

Amanda Bortner's family reacts to ordeal

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DOVER — In the days following Amanda Bortner's sentencing for her part in the death of her 21-month-old daughter, members of her family have spoken about the ordeal and its outcome.

"She's my sister and I love her, but obviously she got what she deserved," said Jennifer Bortner Conley, Bortner's older sister.

Bortner, 20, was convicted in November on two misdemeanor counts of endangering the welfare of a child for failing to protect her daughter, Kassidy, from the abuse that ultimately claimed her life.

She was sentenced on Friday to the maximum jail term permitted under New Hampshire's child endangerment law — one year for each count.

As she handed down the sentence Friday afternoon in Strafford County Superior Court, Judge Tina L. Nadeau cited Bortner's conduct before and after Kassidy's death — including her refusal to accept the conviction of her boyfriend, 31-year-old Chad E. Evans.

Describing Bortner's responsibility to protect Kassidy from harm and to seek medical treatment for her injuries, Nadeau told her, "The legal duty is nothing compared to the moral duty ... Kassidy deserved the complete, unconditional love and protection of her mother."

Evans was convicted in December 2001 of second-degree murder and multiple counts of assault for the abuse he inflicted on Kassidy in the months before her death.

Shortly after Evans' arrest in November 2000, Bortner began living with him in secret and in violation of his bail conditions until the bail was revoked in August 2001.

After Evans' conviction, Bortner continued to have contact with him — though it was prohibited as part of his sentencing and her own bail conditions on the child endangerment charges. Bortner's bail was revoked in December after Assistant Attorney General David Ruoff learned that she and Evans had engaged in nearly 27 hours of telephone conversations between August and early December.

Because telephone conversations from New Hampshire State Prison are recorded, authorities had been able to document the many calls Evans made to Bortner and those forwarded to her through his family and friends.

"You don't put up with a man who kills your baby," Conley said in an interview Sunday.

Conley, who testified against Bortner during the child endangerment trial and gave an impact statement at the sentencing, said that while it was very difficult to watch her little sister be placed in handcuffs, her focus has to be on Cassidy.

"She turned her back on her family, we did not turn our backs on her. She turned her back on Cassidy. ... I think maybe Chad's holding something over her," Conley said.

Conley's boyfriend, F. Jefferey Marshall, agreed that Bortner deserved the maximum sentence.

Both Bortner and Evans attempted to blame Marshall for Cassidy's death. On the morning the toddler died, Bortner had left the child in Marshall's care at the Kittery apartment he and Conley shared.

Conley and Marshall have both expressed sorrow for believing Bortner's excuses for Cassidy's bruises and failing to report what they saw after Bortner brought her daughter to live with Evans.

"I can't really find sorrow for Mandy under the circumstances," Marshall said of Bortner's sentence, "considering her behavior and everything. I mean, our not saying or seeing certain things, that was bad enough — but she was there. I think it (her sentence) should be longer because I truly believe she knows what happened," he said.

Under New Hampshire law, the crime of endangering the welfare of a child is a misdemeanor carrying a maximum penalty of one year in jail. A legislative initiative being sponsored by Rep. Robert Ouellette of Franklin would make the charge a felony in cases such as Cassidy's.

Sgt. Stephen Burke of the Rochester Police Department, who began seeking legislators to support such a change after he learned the facts of Cassidy's case, explained the draft legislation. In cases resulting in serious bodily injury or death, the person responsible for endangering the child's welfare would face a Class A felony, he said. That translates into a \$4,000 fine and a prison term of 7½ to 15 years.

Ruoff, who prosecuted Bortner's case, has also given his support to the effort to change New Hampshire law — as have Marshall's mother, Janis Marshall-Colby, and Cassidy's grandmother, Jacqueline Conley.

In Maine, Cassidy's death spurred an almost immediate revision of the state's child protection statutes. Extended reporting laws are now in place, and it is a Class C felony in Maine not to protect a child from abuse.

"The trials of Chad and Amanda are finally over, and I know that it's time for the headlines to move on to other issues, but it is also important that Cassidy's death not be in vain," Jacqueline Conley said in a prepared statement.

She said her goal now is to work on initiatives helping children such as Cassidy.

"If I can make a difference in this world, to help in some way stop this needless violence against children, I will help. Children are our most important joy in our lives. They are our future. We need to treat them with respect and know they have rights not to be hurt or harmed in any way. So if I can help change anything to help any child, I will," she wrote.