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AG may appeal Evans sentence

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DOVER — Prosecutors are considering appealing the 28 years to life in prison sentence of a former Rochester man who beat his girlfriend's daughter to death in November 2000.

Senior Assistant Attorneys General N. William Delker and Simon Brown, who prosecuted the case against Chad E. Evans, have maintained since Evans' sentencing on Tuesday that 28 years to life in prison is not enough.

"We don't believe that sentence was in line with the magnitude of the crime," Delker said.

Evans, 30, was convicted in December of second-degree murder and multiple counts of assault in connection with the beating death of 21-month-old Cassidy Bortner.

Kassidy and her mother, 20-year-old Amanda Bortner, lived with Evans at his 191 Milton Road residence in Rochester for several months before the toddler's death.

Delker said Thursday he and Brown are considering appealing the sentence to a panel of three Superior Court judges. The panel would have the choice of increasing or lowering the term of the sentence, or keeping it the same, Delker said.

"We are seriously reviewing that option," Delker said.

He explained that New Hampshire state law went into effect Jan. 1 to permit prosecutors to appeal sentences to a panel of judges. Previously, Delker said, that right had belonged only to defendants.

Evans' attorneys, Mark Sisti and Alan J. Cronheim, have indicated they are anticipating filing an appeal of Evans' conviction.

Both the state and the defense have 30 days from Evans' sentencing to file and appeal.

Delker said that because he and Brown are discussing having Evans' sentence reviewed, he could not comment on the

At Evans' sentencing hearing in Strafford County Superior Court on Tuesday, Brown asked Judge Tina Nadeau to impose a sentence of 60 years to life in prison.

"It's totally appropriate and fits the seriousness of the defendant's conduct," Senior Assistant Attorney General Simon Brown said during Evans' sentencing hearing on Tuesday.

Brown maintained a sentence of 60 years to life in prison would address what he described as the "totality" of Evans' abuse of Cassidy, citing the convictions on numerous counts of assault and for second-degree murder.

"Cassidy ... was less than two years old. Cassidy had a lifetime of potential ahead of her and it is potential that was never realized because of what the defendant did to her," Brown told the court on Tuesday.

Brown acknowledged presentencing findings on Evans' success as a businessman, his prior recognition as a hero for pulling three individuals from a burning vehicle after an accident and the long list of family and friends who stood by him through the trial and sentencing.

However, he said, the letters of praise for Evans' good qualities "make these crimes all the more inexplicable and senseless ... Chad Evans had none of the disadvantages often seen before the criminal justice system. There are absolutely no mitigating circumstances at all."

Describing Evans as a "Jekyll and Hyde" personality, Brown stressed that even a past domestic assault conviction, 26 sessions of batterer's counseling and a support network of family and friends did not curb his abuse of Cassidy.

The defense disagreed. Sisti and Cronheim maintained that Evans' support from family and friends and his success as a businessman are indicative of his ability to be a contributing member of society.

Brown maintained that Evans' rehabilitation is the least important factor in terms of sentencing in this case.

"The defendant never applied anything he learned in batterer's counseling ... not once did he assess what he was doing. He chose the most vulnerable victim," he said during the hearing.

In imposing the 28 years to life sentence, Nadeau cited the range of past sentences on second-degree murder charges. She also stated that according to the New Hampshire constitution, rehabilitation is a primary function of the sentence to be imposed.

"Words can only diminish the depth of pain and sadness felt by

Neither Cronheim nor Sisti could be reached for comment on the status of any appeal as of late morning Thursday.

Steve Carlisle, a Department of Corrections official, recommended 45 year to life in prison after completing a presentencing investigation of Evans.

During the sentencing hearing, the defense requested Nadeau consider an unspecified prison term for Evans that would be less than Carlisle's recommendation.