

# Relatives take the stand

## Agency told toddler was being abused

By JENNIFER L. SAUNDERS  
Democrat Staff Writer

DOVER — A little more than a week before Cassidy Bortner died, the New Hampshire Department of Health and Human Services received a report the toddler was being abused.

During the fourth day of testimony in the trial of the man who allegedly beat Cassidy to death between Nov. 8 and Nov. 9 of last year, a case worker from the Rochester office of the Division of Children, Youth and Families testified to being alerted Nov. 1, 2000 of an anonymous report alleging bruises on Cassidy's face and neck.

Chad E. Evans, 30, faces one

☆ **Abused**

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**VICTIM'S AUNT ON THE STAND**  
— Defense attorney Mark Sisti questions Jennifer Conley about a photograph of her bed during the Chad Evans murder trial in Strafford County Superior Court on Friday. In the photo at right, Cassidy Bortner's grandmother, Jacqueline Conley, sheds tears as her daughter, Jennifer, testifies.

Craig Osborne/ Staff photographer



## Kassidy's aunt says bruises began after child lived with Evans

By JENNIFER L. SAUNDERS  
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DOVER — Emotions ran high as Cassidy Bortner's aunt and uncle both testified in court Friday that the toddler never had bruises before living in her accused killer's home.

Chad E. Evans, 30, of 191 Milton Road in Rochester was present for the fourth day of testimony in his murder and assault trial, watching the morning's testimony unfold with attorney Alan Cronheim at his side.

Proceedings began shortly after 9 a.m. as Evans' other attorney, Mark Sisti, resumed his cross examination of F. Jefferey Marshall. Marshall, 26, lives in Kittery with Cassidy's 21-year-old aunt Jennifer Bortner Conley. The pair repeatedly baby-sat for the child in the weeks before her death. When Bortner began her job at a nearby clothing store the week the 21-month-old died, Marshall watched the child for at least an hour each day.

Kassidy's mother, 19-year-old Amanda Bortner, faces two misdemeanor counts of endangering the welfare of a child for allegedly failing to

protect Cassidy from Evans' and for failing to seek proper medical treatment for the child's injuries.

Evans appeared unruffled as resumed questioning Marshall and Conley introduced and Bortner and the four had been on friendly terms until Cassidy's death.

Sisti picked up essentially where he left off with Marshall on Thursday afternoon, focusing on specific details including the timing and chronological events, and how those details changed from Marshall's police interview to his testimony.

Marshall repeatedly told Sisti he was not sure of a lot of things he told the jury on the morning of Cassidy's death. He said he did not recall telling the jury that Detective Steve Hamel that Evans could not be sure the order in which he tried to revive Cassidy and call for help when he realized the child was not breathing.

Sisti asked Marshall if he was

☆ **Aunt**

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## MORE ABOUT

## Lotteries

Maine, N.H., Vt.: 562-9718

Wincash: 4-17-21-28-29-33

Big Game: N/A

Mass Cash: N/A

Mass. Daily: 7-0-7-7

## Wildlife

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is predicted for Sunday, with highs around 30 degrees.

Orff said bears are still awake and foraging. He attributes this to not only the warm weather, but an abundance of nuts this year.

"More than likely, the wildlife is in the same mindset we are — enjoy it every day," Orff said.

Mark Ellingwood, a wildlife biologist with New Hampshire Fish and Game in Concord, said the warm weather may cause some hibernating species to stay out longer, depending on food availability.

"Mild weather tends to slow down the return to dens," he said.

In some cases, weather patterns may also influence when bird species migrate to warmer climates and when they return. But Ellingwood said most of these birds in New Hampshire were gone by October, so they are not affected.

Orff said small ponds, even in the White Mountains, are still not frozen, which may cause some waterfowl to stay in New

## Abused

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charge of second-degree murder and nine counts of assault in connection with the death of the 21-month-old child. Cassidy was the daughter of Evans' girlfriend, 19-year-old Amanda Bortner. The three lived together at his Milton Road home in Rochester for about three months before the toddler's death.

Testifying for the state on Friday morning, Patricia Hocter described herself as an assessment worker with the Division of Children, Youth and Families for about the past two years.

Hocter said that on Oct. 31, 2000, the central intake number for child abuse reporting at the New Hampshire Department of Health and Human Services, commonly known as DHS, received an anonymous report about a child named Cassidy Bortner having "some suspicious bruises on her body... especially the face and neck."

On Nov. 1, 2000 — a Wednesday — the case was assigned to Hocter. The referral she received listed Cassidy as residing in Rochester with her mother, Evans and Evans' stepson and son. The referral included a phone number to contact Bortner and Evans.

The defense questioned Hocter whether any other names were included in the referral, and she said there were not.

Hocter testified she called the number on Nov. 6, the following Monday. She left a message on the answering machine at what she believed to be the Evans home stating who she was, that she was calling from DCYF and her return phone number.

"I requested a call back,"

being dropped off at Marshall's Kittery, Maine, home by Bortner on her way to work. Marshall and his girlfriend, Jennifer Conley, frequently baby-sat for the child while Bortner worked or went out with Evans. Conley, who is Bortner's sister, corroborated Marshall's testimony that on the morning of Nov. 9 Cassidy's face was severely bruised and she was lethargic.

Medical and emergency personnel testified earlier in the week Cassidy probably died sometime between 11 a.m. and 12:39 p.m., when Marshall called 911 after noticing her eyes had rolled back in head.

Bortner has repeatedly denied seeing any significant bruising on her daughter's face when she dropped her off that morning.

During Friday's proceedings, Hocter said she did receive a voicemail message from Evans on Nov. 9. The time attached to the message was about 12:30 p.m. She said Evans indicated he was going out of town and would not be back until the following Tuesday — Nov. 14 — and that she should call him on the same number she had been using between 3 p.m. and 4 p.m.

So far in the trial, no testimony has come up indicating Evans had any plans to leave Rochester on Nov. 9.

Hocter testified the anonymous caller who filed the report told a Department of Health and Human Services intake worker about asking Bortner the origin of the bruises and later asking Evans what the cause was. The caller stated Bortner said Cassidy fell down the stairs and Evans said she fell off the trampoline.

According to affidavits filed

2000, DCYF Child Protective Administrator Joan Whitfield detailed the protocol for handling child abuse cases and said such cases are prioritized by the risk factors involved. In a separate interview, another official from the division told Foster's Daily Democrat last year that factors including the type of alleged abuse and the reliability of the individual reporting the abuse are considered when prioritizing cases.

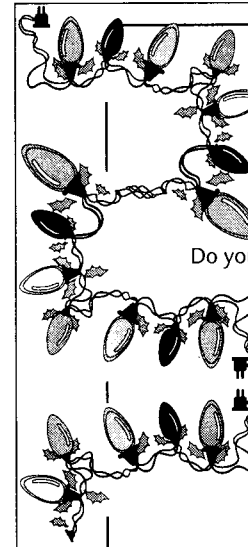
Whitfield said during her interview that if the child is deemed in immediate danger, a protective worker attempts to see the family the same day. After a protective worker is assigned a case, the individual has 72 hours to begin the investigation.

During that same interview, Whitfield indicated there are many factors that explain delays in the process, including the volume large of abuse cases and limited number of workers make it difficult at times to respond quickly to reports of abuse.

And, of the estimated 6,000 cases per year investigated by the state's 165 protective workers, Whitfield indicated that legal restrictions can prevent state agencies from removing children from potentially dangerous — or, in Cassidy's case, deadly — situations.

"DCYF can never take a child away from a parent without court approval... Due process is always assured," she said — even if the state has learned the child is in danger.

During testimony in court on Friday, Hocter indicated that after her call to Evans' home on Nov. 1 and his message on Nov. 9, she received one more report



## Tell us about your holiday lights

Do you have a special holiday lights display at your home this year? If you do, give us a call and let us know.

We will mention your outstanding display in our special listing in Foster's Daily Democrat. Our readers can drive by and take a look at your decorations. Please call us at (603) 742-5387 from 8 a.m. to noon and 1 to 5 p.m. Monday through Friday. Staff Liaison Suzanne Clement will be taking your call for information on special offers.

**MERRY CHRISTMAS!**

## Hideout

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the best we can in this terribly rugged terrain to prevent the escape of those leaders," Franks told reporters in Tampa, Fla.

Local commanders said Arab fighters had abandoned their main caves as the bombardment and ground attacks intensified, and had moved with their entire families into smaller caves higher in the mountains. Between airstrikes, fighters reported seeing the children of Arab guerrillas playing outside caves.

The al-Qaida fighters rained mortar shells, rockets and bullets from their mountaintop positions, firing at pickup trucks packed with tribal fighters heading to and from the front lines. Tribal fighters responded with tank fire and mortar bombardments.

One of the commanders, Zein Huddin, said Friday night that his forces had intercepted Arabic-language radio traffic between the fighters in the mountains and allies in Kandahar before the Taliban

ing some of his troops," Franks said. A third commander, Musa, said he didn't know bin Laden, "but his son was in the caves."

None of the reports independently confirmed by U.S. officials say they are so many bin Laden caves they don't know which are the best.

"I see, literally, dozens and dozens of pick-up trucks every day, they don't agree," Franks said Thursday when asked whether bin Laden was in Tora Bora. "One can't know with precision until the chasms of the yard is over."

Nonetheless, the Air Force military has focused on bombing in the remotest mountains near the Pakistan border. One tribal fighter said that he was assigned to lead 20 U.S. Navy personnel in conducting airstrikes from the ground and that they were