

# Evans jury still out

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DOVER — A man accused of killing a 21-month-old girl may not be humanitarian of the year, but he's not a murderer and prosecutors would have known that had police done their job, his lawyer said Tuesday.

"They got dealt a hand that just stinks," Mark Sisti said of the state case during closing arguments Tuesday in Chad Evans' murder trial. "A building is only as strong as the foundation it is built on, and this case crumbles from day one."

Evans, 30, is charged with second-degree murder and several counts of assault in the Nov. 9, 2000, death of his teenage girlfriend's daughter, Cassidy Bortner. He is a former member of the Keene Board of Education.

The case went to the jury late Tuesday. They jury reconvened this morning, but had not reached a decision by press time.

Sisti blames Cassidy's baby sitter, Jefferey Marshall, for the murder and say police did not thoroughly investigate him. Cassidy died at the Kittery, Maine, home that Marshall shared with Cassidy's aunt.

Prosecutors say Cassidy was subjected to months of systematic abuse at the hands of Evans that included the girl being thrown into a closet door. The reason, prosecutors say: Evans was frustrated by the girl's crying.

"The evidence of the defendant's guilt is so devastating, so overwhelming, so clear," Assistant Attorney General Simon Brown told jurors during his closing argument. "We know the defendant is capable of such brutality and we know he killed Cassidy Bortner."

Evans faces up to life in prison if convicted of second-degree murder. Jurors recessed until Wednesday after deliberating for three hours Tuesday afternoon.

The girl's mother, Amanda Bortner, will be tried later on child endangerment charges. She testified against Evans under a limited grant of immunity.

Prosecutors say Evans is a liar and is using Marshall as a scapegoat. The defense says Marshall is the liar and police rushed to judgment in suspecting Evans.

Sisti said Evans admits playing rough at times with Cassidy, including grabbing her jaw. But he said Evans also cared for her by bathing and feeding her.

"We're not out here saying, 'Crown him humanitarian of the year,'" Sisti said. "He's ashamed of what he's done. But that's light years away from killing a baby."

Evans did not testify.