

## 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 Kassidy Bortner (DOB 2/4/99). Kassidy lived with her mother, Amanda Bortner, and her mother's boyfriend, Chad Evans (DOB [REDACTED]) 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, Kassidy was brought by ambulance to York Hospital, Maine, from the home of F. Jefferey Marshall, who was Kassidy's daycare provider in Kittery, Maine. 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 Kassidy dead at 1:28 pm. Trooper Rocky observed the following injuries on Kassidy's body: the bottoms of Kassidy's feet had multiple pin-prick marks all over both feet; there was bruising on Kassidy's arms, stomach, chest, face, and head. There were multiple bruises the size of a dime or quarter all over Kassidy's head. Kassidy's hair appeared unusually thin in the back. Trooper Rocky questioned Dr. Bock about Kassidy's lethargic and unstable behavior that Marshall observed when Kassidy 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 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 and signs of basal or skull fracturing. Dr. Bock expressed an opinion that the collection of injuries on Kassidy was of a suspicious nature.
- 3) On November 10, 2000, Dr. Patricia Greenwald, the Chief Medical Examiner for the State of Maine, conducted an autopsy of Kassidy in Augusta, Maine. Dr. Greenwald's autopsy revealed that Kassidy died as a result of head trauma consistent with blunt injury to the head. In connection with that finding, Dr. Greenwald observed numerous bruises on multiple surfaces of Kassidy's head, including the back of her head, the top of her head, and her forehead, chin, lips, temple, and cheek. Dr. Greenwald also identified hemorrhaging in the muscle tissue of Kassidy's

abdomen. In her opinion, that hemorrhaging was consistent with being caused by strong, blunt force such as a punch or kick. Dr. Greenwald's preliminary finding is that these injuries occurred within 2-24 hours before the time of death.

- 4) During her autopsy, Dr. Greenwald also observed "pin-point" abrasions on the bottom of both of Cassidy's feet. She observed approximately ten such abrasions clustered in the middle of the sole of each foot. Close inspection indicated that there was no significant penetration of the skin at the site of each abrasion. Based on this, Dr. Greenwald concluded that the abrasions were likely caused when a dull instrumentality, such as a hairbrush, dull pin, or tines of a fork, was used to strike Cassidy's feet. Dr. Greenwald further stated that, in her opinion, it was unlikely that these injuries were self-inflicted or otherwise the result of an accident, such as Cassidy jumping on a dull, pointed object. Dr. Greenwald's preliminary conclusion was that these abrasions were inflicted within, at most, a few days of Cassidy's death.
- 5) Cassidy Bortner's mother, Amanda Bortner, is the girlfriend of Chad Evans. Evans and Bortner began dating for about 3-4 months. Approximately 2 months ago, Amanda and Cassidy Bortner began living with Evans at his 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.
- 6) I spoke with Detective Jeffrey Linscott from the Maine State Police, who informed me that he interviewed

F. Jefferey Marshall  
DO [REDACTED]

Linscott informed me that he learned the following facts from Marshall:

- a) Marshall is the boyfriend of Jennifer Conley. They live together at 51 Rogers Rd. in Kittery, Maine. Jennifer Conley is the sister of Cassidy's mother, Amanda Bortner (DOB [REDACTED])
- b) Marshall stated that during the past several months, he and Jennifer Conley regularly babysat for Cassidy at their home in Kittery. Marshall and Jennifer Conley knew Cassidy before she and Amanda Bortner moved in with Chad Evans in Rochester approximately 2 months ago. Marshall said that before Amanda and Cassidy began living with Evans, Cassidy appeared to be a normal, energetic toddler. Marshall and Jennifer Conley noticed a marked change in Cassidy during the 2 months that she and Amanda Bortner lived with Evans. Specifically, over the past two months, when Marshall and Jennifer cared for Cassidy, they noticed that the child appeared fearful and subdued, and seemed reluctant to move about their home. In addition, Marshall and Jennifer saw extensive bruising to Cassidy's face, and observed that the child had difficulty walking as though she were favoring one leg. When Marshall asked Amanda about Cassidy's leg, Amanda explained that Evans had pulled on Cassidy's leg and that she had been walking in that fashion ever since.

- c) Marshall stated that based on his discussions with Bortner and Evans, it was understood that no one other than he and Jennifer Connelly could baby-sit Kassidy, due to concern that anyone else would report the child's injuries. Marshall related one occasion when he was embarrassed to take Kassidy out in public because of the extent of her bruises. Marshall was concerned that someone would accuse him of abusing Kassidy if they saw her in public.
- d) Marshall stated that on November 8, 2000, Amanda Bortner dropped Kassidy off with Marshall at approximately 4:00 pm, while Amanda went to work for the evening. Marshall cared for Kassidy until about 5:00 pm on November 8. At that time he got a call from Chad Evans. A short time later, Evans came to Marshall's home in Kittery and picked up Kassidy.
- e) Marshall said that when he was with Kassidy on November 8, he noticed that she had a small, fading bruise on her face. She also seemed subdued and had some difficulty walking (as she had during the past 2 months), but did not otherwise appear to be suffering from any injuries.
- f) After Evans picked up Kassidy, Evans called Marshall and told Marshall that "the retard" – referring to Kassidy – is acting weird in the backseat. He also told Marshall that Kassidy's head was bobbing around. 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 Kassidy got out of the car, she was standing next to the car and then while Evans was taking his son out of the other side of the car, he noticed that Kassidy was lying face down on the pavement.
- g) Evans called Marshall a third time later that same evening on November 8. This time Evans told Marshall that Kassidy and his son, Kyle, were upstairs playing baseball and that Kyle hit Kassidy in the head with a baseball. Evans told Marshall that Kassidy was unconscious and her eyes rolled back in her head. During the call, Evans called out Kassidy's name 4 times.
- h) Marshall stated that the calls from Evans were very unusual because Evans rarely, if ever, called Marshall to discuss Kassidy. It was particularly unusual that Evans called Marshall repeatedly to discuss Kassidy's health.
- i) On November 9, 2000, Amanda Bortner dropped Kassidy off with Marshall shortly after 8:00 a.m. so that Marshall could babysit Kassidy while Bortner worked. When Marshall first saw Kassidy on November 9, he and Jennifer Conley saw that the child's face was completely covered with new bruises. The bruises were worse than they had ever been before. The bruises were not there when Kassidy left Marshall's home the prior evening. Bortner stated to Marshall: "Look at Kassidy's face." She also stated words to the effect: "Looks like shit, doesn't she." Kassidy was placed on the bed, where she remained, and Marshall did not recall hearing her speak or make any other noise.
- j) Marshall said that shortly after Bortner dropped Kassidy off on November 9, he received a telephone call from Evans. Evans immediately asked, "How's

Kassidy?" Evans then informed Marshall that New Hampshire DCYF had called Evans, and he asked who had contacted DCYF. Marshall stated that this telephone call was very unusual because Evans had rarely, if ever, expressed concern for Kassidy's welfare in the past.

- k) Marshall said when Jennifer Conley left for work at 9 am, Kassidy was still on the bed. Marshall checked on Kassidy twice during in the morning. The first time, she appeared to be sleeping. When Marshall checked on Kassidy the second time, he noticed that Kassidy had not moved at all. Marshall tried to wake Kassidy but she was non-responsive. Marshall noticed that Kassidy's eyes rolled back in her head and she was having difficulty breathing. He stated that she had a slight pulse. After calling his girlfriend and attempting to call Kassidy's mother, Marshall called 911. While waiting for rescue to arrive, Marshall tried to revive Kassidy and brought her onto his porch where he attempted to perform CPR.
  - l) Marshall stated that approximately two weeks ago he was babysitting Kassidy. When he took Kassidy 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 Kassidy fell over. He stated that Kassidy was not bruised as a result of his incident and was fine afterward. He stated that she might have had a scratch from falling.
  - m) 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.
- 7) Jennifer Conley was interviewed by Detective Steven Hamel of the Kittery Police Department and Detective Jeffrey Smith of the Maine State Police. Conley related the following facts:
- a) She and Jefferey Marshall had observed bruising to Kassidy's face during the 2 months that her sister, Amanda Bortner, lived with Chad Evans.
  - b) When Amanda dropped off Kassidy on the morning of November 9, Jennifer noted bruising on Kassidy's face. Amanda pointed the bruises out to Jennifer and Jefferey Marshall. The bruises were more severe than Jennifer had ever seen in the past.
- 8) Angela Blodgett, a detective with the Maine State Police, informed me that she interviewed Amanda Bortner. 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 Kassidy for approximately 4-6 weeks. Bortner related several instances when Evans abused Kassidy. Specifically, she sited incidents where Evans grabbed Kassidy's face in a "palming" fashion and

threw her into corners in the home hard enough for Cassidy to strike her head on the floor and/or wall. He would also grab Cassidy's arm and throw her against the wall. On one or two occasions, Evans choked Cassidy until she gagged to stop Cassidy from crying. Also, once when he was angry, Evans picked Cassidy up by her head.

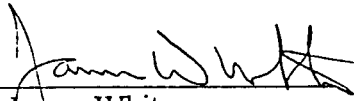
- c) Bortner stated that about 2 weeks ago Marshall informed her that he had put Cassidy in the truck and when he turned to speak with his neighbor Cassidy fell out of the truck onto the pavement. She stated that after this incident Cassidy was "spacey" and lethargic.
  - d) Bortner spoke to Evans about 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. In addition, Bortner and Evans discussed and agreed to lie about the causes of Cassidy's injuries. They both routinely told people who inquired that Cassidy's bruises and injuries were the result of her falling down stairs or off their trampoline.
  - e) Bortner stated that, even though Cassidy was acting "spacey" for a few weeks, on the morning on November 8, Cassidy was acting normal. Bortner was doing ABC and picture flashcards with Cassidy and she was responding appropriately.
  - f) Later, on November 8, while Bortner was working, she called Chad Evans at his home. Evans told her that earlier in the evening, Cassidy had been lying face down on the ground, and that Evans' son had hit Cassidy in the head with a whiffle ball. However, Evans told Bortner that he had given Cassidy a bath and that she was then fine. When Bortner arrived home at approximately 12 midnight, Cassidy was sleeping and Bortner noticed a red mark on Cassidy's face.
  - g) In the morning on November 9, 2000, Cassidy woke up at 6:30 am crying. Her head was bobbing backwards, she seemed tired, ate little or nothing, and her eyes were rolling back into her head.
  - h) Bortner dropped Cassidy off with Jefferey Marshall and Jennifer Conley during the morning on November 9. When she arrived there, she brought Cassidy into their bedroom and pointed out to Jennifer and Marshall the new bruises on Cassidy's face. Later that day, Bortner received a call from her sister and went to the hospital.
  - i) Bortner indicated that Evans had head-butted her once, choked her a few times, and "pushed her around" when he got angry with her. During one argument, Evans picked Cassidy, who was crying, up and threw her on their bed while stating that he wished Cassidy wasn't around.
- 9) 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 Tristan Evans for about 4 years. Hunt denies that he has any knowledge that Evans was abusive toward Tristan. 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.

- 10) 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 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. While Evans denied abusing Cassidy, he admitted that on one occasion he used both hands to pick the child up by her head. Evans claims he did this to prevent Cassidy from falling off a trampoline. Evans also admitted that several times he grabbed Cassidy's face to discipline her. Finally, Evans said that he played with Cassidy in a "rough" fashion to "toughen her up."
  - 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 that Cassidy fell out of the truck at Marshall's truck and had a bump on her head.
- 11) Det. John Marasco New Hampshire State Police informed me that he interviewed Tristan Evans on November 9, 2000, with Det. Linscott. Tristan stated that she was Chad Evans' wife for about 4 years. Tristan 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 Tristan asked Bortner about the bruises she claimed that Cassidy had fallen down the stairs.
- 12) Jennifer Conley and Jefferey Marshall both advised that they were with Amanda Bortner at the Anchorage Motor Inn in Portsmouth, NH, on the evening November 9. They recalled that in the late evening or early morning hours, they heard Bortner


speak by telephone with a person whom they believed to be Chad Evans. Conley and Marshall each advised that they heard Bortner state words to the effect of: "I know you slowly killed my baby," and "You wished she had never been born."

13) Based on the foregoing there is probable cause to believe that Chad Evans committed the offense of manslaughter in recklessly causing the death of Cassidy Bortner.

  
Sgt. James White  
Major Crime Unit  
New Hampshire State Police

STATE OF NEW HAMPSHIRE  
STRAFFORD, SS.

Personally appeared the above-named, Sgt. 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,

  
FRANK C. JONES  
Justice/ Justice of the Peace

Date: 11-12-00  
@ 8:12 p.m.