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Judge to grant counsel to murdered girl's mother

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Democrat Staff Writer

DOVER — Four months before she is to testify against the man accused of murdering her child, Amanda Bortner is seeking legal counsel to guard against self-incrimination.

Strafford County Superior Court Judge Tina Nadeau said Wednesday the court will grant a written request by Bortner for a court-appointed attorney.



Amanda Bortner

The issue was brought up during a pretrial status conference for Chad E. Evans, the 29-year-old Rochester man accused of beating Kassidy Bortner to death in November. Kassidy was 21 months old when she died from what officials have called a blunt force injury to her head.

Bortner, 19, was living with Evans at his 191 Milton Road home for about two months before her daughter's death on Nov. 9.

Evans' attorney, Alan Cronheim of Portsmouth, told Nadeau that Bortner recently called him at his office regarding her request for counsel in the case.

"It's clear to me that there are witnesses with Fifth Amendment issues ... There are legitimate Fifth Amendment issues for her," Cronheim said of Bortner's role as a witness for the prosecution.

According to affidavits filed in Rochester District Court during the first weeks after Kassidy's death, Bortner told Maine State Police Detective Angela Blodgett that "Evans had abused Kassidy for approximately 4-6

weeks ... Specifically, she related several incidents where Evans grabbed Cassidy'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 the head," according to court affidavits.

Bortner also told police Cassidy fell once while in the care of her uncle, but she and Evans did not seek medical treatment for the toddler "because she had bruises from Evans' conduct. In addition, Bortner and Evans discussed and agreed to lie about the causes of Cassidy's injuries," the affidavit states.

Although Evans faces multiple charges, including second-degree murder and aggravated assault in connection with Cassidy's death, Bortner has not been charged with any crime.

During the status conference Wednesday, Cronheim told Nadeau that Bortner had called him and requested advice but said he does not know where Bortner is and was not comfortable speaking with her about the case.

One of Evans' bail conditions prohibits any contact with Bortner.

Cronheim did bring up the issue of a Richards Hearing. Special Assistant Attorney General Christopher Carter explained after the proceedings that a Richards Hearing can be granted in cases where a witness' statements could disclose their complicity in criminal activity.

A Richards Hearing would be held in court without the jury in the case being present to hear the witness' full testimony.

Carter said this was in the preliminary discussion phase and could not specify what such a hearing might mean in terms of Bortner's testimony against Evans.

Regarding whether Bortner might request a Richards Hearing, Cronheim said in court a lot depends on the choices she makes.

"In the meantime, we'll have a lawyer appointed for Amanda Bortner... and go from there," Nadeau said, saying the court would have a better idea of how to deal with Bortner once she has counsel in place.

According to relatives, Bortner has spent the eight months since Cassidy's death staying alternately with friends in southern Maine, southeastern New Hampshire and Texas. Bortner was not present for the proceedings