

Transcript of Interview 1 about the Chad Evans case on Dick Patten's "Around Town" on Concord, New Hampshire Community Television (www.yourconcordtv.org)

[post interview corrections are in brackets]

Recorded on August 2, 2011. Transcribed by Morrison Bonpasse on September 15, 2011.

Dick Patten (DP)

Morrison Bonpasse (MB)

Becky Boudreau (BB)

DP Welcome to "Around Town" speaking of what's happening in the Greater Concord area. I'm your host, Dick Patten. It's a pleasure to welcome you back. Yes, here we are in the dog days of summer are here. It's August. It's back to school. Football is now back on the horizon. Trying to think of what else we can think of August. I can tell you. It's marching toward Labor Day. Of course, I'm getting ready for the college football season. That's what I'm counting down. Tonight we're here for a different type of a show.

It's about a gentleman, a young man who is currently serving time up here in Concord, at the prison.

I first saw this on Channel 9, myself. I saw a report on it. Since then, I've become a little bit...I've been learning a little bit about the case. Talking with some people, some of his family.

A good friend of his has been doing a lot of legwork about maybe getting him a new retrial. Anyway, it's the Chad Evans case.

Tonight, with me is Morrison Bonpasse, and Becky Boudreau, who used to work with him, with Chad over in the Keene area at one time. We're here to talk about the Chad Evans case. Chad, of course, is a young man.

You want to start in a little bit by telling a little bit about what happened.

It was involving a young girl. A lot of confusion with it.

MB Yes. The case was really... A lot of people know this as the Kassidy Bortner case. She was 21-months old. On November 9 of 2000, her mother, Amanda Bortner, took her to the babysitter's in Kittery, Maine, and four hours later, the babysitter made 12 [11] calls and the twelfth

[eleventh] call was to 911 and Kassidy was dead. Or was close to dying. The EMT's came and she was dead.

DP Oh, wow.

MB Several hours later, about seven hours later, the police told Chad that he was their primary suspect. He was living with Kassidy and her mother, Amanda Bortner, in Rochester, New Hampshire.

DP Ok.

MB That's why he's in Concord State prison because he lived in Rochester. [and the alleged crimes were committed in New Hampshire] even though Kassidy died in Kittery, Maine.

He went to trial in December 2001, and was convicted of murder and five counts of second degree assault, for holding Kassidy's face, which I'd like to talk about a little bit, and one count of simple assault against Amanda, for an argument they had the night before.

I wrote a book about the case, called EYE CONTACT. There's a picture of Kassidy and Chad. This is Chad in June after coming home from work. Amanda took that photo. 660 pages. I've come to the conclusion, as I've believed for twelve months now, that he was not guilty of murder, and not guilty of assault either. What he did was... the reason it's called "eye contact," is because he believed that in order to communicate successfully with children and with adults, you need to engage them in eye contact, like I'm trying to do with you right now, actually.

Sometimes when Kassidy would look to the side, he would hold her chin. He did that 12-13 times in October of 2000.

Sometimes Kassidy would look aside, and sometimes he held her chin too tightly, and caused some bruising.

They should have taken her to a doctor, to answer why she was bruising easily. Amanda told Chad that she bruised easily. Her mother bruised easily. Not a serious problem. So they didn't think it was a serious problem. Chad tried to remember not to hold Kassidy so tightly. He caused the bruising three or four times, two or three times.

A big problem that came up in this case is that some people saw these bruises, and other bruises. Chad and Amanda told people what's called the "trampoline story." The "trampoline story" is that Chad and Kassidy

were on the trampoline. Cassidy started to fall off, and he grabbed her...That's almost what happened in one case, but he didn't grab her by the chin. The eye contact story is actually as good. It would have been better.

But because he told the police that story they started to suspect him of lying. And it was a lie. It was the only lie that he told the police. But they took him to trial and they convicted him. He was sentenced to 28 years to life.

DP Oh, wow.

MB Then the Attorney General appealed the sentence, and he was given an additional 15 years. They did that by making a couple of the other sentences consecutive, instead of concurrent. So he's now in his eleventh year of prison for something he didn't do.

DP Now, Morrison, take the viewers back a little bit. Why did you get involved in this? How did you happen to hear about this? How come you have taken such a liking to it, such a major interest into this? You're not a lawyer, per se? What brought you into this?

MB Thank you. Actually, I am a lawyer. I'm retired, but I never practiced law, and I'm not his lawyer. That's very clear. I'm his advocate and I'm a licensed Private Investigator in Maine. I got involved when his father called me in December in 2010 [2009]. Chad, in the prison.... Chad reads a lot of newspapers. Probably people know that he sends copies of newspaper articles to everybody he knows. He had read a front page Boston Sunday Herald article about my other case, about a Federal crime he didn't commit. He asked his father to call me. I talked with his father for about a half hour. Then went on the Internet and found out a lot more about this case. Then, I went to see Chad in January, 2011 [2010]. I've been working for him ever since.

I am getting paid a less-than-minimum wage amount by his family, and the rest I'll get paid when Chad is exonerated. Let me be clear about that.

I think I'm a good man, but maybe I'm not that good. I cannot afford to do this without some money.

I am an advocate and friend. I consider him a very good friend. He's one of the best people I know.

That's how I got involved. I met people who knew Chad beforehand.
That's how I met Becky.

BB Actually, I worked with Chad in Rochester. You must have met Chad in [20]10, as we are now in [20]11.

DP So you didn't know him back in Keene, when he started work in McDonald's

BB No.

DP Just a little history about his background. He was born in Keene, New Hampshire.

MB Yes, Keene High School, class of 1990. A year later he ran for Keene's Board of Education and he won election to that board. And he was a loyal member on that board. Then he got a promotion to be the manager of the Rochester McDonald's. He moved to Rochester. Lived with a woman there and lived with her. No violence. That's where he met Becky, working at McDonald's.

BB The fall of 1993

DP Fall of '93. As an employee you felt that he was a very good person to work for. You have spoken of him very highly off camera that as a manager he was always looking out for his employees.

BB No problem. He was inspiring. Uplifting Very successful. When that news broke that he was being charged with murder. I never believed it. It wasn't the Chad I knew. It wasn't the Chad I know.

DP Did you get called to the court or the jury at all? the trial?

BB No.

DP That's kind of odd, isn't it? They didn't ask any of the employees that might have known him, as character witnesses at all?

BB There were some. His housemate was called. Another close employee, who was a housemate at the time, was called.

MB There's a real problem with the case, however, which you have raised which is that the people he knew were called as prosecution witnesses, to help support the prosecution case. The defense, however, didn't call any of those people.

The defense didn't call any witnesses except for one, who was Dr. Michael Baden, a very well known, nationally known forensic pathologist. They addressed only the murder charge. Dr. Baden told the jury that very likely she received blows while she was at the babysitter's. Chad was probably not the person who killed her. Unfortunately, the defense team chose to advise Chad not to testify on his own. So he did not testify at his trial. It was one of the biggest mistakes he made.

He was told this advice, "Look Chad, I think your best chance of winning this case is not to testify..."

He desperately wanted to return to his family and to his son, and he took their advice.

DP Sure.

MB Also, they didn't present any character witnesses. The jury knew nothing about, very little, about his background. You now know more about him than the jury knew.

DP Yes. I would think they would have had somebody, where there could set some background about who he was, and what kind of a person he was to work with. Certainly the fact that he was on the Keene School Board for a while. I just find it odd that they didn't do something to build his background up a little bit, to show that he was a man of stature there, that he had some good things about him.

MB Definitely. One thing I want you to know that the jury did not know. In 1996, He heard a crash, outside. He ran outside. There was a burning car. There were three men outside. He and his wife came out, and a neighbor came outside. He pulled three men out of a car. He saved their lives, at least one of their lives. He was given a "Hero" award by the Union Leader in 1997.

Governor Jeanne Shaheen handed him the award. We still have it. It's on the website. Incidentally, his website for his case is www.chadevanswronglyconvicted.org, or just Google, "Chad Evans" "New Hampshire." You'll find him.
So he was, very definitely, not the person the jury thought he was.

DP I'm really surprised. I would think that, maybe, Jeanne Shaheen herself, could be called in a little bit to back that up.

MB We will be approaching her. We wanted to get the book finished, and the website is now complete.

I called Senator Shaheen's office last week, to get the name of the staff person, who is responsible for judicial matters. She's a Federal, a U.S. senator, so she doesn't do casework for people in state prisons.

There is a federal Innocence Protection Act which assists states in correcting wrongful convictions.

I thought that Senator Shaheen's office should know that we have a real live case in New Hampshire where a wrongly convicted man is claiming innocence.

Our goal, by the way, Dick, is to persuade the Attorney General, Michael Delaney, and the New Hampshire state Medical Examiner, to reinvestigate the case.

We're not asking the state to open the door and let him out. We're asking him to re-examine it.

Look at this book, and see where the case went wrong. Either, if you still think there is something wrong with the case. If you still think that Chad did something wrong with what Chad did in those years, then give him a re-trial.

I guarantee that he would be found not guilty, if he was retried, if the judge even gave it to the jury.

He would testify. The jury would learn about what happened and would know what kind of a man he is.

Let me tell you something about Chad, which I learned, about a month after knowing him. He told me that he never spanked or hit his children, his children or Cassidy.

He never hit his children, or Cassidy. In fact when he was married to the mother of his son, she was the disciplinarian.

She would get annoyed with him because he would never spank his son, Kyle.

One story is that he would put his son in the corner for a minute, and he would feel so sorry for the kid, after 30 seconds, he would go let him out. He was kind hearted. He didn't like to discipline children. He wasn't trying to discipline Cassidy, either, when was holding her chin, per se. He wasn't trying to hurt her. He was trying to get her attention.

One of my favorite examples, when he would hold her chin. He told her, when the dog is eating or drinking, from his pots, "don't go near the dog. The dog might bite you."

He wasn't sure that she understood. "Look at me. I'm trying to explain to you." So, it wasn't always discipline that he held her chin. Sometimes he held her chin in order to make sure that she understood a message that was important for her safety. That's the kind of man he is.

DP I know, sitting here. Trying to learn a little bit about Chad. Now hearing all this, I mean, it makes me wonder. Why wasn't all this all brought up before? I'm not a legal expert, by any means, but gee...

MB That's a good question. It's been ten years. Chad was not a legal expert. He relied upon his attorneys. He didn't testify at his trial. There were appeals, but the appeals were not about his innocence. The appeals were about whether the jury instructions were correct.

The appeals were about whether evidence was admitted that shouldn't have been admitted, or vice versa. There was nothing about his innocence.

About three years afterwards, there was a case, the babysitter sued him for libel, for defamation.

Chad was advised not to say anything about the allegations that he abused Cassidy. He took the Fifth Amendment, and it would have been his opportunity to testify.

He played the legal game, as he was advised to do so.

Recently, he lost his appeal to the First Circuit Court of Appeals in Boston.

The issue was the fifteen year sentence. It had nothing about his innocence. The court just repeated the same false message that he killed the baby, and their issue was the sentence. It had nothing to do with his innocence.

Over ten years, and he really had never made the claim about his claim of innocence.

He was advised at his trial not to testify, as I mentioned, and not to talk with the media. His lawyers didn't talk with the media. The police, however, did talk with the media. And as did the prosecutors, not excessively, but...

Also, the newspapers had access to court papers, court documents, affidavits, which were one-sided documents. So newspaper stories would say, "Court documents say that he threw the child against the wall... He picked her up and abused her."

By the time the prosecutors took the case to the jury, they actually said that the child was in a "living hell."

Well, here is a photograph of Cassidy in Chad's kitchen.

This is not a child in a "living hell." This is a child with her Elmo slippers, smiling. This is in October of 2000. This photograph...

DP Can we get a closeup, Michael. This is of Cassidy. There you go.

MB The jury never saw this photograph, you see. Chad's lawyers never asked him for photographs.

This is a photograph of Chad and his son in June of 2000.

DP How about this one, Michael.

MB This photograph is his mother's favorite photograph of Chad and her grandson, Kyle. He's now thirteen years [14] old. He's been without a father at home for ten years. This is one of our favorite photographs. This is a photograph of Cassidy and Amanda. This is also a photograph the jury didn't know about or didn't see. This was taken two weeks before she died, on October 20th. Friday October 20th. The jury had no idea, that...

The jury was told that this child had been abused, and had abuses on her consistently between August 1 and the day she died. There she is, on October 20, which was 20 days before she died.

Looks pretty happy to me.

DP Becky, let's go back. I'm surprised.

They didn't come over to McDonald's and talk with any of you folks over there at all. To any of the employees he managed? And ask?

BB At the time this all went down, I wasn't employed at McDonald's. I know that, and I believe from talking with co-workers who are still there back in 2000. They were kind of on a "hush." "Let's not talk about this." There are people there, who still work there, who believe in Chad's innocence. I'm glad that Morrison came about.

DP Now, are you more or less handling his website at all. If people write in or call in, send in information. Are you answering correspondence for Chad?

BB I do run his Facebook.

DP You run his facebook page.

BB I print everything that comes in, I send it to Chad, so he can then correspond. I do what needs to be done.

DP Good. Do you get a lot of hits? A lot of interest?

BB Sometimes. It comes in phases. Sometimes you don't get anything for weeks at a time. Then it's a load a load. Friend requests. Sometimes messages are inspiring. I get a lot of memories from his old friends.

DP That's good. So basically, they still hold him in high esteem.

BB Absololutely.

DP It just interests me. As a side note to this case. I understand that the State Prison is going to allow the gentlemen up there, the people up there, to have access to phones now, and email and things.

BB Well, they do have access to phones.

DP But I mean, ...

MB Email.

DP That should help you in this case, if he can have access to go on there.

MB Yes. My other client is in federal prison and he has had access to email for three years. I email him every day, and sometimes twice a day. Communication with your client in prison is very, very important, and helpful.

DP He's a happy guy. He doesn't look like, he's you know...

MB This is his McDonald's uniform, you see. He came home. That was early in June. Amanda took that photograph of him. He was happy to be home. Happy to see Amanda. He was in love. Cassidy came to live with them in early July. Cassidy and Amanda lived with Chad in Rochester from July until November 9. Then this terrible tragedy happened. He made some mistakes. Police made several mistakes. His lawyers made several mistakes. It all combined to get into a Perfect Storm.

DP Oh yes.

MB In the rest of the country, there have been 272 exonerations of wrongly convicted people by the Innocence Project. They have been exonerated through DNA testing. There were many more not with DNA testing. New Hampshire has not had a case like this. We hope that New Hampshire will see that wrongful convictions happen here, too. It's the same legal system. The same mistakes. The same assumptions. One of the most frequent causes of wrongful convictions in this country is from the use of inmate informants. That's what happened in this case. This happened here, too. His testimony was stopped because he committed perjury on the stand. The jury never was able to hear a cross-examination. The jury only heard the inmate informant's testimony. Chad later confronted him, and said, "Why did you do this?" He said, "Well, I was trying to get favorable treatment for something in the prison." That's the classic reason why inmate informants are so unreliable. They want a favor from the police.

DP Yeah, sure. Stooge. This is sad. It just boggles my mind. To think that something could go on like this. I don't know.

MB I've sent this book. This is the only printed copy. 660 pages. It's online. The entire book is a .pdf file on the website. I've sent copies to the prosecutors. To the police, those who have email addresses, in Maine as well as in New Hampshire. And to newspapers, and to people, all the committee members. I've asked people, "Read this. Are there any errors? Let me know." This is version 1. Version 2 will be published next week, and we'll get maybe 20 or 30 copies printed. Some people will want printed copies, so we'll sell them for \$25.00. They'll be available on Kindle, on Nook, on e-book readers. Maybe on Amazon.

DP You mean. Version 2, there's another? You've 600 pages here?

MB I don't mean another book. It will be the same book.

DP You've really been writing.

MB You mention that. This is 660 pages. Version 2 will be 670 pages. After that was written, I found a copy of the Pre-Sentencing report, where the probation officers interviewed Chad. Interestingly enough, also on the website are 560 pages of Chad's letters to me over the past 18 months. They are just marvelous. You cannot read those letters and think that the person who wrote those letters could do anything harmful to any person, let alone a beautiful 21-month old child. I'm hopeful that people will read them. I've asked the police to give me feedback. Tell me where there are errors. Is there anything wrong with this story? I truly hope that some police will read it, and they will tell me. Then, we will do a version 3 and version 4 and we will get it as correct as we can.

DP Becky, we are coming down, getting close to the end, of first show. We're going to do two shows tonight. What are your thoughts? Where do you think this can go? Do you see this is something that could really open up for Chad and really be positive for him? Or do you think this is something stuffed on a desk somewhere. When somebody has nothing else to do, maybe take a peek at it? Hopefully, between now and 2020 look at it or something?

What can we do to get this thing moving? What are you trying to do, out there?

BB We talk about it constantly. We tell people about the website. We sell bracelets for fundraisers. We pass out cards to people on the street. Power is knowledge. [Knowledge is Power.] Chad's favorite saying. The more people hear about Chad, and the way he loved his family. The more they can disbelieve the state's theory that he was capable of this horrific crime. People again reach out every day.

MB We're approaching this as a national case. Facebook is worldwide. His website is worldwide. We'll be sending copies to all the legislators, 400 plus legislators. As I say, the Attorney General already has a copy. The prosecutors have copies. We will be asking Attorney General Delaney, as I say, to re-investigate the case. They can see, read the book, but also go back to the documents and interview people.

No prosecutor ever talked to Chad Evans.

The police interviewed him once, never asked to talk with him again. [except on the night of his arrest on Nov. 16, the police tried to talk with Chad without his attorney, even though the police knew he was represented by counsel. Chad declined to talk with the police without his attorney.]

They never asked him to take a polygraph.

Chad did last year, incidentally, last year he did take a lie detector test. All the questions are on the website.

No deception indicated.

He agreed to take a lie detector test. It was a voice-stress lie detector test.

The police asked Amanda, "Will Chad take a test?" But they never asked him to take a test. They kind of assumed that his lawyer would advise him not to take a test.

The babysitter was offered the chance to take such a test, and made an appointment scheduled and on the day of the test, he declined. Chad is telling the truth.

He deserves a second chance. We hoping that... around the country, the people will look at New Hampshire

And New Hampshire will do what's right. It's to do what's right, which is to re-investigate the case, and acknowledge

Our judicial system is a maybe better than most. But our system is not perfect.

DP Have you contacted any of the other jurors that were on this case? Have you thought about getting a petition among McDonald's employees under him, try and get some statements from them, which might say, "Please open that case up again?"
A rally-type thing to get this going?

BB There is a petition, on www.change.org. Called, "Petition to Re-Investigate the Chad Evans Case." To ask for a re-investigate That's linked to his website. I think the count is now at 331.

MB Three hundred thirty one. The goal is over 3,000, which is the number of days, I think he has been in prison.

BB Some employees there from ten years ago, that do wear purple bracelets and they do support Chad's innocence.

DP I just think the more you can get people to speak out against this injustice or whatever. That's my personal opinion. Just so they don't forget it.
You are going to be a constant reminder. You're going to be their... what do you call it, there's an old saying...

MB A squeaky wheel gets the grease.

DP Yes, I guess so.

MB In answer to your earlier question. There is little question in my mind. I'm absolutely convinced, that he will be released from prison. How long it will take... But it will be long before his sentence ends. There's no question in my mind.
A state with a motto, "Live Free or Die" should not have innocent people in prison.

DP That's right.

MB I'm quite confident that the good people of New Hampshire will persuade the Attorney General to re-investigate, and then either release him or give him a retrial and the jury will find him not guilty. I'm quite confident. That's it, on a shelf. Believe me. We will ask the people in New Hampshire, asking the national media, we're asking people around the world to sign this petition. We've got people from around the world signing this petition.

DP Morrison. We are going to take a break. We'll end the first show. We've been talking with Becky Boudreau who worked with Chad Evans, and of course we have Morrison Bonpasse here. We'll take a break, and come back to you with show number 2 regarding Chad Evans.