

TUESDAY, DECEMBER 18,

Closing arguments begin in Evans trial



Craig Osborne/Staff photographer

CHAD EVANS CARRIES DOCUMENTS from the courtroom at the conclusion of testimony Monday in Strafford County Superior Court. Evans is on trial in connection with the beating death of 21-month-old Cassidy Bortner.

By **JENNIFER L. SAUNDERS**
Democrat Staff Writer

DOVER — Closing arguments begin today in the Chad E. Evans murder trial after a Strafford County Superior Court judge denied the defense's motions to dismiss the charges against him.

During Monday's proceedings, defense attorneys Mark Sisti and Alan Cronheim asked Judge Tina L. Nadeau to dismiss the entire indictment against Evans — including the second-degree murder charge alleging he beat 21-month-old Cassidy Bortner to death — on the grounds the state had not presented sufficient evidence to support the charges.

The state argued ample testimony had been provided by Maine Chief Medical Examiner Margaret

Greenwald and others describing Cassidy's injuries and the ways Evans allegedly inflicted them.

"If the jury credits this testimony, they have sufficient evidence," Senior Assistant Attorney General Simon Brown said, arguing against the defense's motions.

In denying the defense's motion to dismiss the second-degree murder charge, Nadeau said the state presented sufficient evidence to support its claims related to the charges.

Nadeau's ruling not to dismiss the charges was not her first ruling of the day. Prior to calling their one witness to the stand Monday morning, the defense sought to dismiss the first-degree assaults alleg-

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ing Evans fractured Cassidy's arms and her left leg. Nadeau ruled in favor of the defense's motion to dismiss the charge in the indictment alleging Evans fractured Cassidy's arms by pulling or twisting them, stating insufficient evidence had been presented during the trial that Evans caused the fractures.

In both rulings, Nadeau upheld the first-degree assault charge related the fracture in Cassidy's left leg. Nadeau said the court is prohibited from making judgments on the credibility of individual witnesses and must consider only whether enough evidence has been presented for the jury to make its decision. It will be up to the jury to decide which witnesses to believe and how much of any given testimony they feel is credible.

Over eight days of witness testimony, many who had contact with Cassidy — including her mother, Amanda Bortner, and baby sitter F. Jefferey Marshall — testified to incidents where Evans bruised Cassidy's face and jerked her leg, causing her to walk with a limp.

The defense contends Marshall injured Cassidy's leg by tripping over her or stepping on her at his residence. The defense has also maintained it was Marshall and not Evans who inflicted the blunt force injuries that ultimately caused Cassidy's death.

Greenwald testified that the majority of Cassidy's bruises to the head, face and abdomen, which she stated were caused by the same force that resulted in the child's internal injuries, occurred between eight and 18 hours before the toddler's death at 12:30 p.m. on Nov. 9, 2000. Within that time frame, Cassidy would have been in Evans' care or with Evans and Bortner, according to testimony.

The defense's forensic expert witness, Dr. Michael Baden, focused his testimony on the presence of pulmonary emboli at the time of Cassidy's death. He stated Cassidy's injuries would have been inflicted shortly before her death at Marshall's Kittery, Maine, home.

Evans, 30, lived with Cassidy and Bortner, 19, for about three months prior to the toddler's death in November 2000.

When a Strafford County grand jury handed down the indictment against Evans last December, it included two first-degree assault charges and six second-degree assault charges alleging Evans abused Cassidy. Evans was also indicted on one count of simple assault for allegedly placing his hands on Bortner's throat the night before Cassidy died.

An indictment is not an indication of guilt; rather, it means a grand jury has found sufficient evidence to warrant a trial.

When the jury hears Nadeau's instructions today, they will be told to decide whether the state has proven beyond a reasonable doubt that Evans is guilty of second-degree murder, one count of first-degree assault and six counts of second-degree assault against Cassidy. The jury will also decide whether Evans is guilty of simple assault against Bortner.

If Evans is found guilty on the second-degree murder charge, he faces up to life in prison.