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Bortner family, prosecution say right decision m

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DOVER — The jury made the right decision to convict Amanda Bortner has been described as one of the worst cases of child endangerment according to Bortner's family and the prosecution.

Bortner, 20, was found guilty Monday on two counts of endangering the of a child for failing to protect her 21-month-old daughter, Cassidy, from abuse that led to her death on Nov. 9, 2000.

Chad E. Evans, Bortner's 31-year-old boyfriend, was convicted in December abusing Cassidy for several weeks and inflicting the beating that caused death at the Milton Road residence in Rochester where he and Bortner for several months.

"We take the duty to protect a child very seriously ... This is probably the case of endangering the welfare of a child that you can imagine," said Ruoff, who prosecuted the case for the attorney general's office.

Bortner wept audibly as the jury foreman read the two guilty verdicts.

Outside the courtroom, Chad Evans' brother, Jason Evans, held back gave a statement on behalf of his family. He did not comment on Bortner conviction, but focused instead on her child.

"We feel deeply for Cassidy... and our thoughts and hearts go out to her said.

The jury convicted Bortner of knowingly committing the crime of endangering the welfare of a child by "purposely violating a duty of care or protection" of Cassidy. One charge pertains to the weeks before Cassidy's death. The other charge pertains to the hours between the time in which medical evidence indicates the fatal beating was inflicted and when Bortner dropped Cassidy at the Kittery, Maine, home of her sister, Jennifer Bortner Conley, and her boyfriend, F. Jefferey Marshall, and went to work.

In both the Evans and Bortner trials, the defense suggested it was not F. Marshall who beat Cassidy to death. Ruoff noted that both attempts were unsuccessful.

"The jury saw through that ... I think the jury understood all the evidence submitted. I think it is a just verdict," Ruoff said.

When the verdict was read, members of Evans' family sat on one side of the courtroom, while Marshall and Conley sat with her aunt and his family

"The truth will come out," Bortner said when asked for her reaction to the conviction. She said she will appeal her conviction.

As Bortner waited for the elevator in the courthouse lobby, she held a poster-sized photograph of Cassidy and kept her head down, not responding to questions from the media. When the elevator did not arrive, she held the photograph up to shield her face from photographers as she left the courthouse with Evans' mother.

Allison Vachon, a victim and witness advocate with the attorney general's office, read a statement by members of the Bortner-Conley and Marshall families.

"First of all, we would like to thank the New Hampshire attorney general and all of the investigators in Maine and New Hampshire who worked on Cassidy's behalf. This has been a drawn-out nightmare for Cassidy and her family. We first lost Cassidy and then, later, Amanda as well. We really do care about Amanda, but we feel she needs to accept responsibility for her role in Cassidy's death," the statement read.

"I'm just glad that Cassidy's finally going to have justice," Conley said.

Janis Marshall, who attended the Evans and Bortner trials in support of Cassidy and her son, Jeffe, said she could not endorse the prepared statement by the other family members.

"She dragged my son through the mud on unfounded allegations for her own needs. But it's not about Amanda, Chad Evans or what anyone else went through — including us. It's about Cassidy," she said.

Marshall described the past two years as an "emotional roller coaster."

And, she believes a maximum sentence of two years is not a strong enough punishment for Bortner's actions.

"Two years is not enough for a child's life, because a child is precious. Cassidy was a gift. It was her responsibility to nurture Cassidy, to love her and to protect her. Cassidy's life was worth more than two years."

Ruoff said the state viewed Cassidy's abuse and eventual death as a first-degree murder crime. The prosecution of Evans last year marked the first phase, he said, with the charges against Bortner for her failure to protect Cassidy being the second. Ruoff will be seeking the maximum sentence possible under the law, two consecutive one-year sentences in jail, when Bortner is sentenced in June.

When asked whether the two-year jail sentence is an adequate punishment for the crime, Ruoff said he could not comment.

Patricia Wiberg, who has represented Bortner since she was charged with the crime a year ago, declined to comment on the outcome of the case.

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