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AG appeals Evans decision in murder of Rochester toddler

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DOVER — Prosecutors are appealing the sentence of convicted murderer Chad E. Evans, who was ordered to serve 28 years to life in prison for beating to death his girlfriend's 21-month-old daughter.

"We did file a request for sentence review on Friday afternoon," Senior Assistant Attorney General N. William Delker said this morning.

Evans, 30, was convicted in December of second-degree murder and multiple assault charges in connection with the death of Kassidy Bortner in November 2000.



Chad Evans

Kassidy and her mother, 20-year-old Amanda Bortner, lived with Evans at his home on Million Road in Rochester for several months before she died at a baby-sitter's home in Kittery, Maine. An autopsy determined she had suffered blunt-force injuries.

The appeal of Evans' sentence will go before a panel of three Superior Court judges. They can increase, decrease or maintain the sentence handed down Tuesday by Strafford County Superior Court Judge Tina Nadeau.

Delker explained that a state law went into effect Jan. 1 to permit prosecutors to appeal sentences. Previously, Delker said, that right belonged only to defendants.

Evans' defense attorneys, Mark Sisti and Alan Cronheim, have indicated they will appeal his conviction. Neither defense attorney could be reached this morning for comment.

At Evans' sentencing last week, the attorney general's office requested that he serve 60 years to life in prison. A presentence investigation conducted by the Department of Corrections recommended a sentence of 45 years to life.

Department of Corrections' recommendation.

When Nadeau ordered the sentence of 28 years to life, she 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.

Delker would not comment this morning on the arguments his office will use in seeking to lengthen Evans' sentence. But during last week's sentencing hearing, Delker and Senior Assistant Attorney General Simon Brown said Evans deserved longer because of the "totality" of the abuse and because he allowed Cassidy to suffer without medical attention.

Amanda Bortner, Cassidy's mother, has been charged with two misdemeanor counts of endangering the welfare of a child, alleging that she failed to protect the child from Evans' abuse.

She is scheduled to stand trial in June, but court documents indicate she may be considering a guilty plea.