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Mom of slain tot says Evans is innocent

Own trial on neglect charges is delayed

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DOVER — The mother of a murdered 21-month-old girl says her boyfriend was wrongly convicted of the crime.

Chad E. Evans was convicted in December of second-degree murder, multiple counts of assault and endangering the welfare of a child in connection with Cassidy Bortner's death on Nov. 9, 2000.

Kassidy's mother, 19-year-old Amanda Bortner, is facing charges of endangering the welfare of a child for her alleged treatment of Kassidy in the months before the toddler's death.

Bortner told Foster's Daily Democrat on Tuesday that until criminal proceedings pending against her in Strafford County Superior Court are completed in June, she has only one thing to say about the case.

"Chad is innocent and Jeff Marshall is guilty — but that's all I have to say for right now," Bortner said after calling Foster's Daily Democrat on Tuesday afternoon.

Bortner, who resides at 293 Endicott Road in Weirs Beach, will stand trial in June on two misdemeanor counts of endangering the welfare of a child for allegedly failing to protect Kassidy from Evans' abuse in the months before her death and "for her conduct on the day Kassidy died," Senior Assistant Attorney General Simon Brown said.

Brown and Bortner's court-appointed attorney, Patricia O. Wiberg, were at Strafford County Superior Court on Tuesday for a preliminary status conference with Judge Tina L. Nadeau in preparation for Bortner's trial.

Bortner, however, did not show up for the proceedings.

"She's mortified and she's upset she wasn't here," Wiberg said after the attorneys met with Nadeau in chambers. Wiberg said Bortner was under the impression the hearing was on Wednesday.

conditions that include attending all court proceedings.

She answered questions related to the status conference by phone, Wiberg said, and no arrest warrant was issued. Brown would not comment on Bortner's absence.

During the conference, all parties agreed to postpone the trial date from March to June to allow more time for the defense and the state to prepare. Brown and Senior Assistant Attorney General N. William Delker prosecuted the Evans case, but a different attorney will be appointed in the Bortner matter.

"Given the history of the Chad Evans case where Amanda Bortner was a state's witness, to avoid any appearance of conflict Will Delker and I are withdrawing from the Amanda Bortner case," Brown said.

After consulting with attorneys for both sides at the bench, Nadeau stated in court that there are about 3,000 pages of discovery material Wiberg and the state's attorney will need to review related to the case.

Nadeau explained in court that the discussion during the conference focused on scheduling issues and whether a plea agreement might be forthcoming.

She said the state indicated its position at this time is not to offer or accept a negotiated plea with Bortner and instead to go forward with a trial.

In December, Evans was convicted of second-degree murder for causing the blunt force injuries to Cassidy's head and abdomen that caused her death. A jury also found him guilty on five counts of second-degree assault for grabbing and bruising Cassidy's face from the end of September through the first week of November 2000.

Bortner is quoted in police affidavits as describing Evans' extensive abuse of Cassidy. After living with Evans for eight months in violation of his bail conditions, however, Bortner's testimony was compelled by the state.

During her testimony in Evans' trial, Bortner stated her boyfriend did grab and squeeze Cassidy's face with enough force to leave bruises, but said she did not think it hurt her daughter. She implied Cassidy's more serious injuries were inflicted by her sister's boyfriend, F. Jeffrey Marshall.

Evans was also found guilty on one count of endangering the welfare of a child and one count of simple assault against Bortner for placing his hands on her neck. Both are misdemeanor crimes.

Following the proceedings, Brown said Bortner could face up to one year in jail on each of the two charges pending against her. He also confirmed that he and Delker have not yet filed their

Evans faces up to life in prison on the second-degree murder conviction and will also be sentenced on the felony and misdemeanor assault charges and the child endangerment charge. Brown said the state and defense will each make their recommendations, but it will be up to Nadeau whether Evans' receives concurrent or consecutive prison terms for each charge.

Evans will be sentenced in Strafford County Superior Court in March.

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