

# Foster's Daily Democrat

9910790 010602 I  
CHAD EVANS  
STRAFFORD CITY HSE OF CORR  
266 COUNTY FARM RD  
DOVER NH 03820

50¢ Single Copy  
Newsstand

*The Region's Largest Newspaper*

Pages  
Today **28**

Geo. J. Foster & Co., Inc., Publishers

DOVER, N.H., WEDNESDAY EVENING, DECEMBER 19, 2001

129th Year — No. 15

# Evans' fate with jury

## Defense says Evans no saint, but not guilty in tot's death

By JENNIFER L. SAUNDERS  
Democrat Staff Writer

DOVER — Closing arguments in the Chad Evans trial came down to the defense's theory that another man killed 21-month-old Cassidy Bortner and the state's assertion it could only be Evans.

Defense attorney Mark Sisti was the first to address the jury and spoke for about an hour about F. Jefferey Marshall, Cassidy's baby sitter, and how "shoddy" police work and premature conclusions brought Evans to trial.

When Senior Assistant Attorney General Simon Brown had his turn, he assured the

jury the evidence is clear that Evans' long-term abuse culminated in Cassidy's death and the only just verdict is guilty on all charges.

"Chad's not proud of everything he's ever done ... He's ashamed of what he's done — at least on a couple of occasions he left some bruises ... It was terrible. Absolutely terrible — but that's light years away from murder," Sisti told the jury during his closing statement.

The jury must decide if Evans is guilty of second-degree murder, one count of first-

★ **With jury**  
Please turn to Page 2

N.H. Assistant Attorney General Simon Brown shows the jury a photograph of Cassidy Bortner during closing arguments in the Chad E. Evans murder trial on Tuesday. Evans is charged with second-degree murder in connection with Cassidy's death.

Craig Osborne/Staff photographer





... means, Ewing said, some 2.3 million students who the PSAT may never know results of the tests they took. PSATs are designed as "a practice version" of the Scholastic Assessment Test, according to Ewing, and is not required by any state for entrance. Those who score high on the PSAT qualify to enter the National Merit Scholarship program.

Because of the mail problem caused by the anthrax scares, the scholarship program administrators decided they will determine if students can qualify for the scholarships based on their SAT scores, PSAT scores, Ewing said.

**Foster's Daily Democrat**  
(USPS 206-980)  
Established June 18, 1873  
Dover, NH 03820. Published daily and Sundays except  
holidays and New Year's Day by Foster's Daily Democrat, a  
subsidiary of George J. Foster & Co., Inc., 333 Central Avenue,  
Dover, N.H. 03820.  
Subscription rates: Single copy, \$1.75; 1 year, \$150.00.  
Delivery: Home Delivered, \$3.25 weekly; Motor Route Delivery,  
\$2.75 weekly. Single copy, \$1.75.  
Pay by mail for Carrier or Motor Route  
(advance payment required).  
Minimum term: 8 weeks  
8 weeks - \$25.00  
13 weeks - \$40.00  
26 weeks - \$77.00  
1 year - \$150.00  
By Mail (advance payment required):  
Senior citizen discount available.  
New Hampshire: 4 weeks - \$19.63  
6 weeks - \$29.45  
8 weeks - \$38.93  
10 weeks - \$48.35  
12 weeks - \$57.77  
14 weeks - \$67.19  
16 weeks - \$76.61  
18 weeks - \$86.03  
20 weeks - \$95.45  
22 weeks - \$104.87  
24 weeks - \$114.29  
26 weeks - \$123.71  
28 weeks - \$133.13  
30 weeks - \$142.55  
32 weeks - \$151.97  
34 weeks - \$161.39  
36 weeks - \$170.81  
38 weeks - \$180.23  
40 weeks - \$189.65  
42 weeks - \$199.07  
44 weeks - \$208.49  
46 weeks - \$217.91  
48 weeks - \$227.33  
50 weeks - \$236.75  
52 weeks - \$246.17  
Beyond N.H.:  
13 weeks - \$21.09  
26 weeks - \$42.18  
52 weeks - \$84.36

**QUESTIONS REGARDING DELIVERY OR BILLING:**  
SERVICE: If you have suggestions or comments concerning  
Foster's Daily Democrat or Foster's Sunday Citizen,  
please call our Customer Service Department. For corrective action  
on a delivery problem, please call Monday through  
Friday by 6:45 p.m. and Saturday and Sunday by 11:30 a.m. Our  
toll-free number is 800-749-6450 or toll-free 1-888-610-8988.  
BILLING: If you have questions regarding your bill, please call 603-  
450-4500 or toll-free 1-888-610-8988, Monday through Friday 8:00  
a.m. to 7:00 p.m. and Saturdays and Sundays 8:00 a.m. to 12 Noon.  
You may also write Foster's Daily Democrat regarding delivery  
problems. Please address correspondence to: Circulation Director,  
Foster's Daily Democrat, 333 Central Avenue, Dover, N.H. 03820.  
Circulation: 742-4455  
Classified Advertising: 749-5303  
Oil Free: 749-6450  
1-888-610-8988  
News only at these offices:  
Dexter 778-8585 Rochester 332-2200  
Hampton 926-3301 Somersworth 692-3300  
Portsmouth 431-4888 York 267-363-4413

**ADVERTISING POLICY:**  
Advertisers should check their ads the first day of publication.  
Foster's Daily Democrat, its employees, et al., is not financially  
responsible for typographical errors, omissions, or the failure to  
insert an advertisement or newspaper. A correction notice will be  
inserted, at the discretion of the publisher, to correct any error.  
Authorization for placement of an advertisement in  
Foster's Daily Democrat is considered acceptance of this disclaimer by the  
advertiser.  
Foster's Daily Democrat reserves the right to withhold  
publication of any advertisement that does not conform to its  
policies and assumes no responsibility for ads accidentally  
omitted.  
Foster's Daily Democrat prints on recycled paper.

degree assault, six counts of second-degree assault and one count of endangering the welfare of a child in connection with Cassidy's death. Additionally, the jury must determine whether Evans is guilty of one count of simple assault for allegedly placing his hands on Amanda Bortner's throat during an argument the night before Cassidy died.

Evans, 30, and Cassidy's 19-year-old mother, Bortner, lived together at his 191 Milton Road residence in Rochester for about three months before Cassidy's death.

Throughout the two weeks of trial proceedings, the defense has maintained it was Marshall and not Evans who inflicted the blows that ultimately caused Cassidy's death. Cassidy died on Nov. 9, 2000 after Bortner left her at Marshall's Kittery, Maine, apartment and went to work.

"Jeff Marshall beat her. Jeff Marshall inflicted injuries on Cassidy Bortner. Wake up, folks. It happened," Sisti told the jury during closing statements Tuesday morning.

Sisti focused on the Maine State Police interrogation of Evans at the Kittery Police Department the night of Cassidy's death, the lack of a search of Marshall's basement and the testimony of the defense's sole witness — Dr. Michael Baden — in telling the jury the state had not proven Evans' guilt beyond a reasonable doubt.

"You can't eliminate Jeff Marshall ... Jeff Marshall's a huge problem, and you know it," he said, addressing the jury.

Sisti reminded the jury that the state has the burden of proof and there are rules that must be followed when determining guilt.

"When you guys were picked, it was because you said you'd keep an open mind ... We want the one fair shot that Chad never got," he said.

Sisti said the foundation of the state's case "crumbles from day one."

Holding up a photograph of Cassidy after her death, he asked the jury to remember Bortner's reaction to seeing it in court — stating several individuals told him Bortner's outburst during testimony was "one of the most amazing things they've ever seen in a courtroom."

He asked the jury to consider whether Bortner could have fabricated such a reaction.

"She recoiled in horror at the sight of this," he said, telling the jury that when Cassidy was in Marshall's care she was "dealt with at the highest level of neglect and she was beaten."

Brown, too, spoke about Bortner, Evans and Marshall during his closing statements — but from a different point of view.

"Recognize this defense for what it is. It's the defendant's only way out to point the finger at Jeff Marshall," Brown said.

He asked the jury to think about the lies Evans told police in his interview, and about Evans' conduct when he was called to the Kittery Police Department at 2 p.m. on Nov. 9, 2000.

"Does he get in his car and immediately drive up to the station as he's asked to do? No. He starts contacting all his friends ... Cassidy's father figure arrives at the Kittery Police Department later than anyone else ... Are these the actions of a man who has no idea what was going on or is he circling the

wagons?" Brown asked.

Brown also asked the jury to "be suspect" where Bortner is concerned and to remember she said under oath she loves and misses Evans.

"You've got to look at Amanda and ask if she's telling you everything ... Amanda made her choice a long time ago. She told you about the abuse she witnessed ... She didn't protect Cassidy in life, and she's chosen the defendant in death," Brown said.

When Cassidy went to live with Bortner and Evans in Rochester she was a happy, normal child, Brown said, but quickly became "a withdrawn, quiet shell of a human being."

Referring to testimony by Bortner and Marshall during the trial, as well as Evans' statements in his taped interview with Maine State Police, Brown described Evans grabbing Cassidy's face to make her look into his eyes.

"He was disciplining her, but he squeezed her cheeks and he hurt her," Brown said, describing the bruises witnesses testified were almost always visible on Cassidy's face.

Brown told the jury to recall the statements about Evans hurling Cassidy onto the bed, into the corner, against the wall. He reminded the jury that Evans told police he slapped Cassidy across the mouth for saying something disrespectful.

"Which is pretty ironic, considering the way he talked about Cassidy," Brown said.

Brown detailed the stories Bortner and Evans used to explain Cassidy's injuries before her death. As the violence escalated, he said, they kept her out of day-care, away from doctors and away from her grandparents.

"Jeff Marshall became the defendant's fall guy on

November 8, 2000 because (Evans) went too far," Brown said.

Responding to the defense's assertion that Marshall was Cassidy's real killer, Brown asked the jury to look at the whole picture.

The defense, Brown asserted, had essentially acknowledged Evans "hated Cassidy, hurt Cassidy, abused her over many, many weeks. But miraculously, on November 8 and 9 Jeff Marshall comes in and murders her and the defendant has nothing to do with it."

Brown told the jury there was no reason for Marshall to beat Cassidy — his girlfriend's niece — to death. That was not the case with Evans, he said.

"The 18-year-old girlfriend was fine with the defendant, but he couldn't stand her child," Brown said.

He reminded the jury that Bortner went to her friend Tracy Foley the night Evans was arrested, one week after Cassidy's death.

"She did not say, 'they've got the wrong guy ... it was Jeff Marshall.' No. She said, 'And you knew. And I didn't listen.' And spent two hours talking about how the defendant abused Cassidy," Brown said.

Brown reminded the jury that Bortner and Evans lived together for nine months in violation of his bail conditions and a court order. He said the evidence in the case attests to Evans' ability to persuade people.

"People gave up their apartments and their beds so he could have intimate time with the eye-witness to the abuse ... We know Amanda had other options. Instead, she abandoned her close friends, dropped contact with her close friends, and aligned herself with the defendant," Brown said.

In terms of the defense's expert witness and his assertion

that Baden never mentioned an injury that could have caused this rare, fast-acting emboli.

Maine Chief Medical Examiner Margaret Greenwald "painstakingly" aged Cassidy's many bruises, Brown said, determining the bruises linked to her internal injuries occurred between eight and 12 hours prior to her death.

Of the four injuries dated to have occurred within four hours of Cassidy's death, Brown reminded the jury Greenwald testified bruises heal from the outside in, so an older injury could appear new if the microscopic sample used to age the injury was taken from an interior portion.

Reaching the end of his statement, Brown focused on Greenwald's determination that Cassidy suffered from battered child syndrome.

Greenwald had testified that in cases of battered child syndrome a parent usually singles out one child to be abused. She said the parents offer implausible excuses for the bruises and injuries, the child is denied medical care and the child is most often hit in the face and abdomen.

"That's where the defendant struck in this case ... He repeatedly hurt Cassidy and did nothing to help her. Cassidy's life with the defendant was a living hell, and the abuse only stopped when the defendant finally killed her," Brown said.

Brown had said at the start of his statement that while the nature of the evidence had been difficult to listen to, the verdict should not be a difficult one to reach because the evidence is clear and complete.

"It's now time to gain justice for Cassidy Bortner. Deliver the only verdicts consistent with the evidence and consistent with justice. Guilty verdicts," Brown concluded.

Capture The

...they will determine if  
...nts can qualify for the schol-  
...ps based on their SAT scores,  
...SAT scores, Ewing said.

## Foster's Daily Democrat

(USPS, 206-980)  
Established June 18, 1873  
Cover, NH 03820. Published daily and Sundays except  
Christmas and New Year's Day by Foster's Daily Democrat, a  
subsidiary of George J. Foster & Co., Inc., 333 Central Avenue,  
Dover, N.H. 03820.  
Periodicals postage paid at Dover, N.H.  
Postmaster: Send address changes to Foster's Daily  
Democrat, 333 Central Avenue, Dover, N.H. 03820.  
SUBSCRIPTIONS:  
Carrier Home Delivery, \$3.25 weekly. Motor Route Delivery,  
\$3.00 monthly. Single copy, \$50. \$1.75 Sunday.  
Pay by mail for Carrier or Motor Route  
(advance payment required):  
Minimum term, 8 weeks  
3 weeks - \$25.00  
13 weeks - \$40.00  
26 weeks - \$77.00  
1 year - \$150.00  
By Mail (advance payment required):  
Senior citizen discount available  
Beyond N.H.  
4 weeks - \$21.09  
13 weeks - \$63.45  
26 weeks - \$122.58  
52 weeks - \$236.51

QUESTIONS REGARDING DELIVERY OR BILLING:  
SERVICE: If you have suggestions or comments concerning  
delivery of Foster's Daily Democrat or Foster's Sunday Citizen,  
please call our Customer Service Department. For corrective action  
same day on a delivery problem, please call Monday through  
Friday by 6:45 p.m. and Saturday and Sunday by 11:30 a.m. Our  
toll-free number is 603-749-6450 or toll free 1-888-810-8988.  
BILLING: If you have questions regarding your bill, please call 603-  
749-6450 or toll free 1-888-810-8988. Monday through Friday 8:00  
a.m. to 7:00 p.m. and Saturdays and Sundays 8:00 a.m. to 12 Noon.  
You may also write Foster's Daily Democrat regarding delivery  
concerns. Please address correspondence to: Circulation Director,  
Foster's Daily Democrat, 333 Central Avenue, Dover, N.H. 03820.  
Switchboard: 742-4455  
Classified Advertising: 749-5303  
Circulation: 749-6450  
Toll Free: 1-888-810-8988

News only at these offices:  
Rochester: 332-2200  
Exeter: 778-8585  
Hampton: 926-3301  
Portsmouth: 431-4888  
Somersworth: 692-3300  
York: 207-363-4413

ADVERTISING POLICY:  
Advertisers should check their ads the first day of publication.  
Foster's Daily Democrat, its employees, et al., is not financially  
responsible for typographical errors, omissions, or the failure to  
publish an advertisement in a newspaper. A correction notice will be  
published, at the discretion of the publisher, to correct any error,  
omission, etc. Authorization for placement of an advertisement in  
the paper is considered acceptance of this disclaimer by the  
advertiser.  
Foster's Daily Democrat reserves the right to withhold  
publication of any advertisement that does not conform to its  
policies, and assumes no responsibility for ads accidentally  
omitted.

Foster's Daily Democrat prints on recycled paper.

...year-old mother, Bortner lived  
together at his 191 Milton Road  
residence in Rochester for about  
three months before Cassidy's  
death.

Throughout the two weeks of  
trial proceedings, the defense  
has maintained it was Marshall  
and not Evans who inflicted the  
blows that ultimately caused  
Kassidy's death. Cassidy died on  
Nov. 9, 2000 after Bortner left her  
at Marshall's Kittery, Maine,  
apartment and went to work.

"Jeff Marshall beat her. Jeff  
Marshall inflicted injuries on  
Kassidy Bortner. Wake up, folks.  
It happened," Sisti told the jury  
during closing statements  
Tuesday morning.

Sisti focused on the Maine  
State Police interrogation of  
Evans at the Kittery Police  
Department the night of  
Kassidy's death, the lack of a  
search of Marshall's basement  
and the testimony of the  
defense's sole witness — Dr.  
Michael Baden — in telling the  
jury the state had not proven  
Evans' guilt beyond a reason-  
able doubt.

"You can't eliminate Jeff  
Marshall ... Jeff Marshall's a  
huge problem, and you know it,"  
he said, addressing the jury.

...Kassidy after ...  
asked the jury to remember  
Bortner's reaction to seeing it in  
court — stating several individu-  
als told him Bortner's outburst  
during testimony was "one of the  
most amazing things they've  
ever seen in a courtroom."

He asked the jury to consider  
whether Bortner could have fab-  
ricated such a reaction.

"She recoiled in horror at the  
sight of this," he said, telling the  
jury that when Cassidy was in  
Marshall's care she was "dealt  
with at the highest level of  
neglect and she was beaten."

Brown, too, spoke about  
Bortner, Evans and Marshall  
during his closing statements —  
but from a different point of  
view.

"Recognize this defense for  
what it is. It's the defendant's  
only way out to point the finger  
at Jeff Marshall," Brown said.

He asked the jury to think  
about the lies Evans told police  
in his interview, and about  
Evans' conduct when he was  
called to the Kittery Police  
Department at 2 p.m. on Nov. 9,  
2000.

"Does he get in his car and  
immediately drive up to the sta-  
tion as he's asked to do? No. He  
starts contacting all his friends  
... Cassidy's father figure  
arrives at the Kittery Police  
Department later than anyone  
else ... Are these the actions of  
a man who has no idea what was  
going on or is he circling the

...said.  
When Cassidy went to live  
with Bortner and Evans in  
Rochester she was a happy, nor-  
mal child, Brown said, but quick-  
ly became "a withdrawn, quiet  
shell of a human being."

Referring to testimony by  
Bortner and Marshall during the  
trial, as well as Evans' state-  
ments in his taped interview with  
Maine State Police, Brown  
described Evans grabbing  
Kassidy's face to make her look  
into his eyes.

"He was disciplining her, but  
he squeezed her cheeks and he  
hurt her," Brown said, describ-  
ing the bruises witnesses testi-  
fied were almost always visible  
on Cassidy's face.

Brown told the jury to recall  
the statements about Evans hurl-  
ing Cassidy onto the bed, into the  
corner, against the wall. He  
reminded the jury that Evans  
told police he slapped Cassidy  
across the mouth for saying  
something disrespectful.

"Which is pretty ironic, consid-  
ering the way he talked about  
Kassidy," Brown said.

Brown detailed the stories  
Bortner and Evans used to  
explain Cassidy's injuries before  
her death. As the violence esca-  
lated, he said, they kept her out  
of day-care, away from doctors  
and away from her grandpar-  
ents.

"Jeff Marshall became the  
defendant's fall guy on

...ing to do with it."

Brown told the jury there was  
no reason for Marshall to beat  
Kassidy — his girlfriend's niece  
— to death. That was not the  
case with Evans, he said.

"The 18-year-old girlfriend was  
fine with the defendant, but he  
couldn't stand her child," Brown  
said.

He reminded the jury that  
Bortner went to her friend Tracy  
Foley the night Evans was  
arrested, one week after  
Kassidy's death.

"She did not say, 'they've got  
the wrong guy ... it was Jeff  
Marshall.' No. She said, 'And  
you knew. And I didn't listen.'  
And spent two hours talking  
about how the defendant abused  
Kassidy," Brown said.

Brown reminded the jury that  
Bortner and Evans lived togeth-  
er for nine months in violation of  
his bail conditions and a court  
order. He said the evidence in  
the case attests to Evans' ability  
to persuade people.

"People gave up their apart-  
ments and their beds so he could  
have intimate time with the eye-  
witness to the abuse ... We know  
Amanda had other options.  
Instead, she abandoned her close  
friends, dropped contact with  
her close friends, and aligned  
herself with the defendant,"  
Brown said.

In terms of the defense's  
expert witness and his assertion  
Kassidy died within minutes of  
an injury that caused massive  
amounts of fat to be liquefied  
and damage her lungs and kid-  
neys in the form of emboli,  
Brown asked the jury to recall

...outside in, so an older injury  
could appear new if the micro-  
scopic sample used to age the  
injury was taken from an interi-  
or portion.

Reaching the end of his state-  
ment, Brown focused on  
Greenwald's determination that  
Kassidy suffered from battered  
child syndrome.

Greenwald had testified that in  
cases of battered child syndrome  
a parent usually singles out one  
child to be abused. She said the  
parents offer implausible excus-  
es for the bruises and injuries,  
the child is denied medical care  
and the child is most often hit in  
the face and abdomen.

"That's where the defendant  
struck in this case ... He repeat-  
edly hurt Cassidy and did not-  
ing to help her. Cassidy's life  
with the defendant was a living  
hell, and the abuse only stopped  
when the defendant finally killed  
her," Brown said.

Brown had said at the start of  
his statement that while the  
nature of the evidence had been  
difficult to listen to, the verdict  
should not be a difficult one to  
reach because the evidence is  
clear and complete.

"It's now time to gain justice  
for Cassidy Bortner. Deliver the  
only verdicts consistent with the  
evidence and consistent with jus-  
tice. Guilty verdicts," Brown  
concluded.

The jury began its delibera-  
tions at 1 p.m. on Tuesday and  
continued until 4 p.m.  
Deliberations are scheduled to  
continue this morning at  
Strafford County Superior Court.

# Capture The Holiday Memories!



## PENTAX OPTIO 330

### 3.34 Megapixel

- 3x optical/2x digital zoom
- USB



**BLUE SEAL**

Buy One Get One  
**FREE\***  
of equal or lesser value

Aquarium Supplies

## COCHECO VALLEY HUMANE SOCIETY

### PET OF THE WEEK

Hi, I am Casey. I am a 9 month old female Lab. cross. I am very sweet and quiet. My favorite past time is playing. I love to play with my peers (other doggies) too. I am eager to learn and soak knowledge up like a sponge. I would make a perfect companion. Please come down to the shelter and see for yourself what a good girl I am.

To adopt a homeless animal, visit Cochecho Valley Humane Society, 262 County Farm Cross Road, Dover or call 749-5322 for more information.  
Shelter hours: Monday, Tuesday & Wednesday: Closed, Thursday: 12pm-5pm, Friday & Saturday: 12pm-5pm, Sunday: 12pm-4pm.  
To serve on various

DONATIONS STILL NEEDED TO HELP WITH FIRE RECOVERY

