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Bortner gets jail time: Slain tot's mom behind bars after bail violations

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DOVER — A local mother convicted of failing to prevent the abuse that led to her daughter's death is in jail after violating her bail conditions.

Amanda Bortner, 20, appeared at Strafford County Superior Court Monday afternoon with her court-appointed counsel, Patricia Wiberg. Bortner did not contest Assistant Attorney General David Ruoff's assertion that she violated her bail conditions by continuing to have phone contact with Chad E. Evans, the man who beat her daughter to death in November 2000.



Amanda Bortner

The state based its request for bail revocation on its documentation of more than 26 hours of phone conversations between Bortner and Evans.

Evans, 31, was convicted almost exactly one year ago on second degree murder and multiple assault charges for abusing and ultimately killing Cassidy Caitlyn Bortner. He has been behind bars at New Hampshire State Prison since his sentencing in April.

"It's a violation of his sentence, your honor, and a violation of her bail conditions," Ruoff said at the start of the hearing. Ruoff stood before Judge Tina L. Nadeau and held up one of a stack of 10 compact disc recordings of Bortner and Evans' conversations.

Bortner was convicted last month on two misdemeanor counts of endangering the welfare of a child for failing to protect Cassidy, but was released on bail pending her Jan. 3 sentencing. Her release on bail included a condition that she have no contact — direct or indirect — with Evans.

Ruoff explained that the conversations came to his attention after New Hampshire State Police Sgt. James White asked authorities about Evans' phone contacts while researching a case at the prison earlier this month.

Ruoff noted that the compact discs represent a portion of the more than 26 hours of phone conversations Bortner and Evans had between Aug. 6 and Dec. 12, 2002 — conversations that his family members and ex-wife helped to facilitate. All calls from the New Hampshire State Prison are recorded.

Ruoff noted that in the three days since he filed the bail revocation motion at

Strafford County Superior Court, Bortner and Evans continued to have phone contact — speaking for 59 minutes on Saturday, 59 minutes on Sunday and 59 minutes Monday morning, a few hours before the hearing.

Based on the recorded conversations, Ruoff said, "there is no doubt that any future contact should be precluded... I would characterize this relationship as dangerous."

He said that the contact may create issues in future court proceedings, as witness testimony and evidentiary issues were discussed during some of the conversations. Evans is appealing his conviction.

Just before Nadeau ruled in favor of the state's bail revocation motion, Bortner read a short statement apologizing for violating the court's order. She accused the state of knowing about her phone contact with Evans earlier, and asked why she wasn't put in jail back in August.

"Kassidy was gone. Chad was gone. My family was gone," she said, adding that when she talked to Evans "he gave me a sense of peace" and helped her to focus her thoughts on being a good Christian.

Following the hearing, Ruoff said that while he could not comment specifically about the information in the conversations, "the statement that she read in court is contrary to what is on those tapes."

Members of Evans' family and a family friend attended the proceedings and expressed their support for Bortner as she was led from the courtroom in handcuffs. She will be held at Strafford County House of Corrections until her sentencing on Jan. 3.

In addition to seeking revocation of Bortner's bail, Ruoff had asked Nadeau to preclude further contact between Bortner and members of the Evans family.

Wiberg asked for that portion of the bail revocation motion not to be granted, describing the Evans family as Bortner's only support. Nadeau agreed to allow visits from the Evans family while Bortner is incarcerated, but said she would revisit the state's motion if she learns that Bortner is using the family to contact Evans himself.

The court will also schedule a hearing on Ruoff's request to have Bortner's \$5,000 cash bail forfeited to the state. Bortner's attorney had asked for a surety hearing because the bail money was provided by Bortner's Lakes Region area church. However, as the money was given directly to Bortner to post, Nadeau said in court that it is likely it will be forfeited to the state.

After Bortner was escorted from the courthouse, a friend of the Evans family read a statement in the lobby criticizing the state for seeking to revoke Bortner's bail. She said the family continues to support Evans and that he is innocent. She also alleged the state filed the motion because Bortner is expected to be featured on an upcoming episode of The John Walsh Show.

Ruoff said the allegations are false, and added the state did not learn about The John Walsh Show until he and White heard Evans discuss the program — and other television shows where she might make an appearance — in one of the recorded conversations.

"There was no way I could discover a bail violation of this magnitude and not do anything about it," Ruoff said.

F. Jefferey Marshall, who was baby-sitting Kassidy in the hours before her death, attended the hearing along with his parents. Marshall and his girlfriend, Jennifer Bortner-Conley, would baby-sit Kassidy for Bortner and Evans. Although Bortner admitted to police and in Evans' trial that she witnessed her boyfriend Evans abusing her daughter on multiple occasions, she — and Evans' defense team — alleged that it was Marshall who actually killed the toddler.

"She got what she deserved today," Marshall said of Bortner's bail revocation.

His mother, Janis Marshall, agreed.

"This is justice, and hopefully Kassidy will have a more peaceful rest over this holiday," she said.

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