

THE STATE OF NEW HAMPSHIRE

STRAFFORD, SS.

NOVEMBER TERM, 2001

SUPERIOR COURT

No. 00-S-888 – 00-S-896

No. 00-S-934 – 00-S-935

The State of New Hampshire

v.

Chad Evans

STATE'S REQUEST FOR *RICHARDS* HEARING

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, and requests that the Court schedule Richards hearing in the above-captioned matter:

1. On November 16, 2001, the defendant was arrested on a manslaughter charge for causing the death of 21-month-old Kassidy Bortner. On December 14, 2001, the Strafford County Grand Jury handed up several indictments against the defendant. The defendant was charged with Second Degree Murder, two counts of First Degree Assault, and six counts of Second Degree Assault. He was also charged by information with endangering the welfare of a child and simple assault for causing unprivileged physical contact with Amanda Bortner.

2. Amanda Bortner was the mother of Kassidy Bortner and a witness to relevant events regarding both the assaults and the homicide. Amanda Bortner was charged today, November 6, 2001, by information, with two counts of endangering the welfare of her child.

Bortner has been charged with failing to take steps to protect Cassidy from Evans' abuse that culminated in Cassidy's death.

3. Bortner has been subpoenaed by the State to testify as a witness in the case against Evans. In light of the charges that have been filed against Bortner, the State anticipates that Bortner will invoke her right against self-incrimination regarding the charges against Evans. Pursuant to State v. Richards, 129 N.H. 669 (1987), the State requests the Court to schedule a hearing before trial in order to address issues with respect to Bortner's anticipated invocation of her right against self-incrimination.

WHEREFORE, the state of New Hampshire respectfully requests that this Honorable Court:

- (A) Schedule a Richards hearing; and
- (B) Grant such further relief as may be just and proper.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys
PHILIP T. MCLAUGHLIN
ATTORNEY GENERAL



N. William Delker
Bureau Chief



Simon R. Brown
Assistant Attorney General
Homicide Unit
Criminal Justice Bureau
Office of the Attorney General
33 Capitol Street
Concord, New Hampshire 03301-6397
(603) 271-3658

November 6, 2001

I certify that a copy of the foregoing motion was delivered, by first class mail, this day to Alan Cronheim, Esq., and Mark Sisti, Esq., counsel of record for the defendant.

A handwritten signature in cursive script, appearing to read "N. William Delker", written over a horizontal line.

N. William Delker