

RECEIVED NOV 26 2001

*Michael M. Baden, M.D.
15 West 53rd Street
New York, New York 10019*

Telephone (212) 397-2732

Facsimile (212) 397-2754

20 November 2001

Via Facsimile (603) 226-2025

Mark Sisti, Esq.
Twomey & Sisti Law Offices
387 Dover Road
Chichester, New Hampshire 03234

Re: Kassidy Bortner, deceased

Dear Mr. Sisti:

I have reviewed the autopsy report, autopsy and scene photographs, microscopic slides, autopsy X-rays, medical and hospital records, and Maine State Police reports that you forwarded to me relative to the death of Kassidy Bortner.

Kassidy was born on February 4, 1999 to her 16-year-old mother, Amanda. She was found unresponsive on November 9, 2000 at the age of 21 months by her babysitter, Jeffrey Marshall. Kassidy had been dropped off by Amanda at 8:00 a.m. that morning; Marshall found her unconscious about 12:00 noon but delayed before calling 911. She was pronounced dead about 1:30 p.m.

A complete autopsy by the Maine Chief Medical Examiner, Dr. Margaret Greenwald, showed multiple old and recent bruises of the head, face and body, healing hemorrhages in the retinas in the back of the eyes, healing contusion of the frenulum in the mouth, multiple healing fractures of the extremities and a small subdural hemorrhage around the brain. I agree with Dr. Greenwald's assessment that Kassidy was a battered child and that the battering had occurred over a period of at least many weeks. It is further my opinion that although the fresher bruises to the head and abdomen, and the subdural hemorrhage, could have been inflicted 12 hours before death when Chad Evans was with the baby; they are also equally consistent with having been inflicted 20 hours or even five hours before death when

Marshall, and not Evans, was with the child. I agree that the cause of death was multiple blunt force injuries inflicted by an adult.

It is my opinion, to a reasonable degree of medical certainty, based on the autopsy and microscopic findings, that the injuries to Cassidy were inflicted over a considerable period of time and could have been inflicted when the baby was in the exclusive care of either her mother, Mr. Marshall or Mr. Evans. It is further my opinion that, during this time, the injuries Cassidy suffered would have been apparent to any adult who changed her diaper, saw her face or heard her crying from pain caused by the fractures and that she would not have died when she did if any of these injuries had been reported to a physician, social services or to the police when first noticed.

My opinions are based on the materials I have so far reviewed and are subject to modification upon examination of additional materials, laboratory reports or X-rays.

Yours very truly,

A handwritten signature in black ink that reads "Michael M Baden" followed by a horizontal line.

Michael M. Baden, M.D.

MMB:ph