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Aunt's boyfriend, of Kittery, files suit against Cassidy's killer

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DOVER — A former Rochester man convicted of beating 21-month-old Cassidy Bortner to death is once again facing litigation — this time in the form of a civil suit filed in Strafford County Superior Court.

Chad E. Evans, 31, is serving a term of 28 years to life in New Hampshire State Prison after his December 2001 conviction on second-degree murder and multiple counts of assault in connection with Cassidy's death.

On Friday, however, his name was once again attached to the docket at Strafford County Superior Court when F. Jefferey Marshall of Kittery, Maine, filed a civil suit accusing Evans of slander, libel and intentional infliction of emotional distress.

During Evans' trial, the defense attempted to cast the blame for Cassidy's death on Marshall. Cassidy and her mother, 21-year-old Amanda Bortner, lived with Evans for about three months before the toddler died.

Kassidy's aunt, Jennifer Bortner-Conley, is Marshall's girlfriend, and the pair would baby-sit Cassidy in their Kittery home for Evans and Bortner while they were at work or socializing.

Marshall was the last person to see Cassidy alive on Nov. 9, 2000, after Bortner left the toddler at his home and went to work.

"I don't think there's anything worse in life than being accused of things we don't do," Marshall's attorney, Stephen Brown, said during a telephone interview Monday.

During Evans' trial and Bortner's subsequent trial on child endangerment charges, it was disclosed that Cassidy's face was covered with bruises and she was lethargic when Bortner brought her into Marshall's home.

Marshall testified that he left Cassidy sleeping in the bedroom that morning while he watched television in an adjoining room. About noon, he went to check on the toddler and called police when he realized Cassidy was unresponsive.

Both Bortner and Evans used Marshall as their defense, alleging he inflicted the injuries that caused Cassidy's death. Medical and forensic evidence presented during both trials disputed the claims that Marshall inflicted the blunt-force injuries that ultimately killed Cassidy.

"Alleging a person actually murdered someone and then publicizing that throughout the country, I don't know how you fix that. ... We'll see what we can do to clear his name," Brown said.

Brown said he has included a petition to attach Evans' Rochester property for \$150,000 as part of the suit should the court decide to award compensation to Marshall at the end of the trial. If Evans contests that petition, a hearing would be scheduled, Brown said.

When reached by telephone Monday, Marshall declined to comment pending the outcome of the case.

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