

Department of Justice
Jeffery Strelzin
Senior Assistant Attorney General
Chief, Homicide Unit
33 Capitol Street
Concord, NH 03301-6397

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Mr. Strelzin,

Thank you for your letter dated September 7, 2011, and for your extensive preparation for that letter. I've been living this case for 11 years and know a lot about it, but you have come to the case only recently, and your knowledge is impressive.

Your letter mentions reviewing many documents prior to crafting your response, so I would like to review some of the points you made:

You indicated that you read Amanda's statements of November 9, 12, and December 30th. concluding that, *"No where in the Amanda Bortner interviews was there any evidence of her being, as you called it, 'momentarily persuaded' by the investigators into believing that you were Cassidy's killer. Likewise, there was no evidence that Amanda made untrue statements about you 'in order to agree with the police, and their obvious authority.' "* Respectfully, I disagree with your opinion. I can think of no better evidence than what Amanda has spoken since those initial interviews, when she was a shocked, 18-year-old mother, grieving the loss of her daughter. In 2010, after multiple years having no contact with me, Amanda met with Morrison and reiterated the statements she gave to another investigator three years earlier. Amanda said that she felt coerced, pressured, and intimidated by the police and remembered saying many things about me and my conduct that *"simply were not true."* Amanda shared that she felt accused one moment and angry the next at the "facts" the police were telling her.

The way to resolve this crucial question of the reliability of Amanda's statements to the police, which she has retracted several times subsequently, is to interview her as part of a re-investigation. She has offered to take a lie detector test to support her subsequent statements about what really happened in 2000.

I am not an attorney. I do not know the legal definition of "evidence of coercion". What I do understand are the emotions of this situation. I know about the promises made to Amanda by the Maine State Police when the recorders were turned off. I know about Amanda being "shuffled" from one room to another. I know the things that Amanda was saying that were true and the ones that were false; I was there and lived them. I believe strongly that these interviews of Amanda by the MSP detectives were leading. I understand that it is standard operating procedure for the police to do whatever they deem necessary to solve crimes. I know the first 48 hours are viewed as the most critical. I also understand the difficulty of trying to retract or clarify something you have already stated. It is especially difficult to do when the people in charge already have their minds made up. It has been my experience in life that people stating information as fact doesn't necessarily make it true. In the beginning of World War II the U.S disavowed any knowledge that Hitler and the Nazi Party were killing millions of people of Jewish descent. Does this denial of knowledge make it a true statement?

Even in the interviews and excerpts you highlighted, nowhere does Amanda ever assert that I hit or even spanked Cassidy. This is because I didn't. Again, I never hit or spanked Cassidy. I hope that assertion makes you wonder about this case. As Daniel Webster stated, "There is nothing so powerful at the truth, and often nothing so strange." When asked this question during a voice stress lie detection test I passed with no deception indicated. As it appears that you do not accept the results of my July, 2010 lie detector test, are you willing to give me a polygraph or other lie detector test, the results of which you do trust?

If we are going to make huge leaps from the claims that were made based on Amanda's initial statements, wouldn't it be good to know what she says now as a mature, nearly 30 year old woman, that has moved on with her life and started a family? In the spirit of justice, with absolutely zero physical proof to support that I killed Cassidy, and much evidence to the contrary, is this not a fair request? Your letter notes my violation of bail condition by seeing Amanda while on bail. I didn't violate my no contact order with Amanda to influence her statements as was alleged. I chose to see her when she made contact out of love and concern. We were both experiencing the most terrible loss imaginable and were now expected to experience it separately and alone. Certainly, any perceived control I had then is long gone now.

An attorney friend of the family, who has been involved in many family domestic abuse situations, recently shared, *"The majority of the time the wife/ girlfriend will protect the abusive husband/ boyfriend, even over the children, INITIALLY ..."* In this scenario wouldn't it be more likely if I killed Cassidy that Amanda would say, *"Look, I was 18 years old then. I thought I was in love with Chad. I thought he really cared about Cassidy and I didn't want to believe it was possible that he killed her but I truly believe now that he did."* etc. In addition to moving on with her life, Amanda has already served her jail sentence. What does she gain by lying or "covering" for me?

In a nutshell, Amanda's statements are analogous to false confessions. There is a 2010 Stanford Law Review Article written by Brandon L. Garrett titled, "The Substance of False Confessions". In it, Professor Garrett found that of the first 252 men that were convicted of murder, and later freed through use of DNA evidence, 42 confessed to the charged crimes. Professor Garrett stated, *"Not only can innocent people falsely confess, but all except two of the exonerees studied were induced to deliver false confessions with surprisingly rich, detailed, and accurate information. We now know that those details could not have likely originated with these innocent people, but rather must have been disclosed to them, most likely during the interrogation process."* If these men, whose lives hung in the balance, can feel such "weight" through the interview process to confess to a crime they did not commit, how much easier would it be for a scared, tired, grieving 18-year-old woman to say things that were not true to get out of that situation?

I understand why I was a natural suspect. I understand that in upwards of 80% of these types of cases it is someone in the household, (typically the dad or father figure) that is responsible for such unfathomable acts. I also know that with my domestic indiscretions with Tristan and Amanda, the statistics show it's akin to 70% more likely that I would also exhibit violence towards children. However, we must agree that 70 and 80% are far cries from 100%. "Sometimes" and "most of the time" do not equal "all of the time".

You mentioned my relaying of the trampoline story during my interview despite later claiming, *"I've been completely honest and upfront"*. No question, the trampoline story was a fabrication.

I was upset and in shock over Cassidy's death. I knew that I had nothing to do with it and I was afraid that if I didn't stick with the already established story the police would divert their attention to this "collateral" matter and away from the bigger issue of finding out what happened to Cassidy. It was arrogant of me to decide for the police which facts were pertinent. They were the experts and I should have recognized this.

This lie was certainly a bad decision as was the decision to come up with one in the first place rather than taking responsibility for my causing bruises on Cassidy's face when holding her to achieve eye contact. This likely angered the police and made them even more suspicious during this most serious investigation. However, in the moment that I made the statement to the police about being completely honest, I sincerely felt I had been. I didn't even recall the earlier untruth. As anyone that has been in that situation can attest, when you are being interrogated, after having just learned that someone you loved has died, it is IMPOSSIBLE to think straight from one moment to the next. Every thought and emotion you can imagine is traveling through your brain at unbelievable speed. I think the reality of the truths I told, the facts I shared that the police were able to verify, and my admission to the police that I held Cassidy's cheeks, speak for themselves. You mentioned "grabbing" Cassidy's cheeks four times in your letter. It was never my intention to harm Cassidy. I regret my action and wish I had employed a more creative means of communication. However, I think hypothesizing that this action indicated I would beat and murder Cassidy is too great a leap in reasoning.

While I did not highlight my misdemeanor domestic assault conviction against Tristan in the letters to elected officials and Centurion Ministries, it wasn't done with the intent to conceal. It simply wasn't germane to the issue of my second degree murder conviction against Cassidy. With Tristan I was regrettably guilty, so I took responsibility and pled guilty. I am not guilty of murdering Cassidy so I continue to ask for help bringing the truth to light. If I had been charged with being stupid, irresponsible, negligent, self centered, and a number of other adjectives in correlation to Cassidy's death, I would have pled guilty to this as well.

I did not disclose every bad decision and poor action in the letters, though many of them are there, nor did I elaborate on the considerable good I've done in my lifetime. These letters are a brief snapshot to provide an overview. Every letter provides the website address and asks people to view it. The site fully discloses these facts and many more, as you no doubt found in your review. In addition, when a person responds we are sure to share my shortcomings as a human being. I believe one of our statesmen once said, "*People are rarely all good or all bad; just complicated.*" It is my goal for anyone that looks into this case to know who I am.

I have no one to blame but myself for the role my previous assault conviction against Tristan played in the quick formulation the police made that I was the perpetrator against Cassidy. Within four hours of Cassidy's death you can clearly see the police focusing on me in all their interviews. Had this display of aggression against my former wife not happened, things might be different. Among other things, I can't help but think the police would have taken a much harder look at the numerous domestic complaints that been made about the man who was with Cassidy for the last hours of her life. This is my cross to bear. However, If we are going to view this transgression with Tristan as proof that I killed Cassidy, then I think it is only fair that my interaction with the many other children I've ever had contact with in my lifetime be considered as evidence that I didn't kill her.

On the last page of your letter you referenced the protections we are afforded in NH due to our

State and Federal Constitutions. You pointed out that the state carries the entire burden of proof, I received a fair trial, and the jury weighed all evidence before coming to their unanimous verdict. I love our country and this great state even more. I don't wish to insult anyone but I feel that it is a sham that we tell ourselves that the state has the "entire burden" of proving guilt. I was a free and productive citizen of NH for my first 29 years of life. During that time I and everyone I knew, would assume someone was guilty if they had been charged with a crime. I held the police in such high esteem that I wouldn't believe it possible someone could be wrongly convicted. I still believe the police get it right 95% of the time. Even today I could not imagine sitting on a jury where a defendant is facing multiple charges and not thinking, *"Well, he must be guilty of something if he has been charged with all of this. Our police wouldn't make this many mistakes."* The burden is at least shared.

We seem to have different senses of what's fair at a trial. You focus on the process and I'm focused on what the jury actually heard and didn't hear. I don't know how anyone can consider it a fair trial when the jury was not told about the DNA test results and about the blood underneath Cassidy's fingernails. These reports showed Cassidy had blood under all 10 of her fingernails despite the medical examiner testifying there were no open wounds. While we now know that the Maine Crime Lab DNA test results were in the discovery documents, I still do not know why they were not presented to the jury at my trial.

It was also unfair that Dr. Greenwald's November 15, 2000 "Report of Inquiry" gave an incorrect date for Cassidy's medical appointments which were misleading and detrimental to my ability to defend against these charges. She had, and still has, the medical records of those appointments, but they were apparently never given to New Hampshire police or prosecutors. She wrote, "In September 1999, [Cassidy] was seen by Dr. James Timoney for evaluation of 'in-toed' gait." In fact, that appointment was on September 11, 2000, which was 42 days into the period I was allegedly endangering Cassidy, and 11 days into the period when I was allegedly assaulting her. It didn't help that Amanda testified that that appointment was in July of 2000. The result of this incorrect information, all of it supplied by prosecution witnesses, was that the jury did not know of Cassidy's August 10, 2000 appointment and did not know of that September 11 appointment.

In addition to the points above about the jury not knowing about the blood under Cassidy's fingernails and not knowing about the DNA tests and not knowing about Cassidy's two medical appointments, the following questions are posed about what the jury didn't know, along with answers and comments which support my innocence.

1. Are there at least nine photographs that the jury didn't see of Cassidy alive and without apparent bruises during the period between August 1, 2000 and October 20, 2000? [Those photos are in the Appendix to the book, "EYE CONTACT." The jury saw only one of those photographs, taken on October 1, 2000. As you look at those photographs, do you see a happy child or what prosecution alleged to be a "living hell"? What other photographs are available?]
2. Did I take Cassidy to my sister's home in Belmont, New Hampshire, on November 5, 2000, where my sister cared for Cassidy for most of the day and saw only one bruise, on Cassidy's right cheek? [My sister's husband and his mother observed Cassidy and me and Cassidy together. The jury knew nothing of that event and day.]
3. Is it true that on that day, November 5, I gave Amanda \$300 to purchase clothes for Cassidy, and that Amanda did purchase clothes on that day?

4. Is it true that among those new clothes was a pink parka which was entered into evidence at my trial but on which no one saw or analyzed reddish brown stains which could be blood?

5. Is it true that about one week before Cassidy died, I spoke with Susan Edgar, the Director of the Cross Road Kindergarten and School in Dover about enrolling Cassidy for day care and that I briefly explained my reasons for dissatisfaction with the existing arrangements for Cassidy, and that Mrs. Edgar advised me that she could make an exception for Cassidy as she was under the age limit, but she could not make an exception to the school's policy that children were not admitted for day care until after they had been toilet trained; and that I said that Cassidy had not yet reached that milestone?

6. Is it true, despite prosecution claims that Amanda and I were hiding Cassidy from Amanda's mother, Jacqueline Conley, among others, in order to avoid her seeing Cassidy's bruises, that Amanda discussed with her mother, during a six minute call at 8:35 a.m. on Wednesday morning, November 8, the plan for her mother to babysit Cassidy during the upcoming weekend when Amanda and I were going to Maine for a weekend meeting relating to my work?

7. With respect to the assault charges against me, that I held Cassidy's face, is it true that the jury did not hear any evidence or argument that New Hampshire law permits parents and their delegates to use appropriate force for disciplinary purposes? [As stated above, I never hit nor spanked Cassidy. Period. I did, however, hold her face for the purpose of obtaining eye contact, and not in order to cause discomfort or pain, which is the purpose of disciplinary spanking or hitting.]

8. Is it true that the jury did not hear evidence or arguments that Cassidy's death may have been caused by a combination of accidents, chronic condition, disease or toxins?

You can write that I had a fair trial because I had well-regarded attorneys and that they may have made strategic decisions, but the fact remains that the jury did not have the answers to these questions or hear the evidence described, and they convicted an innocent man.

I am a simple man that struggled to graduate from high school, and with this new information, I can think of at least 30-40 questions that could have been asked of multiple people testifying on the witness stand. Imagine the number of questions extremely intelligent individuals such as yourself, Mr. Delker, and Mr. Cronheim could have generated. The jury did the best they could with the evidence they had, but there is much they were not able to consider before coming to their unanimous verdict.

It's true that I made a mistake and didn't testify. If I were to be retried now I certainly would take the stand. I would want the jury to be able to hear the truth from me before deciding my fate. At the time, I listened to my experienced, well-meaning attorneys. Having the opportunity to participate in my defense is far different than having the ability.

The Innocence Project has now exonerated over 270 men and women who were unanimously convicted of guilt beyond a reasonable doubt by a jury of their peers. No greater proof exists that any system created by man is fallible. Thank God that DNA evidence, with its 99.9% accuracy, pointing to another person's culpability was available for these folks. What about people such as myself who do not have such conclusive DNA available? I understand why police and prosecutors are skeptical of claims of innocence. How can anyone work in a profession

witnessing such negativity, often depravity, and not expect the worst from people? However, "usually right" isn't even close to the same thing as "always right". All I'm asking for is a fresh investigation into the facts. I am far from perfect, but I am not a killer.

It is much appreciated that you spent so much time reviewing documents and interviews from the case 10 years ago as you prepared your letter. Unfortunately, those very documents are a big part of the problem. Emotions and urgency lead to tunnel vision. Our former Attorney General, Philip McLaughlin, speaking about cases that bothered him the most in his tenure as NH Attorney General, specifically cited Cassidy's death. Mr. McLaughlin characterized Cassidy as dying from child abuse, and as a death that *"infuriated him and his associates."*

I'm confident that an open minded, unbiased reinvestigation, beginning with the above questions would produce different results, perhaps uncovering the truth. I humble myself and write to you directly vs. trying to play the legal game or speaking through an attorney to ask for help and a reinvestigation. My hopes are that truth and justice for all is the ultimate goal.

My advocate, Morrison Bonpasse, will be in touch to set up a meeting. I hope that meeting goes well, and that you also reconsider my invitation or request that a State Police investigator or representative from your office meet with me.

Sincerely,

Chad Evans