

FOSTER S DAILY DEMOCRAT THURSDAY, DECEMBER 13, 2001

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Jury hears about Bortner

Evans says in taped statement to police that she would hit Kassidy, call her names

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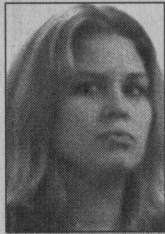
OVER — The man accused of killing 21-month-old Kassidy Bortner told police her mother hit her and called her “the little bitch” in the weeks before her death.

David E. Evans, 30, of 191 Milton Road in Rochester is currently standing trial on charges in connection with the Nov. 9, 2000, beating death of his friend’s daughter.

Kassidy’s mother, 19-year-old Amanda Bortner, was called to the stand last week by the prosecution.

Under oath, Bortner changed her story from what she told police after Kassidy’s death. According to police reports, Bortner said Evans repeatedly abused her child by grabbing her face, pulling on her arms and legs and throwing her into corners.

Bortner, who lived with Evans in violation of his bail conditions for about eight months, has testified that her sister’s boyfriend, F.



AMANDA
BORTNER

Jefferey Marshall, was responsible for Kassidy’s most serious injuries.

During trial proceedings on Wednesday, jurors in the case viewed a lengthy videotape of Evans’ statements to police the night of Kassidy’s death.

On the videotape, Evans denied ever abusing Kassidy and told police he was not responsible for the child’s death. He described her as slow and clumsy and said she bruised easily.

“Amanda would sometimes hit her. She bruised from that,” Evans told police during the interview, stating he thought Kassidy was anemic at the

time.

Evans also told police Bortner started calling the child names during the final weeks of her life.

“I think Amanda — I think that job at home was hard on her ... She had two solid weeks or three solid weeks with Kassidy,” Evans told police.

Evans was referring to a data-entry type job Bortner was doing on Evans’ computer for his best friend. Previously, Evans said, Bortner was not working and the pair spent a lot of time going out and taking trips while Kassidy stayed with Bortner’s mother.

After being home with Kassidy all

day, Evans said, Bortner began saying, “She’s a little bitch. She’s a little s—t.”

At various times in the interview, Evans said the toddler was whiny, jealous and demanding of her mother’s attention. Bortner made similar statements during her testimony last week.

Authorities have stated Kassidy died of a blunt force injury to her head and that her body was covered with bruises of varied ages. In addition to the closed head injury that caused her death,

★ **Bortner**

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uzzing up Christmas tunes



City Council trims \$4.2m

Bortner

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Kassidy had bone fractures in her arms and legs and pin-like abrasions on the bottoms of her feet.

Throughout the trial proceedings, the state and defense have tried to paint different pictures of the time frame in which Kassidy's injuries occurred. The state alleges Kassidy began showing signs of abuse after her mother moved her to Evans' home. The defense maintains the many people who witnessed the child's bruises saw them in the month before her death — after Marshall began baby-sitting her.

Under cross-examination by the defense, several witnesses have indicated Bortner was cruel to Kassidy by locking the toddler into an upstairs bedroom and ignoring her cries.

Several witnesses, including Bortner, testified that when she started her job at Old Navy around Nov. 6, 2000, she brought the child to her sister Jennifer Conley's apartment where Conley and Marshall took turns baby-sitting the child. Marshall was home alone with Kassidy after Bortner dropped her off on the morning of Nov. 9, 2000.

Bortner, Conley and Marshall described bruises on Kassidy's face to police following the child's death. On the witness stand last week, Bortner said she never saw the extensive, multicolored bruising until she was shown post-mortem pictures of Kassidy.

Prior to the viewing of Evans' videotape on Wednesday, Bortner's friend Cathy Nuremberg was called by the state and testified to changes she saw in Bortner before and after she met Evans.

Nuremberg said that when Kassidy was born, "(A man) was her boyfriend and was the father of Kassidy for a while ... Amanda was definitely the dominant of the two. She had control of the relationship ... He did what she wanted him to do and she did what she wanted to do."

Nuremberg said Bortner was the complete opposite with Evans.

In September, about two months before Kassidy's death, Nuremberg moved from Maine to Texas. She testified she saw bruises on Kassidy before her departure. She said Bortner and Evans were living together in Rochester at the time.

"Kassidy was acting very withdrawn ... I could instantly tell she was different. I instantly noticed bruises on her face," Nuremberg said.

When she asked Bortner about Kassidy's bruises, she testified, Bortner said the one on her forehead came from Evans carrying her on his shoulders and accidentally banging her head against an overhang. Nuremberg said Bortner would not explain the marks that resembled fingerprints on the toddler's cheeks.

Nuremberg said she did not return to Maine until Kassidy's funeral in November, when she invited Bortner to stay with her in Texas. She testified Bortner stayed with her twice, and during the second visit in late December or early January, Nuremberg suggested Bortner get an attorney.

Bortner testified last week that between those trips to Texas she was living with Evans.

Bortner, who was granted immunity from prosecution for anything she says in Evans' trial, was charged last month with two misdemeanor counts of endangering the welfare of a child. The charges allege she violated a duty of care to Kassidy by failing to protect her from abuse and failing to seek medical treatment for her injuries.

She is scheduled to stand trial on the charges in March. If she is convicted, she could spend up to one year in jail on each charge.

Bortner's immunity for her testimony in Evans' trial will be null and void if it is proven she perjured herself on the witness stand.

Evans' trial is expected to last at least through Tuesday before jury deliberations can begin. If he is convicted on the second-degree murder charge, he could face up to life in prison.

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