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As state prosecutor David Ruoff delivers his closing arguments, Amanda Bortner loses her composure while seated with defense attorney Patricia Wiberg. Mike Ross/chief photographer

## Bortner convicted of child endangerment

**Sentencing in January for misdemeanors**

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DOVER — The epilogue to the tragic life story of 21-month-old Cassidy Bortner was written with a single word as a jury found her mother guilty Monday of failing to protect the child from the abuse that claimed her life.

It took the jury of eight men and four women less than two hours to convict 20-year-old Amanda Bortner of Rochester on two misdemeanor counts of endangering the welfare of a child. When the verdict was delivered in Strafford County Superior Court, Bortner clung to her attorney and wept.

Because the two convictions are for misdemeanor crimes, Bortner was released on the \$5,000 cash bail that was posted shortly after her arrest last year. She is

to be sentenced in January.

By reaching a verdict, the jury would begin writing the ending to the book on Kassidy's life, prosecutor David Ruoff said during his closing arguments in the weeklong trial.

"Let the last chapter end with a single-word sentence — like the single-word sentences Kassidy could speak when she died: guilty," Ruoff told the jury.

Kassidy died on Nov. 9, 2000, from blunt-force injuries to the head and abdomen after about two months of abuse, according to testimony at Bortner's trial. Chad E. Evans of Rochester, Bortner's 31-year-old boyfriend, was convicted of second-degree murder and multiple counts of assault in December.

To prove that Bortner "purposely violated a duty of care or protection she owed to Kassidy," as alleged in the two charges, Ruoff told jurors they needed only to look at her "words, lies and inaction" as well as her efforts to "hide" Kassidy from day-care providers and doctors who would have been required to report the many bruises on the toddler's face.

Ruoff referred directly to transcripts of taped interviews between Bortner and police in the hours and days following Kassidy's death. The transcripts had been part of the evidence introduced during the five days of testimony at the trial.

When Bortner was asked by police if Kassidy had died of a head injury from being beaten and whether Evans or someone else would be responsible, she replied, "Chad." When asked again if he was responsible, she told police, "I know he is."

Ruoff pointed out that those statements were made in Bortner's first interview with police — before she had time to converse with family members or Evans.

When asked whether Evans made up the excuses for Kassidy's bruises or told her the truth of how they occurred, Bortner told police, "No — I would see. I, like, saw him hurt her ... grab her by the back of the neck and, like, toss her into ... the corner, like, bang her head on the closet door."

Ruoff then referred to a question by police about how often Bortner saw Evans throw Kassidy onto the bed or into a corner.

"Like every — like, three times a week. Maybe more," Bortner said in the taped interview.

"Her own words act as a window into the mind about what she knew," Ruoff told the jury.

During last week's proceedings, Maine Chief Medical Examiner Margaret Greenwald testified that Kassidy died as a result of the blunt-force injuries to her head and abdomen. At the time of her death, she had broken bones in both arms, one hand and a leg.

"The abuse — the grabbing, the throwing that the defendant watched — was the price she was willing to pay for living in comfort," Ruoff told the jury.

Ruoff referred to the testimony of many witnesses that Bortner repeatedly said in the months before Kassidy's death that she planned to take the toddler to the

doctor once her bruises went away.

"Guess what? They never went away. ... All she had to do was move away. ... She didn't, because Chad Evans was the greatest thing in the whole world. He had a lot of money, he had a house, he had a kid — a ready-made family," Ruoff told the jury.

In her closing arguments, Bortner's court-appointed counsel, Patricia Wiberg, asked the jury not to look at the case as black and white.

"It's a very dangerous thing to prejudge something," Wiberg said.

She focused on Bortner's young age — becoming a mother at 17 — and said that Bortner was trying to better herself by working a number of jobs, living with Evans and going to school.

"Amanda Bortner loved Cassidy more than anything. ... Cassidy was her whole world. ... Yes, she should have realized, but she didn't. She had no idea," Wiberg said.

Throughout the trial, the defense maintained that on the morning of Cassidy's death, Bortner did not see the many bruises that covered the child's face, head and body. Wiberg stressed that Cassidy did not look that way when she was dropped off at the Kittery, Maine, home of her aunt, Jennifer Bortner Conley, and Conley's boyfriend, F. Jefferey Marshall, in the hours before her death.

The Maine medical examiner testified earlier in the trial that she reviewed the ages of the injuries which caused Cassidy's death and their related bruises.

Ruoff noted during his closing arguments that those injuries occurred about 12 hours before Cassidy's death — placing her in the care of Bortner and Evans. He stressed that Bortner, regardless of poor eyesight, could not have missed those bruises when she drove Cassidy from Evans' home to the Conley-Marshall residence.

Wiberg said Bortner did not realize the magnitude of Cassidy's injuries. The defense, just as in Evans' trial last year, suggested Marshall could have inflicted the injuries that ultimately took Cassidy's life.

"No one knew — least of all Amanda — what was happening to Cassidy. ... She's been berating herself every single day ... she has to live with the question, 'If you saw the bruises, why didn't you do anything?'" Wiberg told the jury.

Ruoff painted a different picture of Bortner's actions in the weeks before Cassidy's death.

"She stood by and watched. ... She didn't want (her friends and family) to know the truth. ... She was afraid someone would do something — that her boyfriend, who was on probation, might get in trouble. Wouldn't that burst her little bubble?" Ruoff said.

Ruoff said the state will be seeking the maximum penalty of two consecutive one-year sentences in jail.