

**AFFIDAVIT AND REQUEST FOR SEARCH WARRANT
(Rule 41)**

STATE OF MAINE
YORK, SS

DISTRICT COURT
SITTING AT _____
CRIMINAL ACTION
DOCKET NO. _____

**REQUEST FOR SEARCH WARRANT
(M.R.CRIM.P. 41)**

TO: Any Judge of the District Court or Justice of the Peace:

I, Sgt. Matthew J. Stewart, a law enforcement officer for the State of Maine, Maine State Police, apply for a search warrant to search the premises described below and to seize the property also described below. My basis for probable cause is contained in the attached affidavit.

Description of Place(s) or Persons to be Searched:

A red 1998 Ford Taurus, VIN 1FAFP52U2XG282412, bearing NH Registration 830887 currently being stored at the Kittery Police Department in Kittery, Maine.

Owner/Occupant (if known):

The registered owner of the above vehicle is Colley McCoy Management Group, Inc. of One Industrial Drive, Windham, NH 03087. The vehicle is currently assigned to and routinely used by Colley McCoy Management Group employee Chad Evans, DOB 11/15/71, of 191 Milton Road in Rochester, NH.

Description of Property or Person(s) to be Seized:

Bodily fluids, including but not limited to, ~~sperm, seminal fluid~~, saliva, blood; trace evidence, including but not limited to, hair fibers, fingerprints, foot print impressions; clothing, or other materials containing bodily fluid stains and other trace evidence; objects capable of inflicting the injuries on Cassidy Bortner's body, including but not limited to balls, baseball bats, and other similar instruments; sharp objects capable of causing the puncture-type wounds on Cassidy Bortner's feet; and any other evidence of the crimes of Assault, Aggravated Assault, ~~Gross Sexual Contact and/or Unlawful Sexual Contact.~~

ASJ 11/14/00
ASJ
11-14-2000

Reason for Seizure:

The property listed above constitutes evidence of the commission of a criminal offense.

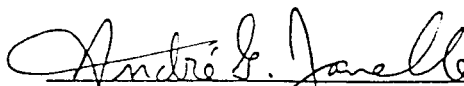
I request that a search warrant be issued which may be executed during the daytime (7:00 a.m. to 9:00 p.m.).

Date: November 10, 2000



Sgt. Matthew J. Stewart, Affiant
Criminal Investigations Division I
Maine State Police

Subscribed and sworn to by Sgt. Matthew J. Stewart before me this 10th day of November, 2000.



Judge, Maine District Court/
Justice of the Peace

AFFIDAVIT OF SGT. MATTHEW J. STEWART

I, Sgt. Matthew J. Stewart, am employed as a Sergeant with the Criminal Investigations Division I of the Maine State Police. I have been employed by the State Police for eighteen (18) years, and my current duties include investigation of homicides and other major crimes. In this capacity, I have been involved in the investigation into the November 9, 2000 death of Cassidy Bortner (DOB 2/4/99). Cassidy lived with her mother, Amanda Bortner, and her mother's boyfriend, Chad Evans, at 191 Milton Road, Rochester, NH. The following facts are based on my personal observations and on conversations with officers as identified below.

- 1) At approximately 12:30 pm on November 9, 2000, Cassidy was brought by ambulance from her daycare provider in Kittery, Maine, to York Hospital, Maine. New Hampshire State Police Trooper Jill Rocky informed me that she spoke with Dr. Anthony Bock at York Hospital on November 9, 2000. Dr. Bock pronounced Cassidy dead at 1:28 pm. Tr. Rocky observed the following injuries on Cassidy's body: the bottoms of Cassidy's feet had multiple pin-prick marks all over both feet; there was bruising on Cassidy's arms, stomach, chest, face, and head. There were multiple bruises the size of a dime or quarter all over Cassidy's head. Cassidy's hair appeared unusually thin in the back. Cassidy's vaginal was irritated and visibly swollen. There also appeared to be irritation to Cassidy's anus. Tr. Rocky questioned Dr. Bock about Cassidy's lethargic and unstable behavior that Jeffrey Marshall observed (see below) when Cassidy was dropped off at his house on November 9, 2000. Dr. Bock stated that this behavior would be consistent with a head injury.
- 2) I spoke directly with Dr. Bock at York Hospital on November 9, 2000. Dr. Bock advised me he did a fundoscopic eye exam on Cassidy Bortner which revealed bilateral and diffused retinal hemorrhages. Dr. Bock also stated that he observed multiply resolving bruising about the mid and lower abdomen, forehead, face, chin, and right ear. He made observations of the genital area which he considered to be suspicious, notably it appeared to be an enlarged vaginal vault for the age of the child. He observed multiple scabbing on the bottom on the feet from an unknown source. Dr. Bock indicated that the bilateral and diffused hemorrhaging was indicative of closed head injury. He also indicated that he found no obvious fractures during the bone survey and signs of basal or skull fracturing. Dr. Bock expressed an opinion that the collection of injuries on Cassidy were of a suspicious nature.
- 3) I spoke with Maine State Police Det. Jeffrey Linscott, who informed me that he interviewed

Jeffrey Marshall
DOB 3/21/75

on November 9, 2000, together with Det. Scott Harakles, also of the Maine State Police. Det. Linscott informed me that he learned the following facts from Jeffrey Marshall:

- a) Marshall is the boyfriend of Jennifer Connelly. They live together at 53 Rogers Rd. in Kittery, Maine. Connelly is the sister of

Amanda Bortner
DOB 1/21/82

Bortner has a child named

Cassidy Bortner
DOB 2/4/99

- b) Marshall stated that he and his girlfriend, Jennifer Connelly, have been babysitting for Cassidy recently at their home in Kittery. Marshall stated that on November 8, 2000, Amanda Bortner dropped her daughter Cassidy off with Marshall at approximately 4:00 pm, while Amanda went to work for the evening. Marshall babysat Cassidy until about 5:30 pm. on November 8. At that time he got a call from

Chad Evans
DOB 10/15/71

- c) Evans is the boyfriend of Amanda Bortner. Evans and Bortner have been dating for about 3-4 months and have been living together for approximately 2 months at Evan's home at 191 Milton Road in Rochester, New Hampshire. Evans has a 3 year old son, Kyle, who stays with him at the 191 Milton Road residence four nights a week.
- d) On November 8 at about 5:30 pm, Evans came to Marshall's home in Kittery to pick up Cassidy. When Evan's picked up Cassidy, she had only a small, fading bruise on her face.
- e) After Evans picked up Cassidy, Evans called Marshall and asked Marshall whether Marshall had beaten Cassidy. At approximately 6:00 pm, Evans called Marshall a second time and told him that something odd happened when he arrived at the home in Rochester. Evans told Marshall that after Cassidy got out of the car, she was standing next to the car and then while Evans was taking his son out of the car, he noticed that Cassidy was lying face down on the pavement.
- f) Evans called Marshall again later that same evening on November 8. This time Evans told Marshall that Cassidy and his son, Kyle, were upstairs playing baseball and that his son hit Cassidy in the head with a baseball. Evans told Marshall that Cassidy's eyes rolled back in her head.
- g) Evans called Marshall a third time that evening and told him that Cassidy almost passed out.
- h) Marshall stated that the calls from Evans were very unusual because Evans rarely, if ever, called Marshall to discuss Cassidy. It was particularly unusual that Evans called Marshall repeatedly to discuss Cassidy's health.


- i) On November 9, 2000, Amanda Bortner dropped Cassidy off with Marshall between 8:30-9:00 a.m. so that Marshall would babysit Cassidy while Bortner worked. When Marshall saw Cassidy on November 9, Cassidy's face was completely covered with bruises that were not there when Cassidy left Marshall's home the prior evening. Bortner stated to Marshall: "Look at Cassidy's face." Marshall also noticed that Cassidy was very unsteady when she walked and looked very lethargic.
 - j) Shortly after Bortner dropped Cassidy off on November 9, Evans called Marshall and informed Marshall that New Hampshire DCYF had called Evans. Evans wanted to know who had contacted DCYF. Evans asked Marshall how Cassidy was doing. Marshall stated that this telephone call was very unusual because Evans had rarely, if ever, expressed concern for Cassidy's welfare in the past.
 - k) Marshall stated that Cassidy was placed in bed and he checked on her twice in the morning. When he checked on her the second time, he noticed that Cassidy had not moved at all. Marshall tried to wake Cassidy but she was non-responsive. Marshall noticed that Cassidy's eyes rolled back in her head and she was not breathing. He stated that she had a slight pulse. Marshall tried to revive Cassidy and brought her onto his porch where he attempted to perform CPR. After calling his girlfriend and attempting to call Cassidy's mother, Marshall called 911.
 - l) Marshall stated that before Bortner began dating Evans he observed some bruises on Cassidy but it was not inconsistent with a child falling. After Bortner began dating Evans, Marshall stated he observed that Cassidy had much more bruising. Marshall stated that it was almost a family joke that no one other than Marshall and his girlfriend Jennifer Connelly could babysit Cassidy, due to concern that anyone else would report the injuries. Marshall related one occasion when he was embarrassed to take Cassidy out in public because of the extent of her bruises. Marshall was concerned that someone would accuse him of abusing Cassidy if they saw her in public.
 - m) Marshall stated that approximately two weeks ago he was babysitting Cassidy. When he took Cassidy out of his truck, he placed her in the bed of the truck. Marshall was fixing some straps in the front of his truck. When he turned around Cassidy fell over. He stated that Cassidy was not bruised as a result of his incident and was fine afterward. He stated that she might have had a scratch from falling.
 - n) Marshall indicated on one occasion he observed marks around Amanda Bortner's neck. Marshall stated that Bortner told him that Evans had caused this bruising on her neck.
- 4) Det. Steven Hammel from the Kittery Police Department informed me that a Kittery police officer arrived at Marshall's residence at approximately 12:30 pm on November 9, 2000. When the officer arrived, paramedics were treating Cassidy on the porch of the residence at 53 Rogers Rd. in Kittery. Cassidy was cool to the touch and had no pulse when the paramedics arrived. Cassidy was transported to York Hospital.

- 5) Maine State Police Det. Angela Blodgett informed me that she and Det. Richard LeClair, also with the Maine State Police, interviewed Amanda Bortner on November 9, 2000. Bortner related the following facts:
- a) She had been dating Chad Evans for approximately 6 months and had been living with him in Rochester, New Hampshire for approximately 2 months. She stated that Evans was on probation for domestic violence toward his wife (Evans was married but separated from his wife).
 - b) Bortner stated that Evans had abused Cassidy for approximately 4-6 weeks. Bortner related several instances when Evans would abuse Cassidy. She stated that Evans would grab Cassidy's face and cause bruising. He would also grab Cassidy's arm and throw her against the wall.
 - c) Bortner stated that about 2 weeks ago Marshall informed her that he had put Cassidy in the truck and when he turned to speak with his neighbor Cassidy fell out of the truck onto the pavement. She stated that after this incident Cassidy was "spacey" and lethargic.
 - d) Bortner spoke to Evans about bringing Cassidy to the doctor for Cassidy's lethargic behavior. Bortner and Evans agreed that they could not bring Cassidy to the doctor's office because she had bruises from Evans' conduct.
 - e) On November 8, 2000, Evans called Bortner at work and told her that Cassidy was lying face down on the ground. He also told Bortner that Evans' son hit Cassidy in the head with a whiffle ball. Evans told Bortner that Cassidy was acting weird. When Bortner arrived home, Cassidy was sleeping and Bortner noticed a red mark on Cassidy's face.
 - f) Bortner stated that, even though Cassidy was acting "spacey" for a few weeks, in the morning on November 9, 2000, Cassidy was much worse than usual. Cassidy woke up at 6:30 am crying. Her head was bobbing backwards, she ate little or nothing, and her eyes were rolling back into her head.
 - g) Bortner dropped Cassidy off at Marshall's house in the morning on November 9. Later that day, Bortner received a call from her sister and went to the hospital.
 - h) Bortner admitted that Evans would press on her throat and Cassidy's throat when he got into a fight. Cassidy would gag when he did this.
- 6) Det. Scott Harakles informed me that he interviewed Travis C. Hunt who is a roommate with Evans and Bortner in Rochester. Hunt stated that he knew Evans for 5-6 years. Hunt knew that Evans was married to Tristin Evans for about 4 years. Hunt denies that he has any knowledge that Evans was abusive toward Tristin. Hunt stated that Evans loves children and did not observe any fighting between Bortner and Evans. Hunt stated that he saw bruises on Cassidy but had seen Cassidy fall into a coffee table and did not use her arms to break a fall. Hunt saw Evans in the evening on November 8 while Cassidy was taking a bath. Hunt noticed a bruise on Cassidy's eye. Evans told Hunt that Evans' 3-year-old son hit Cassidy in the eye with a ball. Hunt said that Evans' son confirmed that he hit Cassidy in the eye.

- 7) Maine State Police Det. Lance McCleish and Det. Richard LeClair informed me that they interviewed Chad Evans on November 9, 2000. Evans provided the following the following information:
- a) He stated that he picked Cassidy up at Marshall's house on November 8 and Cassidy was acting funny. Cassidy was quieter than normal. She was leaning forward in the seat in the car and drooling. Evans stated that he called Marshall and asked whether Marshall had beaten Cassidy. Evans then picked up his son Kyle. Evans was home alone with Cassidy and his son for about 30-45 minutes before Hunt arrived. Evans claims that he called Marshall a second time when they arrived home in Rochester. He told Marshall that the strangest thing happened and that Cassidy was acting weird. Evans described to Marshall that when he took Cassidy out of the car and then got his son out of his car, Cassidy fell on the ground and was lying face down. Later that night, Evans' son and Cassidy were playing ball and Cassidy was hit in the eye by a hard rubber ball.
 - b) During the interview Evans initially stated that he did not notice any bruises on Cassidy's eye. When confronted about the bruises on Cassidy's face, Evans stated that he noticed a spot on her eye. Later in the interview, Evans stated that he considered bringing Cassidy to the hospital but was afraid to do so because of the bruises on her face. Evans denied that the bruises and scratches on Cassidy's face were caused by him.
 - c) Evans claims that he was only alone with Cassidy 3-4 times. Evans claimed that Marshall admitted that Marshall hit Cassidy so hard that his hand stung and Cassidy was black and blue. Evans also stated the Cassidy fell out of the truck at Marshall's truck and had a bump on her head.
- 8) Det. John Marasco of the New Hampshire State Police informed me that he interviewed Bruce Aube on November 9, 2000, together with Maine State Police Det. Jeffrey Linscott. Aube provided the following information: Aube was a friend of Evans for 11 years. Aube observed bruises on Cassidy about 4 weeks ago. Bortner told Aube that Cassidy had fallen down a flight of stairs. During the following weeks, Aube observed other bruises on different parts of Cassidy's body. Aube hears Bortner say that she cannot take Cassidy to her parents' house because of the extent of the bruising on Cassidy's face.
- 9) Det. John Marasco informed me that he interviewed Tristin Evans on November 9, 2000, with Det. Jeffrey Linscott. Tristin stated that she was Chad Evans' wife for about 4 years. During the marriage Evans would hit Tristin in the face. Tristin also stated that Evans would frequently pull her hair when he hit her. Tristin observed bruises on Cassidy's body a couple of weeks ago. When she confronted Evans, he claimed that Cassidy had fallen off of a trampoline. When Tristin asked Bortner about the bruises she claimed that Cassidy had fallen down the stairs.
- 10) Evans' vehicle is a 1998 Ford Taurus, color red, VIN 1FAFP52U2XG282412, NH Registration 830887. It is currently being stored at the Kittery Police Department in Kittery, Maine.

- 11) Evans and Bortner lived with Cassidy at 191 Milton Rd. in Rochester. The house is described as a single family wood-framed structure, brown in color.
- 12) Based on the foregoing there is probable cause to believe that evidence of the crime of Manslaughter will be found in the 1998 Ford Taurus, VIN 1FAP52U2XG282412, NH Registration 830887.

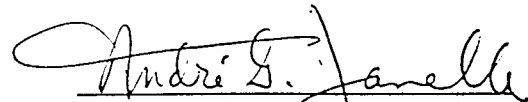
Dated at 10th, Maine this 10th day of November, 2000.


Sgt. Matthew J. Stewart
Criminal Investigations Division I
Maine State Police

STATE OF MAINE
YORK, SS.

November 10, 2000

Personally appeared the above-named, Sgt. Matthew J. Stewart, and took oath that the factual allegations contained in the above affidavit are true to the best of his knowledge and beliefs. Before me,


Justice, Maine District Court/
Justice of the Peace

STATE OF MAINE
YORK, SS.

DISTRICT COURT
SITTING AT _____
DOCKET NO. _____

SEARCH WARRANT
(M.R.CRIM.P. 41)

TO: Any officer authorized by law to execute this search warrant:

On the basis of the Affidavit of Sgt. Matthew J. Stewart, Criminal Investigations Divison I, Maine State Police, dated November 10, 2000, which affidavit(s) are attached to the original hereof and made a part thereof to be filed in the District Court.

I am satisfied that there is probable cause to believe that there are grounds for the issuance of a search warrant. You are therefore commanded to search the place(s) and/or person(s) described below for the property and/or person(s) described below and, if the property and/or person(s) is/are found, to seize such property and/or person(s) and prepare a written inventory of the property seized.

Place(s) or person(s) to be searched:

A red 1998 Ford Taurus, VIN 1FAFP52U2XG282412, bearing NH Registration 830887 currently being stored at the Kittery Police Department in Kittery, Maine.

Property or article(s) to be searched for:

Bodily fluids, including but not limited to, ~~sperm~~ ^{semen} seminal fluid, saliva, blood; trace evidence, including but not limited to, hair fibers, fingerprints, foot print impressions; clothing, or other materials containing bodily fluid stains and other trace evidence; objects capable of inflicting the injuries on Cassidy Bortner's body, including but not limited to balls, baseball bats, and other similar instruments; sharp objects capable of causing the puncture-type wounds on Cassidy Bortner's feet; and any other evidence of the crimes of Assault, Aggravated Assault, ~~Gross Sexual Assault and/or Unlawful Sexual Contact.~~ ^{AGJ 11/14/00}

Name of owner or occupant of premises, if known:

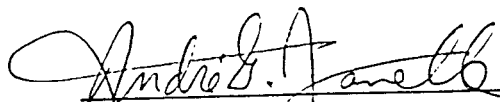
The registered owner of the above vehicle is Colley McCoy Management Group, Inc. of One Industrial Drive, Windham, NH 03087. The vehicle is currently assigned to and routinely used by

Colley McCoy Management Group employee Chad Evans, DOB 11/15/71, of 191 Milton Road in Rochester, NH.

DAY TIME WARRANT ONLY

This warrant shall be executed between the hours of 7:00 A.M. and 9:00 P.M. and shall be returned, together with a written inventory, within ten (10) days of the issuance hereof, to the York County District Court of Maine.

Issued at _____ in the County of York, State of Maine this 10th day of November, 2000.



Judge, Maine District Court
Justice of the Peace

INVENTORY

On 11-15 - 2000 , I seized the following material(s)
pursuant to the search warrant issued by Maine District Court, York County and dated 11-10
- 2000 :

See attached sheet.

- Attached hereto is/are one additional sheet(s) of paper listing material(s) seized. Such is/are incorporated herein as part of the inventory.
- This inventory made in the presence of the person from whose possession or premises the property was taken, to wit: .
- This inventory made in the presence of the following credible person(s):

Det. Jeffrey A. Linscott
OFFICER TAKING PROPERTY

STATE OF MAINE

YORK, SS

Personally appeared the above-named Jeffrey A. Linscott and made oath to the truth of the foregoing Inventory.

DATED: November 20, 2000 , before me

(Deputy) Clerk, District Court/
Notary Public

MAINE STATE POLICE

ARREST IDENTIFICATION NUMBER
204-35897

1260

PERSONAL PROPERTY RECEIPT

PROPERTY OF: Colley McCoy Management Group, Inc.

DESCRIPTION OF PROPERTY:

topel. ftr of hairs/Fibers
blue ball

OFFICER NUMBER
2860

1605 Wt. 11/16/00
TIME DATE
Signature of Officer Seizing Property

RETURN RECEIPT

I HEREBY ACKNOWLEDGE THE RETURN OF
ALL PERSONAL PROPERTY DESCRIBED ABOVE.

DATE PROPERTY OF SIGNATURE

WHITE - TO OFFICER
YELLOW - ATTACH TO ARREST
IDENTIFICATION REPORT
PINK - TO ARRESTEE