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## AG seeks to revoke bail for Amanda Bortner

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DOVER — Based on her actions in recent weeks, the mother of a murdered 21-month-old girl may be heading back to jail pending her child endangerment trial in November.

David Ruoff of the New Hampshire attorney general's office, who is prosecuting the case against Amanda Bortner, confirmed Monday afternoon that he will file a motion to have her bail revoked.

The motion is based in part on Bortner's arrest Aug. 29 in Epping on a charge of transporting alcohol by a minor. She is 20 years old.

In addition, Ruoff noted, "two times in the past three weeks she has failed to report to the Department of Corrections as required."

Ruoff requests revocation of Bortner's \$5,000 cash bail. If a Strafford County Superior Court judge grants the motion, Bortner would be remanded to the custody of the Strafford County House of Corrections through her trial in November.

Bortner was charged with two misdemeanor counts of endangering the welfare of a child in connection with the November 2000 murder of her daughter, Kassidy Caitlyn Bortner.

Bortner's boyfriend, Chad E. Evans, 30, was convicted in December of second-degree murder and multiple counts of assault for the abuse that ultimately led to the toddler's death. He is serving a sentence of 28 years to life in prison.

Bortner, whose current address is listed as Evans' residence at 191 Milton Road in Rochester, spent a night in jail and was released on \$5,000 bail with conditions, including one that states "the defendant shall not commit a crime during the period of his/her release."

Ruoff said in addition to filing a motion requesting revocation of Bortner's bail, he will file a second motion seeking additional conditions of release should a judge not revoke her bail.

Those conditions, if approved, would impose a curfew and prohibit the possession of alcohol and contact with convicted felons.

On the night Bortner was arrested in Epping, Ruoff explained, "of the three passengers in her car, two were convicted felons." One was convicted of armed robbery and the other of burglary, he said.

The charges of endangering the welfare of a child pending against Bortner allege she violated a duty of care to Cassidy by failing to protect her from Evans' abuse. The charges also cite Bortner's conduct in the hours before Cassidy's death.

Bortner and Cassidy began living with Evans at the Milton Road residence during the summer of 2000 and, according to testimony during Evans' trial, he began abusing the child early in their relationship.

It was at the residence that Cassidy sustained the blunt-force injuries to her head during the evening hours of Nov. 8 or early morning of Nov. 9, 2000, that caused her death, according to testimony at the trial.

Bortner left the residence with Cassidy about 8 that morning and drove her to the Kittery, Maine, home of her sister. Bortner testified that neither she nor Evans sought medical attention for the child, but had discussed taking her to a doctor once her bruises faded. Cassidy was pronounced dead at York Hospital early that afternoon.

Evans had also been free on bail pending his trial. In August 2001, however, his bail was revoked after he and Bortner violated a no-contact order by living together for several months.

Following Evans' sentencing in the spring, Bortner was scheduled to enter a "naked plea," which means prosecutors refused to offer a plea agreement on the child endangerment charges. However, at the start of those proceedings June 10, Bortner decided instead to request a jury trial.

Following Bortner's change of heart in June, her attorney, Patricia O. Wiberg of Dover, described her as "grieving" for Cassidy and "trying to get her life back on track." She said that the circumstances surrounding Cassidy's death are not related to Bortner.

Bortner waived her right to a speedy trial at her hearing in June, and jury selection is scheduled to begin Nov. 4 in Strafford County Superior Court.

If Bortner decides again to enter a naked plea, she may do so at any time prior to the trial date. Ruoff has maintained that the state will recommend the maximum penalty of two consecutive one-year sentences in jail.

Transporting alcohol by a minor is a violation punishable by a 60-day license suspension and/or fines. Bortner is scheduled to be arraigned Oct. 4 in District Court.

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