

THE STATE OF NEW HAMPSHIRE

STRAFFORD, SS

ROCHESTER DISTRICT COURT

AFFIDAVIT

I, James White, am employed as a Sergeant with the Major Crime Unit of the New Hampshire State Police. I have been employed by the State Police for 11 years, and two of those years have been in the Major Crime Unit. In this capacity, I have been involved in the investigation into the November 9, 2000 death of Cassidy Bortner (DOB 2/4/99). Cassidy lived with her mother, Amanda Bortner, and her mother's boyfriend, Chad Evans, at 191 Milton Road, Rochester, NH. The following facts are based on my personal observations and on conversations with officers identified below.

- 1) At approximately 12:30 pm on November 9, 2000, Cassidy was brought by ambulance from her daycare provider's residence in Kittery, Maine, to York Hospital, Maine. The daycare providers are Jeffrey Marshall and Jennifer Connelly. Jennifer Connolly is the sister of Amanda Bortner. New Hampshire State Police Trooper Jill Rocky informed me that she spoke with Dr. Anthony Bock at York Hospital on November 9, 2000. Dr. Bock pronounced Cassidy dead at 1:28 pm. Trooper Rocky observed the following injuries on Cassidy's body: the bottoms of Cassidy's feet had multiple pin-prick marks all over both feet; there was bruising on Cassidy's arms, stomach, chest, face, and head. There were multiple bruises the size of a dime or quarter all over Cassidy's head. Cassidy's hair appeared unusually thin in the back. Cassidy's vagina was irritated and visibly swollen. There also appeared to be irritation to Cassidy's anus. Trooper Rocky questioned Dr. Bock about Cassidy's lethargic and unstable behavior that Marshall observed when Cassidy was dropped off at his house on November 9, 2000. Dr. Bock stated that this behavior would be consistent with a head injury.
- 2) Sgt. Matthew Stewart of the Maine State Police informed me that Dr. Bock did a fundoscopic eye exam that revealed bilateral and diffused retinal hemorrhages. Dr. Bock also stated that he observed multiply resolving bruising about the mid and lower abdomen, forehead, face, chin, and right ear. He made observations of the genital area which he considered to be suspicious, notably it appeared to be an enlarged vaginal vault for the age of the child. He observed multiple scabbing on the bottom on the feet from an unknown source. Dr. Bock indicated that the bilateral and diffused hemorrhaging was indicative of closed head injury. He also indicated that he found no obvious fractures during the bone survey or signs of basal or skull fracturing. Dr. Bock expressed an opinion that the collection of injuries on Cassidy were of a suspicious nature.

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- 3) I spoke with Detective Jeffrey Linscott from the Maine State Police, who informed me that he interviewed

Jeffrey Marshall
[REDACTED]

on November 9, 2000, together with Detective Scott Harakles. Linscott informed me that he learned the following facts from Jeffrey Marshall:

- a) Marshall is the boyfriend of Jennifer Connelly. They live together at 53 Rogers Rd. in Kittery, Maine. Connelly is the sister of

Amanda Bortner
[REDACTED]

Bortner has a child named

Cassidy Bortner
[REDACTED]

- b) Marshall stated that he and his girlfriend, Jennifer Connelly, have been babysitting for Cassidy recently at their home in Kittery. Marshall stated that on November 8, 2000, Amanda Bortner dropped her daughter Cassidy off with Marshall at approximately 4:00 pm, while Amanda went to work for the evening. Marshall babysat Cassidy until about 5:30 pm. on November 8. At that time he got a call from

Chad Evans
[REDACTED]

- c) Evans is the boyfriend of Amanda Bortner. Evans and Bortner have been dating for about 3-4 months and have been living together for approximately 2 months at Evan's home at 191 Milton Road in Rochester, New Hampshire. Evans has a 3 year old son, Kyle, who stays with him at the 191 Milton Road residence four nights a week.
- d) On November 8 at about 5:30 pm, Evans came to Marshall's home in Kittery to pick up Cassidy. When Evan's picked up Cassidy, she had only a small, fading bruise on her face.
- e) After Evans picked up Cassidy, Evans called Marshall and asked Marshall whether Marshall had beaten Cassidy. At approximately 6:00 pm, Evans called Marshall a second time and told him that something odd happened when he arrived at the home in Rochester. Evans told Marshall that after Cassidy got out of the car, she was standing next to the car and then while Evans was taking his son out of the car, he noticed that Cassidy was lying face down on the pavement.
- f) Evans called Marshall again later that same evening on November 8. This time Evans told Marshall that Cassidy and his son, Kyle, were upstairs playing baseball and that his son hit Cassidy in the head with a baseball. Evans told Marshall that Cassidy's eyes rolled back in her head.

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- g) During one of the conversations, Evans told him that Cassidy almost passed out.
- h) Marshall stated that the calls from Evans were very unusual because Evans rarely, if ever, called Marshall to discuss Cassidy. It was particularly unusual that Evans called Marshall repeatedly to discuss Cassidy's health.
- i) On November 9, 2000, Amanda Bortner dropped Cassidy off with Marshall between 8:30-9:00 a.m. so that Marshall could babysit Cassidy while Bortner worked. When Marshall saw Cassidy on November 9, Cassidy's face was completely covered with bruises that were not there when Cassidy left Marshall's home the prior evening. Bortner stated to Marshall: "Look at Cassidy's face." Marshall also noticed that Cassidy was very unsteady when she walked and looked very lethargic.
- j) Shortly after Bortner dropped Cassidy off on November 9, Evans called Marshall and informed Marshall that New Hampshire DCYF had called Evans. Evans wanted to know who had contacted DCYF. Evans asked Marshall how Cassidy was doing. Marshall stated that this telephone call was very unusual because Evans had rarely, if ever, expressed concern for Cassidy's welfare in the past.
- k) Marshall stated that Cassidy was placed in bed and he checked on her twice in the morning. When he checked on her the second time, he noticed that Cassidy had not moved at all. Marshall tried to wake Cassidy but she was non-responsive. Marshall noticed that Cassidy's eyes rolled back in her head and she was not breathing. He stated that she had a slight pulse. Marshall tried to revive Cassidy and brought her onto his porch where he attempted to perform CPR. After calling his girlfriend and attempting to call Cassidy's mother, Marshall called 911.
- l) Marshall stated that before Bortner began dating Evans he observed some bruises on Cassidy but it was not inconsistent with a child falling. After Bortner began dating Evans, Marshall stated he observed that Cassidy had much more bruising. Marshall stated that it was almost a family joke that no one other than Marshall and his girlfriend Jennifer Connelly could babysit Cassidy, due to concern that anyone else would report the injuries. Marshall related one occasion when he was embarrassed to take Cassidy out in public because of the extent of her bruises. Marshall was concerned that someone would accuse him of abusing Cassidy if they saw her in public.
- m) Marshall stated that approximately two weeks ago he was babysitting Cassidy. When he took Cassidy out of his truck, he placed her in the bed of the truck. Marshall was fixing some straps in the front of his truck. When he turned around Cassidy fell over. He stated that Cassidy was not bruised as a result of his incident and was fine afterward. He stated that she might have had a scratch from falling.
- n) Marshall stated that Evans is an abusive person and a heavy drinker. He also stated that Evans takes cocaine. Marshall indicated on one occasion he observed marks around Amanda Bortner's neck. Marshall stated that Bortner told him that Evans had caused this bruising on her neck.

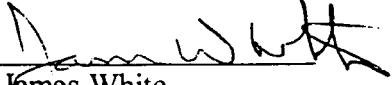
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- 4) Det. Steven Hamel from the Kittery Police Department informed me that a Kittery police officer arrived at Marshall's residence at approximately 12:30 pm on November 9, 2000. When the officer arrived, paramedics were treating Cassidy on the porch of the residence at 53 Rogers Rd. in Kittery. Cassidy was cool to the touch and had no pulse when the paramedics arrived. Cassidy was transported to York Hospital.
- 5) Angela Blodgett, a detective with the Maine State Police, informed me that she interviewed Amanda Bortner on November 9, 2000. Bortner related the following facts:
 - a) She had been dating Chad Evans for approximately 6 months and had been living with him in Rochester, New Hampshire for approximately 2 months. She stated that Evans was on probation for domestic violence toward his wife (Evans was married but separated from his wife).
 - b) Bortner stated that Evans had abused Cassidy for approximately 4-6 weeks. Bortner related several instances when Evans would abuse Cassidy. She stated that Evans would grab Cassidy's face and cause bruising. He would also grab Cassidy's arm and throw her against the wall.
 - c) Bortner stated that about 2 weeks ago Marshall informed her that he had put Cassidy in the truck and when he turned to speak with his neighbor Cassidy fell out of the truck onto the pavement. She stated that after this incident Cassidy was "spacey" and lethargic.
 - d) Bortner spoke to Evans about bringing Cassidy to the doctor for Cassidy's lethargic behavior. Bortner and Evans agreed that they could not bring Cassidy to the doctor's office because she had bruises from Evans' conduct.
 - e) On November 8, 2000, Evans called Bortner at work and told her that Cassidy was lying face down on the ground. He also told Bortner that Evans' son hit Cassidy in the head with a whiffle ball. Evans told Bortner that Cassidy was acting weird. When Bortner arrived home, Cassidy was sleeping and Bortner noticed a red mark on Cassidy's face.
 - f) Bortner stated that, even though Cassidy was acting "spacey" for a few weeks, in the morning on November 9, 2000, Cassidy was much worse than usual. Cassidy woke up at 6:30 am crying. Her head was bobbing backwards, she ate little or nothing, and her eyes were rolling back into her head.
 - g) Bortner dropped Cassidy off at Marshall's house in the morning on November 9. Later that day, Bortner received a call from her sister and went to the hospital.
 - h) Bortner admitted that Evans would press on her throat and Cassidy's throat when he got into a fight. Cassidy would gag when he did this.
 - i) Bortner said that Evans would be responsible if Cassidy had been beaten to death. Bortner said she had no information that Cassidy was sexually abused.

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- 6) Det. Scott Harakles of the Maine State Police informed me that he interviewed Travis C. Hunt who is a roommate with Evans and Bortner in Rochester. Hunt stated that he knew Evans for 5-6 years. Hunt knew that Evans was married to Tristin Evans for about 4 years. Hunt denies that he has any knowledge that Evans was abusive toward Tristin. Hunt stated that Evans loves children and did not observe any fighting between Bortner and Evans. Hunt stated that she saw bruises on Cassidy but had seen Cassidy fall into a coffee table and did not use her arms to break a fall. Hunt saw Evans in the evening on November 8 while Cassidy was taking a bath. Hunt noticed a bruise on Cassidy's eye. Evans told Hunt that Evans' 3-year-old son hit Cassidy in the eye with a ball. Hunt said that Evans' son confirmed that he hit Cassidy in the eye.
- 7) Det. Lance McCleish of the Maine State Police and Det. Richard LeClair of the Maine State Police informed me that they interviewed Chad Evans on November 9, 2000. Evans provided the following information:
 - a) He stated that he picked Cassidy up at Marshall's house on November 8 and Cassidy was acting funny. Cassidy was quieter than normal. She was leaning forward in the seat in the car and drooling. Evans stated that he called Marshall and asked whether Marshall had beaten Cassidy. Evans then picked up his son Kyle. Evans was home alone with Cassidy and his son for about 30-45 minutes before Hunt arrived. Evans claims that he called Marshall a second time when they arrived home in Rochester. He told Marshall that the strangest thing happened and that Cassidy was acting weird. Evans described to Marshall that when he took Cassidy out of the car and then got his son out of his car, Cassidy fell on the ground and was lying face down. Later that night, Evans' son and Cassidy were playing ball and Cassidy was hit in the eye by a hard rubber ball.
 - b) During the interview Evans initially stated that he did not notice any bruises on Cassidy's eye. When confronted about the bruises on Cassidy's face, Evans stated that he noticed a spot on her eye. Later in the interview, Evans stated that he considered bringing Cassidy to the hospital but was afraid to do so because of the bruises on her face. Evans denied that the bruises and scratches on Cassidy's face were caused by him.
 - c) Evans claims that he was only alone with Cassidy 3-4 times. Evans claimed that Marshall admitted that Marshall hit Cassidy so hard that his hand stung and Cassidy was black and blue. Evans also stated the Cassidy fell out of the truck at Marshall's truck and had a bump on her head.
- 8) Det. John Marasco, New Hampshire State Police, informed me that he interviewed Bruce Aube on November 9, 2000, together with Det. Linscott. Aube provided the following information: Aube was a friend of Evans for 11 years. Aube observed bruises on Cassidy about 4 weeks ago. Bortner told Aube that Cassidy had fallen down a flight of stairs. During the following weeks, Aube observed other bruises on different parts of Cassidy's body. Aube hears Bortner say that she cannot take Cassidy to her parent's house because of the extent of the bruising on Cassidy's face.

- 9) Det. Marasco informed me that he interviewed Tristin Evans on November 9, 2000, with Det. Linscott. Tristin stated that she was Chad Evans' wife for about 4 years. During the marriage Evans would hit Tristin in the face. Tristin also stated that Evans would frequently pull her hair when he hit her. Tristin observed bruises on Cassidy's body a couple of weeks ago. When she confronted Evans, he claimed that Cassidy had fallen off of a trampoline. When Tristin asked Bortner about the bruises she claimed that Cassidy had fallen down the stairs.
- 10) Evans' vehicle is a 1998 Ford Taurus, color red, VIN 1FAFP52U2XG282412, NH Registration 830887.
- 11) Evans and Bortner lived with Cassidy at 191 Milton Rd. in Rochester. The house is described as a single family two story wood-framed structure, brown in color.
- 12) Based on the foregoing there is probable cause to believe that evidence of the crime of homicide will be found in the house at 191 Milton Road in Rochester.


 Sgt. James White
 Major Crime Unit
 New Hampshire State Police

STATE OF NEW HAMPSHIRE
 STRAFFORD, SS.

Personally appeared the above-named, JAMES WHITE, and took oath that the factual allegations contained in the above affidavit are true to the best of his knowledge and beliefs. Before me,

Date: 11/10/2000


 Justice/ Justice of the Peace

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