

Wednesday, April 17, 2002



[E-mail This Article](#)

Victim's family, prosecutor rap sentence as too weak

By JENNIFER L. SAUNDERS

Democrat Staff Writer

DOVER — Chad E. Evans will spend at least the next 28 years in prison, but relatives of the child he killed and prosecutors do not believe that is long enough.

Evans, 30, was convicted in December of second-degree murder and multiple counts of assault in connection with the November 2000 death of Cassidy Caitlyn Bortner.

Kassidy, who was 21 months old at the time, died from blunt force injury to her head and abdomen after at least five weeks of abuse.

During that time, she lived with her mother, 20-year-old Amanda Bortner, and Evans at his 191 Milton Road residence in Rochester.

Tuesday afternoon, Strafford County Superior Court Judge Tina L. Nadeau sentenced Evans to 28 years to life in prison for the second-degree murder charge as well as one consecutive and several concurrent suspended sentences on the assault charges. Evans would have to serve a minimum of 28 years before becoming eligible for parole.

"The sentencing was the last chapter in a very long and difficult process," Senior Assistant Attorney General Simon Brown said after Evans was escorted from the courtroom in handcuffs and shackles.

Brown said he and his fellow prosecutor, Senior Assistant Attorney General N. William Delker "respectfully disagreed" with Nadeau's decision on the length of Evans' sentence. They had requested a sentence of 60 years to life in prison. A of Corrections presentencing investigator had recommended 45 years to life.

"I'm just happy it's over," said Jacqueline Conley, the toddler's grandmother, adding, "There is no justice for Cassidy. Nothing will bring her back...I love her and I miss her."

"I don't think the sentence was fair. I think he should have been

gone a lot longer. He murdered a baby, and this is the first time I've seen any remorse from him," said Jennifer Bortner-Conley, Cassidy's aunt.

Bortner-Conley's boyfriend, F. Jefferey Marshall, was the last person to see Cassidy alive on Nov. 9, 2000. He said he was angry at first about Evans' sentence, but had a different perspective after thinking about it.

"It's going to be a long 28 years — and there's no guarantee he'll be out in 28 years," he said.

Amanda Bortner is facing two counts of endangering the welfare of a child for allegedly failing to protect her daughter from Evans' ongoing abuse.

Following the sentencing, Bortner-Conley spoke publicly about her sister for the first time.

"I saw more emotion coming from him (Evans) than I did from her...I don't know what to think. She was definitely not a mother," she said.

In explaining the sentence, Nadeau cited the range of sentences for 43 second-degree murder cases. In 29 of those cases, the sentences ranged between 15 years minimum and 30 years maximum. Only two cases had sentences of 45 years to life, and she noted those were cases where an individual was charged with first-degree murder and pleaded guilty to second-degree murder.

She also referenced a similar case dating back more than 10 years and stressed the importance of balancing punishment with rehabilitation in deciding to sentence Evans below the state's recommendation of 60 years to life and the presentence investigation recommendation of 45 years to life.

"We'd like to think in the last decade we've learned a bit more about sentencing and the appropriate sentences in these sorts of cases...It was just such a senseless death. It was a worthy prosecution," Brown said.

"I'm disappointed. We hoped it would be higher. We really felt he had none of the excuses or mitigating circumstances that other defendants have," Delker said.

Defense attorney Mark Sisti said he was pleased Nadeau sentenced Evans within the range of other second-degree murder cases. Evans and his attorneys have 30 days to file an appeal of the sentence and the guilty verdict.

"I expect there will be an appeal," Sisti said.

Delker and Brown said appeals are typical in murder cases and expected one would be filed in Evans' case.

"We really appreciate the efforts of all the people who participated in the process, but particularly the Maine and New Hampshire state police and the Kittery and Rochester police. Without their dedication we couldn't have come as far as we have," Delker said.

Evans' family and friends left the courthouse with Bortner, who did not respond to requests for comment on the sentence or the outcome of the trial.

"We stand behind Chad. We believe in Chad 100 percent," Evans' father said as he departed.

When Evans was led from the courtroom a short time earlier, Brown said, "all we heard were echoes about how much people love Chad. This case was about the murder of a little girl less than two years old and nobody said anything about Cassidy."

If anything comes from the tragic circumstances of Cassidy's death, Nadeau said, she hopes it will be that people "take seriously their observations of the signs of physical abuse...No child deserves to live the life of silent pain that Cassidy endured."