

Jury continues to deliberate

If no verdict today, jurors will meet again next week

By JENNIFER L. SAUNDERS
Democrat Staff Writer

DOVER — The modified jury in the Chad E. Evans murder trial returned to court this morning to continue deliberating after more than five hours of work on Thursday.

The jury's configuration changed Thursday morning when one female juror had to be excused for unspecified personal reasons. A male alternate was seated in her place.

"When such a substitution occurs the jury must begin its deliberation over again," said Strafford County Superior Court Judge Tina L. Nadeau.

The alternates are unable to remain in the jury room during deliberations

as the legal system calls for a unanimous verdict rendered by 12 of the defendant's peers. If an alternate should be called back to serve, Nadeau explained Thursday, the deliberations must begin anew to allow all 12 to discuss the issues and hear the opinions and insights of the newest juror.

If state law allowed for the alternates to sit in on the earlier deliberations, they would only do so as observers. State law requires all of the 12 jurors deciding the outcome of a case to be active participants in the deliberation process.

The six women and six men who make up the new version of the jury agreed Thursday morning to start over where they first began — 10 hours of

deliberation earlier. If a verdict is not reached today, the jury will return to deliberate next week.

Evans, 30, faces 10 charges, including second-degree murder, in connection with the Nov. 9, 2000, death of Cassidy Caitlyn Bortner. Cassidy, who was 21 months old at the time of her death, was the daughter of Evans' girlfriend, Amanda Bortner.

Bortner, 19, lived with Evans at his 191 Milton Road residence in Rochester for about three months before her daughter's death.

Evans is charged with one count of first-degree assault for allegedly frac-

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Craig Osborne/Staff photograph
CHAD EVANS, seated, waits as attorneys enter the courtroom for a hearing on Thursday morning.

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turing Cassidy's left leg, six counts of second-degree assault alleging he grabbed and bruised the toddler's face and one count of endangering the welfare of a child. He also faces one count of simple assault for allegedly placing his hands on Bortner's neck.

Bortner faces two counts of endangering the welfare of a child alleging she denied Cassidy medical treatment and failed to protect her from Evans' abuse.

Throughout Evans' trial proceedings, 15 jurors — seven men

and eight women — were in the courtroom taking notes and listening to the testimony. After closing arguments on Tuesday, however, Nadeau chose three jurors at random as alternates. The alternates were excused from court with strict instructions not to follow any media accounts of the trial or to discuss it with their families until a verdict had been rendered.

The reason, Nadeau told the jurors on Tuesday, is that often unforeseen circumstances arise that require a juror to be

excused and an alternate to be called in to take that juror's place.

"Treat the case as if you just received it today," Nadeau told the jurors Thursday morning.

Evans faces up to life in prison if convicted on the second-degree murder charge. He is currently being held at Strafford County House of Corrections after violating his bail by living with Bortner for about nine months after he was charged in connection with Cassidy's death.

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Commission approval in September.

"This transaction is an important step in the redefinition of Textron's portfolio," said Textron Chairman, President and Chief Executive Officer Lewis B. Campbell. "We are pleased to be moving forward with this and other important strategic initiatives to take out costs, leverage enterprise-wide strengths, and focus on return on invested capital and cash flow in order to build value for shareholders."

As part of the agreement, Textron will also retain a 50 percent interest in an Italian joint venture, which it will then will have the right to sell to Collins & Aikman for \$23.1 million at a future date, according to a release.

Textron intends to repurchase shares and reduce debt by about \$700 million consistent with its current debt ratings, a news release stated.

"The agreement also includes a provision that enti-

ties Textron to an additional cash payment of up to \$125 million to be calculated based on Collins & Aikman's operating results for the five-year period ending 2006," the release said. The Farmington plant employs about 700 people.

Textron also has a Dover tooling and equipment operation involved in the sale, which employs about 66.

Collins & Aikman Products Co. is a subsidiary of Collins & Aikman Corp., which had annualized sales exceeding \$2 billion, works with automotive floor and acoustic systems