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Amanda Bortner discusses her defense with attorney Pat Wiberg during Friday court proceedings. Mike Ross, chief photographer

Prosecution rests in Bortner trial

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DOVER — The state rested its case Friday afternoon in the child endangerment trial of Amanda Bortner, whose boyfriend was convicted last year of murdering her 21-month-old daughter.

Bortner, 20, is facing two counts of endangering the welfare of a child in connection with the November 2000 beating death of her daughter, Kassidy. The charges allege Bortner violated a duty of care to Kassidy for failing to protect her from the abuse or to seek medical treatment for the toddler's injuries.

Bortner's live-in boyfriend, 31-year-old Chad E. Evans, was convicted in December of second-degree murder and multiple counts of assault for causing the injuries Kassidy suffered prior to her death.

The final witness called by the prosecution Friday was Detective Sgt. James White of the New Hampshire State Police Major Crimes Unit. White was the lead investigator in New Hampshire's portion of the Kassidy Bortner murder

case. Detective Angela Blodgett of Maine State Police testified earlier in the about Maine's portion of the investigation.

Kassidy died at the Kittery, Maine, home of her aunt Jennifer Conley and Conley's boyfriend, F. Jefferey Marshall. However, forensic evidence provided by Maine Chief Medical Examiner Margaret Greenwald following Kassidy's autopsy revealed the injuries that caused her death were inflicted at the residence on Milton Road in Rochester where Bortner and Evans resided.

That determination was based on the age of Kassidy's injuries, as indicated by laboratory tests, and the time frame of when the toddler was in Rochester or Kittery, according to court documents and previous testimony at the trial.

White testified that during his interview with Bortner, she described the last hours of Kassidy's life. White said Bortner was awakened by Kassidy's crying about 6:30 a.m. on Nov. 9, 2000, which was unusual because the toddler usually went into the bedroom Bortner and Evans shared when she awoke.

Bortner went into Kassidy's room and found her to be very still in her bed and having a difficult time staying awake. Bortner changed her diaper and the toddler remained quiet and subdued. Bortner then took Kassidy downstairs, propped her up on the couch and then turned on the television before she went to get ready for work, White testified.

Bortner also stated that either she or Evans got a baggy of chocolate cereal for Kassidy, but that the toddler did not eat any of it. She then left Rochester to bring Evans' son to day care in Dover and to leave Kassidy with Marshall in Kittery, White testified.

At the Kittery residence, she put Kassidy on the bed and said, "Her face looks like sh-t, doesn't it?" before leaving for work, White testified.

The proceedings on Friday began with defense counsel Patricia Wiberg's cross-examination of Blodgett. Referring to transcripts of four interviews with Bortner in the hours and days following Kassidy's death, Blodgett recounted Bortner's description of Kassidy's injuries as she had done under direct questioning on Thursday.

In about 2½ hours of questioning, Wiberg asked Blodgett to read quotes from those transcripts where Bortner described knowing of incidents in which Kassidy had been injured with either Evans or Marshall.

Bortner told Blodgett that Evans would lose control with Kassidy because the toddler was jealous and wanted her mother's attention.

Wiberg focused on Bortner's description of Kassidy's bruises on the morning of her death and asked whether she had been consistent in her statements.

Blodgett said she was, noting Bortner described bruises near both eyes as if from as bruises from where Evans had grabbed the toddler's face. Bortner had also told her she did not have her contacts that morning and it was hard to see.

"I didn't think it was, like, that bad ... I didn't think it hurt her," Bortner said in her interview.

"I felt she was minimizing the injuries that she saw," Blodgett testified, noting Bortner's description did not match the reports from the emergency room or forensic evidence noted in the medical examiner's reports.

Blodgett also recounted Bortner's description of Evans throwing Cassidy into a corner about three times a week.

Near the end of the cross-examination, Wiberg asked Blodgett if Bortner had said she did not know who killed Cassidy.

Sometimes, Blodgett said, Bortner would say she did not know and "sometimes she would say, 'I know that Chad did it.'"

David Ruoff, who is prosecuting the case against Bortner for the attorney general's office, asked Blodgett to read several statements by Bortner.

In one interview, Bortner said Evans would grab Cassidy by the face and throw her onto the bed. Then, she said he would grab her by the arm and hold her by the face as he threw her.

"It's always different. I don't know," Blodgett said, reading Bortner's words from the transcript.

Ruoff then asked Blodgett to read a quote from Bortner's third interview in which she described her first impressions of Evans.

"He had a lot of money, he had a nice house, he had a kid — and all I wanted for Cassidy was a dad and a family," Bortner said in the transcript.

Just before the midday break in the trial proceedings, Ruoff called White to the stand. He asked White questions about his interview with Bortner on Dec. 1, 2000, that the sergeant told the jury was arranged to document the issues she revealed in her previous interviews with police.

Following White's testimony of his interview with Bortner and her description of Cassidy's final hours, Wiberg asked during the cross-examination why White had not tape-recorded the interview.

White said there was no need because there was no time constraint for the interview and he had a good rapport with Bortner. Wiberg pointed out that most of the interview report is a summation by White, with only a few quotes by Bortner.

The trial is scheduled to resume Monday morning when the defense is expected to call its first witness.

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