

Former Keene man loses appeal

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The N.H. Supreme Court has ruled against a former Keene man convicted in December 2001 of killing his girlfriend's daughter.

Chad E. Evans, a former Keene Board of Education member, lost his appeal of his second-degree murder conviction in the death of 21-month-old Cassidy Bortner. The decision was made public this morning.

Throughout Evans' trial, the defense contended Jeffrey Marshall, Cassidy's babysitter, was responsible for her death. Evans appealed the Strafford County Superior Court conviction, saying that possibility hadn't adequately been ruled out. The Supreme Court disagreed.

"Viewing all of the evidence in

the light most favorable to the State, we hold it was sufficient for the jury to exclude all rational conclusions except that the defendant was guilty," Chief Justice David A. Brock wrote in the decision.

Kassidy and her mother, 19-year-old Amanda Bortner, lived with Evans, 30, at his Rochester house for about three months before the toddler's death on Nov. 9, 2000.

Evans was sentenced last year to 28 years to life in prison. Prosecutors plan to ask for a stiffer sentence.

Kassidy died after being rushed to the hospital from Marshall's house in Kittery, Maine, where she was being babysat. Marshall and Cassidy's aunt, Jennifer Bortner Conley, had been living together for several years.

Evans also argued that the

Strafford County Judge Tina L. Nadeau gave the jury improper instructions concerning deceit by witnesses and that the court improperly allowed hearsay statements regarding comments made by Amanda Bortner. In both cases, Brock, joined by judges Linda S. Dalianis and James E. Duggan, disagreed.

Earlier this month, the court ruled in favor of the state's appeal of a Sentence Review Board decision that had prohibited the state from seeking longer sentences in Evans's case and two others. A law passed in 2001 allows the state to appeal sentences. Senior Assistant N.H. Attorney General N. William Delker told The Associated Press he will seek to lengthen Evans' sentence to 60 years to life.

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