

## Chad Evans trial

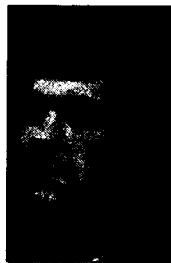
# Defense begins its case today

By JENNIFER L. SAUNDERS  
Democrat Staff Writer

DOVER — Attorneys for Chad E. Evans began their case this morning, promising to give the jury reasonable doubt as to whether their client killed his girlfriend's child.

Evans, 30, of 191 Milton Road in Rochester is charged with second-degree murder, two counts of first-degree assault, six counts of second-degree assault and endangering the welfare of a child in connection with Cassidy's death in November 2000.

Mark Sisti and Alan Cronheim, who are representing Evans, spent the first eight days of trial focusing their cross-examination of state witnesses on discrediting police testimony, questioning the



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nature of the investigation and eliciting statements of support for Evans from his many friends who testified to seeing bruises on Cassidy's face and body.

Kassidy's mother, 19-year-old Amanda Bortner, was called as a state's witness, but her testimony deviated from what she told police after her daughter's death. Bortner implied on the stand that her sister's boyfriend, F. Jefferey Marshall, was responsible for Cassidy's most serious injuries. Bortner lived with Evans for about eight months after his arrest. Their contact was in violation of his bail conditions.

She testified Evans did squeeze her daughter's face and was rough with her and that the two agreed

☆ **Defense**

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## Defense

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not to take Cassidy to the doctor. When asked about statements she made to police that Evans repeatedly abused her daughter by throwing her into the walls, choking her and picking her up by the head, Bortner responded, "I might have. I don't remember what I said to everybody."

Marshall has been the defense's focus throughout the case.

During open arguments, Sisti told the jury they would have a unique opportunity during the trial.

"You're going to see the killer of Cassidy Bortner. You're going to see Jeff Marshall — over six feet tall, over 200 pounds — walk through that door and raise his right hand ... You're going to say, 'Hey, Jeff, is that the hand you used to beat Cassidy Bortner so bad through her diaper

that she was black and blue from her diaper to her knees?' When he walks to the stand, 'Are those the legs you used to step on Cassidy Bortner?' If you want to hear about lame excuses, you're going to hear them from the star witness for the state of New Hampshire, Mr. Jefferey Marshall," Sisti said.

Under direct and cross-examination, Marshall said he never abused Cassidy. He said he spanked her once, lightly, over her diaper when she got into some window cleaner at his house. He testified Evans called the child names and that he and Bortner always had excuses for Cassidy's bruises and injuries.

When asked why he did not report Cassidy's abuse, Marshall said looking back there was no excuse.

"I've got to live with it and it's the worst thing I've ever done ... You think the parents will do the right thing. I definitely messed up," Marshall said.

Sisti focused on Marshall's contact with Cassidy the morning of her death, and specifically Marshall's attempts to revive the child and call his girlfriend for advice prior to calling 911.

"You knew you couldn't help her at all. Your first thought wasn't to help her. It was to call your girlfriend," Sisti said.

Even before opening statements in the case, Evans' defense attorneys were focusing on the legal system's reliance on proof beyond a reasonable doubt to convict a defendant of a crime. During the jury selection

process, which began at the end of November, the defense asked the potential jurors whether they would be able to acquit Evans if they believed he had something to do with Cassidy's death but the state hadn't proven the fact beyond a reasonable doubt.

"If you believe he is guilty but the state does not prove it beyond a reasonable doubt, are you going to be able to let him walk?" Sisti asked one juror who was not selected to serve.

Sisti has stated one witness for the defense will be a medical expert who will testify about Cassidy's injuries at the time of her death.

The trial is expected to conclude with jury deliberation beginning sometime this week.