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State rests in Evans trial

Doctor: Baby was victim of battered child syndrome

By JENNIFER L. SAUNDERS
 Democrat Staff Writer

DOVER — The final witness for the prosecution in the Chad E. Evans murder trial testified that 21-month-old Kassidy Bortner was a victim of battered child syndrome.

Senior Assistant Attorneys General N. William Delker and Simon Brown rested their case late Thursday afternoon after hours of testimony by Maine Chief Medical Examiner Margaret Greenwald.

Kassidy died Nov. 9, 2000, at the Kittery, Maine,

home of her aunt, Jennifer Conley, and Conley's boyfriend, F. Jefferey Marshall.

Evans, 30, lived with Kassidy's 19-year-old mother, Amanda Bortner, at his Milton Road home in Rochester at the time of the girl's death.

Greenwald testified that Kassidy suffered blunt force trauma to the head and abdomen — either of which could have been the ultimate cause of her death.

However, she stated, Kassidy's body also showed

Evans' cellmate
 testimony
 thrown out, see
Second Front, 1B.

☆ **State rests**
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MAINE CHIEF
 Medical
 Examiner Dr.
 Margaret
 Greenwald
 points to
 where she
 saw injuries
 on the face of
 21-month-old
 Kassidy
 Bortner after
 the toddler
 was beaten to
 death.

Craig Osborne/
 Staff photographer

Rock county is among fastest growing in nation

By MICHAEL GOOT
 Democrat Staff Writer

PORTSMOUTH — Rockingham County's economic boom during the 1990s was driven by a massive influx of new residents — more than any other county in the state.

"The county took off like a rocket,"

said Peter Francese, founder of American Demographics magazine and a syndicated columnist who writes about population trends.

The county was ranked as one of the top 20 fastest growing counties, out of 7,000 in the country, he said.

Francese was one of three speakers at the "Who Is Coming to Southeastern

New Hampshire?" seminar held Thursday at City Hall.

The Rockingham Planning Commission, the law firm of Donahue, Tucker & Ciandella and the Rockingham Economic Development Corp. sponsored the seminar.

More than 70 businesspeople, developers and planning officials from area

communities attended.

Francese presented Census 2000 statistics for Rockingham County.

The three main reasons people are locating here are to work locally, to live here and commute to work in Boston, or

☆ **Fastest growing**
 Please turn to Page 2

she was having more than one pulmonary embolism as the result of at least one of her injuries.

"How many blows were inflicted to Cassidy's head?" Delker asked.

"Probably eight to 10 blows, if you include the front and back," Greenwald responded, adding the toddler suffered at least two blows to the abdomen.

Delker asked Greenwald to explain why her professional opinion is that Cassidy was a victim of battered child syndrome.

Greenwald described battered child syndrome as "repeated trauma inflicted on the child over a period of time." In most cases, she said, the syndrome would be discovered when a parent brought the child in for medical attention for a serious injury — such as the blunt force trauma Cassidy received to her head.

One sign of battered child syndrome is the presence of injuries in places where it is uncommon for childhood bruising to occur, such as the face, she said. Other signs include a caregiver's delay in bringing the child to a doctor, stories that are inconsistent with the severity of the injury and explanations that are implausible.

"The explanation might be, fell off the couch or fell from the bed," Greenwald explained, but when a caregiver is told such an incident could not account for the injury, "the explanation begins to change so there are often multiple stories. ... The child just bruises easily. ... The child is just very clumsy and falls a lot," she said.

During the eight days of testimony in Evans' trial, several witnesses including Bortner said Evans did not cause Cassidy's more serious injuries. They testi-

"roughly placed" Cassidy into a corner, hitting her head against the door. She testified that she did not think it hurt the toddler.

According to many witnesses, Bortner and Evans offered conflicting explanations for Cassidy's many facial bruises — including an incident when he and the 21-month-old were jumping on a trampoline and he had to grab her by the face to keep her from falling off.

Delker then asked Greenwald whether it was common for every child in a household to be a victim of battered child syndrome.

During Wednesday's proceedings, the state showed a videotape of Evans' interview with police after Cassidy's death. On the tape, Evans told police to ask his ex-wife about his son and stepson. On the stand earlier this week, she testified Evans was a great father to the boys.

Generally, Greenwald said, "For whatever reason, there is usually one child that is the scapegoat in that home."

The most common place for injuries in battered child syndrome is the head, followed by the abdomen and then, to a smaller percentage, the chest and extremities, Greenwald said.

"The injuries that I saw on Cassidy Bortner were consistent with battered child syndrome," Greenwald said, adding there was no medical reason for Cassidy to bruise easily and that the combination of injuries on her body could not have been accidentally inflicted.

Earlier in Thursday's proceedings, Greenwald was asked to detail the injuries Cassidy suffered in the weeks before her death and explain, to a reasonable degree of medical certainty, when they could have been

injuries to the top of her head, cheeks, chin, lips, eyebrows, along her hairline and jaw — showed evidence of being new injuries on top of old ones. The injuries on her face and head did not show the continuity of single, healing injuries, Greenwald said.

The darker bruises Greenwald dated in a lab to being inflicted between eight and 18 hours before Cassidy's death — with many calculated at occurring 12 hours before her death. Greenwald stressed each injury heals differently, so the eight- to 18-hour range provides a "bell curve" along which to gauge the time it occurred. The older bruises were between two and four days old, Greenwald said.

Cassidy's abdomen was covered with red-brown bruising that directly linked to internal bleeding she suffered prior to her death. Greenwald testified there was bleeding not only in Cassidy's abdomen but also in her small intestine from the blunt force injury that caused the bruises. In her experience, Greenwald said, those injuries were consistent with a punch or a kick.

Greenwald said she took multiple samples from the large area of abdominal injury and found the same time range as Cassidy's other bruises. She testified the injury would have been inflicted about 12 hours prior to Cassidy's death.

Earlier in the proceedings, Greenwald said she had no reason to dispute an estimated time of death of 12:30 p.m. on Nov. 9, 2000, — the approximate time Marshall realized Cassidy's eyes had rolled back into her head. If Cassidy died at 12:30 p.m., the majority of her recent injuries would have been inflicted sometime between 6:30 p.m. on Nov. 8, 2000, and 4:30 a.m. on Nov. 9,

bruises on Cassidy's face were consistent with being hit by a ball. While two of the bruises had some rounding, the patterns were not consistent with that explanation, she said.

While much of the medical testimony was helpful to the state's case against Evans, the defense focused on indications of bruises that could have been inflicted while Cassidy was with Bortner, Conley or Marshall.

Specifically, defense attorney Mark Sisti asked Greenwald about one of the three injuries to the back of Cassidy's head, which through microscopic review, appeared to have been inflicted within four hours of Cassidy's death. He also focused on the bleeding within Cassidy's skull, which Greenwald testified was in the stage of occurring between one and 24 hours of death.

"If she suffered an injury between 8 a.m. and 12:30 p.m., we know Chad Evans had nothing to do with it," Sisti said.

Bortner was with Cassidy at 8 a.m. and dropped her off at the Conley-Marshall residence shortly afterward. Conley was there until just before 9 a.m., and Marshall was alone with Cassidy until he called Kittery police for help about 12:41 p.m.

Delker would later ask Greenwald if the four-hour range on the bruise to the back of Cassidy's head could have been taken from a portion of a larger injury. Previously, Greenwald indicated that injuries that had begun to heal would begin at the edges and proceed to the middle. She said that could be the case with the bruise on the back of Cassidy's head.

"Medically, we cannot eliminate Jeff Marshall as the perpetrator of the crime," Sisti said.

Greenwald said that was true

Cassidy's internal trauma — brain swelling, abdominal bleeding, retinal bleeding and pulmonary emboli — were directly related to the external evidence of the blunt force injuries she had received. She testified it was "very unlikely" Cassidy developed the internal injuries on Nov. 8, 2000, but did not show bruises until the following day.

Referring to posterboard copies of diagrams she made at the time of Cassidy's autopsy, Greenwald told the jury about injuries ranging from the sore in the toddler's mouth to several untreated broken bones.

Shortly after calling Greenwald to the stand, Delker held up a large photograph of Cassidy for her to use to describe facial injuries. The toddler's blond hair was pushed back from her forehead, and her blue eyes were open slightly. Her lips were parted, revealing straight, white teeth. At a glance, she appeared beaten, dazed and pale when, in fact, the photograph was taken hours after the toddler's death.

One by one, Greenwald pointed out the bruises and abrasions and described them to the jury.

Cassidy had bruises of varying color high up on her forehead near her hairline. She had lighter bruises above her right eyebrow and abrasions under the eye. There was a dark, roundish bruise on her right cheek and bruises over her left eye. She also had two dark, red-blue curvilinear bruises — one on either side of her face. One curved around her right eye. The second began across the bridge of the toddler's nose and crossed her cheek until it reached the far corner of her left eye.

"That's almost two inches long," Greenwald explained, tracing the line of the bruise for the jurors.

She had other marks and

There was a light bruise on Cassidy's chin surrounding darker bruises. At the time of death, she had drying abrasions around her lips and a large area of bruising beneath her lower lip. On the back of her head, there were several bruises, but Greenwald testified there were no bruises on Evans' head. Evans had said he found Cassidy's body the night before Cassidy's death. Greenwald said there would be forensic evidence of a head injury at the time of Cassidy's death.

Cassidy had several bruises on her back, above her hips, on her right shoulder and on her chest.

Greenwald described a bruise hidden by Cassidy's hair on the crown of her head. There were bruises or abrasions on every portion of the child's body — from her head to the ankles to her feet.

In addition, the state divulged a total of four fractures of Cassidy's bones — one on the base of her right index finger, one in each of her ulnae, "funny bones," and one in the tibia — the largest bone in her lower leg.

The fractures of Cassidy's arms were between three and four weeks old, and the one on her hand was one to three weeks old, Greenwald said.

"It appeared as if we had an older injury — perhaps of months old — and a newer one, perhaps of days," Greenwald said when asked about the fracture of Cassidy's lower leg.

Sisti told Greenwald that the defense attorney Cronheim would be calling on his own medical expert to challenge her findings related to the fractures.

"Your expert has some questions. I'm not sure I feel comfortable with the way," she replied.

brought the child in for medical attention for a serious injury — such as the blunt force trauma Kassidy received to her head.

One sign of battered child syndrome is the presence of injuries in places where it is uncommon for childhood bruising to occur, such as the face, she said. Other signs include a caregiver's delay in bringing the child to a doctor, stories that are inconsistent with the severity of the injury and explanations that are implausible.

"The explanation might be, fell off the couch or fell from the bed," Greenwald explained, but when a caregiver is told such an incident could not account for the injury, "the explanation begins to change so there are often multiple stories. ... The child just bruises easily. ... The child is just very clumsy and falls a lot," she said.

During the eight days of testimony in Evans' trial, several witnesses including Bortner said Evans did not cause Kassidy's more serious injuries. They testified Kassidy was clumsy, bruised easily, ran into walls, fell from the couch into the coffee table and did not raise her arms to break her fall.

Bortner did indicate Evans grabbed her daughter's face hard enough to leave bruises and once

the tape, Evans told police to ask his ex-wife about his son and stepson. On the stand earlier this week, she testified Evans was a great father to the boys.

Generally, Greenwald said, "For whatever reason, there is usually one child that is the scapegoat in that home."

The most common place for injuries in battered child syndrome is the head, followed by the abdomen and then, to a smaller percentage, the chest and extremities, Greenwald said.

"The injuries that I saw on Kassidy Bortner were consistent with battered child syndrome," Greenwald said, adding there was no medical reason for Kassidy to bruise easily and that the combination of injuries on her body could not have been accidentally inflicted.

Earlier in Thursday's proceedings, Greenwald was asked to detail the injuries Kassidy suffered in the weeks before her death and explain, to a reasonable degree of medical certainty, when they could have been caused.

By using microscopic tissue samples of Kassidy's many injuries, Greenwald was able to fix a range of time in which those injuries would have occurred. The majority of Kassidy's bruises — including those from blunt

force that directly linked to internal bleeding she suffered prior to her death. Greenwald testified there was bleeding not only in Kassidy's abdomen but also in her small intestine from the blunt force injury that caused the bruises. In her experience, Greenwald said, those injuries were consistent with a punch or a kick.

Greenwald said she took multiple samples from the large area of abdominal injury and found the same time range as Kassidy's other bruises. She testified the injury would have been inflicted about 12 hours prior to Kassidy's death.

Earlier in the proceedings, Greenwald said she had no reason to dispute an estimated time of death of 12:30 p.m. on Nov. 9, 2000, — the approximate time Marshall realized Kassidy's eyes had rolled back into her head. If Kassidy died at 12:30 p.m., the majority of her recent injuries would have been inflicted sometime between 6:30 p.m. on Nov. 8, 2000, and 4:30 a.m. on Nov. 9, 2000. According to previous testimony, Evans left Marshall's residence with Kassidy about 5:30 p.m. and was alone with Kassidy and his 3-year-old son for most of the night.

Delker asked Greenwald if the

injury was in the stage of occurring between one and 24 hours of death.

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"Medically, we cannot eliminate Jeff Marshall as the perpetrator of the crime," Sisti said.

Greenwald said that was true based on the ranges of healing documented for the bruise, a mouth sore and internal injuries, later adding, "There certainly was more than one person involved with her care." Greenwald also told the jury it is more difficult to pinpoint the age of a serious brain injury, for example, because brain function begins to slow and thus, the healing process can slow down.

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her forehead, and her blue eyes were open slightly. Her lips were parted, revealing straight, white teeth. At a glance, she appeared beaten, dazed and pale when, in fact, the photograph was taken hours after the toddler's death.

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She had other marks and bruises, too. One bruise angled from the end of her mouth with two lines descending downward from it. On the left side of her face, she had a large bruise on her forehead. She had small bruises on her cheek and a large bruise on the left side of her chin.

On Kassidy's right side, Greenwald told the jurors, "There is a big purple bruise on the ear where you can actually see it on both sides of the ear."

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Sisti told Greenwald that the defense attorney, Cronheim, would be calling his own medical expert to challenge her findings related to the fractures.

"Your expert has some questions. I'm not sure I feel comfortable," she replied.

Although charges were filed in New Hampshire, Greenwald said she has jurisdiction over the case because Kassidy died in New Hampshire.

Trial proceedings were scheduled for Monday morning and defense is expected to call its first witness.

If convicted, Evans faces a life in prison.

Democrat Staff Writer Jennifer Saunders reached at (207) 333-1111 or jsaunders@fosters.com.



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For
Christmas**

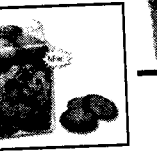


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There was a light bruise under Cassidy's chin surrounding two darker bruises. At the time of death, she had drying abrasions around her lips and a large area of bruising beneath her lower lip. On the back of her head were several bruises, but Greenwald testified there were no bumps as Evans had said he found the night before Cassidy's death. Greenwald said there would have been forensic evidence of such an injury at the time of Cassidy's death.

Kassidy had several small bruises on her back, above each of her hips, on her right shin and on her chest.

Greenwald described bruises hidden by Cassidy's hair at the crown of her head. There were bruises or abrasions on virtually every portion of the child's body — from her head to the arches of her feet.

In addition, the autopsy divulged a total of four fractures of Cassidy's bones — one at the base of her right index finger, one in each of her ulnas, or "funny bones," and one in her left tibia — the largest bone in the lower leg.

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Although charges were filed in New Hampshire, Greenwald had jurisdiction over the autopsy because Cassidy died in Maine.

Trial proceedings will resume Monday morning when the defense is expected to call its first witness.

If convicted, Evans could face up to life in prison.

Writer
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