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Bortner charged with alcohol violation

May affect her bail conditions

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DOVER — A Rochester woman due to stand trial in November for failing to protect her daughter from the abuse that killed her has been arrested on an alcohol violation.

Amanda Bortner, 20, was arrested in Epping on a charge of transporting alcohol by a minor on Aug. 29 at 1:55 a.m., according to Epping Chief Gregory Dodge. And according to Bortner's conditions of release on the child endangerment charges, that arrest could mean the revocation of her bail.

Bortner's daughter, 21-month-old Kassidy Caitlyn Bortner, died on Nov. 9, 2000. Bortner's boyfriend, Chad E. Evans, 30, was convicted in December of second-degree murder and multiple counts of assault for the abuse that ultimately led to the toddler's death.

Just before Evans' trial began in November, Bortner was charged with two misdemeanor counts of endangering the welfare of a child. The charges allege she violated a duty of care to the toddler by failing to protect Kassidy from Evans' abuse and for her conduct on the day of the child's death.

Bortner spent a night in jail and was released on \$5,000 bail with conditions, including one that states "the defendant shall not commit a crime during the period of his/her release."

On Aug. 29, an Epping officer approached a car that was stopped on the Route 101 Exit 7 off-ramp to Route 125 shortly before 2 a.m., Dodge said.

"There were people outside the vehicle, some of whom were urinating in public. ... Bortner was the operator of the vehicle," he said.

Dodge confirmed that the address police received from Bortner's New Hampshire driver's license was Endicott Road in Laconia. Bortner, however, has not lived at that address for several months. She has been living at Evans' home at 191 Milton Road in Rochester, according to documents filed in Strafford County Superior Court.

Evans is serving a prison sentence of 28 years to life.

Bortner and Kassidy began living with Evans at the Rochester residence

during the summer of 2000. It was at that home that Evans severely beat Cassidy in the evening hours of Nov. 8 or early morning of Nov. 9, 2000 — causing the blunt-force injuries to her head that caused the child's death, according to testimony during Evans' trial.

Bortner left the residence with Cassidy about 8 a.m. on the day of her death, driving her daughter from Rochester to the Kittery, Maine, home of her sister and then going to work. Cassidy was pronounced dead at York Hospital after her sister's boyfriend called paramedics that afternoon.

After Evans' arrest in 2000, he was released on bail until August 2001, when his bail was revoked because he and Bortner violated a no contact order by living together.

Bortner subsequently resided at the Endicott Road address in the Lakes Region. She moved to Evans' Rochester property and is paying \$300 per month to live in the two-story residence, according to a financial affidavit filed in June.

Bortner had been scheduled to enter a "naked plea" to the child endangerment charges shortly before the affidavit was filed. A "naked plea" means prosecutors refused to offer Bortner a reduced sentence as part of a plea agreement.

Much to the disappointment of Cassidy's other family members, who arrived at court for those proceedings June 10, Bortner decided at the last minute not to plead guilty and instead request a jury trial. She also waived her right to a speedy trial.

Following that hearing, Bortner's court-appointed counsel, Patricia O. Wiberg of Dover, said her client is innocent and described her as "grieving" for Cassidy and "trying to get her life back on track."

Bortner's trial is scheduled to begin Nov. 4 in Strafford County Superior Court, however, if Bortner decides to enter a naked plea she may do so at any time prior to the trial date.

David Ruoff of the New Hampshire attorney general's office, who will represent the state at Bortner's upcoming trial, has said in the past that whether or not Bortner enters a plea, the state recommends the maximum penalty of two consecutive one-year sentences in jail.

Transporting alcohol by a minor is a violation punishable by a 60-day license suspension and/or fines. Bortner is scheduled to be arraigned Oct. 4 in District Court.

In addition to the condition of release stating the defendant shall not commit a crime, Bortner's other bail conditions include keeping her current mailing address on file with the court, checking daily for notices on the case, having no contact with witnesses in the case, reporting to her probation officer, and appearing in court at all times specified.

Bortner has twice missed scheduled court proceedings in the child endangerment case; however, her attorney contacted her by telephone from the court. No bail revocation order was issued in either instance.

Ruoff confirmed this morning that he is reviewing Bortner's conditions of release to determine whether an alcohol violation constitutes a bail violation.

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