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## Bortner gets immunity; may testify in boyfriend's murder trial

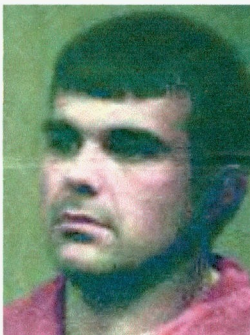
By JENNIFER L. SAUNDERS

Democrat Staff Writer

DOVER — The mother of a Rochester toddler beaten to death last year has been granted immunity from self-incrimination to testify against the man charged with killing her daughter.

Amanda Bortner is expected to take the stand against her boyfriend, Chad E. Evans, 30, who faces second-degree murder and felony assault charges in connection with the November 2000 death of 21-month-old Cassidy Bortner.

Bortner, 19, was in Strafford County Superior Court on Monday for a Richards Hearing to determine whether her testimony would jeopardize her Fifth Amendment privilege guarding against self-incrimination.



Chad E. Evans

The hearing was conducted before a judge and attorneys for both sides, but in the absence of a jury.

Judge Tina L. Nadeau subsequently ruled that if Bortner testified she could violate her Fifth Amendment rights.



Amanda Bortner

"The judge granted immunity and she (Bortner) will be testifying," Senior Assistant Attorney General N. William Delker said Wednesday.

Delker explained that immunity in this sense does not mean Bortner cannot be charged with a crime in relation to her daughter's death. The immunity provision relates specifically to her testimony in the Evans trial.

"Nothing she says during the trial can be used against her," Delker said.

Evans allegedly abused Cassidy by grabbing her face, arms and legs and throwing her against walls in his home, according to court documents.

Bortner and Evans agreed to lie about the source of Cassidy's injuries, according to statements Bortner made after the toddler's death.

Bortner and Evans lived together at his home on Milton Road in Rochester for about three months before Cassidy died.

Evans was charged in connection with Cassidy's death and released on \$100,000 corporate surety bail less than a week later.

Evans' bail was revoked in August after he and Bortner were found living together in Keene. The pair moved in together shortly after he was released on bail last year, according to court documents.

Evans is being held without bail at the Strafford County House of Corrections pending resolution of the case. Jury selection in the trial began Tuesday.

Since her daughter's death, Bortner has lived in both Texas and New Hampshire, with addresses in Keene, Weirs Beach and, most recently, Mile Hill Road in Belmont.

Earlier this month, Delker and Simon Brown, also of the New Hampshire attorney general's office, filed two endangering the welfare of a child charges against Bortner in Superior Court. The charges were brought forward after the state withdrew a deal for immunity from prosecution in return for her testimony against Evans.

The first charge alleges that between Aug. 1 and Nov. 8, 2000, "knowing of Evans' abuse, Bortner violated her duty of care or protection to Cassidy by failing to seek proper medical treatment for Cassidy's injuries and by failing to take steps to protect Cassidy from Evans' abuse."

The second charge states that between Nov. 8 and Nov. 9, 2000, the day the girl died, "knowing that Cassidy had sustained severe facial bruising and was ill, Bortner violated her duty of care or protection to Cassidy by failing to seek proper medical treatment for Cassidy's injuries."

The charge goes on to state that on the day Cassidy died Bortner drove to Kittery, Maine, and "without taking any steps to seek medical treatment ... dropped Cassidy off at the baby-sitter's residence."

Cassidy died later that day of injuries inflicted before Bortner left her in Kittery, the charge alleges.

At her arraignment two weeks ago, Bortner pleaded innocent to

both charges and was ordered held in lieu of \$5,000 bail. After two days at the Strafford County House of Corrections, Bortner posted bond and was released.

After Bortner was charged, her court-appointed attorney, Patricia Wiberg, told Foster's Daily Democrat she did not know why the state had withdrawn its offer of immunity for Bortner and that the woman was willing to cooperate. Brown and Delker did not comment on the reason for the state's decision to withdraw the offer of immunity from charges.

Bortner's trial on the misdemeanor charges is scheduled for March 18.

Evans' trial is expected to begin either Tuesday or Wednesday, once jury selection is complete. The trial is expected to last two weeks.