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Bortner blames sitter



AMANDA BORTNER reacts after being shown a photo of her daughter the day she died by defense attorney Alan Cronheim during testimony Wednesday in the murder trial of Chad Evans. The trial continues today in Strafford County Superior Court in Dover.



Craig Osborne/Staff photographer
CHAD EVANS, above, listens to testimony. York Hospital physician Anthony Yock, below, explains the condition of Cassidy Bortner's body after the girl was brought to the hospital.



Admits murder suspect Evans grabbed toddler by face with enough force to leave bruises

By JENNIFER L. SAUNDERS
Democrat Staff Writer

DOVER — Amanda Bortner isn't denying her boyfriend repeatedly bruised her daughter's face, but she has changed her story about who she believes killed the 21-month-old girl.

Bortner took the stand Wednesday in the second-degree murder trial of her boyfriend, 30-year-old Chad E. Evans, after being compelled by the state to testify and granted immunity by the court.

Although Bortner admitted that Evans grabbed the child by the face to discipline her, she contradicted what she told police in the hours after Cassidy Bortner's death on Nov. 9, 2000.

On the witness stand, Bortner insinuated it was not Evans but her sister's boyfriend and Cassidy's baby-sitter, F. Jefferey Marshall, who inflicted the injuries that caused her death.

Bortner, 19, appeared confident and calm as she took the stand during the second day of the trial. When asked about specific statements she made after Cassidy's death, Bortner said, "It's hard to remember everything I said to different people last year."

Answering Assistant Attorney General Simon Brown's questions, Bortner spoke affectionately of her first date with Evans in June 2000 and admitted lying about her

☆ **Blames sitter**

Please turn to Page 2

Warm weather breaks old record

AMERICA'S WAR ON TERRORISM

nk God, Mr. Coutu got when he did because emergency staff would have been able to get in time," Murch said. "I could not be reached by phone this morning."

ocrat Staff Writer
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HOLIDAY SALE!

Blames sitter

Continued from Page 1

age at the time because she "really liked him." Bortner also testified that had Evans not been incarcerated in August, she would still be living with him.

"Chad was the only one I felt comfortable with ... He's the only one who helped me through everything," she said.

She testified that after Evans was charged with murder and assault in connection with Cassidy's death, the pair knowingly violated his bail conditions.

With the help of friends in Rochester and Keene, they moved in together in December 2000 and lived at various locations until they were subpoenaed in August. Evans' bail was revoked and he has been held at the Strafford County House of Corrections ever since.

Recalling Cassidy's short life, Bortner showed no emotion until she was asked to describe what Cassidy was wearing on the day she died. She covered her face as she recalled Cassidy's pink jacket. As quickly as the tears came, however, they subsided and Bortner refused Judge Tina Nadeau's offer for a break in the proceedings.

Bortner and Cassidy lived with Evans at his home on Milton Road in Rochester for about three months leading up to the child's death.

In police interviews after Cassidy's death, Bortner said Evans repeatedly abused her daughter by grabbing her face, arms and legs and throwing her into the walls of the home. She also told police he choked Cassidy to stop her from crying.

Bortner gave a new version of the events in court on Wednesday and, later in the proceedings, contradicted statements she made under oath to the state during cross-examination by the defense.

Brown asked several times if, other than the facial bruising

Under cross-examination, Evans' defense attorney, Alan Cronheim, reminded Bortner that she has only been granted immunity by the court to tell the truth and asked whether everything she told the state was true. Bortner said it was.

Later, Cronheim began listing several incidents in which Cassidy allegedly sustained injuries in Marshall's care. Marshall and Bortner's sister, Jennifer Conley, baby-sat for Cassidy on several occasions for about a month before the child's death.

In each instance, Bortner recalled specific bruises or marks on Cassidy's body, including one occasion where Marshall allegedly admitted he spanked the child, who was wearing a diaper.

"Her whole butt was black and blue. It was really bad," Bortner testified.

Throughout her testimony, Bortner said that on the morning of her death Cassidy had only a few fading bruises on her face, a scratch from when she fell off the couch at Evans' house and hit a table, and a red mark after Evans' 3-year-old son batted a ball into her eye.

Bortner confirmed saying to Marshall and Conley "her face looks like (expletive)" when she dropped Cassidy off at their house and rushed to work, but said she was referring to the redness around the child's eye.

When Cronheim showed Bortner the photograph depicting Cassidy's bruised face that police had shown her after Cassidy's death, Bortner became hysterical.

"Oh my God, I can't even look at that," she screamed, shoving her daughter's photograph to the side.

Following the outburst, Bortner regained her composure and testified that Cassidy had not looked that way when she

"If Chad would kiss me, she (Cassidy) would get mad ... She was really jealous. She didn't want anyone near me. I was, like, hers," Bortner told Brown after he asked her what Cassidy did that angered Evans.

Bortner said Cassidy had stopped having temper tantrums for quite some time, but about a month before her death she began having "fits" again.

"He would get frustrated and get mad. At first we started putting her in her room for time-outs. He would say stuff like, 'This is stupid' and he would grab her face," Bortner said, grabbing her own cheeks to demonstrate what Evans did.

She said Evans grabbed Cassidy's face hard enough to leave bruises, and estimated she had witnessed him doing that five or six times or "maybe more" in the month before Cassidy's death.

"It didn't look like it hurt her. I never thought it hurt her until I saw bruises," Bortner testified.

When Brown asked her how often Cassidy received bruises from Evans' conduct, she replied, "It's hard to remember those kind of things."

Bortner admitted she told police Evans grabbed Cassidy that way at least three times a week, and when Brown asked her if that was the truth, she glanced toward Evans and replied "could be."

Bortner also contradicted her statements to police about Evans throwing Cassidy into a corner of the house. During her testimony, she said Evans "roughly put her in the corner."

Brown then read the transcript of a police interview with Bortner the day Cassidy died in which she said, "I, like, I saw him hurt her ... He would get mad and grab her by the back of the neck and toss her into the ... corner. Like, bang her head on the closet door to keep her

whelmed. As for the incident in which Cassidy hit her head against the closet door, Bortner said it did not appear she was hurt.

When asked to describe what Cassidy was doing during all of the incidents she recounted, Bortner said the 21-month-old was crying or screaming. On one occasion, she told police Evans attempted to choke Cassidy to stop her from crying.

In court, however, Bortner said Evans pressed Cassidy's throat and the child's tone changed, but it did not hurt her.

"He wasn't doing it out of anger ... He just did it because she wouldn't stop screaming," Bortner testified.

Brown then asked Bortner about an incident in which Evans allegedly held Cassidy's face under running water to stop her crying. It was testimony the defense had sought to preclude from the trial earlier in the week, but the motion was not granted.

Bortner said Evans told her he was just "flushing her face with water to get her to stop screaming." Bortner had told police Cassidy was afraid of water after that incident.

In court, she said Cassidy always loved baths.

"So what's the truth?" Brown asked.

"She loved baths ... she was afraid of the sink," Bortner replied.

Bortner admitted she and Evans agreed to lie about the source of Cassidy's bruises, making up stories about the child falling down the stairs or accidentally hitting her head against the wall. She also related one excuse in which the pair told friends Evans and Cassidy were jumping on a trampoline and he had to grab her by the face to keep her from falling off.

Bortner testified that both Evans and Marshall referred to

when Cassidy allegedly drank window cleaner and fell out of Marshall's truck while Bortner and Evans were away.

"She was really sick. She was really dehydrated. She kept saying, 'Hungry. Hungry. Mama.' She, like, stuck her head in the bowl (of cereal) to suck out the milk. So I was just saying, 'Oh my gosh.' I gave her Pedialyte 'cause that helps with dehydration," Bortner testified.

The night before Cassidy died, Bortner testified, Evans spoke with her during a break from work and told her the child had been hit in the eye during an indoor game of baseball with his 3-year-old son, Kyle. Bortner testified she believed Evans' account because she had seen how well the 3-year-old could hit balls with a whiffle ball bat.

She testified that Evans told her, "We should take her to the doctor as soon as the bruises clear up."

Prior to Bortner's testimony, Dr. Anthony Bock, a physician in the York Hospital emergency department who attended to Cassidy after her death, described extensive bruising all over her body, including her head and face. Bock said the bruises were of varied size and coloration, indicating long-term abuse.

The day's proceedings came to an end when Bortner asked the judge Nadeau for a break to compose herself after seeing the photograph of Cassidy's bruises.

As the jury filed out, Bortner ran sobbing from the courtroom to a conference room reserved for her meetings with her attorney. When members of the press left the courtroom moments later, Bortner had again regained her composure and was speaking quietly with her attorney and a friend.

The jury consists of seven men and eight women, including

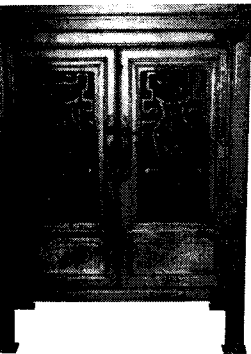
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Bortner gave a new version of the events in court on Wednesday and, later in the proceedings, contradicted statements she made under oath to the state during cross-examination by the defense.

Brown asked several times if, other than the facial bruising Evans allegedly inflicted, Bortner had ever seen other signs of abuse on Cassidy's body.

"No, I never did. I never did," she testified.

testified.

Throughout her testimony, Bortner said that on the morning of her death Cassidy had only a few fading bruises on her face, a scratch from when she fell off the couch at Evans' house and hit a table, and a red mark after Evans' 3-year-old son batted a ball into her eye.

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"Oh my God, I can't even look at that," she screamed, shoving her daughter's photograph to the side.

Following the outburst, Bortner regained her composure and testified that Cassidy had not looked that way when she left her off with Marshall the morning of her death.

Earlier in the day's proceedings, Bortner testified about several occasions in which Evans bruised her daughter's face.

Kassidy's death.

"It didn't look like it hurt her. I never thought it hurt her until I saw bruises," Bortner testified.

When Brown asked her how often Cassidy received bruises from Evans' conduct, she replied, "It's hard to remember those kind of things."

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Bortner testified that both Evans and Marshall referred to Cassidy as a "retard" and a "bitch." Bortner said she became angry when they made comments like that and was angry when her daughter got hurt. She also testified Cassidy was never seen by a doctor for treatment of her injuries.

Cronheim focused his questions to Bortner about alleged incidents that occurred when Marshall was alone with the child, including one weekend

doctor as soon as the bruises clear up."

Prior to Bortner's testimony, Dr. Anthony Bock, a physician in the York Hospital emergency department who attended to Cassidy after her death, described extensive bruising all over her body, including her head and face. Bock said the bruises were of varied size and coloration, indicating long-term abuse.

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The jury consists of seven men and eight women, including two alternates.

Bortner faces two misdemeanor counts of endangering the welfare of a child, alleging she denied Cassidy medical treatment for her injuries and failed to protect her from Evans' abuse. However, due to her immunity, none of the statements she makes on the witness stand can be held against her unless it is proven she committed perjury.

The trial resumed this morning with Cronheim resuming his cross-examination of Bortner.

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