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CHAD EVANS
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DOVER NH 03820

DOVER, N.H., WEDNESDAY EVENING, DECEMBER 12, 2001

129th Year — No. 152

Many saw bruises before tot's death

Evans murder trial continues for seventh day today

By JENNIFER L. SAUNDERS
Democrat Staff Writer

DOVER — Witnesses in the Chad E. Evans murder trial all say they saw bruises on the child he allegedly abused, but that's where the agreement ends.

Tuesday marked the sixth day of testimony at Strafford County Superior Court as Senior Assistant Attorneys General N. William Delker and Simon Brown continued calling witnesses to the stand — many of whom are Evans' close friends.

Evans, 30, is charged with second-degree murder, two counts of first-degree assault and six counts of second-degree assault. The state alleges he abused 21-month-old Cassidy Caitlyn

Bortner for up to three months and inflicted the injuries that caused her death on Nov. 9, 2000.

His former wife, Tristan Evans, testified on Monday and again on Tuesday that was not the case.

Tristan Evans, who was called as a state's witness in the case based on her statements to police in the days after Cassidy's death, testified she never suspected her former husband of abusing the child — even though she called the New Hampshire Department of Health and Human Services to report bruises she saw on Cassidy's face and neck.

"I called on Chad because it was his

☆ **Saw bruises**

Please turn to Page 2

SENIOR
Assistant
Attorney
General Simon
Brown ques-
tions Tristan
Evans about
her police
report during
testimony at
Strafford
County
Superior Court
on Tuesday.

Craig Osborne/
Staff photographer



home where she was ... I also said I didn't believe he did it," she testified Tuesday morning.

Chad Evans and Cassidy's mother, 19-year-old Amanda Bortner, lived together at his 191 Milton Road home in Rochester for several months before the toddler's death. Although the divorce was not final at the time, Evans and his wife were legally separated.

Tristan Evans testified she was at the Rochester residence several times a week due to a custody arrangement for the son she and Evans share. She described Cassidy as being with-

drawn and slow from the first time she met her in mid-August, while most of the witnesses who have testified so far have said the toddler was happy, outgoing and energetic prior to living with her mother and Evans.

Throughout the first week of proceedings, the defense has maintained that Evans was not responsible for the injuries that killed Cassidy. While cross-examining the witnesses, defense attorneys Mark Sisti and Alan Cronheim have focused on particular details, time references and inconsistencies in police statements to allege that Cassidy's baby sitter, F. Jefferey Marshall, inflicted the abuse.

However, over the past two days' testimony, the defense has also begun to question witnesses about incidents where Bortner allegedly mistreated or neglected her daughter.

During his cross-examination of Tristan Evans on Monday afternoon, Cronheim asked her if she had ever witnessed Bortner's treatment of Cassidy. She related an incident when the 21-month-old was upstairs alone in her room crying at 4 p.m. and Bortner would not go up to get her.

When Brown asked her Tuesday morning during his redirect about her report to DHS about the bruises she saw on Cassidy, Tristan Evans confirmed hearing different stories from Evans and Bortner.

Bortner told her Cassidy fell down the stairs, while Evans related the trampoline story many of the witnesses have recalled.

On other occasions, Bortner and Evans told friends the handprint of bruises on Cassidy's face was the result of an incident

where she was jumping on the trampoline outside and he had to grab her by the face in midair to keep her from falling off.

When Brown asked her if she believed the trampoline story, Tristan Evans said she was concerned about Bortner and the baby-sitter bruising Cassidy, not about her estranged husband.

"I didn't believe it was a story. Falling down the stairs was a story ... I questioned him because she gave the wrong answer," Tristan Evans said, stating that falling down the stairs is a common excuse for bruises on children.

Brown asked Tristan Evans whether she had told Chad Evans after she had anonymously called the Division for Children, Youth and Families on Oct. 31, 2000, "If I see a bruise on (their son), I'll kill you." Tristan Evans confirmed that she said that, but testified it was not because she believed Evans had caused Cassidy's bruises.

Later in the day the state called Travis Hunt, Chad Evans' housemate, who recalled seeing bruises on Cassidy many times.

Under cross-examination, Cronheim asked Hunt if he ever saw Evans or Bortner put the 21-month-old in her room to discipline her and he said he did.

He told the jury Evans would go upstairs to get Cassidy after she was punished but "Amanda put a stop on the door handle so she (Cassidy) couldn't get out." Hunt testified Bortner would leave the toddler alone and locked in her room for unspecified amounts of time.

Hunt, who still rents a basement room in the Milton Road house, testified he never saw Evans abuse Cassidy. He said he could remember seeing the child about twice a week. He recalled witnessing the child trip without putting her arms out to break her fall.

Hunt, like Tristan Evans, testified that Cassidy was slower than most toddlers. He recalled

little slow, I thought. She was quiet, not a typical one-and-a-half year old," Hunt said.

On the night of Nov. 8, 2000, Hunt testified that he was home for about an hour between 7:45 p.m. and 8:45 p.m. and that Evans was giving Cassidy a bath. He recalled seeing a dark bruise from her nose to the corner of her eye, and that Evans told him his 3-year-old son had hit a wiffle ball into Cassidy's eye.

Hunt testified he then went into the boy's room and pitched balls with him and the boy hit several wiffle balls with a plastic yellow bat.

Although she was usually slow, Hunt testified that Cassidy was "chipper" while Evans was giving her the bath. He said he could not see all of Cassidy's body, but did notice bruises on her shin, fading bruises on her face and the mark around her eye.

Cronheim later asked Hunt about seeing autopsy photographs of Cassidy during police questioning — photographs that depicted the bruises all over the toddler's face and body.

Hunt said it was completely different from what he witnessed on Nov. 8, 2000, and that if he had seen those bruises, he "would have called the police."

Under redirect, Brown asked Hunt who was home with Cassidy when he went to visit his friend Irene Ricci in Gonic on Nov. 8, 2000. Hunt confirmed that Evans was alone with Cassidy and his son, and that he did not know when Bortner returned to the house.

The final witness called to stand Tuesday afternoon was Maine State Police Detective Herb Leighton, who is a crime scene investigator specializing in reconstruction and blood stain pattern analysis.

Leighton testified to examining Marshall's apartment at 51 Rogers Road in Kittery, Maine, where Bortner brought Cassidy on the morning of her death.

ing.

Leighton described the condition of the residence when he arrived at about 9 p.m. on Nov. 9, 2000, and the evidence he took before releasing the apartment back to Marshall about midnight.

He testified to finding blood on a yellow paper wrapper. Marshall testified earlier in the trial he used the hamburger wrapper to try to clear Cassidy's mouth when he found her unresponsive.

Leighton also testified to Sisti under cross-examination that there was blood on the sheets from the bed where Cassidy was placed after Bortner arrived and those sheets were sent to the crime lab for analysis.

He described searching for protrusions on the floor that might have caused the pin-prick marks on Cassidy's feet.

Sisti focused on Cassidy's pajama pants, which were found on the bed when Leighton arrived at the scene. Marshall testified last week to calling his girlfriend for advice and attempting to revive Cassidy before police arrived on the scene. However, Sisti told Leighton, neither Bortner, Conley or Marshall had offered a reason why those bottoms were not on the child when police arrived.

Sisti also pressed Leighton about the release of the scene back to Marshall prior to completion of the autopsy on Cassidy's body.

In New Hampshire, Sisti recalled, a potential crime scene remains barred from access until the autopsy is complete.

Leighton responded that in Maine the medical examiner must only clear the scene if the body of the deceased is still present at the location when police arrive.

In Cassidy's case, the child had been transported by ambulance from Kittery to York Hospital where she was official-

grandparents' home to live with Bortner and Evans. Sisti described seeing bruises on Cassidy's face and said Bortner gave her two different excuses for the marks.

Gagne also recalled seeing Bortner after Cassidy's death and though she stated she believed Bortner told her Cassidy had died the day before, she testified the two were together the day before the child's funeral in Buckfield, Maine. Cassidy died on Nov. 10, 2000, and the funeral was held on Nov. 18, 2000.

Throughout the proceedings, the defense has focused on testing the credibility of state witnesses who recall Bortner attributing her daughter's bruises to Evans. The defense has also tried to show that those witnesses who support Evans were not pressured by the defendant to do so.

Following their testimony, most of the state's witnesses have walked from the witness stand out of the courtroom to return and sit with Evans' parents, family and friends. The 10 non-law enforcement witnesses the state called between Monday and Tuesday, a total of five of them — Tristan Evans, Vanessa Mansson, Travis Hunt, Irene Ricci and Jeremy Hintikka — gathered with Evans' supporters in the courtroom area outside in the lobby.

Bortner, too, was in court Tuesday. Although she did not enter the courtroom, she was surrounded by Evans' family and friends in the lobby and waited there for them through the proceedings.

At one point during the day, however, it was brought to the court's attention by a deputy that some type of altercation happened between unspecified individuals on opposing sides of the case.

Judge Tina Nadeau said that while the nature of the case is an emotional one, out of respect

Foster's Daily Democrat

(USPS 206-980)
Established June 18, 1873
Dover, NH 03820. Published daily and Sundays except Christmas and New Year's Day by Foster's Daily Democrat, a subsidiary of George J. Foster & Co., Inc., 333 Central Avenue, Dover, N.H. 03820.

Periodicals postage paid at Dover, N.H.
Postmaster: Send address changes to Foster's Daily Democrat, 333 Central Avenue, Dover, N.H. 03820.
SUBSCRIPTIONS:
Carer Home Delivered, \$3.25 weekly; Motor Route Delivery, \$14.00 monthly; Single copy, \$5.00. \$1.75 Sunday.

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