

Tuesday, June 11, 2002

 [E-mail This](#)



Amanda Bortner in Strafford County Superior Court on Monday. Foster's Daily Democrat staff photo - Craig Osborne

Amanda Bortner to stand trial on endangerment charges

Lawyer says she's grieving over slain child

By JENNIFER L. SAUNDERS

Democrat Staff Writer

DOVER — Amanda Bortner was on the verge of pleading guilty Monday to charges she failed to protect her daughter from the abuse that caused her death, but her attorney maintains she is innocent.

"She's innocent and the circumstances surrounding Cassidy's death are not related to Amanda ... I think she feels a lot's been said and she feels a trial will be a chance to speak on Cassidy's behalf and also on her own," Patricia Wiberg, Bortner's court-appointed counsel, said Monday afternoon.

Wiberg was with Bortner at Strafford County Superior Court for what had been scheduled as a plea and sentencing hearing on two misdemeanor counts of endangering the welfare of a child. Moments before the hearing began, Bortner, 20, indicated she had changed her mind and would be seeking a trial.

Kassidy Caitlyn Bortner died on Nov. 9, 2000 from blunt force injuries to her head and abdomen. She was 21 months old at the time of her death.

Bortner's boyfriend, 30-year-old Chad E. Evans, was convicted in December of second-degree murder and multiple counts of assault in connection with Kassidy's death. Bortner and Evans had lived together at his 191 Milton Road residence in Rochester for about three months before Kassidy succumbed to what prosecutors have described as at least two months of abuse at Evans' hands.

Bortner showed no emotion during the plea hearing and did not speak except through her attorney.

"She's grieving. This is a very young woman who has lost her child. She's trying to get her life back on track," Wiberg said after the hearing.

David Ruoff of the New Hampshire Attorney General's office, had a different perspective.

"I find it difficult to have sympathy for someone who claims as a mitigating factor the fruits of their own crime," Ruoff said, equating Bortner's "grief" over Kassidy's death to someone who kills both parents and then seeks sympathy "because he is an orphan."

During Evans' trial, Bortner acknowledged seeing Evans grab her daughter by the face with enough force to leave bruises. She also testified he "roughly placed Kassidy in the corner, but stopped short of statements she made to police officers indicating he threw the child into the walls of the house."

In a videotaped interview with detectives played during Evans' trial, he described Bortner as hitting Kassidy and calling her derogatory names while she was home with her for extended periods of time.

The charges pending against Bortner allege she failed to protect Kassidy from Evans' abuse and violated a duty of care to Kassidy on the day the toddler died. According to court documents, Bortner drove the dying child from Rochester to the Kittery, Maine, home of her sister, Jennifer Bortner-Conley, and then went to work.

Bortner-Conley and her boyfriend, F. Jefferey Marshall, were among those in the courtroom on Monday who were prepared to offer impact statements on Kassidy's behalf at Bortner's sentencing.

"The family has asked me to say they're very disappointed. They had hope for closure today," Ruoff said after Bortner decided not to enter the guilty plea. Ruoff said the family, in this case, represents "everyone that was involved with Kassidy" in the months leading up to her death.

Prior to the hearing, Bortner remained outside the courtroom with Evans' parents and other family members who attended the proceedings.

Wiberg confirmed Monday that Bortner had intended to enter a "naked plea" to the charges, which means the state refused to offer her any negotiated plea agreement. When asked whether she thought Bortner had made the right decision in seeking a trial, Wiberg said that is "a decision only a client can make."

Marshall's mother, Janice Marshall, who attended Evans' trial and was back

court Monday for Bortner's hearing, said she is deeply troubled by Bortner's apparent lack of concern for Cassidy.

"I hope when it hits her and she has that big void in her life she'll realize it's because she failed as a mother by not seeking medical attention and protecting that child," Marshall said.

Bortner's trial is scheduled to begin Nov. 4 — almost two years to the day of her daughter's death and one year after Evans' murder trial began at Strafford County Superior Court.

Ruoff noted that if Bortner decides to enter a naked plea she may do so any time between now and the trial date.

"We're going to recommend, no matter what happens, two consecutive 12-month sentences," Ruoff said, which represents the maximum penalty Bortner could receive on the misdemeanor child endangerment charges.