

REGION

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Baby killer seeks lower sentence

Chad Evans says 15 years unfairly added in Bortner beating case

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The Portsmouth Herald

PORTSMOUTH — A former Keene man convicted in the beating death of his then-girlfriend's 21-month-old daughter is looking to reduce his prison sentence.

He also wants to overturn the ruling that allowed the state to enhance his original sentence by an additional 15 years.

The two cases, one to be heard in Strafford Superior Court and the other in Hillsborough Superior Court, were on the list of cases accepted by the courts in August.

Chad Evans was 29 years old when he was convicted of second-degree murder in December 2001

in the beating death of Kassidy Bortner.

He was also convicted on five counts of second-degree assault, one count of endangering the welfare of a child and one count of simple assault against the little girl's mother, Evan's former live-in girlfriend.

Kassidy's mother, Amanda Bortner, was found guilty of two counts of endangering the welfare of a child in November 2002 and sentenced to two years in prison. Prosecutors argued that she was aware that Kassidy was being beaten and did nothing to stop the abuse.

In 2004, after Evans lost a Supreme Court bid to have his conviction overturned, the state

asked for an enhanced sentence.

An opinion issued by the Supreme Court in December 2003 cleared the way for prosecutors to seek an increased sentence. The opinion reversed the Sentence Review Division's decision barring the state from petitioning for sentencing review.

Assistant Attorney General N. William Delker said Evans' original sentence was 28 years to life. The added 15 years means he will serve at least 43 years.

"He will argue that sentence enhancement was inappropriate because the opinion was enacted after the crime was committed," said Delker. "It was also enacted before he was sentenced."

Delker said Evans will also

try to get the state to agree that under no circumstances, in any case, should the state be allowed to appeal a sentence to the review board, and the additional 15 years should be eliminated if the decision is overturned.

No date has been scheduled for either hearing.

The case prompted passage of the Kassidy Law, which makes it a felony for a person who witnesses child abuse not to report it.

Evans was arrested in November 2000 after Kassidy died in the Kittery, Maine, home of Bortner's sister, Jennifer Conley, and her boyfriend, F. Jeffrey Marshall, who were babysitting the child.

An autopsy report revealed Kassidy's eyes were open and swollen. She had bruises all over her head, including a swollen, purple lip and another large bruise under her left eye. There were several other abrasions on her face.

The report concluded that Kassidy died from multiple blunt-force injuries that caused bleeding and swelling in her brain, bleeding in the optic nerve and internal bleeding in the abdomen.

Prosecutors said at the time that Kassidy also had various other injuries in different stages of healing. They contended that Evans had beaten the girl over a three-month period.