

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

2 JANET SOLANDER,                   )

CASE NO. 76228

3           Appellant,                   )

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Elizabeth A. Brown  
Clerk of Supreme Court

4 vs.                   )

**VOLUME XXI**

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 Q Did you read -- before you interviewed these girls,  
2 did you read Janet Solander's book?

3 A No. I've actually never read her book.

4 Q Okay. The fact that she wrote that book, does that  
5 affect in any way how you would have interviewed the children  
6 on March 11th?

7 A No. I have no idea what was in the book because like  
8 I said, I didn't read it beforehand. So but even if I did, it  
9 wouldn't have affected anything anyway. I'm not sure what's in  
10 the book. So but, like I said earlier, prior to doing a  
11 forensic interview, I wouldn't look at, just like how I  
12 wouldn't read articles in the news about a case, I wouldn't  
13 read something like that that could potentially put other  
14 information in my head. I just go off of what law enforcement  
15 or CPS would provide to me as the allegations.

16 Q Okay. So on March 11th, did you care that Janet  
17 Solander had written a book?

18 A Not at all.

19 Q And then today, as you sit here, you know, four years  
20 later, do you care that Janet Solander wrote that book?

21 A No. I think it's irrelevant.

22 Q Okay. And you've never even read it?

23 A Correct.

24 MS. BLUTH: Okay. Nothing further, Your Honor.

25 Thank you.



1 THE COURT: All right.

2 MR. FIGLER: Just based on that.

3 REDIRECT EXAMINATION

4 BY MR. FIGLER:

5 Q But you do admit that you received it four days  
6 before the interview; correct?

7 A Whatever the date is on that email, yes.

8 Q And you forwarded it to at least three people the  
9 morning before you did the interviews; is that correct?

10 A Yes.

11 Q And one of the people that you forwarded it to was  
12 Kristina Bernat; correct?

13 A Correct.

14 Q And who was Kristina Bernat in March 11, 2014, to  
15 you?

16 A Also a forensic interviewer.

17 Q Okay. And do you know that she was the interviewer  
18 who interviewed the Stark girls in this related to this case?

19 A I don't recall who the Stark girls are.

20 MR. FIGLER: Okay. We have a stipulation, Your  
21 Honor, that Kristina Bernat was the forensic interviewer who  
22 interviewed Ivy and Autumn Stark in relation to this case.

23 THE COURT: All right. Thank you.

24 MR. FIGLER: All right. I have no further questions.  
25 Thank you.

1 THE COURT: Anything else, Ms. Bluth?

2 MS. BLUTH: No.

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

5 All right, ma'am, I see no additional questions.  
6 Thank you for your testimony. Please don't discuss your  
7 testimony with any other witnesses.

8 THE WITNESS: Okay.

9 THE COURT: Thank you, and you are excused.

10 THE WITNESS: Thank you.

11 MR. FIGLER: [Unintelligible]

12 Your Honor, all the defense exhibits have been --  
13 that were proposed with the exception of one have been  
14 admitted. This defense has no further witnesses at this time.  
15 So the defense would rest.

16 THE COURT: All right. Any rebuttal witnesses?

17 MS. BLUTH: No, Your Honor.

18 THE COURT: All right. Ladies and gentlemen, we're  
19 going to go ahead and take a brief recess just till 11:10. All  
20 of the evidence has been presented in this case. After our  
21 brief recess, the Court will read to you the instructions on  
22 the law, and that will be followed by the closing arguments  
23 from the attorneys. Once that is concluded, the case will be  
24 submitted to you for your deliberations.

25 During this brief recess, you're all reminded you're

1 not to discuss the case or anything relating to the case with  
2 each other or with anyone else. You're not to read, watch or  
3 listen to any reports of or commentaries on the case, person or  
4 subject matter relating to the case. Do not do any independent  
5 research by way of the Internet or any other medium, and please  
6 do not form or express an opinion on the trial..

7 Let's go ahead and take until 11:15 for our break,  
8 11:15 for the break. And as I said, when we come back, the  
9 Court will read to you the instructions on the law.

10 Please follow the bailiff through the double doors.

11 (Jury recessed 10:58 a.m.)

12 MS. BLUTH: She just got done adding the attempts  
13 on --

14 THE COURT: Okay.

15 MS. BLUTH: So she said it should be less than, like,  
16 two minutes.

17 THE COURT: Is she going to email it to Crystal to  
18 print out?

19 MS. BLUTH: She's going to email it to me. I'm going  
20 to email it to Crystal.

21 THE COURT: Okay. So we just have to wait then for  
22 that?

23 MS. BLUTH: Yeah. It should be minutes.

24 THE COURT: And then you've added the attempt  
25 instruction; right?

1 MS. BLUTH: Yes.

2 THE COURT: And all of the other instructions have  
3 been changed?

4 MS. BLUTH: Yes.

5 THE COURT: All right. We'll just -- when we get  
6 those, Defense, State, just as we are numbering, just look at  
7 those particular ones carefully so we make sure that the  
8 changes have been made correctly.

9 MS. BLUTH: Yes. Yes.

10 THE COURT: All right. We'll just be on a brief  
11 recess.

12 (Colloquy regarding scheduling)

13 (Proceedings recessed 11:02 a.m. to 11:15 a.m.)

14 (Outside the presence of the jury)

15 MR. FIGLER: Yeah, I'm just going over the latest set  
16 cursory, but --

17 THE COURT: Okay. Well, let's do it all together  
18 because that's faster.

19 MS. BLUTH: Okay.

20 THE COURT: So make a copy for me and a copy for  
21 yourselves, and then we can number them and get going.

22 MS. BLUTH: Yes.

23 (Pause in the proceedings)

24 MR. FIGLER: Are we on the record yet?

25 THE COURT RECORDER: We are.

1 THE COURT: No. She's making the copies.

2 MR. FIGLER: I'll just raise this right now if you  
3 want to wait for Ms. Bluth to come back, but just for the  
4 record we --

5 THE COURT: Okay. Wait. Are we --

6 THE COURT RECORDER: Yeah, we're on.

7 MR. FIGLER: For the record, Your Honor, the State  
8 has reintroduced the mental suffering language into the  
9 averments.

10 THE COURT: Right.

11 MR. FIGLER: -- of the Information in the  
12 instructions, and that was done over our objection. That was  
13 already noted. So we don't have to reargue it. The defense  
14 objects because, A, we believe that there would be a prejudice,  
15 but also that that would necessitate the filing of an  
16 amended -- a second amended information which was not done in  
17 this case, and there is now a discord between the last filed  
18 Information and that Jury Instruction Number 2 to the jury, and  
19 again that is over our objection on both counts. So just  
20 submit it. We don't need to argue it until Ms. Bluth gets  
21 back. I just wanted to raise that to the Court.

22 THE COURT: We figure we might end by 4:00.

23 MR. FIGLER: Maybe.

24 MR. HAMNER: No. Respectfully, no.

25 THE COURT: At this point. I mean --

1 MR. HAMNER: Possibly over 5:00.  
2 THE COURT: What's that?  
3 MR. HAMNER: Possibly over 5:00.  
4 THE COURT: Well, like I said, the jurors all know  
5 they may have to stay past 5:00 for closings.  
6 (Ms. Bluth entering)  
7 THE COURT: All right. We're going to go through --  
8 everybody's got their packet -- and number.  
9 MR. FIGLER: No. Ms. Bluth this still getting hers.  
10 MS. BLUTH: Yeah. I just wanted to --  
11 (Pause in the proceedings)  
12 THE COURT: All right. Do we all have the packets?  
13 Everybody ready?  
14 MS. BLUTH: Yes, ma'am.  
15 THE COURT: All right. Number 1, It is now my duty  
16 as Judge.  
17 2, If in these instructions.  
18 3, An Information is but.  
19 MR. FIGLER: And then that's the one we have our  
20 objection to now.  
21 THE COURT: Right. You guys need to file a corrected  
22 superseding amended --  
23 MS. BLUTH: Amended.  
24 THE COURT: -- to conform to the instruction.  
25 MS. BLUTH: Got it.

1 MR. FIGLER: And our objection to that is noted;  
2 right?

3 THE COURT: Yeah.

4 MR. FIGLER: Okay.

5 THE COURT: I mean, it's on the record.

6 MR. FIGLER: Great.

7 THE COURT: 4, To constitute the crime charged.

8 Are you fine with the location of the reasonable  
9 doubt instruction?

10 MR. FIGLER: That's fine, Your Honor.

11 THE COURT: All right. So that would be 5.

12 6, You are here to determine.

13 7, The evidence which you are to consider.

14 8, The credibility or believability.

15 9, A witness who.

16 They've got the -- where did you put the It is a  
17 constitutional right of a defendant?

18 MS. BLUTH: I thought I --

19 MR. FIGLER: It's a little later back, but it's  
20 definitely in there.

21 THE COURT: Okay. So you're fine with the location?

22 MR. FIGLER: Yeah, it doesn't matter.

23 MS. BLUTH: We can definitely move it up. I  
24 didn't -- whatever you guys want.

25 THE COURT: Okay.

1 MR. FIGLER: I'll leave it to the Court's --

2 THE COURT: Well, Adoptive parents, that's in the  
3 wrong place.

4 MS. BLUTH: Where is it?

5 THE COURT: That you put --

6 MS. BLUTH: Oh, yeah. No, agreed.

7 MR. FIGLER: All right. So the one I last left off  
8 here, Your Honor, was 9, A witness.

9 THE COURT: Right. I'm going to put that before, It  
10 is a constitutional -- okay. So next up, I just went to the  
11 back because that's what I did.

12 10, A person who commits a sexual penetration.

13 MR. FIGLER: Okay.

14 THE COURT: All right. 11, An act done with intent  
15 to commit a crime.

16 MR. FIGLER: Okay.

17 THE COURT: 12, Physical force.

18 13, A person is not.

19 14, Submission is not.

20 15, There is no requirement.

21 16, It is a defense.

22 MR. FIGLER: Oh, if we could just for a second, Your  
23 Honor, I just want to make it very clear for the record, since  
24 we weren't doing it numbered yesterday, that the defense had  
25 objections to the cumulative 12 through 15 being introduced,



1 and we had offered some alternate language. That's all. I  
2 just want to make that clear.

3 THE COURT: 17, Where a child has.

4 MR. FIGLER: Oh, sorry. Please hold.

5 Okay.

6 THE COURT: 17 -- 18, A person who.

7 19, If you find.

8 20, Corporal punishment.

9 MS. BLUTH: Do you want to put adoptive there after  
10 that?

11 THE COURT: Okay, yeah. Let's make 21 from the  
12 back -- it's way in the back -- Adoptive parents have the same  
13 rights as natural parents.

14 MR. FIGLER: Can you hold on a second, Judge. There  
15 we go. We found it.

16 MS. BLUTH: That'll be 21.

17 MR. FIGLER: Thank you, Your Honor.

18 THE COURT: That will be 21.

19 22, As used in these instructions.

20 23, In order to use.

21 24, A person who attempts -- I'm sorry, A person who  
22 unlawfully.

23 25, Battery means.

24 26, Any person who.

25 27 is the statute: If the State has failed to prove

1 beyond a reasonable doubt that the assault occurred between May  
2 22nd and May 22nd, 2014 --

3 You're fine with this one?

4 MR. FIGLER: Uh-huh.

5 MS. BLUTH: It was actually May 23rd, but do we  
6 care?

7 THE COURT: What's that?

8 MR. FIGLER: No.

9 MS. BLUTH: Nothing.

10 THE COURT: It's fine?

11 MS. BLUTH: It's fine.

12 THE COURT: Okay. 28, The Department of Family  
13 Services.

14 All right. 29, Evidence that the defendant.

15 30, You may have heard testimony.

16 31, It is not necessary.

17 32, It is a constitutional right.

18 33, Although you are to consider.

19 34, In your deliberation.

20 35, During the course of this trial.

21 36, When you retire.

22 37, If during your deliberation.

23 And 38, Now you will listen to the arguments of  
24 counsel.

25 All right. The verdict form I believe has been

1 changed at the request of the defense, and those have been  
2 added as the alternatives.

3 Any objection to the verdict form as redone?

4 MR. FIGLER: No, Your Honor.

5 THE COURT: Okay. I guess that's it; right?

6 MS. BLUTH: Yes.

7 THE COURT: Okay. Kenny, bring them in.

8 MR. FIGLER: And Ms. McAmis will have time to set up  
9 her computer before because we're taking that break; right?

10 THE COURT: Well, okay. It's 11:30. It's going to  
11 be noon by the time I read these, and if --

12 MR. FIGLER: Okay. We're good.

13 THE COURT: It's an hour. We've got sandwiches. So  
14 I'm thinking around 1:00 we'll take a lunch break. They'll go  
15 in the back and eat their sandwiches. The bailiff keeps the  
16 door open so they don't start talking and normally would be,  
17 like, right there. So we make sure they're not starting to  
18 talk about the case.

19 MR. FIGLER: Thank you, Your Honor.

20 THE COURT: And then you guys would do yours roughly  
21 then around 2:00.

22 MR. HAMNER: Yeah, mine will be a little longer than  
23 an hour just as a heads up.

24 THE COURT: I knew that.

25 MR. HAMNER: Sorry.

1 (Pause in the proceedings)

2 (Jury entering 11:29 a.m.)

3 THE COURT: I'll see counsel at the bench.

4 (Conference at the bench not recorded)

5 THE COURT: The record should reflect the presence of  
6 the State through the deputy district attorneys, the presence  
7 of the defendant, Ms. Solander, along with her counsel, the  
8 officers of the court and the ladies and gentlemen of the jury.

9 Ladies and gentlemen, as I told you before the break,  
10 in a moment I am going to read to you the instructions on the  
11 law. It is important that I read these instructions exactly as  
12 they are written. I am precluded from trying to expound upon  
13 them or clarify them in my own words in any way.

14 You will have a number of copies of these written  
15 jury instructions back in the jury deliberation room with you  
16 so that you can refer to them throughout your deliberations.  
17 Each instruction has been numbered for your convenience and  
18 ease of reference.

19 (Reading of the instructions not transcribed)

20 THE COURT: Ladies and gentlemen, Instruction  
21 Number 3 then sets forth all of the counts of the Amended  
22 Information that were previously read to you at the beginning  
23 of the case. It sets forth all 46 counts. I'm not going to  
24 reread those to you at this time, but you are advised that they  
25 are all here and you're to follow them in your deliberations,

1 and they are all a part of Instruction Number 3.

2 (Resumes reading the instructions)

3 THE COURT: Ladies and gentlemen, that concludes the  
4 instructions on the law. Is the State ready to proceed with  
5 their closing argument?

6 MR. HAMNER: Yes.

7 THE COURT: And, ladies and gentlemen, because the  
8 State has the burden of proof in this case, they both open and  
9 close the closing arguments.

10 Mr. Hamner, you may proceed.

11 MR. HAMNER: Thank you very much. If we could just  
12 cue over.

13 (Closing argument for the State)

14 MR. HAMNER: Why not just let us go to the bathroom?  
15 If you just let us, none of this would have ever happened.  
16 Those were the words of Amaya Solander during this trial when  
17 she shared with you just her feelings on everything that was  
18 going on in this house. Because, ladies and gentlemen, this  
19 world that these three little girls lived in was a world of  
20 abuse created solely by Janet Solander due to her irrational  
21 obsession with toileting and food, just the basic abilities to  
22 just do things like using the bathroom were completely taken  
23 away and created all of this, and Amaya expressed her  
24 frustration about this.

25 And before we get into kind of the specifics of the

1 counts, there's a couple of instructions I want to go over.  
2 One of them is direct and circumstantial evidence. Now, you  
3 may have remembered weeks ago the Judge gave you this kind of  
4 discussion about the rain. Do you remember this rain story?  
5 Maybe you did, maybe you didn't, but it kind of goes, like,  
6 this.

7           Let's say one day you are kind of getting ready to go  
8 to work. You start seeing storm clouds gathering; right? You  
9 kind of get into your car. You can feel humidity in the air.  
10 You hop in your car. You're hearing on the radio that a storm  
11 is coming. You're driving, and as you start to drive to your  
12 house, you start to see little droplets of water hit your  
13 windshield. You get out. You're getting literally wet from  
14 all of the rain you go into your house.

15           If you are called as a witness, you could testify,  
16 you know what, I saw the rain because of the things that you  
17 were seeing with your own eyes. That, ladies and gentlemen, is  
18 an example of direct evidence. It's someone who's got personal  
19 knowledge of something they've actually seen with their own  
20 eyes, but that's not the only type of evidence you get to  
21 consider. The other is circumstantial evidence, and so the way  
22 this rain story kind of goes is something like this.

23           You're getting ready for work; right? You hear on  
24 the radio, you know, a storm is coming. You don't see the  
25 rain. You kind of come outside, and you see the storm clouds

1 gathering, but you don't see the rain. You're driving. You  
2 can hear thunder rumbling. You don't see the rain. You get to  
3 your house. It's not raining yet. You go inside. You close  
4 your door. Maybe about an hour later you still don't look out  
5 your windows. When you come back outside the clouds have  
6 parted. The sidewalk looks as it's been soaked with water.  
7 You can see in the gutter there's this stream of water. The  
8 car which you left outside has little beads of water drops  
9 everywhere, but you never saw the rain.

10           If you came to the conclusion, you know what, I think  
11 when I was inside it rained because of all those little things,  
12 those little things, that's circumstantial evidence. It's a  
13 proof of a chain of facts and circumstances which in this case  
14 would tend to show whether the defendant is guilty or not, but  
15 here's what's really important. The law makes no distinction  
16 between the two. One is not necessarily better than the other,  
17 and you get to rely on both which is really important because  
18 you've got tons of direct evidence.

19           I mean, you've got I don't know how many children and  
20 even her own daughter that saw many things with their own eyes,  
21 but then there's a lot of other pieces where you can connect  
22 dots about what kind of happened in this house for these number  
23 of years, but this is a really important instruction.

24           Common sense is also critical. Listen, you don't  
25 leave it at the door, okay. So please use your common sense

1 because it's really important when we're evaluating kind of the  
2 reasonableness of certain things that were done in this case.  
3 It's critical. So please do that.

4 And one of the things with respect to the girls is  
5 this is kind of important just to get out of the way is try to  
6 understand how old these girls are in this house. This is the  
7 time frame that you heard from the testimony from all the  
8 different witnesses. From January of 2011 to November of 2013,  
9 these girls lived in that house, and you can see on the  
10 charging documents what their birthdays are -- Ava, Amaya,  
11 Anastasia.

12 What's really important for you guys to remember is,  
13 number one, they're not 18 years old, okay. And that's  
14 important for the child abuse counts because they have to be  
15 minors under 18. So you don't have to worry about that element  
16 with respect because we know, and it's not in dispute, all  
17 these kids were under 18. The other thing is they were all  
18 under 14 when living in this house, and that's particularly  
19 important when it deals with sexual assault of a minor under  
20 14. It's not even close. They weren't even close to 14 in  
21 that house when these things happened. So just kind of keep  
22 that in mind.

23 Now, the way we're going to do this is I'm going to  
24 kind of take the charges kind of by crimes because they  
25 apply -- many of them apply to all three girls, and one of them



1 is sexual assault with a minor under 14. There are 11 sexual  
2 assault with a minor under 14, and here's kind of how it breaks  
3 down. Ten of them are dealing with when the defendant was  
4 inserting catheters into their genital openings, okay. Ten of  
5 them are about that. There's one sexual assault count, and it  
6 deals with Anastasia. It was when the defendant was frustrated  
7 about again another accident where she shoved a paint stick in  
8 this girl's genital opening, okay.

9 But, numerically, when you go back and you're looking  
10 on your verdict form, 7 and 8 are with respect to Ava; it's  
11 catheters. 19 was with respect to Amaya. There were seven  
12 times that we allege that she, Anastasia was sexually assaulted  
13 with a catheter, and that's Counts 30 through 36, and then  
14 there's Count 37 which is the stick, okay.

15 Now, how is it defined? A person commits sexual  
16 penetration upon a child under 14 when they do it either  
17 against the victim's will or under conditions in which the  
18 perpetrator knows or should know that this victim was either  
19 mentally or physically incapable of resisting or understanding  
20 the nature of it.

21 Now, what's important when you look at the elements  
22 of this crime, one of the things you don't see in here is that  
23 there needs to be an element that the State has to prove that  
24 the perpetrator is sexually gratified. That's not there. It  
25 says sexual assault, but that's not an element because the

1 purpose of this law is to protect people from having anything  
2 put into their genital areas without their consent. That's the  
3 goal of this, okay.

4           And what it talks about is that when you penetrate a  
5 child, under the statute, it's any intrusion, however slight,  
6 from either another person's body or any object that's put into  
7 the genital openings -- in this case, that's the relevant part,  
8 genital openings -- of the body of another. The law in your  
9 instructions even say that placing an object on or into the  
10 genital opening of another constitutes penetration, and the  
11 labia majora -- we had a lot of talk with Dr. Cetl -- is part  
12 of the female genitalia.

13           And that becomes really important because, you know,  
14 when we talk about colloquially what vagina means versus kind  
15 of biologically, you know, what we looked on that diagram that  
16 it's actually a hole, but as Dr. Cetl testified kind of in  
17 conjunction with what you are even seeing in this instruction  
18 is that once, ladies and gentlemen, you go beyond the labia  
19 majora, those big lips, you are going into the genital opening  
20 because what we've learned from the testimony is that the  
21 urethra, that urethra opening, is well within the genitals of a  
22 female.

23           No corroboration required. Now, Nevada lays out that  
24 there is no requirement that the testimony of a sexual assault  
25 victim be corroborated, that you are entitled that if you

1 believe any one of these girls just on their own, if Amaya got  
2 up here and you believed, you know what, I believe everything  
3 you said, and I believe it beyond a reasonable doubt, that's --  
4 you're entitled at that point to find her guilty beyond a -- if  
5 you believe it beyond a reasonable doubt.

6 Now, you're entitled to look at corroborative  
7 evidence if you want, but there is not a requirement under  
8 Nevada law that, you know, someone else needs to see it,  
9 someone else needs to match it up, not with these type of  
10 crimes. There's no requirement of that. The nice thing is in  
11 this case is there's a lot of corroboration, and we'll get to  
12 it, but you don't have to if you don't want to.

13 Force is something not necessary. You know,  
14 sometimes we have an idea of what, you know, a sexual assault  
15 looks like in the movies and you're pinned down. That's not  
16 what the law says. The critical question is whether or not  
17 this is being done without this person's consent or under a  
18 situation that the perpetrator should have known that this  
19 person is either incapable of resisting or physically not able  
20 to give her consent. The key is consent. Did this person want  
21 this to be done to them?

22 The circumstances also matter. What the law says is  
23 that your age, your strength, the surrounding circumstances are  
24 all factors about whether you're evaluating whether or not in  
25 this case these three little girls were manifesting some sort

1 of opposition. I think when we've actually listened to the  
2 testimony it's abundantly clear that none of these girls wanted  
3 this done, but, of course, they were being subdued, you know,  
4 with threats of having vaginas cut out at a razor blade.

5 But there's two defenses, and one of them is the  
6 legitimate medical purpose defense, okay. So what the law says  
7 is that, listen, a person is not guilty of sexual assault if  
8 the penetration is for a legitimate medical purpose -- keyword  
9 on legitimate -- and a reasonable and good-faith belief that  
10 the penetration is for a legitimate medical purpose is a  
11 defense, but again it's got to be reasonable. It's got to be  
12 in good faith, and that's where things like your common sense  
13 are going to kick in. Because when we go through this, what  
14 becomes abundantly clear in this case is that there was no  
15 legitimate medical purpose. There was only an unreasonable  
16 belief that she was entitled to do this, and it was not done in  
17 good faith, but we'll cover it.

18 But, again, it's our burden. So, listen, if there's  
19 any evidence that presents that the penetration was for a  
20 medical purpose, we've got to prove beyond a reasonable doubt  
21 that it wasn't undertaken for that legitimate reason, and we'll  
22 happily do that.

23 Consent is the other one, okay. And in this case,  
24 listen, it's a defense if a defendant entertains a reasonable  
25 good faith belief that the alleged victim consented, but,

1 again, as we get into the facts, what becomes very clear is  
2 these kids were clearly manifesting either through yelling or  
3 squirming or fighting off that they did not want this to  
4 happen. So this is really not really going to be in play, but  
5 you need to know as a matter of law it's available to a  
6 defendant.

7 And, again, the belief has to be based -- if it's  
8 believed on ambiguous conduct or that the alleged victim was  
9 kind of basically consenting due to, like, force or violence or  
10 duress, that's not reasonable. So that's actually really  
11 applicable in this case because when you whip out a razor and  
12 you threaten to cut someone's pussy out -- because those are  
13 literally the words that were used -- that's not reasonable.

14 Submitting is not consent. So if this child is in  
15 such fear that they kind of lay back and just let it happen,  
16 you can't sit there and say, well, they just let it happen. So  
17 it's okay. Okay. That's not what the law says. That's not  
18 consent.

19 Exact dates aren't required. We can give you a time  
20 frame, and that's very clear. These girls were very clear that  
21 these things were happening when they lived in that Wakashan  
22 house which is within the window when they were clearly under  
23 14 years of age.

24 So what do we have to prove? They're under 14.  
25 There is no dispute on that. Their genital openings were

1 penetrated. They didn't consent, and there was no legitimate  
2 medical purpose. So let's get to it.

3 Let's start first with Ava, okay. What did she tell  
4 us? She said you know what, I was on the towel. Janet had  
5 this catheter, and I told her I didn't have to use the  
6 bathroom, and she put it in me, and pee came out, and this  
7 happened more than one time, and that's the reason why there's  
8 two counts because she saying it happened more than once.

9 And she actually was able on the stand to delineate  
10 the two different times. She said the first time was inside  
11 the bathroom. She remembers telling us that, Me and Anastasia  
12 and I were all lined up, and we all went in there, and they  
13 could see what was happening to the other ones. That's what  
14 she was saying. I could see either after I was done what was  
15 happening to my sisters.

16 And then the second time she was saying, look, it  
17 happened up in the upstairs bathroom. She described to you,  
18 ladies and gentlemen, where it went and what happened. It went  
19 into my private area. Quote, I felt the tube stuck inside of  
20 me, and pee came out. And she said very clearly, and we kind  
21 of called her back, that she did not want this to be done to  
22 her.

23 She also did this. She also explained using that  
24 diagram that that was the area where it happened. The catheter  
25 went there, and Dr. Cetl told us this whole area is the genital

1 opening. Once you are past the labia majora --

2 MS. MCAMIS: Well, objection. Misstates the  
3 evidence.

4 THE COURT: Overruled.

5 MR. HAMNER: Like I said, as Dr. Cetl testified, once  
6 you are beyond the labia majora, once you start going inward at  
7 that point, you are past that genital opening because this is  
8 the beginning of it. The labia majora is the beginning. She  
9 even said, you know, you have to kind of -- you have to kind of  
10 part past it. Generally the labia majoras are closed, and you  
11 kind of have to spread it open. You have to go past the labia  
12 minora to get to the urethral opening.

13 Additionally, she even described that path that you  
14 had to travel beyond that because just putting the tip of a  
15 catheter up against the urethral opening is not going to do it.  
16 It has to go all the way up to the urethra and get into the  
17 bladder for urine to actually come out which is significant  
18 when we're talking about penetrating someone.

19 But another thing Ava did before she ever saw this  
20 was she described what it looked like, and you have your notes  
21 with respect to that. She described, you know, this is this  
22 bag, and it was clear, and it had a tube and, like, a tip, and  
23 she kind of described it, and then she took a look at this  
24 photo, and she said that's it. That's the catheter, which is  
25 interesting, folks, because we know from this trial where that

1 photo came from. It was sent by the defendant to her husband  
2 just days after they bought the catheter. And how do we know  
3 that? Because we have the email, and we'll get to it.

4 But that's significant for one of the victims that we  
5 have charged being a victim of sexual assault to recognize a  
6 photograph sent by the defendant to her husband of a catheter  
7 filled with urine. It's not empty, folks. That's urine.

8 MS. MCAMIS: Well, objection. Misstates the  
9 evidence.

10 MR. HAMNER: The State would submit that that's  
11 urine.

12 THE COURT: Well, and, ladies and gentlemen, it's up  
13 to you in terms of what -- I don't think there was specific  
14 testimony that there was urine, but it's up to you to draw  
15 whatever inferences you may draw from the evidence. This is --  
16 again, the argument from the lawyers isn't evidence. The  
17 lawyers are just suggesting to you how you should interpret the  
18 evidence. At the end of the day, it's up to you folks  
19 collectively as to how you interpret the evidence that was  
20 admitted.

21 And let me just touch on this because it came up.  
22 From time to time, there may be objections that a lawyer has  
23 misstated the evidence. I may not remember, or I may remember  
24 incorrectly as to what the evidence was. So regardless of  
25 anything the lawyers may say or even what I may say, it is your



1 collective recollection of what the evidence was that should  
2 control in your deliberations.

3 All right. Go on, Mr. Hamner.

4 MR. HAMNER: And you know what, opposing counsel is  
5 correct. No one testified that that was urine, but the State  
6 will submit to you -- well, first the State will ask please use  
7 your common sense. The State will submit that's probably not  
8 lemonade. It ain't iced tea. Specifically, when you start  
9 looking at the timing of when that purchase of those catheters  
10 were made and when that email gets sent -- we'll get to it --  
11 the State will submit that is absolutely urine, and it belongs  
12 to one of those three little girls. She's guilty of both  
13 Counts 7 and 8.

14 Let's go to Amaya. What did she say? She said,  
15 Well, one time I had to pee, and I guess she thought we were  
16 holding it, but we were scared to tell her. So she set a towel  
17 on the floor. Ladies and gentlemen, if you listen to just  
18 these facts, it's corroborative in a lot of ways. Once again,  
19 the second child says -- relayed when they testified that the  
20 defendant had a suspicion that they were holding pee, same  
21 thing Ava said. Laying out of the towel, same thing as Ava  
22 said.

23 Janet said, quote, If I put this catheter in and you  
24 pee, you're going to get whooped. She used the catheter on me  
25 in my private part, and then she said, She made me go into Ivy

1 and Autumn's bathroom to do this. She also said I didn't want  
2 this done to her. What did she tell us? No. I just wanted to  
3 use the bathroom. I didn't want anything inside of me. And  
4 she made it clear Janet was the only one who put this in there.  
5 Dwight wasn't at home at that time. It was Janet.

6 She, like Ava -- and that's a typo there, but Ava  
7 also described where it went, and she also pointed to the  
8 urethral opening, and she also described what the catheter --

9 MS. MCAMIS: Well, objection. I think that misstates  
10 the testimony.

11 THE COURT: And, ladies and gentlemen, you're just  
12 reminded as to what your recollection was of the testimony. I  
13 remember it the way Ms. McAmis did, but my memory could be  
14 wrong. So, again, it's your recollection as to what the  
15 testimony was that should control in your deliberations.

16 MR. HAMNER: Well, think about your notes about where  
17 she pointed out on that demonstrative. Where was the area that  
18 she was circling? The State will submit it was in this general  
19 area, but she also described what a catheter looked like before  
20 she saw that photo, and when she saw the picture, she also  
21 recognized it. And the State will submit to you at this point  
22 based on her testimony alone defendant is guilty on Count 19.  
23 So you can check it off.

24 Let's go to Anastasia, and there are a lot for  
25 Anastasia, and this is kind of how they break down. Two of

1 them were with respect to being assaulted in a bedroom. One of  
2 them was with respect to being in a bathroom, and four of them  
3 was with respect to being in the loft, and she talked about  
4 these different locations. She said, One time was in Ava's  
5 room, often in the bathroom, more than one time, and I guess,  
6 folks, I apologize -- oh, that's right. I misspoke when I was  
7 talking, but it's two in the bathroom and one in the bedroom.

8           And she testified often in the bathroom, more than  
9 one time, and then when she talked about the loft, she said it  
10 happened in the loft. It happened a lot. And on direct, she  
11 said it happened three to four times, and on redirect she  
12 specifically said it happened four times in the loft, and  
13 that's the reason why there are four counts with respect to the  
14 loft.

15           She even kind of gave kind of a general overall  
16 number. She said Janet put a catheter in me about seven to  
17 eight times which is the reason why there are seven charged  
18 counts of sexual assault. She explained why from her  
19 impression and observations why Janet did it. She said, If she  
20 felt we had pee in us, she'd take us into the bathroom. That's  
21 the same thing you are hearing from both of those other girls.  
22 She explained where it went, In my vagina. Janet stuck a  
23 catheter in us. She also talked about how she would try to  
24 fight her off and how she had to squirm, and she would have to  
25 take a hand and hold her down.

1           And we'll get to that battery with an intent charge  
2 because these facts overlap right into that charge, but we'll  
3 get to that.

4           I fought and I squirmed every time. She also talked  
5 about kind of the position. You had to be laid on the floor,  
6 on the towel. She would lay her down. She'd clean the needle.  
7 She'd clean my vagina, and she'd spread my legs, and she would  
8 insert the catheter in me. And she said, Every time it was  
9 penetrated and go in, the pee would come out.

10           But she also kind of talked about that kind of  
11 restraint, you know, holding open the leg and having one hand  
12 pressed against the leg, and she said this holding down  
13 happened about every time, but she also described what it  
14 actually started to feel like. She said it would be in there  
15 for about 25 or 30 seconds. She said, you know, for as long --  
16 it would be in for me as long as the pee was kind of coming  
17 out, and then Janet would take it out.

18           And she also on cross-examination when asked, Well,  
19 how did it feel, she told opposing counsel she was, like, It  
20 burned when it was in me, and I screamed, and she said that  
21 this was -- it would become, like, a punishment. We got in  
22 trouble if urine came out, and then she'd kick us or grab us.  
23 She almost threw me off the stairs once. She even threatened  
24 to throw me off the balcony. These were the things that this  
25 woman would do upon -- after putting a catheter in, this was

1 the aftermath if pee came out.

2 And she described it. She said, you know, there were  
3 clear bags with measurement numbers, and there was like a  
4 little needle, and then she, you know, she did that before she  
5 ever saw the photo, and, again, she also recognized it.

6 And she also talked about, and not all the girls do,  
7 but Anastasia kind of talked about that razor and how it kind  
8 of led her to kind of submit because of the threats that she  
9 was making. She talked about how scared she was, and so we  
10 would submit because she laid out the different rooms that it  
11 happened and the different places, the sensations  
12 [unintelligible]. Just based on her testimony alone, the  
13 defendant is guilty of Counts 30 through 36, and you can check  
14 them all off at this point.

15 Now, I mentioned that there were defenses right, two  
16 defenses. There was, based on this evidence, there was  
17 absolutely no defense to what she did. She had no right or  
18 reason to do this, none of these girls consented. So that's  
19 not available to her. There's nothing about their conduct that  
20 would lead her to believe, yeah, this seems, okay. They want  
21 this done. So that's out the door. She made them submit using  
22 a razor blade. That should give you -- when you're thinking  
23 about circumstantial evidence, think about that for a second,  
24 that the only way you can get it done is by whipping out a  
25 razor blade and threatening to cut out private parts.

1           And here's the thing. There is no legitimate medical  
2 purpose to do this, none. No doctor recommended that the  
3 defendant do this. How many doctors did we hear from today?  
4 When did you hear that testimony? It didn't happen. And  
5 here's the thing. She should've known. She should have known,  
6 but I'm not done with the legitimate medical purpose.

7           What did Dr. Miletì tell us? I would not recommend a  
8 parent to administer a catheter on a child even if it was in a  
9 situation of deliberate holding. I wouldn't do it. Her  
10 belief, if they get up -- her belief can't be reasonable or in  
11 good faith because there is no records of anyone telling them  
12 to put in a catheter, not a single doctor recommended it.

13           And here's the thing. Think about all the visits  
14 those kids had. Think about all the visits those kids had  
15 where they're complaining about bowels or urination. In all  
16 those visits, not a single actual medical doctor said you know  
17 what we really need to do right now, we need to put a catheter  
18 in just to check it because it's medically necessary. That  
19 never happened.

20           MS. MCAMIS: Well, Your Honor, can we approach,  
21 please.

22           THE COURT: Sure.

23           (Conference at the bench not recorded)

24           MR. HAMNER: -- things up. We do know that some of  
25 those girls had to be put under for colonoscopies and things

1 like that and were hospitalized where there were some  
2 procedures that were done. So presumably there may have been a  
3 catheter administered at that point, but what I'm talking  
4 about, ladies and gentlemen, is when she's going in for all  
5 these visits, you know, Doctor, oh, there's so much pain. It's  
6 just crazy. You know, the bowels are out of control. I mean,  
7 you remember all that? Not a single doctor did it, and that's  
8 significant because they're the ones that went to medical  
9 school. They're the ones with the training and the expertise  
10 and the background, and they're not doing it.

11 And here's the thing. And here's another little  
12 note. Maybe some of you might be thinking, well, I mean, you  
13 know, the catheter was used for its intended purpose; right? I  
14 mean, if she wanted to check for urine and it was done for that  
15 reason, so I guess that's okay, the State will submit to you  
16 that's irrelevant because here's the reason why. Because no  
17 one is telling Janet Solander that you need to check these  
18 girls' bladder for a legitimate medical purpose, and that's  
19 what's important.

20 The State is not sitting here and saying that she  
21 abused the catheter outside of its intended purpose. What the  
22 State is saying is that she had no reason to do it in the first  
23 place. She had no right to do it, but we know the reason why.  
24 She wanted to do this because she wanted to know if they had  
25 pee because she was obsessed. She was obsessed. Ladies and

1 gentlemen, wanting to know if your children have pee in their  
2 bladder isn't reasonable, good faith belief and nor is it a  
3 legitimate medical purpose, but that was the basis.

4           Here's a suggestion. If you want to know if your  
5 kid's got to pee, let them go pee. Let them go use the  
6 bathroom. That's it. Don't beat them for it. Don't hold --  
7 restrict the bathrooms. Don't lock the bathroom doors. That's  
8 a simple solution. That's a reasonable solution if you've got  
9 such a curiosity.

10           And just to be clear, this was in no way the voiding  
11 of the bladder that was discussed by Dr. Stephen. There was  
12 some line on cross-examination, Well, I mean, you talked about  
13 voiding the bladder. Well, I got up on redirect and said,  
14 Doctor, please explain to me, What's voiding the bladder? Oh,  
15 well, that's just if a kid needs to go to the bathroom you let  
16 them go if they feel the need. Shoving catheters in their  
17 genital openings is not what -- that was not the doctor's  
18 recommended practice for voiding the bladder. It was simply  
19 just let them go to the bathroom, but she didn't follow that.  
20 She didn't want to do that.

21           This is also relevant. Janet, the nurse, the  
22 evidence is pretty clear that Janet told everybody that she was  
23 a nurse to virtually everybody. There's evidence that she was  
24 a registered nurse, a Lieutenant Colonel. Janet was never an  
25 actual nurse. She never provided any proof to DFS. Even her



1 own daughter admitted, Yeah, my mom didn't do nursing work. I  
2 never saw any degrees around the house. You know, she did  
3 administer some physicals and drug tests.

4 And this is significant. It's significant because if  
5 the defendant is not a doctor and she's not a registered nurse,  
6 she can't make a call whether there is a legitimate medical  
7 purpose for a catheter. It's not reasonable, and it's not  
8 legitimate.

9 But there were some other comments in the opening  
10 about the sexual assault charges, and again, as the Judge  
11 noted, you know, nothing we say in closing or openings is  
12 evidence, but I still note it because it was significant when I  
13 heard it. One of the things that was said was that there would  
14 be no credible evidence of a sexual assault. This was a  
15 distraction from the important task at hand. It's about word  
16 choice and a narrative that's being spun, and another thing, he  
17 said it was important for you guys to determine what is  
18 verified and what is not, and what is innuendo and what is  
19 true.

20 You may not even remember ever even hearing it, but I  
21 took it down because it just stood out to me. Here's the  
22 thing. This case, ladies and gentlemen, particularly these  
23 charges, does not rise and fall on just these kids. It can as  
24 a matter of law if you want it to, but that's not what it is.  
25 There's far more evidence because the catheter, a sexual

1 assault, they're corroborated.

2           What did we hear? And this is where we start talking  
3 about circumstantial evidence and connecting these dots. What  
4 about Autumn Stark. She lived in that house from November  
5 of 2011 to March of 2013. She remembers the girls being taken  
6 upstairs. She remembers Janet and Danielle being present. She  
7 remembers them threatening to use a catheter on one of the  
8 girls, and she said, you know, at the time, I didn't know what  
9 it was, but I thought it meant something to do with peeing.

10           That's significant because what dog does Autumn Stark  
11 have in the fight? She doesn't even really know what it is,  
12 but she remembers the threats. She remembers -- think about  
13 the location upstairs in the bathroom. Where did all these  
14 girls say that that happened? Upstairs in those bathrooms.  
15 It's corroborative.

16           But you have the defendant's own daughter. She said  
17 they used them on the girls upstairs, all three of them. That  
18 was her testimony. I couldn't watch them do it to the girls.  
19 She saw the actual catheters --

20           MS. MCAMIS: Objection. Misstates the evidence.

21           THE COURT: It's overruled.

22           But again, ladies and gentlemen, it's your  
23 recollection as to what the testimony was from Ms. Hinton that  
24 controls.

25           MR. HAMNER: Please check your notes because I think

1 what happened is -- and this was interesting about Danielle.  
2 You know, Danielle sure said a lot to the police four years  
3 before; right? And when it came to some of the small stuff,  
4 she was willing to kind of sit here in this room and say, yeah,  
5 I saw these things, but when it came to the big things, big  
6 memorable things, she goes, oh, well, my memory is really fuzzy  
7 as I sit here now, but I definitively know I told the police  
8 about all of them, and I'm not saying to you that I was lying  
9 to the police.

10 That's an interesting sort of thing when we're  
11 evaluating Danielle because here's the thing. The State would  
12 submit to you who's she related to? Defendant. Who does she  
13 have to say it in front of? The defendant. Did we ever have a  
14 situation with any other children of the defendant when the  
15 defendant was around have some reluctance about talking about  
16 things that the defendant did? Yes. Ava, Amaya, Anastasia,  
17 and they told you why. We were scared. Who's the only person,  
18 the child -- of all the witnesses that we heard that still has  
19 at least as far as we know some connection to the defendant?  
20 Danielle Hinton.

21 The State will submit to you she was nervous sitting  
22 up here having to say all those things, but there was a lot of  
23 detail she gave, and she was not denying the detail she gave to  
24 the police. She said she couldn't bring herself to watch what  
25 her mom was going to do, and she said, I actually saw the

1 catheters downstairs, and I asked mom, What are they? Mom  
2 said, That's a catheter. She said Dwight and Janet would go  
3 into the bathroom and threaten them. She even then said later  
4 on, oh, the girls even told me about that. That was something  
5 she didn't tell the police, but she decided to say it up on the  
6 stand, but, again, it's corroborative.

7           Here's the other thing. We had physical proof they  
8 actually bought the catheters. Here it is. Dwight Solander  
9 purchases them on December 6, 2012, has them sent to Wakashan,  
10 and they're Bard brand catheters. Remember that date, December  
11 6th. So days after ordering, the State will submit to you  
12 the defendant actually used it and then sent emails as proof.  
13 December 11th, five days later, from Janet to Dwight, and  
14 what's the subject line? 300 cc. That's an interesting  
15 subject line because if you look what the State would submit  
16 would be urine is almost up at 300 cc. And what's the brand  
17 name? It's Bard. It matches.

18           And this is just another example of how everything  
19 here is matching. Put them side by side, but you can just see  
20 the dates here, here.

21           So here's the thing. Here's what's significant about  
22 this. This wasn't just simply a threat. This wasn't simply an  
23 attempt, and here's how we know this. Aside from everything  
24 that the girls told us, let's just look at this evidence that's  
25 recovered from Dwight's computer. It came from his wife. The

1 State would submit this is urine, and it proves that she  
2 actually used it. This wasn't done to frighten. 300 cc.  
3 She's measuring it. She's telling Dwight this is how much I  
4 got out of one of these girls.

5           And here's the thing. You got to see when we had  
6 sergeant -- when we had Detective -- I think Detective Johnson,  
7 Zachary Johnson -- I might be getting the name wrong -- that's  
8 right. See, good. He went through email after email.  
9 Remember all these emails that we got? Janet loved sending  
10 emails. Here's the thing. When did Janet ever send a  
11 photograph of something hypothetical? When did she just kind  
12 of attached something where she's just pontificating? This is  
13 what maybe urine might look like. This is what maybe underwear  
14 might look like. Go back. You'll have all the -- go flip  
15 through them. That's not what it was. Janet constantly was  
16 updating Dwight about all of the trials she's dealing with with  
17 her unruly children. She couldn't help herself.

18           And this is the coup de grace. I knew they were  
19 hiding that urine from me, and now I got it, 300 cc worth.  
20 That's the point of this, and that's how we know it wasn't just  
21 mere words. She was a woman of action. So let's move on. So  
22 she's guilty of all those catheter counts.

23           Inserting the stick in Anastasia. What did she say?  
24 I was in the second house. I'm in the bedroom, Ava's old  
25 bedroom she's even -- can even remember being kind of halfway

1 in a closet and halfway not. She says it's just me and Janet.  
2 I had to lie down, and she shoved a paint stick up my vagina.  
3 It went in this middle area, just not in the hole. She said  
4 the words between the labia minora. I think that's probably  
5 when she was looking at the demonstrative aid. And I felt the  
6 paint stick in between the labia minora, and she was trying to  
7 get it in, and then she stopped.

8 But here's the thing. She talked about it being in  
9 her for about 30 seconds, and she was even asked on cross,  
10 like, what did it feel like? And, boy, did she tell us. I  
11 felt the wooden paint stick in my vagina. So I could feel the  
12 wood. It felt hard and rough. I screamed and cried when she  
13 inserted the paint stick. She even explained how it came out.  
14 Well, how did it leave? She took it out, and it burned when it  
15 came out. I don't think it bled, but I didn't look. She was  
16 asked, well, did it bleed? Well, no, I didn't look because she  
17 was afraid she was going to get hit. That is the power this  
18 defendant had over these children.

19 She even took a look at the paint sticks that we  
20 recovered and was able to kind of show, look, it's not as long  
21 as the really long one, but kind of in between the shorter one  
22 and this long one, and she explained why it happened to her.  
23 She said I had an accident, and this was my punishment, my  
24 punishment, not a legitimate medical purpose, my punishment.

25 Again, with respect to the catheter, using it -- I'm

1 sorry. With respect to inserting a stick, this paint stick  
2 into her vagina, she had no right or reason to do this. She  
3 didn't want it, no legitimate medical purpose, no doctor  
4 recommended this, and she should've known better. She is  
5 guilty of Count 37.

6 So those are the sexual assault counts. Let's move  
7 on to battery with intent to commit sexual assault. This will  
8 move a little bit quicker. There's two counts because this  
9 witness testified it happened more than one time, the holding  
10 down part. Look, battery, all it is, it's wilfully using force  
11 upon another person, and wilful is being defined as, look,  
12 typically you have a purpose or a desire or a willingness to  
13 commit the act in question. Okay. So you want to use force or  
14 violence on someone else.

15 But here's what's important about force. It doesn't  
16 actually have to be violent. You don't actually have to cause  
17 any pain, and the long and short of it is just this: It can be  
18 an unwanted, an intentional and unwanted touching. So if you  
19 get touched and you didn't want to be touched, you could say,  
20 hey, that was a battery. You wanted to do that. I did not  
21 want you to touch me that way. That's it. I'm not hurt. You  
22 don't get the right to just put your hands on me and touch me  
23 in any way. That's really the thrust of this.

24 And what's important about this is, listen, when  
25 someone does a wilful, unwanted touching and there's a specific

1 intent to commit a sexual assault, you are guilty of this  
2 particular crime. And again, what's important about this is so  
3 the elements are going to be a purposeful unwanted touching on  
4 another person -- that's Anastasia -- with the intent to commit  
5 sexual assault. And again, it's not about being sexually  
6 gratified. It's about wanting to penetrate one of their  
7 genital openings. That's the key.

8           So what did we hear? Again, we talked about it so I  
9 won't go through it extensively, but she was talking about how  
10 she had to hold her down with her hand because she was fighting  
11 and squirming the whole time, and she kind of talked about it  
12 in more detail, holding on to the leg and being held down every  
13 single time, and she says essentially, like, when this would  
14 happen, when I was being held down, that's when the catheter  
15 would go into me, and that's how we know the specific intent.  
16 It was completed. Because when Janet would hold her down, she  
17 didn't just stop there. She actually completed the thing that  
18 she wanted to do. So we have a purposeful unwanted touching,  
19 holding her down.

20           On another portion of the element, it's Anastasia,  
21 with the intent to commit sexual assault. She wanted to  
22 penetrate her without her consent, and she indicated that this  
23 sort of holding down happened every single time. So find her  
24 guilty beyond a reasonable doubt. Find her guilty on Counts 38  
25 and 39. It happened more than once. So check them off.



1           Assault with use of a deadly weapon. This is when  
2 Janet was threatening to cut out their vaginas with a razor.  
3 That's Counts 13, 23, 46. An assault is when someone either  
4 uses physical force or they kind of intentionally place another  
5 person in this reasonable kind of apprehension or this  
6 reasonable fear of being immediately hurt, okay. So you're  
7 either using -- you're trying to use physical force, or you do  
8 something that scares them thinking I'm about to get hurt.  
9 That's really all an assault is, okay.

10           On assault with a deadly weapon, here's the  
11 definition, and that's any instrument if it's used in its  
12 ordinary manner can cause substantial bodily harm. Think like  
13 a gun, okay, you know, if you ordinarily use it for its  
14 purpose. I think, you know, some people could argue a razor  
15 might be this, but I think a better definition for deadly  
16 weapon is any instrument under the circumstances in which is  
17 used or threatened to be used is readily capable of causing  
18 substantial bodily harm or death, and when you threaten,  
19 display a razor and say I'm going to take this and carve out  
20 your vagina, if that's the way it's being threatened, that is  
21 certainly a deadly weapon, and the way that Janet Solander was  
22 using the razor, it certainly, the way she was threatening to  
23 use it was capable of causing substantial bodily harm.

24           And here's the thing with use. You don't actually  
25 have to produce the harm because the goal of this crime is, on

1 one element of it, is to scare them. It's that reasonable  
2 apprehension of immediate bodily harm. So if you scare them  
3 enough, that's it. The crime's done.

4 So, look, here's the thing. All the girls described  
5 what happened to them with this razor. Some of them drew the  
6 razor. Some of them described it to you, and they all kind of  
7 described Janet's words and actions. Ava said she said, If I  
8 didn't quit moving, she would cut out my private part. Amaya  
9 said, If you pee on the towel, I'll cut out your private part  
10 and then laughed. Anastasia said, I'm going to cut your pussy  
11 out with this razor, and then she also talked about the videos  
12 because she even took it a step further and added videos into  
13 her kind of scaring Anastasia.

14 And they all talked about how Janet showed them the  
15 razor, okay. So we have the threats. We have the displaying,  
16 and they all were terrified. They all were really afraid of  
17 this happening, and they submitted. They all kind of, at that  
18 point -- when it got to that point, they just let it happen.

19 And so here's the thing. Her threat to do this  
20 places them in reasonable fear of imminent bodily harm or  
21 immediate bodily harm. A razor is a deadly weapon based on the  
22 way she was using it. She used the razor by displaying it and  
23 just got them to submit to being sexually assaulted. So she is  
24 guilty for one Count 13, 23, 46. That's one for each girl.  
25 Check them off.

1           Now, there's one other instruction you have about the  
2 timing of an assault with a deadly weapon and the battery with  
3 intent, and what it basically says is that we needed to prove  
4 to you beyond a reasonable doubt that the assaults with the  
5 razors and the holding down of Anastasia happened within 2011  
6 and 2014, between May and then July of [unintelligible] with  
7 respect to the battery intent.

8           And here's the thing. Here's how you can just not  
9 even worry about that. It's her email. Here's the thing.  
10 What's the date on that? They bought that on December 6, 2012,  
11 and they sent it -- she sent the email with the filled, what  
12 the State submits is filled full of urine on December 11th,  
13 2012, well within that time frame because here's the thing.  
14 She's not going to be threatening to carve out people's vaginas  
15 if she doesn't have the catheters yet; right? She's not going  
16 to be holding kids down if she doesn't have the catheters;  
17 right? And we know that the catheters were ordered in 2012,  
18 well within that window, and we know that we had a filled bag  
19 of urine or when you use your common sense, that's being sent  
20 back to Dwight showing him how it worked. So you're in the  
21 window. You're fine. We've proven it.

22           So let's talk about child abuse charges. There's  
23 kind of two kinds that we talked about. Some of them are  
24 physical. We're going to do those first. There's a few of  
25 those and then a lot more which constitute negligent treatment

1 or maltreatment. So child abuse when it's defined is when you  
2 cause a kid who's under 18 to suffer either unjustifiable  
3 physical pain or mental suffering as a result of abuse or  
4 neglect. That's child abuse or neglect or endangerment, okay,  
5 but we define this.

6 And another thing you have to know is some of these  
7 crimes is that if you find that there's child abuse, in some  
8 situations, you need to figure out if substantial bodily harm  
9 happened, and some of those apply in this case. So, for  
10 example, like the burns on Anastasia; that's going to be one  
11 that's a child abuse, substantial, and we'll get into what that  
12 all means, but most of the counts are just regular child abuse,  
13 but that are some that have this additional element of  
14 substantial bodily harm.

15 But Nevada defines abuse and neglect as either it's  
16 physical or mental injury of a nonaccidental nature. So it's  
17 not an accident. It can be either sexual abuse or sexual  
18 exploitation, and we're not dealing with that, but with respect  
19 to some of these other counts, it can be produced from  
20 negligent treatment or maltreatment under circumstances which  
21 indicate that a child's health and their welfare is being  
22 harmed or being threatened with harm.

23 A physical injury, because again here if you look up  
24 here and they talk about kind of a physical injury up here, we  
25 define it. That's going to be either a permanent or temporary

1 disfigurement or impairment of some sort of bodily function or  
2 organ of the body.

3           What's negligent treatment or maltreatment? Now,  
4 this occurs if a child has been either abandoned, they're  
5 without proper care or control or supervision, or they lack  
6 subsistence, which is important when we start talking about  
7 withholding food and water, education, shelter, which is  
8 important we start talking about having children sleep on  
9 boards with no clothing basically and no blankets or pillows,  
10 medical care or other care necessary for the well-being of the  
11 child either because of the faults or habits of the person,  
12 which really isn't Janet's case, or just due to their neglect  
13 or really the refusal of the person to provide them because  
14 that's really -- that's really Janet's issue. She doesn't want  
15 to do certain things. It's not that she is forgetting. It's  
16 not because she's careless. It's because she deliberately does  
17 not want to do certain things with these kids or provide these  
18 kids certain things.

19           What's substantial bodily harm? It's either two  
20 things, okay. You can have -- if you have a bodily injury that  
21 causes serious permanent disfigurement or a protracted loss,  
22 and permanent disfigurement is important because that's where  
23 we start talking about the scars, the scars that have been left  
24 for years. They're still there. That's where the substantial  
25 bodily harm comes with the stripes, the stripe counts because

1 you're going to have permanent or prolonged physical pain.

2 And that is defined as physical suffering or an  
3 injury that lasts longer than the pain immediately resulting  
4 from the wrongful act. So that's kind of like, look, if you  
5 get hit, yeah, you're going to have maybe some temporary pain,  
6 but if it starts lasting for hours or days or months  
7 afterwards, that's significant, and that's in particular when  
8 you start thinking about things like the burns. I mean, yeah,  
9 there is scarring. We know there's scarring, like the burns.  
10 When you think about when Ava's eye got smashed in the counter  
11 and it swelled shut and the pain that resulted from that. It  
12 didn't immediately go away, and that's really kind of how these  
13 kind of are at play in this case.

14 But, listen, there's a law about corporal punishment  
15 because corporal punishment is not against the law, okay. You  
16 can inflict physical pain on your kids if you are a parent or  
17 guardian which she is, and here's the thing. Excessive  
18 corporal punishment can constitute abuse. You can go too far.  
19 There can be a line that is crossed, and Nevada defines it as  
20 being excessive is when it goes beyond what is proper or  
21 reasonable under the circumstances. Again, this is where your  
22 common sense becomes real important because we have to think  
23 about, well, was it really reasonable what she was doing? And,  
24 listen, the use of an implement is not necessarily unlawful,  
25 but, again, it's got to be reasonable under the circumstances,

1     okay.

2                 So let's talk about the physical injuries. Striking  
3     the kids, that's Counts 1, 14, 24, one for each girl. All the  
4     girls talked about being hit with the sticks. They all talked  
5     about being hit with hands. A lot of them describe some time  
6     she's wearing rings, being kicked. They all said that, you  
7     know, they were all hit, and primarily the defendant is the one  
8     doing it, and the strikes were constant. They happened every  
9     single day, multiple times a day. And the injuries were  
10    significant. You heard about, yeah, we would be hit with the  
11    sticks, and we'd start to bleed.

12                They've talked about their scars. You've seen the  
13    scars. Ava even said my skin would break and bleed. This is  
14    Amaya. Remember she said that was me when she saw that photo.  
15    She beat me that day, and she just kept hitting me. That  
16    happened all the time. The smallest things, like a math  
17    problem wrong, she would hit us.

18                And this is important, folks, when we're talking  
19    about reasonableness, about excessive corporal punishment. The  
20    use of the force needs to be reasonable. Beating kids because  
21    they get a math problem wrong, is that reasonable? That's for  
22    you to decide. The State would submit it absolutely is not,  
23    that this was their day-to-day life.

24                But it's not just the girls that tell you about it.  
25    There's eyewitnesses. There is physical evidence. We got all

1 the paint sticks. They were collected, and there's  
2 photographs, and we'll touch on some of those. So let's talk  
3 about some of the corroboration.

4           What did Ivy say? They had scabs and scars on their  
5 bodies from the hitting. That's what little Ivy told us.  
6 Areahia even said the Solander girls' butts were bruised, raw,  
7 and there were cuts. She said if they didn't get their  
8 homework right they would go upstairs, and it sounded like they  
9 were getting hit. That's circumstantial evidence that you can  
10 think about.

11           Areahia also said Janet had a long skinny wood stick  
12 in her hands one time. That sounds like a similar description  
13 to those Home Depot sticks. Heather Richardson said Amaya had  
14 bruises all over her arms and legs, and Ms. Debbie noticed the  
15 scars and marks upon their return, things that were not present  
16 when they were in her care three years before. Despite going  
17 through all their horrible history with their biological  
18 family, they didn't have those scars when they first showed up  
19 at Ms. Debbie's, but after going to Janet's and they came back,  
20 they did.

21           Even the defendant's own daughter corroborates it.  
22 Yeah, that they were beat with paint sticks, all three of them,  
23 always on their bare butts, the body position kind of bent like  
24 a rainbow, and we heard from other people. I mean, I think  
25 Autumn talked about the downward dog position. All of these



1 girls talked about the position, kind of hands and arms  
2 extended. It's all corroborative. Their skin would be  
3 chapped, and she even indicated she remembered that Anastasia  
4 would bleed through the underwear and that even Dwight would  
5 hit them until it broke, and other kids talked about being hit  
6 with sticks so much that they would break, and the hits would  
7 keep coming.

8 But you have the medical kind of photographs or at  
9 least the CPS word -- not CPS, but the crime scene photographs  
10 taken during their visit with Dr. Cetl, and you heard about all  
11 these. Years later, they're still here. This is Ava. These  
12 are permanent. They have not gone away. These marks haven't  
13 gone, and the doctor -- not with respect to this one.

14 But this was a mark, and I noted this one because  
15 even Amaya said, I remember one time I got hit so hard and that  
16 scar was left. Now, Dr. Cetl didn't think of it because it was  
17 in a nonprotected area that it was significant, but when you as  
18 a juror because you've heard everything can connect it up, you  
19 know, use your common sense where that came from because Amaya  
20 told you. It was from being hit, and she was hit so hard that  
21 that mark was left. It's excessive.

22 This is Anastasia's buttocks, and you'll have these  
23 photos, and you can kind of look at these marks. They have  
24 stayed for years. And so, listen, we know because of the  
25 scarring that that means that these strikes resulted in

1 substantial bodily harm, but you also have the prolonged pain.  
2 Use your common sense about that. If you've got a cut, does  
3 that pain -- use your common sense, do cuts that bleed, does  
4 the pain immediately go away?

5 The State would submit that it doesn't, and when you  
6 have eyewitnesses all talking about any of the bleeding that  
7 aren't the girls, you have the girls talking about the  
8 bleeding, and you even have residual scars now, as the State  
9 would submit as further proof that they were there, we know  
10 that those girls when they were struck --

11 MS. MCAMIS: Well, objection as to "we know."

12 MR. HAMNER: The State -- okay. The State would  
13 submit that that evidence indicates that these children  
14 suffered from prolonged pain, and then they were permanently  
15 disfigured because of the scarring. That's not going away.  
16 Both of these are sufficient. You can use one or the other or  
17 both, but both are sufficient to find that in the case of  
18 striking these children it was child abuse resulting in  
19 substantial bodily harm because we know that this is excessive.

20 MS. MCAMIS: Objection. "We know."

21 THE COURT: Well --

22 MR. HAMNER: Again, I apologize for my wording.

23 The State will submit this is excessive. The paint  
24 sticks, hands, kicks, every day, multiple times a day, the  
25 bases in which it's being done, accidents, getting a homework

1 problem wrong, and the beatings are so excessive that you're  
2 bleeding and you're scarring, this is excessive. It's  
3 improper. It's too much, and it's not reasonable under these  
4 circumstances. The defendant is guilty of Counts 1, 14, 46.

5 And we've already kind of talked about this, and I  
6 apologize. I don't know why there's an error here. Anyways,  
7 so let me just kind of move on. So that was with respect to  
8 her eye, and I'd walk back to this, but let's turn to Count 2,  
9 and this was slamming Ava's eye into a counter, okay.

10 She told us how it kind of happened. She ended up  
11 not being able to hold it. She was forced to sit on a bucket  
12 that day, and she ended up having to go. So she went in the  
13 bucket and Janet came up from behind and kicked her, and then  
14 kicked her towards the counter because she's, like, in the  
15 kitchen and then started repeatedly smashing her face in the  
16 counter. She said my eye turned green and purple and pretty  
17 much it was about to close up. It hurt. I had to get glasses  
18 after that.

19 Both sisters remember seeing it. You know, Amaya  
20 even remembers Danielle actually had to step in and say, you  
21 know, Mom, you're not supposed to do that, and Janet --  
22 Danielle even said there were times when I had to step in and  
23 stop my mom because things in my opinion were going too far,  
24 and that's corroborative. Now, she doesn't say this is the  
25 specific time, but you can connect these dots. Could this have

1 been one of those times? The State would submit, yes.

2           So we know in this case that this was a physical  
3 injury. It wasn't an accident. She wanted to do that. She  
4 wanted to punish her for peeing in a bucket that she had made  
5 her sit on for who knows how many hours. It temporarily  
6 disfigured her eye. How do we know that? Because she said it  
7 swelled up almost to the point where it was completely shut,  
8 and that's important when we're talking about physical injury.  
9 It impaired her ability to see. If your eye is swelling up,  
10 you're not going to be able to see as you normally do. This is  
11 a physical injury, and it resulted in substantial bodily harm  
12 because when you use your common sense, we know -- the State  
13 knows, and you using your common sense, that if it lasted, that  
14 probably didn't go away immediately when your eye is kind of  
15 swollen up. So she's guilty of Count 2.

16           Count 25, pouring hot water on Anastasia. What did  
17 Anastasia say? This whole thing started as she was once again  
18 kind of being disciplined; right? She said I had to go out and  
19 clean up poop with my bare hands. It was a punishment for  
20 having an accident. It starts with that. So when she went  
21 into the downstairs bathroom to wash off her poop hands and the  
22 water was too hot, she kind of reared back, but that wasn't  
23 good enough for the defendant.

24           Defendant comes in, and basically starts filling up  
25 kind of candlelight tops with the hot water and pouring it all

1 over and also putting her underneath the faucet and burning  
2 her, and she said, I was screaming, and when we think about,  
3 you know -- I don't --

4 MS. MCAMIS: Your Honor, can we approach?

5 THE COURT: Sure.

6 (Conference at the bench not recorded)

7 THE COURT: And, ladies and gentlemen, if any of the  
8 images appear different to you on the computer presentation,  
9 the State indicates that they did not enhance them, but they  
10 may appear different. You're reminded that you'll have the  
11 actual exhibits back in the jury deliberation room with you so  
12 that you can refer to those and examine them throughout your  
13 deliberations.

14 All right. Go on, Mr. Hamner.

15 MR. HAMNER: And she indicated that she was  
16 screaming. And then she also indicated that for that she never  
17 went to a doctor which is interesting when you think about  
18 Janet and her doctors' visits. I mean, how many doctors  
19 testified? There were tons, but this didn't get a checkup?  
20 Why is that? The State would submit the reason is is because  
21 how is she going to explain that one? That doesn't look like  
22 Crohn's to me. That's not von Willebrand's. That's abuse.  
23 She knew it. She didn't take that child to go get the help,  
24 and she is scarred to this day.

25 Her sisters remember. Check your notes. They

1 remember what that was like. I think even Amaya when she saw  
2 that photo remembered, really remembered what had happened to  
3 her sister.

4 And then we have Dr. Cetl. Now, on March of 2014,  
5 she didn't have access to this photograph. She just had the  
6 child herself, and in her -- based on her training and  
7 experience, she believed this to be a scalding burn due to  
8 water, but then a while later, when she finally actually got  
9 that photograph, she confirmed again on the stand that that --  
10 that email that Janet sent to Dwight, she didn't know where it  
11 came from, but that email with that photograph further  
12 confirmed her initial impressions that that's what it was. She  
13 believed that the pattern was consistent with deliberate  
14 nonaccidental burn.

15 MS. MCAMIS: Objection. Misstates the testimony.

16 MR. HAMNER: You can check your notes.

17 THE COURT: And again -- that's overruled.

18 But, again, ladies and gentlemen, it's your  
19 recollection as to what the witnesses actually said that should  
20 control your deliberations.

21 MR. HAMNER: She indicated that in her opinion that  
22 that was probably a second degree burn which are extremely  
23 painful, and they take for weeks to heal if treated, which this  
24 wasn't which is important when we're considering substantial  
25 bodily harm.

1 MS. MCAMIS: Well, objection. Assumes facts not in  
2 evidence.

3 THE COURT: Overruled.

4 MR. HAMNER: The witness testified that she --

5 THE COURT: Overruled.

6 MR. HAMNER: Okay. The witnesses, not just  
7 Anastasia, but other children said that she didn't go to a  
8 doctor for that. Janet gave her a bandage, but this is  
9 important when you're considering whether or not this burn  
10 constitutes substantial bodily harm because it would take weeks  
11 to heal if treated. So this child was exposed to prolonged  
12 physical pain and still has residual scars on her back, her  
13 shoulder, and behind her ear.

14 And you'll have these photos, and you can go and  
15 compare, and you can see, you can match these up. I mean, the  
16 doctor did as well, but you'll have them back there. But these  
17 patterns the State would submit would fit.

18 So to the extent that let's say -- I mean, let's just  
19 say for a second that this was some sort of discipline. This  
20 would be excessive. There's no reasonable reason to do that to  
21 a child to that severity. So if the extent is that, well, this  
22 was some sort of discipline for doing something inappropriate,  
23 the State would submit it is excessive, improper and  
24 unreasonable under the circumstances.

25 And when you think about if there's a submission

1 then, well, if it's just an accident or it was an accidental  
2 kind of scalding, remember what the doctor said about forget  
3 the stepping into the shower. The patterns would be totally  
4 different. It would be sprayed. It wouldn't be kind of --  
5 think about that, and then think about the testimony of the  
6 people who were there who saw. Those three girls, they told  
7 you Janet deliberately did this.

8           So again it's physical. It's not an accident.  
9 Results in a physical injury, and it results in substantial  
10 bodily harm, prolonged pain, and she's still permanently  
11 disfigured. She's guilty of Count 25.

12           Let's move on to the negligent treatment,  
13 maltreatment, okay. So as I was talking about, one of the ways  
14 you can have abuse and neglect is by negligently treating and  
15 maltreating a child, and here are the things that are things  
16 that you can look for or identify to constitute negligent  
17 maltreatment of a child.

18           One of them is going to be if a child -- if the  
19 defendant doesn't properly care or control or supervise a kid.  
20 Another one is going to be where you fail and you don't give  
21 them subsistence necessary for their well-being. Another one  
22 is going to be not getting the medical care necessary for their  
23 well-being. Another one is going to be not providing them  
24 sufficient or necessary shelter for their well-being. And then  
25 there's this kind of catchall, this last other care necessary



1 for the well-being of the child either because of their faults  
2 or their habits of the caretaker or the neglect or refusal of  
3 the person to do it.

4           Sitting on buckets, Counts 3, 15, 26, one for each  
5 girl. Everyone told you, lots of people told you about the  
6 buckets. The girls did, the Starks, Areahia, Danielle,  
7 Christina Day, Gail Anderson, even Janet admitted to Gail  
8 Anderson and Lori Wells that she was having them sit on  
9 buckets. This is not a secret. So really the question becomes  
10 well, is making them sit on these buckets some sort of form of  
11 negligent treatment or maltreatment? The State would submit it  
12 is. It's an example of not providing them proper care or at  
13 the very least a failure to provide other care necessary for  
14 their well-being because of her neglect, and in particular her  
15 refusal to do so.

16           And here's the thing, and here's kind of the reasons  
17 why. No one else had to do this. None of the other kids had  
18 to do this. We heard from the testimony, you know, Ivy had  
19 some kind of peeing issues. Autumn started having a little  
20 peeing issues when she got there. The Diaz-Burnett kids did.  
21 Areahia told you I had a few accidents. I was potty trained  
22 before, but I got there and started having some.

23           Here's the thing. If the Solander girls, the Stark  
24 kids, the Diaz-Burnett kids are all having some relative amount  
25 of peeing and potty issues, why is it that only the Solander

1 girls have to sit on those buckets? If it's some sort of  
2 proper potty training method, is not good for the goose -- I  
3 just screwed up that line. What's good for the goose is good  
4 for the gander; right? That's a saying.

5           Why only them? Because it wasn't an appropriate  
6 training method. It wasn't a method that Janet employed to  
7 help these girls out to really correct the problem. It was a  
8 punishment. It was used to embarrass these kids because the  
9 other foster kids [unintelligible] to watch them just sitting  
10 on buckets with basically hardly any clothes on all day.  
11 Danielle Hinton even testified, I never had to sit on a bucket  
12 when I grew up. Why? And the reason is is because there was  
13 nothing reasonable or proper about it. This was a form of  
14 abuse.

15           And here's the other thing. These girls said Janet  
16 never explained why to them, why we had to have the buckets.  
17 The length of time is significant. They sat on them for hours  
18 with no pants. We're thinking about things that are  
19 reasonable; right? Maybe in some scenario, maybe a kid has a  
20 bad case of diarrhea so it's kind of, like, maybe this kid  
21 can't make it. So maybe on one day or afternoon when you're  
22 feeling the kid is really incontinent, maybe, okay, look,  
23 sweetie, here just sit on this bucket for a second because  
24 you're having a hard day.

25           But that's not what was happening here. This was a

1 day in, day out, hours on end sort of thing. It doesn't fit  
2 the mold as some sort of helpful potty training method. There  
3 were working toilets everywhere. Upstairs. Downstairs. Why  
4 the buckets? Because it wasn't -- it wasn't done to assist  
5 these kids. It was abusive.

6 She never mentioned it to a single physician. Why is  
7 that? The State will submit the same reason why she didn't  
8 take Anastasia when she was burned. You're doing what? I  
9 mean, if she was being straight up about the length and the  
10 time and it applied to all three kids, she hid that because she  
11 knew it was wrong. Even her own daughter thought it wasn't  
12 normal.

13 Forcing kids to sit on buckets for that length, it's  
14 a form of negligent treatment or maltreatment. It's improper  
15 care. There's nothing proper about this. Failing to let them  
16 use a toilet or a normal chair because, remember, it was also  
17 kind of used in lieu of a chair, and here's the other weird  
18 thing about it. They weren't even allowed to pee and poop in  
19 it. If that happened, they got hit, which is interesting if  
20 you're going to try to spin it as, well, no, this is just these  
21 kids are so out of control with their bowels. They weren't  
22 even allowed to use it for that purpose. They were punished if  
23 they went in the bucket.

24 And this was also mental suffering. They told you it  
25 was embarrassing for them, especially with the other kids

1 around. They told you that. She is guilty of Counts 3, 15 and  
2 26.

3 Holding urine and bowels for long periods of time is  
4 Counts 4, 16, 27. There are a lot of rules. There are a lot  
5 of rules, and we just have to kind of quickly kind of go  
6 through them because all of them relate to these charges. Once  
7 they were adopted, they weren't free to use any bathroom that  
8 they wanted. The bathroom use was cut off for long periods of  
9 time. Timers were used. If they requested to use the bathroom  
10 during the no-bathroom period they got hit. If a kid had an  
11 accident during the no-bathroom period, they got hit.

12 When they actually got to the bathroom, they were  
13 timed. 30 seconds to pee, any longer, you got hit. Minute and  
14 30 seconds to poop, any longer, you got hit. They were  
15 checking them with black lights. They weren't given enough  
16 toilet paper. The kids even said that one of the problems with  
17 the no toilet paper was they couldn't wipe enough, and so  
18 they'd have a little stain in the underwear which they  
19 incessantly checked which you've seen the emails on which then  
20 got them in trouble, and they got hit for that.

21 They had their bathroom door locked overnight. Then  
22 they put up the electrified gate. It was just a regular gate,  
23 but these little kids were literally so scared of this they're  
24 like I'm not even testing it because I don't want to get  
25 electrified. There was an alarm on the door to make noise to

1 let them know if these kids were trying to use the bathroom at  
2 night.

3           Withholding the blankets was kind of a "reward" too  
4 you about peeing and pooping when they're sleeping on the  
5 boards. And there was even one part of the testimony where one  
6 of the kids said that literally at one point when Janet was  
7 away, Dwight actually had to text Janet to get permission to  
8 let the kids use the bathroom.

9           That is the world and the rules that she created in  
10 that house, and what was the effect? Amaya, I was scared to  
11 ask her. I was scared she'd slap me off the toilet.  
12 Anastasia, I had some bedwetting issues when I first got there,  
13 but then things became continuous at Janet's house. If we  
14 peed, we got in trouble. Janet said we held it in. We got in  
15 trouble if we peed either way. If we peed too much, we got in  
16 trouble. If we peed if we had to go, we got in trouble. I  
17 became scared to ask, and as a result, I had accidents. Ava's  
18 saying, I could only go when the timer was up, but I got in  
19 trouble when the timer did go off. It was confusing. Even  
20 Areahia testified they couldn't go where they wanted to.

21           This is significant, folks, because when we are  
22 evaluating whether or not these rules that she put in place  
23 were appropriate you can't look at each one in a vacuum. You  
24 have to look at it all collectively. That's a lot of rules,  
25 and it had a profound affect. These kids were terrified to ask

1 her because they'd get hit if it didn't fit right.

2           And here's the other thing that we know. I mean  
3 there was a lot of talk, well, these kids come from this  
4 horrible sexual abuse background and terrible things happened  
5 to them, and that's all true, but here's the thing. When it  
6 came to peeing and pooping, at Ms. Debbie's house there weren't  
7 any issues. I mean, Anastasia maybe bed wetted a little bit at  
8 night, but the two older girls, no issues. When they were in  
9 the Jubilee house, when they were foster kids, when they had  
10 agencies watching them with the Solander girls, the rules were  
11 different, and there weren't any major issues.

12           When Ms. Finnegan came in and allowed them to kind of  
13 use the bathroom like normal people, what did she say? No  
14 bathroom issues. Think about this. They were sent off to the  
15 Marvelous Girls Academy, and that should be at the height of  
16 it's just too out of control here. These kids are so crazy. I  
17 have to get them out of the house. What happens when they show  
18 up at Marvelous Girls? No bathroom issues. What's the only  
19 difference? There was no rules. And when they're back with  
20 Ms. Debbie, there's no issues again. What is the only  
21 constant? These bizarre overly restrictive rules in this  
22 house.

23           And there's more corroborative evidence. Think about  
24 what the Stark girls and Areahia told you about kind of their  
25 worlds before and after when it came to -- in the house when it

1 came to toileting. Think about the therapists and the workers  
2 that dealt with them. This is the environment she created.  
3 She even admitted to the timers to Dr. Miletì, but only when  
4 Amaya brought it up first. Amaya seemed to be the one that  
5 would always kind of pipe up, and she piped up with a doctor,  
6 but make a note she didn't provide that information.

7           And here's the thing. The doctors, most of these  
8 doctors testified that it is really important for parents to  
9 give accurate information about what's going on for them to get  
10 an accurate assessment, and the State would submit Janet  
11 absolutely did not do that. I certainly wouldn't recommend  
12 parents order their children to deliberately withhold their  
13 urge or need to urinate or hold stool, and she even kind of  
14 added particularly if they have these kind of symptoms; right?

15           Because if she's such a concerned parent and she's  
16 got to bring all these kids in to really cure all of these  
17 bathroom issues, isn't it interesting that these doctors are  
18 all kind of generally saying the worst thing you can do is make  
19 them hold their bowel and their urine? She did the opposite of  
20 proper medical advice given these symptoms. That's child  
21 abuse. This is improper care.

22           And given what visits they were going for, this would  
23 be improper medical care. With these bowel and these GI and  
24 these urinary issues, she absolutely should not have been doing  
25 this. This was a failure to provide appropriate medical care

1 because it had gotten to that point. Failing to let them  
2 hold -- you know, to let them -- the failure to let them hold  
3 their bowels and urine for long periods is solely due to her  
4 refusal to let them do it. She just didn't want to, and this  
5 resulted in mental suffering. And you heard about everything  
6 from those girls about what it was like and the confusion and  
7 the frustration and the feelings and the fear. She's guilty 4,  
8 6 and 27.

9           Sleeping on the boards. Look, all the girls  
10 discussed the boards, the fans, the lack of blankets, the  
11 pillows, the lack of pajamas. Even some of the girls told you  
12 about one of the Stark girls recognized the board; right?  
13 Danielle Hinton remembers the boards, told you a lot about it,  
14 and it's corroborated by the photos. I mean, Amaya was, like,  
15 oh, look, there's Anastasia's board.

16           Danielle had some interesting observations. Now,  
17 again it was I can't really remember exactly right now, but I  
18 can tell you I definitely said all these specific detailed  
19 things to the police, but it was the board was so hard that  
20 Amaya would curl into a ball. Amaya was placed on the board  
21 because she peed herself. It was a punishment. No blankets or  
22 pillows. They just slept in their underwear as punishment.  
23 Oh, you get the fan. These were the sort of things that  
24 Danielle was sharing, her own daughter.

25           This is an example of improper care. It's an example



1 of a lack of shelter. Kids are entitled to have -- and here's  
2 the thing. There's no blanket shortage in this house. There's  
3 no pillow shortage. There's no mattress shortage. This is a  
4 failure to kind of provide this care because she didn't want  
5 to.

6 And you're given an interesting contrast when you  
7 think about Ms. Debbie. When you think about Ms. Debbie, what  
8 did she say when dealing with Anastasia? Did she whip out the  
9 board? No. She said, no, you just -- you just get up and you  
10 change those sheets. That's what you do. You get up in the  
11 night. You take them to the bathroom if you need help. That's  
12 what you do. But these were Janet's choices, and as a result,  
13 she negligently treated and maltreated them.

14 And, again, it's an important dichotomy. None of the  
15 other kids had to do this, not the Starks, not the Diaz-Burnett  
16 kids, not Danielle. They all got beds and bedrooms and sheets.  
17 And, remember, we know that they had bathroom issues, but they  
18 got sheets. They got linens. They got mattresses. Why the  
19 difference? Because she was abusing her own daughters. That  
20 was her choice.

21 There was even a difference when the nannies were  
22 around. They got to use the cots, and that's interesting. Why  
23 did she switch up the rules? Because the State would submit  
24 the defendant was worried that if Jan Finnegan knew they were  
25 sleeping on boards with no clothing, she probably would've gone

1 to the authorities a whole heck of a lot sooner than she did  
2 ultimately. So you change the rules when you get a foreigner  
3 in your house, make it seem nicer.

4 And we kind of talked about this. Janet even  
5 admitted to Danielle she didn't want to be bothered with  
6 washing the sheets or the blankets. There is no doctor  
7 recommendation for any of this. I mean, bottom line is there  
8 is no justification for it. It was unnecessary. It was  
9 abusive. For all those reasons, I'm not going to go through it  
10 again, but she should be found guilty on 5, 17 and 28.

11 Kicking the kids down the stairs or pushing them down  
12 the stairs. Ava said she was kicked down the stairs after the  
13 eye smashing incident. If you remember how that went down, it  
14 was after she smashed her eye on the counter. She went  
15 upstairs into the bathroom and took a look in the mirror for  
16 the first time to see what her face looked like, and Janet  
17 didn't like anyone looking in the mirror. So that's when, when  
18 Janet found that out, she became incensed and basically kicked  
19 her all the way down the stairs as a punishment for just  
20 looking at her eye.

21 Ava said, Look, if we had accidents, one of the  
22 things she would do would be kicking us down the stairs, and  
23 she'd tell this whole story about how she got kicked down the  
24 first kind of section, and Janet kind of caught up and kicked  
25 her down some more. I'm sorry. That's a mix up. That was

1 Anastasia's story. Amaya just kind of said in general we would  
2 get kicked down, but Anastasia relays this whole story of kind  
3 of going down in midflight and Janet catching up, and she's  
4 trying to get up, and Janet gets there and kicks her all the  
5 way down.

6           You even have some corroboration of kind of a similar  
7 pattern of behavior with Kaeshia and Demyer. When they started  
8 having accidents, they were dragging them up the stairs by  
9 their hair and kicked them up the stairs. This is excessive.  
10 If this is considered some form of a corporal punishment, it's  
11 excessive. It's excessive to kick kids flights down the stairs  
12 for having an accident or for simply looking in a mirror. It's  
13 not reasonable.

14           So again, it's a form of negligent maltreatment  
15 because this is an improper way to care for your kids. These  
16 kids are entitled to walk down normally down the stairs, and a  
17 refusal to do so demonstrates why it's abusive, and it resulted  
18 in suffering. These kids were scared of living with her  
19 because of these sort of repercussions. She's guilty of  
20 Counts 9, 20 and 40.

21           Withholding food and water from the girls, and that's  
22 Counts 6, 18 and 29. So, look, all the girls talked about the  
23 blended meals. They all discussed the meals being taken away.  
24 It went down from three to two to one. When Jan was in there,  
25 it was already down to two at that point. You have all the

1 girls talked about not being given water. Jan even talks about  
2 it was crazy. We really couldn't give much water at all. It  
3 was even bizarre kind of to her.

4 And the withholding of food or water could last for  
5 days, and it was a punishment. From what you heard from the  
6 testimony of these girls, it was a punishment for having an  
7 accident. But what was really interesting was Dr. Mileti even  
8 said -- Mileti said, like, look, a liquid [unintelligible] is  
9 actually not good for constipation, and she even testified I  
10 couldn't find any records that Dr. Sheikh recommending that  
11 there be a liquid or puréed diet. She indicated that Janet  
12 reported that Dr. Sheikh said that this is what needed to be  
13 put in place.

14 This is how bad the water and food situation was.  
15 The kids were trying to find different ways to get food. They  
16 snuck food out of the pantry. The nannies were giving them  
17 food kind of under the cover of the cameras. Anastasia fully  
18 admitted, I ate food out of the trash. I was hungry. Ava  
19 would try to get water while brushing her teeth. Ava and Amaya  
20 would drink the water while showering. Anastasia literally  
21 told us that she drank water out of the toilet. That's how  
22 thirsty she was.

23 And here's the thing. There's no reason for this.  
24 There wasn't a single doctor that recommended to these kids to  
25 not have any water. The only person who came remotely close

1 was maybe Dr. Dewan, and that was kind of in the context of,  
2 look, if you've got a kid that's maybe, like, not getting  
3 enough calories because they're, like, filling themselves up on  
4 juice or other drinks, you try to kind of reduce it, but it's  
5 not one of these things where you don't get any water after  
6 12:00 o'clock or a thimbleful of water or a tiny Dixie cup full  
7 of water.

8           And what did the children tell you? That they told  
9 you that Janet was not being honest about the feeding patterns  
10 and the water habits, and they were too scared to speak up  
11 because they were afraid of what was going to happen. And  
12 there were times where she was giving PediaSure which she  
13 didn't fully give to these kids, and they testified to that.  
14 There was even a time where Dr. [unintelligible] even  
15 recommended, hey, take these kids -- take that kid off of a  
16 liquid diet. Please put her back on solids, and Janet  
17 expressed a reluctance to do it, and it didn't change.

18           And here's the thing. Take a look at these pictures,  
19 and this is important too. If you're looking for some  
20 corroborative evidence, this is Anastasia. Look at that kind  
21 of face. Look at kind of the chubbiness of those cheeks.  
22 That's before she's in Janet's. That's taken like on -- with  
23 Ms. Debbie. There's a photo we have of them in a big group.  
24 That's her before Janet. This is her at some point in the  
25 middle of Janet's. And if you heard the testimony from the

1 Stark girls and Areahia Diaz, those girls were really, really  
2 skinny. That's what she looked, like, living in this house.

3 And then, this picture is in March of 2014. After  
4 she has spent months away at the Marvelous Girls School academy  
5 eating the foods that she wants and drinking, see if you see a  
6 difference. The State would submit absolutely there is because  
7 she was not giving these children enough water and nutrition.

8 So this is also child abuse because again, it's a  
9 form of negligent treatment or maltreatment. It's improper  
10 care. You are failing to provide these children the  
11 subsistence necessary for their well-being. And in the case  
12 of, for example, Anastasia, who was being brought in to  
13 Dr. Dewan for a failure to thrive, i.e., not getting enough  
14 calorie intake, it's a failure to provide appropriate medical  
15 care, and the failure to let them eat and drink like normal  
16 kids, it's solely due to her refusal to do so, and this results  
17 in mental suffering. She's guilty of Counts 6, 18 and 29.

18 The ice showers, Counts 10, 21, 41. Look, all the  
19 girls kind of tell you why. You heard from Danielle about it,  
20 as it's corroborative evidence. But here's the thing. When we  
21 talk about whether or not this is appropriate, again, no one  
22 else had this done to them, not the Stark kids, not the  
23 Diaz-Burnett kids, not Danielle. So what was the point of  
24 doing this to these kids when they were showering?

25 And there was never an explanation to even why. It

1 was abusive. She was picking on them. It's improper care.  
2 Again, just letting these kids take a normal shower, it's  
3 solely due to her refusal to do it, and as a result, they  
4 suffered mentally. They even talked about how they'd slunk  
5 away in the shower trying to get away from the ice. She's  
6 guilty of Counts 10, 21 and 41.

7           Licking urine off the floor with respect to Ava,  
8 Count 11. Ava tells you that -- when she was on the stand,  
9 she's, like, look, one time I peed on the floor, and Janet got  
10 mad and slapped me and made me lick my pee, and then she said I  
11 resisted, and I didn't do it, but here's the interesting thing.  
12 Ava admitted that at the preliminary hearing she said not once,  
13 but twice that she did it.

14           I want you to think about her demeanor on the stand  
15 when talking about this topic. The State would submit to you  
16 that she did not want to sit on the stand and tell you that she  
17 licked up urine because she was embarrassed. That's your call.  
18 And when you think about -- oh, okay. And when you think  
19 about -- when you think about her demeanor on that stand, when  
20 you think about whether it happened or if it didn't, the State  
21 would ask you to consider everything else that you've heard  
22 about happening in this house.

23           Do you think from everything that you've heard about  
24 Janet and how she treated these kids, do you think Janet wasn't  
25 really serious about making these kids lick up their urine?

1 The State would submit she absolutely made that kid do that,  
2 and that is the reason why Ava said it at the preliminary  
3 hearing, twice.

4 This is clearly improper. There's no excuse in the  
5 book that would justify making a kid consume their own urine,  
6 and it's due simply because she refused to allow that kid to  
7 maybe clean it up normally or her clean it up herself, and it  
8 resulted in mental suffering, and the State would submit you  
9 got to see that up on the stand when she was uncomfortable  
10 talking about the topic to you. She's guilty of Count 11.

11 Soiled underwear in the mouth, Counts 12, 22 and 42.  
12 This is all three girls. Again, all the girls testified about  
13 it, but it's also corroborated. Areahia said, Janet made us  
14 watch. It was so disgusting. Danielle said they had soiled  
15 underwear, like basically urine soaked, and it was also on  
16 their head. They crawled on their hands and knees. All these  
17 kids were talking about the baby and the goo goo gaga stuff.  
18 You heard that a lot.

19 And you also heard from kind of these girls, and, you  
20 know, Ivy on cross was, like, Yeah, she really struggled to say  
21 that chant with all the underwear in her mouth because I think  
22 at one point I was, like, Really, she had underwear in her  
23 mouth, and she was saying that, and Ivy explained it, Yeah, she  
24 really did. She was having a tough time and she did it.  
25 Autumn said, You know, back then I thought it was discipline.



1 And for her, she said, but now I know it was wrong. She  
2 remembers the whole thing about Dwight rounding them up saying,  
3 Hey, girls it's audience time. Let's get together. Let's  
4 laugh at them. They said they were never treated this way.

5 And there was never an explanation as to why this was  
6 done to the Solander girls. And here's the other thing. You  
7 have other corroborating evidence. You have in an email, when  
8 Janet sent an email telling Dwight that Anastasia pissed in her  
9 pants, his response is, She's going to hate life tonight. Have  
10 her start crawling with Ava. Janet has sent another email to  
11 Dwight kind of excited about the fact that she let the foster  
12 kids see Anastasia with her pants down. This is corroborative  
13 of the things that those girls told you as well as the other  
14 foster kids in the house.

15 And, again, there's nothing proper about making kids  
16 put soiled underwear in their mouth. It's improper medically,  
17 and it's due solely because she refused to provide that care,  
18 and it caused them to suffer. They were embarrassed and they  
19 told you about that. She's guilty of Counts 12, 22 and 42.

20 Standing in the garbage while urinating and  
21 defecating, Count 44. Well, she talked about it happened three  
22 or four times. I would have to stand in this big clear kind of  
23 garbage bag. If I had an accident, sometimes I'd stand in it  
24 all day. The sisters remember it happening.

25 Again, it's totally improper. I mean, there's no

1 good reasonable excuse for making a kid do this. It's improper  
2 medically. It's probably -- it's not hygienic to make kids do  
3 that, and it is solely because she refused to let the kid not  
4 be in a garbage bag full of pee and poop. This resulted in  
5 mental suffering. She's guilty of Count 44.

6 Forcing Anastasia's head in the toilet, Count 43,  
7 again, Anastasia said, Look, I got my head put in the toilet  
8 because I pooped, and at this time, my pee was in the toilet.  
9 Another time I peed and Janet slammed my head in the toilet and  
10 split my head open, and Ava said, I remember Janet smashing her  
11 head in the toilet.

12 Look, here, folks, at best, this is -- at worst, it's  
13 a form of negligent -- at best it's a form of negligent  
14 treatment or maltreatment because it's improper care. It's  
15 improper medically. You shouldn't be putting children in bowls  
16 full of urine, and it was done. She was forced to do this  
17 solely because the defendant didn't want to do otherwise.  
18 She's guilty of Count 43.

19 Just a couple of other important points. We've  
20 covered all of the counts at this point. Here's the thing.  
21 Just remember, the evidence has demonstrated these girls were  
22 not medically fragile. There's no diagnosis of any of these  
23 things; yet they told everyone at different times that they  
24 definitively had these diagnoses. That's important.

25 You might wonder why didn't they say more earlier?

1 Because the testimony from these kids is that Janet would tell  
2 them not to say anything, that everything was fine, and they  
3 told us that they were in complete fear of punishment. They  
4 were in fear of CPS not actually doing anything. One of the  
5 girls, Ava said, I was in fear of being separated from my  
6 sisters. I was afraid we could go to someplace and it could be  
7 worse, and I wouldn't be there to help them.

8 And think about the environment in that house as  
9 being a reason as to maybe why they didn't feel so eager to  
10 pipe up. These are some of these examples of the environment  
11 in that house.

12 And there was a point where in opening, and again  
13 it's not evidence, but there was a comment that was made that  
14 what they did was reasonable. You know, at one point there was  
15 a follow up. There was some hard parenting decisions, but it  
16 came from a good place, and the State would submit how is being  
17 ordered to crawl on the floor with underwear in your mouth  
18 coming from a good place or a hard parenting choice? How is  
19 sleeping on boards with no pajamas or blankets and fans blowing  
20 on you, how is that coming from a good place?

21 Threatening to cut out kids' vaginas, withholding  
22 food or water for days, making them sit on paint buckets for  
23 hours, these were not -- these choices aren't hard for parents  
24 to make. This is not a rock and a hard place, any of these  
25 options. This is abuse. This is abuse.

1           And there was in opening kind of line about  
2 perspective, word choice and context is particularly important  
3 to pay attention. The State would ask well, then which -- I  
4 think we've kind of met this perspective. Which perspective  
5 did you want? Because in this trial, and we thank you for your  
6 patience, you've heard a lot of different perspectives, and you  
7 should consider every single one of these perspectives to  
8 evaluate whether what she was doing in that house was abusive.

9           And to be clear, these people and what they witnessed  
10 and the physical evidence that was collected gave plenty of  
11 context about what she did to these kids.

12           This isn't a case about word choices. Those paint  
13 sticks that you saw in this courtroom wasn't a word choice.  
14 The scars on their bodies, not a word choice. The catheter  
15 emails and the orders and the photos, they're not word choices.  
16 It's evidence, and it was collected. The emails, all the  
17 emails, that's not word choices. Those are things she chose to  
18 send to her husband, things that she chose to memorialize with  
19 photographs. It's not a narrative spin.

20           The buckets, the photos, the admissions about that,  
21 the photographs of second-degree burns and the misreporting of  
22 diseases, these weren't the State's word choices. This is the  
23 evidence, and you should consider it because this was never a  
24 case about word choice.

25           At the end of the day, this is a case about the world

1 that Janet Solander created for her three daughters. No one  
2 forced her to do this, no one. And as a result of her own  
3 conscious choices, she should be held absolutely responsible  
4 for her conscious choices.

5 I'd ask you, and I thank you for your patience in  
6 this trial. I thank you for listening to all these witnesses,  
7 but we ask you after you've considered everything that you've  
8 heard and you consider this environment that she created, we  
9 ask you to find her guilty on every single count.

10 Thank you.

11 THE COURT: All right. Thank you, Mr. Hamner.

12 Ladies and gentlemen, we're going to go ahead and  
13 take our lunch recess. In a moment, I'm going to have you all  
14 follow the bailiff through the rear door. The case is not  
15 over. We still have closing arguments from the defense and  
16 rebuttal argument for the State.

17 So the prohibition about speaking about the case with  
18 each other or with anyone else during the lunch break is still  
19 very much in effect. You're reminded you're not to begin  
20 talking about the case with one another during the lunch break.  
21 You're also reminded that you're not to read, watch or listen  
22 to any reports of or commentaries on the case, person or  
23 subject matter relating to the case. Do not do any independent  
24 research by way of the Internet or any other medium, and please  
25 do not form or express an opinion on the trial.

1           Please leave your notepads in your chairs and follow  
2 Officer Hawkes through the rear door. We'll be back from lunch  
3 at 2:15, 2:15.

4                       (Jury recessed 1:24 p.m.)

5           THE COURT: All right. 2:15.

6           MS. BLUTH: Sounds good.

7                       (Proceedings recessed 1:25 p.m. to 2:23 p.m.)

8                       (In the presence of the jury)

9           THE COURT: All right. Court is now back in session.  
10 The record should reflect the presence of the State through the  
11 deputy district attorneys, the presence of the defendant along  
12 with her counsel, the officers of the court, and the ladies and  
13 gentlemen of the jury.

14           And is the defense ready to proceed with their  
15 closing argument?

16           MS. MCAMIS: We are, Your Honor.

17           THE COURT: All right. Thank you.

18                       (Closing argument for the Defense)

19           MS. MCAMIS: Ladies and gentlemen of the jury, this  
20 case has been about a significant failure by the Clark County  
21 Department of Family Services and maybe not in the way that you  
22 think, and we've heard testimony, it's true, that the  
23 Department of Family Services failed Ava, Amaya and Anastasia  
24 Solander, but you know who else they failed is Janet Solander.

25           Janet Solander was given girls that she was not

1 equipped to handle, and Janet Solander, you learned, was not  
2 equipped for a number of reasons. These girls, you heard, have  
3 mental health and behavioral problems that were not included in  
4 their medical passport, and you'll remember what the medical  
5 passport is. The medical passport is that document. It's that  
6 form and gathering of documents that's supposed to give a  
7 foster and adoptive parent an idea of what they are getting  
8 into.

9           Additionally, you heard about the medical passport as  
10 it came from the original foster parent Debbie McClain, and you  
11 heard from her, and she said, Oh, I have these photos, but I  
12 shredded them. Well, what evidence do you have before you of  
13 that? Unfortunately, what you heard was that Debbie McClain  
14 was not a good historian. You remember how each time that the  
15 State presented a witness and they would ask about those girls,  
16 you'll notice what they didn't ask you, and you'll notice what  
17 the defense had to ask was what happened to those girls? How  
18 did they become who they are before they ever got into the  
19 Solander home?

20           This case comes from the actions that Janet took  
21 after she adopted the girls who needed structure. They needed  
22 discipline, and she did her best to provide that. Now, you may  
23 not agree with what she did, but this is not a personal  
24 subjective test. The law will instruct you on what you are  
25 supposed to do, but this is not would I do this in my own home.

1 This is does it rise to the level of beyond a reasonable doubt  
2 as to each and every element of each and every offense in each  
3 and every one of those 46 counts. This is not a checklist.  
4 This is not a shopping list. This is someone's life.

5 Now, the government just spent roughly an hour with  
6 maybe a hundred slides all about Janet Solander and the  
7 accusations against her from the adoptive children who did not  
8 agree with the rules in the home, but what do you actually know  
9 about Janet? You know that Janet's a mother of four biological  
10 daughters, and you know that she never had any CPS history with  
11 those four biological daughters. How do you know? Because the  
12 State would have dragged in yet another witness to talk about  
13 how bad Janet Solander is or how weird she is to them.

14 You also know that Janet Solander has a history of  
15 employment in the military service. Danielle Hinton, her  
16 biological daughter, testified, yes, she worked at Nellis Air  
17 Force Base generally in some nursing field because she  
18 administered -- she meaning Janet -- administered drug tests,  
19 and Danielle also testified that she knew that her mother  
20 worked at what she called the MEPS, and no one could figure out  
21 what that abbreviation was, but they all knew that was a  
22 military-base-type abbreviation out in Phoenix, Arizona.

23 And Danielle testified that she knew because she went  
24 to work with her mom, tagged along sometimes or was in the  
25 daycare, and she knew that Janet assisted in the physicals for



1 those Air Force men. So generally in the nursing field.

2 Janet eventually remarried Dwight, and the two of  
3 them chose to expand their family when Danielle was in her last  
4 years of high school, and that's when they opened their home to  
5 a bunch of different children including short-term and  
6 long-term foster children.

7 Perspective, word choices, context, just like we  
8 talked about in our opening statement back when this trial  
9 began. Now, the government has given you this very evil  
10 narrative of Janet, very sinister, very mean-spirited narrative  
11 of who Janet is, and, in fact, I've put on this slide on the  
12 left for you of some of the things that she actually did.

13 What do you know about Janet's time in the foster  
14 care system? How did she get to this point? Well, for  
15 starters Janet was the kind of person who went through a very  
16 detailed, thorough licensing and background checks to be a  
17 foster parent, and you heard from a couple of witnesses,  
18 including the assistant director of the entire Department of  
19 Family Services who talked about the extreme vetting process  
20 that they use. There are home checks. There are background  
21 checks. She talked about fingerprinting. She talked about  
22 renewal checks.

23 There's a lot of eyes and ears in a foster home. In  
24 order to maintain that licensure, you have to maintain and  
25 follow all the rules. If you do not follow the rules, you are

1 going to lose your license, and you heard testimony that Janet  
2 Solander and her home were licensed from 2011 through the  
3 period roughly ending the charging document in November of 2013  
4 and slightly beyond. So she had to go through at least two  
5 renewal processes because the Starks and the Diaz-Burnett kids  
6 were placed in her home.

7 Now, the government presented no reliable evidence,  
8 nor evidence beyond a reasonable doubt that Janet failed to  
9 comply with all of the foster care rules, okay. There was  
10 never a CPS investigation opened about how Janet took care of  
11 the Stark children, and you heard the State call witness after  
12 witness about how Janet took care of the Stark children and  
13 about how the 3 and a half year old Ivy and 5 or 6-year-old  
14 Autumn had potty accidents, but you also heard about some of  
15 the nonviolent or nonphysical discipline things that she did.

16 What you heard was she would put socks on their hands  
17 so they couldn't get them dirty and put them in their pants,  
18 and you heard from the caseworker, I don't have a problem with  
19 that. It wasn't reportable, and, in fact, it fixed the  
20 problem. The problem was the child was getting dirty and  
21 putting her hands where it didn't belong to, and the socks  
22 fixed it, simple enough solution.

23 And if you'll recall, that caseworker was Cherina  
24 Davison. You'll remember her testifying, and, sure, there were  
25 times where she said she found Janet odd and that her

1 communication style was very direct, but that isn't a crime.  
2 That isn't a consideration before you. That's not one of the  
3 46 counts.

4           You had no evidence of abuse. And, again, what does  
5 that really have to do with the Solander children? The Stark  
6 children were foster children. They were subject to different  
7 rules. You heard everyone in the foster care system testify  
8 different rules because it's foster. Parents can treat their  
9 own children, as long as it's legally appropriate, however, but  
10 foster kids, they have separate rules. The State kept saying,  
11 Why, why were they treated different? You already have that  
12 answer. You have it. You had it after witness after witness  
13 after witness. Foster care is different. Foster care is  
14 different, and Janet complied with how different it was.

15           You also heard from witness after witness after  
16 witness about the Diaz-Burnett sibling group, the PSR workers,  
17 the BST workers. You will remember all of them. Riley Castro,  
18 Christina Day, Jennifer Dowling, and you'll remember the  
19 13-year intern therapist Lori Wells who can't seem to manage to  
20 take her licensing test after all this time. Well, she  
21 testified as well, and so did caseworkers like Gail Anderson.

22           Every single one of them had nothing to do with the  
23 care of the Solander children. They were other caseworkers.  
24 They were there for the Diaz-Burnett sibling group, who had  
25 their own very significant trauma and needs on their own, and

1 we'll get to that. Yet every single one of those people were  
2 called to tell you why they thought Janet was bizarre or  
3 abrasive or just didn't like being told what to do. Excuse me.

4 Foster care rules are very stringent. They were  
5 entirely about being told what to do. If you do not follow  
6 them, again, you do not keep your license. So the defense  
7 would submit if she really couldn't follow those rules and she  
8 was really such an untrustworthy person about any of these  
9 foster kids' medical needs, she would not have been allowed to  
10 continue to provide care for them.

11 DFS and CPS have many tools if they don't agree with  
12 what a foster parent is doing. They can direct the foster  
13 parent to stop the unwanted contact. They can require  
14 parenting classes. They can direct the foster parent to do  
15 something else. They can staff the case with a supervisor, and  
16 you heard every single witness from the caseworker say I could  
17 staff; I could report; I could go to a higher up; I had  
18 directives; I had measures; I had things I could do. And not  
19 one of them said Janet do something differently.

20 And that would have been between the dates of January  
21 19th, 2011, and November 11th, 2013. Those are the dates  
22 that you are tasked with reviewing because those are the dates  
23 that correspond with the alleged conduct in the Information.  
24 So that time period, CPS and DFS never told Janet to do  
25 anything differently, and that's because, ladies and gentlemen,

1 she was not doing anything criminal.

2           And as far as the Stark and Diaz-Burnett children, it  
3 didn't have anything to do with the criminal charges of this  
4 case. So we are now in, I think, week five if my math is  
5 correct of trial, and how long did it take for you to actually  
6 start hearing testimony about the alleged victims in this case?  
7 Look at that Amended Information when you go back in the jury  
8 deliberation room. Nowhere on it does it say and list victims  
9 Ivy, Autumn, Areahia, Kaeshia, Demyer or baby Novaleih. None  
10 of them are victims. None of them appear on those pages.

11           Nevertheless, we spent the first nearly two weeks of  
12 testimony all about these children and again painting an evil  
13 narrative about how bizarre Janet Solander is and how the girls  
14 were somehow secreted away. But what objective evidence do you  
15 have of that? Think about that. The girls say, We were  
16 [unintelligible] in the bathroom. We were locked up. We were  
17 told that we couldn't talk to CPS, or we were told what to say  
18 to CPS.

19           Well, think about some of those unannounced home  
20 visits. Think about some of those unannounced CPS  
21 investigations. Think about the day that Crystal Rosas drove  
22 up, and the girls are outside playing; two of them are on  
23 bikes, and the other one is chasing them around. That's not  
24 secreted away.

25           Think about when Janet -- excuse me, Christina Day

1 walked in, and she saw the kids on the potties and then said  
2 well, okay, that's not what I would do in my home. I better  
3 contact Lori Wells, my supervisor. Those kids were not  
4 secreted away. There were times perhaps that they were not  
5 available, but I don't know that that's necessarily very  
6 shocking.

7           Think about this. There were caseworkers that are  
8 going into that home to deal specifically with the foster care  
9 children who have very specific needs. Do you really need 6-,  
10 7-, 8-, 9-year-olds running around listening to confidential  
11 information? You don't. They're not a part of that process.  
12 The caseworker is not there to interact with those children.  
13 They're there, and they're tasked with spending time with each  
14 and every one of the children in their charge. So it's not a  
15 big -- it's just you don't have any objective evidence really  
16 that they were secreted away. What you have is the girls'  
17 stories and more on that later.

18           Now, you'll remember when Janet had the Stark  
19 children in her home she had a total of five young kids living  
20 with her and Danielle at some point for at least some period of  
21 time while she was still in high school and before she went to  
22 college. And you'll remember, Ivy was not fully potty trained.  
23 She entered that home at age 3 and a half. So she still had  
24 some accidents. Autumn was also potty trained but still had  
25 some accidents, and then she had the three Solander girls, and

1 we'll get to their behavioral issues.

2 Janet was the foster mother. She was legally  
3 responsible for keeping Autumn and Ivy safe, fed, clean, and  
4 she took it upon herself to advocate for them when they're own  
5 biological parents wouldn't, and that's part of how kids like  
6 that get into the foster care system.

7 Now, you'll remember the testimony of Cherina  
8 Davison. The Starks came from a home of abuse and neglect, and  
9 one of the little girls unfortunately had been sexually  
10 assaulted, and as you'll read about in Janet's book -- that's  
11 in evidence. That's you get to take back with you. That you  
12 can actually read. You can read her words. You can read what  
13 she has to say, and you will read about kids who come from  
14 abused homes and that they act out in ways, and that's what you  
15 heard evidence of.

16 Cherina Davison, yes, they have this history. Some  
17 of them would act out. It's not the biggest deal. That's why  
18 they get services like a PSR worker, a BST worker, a therapist.

19 Now, when Janet took in the Diaz-Burnett kids,  
20 Areahia Diaz was clinically obese, and her three younger  
21 siblings were quite thin. They came from a home of extreme  
22 neglect, no running water, meaning no running potties, no  
23 running toilets for little children who were supposed to be in  
24 potty training time. They came from not enough food, no  
25 electricity. So they had severe emotional needs, and again,

1 unfortunately -- we are again talking about foster children --  
2 Areahia had been sexually molested as well. So those kids had  
3 multiple BST, PSR workers and therapists because that's what  
4 they needed.

5 Now, I know you heard testimony about Janet, and you  
6 may have thought what a bizarre person, but what you also heard  
7 about was that Janet was an advocate for these kids when the  
8 biological parents missed visits, and she didn't care that she  
9 wasn't liked. She didn't care that she ruffled feathers  
10 because she was trying to take the task of being a foster  
11 parent seriously.

12 And that's what she writes about in her book is how  
13 the foster care system doesn't put kids first. They focus on  
14 parental rights. They focus on the system rights, but they  
15 don't focus on the needs of the children, and so she got very  
16 direct. She could be very abrasive, but she was always  
17 focusing on what? The needs of the children. That's what you  
18 heard. Hyperfocusing on the needs of the children, even if it  
19 included toilet training, which is not surprising considering  
20 again the Diaz-Burnett sibling group came from a home where  
21 there was no running electricity or water unfortunately.

22 And you also heard about Janet being an advocate when  
23 that intern therapist Lori Wells broke Areahia's trust, and  
24 Areahia needed someone to advocate for a new therapist. You  
25 heard Janet advocate for those children when Kaeshia needed to



1 go to the hospital. So she went to Monte Vista, and then she  
2 got a little bit better; however, just because a child gets a  
3 little bit better, it doesn't erase years of abuse. It doesn't  
4 erase years of parental failure.

5 And you remember when Janet scheduled all the  
6 significant dental surgeries for those youngest Burnett kids  
7 because their teeth were so rotten and decayed that they were  
8 brown. Remember how the government talked about Janet  
9 complaining about the foster care service providers. Remember  
10 how Janet threatened to sue people or get people fired because  
11 according to the government Janet was about to be found out.

12 Well, if you'll remember, Debbie McClain did the same  
13 thing. Remember her testifying that everyone at H.O.P.E.  
14 Counseling was a liar, that she wanted the therapist fired, and  
15 then she got the therapist fired, and then the new therapist  
16 came from Agape, which was a what? Debbie McClain's employer.  
17 I mean, talk about a conflict of interest.

18 The government wants you to believe that Janet was  
19 making up ailments of the foster kids in order to scam the  
20 government for more money, but you heard from all the  
21 caseworkers. You heard even from the therapist Lori Wells that  
22 Janet and Dwight seemed overwhelms -- overwhelmed, excuse me,  
23 and when Lori Wells made one of her many calls into CPS, it was  
24 because she thought Janet and Dwight were not equipped to deal  
25 with the, quote, Special needs of these foster children.

1 Special needs, acknowledgment that Janet was just not dealing  
2 with normal kids because they had additional needs, and, of  
3 course, they did. You heard about where they came from.

4 Now, the government brought in doctor after doctor  
5 about the Solander girls, but only Dr. Dewan about Areahia.  
6 Yet there was ample testimony that Janet took all of her foster  
7 kids to medical appointments as was necessary, and the  
8 government asked over and over again, Didn't Janet tell you she  
9 was a nurse? Okay. Let's just take a step back. You have no  
10 evidence that anyone at DFS or any doctor deferred to Janet for  
11 medical diagnoses or treatment. Janet wasn't writing fake  
12 prescriptions. The government didn't prove any of that beyond  
13 a reasonable doubt.

14 Janet may have overstated her nursing experience. So  
15 what? She's not charged with it. It's not a crime. And you  
16 do have evidence that she had some medical knowledge based on  
17 her position at the military bases. So you have no evidence  
18 that anyone relied or cared enough to look into it because,  
19 again, Janet wasn't making diagnoses for these children. She  
20 was taking these children to doctors, and then she was hearing  
21 the words they were saying, and she apparently just built it up  
22 in her head because she took her duty to these kids as their  
23 foster parent that seriously.

24 Now, when Janet took these kids, these foster kids to  
25 actual doctors for actual diagnoses and actual treatment, there

1 was the testimony about the practice of foster parents faxing  
2 all their medical records and requests for approval to the CPS  
3 nursing unit, and you have no credible evidence that there was  
4 ever a failure for her to do that.

5 And I would also point out that you heard from none  
6 of Kaeshia, Demyer or Novaleih's doctors that Janet was ever  
7 reported for doing anything medically inappropriate as to those  
8 children, and that's because quite simply none of those doctors  
9 would testify to that. If they had, don't you think we  
10 would've heard from them? I mean, you heard from a lot of  
11 people.

12 And this is why I'll direct your attention to  
13 Instruction Number 30, and when you get your jury instruction  
14 packet, they're numbered, and so that instruction talks about,

15 You may have heard testimony concerning  
16 actions or directions by the defendant  
17 towards the other foster children living in  
18 their home who are not subject of these  
19 criminal charges. You are not to consider  
20 this for any purpose beyond the extent that  
21 it establishes a motive, intent, common  
22 scheme or plan -- excuse me, knowledge and/or  
23 absence of mistake or accident regarding the  
24 alleged abuse and neglect of the children  
25 named in the charges. The mere existence of

1 any alleged bad acts directed towards other  
2 people like foster children do not establish  
3 the guilt of a defendant beyond a reasonable  
4 doubt.

5 So you heard weeks of testimony about things you  
6 cannot consider when you are looking at 46 charges before you.  
7 This also means, and this instruction tells you that you cannot  
8 consider, well, I think Janet Solander is a bad person because  
9 of the way that she treated the foster kids in her care. So  
10 she must be guilty of at least one or more of the 46 counts.  
11 The law says you cannot do that, and when you guys came in and  
12 we talked about jury selection, you promised to take your duty  
13 seriously, and we will ask you to hold that promise.

14 Those foster kids are not the Solander kids. They  
15 were foster kids subject to all of the foster care rules, and  
16 Janet had a right under the law as an adoptive parent of the  
17 Solander kids to treat her own kids differently than the foster  
18 kids. Now, you may not like how Janet treated the foster kids,  
19 but your subjective feeling on that does not make her guilty of  
20 any of the charges.

21 And that brings me back to the Solander kids. You  
22 heard hours of testimony from PSR, BST workers, caseworkers and  
23 therapists for the foster children. What do you know about the  
24 Solander kids before they came into the Solander home? What do  
25 you know about what services they received while the Solanders

1 were fostering them? Who is it that presented that information  
2 to you?

3           The State called Heather Richardson and Debbie  
4 McClain about the Solander girls before their time in Janet's  
5 home; yet you know those are not the only two people in the  
6 kids' lives before they got to the Solander home. No. You  
7 heard that they had a PSR worker named Lisa Taylor. You know  
8 that they had a H.O.P.E counselor named Heidi Menusa  
9 [phonetic]. You know that at least one, Amaya, later needed a  
10 psychologist, Dr. Lisa Schaefer. Ladies and gentlemen, where  
11 are they?

12           I'm having one of those times where I'm a little  
13 slow. One more. Okay. That's fine.

14           The State didn't call them because the defense has  
15 absolutely -- or the State didn't call them, and the defense  
16 has absolutely no burden of proof. Why weren't they called?  
17 Because the State knew that they would have to give you a more  
18 accurate picture of the abuse and neglect that Ava, Amaya and  
19 Anastasia suffered before they ever met Janet Solander because  
20 that would tell the whole story about how these girls were  
21 before they got to the Solander home.

22           And you remember when the government asked Heather  
23 Richardson all about the girls, and she painted a lovely  
24 picture, and why not? You got to see those girls. In no way  
25 is this an attack on those girls. There's a few things that

1 the State and I can agree on, and it's that they are victims of  
2 abuse and neglect, but our discrepancy is where the abuse and  
3 the neglect originated. So you can feel sorry for those girls.  
4 You can like those girls. I am in no way saying not to, but  
5 you have to give context to what they are listening to.

6 Think about their word choice. Think about what  
7 they're presenting to you. They have a history. They were  
8 abandoned by their mother. They were neglected by their  
9 mother. They were dumped by their mother on a grandmother who  
10 was not equipped for them. They were beaten with belts. Their  
11 grandma yanked on their ears to the point where Department of  
12 Family Services observed marks and bruises and had to tell  
13 grandma stop hurting the girls. You can't discipline them that  
14 way. Those Solander girls witnessed domestic violence when  
15 their grandmother hit their grandfather in the home, and the  
16 grandma went to jail.

17 They went to therapy, first to H.O.P.E. Counseling  
18 where they disclosed all of this and later to Debbie McClain's  
19 employer, Agape. And, again, it was in counseling where all of  
20 the trauma and abuse they endured was more fully disclosed, and  
21 it was disclosed by the girls themselves. They confirmed this.  
22 When they were younger, when they had all of this information  
23 when it was still fresh in their mind, they disclosed this.

24 And, unfortunately, one of them was sexually molested  
25 by her brothers -- excuse me, by her mother's boyfriend. One

1 talked about how her grandmother made her sleep outside, and  
2 didn't that sound familiar? Because you'll recall Anastasia  
3 once said Janet made her do the same thing, this sleeping  
4 outside with the rocks and the bugs, so kind of recycling  
5 stories. Anastasia was once so angry with her teacher that in  
6 therapy she told the therapist her teacher hit her, and then  
7 the therapist inquired further, and Anastasia confirmed the  
8 teacher did not hit her, and she told the story because she was  
9 mad.

10 Amaya too made up a story. She made up that story  
11 that Debbie hit her, and she was going to tell Heather  
12 Richardson, and you'll remember that wasn't the only behavioral  
13 issues that the girls had. If you'll recall, Amaya had that  
14 one incident after the court hearing, and you heard how it was  
15 documented in a Unity note that the caseworker noted Amaya  
16 masturbated after the court to try to get her sister to join  
17 in, and she thought she would be able to use that to get back  
18 to her biological home. She acted out, and that's how the  
19 psychologist Lisa Schaefer got involved. You heard about that  
20 Unity note.

21 Now, you know after we brought it out on  
22 cross-examination that the girls went to H.O.P.E. Counseling  
23 and had different mental health and behavioral diagnoses. You  
24 also know this predated the Solanders. The girls had not met  
25 the Solanders yet. And just like I talked about, who was it

1 presented -- who was it that presented you with that  
2 information on the history of the girls? Was it the  
3 government? No. It wasn't until I started my  
4 cross-examination after Heather Richardson testified that the  
5 girls had no behavioral issues when they were placed in the  
6 Solander home, and I started asking questions. Well, what  
7 about H.O.P.E. Counseling? What about all these diagnoses?  
8 What about this?

9 I mean, look at this chart, and I kept asking her,  
10 Okay, well, what about Ava? Isn't it true she was diagnosed  
11 with a DSM-IV diagnosis of PTSD and enuresis? And I'm sure  
12 that's more than you ever thought that you would learn, but we  
13 all now know it. It's part of our vocabulary. You know that  
14 that is a urine voiding issue, and the girl's unable to control  
15 her urine. You know that Ava was diagnosed with poor  
16 self-esteem, that she was excessively withdrawn, and she was  
17 described in several ways as being kind of withdrawn. Well,  
18 that predated the Solanders.

19 Ava was also diagnosed with constant challenging of  
20 authority and excessive noncompliance to the point where she  
21 had persistent difficulties or disruptive behaviors sufficient  
22 to jeopardize school or home placement, and Heather Richardson  
23 said, well, yeah, but nobody told you that on direct. You need  
24 to wait until I got to cross before they really wanted to tell  
25 you what these girls had and endured and suffered before they



1 ever got to Janet Solander's home.

2           And it didn't stop at Amaya. As you'll recall,  
3 Amaya -- or excuse me, it didn't stop with Ava. It continued  
4 with Amaya. It continued with Anastasia. Again, the girls had  
5 PTSD. Anastasia had a feeding disorder, a disorder in infancy.  
6 Amaya had impulsive verbal outbursts, persistent intentional  
7 aggression. Amaya was assaultive towards others and hits her  
8 sister, and I know the girls testified and said, No, no, it's  
9 verbal fights. It's not verbal fights. It was never just  
10 verbal fights. The girls would hit the sisters.

11           Amaya was diagnosed and assessed as being extremely  
12 disruptive, dangerous and violent. She did not listen to adult  
13 directives in the home. She failed to respond to limit setting  
14 and other discipline. Again, a child like this was put in a  
15 home with Janet Solander, and none of this was indicated. None  
16 of this was included in the medical passport, and the system  
17 failed Janet by putting this child in that home without giving  
18 her the proper tools, and that was a failure for Janet, and  
19 that was a failure for Amaya.

20           Anastasia also assessed, excessive frequent tantrums,  
21 persistent intentional aggression, challenging behaviors, does  
22 not follow directions, severely emotionally disturbed, and  
23 falsely reported to H.O.P.E. Counseling that her teacher hits  
24 her.

25           I guess Heather Richardson and the government did not

1 want to tell you all about that, but ladies and gentlemen, you  
2 need to know that. You must know that.

3 Now, you heard testimony from Dr. Cetl about scars in  
4 the looping pattern. What did you also hear testimony about?  
5 What is a looping scar consistent with? Beatings with a belt.  
6 You heard zero evidence from any of the witnesses called that  
7 Janet, Dwight or even Danielle ever disciplined any of those  
8 children with a belt, but you heard evidence that the  
9 biological family beat the girls with a belt.

10 Dr. Cetl also testified about those scars and how  
11 concerning it was that she saw some of the same types of scars  
12 in the same types of areas on Ava, Amaya and Anastasia, the  
13 same types of scars, looping or linear scars, all consistent  
14 with being struck by a belt, and Dr. Cetl could not testify to  
15 any degree of medical certainty when those scars on the girls'  
16 bottoms occurred, none. She couldn't tell you. She could even  
17 give you a general time frame.

18 Now, I understand that Ms. Debbie testified that she  
19 bathed the girls, and she never noticed any scars, and I know  
20 that Ms. Debbie testified that she had the girls' medical  
21 passports, but Ms. Debbie said that she shredded the girls'  
22 medical passports, including photos she claimed that were in  
23 there that she saw of the girls. You were presented with no  
24 head-to-toe body exam of the girls prior to them entering the  
25 Solanders' care. The government presented you with no reliable

1 evidence beyond a reasonable doubt about where those scars came  
2 from.

3           And Ms. Debbie proved herself to be a poor historian.  
4 She couldn't remember back when the girls were in foster care  
5 that Anastasia had ringworm, and if you've ever seen ringworm  
6 on a child, it's visually memorable. Debbie didn't remember.

7           Now, I understand Ms. Debbie has had something like  
8 40 foster children in and out of her home. So maybe an  
9 appointment here or there might escape her, but forgetting that  
10 Ava went to see an orthopedic specialist and that Ava's diet  
11 had to be adjusted so she lost weight to stop limping,  
12 Ms. Debbie didn't remember any of that. Instead, she gave you  
13 a charming anecdote about how Ava limped because she copied  
14 Ms. Debbie's arthritis in her hip.

15           But you heard from Dr. Alphonsa Stephen. You heard  
16 that Ava was not faking her limp. That limp was real, and that  
17 child was referred to a real orthopedic specialist Dr. David  
18 Stewart, which brings me --

19           Oh. Actually, if you could go back a slide, please.

20           We talked a little bit about how some of the girls  
21 kind of cycle their stories or how they've, as you can probably  
22 tell, they've exaggerated some of their stories, and this  
23 didn't come just in the Solander home. They have a history of  
24 it, and so I brought out a couple of the notable H.O.P.E notes,  
25 and if you'll recall, H.O.P.E. was the counseling.

1           You'll remember in August of 2009 about Anastasia  
2 making an angry face, and the State tried to say, well, she was  
3 hugging. She's had boundary issues and clinging, and you'll  
4 remember that's not what it was. Anastasia made an angry face.  
5 She showed her anger towards her therapist. She grabbed her  
6 therapist by the neck. In this same incident where she was  
7 angry and grabbing her therapist by the neck, Anastasia  
8 disclosed that she lied about her Aunt Jessica spanking her,  
9 and she lied because she was mad, which, sure, kids do, the  
10 same kids who then went into Janet Solander's home. So the  
11 therapist was dealing with Anastasia's anger behaviors both  
12 after reports that she would hit and kick her sisters and stay  
13 angry for a long time, and I brought that out on  
14 cross-examination.

15           And then you'll remember in the May 2009 note for  
16 Amaya, Debbie McClain was told you can't say, Just because you  
17 witnessed domestic violence doesn't mean you can act like that.  
18 She was told you can't say that to foster children. You'll  
19 recall Janet and Dwight were accused of saying something very  
20 similar, but unlike Debbie McClain, Just because you witnessed  
21 domestic violence doesn't mean you can act like that, Janet and  
22 Dwight said they were fearful for the kids' futures. They  
23 didn't want them to end up another statistic, again,  
24 advocating.

25           Also in May of 2009, Ava disclosed that her mother's

1 boyfriend used to beat her with a belt on her bottom in her  
2 biological home. February of 2009, Ava disclosed that her  
3 grandmother went to jail for hitting her grandfather, something  
4 that the girls witnessed in the home, and in January 2009, Ava  
5 discussed in therapy how she and her sisters physically fought  
6 each other, physically.

7           Now, you've heard from a lot of people, but you heard  
8 from a lot of people about the Diaz-Burnett kids and about the  
9 Stark kids. Who did you not hear from? Who did the State not  
10 call to tell you more about Ava, Amaya and Anastasia? Well,  
11 there's the PSR worker Lisa, who would've been the same as,  
12 like, Jennifer Dowling or Christina Day, would have had those  
13 same types of observations about the girls; Heidi Menuza, the  
14 H.O.P.E therapist, someone who would have been apparently more  
15 qualified than Lisa Wells, the 13 year intern; Dr. Lisa  
16 Schaefer, the psychologist.

17           The State didn't call anyone from Agape counseling.  
18 Even if they liked Agape better than H.O.P.E, they didn't call  
19 anyone from there; Dr. David Stewart, the ortho specialist that  
20 the little child went to when she was in Debbie McClain's care;  
21 Andrea Ledgeworth [phonetic], who was the nanny for over a  
22 year, and to whom Detective Emery confirmed, Yep, I interviewed  
23 her; Rebecca, another nanny. You didn't hear from anyone from  
24 the staff at La Petite Academy even though the State made a  
25 rather big deal in opening statement about that

1 information-only call.

2           You didn't hear from Dr. Dezenberg, whose records  
3 Dr. Cetl reviewed. You didn't hear from Dr. Sheikh, whose  
4 records Dr. Cetl reviewed. You didn't hear from any of the  
5 doctors from Amaya's December 2011 hospital stay after her  
6 seizure. You didn't hear about any eye doctor from Ava about  
7 the alleged damage to her eye from the kitchen counter slam and  
8 why she was prescribed glasses. You didn't hear from  
9 Dr. Crispin, the last pediatrician who the girls saw for a  
10 physical prior to going to The Marvelous Grace Girls Academy --  
11 which I have decided to abbreviate this way throughout my  
12 PowerPoint presentation just so you're aware -- and who Yvette  
13 Gonzalez actually knew about because Dwight told her. Dwight  
14 told her what pediatrician the girls last saw.

15           You didn't hear from Jackie Henry, the Florida CPS  
16 worker to come and explain that the girls never disclosed  
17 anything about catheters. You didn't even hear from other  
18 students or staff at The Marvelous Grace Girls Academy in Pace,  
19 Florida. So the State found all kinds of people to testify to  
20 you about the foster kids in the home and only two to testify  
21 about the Solander girls, three if you include Danielle.

22           Now, if the Solander girls didn't have any behavioral  
23 issues, maybe that would make sense, but that's not what you  
24 heard. You heard lots of people interacting with the Solander  
25 girls while they were in foster care, and even afterwards when

1 they were adopted.

2 Now, we talked about who wasn't called, and we talked  
3 about some of the things that Ms. Debbie was verbally  
4 reprimanded for saying to the girls, and you'll remember she  
5 was told you can't say things like I'll kick your ask, and she  
6 spelled it a-s-k. Now, ladies and gentlemen, common sense  
7 doesn't evaporate just because you've joined us for jury duty,  
8 and I'll kick your ask doesn't mean anything, and you know very  
9 well what words Ms. Debbie said. She said I'll kick your ass,  
10 and it is probably because Amaya was acting up, and acting up  
11 happens.

12 Many of you shared with us you're parents. So you  
13 know that acting up happens, and kids are not perfect. Kids  
14 test boundaries and parents have limits, and sometimes parents  
15 say exactly what they want to say to keep the kid in line. You  
16 heard it from Ms. Debbie, and you certainly heard it from  
17 Ms. Janet Solander because she ended up being subject to these  
18 criminal charges.

19 Now, we can all agree that Janet Solander was not  
20 best equipped to deal with these girls, but it doesn't make her  
21 guilty of any of the offenses. Indeed, you have to look at  
22 each and every one, and it's not a checklist. It's not a  
23 shopping list. You're not just going check, check. You are  
24 tasked with actually evaluating the testimony you heard.

25 Now, Janet has been charged with several counts of

1 child abuse, neglect or endangerment, and in order to find  
2 Janet guilty of any of these counts, you must find beyond a  
3 reasonable doubt that all of the elements that are charged --  
4 or elements of the offense rather, and, again, you'll have your  
5 jury instructions back in the back. So I tried to make it kind  
6 of like broken down so you can see the different elements.

7           And a specific important one is unjustifiable  
8 physical pain. Unjustifiable physical pain doesn't mean that  
9 common sense goes out the door. It doesn't mean that your  
10 duties as a parent don't let you reprimand your child. You  
11 heard that there's an instruction about corporal punishment.  
12 Even if you personally don't agree with it, it is not criminal  
13 abuse per se just because an implement may have been used.

14           Now, you've also been tasked with reviewing the  
15 charges for child abuse, neglect or endangerment with  
16 substantial bodily harm, and you'll see that. I believe that's  
17 in Instruction 19. Substantial bodily harm means injury that  
18 creates a substantial risk of death or which causes serious  
19 permanent disfigurement or a protracted loss or impairment of  
20 the function of any bodily organ or prolonged physical pain.

21           Now, the counts, as I was able to glean from the  
22 Information, about substantial bodily harm relating to the  
23 spanking with the paint sticks on the buttocks were Count 1, 14  
24 and 24 for these children. The State wants to point to the  
25 little scars on their bottom, and they have some scars on their



1 bottom, but beyond a reasonable doubt, you don't know when the  
2 scars were there. You don't know who put them there, and you  
3 have evidence that's consistent with looping, meaning a belt,  
4 and you have no evidence that Janet and Dwight or anyone in the  
5 Solander home used a belt.

6           Bodily injury which creates a substantial risk of  
7 death or which causes serious permanent disfigurement. The  
8 State wants you to focus on the disfigurement, but remember the  
9 modifier. Remember the word that is used. It's serious  
10 permanent disfigurement or protracted loss. You don't have  
11 that. Or prolonged physical pain.

12           Now, I don't know how many of you have experienced  
13 being spanked, but a lot of us are familiar with that concept.  
14 There is an immediate stinging, sure, with being spanked, but  
15 prolonged for days. It was a paint stick. It was not a belt.  
16 It was a paint stick. It was not like one of those cords.  
17 You've seen different accounts in the news. It's a paint stick  
18 which is something a lot of you can recall when I asked about  
19 in voir dire. What about the Italians who use the wooden  
20 spoons? They slap you on the back of the hand. It's a paint  
21 stick. It's not a belt.

22           Now, even if you don't agree with corporal punishment  
23 as a valid form of discipline -- and that's your prerogative,  
24 this is not what you would do in your own home, this is what  
25 actually happened in this case, and does it rise to the level

1 of abuse -- Janet and Dwight admitted to spanking their adopted  
2 children with paint sticks to multiple people at DFS and CPS,  
3 specifically even to Crystal Rosas. Crystal Rosas did not tell  
4 them to stop, and if you'll recall, that's the CPS investigator  
5 who went out, and they said, Yes, we spank our children with --  
6 both of them, Janet and Dwight, we spank our children with  
7 paint sticks on their bottoms. Crystal didn't say stop. She  
8 didn't tell them that they could not spank their children with  
9 paint sticks, and she did not instruct them to change their  
10 behavior in any way.

11 Now, Crystal Rosas works for the Clark County  
12 Department of Family Services, and that's the government, and  
13 that's the same government that is now charging Janet even  
14 though the government knew that Janet spanked her kids with  
15 paint sticks, and that government did not find it abusive. So  
16 they can't make it a crime now.

17 The government wants you to believe that it was Janet  
18 and Dwight who spanked the girls so hard that it left scars on  
19 their bottoms, and you heard the testimony of the girls. You  
20 heard how they claim to have been beaten every day multiple  
21 times a day to the point where they bled all the time. So I  
22 ask you, when Dr. Cetl was testifying and you were actually  
23 shown those photos, is that what you were expecting to see? My  
24 suspicion is I bet you thought you would see a whole lot more.

25 Now, the State's hired expert, Dr. Cetl, was a woman

1 who they paid for her testimony, and she testifies again and  
2 again on cases for the State for child abuse cases, and you  
3 will remember she did not tell you how old the scars were to  
4 any degree of medical certainty. She couldn't tell you with  
5 any degree of medical certainty what specific implement caused  
6 them. She just said things were consistent with, and the State  
7 wants to point to well, it's consistent with a paint stick.

8 But you know what else we asked her? If they were  
9 consistent with a belt, and you are going to remember we've  
10 talked about that. You know that what leaves looping scars, a  
11 belt. Who beat the Solander girls with a belt? The people in  
12 their biological home. The government has not shown you any  
13 credible evidence that those scars did not exist prior to the  
14 girls entering the Solander home.

15 And the only timeframe Dr. Cetl could testify to in a  
16 medical degree of certainty was that mark on Anastasia's ear,  
17 the line. It was red, and it was crusty, a recent, a fresh  
18 injury, days to weeks old. And you'll remember at the time of  
19 that forensic interview and that physical examination with  
20 Dr. Cetl, that would've been in March of 2014, and the girls,  
21 Ava, Amaya and Anastasia had been in The Marvelous Grace Girls  
22 Academy since mid-November of 2013. So there is no possible  
23 way that injury could have been caused by Janet. The recency  
24 of that injury means that it was something from her time at  
25 Marvelous Grace Girls Academy.

1           Now, let's talk about a parent's legal right to  
2 discipline their child, and let's review all of the legally  
3 allowable corrective actions that Janet took to try to change  
4 her children's behaviors, and she was doing this because she  
5 tried to instill structure. So we talked about how there was a  
6 rewards or demerits chart on the fridge, and it didn't work  
7 after a while. So then she moved on to different forms. So  
8 she talked and the girls confirmed they were put in timeout.

9           They had privileges removed. Now, they testified  
10 about all day every day they were on buckets, and all day every  
11 day they did this. Well, they also confirmed one of the  
12 privileges that was removed was you would go to bed early and  
13 didn't get to watch the movie because there were more normal  
14 things going on in this home.

15           Now, Janet also did yelling. Yelling is one of the  
16 most common parental forms of discipline. She also took  
17 corrective action by popping the children on the mouth with an  
18 open hand, spanking with an open hand, and spanking with a  
19 paint stick. And again, ladies and gentlemen, I'm not asking  
20 you to like this behavior. I'm not asking you to adopt this  
21 behavior. I am just asking you to honor your duty as a juror,  
22 as a member of the jury, in determining whether this is the  
23 kind of conduct, this spanking with paint stick, that rises to  
24 the level of a substantial bodily harm, a prolonged, permanent  
25 disfigurement.

1 Janet was in a very tough position because she was  
2 dealing with foster children who she was not equipped to deal  
3 with, and so a lot of what you heard about was her attempt to  
4 set boundaries, to instill structure. [Unintelligible] the  
5 girls didn't have -- didn't acclimate while at school, and  
6 considering the H.O.P.E diagnosis, at least as to Ava, that's  
7 not terribly surprising. So the girls were homeschooled. They  
8 were given hourly bathroom breaks.

9 Now, I understand that they testified that they sat  
10 on potties, and I understand that they testified that they were  
11 restricted with the bathroom usage, but the answer was not, no,  
12 you don't get to go to the bathroom. Their practice was during  
13 homeschool hours, you heard, that the timer would go off every  
14 hour, maybe a little bit longer, hour and a half, maybe two  
15 hours, but every hour they would be asked and given an  
16 opportunity, do you have to go to the bathroom, and sometimes  
17 the girls would say, yes, and they would go, and sometimes they  
18 would say, no, and then there would be an accident, and that's  
19 when you heard about the potty buckets, only when the hourly  
20 bathroom breaks were not used because you'll also remember I  
21 asked about the black cloth chairs. They sat on chairs as long  
22 as they followed the rules.

23 Now, the government wants you to believe that the  
24 Department of Family Services failed over and over again with  
25 its investigations. They claimed that there were, if I did my

1 math correctly, and again, this is all argument. Your notes  
2 are going to do what's controlling, but they claimed there  
3 were, if I remember correctly, seven called in and seven  
4 failures, but let's break that down.

5 The first one was an information-only call in  
6 February of 2011. It didn't merit an investigation. It was  
7 just an entry. So it's not a true CPS investigation in the  
8 sense that the government was trying to claim.

9 Then you have the second one in August of 2011 where  
10 Heather Richardson outrageously claimed that she saw Amaya at  
11 the dentist's office with bruises everywhere, just this child  
12 was covered in bruises, but the reality is CPS did what it was  
13 supposed to do.

14 You heard about the call coming in, and the very next  
15 morning Pat Kelly, another person who was not called, Pat  
16 Kelly, the CPS investigator, went and interviewed the girls,  
17 each one of them individually, each one individually without  
18 the mother present, without Janet there. And you heard from  
19 the Unity data entry there were no bruises covered all over her  
20 face. It was just a scratch. The girls were able to be talked  
21 to in private.

22 Heather Richardson is not credible. Heather  
23 Richardson told you, Well, I had to make this call because of  
24 the dentist and there were all these multiple concerns. You've  
25 been in trial for a month with us now. You didn't hear a

1 single dentist, a single orthodontist, a single doctor, a  
2 single eye doctor say they ever made a CPS report, and if you  
3 had or if there had -- if that had happened, you absolutely can  
4 bet you would've heard from that doctor.

5 Now, the third call would have been from the nanny  
6 Jan Finnegan, and when I say nanny, you remember Andrea was  
7 there for roughly a year what we heard. Jan was the Craigslist  
8 ad who was the temporary nanny for three weeks to fill in  
9 because Janet had to go back home to help one of her other  
10 daughters who just had a baby in Ohio. Now, Jan Finnegan  
11 disclosed everything that she saw. The Solanders admitted to  
12 everything that she saw, and guess what? That wasn't a crime.

13 DFS didn't do anything. They said, okay, you're  
14 using the paint sticks. Okay. They also confirmed the girls  
15 were getting fed twice a day, and it's blended. Okay. There  
16 was nothing about those blended meals that gave the DFS  
17 concern. There's nothing about those blended meals that rose  
18 to the level of malnutrition or poor hydration or any kind of  
19 nutritional neglect, or the doctors would have testified to  
20 that.

21 And you heard from many doctors, and not one of them  
22 testified that what they saw gave them any concern. They have  
23 a legal duty to report, and that duty to report, you'll  
24 remember, is just a mere suspicion, if they even suspect  
25 something. It doesn't have to be beyond a reasonable doubt.

1 It just has to be something is not right here. There's a red  
2 flag here. I have to call it in, and not one of those doctors  
3 did.

4 Now, all of the other calls into CPS were all in that  
5 very short period of time, okay. The remaining ones, numerous  
6 calls from Lori Wells, and then there was the report from  
7 Christina Day over the buckets. Now, you remember Lori Wells.  
8 None of her reports had anything to do with the conduct of the  
9 Solander children. She was concerned that Janet and Dwight  
10 couldn't meet the, again, the special needs of the foster -- of  
11 the foster kids.

12 Christina Day observed the buckets. So did Gail  
13 Anderson. In fact, she took a picture of one of the buckets.  
14 It didn't give her any concern because she said she had no  
15 credible evidence when she walked around in that home that kids  
16 were actually sitting on toilets for 10 hours a day which was  
17 the initial allegation. Instead, what she saw was Ava and  
18 Amaya were doing homework on chairs and that Anastasia had a  
19 training potty in the kitchen, but when Gail Anderson went and  
20 showed up, Anastasia was upstairs cleaning herself after an  
21 accident.

22 And you heard evidence about the kids' accidents, and  
23 you saw pictures. Janet took pictures. Those kids had  
24 accidents. She was being very creative in her efforts to try  
25 to stop those accidents. It's absolutely no surprise that it



1 didn't work, but her attempts and her attempts to instill  
2 structure do not rise to a level of criminal activity because  
3 this was all implicitly or tacitly sanctioned by the Department  
4 of Family Services.

5           The government went in, and the government saw the  
6 buckets, and the government knew about the blended meals, and  
7 the government knew about the spanking with the paint sticks  
8 and never once said don't do that. Do something else instead.  
9 You need to take, like, parenting classes, or I need to get  
10 these kids removed. You didn't hear any evidence of that.

11           And don't forget, when CPS investigators go out for  
12 initial contacts, they're doing it unannounced. So there's no  
13 way for Janet to prep the girls or tell them what to say.  
14 There's no way for CPS to walk in and Janet already have them  
15 secreted away because she's not expecting them. So CPS is  
16 walking into the home and observing what's actually happening.

17           Now, the Solanders have a right to impose allowable  
18 corporal punishment. Now, you have an instruction about  
19 adoptive parents have the same rights as actual parents,  
20 including the care, custody and management of your children,  
21 and corporal punishment means the infliction of physical pain.  
22 So the law allows for the infliction of some physical pain,  
23 including without limitations hitting, pinching or striking. A  
24 parent or guardian of a child may use corporal punishment as a  
25 means of discipline.

1           You are tasked with determining if that discipline  
2 imposed was excessive, constituting child abuse, but the use of  
3 an implement in and of itself is not unlawful. It just needs  
4 to be reasonable under the circumstances.

5           You heard evidence that the girls were spanked on  
6 their bottoms with paint sticks. You did not hear evidence  
7 that the girls were beaten in the face with paint sticks. You  
8 didn't hear evidence that the girls were beaten on their backs  
9 with paint sticks. You didn't hear evidence that the girls  
10 were beaten on their stomachs with paint sticks. Corporal  
11 punishment does include spanking on the bottom, and that's what  
12 you have evidence of.

13           Now, the Solanders have a legal right to rely on the  
14 government and the CPS investigators as an agent of that  
15 government because Janet admitted to them she spanked her  
16 children. She blended their meals. They knew about the  
17 potties. They knew about the timeouts. They knew about the  
18 limited toilet paper usage which is not a charge. It's not one  
19 of the 46 counts.

20           And at one period in time at least, you know that  
21 Dwight instructed Jan Finnegan not to feed the girls a blended  
22 lunch for a period of three weeks, but that the girls were fed  
23 two meals, and it was not nutritionally deficient. CPS didn't  
24 say stop. They didn't say discipline another way.

25           Two CPS investigators did not see any need to staff

1 the investigation with a supervisor, and they didn't rush their  
2 investigations. You heard about the 30-day period as a target,  
3 but one of the investigations took something like 60 days, and  
4 one took something like 40 days. CPS had no safety concerns in  
5 the home, and they knew about all of Janet's admissions, and  
6 they didn't tell her to change a thing.

7 Now, I would direct your attention to Instruction  
8 Number 28, and that provides you that the Department of Family  
9 Services and Child Protective Services are government agencies,  
10 and its employees are government agents. A person who  
11 reasonably and in good faith relies on the government for  
12 advice or guidance cannot later be prosecuted for a crime  
13 explicitly or implicitly approved by the government.

14 Now, this instruction does not apply to an individual  
15 who intentionally misleads the government to obtain approval  
16 for or acquiescence in his or her conduct, but let's get into  
17 what CPS acknowledged, the conduct that they actually  
18 acknowledged.

19 Crystal Rosas said how do you discipline the girls,  
20 Janet and Dwight? In addition to taking away privileges and  
21 putting them in timeout, they admitted to spanking the girls.  
22 CPS confirmed the conduct and did not see any reason to suggest  
23 corrective action or that the Solanders [unintelligible]  
24 discipline.

25 This goes to the spanking counts, 1, 14 and 24.

1 There's no evidence before you that Janet intentionally misled  
2 the government for approval or acquiescence for spanking her  
3 children with paint sticks. That's actually what happened.  
4 That's what she admitted to, and that's what she's charged  
5 with. So when CPS and Crystal Rosas said, Okay, a person who  
6 reasonably and in good faith relies on the government actor for  
7 advice or guidance cannot later be prosecuted for that crime,  
8 for that conduct rather.

9 Now, again, CPS acknowledged this conduct, sitting on  
10 buckets. Nona Ocloo, that was one of the later investigators,  
11 physically saw a potty training bucket for Anastasia in the  
12 kitchen, and we talked about how Gail Anderson photographed the  
13 moment in September of 2013, including a Home Depot bucket. No  
14 CPS investigator directed Janet not to use the buckets because  
15 they didn't have evidence before them when they went through  
16 the home and talked to everybody that the girls were sitting on  
17 buckets all day long every day, 24/7.

18 The testimony you heard that Ava, Amaya and Anastasia  
19 got bathroom breaks every hour when their timer went off, and  
20 you'll remember they were homeschooled. When you get in  
21 regular school, you don't get hourly bathroom breaks. These  
22 girls got bathroom breaks more than you would in a traditional  
23 school. You are tasked with determining whether this is child  
24 abuse and neglect based on is this an extended period of time.  
25 It is not an extended period of time if the child is sitting on

1 a bucket for an hour, hour and a half and even two hours tops.  
2 As long as the child is not having an accident, they have the  
3 chairs that they sat on.

4 So I would submit to you that CPS acknowledged this  
5 conduct. They tacitly approved and endorsed this conduct, and  
6 Janet did nothing to intentionally mislead them that the girls  
7 were having the buckets in the kitchen. So this goes to  
8 Counts 3, 15 and 26.

9 CPS also acknowledged the restricted water and  
10 blended food. When CPS came out and Nona Ocloo did her  
11 investigation, she confirmed that the girls received blended  
12 meals, and she confirmed what was in those blended meals. She  
13 also confirmed that the Solander girls' water intake was  
14 restricted after 12:00. So no one intentionally misled the  
15 government about that. Nona Ocloo did not instruct Janet or  
16 Dwight to modify their behavior in any way related to the food  
17 and water intake for their girls.

18 And when CPS went out, when Nona went out and she did  
19 her body checks and she looked at those girls, she observed the  
20 girls who were well developed, well-nourished, and she said  
21 that is a safe home environment, and that is why the State has  
22 not met its burden with respect to Count 6, 18 and 29 as far as  
23 withholding food and water for extended periods of time.

24 And you'll remember little Anastasia. I asked her,  
25 you know, When you first started talking to this forensic

1 interviewer in March of 2014, didn't you tell her you went  
2 years without water, and she said, Yeah, that didn't actually  
3 happen. Because it didn't. There were water restrictions so  
4 that way the girls would not have bathroom accidents, but  
5 that's not the same as being restricted for extended periods of  
6 time.

7 And this was the instruction that I read to you, 28.  
8 Doing a little dance there. Okay.

9 Now, when we talked about CPS making their  
10 observations about the girls, well they weren't the only ones  
11 physically looking at the girls. You heard from everybody's  
12 doctors. You have no credible evidence of malnutrition or  
13 dehydration as to any of these girls. Now, again, this is  
14 conduct you may not personally approve of, but it's not conduct  
15 that rises to the criminal level of abuse.

16 Ava had many doctors' appointments. You heard from a  
17 bunch of different doctors. She saw Dr. Nyarko on all of these  
18 different days in December, in March, in August. No one  
19 reported anything at that time. There was no concern. She saw  
20 Dr. Bernstein in May, in June, in August, in September, in  
21 November, so several times over a six-month period in that one  
22 year alone and then again in January. And Dr. Bernstein you'll  
23 remember testified he had no concerns about her physical  
24 appearance. In fact, he determined her to be well nourished,  
25 well hydrated.

1 Dr. Bernstein testified he used testing to rule out  
2 von Willebrand's blood disorder. Now, a whole bunch of hype  
3 was made about this von Willebrand's, and Janet was diagnosing  
4 all of these -- all of her kids with all of these diagnoses and  
5 illnesses. Well, it was the doctor who came up with this. It  
6 was the doctor who said we just need to rule it out.

7 Now, as a mother, when your child is in the hospital  
8 and your child is going to the doctor, when your child is  
9 seeing specialists and you don't know what's wrong and you're  
10 trying to rule out every single organic cause of what the  
11 behavior is because you want to do what's right for that child  
12 and you don't want it to be your fault, you want to see is  
13 there a medical issue. Is there something medically I need to  
14 clear that would explain what is going on?

15 That language, von Willebrand's, it came from the  
16 doctor. The doctor put that in her head. What she may have  
17 done and said out of panic when she started disclosing to other  
18 doctors, that's before you. That's for you to decide, but  
19 you'll recall it took six months to rule out von Willebrand's.  
20 So she was in panic six months because her daughter might have  
21 a bleeding disorder.

22 And you'll also remember that Danielle confirmed  
23 Janet has that same disorder. So she knows how serious it is.  
24 She knows how upsetting that kind of a diagnosis would be.

25 Ava also saw Dr. Rhee on all of these dates,

1 Dr. Rhee. Testing was suggestive of Crohn's disease. Again,  
2 Janet is not coming up with these diagnoses. The doctor is the  
3 one who said, Dr. Rhee confirmed, well, yes, I'm going to talk  
4 to the parent. I'm going to explain what I was trying to rule  
5 out. I would explain what Crohn's disease is. It took over a  
6 year to rule out Crohn's. So, again, she had to live with this  
7 fear of a possible diagnosis for over a year.

8 Now, Amaya also saw a number of doctors. Amaya was  
9 taken to Dr. Nyarko, just like Ava was, and she was also taken  
10 to Dr. Dewan. Dr. Dewan was testing for a potential thyroid  
11 condition. He noted possible hypothyroidism, noted because of  
12 symptoms that Amaya had dry skin and crinkly hair, and he  
13 testified about the different symptoms, and one he would have  
14 given some sort of even modest medication. This diagnosis,  
15 this possible condition came from a doctor, not from nurse  
16 Janet.

17 Dr. Raja and his partner Ahad, they also saw Amaya on  
18 these dates. Dr. Raja noted there was a tendency of  
19 malingering. Well, that's consistent with some of Amaya's  
20 other diagnoses, again not an attack on that child. Those  
21 children came from really terrible biological home conditions.  
22 So they've earned any kind of, you know, badge basically. If  
23 they've come from a bad home and they're struggling, there is  
24 absolutely a reason to lie. It doesn't make them a bad kid,  
25 but it also doesn't make every single thing that they say true



1 about Janet.

2 Now, Anastasia also had a number of medical  
3 appointments. She saw Dr. Nyarko. She saw Dr. Dewan. Janet  
4 came to the doctor complaining about excessive weight loss.  
5 Again, common sense doesn't leave just because you've entered  
6 jury service. It makes absolutely no sense that a parent would  
7 intentionally withhold food and water for a child and then very  
8 openly display that child for a doctor to see if she was  
9 getting away with child abuse. How does that make sense? What  
10 kind of motive is that? That's not a motive.

11 The doctor said PediaSure. What did Anastasia  
12 testify to? PediaSure was added to all blended foods. By  
13 August of 2011, Anastasia had gained weight. No height but  
14 gained weight. You have no evidence of food or water being  
15 withheld for excessive periods of time. And again this goes to  
16 Count 6, 18 and 29.

17 The doctors all testified the children were all well  
18 nourished. They are mandatory reporters. Not one of them made  
19 a report over the years that she took them to the doctors. You  
20 heard me ask well nourished, well hydrated. The doctor  
21 testified, well, yeah, I checked. Remember when -- well,  
22 actually it was one of you who asked a good question. How do  
23 you know if a child is well hydrated? And he talked about,  
24 like, watching the capillaries fill. He talked about physical  
25 exams. He talked about physically looking at those children.

1           You've heard no testimony that Janet's conduct caused  
2 Ava, Amaya or Anastasia to have food or water withheld that  
3 caused them to be malnourished or improperly hydrated to any  
4 degree of medical certainty.

5           If you'll excuse me.

6           Now, when we talk about this CPS-acknowledged  
7 conduct, there's also doctor-acknowledged conduct. The State  
8 wants to try to paint Janet as this liar or this master  
9 manipulator, but when she went to Dr. Mileti, she didn't try to  
10 stop Amaya from disclosing about timed to bathroom privileges  
11 in the home. She didn't dispute it. Dr. Mileti made no  
12 recommendation to change the bathroom timing, and she testified  
13 that disclosure did not trigger her duty as a mandatory  
14 reporter because it did not rise to suspicion of child abuse or  
15 neglect.

16           This goes to whether or not the girls caused to hold  
17 their urinary or bowel movements for, again, an extended period  
18 of time, not just period because that doctor testified, well,  
19 yeah, there are times when you really do need to teach your  
20 child to hold their bowels or their urine, like when they're in  
21 school, like when they're at the store, and they need to hold  
22 it, like when you're on a trip.

23           What evidence did you hear about trips? Ava, Amaya  
24 and Anastasia went to Disney World. They went to Knott's Berry  
25 Farm. They went to church. They went to the beach. They went

1 to Arizona at one point. And that's when she talked -- by she  
2 I mean Janet -- that's what Janet talked to Dr. Miletic about is  
3 trying to teach her children to hold their bowel and their  
4 urine. You are tasked with determining if that's unreasonable  
5 for an extended period of time. Hourly bathroom breaks, it's  
6 not an extended period of time. It's not unlawful. You may  
7 find it abusive the way that she did it, but it does not --  
8 your subjective belief on whether or not something is abusive  
9 is not the same as if it is abused under the law for an  
10 extended period of time, which brings us to the exaggerated  
11 claims, the exaggerated allegations.

12 And I will submit that the next series of offenses  
13 all have some base in some physical observation in the home.  
14 The kids would take something or they would take an experience  
15 or they would recycle old allegations, and they would bring  
16 them, and they would exaggerate them, and they would make them  
17 in to these larger than life allegations.

18 All right. Let's talk about the sexual assault  
19 allegations and specifically the catheters -- well, let's take  
20 a step back. When I was talking to you about these exaggerated  
21 allegations from the girls, you heard those girls. Every day  
22 Janet beat me. Every day she made me waste away on paint  
23 buckets. I went days and days without food or water. Every  
24 day she kicked me up and down the stairs with high-heeled boots  
25 that apparently Janet would wear in the home when she's going

1 up and down stairs, and she's at home all day.

2 Now, again, ladies and gentlemen of the jury, your  
3 common sense doesn't leave the door. If you think that Janet  
4 is traipsing around chasing three little kids and some foster  
5 children in high-heeled boots up and down stairs, flights of  
6 stairs, that's your prerogative, but you don't have any  
7 credible evidence of that.

8 Every day, every day they beat me with paint sticks  
9 until our butts blood. When Dr. Cetl testified -- and you  
10 finally saw the pictures -- you saw some scars. You saw  
11 undated scars. What did you actually see? Wouldn't you expect  
12 to see a whole lot more and marks covering their body if they  
13 were being kicked and thrown and pushed downstairs and if they  
14 were being kicked with high-heeled boots? Wouldn't you have  
15 something different than a looping scar?

16 Doctors saw those children. CPS investigator saw  
17 those children. No one saw those children wasting away. No  
18 one saw those children sitting all day long on buckets. She  
19 didn't even -- actually, when you think about it, CPS didn't  
20 testify that they saw the girls doing homework every day all  
21 day long on buckets. Again, I'd ask you to recall the time  
22 that Crystal Rosas came into the home and she saw the girls  
23 outside playing, two of them on bicycles.

24 Is there a single doctor who has testified to any  
25 degree of medical certainty that anything Janet did caused

1 physical harm or abuse? No. When Janet expressed to multiple  
2 doctors, including Dr. Rhee that she was considering sending  
3 her children somewhere to inpatient to fix their behaviors, she  
4 told the same to DFS. She told the same to Lori Wells. She  
5 was not doing any of this in secret. In fact, she seemed to be  
6 calling out for better suggestions.

7 All right. So now we can talk specifically more  
8 about the sexual assault allegations and specifically the  
9 catheters. Think about the timing. Think about the timing of  
10 how this came into effect. Ava and Amaya and Anastasia didn't  
11 make a disclosure about catheters until very late.

12 And, in fact, Amaya didn't even testify about  
13 catheters until the first court hearing. She didn't tell  
14 Florida CPS. She didn't tell Steven Blankenship. She didn't  
15 tell anyone at Marvelous Grace Girls Academy where she lived  
16 for four months, and she didn't tell anyone, including  
17 Ms. Ebrahim. When Ms. Ebrahim interviewed her forensic  
18 interview, that never came up.

19 There was never a disclosure to Nanny Rebecca. There  
20 was never a disclosure to Nanny Andrea. There was never a  
21 disclosure to Nanny Jan, and Dwight wasn't home because he was  
22 working all week. That was her testimony, and Janet wasn't  
23 home because she was in Ohio. There was never a disclosure to  
24 CPS, Crystal Rosas or Nona Ocloo, and they testified they were  
25 able to interview the girls without interruption, without Janet

1 there.

2           You didn't hear any disclosures at Marvelous Grace  
3 Girls Academy and nothing from Florida. The first disclosure  
4 about catheters is by Anastasia to the forensic interviewer in  
5 Nevada in March of 2014. But Ava, when she actually talked  
6 about catheters, remember, she had to be prompted. We asked  
7 Ms. Ebrahim about that. She had to be prompted specifically  
8 about was there something with the tube in a bag to make her  
9 pee come out, and Ava said, Oh, catheter. And Ms. Ebrahim  
10 testified, Oh, what's a catheter? And Ava regurgitated exactly  
11 the question she got.

12           Amaya didn't disclose any catheter until the first  
13 court hearing and presumably when she was pretried with the  
14 DA. Now, you heard Ms. Ebrahim testify about the national  
15 standards and why those are so important. Because you don't  
16 want to feed the children the answers that you're seeking. You  
17 don't want to elicit inaccurate information, and that's why  
18 leading questions are such a problem. That's why leading  
19 questions create and invite unreliable evidence.

20           You don't have any information about how those  
21 pretrial conferences were conducted, none. They weren't  
22 recorded. They weren't videoed. You don't know if Amaya was  
23 led to anything, but you do know that given the chance, when  
24 she had open-ended questions from Florida CPS and then again  
25 with Nevada at the forensic interview in March 2014, she didn't

1 say anything.

2 Now, you heard testimony about Janet and Dwight and  
3 specifically Dwight purchasing the catheters as a way of  
4 threatening the girls to make them scared enough for the pee to  
5 come out, and Amaya actually testified to that. If you think  
6 about what Amaya actually said -- think back to what the girls  
7 said, not our questions, not the lawyer talk, what did that  
8 girl actually say and describe -- she said, I was so scared. I  
9 just peed. It was just easier to pee. Well, that was the  
10 whole goal, wasn't it? There was the purchase of the  
11 catheters. There was the purchase to threaten them. There was  
12 a purchase to do something because Janet had to do something to  
13 get them to stop withholding their urine.

14 You remember when I asked Dr. Mileti, If a child is  
15 intentionally accumulating urine in their bladder; that's not  
16 healthy, that's a problem; right? Yes. Now, the State wants  
17 to point you to, well, she didn't recommend that a catheter get  
18 inserted. Well, Janet's the one living day to day with these  
19 girls. When she originally had them come home, you know that  
20 she was working for the base. She gave that up so she could  
21 homeschool those girls, so she could improve their lives, so  
22 she could give them structure. Again, you may not agree with  
23 that structure, but she was trying based on being very  
24 ill-equipped.

25 And that's where you get into the book. She talks

1 about why she was ill-equipped. She talks about why the system  
2 is failing children. She talked about why the system is  
3 failing foster parents as well.

4 Janet and Dwight bought those catheters as a scare  
5 tactic. Now, the State wants you to say or the State wants you  
6 to believe, look, they email pictures back and forth. Think  
7 about those pictures. You saw a lot of pictures. Janet  
8 documented everything which again she talks about in the book  
9 about why. She also has descriptors in all of her emails. Ava  
10 did this. Amaya did this. Oh, look at this. Every child is  
11 assigned, every child is labeled in those emails. The catheter  
12 email, 300 cc, not a child, not a description. There's no  
13 context.

14 Actually, there's not a whole lot of context to the  
15 picture when you think about it. How do you know that's not a  
16 stock photo? How do you know that's not just something she  
17 made up to scare them? You don't have any credible evidence of  
18 catheters actually being used in that home. You don't. The  
19 purchase of the catheter, that email was dated December 6th.  
20 That email that Janet had the picture without assigning to any  
21 child was five days later on December 11th, 2012. How do you  
22 know that wasn't just a stock photo from the Internet? How do  
23 you know that there weren't more photos than that?

24 Remember when Detective Johnson testified, and he  
25 said, yeah, there were lots of photos and lots of emails, and



1 Mr. Figler asked, Okay, there were more emails. There were  
2 more photos that you didn't actually include. Who makes the  
3 determination about what photos and emails to bring into  
4 evidence? The government.

5           You have evidence that Dwight and Janet e-mailed all  
6 the time, and they sent pictures. You don't have any context  
7 about what came before or what came after, but what you do have  
8 is Amaya confirming, yeah, they used to scare us with  
9 catheters. So I would just pee because I would be so scared.  
10 You know what, I believe her because she wasn't talking about  
11 catheters being inserted. It was the government who asked, And  
12 then she stuck it in you; right? Because Amaya originally told  
13 you, I was just so scared I would just pee. Again, listen to  
14 what the girls actually described. Listen to their  
15 discrepancies in their own stories.

16           Now, Counts 7 and 8 relate to Ava. Remember on the  
17 State's slides how the State laid out Counts 7 and 8, and you  
18 remember how on Count 8 there wasn't a whole lot of  
19 information. Remember when I asked you to think about what Ava  
20 actually testified to. Oh, I understand that it is  
21 frustrating, and it can be very embarrassing to talk about  
22 different things when you are called to testify on the stand.

23           But Ava didn't really struggle to describe anything  
24 else. She told you all about everything else that Janet did.  
25 What she couldn't describe was in detail about the catheter.

1 She would say I don't know. I can't answer. You recall that  
2 she testified that Janet put the catheter in her vagina, and I  
3 would ask you to look at your notes, not the State's notes  
4 about what they think was circled, but what she actually  
5 identified and what she actually pointed to when she was called  
6 and when she testified was her vagina.

7 She said that the catheter went into her vagina and  
8 pee just came out. It just came out, right then like that.  
9 Dr. Cetl testified that's not how catheters work. If Ava is  
10 testifying in a way that makes it a physical impossibility for  
11 it to occur, that is a material fact about testimony, and if  
12 she is testifying falsely about a material fact, you can  
13 disregard all of her testimony, and there's an instruction  
14 about witness credibility, and I would direct you to that, and  
15 I'll get you the number in a minute. I put a note on it.

16 Now, let's say I have not convinced you with this,  
17 and again I don't have the burden proof, but this is a  
18 conversation about the burden of proof, and let's say, okay,  
19 well, you know what, Ava testified. You know, there were other  
20 girls who testified.

21 Okay. So we talked about Amaya's actual testimony.  
22 Janet threatened her with the catheter, and she was so scared  
23 that she peed herself because it was better to just pee herself  
24 and get spanked than to have to go through any other scare  
25 tactic. Amaya never disclosed any of this in her forensic

1 interview about catheters.

2 But it was Anastasia, Anastasia, whose favorite  
3 subject in school is drama, and Anastasia, who you heard would  
4 testify in a very exaggerated way. She said, well, I didn't  
5 have water for years. Okay. Well, that's not true. It was  
6 just days and days. Or I had to sleep outside with the bugs.  
7 Well, okay, really I was sleeping on towels [unintelligible]  
8 boards, or just her different things or, yeah, I had a catheter  
9 inserted more than five times, maybe like seven or eight, maybe  
10 like four. She couldn't keep her numbers straight. And that's  
11 something that you have to consider, ladies and gentlemen.

12 Then you have to consider the actual physical  
13 description of how Janet allegedly put a catheter into her.  
14 She said Janet put a catheter into me one-handed while holding  
15 me down. So this child was struggling. This child was  
16 kicking, and so she is alleged to have held the child down and  
17 at the same time put a catheter in one-handed. You all heard  
18 Dr. Cetl testify about how it's a physical impossibility.

19 MS. BLUTH: Objection. Misstates the evidence about  
20 physical impossibility.

21 THE COURT: All right. That's --

22 Well, and, ladies and gentlemen, it's your conclusion  
23 as to what the inferences are that can be drawn from the  
24 testimony itself. Again, this is just inferences that the  
25 lawyers are drawing.

1           Go on.

2           MS. MCAMIS: Absolutely. And I thank you for  
3 pointing that out. That's why I keep saying look at your  
4 notes. You don't have to look at my notes. Look at your  
5 notes. What did Dr. Cetl testify to? Is that something that  
6 people are really doing one-handed? You don't have evidence  
7 that Janet's a pro at catheterization. You don't have evidence  
8 that she knew how to do that.

9           You heard from her that the general practice is for  
10 two people to do it, but certainly if one person is going to do  
11 it, it requires two hands, and that's because -- and  
12 unfortunately I have to get graphic -- it has to do with the  
13 way that you have to spread the child in order to access the  
14 urethra, and none of that is what Anastasia actually testified  
15 to. She testified that she was kicking and screaming and  
16 fighting every single time. So Janet is doing this every  
17 single time one-handed. That defies logic. That defies common  
18 sense, and it defies Dr. Cetl's testimony, the State's own  
19 expert.

20           And I would redirect you to Amaya. You will recall  
21 that Amaya testified, after a little bit of prodding, And then  
22 she put the catheter in you; right? Yeah. Then she said,  
23 well, with one hand she had a razor blade, and then she was  
24 threatening me. So somehow Janet Solander, who was diagnosed  
25 with this von Willebrand's bleeding disorder is holding a razor

1 and single-handedly putting a catheter into the other child.  
2 Again, these physical descriptions do not make sense. So I  
3 would direct you to that instruction I was talking about, and  
4 that's Instruction Number 8:

5           The credibility or believability of a  
6           witness should be determined by his manner or  
7           her manner upon the stand, the relationship  
8           to the parties, his or her fears, motives,  
9           interests or feelings, his or her opportunity  
10          to observe -- to have observed the matter to  
11          which he or she is testifying, the  
12          reasonableness of his or her statements, and  
13          the strength or weakness of his or her  
14          recollections.

15          You are also instructed,

16                 If you believe that a witness has lied  
17                 about any material fact in the case, you may  
18                 disregard the entire testimony of that  
19                 witness or any portion of his or her  
20                 testimony which is not proved by other  
21                 evidence.

22          Dr. Cetl testified probable finding of abuse based on  
23          disclosure of two of the girls, not physical evidence, not  
24          other corroboration. Detective Emery didn't recover any  
25          catheters, didn't recover any biological materials in the home,

1 didn't recover broken paint sticks, didn't recover blood all  
2 over paint sticks, didn't recover blood anywhere, splatter.

3           What you have are the words of these girls, the words  
4 of these troubled girls which again is not their fault, but it  
5 gives context to their word choice, the choices that they made  
6 to make up this story about Janet Solander, who admittedly  
7 didn't want to go back home. Why? There was a lot of rules.  
8 There's a lot of restrictions. They didn't get sodas. They  
9 didn't get a whole lot of TV. They didn't want to go home.

10           But, ladies and gentlemen, if you can get over all of  
11 the vagueness and the lack of details from each of these girls  
12 when they testified, specifically Ava and Amaya who couldn't  
13 give you the specifics and then Anastasia whose specifics  
14 justify logic and the fantastical stories that she told about  
15 the catheters and the science defying one-handed catheter story  
16 that Amaya and Anastasia said that Janet put catheters in  
17 one-handed, if you somehow can get over that hurdle and believe  
18 their testimony, a person is not guilty of sexual assault if  
19 the penetration is for a legitimate medical purpose, and that's  
20 this instruction.

21           If the defendant presents any evidence that the  
22 penetration was for a medical purpose, the State must prove  
23 beyond a reasonable doubt that the penetration was not  
24 undertaken for a legitimate medical purpose. Now, you see  
25 that, "presents any evidence," not beyond a reasonable doubt,

1 but any evidence. What evidence do you have before you about  
2 the purpose of this penetration? Now, certainly not for sexual  
3 gratification. You don't have any information about that.

4           You have lots of information though that these kids  
5 had bathroom accidents and that everything she did was intended  
6 to fix that. So you have evidence that there is corrective  
7 behavior, but more than that, you have more than that, what did  
8 Dwight and Janet talk about constantly? Why did they check the  
9 underwear? They didn't want there to be stains because there  
10 was a concern about UTIs, and as I anticipate you all know by  
11 now, a UTI is a urinary tract infection. They didn't want the  
12 kids to have medical issues.

13           So even if you believe that they really did defy  
14 science and defy logic and put these catheters into those girls  
15 where pee immediately came out, which again contradicts how  
16 Dr. Cetl testified a catheter actually works, the purpose was a  
17 medical purpose. It was to remove and void the bladder. It  
18 was to remove and void the bladder to prevent ongoing bathroom  
19 issues, to prevent things like UTIs, and it's on the State to  
20 prove beyond a reasonable doubt to you that the penetration was  
21 not undertaken for that legitimate medical purpose, but you  
22 have evidence before you, ladies and gentlemen, and that's what  
23 you heard about is the UTIs.

24           Now, you heard testimony about the girls refusing to  
25 go to the bathroom, and they would hold their urine at times,

1 and I would submit the reasons why they're up to you. You have  
2 to assess their credibility. Okay. The girls testified that  
3 they didn't want to live in the home. They didn't want to be  
4 adopted by the Solanders. They didn't like the rules. They  
5 didn't agree with them. So why were they holding their urine?  
6 That is one of the ways children can act out.

7 Dr. Mileti confirmed if a child is deliberately  
8 accumulating urine in the bladder it's not healthy. So if you  
9 can believe that catheters were actually used, based on  
10 Anastasia's description, Janet inserted the catheter like a  
11 nurse. So that object, that catheter was used in its medical  
12 purpose. It was used in its intended medical function.

13 All right. Now, you're also tasked with determining  
14 whether or not Janet committed battery with intent to commit  
15 sexual assault, and if there's no sexual assault or intent,  
16 specific intent to commit sexual assault, there can be no  
17 battery, and so that goes to Counts 38 and 39 with Anastasia.

18 And, ladies and gentlemen, I won't belabor this  
19 point. It speaks for itself. If there's no sexual assault  
20 based on the way they described that, then there's no battery  
21 with intent. It's just a battery. It's just an unconsented  
22 touching.

23 Now, you're also tasked with determining whether or  
24 not Janet committed assault with use of a deadly weapon beyond  
25 a reasonable doubt. Think about how you heard the assault



1 story. Now, and again I'm going to direct you to look at your  
2 notes. Ava alleged that she was threatened with a razor before  
3 a catheter was inserted. Again, this fabrication of this  
4 story, this fabrication that Janet has a razor -- actually, I  
5 put Ava, but I think, and I would ask you to check your notes,  
6 I actually think that was Amaya regarding the one hand with the  
7 razor and the one hand with the catheter. Okay.

8           And Janet was alleged to have displayed a razor blade  
9 and threatened to cut Anastasia, but what did you hear from  
10 Anastasia? Lots of stories. What did the police recover in  
11 their search of the Solander home? Not a single razor blade,  
12 no. What other stories did the girls tell?

13           What other stories did Anastasia tell? I slept  
14 outside on the rocks with the bugs. I had to sleep on a towel,  
15 and the location of the towel in the house kept changing, but  
16 then it was, well, I can't actually remember where I slept. Do  
17 you remember when I asked her about the different things that  
18 she said when she talked to the forensic interviewers in March  
19 of 2014?

20           If you believe that Anastasia lied about any material  
21 fact in this case, you can disregard her entire testimony, or  
22 you can disregard a portion of that testimony and specifically  
23 as it relates to anything with the catheters, with the razor  
24 blades, with these threats. That's something that you should  
25 do. That's something that the defense is asking you to do.

1 All right. So you've also been tasked with  
2 determining whether or not sleeping on boards with fans blowing  
3 rises to the level of child abuse or neglect. Now, I  
4 understand what the girls testified about boards, but you have  
5 a lot of really strange conflicting testimony about the boards  
6 when you think about it, and the reason I asked about the  
7 different boards in the home, like isn't it true you had boards  
8 that separated you so you could focus on your homework, because  
9 there is a point they referenced things that actually happened  
10 and then expanded on them.

11 And remember when I asked the one little girl, one of  
12 the Stark girls, Isn't it true they had a board, and the board  
13 was used to steady the Wii, the Wii video game? And you heard  
14 about the Wii video game in the home. It was used to help one  
15 of the girls lose weight.

16 Also, the Stark children testified, and it  
17 contradicted the Solander girls' testimony that the Solander  
18 girls had cots that they would sleep with the boards on the  
19 cots, and I'd ask you to look at your notes. You have a whole  
20 lot of contradicting testimony about the way the girls slept.

21 And then you have that story about Anastasia saying;  
22 Ava's board had an alarm on it. You heard different stories  
23 about the alarm, and just nothing really matched up, and I  
24 would ask you to review your notes pretty carefully about that.  
25 Was it on the bathroom? Was it on the bedroom? Was it on the

1 gate? What did you actually hear? What evidence? What direct  
2 evidence do you have about alarms?

3 You recall Dwight's email purchase about bedwetting  
4 alarms. Bedwetting alarms that make beeping noises like  
5 dah-dah. Do you remember testimony about that? Isn't it just  
6 as true it was the bedwetting alarms, and that's what the alarm  
7 was? So then did Ava's board have an alarm or did her cot have  
8 an alarm?

9 And then I've already made a note about Autumn and  
10 Ivy and the cots. Autumn and Ivy testified about fans in the  
11 bathroom. I would ask you to check your notes. They didn't  
12 testify about fans in the loft. What did you actually hear  
13 about the use of fans in this case? They were used to keep the  
14 girls awake for homeschool. Again, you may find it abusive.  
15 You may not like it. I understand that. I'm not asking you to  
16 like any of this, but I am asking you to actually consider if  
17 that rises to the level of child abuse and neglect.

18 Caseworker Cherina Davison confirmed that she saw  
19 three sleeping cots in the home, but it did not raise any red  
20 flags. She didn't say anything about I saw three boards in the  
21 home and nowhere for the girls to sleep. She said she  
22 confirmed to that investigator, I saw three sleeping cots. So  
23 we would submit that Counts 5, 17 and 28 are not proven beyond  
24 a reasonable doubt.

25 Now, you've also been tasked with determining the

1 child abuse and neglect or endangerment charges relating to the  
2 soiled underwear, and I would ask you again to be very  
3 circumspect with what evidence you actually heard. Janet was  
4 alleged to have forced the children -- I put child, but it was  
5 all -- children to place soiled underwear in their mouths.

6 Now, you heard testimony that the girls were put in  
7 cloth diapers and crawled around in front of Autumn and Ivy,  
8 and it was very embarrassing, and it was very, you know,  
9 upsetting, and it was intended to do something.

10 Again, it was intended to do corrective behavior, and  
11 this is a method different than the paint sticks. So if you  
12 don't like the paint sticks, this is a nonphysical way that the  
13 children were supposed to somehow modify their behavior. It  
14 was a different effort. Danielle Hinton confirmed the crawling  
15 and the cloth diapers, but she testified that she never saw  
16 soiled undergarments go in the girls' mouths. What did you  
17 hear? That the soiled garments came from the allegations from  
18 Ava, Amaya and Anastasia, the girls who have a history of  
19 exaggerating.

20 Danielle Hinton testified, and you'll remember her  
21 testimony. Danielle is the biological daughter of Janet  
22 Solander. She was also charged in this case. Remember when I  
23 asked her, You were originally looking at 40 years, weren't  
24 you? Yes. You struck a deal up so you could get a possible  
25 probation and no jail time? Yes. It's contingent on you

1     testifying; isn't it?   Yes.

2                 Her testimony is clouded by her own motivation.   The  
3     State needed her.   They called her as a witness, and they  
4     dangled that plea offer for her, and she took it.   So she had  
5     motivation to testify in a way that's consistent with the  
6     narrative, this evil narrative that the State wants to paint  
7     for you, but what did Danielle actually talk about when I asked  
8     her?   I was tired.   I had just done my own physical at the  
9     MEPS.   I was trying to apply at the Air Force.   I had been on  
10    Xanax.   I didn't regularly take Xanax.   It made me a little  
11   loopy, and I hadn't slept after the plane, and I hadn't eaten  
12   after the plane, and then she went and did an interview  
13   starting at 8:00 p.m. at night after she had already been up  
14   all day and traveled and was on Xanax.

15                It's your job to determine whether or not she was  
16   telling the truth or what she was telling the truth about and  
17   to also to determine what her individual motives are, and that  
18   one relates to Counts 12, 22 and 42.   And I think that based on  
19   all of the contradicting testimony, you don't have it proven  
20   beyond a reasonable doubt that it was soiled underwear that  
21   went into their mouths.   You do have information though that  
22   there was underwear that the girls were forced to place on  
23   their heads.   That's not the charge in front of you.   It's  
24   soiled underwear.

25                Now, you are also called on to determine basically if

1 Janet really did kick and kick the girls up and down the stairs  
2 depending on the direction. Most of them said down the stairs,  
3 but one of them did testify at some point up, and they  
4 testified that they would tumble and fall down the flight of  
5 stairs. Now, if these little children are being kicked and  
6 pushed and slapped so hard down the stairs, do you have any  
7 evidence from Dr. Cetl about skull fractures? Do you have any  
8 evidence from Dr. Cetl about bone fractures? Do you have any  
9 evidence of anything consistent with a fall down a flight of  
10 stairs? No.

11           The girls said, oh, Janet would kick me with her high  
12 heeled boot. Use your common sense. What mother with three  
13 children and two little foster children at one point and then  
14 four foster children at another point is walking around in  
15 high-heeled boots in her home and kicking kids up and down the  
16 stairs? Isn't it more likely that she nudged them or she  
17 tapped them on the butt to get them to go upstairs so they  
18 would not soil themselves downstairs and would instead hurry  
19 upstairs? Again, I'm not asking you to like the conduct. I'm  
20 asking you to put some context to it.

21           You recall when I asked Anastasia about, Oh, were you  
22 kicked up and down the stairs? Isn't it true you actually just  
23 fell on your knees and you weren't tumbling down the stairs?  
24 She said, yeah, and that's consistent with how she testified  
25 previously at preliminary hearing after she was again called on

1 the story.

2 Now, each of these girls has their own motive and  
3 their own history of exaggeration, and Ava is no different.  
4 Ava testified to you in no uncertain terms right there that she  
5 never licked any urine off of the floor. She said that to you,  
6 to your faces. I know that the State wants to bring out at  
7 preliminary hearing that she said something different. So do I  
8 because that's the point. She said something different. The  
9 conflicting testimony on this [unintelligible] Ava exaggerated  
10 a criminal charge against Janet out of her challenged mind  
11 because these again are challenged children.

12 Count 11 was not proven to you beyond a reasonable  
13 doubt because Ava testified, I did not lick urine off of the  
14 floor. I admitted that I was -- promised to be truthful in the  
15 preliminary hearing, but I didn't tell the truth then which  
16 brings me to Ava's kitchen counter allegation.

17 I'm asking you to review Count 2, to hold the State  
18 to their burden of proof beyond a reasonable doubt, to actually  
19 look at those elements, to actually think about this  
20 disfigurement allegation and also to consider how Ava told that  
21 story. And weren't there times when the girls would tell the  
22 same story, that it wouldn't make any sense? Look at your  
23 notes.

24 At one point, one of the children who alleged to have  
25 observed this incident was upstairs. She said I was upstairs,

1 and then Ava's saying, well, I was downstairs, and I got my  
2 face slammed in the kitchen counter, and it swelled up huge,  
3 and it was purple, and it was red, and, of course, if that  
4 happened that was horrible, but think about it. I asked her,  
5 Didn't you see a doctor close in time after the alleged  
6 incident? Yes. Okay. Did you have any doctor testify before  
7 you about any recent or fresh injuries to Ava's eyes? No  
8 doctor testified that they had even a slight suspicion of child  
9 abuse or neglect or that they ever had a reason to make a CPS  
10 report.

11 And that included Dr. Cetl testifying that she -- we  
12 asked her -- do you remember -- What about skeletal fractures?  
13 What about eye sockets? She testified about scars on the  
14 bottoms, scars on the body. She did not testify about anything  
15 related to an eye injury.

16 And you'll recall that the girls saw Dr. Crispin  
17 right before they went to The Marvelous Grace Girls Academy in  
18 Florida and that was a physical done in November of 2013.  
19 There was no eye injury then. You didn't hear from any doctor,  
20 like an optometrist, that Ava had to get glasses because of an  
21 eye injury. Doctors are mandatory reporters. If they even  
22 suspect something, they have to report it.

23 Amaya also has her own evidence of exaggeration that  
24 she's presented to you. Amaya and her sisters all testified  
25 Amaya has a history of lying. And again, that's not



1 surprising, given their history. It's not surprising given  
2 where they came from. It's not surprising given that their  
3 biological home did not set them up for success in the future.  
4 It did not teach them right.

5 Ms. Debbie confirmed that Amaya has a history of  
6 lying. You have the specific example of Amaya threatening the  
7 same kinds of allegations that you are considering for Janet.  
8 Debbie hit me or Debbie pushed me. I'm going to call Heather  
9 Richardson. It wasn't true then, and it's not true now. Amaya  
10 at the dentist, Heather Richardson, she's covered in bruises.  
11 The very next morning, CPS investigator Pat Kelly goes out,  
12 disproves Heather Richardson's observations.

13 You heard Amaya. You heard about her incident in the  
14 family court proceeding and how she used that because she  
15 thought that acting out would get her what she wanted which was  
16 to go home.

17 And we talked about Anastasia and her evidence of  
18 exaggeration. Now, you'll remember when I asked her the  
19 question, Isn't it true when you were younger you lived with  
20 Ms. Debbie? You talked with Heather Richardson about having  
21 trouble telling the difference between reality and what you saw  
22 on TV? She said, yeah. Remember her evidence of exaggeration,  
23 Years without water. We slept on boards. We slept on towels.  
24 I slept on rocks outside with the bugs one time. That's not  
25 the first time she said that. She's recycled this story too.

1 I don't have information or evidence before you to  
2 prove or disprove, and it's not my burden about whether or not  
3 the grandmother did that, but that's the same story. She's  
4 recycled that. Anastasia testified that her head was forced  
5 into the toilet and that she -- I believe that the government  
6 has alleged that she, like, split her head open. Dr. Cetl  
7 looked at that child. The only observation about that child's  
8 head was the recent and fresh ear mark, nothing about splitting  
9 her head open, no evidence that there was ever any skeletal  
10 fracture.

11 Just like Ava testified she was forced to lick her  
12 own urine off of the floor, Anastasia has created this story  
13 and fabricated this about being forced to put her head in the  
14 toilet, but Ava admitted that she told a lie. Ava actually  
15 stepped up.

16 What motive did Janet have to put a child's head into  
17 the toilet? She adopted these children? I know that the State  
18 wanted to talk to you about on the January 19th, 2011, and  
19 on, but she went through significant efforts to get these  
20 children. She had to foster. She had to live by all the rules  
21 of foster. Then she adopted them. She took them to Disney  
22 World. She took them to Knott's Berry Farm. She took them to  
23 church with her. She tried to raise them right.

24 And then when she encountered behaviors that she  
25 didn't know what to deal with, she acted in a way that has now

1 become before you, but it's all conduct that CPS knew about  
2 because they were still in the home because Janet was still a  
3 licensed foster care provider. Everything that you have been  
4 presented with was Janet's attempt to stop the bathroom  
5 accidents.

6 And that brings us to the story of Anastasia and the  
7 burn, and that's as to Count 25. Now, I want you to recall the  
8 conflicting testimony that Anastasia gave about the burn and  
9 the different versions that she gave about the burn, and that's  
10 why I did the very tedious questions that I know none of you  
11 enjoyed. I know. I have eyes, okay. But her story didn't  
12 make sense, and then it was switched, and she's giving  
13 different versions of it all at the same time.

14 Now, she testified at the preliminary hearing, and I  
15 read the direct quote, that she was cleaning the dog bathroom.  
16 Now, I don't know what that means, but that's what she  
17 testified to under oath, that she was cleaning the dog  
18 bathroom, and then she said, no, I was actually trying to wash  
19 my hands. I was trying to wash my hands with scalding water.  
20 It was too hot.

21 Okay. Let's break that down. Did you see any  
22 evidence of scalding water that was too hot for her hands? Did  
23 you have a picture with her hands burned? No. Okay. So then  
24 Anastasia testified that she was in the downstairs bathroom  
25 where there is no shower, as a reminder, and the State asked,

1 well, did Ava have anything to do with it? And Anastasia said,  
2 well, no, Ava was nearby, but she was waiting to see -- like,  
3 to get into the shower. Well, that would've been upstairs. So  
4 that didn't make sense either.

5 Okay. So putting aside just that which didn't even  
6 make sense because you can't have the same incident happen on  
7 two different levels of the house, think about what Anastasia  
8 actually talked about, scalding hot water coming out of the  
9 bathroom sink on the first floor. And you saw pictures, and  
10 you'll see pictures of that home, and you'll see pictures of  
11 how small that little guest bathroom is. It's not a full  
12 bathroom. It's a guest bathroom.

13 But Anastasia says that Janet Solander, and you look  
14 at her, Janet Solander picked Anastasia up by one arm and  
15 dunked her underneath the kitchen sink -- or excuse me, she  
16 didn't say that, the bathroom sink. Okay. So assuming that  
17 that's physically possible, while Janet is supposed to be  
18 holding this wiggling, writhing, screaming child who's getting  
19 burned, she's also somehow taking a little candle lid, the lid,  
20 a lid, filling it up with the same water where the child's head  
21 is supposed to be and splashing it in her face.

22 There's no evidence that Anastasia actually had  
23 splash marks or burns or water-related injuries to the front of  
24 her face. What she had was that picture where her hair is wet,  
25 consistent with a shower, where there is spillage here,

1 downward, which again doesn't really make sense if she's  
2 supposed to be wiggling and screaming but held somehow  
3 vertically or horizontally underneath the sink. Just  
4 physically the way that her story is doesn't make sense, and at  
5 one point when she tells the story, the candle lid is the first  
6 splash, and at another point when she tells the story, the  
7 candle lid is the second splash. The timing doesn't add up.  
8 The amount of water doesn't add up. This story is a  
9 fabrication.

10           The fact that Anastasia got burned, you have that  
11 picture, but you don't know beyond a reasonable doubt how that  
12 child got burned which is why we asked, Isn't it true,  
13 Anastasia, that you and Ava were having a dispute? And there  
14 were disputes in the home. Ava frequently -- not frequently,  
15 that's a misstatement. Ava at one point was tasked with  
16 handing out the toilet paper. The girls got mad if they didn't  
17 get enough toilet paper, and they would fight, and the girls  
18 would dispute it, but they have a history of physically  
19 fighting.

20           You don't know beyond a reasonable doubt how that  
21 injury got there, and you don't know beyond a reasonable doubt  
22 that the injury is all that disfiguring permanently. Number  
23 one, the ear, that ear mark, the recent injury that Dr. Cetl  
24 observed in March of 2014 had nothing to do with the shower,  
25 even if it is the same location.

1           And then Anastasia shared with us what the skin  
2 looked like afterwards. She doesn't have -- [unintelligible]  
3 she had an exposed neck. You could see that. She doesn't have  
4 lingering, long and deep impacting burns. She doesn't have a  
5 whole bunch of scar tissue. She has what you saw in those  
6 pictures. It's some pigment discoloration. It's not an  
7 internal organ failure. It's not a loss of limb. It's not a  
8 loss of use of anything. It is some pigment discoloration.

9           And you don't have any evidence that Janet acted in  
10 any way that wasn't medically appropriate for it. Now, I  
11 understand the State wanted to bring out why didn't she take  
12 Anastasia to the doctor, and that's for you as a jury to decide  
13 what to do with that information, but based on the way that  
14 that child healed and presented to you, you have no evidence  
15 that she didn't do anything like bandage it or apply things  
16 like Neosporin to actually treat that.

17           You don't have any information about what degree burn  
18 that was. I know Dr. Cetl testified, but she testified from a  
19 picture. She could not testify to a medical degree of  
20 certainty that that was a nonaccidental or an accidental burn.  
21 She could not testify to a medical degree of certainty. So  
22 that does not meet the standard of beyond a reasonable doubt.  
23 You do not know what happened. You do not know the real story  
24 of Anastasia's burn, and the State did not prove it to you.

25           Now, I would also ask you to remember some of the

1 different things that Anastasia said as well. Remember when  
2 she said, well, we would take cold showers and get dumped with  
3 ice, but then also we would have burning hot showers. You have  
4 the pictures of their bodies. You have the pictures of what  
5 Dr. Cetl saw and what Dr. Cetl directed to have photographed.

6           You don't have corroborating information about  
7 scalding hot showers, but Anastasia repeated that to Jan  
8 Finnegan, and Jan Finnegan told that to CPS, and CPS Crystal  
9 Rosas did a body check and did not testify about any observable  
10 recent or fresh mark on Anastasia's body or ear. And we've  
11 talked about Dr. Cetl's testimony.

12           Now, Anastasia has told a number of stories,  
13 including the story of the trash bag, and this relates to  
14 Counts 44 and 45, and she testified, I was forced to stand in a  
15 trash bag all day long. All right. Well, you simply know that  
16 this can't be true because if you take her for her word that  
17 she sat on the potty buckets all day long, 24/7, she could not  
18 also have been in a trash bag all day long. There's just  
19 physically not enough time in the day to have showers, to get  
20 held under sinks, to sleep on the rocks with the bugs, to stand  
21 in the trash bags, to stand on the potties and to do her  
22 homework. There's just not enough time. Again, Anastasia's  
23 stories, Anastasia's exaggeration.

24           Is it more likely she was asked to remove the soiled  
25 clothes and leave them in the trash bag and then instructed to

1 take a shower? And I asked her about that, and she said well,  
2 yeah, eventually. Well, what do you know? You know that Janet  
3 Solander had a bunch of kids in that home. Common sense  
4 doesn't leave the door. If you have a soiled child in your  
5 home and that soiled child is smelly, you don't want it  
6 standing -- you don't want the child standing in a soiled trash  
7 bag smelling up your house. You would have to clean that up.  
8 Why would you add more work for yourself when you already have  
9 this many young children all in your house at the same time?  
10 It just doesn't make sense.

11 And you will recall that Anastasia was not in trash  
12 bags all day long every day, and she testified that it happened  
13 a couple of times, but when it did it was all day. Anastasia  
14 had her own bathroom issues which were observed by the BST  
15 worker Christina Day, and you'll remember when I asked her.  
16 She saw Anastasia soil herself, and that when Anastasia was  
17 saying I have to go to the bathroom, I have to go to the  
18 bathroom, she was frozen. She wouldn't move, and Janet was  
19 urging her to go to the bathroom, but she had an accident.

20 In response, Anastasia went and cleaned herself up  
21 because that's what actually happened in the home. That's what  
22 actually Janet was doing was go clean yourself up, not beating  
23 with paint sticks all day long every day. And again, CPS was  
24 in that home at a home visit. Nona Ocloo testified that she  
25 saw Anastasia leaving the bathroom after an accident and that



1 she had cleaned herself up. The story of the trash bag was not  
2 proven to you beyond a reasonable doubt based on the way that  
3 Anastasia's stories are told.

4 And that brings us to the paint stick, and that's  
5 Count 37. You'll recall Anastasia changing testimony again.  
6 First the paint stick went inside of her vagina. Then she  
7 testified, Okay, well, really the paint stick didn't go all the  
8 way in the vagina. It just kind of went around inside, and you  
9 remember her stumbling over her words. She looked at the  
10 diagram, and she picked one of the words, the labia maj -- and  
11 she couldn't figure out how to pronounce it, but that's what  
12 she identified because she had a diagram.

13 Then she said that the paint stick was held inside of  
14 her vagina for less than half a minute, and I didn't put the  
15 exact number because I couldn't remember if it was 20 seconds  
16 or 30 seconds. Again, I would direct you to look at your  
17 notes. Think about how she's describing this.

18 Think about what would Janet's motive be to insert a  
19 paint stick just one single time inside of Anastasia's vagina?  
20 If you believe her testimony that Anastasia, as a result of her  
21 bathroom accidents, was having catheters inserted into her,  
22 wouldn't Janet just have inserted another catheter as opposed  
23 to a paint stick? This story doesn't make any sense. The  
24 details of the story don't make -- don't make it credible, and  
25 she could not describe to you in sufficient detail anything

1 that would give context to the story. Janet had no motive, and  
2 you're allowed to consider whether or not Janet had a motive,  
3 but you're also allowed to consider this context in relation to  
4 all of the other stories and all of the other exaggerations  
5 particularly made by Anastasia.

6 And I would ask that you look very closely at  
7 Dr. Cetl's testimony. We've heard no testimony of bone  
8 fractures from falling down the stairs. We've heard no  
9 testimony of skull fractures or eye socket fractures or  
10 permanent disfigurement because of Ava's eye being slammed into  
11 the kitchen counter.

12 What you did hear testimony about is that this is the  
13 first case she's ever testified in, and she's testified in a  
14 lot, where sexual assault was charged by way of a catheter.  
15 She made an assessment and noted probable abuse based on the  
16 disclosures in the forensic interviews, but not for any other  
17 reason. She didn't have any physical corroboration. And you  
18 heard testimony about how catheters are actually inserted and  
19 that the pee doesn't come out immediately after a catheter is  
20 inserted contrary to what those girls explained, contrary to  
21 what they are saying happened.

22 And she could not testify to a reasonable degree of  
23 medical certainty that anything Janet Solander did caused the  
24 growth or the height concerns. You actually heard she said,  
25 well, there are many factors, environmental, genetic, early

1 years development, including limited to no prenatal care by the  
2 bio mother that could've also contributed very likely to the  
3 growth and the height development. Again, this goes to the  
4 count about withholding food and withholding water. You don't  
5 have medical evidence before you to any degree of medical  
6 certainty that anything that Janet Solander did directly caused  
7 the growth or the height concerns that Dr. Cetl testified  
8 about.

9           And you remember at the very beginning of this trial  
10 when the State said something like, You are entering a world of  
11 child abuse. Well, they were right about that. They were  
12 wrong about where it is. They were wrong about Janet being the  
13 world of child abuse. There is one thing that the government  
14 and Janet Solander agree on is that there's something seriously  
15 wrong with the foster care system.

16           Now, you heard little snippets from the book from the  
17 government, who quoted passages about that's when the rage can  
18 start, but you had no mention of what came before that quote in  
19 the book, and you had no mention about what came after it, and  
20 that's why we talked about context. The book is entitled  
21 *Foster Care: How to Fix This Corrupted System*, and that book  
22 is in evidence before you. When you go back to deliberate,  
23 you'll have it with you. Don't just thumb through it. Read  
24 it. It's not that long. Luckily -- Janet's a little older --  
25 she typed it for those of us who don't like the small font.

1 It's a little bit bigger. It's readable.

2 Janet identifies the most basic of problems. Foster  
3 parents are not equipped to handle the children in their care  
4 because they have not been properly trained. She hit the mark  
5 right there. Parents who have been, like, normal biological  
6 parents may never have had to deal with some of the behaviors  
7 that foster children exhibit because they aren't prepared,  
8 Janet warns, that foster parents can become angry and can abuse  
9 children, even killing them, and that's why Janet wrote this  
10 book. She even dedicated it to foster children out there, and  
11 she dedicated it to kids who lost their lives as a result of  
12 abuse, and she dedicated it to her daughters at the time, Ava,  
13 Amaya and Anastasia.

14 Janet talked about how different age groups of  
15 children react when they are placed in the foster care system,  
16 how some of them -- and this was all based on her experience,  
17 and she talks about this in the book. It's not just the  
18 Starks. It's not just the Diaz-Burnett kids. It's not just  
19 the Solanders. She had other foster kids. You didn't hear  
20 about any of them, and you certainly know if there had been a  
21 problem with them you would probably be in trial for another  
22 week.

23 So she expressed concern for the older children in  
24 foster care who quickly learn to manipulate the system, to make  
25 false allegations against a foster parent because they wanted

1 to be moved out of the home, and she noted how these older kids  
2 will sometimes age out of the foster care system and then turn  
3 to crime, become another statistic.

4 Now, Janet shared this book as a way to share how she  
5 and Dwight were deceived about the true history of Ava, Amaya  
6 and Anastasia, how DFS was not forthcoming, and you have  
7 evidence of that. Heather Richardson didn't tell you anything  
8 until I brought it out on cross-examination. So DFS was not  
9 forthcoming, but that didn't excuse bad conduct. She said  
10 there's still no reason to neglect, abuse or murder these  
11 children in foster care. And she used case example. She used  
12 research. She cites articles about other foster parents who  
13 were very ill-equipped who ended up murdering their children.

14 You don't have any evidence of that as to Janet  
15 Solander. What you have is evidence that she was ill-equipped  
16 and found someone who was equipped, Marvelous Grace Girls  
17 Academy, that they privately paid for, and you'll have this.  
18 This has been marked as evidence and introduced on behalf of  
19 the defense about the intake and enrollment fees that were  
20 received, and Mr. Blankenship confirmed that.

21 When Janet had had enough and didn't know where else  
22 to turn, she got help. She looked further. She didn't murder  
23 her children, but she saw that there were failures in the DFS,  
24 that other foster parents had gone -- had done these horrible  
25 acts, and she wanted to call the department out on it.

1 Everything Janet did she did out of a genuine desire to help  
2 these girls so they would not end up a statistic. Those are  
3 her words.

4 Now, I know that Janet didn't testify, and you've got  
5 an instruction that's saying you can draw no negative  
6 inference. You don't get to even comment on that. That is not  
7 a part of your deliberation at all, but you still get the  
8 benefit of this book. You still get to hear from her, her  
9 words. She wrote about the general system failure and that  
10 parents' rights, the biological parents' rights were  
11 prioritized over the welfare of the children.

12 And in this case, you heard all about how vocal an  
13 advocate Janet was. Heather Richardson confirmed it. She  
14 said, yeah, Janet and Dwight are staunch advocates. They said  
15 if they need IEPs, the kids are getting IEPs. If they need  
16 help with their homework, they're getting help with their  
17 homework. They met the teachers.

18 But she was also a staunch advocate for foster kids  
19 like Areahia Diaz whose biological parents were missing visits  
20 and whose intern therapist broke Areahia's trust. So Janet  
21 advocated for Areahia to get a new therapist. It didn't make  
22 her popular, but it didn't make her a monster.

23 In this book, in this book, and that's in evidence,  
24 [unintelligible] remember during the search warrant it  
25 specifically looked for it, and they seized all of her books,

1 all of her research, all of her notes from the publisher.  
2 Don't know how that it proves that she committed child abuse  
3 against the Solander girls, but they seized all of that anyway.  
4 They knew before even interviewing the Solander girls that  
5 Janet had written this book. You have evidence of that because  
6 of the hundreds of emails that were distributed all among  
7 county employees.

8           So in this book, Janet talks about taking foster kids  
9 to their dental appointments and spending \$500 on clothes and  
10 toiletries on the first day of getting them because these kids  
11 come from nothing, and you'll recall that each child only gets  
12 692 or whatever that figure was. It's, like, 691-something,  
13 but it rounds up to 692. So she's going above and beyond  
14 spending 500 on Day 1 for these children. That money is  
15 supposed to go for food, for care, for housing, for all kinds  
16 of stuff, and Janet is making sure that she's using that money  
17 so these kids have food, so they have clothes, so they have  
18 supplies, so they have toiletries, all the things that their  
19 own parents could not or would not provide.

20           But Janet also talks about a lot of the hardships  
21 that she had as a parent adjusting to being a foster and an  
22 adoptive parent. So you heard me ask about the time Anastasia  
23 smeared her feces under the bed, and that was one week after  
24 she was adopted, and Anastasia confirmed it when I asked.  
25 Janet actually wrote about that in the book. When Anastasia

1 was 6, and one week after the adoption was finalized, Janet  
2 used the feces smearing incident as an example of how children  
3 who underwent extreme trauma will manifest that trauma in  
4 totally unexpected ways.

5           Now, if you'll remember -- sorry. Okay. Now, if  
6 you'll remember, Janet had a lot of observations about the  
7 different ways that the foster kids acted up, and she just  
8 wasn't prepared for that, but Anastasia nevertheless smeared  
9 her feces. These behaviors predated any of the structure or  
10 any of the rules that Janet later made to try to correct these  
11 behaviors because one week after adoption would've still been  
12 in January 2011, would've still been at the Jubilee home. It  
13 would've still been before all of the wild stories, the really  
14 wild allegations are alleged to have happened. All of the  
15 kids' behaviors predated that because the Solanders inherited  
16 that.

17           And this book also explains how the foster care  
18 system works and how lots of people come into your home and  
19 that fostering opens you up to public eye, and she explained  
20 how CPS may pop in on you from time to time because that's what  
21 they do. They're just people concerned for the children, and  
22 they have to do their job, and that's why she explained she  
23 documented everything, photos, videos, et cetera.

24           She wrote, We have the video eating -- excuse me. We  
25 have a video of our daughter eating one of her favorite foods,



1 and right after finished, the daughter went through the garbage  
2 can eating who knows what, and she couldn't explain it. And  
3 you remember the testimony of one of the DFS caseworkers who  
4 confirmed Janet should keep a video and take it to the doctor  
5 to show.

6 And what other evidence do you have that Janet took  
7 lots of photos? A lot. You have a lot. And that gives  
8 context to why there's so many photos in this case and why  
9 they're not as bizarre and outrageous as the State wants them  
10 to seem. You have that photo of Amaya's face when it's red and  
11 blotchy and kind of itchy looking, and it's got the little  
12 scratches there. Well, don't you remember there was testimony  
13 about Amaya having a history of a skin rash? Wouldn't that  
14 picture be consistent with all of the little marks consistent  
15 with a skin rash?

16 And again, a photo of the catheter. You saw a lot of  
17 photos, including when the kids had soiled accidents. You saw  
18 no photos of actual catheters being inserted, and Janet  
19 documented everything.

20 This book, this book also criticized how some of the  
21 caseworkers were lazy, and they didn't spend enough time with  
22 the children in the home to be able to gauge their needs, and  
23 when you read that book, you'll see that she's calling out Gail  
24 Anderson, but not by name, but that would've been consistent,  
25 and her description would've been consistent with how Gail

1 Anderson was in the home and not paying enough attention to  
2 baby Novaleih.

3 Janet was critical of the medical physical and mental  
4 health care for foster children and how DFS -- desperate DFS is  
5 to place the children that they won't consider if the foster or  
6 adoptive home is a good fit for each child. Janet expressed  
7 that had she and Dwight had a more complete history of their  
8 adopted girls she's unsure if she would've gone through with  
9 the adoption process right away or asked for more time, but she  
10 emphasized anyway -- okay. She emphasized anyway that she  
11 loved the girls, and they were her girls, but she was  
12 ill-equipped for the type of behaviors that later arose.

13 She criticized the foster care system for warehousing  
14 kids, for not having the type of psychological care facilities  
15 available to help the children, including her middle child.  
16 Janet even wrote, I would rather send my child to a long-term  
17 treatment facility out of state for as long as necessary than  
18 give up on her and place her back into the system where she  
19 will become even more damaged than before. Again, the words  
20 and conduct of someone who is trying to do better for these  
21 girls.

22 The bottom line of Janet's book is that the foster  
23 care system does not serve its intended purpose which is the  
24 best interests of the foster children, and that's why she wrote  
25 this book, to expose the systemic failure and to suggest change

1 so that children don't become statistics or are placed in  
2 inappropriate foster homes.

3           So I urge you to actually read this book. I urge you  
4 to give context to the quotes that the government pulled out in  
5 their opening statement and which I anticipate they will  
6 reference in their final closing statement.

7           Now, I don't get a final opportunity to speak. The  
8 State has the burden of proof. So I only get to talk to you  
9 once, but that's why we ask you, think about that. Think about  
10 that from the beginning. We said word choice, context,  
11 perspective. When Ms. Bluth is up here making her final  
12 statements, I want you to keep in the back of your mind, what's  
13 the appropriate word choice? What is the appropriate context  
14 and perspective?

15           This book, the government didn't like that book.  
16 We've talked about the stack of emails that circulated all  
17 throughout the county. It was even sent to the forensic  
18 interviewers, like Faiza Ebrahim right before she interviewed  
19 the Solander girls. She confirmed she got it that morning on  
20 March 11th of 2014, and you'll see email forwards and  
21 comments that went all the way up the chain about this book  
22 including Paula Hammack, that assistant director.

23           What you won't see is all of the off-the-record  
24 calls, text or in-person conversations about that book. That  
25 book is not good for the government. Janet published it, and

1 shortly thereafter it spread like wildfire through the  
2 Department of Family Services, and those email forwards start  
3 in February of 2014, and when was it that Yvette Gonzalez  
4 started making her investigations? February of 2014. When was  
5 it that CPS in Florida came into contact with the Solander  
6 girls? February 28th, 2014.

7           Don't let the government fool you. That book was a  
8 problem. If that book wasn't such a big deal, why is it  
9 e-mailed over and over and over again? If that book wasn't  
10 such a big deal, why is it in the search warrant? Why did they  
11 seize all of the copies, all of her publishing notes, all of  
12 her research material?

13           And again I want to focus you on this world of child  
14 abuse. It came up in the opening statement, and I imagine  
15 you're going to hear it again in the final closing statement.  
16 Child abusers don't take their children to doctor after doctor  
17 to rule every -- excuse me, to rule out every possible organic  
18 cause of enuresis and encopresis to make sure nothing is wrong  
19 with their children.

20           Child abusers don't keep taking in foster children  
21 even after CPS has been called out to their home. Child  
22 abusers don't paid large sums of money out of pocket to  
23 Marvelous Grace Girls Academy for the hopes of correcting their  
24 children's bad behaviors. Child abusers don't take their  
25 children to physicals right before they pay money out of pocket

1 to send their girls to good schools with religious components.  
2 Child abusers don't invite all of the CPS-DFS caseworkers,  
3 doctors, all of who are mandatory reporters into their lives  
4 repeatedly.

5           If these girls were beaten every single day and  
6 deprived of food and water for days on end as they testified,  
7 someone would've seen it. If they were so abused and  
8 neglected, Steven Blankenship at Marvelous Grace Girls Academy  
9 and his staff wouldn't have said nothing for four months if the  
10 children showed up so starved, so skinny or so bald from their  
11 heads being shaven.

12           You may not agree with Janet's methods, and you may  
13 not like what you heard. You may think Janet is a bad person,  
14 but none of that meets the standard of guilt beyond a  
15 reasonable doubt on all 46 counts.

16           In this case, Janet Solander admitted to the vast  
17 majority of the acts that she's been charged with. She  
18 admitted them to the government, CPS and DFS, the same  
19 government that's now charging her criminally when they never  
20 told her to stop before. She disclosed the majority of the  
21 acts to the doctors who are mandatory reporters.

22           You heard those girls. They didn't want to be  
23 adopted by the Solanders, and they didn't want to return home  
24 after Florida. So they disclosed all of the conduct that  
25 everybody already knew about in Florida on February 28th,

1 2014, when they were interviewed, and then -- and they weren't  
2 interviewed again until about 10 days later on March 11th,  
3 2014.

4           And in those 10 days they were together. They were  
5 able to talk, and they were able to develop this story. They  
6 drew from what they had already said, and they drew from their  
7 time in the foster system, and they drew from the unfortunate  
8 physical abuse that they suffered in their biological homes,  
9 and they saw an opportunity. They saw a way to forever escape  
10 the structure, rigid rules and no-nonsense approach of Janet  
11 Solander, and they made up some fantastic stories.

12           Little Anastasia, they withheld water from me for  
13 years. Okay. Not years, just days. Janet stuck a catheter up  
14 my private one-handed while she was holding me down with the  
15 other, and then she stuck a paint stick in my vagina. Okay.  
16 Not my vagina, just kind of around the part of the diagram I  
17 can't pronounce.

18           Ava said catheters were put in her many times, maybe  
19 five, maybe seven to eight, but at the preliminary hearing,  
20 remember when I asked, Didn't you testify it was only three  
21 times, and then on redirect examination it was a different  
22 number yet again. Her story kept changing. Even when  
23 Anastasia testified in trial, her story kept changing.

24           In March of 2014, there was a forensic interviewer  
25 who had to prompt Ava about the catheters. Ava didn't disclose

1 it initially, and she didn't even know what the interviewer was  
2 talking about until the interviewer said, Is there something  
3 with, like, a bag and a tube? And then Ava said, Oh, yeah,  
4 catheter. Amaya never said anything about catheters in Florida  
5 in February of 2014 or in Las Vegas with the forensic  
6 interviewer in March of 2014.

7 That 10-day period is significant because that 10  
8 days is the opportunity that all of the girls got to talk, got  
9 to get their stories together, got to start figuring out how  
10 they could get out of the Solander home. These girls made up  
11 stories long before they came into the Solander home, and  
12 Debbie McClain confirmed they're all teenagers now, and they're  
13 still lying to her to get what they want.

14 They're children. They're damaged children, and it  
15 is okay to feel sorry for them. It is okay to feel empathy for  
16 them because of what they've been through, but many of you are  
17 parents, and you know that there's another side to children,  
18 and sometimes they exaggerate or they lie to get what they  
19 want, and that's what these girls did.

20 They lied and made up fantastical stories about their  
21 head smashed in toilets and licking pee up off of the floor,  
22 being kicked up and down the stairs, falling, hurting, being  
23 picked up one-handed and dumped under boiling hot sink water  
24 while simultaneously the other hand is filling up a tiny little  
25 lid and splashing it in her face even though she's face down in

1 the sink.

2           These girls had accidents. These girls had lots of  
3 accidents. You saw those pictures. Janet gave them structure,  
4 timed bathroom breaks, rules, penalties for breaking the rules.  
5 She took them to doctors to rule out medical issues to see if  
6 anything was causing those kinds of accidents, and when enough  
7 was enough, she threatened them with a catheter and said, If  
8 you don't pee, you'll get the catheter.

9           What did Danielle Hinton testify to about the actual  
10 catheter? Not that she saw it, not that she knew that Janet  
11 actually inserted it, but she testified, well, the girls would  
12 just run around and say, If you don't pee, you'll get the  
13 catheter. If you don't pee, you'll get the catheter. That's  
14 consistent with being threatened, with being scared enough  
15 based on a picture or based on a fake catheter being shown to  
16 you.

17           Amaya confirmed it. She said she was so scared that  
18 she just peed. She didn't use the words Janet put a catheter  
19 in me. It was the government who put those words in her mouth.  
20 She testified I saw the catheter and peed out of fear. Look at  
21 your notes. I ask you to look at what she actually testified  
22 to.

23           When we talked in jury selection about the leeway  
24 that we give parents, remember when we talked about threats,  
25 and you remember one of us had the same experience I had where



1 my dad used to say, I brought you in to this world. I can take  
2 you out of it. And I'm still here, and that juror is still  
3 here. Janet used threats too as a parent. The catheter is an  
4 example of those threats. If you don't pee, you'll get the  
5 catheter. That's not a criminal charge. That's not in one of  
6 the single one of the 46 counts, and because if you don't pee  
7 you'll get a catheter is not a crime.

8 And the same is true for the pitchers of ice that you  
9 heard about. The girls testified about how closely Janet  
10 watched them in the shower, but they also testified that they  
11 were able to sneak water in the shower and that Janet used a  
12 black light after the showers to check for pee. Much of that  
13 doesn't make sense.

14 If you're watching the children, why would you need  
15 to do a black light afterwards? Isn't it more likely that  
16 she's using the black light to make sure that there's not any  
17 pee or feces in the bath so that the next child can get into a  
18 sanitary bathtub? Isn't it just as likely that Janet filled up  
19 a pitcher of ice to dump it out of the shower just to scare the  
20 girls and not actually dump it all over them?

21 Look at your instructions. How does that qualify as  
22 unjustifiable physical pain under the law? I mean, sure it's  
23 unpleasant, but it's fleeting. That pain or that fear would be  
24 fleeting, and again, you may not agree with it. I'm not asking  
25 you to, but it's certainly a less physical form of discipline.

1 It's not spanking, and assuming it actually did happen, the  
2 physical pain would be far less than any kind of spanking.

3 Also, don't just gloss over some of the testimony  
4 that the girls would have boiling hot showers. Anastasia and  
5 Ava both testified to that, but you were presented with no  
6 evidence that Ava had any burn marks or injuries from scalding  
7 hot showers. Again, these girls have colluded together, have  
8 gotten their story straight and exaggerated. It is not  
9 surprising why. That home had a lot of rules, and they didn't  
10 want to live there anymore.

11 The government is trying to convince you that Ava,  
12 Amaya and Anastasia lived in a world of child abuse. It's  
13 true. They did, but the world of child abuse is where they  
14 came from. The world of child abuse is what Janet Solander  
15 wrote a book about. The world of child abuse is the one thing  
16 we can agree that everyone in this case wants to change, but  
17 the world of child abuse has nothing to do with what happened  
18 in Janet Solander's home.

19 We'll concede Janet was not a good match for an  
20 adoptive home, and we'll concede that she got very creative  
21 with her efforts to modify behavior. In fact, the girls  
22 testified to lots of the nonphysical forms of corrective  
23 measures, timed bathroom breaks, timed mealtimes, fans blowing  
24 on them during homework to keep them awake, a spray bottle.  
25 Now, when that didn't work, the discipline measures increased,

1 and they increased to spanking with paint sticks.

2 And ultimately when their discipline methods didn't  
3 work, Janet and Dwight paid for the girls to attend the  
4 behavioral school, The Marvelous Grace Girls Academy, and they  
5 got demerits there too, but Janet put them in a school that she  
6 believed would help them, and it sounds like it did because  
7 over time they got fewer demerits. That's the context, the  
8 word choice and the perspective we ask you to keep in mind as  
9 you heard all of the evidence.

10 Think about Ava, Amaya and Anastasia's word choice.  
11 Think about what they exaggerated. Think about what they  
12 testified to that just didn't make sense and consider this as  
13 you decide whether or not you find every single thing that they  
14 said to be true, or did they say things that were taken from  
15 parts of true and blow them up larger than life?

16 You may not agree with what Janet Solander did to  
17 help these girls, but DFS and CPS didn't disagree with her  
18 methods. A reasonable person is allowed to rely, just as that  
19 instruction said, on the government when government tacitly  
20 endorses and condones the methods a parent is using. Janet  
21 relied on that. The same government is now trying to say her  
22 conduct is criminal. It wasn't then, and it wasn't now.

23 The government spent the past four weeks or so trying  
24 to prove how the government failed to investigate the Solander  
25 home. The government didn't fail. They were in the home.

1 They didn't see anything that was wrong to them. They didn't  
2 see any evidence of the exaggerated claims in the 46 counts  
3 that are before you, and DFS isn't on trial here. Janet  
4 Solander is.

5 Janet Solander had absolutely no motive to snap on  
6 January 19th, 2011, after she adopted those three children.  
7 She had no motive to completely change everything she was as a  
8 person and start abusing or neglecting her children in such an  
9 open manner by having the government in and out of her home and  
10 having doctors' offices in and out of her life. She didn't  
11 snap and beat her children on a daily basis.

12 There's no evidence before you that their mouths were  
13 and their lips were split open because of her rings or that  
14 they had permanent damage because of being kicked up and down  
15 the stairs. They exaggerated these claims of sitting on  
16 buckets all day long, 24/7. Those were their words.

17 If you are actively physically abusing your children,  
18 if you are actively neglecting their medical and nutritional  
19 needs, it makes no logical sense that you would take them to  
20 doctors who you know will physically examine them or for the  
21 children to be taken for colonoscopies up their rectums where  
22 their bottoms are exposed, and if you're beating those children  
23 on their bottoms every single day and breaking paint sticks to  
24 the point where their bottoms are bruised and bloodied from  
25 cuts all over their skin, why would you take them to the

1 doctor? The doctors saw none of that, and that's because it  
2 wasn't there.

3 This has been a trial about how the foster care  
4 system failed, and Janet was not a good match for these  
5 troubled girls. This case has been about Janet's varying  
6 methods and rules that didn't work. You may have found it  
7 abusive. You may not have agreed with it, but that doesn't  
8 make her conduct criminal when you look at these allegations.

9 I am asking you to look at this allegation of the  
10 world of child abuse, what you actually have before you.  
11 Remember the Christmas photo. Remember how Janet treated Ava,  
12 Amaya and Anastasia, just like all of her other kids. Those  
13 are her biological kids in that photo. The season greetings  
14 from the Hinton Solanders.

15 After reviewing all of the evidence in this case we  
16 are asking you to return a verdict of not guilty on each of  
17 those 46 counts. Thank you.

18 THE COURT: All right. Thank you, Ms. McAmis.

19 We should probably take a really brief recess before  
20 we move into the rebuttal argument from the State, just about  
21 10 minutes which will put us at 5 minutes to 5:00, or 4:55.

22 During the brief recess, you are all reminded you are  
23 not to discuss the case or anything relating to the case with  
24 each other or with anyone else. You're not to read, watch or  
25 listen to any reports of or commentaries on the case, person or

1 subject matter relating to the case. Do not do any independent  
2 research by way of the Internet or any other medium, and please  
3 don't form or express an opinion on the trial.

4 Please place your notepads in your chairs and follow  
5 the bailiff through the double doors. We'll just take a real  
6 quick recess.

7 (Proceedings recessed 4:47 p.m. to 5:00 p.m.)

8 (Outside the presence of the jury)

9 MR. FIGLER: Do you -- my page 35 is out of order  
10 or --

11 MS. BLUTH: That's because Chris probably put it up.

12 MR. FIGLER: Yeah. On mine or on yours too?

13 MS. BLUTH: On probably -- I don't know. The page  
14 breaks are a little different on that one. We had Chris go  
15 print two copies, so I can go make a copy of that one if you  
16 want. They're the same it's just the page breaks are  
17 different.

18 MR. FIGLER: Yeah.

19 MS. BLUTH: There's a problem with when our system  
20 doesn't carry over to their system it's -- it breaks up event  
21 pagination.

22 MR. FIGLER: Your Honor, for the record the State  
23 after Ms. McAmis finished her closing argument has now filed a  
24 second Amended Information that's being done over our  
25 objection. The defense believes that it reasonably relied upon

1 the lack of mental suffering language in the --

2 MS. BLUTH: Wait one second.

3 THE COURT: They're coming in.

4 MS. BLUTH: One sec.

5 (Jury entering 5:01 p.m.)

6 MR. FIGLER: To be continued.

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

11 And, Ms. Bluth, are you ready to proceed with your  
12 rebuttal argument?

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

14 The defense would have you believe that these three  
15 girls came with all of these issues, and that they were defiant  
16 and ill behaved almost to a psychotic nature with this PTSD,  
17 and all of these other things wrong with them that the defense  
18 just spent over two hours talking to you about. And if you  
19 think about it, the more you focus on that and how bad they  
20 were and how crazy they were, you might think well, Janet just  
21 had no other choice. I mean, what was she going to do with  
22 these three little disasters.

23 But at the end of the day it actually doesn't matter.  
24 Amaya could have been skinning the family dog and eating it  
25 half alive in the living room, and Janet still wouldn't be able

1 to do what she did to them. It doesn't matter if they were  
2 well behaved, if they were ill behaved, if they were defiant,  
3 if they were obedient; she cannot do what she did to them under  
4 any circumstance. And in her book she agrees with me. She  
5 says I do not condone any physical abuse, any physical abuse to  
6 a child regardless of that child's behavior.

7           The defense talks a lot about, you know, these  
8 children they came from a bad environment. They saw their  
9 mother do certain things, and then their grandmother beat them,  
10 and they came from this really bad environment, and they came  
11 with so many issues, and Janet was there to save them. That  
12 defense could be used in any case across the country where a  
13 foster child is involved. Foster children can be abused too --

14           MS. MCAMIS: Objection. Denigrating the defense.

15           THE COURT: I'm -- overruled. I don't think that's  
16 what she's doing.

17           MS. BLUTH: Foster children can be abused too. They  
18 all come from rough places; that's why they're in foster care.  
19 You're not in foster care because your dad works full-time, and  
20 your mom stays at home and goes to all your school practices  
21 and your games and helps out in the classroom and has dinner  
22 every night ready for you guys at 6:00. Foster kids have  
23 issues, okay. They're abused. They're neglected. Some are  
24 sexually assaulted. It doesn't mean that other people can't  
25 abuse them.



1           The defense wants to point out in that diagram about  
2 all the things that that initial psychiatrist talked about the  
3 girls having right when they got into Child Haven, right when  
4 they came in to foster care in 2008. And what I'd ask you to  
5 consider in regards to that is that therapist or sorry, that  
6 psychiatrist or psychologist saw those kids three years before  
7 Janet Solander adopted them. It was when they first got into  
8 the system.

9           So they had three years of therapy, three years of  
10 counseling, three years of being in homes where they were given  
11 proper care and proper love. And so this idea that they went  
12 straight from this evaluation by this doctor where it's PTSD  
13 and enuresis to Janet is not true. They had had daily therapy.  
14 They had had weekly therapy. And they had lived in  
15 environments that where they felt safe and they felt okay. And  
16 they went to Janet after being in that environment for a year  
17 and a half.

18           But when you look at what Janet is saying about those  
19 girls about what the defense is -- the picture that the defense  
20 is painting, compare it to everybody else who had interactions  
21 with those girls, and I'm going to talk about Debbie McClain in  
22 a second, but what about Heather Richardson their first CPS  
23 worker, it's actually their second CPS permanency worker, how  
24 she defined them or discussed them. What about Jan Finnegan,  
25 who was their nanny, who discussed the fact -- we asked her, I

1 mean, were they -- were they ill behaved, were their -- were  
2 they banging their heads, were they beating each other up, and  
3 she said, no, there was a lot of rules and they followed those  
4 rules; they were very obedient children.

5 Same thing with Autumn and Ivy Stark and Areahia  
6 Diaz. They didn't even talk. The Solander girls didn't even  
7 talk, and when they moved, they moved around the house with  
8 their hands above their head. Even Danielle the defendant's  
9 own daughter talks about the fact that they would sit and they  
10 would do their homework all day. She said that there were a  
11 couple times where Amaya acted out or yelled, but for the most  
12 part she said they sat and they did their homework.

13 The doctors, we asked the doctors who saw them, hey,  
14 when they were in your office, was there any ill behavior, were  
15 they acting out, no, they just sat there very quietly.

16 And then Mr. Blankenship, I would ask you to go back  
17 and read the biographies. If you remember, Janet and Dwight  
18 wrote a biography for each child that discussed how they  
19 thought that the child's behavior was, and they gave it to  
20 Mr. Blankenship, and Mr. Blankenship said this was not  
21 consistent with the behavior.

22 I mean, there's some pretty mean things in that  
23 letter. They're defiant. They don't like authority. They'll  
24 pee and poop just to do it on purpose. Read those and think  
25 the person that they are saying that about is their own child.

1 So the State would ask you to look at people who had  
2 interaction with those girls and is that consistent with the  
3 picture that the defense is trying to paint.

4 I want to talk about Debbie McClain for a second.  
5 This idea that Debbie McClain, this woman who had over 40  
6 foster children, she has opened up her home to 40 foster  
7 children, and the defense would have you believe that she came  
8 in here and she lied, and she wanted to get a therapist fired  
9 so that she could move the kids' therapy service to her -- the  
10 company she worked for, for Agape.

11 What motive does Debbie McClain have to come in here  
12 years later and tell lies about Janet Solander? She said, I  
13 didn't want to be an adoptive resource. I'm old. I've raised  
14 my own kids; that's what she said. And what did she do when  
15 these kids came back? She opened up her home and she adopted  
16 them. What motive does she have to do that other than just  
17 wanting to do what is right?

18 Debbie did not paint a perfect picture of these  
19 girls. She talked to you about their strengths. She talked to  
20 you about their weaknesses. She talked about the fact that  
21 sometimes they would lie, and sometimes there were hard  
22 conversations that she had with them. We didn't hide from  
23 that. Debbie didn't hide from that. She didn't backtrack on  
24 the fact that she told Amaya, I'm going to kick your ass. I  
25 mean, whether she said ask or ass whatever, the difference is

1 and the point is at least she didn't do it. Janet took it a  
2 little extra step or a lot of an extra step.

3           The defense has painted this picture that these  
4 children were out of control, that they were doing awful in  
5 school and that they just weren't progressing. We -- you have  
6 pictures. This is Ava; at the time she was Jocelyn, perfect  
7 attendance. Amaya, this one who had all these behavioral  
8 issues and was just doing so poor school they just didn't know  
9 what to do with her, that's a picture of her on the AB honor  
10 roll.

11           And then there's Anastasia. And Debbie was very --  
12 she was very clear in regards to some of the bed wetting issues  
13 that Anastasia had. And she talked about the fact that  
14 Anastasia had a nighttime bedwetting problem, and she had it  
15 pretty much the whole time that she had her at her home and  
16 that there were spouts two weeks that she would go without  
17 going to the bathroom or three months or sometimes as much as  
18 three months without going to the bathroom in her bed, but that  
19 that was an issue, and that was an issue that she had up until  
20 she gave them over to Janet.

21           And Ms. McAmis talked to you a little bit about the  
22 world of child abuse and our use of this in our opening  
23 statement. And if you remember right back to way back to when  
24 we talked about voir dire, one of the questions the State posed  
25 to you is, what about way back when before we didn't have

1 fingerprints and we didn't have DNA, like, what types of  
2 evidence did we rely on? And now you know probably why some of  
3 those questions were being asked. Child abuse isn't committed  
4 out in the open. It's not like a robbery when someone goes  
5 into a gas station and there's video cameras or there's  
6 witnesses. Child abuse happens behind closed doors, and it's  
7 very common that children don't disclose until much later just  
8 like you saw in this case. And so you have to use different  
9 tools other than scientific tools to figure out what happened  
10 here.

11           And something we like to call a tool for you guys to  
12 use is referred to as the three C's. And that's our, is the  
13 evidence corroborated? Is the testimony corroborated? Are the  
14 victims credible? And is there consistency? And so I'm going  
15 to talk to you about those in a moment.

16           So the credibility or believability of a witness  
17 should be determined by her manner upon the stand, her  
18 relationship to the parties, her fears, her motives, interest  
19 or feelings, her opportunity to have observed the matter to  
20 which she testified, the reasonableness of her statement, and  
21 the strengths or weaknesses of her recollections. And when  
22 you're thinking about that, I want you to think first about  
23 Ava. That's what Ava looked like on her first day of going in  
24 to foster care when she was Jocelyn. And I want you to think  
25 about three years later when she basically left foster care or

1 was getting excited out after them finding her in Florida. But  
2 most importantly I want you to think about Ava today and what  
3 she came in here and what she told you.

4 And what did Debbie tell you about Ava when I asked  
5 her how would you define those three girls; tell us about those  
6 three girls, and what did she say about Ava? Ava is probably  
7 the shy one. She's quiet. She's more withdrawn. She said her  
8 pain runs deeper. She doesn't want to talk about things. She  
9 turns inward. She kind of shuts down. She's more quiet.  
10 She's not as outspoken as the others. She likes to read books,  
11 but she keeps to herself. And I want you to think about when  
12 Ava Solander came up here, she stood here she swore to tell the  
13 truth and she --

14 MS. MCAMIS: Objection. Vouching.

15 MR. FIGLER: No, Harmon.

16 THE COURT: Overruled. I don't know that it's  
17 vouching.

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

19 THE COURT: Sure.

20 (Conference at the bench not recorded)

21 MR. FIGLER: Your Honor, it's the same objection.

22 MS. BLUTH: We just discussed this.

23 THE COURT: Overruled.

24 MS. BLUTH: And one of the things that you can take  
25 into consideration is her manner of testifying on the stand,

1 and think back to Ava's mannerisms when she discussed things on  
2 the stand. And, you know, was she loud? Was she outgoing?  
3 Was she more quiet? What was she like when she was shown  
4 pictures of her sister?

5           You can take someone's manner of how they testify on  
6 the stand and guide that to let you know how you feel about  
7 someone's credibility especially in regards to Ava's demeanor  
8 when she had to talk about a few things. The catheters  
9 number one. That was something Ava did not want to talk about,  
10 and it was you could tell almost painfully obvious that she  
11 would pick at her eyebrow. She would kind of put her face  
12 down, and she's 16 years old; she doesn't really want to talk  
13 about her privates and things like that.

14           Like, she doesn't want to talk about licking her  
15 urine off the floor. That's probably maybe a little bit  
16 embarrassing at 13 when she testified at the preliminary  
17 hearing, but now that she's 16 that might be a whole different  
18 ballgame. And so the State would ask you to consider the fact  
19 that at preliminary hearing when she was 13 she discussed it in  
20 detail not once, but twice.

21           Another thing that you need to consider -- the State  
22 would ask you to consider in regards to Ava and her credibility  
23 is when she talked about her guilt. She said, I feel guilt. I  
24 felt guilty. What did you feel guilty about? I felt guilty  
25 that I couldn't protect my little sisters. She was a little

1 girl. She was a little girl, and she felt guilty because she  
2 couldn't stop what Janet was doing not to her, to her sisters.  
3 And so the State would ask you to consider that when you're  
4 thinking about Ava's credibility.

5 Now let's talk about Amaya. I think this picture of  
6 Amaya pretty much sums up Amaya. And if that picture doesn't  
7 sum up Amaya, well, then they're pretty much the same picture  
8 however many years later pretty much sums up Amaya. But what  
9 did Ms. Debbie say about Amaya? She's like, Amaya's the  
10 difficult one. She's going to tell how it is, and sometimes  
11 you're not going to like it, but she's going to give it to  
12 straight, but she's also the one that needs a little bit more  
13 tender love and care.

14 And what did Ms. Debbie tell you? She would get up  
15 early and make tea, and her and Amaya would sit there and they  
16 would talk about things because Amaya needed that extra type of  
17 attention. And she said Amaya wasn't anything that I couldn't  
18 handle, but she did need to be dealt with in a different way.

19 Amaya also said, I felt guilty, but her guilt was  
20 different. Her guilt was, I felt if Mr. Janet wouldn't have  
21 hated me so much that my sisters could have been saved; that  
22 was her guilt. And the State would ask you to consider that  
23 when thinking of her credibility.

24 And then there's Anastasia. And that picture kind of  
25 sums up Anastasia. I mean, what did Ms. Debbie say? She's the



1 outgoing one. She's the comedian. She's also going to tell  
2 you how it is, but she's just, like, talk, talk, talk, talk,  
3 talk, talk. And, I mean, how was she when, I mean, she was  
4 throwing, you know, jokes right or left. I was -- I asked her,  
5 you know, what did the timer look like, and she said it was a  
6 square and it was so-and-so big. And if you remember, I put up  
7 my hand and I'm, like, okay, so it was a square, and she goes,  
8 yeah, that's a circle I said a square. I mean, she really kind  
9 of, you know, she's -- she's playful.

10           And interesting enough you show the picture of the  
11 burn -- when her older sisters were shown the picture of that  
12 burn, both of them had trouble moving on from that, but you  
13 show Anastasia, and Anastasia's like, yeah, that was me that's  
14 what happened.

15           And so you need to consider their manner on the stand  
16 in which they testified, but you also need to consider their  
17 motive. What is the motive? These girls -- it's four years  
18 later. They live in a home with Debbie McClain. Janet  
19 Solander's out of their life. Dwight Solander's out of their  
20 life. Danielle Hinton's out of their life. You really think  
21 they want to walk in those doors four years later and talk  
22 about catheters being shoved up their urethra or their vagina,  
23 or having to stand in plastic bags while they peed and pooped  
24 all over themselves, or putting urine -- urinated underwear in  
25 their mouth? What is their motive to come in here and talk

1 about these things?

2           Some of you might need more than just what the  
3 children say and that's okay; you're entitled to that, and  
4 that's what corroboration is; that's the second C. What  
5 they're saying is it corroborated? They talked to you about  
6 paint sticks; you got paint sticks. They talked to you about  
7 scars in their bodies and where it would mainly be hit; they've  
8 got scars on their body.

9           And the defense wants to say well, you know, I mean,  
10 is that really -- is -- does that really substantial bodily  
11 harm? Well, yeah, those are scars on those girls. And think  
12 about it. If you're getting hit to the point where sticks are  
13 breaking and you're still being beaten, your skin is breaking  
14 open. You have to sit on your bottom unless you're sitting on  
15 buckets, I mean, then kind of on your bottom or if you're not  
16 even allowed a seat, like, you have to stand and do your  
17 homework all day, but if you're allowed to sit, what do you  
18 think that would be for a prolonged period of time? That would  
19 be painful.

20           They talked about buckets; you got buckets. They  
21 talked about the fact that their underwear would be checked, go  
22 through the e-mails. There are so -- you didn't see all of the  
23 e-mails, but you will have them. There will be more underwear  
24 in there than you could ever even imagine.

25           They talked about a light, a light being used to

1 check their underwear and a light being used to check the  
2 shower; they pointed out the light. They talked about the  
3 gates; there was a black one and there was a gray one. They  
4 talked about fans. There's fans up in the loft; look at the  
5 search warrant photos. There's fans near the gates.

6           They talked about the fact that when they would do  
7 their homework they would have to do it so late at night that  
8 they would continue to fall asleep, and the defendant would put  
9 fans in front of their faces and occasionally walk by and  
10 squirt them in the face with the water. You've got pictures of  
11 that.

12           They said that sometimes they slept on boards, and  
13 sometimes they slept on cots; you've got pictures of that.  
14 They told you that there were cameras all over the house, and  
15 they felt like they were being watched. There's the cameras.

16           Anastasia told you about the burn; there's the  
17 pictures of the scars.

18           They told you that as a punishment when Janet really  
19 wanted to take something away from them that they loved, they  
20 would get haircuts. And there are tons of pictures in those  
21 e-mails about haircuts and Janet sending e-mails saying stuff  
22 like get your scissors to Dwight, or I finally did it, or check  
23 out this boy cut. It's all there. Everything those kids are  
24 saying.

25           The cold showers. Now, obviously there's not a

1 picture of the cold shower because that would be odd, but you  
2 have the Stark girls talking about it. You have Areahia Diaz  
3 talking about it, and you even have Danielle Hinton talking  
4 about it.

5           The catheters. You have e-mails about the catheters  
6 with the date. You have six; six were bought. Defense wants  
7 to say well, I mean, what if, you know, they were just -- they  
8 were just going to scare them. If -- why would you buy six, if  
9 you're just -- you only need one to scare somebody, so why are  
10 you buying six? But then five days later you have a catheter  
11 filled with urine.

12           And this obsession with toileting that the girls talk  
13 about. Go through the e-mails you will see picture after  
14 picture after picture with this obsession with toileting.

15           And then Danielle -- Danielle, let's talk about her  
16 credibility. Let's talk about her behavior on the stand. In  
17 her statement to police she was very detailed, very, very  
18 detailed about the things that she saw, the things that she  
19 heard. And then she takes an agreement to testify, and  
20 somewhere along with taking that agreement and walking through  
21 those doors she seemed to forget pretty much everything, and  
22 that was convenient for Danielle, and that was convenient for  
23 her mom.

24           And then she tries to pull the I took a Xanax.  
25 That's the best Danielle Hinton got she took a Xanax and she

1 can't remember. Well, good thing that that statement was  
2 recorded. And I know it was painful to have to go over that  
3 for hours and hours and hours. But you heard every single  
4 thing that she told police, and she corroborated it all, the  
5 buckets, the blended food, the showers, the boards, the  
6 catheters, it's all there.

7 That's why corroboration is something you can look at  
8 because you can take the girls word for if you want, but if  
9 that's not enough for some of you, look at what they said and  
10 look at all of this evidence and you will see that it is all  
11 there.

12 Another jury instruction that you have is that you  
13 are here to determine the innocence and guilt or guilt, excuse  
14 me, of the defendant Janet Solander. You are not here to  
15 determine the guilt or innocence of anybody else. And so there  
16 are probably questions out there, and there are probably people  
17 wondering, well, what about Dwight Solander? Those are  
18 different questions for a different day. What we're here to  
19 talk about is the actions of Janet Solander and the actions of  
20 Janet Solander alone.

21 So the question really becomes is -- the defense  
22 would have you believe that she had to do this. She had to do  
23 the things that she did because number one, these kids were so  
24 out of control, and number two, because they were just -- they  
25 were sick. They had these gastrointestinal issues. There's

1 stuff going on.

2           One of the things that the State never has to prove  
3 is motive, okay. The State never has to prove it in any type  
4 of case even with murder cases, motive, but it is something  
5 that can be considered by you, and it's defined as, Motive is  
6 not an element of the crime charged, and the State is not  
7 required to prove a motive on the part of the defendant in  
8 order to convict; however, you may consider evidence of motive  
9 or lack of motive as circumstance in this case.

10           So the State would ask you to ask a few questions.  
11 If Janet had good intentions, if she was this advocate that the  
12 defense keeps wanting her to be this advocate, she was the only  
13 one that cared, guys. She was the only one that was fighting  
14 for those kids. If that is true, then ask yourself some of the  
15 following questions.

16           Number 1, why does she continuously represent to  
17 multiple people, CPS, therapists, doctors that she is a nurse;  
18 why would someone do that? The State would submit because  
19 people will take you more seriously. If you are talking to CPS  
20 and you're saying, hey, I'm a nurse, and this is what's going  
21 on, and these are the diseases these kids have, people are  
22 going to take you more seriously.

23           Why does she repeatedly lie to the doctors about  
24 actually what's going on in the home in regards to the health  
25 of the children? And that's -- we asked each of the girls,

1 when you went to the doctor with Janet would she be honest  
2 about what was going on? And what did the girls say? No, she  
3 would say we were getting all this sleep. She would say we are  
4 eating normal food. She would make it seem like we were living  
5 this normal life. But if you really wanted to get help for  
6 those girls, then why would you not give the doctor a complete  
7 history of what's going on? 'Cause what if those doctors --  
8 they need to know what's going on. They can't fix the problem  
9 if there is a problem unless they know what is being done at  
10 the home.

11           Why are the adopted children made to hide when others  
12 come to the home? How many witnesses came in here and said  
13 they had never seen the Solander girls? How many CPS workers,  
14 some of which we're going every single month and they had never  
15 seen those girls. And the girls told you when people would be  
16 there we would be told to go upstairs and hide in the bathroom  
17 or hide in the spare bedroom.

18           If her intentions were good and she had nothing to  
19 hide, then why when CPS came and took the Diaz-Burnett  
20 children, why would she not tell them where those girls were?  
21 Hey, yeah, if you want to talk to my adopted kids here they  
22 are; go talk to them. Why would she not tell them where they  
23 were? Yvette Gonzalez even told her, look, if you don't tell  
24 me, I'm going to have to do a missing persons' report. Do what  
25 you gotta do.

1           And then lastly, when Metro goes to execute that  
2 search warrant, the Solanders are on notice for about three  
3 weeks that they're being investigated by CPS. And when Metro  
4 goes to execute that search warrant, that house is completely  
5 packed up and those cameras are completely disassembled and  
6 you'll have the pictures. There were no computers in the  
7 house. There were no hard drives. There was no way for  
8 anybody to find any of that footage that was on those cameras.  
9 Why was that?

10           MS. MCAMIS: Judge, assumes facts not in evidence.

11           MS. BLUTH: No, that came in evidence in the search  
12 warrant that they --

13           THE COURT: That's overruled.

14           MS. BLUTH: Thank you.

15           If good intentions, if what you wanted was for the  
16 best of these kids, why get rid of or threaten people who are  
17 truly advocating for these children? And I want you to look at  
18 this list. Gail Anderson, Janet told her that she felt she was  
19 getting too close to the children, gone. Lori Wells, how many  
20 times did she try to turn Janet in? I think we had it up to 16  
21 times she had contacted CPS, letters, phone calls, e-mails,  
22 gone.

23           Debbie McClain, she kept calling Janet or excuse me,  
24 Janet kept calling her and asking, like, hey, they've got this  
25 issue, they've got this issue and every time Debbie said she



1 was like, I'm sorry I don't have any of those issues with those  
2 kids. She writes an e-mail; I think she said it was in  
3 December of 2012, never hears -- never hears from Janet again.  
4 Heather Richardson, she's the one who turned them into CPS, her  
5 boss got written. Jan Finnegan, they tried to actually sue her  
6 for making a report to CPS.

7 And then the doctors, you heard testimony from  
8 multiple doctors, I told them to come in and, you know, run  
9 tests or try this and then come back, and then there was no  
10 follow-up. Then doctors had no -- there was no follow-up for  
11 them to compare. If you were advocating for these children,  
12 why are the other advocates who are fighting for those children  
13 disappearing in thin air? Why are you calling the ombudsman  
14 every time CPS doesn't do what you want? 'Cause you're not  
15 advocating for those kids; you're abusing them.

16 So we talked about motive and like I said, A, you  
17 don't -- you don't even have to consider motive, but for some  
18 of you who like to understand why, why do people do what people  
19 do. There are several reasons that one might come up with.  
20 The State would submit that perhaps there was a financial  
21 motive, And Janet writes the e-mail, I don't like living this  
22 way when every time I go somewhere it's a financial struggle.  
23 I hate depending on this foster care money because it makes me  
24 feel as if I am on welfare.

25 You also have Lori Wells and Gail Anderson both

1 discussed the fact that Janet and Dwight talked to them about  
2 getting more money and making sure it was documented in CPS  
3 records about these children's special needs. And I read into  
4 the record an e-mail that Dwight wrote Gail Anderson that said,  
5 We are requesting additional payment be applied ASAP as we have  
6 been caring for these children with both emotional, behavioral,  
7 medical, and psychological disorders for four months and feel  
8 we are entitled to receive it. So perhaps it's financial.

9 Or is it for sympathy? You have someone who's  
10 continuously taking these children to doctors even though tests  
11 are coming up negative, but they're still -- she's still taking  
12 them back, taking them to new doctors when the diagnosis she  
13 wants isn't given.

14 And then there's continuous representations to others  
15 that they have diseases well after the diseases have already  
16 been ruled out. Is it for sympathy? Does she want people to  
17 get attention for what she says these children have? Or is it  
18 about control? Think about it, the gates, the alarms, the  
19 timers, the withholding the food and water, the toileting, the  
20 limiting of toilet paper, taking them out of school to  
21 homeschool them. When she doesn't get what she wants, she  
22 changes the plan. Is it about control?

23 But unfortunately most of the time child abuse  
24 doesn't make sense, right. Everybody wants to know why would  
25 someone abuse a child? Why would they do that?

1           And Ms. McAmis said that to you multiple times.  
2   What would be Janet's motive? Why would she do some of those  
3   things? You're probably not going to find an answer because  
4   often the time people abuse just to abuse and it's mean. It's  
5   like taking a picture of Anastasia and then sending an e-mail  
6   that says, I just let three foster kids see Anastasia with her  
7   pants down. Or an e-mail that says from Dwight to Janet,  
8   She's going to hate life tonight. Have her start crawling with  
9   Ava.

10           Sometimes it's just to humiliate and sometimes it's  
11   just to hurt. Sometimes it's just to cause pain. Like the  
12   pictures that you have seen that corroborate what the girls  
13   told you about happened them. It doesn't always make sense.

14           You know, the defense wants to say for instance,  
15   like, the boot. They were talking about the kids said, you  
16   know, she would wear boots; that's actually not what she said.  
17   The child that talked about it was Amaya, and Amaya said  
18   sometimes when she was going to kick us around she would put on  
19   these black boots and she would use those. She didn't say, oh,  
20   she'd wear them all day, and she'd be doing the kitchen work  
21   and the vacuuming and all that. No, sometimes when she'd want  
22   to kick us around she had these special black boots that she  
23   would put on.

24           And the defense says these kids like to exaggerate, I  
25   mean, think of the things they've come up with. Let's pretend

1 for a second that we didn't have the e-mail or we didn't have  
2 the e-mail about have her start crawling with Ava. It would be  
3 kind of hard to believe that an adult would put 8-, 9-,  
4 10-year-olds in cloth diapers, right, and have them crawling  
5 around and acting like babies. And maybe you'd think, I don't  
6 know, guys, that's kinda out there or, yeah, they had 'em  
7 sitting half naked on buckets all day, okay. There's proof.  
8 There's an e-mail that says, have her get on the floor and  
9 start crawling with Ava. It's not stuff that you would think  
10 about yourself, but unfortunately it's reality and you have the  
11 proof. You don't have to take the kids' word for it because  
12 you have the evidence

13           The defense says -- talked a lot about this picture  
14 and what's worse than the defendant doing this to Anastasia  
15 Solander is the defendant doing this to Anastasia Solander and  
16 then pretending it was Ava. Ava McClain had nothing to do with  
17 those marks on that little girl, absolutely nothing. Janet  
18 Solander takes that on the chin every day of the week. She had  
19 that little girl under the sink and filled that candle top and  
20 burned her.

21           I want to clear up a couple of instructions in  
22 regards to the child abuse because child abuse you would think  
23 that it's kind of an easy instruction, but it's not. So the  
24 physical abuse that one's easy, right, like, that's what when  
25 we think of child abuse that's what we think of, we think of

1 kids being beaten or burned or kicked or things like that;  
2 that's the physical abuse. So that's when we talk about the  
3 stick injuries, the eye, the burn, okay.

4 The negligent treatment or maltreatment, that one  
5 gets a little bit more tricky. And whenever you guys get lost  
6 or you feel like you don't understand something, go back to the  
7 jury instructions. That's what they're there for, and they  
8 will guide you through it.

9 But one thing I want to point out about negligent  
10 treatment or maltreatment is it doesn't have to just be about  
11 mental suffering. So let me give you an example. It says if  
12 you cause a child to be placed in a situation where she might  
13 have suffered unjustifiable physical pain or mental suffering,  
14 you can be found guilty of child abuse, okay. So if you cause  
15 mental suffering you can be guilty of child abuse.

16 But also if you put a child in a position where they  
17 could have suffered unjustifiable physical pain, for instance,  
18 kicking a kid down the stairs. The kid doesn't actually have  
19 to have an injury or actually talk about pain. The fact that  
20 you kicked that child down the stairs, you put that child in a  
21 position where they could have suffered physical pain. That's  
22 where negligent treatment or maltreatment comes in to play.

23 It can be either mental suffering like some of the  
24 things we talked about with, you know, the sitting on the  
25 buckets, the cold showers, those types of things, but also if

1 you place a child in a situation where they could have been  
2 hurt. For instance, taking soiled underwear that has pee or  
3 poop in it and putting it in the child's mouth; that is placing  
4 the child in a situation where they could be injured, obviously  
5 you can't put pee or poop in your mouth.

6 So I want to be real clear. Look at the definitions  
7 when you're talking about negligent treatment or maltreatment  
8 because the defense wants to say, well, yeah, you might not  
9 like the fact that they slept on boards, and you might not like  
10 the fact that they took cold showers, but is that abusive?  
11 It's absolutely abusive. When you subject the children day in  
12 and day out to that behavior it is abusive.

13 If there was a situation where a child peed the bed  
14 and the parents didn't have -- they didn't have -- they  
15 couldn't clean the sheets for whatever reason that night, and  
16 so they laid out a board, and they gave the child a pillow and  
17 sheets, that's not abusive, okay. That's not abusive and the  
18 State isn't charging them that, but when it's every day with  
19 know pajamas and fans blowing on them, that's when it becomes  
20 abusive. So the State would ask you to look at each charge and  
21 look at the definition of negligent treatment or maltreatment.

22 Medical -- or excuse me, common sense, and I'm not  
23 going to read you the instruction because I think both  
24 Mr. Hamner and Ms. McAmis talked about common sense, but I'd  
25 ask you to use your common sense when thinking about this idea

1 of medical necessity, that she had to do some of these things  
2 because it was medically necessary. She was the only one  
3 advocating for these kids.

4 The defense position is that Janet was a concerned,  
5 caring parent, and she had to do these things because she had  
6 to make sure she found out what was going on with these kids.

7 Look at the procedures these kids had before they  
8 were, like, 9 or 10 years old, multiple colonoscopies and  
9 endoscopies, biopsies, MRIs, CT scans. There was one where  
10 swallowed a pill that had a camera in it that worked down the  
11 system, a barium enema and then multiple emergency room visits  
12 with enemas.

13 If she was concerned, again she didn't give an  
14 accurate account of what was going on to the doctors, but more  
15 importantly she didn't follow the doctor's orders. You heard,  
16 hey, these kids they need to put on some weight. Get them some  
17 PediaSure. And what did Ava say about that. She did it for a  
18 little while and wouldn't even give me the full thing. She'd  
19 give me about and then she pointed to a Dixie cup and pointed  
20 to, like, an inch.

21 She subjected to children to constant testing from  
22 different doctors even after Dr. A says, yeah, I'm ruling that  
23 out, she goes and sees Dr. B. and starts it over. When doctors  
24 didn't watch -- do what she wanted, she moved on to the next  
25 doctor, but the defendant was the problem.

1           And the defense, you know, they can point out well,  
2 look at all these -- (unintelligible) Dr. Cetl how many medical  
3 records did you review, oh, so many. And the inference you're  
4 supposed to get is, well, obviously there was something wrong  
5 with these kids if the doctors were seeing them and testing  
6 them. Of course doctors are going to keep testing. They  
7 believe that their mother is a nurse, and the mother is saying  
8 my child is not getting better; please help me. What you're  
9 doing isn't fixing my child. Of course, they're going to keep  
10 running tests. They're not getting any answers. Doctors don't  
11 stop until they have the answers because if you stop and the  
12 kid isn't healed, what happens? So of course there's that many  
13 doctors. Of course there's that many records.

14           But you know that the defendant was the problem. She  
15 was the problem with the toileting issues. She was the problem  
16 that caused the G.I. issues. And you even heard testimony  
17 about the seizure.

18           So before I get there I want to talk about the  
19 toileting issues. You heard about this constant cycle that  
20 these kids were on, right. They didn't know if they could ask,  
21 and when they did ask they got in trouble. They got hit, but  
22 then if they didn't ask because they were too scared to ask, it  
23 was just this cycle; they were, like, on a hamster wheel, and  
24 it was never going to stop.

25           And what did the doctor say, if you were made to



1 withhold your bowel or your urine for long periods of time,  
2 what can happen to you --

3 MS. MCAMIS: Objection. Medical certainty exception.

4 MS. BLUTH: What exception?

5 THE COURT: I'm sorry?

6 MR. FIGLER: Medical certainty.

7 MS. MCAMIS: Medical certainty.

8 THE COURT: Okay. Oh -- approach.

9 (Conference at the bench not recorded)

10 THE COURT: You can continue your argument --

11 MS. BLUTH: Thank you.

12 THE COURT: -- and the Court would just remind the  
13 ladies and gentlemen of the jury that these potential causes  
14 were not testified to to a reasonable degree of medical  
15 probability or medical certainty. Meaning the doctor did not  
16 pick one particular cause and attribute that to the seizure in  
17 this particular case to the standard that's required for  
18 medical testimony.

19 MS. BLUTH: Thank you, Judge.

20 THE COURT: All right. Go on.

21 MS. BLUTH: So in regards to the toileting issues  
22 with the doctors. Multiple doctors discussed the fact that if  
23 you hold your urine and you hold your poop for a really long  
24 time, that can cause you to become constipated; that can cause  
25 you to have all sorts of gastrointestinal issues.

1           You also heard from Dr. Cetl that when Amaya was  
2 brought into the hospital for her seizure, her body temperature  
3 was 90 degrees which is hypothermic. And she talked about some  
4 of the causes that can cause a child to have a 90-degree body  
5 temperature and go into a seizure. And like Judge said, she  
6 can't opine to any degree of medical certainty, but if someone  
7 was in the shower, in a cold shower with dumping ice on them  
8 and their body temperature got low enough that that can cause a  
9 seizure.

10           Janet, even after everything has been ruled out in  
11 her book she says the following: All three girls have a  
12 genetic intestinal condition. Since the incident with the  
13 school nurse, two of them have had colonoscopies at 8 and 9  
14 years of age. Our oldest has to date had two colonoscopies and  
15 endoscopies combined; she also was diagnosed with Crohn's  
16 disease.

17           Our second oldest has an abnormality in her colon  
18 that was detected during the colonoscopy, and she was recently  
19 diagnosed with thyroid disease to add to her other medical  
20 conditions.

21           Our youngest has exhibited symptoms of diabetes and  
22 like our middle child is currently under the care of a  
23 pediatric endocrinologist.

24           All three children are also under the care of a  
25 pediatric gastroenterologist and are on a very strict diet.

1 Two of our children are currently under the care of a pediatric  
2 endocrinologist and will continue to see a specialist for the  
3 rest of their lives.

4 In her book in black and white, you don't have to ask  
5 somebody oh, hey, what did she say to you, it's in her own book  
6 where she wrote it, and she is still saying that these kids  
7 have the diseases that they have.

8 You have to think about environment. What happens  
9 when you take those kids out of their environment, out of Janet  
10 Solander? Poof, they're cured. They're not sick. They don't  
11 have toileting issues, Crohn's disease. You take away Janet  
12 Solander and you take away the problem.

13 I want to be very clear about something in regards to  
14 what's referred to as other matter evidence. Okay, this is  
15 very important. What this instruction says is, Evidence that  
16 the defendant committed offenses other than that for which she  
17 is on trial if believed was not received and may not be  
18 considered by you to prove that she is a person of bad  
19 character, or to prove that she has a disposition to commit  
20 crimes. Such evidence was received and may be considered by  
21 you only for the limited purpose of proving the defendant's  
22 motive, her intent, her common scheme or plan, her knowledge or  
23 her absence of mistake or accident.

24 And what that means is you can't consider the  
25 evidence we presented to you about the Diaz-Burnett children or

1 about the Stark children and say well, she did it to them so  
2 she did it to the Solanders, or she did this and she's a bad  
3 person. So she's a bad person with the Solanders too.  
4 Absolutely not. The law is very, very clear when it comes to  
5 that. You can only look at that information to show the  
6 defendant's motives, why she would do something, her intent,  
7 her common scheme or plan, her knowledge and her absence of  
8 mistake or accident.

9           And I'm going to show you how that's applied. So the  
10 food issue, right. You heard testimony about in just regard to  
11 the Solander girls. They went -- the Solanders went to school  
12 with Amaya, Ava, and Anastasia and sat with them at lunchtime  
13 to make sure they were eating their food, but then they had to  
14 homeschool them because they were eating out of the garbage and  
15 stealing food. Where did you hear things like that? They also  
16 said that they needed to time them while they ate; where have  
17 you also heard these things?

18           Autumn Stark talked about Janet made me sit by myself  
19 at lunch. I had to be moved from the other children because  
20 she said I was stealing other kids' food.

21           Areahia Diaz, yeah, I had to eat with the school  
22 nurse because Janet said I was stealing kids' food, and I was  
23 eating out of the garbage. That's that common scheme or plan.  
24 It's a same type of behavior, same act different kid. Same act  
25 different kid.

1           The toileting issues, the Solander girls, she has to  
2 check their underwear. She has to have them sit on buckets.  
3 She has to limit their toilet paper. These kids are soiling  
4 their pants daily. What did you hear from Autumn and Ivy  
5 Stark? What did you hear from Areahia about her and her  
6 siblings? Everybody's all timed going to the bathroom. Every  
7 day they're soiling their pants.

8           And Janet even says when someone talks to her about,  
9 okay, why all of a sudden are the Diaz-Burnett kids having  
10 issues? They all have issues. My adopted kids are sitting on  
11 pots for 10 hours a day. These kids they all have issues.  
12 Look at the common scheme or plan with every kid that comes  
13 into that house.

14           And then the illnesses. Solander girls they've got  
15 Crohn's, twisted colon, autism, diabetes, gastrointestinal  
16 issues, Von Willebrand's disease. Okay. First I want to talk  
17 to about the Von Willebrand's. That was not something -- and  
18 I'd asked you to refer to your notes because Ms. McAmis and I  
19 don't agree on what the evidence was, so you need to look at  
20 your notes.

21           The State submits that it was Janet's idea to start  
22 testing for Von Willebrand's because A, Janet has Von  
23 Willebrand and B, one of her biological daughters has Von  
24 Willebrand. So it seems more in line that Janet would ask the  
25 doctor to check for Von Willebrand, but, but if Janet really

1 believed that one of those little girls had a bleeding  
2 disorder, would she really be beating the hell out of them with  
3 a paint stick? I mean, that might cause you concern to beat  
4 the heck out of a kid with a paint stick who has an actual  
5 bleeding disorder.

6 But look at what she said about the Diaz-Burnett  
7 children and Autumn and Ivy Stark. Areahia Diaz, diabetes. I  
8 think she said Novaleih was autistic. Autumn, lactose  
9 intolerant. She had Ivy Stark tested for HIV; she was four  
10 years old and she had her tested for HIV. It is the same thing  
11 different kid, and that's why you were presented it.

12 The defense wants to say we spent three weeks  
13 listening to all this stuff not even about the Solander kids.  
14 Why? Because it paints the full picture. It paints the full  
15 picture. It doesn't matter what kid it is. They come in one  
16 way, and they leave with a whole bunch of diseases nobody knew  
17 that they had.

18 The use of control that I've been talking about, the  
19 gates, the cameras, the exclusion from siblings. The Solander  
20 girls weren't allowed to speak to each other. What was  
21 happening to Areahia when she got home? She wasn't allowed to  
22 pick up her sister -- her brothers and sisters. She had to sit  
23 and finish her homework. Don't talk about what's going on the  
24 home; you heard that from multiple kids.

25 And then in the e-mails, you can see the e-mails is

1 the same conduct that's going on. You'll see this e-mail is  
2 attached, and it says Autumn or something like look at Autumn  
3 from Janet to Dwight. And then there's one about Kaeshia, and  
4 it shows Kaeshia's bed and then it shows pictures of Kaeshia.

5 So again you don't even have to trust the Solander  
6 girls. You don't have to trust the Diaz-Burnett or Areahia  
7 Diaz. You don't have to trust the Stark girls. Look at the  
8 e-mails; you'll see it's all there.

9 Okay, you guys we're almost done I promise.

10 At the end of the day when you look at all three of  
11 those siblings, you can look at them individually and you can  
12 look at them altogether, but there is only one common  
13 denominator and that's the woman that sits in this room, she's  
14 it. She's the big bow on a nasty package. She is the common  
15 denominator to what is happening in that house and what's  
16 happening to those kids, and it's not pretty, but it's criminal  
17 and it's a reality.

18 All right. Let's talk about CPS. Okay. Well, the  
19 defense would have you believe that all of this, all of this is  
20 about this book. That everybody in CPS knew about this book  
21 and that they were so mad about this book that they -- they  
22 wanted to get Janet. They were going to get Janet, man. They  
23 were going to make her pay.

24 Okay, there's a few issues with that. Number 1,  
25 nobody cares about the book, hardly anybody even read the book.

1           And number 2, the thought that those people who  
2 testified could come up with a conspiracy and actively make it  
3 work, the brain trust that you saw come here and testify is  
4 laughable. Those individuals could come up with a conspiracy?  
5 First of all if they had a conspiracy where they wanted to get  
6 her, oh, my gosh they had every opportunity to get her. They  
7 had, like, seven open investigations to get her; they didn't  
8 take one of them. They did not take one of them. If they  
9 wanted to get her, oh my gosh, did they have every opportunity.

10           Let's talk about what they did or maybe let's talk  
11 about what they didn't do. They really did no investigation at  
12 all. Honestly, it's embarrassing. It's pitiful. When you go  
13 back, look at your notes and think about who is reporting this.

14           One of their own people is calling the hotline and  
15 reporting it. I'm really worried, the therapist, the BST  
16 workers, people at La Petite these are actual business -- this  
17 isn't Joe Schmo on the side of the street that sees something  
18 from his car. These are people that work with these kids every  
19 day that are in the home, but nah, hey, why listen to them.

20           They interview the children in an environment where  
21 they're not safe. So well, I talked to the kids. Oh, yeah,  
22 you talked to Amaya, Ava, Anastasia. What did Nona Ocloo say  
23 about that? First I said, tell me about what kids, you know --  
24 because Ms. McAmis said well, you're kind of trained to tell  
25 whether or not kids are telling the truth, right, and Nona



1 said, yeah, yeah, we're trained in that. So I said, okay,  
2 Nona, tell me about -- tell me about what you're trained to do.  
3 Well, I look at their body language, and if they're shy or if  
4 they don't really want to talk or if they're reserved, then I  
5 can tell that they're scared. Oh, really, like, the exact way  
6 you explained the Solander girls? Well, yeah, they were  
7 reserved.

8           And what about the one when you went upstairs who was  
9 cleaning the bathroom because she had an accident? Oh, she  
10 couldn't talk. She just looked at me with her eyes wide open  
11 and just stared, but Janet told me she had mental issues. So  
12 really, I mean, this is the level of investigation where we're  
13 supposed to protect kids.

14           And then they just take Janet and Dwight's word for  
15 it. I mean, these kids, psychological issues and mental  
16 issues. They're going to a boarding school. One of them pulls  
17 their hair out. No, take their word for it just like they took  
18 their word for that Janet was a nurse.

19           And then did not look up CPS history at all, and they  
20 even admitted to it. One of them even said why would I do  
21 that, the manager, Laura Hammack the supervising manager said,  
22 that's actually irrelevant. Oh, that's irrelevant? Well, too  
23 bad the director of CPS now the assistant director came in and  
24 said it's policy. You might want to check your policy Laura  
25 'cause it's clearly relevant.

1           And the defendant admits to almost everything. She  
2 admits, except the catheter. She talks about the sleeping on  
3 the boards. She talks about -- or excuse me not the boards.  
4 She talks about the buckets. She talks about the blending of  
5 the food. She talks about hitting them with paint sticks. And  
6 there's no follow-up, like, okay, well, are there marks, how  
7 hard are you hitting them.

8           This is how bad it is. Gail Anderson didn't see this  
9 bucket; she didn't see the bucket. If you remember, I asked  
10 her you took this photo, right, you and the person there. She  
11 took this photo; she didn't remember that there was seeing a  
12 bucket, and then when she looked at the photo she didn't see  
13 that there was a bucket in the photo. That's the person who's  
14 going to make up this conspiracy to get Janet.

15           These were all the ways that they had to get her. A  
16 lot of chances to get good old Janet. A lot of chances for  
17 that conspiracy to go into effect. And yet time in and time  
18 out they left those kids in there unsubstantiated and brought  
19 new kids in, and closed it out with language like this, no  
20 safety concerns noted. The children have significant medical  
21 and mental health problems. All three girls are on special  
22 diets due to ongoing medical concerns.

23           Janet abused these kids and CPS failed them, and  
24 she does not get a pass because they can't do their job. The  
25 defense wants you to say, well, CPS knew what was going on so,

1 I mean, she can just rely on what they say. Number 1, she  
2 wasn't getting the full story. She wasn't -- she was telling  
3 them these are the issues these kids have and so Crystal Rosas  
4 is, like, oh, okay, well, yeah, I guess those kids are pretty  
5 sick, whew, she's got it rough. Don't give her a pass because  
6 CPS can't do their job.

7 Janet herself in her book talks about CPS, and this  
8 is what she has to say: When family service specialists are  
9 not able to effectively oversee their caseload, shortcuts are  
10 taken to try to satisfy reporting requirements. This results  
11 in short and ineffective visits and in some cases no visits at  
12 all. That is how these homes where abuse takes place are  
13 slipping through the cracks. The workers are so overwhelmed  
14 that they have to give attention to the cases that are glaring  
15 and put the cases that appear to have no issues in the back  
16 burner.

17 Couldn't have said it myself. Those are her words in  
18 her book about the job that CPS doesn't do, and how kids and  
19 cases fall through the cracks. Like the seven times they fell  
20 through the cracks in this case.

21 She even goes specifically into her home. The most  
22 recent monthly home visit from our foster children's caseworker  
23 was so rushed she only saw the three older children and never  
24 asked to see the baby who was sleeping soundly in one of our  
25 upstairs rooms. If something had happened to that baby who is

1 sleeping soundly in one of our upstairs rooms, excuse me -- the  
2 caseworker would have never figured out until the next monthly  
3 visit because at that time visits with family members had been  
4 temporarily suspended. This is a tragic scenario that is  
5 disturbing to say the least.

6           There's also a little quick bit about -- about the  
7 author. Janet Solander is a mother of four biological  
8 daughters and three adopted young daughters. She works in the  
9 medical field as a registered nurse and holds two degrees  
10 including a Bachelor's degree in nursing and a Bachelor's  
11 degree in healthcare administration. Apparently publishing  
12 companies don't check things either.

13           She is literally a stranger to the truth. This is in  
14 black and white in her book about the author where she talks --  
15 it's not, you know, Ms. McAmis said, well, I mean, she -- I  
16 don't know she said she stretched the truth or maybe she  
17 exaggerated. No. No. That's called a lie. Not only did she  
18 lie that she was a nurse she went as far as to talk about the  
19 degrees she holds.

20           The last thing I want to talk about is consistency,  
21 the last C. We talked about credibility. We talked about  
22 corroboration. And now I want to talk about consistency. If  
23 you think about the amount of times these girls have had to  
24 tell what's going on, right, they had to tell Florida. Then  
25 they had to come and do an interview with CPS. Then they had

1 to testify at the preliminary hearing. Then they had to come  
2 here, and at two of those four events they were cross-examined  
3 by skilled defense attorneys that go over every single word.  
4 And if you look at the testimony and if you look at your notes,  
5 I'd ask you to look at whether or not they were consistent.

6 One thing the defense wants to discuss is this fact  
7 about the sexual assault and how they didn't talk about that  
8 until they came to Nevada. I want you to think of in a child's  
9 mind what's abusive in nature. Tell us about all the things,  
10 oh, we never got to eat; we got hit with sticks; she made us  
11 have cold showers.

12 Does a child understand the abusive nature of a  
13 catheter? Is that something that a child would say oh, and  
14 then she -- she had the catheter. You have to think of things  
15 the State would ask you or submit to you to think of things in  
16 regards to how a child thinks in regards to everyday  
17 terminology like a sexual assault.

18 When people hear the term sexual assault, they  
19 usually think of, you know, like a female walking home and  
20 she's pulled into a dark alley, and she's sexually assaulted;  
21 she's raped in the alley, but that is not what the law says.  
22 Read the instruction of the sexual assault. There doesn't have  
23 to be this sexual intent, I'm going to, you know, rape  
24 somebody. That's not what the law requires.

25 Also, common understanding of vagina. The State

1 would ask you if you ask 10 girls under 10, you know, what do  
2 you call your private, most of them would think that the whole  
3 thing was their vagina, right. They don't think that just the  
4 little hole is. So the State would ask you to consider that.

5 And also the common understanding of penetration.  
6 Before you got here and you thought of the term sexual assault,  
7 maybe you thought legally penetration meant it had to go in the  
8 actual vaginal hole, but now that you see the law, and you'll  
9 have the instructions, you can see what the law really means.

10 And the girls talked about the catheters being in two  
11 different spots. I believe that Anastasia talked about it  
12 being in the urethral opening, and if you remember, you might  
13 have in your notes, she tried to define it and she said  
14 ur-rith-ah-rel, you know. And then the other girls pointed I  
15 believe -- check your notes not mine, but one girl, I think it  
16 was Amaya, pointed in this upper area and then Ava pointed into  
17 the hole.

18 Do children know -- it's not like they're watching,  
19 their head isn't down there figuring out which hole it's in,  
20 right? They're just going off of what they feel. And so maybe  
21 the tube goes where the tube goes, and that's where they think  
22 that it goes.

23 The point is that a sexual assault is committed when  
24 the object whether it be a finger, a penis, a catheter, when it  
25 goes beyond the labia majora, the big lips, it's done. It's a

1 sex assault, and it doesn't have to be for the purpose of any  
2 type of sexual gratification.

3           There's been some things about the use of a razor  
4 or holding the girls down and how the -- how could this be done  
5 in two different, you know, with one person doing two different  
6 things. The State would ask you to check your notes. There  
7 was testimony that a razor was used to threaten, but there was  
8 never testimony -- the State submits that there was never  
9 testimony that she's threatening with a razor at the same time  
10 as putting the catheter in. The girls talked about she  
11 threatened them, hey, if you move I'm going to cut your private  
12 out, but there was never any testimony about she's got one hand  
13 with a razor and one hand with the catheter. So look at your  
14 notes; your notes are the best way to decipher.

15           The defense first told you that the kids are lying;  
16 it didn't happen. The catheters did not happen. They just  
17 exaggerated. Remember they stated that the photo was just  
18 probably -- could be a stock photo, a Google image. But then  
19 there was, but if it did happen, it was medically necessary.  
20 So on one hand, oh, it didn't happen those kids are liars, but  
21 if it did happen --

22           MS. MCAMIS: Objection. Denigrating the defense.

23           MS. BLUTH: No.

24           THE COURT: Well, I don't think it's denigrating.

25           MS. BLUTH: -- can't ride two horses. It was never

1 medically necessary. Don't just focus on what the doctors told  
2 her or didn't tell her, but focus on what she didn't tell the  
3 doctor. She never told those doctors she was putting a  
4 catheter in those kids. Why didn't she tell? The same reason  
5 she didn't tell them about the burn. It's because the doctor  
6 would have been, like, say what? No, she didn't tell those  
7 doctors about the catheter because she knew she wasn't supposed  
8 to be doing that.

9           The defense asked you to consider well, we don't know  
10 what that is. It could have been a stock Google photo, but it  
11 is the same as Mr. Hammer pointed out, it is the same make of  
12 the Bard that you saw in the e-mail. So what you're left to  
13 think is, I mean, is Janet doing it to herself, are her and  
14 Dwight doing it to each other or are what the girls saying  
15 actually happened?

16           One thing the State would ask you to consider is what  
17 looks like all this dark colored hair around the bottom of the  
18 catheter and why all that hair would be there. Why would there  
19 be that much longhair at the bottom of the catheter? Could it  
20 be because the kid was fighting because they didn't want that  
21 stuck up them?

22           And then lastly the paint stick. Again, this is  
23 something that when you think of you're like no one would stick  
24 a paint stick up somebody, right, I mean, those are things that  
25 you just like you think no one would make kids crawl around act



1 like babies. No one would make kids put urine. It's not going  
2 to make sense. But think about the level of description that  
3 Anastasia gave you. She said, I remember where it was. I  
4 remember we were in Ava's old room, that I was half in the  
5 walk-in closet half out of it. She was really mad because I  
6 had an accident, and she stuck the paint stick in.

7           And what did she say about the paint stick? She did  
8 not say it went into the vaginal hole. She pointed and she  
9 again tried to pronounce it and she said labia meh-mayno-meh.  
10 So it's not like we have this, pardon me because it's kind of  
11 crass, but, like, this bloody stick that's being jammed up  
12 there. No, she put it in there, and she said it burned. The  
13 wood burned and it stung. So I'd ask you to think about the  
14 level of description that she gave you.

15           And she also talked about, hey, it happened to me a  
16 lot of times. I know that it happened to me, you know, once in  
17 the bedroom, twice in the bathroom, at least four times in the  
18 loft. You're asking a kid to remember how many times this  
19 happened to her when she said this was happening to her all of  
20 the time.

21           I started with this first paragraph: The easiest and  
22 most defiant way for a child to vent is by urinating or  
23 defecating in his or her pants on the bed or on another object.  
24 This is where the rage could start for foster parents. Rage  
25 can all too easily shift into abuse of the child. And I

1 stopped there, but if you continue reading, Janet says, This  
2 outcome can be prevented and the cycle can be broken.

3 When those little girls got adopted in January  
4 of 2011 that cycle could have been stopped. That cycle could  
5 have been prevented. She could have been a mom to them, but  
6 decisions were made and actions were taken and those decisions  
7 are hers. And people have to be held accountable for the  
8 decisions they make and actions they take. And Janet Solander  
9 has to be held accountable.

10 Those three little girls you now know argue a lot.  
11 And while normal teenage girls are arguing about, you stole my  
12 jeans, and you ate the last Nutri-Grain bar, and those are my  
13 shoes; what are they worrying about? What are they arguing  
14 about? Janet treated you better. Janet abused me more than  
15 she abused you. This was every single day of their life for  
16 years.

17 The State asks you to go back and take your time;  
18 read the instructions. Look at the photos, and most  
19 importantly look at the testimony of the girls, and find her  
20 accountable for what she did to them by finding her guilty of  
21 every single count.

22 And I thank you for everything that you've done so  
23 far.

24 THE COURT: All right. Thank you, Ms. Bluth.

25 The clerk will now swear the officer to take charge

1 of the jury.

2 (Officer sworn)

3 THE COURT: All right. Ladies and gentlemen, before  
4 I have you exit and follow the bailiff, as some of you may know  
5 there are 12 members of a criminal jury; there are 15 of you.  
6 Three of you are the alternates who were chosen somewhat at  
7 random. Those are Jurors No. 13, Ms. Cesena, Juror No. 14, Mr.  
8 Schumacher and Juror No. 15, Ms. Leishman.

9 The prohibition about speaking about the case and  
10 doing anything else relating to the case is still very much in  
11 effect for the three alternates because if God forbid before a  
12 verdict is reached in this case one or more of the regular  
13 jurors becomes ill or something like that, then you would be  
14 called in to deliberate with the jury. So the admonition is  
15 still in effect until you have been contacted by a member of my  
16 staff and told that the jury in this case has reached a  
17 verdict.

18 I must remind you that when you are excused for the  
19 evening you still need to be very mindful of the admonition.  
20 You are not to discuss the case with each other or with anyone  
21 else. You are not to discuss the case with one another until  
22 all 12 of you are back in the jury deliberation room together  
23 discussing the case together. So even if you're with another  
24 juror, you are not again to discuss the case unless all 12 of  
25 you are back in the jury deliberation room together.

1           Also obviously the prohibition about reading,  
2 watching, and listening to any reports or commentaries about  
3 the case or anyone or anything having anything to do the case  
4 is in effect. You're not to do any research on the Internet or  
5 any other medium and you are not to express any opinions on the  
6 case again unless you're in the jury deliberation room with one  
7 another.

8           I'd ask you all to collect your things and your  
9 notepads and follow Officer Hawks through the double door --  
10 the rear door.

11           To the three alternates, make sure a member of my  
12 staff has phone numbers where you can reached tomorrow. If God  
13 forbid somebody becomes ill tomorrow and, you know, the next  
14 day becomes ill, we need to be able to get a hold of you.

15           All right. Thank you. If you'd all please exit  
16 through the rear door.

17                           (Jury exiting 6:15 p.m.)

18           THE COURT: All right. Lawyers, they're not  
19 obviously going to have a verdict tonight. Leave phone numbers  
20 where we can reach you throughout the day tomorrow.

21           MR. HAMNER: Yes, Your Honor. Okay.

22           THE COURT: Like your cell phones or whatever.

23           And then in terms of the exhibits did you substitute  
24 out --

25           MS. BLUTH: I didn't, but I'll do that -- I'm sorry,

1 did you tell them 9:00?

2 THE COURT: No. Kenny will tell them in the back.

3 MS. BLUTH: Okay. So but, I mean, that's what you're  
4 telling them?

5 THE COURT: Right.

6 MS. BLUTH: Okay. So, yeah, I'll get it over here  
7 before 9:00. The --

8 THE CLERK: There's another one also that we need  
9 fixed.

10 THE COURT: We need the Wednesdays child one --

11 MR. HAMNER: Correct.

12 MS. BLUTH: Yes.

13 THE COURT: -- the sound taken out. And what was the  
14 other thing?

15 MS. BLUTH: It's just -- I just have to --

16 THE CLERK: Cover a photo.

17 MS. BLUTH: Yeah. So I'm just gonna go make a copy  
18 of it.

19 THE CLERK: Oh, gosh.

20 THE COURT: Okay. So that'll all be done before  
21 tomorrow?

22 MS. BLUTH: Yes.

23 THE COURT: And then, okay. Are you going to supply  
24 a laptop that --

25 MS. BLUTH: Yep.

1 THE COURT: Okay. So you'll have all that by  
2 tomorrow?

3 MS. BLUTH: I'll get a clean one. They're all gone  
4 but.

5 THE COURT: All right, then.

6 MR. HAMNER: Thank you.

7 MR. FIGLER: Update. The defense was in the middle  
8 of making objections to the Amended Information.

9 THE COURT: Oh, yes. Okay. Is this door shut?

10 THE CLERK: Yeah.

11 THE COURT: All right. The defense approached the  
12 bench when -- made an objection when Ms. Bluth came to the  
13 stand for her argument citing a case --

14 MR. FIGLER: I believe it was either Mel Harmon or  
15 Dan Seaton. It might have been Flanagan it might have been one  
16 of those other high profiles --

17 THE COURT: Okay.

18 MR. FIGLER: -- when the prosecutor steps out of  
19 their role as the advocate and steps into another role such as  
20 being in the witness stand that there is a certain veracity  
21 associated with that and bolstering the testimony that it's  
22 okay to comment, but not from the witness stand while  
23 gesturing. And so that was our objection was actually  
24 Ms. Bluth's physical presence in the witness stand and then  
25 after --

1 THE COURT: I said Ms. Bluth could, you know, she  
2 just wants to act out, you know, turning away from the jury  
3 that's fine, but she couldn't quote the testimony or recount  
4 the testimony from the witness stand because that might make it  
5 look like she was testifying and somehow -- somehow give the  
6 testimony more credibility. She did not say the subject matter  
7 of anything that was said when she was up here. She's turned  
8 away and so --

9 MS. BLUTH: Judge, for the record though I -- 'cause,  
10 you know, there's stuff that they can't see on the black and  
11 white. I also didn't act out I asked them to consider --

12 THE COURT: Right.

13 MS. BLUTH: -- her body language, how she reacted to  
14 certain questions, but I physically did not act it out.

15 THE COURT: Okay. I thought you turned away from  
16 them at one point, but you may not have. In any event, I don't  
17 think there was anything inappropriate with that. Off the top  
18 of my head I don't recall that case that Mr. Figler is  
19 referencing, but to me the idea would be if the DA is stating  
20 testimony from the witness stand it would look more like the DA  
21 him or herself is testifying. I thought that might be the  
22 issue. So in any event, the record is what it is.

23 Anything else?

24 MR. FIGLER: Yes, Your Honor, I was in the middle  
25 of -- yes, thank you, Your Honor, for making that record.

1           And then additionally with regard to the second  
2 Amended Information it was filed -- I believe I was stating it  
3 was filed after Ms. McAmis had given her -- her closing  
4 argument. We object to the filing of the second Amended  
5 Information, and we would ask for a mistrial based on it and  
6 here's why; the defense has -- when the first Amended  
7 Information was filed --

8           THE COURT: Didn't we already have argument on this?

9           MR. FIGLER: I guess, but I have to object I think to  
10 contemporaneous --

11           THE COURT: Yeah, I mean, the filing of it only  
12 occurred after Ms. McAmis's argument, but we all knew that they  
13 would be filing a second amended. And my understanding is  
14 Ms. Bluth had e-mailed that to my JEA so she could print it  
15 out, but there were -- a mistake or something in from the  
16 transmission --

17           MS. BLUTH: The pagination.

18           MR. HAMNER: Yeah.

19           MS. BLUTH: The pagination was off.

20           THE COURT: -- and so you had to have your  
21 secretary -- obviously my secretary doesn't work on that --

22           MR. FIGLER: Right. The objection that --

23           THE COURT: -- and typically we wouldn't even assist  
24 in printing it out frankly, but --

25           MR. FIGLER: Sure.



1 THE COURT: -- I think Ms. Bluth had to e-mail it or  
2 something back to her secretary or something like that. So  
3 that's why it was filed so late, but I think as of Friday we  
4 all clearly knew that she was going to be filing another  
5 amended to conform with what's set forth in Instruction No. 3.

6 MR. FIGLER: Which we also objected to --

7 THE COURT: Right.

8 MR. FIGLER: -- and just so the record is clear we  
9 also object upon the filing of the second Amended Information.  
10 The defense is prejudiced in that we were relying upon the  
11 first Amended Information. This is not just a ministerial  
12 change but actually adds in a new alternate liability to  
13 Ms. Solander, as the Court might recall, that the defense nor  
14 the State really provided any evidence or thereby the  
15 contradiction of that evidence or the challenge of evidence in  
16 regard to contemporaneous mental suffering of any of the  
17 children other than what's intuitive.

18 So there was no testimony, say, from Dr. Cetl would  
19 these children have suffered any sort of mental suffering at  
20 the time. There was no evidence of mental suffering. There  
21 was no other doctors or other documentation, and that was  
22 because the defense had a good faith belief that it would not  
23 be coming in that it was purely a pain theory of prosecution  
24 and that reasonably came from the first Amended Information. I  
25 could appreciate the State's argument --

1 THE COURT: I think that --

2 MR. FIGLER: -- that they wanted to do the other but  
3 they didn't, and we had every right to rely on the Information  
4 when we did our opening, when we did our cross-examination and  
5 quite frankly throughout the course.

6 THE COURT: Didn't we make this argument, I mean,  
7 didn't we have argument on this already?

8 MS. BLUTH: Yeah.

9 MR. HAMNER: Yes.

10 THE COURT: I would just note, I mean, I think in  
11 this case it is really intuitive in terms of what the mental  
12 suffering would be, and I think a lot of the point of this if  
13 you believe the e-mail traffic was to humiliate the girls. So  
14 if the point of it is humiliation, i.e., mental suffering, I  
15 think we can reasonably intuit that that was it without medical  
16 opinion.

17 And that just sort of also begs the question, what  
18 potential cross-examination could you have done on any of the  
19 physicians where it's likely a physician would have said, no,  
20 that wouldn't constitute mental suffering, you know. Having  
21 your pants pulled down in front of younger children who are  
22 laughing at you isn't mental suffering, or sitting on a bucket  
23 isn't mental suffering, or standing and drinking a blended  
24 drink when your foster siblings get to eat, you know, chicken  
25 nuggets in a Swanson dinner isn't mental suffering.

1           So I really don't know what cross-examination would  
2 have been likely to have been elicited on that, but as I said,  
3 I don't think -- I think there's enough to for anyone to intuit  
4 that there was mental suffering without any kind of expert  
5 opinion on the subject just applying a reasonable person  
6 standard as to what that would be. And again if you read the  
7 e-mails that seems to be the point.

8           MS. BLUTH: The only thing, Judge. Oh, sorry. The  
9 only thing I want to point out, Judge, is the defense actually  
10 was on notice because A, it was in the original Information.  
11 And then when defense asked me to take out mental injury I took  
12 out mental injury, and my secretary accidentally took out  
13 mental suffering. And so we were all on the same page that  
14 mental injury wasn't going to be in there but mental suffering  
15 was. And I even specifically said, no, that we have to leave  
16 in because that's an actual element --

17           MR. HAMNER: Right.

18           THE COURT: And there was discussion on it.

19           MS. BLUTH: Right. So I just want to make sure that  
20 the record doesn't look like, oh, just today out of nowhere, I  
21 mean, we've been talking about this a few times, but that was  
22 always the understanding of the parties before the trial even  
23 started --

24           MR. HAMNER: Right.

25           MS. BLUTH: -- before the Amended Information was

1 even read.

2 MR. FIGLER: Well, and I will respectfully disagree  
3 that the --

4 THE COURT: Well, no, there was talk about the mental  
5 suffering because I said oh, you mean in the title to the  
6 offense, and then she said, no, and I thought, you know, where  
7 use spell out the offense, I thought that's what she was  
8 talking about, but she said, no, I left mental suffering in  
9 there. So I remember that there was discussion prior to filing  
10 the amended in terms of what they were taking out --

11 MR. FIGLER: Whether or not there --

12 THE COURT: -- and that's on the record.

13 MR. FIGLER: Well, the record is what I was going to  
14 say is going to speak for itself. The defense was not from our  
15 position on those that that was still in. It wasn't discussed  
16 in openings.

17 And as far as cross-examination, it may very well  
18 have required a different method or a different manner of  
19 cross-examination upon the children. There was -- the record  
20 was devoid of any expert testimony I made that point, but with  
21 the children themselves I think that Ms. McAmis who did  
22 cross-examine them may very well have taken a different tack  
23 with regard to the mental suffering to show any number of  
24 different things. But that wasn't even in her mind because we  
25 were relying upon the first Amended Information. And so that

1 is the prejudice to us and why we object to the filing of the  
2 second Amended Information as well as Instruction 2 or 3 -- 3.

3 THE COURT: It's Instruction 3.

4 MR. FIGLER: 3, Your Honor.

5 THE COURT: Which you already made a record about  
6 so --

7 MR. FIGLER: Right. So with that we submit.

8 THE COURT: -- I think the record is what the record  
9 is.

10 MR. FIGLER: Uh-huh.

11 THE COURT: They're coming back at 9:00 tomorrow  
12 so --

13 MS. BLUTH: Okay.

14 THE COURT: -- leave numbers, your cell phones or  
15 whatever so --

16 THE CLERK: So what about the missed files --

17 THE COURT: What?

18 THE CLERK: -- medical records?

19 MR. FIGLER: That's court exhibit.

20 THE COURT: Those are a proposed exhibit so they  
21 weren't admitted. So it doesn't go back. Whatever you do  
22 don't send back the wrong exhibits.

23 MS. BLUTH: Oh my gosh, I've already been through  
24 that.

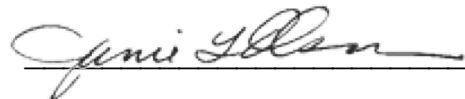
25 THE CLERK: No, I won't.

1 THE COURT: And don't send back any of the court  
2 exhibits not that you would, but -- at least if you send back  
3 the medical records it won't cause a mistrial.

4 (Proceeding recessed for the evening 6:26 p.m.)

5 -oOo-

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

9  
10 

11 Janie L. Olsen  
12 Transcriber  
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<p><b>BY MR. FIGLER: [6]</b> 71/22 79/14 79/23 81/2 84/18 88/4</p> <p><b>BY MS. BLUTH: [1]</b> 85/24</p> <p><b>MR. FIGLER: [278]</b> 3/15 3/20 4/6 4/9 4/13 4/19 5/1 5/4 5/12 6/1 6/11 6/14 6/23 7/18 8/2 8/16 8/18 8/23 9/1 9/23 10/1 10/3 10/7 10/10 10/14 10/17 11/3 11/6 11/11 12/11 12/22 12/25 13/4 13/10 13/12 13/16 13/19 13/21 14/19 14/23 15/1 15/8 15/11 15/19 15/25 16/3 16/6 16/8 16/12 16/14 16/17 16/20 17/3 17/6 17/11 17/19 17/23 18/2 18/5 18/11 20/10 21/7 21/10 21/15 21/17 21/19 21/22 22/3 22/9 22/12 22/23 23/1 23/8 23/15 23/18 25/7 25/11 25/24 26/7 27/13 29/20 30/4 30/6 30/14 30/18 30/25 31/9 31/12 32/1 32/4 32/8 32/25 33/3 33/7 33/10 33/15 33/21 34/5 34/8 34/12 34/16 34/20 34/22 34/25 35/3 35/5 36/4 36/19 36/24 37/8 37/10 37/14 37/18 37/22 37/24 38/2 38/6 38/10 38/12 38/14 38/17 38/21 38/24 39/2 39/4 39/7 39/12 39/14 40/3 41/22 42/22 43/1 43/5 43/8 43/13 43/15 45/5 45/7 45/17 45/19 46/5 47/24 48/3 48/6 48/16 48/18 48/20 49/12 49/19 49/22 50/21 51/1 51/5 51/8 51/12 51/15 51/20 51/24 53/5 53/7 53/15 54/21 55/3 55/5 55/8 56/2 56/9 56/13 56/19 56/21 56/23 57/1 57/4 57/8 57/12 57/17 57/22 58/6 59/13 59/18 59/20 60/8 60/18 60/25 61/7 62/16 62/19 63/3 63/15 63/17 63/22 64/13 64/20 64/24 65/4 65/6 65/11 65/21 66/3 66/6 66/10 66/13 67/10 67/15 67/25 68/7 68/11 69/23 70/1 70/8 70/12 70/14 70/17 70/21 71/5 79/18 80/20 80/22 84/13 85/19 88/2 88/20 88/24 89/11 91/15 91/24 92/2 92/7 92/11 92/23 93/9 93/19 94/1 94/4 94/6 94/10 94/19</p>	<p>94/22 95/1 95/7 95/13 95/16 95/22 96/4 96/14 96/17 97/4 97/8 98/4 98/8 98/12 98/19 261/9 261/12 261/18 261/22 262/6 269/15 269/18 269/21 288/6 309/7 309/14 309/18 310/24 311/9 311/22 311/25 312/6 312/8 313/2 315/2 315/11 315/13 316/4 316/7 316/10 316/19</p> <p><b>MR. HAMNER: [56]</b> 16/25 17/4 19/16 21/1 21/3 22/20 23/17 23/19 23/22 23/25 27/5 27/9 27/12 31/22 37/12 37/15 50/7 50/20 51/22 52/3 52/5 52/17 52/19 52/23 53/4 56/18 61/10 70/19 92/24 93/1 93/3 98/22 98/25 100/6 100/11 100/14 110/5 111/10 112/4 113/16 117/24 121/25 137/12 137/22 140/15 141/16 141/21 142/4 142/6 307/21 308/11 309/6 311/18 313/9 314/17 314/24</p> <p><b>MS. 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