

Evans juror is dismissed

Judge says deliberations in murder trial will start over

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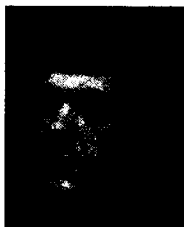
DOVER — After a day and a half of deliberations, one juror was dismissed this morning from the Chad E. Evans murder trial and an alternate was seated. The jury was then instructed to begin considering the case again from step one.

Judge Tina L. Nadeau told the jury the individual had been excused for personal reasons unrelated to the case.

Throughout the trial and the deliberative process, family and friends of Evans and of F. Jefferey Marshall — the man Evans' attorneys say killed 21-month-old Cassidy Bortner — have returned daily to Strafford County Superior Court.

Kassidy's mother, 19-year-old Amanda Bortner, lived with Evans at his 191 Milton Road home in Rochester for about three months before her daughter's death on Nov. 9, 2000. Marshall, who lives with Cassidy's aunt, Jennifer Conley, in Kittery, Maine, baby-sat for the child as a favor to Bortner and Evans.

Evans, 30, was charged Nov. 16, 2000, in connection with the toddler's death and indicted by a Strafford County grand jury a few weeks later on charges of second-degree



**CHAD
EVANS**

☆ ***Dismissed***

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Dismissed

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murder, first- and second-degree assault, simple assault and endangering the welfare of a child. An indictment is not an indication of guilt. Rather, it means a grand jury has determined there is enough evidence to warrant a trial.

Throughout nine days of testimony and during closing arguments Tuesday morning, the defense maintained it was not Evans but Marshall who inflicted the blows on Nov. 8 and 9, 2000, that ultimately caused Kassidy's death.

Evans is represented by attorneys Mark Sisti and Alan Cronheim.

The state disputed the defense's theory during closing arguments, calling the testimony of several witnesses and Maine Chief Medical Examiner Margaret Greenwald clear evidence of Evans' guilt.

Greenwald had testified earlier in the trial that Kassidy suffered from battered child syndrome, citing such factors as extensive bruising and injuries, lack of medical treatment and implausible excuses that are characteristic of such cases.

Senior Assistant Attorneys General Simon Brown and N. William Delker have been prosecuting the case.

Bortner has been charged with endangering the welfare of a child in connection with her daughter's death. She is scheduled to stand trial at Strafford County Superior Court in March.

Throughout Evans' trial, both the state's attorneys and the defense have asked the jury to focus on the credibility of wit-

nesses when determining whether Evans is guilty or innocent.

Bortner and Marshall were among those at Strafford County Superior Court on Wednesday awaiting the verdict. Bortner, who testified on the witness stand that she still loves Evans and misses him, waited at court with Evans' ex-wife, family and friends throughout the day on Wednesday.

Marshall sat with his mother, stepfather and friends. Marshall testified during the trial that he never abused Kassidy and only wants the truth to come out.

Before the jurors retired to the jury room for deliberations at 1 p.m. on Tuesday, Judge Tina L. Nadeau read specific instructions as to what the state must have proven in order for the jury to return guilty verdicts. She told the jurors it is up to them to decide which witnesses were credible, how much testimony they believe and what the evidence proves or does not prove. Evidentiary materials, including all of the photographs entered as exhibits in the case, were provided to the jury for review during the deliberative process.

The jury deliberated for three hours on Tuesday and returned by 9 a.m. Wednesday to continue. The jury has asked two legal questions, which Nadeau and the attorneys have reviewed in judge's quarters and answered privately.

Following a total of 10 hours of deliberations on Tuesday and Wednesday, the jury departed at 4 p.m.

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