

CHAD EVANS WRONGLY CONVICTED COMMITTEE

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Morrison Bonpasse, Executive Director

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16 November 2012

Re: Request for reconsideration of request for permission to conduct polygraph examination for Chad Evans #75414

Richard M. Gerry, Warden
New Hampshire State Prison for Men
P.O. Box 14
Concord, NH 03302-0014

Dear Warden Gerry,

I write to ask you to reconsider the request of inmate Chad Evans for permission to have a second polygraph examination.

Chad has requested that it be performed by John Consigli, of Consigli Polygraph Examinations of Merrimac, Mass. John is a former Captain in the Massachusetts State Police and former President of the American Polygraph Association. A copy of John's resume is enclosed.

As you know, Chad had a polygraph exam on April 30, 2012, and the initial scorings were that he passed the exam. Enclosed is a copy of the initial report by the examiner, John Healy, a former Lieutenant in the New Hampshire State Police. In a second scoring using a computer program, Healy determined that Chad's probability of telling the truth was 98.9%.

To ensure that the results were accepted by the State of New Hampshire, we asked the Office of the Attorney General to have the State Police Polygraph Unit review the exam. That review by the NH State Police determined that there were sufficient flaws in the conduct of the exam to consider it void. Enclosed is a copy of the State Police report. Hence the need to schedule this exam, this time by a seasoned professional. John Consigli has asked other members of the American Polygraph Association for help in formulating the best possible questions for Chad's exam, so as to ensure the highest quality exam.

As you know, the State of New Hampshire supports the use of polygraphs in many ways, including the staffing of the State Police Polygraph Unit. Polygraph exams are required for applicants to state and local police positions, and exams are regularly conducted at the prison for sex offenders. While the results of polygraph exams are not deemed sufficiently reliable to be presented as evidence in criminal trials, they are still held in high regard by law enforcement officials.

Chad Evans has claimed his innocence of assault and murder since his initial police interview on November 9, 2000, the day that Kassidy Bortner died at the home of her babysitter. Over the past three years, a website has been created for Chad at www.chadevanswronglyconvicted.org. As I discussed with you at a Families Now Involved meeting last Spring, I've written a book about his case, EYE CONTACT - The Mysterious Death in 2000 of Kassidy Bortner and the Wrongful Convictions of Chad Evans and Amanda Bortner. It's available from Amazon.com in hard copy and Kindle format. Also now available from Amazon are Volumes 2 and 3 of EYE CONTACT, which are collections of his letters to me in the years 2010 and 2011, respectively. Together, all this information paints the picture of a wrongful conviction.

I understand that you cannot take a position on the guilt or innocence of your inmates, and we are not asking you to take sides. Rather, we are asking that you help in the search for truth in this case. Chad is simply asking if he and a polygraphist can use the prison's polygraph room for up to four hours.

If Chad Evans was wrongly convicted, then the State of New Hampshire is spending needlessly approximately \$35,000 per year, and also losing tax revenue that Chad would generate if he were free. You surely do not want innocent men in your prison. Not only is it costly, but the presence of wrongly convicted inmates impairs the credibility of the entire system.

I've researched the use of polygraphs in cases of wrongful convictions and have found 20 cases where post-conviction polygraphs of inmates have supported their eventual exoneration. The first such case was of Loren Hamby in Colorado in 1939, when a pioneer in the development of the polygraph, Leonard Keeler, traveled from Chicago to give a polygraph exam to Hamby, who had been convicted of murder. Hamby passed the exam, which led to the recanting of statements by a key prosecution witness and Hamby was freed.

Your approval of the April 30 exam was much appreciated, and if the results had been accepted by all sides, there would be no need for another exam. Thus, this case is extraordinary, due to reasons we did not anticipate.

I am Chad's advocate and Chair of the Chad Evans Wrongly Convicted Committee and met with him on Thursday, November 8 to discuss this request. He does not currently have an attorney, and is acting pro se, and he approves this request for scheduling a second polygraph exam.

Thank you for your reconsideration.

Very sincerely,

Richard M. Gerry, Warden
New Hampshire State Prison for Men
P.O. Box 14
Concord, NH 03302-0014