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FORENSIC PATHOLOGY  
LEGAL MEDICINE

May 24, 2007

Mr. Chet Evans  
71 Sullivan Street  
Keene, New Hampshire 03431

**Re: *State of New Hampshire v. Chad Evans***

Dear Mr. Evans:

I have reviewed all the materials you submitted to me relating to the case in which your son, Mr. Chad Evans, was charged with the death of Cassidy Bortner.

Based upon my analysis of all these documents, I should like to set forth my professional opinions as a forensic pathologist. Unless otherwise indicated, each of the following statements is expressed with a reasonable degree of medical and forensic scientific certainty.

1. Cassidy Bortner (KB) died as a result of extensive pulmonary fat embolization.

Blunt force trauma of the head and abdomen were unrelated, significant contributing factors.

Anoxic encephalopathy and cerebral edema, the terminal pathophysiological events, were produced by the combined effects of the pulmonary fat emboli and the traumatic brain injuries.

2. There were numerous soft tissue injuries of varying ages found at autopsy.

It is not possible to determine with any temporal specificity when each of these blunt force injuries was sustained. Inasmuch as KB was in the care of three different

adults throughout the period of time in which these injuries would have been incurred, it is difficult to understand why the one or two individuals who may not have been directly responsible for such traumatic events would not have undertaken necessary and appropriate measures to keep the child away from the person(s) who caused or negligently allowed KB to be repeatedly injured.

3. I very much doubt that there were fractures of KB's right and left tibias. If she had sustained true fractures of those significant weight-bearing bones, she would not likely have been able to walk or even stand. I saw no reference in the records to any such complaints by KB, or to any periods of immobilization.

4. There are wide temporal parameters for each of KB's major fatal injuries to have manifested themselves in terms of clinical signs and symptoms prior to her death. Therefore, it is not scientifically possible to determine with absolute certainty exactly when KB sustained the injuries that led to her death.

Most probably, the head and abdominal injuries were incurred prior to the morning of her death on November 9, 2000.

The fat emboli were of an acute nature, as testified to by Dr. Michael Baden; therefore, they could have been associated with soft tissue injuries that KB sustained sometime after 9:30 AM that day. However, it is quite possible that systemic fat emboli that occurred shortly before her death could have been delayed sequela of injuries sustained several hours or even days before the morning of November 9<sup>th</sup>.

#### SUMMARY:

I am puzzled and disturbed by the fact that the prosecutor's office in this case opted to zero in on Chad Evans, while apparently accepting without question the information they obtained from Jeff Marshall. Regrettably, prosecutors have this unlimited power, which I have always considered to be highly immoral, unethical, and intellectually dishonest.

The ruthless, vicious collateral attack by the prosecutor in his cross-examination of Dr. Baden clearly attests to the incontrovertible conclusion that it was not truth and justice that the prosecutor was seeking but rather a conviction of Chad Evans at any cost.

Unfortunately, this is not the kind of case in which forensic scientific evidence is able to conclusively prove that someone has been wrongfully convicted, such as has occurred now in more than 200 cases as a result of DNA testing.

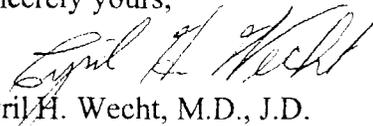
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When there is a dead child, who has definitely been traumatized, a jury will rarely acquit the defendant. I would be willing to bet any amount that if the prosecutor had selected Jeff Marshall to be the defendant instead of Chad Evans, Marshall would have been found guilty, and your son would be a free man. The prosecutor would simply have "applied" the facts, circumstances, and medical findings in whatever way necessary and appropriate to obtain a conviction, depending on who the defendant was.

So much for the true nature, dignity, and integrity of the criminal justice system in the United States.

As a parent and trained forensic scientist, I can empathize with your family's tragedy and the irrevocable loss of your son's productive years. I wish that it would be possible for me to provide more definitive assistance.

Sincerely yours,



Cyril H. Wecht, M.D., J.D.

CHW/srw