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129th Year — No. 148

Sitter remorseful

'I got to live with it and it's the worst thing I've ever done.'

— F. JEFFEREY MARSHALL,
Kassidy's baby sitter on his failure to report abuse

Kassidy's grandmother barred
from the courtroom, asked
her daughter to tell the truth

JENNIFER L. SAUNDERS
Democrat Staff Writer

ER — As Amanda Bortner
ed to testify in her
nd's murder trial, her
asked her to tell the truth
moments later found her-
red from the courtroom.
er, 19, of Endicott Road
rs Beach, spent hours
day and Thursday testify-
ut her boyfriend's treat-
her daughter Kassidy in
nths before the toddler

died on Nov. 9, 2000.

Kassidy died at 21 months old
after what authorities have
described as weeks of abuse. In
medical photographs taken after
her death, the toddler's face and
head, torso, arms, back, legs and
feet show indications of pro-
longed abuse.

Bortner's boyfriend, Chad E.
Evans, 30, of Milton Road in
Rochester, faces a charge of sec-

☆ **Grandmother**
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Craig Osborne/ Staff photographer

JEFFEREY MARSHALL of Kittery shows the jury
where he has observed bruises on 21-month-old
Kassidy Bortner during the Chad Evans murder trial
in Strafford County Superior Court on Thursday.

Defense laying blame on baby sitter for Kassidy's death

By JENNIFER L. SAUNDERS
Democrat Staff Writer

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Marshall, who inflicted the abuse
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The prosecution maintains
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By the end of the third day of

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"Looking back, there's no
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☆ **Baby sitter**
Please turn to Page 2



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Jennifer Conley, Marshall's girlfriend, is the sister of Cassidy's mother, Amanda Bortner, and was the child's godmother and aunt.

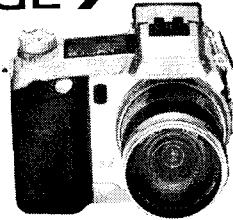
Sisti said the defense intended to use the information to show

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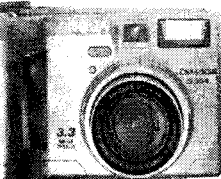


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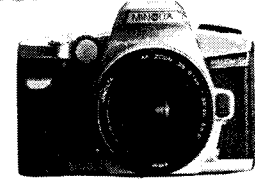


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around her legs. "She would laugh. She liked it," Bortner said.

Bortner, 19, gave police a different description of Cassidy's treatment after her daughter's death in November 2000. She told police Evans abused the child by squeezing her face, lifting her up by the head and throwing her into the walls or corners of the residence the three shared in Rochester.

She began telling a different story to prosecutors on Nov. 5 of this year, however, after Evans violated his bail conditions by living with Bortner in the Keene and Brattleboro, Vt., area. She said she threw a mug at Evans during an argument in which he allegedly placed his hands around her neck. On the witness stand over two days of testimony, Bortner confirmed that Evans did bruise her daughter's face, but detailed multiple times when Cassidy came home from Marshall's residence with serious injuries. She testified that she and Evans repeatedly sent

whereabouts while she was living with Evans. Defense attorney Mark Sisti focused primarily on how well police investigated the incidents of abuse Bortner alleged against Marshall under oath. White maintained that any allegations made to police following Cassidy's death had been investigated.

The courtroom was silent when the state first called Jeff Marshall to the stand after White's testimony. Marshall, standing about 6 feet tall and — according to the defense — weighing more than 200 pounds, spoke softly as he answered Brown's questions. He repeatedly denied ever abusing Cassidy, though he told both the state and the defense he spanked her once over her diaper because she had gotten into a bottle of window cleaner that was left out on the kitchen table.

When asked whether he ever bruised Cassidy, Marshall said he did not. He testified he had seen bruising on Cassidy's face from the time she moved in with her mother and Evans in Rochester and that the bruising would "come and go." He also described a slow and steady decline in the weeks after that move, which he said coincided with Cassidy's grandmother's

and placed her on the bed in the bedroom.

He testified Bortner told him, "She looks like s—t, doesn't she? Look what Chad did." He said Bortner left immediately because she was late for work.

Marshall said he tried to get Cassidy up but the child did not respond, so he left her on the bed and put cartoons on the bedroom television before going into the living room to watch the coverage of the election.

Sisti, on cross-examination, focused on specific times for events Marshall related, on whether Marshall ever injured Cassidy and on Marshall's admitted lack of interest in how Cassidy was doing while she lay on the bed the morning of her death.

"This is the child you were supposed to be taking care of ... You wouldn't let the condition of a lifeless 21-month-old baby interfere with the election?" Sisti said, showing Marshall a photograph of Cassidy's bruised face after her death.

"She came down from Rochester like that," Marshall said, and then admitted he had done nothing to check on Cassidy before realizing her eyes had rolled back in her head sometime between noon and

graph and later refused.

Basing her decision on case law, Nadeau spoke of the unreliability of such tests. The Supreme Court has ruled polygraph test results are not allowed in the courtroom, and neither are questions related to whether a test was refused, Nadeau said.

Sisti said the defense intended to use the information to show Marshall was not fully cooperative with police.

"As the real killer he has refused to take a polygraph test," Sisti said.

Nadeau said an individual can still cooperate with an investigation and refuse a polygraph.

Based on the subjective and unreliable nature of the test, Nadeau said, there are many reasons to refuse to submit to it.

"I frankly don't blame him," she said.

Marshall had ended his responses to the state's questions by accepting culpability for not seeking help for Cassidy.

"You think that parents will do the right thing," Marshall said of his decision not to notify authorities of Cassidy's injuries in the weeks and hours before her death. "I definitely messed up."

When he began his cross-examination, Sisti took over where the state had left off with Marshall.

"You definitely did mess up, Jeff. You messed up very seriously on November 8 and even more seriously on November 9," he said.

"I told the truth and sometimes the truth hurts, but it had to be told," Marshall replied.

Sisti was scheduled to continue questioning Marshall when the trial resumed at 9 a.m. today.

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