

THE STATE OF NEW HAMPSHIRE

SUPERIOR COURT

STRAFFORD COUNTY

OCTOBER TERM 2003

NO. 03-C-207

COURT ( )

JURY (X)

JEFFREY MARSHALL v. CHAD EVANS

BRIEF STATEMENT

NOW COMES, the Defendant, Chad Evans, pro se, and submits the following Brief Statement advancing his theory of defense in accordance with RSA 515:3.

1. In defense of the claims made by the Plaintiff in counts I. and II. of his writ, the Defendant asserts the affirmative defense of absolute immunity.

2. To the extent that the statements complained of by the Plaintiff, or any portion thereof, were made; they were made by someone other than the Defendant, in the course of judicial proceedings, and in the context of presenting a valid defense during his criminal trial.

3. The Defendant, Chad Evans, had a right to present a defense of his choosing without fear of liability. He was permitted to plead any defense so long as it was not completely frivolous. Mr. Evans' chosen defense during his criminal trial was premised on the theory that the Plaintiff, Jeffrey Marshall, was the actual perpetrator of the crime.

4. Thus, having been made only in the course of judicial proceedings, the statements for which the Plaintiff complains of -- the charges accusing him of the murder of Cassidy Bortner, are absolutely privileged and therefore immune from civil suit under New Hampshire law.

5. Additionally, the Defendant, who made no statements whatsoever in public or to the media in regards to the Plaintiff, cannot be held liable for the coverage of his "public" trial by the print and electronic media.

6. The Defendant further submits that even if the statements at issue are not absolutely immune from civil suit, Plaintiff's claims are directed at the wrong party, whereas Defendant's attorneys, and not the Defendant himself, made the accusations against the Plaintiff, Jeffrey Marshall.

Respectfully submitted,

By Chad Evans  
Chad Evans, pro se,  
P.O. Box 14  
Concord, NH 03302

DATED: October 26, 2003

CERTIFICATION

I hereby certify that a copy of the foregoing Brief Statement has been mailed, postage prepaid, on this 26th day of October, 2003 to Plaintiff's Attorney, Stephen C. Brown, at 21 South Main Street Rochester, New Hampshire 03820.

Chad Evans  
Chad Evans, pro se