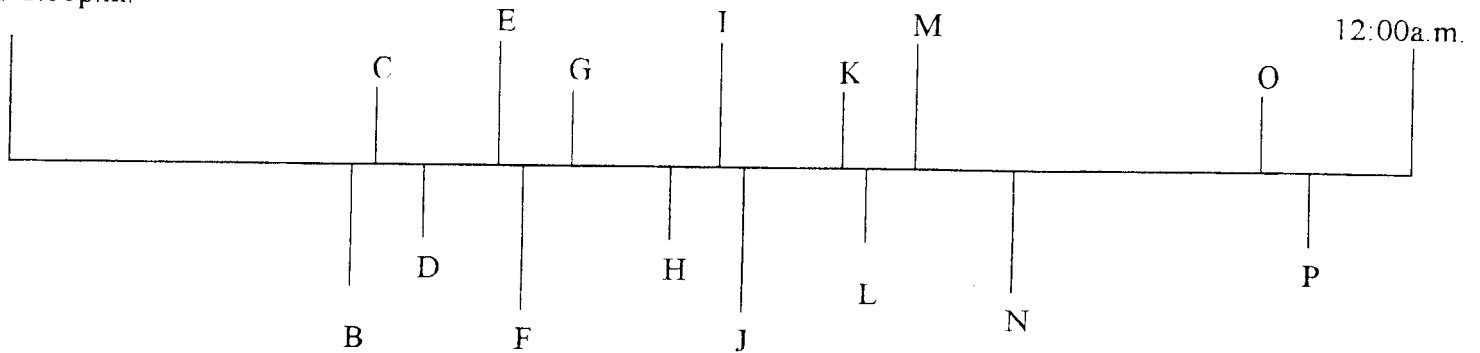


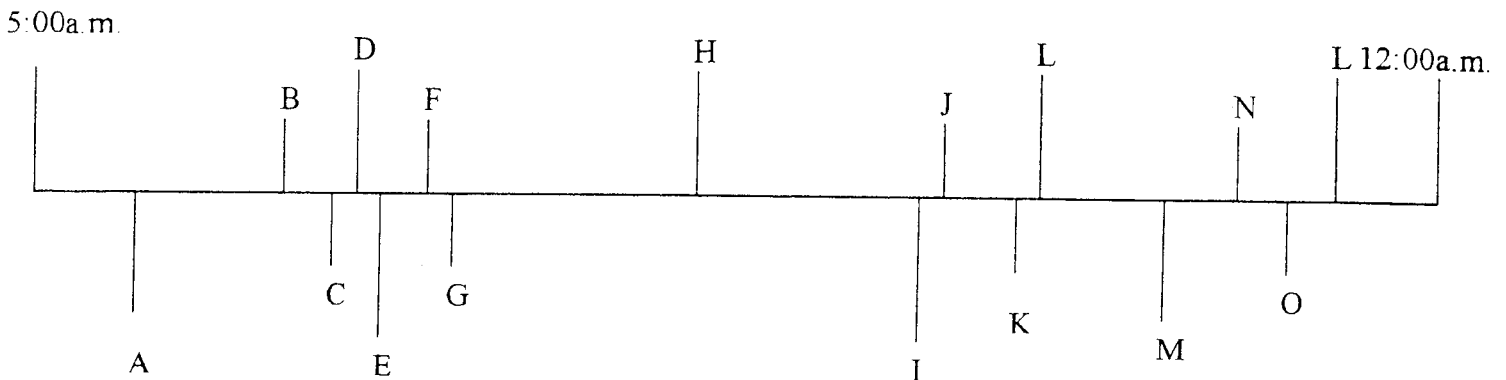
A-1:00p.m.



November 8, 2000

- A. 1:00 PM - Amanda dropped Kassidy off to Jeff Marshall to be babysat. Amanda was scheduled to work at 3:00PM but dropped Kassidy off early because she needed to find a dress for a dinner party we were attending that weekend.
- B. Approximately 5:40 PM I picked Kassidy up from Jeff's house.
- C. 5:45 I called Jeff to find out if he did anything to Kassidy. She was acting strange. She was drooling, her eyes seemed glossy, she was not talking at all, and she was slumped over the seat belt for a second. (I had spoken to Jeff about a week and a half prior about spanking her behind so hard that it left black and blues. Kassidy was actually supposed to be spending the night at Jeff's house but I picked her up because I did not like the way he cared for her. Amanda and I were actively seeking daycare for her.) I explained all of the behaviors that I had noticed to Jeff. (He even admitted to the police that I had described her erratic behavior to him on the phone. I found out later everything I was describing was consistent with a sub-dural Hematoma.) Jeff stated that Kassidy was fine at his house, "maybe a little tired that's all." I didn't realize it at the time but he was fumbling with his words and also had tried to change the subject to the presidential election vs. talking about her.
- D. 6:05PM Kassidy and I picked my son Kyle up at Cross Roads Kindergarten in Somersworth (Approx. 25 minutes from Jeff's house in Kittery)
- E. 6:35PM +/- We arrived home. Kassidy was sitting in back passenger's seat. I went and opened Kassidy's door and stood her on the ground. Kyle was having a fit so I ran over to unbuckle him. When Kyle and I walked back around the car we observed Kassidy laying face down on the driveway. Her hands were down at her side as if she made no effort to break her fall. She wasn't crying at all so I assumed she had just fallen. Kyle asked, "Daddy why is Kassidy laying on the ground?" I picked her up and carried her inside
- F. Approximately 6:40 PM I called Jeff back to describe her behavior and question him again. I thought Jeff was my friend and he was basically almost Kassidy's uncle. I had a bad feeling inside of me but I kept rationalizing her behavior because she was often times quiet and I had seen her run at full speed, fall and not put her hands out to break her fall. He swore to me that he had not disciplined her at all that day and for some reason I believed him.
- G. Approximately 7PM I fed her half a banana and tried feeding her a grilled cheese sandwich but she didn't want it. She usually ate very well and this was surprising to me, how little an appetite she had.

- H. Approximately 7:20PM Myself, Kyle and Kassidy were in Kyle's room. Because of the way she was acting I did not want her to be playing alone while I did my nightly ritual with Kyle of tossing him whiffle balls. Kassidy was sitting on my lap and I was tossing balls to Kyle. From his wheelbarrow full of mostly whiffle balls. He was standing approx. 10 feet away and one of the last balls he hit was one of his brother's T-balls right back at us. It hit Kassidy right in the eye. She fell back against me and whimpered. Kyle came running over and apologized she received a red spot the shape of a ball immediately I believe on her left eye. We quit playing then because I realized how stupid it was for me to be playing with her in the room.
- I. 7:30 -7:40 PM Travis (our roommate) came home and came right up to the bathroom where we were. I was bathing Kassidy. For the first time that night her behavior seemed kind of normal for Kassidy.
- J. 7:40 Somewhere around this time Tristan called wanting to know if I knew where our friend Jeremy was. While I had her on the phone I described her drooling and slumped forwardness in the car seat, her falling in the driveway with no effort to catch herself and her eyes rolling up in her head and back down. As well as the baseball accident in Kyle's room. I asked Tristan if she thought Kassidy was all right or "should I take her to the hospital or something?" Tristan asked, "How is she acting now?" I said, "she acting fine. She's talking and everything." Tristan Said, "She's probably fine then, she wouldn't be talking if she was messed up. (Head Injury) just keep an eye on her." At this point I wasn't as alarmed anymore because Tristan thought Kassidy was a little slow anyway and she had exhibited some of these behaviors before with Amanda present, (eyes rolling, falling, etc.) so it put me at ease.
- K. Approximately 8:10 I Spoke with Amanda about what had happened throughout the night. Kassidy's behavior upon picking her up, falling in the driveway, the baseball incident, etc. I reemphasized how bad Jeff was with her and our need to speed up getting a daycare.
- L. 8:15 Kassidy ate a freeze pop sitting on my lap in my office while I visited with Travis
- M. 8:30 +/- Put the kids to bed, read them a story, and kissed them goodnight.
- N. 9:05 +/- Travis left for Irene Ricci's House – a girl he was seeing – The kids were asleep.
- O. 11:30 +/- Amanda arrives home from work, we argue about something stupid. Who works harder or something like that? (Coffee cup incident)
- P. 11:45 We go upstairs to bed. We go into Kyle's room, then Kassidy's and Amanda kisses her on the side of her head. I reach over her and kiss her forehead. I see that she's awake and she says her sweet "hi." As we leave her room, I tell Amanda, "Baby, you have to change her diaper, she stinks." Amanda said, "I will in the morning, I'm not waking her now." (Amanda was in the bathroom when I said this to her. We went to bed immediately afterwards. )



November 9, 2000

- A. Approximately 5:30 AM, we hear Kassidy crying in her bedroom. Amanda tells me to tell her to go to sleep. I yell in, "Kassidy, go to sleep baby." She had been waking up the last several mornings crying, which was unusual for her. She usually woke up happy. Most mornings I would just go pick her up and lay her between us when she did this. On this day both Amanda and I were both extremely tired I guess and didn't go pick her up.
- B. Approx. 6:20 AM I nudged Amanda realizing we had overslept and said, "We have to get up." We had to get up, get the kids dressed and out the door with Amanda by 7AM so that she could get to work in Kittery by 8AM (Approx. 40 Minutes away and two different day care stops for the two children in between). Amanda went to get Kyle's clothes and grabbed Kassidy at the same time. When Amanda went to get Kassidy out of bed Kassidy stood up and Limped to the edge of the bed crying out "Mama". Kassidy had been limping on and off for a few days because Jeff had supposedly tripped over her a few days before while he was running to answer his telephone. Kassidy was a little fussy this morning which was unusual because she usually woke up happy. I dragged myself out of bed to help Kyle get dressed as Amanda changed Kassidy's diaper.
- C. I sat Kyle at the table to feed him breakfast.
- D. Amanda sat Kassidy on the couch to watch some cartoons while she went up to take a quick shower.
- E. I Yelled up to Amanda in the bathroom and asked her if she wanted me to feed the baby or give her some cereal in a baggie to take to Jeff's with her. Amanda instructed me to put some cereal in a baggie because Kassidy would be to long eating and She would be late to work. So I scooped Kassidy up and sat her on the kitchen counter. I brought the cereal boxes over to her and let her point out the kind she wanted. She Chose Reese's Peanut Butter Puffs so I filled a Ziplock Baggie full and filled her sippie cup.
- F. As we got the kids into their coats and passed them through the kitchen to the front door. Kassidy said, "Momma cookie" as she passed the cookies on the counter. I can't remember if Amanda gave her one or not.
- G. By 7AM Amanda was headed for the car. I was carrying Kyle and she Kassidy. I buckled Kyle up in the backseat and gave him a kiss goodbye. I then ran around to the

other side of the car (drivers side) and kissed Amanda as she was shutting Cassidy's door. I then opened Cassidy's door and gave her a kiss and said "Love You" When I kissed her I remember being surprised and commenting to her "you little shit, I didn't know you could do that." She had opened the Ziplock Baggie and was eating some of the cereal. I went back and kissed Amanda again through her window after I closed Cassidy's cereal baggie back up. I said to Amanda, "Did you know that she could open those baggies up?" Amanda said something to the effect of "I know, I told you she was smart." This is very important because #1 The police told Amanda in subsequent interviews that after speaking to the medical examiner it would have been impossible for Cassidy to have sat on the couch under her own support, on the edge of the counter with no back support and they claimed she would not have had the motor skills to open the baggie. The police not only insisted that these things were impossible to Amanda but they also insisted that Cassidy would not have had an appetite. Both Amanda and I had heard her ask for a cookie. They tried convincing Amanda that I was the cause of some head injury that killed Cassidy but these things don't add up.

- H. 9:47 AM I called Jeff because I had some Landscaping project for him to do in my Greenland Store. I told him at that time that some DCYF lady had called and left a message on my answering machine with regards to the children. I told Jeff, "I had no idea what DCYF was at first but when I called and spoke to my childhood friend she told me what they were. I got a chuckle at first because I knew my children were fine. Then I got to thinking that it might have something to do with Cassidy and if so she is staying at your house until this blows over because you stepped on her so she is limping, You dropped her out of your truck window onto her head a week ago, your dog knocked her over and gave her a big bruise on her cheek, etc. and I certainly don't need anything screwing up me getting custody of Kyle." He said, No Problem, They can stay here if need be but I am sure it's nothing. It's probably your ex-wife trying to get the upper hand in the custody thing." I then asked him, "How is the little princess doing?" He said, "fine sitting right here watching TV." He then made some smart assed comment "Hey I told you to call me when you were going to beat her so I could watch.." (He had made several comments like that over the previous two months I guess I thought at the time he was just trying to be funny. I had no idea how sick he was.) I flipped and said, "You sick prick! I told you she got hit by a baseball." He said, "I know I was just kidding calm down. I was just busting your balls because her eye looks like shit." He then quickly changed the subject to avoid the conversation. He started talking about the presidential election like he had the previous phone calls the night before.
- I. At about 2:15 PM my pager went off while I was at a meeting in Hudson NH. Five minutes later it went off again with an area code this time. I called the number and it was the Kittery Police Department. They informed me that there had been an accident today and they needed me to come down right away. I said, "I'm on my way." I was in fear at this point that something had happened to Amanda.
- J. When I got to my car my cellphone was flashing that I had a message. The message was left at like 1PM from Jeff who sounded very frantic asking me to call him. I immediately called him to see what was up. He was very belligerent on the phone telling me that he was at the police station and to get my ass down there. His tone was nothing like that of his earlier message where he sounded really scared. After like a minute of talking to him some police officer came on the line and I demanded to

know from him what the hell was going on! He gave me a little more info. Telling me that there had been an accident with the baby. I said, Holy shit is she alright and he said no she's not. (I still had no idea that she had died. It never dawned on me that they were telling me to go to the police station and not the hospital.)

- K. During the entire time I was driving from Hudson to Portsmouth my mind was running. I was trying to call friends to cancel plans for the night. Called my secretary to tell her I wouldn't be meeting her that afternoon to find out the status of upcoming labor audit, Etc. I also started thinking bad thoughts From Jeff's tone with me on the phone while he was at the police station etc. He must have done something to her and finally had gotten caught and was now trying to blame me. I didn't know what was going on. I actually felt guilty for a minute thinking that way but there was always just something about him that I didn't trust.
- L. I stopped into my Portsmouth McDonald's for a quick second to drop off a soup cooker because we had to start selling soup the next day. Having no idea what was going on but know if Cassidy was hospitalized or something I wanted to be there for Amanda and not be interrupted by work for any reason. I talked to Jeremy for a minute who was my restaurant manager and also my best friend. He could tell I was upset about something so he asked me what was up. I told him I didn't know but something was wrong with the baby and I was headed to the Kittery Police Station. He is the one that pointed out at that time that it was a little odd that I was going to the police station vs. going to the hospital. That scared me a little bit because I already did not like the police from an earlier bad experience I had had. I also talked to Travis there for a minute who was Jeremy's assistant manager and also my roommate. He adored Cassidy and I figured he should know something was wrong with her. I told him I had no idea what hospital she was at or whatever but to call around and I would meet up with him after I left the police station.
- M. At about 4PM. I arrived at the Kittery Police Station and sat in the lobby for about half an hour. I still had no clue what was going on and was starting to get impatient. Finally a Matthew Stewart of the Maine State Police came out and sat with me and told me there had been an accident today and that Cassidy had died. "I freaked", I went into the bathroom and puked. When I came out of the restroom I still had no idea what had happened for all I knew Cassidy had been hit by a car or something. SGT. Stewart seemed surprised that I did not know that Cassidy had died. He then asked me if I could tell him anything about her death. That made me angry. I said, "What the hell would I know about her death I haven't seen her since 7 AM this morning." That should have been my tip off that I was their suspect. Stewart explained that they were just looking into it they were not sure why she died and this was standard procedure when a child dies suddenly. He asked if I would mind answering some questions so they could figure out her history. Not feeling I had anything to hide and wanting to understand it myself I said, "absolutely". I was so worried about Amanda and asking to see her and they kept putting me off with various excuses.
- N. After sitting in the waiting room for approx. an hour. They brought me back into a detective's office. I sat there for another hour and a half or so being told everyone else was busy talking to people and they would be with me soon. Finally they came and got me to go to an interview room. As we were leaving the Detective's office we ran smack into Jeff. I knew then something was wrong because he put his eyes to the floor and wouldn't even look at me. Another tip off to me that I was the police's main

suspect should have been that they had all of my friends in different rooms being questioned as I was on my way to my interview.

- O. After about 3 hours or so of getting abused by two cops telling me that I was guilty of killing Cassidy etc. I had had enough. I demanded that they charge me or let me go.
- P. The police let me go and told me that they were impounding my Car and executing a search warrant for my house and that I would not be able to go there. I said, "fine."
- Q. When I got out to the parking lot Jeremy as well as many other s were waiting for me. I saw Jeff sitting at the end of a bench with his head facing down. I started after him and Jeremy followed after me worried I was going to do something to him. I walked up to Jeff and said. "I hope you rot in hell for what you did to her you son of a bitch! And then you go in there to those cops and aren't man enough to admit it instead you try to pin in on me." He looked up at me and said, "I didn't blame anything on you." I find it kind of odd that he didn't deny hurting Cassidy. Jeremy heard the entire exchange. From ~~the~~ I left with my friends and Amanda left with Jeff and Jen as she was advised by the police to do. Seven days from then I was arrested and charged with manslaughter.