

Letters to the Editor - February 26, 2011

Saturday, February 26, 2011

Evans innocent

To the editor: I have knowledge concerning the facts of Chad Evans' innocence.

I would like to take exception to Mr. Osborne's uninformed comments in the Letter to the Editor published by you on Feb. 11.

The undisputed facts are as follows:

The child was delivered to Mr. Marshall, the baby sitter on the morning of her death by Chad's girlfriend, Amanda Bortner. Some hours later, Mr. Marshall brought the child to the hospital where she died. Mr. Marshall and the hospital were both located in Maine. The Maine law enforcement authorities immediately seized upon child abuse as the cause of death. Unfortunately, they immediately decided that Chad Evans committed the crime.

When the case came to trial in New Hampshire, Chad's defense attorney chose to put all of his eggs in one basket and called an eminent forensic expert who said that Chad could never have committed the crime. Chad Evans did not even testify. After being out for days, the jury came back with a verdict of guilty of second-degree murder.

Mr. Marshall sued Chad for defamation in claiming that Mr. Marshall was the killer. I represented Chad on that case. Mr. Marshall's lawyer who is an experienced attorney chose to drop that case after Chad Evans was deposed by him at the New Hampshire State Prison.

Obvious questions come to mind immediately. These are as follows:

1. If the child was so beaten and bruised as claimed by the Maine Medical Examiner, why did mom deliver her to the baby sitter that morning?
2. Why did the defense attorney decide not to let Chad testify? The public should realize from his interviews that he would make a credible and convincing witness. Obviously, Marshall's attorney agreed that Chad was a credible witness as he dropped his lawsuit for money damages against him.
3. Where the basic legal standard of criminal law is that the probative value of evidence must outweigh its prejudicial effect, how was the State able to get into evidence of old injuries when everyone agreed that the child did not die from the old injuries, but rather recent blunt force trauma?
4. How does this crime rise to the level of murder, which requires specific criminal intent? A killing committed without intent is manslaughter at best. The punishment of 43 years to life is in my opinion excessive and unreasonable.

The State of New Hampshire is paying a great sum of money to keep Chad in prison. I believe that the cost to incarcerate a prisoner is in excess of \$30,0000 per year.

Unfortunately, there are many innocent people who are in jail. Obviously, most of the prisoners are

guilty, but I believe that Chad Evans is not one of them.

He is a human being and there for the grace of God go you and I. He has been punished too much already.

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