

**MAINE STATE POLICE
CRIMINAL INVESTIGATION DIVISION I
TRANSCRIPT OF INTERVIEW**

904

INCIDENT #: 204-35897

CASE: Homicide
(BORTNER, KASSIDY)
DOB: 02/04/99

NAME: JENNIFER BORTNER (CONLEY)

DOB: [REDACTED]

ADDRESS: 51 ROGERS ROAD, KITTERY, ME

TELEPHONE: [REDACTED]

EMPLOYMENT: Perfume Mania, Route 1, Kittery, ME (207-439-8772)

OFFICER: DET. JEFFREY SMITH

I.D. #: 4445

DATE: 11/09/00

TIME START: 1615 Hrs.

TIME END: 1840 Hrs.

PLACE OF INTERVIEW: Kittery Police Department, Kittery, ME

Approved: MSS

Parties Present During Interview:

SH: Det. Steven Hamill, Kittery Police Department

JS: Det. Jeffrey Smith, Maine State Police, Criminal Investigation Division I

JB: Jennifer Bortner (Conley)

NOTE: Two (2) interviews -

First started at 1615 Hrs with a ten (10) minute pause
at 1640 to 1650 Hrs.

Second interview started at 1800 Hrs.

JS Let me get this down so I can make sure that I, that I've got everything straight. You tell me. Today is November 9th, the time is 4:15 PM. We're at Kittery Police Department. With me is Det. Steve Hamill from Kittery Police Department. The speaker is Jeffrey Smith from the State Police and with me is Jennifer ...

JB Bortner

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 2

905

JS Bortner. Amanda's sister. Can you spell your, I want to put this down or we'll forget all about it. You're last name is, want to spell your last name?

JB B-O-R-T-N-E-R.

JS Okay, and your date of birth?

JB [REDACTED]

JS Okay. I'm going to swing this chair around, it's a little awkward, kind of.

SH Absolutely.

JS The reason we're here is we're looking into the death of, um, your niece, KASSIDY, right?

JB Yup, KASSIDY.

JS And um,

JB You want me to tell you what happened at work ...

JS Well, I, before I do that I have to advise everybody I talk to as part of my job as a police officer I have to advise them of their rights. Whenever I talk to them about almost anything and, um, I have to advise them of their rights under Miranda.

JB Um, hum.

JS And Miranda is a court decision that came back in the 1970s when I was just getting out of high school, but it's had an impact on law enforcement and interviewing people talking to people. And, um, it protects your rights. It protects me, it protects anybody. So, I'm going to read this card to you and I'm going to have to ask for a verbal reply.

JB Okay.

JS It's called the Miranda Warning after the court decision though. I'm a law enforcement officer and I want to ask you some questions. Before I do so I want to explain your rights. You have the absolute right to remain silent. Do you understand that?

JB Um, hum.

JS I have to have a verbal response.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 3

906

JB Yes.

JS Okay. Anything you say can be used against you in a court of law. Do you understand that?

JB Yes.

JS You have the right, the absolute right of advise of a lawyer before questioning and for the presence of a lawyer here with you during questioning. Do you understand that?

JB Yes, I guess. Would you read that again.

JS You have the right to, you have the absolute right of the advise of a lawyer before questioning ...

JB Uh, huh.

JS ... and the presence of a lawyer here with you during questioning. Do you understand that?

JB Yup.

JS And if you cannot afford a lawyer, one will be furnished you free before any questioning if you desire. Do you understand that?

JB Yes.

JS Now, if you decide to answer questions now, with or without a lawyer present, you have the right to stop answering, stop answering at anytime or you can stop answering at any time until you can talk to a lawyer. Do you understand that?

JB Yes.

JS Now, having all these rights, which I've just explained to you, in mind, do you wish to answer questions at this time?

JB Yes.

JS Okay. Um, I'll put this away and it's just, it's, it's a Miranda, it's a warning to give to people so they understand the seriousness and gravity of the situation.

JB Um, hum. Yup.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 4

907

JS Um, can I talk a little bit about you?

JB Sure.

JS Okay. How old are you and, um ...

JB [REDACTED] I turned [REDACTED] in April, um

JS Okay. Go ahead.

JB What else do you want to know?

JS Your date of birth?

JB [REDACTED]

JS Okay, and where'd you go to school?

JB Sanford High.

JS Sanford High and you're, you've been a Maine resident?

JB Um, yeah, for like seven (7) years.

JS Okay and your parents, where do they live?

JB Auburn, Lewiston-Auburn, well, Buckfield now, they just moved.

JS Okay. What are they're names?

JB JACQUELYN CONLEY and PAUL CONLEY.

JS Okay.

JB We are, that's my stepfather, I have a real father named TRAVIS BORTNER.

JS Okay.

JB Who doesn't talk to us anymore.

JS Okay. And you're fairly close with your step, your parents?

JB Yup, yup. I'm very close. Yup.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH 908
Page 5

JS And you see them on a regular basis?

JB Um, hum.

JS Okay. Your sister's name is ...

JB AMANDA BORTNER

JS Okay, and she's the mother of KASSIDY?

JB Yes.

JS And the father of KASSIDY is?

JB I don't know his name. He didn't want anything to do with it when she was born.

JS Okay.

JB Um, I forget his name.

JS Where's he from?

JB Sanford.

JS Sanford?

JB Sanford.

JS Um, hum.

JB I forget his name. MANDY would know it. MANDY would remember.

JS Okay.

JB Cause it, we thought it, she thought it was another father. His name is GABE, but it wasn't his.

JS Um, hum.

JB Because she was engaged, but it wasn't his.

JS Um, hum. Where was KASSIDY born? Which hospital?

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 6

909

JB Biddeford.

JS Biddeford.

JB Yup.

JS At, um, Southern Maine?

JB Southern Maine Med, yup.

JS And where were, was, AMANDA and KASSIDY living? Where was AMANDA living when KASSIDY was born?

JB With my parents.

JS With your parents. In Auburn?

JB In Sanford at that time.

JS In Sanford, okay. Um, and where were you living at that time?

JB Sanford.

JS Sanford.

JB Yup. Right after she was born I moved in with JEFF.

JS Okay. And who's JEFF?

JB JEFF's my boyfriend.

JS Okay. And what's his ... I don't know what his ...

JB My fiance. See my ring.

JS Okay. So you're engaged?

JB Yup.

JS And his last name is?

JB MARSHALL.

JS MARSHALL and how long have you known JEFF?

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 7

910

JB Like a year and a half, something like that.

JS Okay. How did you meet?

JB I was working at a store down the road from where we live now, a video store, Movie Gallery and he used to come in a say, "Hi" and stuff like that.

JS Um, hum. Yup.

JB And we had eventually asked me out on a date, you know.

JS Yeah.

JB He harassed me for a date.

JS So you've been seeing each other and you moved, you lived in, you moved in together at his place?

JB Yup.

JS Where's that?

JB Um, Rogers Road in Kittery.

JS Okay and, um, AMANDA was living in Sanford.

JB Um, hum.

JS When did she move to, she lives in ...

JB She lives in Rochester right now.

JS Rochester, NH?

JB With CHAD. Yup.

JS Okay. With CHAD.

JB CHAD, what the hell is his name? I can't believe that I'd forget his last name.

JS Okay.

JB With CHAD, her boyfriend CHAD, yeah.

JS We all blank out names. Um, how did she meet CHAD?

JB Um, my boyfriend does work in a business landscaping company in town.

JS Um, hum.

JB ??? Landscaping and he does work for, um, McDonald's and he's a regional manager for McDonald's.

JS CHAD is?

JB CHAD is, yup.

JS Okay. And that's how they came to know each other?

JB Yup. We decided to hook them up on a blind date and they met each. We went to Applebee's all together.

JS Um, so when was this blind date or when did this all happen?

JB About 6 or 7 months ago.

JS Good. So they started dating and then ...

JB Um, hum, she moved in with him.

JS How long ago did she?

JB 3 or 4, I don't know, like a month and a half maybe, 3 or 4 weeks maybe, I don't know.

JS Um, hum.

JB I don't know, something like that. She's been there with him for a while.

JS Do you know where they live? Have you ever been in the house in Rochester?

JB Yup. Um, hum.

JS What street address is that or ?

JB Um, it's on the same road as Market Basket ...

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 9

912

JS Okay.

JB You know where Market Basket is in Rochester?

JS I know where that shopping area is down on the straight away.

JB Yup.

JS Um, so that, about 3 or 4 months ago, she moved in with ...

JB CHAD's last name is EVANS.

JS CHAD EVANS?

JB Yup.

JS How old is CHAD?

JB 28.

JS Okay.

JB He just got over, um, his divorce, he got divorced from his wife.

JS Okay. You know his ex-wife's name or ...

JB No I don't. I never asked him.

JS Do they have any children?

JB Yup, he's got 2 kids with her. Or 1 kid and 1 step-kid, something like that like he adopted her, him, you know what I mean, but she only sees him like once every couple of months. She doesn't want to see him, but she has to see his regular kid all the time.

JS So his ex-wife has custody of one child and he has the other child?

JB What they do is they is that he has it like 3 days a week or 3 1/2 days a week you know what I mean and she gets it the rest of the week.

JS One child or two children?

JB The one child. The other child isn't really his. He just, you know, raised it since it was little. Since, you know, they got married together and she had that kid

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 10

913

before she met him.

JS Um, hum.

JB And, um, so he, you know, sees him once in a while. Not as much as he sees his other kid, his real kid.

JS Um, hum. Where, his real kid lives with him, what's his real kid's name?

JB I don't know. I don't know anything about his family, really.

JS How old is the little boy?

JB I think he like 4, 3 1/2, 4.

JS And he lives with them. Okay. Um,

JB Like 3 days a week, you know, like 3 days a week she gets him. Kind of like split like that.

JS Um, tell me, where do you, you live in Kittery?

JB Um, hum.

JS Do you work in Kittery?

JB Um, hum.

JS Where do you work?

JB Perfume Mania.

JS Yup.

JB At the Outlets.

JS Uh, huh. Yup. My wife knows that place. Um, how long have you been there?

JB About, almost a month. It's more like 3 weeks.

JS Okay.

JB I work with JEFF in the summer.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 11

914

- JS Okay. So you do help him with the landscaping business? What are, um, what are your hours of work or when do you go to work?
- JB I start work usually at 9 in the morning till like 4 in the afternoon and, then, sometimes I work from like 1 to 9 at closing.
- JS Okay.
- JB That's what lately I've been doing, then, you know. And MANDY just go a job at Old Navy and, um, that's why we were watching the kid for the last week and a half almost two weeks we've been watching the kid. For, until, you know until she gets out of work and stuff like that.
- JS Um, hum. And AMANDA brings KASSIDY ...
- JB KASSIDY over in the morning, then goes to work and then comes back and picks the kid up and goes home, you know, to CHAD.
- JS Okay. So, what time does, so, what time does AMANDA arrive with KASSIDY?
- JB Usually in the morning.
- JS What time? Like 10 ...
- JB Like, she was there around 8 this morning.
- JS Okay. Is that a regular routine? Or the time she has to go to work?
- JB Yup. Yup. Usually when she has to go to work.
- JS Okay.
- JB It isn't like, she's only been there for like a week.
- JS Okay. And what time does, does AMANDA get out?
- JB I don't know. Sometimes she gets out like around 6. She's been doing like 12 hour shifts.
- JS Um,, hum.
- JB I think.
- JS And then she goes back to Manchester with ...

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 12

915

JB Rochester.

JS Rochester. With KASSIDY?

JB Yup. With KASSIDY. Yup. Um, hum.

JS How about most recently? Who's picked up KASSIDY most recently?

JB CHAD picked her up, I think, once. Picked KASSIDY up.

JS Okay.

JB And that was like yesterday, I think, or the day before one of those two days. Cause I'm at work usually when she gets picked up. I'm there until, you know, I go to work and then JEFF watches her for like 3 or 4 hours, you know what I mean? Then I come home from work and that's when she's gone because CHAD had picked her up.

JS So most recently CHAD picked KASSIDY up and, what day it was? Yesterday?

JB Yesterday. He picked her up.

JS You know what time that might have been?

JB I have no clue. I worked till 9 so. MANDY came in to visit me like around 8.

JS And ...

JB I know, actually, I know it was some time this past week CHAD picked her up sometime this past week, but I'm not sure if, cause yesterday she came in. CHAD, CHAD, yeah, CHAD picked her up yesterday because CHAD called, she called CHAD on the phone from my work and said, "What's going on?" You know. How's everything and CHAD told MANDY that she got hit in the face with a baseball. Little kid got hit in the face with a baseball. MANDY got all mad and she like stormed out of the store. She's like, you know, because he was playing baseball with his other little kid and, supposedly, the baseball hit KASSIDY.

JS Okay.

JB That, um, that's what happened last night. Anyway, MANDY stormed out of the store and went home.

JS Um, hum.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 13

916

JB She was mad.

JS So, JEFF and you have been watching KASSIDY for like 2 weeks now.

JB Yeah, maybe a week or a week and a half.

JS Do you see KASSIDY on the weekends?

JB No.

JS Just Monday through Friday?

JB Yeah. Just those couple days she's, babysitting ... and I, you know, I was like there 4 or 5 hours a day.

JS And so, what time do you get ... you get out at 4?

JB Um, hum.

JS And then JEFF goes to work with his landscape business?

JB Um, hum.

JS So, it's, he works at nights?

JB Um, hum. And sometimes it, he works whenever he wants to really cause he owns his landscaping company. So whenever I'm working, he'll watch her and whenever I'm home, you know, watching her, like I was the other morning, couple of mornings I worked and he goes up he goes up and works.

JS Um, hum.

JB You know what I mean? Just until, cause MANDY was supposed to find a babysitter. You know? Cause she just started her new job.

JS Um, hum.

JB For this week. You know.

JS Um, hum. Who watches, who watches, um, KYLE? I think.

JB Oh, KYLE, yeah, that's his kid's name. Um, I have no clue. I don't.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 14

917

JS Okay.

JB I mean I don't really talk to him about his kid. She just complains about his, his wife. You know?

JS Have you noticed any other injuries on KASSIDY? Other than this, where this KASSIDY getting hit with the baseball? That happened yesterday?

JB Yesterday or the day before. I'm pretty sure it was yesterday.

JS Okay.

JB Um, not really. I know she had bruises on her butt. Like a couple little ones cause I used to go down.

JS Um, hum.

JB I've seen her do it, too, on the stairs. Drag her little butt on the stairs. You know what I mean so she wouldn't fall down the stairs.

JS Yup.

JB But ...

JS I, I've never been to your house where you and JEFF watch KASSIDY. Can you describe your house to me?

JB Um, hum. I live in a, it's like a duplex and I've got the stairs to the porch that go down. That's where she does it on the stairs to the porch.

JS Okay. So, it's a ranch, it's a cape, it's a ...?

JB It's a cape.

JS Cape. Okay.

JB With a porch off to the side. We live on that side.

JS And when you and JEFF or when JEFF watches AMANDA where, watches KASSIDY where does, which room or what, the living room, the dining room, or

JB KASSIDY hasn't been sleeping like a whole lot lately. Like she'll be, JEFF calls, she's like, JEFF called me yesterday while I was at work and she's like she's been sleeping for like the past 4 hours. It's like she's been sleeping all day long.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 15

918

JS Um, hum.

JB Whenever he's there. And she sleeps whenever I'm there, too. Like in the morning, this morning, I was like, "You want to get up and walk around and stuff like that?" And she started crying when I took the covers off of her so I was like, "Okay. Okay." Covered her back up and gave her her little, um, Cocoa Pebbles or Cocoa Krispies whatever she was eating and she started eating those.

JS Um, hum. So how does she normally act when she arrives or when your, um, before you go to work? She arrives or ...

JB She usually ...

JS She arrives at 6 in the morning?

JB Like around 8, 7:30, 8, yeah.

JS But you have to be at work at 8, right?

JB No. I don't have to be at work until 9, usually.

JS 9, okay.

JB And sometimes I work 1 to 9. 9 to 4 and 1 to 9 are, is the usual shift.

JS Okay. So, how's it working out for you guys watching KASSIDY? Has it been ...

JB It's been okay. It's like, we were getting sick of it, you know what I mean, cause we don't, you know we were just doing it as a favor.

JS So you weren't compensated, you don't get ...

JB No, we don't get paid or anything like that.

JS ... family, friendship, yeah.

JB Yeah, but, you know, it's just for the time being until she found a babysitter.

JS Is KASSIDY, does KASSIDY, could KASSIDY talk, can she speak?

JB Um, hum.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 16

919

JS Could she tell you about anything? Does she ever complain or ...

JB She never complained. I've never heard her complain. I know, um, she used to say, "Kitty, kitty." You know. She used to chase the cat around, you know, and the cat used to swat her, you know what I mean? But she used to be a normal little kid.

JS Yeah.

JB And CHAD used to, CHAD and JEFF said there was something wrong with her like in the head like she was dumb or something. And I didn't feel, like, "I don't think so."

SH Now, you say CHAD and JEFF?

JB Yeah, JEFF used to be like, "That kid's a retard." Because the kid wouldn't sit there and play with toys like a regular kid would do. The kid would, she'd stand there and look at the wall sometimes. You know what I mean? For like a half hour and you'd go, "KASSIDY, KASSIDY, you okay?" And then like she'd turn around, walk over and sit down in your lap. She didn't play like a normal kid. You know what I mean? Like, my little brother, when he was little, he'd sit there and play with toys for hours.

JS Um, hum.

JB She just liked her baby, her little baby doll and that's it. All she, you know she'd just sit there.

SH So she was kind of reserved most of the time?

JB She'd, yeah, she'd just stand around a look, you know what I mean?

SH How, um, how often, um, when she's dropped off in the morning ...

JB Um, hum.

SH Um, how often are you there with her? Everyday usually?

JB Well, usually everyday for a little while.

SH And the days that you go to work at 1 ...

JB Um, hum.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 17

920

SH ... you're there with her 3 to 4 hours?

JB Yeah, I'm there for a while.

SH Okay.

JB Usually most of the day, then MANDY comes and picks her up.

SH And she responds to you very well?

JB Yeah, well, yeah. She always was like that, just stood there and looked around. You know what I mean? She liked putting lipstick on and stuff like that. Whenever I was putting my makeup on in the morning, I'd sit her on the toilet and I'd put, um, my little, put her chapstick on her and stuff like that.

SH Okay. How did she act with JEFF? Did she feel comfortable with him, in your opinion?

JB At first she wasn't, but now, it's like later on you know what I mean, because she wasn't really used to like hanging around guys, because, you know, she didn't have a father, basically.

SH Right.

JB But then used, she got used to him. Whenever we brought her over in the morning, when MANDY brought her over in the morning.

SH Right.

JB But, at first, she, you know, when KYLE and MANDY left, but then she just got used to hanging out with JEFF.

SH Okay. Um, do you guys feed her breakfast when she gets there?

JB Nope. She comes with breakfast.

SH She comes with breakfast.

JB She's usually already fed. Yup. I do feed her Spaghettios for lunch.

SH Okay. Um, now the mornings when you go to work at 9, ...

JB Um, hum.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 18

921

SH ... who stays, you don't out of work till 4?

JB Um, hum. JEFF will stay with her all day.

SH All day?

JB Um, hum.

SH Okay. Has he ever called at, you know, "Hey, I have a problem?" I take it you don't have any children?

JB No.

SH And JEFF doesn't have any children from previous marriage or anything?

JB No. Nope.

SH Has he ever called with any problems about the baby?

JB Yeah, yeah, he calls.

SH You know, diapers or ???

JB Yes, yes, yes. One time she got near the Windex, our Windex bottle, and she drank some of it and he called the Poison Control and they told him what to do and stuff like that and she was fine, you know what I mean.

SH Okay.

JB And that was a long time ago.

SH Okay.

JB Like a week, you know, two weeks ago.

SH Okay.

JB And she was fine, but, you know, he'll call and say, "It's me, there aren't enough diapers." You know?

SH Right.

JB And complain and I'll have to go get him diapers during lunch.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 19

922

SH Okay.

JB But ...

SH And, um, when, like if you, do you, when you get off at 4 do you usually arrive before AMANDA arrives in the evening? Have you been there when ...

JB Usually no.

SH Usually no?

JB Um, hum.

SH Okay, who picks the child up on the average? Is it CHAD or ...

JB Usually MANDY picks her up.

SH MANDY picks her up?

JB CHAD picked her up like a couple time, but ...

SH That's it?

JB Yeah.

SH Um,

JB That's just because MANDY couldn't, you know.

SH Right. Um, and in your opinion, the child was normal when it sees AMANDA it's excited, it's, it's, KASSIDY sees ...

JB Yeah.

SH If KASSIDY sees it's mom, she's excited.

JB Yeah.

SH How does she respond when she sees CHAD? Does the baby get excited? Does, is ...

JB I don't know. I've never really seen her around CHAD.

SH Never seen it.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 20

923

JB I mean, you know, I'm usually there, I mean, she's normal. You know what I mean?

SH Right.

JB MANDY's there, too. I've rarely ever seen CHAD with MANDY, with the kid alone, you know what I mean.

SH Okay.

JB Cause usually MANDY's the one who bringing her over to our house.

SH Okay.

JB And we don't see CHAD that often. He lives in Rochester, you know what I mean?

SH Right. And, um, the child responds very well to JEFF?

JB Yeah.

SH Overall?

JB She came around overall, yeah, now she is.

SH At first, how was the relationship?

JB I don't she liked seeing men, you know what I mean?

SH Um, hum.

JB At first, because, I don't know, you know. You know what I mean.

SH Right.

JB Like if you have a kid, like if I had a little kid with me all of the time and, you know all of a sudden a guy's babysitting, it's been, you know, the first couple of days she was like crying a lot, you know what I mean, and then she got used to him and was fine. You know?

SH Okay.

JB Every morning she'd drop her off, she'd be fine. She'd sit there and eat cereal

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 21

924

and watch tv and then JEFF would go in the living room and watch tv, the news.

SH Yeah. Um, he said he watches the news a lot at the house.

JB Yeah, all the time.

SH Really?

JB Um, hum.

SH Um,

JB Election especially.

SH The, um, this morning when the baby was dropped off ...

JB Um, hum.

SH ... um, you were present?

JB Um, hum.

SH Um, JEFFREY was present?

JB Um, hum.

SH Did, um, was there a normal thing? Did mom come in? Was mom in an good mood this morning?

JB Um, hum.

SH AMANDA?

JB Um, hum.

SH The baby was in a good mood this morning?

JB The baby was fine this morning. She sat there eating her, you know, her food.

SH Cocoa Puffs and everything?

JB Cocoa Puffs.

SH Okay.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 22

925

JB She been, a week ago she got sick, really sick and we were feeding her and she kept throwing up.

SH Yup.

JB Really, really, really sick and ...

SH Could it be from the Windex do you think?

JB That could have been.

SH Could have been.

JB I don't know, but she was really sick and we called, um, we called MANDY up and MANDY came over, you know, came over to pick her up, you know, early.

SH Um, hum.

JB So, um, she took her home and she said the kid was really sick that night. Throwing up all night. They fed him, um, that Pedialyte and then she started to get better, you know.

SH Yup.

JB She stopped throwing up and stuff like that.

SH Okay.

JB But, it was the, it was the Windex, the new Windex, the country fragrance.

SH Okay, that might make the baby sick for a couple day. Um, did the baby, how was the baby acting this morning? Normal?

JB Yeah. She didn't want ...

SH Was she ...

JB ... to get picked up which is kind of, kind of odd. We thought she fell out of the bed and, you know, I was like, "Do you want to go sit in the bathroom while I put my makeup on?" Because I usually put lipstick on her lips in the morning, ...

SH Yup.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 23

926

JB ... you know, and she did not want to get up. She started like crying, took the bed stuff off her, she started crying. So, I was, "Okay, okay." So I covered her back up and gave her, you know, her Cocoa Puffs...

SH You said her mom, AMANDA brought her in this and placed her on the bed?

JB Yeah. She usually puts her on my bed with me while I'm getting dressed, you know?

SH Okay.

JB Just lies there and watches tv.

SH Okay. And what was JEFF doing?

JB It was so early in the morning, JEFF wouldn't know ???

SH Um, okay. Did you notice anything unusual about the baby?

JB Just, just the bruise. Um, ???

SH Where was the bruise?

JS What eye was that bruise under?

JB Looking at her it was this one.

SH It would be her right eye?

JB Yeah. Right here. Yeah, and she had a little scratch here from my cat scratching her. Like a scratch ...

JS Okay. Was it discolored? Black and blue? Or ...

JB Yeah. It was black and blue.

JS But under her left eye she had a cat scratch?

JB Cat scratch, um, hum.

JS Um, what kind of bed do you have?

JB A regular bed. Twin bed.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH--
Page 24

927

JS Twin bed. Okay. And how high off the floor is that?

JB Oh, um ...

SH Like a pedestal?

JB Like a regular, regular bed.

JS Yeah. If, if, if KASSIDY misbehaved, and all kids misbehave ...

JB Yeah. She got sent to the corner.

JS Okay. Any other discipline? Spanking or ...

JB She got spanked on her butt once and I, you know, I was like, "Oh, no, no, no spanking." Out of there. JEFF picked up and goes pchew. And then I was like you know, okay. So he's been sending her into the corner every other time because that's what MANDY told him to do cause it works. She goes in the corner, you know? JEFF said he was outside on the porch once and he opened the window cause she was, she had to go to the corner. She's standing in the corner and, all of a sudden she looks around, walks around the kitchen, starts digging into things. But, that's what she got, she got sent to the corner.

SH Do you know what she's been disciplined for? What type of behavior?

JB Getting in the Windex and stuff like that.

SH Stuff like that.

JB Getting into things. Yeah, basically.

SH Okay.

JB She was just learning how to say please. She'd go, "Peese."

JS Can you give me a description of your apartment? It's a, it's a two bedroom? One bedroom?

JB Okay, it's a one bedroom. There's the living room, the kitchen, the bedroom on the back and there's the bathroom.

JS And there's no stairs?

JB No stairs except for on top of the porch.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 25

928

- JS The porch. **And that's where she would slide down?**
- JB A gate bar. **They** had stairs, big stairs at their house. Where KASSIDY was sliding down **on her butt**, too. Where she lived.
- JS Okay. Um, have you heard anything about KASSIDY falling out of a vehicle?
- JB Yes. I heard that.
- JS What?
- JB She was sitting in the chair, the passenger seat, and JEFF was doing something, talking to the neighbor or something like that and she fell out off the passenger seat like trying to get out of the car.
- JS Um, hum.
- JB The truck. It was the truck so it was like that high up.
- JS So, she fell out the passenger's side door, off that side, or the other side?
- JB She's in the, she's sitting in the passenger seat, the passenger door was open.
- JS Okay.
- JB And she fell out onto the ground.
- JS And this is JEFF's truck?
- JB Yup.
- JS Okay, and what kind of vehicle is that?
- JB Dodge. 3/4 ton pickup truck.
- JS 4 wheel drive, 2 over?
- JB Um, hum. 4 wheel drive.
- JS And that happened when?
- JB Like two weeks ago, three. ... like the first time we started babysitting.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 26

929

JS Did KASSIE have any injuries from that?

JB She had a bruise. JEFFREY said she just cried, he picked her up and she was just fine.

JS Okay.

JB You know?

JS Are there any other falls or anything like that?

JB Not at our house. Um, um.

SH Okay. Um, it was JEFFREY's truck ...

JB Um, hum.

SH ... that the baby was in?

JB Um, hum.

SH That she fell out of?

JB Yes.

SH Was the baby in a car seat?

JB The car seat's up, was in the back seat and he was just sitting there talking to his friend, you know what I mean? WILL about going to the dump.

SH WILL?

JB The guy that's out there, WILL PIERCE, WILL PIERCE, I think.

SH Okay, okay.

JB It was either him or RICHARD WEBBER. It was either him or RICHARD WEBBER, the two neighbors.

SH Okay.

JB I wasn't really sure.

SH Okay. That's

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 27

930

JS This was ...?

SH That's okay. This was about a week and a half ago.

JB Week and a half/two week period. When we first started babysitting her. I don't remember the exact time when she started working at Old Navy. I've been working so much.

SH That's understandable in today's world. Um, did, did AMANDA know about the baby falling out of the, um, truck?

JB Um, hum. Um, hum. JEFF called her.

SH Okay. Um, now have you ever seen the baby's eyes kind of roll or whatever?

JB In the back of her head? No.

SH Nothing like that?

JB MANDY told me she saw it once.

SH About how long ago was that?

JB She told me on the phone, well, not on the phone, but yesterday when she came in. She's like, "Something must be going on with her." Cause the kid's been sick lately. Like sick, coughing and stuff like that.

SH Yeah.

JB And she said something's going on with her. She rolled her eyes in the back of her head last night. Or you know.

SH Okay.

JB But,

SH Um, any, did you notice any problems this morning with the baby walking?

JB Um, um. She just sat in bed when I was there.

SH Okay. Now, she must have laid back down when you were getting your makeup on?

JB Um, hum.

SH You said you pulled the covers off her, taking them in the bathroom so she could spend time with you there putting makeup on.

JB Yup.

SH And when you pulled the covers off, she ...

JB She had slippers on and she had her pajamas on so I really couldn't see her feet.

SH Right. Okay.

JB Now, I haven't changed her diapers for a long time.

SH Okay, but she, she didn't want to go this morning for some reason.

JB Um, um.

SH Did she say anything to you?

JB No. She just, I was like, "Do you want to come in?" and she started to go like, "fussy sounds" and I was like, "Okay." I thought she wanted to lie down and go to sleep, you know what I mean, so I gave her her blanket back and I gave her her Cocoa Puffs.

SH And she stayed in bed?

JB Um, hum.

SH Um, where was she when you, um, left this morning?

JB She was in bed.

SH In bed.

JB Um, hum.

SH And what did she have on?

JB She had on the red slippers and a little red outfit. They're, um, Elmo slippers.

JS Okay. Um, and a diaper I take it?

JB Um, hum.

SH Okay. Excuse me just a minute, okay?

(We're off the record at 1640 hours)
(We're back on the record at 1650 hours)

JS Um, while you were gone, um, JENNIFER's telling us a little bit on her family. She's, um, very large extended family and she's got an older brother ??? and then you're the second oldest?

JB Um, hum.

JS Kind of a ??? family and stuff?

JB Yeah.

JS And she has, um, AMANDA.

JB Um, hum.

JS She's got a stepbrother.

JB Stepsister.

JS Stepsister.

JB Named MINDY, then JOSHUA, and a five year old named SCOTTIE.

SH Wow, you the oldest?

JB No, I'm second oldest.

SH Second to the oldest.

JS But she was telling me about her, concerned about her brother, her brother, um, is a little bit older, lives in Sanford and has Epilepsy. And she was talking about how ??? had a seizure and Downs, and eyes roll back and, um ...

JB Because my boyfriend called me, whenever, you know, something was, he saw something was wrong with her and he's like, "Something's wrong with her. She's rolling her eyes down in the back of her head." And I'm like, "Oh, my God. You know. She must be having a seizure." Cause I like looked back to when

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 30

933

CHUCKIE's always had seizures, you know.

SH Um, hum.

JB And I'm like, "Call the hospital." You know. "Call the ambulance." And he's like "Okay." And so ...

SH That's what's, what was going on today when he called.

JB Um, hum.

SH Okay.

JB When he called me.

SH Okay.

JB He said he wanted to check on her because she was quiet, you know what I mean?

SH Right.

JB Not because she was watching tv and he was in the living room and she was rolling her eyes in the back of her head and moaning and that's what CHUCKIE used to do after he had a seizure, he's moan.

JS Okay, and she'd never done this before that you are aware of.

JB I've never seen her do it before. Never.

JS But, AMANDA told you about ...

JB MANDY said she'd seen her do it before. Um, hum.

JS Did she say when, when this happened before?

JB I don't know. She said ever since she fell out of the truck. She fell out of the truck, like she's been sick. Sick, you know, like she couldn't hold food down. She got better. She's been better for the past week. You know what I mean?

SH And where was she when she fell out of the truck?

JB She was in our parking, our driveway.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 31

934

- JS Your driveway. Okay. Okay. Do you know who, um, AMANDA sees for a pediatrician?
- JB I have no clue. I don't. I know she'd on the ASPIRE Program and she's with the state, you know what I mean? Because the father doesn't have anything to do with the kid.
- JS Right. Um, has AMANDA ever talked about CHAD's son?
- JB KYLE?
- JS KYLE. Has he ever had any injuries or anything else?
- JB Nope. No.
- JS CHAD works a lot of hours?
- JB Yup.
- JS So, you didn't only see him ...
- JB Once in a while, whenever we all get together for dinner and stuff like that.
- JS The past 4 or 5 months?
- JB 3 or 4 times.
- JS And so the only time you see him is when he comes to pick up KASSIDY?
- JB And, yeah, whenever he did come to pick up KASSIDY, I wasn't there, I was at work. You know what I mean?
- JS Since ...
- JB So like, when JEFF told me CHAD, he picked him up, you know what I mean?
- JS Um, hum.
- JB But ...
- JS Did JEFF ever share any, um, information, um, about what, um, CHAD's state of mind or what he may be thinking or was he in a rush, was he, any conversations or anything?

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 32

935

- JB No. He just said CHAD picked him up and then he'd, you know, call and ask for food. JEFF would call and go bring me over food and stuff like that, you know what I mean?
- JS Um, hum.
- JB Cause I would ask him, "Who picked KASSIDY up?" You know and I'm like, you know, auntie. You know, but ...
- SH If, um, JEFF's, in your opinion JEFF does a good job with the baby?
- JB He's not the best baby. He doesn't play with the kid, you know what I mean? The kid will watch tv all day and JEFF will watch tv. He's not the best babysitter, but he's not like, you know what I mean, he doesn't treat the kid bad or anything like that. I've never seen him treat the kid bad.
- SH Just the one time you saw him spank the baby and that's it?
- JB Yeah, and I was there, you know, it was like a little swat and it wasn't even hard, it was, yeah. No, you know what I mean.
- SH Okay. Do
- JB Yeah, I was there.
- JS Whose idea was it to watch KASSIDY?
- JB MANDY. I said I'd watch KASSIDY until she found a regular babysitter and she's been applying to a bunch of, um, daycares because they're a full time babysitter.
- JS Um, hum.
- JB Sitter.
- JS Here in Kittery?
- JB In Kittery. Yup. So we were just doing it as a favor for the next, you know, a couple of weeks.
- JS How did JEFF feel about that?
- JB He didn't mind. He said it was fine. She was good. You know. If she was going to be a pain in the butt, then he'd probably, you know, so take the kid home, he wasn't going to babysit her anymore, but she was fine, you know. She just sat

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 33

936

there and watched tv. Like most kids, you know, are getting into everything. Once in a while she'd get up and get into stuff, but ...

SH Now, JEFF and CHAD are good friends?

JB Yeah, they're friends.

SH Do they socialize at all together?

JB Um, hum.

SH They do?

JB Um, hum. They talk on the phone and stuff like that.

SH Everyday?

JB No, no.

SH Every other day or something?

JB Yeah. You know, for work reasons usually.

SH Yeah.

JB CHAD gives him work. We landscape for McDonald's.

SH Right. Okay.

JB So, you know.

SH Now, um, when CHAD drops the baby off? Has CHAD ever dropped the baby off?

JB CHAD just picks him up.

SH CHAD just picks him up.

JB MANDY.

SH Picks her up.

JB Um, hum.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 34

937

SH Okay. Um, and JEFF, have JEFF and CHAD been together when the baby's been around? I mean you made mention of the, that, you said that they act like the baby's not normal or they don't think the baby's too intelligent or something. Is that something they voice as an opinion, usually?

JB It's just an opinion because she just stands there. Whenever she's standing there looking at the wall. You know what I mean?

SH Yup.

JB Like, she, it's only been for the past couple of weeks, too. You know what I mean?

SH Okay.

JB Standing looking at the wall. They're like, "There's something wrong with that kid." You know, I mean most kids usually are playing, they're not just, you know?

SH Right. Fixated on something.

JB Yeah. But, you know, she's, I don't know. You know what I mean?

SH Right. Have you noticed anything else strange over the past two weeks?

JB Just her looking at the wall. I've seen her doing that. You know what I mean, but she talks normal, you know. She actually walks normal, but MANDY said that she wasn't walking right for some reason, but she's walking fine now. She was walking fine.

SH When did she say that she wasn't walking right?

JB Like a while ago.

SH A while ago? Okay.

JB Before we babysat her. Like, you know, maybe she stubbed her toe on something, but she's, she's walking fine.

SH Okay. Um, you've ...

JB I haven't really seen her walk.

SH ... you've changed the baby a lot when she's there?

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH -
Page 35

935

JB Once or twice in the past 2 weeks, 2 or 3 weeks.

SH Um, did you notice anything unusual? Any bruising or anything like that?

JB Only the bruises right here where she slides her butt down the stairs.

SH Okay.

JB It's not really bad, you know what I mean?

SH Right.

JB It's nothing that would ...

SH Would draw attention?

JB Yeah, it wasn't like a huge bruise.

SH Um, what about JEFF? How does he do in that category? Changing all that?

JB Changing, he doesn't like changing the diapers.

SH Okay.

JB You know.

SH Does he ever call you for advise or does he ...

JB No.

SH When you come home are there diapers?

JB Yeah, there's diapers all over the house. He doesn't put them in the garbage.

SH Okay.

JB But, you know, I've changed her diapers and she's been fine.

SH Okay. Clothes, how is she usually dressed when you come home from work if you get there before she leaves?

JB She has clothes on.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 36

939

SH She has clothes on?

JB Diapers.

SH Diapers. Same thing in the morning. She arrives ...

JB Yup. She arrives fully clothed.

SH Orderly?

JB Yup. With food and everything. Little sippy cups. MANDY brings her everything.

SH Okay.

JB So.

SH Has MANDY ever called you noticing something wrong with the baby or asking for big sister advise or something like that about what to do with the baby or?

JB No, not really.

SH In your opinion, she does pretty good with the baby?

JB Yeah. She's been, you know, starting out, first starting out mother she's been doing pretty good.

SH Pretty good?

JB Yeah. She's ...

SH She must have been around 17 when she ...

JB Money problems. Money problems is the biggest, you know what I mean. Nothing she could afford for the baby, then again, my parents watched the baby when it was first born for like the longest time. The baby ??? them.

SH You're, you're 21?

JB 20.

SH 20. And AMANDA is?

JB 18.

SH So she had KASSIDY when she was only 16?

JB Yeah, 16.

SH That's kind of stressful.

JS Yeah, very stressful.

SH Um, now ...

JB The kid, she said the kid has been sick, you know what I mean?

SH Right.

JB And she talked to me about that, you know what I mean? The kid's been sick lately.

SH Okay.

JB But, you know, she told me that she fed her Pedialyte to make her feel better and it worked and she's been doing better. She's been holding her food down and stuff.

SH Okay. The baby got into Windex at one point.

JB Um, hum.

SH Where was the Windex?

JB Sitting on my kitchen table.

SH On the kitchen table?

JB Um, hum.

SH Um, is the baby tall enough to reach up there to the table and do that?

JB Yeah, she, she grabbed it.

SH She did.

JB Um, hum.

SH Okay. Um, when the baby moves about in the house, where does she usually go?

JB In the kitchen.

SH She hangs around in there?

JB She tries to get the toothpaste in the bathroom usually. You know what I mean?

SH Right.

JB She tries to get into things.

SH Okay.

JB And usually, whenever JEFF has her, he's out with her during the day, you know? Going places. Running errands like to Walmart and stuff with her.

SH Okay.

JB Because he'll give me a call and stop in with KASSIDY while I'm at work, drop me off food, you know what I mean?

SH Right. So he spends the day with him, with the baby usually?

JB Yeah. But she's been sleeping a lot lately, he said. Like he'll come in the bedroom and she'll be sleeping. She was sleeping a lot.

SH Okay.

JB And MANDY didn't, she said it was because she was sick, you know what I mean? She's just getting better.

SH Yeah. Was she sleeping this morning when you left?

JB Yeah, she was sleeping when I left. Falling asleep watching tv.

SH And she had on a red, one-piece suit, you said?

JB Yeah. It was a pair of sweatpants and a sweatshirt.

SH Okay.

JB And a pair of slippers.

SH Okay. Um, did she have a jacket or anything when she came in?

JB Oh, yeah. She had a big pink jacket with a hood.

SH Okay. She was in the bed when you left?

JB Um, hum.

SH Did, um, JEFF call you at all today with any problems?

JB Um, hum. JEFF called me and said, "Something's wrong with the kid. She's like rolling her eyes in the back of her head." And I'm like, "Well, call the hospital." You know what I mean?

SH Right.

JB And I had customers in the store so I had to let him go.

SH Right.

JB So, I gotta go, you know? You know, call the ambulance and then give me a call back whenever you hear anything, you know what I mean?

SH Right.

JB And he gave me a call back and he's like, "We're going to the hospital. Something's wrong with her." And he's all worried, all crying and stuff. He's crying. He's wicked upset. And I was like, "Oh, my God." You know. "Something's wrong with her." So, I went on with my day, you know. Then I got a phone call from my mother. She's balling her eyes out, and she's like, "KASSIDY's dead." You know what I mean? And I was just like ...

SH Right.

JS What do you think happened?

JB I don't know. I, I know she got hit by the face with a friggin baseball, yesterday.

SH Okay. A baseball?

JB She got hit ...

SH How do you know it was a baseball?

JB CHAD told JEFF and JEFF told me. And, you know, CHAD told MANDY.

SH Did he say where this happened?

JB At his house.

SH Inside? Outside?

JB Outside playing baseball with, um, the little kid.

SH What time?

JB I don't know.

SH I mean, it would have had to have been after dark, right?

JB Yeah, well, no, it, around 8 o'clock when MANDY was at my work and MANDY called CHAD and, then, CHAD just told MANDY on the phone.

JS Do you ...

JB I don't know,

JS Do you know what time CHAD picked the baby up from JEFF?

JB I don't know.

JS Okay.

JB I don't know. Maybe, I don't know. I don't know.

SH But he picked the baby up at ...

JB Maybe at 4, 5 or, 4 or 5 usually is whenever the kid gets picked up.

SH Okay. So it's dark this time of year now. It's 5 o'clock here and it's pitch black. So by the time he left there and got home, it would probably be dark out.

JB Um, hum.

SH So do you, does that strike you as odd they might be playing baseball in the dark?

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 41

944

JB I don't know. You never know. I don't know he was playing baseball with ??? with his little kid.

SH With KYLE?

JB Um, hum.

SH Does he play inside or does he play outside?

JB I don't know. I don't live there.

JS Did he say how KASSIDY got hit with the ball?

JB Not to me. I just heard from, you know, JEFF told, um, he told JEFF that the kid got hit in the face with a baseball. Like right here, you know? And MANDY got all pissed off and she's like, "The kid got hit with a baseball." She was all upset, you know? So she went home to see what was going on.

SH Did she say anything to you this morning about it?

JB Um, um.

SH Did she mention the bruise to you at all?

JB No, I said, "Look at the bruise on her face." She's like, "I know. He hit her. The baseball hit her hard." You know what I mean? It's like a little bruise right her. It's not like a big, huge bruise, but you could tell she got hit right like right around here.

SH Um, hum.

JB She's got a, she had a bruise like right here this morning.

SH Okay.

JB And, you know, everything else I've ever seen on her body has been like so minute, you know, like little bruises like that, you know, from like falling down and stuff like that. You know what I mean?

SH Um, hum.

JS Did AMANDA pull at her hair?

JB No.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 42

945

JS Ever had a problem with her scalp or her hair or?

JB She always put her hair in a little ponytail, like a little ponytail, and the kid was like really, she's got thin hair and she's like, she's just really thin hair. I've never seen any, you know, chunks of hair missing out of her. But ...

SH Her, um, Did her mom carry her in this morning?

JB Her mom carries her in every morning.

SH Did she put her down at any point? Did you see her walk this morning at all?

JB Mm, mm. She just put her in the bed.

SH Okay. Where were you when she arrived this morning?

JB I was in the bedroom getting dressed.

SH In the bedroom getting dressed? Okay. And JEFFREY was in the bedroom with you?

JB Yup. He was, actually, on his way out into the living room.

SH The living room?

JB To watch tv.

SH Okay. Um, and how long were you there this morning before you left the house?

JB Hour. Hour and a half. At the most and she was sleeping when I left. She fell asleep when I, you know, while I was getting makeup on and stuff like that this morning.

SH So you left about 10 o'clock?

JB Yes. 9:30.

SH What time did you start work, today?

JB I started work at like 9:30, I got to work like around 9:30. She was there probably around 7:30 this morning. 7:30, 8 o'clock.

SH Okay, so she was there about an hour with you and JEFF?

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 43

946

JB Yup.

SH Okay.

JB Yup, and she was in bed and, then JEFF called me. He's like yeah, I went into the bedroom to check on her, you know, because she sleeps, she's been sleeping a lot lately, and, you know, there was something weird going on with her. He was all upset so he called the

SH What did it mean when he called you, when you say upset?

JB He's like, "Oh, my God. There's something wrong with her. She's rolling her eyes up in the back of her head." I'm like, "Well, call the hospital." You know what I mean?

SH Yeah.

JB Don't call me.

SH Did he describe anything else?

JB Um, um. She was moaning.

SH Could you hear her?

JB No, I was, you know ...

SH He was telling you that she's moaning and her eyes are rolling back.

JB Rolling in the back of her head.

SH Into the back of her head? Okay. Did he say anything else? Did you give him any instructions of what to do?

JB I told him to call the ambulance because he asked me if she has a doctor he could call and I was like, "Don't you think you should call the ambulance?" He was wicked nervous. His brother died.

SH Ralph.

JB His brother died of cancer.

SH At 11, age 11?

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 44

047

JB Um, hum.

SH Okay.

JB So he, you know, you know ...

SH He's paranoid?

JB Yeah. He was ...

SH Um, when he had this phone conversation with you, how long was it before he called you back a second time?

JB A minute and a half.

SH A minute and a half? And what did he say the second time?

JB I'm taking her to the hospital. He said she's doing fine, now. She's walking around and he's like, "I'm going to take her to the hospital." You know what I mean. She was like eating food again and stuff like that, but I told him to take her to the hospital just in case.

SH Did he tell you that, that she was eating food and everything?

JB No, but, um, ...

SH Is it, so,

JB She was eating food when I left this morning, you know, when she was ...

SH Okay, the second conversation you had with JEFFREY, he says that he's going to take her to the hospital.

JB Um, hum. She was acting normal.

SH At that time? He told you that?

JB Um, hum. But he was going to take her to the hospital.

SH To be checked out?

JB Yup. Then I called MANDY because he didn't know MANDY's phone number.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 45

948

SH Okay.

JB And he was all upset, you know, and he just took her, right after I spoke to him, he took her to the hospital.

SH Okay. When you say she was acting normal, did he tell you how she was acting at that time?

JB Told me, like normal, just sitting there watching tv, like speaking to him and stuff like that, you know what I mean. Like saying, "Kitty." and stuff like that, you know what I mean?

SH Okay. Okay.

JB Like she was ...

SH Did he seem less concerned at that point? Did he ...

JB Yeah, he didn't seem as upset the second time he called.

SH He didn't?

JB No.

SH Okay.

JB He was upset whenever she, her eyes rolled in the back of her head. Because he was like, "Oh, my God." You know what I mean? Something's going on.

SH What, what was your opinion? What did you think when he told you this? And her eyes rolled back in her head?

JB I thought ...

SH She was having, did he say anything about her breathing?

JB Um, um. I thought she was just having a seizure like my brother. Because, you know ...

SH Yeah.

JB I thought because she got hit in the face with a baseball, you know, from what I heard, then, you know, I think maybe, because that's what happened to CHUCKIE, he got hit in the head and that's how he started his Epilepsy. He was

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 46

949

in a bike accident. So I was like, maybe that's what's going on, you know what I mean? So, I was like, call the hospital, call an ambulance or take her to the ambulance, you know what I mean?

SH Right.

JB Take her to the hospital. And he's like, "Okay." And he hung up on me and I haven't heard from him since.

SH Did he say that he was going to get the baby dressed and take her? Did he make any statements to you like that or anything? Did you tell him what, that the baby, keep the baby awake or did you give him any medical advise?

JB No, I didn't.

SH Okay.

JB Um, um.

SH Um,

JB He said the baby was like alert, so.

SH The second time?

JB Yeah, the second time. The first time she wasn't.

SH Okay. The second time she was alert and walking around?

JB Well, he didn't say walking around, she was, you know what I mean?

SH Right. He said alert.

JB She was alert, talking, watching tv with ... You know JEFF hung up and then he called and said he'd take her to the hospital, you know what I mean?

SH Okay.

JB Just to see what was going on. We're kind of worried about her because of the bruising, hitting her in the face with a baseball.

JS What time did that call come? What time did he call you?

JB I forgot.

JS Before lunch? After lunch?

JB It was after lunch, I think. I don't know. I don't really remember. I was like ... maybe it was before lunch. It was around that 10, 11, 12, 1 ... I was so busy at work because we were really swamped.

SH Yeah. Rainy day at the malls.

JB Um, hum.

JS Can I talk to you again, can we talk to you again for just a few minutes?

JB Um, hum.

JS Ah, I know this has been traumatic, this is horrendous. You know, your niece and, um, but if we can just come back and talk to you in a few minutes. Would that be all right? Do you want a ...

JB No, no that's okay.

JS Do you want to stretch? Or, um ...

JB I want to see my mom.

JS Your mom's on her way, as soon as she arrives, we'll let you know.

JB Um. Is MANDY okay? She getting better?

JS Yup. Last I checked on her she was doing fine. So ...

JB Yup.

SH Interview concluded at 510 hours.

JS And again, I'll just put that down, again, I have to, because it's been such a period of time. I have to readvise you of Miranda each time we talk to you.

JB Um, hum.

JS So I'll walk you through that again and, um, I know it's a, it seems like a pain in the butt, but ... We're back in STEVE HAMILL's office and with me is ...

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 48

951

JB JENNIFER BORTNER.

JS Thank you, and the speaker is JEFFREY SMITH. Um, I'm going to, um, the time is 1800 (6 PM) and I have to readvise you of your rights under Miranda.

JB Um, hum.

JS I'm a law enforcement officer and I want to ask you some questions, before I do so I want to explain your rights.

JB Um, hum.

JS You have the absolute right to remain silent. You understand that?

JB Yes.

JS Anything you say can and will be used against you in a court of law. You understand that?

JB Yes.

JS You have the absolute right of the likes of a lawyer here before questioning and the presence of a lawyer here during questioning. Do you understand that?

JB Yes.

JS If you cannot afford a lawyer, one will be furnished you free before any questioning. Do you understand that?

JB Yes.

JS If you decide to answer questions now, with or without a lawyer present, you have the right to stop answering at any time or to stop answering at any time until you talk to a lawyer. Do you understand that?

JB Yes.

JS Now, having all those rights, which I have just explained to you in mind, do you wish to answer questions at this time?

JB Yes.

JS Okay. Um, I want to go back to today.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 49

952

JB Um, hum.

JS Today, when AMANDA dropped her daughter off.

JB Um, hum.

JS What time was that this morning?

JB 7, 7:30, 8 o'clock.

JS Okay. And she showed up alone?

JB Yup.

JS And, um, you left for work at ...

JB Like 9, 9:30.

JS And the only person there with, um, ...

JB With KASSIDY was JEFF.

JS Was JEFF. And KASSIDY was talking to you?

JB Um, hum.

JS KASSIDY was awake?

JB Um, hum.

JS KASSIDY was conscious?

JB Um, hum.

JS KASSIDY was fully dressed?

JB Yes.

JS Did KASSIDY have any breakfast? ???

JB Yup. She had breakfast.

JS Okay. Um, ...

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 50

953

JB Sometimes, whenever, um, JEFF changes her though, he has her pants off and stuff like that, she'll walk around in her diaper and her slippers. When he did that, he cranked up to like 75, you know?

JS We've talked to many, many people, um, JEFF and CHAD, um, AMANDA and, um, the information we're getting from people is not consistent with what we're hearing. It isn't fitting together.

JB No.

JS I'm having a problem understanding this.

JB Okay.

JS And I not totally believe, I believe some of the stuff you are telling me is true.

JB Yeah.

JS I also have a problem with some of the stuff you are telling me that is not true. And I know that for a fact because of, of ...

JB Yeah, yeah.

JS ... We do this for a living. We go to many, many death scenes ...

JB Yeah.

JS We've seen people who, in the process of dying, ...

JB Yeah.

JS ... people who are dead. And, um, I'm going to show you some photographs of KASSIDY.

JB Okay, um, hum.

JS These are photographs taken immediately after KASSIDY's "death".

JB Yup.

JS Um, and I'm also talking about the injuries that you have seen on KASSIDY ...

JB Um, hum.

JS ... in the past weeks.

JB Um, hum.

JS You told me that you did not see any other injuries other than when she got hit with the baseball under the right eye, some scratches on her left eye.

JB Um, hum.

JS And I want to show you these photographs that do now make sense. This is a photograph of KASSIDY ...

JB Oh, my God.

JS ... emergency room. She has injury under her chin. She has bruising. Here's a bruise right here.

JB Yup.

JS She has two bruises here.

JB Um, hum.

JS She's got marks on her arm over here. Okay?

JB Yup.

JS Were they there this morning?

JB I don't know. She had a sweatshirt on and everything.

JS I could ...

JB You know what I mean? I couldn't ...

JS ... these are very obvious, I mean, just looking at it I can see ...

JB She was just put in bed and I didn't ...

JS Just looking at it I can see that these, um, these injuries are very obvious. Here's another photograph. You said she got hit by the baseball under the right eye. She just had some scratches under her left eye.

JB Then those are the scratches and that's where the baseball hit was. Because the scratches were like right there.

JS What is this, what are these marks here? That's not from a cat.

JB She had scratches on her face from the cat. That's what MANDY told me. It was from a cat.

JS MANDY told you that?

JB Um, hum.

JS What about these?

JB I really didn't look at her. You know what I mean?

JS You ever look at her today?

JB Um, hum.

JS You ever look at her in the past?

JB This, no, I've only been with her ...

JS She didn't have this, she didn't have this injury today?

JB She had bruises on her face. I didn't like change her or anything like that, you know what I mean?

JS You didn't have to change her. Just looking at her. Me looking at you I can see different, whether you have an injury on your face or not.

JB Yes.

JS Okay?

JB ??? I didn't ...

JS These injuries didn't happen today.

JB No.

JS These injuries have happened some time prior.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 53

956

JB Yeah.

JS When did they happen?

JB I have no clue. I've been working. You know what I mean?

JS It doesn't make sense what you're telling. You say you've seen this baby every day.

JB Yeah, I've seen her in the morning whenever she drops her off. I'm only there for a couple hours.

JS You suppose these weren't there yesterday? Were they there yesterday?

JB Yes. There were some on her face yesterday, but they weren't that bad.

SH Well, if she got hit with a bat last night, there shouldn't have been any bruises on her face yesterday.

JB No.

SH A baseball.

SH A baseball last night, then these bruises shouldn't have been on her face yesterday morning. Why did she show up with bruises on her face yesterday?

JB I have no clue.

SH Okay.

JB You know, I, I was just told that she got hit with a bat, you know, a bat, a baseball.

JS Okay. Let me show you another photograph. This is called lividity, this colorization here.

JB Um, hum.

JS This happens after someone has been dead for a period of time.

JB ???

JS A lengthy period of time. Not just died, I just died an hour ago, say I just died an hour ago.

JB Yup.

JS You would not have ~~that~~ coloration there.

SH It's 4 to 6 hours ~~anyway~~.

JB 4 to 6 hours? How long was she dead?

JS She was dead 4 to 6 hours before this photograph was taken. It makes it dead when she arrived at your place.

JB She wasn't dead when she arrived at our place this morning.

JS This, this lividity takes a while to happen. Lividity is caused by blood settling. It's just going to happen. It doesn't happen that quick. Our circulation keeps it in motion. Our bo, our body keeps the blood moving. After

JB Really?

JS After it's sat for a while, then lividity sets in.

JB She was, she was alive when I left this morning. JEFF called me like, you know, freaking out at work and I got, you know...

SH What time was that phone call?

JB I don't know. It was like an hour before HEATHER came. Probably like 12:30, 11:30, you know, somewhere around there.

JS She that black there. It's a big bruise on her stomach.

JB I'm not with the kid that much. You know. I'm only with her a couple hours.

JS Where did she get that big bruise?

JB I don't know.

JS JEFF never told you about this big bruise?

JB Um, um.

SH Have you ever hit this child?

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 55

958

JB I'd never hit that child. Never.

SH Have you seen anybody else hit this child?

JB No. I've seen MANDY hit the child on the butt when she's throwing a fit.

JS Have you ever seen anybody else hit this child anywhere else?

JB No.

JS Look at the child's fingers, are there some cuts?

SH Yes.

JB That's from the cat. That has to be from a cat.

JS What makes you think it's from a cat?

JB Because she's got a little kitten. My, I just gave my sister a little kitten at the house. If they're little scratches, it's from a cat.

JS See the cut up here? See the chin? What happened to her chin?

JB I don't know.

JS She's got bruises all over her. These are old injuries.

SH Let me point something out to you, JENNIFER. He called you at 12:30 on his second call and tells you the baby's fine, according to you.

JB Yeah, he said the baby was, you know, ...

SH Acting normal?

JB Yeah, acting normal. You know? He didn't call me since.

SH Okay. These photographs, these photographs were taken about 1:30.

JB 1:30?

SH Yeah, quarter of 2. According to the guy, our detective took the pictures at the hospital.

JB Um, hum.

SH An hour and a half, okay. The baby's like this. Does not settle in the body in an hour and a half.

JB Um, um.

SH Doesn't happen. It's medically im, incapable of happening.

JB The kid was alive when I left for work this morning.

JS She couldn't have been.

JB She ...

JS She couldn't have been.

JB She was.

SH She was, and she was in the bed? Alive?

JB She was in the bed eating Cocoa Puffs.

SH Okay. What about JEFF? How long have you know JEFF?

JB I've known him for almost a year and a half.

SH Okay. How would you explain then. If you left at 10, 9, 9, what time'd you leave for work again?

JB Like 9:30, quarter past 9.

SH Okay. Three hours. The baby's fine when you leave. No marks?

JB No marks.

SH Visible marks across the eye and ...

JB Well, JEFF ...

SH ... the back?

JB ... saw her face. I couldn't see her she was just lying in bed, like, you know what I mean, with the blanket on top of her and she had a sweatshirt like up to her chin, you know what I mean?

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 57

960

JS You think her mother saw this? You think your sister saw these injuries?

JB I'm sure, oh, I'm sure my sister saw this.

JS How you think your sister, how do you think your sister accounted for these injuries?

JB I don't, I don't know.

JS Your sister bathes this baby?

JB Um, hum.

JS Dressed KASSIDY? She's obviously got to see these injuries. How'd they happen? Your sister had to have told you at one point.

JB ???

JS You must be aware of it at some point.

JB Yes.

JS How this is happening and we need to get at the truth. This is a serious matter. I need to hear from you.

JB Yes.

JS I know you want to protect somebody in this.

JB Yeah, CHAD.

JS What's CHAD been doing?

JB When she, when she's bad, he like, he just grabs her face like that.

SH Okay.

JB He just grabs her face like that, but, basically, that's it. And I heard he, that she got hit with the baseball last night and, you know what I mean?

JS You don't believe that.

JB I don't know.

JS I know you don't believe that.

JB Oh, she's not going to hear this, is she?

JS No.

JB Okay. No, I don't.

JS How did it happen?

JB I have no clue. I heard it on, from JEFF, you know what I mean? I was like ...

JS Why's JEFF covering for him?

JB Hum?

JS Why's JEFF covering for CHAD?

JB CHAD told JEFF that.

JS He told him to say that?

JB No, CHAD told JEFF that KASSIDY got hit in the face with a baseball. Maybe because, maybe JEFF would be, you know what I mean?

JS Who threw the baseball?

JB I don't know. Either KYLE or CHAD.

JS Could a 3 year old throw the baseball hard enough to do that kind of damage?

JB No. It was probably CHAD, then.

JS It probably just wasn't CHAD. It probably wasn't just an accident. It probably happened intentionally.

JB You think so?

JS Look at these pictures.

JB I know.

JS KASSIDY was dead.

JB She wasn't dead before, when I left for work. I would have, I would have called the hospital, I would have taken her to the hospital, she would have died. You know what I mean?

SH Okay. What about she died a short time later? Would you believe that? Looking at these photos? Medically speaking, she had to die a short time after you left, right?

JB Yeah.

SH Because if you look at the time element here, 9:30 you leave. 1:30 the pictures are taken. Lividity starts happening. That means the baby died either while she was in your ??? or shortly after.

JB She's always had, red, red, like red marks all over, you know what I mean?

SH That's, that's lividity.

JB She, uh, I was at work.

JS You know who was in custody, ??? was responsible for looking, for looking out for the care.

JB MANDY, MANDY's responsible for looking ...

JS Who had KASSIDY?

JB JEFF had KASSIDY.

JS JEFF had KASSIDY.

JB And he was watching tv and somehow ...

JS You know what it looks like now?

JB What?

JS Draw your own conclusions.

JB It looks like JEFF did it. JEFF didn't do that.

JS Who did? I need to get the truth. You're only dancing with me. You only tell me parts of what you either know or believe happened.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 60

963

JB I believe that CHAD hurt her. Because CHAD had squeezed her face. CHAD had ...

JS Have you ever seen CHAD lose his temper with KASSIDY?

JB Um, um, but MANDY's told me stories.

JS Like what?

JB Like one time she was crying and she wouldn't stop crying so he picked her up and put her face under the faucet.

JS Where did this happen?

JB At her house. And CHAD squeezes her face. Whenever she's crying, CHAD squeezed MANDY's face whenever MANDY ??? her one. But I know that JEFF would never, never hurt that kid. JEFF would never, you know what I mean?

SH Did she ever tell you about any problems with the little girl? Vaginal area or anything like that?

JB No.

SH She ever tell you about anybody abusing the child sexually?

JB Um, um.

SH Have you ever?

JB No.

SH Has JEFFREY ever?

JB Um, um.

JS Has AMANDA?

JB I don't think so. I don't think that's something MANDY would do.

SH What about CHAD?

JB I don't know. I don't know. See, I don't really know, you know, I've heard stuff about from MANDY about what CHAD's, you know, done.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 61

964

JS To her?

JB To KASSIDY. You know what I mean like squeezing her face to keep her quiet and stuff like that, but I don't think he, you know what I mean?

JS This child was tortured over a period of time. This just didn't happen one day. This happened over a lengthy period of time.

SH JEFF watches the news pretty regularly?

JB Um, hum.

SH In the house?

JB Um, hum.

SH Did he tell you, did he check on the baby at all today?

JB Um, hum. He told me everything, she was really quiet for a long time and she, he decided to get up and go check on her.

SH So she, she could have been dead in the bed for 2 or 3 hours before he checked on her?

JB Um, hum.

SH You think so? You think that's possible?

JB Yeah. She could have.

SH So he, he, he,

JS He wat, he ...

SH So he would not realize that there's an 18-month-old baby in the house for 2 or 3 hours?

JB She, he thought she was sleeping. She's been sleeping like nonstop ever, you know, almost every day she's been with us.

SH Okay.

JB ??? for a couple hours to eat.

- SH Okay. That's some pretty good trauma to an 18-month-old baby and I find it hard to imagine that you, nor JEFF would notice something like this with that little baby and this on the forehead when this little baby arrives in the morning.
- JB I noticed the forehead, but I didn't notice that chin because she had a sweater on.
- SH When she came in this morning, did her face look like this, JENNIFER? Tell me that?
- JB It was not that black and blue.
- SH It was not?
- JB No. It didn't look that, that, that bad, you know what I mean?
- SH What about her hands? You notice anything on her hands? She was eating.
- JB Yeah.
- SH You notice anything, any cuts on her hands or anything?
- JB She had little scratches on her hands from the cat, like, you know, like scratches.
- SH Well, my cat got me, right there.
- JB But, I don't think ...
- SH Did her face look like this when she arrived?
- JB Yes, there wasn't, it wasn't as dark, you know what I mean?
- SH But you noticed the forehead?
- JB Yeah.
- SH These things are so damned dark, I mean, this would last for days. Okay. So it, so this doesn't just pop up in a matter of hours.
- JB Yeah.
- SH These things have been there. They deepen over a period of time.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 63

966

JB Over time.

SH That baby arrived like that. Looking like that this morning.

JB Um, hum.

SH Did you feel a need to call anybody at that point? When you looked at that baby? What went through your mind?

JB I was, I thought that, you know. They said that she got hit with a baseball ...

SH Well, I can understand being hit in the eye with a baseball. I'll put my thumb over this, okay?

JB Um, hum.

SH Do you think that consistent with being hit with a baseball bat, with a baseball?

JB No.

SH And that didn't raise your suspicion?

JB Yeah, I've always been suspicious. Because she's always had bruises on her. On her face and stuff like that. But they weren't, you know, they weren't nearly that bad. And I've always said something to MANDY, you know what I mean? I went like, you know, she's got a black streak on her face? Because he did squeeze her face like that a lot. And you can see, see where the squeeze marks were because it's like ???

SH Yeah, there's a huge bruise here coming out of ??? Do you see it?

JB Yeah, I see it.

SH In the hair. Little kids at 18 months old do not lose their hair like that.

JB She has real thin hair. I've never, you know, I don't, I'm not with her all the time. I can show you my work proof, you know. My schedules and stuff. Like this week I saw her about twice and that was like in the morning. Before I went to work.

JS What about...?

SH Okay, today's Thursday, you've seen her Thursday?

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 64

967

JB I, I did not see any bruises on her chin. Like I wasn't really looking, I don't pick her up and stuff.

SH Did you see her Wednesday? Yesterday? Did you see her at all yesterday?

JB Um, um.

SH What about Tuesday? Did you see her Tuesday?

JB I might have seen her for a couple hours.

SH In the morning on Tuesday?

JB In the morning.

SH Did she look like that?

JB She, she had a little bit of bruises, but they weren't that bad, you know what I mean? They weren't that dark.

SH Well, if you, if there's bruises Tuesday and they're not that dark, then, and you're saying this morning she shows up and they're not that dark.

JB It looks like they, they, I don't know.

SH What, what is going on with the baby's face? I mean it's quite apparent that there's abuse going on here to some degree. Do you agree with that?

JB Yes. I do.

SH If it was your child, what would you do? If your child came home from daycare looking like this?

JB I wouldn't let him go to daycare.

SH Would you call the police?

JB Oh, yes, I would. But that's, you know, that's MANDY's, MANDY's boyfriend. You know. That, that, she told me that was going on. So I was just like ...

SH Putting aside the fact that it's MANDY's boyfriend, and it's even MANDY's baby,

JB Um, hum. She told me it was going to stop.

SH Okay. If you knew that there was a baby being abuse like this, would you call somebody?

JB The only reason I didn't call anybody is because I didn't want the baby taken away from MANDY.

SH Okay. So you've been concerned a while about the bruises?

JB Yeah. Yeah. So has my mother. So has, my mom's known about them and my mom's known it's from CHAD. If you ask my mother, when she comes in you should question her.

SH Okay.

JB Yes, maybe you told ???, um, yeah, mom what was going on.

SH You didn't tell anybody because ...

JB I didn't want the baby to be taken away from my sister.

SH Okay. Hindsight would tell you you probably should have, huh?

JB Yeah.

SH Called somebody? Because maybe if the baby was taken away from somebody, it would be alive.

JB Yeah.

SH Somebody that does this is an animal.

JB Um, hum. I know that.

SH Okay.

JB CHAD's wife left him because he beat her.

SH Okay.

JB But, can you not tell MANDY that I told you guys?

SH AMANDA, MANDY's not going to like what transpires between us, okay? What would you know about CHAD and MANDY's relationship?

JENNIFER BORTNER (CONLEY)

11/09/00

1615 hours

KC 204-35897

DET. JEFFREY SMITH -

Page 66

JB I don't know. She, he did that, he used to choke MANDY like that, just a ...

SH Choke MANDY?

JB Um, hum. Just to like you know, she said it didn't hurt, but it hurt after. You know what I mean?

SH What about hitting? Does he hit her?

JB Um, um. They've only been together for 6 or 7 months, but, and the bruises didn't start until she started moving in with CHAD.

SH Which was about 3 weeks ago?

JB Yeah. Whenever she moved in with him, yeah.

SH So you've noticed the bruises on the baby over the past 3 or 4 weeks since she's moved in the CHAD.

JB Yeah, since she's moved in with CHAD.

SH Have you spoken to her about it? Have you asked her?

JB Yeah, I've asked her about it and she said that, you know, ...

SH Just the squeezing of the face?

JB Yeah, she was crying and she was, and she since freaked out on CHAD slapped him and I sat there and told him not to. And CHAD cried and said he'd change and not touch her again, you know what I mean?

SH So you've had some pretty in-depth conversations with your sister about this, haven't you?

JB Um, hum.

SH What about the water in the face? Hold the water, hold the baby under water?

JB Yes. MANDY just told me about that. I was like that's friggin, that's ridiculous.

JS Was that in the bedroom or the bath, the bathroom or kitchen?

JB The bathroom, oh, I'm sorry, the kitchen.

JS The kitchen.

JB At the sink.

JS Did he dunk her head under the water?

JB No, just, he put some, sprinkled water and put her head underneath it, but, yeah, turned the water on.

JS KASSIDY's got injuries on the bottoms of her feet. Do you know anything about those? Did MANDY ever tell you about?

JB Yeah, me and, me and MANDY talked about. We, we came to the conclusion that because I got linoleum on my floor and she's walking around with bare feet there's little tips to nails that are sticking up that she walks over that, other than that ...

SH Do you smoke?

JB No.

SH Does MACK? I mean, ah, JEFF smoke?

JB Nope.

SH Does AMANDA smoke?

JB Um, um.

SH Does CHAD smoke?

JB I don't think so.

SH Nobody smokes?

JB Um, um.

SH Okay.

JB I know she came home from another babysitter once with burn marks on the bottom of her feet.

SH Did AMANDA tell you what that was about?

JB No. Mom, my mom was all upset about it. And it was like where did that come from, you know. MANDY was like I don't know, she came home from the babysitter like that.

SH And where was she being baby sat then?

JB I think it was EMILY CONLEY ???

SH And where does EMILY live?

JB Sanford. I don't know where in Sanford. I just know her name.

SH Your mom noticed it? Your mom confronted AMANDA about it?

JB Um, hum. It happened months ago, months ago. MANDY was like, she just picked her up from the babysitters and it was like that. I don't know if they said anything to the babysitter or not, but ...

SH Okay.

JS What was the woman's name in Sanford?

JB EMILY CONLEY.

JS Where's she live in Sanford?

JB I have no clue. I don't know. She used to move around a lot.

JS She babysits?

JB She babysat for AMANDA. One ...

JS One time?

JB That one time that, you know, I actually thought it might be more than one time, though.

JS And where were the burns on her feet?

JB On the bottom of her feet.

JS One burn? Two burns?

JB Maybe like two.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 69

JS On her foot, both feet?

JB One foot, I think. I don't know. I didn't see, I never saw KASSIDY before like this past like week and a half, you know, whenever we started babysitting her. It wasn't like a usual thing. We didn't babysit her that often.

JS Did KASSIDY ever say about anybody hurting her?

JB Um, um.

JS Could she articulate? Could she say that? Could she define that with her vocabulary?

JB Yeah, she probably could. She never, never talked like that. You know what I mean? She never said, she never even articulated like, you know, if she got hurt she wouldn't even cry. Once in a while she did like when she fell out of the truck, but ...

JS When KASSIDY was dropped off this morning, how do you know she was alive?

JB Cause she was talking to me and she was, you know, gave me a kiss good bye, you know what I mean? I mean I like kiss her and she goes (kissing sound). You know and I left for work. She was alive when I left for work.

SH She was eating?

JB She was eating. Cocoa Puffs.

SH She speak to you this morning?

JB Um, hum. She was, "kitty, kitty, kitty." Cause TOBY was on top of the bed. TOBY is my cat.

JS Eventually, there'll be a, um, they call it a post mortem exam, an autopsy.

JB Yeah. Um, hum.

JS And they'll be able to determine ...

JB The cause of death?

JS ... cause of death and also the time of death.

JB Um, hum.

JS And if the information comes back and you haven't been telling us the truth. That the time of the death is before KASSIDY arrived, it's going to put you in a bad situation.

JB The kid was alive when I left for work. The kid was alive when I left for work. I left like quarter after 9, 9:30 cause I, you know ...

SH And you're absolutely positive of that?

JB I'm positive of that cause I got like proof that, you know, I punched in at work and stuff like that. I can give you all that information.

JS JEFF knows this is going on?

JB Yeah.

JS Why does he have so much loyalty?

JB What do you mean loyalty?

JS Why's he trying to protect?

JB Protect who?

SH Somebody cause he didn't call either. What's his, what JEFF's take in this? I understand you maybe wanting to protect your sister because you don't want her to lose her baby.

JB Yeah.

SH Cause she's a young mom.

JB Um, hum.

SH But what's JEFFREY's take in this? When this little baby shows up like this at the house?

JS JEFF's concerned. He's told us.

JB Yeah. He was, he was ...

SH Is he protecting CHAD?

- JB Yup, probably. He was, you know CHAD's is one of his friends, but he know CHAD was doing that to KASSIDY's face and stuff like that. He know CHAD was doing that. He knew CHAD put her face under water.
- JS I mean, I have friends, but if any of my friends did this to a child. That's crazed. That's insane.
- JB MANDY, MANDY told JEFF that it was gonna stop, but, you know what I mean, that the bruises would stop because CHAD said he wouldn't do it any more, you know what I mean?
- SH Wouldn't do what?
- JB Like squeeze her face and stuff like that. He used to always squeeze her face.
- SH How would you describe bruises like this? On the forehead?
- JB I don't know. I really don't know how they got there. Like I only see her, you know what I mean, a couple of hours ...
- JS You saw her cause she fell out of the truck. Did she have bruises after she fell out of the truck?
- JB No.
- JS No.
- JB No.
- JS Everybody's telling us that. That she didn't have bruises like that when she fell out of the truck, but these bruises appear afterward. It's not from the fall out of the truck. It's from something else.
- JB She was acting weird after she fell out of the truck though. That's why they're, probably everybody brought it up cause that's when she started looking at the wall and stuff like that. You know, just standing there. She wasn't acting like her normal self, but ...
- JS When, when someone starts acting different not like their normal self, doesn't a bell go off? Doesn't an alarm? Lights go on?
- JB Um, hum.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 72

975

JS What would you do if your mother started acting not her self?

JB Question it?

SH Question it. What else would you do?

JB I don't know.

JS Would you have her see a doctor?

JB Yes.

JS You have a child here who can't communicate or can barely talk ...

JB Um, hum.

JS ... and is not acting normal. She is showing up with repeated bruises, repeated injuries over a period of time, over a 3 week period.

JB Um, hum.

JS It starts acting not, not normal, not like she would normally.

JB Yes.

JS Doesn't a light go on? ... Whistle or anything?

JB The only reason I didn't say anything is because I didn't want her to lose her kid.

JS She's lost her kid.

JB I know.

JS And ...

JS She hasn't lost her kid. The child's dead. No one can bring that child back. Someone is responsible.

SH And the baby's been showing up like this for 2 weeks.

JB Um, hum. She's had bruises on her. She's always had bruises on her ever since her and CHAD got together. You know, little bruises her and there, but not on her face. I've never seen a bruise on her face until her and CHAD got together.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 73

976

SH You ever confronted CHAD?

JB No, um, um.

SH Why not?

JB Cause. I wouldn't. It's not something that I would do.

SH JEFF's a good size guy, why didn't he confront CHAD?

JB I think JEFF has talked to CHAD about it. I think CHAD's like, you know. I don't know. I think, you know, I think CHAD's like, you know, it'll go away and, you know what I mean?

SH I, I don't know what you cause I honestly can't fathom ...

JB I don't know if CHAD, uh, JEFF has confronted CHAD or not, but if JEFF has, you know what I mean, then CHAD probably said, you know, that it was an accident or something like that, you know. Like one time she was on the trampoline and, supposedly on the trampoline, and she fell off and CHAD grabbed her by the face to catch her. That's a story MANDY told me what happened.

JS Um, hum.

JB It turns out that that's probably not what didn't happened, you know what I mean?

JS That, that he grabbed her on the face and left a big paw mark?

JB Yeah.

JS How long ago was that?

JB About 3 week, 4 weeks ago. When I started working. I started October 1st.

JS Okay. JEFF's told us, not myself, but STEVE, other Detective. He's talking about CHAD ...

JB Um, hum.

JS He feels guilty about what's happened. JEFF feels guilty about knowing what's going on and that's ...

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 74

977

JB I do, too.

JS ... knowing about. And he's wrestling with that. He knows what's happened. He knows you could have prevented it.

JB We could have. We could have called someone. I know we could have. I feel like crap, too.

JS JEFF is wrestling with this right now. He's all torn up.

JB Every time I've been with that kid, though, I've been with JEFF. I'm never with that kid alone. You know? He might have gone outside for a minute, you know, while we put out makeup on, but ...

JS Has JEFF told you about other things he's witnessed CHAD do?

JB Um, hum.

JS Has MANDY?

JB Just the things that I've told you. Grabbing her face and stuff like that.

JS Anything else?

JB Uh, uh.

JS What were MANDY and CHAD's plans?

JB I don't know. I think they were gonna get married and stuff like that. MANDY wants to, wanted to marry him. You know what I mean? But not anymore MANDY and CHAD talked about it. Supposedly, and CHAD was like ??? stop, you know. MANDY didn't want him disciplining her at all or anything like that anymore.

JS When CHAD showed up, were you ever there when CHAD showed up to pick up ...

JB No. I know he only showed up like once or twice, though.

JS Had he ever been drinking when he showed up?

JB I don't think so. I know he did drink a lot of alcohol.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 75

975

SH He drank when you guys ???

JB CHAD?

SH The four of you?

JB Well, me and MANDY are both minors. Um, I know CHAD has drank, gotten really drunk a lot, you know. He does drink a lot. They do go to bars a lot.

SH Your sister goes?

JB Yeah. My sister goes, but she doesn't drink.

SH Okay. And they, and he goes with her?

JB Um, hum. They go to bars and stuff like that and he drinks a lot.

SH Um, where are the kids?

JB Me and JEFF usually have KASSIDY, and then they pick'em up. Take KASSIDY afterward. We take them all night long. Take KASSIDY all night long and drop her off in the morning.

JS You and JEFF?

JB Yeah. And that was, we haven't done that for a long time. You know what I mean? We haven't had the kid overnight for a long time, but ...

SH How does, how does CHAD, what does CHAD call the baby? By it's first name?

JB Yeah. KASSIDY.

SH He calls her KASSIDY. How does he treat the child compared to his child?

JB He treats his child a lot better than KASSIDY.

SH He does?

JB Yeah. He, he used to tell MANDY that KASSIDY was stupid and like, you know, brain dead. And shit like that. And MANDY, you know, and I was like, "The only reason she keeps getting stupid is cause you keep hurting her." You know what I mean?

SH Yeah.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 76

979

JB That's what I said to MANDY.

SH Okay. Anything else that you noticed, even when the four of you were together, whatever, that how he treated this little child?

JB He didn't treat it like it was his, you know what I mean? He treated his kid like all kinds of terms better than KASSIDY. Like if KASSIDY cried, he'd walk away. You know what I mean? You know what I mean?

SH And if his kid cried, he'd be right there?

JB Um, hum.

SH Do you think he's jealous of this kid? KASSIDY?

JB I think he, yeah. Because MANDY had pictures of her, the guy that she thought KASSIDY was from, cause they broke up and she hooked up with another guy and then, you know, and he got all mad. And he didn't want those pictures in the house. Like he's jealous, I think.

SH You think he's jealous of the baby?

JB He might be. I don't live with them so I don't really know exactly what goes on there, but ...

SH Okay. You know he's been jealous in the past?

JB Oh, yeah.

SH You think he's jealous because the baby takes attention from AMANDA that he wants?

JB I don't, I don't know.

SH But you know he's jealous about the relationships she's had in the past.

JB Oh, yeah, definitely.

SH And you think he's taking that aggression out on the baby? Because of her past relationship?

JB I think that the reason he hit her and stuff like that, you know, grabbed her face and stuff like that is because he is annoyed by her and she'd always tell him,

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 77

980

"No" and stuff like that. I don't think she deserved to get hit and stuff like that at all, you know what I mean?

SH Um, I think that this guy's gotta act out some of this stuff. Whether he wants to do it in a knowing fashion or not, okay, but someone has to observed how this guy treats this baby.

JB Um, hum.

SH To end up ...

JB MANDY has, MANDY has, you know what I mean? I don't see them together, him and the baby together unless they're all together, you know, all, you know, he wouldn't hit the kid in front of us.

SH Right.

JB You know what I mean?

SH But you noticed she acted different around it.

JB Yeah, she acts, she acted different around CHAD. I think she was afraid of guys. At first, because of CHAD, but she got used to JEFF, you know what I mean? She was fine with JEFF after the first couple days.

SH Okay.

JB But I think she's afraid of guys. I know she acts different around CHAD. But ...

JS How could I find RICHARD WEBBER? Who is, where does he live?

JB I don't. He just moved. He just moved somewhere in Kittery. He was our next door neighbor.

JS Yeah.

JB Either it was him or it was, um, WILL. I don't know.

SH WILL PIERCE.

JB I don't know where he lives. I don't know exactly who was out there cause I just I heard it from one of them.

JS WILLIAM PIERCE.

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 78

981

JB Yeah, ??? I was at work.

JS Does RICHARD have a phone number?

JB I don't know it. I know it's in the phone book.

JS Okay. Is it RICHARD WHEELER in Kittery?

JB WEBBER, RICHARD WEBBER.

JS WEBBER? Okay. And what was his former address? Where did he live?

JB 53 Rogers Road. Right in the same house as ours. Ours is 51, his is 5?, I think it was 53 or 52. The same complex as us.

JS STEVE went to your residence and saw the baby.

JB Um, hum.

JS Before rescue arrived, prior to rescue arriving.

SH Um, hum.

JB So he didn't take the kid to the ambulance? The hospital? He called the hospital?

SH He called here.

JB Okay.

SH He called here on 911.

JB Okay. He told me he was going to take her to the hospital.

JS She didn't have any clothes on.

JB Didn't have any clothes on? Did it have a diaper on?

JS She had a diaper on.

JB See, he takes the diap, the pants off when he changes her and stuff like that. I've seen her when I've come home in just her diapers, but, you know, I've seen him take her, you know, change her, too. Just leave the clothes there and, you

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 79

982

know. But ...

SH You think he fumbles through that process? Changing the baby?

JB Um, um. He just changes her diaper and leaves her clothes on the floor. She walks around in her diaper.

SH Have you witnessed JEFF around bab, other babies, any other contact with kids?

JB Um, hum. I've seen him around KASSIDY, you know.

SH No, I mean any other kids.

JB Um, um.

SH No?

JB My brother, SCOTTY, up, you know, up at my parents' house.

JS Was KASSIDY potty trained?

JB No, she's diapered.

JS Diapered. So she's not doing any diapers, she's going to go potty? She's going to go to the bathroom on the floor? Is she going to pee on the floor? Does she go on ...

JB She diapers her now, I've never seen her in anything, but her diapers and, you know, clothes.

JS So if she's not wearing a diaper, she's going to go to the bathroom on the floor or on whatever furniture she's on or the bed? Right?

JB Was she wearing a diaper?

JS I don't know. You tell me.

JB I don't know, I wasn't there. She was fully clothed when I left.

JS Does, is she normally have a diaper on when you leave?

JB Oh, yes, yes. She always had a diaper on. You know sometimes she's walking around in her diaper. You know what I mean? But, you know, she's always,

JENNIFER BORTNER (CONLEY)
11/09/00
1615 hours

KC 204-35897
DET. JEFFREY SMITH
Page 80

983

every time I watched she's always had her clothes, diapers on.

JS I'm all set.

SH I don't have anything else.

INTERVIEW CONCLUDED 6:40 Hours, 1840 Hours)