about sometimes you would have  
18 babysitters or nannies?

19 A Yeah.

20 Q And I -- and I -- I think I asked you if you remembered any of  
21 their names on Friday. But if you do remember any of their names,  
22 could you tell me?

23 A Ms. Andrea, Ms. Rebecca, Ms. Jan.

24 Q Okay. And when you had babysitters there, were things the  
25 same as when Ms. Janet was there or were they different?

1           A     Like, the rules, they were somewhat the same. But, like, the  
2 only difference was, like, she was nicer to us. Like, way nicer.

3           Q     The nannies?

4           A     Yeah.

5           Q     All right. And when the nannies were there, would some or all  
6 of them sneak you guys food?

7           A     Ms. Andrea wouldn't. Ms. Rebecca snuck us food a couple of  
8 times. But Ms. Jan was the main one.

9           Q     And what would she sneak you and how?

10          A     She would, like, try to hide it, but I would be, like, the cameras  
11 are watching. Just, like, any type of food, like, human food, I guess  
12 you'd --

13          Q     Just regular food?

14          A     Yeah.

15          Q     And when you got that food either from Ms. Rebecca or  
16 Ms. Jan, did it give you any stomach problems or anything?

17          A     No.

18          Q     How was it that Ms. Andrea left, if you remember? Like, quit  
19 working?

20          A     I don't remember when she quit.

21          Q     Not when, but, like, do you know why she quit? Or was she  
22 fired? Like, how did her employment stop?

23          A     Oh. Well, Janet told me she quit because of me.

24          Q     That Andrea quit because of you?

25          A     Yeah.

1 Q Well, why -- did she tell you why exactly?

2 A Because I was causing problems, not doing my homework. I  
3 didn't know how to do the work.

4 Q Okay. And then what about Ms. Rebecca?

5 A So long ago.

6 Q And if you don't remember, that's totally fine.

7 A I don't remember.

8 Q What about Ms. Jan; do you remember Ms. Jan?

9 A Yeah.

10 Q And how -- how did her employment end?

11 A She left. She just, like, couldn't be in the house no more, like,  
12 it was just too much.

13 Q What do you mean by it was just too much?

14 A Like, when Danielle slapped me, like, that was just the end for  
15 her. Like, she just wanted to leave. Because she -- I guess she -- well,  
16 never mind. Well, I just remember her, like, giving us hugs, saying that  
17 she was going to pray for us. That was it.

18 Q Tell -- tell me what you said -- you -- a little bit more about  
19 what you said when you said when Danielle slapped you, it was too  
20 much for Ms. Jan; explain that situation to me.

21 MS. McAMIS: Well, objection. Calls for speculation on state  
22 of mind for Jan.

23 THE COURT: State your question.

24 MS. BLUTH: She stated that --

25 THE COURT: No, no. State your question.

1 MS. BLUTH: Oh. My question was -- so yeah, that was my --  
2 part of my question was her statement. So I said to her, You stated that  
3 after Danielle slapped you in the face, it was too much for Ms. Jan. And  
4 I'm asking her to explain --

5 THE COURT: What she meant.

6 MS. BLUTH: -- the situation where Danielle slapped her.

7 MS. McAMIS: Objection. Hearsay.

8 MS. BLUTH: It's hearsay?

9 THE COURT: Overruled. She can --

10 MS. BLUTH: You can --

11 THE COURT: Well, I mean, basically, are you asking what led  
12 up to Danielle slapping her?

13 MS. BLUTH: Yes.

14 THE COURT: You can tell us.

15 THE WITNESS: I stepped on her -- I don't know what I  
16 stepped on. I stepped on something that was hers and she got mad.  
17 Because me and my sister got caught stealing food from their pantry. I  
18 think my sister Ava stole her Honey Smacks. Yeah.

19 BY MS. BLUTH:

20 Q Stole Danielle's Honey Smacks?

21 A No, Janet's.

22 Q Oh, Janet's Honey Smacks? Okay. And then who caught  
23 you?

24 A Danielle.

25 Q And then -- so how did it get to the point of Danielle slapping

1 you?

2 A Stepped on something that was hers, and then I tried to tell  
3 Janet, Can you tell Danielle not to hit me? And then she got mad and  
4 slapped me.

5 Q Okay. And when -- when Jan left, was it that day?

6 A Not sure. I just know, like, she left, because her and Danielle  
7 got into some argument and then me and my sisters just started crying,  
8 because we didn't know what was going on.

9 Q Okay. Did CPS come to the house a few times -- and I'm not  
10 talking about, like, in regards to, you know, like, when the -- the foster  
11 kids would have, like, their therapists and CPS workers and things like  
12 that. I mean, when -- were there any CPS investigators that came to the  
13 house regarding treatment of you and your sisters?

14 A Like, CPS workers?

15 Q Yeah.

16 A Yeah.

17 Q Okay. And did you go to a preschool or before-school  
18 program at a place called La Petite?

19 A Yeah.

20 Q And at La Petite, did you ever make any disclosures to the  
21 workers there?

22 A Yeah.

23 Q And what did you tell them?

24 A I told them that, basically, she wasn't feeding us. Like, she  
25 said that she was feeding us, but, like, a timer, like, I'm still hungry.

1 Q Okay. And did you express to the workers that you were  
2 hungry?

3 A Yeah.

4 Q All right. And did -- when -- when you were speaking with the  
5 CPS workers, did you discuss whether or not you would get hit if you  
6 told Ms. Janet that you were hungry?

7 A I don't remember. Well, she -- Janet would, like, cope --  
8 what's that word? I don't know what that word is. She would, like, tell  
9 us, basically, what to say to them.

10 Q Okay. And so did -- did someone from CPS come and speak  
11 with you?

12 A Yeah.

13 Q And do you remember what you told them?

14 A There were several that came. I'm not sure which --

15 THE COURT: Was -- was that to La Petite, somebody came  
16 to talk to you at La Petite Academy?

17 THE WITNESS: I don't remember.

18 THE COURT: Okay.

19 MS. BLUTH: Court's indulgence, Judge. Just one second.

20 BY MS. BLUTH:

21 Q Would looking at the CPS report about what you spoke with  
22 the investigator help refresh your recollection?

23 A Yeah.

24 MS. McAMIS: Well, objection. I mean, that's --

25 MS. BLUTH: She doesn't remember, so now --

1 MS. McAMIS: Approach.

2 THE COURT: She can look at it.

3 MS. BLUTH: Right.

4 MR. FIGLER: She didn't write this -- can we approach?

5 MS. McAMIS: Yeah, can we approach?

6 [Off-record bench conference.]

7 THE COURT: Is handing you a document that was apparently

8 written by someone else. You can just read that over quietly to yourself

9 and tell us whether or not that refreshes your memory.

10 THE WITNESS: Okay.

11 THE COURT: Okay?

12 BY MS. BLUTH:

13 Q So if you could just read this small paragraph right here to

14 yourself, and then I'll ask you a question.

15 A [Witness complies.] Okay.

16 Q Does that help refresh your recollection?

17 A Somewhat.

18 Q Okay. What do you remember?

19 A Just telling them that, like, she gets mad when we talk about

20 food.

21 Q Okay. Did Ms. Janet ever tell you or tell anybody in front of

22 you that you had worms in your stomach?

23 A No. I don't remember.

24 Q Okay. And then when CPS would come and talk to you about,

25 like, these investigations, would Janet tell you what to tell them?



1 A Yeah.

2 Q And what would she say?

3 A That nothing was happening. I remember one time she asked  
4 me what I said, and I told her what I said, like, how, like, she, like, kicked  
5 my little sister into, like, the glass table at the first house. And then I got  
6 whooped.

7 Q Whooped how?

8 A She just started hitting me.

9 Q With her hands? With a stick?

10 A Well, she said that she would pop me, but, like, she would hit  
11 me on my butt really hard and it would hurt.

12 Q And that was for talking to CPS?

13 A Yeah.

14 THE COURT: And was that just with her hand?

15 THE WITNESS: Yeah.

16 BY MS. BLUTH:

17 Q And then do you remember a female by the name of  
18 Ms. Heather or Heather Richardson?

19 A Yeah, that was my caseworker.

20 Q Your caseworker?

21 A Yeah.

22 Q Okay. And was there a time when you saw Ms. Richardson at  
23 either the dentist or the orthodontist?

24 A Yeah.

25 Q Okay. Tell me what you remember about seeing her there.

1           A     I had an appointment, well, me and my sisters did, and I seen  
2 her come out. And, like, I went to say hi, but then I, like, I don't -- I just  
3 sat back down, because, like, I wanted to say hi, but then I don't know  
4 what Janet would think of it. It's, like -- and then I was in the back  
5 waiting for me to, like, go into a room for them to do whatever they were  
6 doing to my mouth. And then she, like, saw the marks on my face, like, I  
7 had, like, scratches on my, like, by my face. And then I had, like, a real  
8 big bruise on my leg. She asked me, she's like, what's going on? And  
9 then, like, I just started crying. I went -- I -- I told her what was going on.  
10 And then, like, I got scared, because I don't know what, like, Janet would  
11 do, like --

12           Q     What -- you said you had scratches to your face and then you  
13 had a big bruise. What were the scratches to your face from?

14           A     Janet smacking me.

15           Q     And then -- when you say scratches, you talked about on  
16 Friday that she would always wear rings.

17           A     Yeah.

18           Q     Are the rings what caused the scratches or her nails --

19                   MS. McAMIS: Leading.

20 BY MS. BLUTH:

21           Q     -- or what?

22                   MS. McAMIS: Objection. Leading.

23                   THE COURT: She can answer.

24                   THE WITNESS: Yeah. Well, she wore rings.

25 BY MS. BLUTH:

1 Q And --

2 A She just smacked me.

3 Q And then where were the bruises -- or where was the bruise  
4 that you were referring to?

5 A My leg. I'm not sure which one it was, but it was on my leg.

6 Q Do you remember how you got that bruise?

7 A No.

8 Q Now, when you -- when Ms. Heather first asked you, you  
9 know, like, what happened, did you feel comfortable telling her right  
10 away?

11 A No, I just told her, Oh, my mom hit me, but it was an accident.

12 Q After you spoke with Ms. Heather, did you -- did you think you  
13 were going to get help or something was going to change?

14 A Yeah.

15 Q What did you think?

16 A That we were just going to get help, like, I didn't -- like, get  
17 taken out -- out the home, because it's, like, nobody -- like, not -- a child  
18 shouldn't be in a home where she gets slapped every day.

19 Q Okay. And so at some point did CPS come to the house and  
20 speak to you about that incident?

21 A Yeah.

22 Q And when they talked -- when CPS came, do you remember  
23 what you told them?

24 A That Janet was beating us, like, repeatedly, like, an everyday  
25 occasion.

1 MS. BLUTH: Court's indulgence, Your Honor.

2 MS. McAMIS: Just for the record, we have the same objection  
3 that you previously ruled on.

4 THE COURT: It's not --

5 MS. McAMIS: About that's -- not that about --

6 THE COURT: -- a document --

7 MR. FIGLER: It's a unity note.

8 THE COURT: -- prepared by her.

9 MR. FIGLER: It's a unity note, Your Honor.

10 THE COURT: That's overruled. The document can be used  
11 to refresh her recollection even though she didn't author it.

12 BY MS. BLUTH:

13 Q And then if you could just read that paragraph right there for  
14 me and let me know when you're done.

15 A [Witness complies.]

16 Q Does that help refresh your recollection?

17 A No.

18 Q Okay. And so what did you tell the worker?

19 A Like, when she hit me it was an accident, but it wasn't.

20 Q Okay. Did she encourage you to --

21 A Not say anything?

22 Q No, sorry. Did the -- did the -- did you talk to the worker about  
23 what Janet had told you to say or not say?

24 A Like, what do you mean?

25 THE COURT: Yeah, that --

1 MS. BLUTH: Yeah, I know. I don't even know what I meant  
2 on my own. So.

3 THE COURT: I was wondering what she meant too, but.

4 BY MS. BLUTH:

5 Q When you were speaking to the CPS worker, did you discuss  
6 with her the fact that Janet had told you not to discuss what was  
7 happening?

8 A Yeah.

9 Q Did that worker encourage you to talk to her and tell her what  
10 was going on?

11 A Yeah. Because I'll -- but -- I wouldn't give myself bruises, like,  
12 no.

13 Q And when she encouraged you to tell more, you wouldn't tell  
14 her anymore; is that right?

15 A Yeah.

16 Q Why wouldn't you tell her anymore?

17 A Scared. Like, if I had told the CPS worker and Janet found out  
18 and she would get mad, and then she would kick me around and then  
19 smack me until she was satisfied.

20 Q Okay. In a second, I'm going to ask you some questions  
21 about going to the Marvelous Grace Girls Academy. Did you have to  
22 have a physical before you went there? Like, did you have to go to a  
23 doctor appointment and get, like, a clean bill of health before you went  
24 there?

25 A I don't remember.

1 Q Okay. In the fall, I think it was November-ish of 2013, did you  
2 go to the Marvelous Grace Girls Academy?

3 A Yeah.

4 Q And where did Janet tell you that you guys were going?

5 A She said that we were going to go get help to, like, stop our  
6 behavior.

7 Q Okay. At any point in time, did she ever tell you or threaten  
8 you that you were going to go to a women's prison?

9 MS. McAMIS: Well, objection. Leading.

10 MS. BLUTH: Yes-or-no question.

11 THE COURT: Well, it's a little bit leading.

12 If you can answer.

13 A better question might be, were you ever told you were going  
14 anywhere else besides this place to help you with your behaviors?

15 THE WITNESS: All she told me was that they were allowed to  
16 whoop us.

17 THE COURT: That they were what?

18 THE WITNESS: Allowed to whoop us --

19 THE COURT: Okay.

20 THE WITNESS: -- was how she told me.

21 BY MS. BLUTH:

22 Q Now, while you were there, were you on any special diets?

23 A No.

24 Q Did anybody have to blend your food?

25 A No.

1 Q Did you ever have any toileting accidents?

2 A No.

3 Q After you were there for a while, did you open up to some of  
4 the members of the staff in regards to some things that had been  
5 happening to you at home?

6 A Yeah.

7 Q Do you remember who it was that you spoke to?

8 A I think it was Ms. Joanna.

9 Q Okay. And --

10 THE COURT: Who is Ms. Joanna?

11 THE WITNESS: She was one of the staff that worked there.  
12 There was several staff. I'm not sure which one. I'm pretty sure it was  
13 her.

14 BY MS. BLUTH:

15 Q And after being there for about four or five months, do you  
16 remember someone from Florida CPS coming and speaking to you?

17 A Yeah.

18 Q While you were speaking to that CPS worker, did you discuss  
19 with her some of the things that had been happening in Las Vegas while  
20 you lived with the Solanders?

21 A Yeah.

22 Q During that interview, did they ask you what you thought might  
23 happen to you if you told them everything?

24 A Can you rephrase that?

25 Q Yeah.

1           A     It might have slipped my mind.

2           Q     While you were speaking with the CPS worker from Florida,  
3 do you remember her asking, you know, what do you think will happen if  
4 you tell CPS?

5           A     That she would beat us.

6           MS. BLUTH: Court's indulgence, Your Honor.

7           THE COURT: I'm assuming same objection to refreshing her  
8 recollection with this document?

9           MS. McAMIS: Well, yes. It's --

10          THE COURT: Okay.

11          MS. McAMIS: -- the wrong witness is our position.

12          THE COURT: Can you use it just to refresh her recollection?

13 BY MS. BLUTH:

14          Q     If you could read just this sentence right here, and I'll have a  
15 question for you after you read it.

16          A     [Witness complies.] Yeah.

17          Q     Does that help refresh your recollection?

18          A     Uh-huh.

19          Q     And what did you tell the CPS worker you would -- you  
20 thought would happen to you if you told CPS everything?

21          A     She would have killed us.

22          Q     Janet?

23          A     Yeah.

24          Q     When you were done speaking with Florida CPA, a few days  
25 after, did someone from Las Vegas CPS come and get you and your



1 sisters?

2 A Yeah.

3 Q And then how did you get back to Las Vegas?

4 A Ms. Eva and Ms. Nicole, they -- we flew back out here.

5 Q And are they workers for Nevada CPS?

6 A Yeah.

7 Q And when you got back to Las Vegas, did you do kind of a -- a  
8 sit-down formal interview with an interviewer at the CAC, the Children's  
9 Assessment Center --

10 A Yeah.

11 Q -- Advocacy Center? Did you have a medical examination  
12 where they took pictures of you?

13 A Yeah.

14 THE COURT: I'm going to interrupt you, Ms. Bluth, and we're  
15 going take our --

16 MS. BLUTH: Oh.

17 THE COURT: -- minute recess.

18 MS. BLUTH: Yes, Your Honor.

19 THE COURT: So ladies and gentlemen, let's just take -- is 10  
20 minutes enough for everybody? That'll put us right at 10:45.

21 During the brief recess you're all reminded you're not to  
22 discuss the case or anything relating to the case with each other or with  
23 anyone else, you're not to read, watch, listen to any reports of or  
24 commentaries on the case, person, or subject matter relating to the  
25 case. Do not do any independent research by way of the Internet or any

1 other medium. Please don't form or express an opinion on the trial.

2 Please place your notepads in your chairs and follow  
3 [indiscernible] through the double doors.

4 And do not discuss your testimony with anybody else during  
5 the break. Okay?

6 THE WITNESS: Okay.

7 [Court recessed at 10:34 a.m., until 10:55 a.m.]

8 [In the presence of the jury.]

9 THE COURT: All right. Court is now back in session. And  
10 Ms. Bluth, you may resume your direct examination.

11 MS. BLUTH: Thank you.

12 **DIRECT EXAMINATION (CONT.)**

13 BY MS. BLUTH:

14 Q So Amaya, I was asking you when you got back to Las Vegas,  
15 you had a medical examination and you also sat down and had a formal  
16 interview and you said that was correct, right?

17 A Yeah.

18 Q And in that interview, did you draw pictures of certain things in  
19 the home?

20 A Yeah.

21 Q I'm approaching you with what's been marked for purposes of  
22 identification as State's Proposed 120, 122, and 127. I'm going to start  
23 with State's Proposed 120 and there's a front of this and then there's a  
24 back as well, with a date and name. Do you recognize this picture?

25 A Yeah. That was the food that we ate.

1 Q Okay. And is this a fair and accurate depiction of what you  
2 drew in regards to the food that you ate?

3 A Yeah, but I can't draw, so.

4 Q Okay. You say you can't draw?

5 A Yeah, no.

6 Q Okay. And then now I'm showing you State's Proposed 122,  
7 same thing, on the back is a name and a date of March 11th, 2014, and  
8 then a picture?

9 A Yeah.

10 Q Is that another picture that you drew on that day?

11 A Yeah. Looks like the table and the bathroom.

12 Q Okay. And then showing you State's 127, same thing, date  
13 and name, and then is that another drawing that you drew on that day?

14 A Yeah.

15 Q Okay. And are these fair and accurate depicts of what you  
16 draw -- drew on March 11th of 2014?

17 A Yeah.

18 Q Okay.

19 MS. BLUTH: Your Honor, Your Honor, at this time I'd move to  
20 admit evidence, those exhibits.

21 THE COURT: Any objection?

22 MS. McAMIS: Submitted.

23 THE COURT: All right. Those will be admitted.

24 MS. BLUTH: And then permission to publish.

25 THE COURT: You may.

1 [State's Exhibit Nos. 120, 122, and 127 admitted.]

2 BY MS. BLUTH:

3 Q Okay. So I'm showing you State's 120. I'm going to zoom  
4 out. Okay. So I want you to read these words to me up top; what does  
5 that say?

6 A Rat meat.

7 Q Okay. And then what does this say?

8 A That was probably here because that's what she told us was  
9 in the food.

10 Q Okay. And then what -- what were you drawing right here?

11 A A bowl with painted rice that -- I'm bad, I can't draw.

12 Q Okay. And then down here in really small writing, and I can  
13 bring it up to you. It looks like it says something about cows, beets, and  
14 private area?

15 A Yeah. She would put beets in our food. It's like this weird  
16 stuff, I don't know what it is.

17 Q Okay. So is that -- the drawing that you did of the food during  
18 the interview?

19 A Yeah.

20 Q Okay. And now I'm going to show you State's 122; what are  
21 we looking at here?

22 A It's, like, the table in the bathroom, I think. It looks like it.

23 Q Okay. Do you remember why you were drawing the table in  
24 the bathroom?

25 A They were describing, like -- they asked me, like, what was in

1 the bathroom that you guys went into.

2 Q Okay.

3 A And I drew the table.

4 Q And now I'm going to show you State's 127. All right. So I  
5 want to start with this area over here on the left. What's over here?

6 A Laundry room.

7 Q Okay. And then what's --

8 A Bathroom.

9 Q -- this door?

10 A Bathroom door.

11 Q And then on this side, what are we looking at?

12 A The loft to where Ava, this board is, and then that's Janet's  
13 room.

14 Q Which -- sorry, this is Janet's room right here?

15 A Right here.

16 Q The -- the bottom right? Okay. And then what -- what's this  
17 right here?

18 A That -- well, I didn't spell her name, I just put Miss.

19 Q Oh, Miss Janet?

20 A Yeah.

21 Q Okay. And then right in front of Janet's room is what?

22 A Ava's board.

23 Q And then what's this square?

24 A That's -- Anastasia -- I can't read my handwriting though.

25 Q Okay. And then what is this thing right here?

1           A     The gate.

2           Q     All right.

3           A     Like, goes on the wall.

4           Q     And then I can't -- is that-- what does that say?

5           A     I can't read it.

6           Q     Okay. So is that the upstairs loft area?

7           A     Yeah.

8           Q     I'm going to show you State's 162; what do you recognize in

9 this picture?

10          A     The paint sticks.

11          Q     Okay. Anything else?

12          A     The flashlight she used to check our underwear with.

13          Q     Can you circle the flashlight?

14          A     [Witness complies.]

15          Q     And is that the same, like, that would be used to check your --

16 the -- not only your underwear, but the shower too?

17          A     Yeah.

18          Q     I'm showing you State's 198, a picture associated with that.

19 Who's that in the photo?

20          A     That's me.

21          Q     Do you recall why this photo was being taken?

22          A     She cut my hair that day.

23          Q     She what?

24          A     She cut my hair.

25          Q     Okay. And then showing you State's 217, and I'll zoom out;

1 who's that?

2 A Anastasia.

3 Q Oh. So you can see that there's some type of substance on  
4 Anastasia's lower half; is that right?

5 A Yeah.

6 MS. McAMIS: Leading.

7 MS. BLUTH: I'm setting up a question.

8 THE COURT: Overruled.

9 BY MS. BLUTH:

10 Q Do you have an independent recollection of this day or was  
11 this something that happened all the time?

12 A For Anastasia it was an everyday thing, basically. Like,  
13 because she wasn't able to go to the bathroom.

14 Q Okay. After you came back to Las Vegas, did you go back  
15 into a foster home?

16 A Yeah.

17 Q And whose house was that?

18 A Ms. Debbie, well, that's my adopted mom. That's my mom  
19 now.

20 Q All right. And so she formally adopted you?

21 A Yeah.

22 Q And once you got back to Las Vegas, did you still have to  
23 have that blended food special diet?

24 A No.

25 Q What types of things could you eat once you got back?

1 A Regular food.

2 Q Did you have any toileting issues or accidents?

3 A No.

4 Q And as you sit here today, are you having any -- do you have  
5 any stomach issues right now --

6 A No.

7 Q -- like, not this second, but you know what I mean, like, in your  
8 life?

9 A No.

10 Q And are you on any medications?

11 A No.

12 Q Have you ever had a -- a seizure since the one time you had a  
13 seizure with Ms. Janet?

14 A No.

15 Q And then lastly, if you could describe to me what the catheter  
16 looked like, the -- the whole structure?

17 A It's like a bag in, like, tube, I guess you could say. It would,  
18 like, take pee out of you.

19 Q Okay. And was there anything on the bag?

20 A There was, like, lines to measure how much pee was in it, I  
21 think. And I don't really remember, but --

22 Q Okay. Showing you State's 204.

23 A Yeah.

24 Q Are those the lines you were talking about?

25 A Yeah.



1 MS. BLUTH: Court's indulgence, Your Honor.

2 The concludes my direct examination, Your Honor. I'll pass  
3 the witness.

4 THE COURT: All right. Cross.

5 MS. McAMIS: Your Honor, could we approach.

6 THE COURT: Sure.

7 [Off-record bench conference.]

8 **CROSS-EXAMINATION**

9 BY MS. McAMIS:

10 Q Good morning, Amaya.

11 A Good morning.

12 Q I'm going to ask you some questions about before you got into  
13 foster care just briefly, okay?

14 A Okay.

15 Q Okay. So before you were in foster care, you lived with your  
16 grandmother for a period of time, right?

17 A Yeah.

18 Q Okay. And do you remember your grandmother took care of  
19 you with your sisters, right?

20 A Yeah.

21 Q And you remember that -- or, actually, I'll ask it this way. Do  
22 you remember your grandmother disciplining you and your sisters by  
23 pulling on your ears?

24 A Yeah. I mean, she was Mexican. That's what us Mexicans  
25 do.

1 Q All right. You remember your grandmother disciplining you  
2 guys by spanking with a belt?

3 A Yeah.

4 Q Okay. All right. So ultimately you became part of the foster  
5 care system and you moved into the Solander home. So now I want to  
6 focus your attention on that time period, okay?

7 A Okay.

8 Q All right. Now, when you first moved into the -- the Solander  
9 home, you were foster kids for about six or seven months, right?

10 A Yeah.

11 Q Okay. And then after she adopted you in about January  
12 of 2011, right?

13 A Yeah.

14 Q Okay. So when you lived at the Solander home you did things  
15 like go to church with the Solanders, right?

16 A Yeah.

17 Q So how was church?

18 A Wouldn't say it was every Sunday when we would go to  
19 church.

20 Q Okay. Did you talk to people at church?

21 A Not really. No.

22 Q Okay. Would you listen to the service?

23 A Yeah.

24 Q Okay. And you went as a family, all three -- you -- you and  
25 your sisters with Janet, right?

1           A     Yeah.

2           Q     And even Danielle went when she still lived at home, right?

3           A     Yeah.

4           Q     Okay. When you lived with Janet, she took you with her on

5 some vacations, some family vacations, right?

6           A     Yeah.

7           Q     Went to Disney World and Florida, right?

8           A     Yeah.

9           Q     That was with her whole family, everybody showed up, right?

10          A     Yeah.

11          Q     And that included you and your sisters, and then also Janet's

12 biological daughters, right?

13          A     Yeah.

14          Q     Okay. And so everybody kind of stayed together and

15 everybody went to Disney World for a few days together, right?

16          A     Yeah.

17          Q     Okay. And then you also went to Knott's Berry Farm together,

18 right?

19          A     Yeah. We didn't get on the rides, though.

20          Q     Okay. But you did go as a family to Knott's Berry Farm, right?

21          A     Yeah.

22          Q     And then Janet took you to, like, the beach with your sisters,

23 right?

24          A     Yeah.

25          Q     All right. So one of the last things that you were testifying

1 about on direct examination was on the food in the home and how that --  
2 rules and how that may have changed. So focus your attention on that.  
3 Okay?

4 A Okay.

5 Q All right. So you've testified that you would go days without  
6 food sometimes?

7 A Yeah.

8 Q Okay. Now, isn't it true Janet actually cooked rice and beans  
9 and cornbread in the home?

10 A Yeah.

11 Q Okay. And then you were testifying about beets in the home?

12 A Yeah.

13 Q Beets are like a red vegetable, right?

14 A Yeah.

15 Q Okay. So that's something that you recognized that she would  
16 feed you, right?

17 A Yeah.

18 Q And that's something that would also go into the blended food,  
19 right?

20 A Yeah.

21 Q Okay. And then you got oatmeal or cereal in the mornings?

22 A Yeah.

23 Q And you got sandwiches for lunch before the blending, right?

24 A Yeah.

25 Q Is that a yes?

1           A     Yeah.

2           Q     Okay. Thank you. So after a while you and your sisters  
3 started having stomach problems where your stomach hurt, right?

4           A     That's what she said.

5           Q     Well, and in fact you've testified previously in this matter,  
6 right?

7           A     I guess. I don't know. I don't even know what she -- like, I  
8 don't know what you mean, like, you got to break it down.

9           Q     Okay. So you remember testifying at a preliminary hearing in  
10 this matter where the same kind of questions were asked, right?

11          A     Yeah.

12          Q     Okay. And so you remember being asked questions about  
13 your stomach, right?

14          A     Yeah.

15          Q     Give me just a moment, please.

16                 All right. So at preliminary hearing in this matter, you were  
17 asked the question -- actually, do you remember what you testified about  
18 stomach pains at preliminary hearing?

19          A     Not really. It was a really long time ago.

20          Q     Fair enough. It's been a while. If you looked at a transcript of  
21 this statement that you gave, meaning your testimony from preliminary  
22 hearing, would you be able to read that and would that refresh your  
23 memory about what you said?

24          A     Yeah.

25          Q     Okay. So I'm going to approach you. Directing everyone to

1 page 47 and 48.

2 If you could just review the bottom and then the top of the next  
3 page to yourself, please.

4 A [Witness complies.]

5 Q If you would please just look at your answer on the top of  
6 page 48.

7 A It's 49.

8 Q You're right. 48, thank you.

9 Does that refresh your memory --

10 A Yeah.

11 Q -- about what you testified to previously? Pardon my reach.

12 A [No audible response.]

13 Q You were asked, you were having pains in your stomach, and  
14 you answered yes, correct?

15 A Yeah.

16 Q Okay. And so after you were having the pains in your  
17 stomach, Janet took you to the doctor, right?

18 A Yeah.

19 Q Okay. And it was at that time that you got your colon checked  
20 out by a doctor, right?

21 A Yeah.

22 Q Okay. And Janet took you to the doctor and said you were  
23 having pains in your stomach?

24 A Yeah.

25 Q Okay. And then after that, that's when Janet started blending

1 your meals, right?

2 A Yeah.

3 Q Okay. And when Janet was blending your meals, it was the  
4 same food that she was preparing before, she was just blending it, right?

5 MS. BLUTH: Objection. Speculation.

6 MS. McAMIS: Well, she's testified about all of her  
7 observations of the food.

8 THE COURT: If she knows, she can answer.

9 THE WITNESS: Like, what types of food were blended up?

10 BY MS. McAMIS:

11 Q Yes.

12 A There was beets. In the morning she would blend quinoa  
13 oatmeal together. She would use, like, spinach. I don't think it was  
14 spinach or collard greens, I don't know. And she would, like, just blend  
15 up, like, random types of food and beans together. Because we would  
16 go to the store with her sometimes and she would pick it out.

17 Q All right. So you saw her cooking, like, beans and rice, right?

18 A Yeah.

19 Q And that's something that you wrote down on your -- on the  
20 picture that you were shown earlier, that you made and preliminary  
21 hearing, right?

22 A Yeah.

23 Q Is that a yes?

24 A Yeah.

25 Q And I apologize, if we could take turns talking, just because of

1 the way this is recorded, we have to take turns talking. So I'll try not to  
2 overtalk you. Okay?

3 A Okay.

4 Q Okay. So after you saw the doctor and then Janet started  
5 giving you blended foods, your stomach actually felt better, right?

6 A Yeah.

7 Q Okay. And your stomach wasn't hurting anymore?

8 A Yeah.

9 Q Now, when you talked to -- you remember talking to CPS back  
10 in March of 2014 where they did that sit-down interview, right?

11 A Yeah.

12 Q And they were recording it and they told you we were  
13 recording it, right?

14 A Yeah.

15 Q And at that time you promised to tell the truth to all of the  
16 questions that they asked you, right?

17 A Yeah.

18 Q Okay. So when you talked to them in March of 2014, you told  
19 them that Janet gave you vegetables, rice, and beans, just like you  
20 testified today, right?

21 A Yeah.

22 Q But you also told them that you were fed rats and the cow's  
23 private area, right?

24 A Yeah. That's what she told us.

25 Q Okay. And that's my question, because you've testified that's



1 based on what Janet told you. So my question to you is back in march  
2 of 2014, isn't it true that when you explained that you were getting rats  
3 and cow's private areas, you did not say that's because what Janet told  
4 you?

5 A That's what she told us. Like, because we had, like, this salty  
6 meat. I asked her what it was, she said it was rat.

7 Q Okay. But my question to you was back in 2014, when you  
8 gave your statement to CPS and you were asked what you would have,  
9 isn't it true that you did not say Janet told us what we would get rat and  
10 cow's privates?

11 A Yeah.

12 Q Right.

13 A I guess.

14 Q You just said that that's what you thought you were having?

15 A Yeah.

16 Q Okay. Now, when you talked to CPS in March of 2014, isn't it  
17 true you also did not tell CPS anything about having to stand up while  
18 eating your meals?

19 A Yeah.

20 Q I'm going to turn your attention to some of the -- the bathroom  
21 accidents that you've testified to between you and your sisters. Okay?

22 A Okay.

23 Q All right. Now, there were -- there were times after your  
24 stomach started to feel better and after the blended foods had started  
25 that you continued to purposely poop and pee in your pants, because

1 you were mad at Janet, right?

2 A Okay.

3 Q Well, I'm not asking you to agree, I'm asking you for your  
4 response on the question. If you don't remember saying that, that's --  
5 we can take it from there?

6 A I don't remember saying that. I mean, she wouldn't let us go  
7 to the bathroom.

8 Q Okay. So you remember testifying --

9 MS. McAMIS: Page 109.

10 MS. BLUTH: Thank you.

11 BY MS. McAMIS:

12 Q You remember testifying at the preliminary hearing in this  
13 matter, and you were asked questions just like I'm asking you about  
14 whether or not you purposely peed or pooped, right?

15 A Yeah.

16 Q Okay. Would looking at your response refresh your memory  
17 on what you said?

18 A Yeah.

19 Q Okay. Give me just a minute. Okay.

20 If I could direct your attention to page 109, in the middle,  
21 starting around line 16. Would you please read that silently to yourself  
22 and look up when you're done.

23 A [Witness complies.] Okay.

24 Q Okay. Did that refresh your memory about --

25 A Yeah.

1 Q -- what you testified to previously? Okay. So at that time you  
2 were asked:

3 Now, after your stomach started feeling better, did you  
4 continue to purposely pee or poop your pants because you were  
5 mad?

6 And you answered: Yes.

7 Correct?

8 A Yeah.

9 Q Okay. Now, there was also a time where Anastasia pooped  
10 on herself about one week after all three of you were adopted and still  
11 living in the Jubilee home, right?

12 A Yeah.

13 Q And at that time you remember it smelled bad?

14 A Yeah.

15 Q And you remember that Anastasia had actually wiped her  
16 poop under the bed?

17 A Yeah.

18 Q Okay. Now, there were other times, for example, where you  
19 had an accident and you indicated you pooped on yourself after you ate  
20 prunes, right?

21 A Yeah.

22 Q And Janet got mad and yelled at you for having a pooping  
23 accident on yourself?

24 A Yeah.

25 Q And at that time you indicated Janet yelled at you and she did

1 not spank you, right?

2 A Yeah.

3 Q Okay. So she just yelled at you and said you can never eat  
4 prunes again, right?

5 A Yeah. I don't know why she fed it to me.

6 Q Okay. But at that time, that was your consequences, you're  
7 not going to eat prunes again?

8 A Yeah.

9 Q Okay. Now, because of the ongoing bathroom accident  
10 issues, ultimately you -- you and your sisters were put on, like, a  
11 bathroom timer that you testified to, right?

12 A Yeah.

13 Q Okay. So while you were home schooled, there was, would  
14 you say, when you could go to the bathroom, right?

15 A Yeah.

16 Q And you were given a bathroom break every hour when you  
17 were home schooled, right?

18 A Yeah.

19 Q Okay. And when the hour was up, when the timer went off,  
20 Janet would encourage you to go to the bathroom, right?

21 A Yeah.

22 Q Okay. And then there were times where timer went off and  
23 you said, Okay, I'll go to the bathroom, right?

24 A Yeah.

25 Q And then there were other times when you refused to go to the

1 bathroom when it was time for the bathroom break, right?

2 A Yeah.

3 Q Okay. And then after the bathroom break was up and you  
4 chose not to go to the bathroom, there were times where then you peed  
5 or pooped on yourself, before --

6 A I didn't have to go --

7 Q -- the next break?

8 A -- to the bathroom then.

9 Q I'm sorry?

10 A I didn't have to go to the bathroom then.

11 Q Okay. My question was after the bathroom break would be up  
12 and the timer would be off, and you would say, nope, I don't have to go  
13 to the bathroom, before the next hour break was up, there were times  
14 where you had an accident and peed or pooped on yourself, right?

15 A Yeah, she would have us wait.

16 Q Okay. So that's a yes?

17 A Yeah.

18 Q Okay. And that would also happen to your other sisters too,  
19 right?

20 A Yeah.

21 Q Okay. Now, there were times when you or your sisters would  
22 say you needed to go to the bathroom and Janet would just direct you to  
23 go upstairs, right?

24 A No. No.

25 Q Okay. You remember testifying at the preliminary hearing in

1 this matter about the bathroom breaks and the different rules, right?

2 A Yeah.

3 Q Okay. And so you were asked a question about -- I need just  
4 a moment, please.

5 Well, let me ask you this. When we -- you were doing the  
6 home schooling and asking -- and you were answering questions about  
7 the bathroom breaks, there were times where you purposely peed on --  
8 and pooped on yourself because you were angry, right?

9 A Yeah. Getting slapped around ain't easy.

10 Q Okay. My question was, in response to the rules about the  
11 bathroom breaks, you purposely peed and pooped on yourself to anger  
12 Janet, right?

13 A Yeah.

14 Q Okay. And then it was when the -- that's when the buckets  
15 came out was when you and your sisters would purposely pee or poop  
16 on yourselves, right?

17 A Yeah.

18 Q Okay.

19 A She could have just let us go to the bathroom whenever.  
20 We're like, what?

21 Q And I understand that you want to provide that additional  
22 information. You're actually going to have another opportunity to answer  
23 Ms. Bluth's questions, so I'm just going to ask you to just focus on mine,  
24 if you could. Okay?

25 A Okay.

1 Q Okay. Thank you. So the rule at home was, when you were  
2 home schooled, you just needed to tell her that you needed to go to the  
3 bathroom, right?

4 A At first, yes.

5 Q Okay. And just not wait until the last minute, right?

6 A Yeah.

7 Q Okay. Now, you testified previously that you understood that  
8 the rules behind all the bathroom breaks was because the Solanders  
9 were trying to help you break an angry behavioral cycle, right?

10 A Yeah.

11 Q Now, you've testified that you were forced to sit on orange  
12 Home Depot buckets all day long, every day while you did your  
13 homework, right?

14 A Yeah.

15 Q From basically the time you woke up until the time you went to  
16 bed, right?

17 A Yeah.

18 Q Okay. And that's when you sat on the buckets is all day long?

19 A Yeah.

20 Q Okay. Isn't it true that if you did not have a bathroom accident  
21 on yourself, you sat on black cloth chairs to do your homework?

22 A No.

23 Q Okay. So it's your testimony that you never sat on a regular  
24 chair to do home schooling?

25 A When she wanted to be nice, yes. But other than that, like, if I

1 didn't pee or poop myself, she would still make us sit on buckets.

2 Q Okay. So your answer is that it was not done every day you

3 sat on buckets; there were times that you sat on regular chairs?

4 A Rare. Because we had to stand up too.

5 Q Okay. So it -- it wasn't every day --

6 A Yeah.

7 Q -- on the buckets, right?

8 A I guess you could say that.

9 Q Okay. And that the buckets were brought out in response to

10 repeated peeing and pooping, right?

11 A Yeah.

12 Q Okay. And there were times that you purposely peed or

13 pooped on yourself to get out of doing homework, right?

14 A How do I put this?

15 Q Is that a yes or a no?

16 A I'm trying to think how -- like, how to word my -- my response.

17 Q Well, let me ask you this. You previously testified at he

18 preliminary hearing in this matter --

19 MS. BLUTH: Judge, I would ask that she be allowed to

20 answer the question before. There was a previous testimony.

21 THE COURT: Your question was?

22 MS. McAMIS: If she purposely peed or pooped on herself to

23 get out of homework.

24 THE COURT: You can answer the question.

25 THE WITNESS: A yes-or-no question? Or do, like --



1 THE COURT: Well, it's a yes-or-no question when  
2 Ms. McAmis is done asking you questions, Ms. Bluth will have an  
3 opportunity to ask you more questions. And if she wants you to explain  
4 one of your answers, she can do that. And if you can't answer a  
5 yes-or-no question with a yes or no, then just tell Ms. McAmis I can't  
6 answer that yes or no.

7 THE WITNESS: Yeah, I -- I can't answer that, because --  
8 BY MS. McAMIS:

9 Q Okay. So you remember testifying at the preliminary hearing  
10 in this matter, correct?

11 A Yeah.

12 Q And you were asked questions about when you made  
13 decisions to purposely pee or poop on yourself, right?

14 A Yeah. It made me feel guilty.

15 Q And you were asked -- okay. And you were asked questions  
16 about when you did that during homework time; do you remember that?

17 A Yeah.

18 Q Okay. So at that time you were asked:

19 Sometimes, though, you would pee or poop yourself to get out  
20 of having to do your homework, right?

21 And you answered: Yes.

22 A Yeah.

23 Q You -- are you agreeing with that? Or do you not remember  
24 that?

25 A Oh, my God. How do I put this? I don't know -- like --