

Steven D. Grierson

JOCP

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-VS-

DWIGHT CONRAD SOLANDER
#3074262

Defendant.

CASE NO. C-14-299737-1

DEPT. NO. XXI

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The Defendant appeared before the Court with counsel and entered a plea of guilty to the crimes of COUNTS 1, 2 and 3 – CHILD ABUSE, NEGLECT OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony) in violation of NRS 200.508; thereafter, on the 5th day of June, 2018, the Defendant was present in Court with counsel CRAIG MUELLER, ESQ., and good cause appearing,


THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee including testing to determine genetic markers plus \$3.00 DNA Analysis Fee, the Defendant is sentenced to the

- | | |
|--|--|
| <input type="checkbox"/> Nolle Prosequi (before trial) | <input type="checkbox"/> Bench (Non-Jury) Trial |
| <input type="checkbox"/> Dismissed (after diversion) | <input type="checkbox"/> Dismissed (during trial) |
| <input type="checkbox"/> Dismissed (before trial) | <input type="checkbox"/> Acquittal |
| <input checked="" type="checkbox"/> Guilty Plea with Sent (before trial) | <input type="checkbox"/> Guilty Plea with Sent. (during trial) |
| <input type="checkbox"/> Transferred (before/during trial) | <input type="checkbox"/> Conviction |
| <input type="checkbox"/> Other Manner of Disposition | |

Appellant-000091

1 Nevada Department of Corrections (NDC) as follows: COUNT 1 – a MAXIMUM of ONE
2 HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of THIRTY-SIX
3 (36) MONTHS; COUNT 2 – a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS
4 with a MINIMUM parole eligibility of THIRTY-SIX (36) MONTHS, CONCURRENT with
5 COUNT 1; and COUNT 3 – a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS
6 with a MINIMUM parole eligibility of THIRTY-SIX (36) MONTHS; CONCURRENT with
7 COUNT 2; with ONE HUNDRED FIVE (105) DAYS credit for time served.
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9 DATED this 12th day of June, 2018.
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13 VALERIE P. ADAIR
14 DISTRICT COURT JUDGE 
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 31, 2014

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

July 31, 2014 9:30 AM Initial Arraignment

HEARD BY: Weed, Randall F.

COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Athena Trujillo

RECORDER: Debbie Winn

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Tierra Jones, Deputy District Attorney, present for the State of Nevada.
Defendant Solander, present out of custody, with Craig Mueller, Esq.

DEFT. SOLANDER ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. Colloquy regarding trial dates. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript.

BOND

03/26/15 9:30 AM CALENDAR CALL (DEPT. 21)

03/30/15 9:30 AM JURY TRIAL (DEPT. 21)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 19, 2014

C-14-299737-1 State of Nevada
vs
Dwight Solander

August 19, 2014 9:30 AM Motion for Order
Extending Time

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Dania Batiste

RECORDER: Debbie Winn

REPORTER:

PARTIES

| | | |
|-----------------|-------------------------|-----------|
| PRESENT: | Bluth, Jacqueline | Attorney |
| | Mueller, Craig A | Attorney |
| | Solander, Dwight Conrad | Defendant |
| | State of Nevada | Plaintiff |

JOURNAL ENTRIES

- Ms. Jones requested a continuance, advising the Court that the defense is missing part of the Bindover argument transcript. Ms. Bluth noted she will contact the appropriate Court Reporter to determine the status.

COURT ORDERED, defense shall file its Petition no later than Tuesday, September 16, 2014; State to respond accordingly.

BOND

| | | |
|-----------|---------|---------------|
| 3/26/2015 | 9:30 am | Calendar Call |
| 3/30/2015 | 9:30 am | Jury Trial |

PRINT DATE: 07/12/2018

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Minutes Date: July 31, 2014

Appellant-000094

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 30, 2014

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

September 30, 2014 9:30 AM

All Pending Motions

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Janie Olsen

REPORTER:

PARTIES

| | | |
|-----------------|-------------------------|-----------|
| PRESENT: | Bluth, Jacqueline | Attorney |
| | Mueller, Craig A | Attorney |
| | Solander, Dwight Conrad | Defendant |
| | State of Nevada | Plaintiff |

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO SEVER...PETITION FOR WRIT OF HABEAS CORPUS

Mr. Mueller stated he received late service on the oppositions and needs more time to review and reply. Ms. Bluth advised that Chapter 34 states he is not entitled to petition and reply. COURT ORDERED, it will allow Mr. Mueller's request for additional time to reply. The Court noted concern regarding the sexual assault counts and if they have been attempted anywhere else. Anatomically you are talking about two different orifices; biologically speaking there is concern with the mechanics of the catheter issue. With the wife the allegations are separate. The State has to establish what happened by slight or marginal evidence. The Court informed counsel that additional research would be welcomed by the Court. COURT FURTHER ORDERED, Mr. Mueller is given additional time to file a reply. MATTER CONTINUED.

BOND

CONTINUED TO: 10/21/14 9:30 AM - DEFENDANT'S MOTION TO SEVER...PETITION FOR WRIT

PRINT DATE: 07/12/2018

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Minutes Date: July 31, 2014

Appellant-000095

C-14-299737-1

OF HABEAS CORPUS

PRINT DATE: 07/12/2018

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Minutes Date: July 31, 2014

Appellant-000096

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 21, 2014

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

October 21, 2014 9:30 AM All Pending Motions

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Janie Olsen

REPORTER:

PARTIES

| | | |
|-----------------|-------------------------|-----------|
| PRESENT: | Luzaich, Elissa | Attorney |
| | Mueller, Craig A | Attorney |
| | Solander, Dwight Conrad | Defendant |
| | State of Nevada | Plaintiff |

JOURNAL ENTRIES

- DEFENDANT DWIGHT SOLANDER'S MOTION FOR RETURN OF PROPERTY SEIZED DURING SEARCH WARRANT AND TO SHORTEN TIME..DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS...DEFENDANT'S MOTION TO SEVER...DEFENDANT DWIGHT SOLANDER'S JOINDER OF DEFENDANT DANIELLE HINTON'S DISCOVERY MOTION AND MOTION TO COMPEL

Counsel discussed additional time to reply to writs and that the preliminary hearing transcripts are not available yet. Ms. Luzaich stated that the bind overs are held until all the transcripts are completed. The Court stated it will look into when the transcripts were filed. Following further statements, COURT ORDERED, motions CONTINUED.

BOND

CONTINUED TO: 11/6/14 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 28, 2014

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

October 28, 2014 9:30 AM Motion

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Janie Olsen

REPORTER:

PARTIES

| | | |
|-----------------|------------------|-----------|
| PRESENT: | Luzaich, Elissa | Attorney |
| | Mueller, Craig A | Attorney |
| | State of Nevada | Plaintiff |

JOURNAL ENTRIES

- COURT ORDERED, matter is OFF CALENDAR.

BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 06, 2014

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

November 06, 2014 9:30 AM All Pending Motions

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Janie Olsen

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Jacqueline Bluth and Elissa Luzaich appearing for the State of Nevada.

Craig Mueller appearing for defendant DWIGHT SOLANDER.

1. Defendant Dwight Solander's Motion for Return of Property Seized During Search Warrant and to Shorten Time - COURT ORDERED, motion is MOOT as the property has already been turned over.

2. Defendant Dwight Solander's Joinder of Deft. Danielle Hinton's Discovery Motion and Motion to Compel - DISCOVERY RULING IS SAME AS RULING FOR DANIELLE HINTON.

3. Defendant's Dwight Solander's Motion to Sever - COURT ORDERED, MOTION IS DENIED WITHOUT PREJUDICE.

4. Defendant Dwight Solander's Petition for Writ of Habeas Corpus - UNDER ADVISEMENT.

SEXUAL ASSAULT. The Court noted it reviewed the petition. Mr. Mueller submitted on the pleadings, except for the sexual assault charge. He stated this is not a sexual assault case as it relates to the use of the catheter. Ms. Bluth opposed Mr. Mueller's position and stated that this is not a

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Minutes Date: July 31, 2014

Appellant-000099

specific intent crime. The Court informed parties that first, this is a question of law. The issue as to whether or not this kind of insertion in the urinary opening would be considered something that could fall within the sexual assault statute. The Court informed counsel that it conferred with several other Judges who do criminal work and the prevailing opinion was that the insertion of a catheter is not a sexual assault.

CHILD ABUSE AND CORPORAL PUNISHMENT. The Court is much more comfortable with these charges as they are questions for the jury. That is where one relies on the consensus of the community.

CONSPIRACY. Mr. Mueller stated there are no allegations that Mr. Solander either touched or inserted the catheter into any of the children. He stated opposition to the State's filing thirteen acts for every time the catheter was documented. Opposition by Ms. Bluth. The Court advised that the State is entitled to have evidence of each and everything. As a matter of law the Court feels that Mr. Mueller is wrong. COURT ORDERED, Defendant Dwight Solander's Petition for Writ of Habeas Corpus is UNDER ADVISEMENT.

Jeffrey Rue appearing for defendant Danielle Hinton.

1. Defendant Hinton's Motion for Discovery - GRANTED IN PART.

BRADY MATERIALS.

a. All CPS records and DPS records on the girls.

COURT ORDERED, counsel is to provide a list of allegations for in-camera review and if it finds relevance, it will request further records.

b. All CPS records and DFS records on the Solanders.

COURT ORDERED, counsel is to provide a list of allegations for in-camera review and if it finds relevance, it will request further records.

c. All records of mental health workers who have had contact with the girls.

COURT ORDERED, the State is to obtain for in-camera review, any counseling, psychological records relating to the time when the girls began living with these defendants.

d. All records and notes of physical exams on the girls.

COURT FINDS, this request is overly broad and ORDERED, request DENIED.

e. All records and notes from the victim witness office of the DA on any monetary assistance given to

the minors.

COURT ORDERED, any benefits received through Victim Witness must be disclosed.

f. All notes of interviews with the material witnesses.

Ms. Bluth stated that Dr. Emory memorializes notes into reports; she always hands over any exculpatory information to the defense. She also state that she has had no contact with the investigator in Florida, but all parties have the reports from Florida.

g. Information on the criminal history of any witness.

COURT FINDS, the State does not have to turn over NCIC reports, but if they become aware of any conviction that could potentially be used for impeachment the must provide this information to the defense.

h. Any information on any previous false allegations of misconduct made by the girls.

If the State becomes aware of misconduct they must disclose to the defense.

Mr. Rue stated there are no issues with i. - m.

n. Any 911 recordings.

State to provide copy of missing persons report and all that goes with that.

2. Defendant Hinton's Petition for Writ of Habeas Corpus - UNDER ADVISEMENT.

Mr. Rue stated that in his opinion, the State did not overcome the requirement of slight or marginal evidence regarding serious, permanent disfigurement. The State is of the opinion that the photograph was enough, but there was no testimony of prolonged pain. He further stated that his client was arrested on that scar being a serious permanent disfigurement. The Court stated that the issue on the Writ is whether there was enough evidence presented at the preliminary hearing regarding the scar. COURT ORDERED, matter taken UNDER ADVISEMENT.

3. Defendant Hinton's Motion to Compel State's Compliance of NRS 174.234 - GRANTED IN PART.

Mr. Rue stated he needs the address of the three children who are currently in foster care. The only contact he has is to send requests in the care of the District Attorney's office. Ms. Bluth advised that the State doesn't usually give out this information. Mr. Rue informed parties that his alternative is to have the State provide him with an opportunity to interview these children. Upon Ms. Bluth's inquiry, the Court stated that Mr. Rue wants to send his investigator out, therefore he needs an address. The Court stated that it would feel more comfortable that Mr. Rue and his investigator have

an opportunity to meet with the children. Ms. Bluth informed the Court that the foster parents aren't going to be willing to do that. She suggested that she put Mr. Rue in connection with the foster mother and if she decides it is alright, the State will put him in touch with her case worker first. COURT SO ORDERED.

C. Mcamis and Kristina Wildeveld appearing for defendant JANET SOLANDER.

1. Defendant Janet Solander's Joinder to Defendant Dwight Solander's Petition for Writ of Habeas Corpus - Ms. Mcamis informed the Court that she has filed her motion for Janet Solander's Petition for Writ of Habeas Corpus and has rescheduled it to give the State time to reply. The Court advised that her JEA and Law Clerk researched this matter and found that the Preliminary Hearing transcript was attached to the bind over when it was scanned into Odyssey making it difficult to find. Normally these transcripts are filed and scanned individually.

2. Defendant Janet Solander's Joinder to Defendant Hinton's Motion for Discovery - DISCOVERY RULING IS SAME AS RULING FOR DANIELLE HINTON.

BOND (DEFTS 1 & 3)
O.R./I.S. (DEFT 2)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

| | | |
|---------------------------------|----------------------|--------------------------|
| Felony/Gross Misdemeanor | COURT MINUTES | December 01, 2014 |
|---------------------------------|----------------------|--------------------------|

| | |
|---------------|-----------------|
| C-14-299737-1 | State of Nevada |
| | vs |
| | Dwight Solander |

December 01, 2014 3:00 AM Decision

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, petition is GRANTED as to the sexual assault with the catheter and DENIED as to remaining issues.

CUSTODY

CLERK'S NOTE: Above minute order modified per Court on 1/28/14. dh

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 26, 2015

C-14-299737-1 State of Nevada
vs
Dwight Solander

March 26, 2015 9:30 AM Calendar Call

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Janie Olsen

REPORTER:

PARTIES

PRESENT:

Goldstein, Steven M.
Luzaich, Elissa
Solander, Dwight Conrad
State of Nevada

Attorney
Attorney
Defendant
Plaintiff

JOURNAL ENTRIES

- Ms. Luzaich appeared for Ms. Bluth who is in currently in trial. She requested that the trial date be vacated and continued for resetting.

BOND

4/7/15 9:30 AM STATUS CHECK: RESET TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

| | | |
|---------------------------------|----------------------|-----------------------|
| Felony/Gross Misdemeanor | COURT MINUTES | April 14, 2015 |
|---------------------------------|----------------------|-----------------------|

| | |
|---------------|-----------------|
| C-14-299737-1 | State of Nevada |
| | vs |
| | Dwight Solander |

| | | |
|-----------------------|----------------|---------------------|
| April 14, 2015 | 9:30 AM | Status Check |
|-----------------------|----------------|---------------------|

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Janie Olsen

REPORTER:

PARTIES

PRESENT:

Bluth, Jacqueline
Luzaich, Elissa
Mueller, Craig A
State of Nevada

Attorney
Attorney
Attorney
Plaintiff

JOURNAL ENTRIES

- Colloquy regarding trial setting. COURT ORDERED, matter SET for TRIAL, FIRM SETTING.

BOND

1/28/16 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

| | | |
|---------------------------------|----------------------|-------------------------|
| Felony/Gross Misdemeanor | COURT MINUTES | January 28, 2016 |
|---------------------------------|----------------------|-------------------------|

| | |
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| C-14-299737-1 | State of Nevada vs Dwight Solander |
|---------------|--|

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|------------------|---------|---------------|
| January 28, 2016 | 9:30 AM | Calendar Call |
|------------------|---------|---------------|

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Susan Schofield

REPORTER:

PARTIES

| | | |
|-----------------|-------------------------|-----------|
| PRESENT: | Luzaich, Elissa | Attorney |
| | Mueller, Craig A | Attorney |
| | Solander, Dwight Conrad | Defendant |
| | State of Nevada | Plaintiff |

JOURNAL ENTRIES

- COURT ORDERED, matter SET for a status check as the case is still with the Supreme Court.

BOND

3/31/16 9:30 AM SC: SUPREME COURT DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

| | | |
|---------------------------------|----------------------|-----------------------|
| Felony/Gross Misdemeanor | COURT MINUTES | March 31, 2016 |
|---------------------------------|----------------------|-----------------------|

| | |
|---------------|--|
| C-14-299737-1 | State of Nevada vs Dwight Solander |
|---------------|--|

| | | |
|----------------|---------|--------------|
| March 31, 2016 | 9:30 AM | Status Check |
|----------------|---------|--------------|

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:

Bluth, Jacqueline
Goldstein, Steven M.
State of Nevada

Attorney
Attorney
Plaintiff

JOURNAL ENTRIES

- No information received from the Nevada Supreme Court. COURT ORDERED, matter
CONTINUED.

BOND

CONTINUED TO: 9/29/16 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor **COURT MINUTES** **September 29, 2016**

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

September 29, 2016 9:30 AM Status Check

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:

Bluth, Jacqueline
Hinds, Cristina A.
Solander, Dwight Conrad
State of Nevada

Attorney
Attorney
Defendant
Plaintiff

JOURNAL ENTRIES

- Court noted the Supreme Court declined to revisit their decision and SET MATTER for TRIAL.

BOND

8/17/17 9:30 AM CALENDAR CALL
8/21/17 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor **COURT MINUTES** **January 23, 2018**

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

January 23, 2018 **9:30 AM** **All Pending Motions**

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:

Bluth, Jacqueline
Mueller, Craig A
State of Nevada

Attorney
Attorney
Plaintiff

JOURNAL ENTRIES

- STATE'S MOTION TO ADMIT EVIDENCE OF DEFT JANET AND DWIGHT SOLANDER'S ABUSE OF THE FOSTER CHILDREN IN THEIR HOME.....CALENDAR CALL

Court noted that the motions and opposition were all reviewed. Mr. Mueller orally requested to join in on the opposition.

Upon inquiry of the Court, Ms. Bluth stated that she anticipated needing 3 weeks for trial. Colloquy regarding scheduling a hearing and the late filing of the motions. Further colloquy regarding medical records for the children and witnesses that will testify. Mr. Figler requested a copy of all of the medical records that State had. Ms. Bluth stated she would scan and send over to him adding that there were two boxes full.

Court inquired about resetting the trial per Ms. McAmis' motion. Ms. Bluth stated she was still working on her opposition. Court advised counsel that the Calendar Call as to Deft. Hinton STANDS and SET hearing. Mr. Mueller requested the Calendar Call date also stand for Deft. Dwight Solander and declined to announce ready for trial based on the bad acts motion.

PRINT DATE: 07/12/2018

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Minutes Date: July 31, 2014

Appellant-000109

Argument as to the Motion in Limine. Court CONTINUED argument to the hearing date.

Ms. Bluth stated that there was an offer extended before the preliminary hearing but withdrawn once testimony from the children was heard adding that the defense could make a counter offer.

BOND

CONTINUED TO: 1/25/18 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

| | | |
|---------------------------------|----------------------|-------------------------|
| Felony/Gross Misdemeanor | COURT MINUTES | January 29, 2018 |
|---------------------------------|----------------------|-------------------------|

| | |
|---------------|--|
| C-14-299737-1 | State of Nevada vs Dwight Solander |
|---------------|--|

| | | |
|------------------|---------|---------------------|
| January 29, 2018 | 9:00 AM | Further Proceedings |
|------------------|---------|---------------------|

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER:

REPORTER:

PARTIES

| | | |
|-----------------|-------------------------|-----------|
| PRESENT: | Bluth, Jacqueline | Attorney |
| | Mueller, Craig A | Attorney |
| | Solander, Dwight Conrad | Defendant |
| | State of Nevada | Plaintiff |

JOURNAL ENTRIES

- Mr. Mueller stated the matter was not resolved and that counsel had another appointment that day. Ms. Bluth confirmed the information. Court noted that parties met 1/26/18 and agreed to delay trial to give counsel additional time to prepare for Deft, Hinton's testimony.

Colloquy regarding witnesses and testimony to be heard at the evidentiary hearing. Mr. Mueller stated his client can come and report on the offer or participate in the hearing. Ms. McAmis stated that the Deft. had medical issues that would require breaks and needing to sit down. Court advised parties of the usual breaks taken during trial and that a break can be requested.

Argument as to the motion to strike experts. Mr. Figler argued that the CVs of the experts were not attached when noticed. Ms. Bluth stated that she provided what she had and that some of the experts did not have one to attach adding that she would obtain information regarding schooling and certification to provide to the Court. Court ADVISED that if the witness was not noticed as an expert, they may only testify as a treating physician would adding that Ms. Bluth will need to go through each witness and advise what their testimony will be to determine if a CV would be required. Ms.

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Minutes Date: July 31, 2014

Appellant-000111

Bluth went through the list and stated that Dr. Cetl would be the only one to give an expert opinion. Court OVERRULED the defenses' objection adding that witnesses may testify regarding why the children were seen, their conclusions of evaluations, and recommendations given to the parents. Court directed Ms. Bluth to try and get CVs for witnesses that were missing one.

Colloquy regarding trial counsel. Mr. Figler stated that Ms. Wildeveld had a conflict and he was able to substitute in adding that Ms. McAmis would be lead counsel.

BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor **COURT MINUTES** **January 31, 2018**

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

January 31, 2018 **9:00 AM** **Evidentiary Hearing**

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

| | | |
|-----------------|-------------------------|-----------|
| PRESENT: | Bluth, Jacqueline | Attorney |
| | Hamner, Christopher S. | Attorney |
| | Mueller, Craig A | Attorney |
| | Solander, Dwight Conrad | Defendant |
| | State of Nevada | Plaintiff |

JOURNAL ENTRIES

- Upon request of the Court, Ms. Bluth gave the State's witness schedule. Argument regarding the motion pertaining to paint sticks. Court took the motion off calendar.

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. SOLANDER ARRAIGNED AND PLED GUILTY TO COUNTS 1, 2 & 3 of CHILD ABUSE, NEGLECT OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM (F). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for SENTENCING. Court DIRECTED Deft. to report to P & P immediately.

BOND

5/10/18 9:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor **COURT MINUTES** **May 10, 2018**

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

May 10, 2018 **9:30 AM** **Sentencing**

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Court noted the Defts' danger evaluations were not completed. Mr. Rue stated Deft. Hinton would not need one. given her charges. Ms. McAmis stated there was a large volume of information her expert would need to review and would need an additional three weeks. Upon the Court's inquiry Ms. Bluth stated she called off the victim speakers and would reschedule. COURT ORDERED, MATTER CONTINUED.

BOND

CONTINUED TO: 6/5/18 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 05, 2018

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

June 05, 2018 9:30 AM Sentencing

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Alice Jacobson

RECORDER: Susan Schofield

REPORTER:

PARTIES

| | | |
|-----------------|-------------------------|-----------|
| PRESENT: | Bluth, Jacqueline | Attorney |
| | Hamner, Christopher S. | Attorney |
| | Mueller, Craig A | Attorney |
| | Solander, Dwight Conrad | Defendant |
| | State of Nevada | Plaintiff |

JOURNAL ENTRIES

- DEFT SOLANDER ADJUDGED GUILTY of COUNTS 1,2,3- CHILD ABUSE, NEGLECT OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM (F). Arguments by counsel. Victim Witness statements. Court finds his behavior encouraged and contributed to the events. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA Collection fee,

Deft. SENTENCED to COUNT 1- a MAXIMUM of 120 MONTHS and MINIMUM of 36 MONTHS in the Nevada Department of Corrections (NDC); COUNT 2- to a MAXIMUM of 120 MONTHS and MINIMUM of 36 MONTHS in the Nevada Department of Corrections (NDC) TO RUN CONCURRENT WITH COUNT 1; COUNT 3- to a MAXIMUM of 120 MONTHS and MINIMUM of 36 MONTHS in the Nevada Department of Corrections (NDC), TO RUN CONCURRENT WITH COUNT 2. Credit for time served 105 days.

Bond if any exonerated.

PRINT DATE: 07/12/2018

Page 23 of 25

Minutes Date: July 31, 2014

Appellant-000115

C-14-299737-1

NDC

PRINT DATE: 07/12/2018

Page 24 of 25

Minutes Date: July 31, 2014

Appellant-000116

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor **COURT MINUTES** **July 10, 2018**

C-14-299737-1 State of Nevada
 vs
 Dwight Solander

July 10, 2018 **9:30 AM** **Motion For
Reconsideration**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11C

COURT CLERK: Haly Pannullo

RECORDER: Sandra Pruchnic

REPORTER:

PARTIES

| | | |
|-----------------|-------------------------|-----------|
| PRESENT: | Kollins, Stacey L. | Attorney |
| | Mueller, Craig A | Attorney |
| | Solander, Dwight Conrad | Defendant |
| | State of Nevada | Plaintiff |

JOURNAL ENTRIES

- Notice of Appeal FILED IN OPEN COURT.

Defendant not present. Mr. Mueller noted he prefer Judge Adair rule on the Motion. Court stated Judge Adair indicated there was nothing in the Motion that would change her opinion for a rehearing. Mr. Mueller argued in support of Motion for Rehearing and Reconsideration. Court stated the Motion was read and there was not any mistake of law or fact and looking at the totality of the circumstances, the fact that the Defendant plead guilty, the Court is not inclined to do a rehearing. COURT ORDERED, State is to prepare a Findings of Fact and Conclusion of Law consistent with the opposition and argument in Court.

NDC

EXHIBITS

CASE NO.

| Date Offered | Objection | Date Admitted |
|--------------|-----------|---------------|
|--------------|-----------|---------------|



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

CRAIG A. MUELLER, ESQ.
600 S. EIGHTH ST.
LAS VEGAS, NV 89101

DATE: July 12, 2018
CASE: C-14-299737-1

RE CASE: STATE OF NEVADA vs. DWIGHT CONRAD SOLANDER

NOTICE OF APPEAL FILED: July 10, 2018

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

Appellant-000119

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; JUDGMENT OF CONVICTION (PLEA OF GUILTY); DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

DWIGHT CONRAD SOLANDER,

Defendant(s).

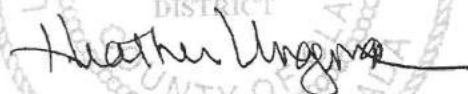
Case No: C-14-299737-1

Dept No: XXI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 12 day of July 2018.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

Appellant-000120

1 THE COURT: So, there should be something --

2 MR. RUE: Maybe.

3 THE COURT: -- similar to what's offered here. And so I don't
4 know how long that would take. We could set this for a nine month --
5 once she finishes those classes as long as she's stayed out of trouble,
6 we can close the case.

7 MR. RUE: Okay.

8 THE COURT: So, shall we set it for maybe a nine month
9 status check?

10 MR. RUE: Nine months. And I'd ask to waive her
11 appearance if I have the proof that she is done what -- she has
12 complied.

13 THE COURT: That's fine with the Court obviously as long as
14 she's stayed out of trouble.

15 MS. BLUTH: Yes, Judge.

16 THE COURT: Any objection to that?

17 MS. BLUTH: No, Your Honor.

18 THE COURT: All right.

19 THE COURT CLERK: The status check will be February 13th
20 -- February 12th at 9:30, 2019.

21 MR. RUE: Thank you, Your Honor.

22 THE COURT: All right. Pertaining to Mr. Solander,
23 determining the appropriate sentence for Mr. Solander is in, my opinion,
24 the most difficult aspect of the case because clearly Mrs. Solander was
25 far more culpable in this. She is clearly the instigator. It's not clear to

1 the Court, as I've already said, what was going on with Mrs. Solander,
2 whether there was some kind of component of neurosis or mental illness
3 at play, but Mr. Solander became a part of that and through his
4 behavior, I think actually encouraged Mrs. Solander. So, I think it went
5 beyond simply staying silent, but your acquiescence and
6 communications with Mrs. Solander, I think, contributed to her belief that
7 what she was doing was acceptable and normal.

8 And so I think that that is what your role really is to play in this
9 whole thing even though you didn't come up with these plans. You didn't
10 abuse the girls to the extent Mrs. Solander did. You enabled it to
11 happen. I think by your acquiescence I think you really did convey the
12 message to her that what she was doing was okay and not completely
13 unacceptable. And this is a difficult determination because clearly he's
14 far less culpable. And, you know, Mr. Solander, was -- is in his fifties
15 and without any problem.

16 So, Mr. Solander, by virtue of your pleas of guilty, you're
17 hereby adjudged guilty of counts 1, 2 and 3, child abuse, neglect or
18 endangerment resulting in substantial bodily harm. In addition to the
19 \$25 administrative assessment, the \$150 DNA analysis fee and the fact
20 that you must submit to a test for genetic markers and the \$3.00 DNA
21 administrative assessment, on Count 1, child abuse, neglect or
22 endangerment resulting in substantial bodily harm, you're sentenced to
23 a minimum term of 36 months in the Nevada Department of Corrections
24 and a maximum term of 120 months.

25 On Count 2, child abuse, neglect or endangerment resulting in

1 substantial bodily harm, you're sentenced to 36 to 120 months imposed
2 concurrently with the time I gave you on Count number 1.

3 And on Count number 3, child abuse, neglect or
4 endangerment resulting in substantial bodily harm, you're sentenced to
5 36 to 120 months imposed concurrently with the time I gave you on
6 Count number 2. And you're entitled to 105 days of credit for time
7 served.

8 MS. MCAMIS: Your Honor, I would have one final
9 administrative matter. I know this has gone on long. This should be
10 relatively quick to handle. As Your Honor was aware, we do intend to
11 file an appeal based on --

12 THE COURT: Oh, thank you, yes.

13 MS. MCAMIS: -- based on Mrs. Solander's advanced age
14 and her advanced medical issues, we were going to ask for bail pending
15 appeal.

16 MR. MUELLER: I would join on that for Mr. Solander. As the
17 Court's aware, it's a novel theory.

18 THE COURT: Well, first of all, let me address Mrs. Solander
19 because Mr. Solander and Mrs. Solander are completely -- in completely
20 different positions, number one. Mr. Solander doesn't have the health
21 issues. And, number two, Mr. Solander pled guilty in this case and Mrs.
22 -- thereby waiving many of his appellate rights which Mrs. Solander has
23 not done.

24 So, let's address Mrs. Solander and then you can make your
25 motion as to Mr. Solander. So, addressing Mrs. Solander, you're asking

1 for bail because of her health conditions.

2 MS. MCAMIS: That's correct. And if the Court, I would just
3 briefly point out, when she was on out on bail before a trial, she was
4 trouble free. She did have consistent health issues that caused trial to
5 be continued a number of times, but she still made her Court
6 appearances even with her fragile health and really to mobility. With
7 that, I would submit.

8 THE COURT: State.

9 MS. BLUTH: And at this point in time I don't think bail is
10 appropriate. She was convicted of every single one of the charges. I
11 don't want to get into whether her health issues are legitimate or not or
12 go down that entire road, but we did receive the medical records where,
13 again, nothing was shown to us.

14 So, I think in -- at the jail we will have a much better
15 understanding of exactly what's going on, we'll have better access to the
16 medical records to see if they want to bring this back up if there
17 becomes an issue, but at this point in time she was convicted of all 46
18 counts, she was just sentenced to life in prison, and I don't believe bail is
19 appropriate.

20 THE COURT: Right. I'm going to deny the request.
21 Obviously, you know, the defense is going to seek to have her
22 conviction overturned on all grounds. There's clearly an issue with
23 respect to some of the counts, such as the catheter counts, but she
24 stands convicted of everything and so, you know, is likely to going to
25 prison, even if she's not convicted of the sexual assault counts. So, it's

1 denied.

2 Now turning to Mr. Solander --

3 MR. MUELLER: By oral motion is --

4 THE COURT: One -- I'm sorry.

5 MR. MUELLER: My oral motion is withdrawn.

6 THE COURT: Okay. And will your office be handling the
7 appeal as to Mrs. Solander?

8 MS. MCAMIS: With the Court's permission and I believe the
9 office of appointed counsel would also approve that request because of
10 the -- the volume of the case --

11 THE COURT: Right.

12 MS. MCAMIS: -- familiarity with the case so, yes.

13 THE COURT: All right. Okay. I don't see why they wouldn't
14 approve it. It makes sense to me that you would handle it. So, unless I
15 hear otherwise, I'm going to assume that your office is proceeding on
16 the appeal and you can contact Mr. Christensen's office just to do
17 whatever you need to do to make sure that that's approved and verified.
18 All right. You're withdrawing your oral request --

19 MR. MUELLER: I'll do it in writing.

20 THE COURT: -- as to Mr. Solander; is that correct?

21 MR. MUELLER: At the moment. I'll resubmit it in writing.

22 THE COURT: All right. And then, Mr. Mueller, as I said, he's
23 waived a lot of his rights to appeal pursuant to the Guilty Plea
24 Agreement. Obviously if he wants you to file an appeal you can still do
25 that.

1 MR. MUELLER: And the Court's heard my view that the state
2 Supreme Court coming down or the Nevada Supreme Court coming
3 down with a novel theory that the catheters was a sexual assault took
4 away his right to a fair trial and --

5 THE COURT: All right. So, are you filing an appeal or --

6 MS. BLUTH: He didn't plead --

7 MR. MUELLER: I was intending to file with the Court, yes.

8 THE COURT: Okay. And you're going to be handled that?

9 MR. MUELLER: Yes, I will.

10 THE COURT: Okay. And that's fine. Obviously, the Court
11 had agreed with you, this Court, on that theory, but that was overturned
12 by the Nevada Supreme Court. So, I think to some extent they've
13 spoken on that issue as well but then, you know, different justices. All of
14 the evidence is now before them. They may change their mind about
15 that. And then I'm assuming as to Mr. Rue --

16 MR. RUE: Yes, Judge.

17 THE COURT: -- she waived her appellate rights and she's
18 now intends to file an appeal; correct?

19 MR. RUE: No, we intend to file an appeal, Judge.

20 THE COURT: All right.

21 MS. BLUTH: And, Judge, I think Mr. Hamner just reminded
22 me because of the conviction --

23 THE COURT: Oh, yes. Thank you. I neglected to impose
24 some of the statutory conditions that pertain to Mrs. Solander.

25 She is subject to lifetime supervision and also I think this --

1 both are academic because given her current health condition and the
2 length of time and the fact that people don't get help if you're in prison as
3 a rule, it's unlikely she'll be eligible for parole. But if you are released,
4 Mrs. Solander, you must register as a sex offender within 48 hours of
5 your release and also you are subject to a special sentence of lifetime
6 supervision which commences upon your release from imprisonment or
7 upon release from parole. Did I cover everything?

8 MR. MUELLER: Yes, Your Honor.

9 THE COURT: All right. Thank you.

10
11 [Proceeding concluded at 1:14 p.m.]
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21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

24 
25 PATRICIA SLATTERY
Court Transcriber

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Appellant,
vs.
DWIGHT CONRAD SOLANDER,
Respondent.

No. 67710

THE STATE OF NEVADA,
Appellant,
vs.
JANET SOLANDER,
Respondent.

No. 67711

FILED

APR 19 2016

ORDER OF REVERSAL AND REMAND

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

These are consolidated appeals from district court orders granting respondents' pretrial petitions for writ of habeas corpus. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

Pretrial writs of habeas corpus may be granted if a district court determines "that an affirmative defense exists as a matter of law based solely on its review of the transcript of a preliminary hearing." *Sheriff, Clark Cty. v. Roylance*, 110 Nev. 334, 338, 871 P.2d 359, 361 (1994). If a district court's conclusions of law are based on its interpretation of a statute, this court reviews those conclusions de novo. *Zohar v. Zbiegien*, 130 Nev., Adv. Op. 74, 334 P.3d 402, 405 (2014). Here, we are asked to decide whether, as a matter of law, the district court erred in concluding that the insertion of a catheter into the urethra of a minor under the age of 14 cannot constitute sexual assault. We reverse and remand.

I.

In March 2014, the State charged the Solanders with child abuse and endangerment and with sexually assaulting their three foster daughters. At the preliminary hearing, the three girls testified that the Solanders catheterized them as a form of punishment for urinary incontinence, with threats to mutilate their genitals with a razor blade if they resisted the catheterization and did not stop soiling themselves. The Solanders filed pretrial petitions for writ of habeas corpus alleging that, as a matter of law, inserting a catheter into a child's urethra cannot constitute sexual assault under NRS 200.366. The Solanders denied catheterizing the girls but argued that, even if they did catheterize them, they did so for a legitimate medical purpose and without sexual motivation. The district court granted the petitions, concluding that "it is not within the statutory meaning or legislative intent for the insertion of a catheter to meet the elements of Sexual Assault."

II.

Two statutes are at issue in this case: NRS 200.366 and NRS 200.364. NRS 200.366 defines "sexual assault," while NRS 200.364 defines "sexual penetration." NRS 200.366(1) defines sexual assault in terms of sexual penetration:

A person who subjects another person to sexual penetration, or who forces another person to make a sexual penetration on himself or herself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct, is guilty of sexual assault.

NRS 200.364(5) defines sexual penetration, as used in NRS 200.366, to mean “cunnilingus, fellatio, or any intrusion, however slight, of any part of a person’s body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning.” (Emphases added.) In 2015, the Legislature amended NRS 200.364(5) to add a final sentence stating that “[t]he term [sexual penetration] does not include any such conduct for medical purposes.” 2015 Nev. Stat., ch. 399, § 7, at 2235.

To the State, the language of NRS 200.366 and 200.364 is plain, clear, and unambiguous. Thus, the State argues that its allegations that the Solanders inserted a catheter into the urethra of each of the girls without their consent are sufficient to sustain charges of sexual assault. The Solanders counter that the acts “were not sexually motivated” but rather were undertaken for a “legitimate medical purpose.” The State offers two responses to the Solanders’ arguments. First, the definitions of sexual assault and sexual penetration do not include a requirement that the penetration be sexually motivated. Second, because sexual assault requires a showing of general intent—not strict liability as the Solanders suggest with their “per se penetration” arguments—the purpose of the penetration presents a question of fact for the jury to decide, not the court. We agree with the State.

A.

Neither the definition of “sexual assault” nor the definition of “sexual penetration” includes an element of sexual motivation or gratification. See NRS 200.364(5); NRS 200.366. Because NRS 200.364(5) and 200.366 are unambiguous, the plain language of the statutes control, and we give that language its ordinary meaning. See *City Council of Reno*

u. Reno Newspapers, Inc., 105 Nev. 886, 891, 784 P.2d 974, 977 (1989) (“When the language of a statute is plain and unambiguous, a court should give that language its ordinary meaning and not go beyond it.”).

Comparing the statutory provision making sexual seduction a crime with the sexual assault statutes confirms our reading of the latter. In contrast to sexual assault, the offense of statutory sexual seduction expressly requires sexual motivation in addition to sexual penetration. See NRS 200.364(6) (2013) (“‘Statutory sexual seduction’ means: . . . (b) Any other sexual penetration committed by a person 18 years of age or older with a person under the age of 16 years old *with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either of the persons.*” (emphasis added)).¹ Because the Legislature included an element of sexual motivation in its definition of statutory sexual seduction but did not do so in its definitions of sexual assault or sexual penetration, “it should be inferred that the omission was intentional.” *In re Christensen*, 122 Nev. 1309, 1323, 149 P.3d 40, 49 (2006) (“One basic tenet of statutory construction dictates that, if the legislature includes a qualification in one statute but omits the qualification in another similar statute, it should be inferred that the omission was intentional.”).

The fact that “sexual” modifies “assault” and “penetration” in NRS 200.364(5) and NRS 200.366 does not, as the Solanders suggest, impliedly require sexual motivation; the more reasonable reading, especially given the Legislature’s express articulation of a sexual

¹In 2015, the Legislature amended the definition of “statutory sexual seduction.” We quote the pre-2015 version in the text. See 2015 Nev. Stat., ch. 399, § 7, at 2235.

motivation requirement in NRS 200.364(6) for sexual seduction, is that the word "sexual" as used in NRS 200.364(5) and NRS 200.366 references the body parts involved, not motivation. *Cf. United States v. JDT*, 762 F.3d 984, 1001 (9th Cir. 2014) (rejecting argument that statute penalizing certain "sexual acts" required sexual motivation and holding that "sexual act" as a defined term referred to the body parts involved not the actor's motivation). Therefore, under the plain language of the statutes, "sexual assault" and "sexual penetration" do not require sexual gratification or motivation as their object for the crime of sexual assault to occur. *See also Buffalo v. State*, 111 Nev. 1139, 1144, 901 P.2d 647, 650 (1995) (rejecting as a "totally incorrect legal supposition" the suggestion "that no valid judgment of conviction [for sexual assault] could be entered . . . absent proof of sexual motivation on [the defendant's] part") (plurality).²

The Solanders argue that a literal reading of NRS 200.364(5) and NRS 200.366 produces an absurd result, for it "criminalize[s] every doctor, nurse, or parent who must, for example, insert a finger inside a child's rectum to dislodge a stoppage caused by constipation or to clean areas soiled by dirty diapers or insertion of a suppository." On this basis, the Solanders urge this court to apply the rule of lenity to NRS 200.364's definition of sexual penetration. But "ambiguity is the cornerstone of the rule of lenity, [and] the rule only applies when other statutory interpretation methods, including the plain language, legislative history,

²This interpretation is consistent with the legislative history of NRS 200.364 and 200.366, which discussed rape and sexual assault as crimes of violence, not sex, finding that sexual assault is committed primarily for power, then for anger, and finally, in a small number of cases, for sexual gratification. Hearing on S.B. 412 Before the Senate Judiciary Comm., 59th Leg. (Nev., April 5, 1977).

reason, and public policy, have failed to resolve a penal statute's ambiguity." *State v. Lucero*, 127 Nev. 92, 99, 249 P.3d 1226, 1230 (2011) (internal citations and quotations omitted). We decline to apply the rule of lenity because the statutory definitions of "sexual assault" and "sexual penetration" are not ambiguous.

B.

The Solanders argue, and the district court agreed, that the insertion of a catheter into the urethra to void the bladder for legitimate medical purposes should not constitute sexual assault as a matter of law and sound public policy.³ The Solanders point to the 2015 amendments to NRS 200.364, which added the proviso that "[t]he term [sexual penetration] does not include . . . conduct [involving penetration] for medical purposes." 2015 Nev. Stat., ch. 399, § 7, at 2235. This amendment brought NRS 200.364(5) and NRS 200.366 into line with statutes in at least 14 other states that have similar bona fide medical purpose exceptions in their sexual assault statutes. See Model Penal Code § 213.06 comment on Sexual Assault and Related Offenses (Am. Law Inst., Discussion Draft No. 2, 2015) (discussing proposed § 213.06, which

³Janet also asserts that the alleged conduct does not constitute sexual assault based on her attempt to distinguish the urinary opening, or urethra, from one's genital opening. Penetration of the urethra, however, is encompassed under NRS 200.364's definition of "sexual penetration." See NRS 200.364(5) (stating "genital or anal opening" under definition of sexual penetration); see *Tyler v. State*, 950 S.W.2d 787, 789 (Tex. Ct. App. 1997) (upholding sexual assault charge after concluding that urethra is included in the female genitalia, which is all the statute requires); see also *People v. Quintana*, 108 Cal. Rptr. 2d 235, 238 (Ct. App. 2001) ("[A] 'genital' opening is not synonymous with a 'vaginal' opening The vagina is only one part of the female genitalia, which also include inter alia the labia majora, labia minor, and the clitoris.").

provides that otherwise criminal "sexual penetration" does not occur if "done for bona fide medical, hygienic, or law enforcement purposes," and noting that statutes in 14 states have some form of this exception).

The 2015 amendment to NRS 200.364(5), adding an express "medical purpose" exception to Nevada's sexual assault statute, does not apply to the Solanders' alleged conduct, which occurred before its effective date. See 2015 Nev. Stat., ch. 399, § 27, at 2245 (stating that the amendatory provisions of NRS 200.364(5) "apply to an offense that is committed on or after October 1, 2015"). Nonetheless, as the State itself suggests, sexual penetration that is proven to have been undertaken for a bona fide medical purpose, as when a doctor assists an unconscious woman in delivering a baby, may not establish the crime of sexual assault, either because consent to the penetration is implied under such circumstances, see NRS 200.366(1) (the penetration must be "against the will of the victim"), because the criminal law generally requires *mens rea*, see NRS 193.190,⁴ or because the defense of necessity applies.⁵

⁴NRS 193.190 provides: "In every crime or public offense there must exist a union, or joint operation of act and *intention*, or criminal negligence." (Emphasis added.) The State agrees with this interpretation, placing the burden of proving the requisite *mens rea* on the State, which can be negated by the defense of a legitimate medical purpose. See *People v. Burpo*, 647 N.E.2d 996, 998 (Ill. 1995) (holding that a gynecologist's "good faith will protect him from criminal sanctions," and requiring the State to "prove that the gynecologist possessed a mental state of intent, knowledge, or recklessness," which the gynecologist can rebut).

⁵The State asserts consent, lack of *mens rea*, and necessity as possible defenses or theories the Solanders may argue at trial, depending on proof. At this stage in the proceedings, none of these defenses or theories were argued and developed below, precluding this court from
continued on next page...

Indeed, such has been the holding of other state courts that have interpreted statutes that, like NRS 200.364(5) and NRS 200.366 before their 2015 amendment, did not include an express bona fide medical purpose exception. *E.g.*, *State v. Lesik*, 780 N.W.2d 210, 214 (Wis. Ct. App. 2009) ("It would be equally absurd to imagine the legislature intended to include legitimate medical, health care and hygiene procedures within the bounds of 'sexual intercourse' for the assault of a child statute. . . . Accordingly, . . . 'sexual intercourse' as used in the sexual assault of a child statute does not include 'bona fide medical, health care, and hygiene procedures.'"); *see also Roberson v. State*, 501 So. 2d 398, 400 (Miss. 1987) ("Although, on its face, the definition of sexual penetration announced in § 97-3-97 encompasses *any* penetration, the Court holds the parameters of the definition of sexual penetration are logically confined to activities which are the product of sexual behavior or libidinal gratification, not merely the product of clinical examinations or domestic, parental functions.").

We thus agree that, if the Solanders undertook the catheterization for a bona fide medical purpose, they may avoid criminal liability under NRS 200.366. The problem is, though, that the question is not just a question of law, but also one of fact. In this case, as the State asserts, "evidence adduced at [the] preliminary hearing illustrated that the catheters were used as a form of punishment, not for any medical use." Accordingly, we disagree with the Solanders that the insertion of a catheter into the urethra cannot constitute sexual assault as a matter of

...continued

adopting them as a matter of law and circumventing the jury's role in deciding questions of fact.

law because, while a catheter has a medical purpose, it does not necessarily follow that it was used for legitimate medical purposes. The reasons why a catheter was used, and the manner in which it was used, are questions of fact for the jury, not the court, to decide. See *State v. Preston*, 30 Nev. 301, 308, 97 P. 388, 388 (1908) (“[J]udges shall not charge juries in respect to matters of fact.” (internal quotation omitted)); see also *Winnerford Frank H. v. State*, 112 Nev. 520, 526, 915 P.2d 291, 294 (1996) (holding the State must prove the required *mens rea* to commit sexual assault beyond a reasonable doubt as it is a general intent crime).

III.

The district court erred when it held, as a matter of law, that the insertion of a catheter into the urethra of a minor under the age of 14 cannot, under any circumstances, constitute sexual assault. Here, the preliminary hearing testimony provides probable cause to support the charges of sexual assault, and the law does not prohibit the State from proceeding with these charges. Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.

1. Hardesty J.
Hardesty

Saitta J.
Saitta

Pickering J.
Pickering

cc: Hon. Valerie Adair, District Judge
Attorney General/Carson City
Clark County District Attorney
Mueller Hinds & Associates
Eighth District Court Clerk

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

JUL 10 2018

BY,

MALY PANNUNO, DEPUTY

Electronically Filed
Jul 18 2018 10:50 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOA
MUELLER, HINDS & ASSOCIATES, CHTD.
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criminal@muellerhinds.com
Attorney for Defendant
Dwight Solander

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

State of Nevada,
Plaintiff

vs.

Dwight Solander,
Defendant

) Case No.: C-14-299737-1
) Dept. No: 21
)
)
)

NOTICE OF APPEAL

Notice is hereby given that Dwight Solander, defendant above named, hereby
appeals to the Supreme Court of Nevada from the Judgment of Conviction entered in this
action on the 18th day of June, 2018.

DATED this 10th day of July, 2018.

MUELLER, HINDS & ASSOCIATES, CHTD.

By /s/ Craig Mueller
CRAIG A. MUELLER, ESQ.
Nevada Bar No. 4703
600 S. Eighth Street
Las Vegas, Nevada 89101
(702) 940-1234

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(d), I hereby certify that on the 10 day of July
2018, I served a true and correct copy of the Notice of Appeal by filing in open court and/or
by regular mail to the address set forth below:

Clark County District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89101

/s/ Giselle Villa
Employee of Mueller, Hinds & Associates

DEPARTMENT 21
CASE SUMMARY
CASE NO. C-14-299737-1

State of Nevada
vs
Dwight Solander

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Location: **Department 21**
Judicial Officer: **Adair, Valerie**
Filed on: **07/28/2014**
Cross-Reference Case Number: **C299737**
Defendant's Scope ID #: **3074262**
ITAG Case ID: **1991888**
Lower Court Case # Root: **14F04585**
Lower Court Case Number: **14F04585A**
Supreme Court No.: **67710**

CASE INFORMATION

| | | | Case Type: Felony/Gross Misdemeanor |
|--|-----|------------|--|
| Offense | Deg | Date | Case Flags: Appealed to Supreme Court Custody Status - Nevada Department of Corrections Bond/Bail Exonerated Charge Description Updated |
| 1. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM Arrest: 03/20/2014 | F | 01/19/2011 | |
| 2. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM Filed As: CHILD ABUSE, NEGLECT OR ENDANGERMENT | F | 01/19/2011 | |
| 3. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM Filed As: CHILD ABUSE, NEGLECT OR ENDANGERMENT | F | 7/2/2014 | |
| 5. CHILD ABUSE, NEGLECT OR ENDANGERMENT | F | 01/19/2011 | |
| 6. CHILD ABUSE, NEGLECT OR ENDANGERMENT | F | 01/19/2011 | |
| 7. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE | F | 01/19/2011 | |
| 8. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE | F | 01/19/2011 | |
| 14. CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM | F | 01/19/2011 | |
| 15. CHILD ABUSE, NEGLECT OR ENDANGERMENT | F | 01/19/2011 | |
| 16. CHILD ABUSE, NEGLECT OR ENDANGERMENT | F | 01/19/2011 | |
| 17. CHILD ABUSE, NEGLECT OR ENDANGERMENT | F | 01/19/2011 | |
| 18. CHILD ABUSE, NEGLECT OR ENDANGERMENT | F | 01/19/2011 | |
| 19. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE | F | 01/19/2011 | |
| 24. CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM | F | 01/19/2011 | |
| 26. CHILD ABUSE, NEGLECT OR ENDANGERMENT | F | 01/19/2011 | |
| 27. CHILD ABUSE, NEGLECT OR ENDANGERMENT | F | 01/19/2011 | |
| 28. CHILD ABUSE, NEGLECT OR ENDANGERMENT | F | 01/19/2011 | |
| 29. CHILD ABUSE, NEGLECT OR ENDANGERMENT | F | 01/19/2011 | |

DEPARTMENT 21
CASE SUMMARY
CASE NO. C-14-299737-1

| | | |
|--|---|------------|
| 30. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (BEDROOM 1) | F | 01/19/2011 |
| 31. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (BATHROOM 1) | F | 01/19/2011 |
| 32. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (BATHROOM 2) | F | 01/19/2011 |
| 33. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 1) | F | 01/19/2011 |
| 34. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 2) | F | 01/19/2011 |
| 35. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 3) | F | 01/19/2011 |
| 36. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 4) | F | 01/19/2011 |

Related Cases

C-14-299737-2 (Multi-Defendant Case)
C-14-299737-3 (Multi-Defendant Case)

Statistical Closures

06/18/2018 Guilty Plea with Sentence (before trial) (CR)

Bonds

Surety #IS250K-11990 \$150,000.00





7/2/2014 Active

6/13/2018 Exonerated













Counts: 1, 14, 15, 16, 17, 18, 19, 2, 24, 26, 27, 28, 29, 3, 30, 31, 32, 33, 34, 35, 36, 5, 6, 7, 8

| DATE | | CASE ASSIGNMENT |
|------|--|---------------------------------|
| | | Current Case Assignment |
| | | Case Number C-14-299737-1 |
| | | Court Department 21 |
| | | Date Assigned 07/28/2014 |
| | | Judicial Officer Adair, Valerie |

| PARTY INFORMATION | | |
|-------------------|--------------------------------|--|
| Defendant | Solander, Dwight Conrad | <i>Lead Attorneys</i> Mueller, Craig A <i>Retained</i> 702-382-1200(W) |
| Plaintiff | State of Nevada | Wolfson, Steven B 702-671-2700(W) |


| DATE | EVENTS & ORDERS OF THE COURT | INDEX |
|------------|---|-------|
| 07/28/2014 |  Information | |
| 07/28/2014 |  Criminal Bindover | |
| 07/31/2014 |  Initial Arraignment (9:30 AM) (Judicial Officer: Weed, Randall F.) | |
| 08/05/2014 |  Transcript of Proceedings <i>Transcript of Hearing Held on June 12, 2014</i> | |


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CASE NO. C-14-299737-1


| | |
|------------|---|
| 08/07/2014 |  Media Request and Order <i>Media Request and Order Allowing Camera Access to Court Proceedings</i> |
| 08/08/2014 |  Motion <i>Defendant's to Extend Time to File Petition for a Writ of Habeas Corpus</i> |
| 08/13/2014 |  Opposition to Motion <i>State's Opposition to Defendant's Motion to Extend Time to File Petition for Writ of Habeas Corpus</i> |
| 08/19/2014 |  Motion for Order Extending Time (9:30 AM) (Judicial Officer: Adair, Valerie) <i>Defendant's to Extend Time to File Petition for a Writ of Habeas Corpus</i> |
| 09/16/2014 |  Motion to Sever <i>Defendant's Motion to Sever</i> |
| 09/16/2014 |  Writ of Habeas Corpus <i>Defendant Dwight Solander's Petition for Writ of Habeas Corpus</i> |
| 09/25/2014 |  Opposition to Motion <i>State's Opposition to Defendant's Motion to Sever</i> |
| 09/26/2014 |  Motion to Return <i>Defendant Dwight Solander's Motion for Return of Property Seized During Search Warrant and to Shorten Time</i> |
| 09/29/2014 |  Motion <i>Defendant Dwight Solander's Motion to Extend Time to Respond to State's Opposition to Defendants Motion to Sever</i> |
| 09/29/2014 |  Motion <i>Defendant Dwight Solander's Motion to Extend Time to Respond to States Opposition to Defendant's Writ of Habeas Corpus</i> |
| 09/30/2014 | Motion to Sever (9:30 AM) (Judicial Officer: Adair, Valerie) 09/30/2014, 10/21/2014, 11/06/2014 Events: 09/16/2014 Motion to Sever <i>Defendant's Motion to Sever</i> |
| 09/30/2014 | Petition for Writ of Habeas Corpus (9:30 AM) (Judicial Officer: Adair, Valerie) 09/30/2014, 10/21/2014, 11/06/2014 Events: 09/16/2014 Writ of Habeas Corpus <i>Defendant Dwight Solander's Petition for Writ of Habeas Corpus</i> |
| 09/30/2014 |  All Pending Motions (9:30 AM) (Judicial Officer: Adair, Valerie) |
| 10/03/2014 |  Opposition to Motion <i>Opposition to Defendant's Motion for Return of Property</i> |
| 10/09/2014 | CANCELED Motion for Order Extending Time (9:30 AM) (Judicial Officer: Adair, Valerie) <i>Vacated - per Secretary</i> <i>Defendant Dwight Solander's Motion to Extend Time to Respond to States Opposition to Defendant's Writ of Habeas Corpus</i> |
| 10/09/2014 | CANCELED Motion to Sever (9:30 AM) (Judicial Officer: Adair, Valerie) |


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CASE SUMMARY
CASE NO. C-14-299737-1

Vacated - per Secretary
Defendant Dwight Solander's Motion to Extend Time to Respond to State's Opposition to Defendants Motion to Sever

10/15/2014  **Memorandum**
State's Bench Memorandum Pursuant to Court's Request Regarding Issue in Pretrial Writs of Habeas Corpus


10/17/2014  **Reply to Opposition**
Defendant Dwight Solander's Reply Brief to State's Opposition to His Motion to Sever


10/17/2014  **Motion**
Defendant Dwight Solander's Motion to Expand Time to File Answer to State's Return to Writ of Habeas Corpus and for Continuance of Hearing Thereof


10/17/2014  **Joinder To Motion**
Defendant Dwight Solander's Joinder of Defendant Danielle Hinton's Discovery Motion and Motion to Compel


10/21/2014 **Motion (9:30 AM) (Judicial Officer: Adair, Valerie)**
10/21/2014, 11/06/2014
Events: 09/26/2014 Motion to Return
Defendant Dwight Solander's Motion for Return of Property Seized During Search Warrant and to Shorten Time


10/21/2014 **Joinder (9:30 AM) (Judicial Officer: Adair, Valerie)**
10/21/2014, 11/06/2014
Defendant Dwight Solander's Joinder of Defendant Danielle Hinton's Discovery Motion and Motion to Compel


10/21/2014  **All Pending Motions (9:30 AM) (Judicial Officer: Adair, Valerie)**


10/28/2014  **Motion (9:30 AM) (Judicial Officer: Adair, Valerie)**
Defendant Dwight Solander's Motion to Expand Time to File Answer to state's Return to Writ of Habeas Corpus and for Continuance of Hearing thereof


11/05/2014  **Response**
Defendant Dwight Solander's Response to State's Memorandum.


11/06/2014  **All Pending Motions (9:30 AM) (Judicial Officer: Adair, Valerie)**

12/01/2014  **Decision (3:00 AM) (Judicial Officer: Adair, Valerie)**
Decision Re: Dwight Solander's Petition for Writ of Habeas Corpus














01/02/2015  **Media Request and Order**
Media Request and Order Allowing Camera Access to Court Proceedings

03/17/2015  **Notice of Motion**
Notice of Motion and Motion to Continue Trial Date


03/17/2015  **Order**
Expedited Order for Transcripts


03/26/2015  **Calendar Call (9:30 AM) (Judicial Officer: Adair, Valerie)**


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| | |
|------------|---|
| 03/26/2015 |  Reporters Transcript <i>Transcript of Hearing Held on September 30, 2014</i> |
| 03/26/2015 |  Reporters Transcript <i>Transcript of Hearing Held on October 21, 2014</i> |
| 03/26/2015 |  Reporters Transcript <i>Transcript of Hearing Held on November 6, 2014</i> |
| 03/30/2015 |  Notice of Appeal (criminal) <i>Notice of Appeal</i> |
| 03/30/2015 | CANCELED Jury Trial (9:30 AM) (Judicial Officer: Adair, Valerie) <i>Vacated</i> |
| 03/30/2015 |  Case Appeal Statement |
| 03/31/2015 | CANCELED Motion to Continue Trial (9:30 AM) (Judicial Officer: Adair, Valerie) <i>Vacated - per Secretary</i> <i>Notice of Motion and Motion to Continue Trial Date</i> |
| 04/07/2015 |  Status Check (9:30 AM) (Judicial Officer: Adair, Valerie) 04/07/2015, 04/14/2015 <i>Reset Trial</i> |
| 06/17/2015 |  Findings of Fact, Conclusions of Law and Order |
| 01/28/2016 |  Calendar Call (9:30 AM) (Judicial Officer: Adair, Valerie) |
| 02/01/2016 | CANCELED Jury Trial (9:30 AM) (Judicial Officer: Adair, Valerie) <i>Vacated</i> |
| 03/31/2016 |  Status Check (9:30 AM) (Judicial Officer: Adair, Valerie) 03/31/2016, 09/29/2016 <i>Supreme Court Decision</i> |
| 06/24/2016 |  NV Supreme Court Clerks Certificate/Judgment -Remanded <i>Nevada Supreme Court Clerk's Certificate Judgment - Reversed and Remand</i> |
| 01/04/2018 |  Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>State's Notice of Expert Witnesses</i> |
| 01/08/2018 |  Motion Filed By: Plaintiff State of Nevada <i>State's Notice of Motion and Motion to Admit Evidence of Defendant Janet and Dwight Solander's Abuse of the Foster Children in Their Home</i> |
| 01/09/2018 |  Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>State's Notice of Witnesses</i> |
| 01/22/2018 | |

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CASE NO. C-14-299737-1


 **Motion to Suppress**
Filed By: Defendant Solander, Dwight Conrad
Motion To Suppress Evidence; Notice


01/22/2018  **Supplemental Witness List**
Filed by: Plaintiff State of Nevada
State's Supplemental Notice of Witnesses


01/22/2018  **Supplemental Witness List**
Filed by: Plaintiff State of Nevada
State's Second Supplemental Notice of Witnesses and/or Expert Witnesses

01/23/2018 **Calendar Call (9:30 AM) (Judicial Officer: Adair, Valerie)**


01/23/2018 **Motion (9:30 AM) (Judicial Officer: Adair, Valerie)**
State's Motion to Admit Evidence of Defendant Janet and Dwight Solander's Abuse of the Foster Children In Their Home


01/23/2018  **All Pending Motions (9:30 AM) (Judicial Officer: Adair, Valerie)**


01/24/2018  **Order**
Order Releasing Medical Records


01/24/2018  **Ex Parte Motion**
Ex Parte Motion for Release of Medical Records


01/29/2018 **CANCELED Jury Trial - FIRM (9:00 AM) (Judicial Officer: Adair, Valerie)**
Vacated - per Judge

01/29/2018  **Further Proceedings (9:00 AM) (Judicial Officer: Adair, Valerie)**
Continue Trial Date

01/29/2018  **Supplemental Witness List**
Filed by: Plaintiff State of Nevada
State's Third Supplemental Notice of Witnesses

01/31/2018  **Evidentiary Hearing (9:00 AM) (Judicial Officer: Adair, Valerie)**

01/31/2018  **Guilty Plea Agreement**

01/31/2018  **Amended Information**
Amended Information

01/31/2018 **Disposition (Judicial Officer: Adair, Valerie)**
5. CHILD ABUSE, NEGLECT OR ENDANGERMENT
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

6. CHILD ABUSE, NEGLECT OR ENDANGERMENT
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

7. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

DEPARTMENT 21
CASE SUMMARY
CASE NO. C-14-299737-1

8. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

14. CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY
HARM
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

15. CHILD ABUSE, NEGLECT OR ENDANGERMENT
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

16. CHILD ABUSE, NEGLECT OR ENDANGERMENT
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

17. CHILD ABUSE, NEGLECT OR ENDANGERMENT
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

18. CHILD ABUSE, NEGLECT OR ENDANGERMENT
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

19. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

24. CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY
HARM
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

26. CHILD ABUSE, NEGLECT OR ENDANGERMENT
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

27. CHILD ABUSE, NEGLECT OR ENDANGERMENT
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

28. CHILD ABUSE, NEGLECT OR ENDANGERMENT
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

29. CHILD ABUSE, NEGLECT OR ENDANGERMENT
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

30. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE
(BEDROOM 1)
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

31. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE
(BATHROOM 1)
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

32. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE
(BATHROOM 2)

DEPARTMENT 21
CASE SUMMARY
CASE NO. C-14-299737-1

Amended Information Filed/Charges Not Addressed
PCN: Sequence:

33. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT
1)
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

34. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT
2)
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

35. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT
3)
Amended Information Filed/Charges Not Addressed
PCN: Sequence:


36. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT
4)
Amended Information Filed/Charges Not Addressed
PCN: Sequence:


01/31/2018 **Plea** (Judicial Officer: Adair, Valerie)
1. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL
BODILY HARM
Guilty
PCN: Sequence:


2. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL
BODILY HARM
Guilty
PCN: Sequence:


3. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL
BODILY HARM
Guilty
PCN: Sequence:

02/01/2018 **CANCELED Motion to Suppress** (9:30 AM) (Judicial Officer: Adair, Valerie)
Vacated
Defendant's Motion To Suppress Evidence; Notice

03/15/2018  PSI




03/15/2018  PSI - Defendant Statements

05/07/2018  Motion
Filed By: Defendant Solander, Dwight Conrad
Notice And Motion To Continue Sentencing


05/10/2018  **Sentencing** (9:30 AM) (Judicial Officer: Adair, Valerie)
05/10/2018, 06/05/2018

05/17/2018 **CANCELED Motion to Continue** (9:30 AM) (Judicial Officer: Adair, Valerie)
Vacated - Previously Decided
Defendant's Notice of Motion to Continue Sentencing

CASE SUMMARY CASE NO. C-14-299737-1

| | | | | | | | | | | | |
|--------------------------------------|---|-------------------------------|-------|-----------------------|--------|--------------------------------------|------|-----|--|----------------------|---------------|
| 06/05/2018 | Disposition (Judicial Officer: Adair, Valerie) 1. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM Guilty PCN: Sequence: 2. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM Guilty PCN: Sequence: 3. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM Guilty PCN: Sequence: | | | | | | | | | | |
| 06/05/2018 | Sentence (Judicial Officer: Adair, Valerie) 1. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:36 Months, Maximum:120 Months | | | | | | | | | | |
| 06/05/2018 | Sentence (Judicial Officer: Adair, Valerie) 2. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:36 Months, Maximum:120 Months Concurrent: Charge 1 | | | | | | | | | | |
| 06/05/2018 | Sentence (Judicial Officer: Adair, Valerie) 3. CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:36 Months, Maximum:120 Months Concurrent: Charge 2 Credit for Time Served: 105 Days Fee Totals: <table border="0" style="margin-left: 40px;"> <tr> <td>Administrative Assessment Fee</td> <td style="text-align: right;">25.00</td> </tr> <tr> <td>\$25 DNA Analysis Fee</td> <td style="text-align: right;">150.00</td> </tr> <tr> <td>\$150 Genetic Marker Analysis AA Fee</td> <td style="text-align: right;">3.00</td> </tr> <tr> <td>\$3</td> <td></td> </tr> <tr> <td>Fee Totals \$</td> <td style="text-align: right;">178.00</td> </tr> </table> | Administrative Assessment Fee | 25.00 | \$25 DNA Analysis Fee | 150.00 | \$150 Genetic Marker Analysis AA Fee | 3.00 | \$3 | | Fee Totals \$ | 178.00 |
| Administrative Assessment Fee | 25.00 | | | | | | | | | | |
| \$25 DNA Analysis Fee | 150.00 | | | | | | | | | | |
| \$150 Genetic Marker Analysis AA Fee | 3.00 | | | | | | | | | | |
| \$3 | | | | | | | | | | | |
| Fee Totals \$ | 178.00 | | | | | | | | | | |
| 06/18/2018 |  Judgment of Conviction <i>JUDGMENT OF CONVICTION (PLEA OF GUILTY)</i> | | | | | | | | | | |
| 06/20/2018 |  Motion to Reconsider Filed By: Defendant Solander, Dwight Conrad <i>Defendant's Motion for Rehearing and Reconsideration of Sentence</i> | | | | | | | | | | |
| 07/10/2018 |  Motion For Reconsideration (9:30 AM) (Judicial Officer: Smith, Douglas E.) <i>Defendant's Motion for Rehearing and Reconsideration of Sentence</i> | | | | | | | | | | |

DEPARTMENT 21
CASE SUMMARY
CASE NO. C-14-299737-1

| 07/10/2018 |  Notice of Appeal (criminal) <i>Notice of Appeal</i> | |
|------------|--|---------------|
| DATE | FINANCIAL INFORMATION | |
| | Defendant Solander, Dwight Conrad | |
| | Total Charges | 178.00 |
| | Total Payments and Credits | 0.00 |
| | Balance Due as of 7/12/2018 | 178.00 |

1 Xanax got brought up, and that was explained away by the fact that she
2 was flying and she has a nerve with flying and so that day she had
3 Xanax. But it's not like she said any of that was untrue. It was in the
4 statement.

5 She's going to school now online through CSN. She has a job
6 interview Thursday with American Express. I'm asking just let her go
7 about her life and live. There's no -- there's nothing more to be
8 accomplished by putting her on supervision. There is nothing more that
9 she is deserved other than the 90 days that she's done, and the five
10 years of hell that this has put her through. I'm asking for credit for time
11 served, Your Honor, and that's my request.

12 THE COURT: All right. Thank you, Mr. Rue. All right. We'll
13 move on to Dwight Solander.

14 MS. BLUTH: Okay. Thank you, Your Honor.

15 I read Mr. Solander's psych evaluation and I need to clear up
16 something that is not true. It's stated in the psych evaluation that he
17 was offered two counts of child abuse with substantial bodily harm and
18 to -- and part of that negotiation was to testify against his wife but he
19 refused. That is absolutely not true. He was offered two counts of child
20 abuse with substantial bodily harm with the opportunity or, excuse me,
21 with the added condition of testifying against his wife. He came not
22 once but twice. We found him to be untruthful to a great degree both
23 times and told him we could no longer use him as a witness because we
24 found him to be untruthful. We then stated the deal is now three counts
25 of child abuse with substantial bodily harm, right to argue, and you no

1 longer have the opportunity of testifying against your wife. So, this idea
2 that he didn't take the deal because he had to testify against wife, that's
3 not true, that's not true at all. He proffered not once but twice and was
4 untruthful both times.

5 I don't think -- if you look -- if we were to go back and look
6 through every single email that went between Mr. and Mrs. Solander,
7 this idea that he was gone and he was working and he didn't know what
8 was going on is absolutely false. He was there when some of this stuff
9 was going on and when he wasn't there, they were writing about it back
10 and forth.

11 I think the most telling email is when Janet sends pictures of
12 the girls with an accident and it says: Anastasia pissed her pants. And
13 Mr. Solander's response is: She is going to hate life tonight. Have her
14 start crawling with Ava. He was every bit a part of this problem. What is
15 the point of that, having those kids crawl around acting like babies with
16 soiled underwear in their mouth in front of other kids? It just to terrorize,
17 to be mean. And this idea that we're making it up or we're lying, it's their
18 own words in black and white.

19 So, I don't think I could say it any better than what Mr. -- or Dr.
20 Paccult states when he says: There is little else to state aside from the
21 fact that these girls were being seriously mentally, emotionally and
22 physically abused and a trained -- by a trained foster parent and an
23 adult. He not only failed to protect these girls, he knowingly left them in
24 harm's way. This is one of the more extreme cases of child abuse and
25 neglect this evaluator has been involved in, and as a foster parent the

1 culpability is even higher in my opinion.

2 The benefit that he received was by taking a negotiation and
3 not going -- having to go to trial. There was testimony that he not only
4 bought the catheters but that he stood outside during one of the times
5 that they were being inserted and he also received an email from Janet
6 with one of the catheters full of urine. So, this idea that he didn't know
7 what was going on is absolutely false. Ms. Solander, at a minimum, is
8 going away for 35 years. He was every bit a part of this every step of
9 the way.

10 So, I believe, the State believes, the girls will tell you what
11 they believe, he should receive consecutive for all three of those counts
12 of eight to 20 because he's receiving a benefit of not having to do a 35
13 to life because he chose to take an negotiation and not have to put
14 those children through a trial, which would have been his right. But for
15 her to have to do 35 and him to do anything less than the 24 to 60 on
16 one count each of the child abuse with substantial, is a disservice and
17 an injustice because he was every bit a part of it, part of the catheters, a
18 part of the beatings, and he knew what was going on in this house. And
19 the girls will be the better one to explain to you. Again, we didn't get into
20 this into the trial because it was more about Janet. But they will tell you
21 he was there when the beatings happened. Not only did he beat but he
22 was there when Janet beat them. He's the one who bought the buckets.
23 He's the one who would check their underwear. He was a part of this
24 just as much as she would -- she was. The only difference is is he
25 chose to take a negotiation.

1 So, I believe that the 24 to 60 consecutive on the three counts
2 is appropriate. And, Judge, just to answer your question in regards to --
3 you could ask me what specific counts for Ms. Solander. Count 25 is
4 the burn and count 37 is the sexual assault that I was discussing. And
5 in regards to the child abuse and neglect with substantials for Mr.
6 Solander, that would be -- so I would be asking an eight to 20 on count
7 1.

8 THE COURT: You said a 24 to 60 and then you said an eight
9 to 20.

10 MS. BLUTH: Right. So, eight to 20 on each child would be 24
11 years to 60 years.

12 THE COURT: Oh, I see.

13 MS. BLUTH: Yeah. I was just --

14 THE COURT: Okay. It's confusing as to whether you meant
15 months or years. Okay.

16 MS. BLUTH: No, I did, yeah. And so I'll submit with that,
17 Your Honor.

18 THE COURT: All right. Thank you. Mr. Solander, your
19 lawyer, Mr. Mueller, will obviously have an opportunity to speak on your
20 behalf, but what, if anything, would you like to say before the Court
21 pronounces sentence against you?

22 DEFENDANT DWIGHT SOLANDER: Just the only thing,
23 Your Honor, is that I do apologize and I'm sorry that all this had to
24 happen. I guess I should have been a lot more proactive once I saw
25 what was going on and some of the issues. But I'm sorry that this all

1 had to happen this way.

2 THE COURT: All right. Thank you. Mr. Mueller.

3 MR. MUELLER: Your Honor, there's many troubling things
4 about this case. Several of them come to mind. Number one, Mr.
5 Solander was -- the Court had this case right. The use of a catheter is
6 not a sexual assault. I just fundamentally disagree with that. I believe
7 that's just plain error. As applied to Mr. Solander, it deprived him of his
8 right to a fair trial. If you have a constitutional right under the state and
9 the federal constitution to a right to a trial, the State does not have the
10 right to advance a theory that only the functionally insane would invoke
11 the right to go to trial. As you saw, it forced Mr. Solander into
12 negotiations and he did.

13 Now having said that, the other thing that's very troubling to
14 me is not having sat here through all the evidence, is this investigation
15 begins after Ms. Solander writes a book and then suddenly -- all the
16 sudden the Solanders are under a microscope.

17 Now here's what I see in this case; number one, Mr. Solander
18 was out of town 25 to 30 days a month. He's supporting the family.
19 He's such a poor father that he was actually ponying up and paying for
20 private school for three girls that he was not biologically related to.

21 Let's put a little context into Mr. Soldander's life. He's in his
22 mid-fifties. He's marrying a woman for the first time who tells him that
23 she's got some medical training. He's raised no children; zero
24 experience with children. None. His wife says after a few years of
25 marriage I'd like to be a foster parent. Well, okay, dear, if that's what

1 you want, sure. So, Mr. Solander takes the children, including the girls,
2 to Disneyland, to Knotts Berry Farm, acts like a parent, and is out of the
3 house most of the time.

4 Now buying a catheter, buying a couple of paint buckets for a
5 woman who says that she's a nurse and has experience in this matters
6 and has successfully raised a family previously, is his case. Now I don't
7 see anything other here than probation is appropriate. He's got zero
8 prior criminal record, zero involvement with the law. He's gainfully
9 employed and was dutifully and rather good spiritly paying for a lot of
10 children he had no biological connection to including adopting or -- and
11 actually adopting these children.

12 So, respectfully, Judge, I just fundamentally do not see this
13 case the way the State does. I do not believe there's any need for
14 public policy or need for retribution served by this case and by putting
15 Mr. Solander in prison. He's a low risk to reoffend which is the -- per the
16 report, which is the nexus, and I strongly suspect Mr. Solander will have
17 no involvement with children the rest of his life, and I don't see any
18 public policy in putting him in prison. He's a industrious, capable
19 individual, he runs his own business, and on occasion frequently has
20 three and four and five people working for him. He's -- can be an
21 economic credit to the community and I ask the Court for probation.

22 THE COURT: All right. Thank you, Mr. Mueller. We'll hear
23 from the speakers.

24 MS. BLUTH: Court's indulgence. Your Honor, the State calls
25 Anastasia Solander.

1 THE COURT: And then just please remain standing and face
2 that lady right there and she'll administer the oath to you. Okay.

3 **ANASTASIA MCCLAIN**

4 [having been called as a speaker and being first duly sworn, testified as
5 follows:]

6 THE COURT CLERK: Please state your name and spell for
7 the record, please.

8 THE VICTIM SPEAKER: Anastasia McClain,
9 A-N-A-S-T-A-S-I-A M-C-C-L-A-I-N.

10 THE COURT: All right. Thank you. Go ahead and have a
11 seat. And what you like to say to me?

12 THE VICTIM SPEAKER: All right. So, first off, you're not a
13 mom to me. Please don't ever say that you're my mom. You don't get
14 the right to say that because a mom would never do that.

15 MS. MCAMIS: Well, Your Honor --

16 THE COURT: Okay. I don't know if the DA's has talked to
17 you ahead of time, but the rules says that you have to talk to me. Okay.
18 Ms. Bluth, Mr. Hamner, did you go over the protocol for victim speakers
19 with the speakers?

20 MS. BLUTH: Yes, Judge. We just discussed that to talk
21 about the impact that this has had on you and your sisters.

22 THE COURT: Right. But you have to address the Court. And
23 then tell us how this has impacted you and your sisters and what you
24 feel about what happened to you and what would you -- and just take
25 your time. Okay. Do you need a tissue? Is there any up there? And

1 what you'd like to see happen today. Okay. Just take your time. It's
2 just common for people to want to talk directly to the Defendants, but the
3 rules say you have to talk to me. But you can tell us how you feel about
4 what happened to you. Okay.

5 THE VICTIM SPEAKER: All right. So, it's not so much that
6 the physical abuse that hurts me because that's like, that's in the past,
7 like, I can get over that. But it's more like the mental because, like,
8 there's just certain things I can't even do without thinking of what
9 happened. I can't even listen to certain songs 'cause that -- it brings me
10 back to those wounds. I can't listen to people say certain things without
11 thinking that it's gonna happen again. Like, it just -- it's not so much the
12 physical, it's been more of mental abuse that hurts the most because
13 mental is like it's hard to get rid of physical abuse. It's just only for a little
14 bit, it's for a certain amount of time. You can get over that. But it's
15 mental that hurts me the most.

16 And, I don't know what I -- like, I don't know what I ever did to
17 have to do this, like, we don't have any problems and we were just kids.
18 I just wanted to be a kid, literally, is all I wanted to do.

19 THE COURT: You can never blame for a child for being
20 abused.

21 THE VICTIM SPEAKER: And --

22 THE COURT: You just take your time. Okay.

23 THE VICTIM SPEAKER: It's more of like if I see -- she just
24 put so much anger on me, like, I would never see anybody as my
25 mother again because, you know, I've never had that. Like Ms. Debbie,

1 she's -- I just can't have a relationship like that again because she
2 ruined it for me because I don't know how it would be to have something
3 like that because I'm scared that it's going to happen all over. I'm
4 scared that this whole thing is going happen all over again, and I just
5 can't call anybody my mother again because I can't trust anybody 'cause
6 as soon as I let them in, they're -- I don't know what their intentions are.
7 And hearing -- and just seeing my sisters -- just seeing my sisters get
8 upset over something like this, is just -- it hurts me too because I love
9 my sisters to death; like, those -- they actually know how it feels. I don't
10 like it when people say that -- I just don't feel like people have the right to
11 say stuff to me about it, like, you don't know it felt.

12 Nobody understands unless you were with me, like, feeling
13 the pain that I went through, and my sisters understand that. And in a
14 way she kind of brung [sic] us together, but took us apart at the same
15 time because she basically told us that -- she had us argue with each
16 other, she had a fight -- she had us fight for -- it was either I get
17 whopped or my sister get whooped. It was like we were basically
18 fighting for either me or her, and it was hard for us. So, in a way she
19 also brought us together but took us apart.

20 THE COURT: Is there anything else you'd like to say?

21 THE VICTIM SPEAKER: [The speaker shakes her head in
22 the negative]. No audible response.

23 THE COURT: Okay. Any questions?

24 MS. MCAMIS: No, Your Honor.

25 THE COURT: Thank you for coming in. And my bailiff is

1 going to escort you back to your seat.

2 MS. BLUTH: The State would call Ava McClain.

3 THE COURT: And, Ava, my bailiff is just going to walk you up
4 here by me. Okay. And just remain standing, facing this lady right here
5 who will administer the oath to you -- you're right hand.

6 **AVA MCCLAIN**

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

9 THE COURT CLERK: Please state your name and spell it for
10 the record, please.

11 THE VICTIM SPEAKER: Ava McClain, A-V-A M-C-C-L-A-I-N.

12 THE COURT: All right. Thank you. Go ahead and have a
13 seat and just take your time.

14 THE VICTIM SPEAKER: Okay.

15 THE COURT: Take your time. What would you like to say
16 today?

17 THE VICTIM SPEAKER: So, I don't know how to say it. I'm
18 going to take a deep breath real quick. I don't care so much as for what
19 I've been through. I can deal with it, but it's more my sisters. I
20 understand I was just a kid, but at the same time I felt like I could have
21 done something. We had CPS come to the house, they asked us
22 questions, and obviously I lied for Janet, which wasn't right on my half.
23 And I just don't understand -- like, I look at the whole foster care system.
24 If you don't want the child, if you know you have no good intentions with
25 the children, then don't take them in at all.

1 It doesn't matter. There's so many kids in the system that
2 have been through worse. I'm not going to say I've been through, you
3 know, the worst of everything because I know there's kids that didn't
4 even survive. I just don't understand why she had to put my sisters
5 through that. My sisters were little kids. I know more, I've seen more;
6 I'm older, they're younger. And they opened up their doors, they let
7 down their walls because all we wanted was a family, they wanted a
8 mother and a father. Obviously we didn't get that from my biological
9 parents. And I just don't understand why she had to do that to them. If
10 she didn't want them, all she had to say was no, I don't want them, I
11 can't do it. It wasn't that hard. It wouldn't have hurt us. What hurt us
12 was the fact that she said yes and then did this.

13 Another thing is I'm in a place right now where I have to hear
14 other people tell me oh, well, that's why your birth parents gave you up
15 or that's why they did this to you and not. I have to learn how to deal
16 with that. I can't talk to therapists about it. I go to sleep; I dream about
17 what's happened to me. I have anger in me. I can't let go of it,
18 obviously. I fight with my middle sister all the time or I used to, and it's
19 because I was so used to the patterns that were happening at the
20 Solanders' home that I started to have some of that too which kind of
21 scared me.

22 But the main thing that bothers me the most is that I can't
23 even call someone my mother. Ms. Debbie, she's done a lot for me.
24 She's a strict parent, you know, I have to go school; can't be doing stuff
25 like smoking and drinking, obviously. With me, I don't like going to

1 school because I was so used to going to school, I wasn't even in
2 school. So, I don't like going to school. I like doing things I shouldn't be
3 doing. And I want to call her a mother and I want to thank her but I can't
4 because I feel like if I call her mother -- if I call him my father, that is just
5 going to happen again. I'm going to let my walls down. I'm not doing it
6 again.

7 And as far as Danielle, I will say she never did hurt me, didn't
8 lay one hand on me. She actually tried to help several times. And I'm
9 happy that she's going to school, keeping up with her life, and has a
10 child. And I'm not going to speak for my sisters, but I know for me I want
11 to see her move on with her life. I mean, she could have done
12 something. I don't remember how old she was; she was a teen, almost
13 an adult. It would have been nice if she had said something, but
14 obviously that's not how it -- she was a teen too. She didn't want to see
15 her mother go away. But sometimes you have to do that if you want to
16 move on with your life. It's one or the other. I don't --

17 THE COURT: How do you feel about Dwight?

18 THE VICTIM SPEAKER: Dwight. Me personally, I didn't
19 necessarily call out for his name when things were happening in the
20 home, but my sisters called out for his name, especially Amaya. And
21 the fact that he's saying that he wasn't there all the time and he didn't
22 know about it, he did know about it. I'm not a stupid child. He knew
23 about it. He could have least told somebody or he could have talked to
24 his wife and told 'em to stop, but he decided not to. That's his fault. But
25 what Janet did wasn't his fault, that was Janet's decisions. But his

1 decision not to say anything was his fault. He could have said
2 something.

3 I don't know how to feel about him. I don't know what to say
4 about him. I mean, he could have just simply said something to
5 someone instead of letting it happen because he knew about it. It's just
6 not that hard to figure out.

7 With Janet, the last thing is, the things that she did to me I
8 have to deal with. Some of my behaviors that I do now, and I'm 16, I'm
9 about to be 17 this year, I have one more year. I need to have my life
10 together. I'm doing stupid stuff. I have no credits for high school,
11 nothing. I do stuff to myself because I have memories of what she's
12 done to my sisters. I don't care what she's done to me, but it's to my
13 sisters. The fact that I had to sit there and watch that, the fact that she
14 told me my parents didn't want me, and that we were just animals and
15 whatnot. I have to deal with that. I want my biological family so bad, but
16 what she told me about them, I don't feel like I want them even though I
17 know it's not true. Just hearing it, it makes me feel like I actually have
18 no one.

19 Now I have to set the example for my sisters and it's hard. I'm
20 over here doing stupid stuff and they want to stupid stuff too. I'm
21 obviously not going to change until I decide to change. But I just don't
22 understand why she had to do that. All she could have said was no.
23 So, basically, she could have done -- I wouldn't have hated her for that, I
24 wouldn't of not liked her for that. All she had to say was no. That's it.
25 And the fact that she's still sitting here today saying that we're over

1 exaggerating, I'm not over exaggerating about anything. It's right there,
2 it's laid out. Either way, I know what happened and she knows what
3 happened. You know, she's claiming a Christian or whatever. She
4 believes in God. He knows what happens. So, either way you're going
5 to have to pay for what you did one way or the other.

6 And now all this stuff that I've been through, I actually do have
7 problems in the head and I have to learn how to deal with it, and before I
8 was just fine. I was just a kid. I want to do certain stuff but I can't do it
9 because of my actual mental problems now. You should have just
10 treated us like we wanted to, just a family. I'm pretty sure she would
11 have been a lot happier.

12 THE COURT: Thank you for coming in. And just take your
13 time. It takes a lot of courage.

14 THE VICTIM SPEAKER: And I hope the best for Danielle.
15 Obviously, she already said she has a kid, and I don't hate her. I don't
16 want to see her go away for life. She already apologized and whatnot.
17 So, I just hope she can move on with her life. I'm done.

18 THE COURT: Thank you. Like I said, it takes a lot courage to
19 come in and talk about these things. For an adult it's hard and
20 especially for a young person. Anything else you'd like to say? All right.
21 Just follow the bailiff and he'll take you back to your seat in the
22 audience. And we'll hear from the next speaker.

23 MS. BLUTH: Judge, if I could just make one clarification.

24 THE COURT: Sure.

25 MS. BLUTH: When Ava started, she talks with saying where

1 she is now, she gets told certain things. I just want to make clear for the
2 record, she's not with Ms. McClain right now. She's in a treatment
3 center.

4 THE COURT: All right.

5 MS. BLUTH: I just didn't want the Court to think --

6 THE COURT: And I'm hoping -- I was going to make a
7 comment. I'm sure no adult and I certainly hope no adult would ever say
8 that to a young person or really any person to blame them for the
9 actions of an adoptive parent, a foster parent, or a biological parent. I'm
10 assuming that those comments are being made by other young people
11 in treatment because certainly if an adult is making those kinds of
12 horrible statements, they shouldn't be working in that capacity because,
13 as I said, you can never blame a child for being abandoned by a
14 biological parent or any kind of mistreatment.

15 MS. BLUTH: It will be looked into.

16 THE COURT: And if you could just stand up and face this
17 lady right here. She'll administer the oath to you.

18 **AMAYA MCCLAIN**

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

21 THE COURT CLERK: Please state your name and spell it for
22 the record, please.

23 THE VICTIM SPEAKER: Amaya McClain, A-M-A-Y-A
24 M-C-C-L-A-I-N.

25 THE COURT: All right. Thank you. And what you like to say

1 today? And, again, just take a deep breath and take your time.

2 THE VICTIM SPEAKER: I'm trying to figure out how to put,
3 like, my words together. It makes me sad that I couldn't help my sisters.
4 As much as I really wanted to, I couldn't.

5 We argue all the time. Me and Stastia got into an argument
6 over Cane's the other day but, I mean, like, I'd do anything for them.
7 Janet, she hurt me a lot. Sometimes I look in the mirror and I see what
8 she did to me and myself because I'm so angry. I don't know why she
9 did it. I just --- I just wanted a family. That's it. And I don't think she
10 understood that, I guess. I can't trust no one. Every time, like, I meet
11 someone I'll talk to them. My heart tells me, like, you could trust them,
12 but I don't let myself go there 'cause when I try and trust someone all
13 they do is hurt me. I can't let them see [indiscernible].

14 I have like -- I have plans for my life, like, we joke about it now
15 and then, but, I mean, I'm not completely over it. Sometimes I -- when I
16 can't sleep I just lay in my bed and I just think about it and I just start
17 crying. Sometimes I close my eyes and I think I'm there and then I
18 realize I'm not there; like, my worse fear is being like her because I
19 didn't like what she did to me. I hated it and I wouldn't wish that on
20 anyone no matter what they did. No one deserves that.

21 I wonder when I have kids what am I going to tell them about
22 my childhood. What am I going to tell them where I went to school, who
23 was my best friend in kindergarten or second grade. I guess I'm just
24 going to have to tell them I didn't have no childhood. She took it from
25 me.

1 And for Dwight, I trusted you, but you weren't there for me.
2 I remember I used to lay on my board and I would hear him come in and
3 I would get happy because it wasn't as bad when he was there. And
4 then he stopped caring. I got so angry with him 'cause I thought he was
5 going to save me and my sisters. I trusted him and he wasn't there.
6 Every time I needed him he wasn't there for me.

7 I won't call anyone my mom, my dad, nothing. Period. I don't
8 care. I can't trust no one. I tried to trust him. He didn't do nothing for
9 me. I tried to trust her. She didn't do nothing for me. Just sit there and
10 cry thinking it was my fault. They had me feeling like it was -- I was the
11 problem. I would just lay there telling myself why are you even here.
12 Why -- I remember lying on my board and just wanting to die at times
13 because I thought I was the problem, and I didn't want my sisters to
14 wake up in the morning and get kicked downstairs. I'll get over that
15 soon -- sooner or later, but it's all up here forever.

16 And for Danielle, I get it. You're young. Me and her didn't
17 necessarily get along, but I wasn't so perfect. Like, yeah, I acted out
18 but, you know, I was a baby at the time, basically. And I can't imagine
19 not having my mom there because I did have my mom there, and I want
20 her kid to know that no matter how many mistakes she had made that
21 she's going to be there for him because I know what it's like to not have
22 someone and I don't want her son to ever feel that way. I want her to
23 just forget about it. You were in a position where it was either your or
24 your mom. That's your mom. I get it. But at the same time it's not right.
25 I wish her the best. I wish Kim, Tara, and Dominique the best. I never

1 forgot about them. I always think about them and wonder what they're
2 doing now. I remember we went to Ohio; we went swimming with Malik
3 [phonetic] and Sean.

4 I hate this. I think you're never going to see my cry like this no
5 more. I want her -- Janet to know, yeah, she took years away from me,
6 she took my life, basically. But she didn't take my future because I'm
7 going to be something no matter how many times she told me I was
8 stupid. No one's ever told me that and we thought that you could talk to
9 me about that.

10 THE COURT: You want some water?

11 THE VICTIM SPEAKER: I'm good.

12 THE COURT: You okay? Thank you for coming in. Like I
13 said, it takes a lot of courage. There are about 10, 15 other people in
14 the room crying so don't feel embarrassed about that. And we'll hear
15 from Ms. McClain who, I think, is our fourth speaker.

16 MS. BLUTH: Yeah, sure. And I think --

17 THE COURT: Come on up. Ms. McClain, please just remain
18 standing facing our court clerk who will administer the oath to you.

19 **DEBORAH MCCLAIN**

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

22 THE COURT CLERK: Please state your name and spell it for
23 the record, please.

24 THE VICTIM SPEAKER: Deborah McClain,
25 D-E-B-O-R-A-H M-C-C-L-A-I-N.

1 THE COURT: All right. Thank you. Please be seated. And,
2 McClain, what would you like to say?

3 THE VICTIM SPEAKER: Okay. I just want to let Janet know
4 -- can I read my --

5 THE COURT: Sure. And you prepared a statement to read?

6 THE VICTIM SPEAKER: Yes.

7 THE COURT: Go ahead and just read that.

8 THE VICTIM SPEAKER: Janet, when you adopted our girls --

9 THE COURT: And just take your time. It's okay. Just take
10 your time. It's obviously very emotional.

11 THE VICTIM SPEAKER: Janet, when you adopted our girls,
12 they were just three loving and trusting kids. You called them defective;
13 I called them children. You called them unhealthy; I called them
14 carefree and innocent. You've called them mentally challenged; I called
15 them children. I called them children and had high expectations of an
16 adopted mom who promised them a forever home, but instead gave
17 grief and trauma that will mostly likely last forever. I guess we will never
18 know the true reason you chose to be an adoptive mom. Maybe your
19 intentions started out good, but a dark side took control of you.

20 When I offered you help I truly meant that and my service was
21 free of charge because I truly wanted to stay in our girls' lives. Now you
22 have given us the job to clean up the mess you have made of our girls'
23 future. You have made it difficult for our girls to be -- ever 00 to ever
24 believe -- to even believe they deserve a good life. Their self- worth for
25 themselves is almost next to nothin'. To tell our girls how great they can

1 be makes them feel unworthy.

2 We have been working with the fallout of the horrific child
3 abuse with our girls four years plus and it breaks your heart to see how
4 little our daughters think of themselves thanks to you. We pray daily that
5 our girls can learn that their self-worth is far greater than what you have
6 done to them.

7 My husband and I have seen first hand on how adults can ruin
8 the future of our young generation. We have been through nervous
9 break downs, hatred of each other, always feeling less worthy of our
10 love, lack of trust, blame game. We have seen our girls physically fight
11 over who was treated the worst out of the three of them. We have to
12 constantly remind our girls that when you have an individual whose
13 mindset is to [indiscernible] and abuse the most vulnerable, neither one
14 of them would have been spared the wrath of Janet.

15 It does not matter how good -- it does not matter how good
16 they tried to be -- to please Janet, it would never have been enough.
17 Every day our girls would wake up it was never a happy moment. For
18 them, if Janet wasn't beating, kicking, punching, degrading them,
19 starving and reminding them how stupid they were, placing catheters
20 inside of them for her own pleasure, for her that was the height of her
21 day. So, the flavor of her day was the first child which spoke I have to
22 [indiscernible] this constantly. This would start the chain of events for
23 our girls.

24 When we first got our girls back, I could not believe the
25 change in them. Every day it was chaos. Daily, for the last four years

1 plus, arguing and threatening each other was a way of life. To them,
2 that was the norm. Janet divided Amaya, Anastasia to Ava in a way it's
3 going to take a lot of therapy to undue all the damage she had bestowed
4 on them. Janet, I really wish that you and your husband had never
5 made the decision to adopt any of them kids, we would not be here
6 today. For the Courts to decide your fate instead of you going off to jail,
7 you would be -- you would probably be planning your vacation to return
8 home after a week or two with a new way of thinking and able to tackle
9 anything with a more positive frame of mind. Instead, you're going to go
10 to prison to keep you from hurting any more children.

11 When you chose to hurt and ruin the lives of innocent children,
12 you deserve the consequences that comes with you behavior.
13 Hopefully, our girls can get closure after today so they can fulfill their
14 dreams of success -- of a successful good life for their future. You, on
15 the other hand, where you're going, you will have plenty of time to reflect
16 on how you should have made better choices. That's it.

17 THE COURT: Thank you very much for coming in.

18 MS. MCAMIS: Your Honor, I know we have an opportunity to
19 ask questions. This is actually -- I have very few questions.

20 THE COURT: Oh, I'm sorry. Ms. McClain. I'm sorry. I
21 neglected to ask counsel if they had any questions.

22 THE VICTIM SPEAKER: Oh.

23 THE COURT: They can ask you questions if you'd come on
24 back up.

25 MS. MCAMIS: Ms. McClain, thank you so much. And I

1 apologize that I didn't catch you before you stopped off. I apologize for
2 that inconvenience.

3 Ms. McClain, I was hoping to kind of elaborate on Ava's
4 current placement, how long she's been there, and the background
5 behind that, please.

6 MS. BLUTH: Judge, I'm going to object to that. That's not
7 appropriate at the rendition of sentencing.

8 MS. MCAMIS: It absolutely goes to impact on the victim.
9 There's been testimony and suggestions that these children were so
10 damaged that because of Janet, Ava had to be placed somewhere else
11 because of her behaviors, and she's going through therapeutic
12 treatment because of those behaviors.

13 THE COURT: She can just briefly comment as to where the
14 placement is and the reason for the placement, but beyond that I think
15 it's well beyond the scope of victim impact. And so if you could just ask
16 that limited question as to why she's in a placement and where is she
17 currently since it was referenced. Go ahead.

18 THE VICTIM SPEAKER: She didn't never -- up up in
19 Amorgosa in Nevada.

20 MS. MCAMIS: And my other question that the Judge
21 approved was the reason for the placement.

22 THE VICTIM SPEAKER: Well, Ava, she said that earlier
23 because of the fact that it's a lot going on with her what -- between her
24 and Janet, the Solander home. So, we trying -- we're working through it.
25 The only thing I can do is take it day by day. She's getting treatment

1 and, I don't know, she might be coming home in a month or two or
2 maybe a week two, I don't know yet. I can't say. But we do go up -- we
3 have family therapy with her.

4 MS. MCAMIS: So glad to hear that. Thank you for sharing
5 that.

6 Your Honor, I understand that the State and the Court may not
7 allow me to ask my other question, but I had one other and it was an
8 inquiry into the status of -- we received information at trial that Ms.
9 Debbie may have had a CPS case of her own because of her potential
10 unwillingness to take back Ava. I was going to ask about the status of
11 any open CPS cases involving these girls.

12 THE COURT: State, are you objecting? I don't think that
13 that's really relevant what's going on in that. I mean, she's here to
14 comment as to how the girls have changed since she first was parenting
15 them as a foster parent until she got them back. So, I don't think that
16 that's really relevant.

17 MS. MCAMIS: Understood. Okay. I have no further
18 questions. Thank you, Ms. Debbie.

19 THE COURT: All right. Thank you. Any other defense
20 questions? And, Ms. Bluth, did you have any questions for Ms.
21 McClain?

22 MS. BLUTH: No.

23 THE COURT: No. Thank you, Ms. McClain. Thank you for
24 coming in and you are excused, and my bailiff will escort you back to
25 your seat in the audience.

1 And we'll begin with Ms. Solander. Obviously, Ms. Solander
2 does not need to stand. I just wanted to comment. I think the real
3 tragedy here, one of the real tragedies is these victims are blaming
4 themselves, and that seemed to be the theme from all three speakers.
5 And I think as humans we try to understand why did this happen to me,
6 and I think as part of that inquiry, these victims are trying to put the
7 blame on themselves in an effort to understand. And as I said, a child
8 can never be blamed for being abused, number one, and, number two,
9 from my prospective, as least, having presided over this trial, the weeks
10 of testimony, I don't think there really is an understanding to be gleaned
11 as to why this happened.

12 I think Mrs. Solander did have, at some point, genuine
13 affection for the victims and did want to parent these girls. And I think
14 somewhere along the way, I don't know if there was a psychiatric
15 component or what, things went horribly wrong. But I don't think we can
16 understand why these actions occurred and I don't think it's something,
17 as a adults, who don't understand. So, certainly children can't be asked
18 to understand, and that's just my comment on this. There is no
19 understanding.

20 So, Mrs. Solander, by virtue of the jury's verdict in this case,
21 you are hereby adjudged guilty of counts 1, 2, 14, 24 and 25, child
22 abuse, neglect or endangerment and substantial bodily harm. Counts 3,
23 4, 5, and 6, 9, 10, 11 and 12, 15, 16, 17, 18, 20, 21 and 22, 26, 27, 28,
24 and 29, 40, 41, 42, 43, 44 and 45 child abuse, neglect or endangerment.
25 Counts 7, 8, 19, 30, 31, 32, 33, 34, 35, 36 and 37 sexual assault with a

1 minor under 14 years of age; counts 13, 23 and 46, assault with the use
2 of a deadly weapon, and counts 38 and 39, battery with intent to commit
3 sexual assault.

4 In addition to the \$25 administrative assessment, the \$150
5 DNA analysis fee, and the fact that you must submit to a test for genetic
6 markers and the \$3.00 DNA administrative assessment, on count 1,
7 child abuse, neglect or endangerment with substantial bodily harm,
8 you're sentenced to a minimum term of 36 months in the Nevada
9 Department of Corrections and a maximum term of 120 months in the
10 Nevada Department of Corrections.

11 On Count 2, child abuse, neglect or endangerment with
12 substantial bodily harm, you're sentenced to a minimum term of 36
13 months in the Nevada Department of Corrections and a maximum term
14 of 120 months. That is imposed concurrently with the time you received
15 on Count number 1.

16 On Count 3, child abuse, neglect or endangerment, you are
17 sentenced to a minimum term of 12 months in the Nevada Department
18 of Corrections and a maximum term of 48 months. That is imposed
19 concurrently with the time you received on Count number 3 -- I'm sorry --
20 Count number 2.

21 On Count number 4, child abuse, neglect or endangerment,
22 you're sentenced to a minimum term of 12 months in the Nevada
23 Department of Corrections and a maximum term of 48 months. That is
24 imposed concurrently with the time you received on Count number 3.

25 On Count number 5, child abuse, neglect or endangerment,

1 you're sentenced to a minimum term of 12 months and a maximum term
2 of 48 months. That is imposed concurrently with the time you received
3 on Count number 4.

4 On Count number 6, child abuse, neglect or endangerment,
5 you're sentenced to a minimum term of 12 months and a maximum term
6 of 48 months. That is imposed concurrently with the time you received
7 on Count number 5.

8 On Count number 7, sexual assault with a minor under 14
9 years of age, you're sentenced to life with the possibility of parole
10 beginning after a minimum term of 35 years has been served. That is
11 imposed concurrently with the time you received on Count number 6.

12 On Count number 8, sexual assault with a minor under 14
13 years of age, you're sentenced to life with the possibility of parole
14 beginning after a minimum term of 35 years has been served. That is
15 imposed concurrently with the time you received on Count number 7.

16 On Count number 9, child abuse, neglect or endangerment,
17 you're sentenced to a minimum term of 12 months in the Nevada
18 Department of Corrections, a maximum term of 48 months. That is
19 imposed concurrently with Count 8.

20 On Count number 10, child abuse, neglect or endangerment,
21 you're sentenced to a minimum term of 12 months, a maximum term of
22 48 months. That is imposed concurrently with Count 9.

23 On Count number 11, child abuse, neglect or endangerment,
24 you're sentenced to a minimum term of 12 months, a maximum term of
25 48 months. That is imposed concurrently with Count 10.

1 On Count number 12, child abuse, neglect or endangerment,
2 you're sentenced to 12 to 48 months. That is imposed concurrently with
3 Count 11.

4 On Count 13, assault with deadly weapon, you're sentenced
5 to a minimum term of 12 months, a maximum term of 48 months. That
6 is imposed concurrently with the time you received on Count number 12.

7 On Count number 14, child abuse, neglect or endangerment
8 with substantial bodily harm, you're sentenced to a minimum term of 36
9 months, a maximum term of 120 months. That is imposed consecutively
10 to the time you received on Count number 13.

11 On Count number -- I'm sorry -- that's Count 14. On Count
12 15, child abuse, neglect or endangerment, you're sentenced to a
13 minimum term of 12 months, a maximum term of 48 months. That is
14 imposed concurrently with Count 15.

15 On Count 16, child abuse, neglect or endangerment, you're
16 sentenced to a minimum term of 12 months, a maximum term of 48
17 months. That is imposed concurrently with Count 15.

18 On Count 17, child abuse, neglect or endangerment, you're
19 sentenced to a minimum term of 12 months, a maximum term of 48
20 months. That is imposed concurrently with Count 16.

21 On Count 17, child abuse, neglect or endangerment, you're
22 sentenced to a minimum term of -- oh, I'm on Count 16 -- 18, I'm sorry,
23 child abuse, neglect or endangerment, you're sentenced to a minimum
24 term of 12 months, a maximum term of 48 months. That is imposed
25 concurrently with Count 17.

1 On Count 19, sexual assault with a minor under 14 years of
2 age, you're sentenced to life with a minimum possibility of parole
3 eligibility beginning after 35 years has been served. That is imposed
4 concurrently with Count 18.

5 On child abuse, neglect or endangerment, you're sentenced to
6 -- Count 20 -- you're sentenced to a minimum term of 12 months, a
7 maximum of 48 months. That's imposed concurrently with Count 19.

8 On Count 21, child abuse, neglect or endangerment, you're
9 sentenced to a minimum term of 12 months, a maximum term of 48
10 months. That is imposed concurrently with Count 20.

11 On Count 22, child abuse, neglect or endangerment, you're
12 sentenced to a minimum term of 12 months, a maximum term of 48
13 months. That is imposed concurrently with Count 21.

14 On Count 23, assault with use of a deadly weapon, you're
15 sentenced to a minimum term of 12 months, a maximum term of 48
16 months. That's imposed concurrently with Count 22.

17 On Count 24, child abuse, neglect or endangerment with
18 substantial bodily harm, you're sentenced to a minimum term of 36
19 months, a maximum term of 120 months. That is imposed concurrently
20 with Count 23.

21 On Count 25, child abuse, neglect or endangerment with
22 substantial bodily harm, you're sentenced to a minimum term of 36
23 months, a maximum term of 120 months. That's imposed consecutively
24 to Count 24.

25 On Count 26, child abuse, neglect or endangerment, you're

1 sentenced to a minimum term of 12 months, a maximum term of 48
2 months. That is imposed concurrently to Count 25.

3 On Count 27, child abuse, neglect or endangerment, you're
4 sentenced to a minimum term of 12 months, a maximum term of 48
5 months. That is imposed concurrently with Count 26.

6 Count 28, child abuse, neglect or endangerment, you're
7 sentenced to a minimum term of 12 months, a maximum term of 48
8 months. That is imposed concurrently with Count 27.

9 On Count 29, child abuse, neglect or endangerment, you're
10 sentenced to a minimum term of 12 months, a maximum term of 48
11 months. That is imposed concurrently with Count 28.

12 On Count 30, sexual assault with a minor under 14 years of
13 age, you're sentenced to life with your minimum parole eligibility
14 beginning after a minimum of 35 years has been served. That is
15 imposed concurrently with Count 29.

16 And Count 31, sexual assault with a minor under 14 years of
17 age, you're sentenced to a minimum term of life with your minimum
18 parole eligibility beginning after 35 years has been served. That is
19 imposed concurrently with the time you were given on Count 30.

20 On Count 32, sexual assault with a minor under 14 years of
21 age, you're sentenced to life with a minimum parole eligibility beginning
22 after 35 years has been served. That is imposed concurrently to Count
23 31.

24 And Count 33, sexual assault with a minor under 14 years of
25 age, you're sentenced to a minimum term of life with -- I'm sorry -- you're

1 sentenced to a maximum term of life, with your minimum parole eligibility
2 beginning after 35 years has been served. This is imposed concurrently
3 with Count 32.

4 And Count 34, sexual assault with a minor under 14 years of
5 age, you are sentenced to life with your minimum parole eligibility
6 beginning after a minimum period of 35 years has been served. That is
7 imposed concurrently with Count 33.

8 On Count 35, sexual assault with a minor under 14 years of
9 age, you're sentenced to life, with a minimum parole eligibility beginning
10 after 35 years has been served. That is imposed concurrently with
11 Count 34.

12 On Count 36, sexual assault with a minor under 14 years of
13 age, you are sentenced to life, with a minimum parole eligibility
14 beginning after 35 years has been served. This is imposed concurrently
15 with Count 35.

16 And Count 37, sexual assault with a minor under 14 years of
17 age, you're sentenced to life, with a minimum parole eligibility beginning
18 after 35 years has been served. This is imposed concurrently to Count
19 36.

20 On Count 38, you are sentenced to battery with intent to
21 commit sexual assault. You're sentenced to a maximum term of life,
22 with parole eligibility beginning after 72 months has been served. That
23 is imposed concurrently with Count 37.

24 Count 39, battery with intent to commit sexual assault. You're
25 sentenced to life, with a minimum parole eligibility beginning after 72

1 months. That is imposed concurrently with Count 38.

2 On Count 40, child abuse, neglect or endangerment. You're
3 sentenced to a minimum term of 12 months and a maximum term of 48
4 months. That is imposed concurrently to Count 39.

5 On Count 41, child abuse, neglect or endangerment, you're
6 sentenced to 12 to 48 months imposed concurrently with Count 40.

7 On Count 42, child abuse, neglect or endangerment, you're
8 sentenced to a minimum of 12 months, a maximum term of 48 months.
9 That is imposed concurrently to Count 41.

10 On Count 43, child abuse, neglect or endangerment, you're
11 sentenced to 12 to 48 months imposed concurrently to Count 42.

12 On Count 44, child abuse, neglect or endangerment, you're
13 sentenced to 12 to 48 months imposed concurrently with Count number
14 43.

15 On Count 45, child abuse, neglect or endangerment, you're
16 sentenced to 12 to 48 months. That is imposed concurrently with Count
17 number 44.

18 On Count number 46, assault with a deadly weapon, you're
19 sentenced to a minimum term of 12 to 72 months imposed concurrently
20 to Count number 45. And I show that you're entitled to --

21 MS. MCAMIS: Your Honor, my count was 306 days credit
22 time served.

23 THE COURT: Does that sound right, 306 days of credit for
24 time served?

25 MS. BLUTH: Yes, Your Honor.

1 THE COURT: And that is a minimum sentence of 35 years in
2 prison and a maximum sentence of life.

3 All right. Turning to Ms. Hinton --

4 MS. BLUTH: And, Judge, in regards to that, a quick question
5 for you. So, the aggregate you're saying, the maximum is 35, but then
6 the child abuses were consecutive, but they're consecutive to the other
7 child abuses --

8 THE COURT: Right.

9 MS. BLUTH: -- so they're swallowed by the 35; right?

10 THE COURT: That's how I calculated it. And there are two
11 different kinds of sexual assaults, the catheter sexual assault and the
12 paint stick sexual assault. If, for some reason, the catheter sexual
13 assaults are found not to constitute crimes by the Supreme Court, she
14 still has the paint stick sexual assault. If, for some reason, they're all
15 overturned, I calculated -- there's a series of consecutive time on that. I
16 think it's -- and I'd I have to go through and calculate that.

17 MS. BLUTH: Three 36s.

18 THE COURT: Okay. But in any event, those are swallowed
19 by the 35 on either -- any of the catheter sexual assaults or the paint
20 stick sexual assaults.

21 MS. BLUTH: Understood.

22 THE COURT: All right. Now turning to Ms. Hinton, there's
23 nothing to suggest that Ms. Hinton is anything other than a good parent.
24 However, she's clearly been exposed to poor parenting. And, you know,
25 whether -- what she could have done or should have done, I think is

1 questionable given her age, and the fact that it's her parents, a step
2 parent and her mother, you know, who's doing the abusing. I still agree
3 with the State, but I think some kind of parenting classes are appropriate
4 just because of -- I don't know what her perception is on what's normal
5 and what's not normal having lived in this environment. So, I think that
6 that's appropriate.

7 So, Ms. Hinton, based upon your plea of guilty in this case,
8 you are hereby adjudged guilty of the gross misdemeanor crime of
9 conspiracy to commit disorderly conduct.

10 In addition to the \$25 administrative assessment, the \$150
11 DNA analysis, the fact that you must submit to a test for genetic
12 markers, and the \$3.00 DNA administrative assessments, you're
13 sentenced to nine months in the Clark County Detention Center. That
14 sentenced is suspended. You're placed on informal probation for a
15 period of time not to exceed 18 months. You are ordered to stay out of
16 trouble which is you can't have any arrests for anything including a
17 reckless driving or a DUI. An ordinary traffic infraction, like speeding or
18 something like that, would not constitute violating the staying out of
19 trouble provision. And I also want you to complete the longer term
20 parenting classes. I don't know what's available in the state of Arizona,
21 but maybe you can look into that, Mr. Rue?

22 MR. RUE: Yes, Your Honor. She's a resident --

23 THE COURT: Or either way.

24 MR. RUE: Well she's as resident of the Phoenix general area

25 SO --

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

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5 Dwight Conrad Solander,
6 Appellant

7 vs.

8 State of Nevada,
9 Respondent.

Electronically Filed
Apr 24 2019 04:40 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court Case No.: 76405

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12 **APPELLANT'S APPENDIX**

13
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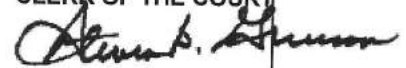
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| <u>Document Name</u> | <u>Date</u> | <u>Pages</u> |
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| TRANSCRIPT OF HEARING PROCEEDING SENTENCING | 06/05/2018 | 1-68 |
| ORDER OF REVERSAL AND REMAND (NEVADA SUPREME COURT) | 04/19/2016 | 69-78 |
| NOTICE OF APPEAL WITH ATTACHMENTS | 07/10/2018 | 79-120 |



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
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9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 DWIGHT SOLANDER,
13 DANIELLE HINTON,
14 JANET SOLANDER,

15 Defendants.

CASE#: C-14-299737-1
C-14-299737-2
C-14-299737-3

DEPT. XXI

16 BEFORE THE HONORABLE VALERIE P. ADAIR, DISTRICT COURT JUDGE
17 TUESDAY, JUNE 5, 2018

18 **RECORDER'S TRANSCRIPT OF PROCEEDING**
19 **SENTENCING**
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22
23

24 SEE APPEARANCES -- Page 2

25 RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

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APPEARANCES:

For the State:

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

For Defendant Dwight Solander:

CRAIG A. MUELLER, ESQ.

For Defendant Danielle Hinton:

JEFFREY T. RUE, ESQ.
Deputy Public Defender

For Defendant Janet Solander:

CAITLYN L. MCAMIS, ESQ.
KRISTINA WILDEVELD, ESQ.

ALSO PRESENT:

ANASTASIA MCCLAIN
AVA MCCLAIN
AMAYA MCCLAIN
DEBORAH MCCLAIN
Victim Impact Speakers

1 TUESDAY, JUNE 5, 2018 AT 11:47 A.M.

2
3 THE COURT: All right. Do we need to set up for the
4 Solander case or is everybody ready to go forward?

5 MS. BLUTH: The State is ready.

6 THE COURT: State versus Dwight Solander. Mr. Solander is
7 present out of custody with Mr. Mueller. Danielle Hinton.

8 MR. RUE: She's present.

9 THE COURT: Ms. Hinton is present out of custody with Mr.
10 Rue, and Janet Solander who is present in custody with Ms. Wildeveld
11 and Ms. McAmis. And we have Ms. Bluth and Mr. Hamner for the State.
12 This is the time set for the rendition of sentence. Are all sides -- both
13 sides ready to go forward?

14 MS. BLUTH: Yes, Your Honor, on behalf of the State.

15 MS. MCAMIS: Yes, Your Honor, on behalf of Ms. Solander.

16 THE COURT: Mr. Mueller.

17 MR. MUELLER: Your Honor, I want to ask that Mr. Solander's
18 sentencing be trailed until after the -- or Mrs. Solander. This was a three
19 week trial. I was not present for a lot of the testimony. If something
20 comes out during sentencing that I don't know about, I want to be able to
21 at least be able to address it. I'm not -- I'm just saying I just want to sit
22 and wait till I hear --

23 THE COURT: I understand what you're saying. My concern
24 is that we have victim speakers. And has the State verified with all of
25 the noticed speakers who wish to speak?

1 MS. BLUTH: Yes, Your Honor.

2 THE COURT: All right. My concern is, as you know, they
3 have a statutory right to speak last, and I only -- I don't want them to
4 have to speak over and over again. I think that was the State's wish
5 with moving the dates and everything like that. So, that would be my
6 concern. I'm assuming the State would have a similar concern and they
7 may have other concerns that I'm not aware of. State.

8 MS. BLUTH: I don't have any -- obviously this is Your Honor's
9 courtroom. So, I know that you'll make a decision. I don't have any
10 problem with Mr. Solander going last. That way he -- you know, Mr.
11 Mueller has the opportunity to hear everything that I have to say.

12 THE COURT: You mean going last in terms of arguing last
13 among the lawyers?

14 MS. BLUTH: Yes. Because then he'll have the opportunity to
15 hear everything that we've all spoken about, but other than that --

16 THE COURT: You want him to have an opportunity to have
17 heard the victim speakers.

18 MR. MUELLER: Okay. What I propose, Judge, to protect Mr.
19 Solander's right and for the ends of justice, I'd ask that he and I just sit
20 right there in the front row and watch the -- see what [indiscernible] and
21 then we'll call the case and sentence him. So, we can include the
22 testimony by reference.

23 MS. BLUTH: Well, no, the girls are going to -- I mean, the
24 girls have a statutory right to go last so --

25 THE COURT: They do. Here's what I would propose. The

1 State is going to argue as to -- I'm assuming -- well let me ask this. Ms.
2 Bluth, how do you wish to argue this? Do you wish to argue first as to
3 addressing your argument as to, you know, Mrs. Solander and then
4 hearing from defense counsel and Ms. Solander and then arguing as to
5 either Ms. Hinton or Mr. Solander, and then hearing from that counsel
6 and then hearing from the girls at the end or did the State want to
7 address all three Defendants at once? It makes sense to the Court that
8 because the facts are different, because one Defendant was tried, one
9 Defendant cooperated, one Defendant pled and didn't cooperate; that
10 you address each Defendant separately; that we hear from counsel.
11 And then because they do have a statutory right to speak last, then we'll
12 hear from the victim speakers at the very end.

13 MS. BLUTH: I'm prepared to do it either way, Judge. So, it
14 doesn't matter. Whatever the Court and Defense would agree.

15 THE COURT: Okay. That makes more sense to the Court.
16 And, counsel, any preference -- that makes more sense to me to handle
17 each one individually.

18 MR. MUELLER: I understand, Judge. There's no perfect way
19 of doing this, but they are -- they are not similarly situated, and I'm at a
20 distinct disadvantage not having sat through a three week trial.

21 THE COURT: Well I think truthfully, Mr. Mueller, that should
22 have been brought up ahead of time that you were going to be
23 requesting a continuance and you have requested, I think, in May a prior
24 continuance.

25 MR. MUELLER: I didn't request a continuance. I just asked

1 that be -- or that we go last. I'm ready to go to sentencing.
2 THE COURT: Oh, you can go last. That's fine.
3 MR. MUELLER: Thank you. That's all I'm asking.
4 THE COURT: That's fine. Absolutely. So, you can sit there --
5 down and then they can address Mrs. Solander and Ms. Hinton and then
6 you can go last.
7 MR. MUELLER: All right. Thank you, Judge.
8 THE COURT: I thought you meant you wanted to --
9 MR. MUELLER: No, I wasn't seeking to --
10 THE COURT: -- but initially you had asked to move it to
11 another day.
12 MR. MUELLER: No, no. I've signed us both in.
13 THE COURT: All right. No, that's absolutely fine. And then,
14 Mr. Rue, as to Ms. Hinton, are you ready to go forward?
15 MR. RUE: Yes, Judge.
16 THE COURT: All right. So, State, would you like to address
17 Mrs. Solander or Ms. Hinton first?
18 MS. BLUTH: If we could just do Ms. Solander first, Your
19 Honor.
20 THE COURT: All right.
21 MS. BLUTH: Thank you.
22 THE COURT: This being a jury verdict, obviously you have
23 the right to argue.
24 MS. BLUTH: And, Judge, I apologize. I forgot my glasses.
25 Would it be okay if I used the stand --

1 THE COURT: Sure.

2 MS. BLUTH: -- so I don't have to --

3 So, the one thing that I think does apply to all three and I don't
4 want to repeat it over and over, I do want to tell you a little bit about each
5 of the girls because I didn't really have that opportunity. I'm not going to
6 go through all of the facts because we all heard them for four to six
7 weeks. But I do want to let you know the things that you don't know
8 about them.

9 Ava, the oldest, Ava is --she's very quiet, she's much more
10 withdrawn. And the amount of pain that she keeps inside, honestly,
11 Judge, is intolerable but it's nothing compared to the guilt that she holds
12 no matter how many times I can tell her that this isn't her fault, no matter
13 how many times her therapist can tell her that this isn't her fault, no
14 matter how many times Ms. Debbie can tell her that this isn't her fault, it
15 just -- it doesn't sink in. She will forever feel like it was her job to protect
16 her two little sisters and that she failed. And just to remind the Court, I
17 mean, this is a nine, ten, eleven, twelve year old child who thinks this is
18 my fault because I couldn't protect my little sisters.

19 It's one of those situations -- it's so weird because the three of
20 them, they do argue and they hold feelings against one another, well,
21 you got treated better and you got treated better, and I got treated
22 worse, but then they also have this real protective mechanism between
23 one another. So, it's like, you know, it's that situation where you can talk
24 crap about your sister but nobody else can talk crap about your sister,
25 and that's kind of how they are.

1 But I'll never forget when, you know, both Amaya and Ava
2 saw the pictures of Anastasia's burns, and I -- these were introduced in
3 the trial, but I know the Court remembers these burns to Anastasia. And
4 both girls broke down. In fact, I think we had to take a break once or
5 twice with them because that was little sister and this is the person that
6 they felt that they should protect most and they watched this day in and
7 day out. And I said to Ava, I said, when you were in that situation and
8 that was your life every single day, every single day it was get up, go do
9 your school work, have accidents, get beaten for having accidents, go
10 back, sit on a bucket until you went to bed; cold showers, ice being
11 dumped every single day, and I said did you ever think it was going to
12 stop. Ever. And she said I thought that that was going to be my life for
13 the rest of my life until she killed us. And that was what she thought
14 every single day.

15 And the last thing I want to say about Ava is when she was
16 expressing some of the hardships, I said to her, you know, now you're
17 with Ms. Debbie and Ms. Debbie loves you, and she said please don't
18 use that word. And I said, I'm sorry, I don't mean to offend you. What
19 word are you talking about? And she said I don't want you to use the
20 word love. And I said why. And she said because I don't know what
21 that word means. I don't know. I know that I don't think I've ever loved
22 anybody and I know for sure that nobody's ever loved me. And that kind
23 of really encompasses how she feels.

24 Amaya is the one who wants to be loved and accepted the
25 most. She is much more verbal about her pain. She does act out and

1 lash out, but the love that she has form Ms. Debbie and the love that Ms.
2 Debbie has for her is pretty inspiring and she's finally gotten what she
3 has been seeking for so many years. She told me many times that she
4 was so confused that she didn't understand what was happening in the
5 home because she felt like Janet was creating these issues, and then
6 they were getting trouble for the issues that Janet was creating.

7 And so she was in this constant cyclical thing where she
8 couldn't break the cycle. And she said I had to sit and watch as she
9 beat my sisters, as she burned Anastasia, as she banged Ava's eye into
10 the counter over and over and over again. The pain she also carries
11 and the guilt for not protecting her sisters even though she's the middle
12 one is something that she's explained to me many times.

13 And then there's Anastasia who, you know, is the baby of the
14 family, and I think she carries a little bit of guilt not as much as the
15 others because I'm not sure she understood the gravity of the situation
16 as much. She's much more outgoing and fun loving, but she's also
17 angry, angry about what happened to her. And we've explained to
18 them, and I know this is something Ms. Debbie says to them all the time,
19 is that they are not victims, that they are survivors, but the road that they
20 have is long, and they have a long way to go to where they're not angry
21 anymore and they're not in a lot of pain.

22 I was pretty upset when I read the defense sentencing memo
23 as well as the evaluation where it states: The defense position is that
24 the girls exaggerated the more serious of the allegations. I have never
25 and I probably never will again have a case that has this amount of

1 evidence. Some pictures of the burns to the pictures that we found on
2 the emails between Defendants -- the Defendant Solanders of the
3 picture of Amaya that you saw during the trial, Judge, with the marks to
4 her face, and these things were very real and they happened and we
5 have pictures of them all.

6 And when I -- when you look at -- you have the testimony from
7 the children themselves. Then you have the testimony from the nanny,
8 then you have the testimony from the other children, then you have the
9 statements from Danielle Hinton, and it's the still the Defendants'
10 position that these little girls are liars and that they're exaggerators. And
11 in Janet's evaluation, the girls are liars, they have mental issues. She
12 had to quit her job because the nanny quit because she couldn't handle
13 the children. But you heard from that nanny and you heard that the
14 reason why she quit was because she couldn't handle what was going
15 on in that house anymore. She says that the children never received
16 cold showers. The other children in the home came in and said that
17 they received cold showers.

18 MS. MCAMIS: Objection; misstates the testimony.

19 MS. BLUTH: No, I doesn't.

20 MS. MCAMIS: It does.

21 MS. BLUTH: Actually, it doesn't because the other children in
22 the home heard the buckets --

23 THE COURT: Right. I think they said they heard of the ice,
24 and I don't know that they knew the temperature of the water coming out
25 of the shower, but as I recall the testimony -- well my recollection might

1 be incorrect, but there was testimony about the buckets of the ice or
2 cups of ice, whatever it was, not the actual temperature of the faucet.
3 That's how I recall it. Does that comport with your recollection, Ms.
4 Bluth?

5 MS. BLUTH: Yes. And Ms. Hinton also discussed in either
6 her testimony or her statement to the police about the cold showers.
7 She denies the fact that they were hit to the point that they bled yet they
8 have linear scars all over their bottoms and their legs. Her daughter,
9 Danielle Hinton, said that she knew about that, and the Defendant's
10 answer for that is, oh, well, Danielle was on Xanax and that might have
11 affected what she said.

12 She denies that the children sat on buckets, but the -- Mr.
13 Solander admits to buying the buckets and the toilet seats. And on the
14 picture that we have you can see two out of the three photos. The
15 catheter, she denied that that was ever used yet we have pictures of a
16 used catheter from her phone to the Defendant. I mean, I -- there are so
17 many times in cases where I can't understand why and this is one. I
18 don't understand. I read the letters from her daughters. They seem to
19 all be wonderful human beings in successful lives that talk about a great
20 childhood and that their mom was strict but that she needed to be.

21 That's why I can't understand why now. Why adopt these
22 children and then treat them like that? It doesn't make sense to me. But
23 a lot doesn't make sense to me. It doesn't make sense to me about all
24 of the untruths, all of the lies that she talks about. Her own husband in
25 his sentencing eval or in his psych eval says that she told her husband

1 that she was a nurse and that she was a lieutenant colonel in the Army.
2 And it wasn't until all of this came out that he realized that none of that
3 was true. And there's just so much that I don't understand about Mrs.
4 Solander.

5 I really can't tell you how much it would have meant to those
6 three girls if Janet would have just said I'm sorry. It got out of control, it
7 escalated, and I'm sorry. But in her last attempt to be able to do that
8 besides today, she called -- tells them they're lying, that they have
9 mental issues. Not one I'm sorry, not an I'm sorry from giving her
10 scalding burns, not a I'm sorry for burning her face, not one time, and
11 that's all they could have needed. Do you have any idea what that
12 would have done for those three little girls?

13 At the end of the day, you know, I know and the Court knows
14 and everybody in here knows that the minimum is a 35 to life; right? I
15 mean, it -- and so I was thinking about, you know, how do -- how do I
16 explain why I want a child abuse with substantial ran consecutive to that
17 because timing, it doesn't matter. It's not about the time. We all
18 recognize that 35 to life -- and I don't mean this disrespectfully -- but,
19 you know, I think in the sentencing memo they said it's akin to a death
20 sentence. This is, you know, she would be something like 94 years old
21 or something like that. But because this went on for so long and
22 because there was sex assault and because there were day in and day
23 out beatings, I believe that a message has to be sent, and that is that
24 you cannot do this to multiple children on multiple days for multiple years
25 and get the minimum.

1 So, I'm asking that she be found or, excuse me, that she be
2 sentenced to the sex assault on Anastasia with a paint stick. And
3 forgive me, Your Honor, I don't know what number it is. I forgot to look it
4 up, I think it's like 38 or 39, and the child abuse with substantial for the
5 burn on Anastasia and that those two be run consecutively. And so --

6 THE COURT: Which count is that?

7 MS. BLUTH: I'll have to go back to my Indictment. I
8 apologize. And I look and I'll let you know. And I'm asking that those
9 two run consecutively. So, it would be a 35 to life and a consecutive
10 eight to 20. There's nothing more that I can say. I think the best people
11 should really give Your Honor an understanding of what they went
12 through are the girls. And so I just ask that you take what they have to
13 say into account. I know Ms. McClain, who's really kind of the unsung
14 hero in this entire thing and I have so much respect for her, she's also
15 noticed and she would like to speak -- the girls would like to speak first
16 and she'd like to speak last, and I'll submit it with that. And I'll look at
17 the Indictment.

18 THE COURT: All right. Thank you. Ms. Solander, your
19 lawyer will have an opportunity to speak on your behalf and the Court
20 understands that, obviously, this matter is going to be appealed after the
21 rendition of sentence today and the JOC is signed. But what, if
22 anything, would you like to say to the Court before the Court pronounces
23 sentence again you?

24 DEFENDANT JANET SOLANDER: I would like to say that,
25 you know, speaking with the psychologist and everything, I did not

1 actually -- some of the things were brought out the way they were
2 brought out was not always correct.

3 What I had said to him and what I had, you know, basically
4 had said was I am not innocent of all of this, I definitely am not. I mean,
5 I agree with that. But the thing is, is that I feel like the prosecutors took
6 a lot of it and blew it out of proportion. This is what I feel what
7 happened. I, you know, I was facing 46 counts, I was facing 46 counts,
8 was in custody for seven months and got out. For three and a half
9 years, and I was out for three and a half years on bail. I am not a
10 danger, I never was a danger. I'm not a sexual offender. I'm not, you
11 know, this is not what I do, this is not what I do. I would give my shirt to
12 somebody. I have gone with my own children 365 days at least, not
13 consecutively, I've gone to bed hungry so my own children would have.
14 All right. And these girls, I still love them. It's, you know, it is not what
15 was said that I did to them was not what we -- what was done to them.

16 Now I tried to get help. I wrote a book in regards to the issues
17 that, you know, we were having with the system, the foster care system
18 because of the fact that the behaviors that they had, you know, we were
19 not getting the help that we needed. So, what I did was -- my husband
20 traveled. We decided that we would try putting them in the school which
21 they ended up with marvelous grades, and then we were going to move
22 there. So, this is the reason why.

23 In the testimony that was stated that were taking hammers
24 down and hiding them because we knew -- that's not the case. Two
25 weeks from the week that we were arrested, my husband was offered a

1 position in Florida, and that position kept him from traveling. This is
2 what our plan was. This is the reason why we sent our girls to Florida.
3 The minimum for them to go to school is 12 months -- for a year. So,
4 they went to school, it would have been for a year. We would have
5 gotten them out and we would have been able to visit them because we
6 were right there. We would have gotten them out, and the plan was to
7 have them to go back to regular school. Either the issues, the
8 behavioral issues would have either been resolved or they would have
9 been at least minimized. But this is what the plan was. We were
10 moving. We had a set appointment for a moving truck to come and pack
11 up our household goods. We were moving.

12 I don't claim to be a perfect mom by no means. I don't claim
13 to say I did spank these girls with a paint stick that my husband had, you
14 know, had sawed off the corners so that they wouldn't get cut. But I also
15 know that the -- there were belts used on these girls prior to, you know,
16 when they were in foster care -- when they were in their biological
17 homes. Okay. I know there's other issues. All right. I'm not saying that
18 I didn't do any of these things, okay, but to the extent that it's being said,
19 is absolutely not true.

20 I could have ran if I wanted to run. My family is in my
21 courtroom right now -- is in this courtroom right now. My family's here,
22 my children. Okay. I am here -- that's what -- that's my life is my
23 children. I have never had as much as a traffic ticket, you know. The
24 only thing I wanted to do was to make a better life for these girls. I'm not
25 saying that I did the best thing that I could have done. I'm not even

1 saying that with my own children. But, you know, the thing is, is that
2 what my children are saying about me is probably the way it is. If my
3 children and my family that's in the courtroom now could have come
4 here and seen -- actually been able to watch the trial, they would have
5 been horrified to hear what was said.

6 And I am not going to go into the whole details of everything,
7 but I know things that were not said, like, me going to their school and
8 sitting there watching them eat. I was working full time, I was working
9 full time. I worked at Nellis Air Force Base. I was working -- I lived.
10 Nellis Air Force Base is in North Las Vegas. We lived in northwest.
11 There is -- I only got an hour lunch. There was no way I could have
12 came and sat with them at lunch every day as what's stated. There is
13 no way.

14 These are the things that have been said about me that are
15 just -- what I mean by being blown out of proportion. I did not come and
16 sit every day with these girls. And as far as the nanny that Ms. Bluth
17 was referring to, that is not the nanny that we were talking about. We
18 had a nanny that worked with us -- her name was Andrea -- for a whole
19 year. This is the nanny that should have been called to the stand to
20 testify because she -- every one of the nannies, this was the only one
21 that knew behaviors of these girls. That's the reason why she quit. The
22 nanny that testified worked for three weeks and testified that each day of
23 the three weeks she worked that these kids were abused and they
24 should have, you know, it was horrifying and all this, but then we
25 terminated her, and four days after we terminated her she called CPS.

1 So, the whole thing is is that it's not about, you know, there
2 were a lot of things that were misstated, a lot of things that were
3 incorrectly stated. I am not saying that I was perfect and I'm not saying
4 that, you know, hey, I didn't do, you know, all this stuff, but to the
5 extreme that it was, I didn't. And I feel like the prosecutors have set up
6 a set, you know, like a smoke screen to make me look as if, okay, I'm
7 obsessive. I'm not obsessive. Because here is the deal with that.
8 When you have six children coming up here stating I have -- I only had
9 three squares of toilet paper, that is very detailed information. So --
10 when you're telling three -- six kids and then maybe five or six adults to
11 say that I gave them only three squares of toilet paper, that's very
12 detailed. All that does is just clarify that they can corroborate each
13 other's story so that makes them credible when they're making other
14 statements.

15 Okay. When I had to sit here, and I'm sure you looked at me
16 many times when I would listen to witnesses testify and truly not be
17 honest, just blatantly not be honest about what they said. I would go
18 home, I'd call my children. Okay. This looks like maybe a good day
19 because this, you know, their stories weren't -- definitely was not, you
20 know, working out.

21 It doesn't matter, you know, like I said, I am here to fight my
22 sentence. I'm here to fight my guilty -- that I was found guilty of. I'm
23 here to fight my charges. You know, I am not a threat because I'm not
24 going to run. You know, I have children. I've missed enough. I've lost
25 family members, you know. This is in the four years, the four and a half

1 years that this whole ordeal has started, I have lost many family
2 members. And I am very sorry that this has gone the way it has, but it
3 has been, you know, for me, it has been, you know, this has been -- it's
4 been a horrible experience.

5 And I am trying to -- my whole point is, is that I want to, you
6 know, I would like to, you know, continue to, you know, fight and work
7 my appeals until I've exhausted them all, you know. But I am sorry for,
8 you know, just to the point of bringing the situation the way it was, for
9 what I did. What I was accused of, what I was found guilty of, it was
10 over the top, but I am not, by no means, perfect and I am not, by no
11 means, going to say that I didn't do any of that stuff. But to the extreme
12 that it has been presented, absolutely not. But the ones that I did do,
13 yes, I am sorry, you know. I have no intention of hurting these girls. My
14 own children, my own family, are sitting here. This is hard for us too.
15 We loved these children regardless of that. This is the way I am, this is
16 the person I am. And what they had, you know, the letters they wrote,
17 it's true to my character regardless. This is how I am. But I am sorry, I
18 am sorry to these girls. They -- I still love them no matter what.

19 THE COURT: Thank you. Ms. McAmis.

20 MS. MCAMIS: Thank you, Your Honor. You sat through
21 almost a four week trial and so I'm not going to, you know, rehash any of
22 those facts. You paid attention, you had a very good assessment of all
23 of the defense's points in our arguments, and all of the things that we
24 pointed out and why we presented different kinds of inconsistencies and
25 why we, in good faith, argued that a lot of these claims were

1 exaggerated, and we pointed to things like the inconsistency in the
2 testimony. You saw that at trial. Ava recanted the urine licking
3 allegation. That's inconsistent with what she testified to previously.
4 Both were under oath.

5 So, we used those and then the example what Ms. Solander
6 has spoken about today, as examples about why these allegations were
7 so basically overly over the top. Mrs. Solander did say that she
8 apologized for what she had actually done, and the defense did talk
9 about, look, there were some of the simple child abuse and neglect
10 charges that, realistically, if the jury determined that conduct to not be
11 appropriate, the defense could see those kinds of convictions and then
12 all of the convictions did occur. Mrs. Solander has accepted some
13 responsibility today and that's something that you had not heard
14 previously.

15 I would point out part of the State's argument was that they've
16 never been able to -- not their words -- but basically understand where
17 the defense is coming from as far as our defense. Your Honor, you sat
18 through a multiple week trial where you saw what happens to children in
19 the foster care system and then what happens when those foster care
20 children are then adopted and the parents are looking to adopt and then
21 do adopt are not given adequate resources to be able to handle the
22 behaviors.

23 Mrs. Solander had never -- she didn't raise foster children very
24 extensively before she adopted these children. And you heard
25 significant testimony, particularly on cross-examination, about different

1 behaviors and diagnoses that the girls all exhibited before coming to the
2 Solander home.

3 So, in short, my point is is this isn't as simple as Mrs. Solander
4 adopted out of the goodness of her heart and then decided to be a
5 monster afterwards. This was someone who was, by all accounts and
6 by some of the testimony, the word was overwhelmed. And so when
7 she was overwhelmed and did not react properly, that's when a lot of
8 this started to happen. It's not offered as an excuse; I'm just
9 summarizing the testimony.

10 While we spent multiple weeks sitting through just that specific
11 period and about these individual adopted girls, and so my sentencing
12 memorandum set forth more of a background, and as far as Dr. Paglini's
13 report as well, more of a background in support of mitigation. So, that
14 way you saw the kind of person Janet was. She was a thoughtful
15 mother, she was a strict mother. And as Dr. Paglini pointed out, Mrs.
16 Solander is a person who exhibited an above average emotional
17 warmth. So, she demonstrated, you know, an ability to actually care.

18 So, while the Court and the jury may not appreciate or
19 understand the kind of conduct and discipline that was actually imposed
20 on these girls, it did come from a place of she was trying to correct
21 behaviors that where she -- that were not appropriate for her, for the
22 home, or for their future wellbeing. If you'll recall, Mrs. Solander wrote
23 the foster care book that became at issue at trial, and she wrote about a
24 genuine desire to help the foster care children because she didn't want
25 to see them recidivating, she didn't want to see them coming back into

1 the system or having their own kind of problems. She wanted to try to
2 bring more awareness to the issue to help the foster children. So, she is
3 a person who absolutely has a warm heart, a genuine heart, but she's
4 not a perfect person and she did admit to that today.

5 So, for all of the reasons set forth in, you know, in my
6 argument and Mrs. Solander's comments as well as in her sentencing
7 memorandum and all of, basically, like the resiliency type factors set
8 forth in Dr. Paglini's report, she's likely to be compliant in prison. She's
9 likely to, unfortunately, die in prison because of the length of even just
10 the most minimum of sentences. We are asking that you do the most
11 minimum, but making a record that the mandatory minimum sentence in
12 this case really removes your sentencing discretion as a judiciary. And
13 we're submitting that it's unconstitutional as applied to the facts and
14 circumstances of Mrs. Solander's case and denies her due process of
15 law because she's being denied an individual sentence because of this
16 basically first time use of the sexual assault charged in this way.

17 So, we are submitting that it is unconstitutional, but to the
18 extent that you are going to rely on that mandatory minimum. We're
19 asking that you just do the 35 to life. It serves no additional purpose to
20 do a whole bunch of consecutive or even one consecutive sentence
21 based on her advance age and based on her advanced medical issues.
22 Realistically, she's just not looking at being released during her lifetime.

23 And I did want to point out that her three biological daughters,
24 the eldest ones, are present in Court. They are in this second row. And
25 you can obviously see the family resemblance. They flew in from out of

1 state for this. They actually flew in on the May10th date as well in
2 support of their mother, and they have been -- they're here in support,
3 and that's why they wrote the letters. So, with that I'm submitting and
4 asking for the 35 to life although we did argue that it denies her due
5 process of law.

6 THE COURT: All right. Thank you, Ms. McAmis. Let's turn to
7 Ms. Hinton. State.

8 MS. BLUTH: In regard to Ms. Hinton, Your Honor, as the
9 Court knows, this is a gross misdemeanor, and we were here last week
10 discussing whether or not Ms. Hinton should be here. So, Mr. Rue
11 talked about he'd be asking the Court for credit for time served and I told
12 Your Honor I'd be asking for supervision.

13 We came to a point at trial -- and, look, it's not --

14 THE COURT: I'm sorry to interrupt you. Did anyone find out
15 whether -- and Mr. Rue may have looked into this -- whether or not she
16 would be able to be supervised in Arizona --

17 MR. RUE: I did not, Your Honor.

18 THE COURT: -- based on her residence at the time, the fact
19 that she was in school in Arizona when the crimes were committed? I
20 know that there are various factors that go into when somebody can be
21 supervised in another state on a gross misdemeanor. Were you able to
22 look into that, Ms. Bluth?

23 MS. BLUTH: No, I apologize, Your Honor.

24 THE COURT: And you didn't either?

25 MR. RUE: No, Your Honor. My understanding has always

1 been though that states that don't observe gross misdemeanors are
2 reluctant to supervise on gross misdemeanors. That's why there's
3 generally a felony. I -- I did not research the law on that, Your Honor.

4 THE COURT: And do we know whether they have gross
5 misdemeanors in Arizona?

6 MR. RUE: I don't know, Judge.

7 THE COURT: All right.

8 MR. RUE: I apologize.

9 THE COURT: Ms. Bluth, continue.

10 MS. BLUTH: So, in regard -- I do think supervision is
11 appropriate. I recognize Ms. Hinton was put in a incredibly difficult
12 position in choosing to testify for the State, and I don't want either Ms.
13 Hinton or the Court to think that we take that lightly because I think that
14 that was a very difficult thing to do. Now, do I think she testified
15 honestly? No. I mean, she changed her story compared to her
16 interview pretty much every which way and then said that it was
17 because she was on Xanax.

18 During the trial, I thought, okay, now we're going to have to go
19 back and withdraw the deal because she didn't hold up her end of it.
20 We've let that go because at the end of the day she's served, I think,
21 enough internal punishment because of this. That doesn't mean that I
22 think that, okay, we should just walk away and she should get to go on
23 with her life. I do think that the fact that she should be able to go to
24 Arizona and either be supervised or unsupervised, however Your Honor
25 deemed fit. I can go back and research it. I apologize.

1 But I do think that there's a period of supervision which should
2 have the underlying of 12 months because, you know, most importantly,
3 I know now that's a mom and from the letters that everybody writes, it
4 seems like they did have a good childhood and that they -- there was no
5 abuse. But I just want to make sure that that child is also safe and in the
6 best environment because when you hear the girls talk, we didn't talk
7 about it in trial because Ms. Hinton wasn't part of the trial, but Ms. Hinton
8 knew -- not only did she know what was going on -- and there were
9 times where she had to come in and stop her mom, but she also actively
10 did hit with sticks and was there when buckets were being used, and
11 she talked about the ice showers and the buckets being dumped on the
12 kids and then sleeping on boards and then having fans blown on them.
13 Was she young? Yeah, she was like 19, 20, 21 years old, but there's
14 still some responsibility.

15 And so I think that she got a benefit of negotiations by getting
16 a gross misdemeanor, but I do think that that should be supervised.
17 There should be some supervision, whether it be formally or informal,
18 and I do think that some parenting classes should be a part of that, the
19 long term ones, not just the one class.

20 THE COURT: Right.

21 MS. BLUTH: And so I'll submit it with that.

22 THE COURT: All right. Ms. Hinton, your lawyer, Mr. Rue, will
23 have an opportunity to speak on your behalf. What, if anything, would
24 you like to say before the Court pronounces sentence against you?

25 DEFENDANT HINTON: First, I would like to say thank you for

1 the opportunity to speak. I'd like to say thank you for the opportunity to
2 speak.

3 I would say for the past four years it's been equally the best
4 time and worse time of my life. I, you know, gave birth to a son who has
5 made me believe what it's like to be a mom, and at the same time within
6 a year later, I had to testify against my own. And it's just -- I was a good
7 kid before this. And the same day I was arrested I was going to go into
8 the military. I had nothing, not even a parking ticket on my name, and
9 even till today I still kept out of trouble.

10 I am not a bad kid. I'm not a bad person, I was not. Around
11 the time that there were these accusations, the timeline, I was minding
12 myself. I -- it shocked me. There was a lot of things that -- there was -- I
13 can't -- I'm not going to blame whatever happened that day because
14 there was a lot of that happened that day. But I just don't -- I don't want
15 what happened to determine my fate because I'm still a mom and I'm
16 still trying my hardest to be a good mom, and I feel like I've succeeded
17 that. I went back to school and after got a job interview. This is not
18 where I want in my life still. I'm only 25 years old. I've done everything
19 I've can to just be a good kid and I got wrapped up in a situation that I
20 had no control over.

21 At the end of the day if you asked me two years ago what I
22 would have done, I would have just taken the trial and said whatever,
23 but now that I have my little guy to look after, I got to do what I have to
24 do and I really just want to be out there, be able to get a job, and
25 maintain getting my own place, and that's why I took the gross

1 misdemeanor, conspiracy for disorderly conduct, because I did my
2 research and I knew I could still -- it would still be okay without
3 probation. And I just wanted -- and I know the ultimate decision is up to
4 you, but I just never wanted it to be like this. I'm not the type of person
5 that the media made me out to be, that the Court made me out to be.

6 At one time during -- one of the -- one of the -- when the girls
7 had the opportunity to speak, Ava, she sat there and admitted that I
8 didn't do anything. That's why her charge was dropped because I -- I
9 wasn't -- what I may have known I could be at fault in that, but I couldn't
10 imagine. I used to be a camp counselor. Like, I love kids. I would
11 never, whether it be my own or girl that I once called my sister, I would
12 never. I'm the youngest, I just -- I just wanted to move on with my life
13 and just be a good mom. I didn't know about the parenting classes, but I
14 don't -- I have my sisters, I have the support of my child's father. I don't
15 need that.

16 THE COURT: Thank you, Ms. Hinton. Mr. Rue.

17 MR. RUE: Judge, from my perspective, there's a lot of
18 frustration with this case. When all this was going on, this is not about
19 poop buckets or ice showers or anything like that with Danielle. When
20 all that was going on, Danielle was at Shadow Ridge High School
21 graduating from honors -- graduating with honors. She then went to
22 ASU with all this craziness going on. She came back. And she got a
23 job at Kohl's, she was living at home, and she was applying to the
24 military when she flew back. That's when this all came about.

25 On March 20, 2013 she was interviewed for two and a half

1 hours and then ultimately arrested. During that two and a half hour
2 interview, she did not say she did anything wrong; she denied doing
3 anything wrong, but admitted to the things that had been going on in the
4 household. She was arrested for abusing Ava, Amaya, and Anastasia,
5 and this is where it gets frustrating because Ava told detectives Danielle
6 never did anything to her yet she was still charged with that. It wasn't
7 until preliminary hearing where Ava got on the stand, under oath, and
8 said no, I'm telling you again like I told detectives she didn't do anything
9 to me. It was only at that point that that charge was ultimately
10 dismissed, Judge.

11 The investigation and the prosecution, I think, was a little
12 broader than need be, and Ms. Hinton got caught up in it. And there's
13 sort of a theme, a suggested theme, although not stated that the sins of
14 the mother are going to be visited upon Danielle because she was there.
15 But that's not why she's here, that's not what she was charged with.
16 Indulge me for a second. She is charged with child abuse resulting in
17 substantial bodily harm against Anastasia where, at testimony,
18 Anastasia testified that Danielle hit her one time with a paint stick on the
19 wrist that brought no blood but brought no medical attention, no nothing.
20 She even, I believe, showed a scar to us at the preliminary hearing
21 showing this is what had happened. The irony of that is is that Dr. Cetl
22 had previously assessed her and never found a scar on her left wrist.

23 Amaya is the other charge. The child abuse on Amaya is one
24 hit with a paint stick on the elbow that caused two or three marks that
25 drew no blood. Again, there was no medical treatment required and no

1 mention of this to Dr. Cetl. They didn't mention Danielle as the being the
2 abuser at all yet here she is.

3 And you know the facts. They got sent off to Marvelous Grace
4 in Florida, and then they got pulled from Marvelous Grace to come back
5 here. When they were interviewed by CPS in Florida, they didn't
6 mention Danielle at all. They didn't mention any abuse whatsoever.
7 They mentioned their poop buckets and the ice showers and all the
8 craziness with the catheters, but nothing with regard to Danielle.

9 Judge, when she was interviewed she was arrested and she
10 served 90 days. She's not ever been in trouble ever, has not been since
11 the very start of this case which is over five years old, Judge. She's
12 stayed out of trouble for five years. She's gone on with her life. The
13 father of her child is here in the audience as a sign of support as well as
14 well as her sisters.

15 Enough is enough. She's had to endure a very emotional plea
16 that Your Honor took. She's enduring this today where she knows she
17 has had to testify and send her mom away for life. That scar will never
18 be undone no matter what happens here. And I don't think we can
19 underestimate the power of her statement to the police, Your Honor.
20 This was a statement that was used at the preliminary hearing. The
21 State talks about how there was all this evidence against Janet and
22 Dwight, but the reality of it is is they used her statement at preliminary
23 hearing, they used it at trial, and it was not inconsistent, Judge. It was
24 not -- she didn't say I didn't say it, she may have said I didn't remember,
25 and it was only on cross-examination where this whole excuse about