

Department of Justice
Jeffery Strelzin
Senior Assistant Attorney General
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September 25, 2012

Dear Mr. Strelzin,

Thank you for your letter of August 21, which responded to my request that you re-investigate my case. Thank you also for your extensive review of the case, even if you chose to recommend that there be no re-investigation. In this letter, I ask that you reconsider your conclusions and recommendation. Rather than ask for a reinvestigation, I ask at the end of this letter that you take only three specific steps in that direction.

I'll begin as I have begun several letters to you, Governor Lynch, Attorney General Delaney and others over the past three years. That is, I am an innocent man and was wrongly convicted in 2001 of crimes I did not commit. To be more precise by addressing each of the charges against me of which I was found guilty, I did not murder Kassidy Bortner. My physical contact with Kassidy was either playful or part of privileged parental caring and discipline and did not constitute Second Degree Assaults. It can certainly be said in retrospect that Amanda and I should have been more alert to Kassidy's bruising and physical decline, but I did not criminally endanger her. Addressing the final charge of which I was found guilty, it is true that I argued with Amanda on the night of November 8, 2000, and I did restrain her, but the incident was very quickly over, and we mutually apologized and went to bed together. Without all the other charges, no court would have ever considered that incident a criminal assault.

Below, I have identified and responded to 29 separate issues or fact statements from your letter. Your statements are presented in italic. If I have overlooked and not responded to any statement from your letter, or not responded sufficiently, please bring that to my attention. Several of the clearly legal issues will be addressed in my upcoming Motion for Habeas Corpus, a draft of which I understand has been sent to you.

1. Those facts supporting your conviction will not be repeated here, since they are outlined in State v. Evans, 150 N.H. 416 (2003).

I believe you are referring to what the New Hampshire Supreme court were facts "the jury could have found." The book, EYE CONTACT - The Mysterious Death in 2000 of Kassidy Bortner and the Wrongful Convictions of Chad Evans and Amanda Bortner, analyzed from pages 624-629 those 47 statements of fact and concluded that 16 were true, 10 were mostly true, 17 were mostly false and four were false. Many of the statements had nothing to do with "supporting" my conviction such as #1, "Amanda and the defendant began dating in June 2000," which was completely true. The specific date was June 2.

I cannot believe that the State of New Hampshire wants to continue to imprison its citizens where only 21% of the 47 statements which a "jury could have found" were 90-100% true, which was the definition in that section of EYE CONTACT of "TRUE."

2. You and your advocate have claimed that she gave what amounted to a "false confession" in this case. Based on my review, that claim is without merit.

This is a general and broad claim and would take many pages to support, as was done in EYE CONTACT. Noted here is Amanda's statement to Sgt. James White on August 21, 2001, as he reported, "Chad didn't do it. You twisted around everything I said." Generally, that is what happened.

Since 1989, 297 people have been exonerated by the Innocence Project and its affiliates, primarily through DNA testing. According to the Innocence Project, about 25% of those exonerees "made incriminating statements, delivered outright confessions or pled guilty." It should be no surprise that after the police convinced a grieving, teenage mother that her boyfriend abused and killed her daughter that she would make statements, and agree to others, which incriminated him.

Amanda's statement in her essay, "My Life Story," explained what happened,

I guess the reason I thought that Chad was responsible originally (besides the fact that they basically told me I was dumb and a bad mom because I let Chad kill her was that I had seen him get mad and lose his temper with her. When I think about it now though I could not think straight. I mean really what were they thinking My little baby had just died and they wouldn't leave me alone. I could not even see straight. Everything was a blur to me then and is a blur to me now and I guess one of the reasons that I decided to write this was because I do know that I said some things that were not true about Chad. When I say that I saw him get mad and lose his temper that is true. But when I think about it. He never hit her or anything. He would just yell and try to get her attention. Also they took me saying he put her in the corner, to throwing her into walls. I don't really know how it turned into that, but it did, and I guess it's my job to fix that.

This document was discussed with Judge Nadeau on December 5, 2001 before Amanda's testimony, but it wasn't mentioned or presented to the jury in any way.

About her police interviews, and Detective Angela Blodgett, Amanda testified at Chad's trial,

She was okay at first, and then she started getting really harsh saying that -- basically telling me that Chad killed my daughter, and I watched him slowly kill my daughter. She said those same words. And I was like -- just in so much shock at that time, and I was really overwhelmed. P. 77.

After Simon Brown's offer at Chad's trial, "I'm going to refer you to one of your statements," Amanda explained her incriminating statements, "Yes, I know I said that, but, at the time, I was overwhelmed, and I don't know." P. 86-7.

In a 2008 interview with the private investigator, Ron Rice, Amanda there was this exchange at page 12. (Please see the January 25, 2008 link to this interview at my website.)

RR: Why did you tell the police so many things about Chad that you later and now state are not true?

AB: Because the police twisted my words and made me feel uncomfortable and I wanted to get the hell out of that room. Basically, in a nutshell that's about it. I was coerced into making a false confession and young and dumb and under a lot of stress. Obviously, I just lost my daughter, so, I don't know how that's credible ... evidence, you know what I mean?

There is not sufficient space here to explain how false confessions or false incriminating statements are encouraged in a police interview. As you surely know, it does happen.

3. *She[Amanda] also said[in her February 27, 2012 email]: "For me this is not about Chad it is about Cassidy my daughter. I am not in contact with him and I am not a fan of his -at all. He was physically abusive to me but not Cassidy.... Ms. Bortner's February 27, 2012 email is significant for the fact that she admitted that you were 'physically abusive' to her. "*

During the few days immediately after Cassidy's death, the police convinced her that I abused and murdered Cassidy. Since then, she has consistently believed and stated otherwise. Still, with her imprisonment and my continued imprisonment and the loss of my appeals, you can surely understand the stress on our relationship. It has been off and on over the past 11 years. In 2005, she visited me several times in prison and we were engaged to be married, but that was unrealistic, given my long prison sentence. At the time she exchanged those emails with you earlier this year, we had not been in contact for a while, as she tried to move on with her life.

This spring, after her emails to you, we resumed contact and have talked several times by phone. I believe that by her phrase "physically abusive," she was referring to the times when I would restrain her during a discussion or argument.

Attached is a statement of my physical relationship with Amanda. This statement, and earlier versions, have been on my website for two years. It is very possible that people could read that description and call it "physically abusive," but we generally had a healthy and fun physical relationship, and not criminal. I never hit Amanda, despite her slapping me several times; but I do not expect you to take my word on this point. At the end of this letter, I ask that you follow up with her with specific questions which will clarify her use of the term "physically abusive."

Finally, it must be noted here that you have illustrated in your selective emphasis in a quote, a significant problem in my wrongful conviction. It was that the misdemeanor charge of assaulting Amanda on November 8 was not severed from the charges of assaulting and murdering Cassidy.

In your focus on the phrase "physically abusive," whatever that means, you made no comment of the rest of Amanda's sentence which was "but not Cassidy."

In addition she wrote to you in two of the emails:

"My name is Amanda Bortner the mother of Cassidy Bortner. I am writing to you in hopes that you will grant Chad Evans a new trial. I had see ked justice for quite awhile after her death and life got the best of me. I have tried to put it all behind me and move on with my life but can't seem to fully move forward knowing justice has not been served for my daughter. I am now engaged to a wonderful man and have a beautiful 5 month old daughter. Please help us to be able to live our lives to the fullest knowing justice has been served. (Feb. 27, 2012, 3:51 p.m.)

For me this is not about Chad it is about Cassidy my daughter. I am not in contact with him and I am not a fan of his at all. He was physically abusive to me but not Cassidy. The reason why I went to jail is because the state attorneys were prepping me for Chads trial and they wanted me to agree to things that never happenend. I really was cohearded into making a false confession. I could have easily agreed with the attorneys and I never would have been charged with child endangerment or anything for that matter.

They even wrote out an immunity agreement that I signed. But again they wanted me to say things on the stand that never happened. I couldn't do it. My attorney at the time was Patricia Wiberg.

This case is not black and white at all. I will put together something for you next month

sometime.

Hopefully you will read it with an open mind. Thanks for your time.” (February 27, 2012, 5:46 p.m.)

Except for the misdemeanor charge and conviction for assaulting Amanda on Nov. 8, for which I was sentenced to 12 months, I am serving a 43-years-to-life sentence for assaulting and murdering Cassidy, and not being “physically abusive” to Amanda. I never hit Cassidy Bortner, as Amanda confirmed in her 2008 interview with the private investigator, Ron Rice at page 11. She replied “No,” to his question, “Did you ever observe Chad hit Cassidy in any fashion?”

Again, Amanda wrote to you, “but not Cassidy.”

4. Amanda witnessed you grab Cassidy's face five or six times, hard enough to leave bruises. Amanda told you to stop. You were frustrated when you grabbed Cassidy's face.

I held Cassidy’s face many times in order to obtain eye contact, but not to punish her and not to hurt her. Sometimes, the eye contact was to communicate a non-disciplinary message, such as, “Don’t go near the dog when he is eating.” At other times, it was to ensure successful communication of a disciplinary message. It is true that a few times I held her face too hard, and Amanda and I thought that my holding caused bruises on Cassidy’s face. I resolved not to hold her face so hard, and successfully implemented that resolve. On reflection in 2012, I’ve thought that it may have been the duration of such holding, rather than, or in addition to, the degree of pressure, that caused the bruising.

It is true that sometimes I was frustrated with Cassidy, as every parent or parental figure can be frustrated with a child, but the strength of my holding varied with the importance of the message. Sometimes, frustration played a role. Please remember that Amanda also testified that “I never thought it hurt her until I saw bruises.... I can remember two times I could see bruises.” (p. 85, Dec. 5)

When she died, I do not believe that any of the bruises on her face were from my holding her to obtain eye contact. On Sunday, November 4, my sister and brother-in-law observed just one bruise on her right cheek, the cause of which was unknown. During her last several days, Cassidy seemed tired or sick and I was not frustrated with her at all. If you go back to the original police interviews before the police theory of my role dominated the investigation, several key witnesses, including myself, Amanda and Jennifer had confirmed that Cassidy had recently been sick. We were unsure if it stemmed from my son’s passing on the flu, or the fall from the truck while in Jeff Marshall’s care.

5. You would pick Cassidy up and roughly put her in the corner for a "time out;"

Time-outs are a perfectly normal part of parental discipline. Most of the time, Cassidy walked to her time-outs on her own. Sometimes, I carried her to a corner of a room. Sometimes Amanda carried her to a corner. I may have spoken to her loudly or held her more strongly at times, but there was nothing criminal about such actions, and there was no intent to hurt her. The time-out was the punishment, and not the carrying. There were certainly no bruises ever caused by my carrying her to a corner, at least not that I or Amanda noticed.

6. You would grab Cassidy by the back of the neck and toss her into the corner. This was done many times by you and could have been three times a week in the month before Cassidy died;

This is one of the more outrageous accusations of the trial. Amanda was never asked to demonstrate what grabbing by the back of the neck looks like. I certainly don’t know, and never grabbed Cassidy by the back of the neck or by any part of her neck. More vivid is the use of the

verb "toss." I never tossed Kassidy anywhere, except when playing with her on a bed or tossing her to Amanda while she was also on the bed.

When Amanda was asked by Simon Brown at the trial, "Did he ever grab her by the neck and toss her into the corner?" and Amanda responded "He might have." Pages 86-87, Dec. 5, 2001. That's certainly not a strong confirmation and it doesn't support your statement that I had done that "many times... and could have been three times in the month before Kassidy died."

Faced with that conditional assent, Mr. Brown then confronted Amanda with her interview with Detective Angela Blodgett, and she once again was asked, "Did he, in fact, grab her by the back of the neck and toss her like you described?" and she once again said, "He may have." Simon Brown then asked about how often I "roughly put her in a corner" and Amanda said "I can probably remember four or five times" and she agreed that she "probably did say" to detective Blodgett that I put Kassidy in a corner "three times a week, maybe more." Pages 90-91, Dec. 5.

The point here in this paragraph #6 is that she was referring to a frequency of corner time-outs and not to a frequency of the my alleged grabbing Kassidy's neck and tossing her into a corner.

7. On more than one occasion, you picked up Kassidy, sometimes jerking her arm, and threw her on the bed because she wasn't standing in the corner you had placed her in;

I believe you are referring to the single incident that Amanda described in her testimony at pages 91-95 of her December 5 testimony, which is presented below. Simon Brown asked at p. 91, "Was there ever an incident involving a bed?" and the exchange continued.

Q Okay. Tell us what happened.

A Yeah, I think he got frustrated with her because she wasn't standing in the corner, she was just throwing a temper, so he threw her on the bed.

Q When you say he threw her on the bed, in as much detail as you can, how did he do that?

A He just kind of plopped her on the bed.

Q Well, did he have to lift her up ---

A Yes.

Q -- off the ground?

A Yup.

Q How did he pick her up?

A Sometimes he picked her up just like that, under her armpits and put her on the bed.

Q So, again, would Kassidy be facing him or facing away from him?

A Facing away from him.

Q And you said hands under the armpits?

A Yeah. He could have done that when he was behind him, too -- behind her, too.

Q Okay.

A Yeah.

Q And he'd lift her off the ground? And then what?

A Throw her on the bed, walk over to the bed and kind of plop her on the bed.

Q How far away from the bed was he when you witnessed this?

A Two feet, maybe.

Q Did you see how Kassidy landed when he did that?

A Yes.

Q How did she land?

A I think on her back.

Q What reaction did you see from Kassidy once she landed?

A She was just crying. Still throwing her fit. Kicking and screaming.

Q Was there a time when both of you had a hold of Cassidy?

A Yes.

Q What happened?

A I think that was the time on the bed and I came over and I grabbed her and I said, don't touch her. And he grabbed her leg, and then I let go, and then that was it. And then I just yelled at him.

Q All right. Okay. You grabbed Cassidy's leg?

A I grabbed Cassidy, and Chad grabbed her leg saying no, she needs to be disciplined. I'm going to do the disciplining. And I said, no, I let go and then he just got up and left, went downstairs.

Q Did she end up on the bed?

A Yes.

Q How did she end up on the bed?

A She was fine, because I was there with her. She stopped crying automatically.

Q No, but, I mean, from that incident where you're grabbing her leg, Chad's grabbing her leg.

A She was on my lap. Chad grabbed her leg, and I let go. And then she was just laying on the bed. He stopped.

Q And you said Chad walked away?

A Yeah, Chad walked downstairs.

Later, Simon Brown returned on pages 112-113 to the subject of that incident and how I held Cassidy.

Q Ms. Bortner, I want to cover a subject so I don't pass over it. And I'm going back to your testimony earlier about the defendant throwing Cassidy on the bed.

A Uh-huh.

Q Was there any -- did you ever observe when he did that, what he did with Cassidy's arm?

Yes. When he picked her up, he would pick her up with one hand under her armpit, and with one hand with her arm at the same time.

Q Okay. So he's grabbing under an armpit?

A And with another hand on her arm at the same time.

Q So he's got his hand on the other arm?

A Uh-huh. Yes.

THE COURT: You have to say yes. Thanks.

[By Mr. Brown]: Q Okay. Is there any kind of movement that he makes with her arm when that happened?

A Yes. He would quickly pick her up when he did it, kind of like jerk her around.

Q He would jerk her arm?

A Yes.

Q How many times did you see that happen where her arm was jerked like that?

A Maybe once or twice.

Q Was there an occasion when she was thrown on the bed where her face was grabbed, as well?

A Maybe.

Q I'm asking because I want to talk to you about one of your earlier interviews. It was the interview on November 16th, with Sergeant White and Sergeant Blodgett. Do remember that down at the station?

A Yes.

Q Did you tell them at that time that Chad picked up Cassidy by the face and threw her on the bed?

A You mean, just with his hand on his face -- on her face?

Q Well, was his hand on her face?

A I don't recall saying that. I might have.

Q Do you have a memory of that, of a throw where part of the motion was him grabbing her face?

A I've never seen him just pick her up by the face and throw her onto the bed.

Q How about him holding another part of the body, as well?

A He might have done that.

The exchange above and does not fully support your allegation above. I wish that the primary incident didn't happen as it did, but it was a typical parental argument, between a birth mother and boyfriend, father-figure about the disciplining of a child, and not an indication of overall abuse.

8. You would get frustrated and lose your temper with Kassidy;

Yes, this is true, but show me the parent, or caregiver, who has never been frustrated with a child. "Lose your temper," is a loaded phrase that can mean many things and must be grounded in specifics, and some of them are discussed in this letter. The book, EYE CONTACT, and my letters to my advocate, describe far more fully my overall relationship with Kassidy, which was healthy and loving. Incidentally, EYE CONTACT is published at www.amazon.com and those letters are published there, too, as Volumes 2 and 3, for the years 2010 and 2011, respectively. Attached is the document, "Physical contact with Kassidy" that is similar to the previously mentioned document about contact with Amanda. I never spanked or hit Kassidy Bortner.

9. You made the statement that you wished Kassidy wasn't around, possibly that you wished she had never been born;

Amanda testified about this alleged statement, which allegedly occurred at the end of the bedroom incident described in paragraph #7 above. Below is Amanda's testimony at pages 94-95 of her testimony on December 5.

Q Did Chad say something at that point?

A Yeah. He muttered something under his breath. I wasn't quite sure exactly what it was. Something like I wish she wasn't here. He got really frustrated with her. Something like that.

Q You said that he wished she wasn't here?

A It was just something to that effect. I'm not quite sure of the words. I remember being mad over it. That's how I remember it.

Q Did he say that he wished she was never born?

A He might have said that.

Q What was his demeanor when he said that?

A He was frustrated. He knew he lost his temper, so he just got up and went downstairs.

Again, "might have" is not the same as testimony that I "made the statement." I never said that I wished that Kassidy had not been born. Never. I loved Kassidy, and regret very very much that Amanda and I didn't seek medical attention for her during October and November. We were naively optimistic that her decline was temporary and that her bruising was related to Amanda's own easy bruising.

10. You used water to stop Kassidy from crying and afterwards, Kassidy was "scared of the kitchen sink when ... [she] went to wash her hands;"

This is another of the several allegedly incriminating incidents about my relationship with Kassidy that was misconstrued.

In my February 22, 2011 letter to my advocate, I wrote about the water splashing incident,

You asked if I have any idea when the temper tantrum with Kassidy happened that I splashed her face with cold water to calm her down. Finally, something I can help you with a little. I remember it happened very shortly before my trip to Maine to pick up the three-wheeler with Jeff. I know this because after Jeff and I arrived back at the house we (Me, Amanda, Jeff, and Jen) sat around the dining room table talking. You have to remember I had just spent the day with Jeff where he did a nice job convincing me how Amanda's family had spoiled the crap out of Kassidy and she was a little brat. Meanwhile, back in Rochester, Amanda and Jen had seen Kassidy's black and blue's on her butt. The subject of Kassidy and her behavior came up as part of the conversation because she had a mini-tantrum when I carried her up to bed. When I came back down I said, "I don't know what has gotten into Kassidy lately. She is back to having these awful tantrums. The other night Kassidy was having such a tantrum in our bedroom just because Amanda said, 'No,' that she start ripping at her hair, stomping her feet and crying so frantically that she was gasping for air. I had to flick cold water in her face just to get her to breathe." I feel like a fool because it was me that told Jeff and Jen about this incident which they would later exaggerate when they told the police.

What is interesting is that Kassidy was most definitely not afraid of water after that. She brushed her teeth with no problem at the bathroom sink nightly and loved to take baths. I can't recall if it was me explaining to my attorneys or something that Amanda said, but after Kassidy's death we were looking back and the only time Kassidy ever seemed fearful of the water happened when one of us brought her up to the kitchen sink to wash her hands. For some reason, I remember that sink freaked the shit out of her. My flicking water at her happened upstairs in our bathroom sink. Interestingly, I recall that the incident that Jeff recalled with Kassidy being freaked out by water, was at his kitchen sink.

Amanda testified on Dec. 5, p. 96 that "He was frustrated with her. He was mad." While I was frustrated with Kassidy, I don't think that "mad" was accurate. More importantly, I was scared for her, as her tantrum was interfering with her breathing. The splashing water in her face technique worked, for which we were grateful. Instead of being perceived as a responsible, quick response to a scary situation, it was perceived incorrectly by Jeff Marshall and then by the police and prosecutors as something bad or malicious. It was neither.

11. You said that Kassidy was "being a little bitch," and that Kassidy was "kind of slow, retarded;"

Amanda testified that I said Kassidy was "being a little bitch... said that a couple of times." Amanda testified that I said that Kassidy was "kind of slow, retarded... He said that once, I can remember." Page 96, Dec. 5, 2001.

She also testified about good aspects of my relationship with Kassidy:

"The one thing that really did attract me to him was he was a really good father." P. 67.

"She was always pigeon-toed... Chad was the one that pointed that out to me, or she walked inward, and maybe I should bring her to the doctor's. And his mother said something to me also. So I brought her in July to check her feet, because she did - - she was pigeon-toed, and the doctor said that she was pigeon-toed, but she might grow out of it." P. 72.

"He [Chad].... actually, he taught her a lot. He taught her to count. He said ABC's with her more than I did. He read books to her at night before she went to bed, and I would read books to Kyle. So we kind of had our own little bonding with each kid." P. 11, Dec. 6, on cross-examination.

Also on cross-examination on pages 11-13, Amanda was asked about my relationship with Cassidy.

Q And are there times that you watched him -- in fact, there were times when he was playing with her that you were concerned about about him being a little bit rough, weren't you[?]

A Yes.

Q And there were times that he threw her up in the air?

A Yes.

Q And there are times that he swung her around?

A Yes.

Q And those were times when .. [inaudible - coughing]

A Yes.

Q And those were occasionally things that you did as well?

A Yup.

Q There were times that he swung her by her legs?

A Yes.

Q And those were things that you did, as well?

A Yes. She would laugh and stuff. She liked that.

Q And in those times of play, she didn't show any concern about being with Chad?

A No.

Q And she was happy, and smiling, and responding in a playful way?

A Yes.

Q Now, focusing on the time that Chad was with Cassidy, and being physical with her, either through play or through discipline, either through holding or grabbing her arms, or holding or grabbing her legs, is there ever a time that you saw her in pain or physical distress so that you thought she was hurt either in her arm or her leg?

A No.

Q Is there ever a time after he was with her that you thought that she had a fracture of her leg or her arm?

A No.

Q So there and this is all including the times that he was playful with her and the times that he was disciplining her?

A Yes.

Similarly, at pages 13-14, there was this final exchange on cross-examination:

Q Were there times that Chad held her and tried to nurture her?

A Yes.

Q Are there times that he tried to be supportive of her and loving of her?

A Yes.

Q And you talked about the morning routine. Did I understand you correctly that the routine would be her coming into your bedroom and hopping into bed?

A Yes.

Q And she was held by you?

A And Chad at times.

Q And she was held by Chad. And those were the times that Chad showed his concern for Kassidy?

A Yes.

I mention the above to show my positive relationship to Kassidy, to the extent that it was presented at my trial, in response to your writing that I said to Amanda that Kassidy was *"being a little bitch," and that Kassidy was "kind of slow, retarded."* Amanda testified that I used those words or phrases, twice and once respectively. December 5, p. 97.

Amanda also responded "Yes" to Alan Cronheim's questions, "Did Jeff Marshall call Kassidy a retard" and "Did Jeff Marshall call Kassidy a bitch?" During his cross-examination, Jeff Marshall denied that he had referred to Kassidy as a "bitch," but he acknowledged, "I said she acted retarded, sir. That's what I said." December 7, p. 10.

It's safe to say that my language about Kassidy and others was crude in my younger days, and I would not use the word "bitch" now to describe any child in my care. Similarly, I overused the word "retard" when talking about many people, but I've learned that the word is offensive. In any case, my use of those words in 2000 about Kassidy did not indicate any lack of affection or love for her.

In my August 8, 2010 letter to my advocate, which is included in the I wrote about about my use of the word "retard."

As far as calling Kassidy a Retard.... Yes the word was a lot different then and I am still guilty of saying things like, "Oh my God, that rule is so retarded..." I am trying to break myself of this terrible habit. It is often misused by MANY people. However, I specifically wanted it to be one of the questions ever asked in a lie detector because I don't believe that I have EVER called Kassidy the name directly in a derogatory manner. I believe my use was in the example I gave you at one point when I described Amanda and I curled up together on the couch and Kassidy came in with a shirt or sheet over her head and all we could see was these little feet walking toward us. I said laughing, "Your daughter is so retarded." Meaning funny. Poor choice of words but that was their meaning. If Kassidy or Kyle was doing something real silly I may say, "You guys are acting retarded." Not even giving the negative connotation of the word a second thought. Certainly, if I could have foreseen the microscope my life was going to come under for this HORRIFIC tragedy, I would have selected better words.

12. You and Amanda made up the "trampoline story" to hide the fact that you had caused bruises to Kassidy's face.

Yes, it is true that Amanda and I made up the "trampoline story," as I felt stupid about my "eye contact" holding of Kassidy's fact having caused bruises. This was in mid-October when Amanda was going to take Emily Conley to her doctor for a pre-natal exam.

I wrote about the "trampoline story" in my January 28, 2010 letter to my advocate:

The trampoline story was false but based on a true incident. We had a giant trampoline, and as you can imagine the kids all loved it. Kassidy was too light to really get herself bouncing so we (Amanda and I would bounce her lightly). There is a safety enclosure to keep you from bouncing off the edge, but we never installed it that first summer. I don't know if you've ever been on a trampoline, but it's very uneven and you don't control exactly where

you land. A little bit of extra pressure can send you flying. Anyway, on this particular day I was bouncing Cassidy and she was too close to the edge. She fell backward. Luckily, I was close enough to grab her hand. Obviously, this second of free fall scared both Cassidy and I and we stopped jumping that day. When Amanda got home, I relayed this to her. At some point later, I believe it was around my birthday in October, Cassidy was having one of her fits when I went close to Amanda. I grabbed her cheeks in a palming fashion to get eye contact (eye contact was my big thing.) Sometime after that she had bruising and Amanda told that to one of her girlfriends and “melded” the stories of the trampoline fall to the appearance of bruising, for some reason. I remember asking why she did that and she said, “*I didn’t want her to think you were beating Cassidy or something.*” This certainly made my grabbing her less embarrassing. I wish I could say this woke me up to how stupid that behavior was. Of course, I had no idea how the “trampoline story” would acquire a life of its own.

Unfortunately, it just gave me a cover. I never set out to hurt Cassidy, but I did leave bruises. I believe there was a time when Cassidy did actually fall off the trampoline when she was with Amanda. In fact, Jen might have even been at the house that day. Anyway, I remember she landed on one of her legs and limped for a few days but seemed ok.

Whether Amanda created the story, or whether we created it together, I told it a few times. I told that story to Amanda’s mother when she called me on Saturday morning, October 14, and I told it to my wife, Tristan, when she asked about bruising near the end of October. Like all “white lies,” it seemed easier to tell such a story than admit that I was squeezing Cassidy’s cheeks too hard when obtaining eye contact. Those were the only two people to whom I told that story, until Cassidy’s death. It was a terrible, stupid, mistake to tell the “trampoline story” to the police. At the time, I knew that I had nothing to do with Cassidy’s death and that my “eye contact” holding of her face had nothing to do with her death, and I told the police the trampoline story. In hindsight, I wish I had just ben completely upfront with the police. At the time, I was worried that they would spend valuable time worrying about something that I knew had nothing to do with Cassidy’s death. Instead, my arrogance made myself a more intense focus. My bruising Cassidy’s cheeks still embarrassed me, but that was a stupid reason for telling the police the “trampoline story.” At my trial, my attorneys chose not to present the truth about the “trampoline story” to the judge and jury. Because the “trampoline story” was an obvious lie, the prosecution was able to argue that I told other lies as well, which was not true.

I did tell the police about my holding Cassidy’s face in order to obtain eye contact, during the discussion after I was asked about whether I had caused any bruises on Cassidy. See my police interrogation. P. 66. Thus, I told the “trampoline story” AND the truth about the same bruises.

13. Other excuses that were used to hide the bruises you inflicted to Cassidy included claiming that Cassidy hit her head against a wall, that another child hit her with a toy, and that she fell down;

Every other explanation that I used to explain her bruising to anyone was true. They were not “excuses.” Cassidy did hit her forehead on the ceiling of the stairs when I was carrying downstairs. I’ve long listed that accident on my website as occurring in early October, and probably Saturday, October 7. She did hit her head on a wall when I was playing with her. My son did hit her with a toy from time to time, and she did fall down frequently.

Again I inflicted no bruises on Cassidy other than the bruises on her lower cheeks from holding her face. However, although I did not inflict the bruise directly, I was certainly responsible for the bruising caused on November 8, when I tossed a Tee-ball to my son with his plastic bat. I described that ball to the police as a “starter baseball” and “hard rubber ball.”

I understand in your line of work why you would question the validity of such claims given the suspected nature of Cassidy's death. I also keep up with the news and sadly I realize that some parents do inflict injuries on children and then make excuses to cover up for them. Any parent of young children can also confirm for you that despite our best, most protective intentions, from time to time, accidents do actually happen

14. Amanda was concerned about taking Cassidy to daycare with the bruises you inflicted on her because Amanda didn't want people to think she was doing anything to Cassidy;

Amanda had concerns, but, as she testified on December 5, at pages 98-99, those concerns didn't stop her from bringing Cassidy with her out in public.

Q Did you have any concerns about taking Cassidy out in public?

A I still went grocery shopping with her and did regular things. It didn't concern me that much. I think a couple of times it did, though.

Q A couple of times?...

A Yes.

Similarly, those concerns didn't prevent her from making many calls to potential day care providers. She testified on direct examination at pages 105-07 about looking for daycare, but was much more detailed in her testimony on cross-examination on December 6, 2001 at pages 180-184. She called six providers on Friday, November 5 and she called eight more on November 8. She did say on the previous day, page 108, that "I didn't bring her to daycare because of it," but it's not clear when that forbearance occurred. From the context of the statement, it seems that Amanda was referring to not taking Cassidy to daycare on a single day in October and not to her sudden need for fulltime daycare when she was hired at Old Navy.

Similarly, my concern didn't prevent me from taking Cassidy with me to my sister's home in Belmont for most of the day on Sunday, November 5. My sister reported during her police interview on November 9 seeing a bruise on Cassidy's right cheek, which was likely the same bruise that Tristan reported as a "new bruise" to DCYF on October 31.

Amanda's and my concern did not stop us from bringing Cassidy with us to a restaurant on the evening of Friday, Nov. 3 or Saturday 4 in Rochester. We were with Bruce Aube and Travis Hunt. Amanda told the police about that dinner at pages 871-72 of her first police interview, but neither the police or my attorneys followed up with questions to Bruce, Travis or me about that dinner.

Neither of us wanted anyone to draw the wrong conclusions from the bruises that Cassidy showed, regardless of the sources of those bruises, but that happened anyway. The bruises from my eye contact holding were few and intermittent. As noted earlier, I told the police about those bruises, but they were far from the only bruises that Cassidy showed during October and November.

This statement #14 by you about our "concern" about others seeing bruises on Cassidy and potentially making incorrect assumptions was the first of several. See #'s 15, 17 and 20 below. It is surely not a crime to be "concerned" about the appearance of your child in public and to be concerned about what others might think and say. Amanda and I were concerned not only about few bruises that I caused by holding Cassidy's face to obtain eye contact, but also by all the other bruises which occurred. The better question is not whether we were "concerned," but what was the level of our concern.

15. You voiced concerns about members of your family seeing the bruising you'd inflicted on Cassidy;

You are likely referring to the weekend of my 29th birthday, on October 15, 2000 when my family came to Rochester. Amanda testified on December 5 at pages 109-110 about the issue you raised.

A His mother was coming over for his birthday, and she had a bruise at the same time, and that's why I went up to Maine, because I didn't want her to think I was abusing Kassidy. And, also, I didn't want to go down there because Tristan was coming over. It was kind of like a family thing, his ex-wife. And I just didn't want to feel uncomfortable, also.

Q That's Okay. So there was bruising on her face. Okay. And who caused that bruising?

A Chad.

Q What did you do -- what were the plans with Chad's mother? For how long was she going to stay?

A Will you say that again?

Q You mentioned Chad's mother.

A Uh-huh.

Q What was the plan? Was she coming over his house?

A Yes, she was just coming over for a couple of days, the whole family.

Q Did you have a discussion with Chad about Kassidy being there when his family was over?

A Yes. I think I might have.

Q Did Chad tell you what to do with Kassidy that weekend?

A No.

Q And did he voice any concerns about anyone seeing the bruising from his family?

A Yeah, he was a little concerned about it, but after that he was like, no, just stay. I'll explain it to her.

Q To who?

A His mother. But I went anyway, because I hadn't gone out in a long time, either, and I went out that night with Tracy Foley.

As Amanda testified, I told her that I would tell my mother that I caused some of the bruises on Kassidy, but Amanda left for the weekend anyway. Thus, I was "concerned," but I volunteered to override that concern by simply telling my mother the cause of the bruises on Kassidy's lower cheeks.

16. You poked Kassidy's throat with your finger, making her gag. Amanda was mad that you did that and yelled at you. Amanda told the police you "probably did that a couple of times;"

The incident that you described occurred only once. Amanda described it at my trial, at pages 113-114 on direct examination.

Q On the subject of his discipline of Kassidy, was there ever conduct by the defendant involving Kassidy's throat?

A Yes. One time he stuck his finger like right here, and she gagged while she was screaming, crying. And we didn't do it out of anger. She changed her scream and then she stopped crying because she was like, what am I doing. But he didn't hurt her when he did it.

Q So prior to him touching her throat, what is Kassidy doing?

A She would cry.

Q Was she having one of her tantrums that you described?

A Yeah.

Q And what did he do, exactly?

A He just put his finger on her throat just like that.

Q Did you see if he put any pressure on her throat doing that?

A Well, she gagged a little bit, so there must have been a little bit of pressure there, but he wasn't doing it out of anger. He was just -- she wouldn't stop screaming.

Q Did that make her stop screaming?

A Actually, not she slowed down on her crying and then she stopped crying. I think she was startled, because it changed the tone of her scream, and she kind of thought that was like, I don't know if she thought it was funny or not.

Q What was your reaction?

A I told him not to do it. Yelled at him.

Q So did that make you angry?

A Yeah, it made me angry, and I said never to do it again. And he never did.

Q Did you tell the police on November the 12th that he probably did that a couple of times?

A I might have said that to them.

Amanda was confronted with her police statement about "a couple of times" and she said, "but I only remember him doing it one time." P. 114.

I described that incident in my February 15, 2011 letter to my advocate:

You asked about the pushing on Cassidy's throat with a finger to change her voice when she was having a screaming, hysterical fit. No, I cannot recall if Amanda actually pushed on her throat to give an example of how Cassidy's voice changed. I know I wrote to you about it early on. Basically it was just a stupid immature thing to do, but it was not meant maliciously. Cassidy, Amanda and I were in the kitchen. Amanda was loading the dishwasher/cooking dinner. I was on the floor playing with Cassidy. I picked her up over my head, and when I did, I believe she saw the cookie jar. Cassidy said, "Mama, cookie". Amanda responded, "No more. We are going to be eating dinner real soon." Cassidy went ballistic. (As I recall there were several instances when Cassidy had this type of response, wanting a cookie before dinner.) This response took me by surprise though, because we were just having so much fun. I was sitting there on the floor face-to-face with Cassidy, staring at amazement at this fit. Amanda told Cassidy to cut it out, and this proceeded to just make her scream louder. You'd think we were performing some kind of torture ritual. Amanda had a little giggle going and said, "Oh my God, Cassidy, what is wrong with you?" and went right along loading the dishwasher or whatever. This made Cassidy just start stomping her feet. I sat there, observing all of this just inches from Cassidy's face and she was oblivious that I was there. I just started laughing along with Amanda. It was as if Cassidy had just become possessed. I put my finger over her throat for a second and pulled it off, much the way you make the "whooping" sound when you play cowboys and Indians as a child. It was enough pressure that changed the sound of her cry for that second, and then she stopped and pretended to be gagging. Then she stopped all together. (Amanda chastised me for a minute, thinking I really hurt her before she realized that Cassidy was fine. Then we both laughed about her creativity.) It was as if Cassidy realized her tantrum was getting her nowhere. What's funny about it is a while later I was holding Cassidy in the kitchen and she wanted "Mama," putting her arms out. Amanda didn't immediately take her and Cassidy made that gagging sound, I stood there, incredulously. It was as if she knew that would make her Mama immediately stop and look at her.

If you do not believe my recollection of that incident, please ask Amanda what she remembers.

17. You were concerned about Amanda's mother seeing a bruise on Cassidy's face and had a discussion with Amanda about not taking Cassidy to her grandmother's because "she might think something;"

You are likely referring to this testimony by Amanda on direct examination on December 5, at pages 116 and 117.

Q I think we left off talking about the defendant's birthday and you going to Maine that weekend. Did you and Chad ever discuss Cassidy visiting with your mother?

A Yes.

Q Can you tell us about that discussion?

A Yes. She had a bruise on the side of her face, and I don't know if it was from Jeffe's house or if it was from Chad grabbing her face, but I didn't want to bring her up there, because I didn't want my mom to think anything was going on, or whatever.

Q Did Chad tell you what his thoughts were about you taking Cassidy up to your mother?

A Did he -- did he tell me what he thought? Yeah, he said -- he said you can, if you want, but she might think something, something like that.

Q Was he concerned about it?

A Yes.

Q Did he tell you not to take Cassidy up to your mom?

A He might have.

Q All right.... I'm showing you now a transcript from the November 9th interview, the second interview that you had with Detective Blodgett. And you say Chad was all paranoid about it. And he was like you shouldn't bring her to your mom's, because I was always planning on going up there.

Detective Blodgett

says yup. And you say: Because of the bruises and stuff. Did I read that correctly?

A Yes.

Amanda and I were concerned that Cassidy's bruising would be misinterpreted by her anyone who saw her, including her mother. In fact, as my wrongful conviction shows, that proved to be the case. It didn't matter what the source of the bruises was. As Amanda noted, she didn't know the source of the bruise on the side of Cassidy's face around the time of my birthday. It may have been "from Jeffe's house."

Amanda made the same point about the possible sources of bruises earlier in her testimony at pages 104-105 when she was asked about what she told Chad's wife, Tristan, i.e. that bruises also came from other sources, including from Jeff Marshall's home.

Q Do you remember what you told her in October when she asked you about bruises on Cassidy's face?

A Yes. I think I told her that she fell down the stairs

Q Is that the truth?

A No

Q What were the bruises caused by?

Chad grabbing her face. And other things that happened with Jeffe, also, she had different other things.

In fact, Amanda did take Cassidy to her mother's home in Maine on Friday, October 13. Amanda may or may not have known that her mother was on a trucking trip with her husband, but Amanda brought Cassidy inside the home, where her brother, Joshua, and her step-uncle both saw Cassidy. Amanda went to the home to pick up a check so she could buy me a birthday present. She could have easily left Cassidy in the car for a few moments, but she took her inside. It was Joshua's observation that prompted Jacqueline's call to our house the next morning, which is when I told her the "trampoline story."

18. Amanda told you at one point that she was sick of Cassidy getting hurt when she was with you;

Both Amanda and I were frustrated with the Cassidy's decline in her health and with the frequency of accidents at our home and at Jeff Marshall's. I believe you are referring to our phone conversation on the evening of November 8, after my telling her about Cassidy being hit in the head with a ball. However, Amanda testified at pages 124-25 on December 5,

He said, "I don't think..." he's like, "I don't know if I want to babysit any more. It seems like every time I have her something happens where she hurts herself or something happened".... He just sounded concerned. And, to tell you the truth, I was -- I needed to leave to go back to work, so I was only half listening to him. It was just kind of like a lack of communication there that night.... I was mad. I didn't want another bruise on her, because I wanted to take her to day care.... I said, "I'm sick of her getting hurt." I meant Jeff and Chad, probably... I went back to work.... I worked until 11:00... And I probably got home around midnight.

Respectfully, there is a difference between, "I'm sick of her getting hurt." and what you wrote in your letter that Amanda "was sick of Cassidy getting hurt when she was with you." In Jennifer Bortner Conley's subsequent testimony, at page 107, she recalled that Amanda had said after the call, "I'm sick of my baby always getting hurt when she's with him." Jennifer's version included the phrase, "with him," so that may be the source of your quote.

As I had told Amanda during that conversation, I was feeling badly about the accidents that occurred to Cassidy which were my responsibility, or while I was with her. Cassidy's fall in the driveway on the 8th is one example. I was beginning to feel jinxed.

19. You grabbed Amanda by the throat and had her against the couch. You said to Amanda: "Cut it out... You know what gets me going... You know what makes my temper; and... It's like you're looking for it... You told Amanda that she "had to try to work" with your temper;

When Amanda arrived home on the evening of November 8 around 11:30 p.m., I was helping her by completing some of the survey computer inputting from her pre-Old Navy job. I was in good spirits, except for the stress from the ball hitting accident with Cassidy a few hours earlier. It had been a long hard day for Amand, and it was late for me, too. We had a stupid argument about who worked harder and I restrained her in the couch. As I noted earlier, our physical contact would never have been charged as a crime, but for the tragedy of the next day. The argument was over quickly and we went to bed together, after checking on my son and Cassidy.

20. On the night you told Amanda the story about Cassidy being hit by a whiffle ball, you told Amanda that she should take Cassidy to the doctor's, but not until "the bruises clear[ed] up;

There is a critical distinction to be made here. I never told Amanda, or anyone, that Cassidy was hit by a wiffle ball. Because we had a tub of wiffle balls in my son's room, and because a wiffle ball was the only type of ball any responsible person would toss to a child to hit with a plastic bat indoors, Amanda assumed that it was a wiffle ball that I tossed to my son, and which he hit into Cassidy's face. However, among the wiffle balls which I tossed to my son, as I've readily acknowledged, was a Tee-ball which I stupidly picked up and tossed to him. I described that Tee-ball to the police as a "hard rubber ball" and a "starter baseball." Because the police heard "wiffle ball" from Amanda and Jeff and Jennifer, and, I'm guessing, because they doubted my credibility because of my telling the "trampoline story," and because of what Jeff Marshall had alleged generally about me, the police apparently didn't believe that there was a ball-hitting accident at all. By the time of my trial, the prosecutors didn't believe it either, but it happened. This issue was on the list of questions I had hoped would be asked of me during my 2010 Voice Stress lie detector test which is referenced below. Those questions are enclosed. The "ball issue" was confusing to everyone, including the police who never attempted to differentiate what ball actually hit Cassidy. My lawyers didn't focus on the need to clarify the issue either.

Amanda testified at page 146 during direct examination about the conversation you referenced:

QBut the night, on the Wednesday night when you were alone with the defendant, I'm talking about the night that he told you about the whiffle ball ---

A Yeah.

Q - - what did he say to you that night about going to -- taking Cassidy to a doctor?

A He might have said -- I think he said -- on the phone you said?

Q Yes.

A That you should take her to the doctor's as soon as the bruises clear up. Something like that.

Q He said you should take her to the doctor once the bruises clear up?

A Uh-huh.

THE COURT: You have to say yes or no.

THE WITNESS: Yes.

As I've written elsewhere in this letter, Amanda and I, and others, had no idea that Cassidy was suffering from anything serious, other than explained accidents and the flu. We had absolutely no idea that she was in a fatal decline. As is said, hindsight is 20/20. If either of us thought that Cassidy was in serious trouble, we would have sought medical attention immediately. The "concerns" that have been discussed here were far outweighed by our love for Cassidy.

In the testimony you reference, Amanda recalled that I urged her during that call to take Cassidy to the doctor, as soon as bruises cleared up. Earlier in our relationship, I had urged Amanda to have a doctor examine Cassidy's legs due to her apparent pigeon-toed walking and at another time to see a doctor to remove a wart on a finger. At the time of that conversation on November 8, we knew of several bruises on Cassidy's face, which is why Amanda told Jeff and Jennifer the next morning that Cassidy's face looked "like shit." Cassidy's cat had scratched her and she had hit her head on the living room coffee table a few days earlier. There was the bruise on her right cheek that Tristan had seen on October 30th and my sister and brother-in-law had seen on November 5, and she was hit by the Tee-ball. I do not believe that any of the bruises on her face on the 8th were due to my holding her face to secure eye contact. At times, I have assumed or thought that there were, but as I've thought through the chronology and Cassidy's decline, she was too tired and apparently sick during her last days for me to get frustrated with her or to firmly ensure eye contact. As I said to the

police in my interrogation at page 113, "...I babied the shit out of her last night, more than usual because she was sick ...". Please excuse the inelegant language.

Selfishly, I was going through a divorce with my former wife, and I was concerned about how these problems with Cassidy could affect my divorce and custody agreement. My mind was pre-occupied on the divorce. Had I any idea how serious Cassidy's condition was, I certainly would have taken her to the hospital.

Once, again, the hesitation to have Cassidy seen by a doctor as soon as the bruises clear up was about other bruises, and not about bruises I may have caused through obtaining eye contact. I certainly felt responsible for the bruise from the ball-hitting Cassidy, and that was embarrassing enough. This phenomenon of a caregiver not wanting to appear to be responsible for bruising, or to appear worse, is best illustrated by Jeff Marshall's testimony about putting makeup on Cassidy to cover up bruises before taking her shopping. The issue of the source of those bruises is not relevant here; it's the desire to avoid ill-directed assumption or blame.

21. On the morning Cassidy died, Amanda said that when she went in to get Cassidy ready to go to the babysitter's, Cassidy was laying down in bed, crying. She had a messy diaper and as Amanda changed her, Cassidy was "quiet," she did not have much energy, and "was a lot different" than she usually was in the morning; and When Amanda dropped Cassidy off that morning, she said that Cassidy's face "looks like shit."

This is all true, but it has nothing to do with my culpability. Cassidy was not feeling well on the morning of the 9th and did not look well. Both Amanda and I knew about the bruises on her face on that morning, i.e.

- a scratch from her new kitty,
- the bruise from her hitting the living room table earlier in the week when Travis and Amanda were with her,
- the bruise from the Tee-ball hitting her the night before.
- the bruise on her lower lip which I had seen the night before and which caused me to omit asking Cassidy to brush her teeth.

With those bruises or scratches, it was accurate to say that her face looked "like shit."

What we didn't realize was that Cassidy was seriously ill and would die within hours. It's a parent's nightmare to have thought that something was not serious, when in fact it was. Even doctors have had this problem when they, for example, misdiagnose child meningitis as a cold and their child patient dies within hours. We thought that Cassidy had caught the flue virus from my son Kyle or someone else, and that her fatigue was nothing more than that.

22. You recently questioned why Amanda would still lie to protect you. As you put it, "I can understand why the police may have assumed, at least initially, that Amanda would lie to protect me but what would she gain by lying today?...". One likely answer is that Amanda is lying today about what you did to Cassidy because if she admits that you caused Cassidy's death, she would be admitting her own culpability in Cassidy's murder, something she refused to do.

Although I know that Amanda is telling the truth when she states "but not Cassidy," and generally that I did not hit Cassidy, you are right that there are possible motives for her lying, just as there are for everyone in this case. Thus, I mispoke, but not with a misstatement of fact, but with an incorrect

speculation. That incorrect speculation is not nearly as serious as the incorrect speculations by the police and prosecution about me in this case.

23. Since Amanda Bortner's testimony provided significant evidence in support of your convictions, I looked for other evidence to corroborate her claims. In addition to her recent statement that you physically abused her, her statements about your abusive behavior are also corroborated your ex-wife, Tristen. For example, my review of the evidence in this case turned up photographs of a letter Tristen had written to you. That letter included the following statements: "... and you broke my heart the last time you hit me." "Just think, what if by chance I gave you one last try and you got totally pissed off at me and accidentally killed me, when where would the boys be with no mother or father? Think about it - really. You will always have that potential with me and I will not risk my life or the boys future."

Although you noted that Amanda's testimony provided significant evidence in support of my convictions, please note that she also provided significant evidence of my innocence. However, this item #23 begins the topic of corroboration by my relationship with my former wife, Tristan.

You quote from a handwritten letter to me from Tristan, which I kept in my car, to read from time to time, as a reminder to myself of what can go wrong in a marriage and why my fighting with her was wrong. The only action she described was "the last time you hit me." The rest is about her speculation and fear. We physically fought on the night of March 27-28, when she returned very late at night from what I thought was an extra-marital rendezvous. She hit me as much as I hit her, but I was the stronger and I should have stopped. Because I felt primarily responsible for that fight and for the subsequent dissolution of our marriage, I pled guilty to two counts of assault, and underwent court-ordered group counseling. I successfully completed that counseling but didn't feel that it gave me sufficient understanding or tools to avoid future problems, so I privately engaged a counselor in December, 1999. I continued seeing him for 12 sessions, until termination on July 28.

From those sessions, I had a "sticky note" on my bedroom wall of steps to take to deal with frustration and anger. Amanda moved to my home in late June, and during that transition time, I discussed with her my domestic violence conviction and counseling. After living with me a few weeks, she took down the notes from the wall and said something like, "you don't need this anymore." She was right. Counseling DOES, or CAN work. Otherwise, it wouldn't be required by courts.

The larger issue of the use of "character" evidence in court and in a prosecutor's consideration of alternatives is discussed below at issue #26.

24. Tristen's statements about your abusive nature and conduct are also consistent with, and corroborated by, your criminal record. You pled guilty on March 24, 2000, and were convicted of two Class A Misdemeanor counts of domestic simple assault against Tristen. In addition, Tristan's statement about her fear that you would lose your temper and kill her is consistent with the State's theory of the case against you at trial and also consistent with the assaultive way you behaved towards Amanda Bortner and Cassidy Bortner.

Your use of the term "abusive nature" is not accurate or fair. A more accurate phrase is "kindly nature" or "warm-hearted nature." I was not promoted to be manager of nine McDonald's restaurants with about 200 employees because of an "abusive nature." Unfortunately, neither the police nor my attorneys obtained my employment records at Colley-McCoy which would have shown no indication of an "abusive nature."

Since I wrote you last, the most important new member of the Chad Evans Wrongly Convicted Committee is Jim Day who was the principal of my elementary school in Keene, and who was also a principal who appeared before me when I was on the Keene Board of Education. He knows my "nature" well and has written to you about me. I hope that you will meet with him and hear what he has to say.

Your use of Tristan's statement written in a letter written immediately after a fight seems very selective. You wrote that her fear supported the State's theory. What would you have thought if I had kept Tristan's love letters in my car? Would you have quoted them about my character? After my trial, 52 people wrote to Judge Nadeau as part of the pre-sentencing process. Do you think that 52 people would written on behalf of a person with an "abusive nature"? Let me ask you a specific question of fact: Can you please tell me the three murder cases the Attorney General's Office has tried over the past 20 years which have had the most pre-sentencing letters sent to judges in support of convicted defendants? And the number of such letters in each? I understand that such information is not regularly tracked, but surely there are prosecutors who remember such cases.

It is true that sometimes my relationship with my wife, Tristan, was toxic, and we divorced. However, my relationship with Amanda was far different, as has been described here, and in EYE CONTACT, and on my website. In particular, the 700+ pages of letters to my advocate contain many descriptions of my life with Amanda.

In addition, I refer you to my relationship with Mary Paquette, with whom I lived for about two years in Rochester prior to meeting Tristan. She was not interviewed by the police or by my attorneys, but fortunately, Stephen Carlisle interviewed her for my pre-sentencing report. He wrote,

Mary found Chad "nice," caring, always willing to help people and never exhibiting any violent behavior. In saying that this is nothing she would tolerate, Mary stated that Chad never abused her and always treated her well, while any arguments occurring during their relationship could be traced to "stupid stuff." P. 27.

The full report is in the "Transcripts section of my website.]

25. As part of my review, I also considered the fact that you violated the conditions of your bail on your murder charge and the explanations offered for that conduct. As you know, you were not to have any contact with Amanda Bortner pending your murder trial. In spite of those bail conditions, you violated their terms repeatedly, and over a long period by spending a considerable amount of time with the mother of the child you were charged with murdering. That was not a mistake on your part; it was a deliberate violation of the law as evidenced by just one of the comments from your website where you stated, "Amanda and I knew we were violating my bail condition".

While you have attempted to ascribe innocent motives to your bail violation conduct, other less-than-innocent conclusions can be drawn, such as your actions being consistent with witness tampering and proof of your consciousness of guilt. Therefore, this evidence supported your convictions and does not weigh in favor of your innocence or reinvestigating the case.

Yes, you are right that Amanda and I both knew that my conditions of bail prohibited our contact. When Amanda sought to reunite, I should have asked my attorneys to seek a change in that condition of bail, to prohibiting discussion of the case. In fact, we never talked about the upcoming trial or about how she would testify, except that I told her and others to tell the truth. Below is Amanda's exchange with Alan Cronheim on December 6, 2001 at pages 11-12.

Q And from those contacts, you ended up seeing him and, at points, living with him?

A Yes.

Q Was there ever a time that he was coercing you to stay with him?

A No. I had to pretty much beg him to sleep over in the beginning, and then, finally, we just slept over all the time.

Q And did he ask you in any way to lie today?

A No, He always told me to tell the truth.

Contrary to your letter, even though it was deliberate on our part, it WAS a mistake, in a different sense, to violate the court order. If I had understood how devastating my pre-trial imprisonment would be to my ability to assist in my defense and how the prosecutors would draw erroneous conclusions from my seeing Amanda, I never would have agreed to such contact - despite the emotional difficulty. Amanda and I both knew that I didn't abuse Cassidy, and certainly didn't murder her, and we were confident that the jury would find me not guilty. After such a not guilty verdict, we could have resumed our lives and continued to grieve normally for Cassidy's loss and try to rebuild our lives. There's no guarantee that our relationship would have lasted, and for how long, but we were very much in love.

Although you wrote that "less-than-innocent conclusions" could be drawn from my seeing Amanda, they are pure speculation, and unsupported by any evidence. While on bail, I was also stopped for speeding, but no one has suggested that such a violation showed a criminal disposition and therefore tried to introduce that violation as evidence at my trial.

25. Claims regarding character evidence. You and your advocate have suggested that the jury should have been allowed to consider positive character evidence about you during your trial. You have also suggested that our office consider this positive character evidence as weighing in favor of your innocence and reinvestigating your case....

Even assuming that Rule 404 had not existed and you would have been allowed to introduce positive character evidence at your trial, that still would not have been helpful to your case because the State would have been allowed to admit negative character evidence. That negative evidence would have included your abusive treatment of Amanda and Cassidy Bortner, and your two convictions for domestic assault against Tristen. Given the existence of that negative character evidence, it is unlikely that even if it had been admissible, any positive character evidence would have changed the outcome of your trial. Therefore, your attorneys' decision not to seek to admit positive character evidence was an appropriate legal and strategic decision.

In addition to arguing that the jury should have heard evidence regarding your good character, you have also offered this evidence as supporting the reinvestigation of your case. Prosecutors do not make decisions whether to investigate or not investigate a case based on a person's character. Character evidence is not generally admissible in court. And, like most people, you can cite positive aspects to your character and behavior in addition to the negative aspects. Therefore, criminal cases are decided based on admissible evidence in court, not the opinions of others as to a defendant's character. So for all these reasons, your claims regarding your good character do not weigh in favor of your innocence or a reinvestigation.

You wrote that "prosecutors do not make decisions whether to investigate or not investigate a case based on a person's character." Respectfully, however, in #24 above you mentioned the letter to me from Tristan and you wrote that it showed my "abusive nature." Isn't that a statement about character?

I'll not discuss here the issue of what evidence of character should have or could have been presented at my trial, but I believe that we agree that you as a prosecutor can and should consider

character evidence as you consider whether to re-investigate a case. Similarly, even though polygraphs, as discussed below, cannot be considered as evidence in criminal trials, prosecutors and police can consider them as they make their prosecutorial decisions. My guess is that many prosecutions have been abandoned after suspects have passed polygraphs. Similarly, there have probably been prosecutions which might have been abandoned, but for the failure of polygraphs.

As the New Hampshire Supreme Court has said, and as is quoted in my upcoming Motion for Habeas Corpus, “A public prosecutor differs from the usual advocate in that his duty is to seek justice, not merely to convict.” May I suggest that Court would also support the additional phrase, “and not merely to sustain previous convictions, whatever their merits.”

It would have been important to tell the jury a lot about my character, including my guilty plea for domestic violence. I understand that the rules of evidence precluded that evidence, but that’s another example of how the rules of evidence reduce the amount of truth that a jury sees. Similarly, the jury should have learned a lot more about Jeff Marshall’s criminal record, including assaults against several women partners. Again, this would not have been introduced to convince the jury that he murdered Cassidy, but only to show that he was a rational alternative cause of Cassidy’s death.

26. Your offer to testify at a retrial You claim that if you were given a new trial, you would testify. You also ascribe error to the fact that you did not testify at your prior trial and place much of the blame for that occurrence on your former attorneys....Considering all the evidence against you, including your prior convictions and the lies you told during the investigation, your decision not to take the stand was reasonable. To the extent your lawyers counseled you not to take the stand, that advice was likewise reasonable.

Finally, your offer to testify at any potential retrial carries no weight since you know that you would still have the absolute right not to take the stand at trial. Therefore, no matter what promise you made now to testify in the future, you could still change your mind and choose not to testify. If that were to happen, the State could not compel you to testify nor tell the jury that you had promised to take the stand before trial and then changed your mind.

For all these reasons, your claims stemming from your choice not to testify at your trial and your offer to testify at any potential retrial do not weigh in favor of your innocence or a reinvestigation.

You referred in this section to lies I allegedly told during the investigation, by which you must be referring to my police interrogation on November 9th.

1. It is true, as noted above, that I told the police the “trampoline story,” which was a lie. Pages 69-70. However, I also told the police about my causing bruises on her cheeks by holding her face to get eye contact. See below, #10.
2. It is also true that I minimized, but not by intentionally lying, the strength and length of my relationship with Amanda, but I thought I was still married and I was living with Amanda. Also, she was still receiving Maine ASPIRE benefits. Pages. 20-21.

However, what I told the police about everything else was true, including:

1. Cassidy’s head injury accidents with tables in my house. P. 24.
2. The family event at my sister Nicole’s on Sunday, Nov. 5. P. 29, 60.
3. My domestic violence with Tristan. P. 34.
4. My football betting. P. 41, 103-104.
5. The events of the afternoon of November 8, including the ride home and Cassidy’s condition. Pp. 48-51, 76-79, 96-97.

6. The events of the evening of Nov. 8, including the accident with the “starter baseball.” Pp. 52-53, 57-58, 64-65, 74, 100, 112-13.
7. Jeff’s statements to me about spanking Kassidy, and my seeing Kassidy’s buttocks. P 54, 101-02.
8. My understanding of Kassidy’s fall from Jeff Marshall’s truck and the “big ole’ egg” on the back of her head. P. 56, 60.
9. The events of the morning of Nov. 9. P. 63, 65.
10. My holding Kassidy’s face to obtain eye contact, and caused bruises. P. 66-69, 109.
11. My flicking Kassidy’s lips with the back of a finger when she said a swear word. P. 70.
12. About time-outs for Kassidy. P. 71-72.
13. My physical relationship with Amanda, including my non-recollection of the McDonald’s celebration dinner, which was on August 25. I was asked about a “party,” and didn’t recall the event the police were referencing. When I did realize they were asking about that dinner function, the police apparently decided to change the subject. P. 79-83.
14. My splashing water to Kassidy’s face to stop a severe tantrum. P. 93-95, 119-20.
15. My playing with Kassidy. P. 98-99.
16. My finances and mortgage, and lack of finance stress. P. 103.

27. *Claims regarding "lie detectors." Your advocate, Morrison Bonpasse, has written our office and others announcing that you have "passed two lie detector tests regarding" your crimes. You have also argued for the use of SCAN (Scientific Content Analysis) in regards to statements in this case. In your May 7, 2012 letters to The Innocence Project and Centurion Ministries, you cite the results of the "two lie detector tests" and claim that they "add credibility to... [your] claim of actual innocence."*

In reviewing your claims on this subject, it is important to note that none of the procedures referenced are truly "lie detector" tests.... I recently received a letter confirming that the polygraph administered to you has been deemed invalid. See Letter from David Crawford. The New Hampshire State Police have also independently reviewed your polygraph examination and results at my request, and likewise deemed them invalid.

I understand that SCAN analysis is used by police in New Hampshire on statements by suspects and defendants. My sending to you a SCAN analysis of one statement in this case doesn’t necessarily prove anything by itself, but it does point in a different direction.

I agree that voice stress analysis tests and polygraphs are not perfect, and that their results are not admissible at trials. However, taking these tests was one of the means I sought in order to persuade others, including you, of my innocence. I willingly took them, rather than avoid them. Criminal justice and other government agencies around the world use voice stress analysis tests and polygraphs. The very existence of the New Hampshire State Police Polygraph Unit speaks to law enforcement’s belief in the utility of polygraphs.

Beyond what Mr. Crawford wrote to you, I understand that he determined that there was a problem with my breathing during the April 30 exam. I am seeking to obtain more information from him. In the meantime, please ask yourself why I urged the original polygraphist to send to you his videotape and polygraph charts for prospective review by the State Police. Further, why would I ask the polygraphist to ask Dave Crawford to review those materials, if I had consciously used planned to do anything but honestly take the exam. I am seeking to take another polygraph exam.

28. *Medical claims. Many documents have been provided to me in an effort to offer other explanations for Kassidy Bortner's injuries and death, besides your actions. Those explanations have ranged from disease to environmental conditions, to claimed actions by Jeffrey Marshall. Along this same vein, you have also made the following statement, "To this day, we still do not know*

the exact cause of Cassidy's death..." Your claim is without merit.

While we do not know the exact mechanism (i.e., punch, kick, push, etc.), you used to inflict Cassidy's injuries, the cause of her death is clear and has even been recognized by you in recent letters. For example, in two May 7, 2012 letters to the Innocence Project and Centurion Ministries, you stated that "two world renowned Forensic Pathologists; Dr. Michael Baden and Dr. Cyril Wecht, agree that. . . Cassidy's death was the result of a traumatic event.. ." Nowhere in those two letters did you make any claim that Cassidy's death was due to some other medical condition or disease.

While Doctors Baden and Wecht may have disagreed with Dr. Greenwald as to the timing of some of Cassidy's injuries, both of their opinions are consistent with the evidence presented at trial that Cassidy's death was the result of trauma, not some other medical condition or disease. For example, in his November 20, 2001 letter, Dr. Baden stated, "I agree with Dr. Greenwald's assessment that Cassidy was a battered child and that the battering occurred over a period of at least weeks.... In that same letter, he also said that he "agree[d] that the cause of death was multiple blunt injuries. inflicted by an adult." This was echoed in his sworn testimony, where he concluded that "there are a bunch of injuries to this [Cassidy Bortner] child. I agree with Dr. Greenwald, this is a battered child. The child was battered over a period of time and finally developed enough internal injuries that the baby died." That opinion is consistent with Dr. Wecht's May 24, 2007 letter, where he described the fact that Cassidy had been "traumatized."

These opinions are also consistent with the evidence of your assaultive behavior towards Cassidy Bortner, which was introduced at trial.

In addition, at my request New Hampshire's Chief Medical Examiner, Dr. Thomas A. Andrew, has reviewed numerous materials in this case pertaining to Cassidy Bortner's death. His conclusion is that Cassidy's injuries are consistent with abusive injury and he does not take issue with Dr. Greenwald's conclusion that Cassidy's death was due to abusive injuries.

I first became aware of the accusation that I caused Cassidy's death when Det. Lance McCleish said to me, "...after talking to everybody here our investigation clearly indicates that you are the cause of these injuries." Nov. 9 interrogation, p. 91. My response was, "No way...no way." My response continues to be "No way." Using your words above, I never kicked, punched or pushed Cassidy in any way to cause her injury or death. As I've said many times, I never hit or even spanked Cassidy. I never hit or spanked (with perhaps one exception of a tap on the buttocks regarding writing on a wall with magic marker) my son or my stepson, and didn't and don't believe in corporal punishment.

I did believe the police theory and doctors' theory that Cassidy was assaulted by someone. As it wasn't me, my lawyers tried to convince my jury that it was Jeff Marshall. Instead, as we didn't know for sure, what my lawyers should have tried to do was to show that there were just as many circumstances pointing to Jeff Marshall as there were to me, without shifting the burden of proof to the defense team. With such a rational alternative, the jury should not have been willing to convict me beyond a reasonable doubt. However, that legal approach is covered in the upcoming Habeas Motion.

The point here is that I don't know the specific causes of Cassidy's death. Since 2010, my advocate and members of the Chad Evans Wrongly Convicted Committee have done a lot of research on alternate causes for Cassidy's death or even for one or more of her symptoms. I read the article most recently sent to you and Dr. Andrew by my advocate through the enclosed July 24, 2012, email, "Shaken Baby Syndrome, Abusive Head Trauma, and Actual Innocence: Getting It Right." It reported how some convictions in this country were based on erroneous medical understanding of head trauma to children. In each of those wrongful conviction cases, there were

prosecutors and doctors, and then judges and juries who were just as convinced as you that a defendant had harmed or murdered a child.

I am not a doctor and certainly not a childhood trauma expert. All I know regarding this case is that I did not cause Cassidy's death. I and my supporters are struggling to persuade you and others of that truth. As one way to show someone's innocence of murder is to show other causes of death, we have looked for such other causes. Sometimes, the indications have been promising. Recently, for example, Amanda told a member of our committee that she had tested positive for allergies to mold, as her recently born daughter had shown symptoms of that allergy. From photographs of Jeff Marshall's apartment, it appeared that there was dark mold in the bathroom. Without ample financial resources, however, we are unable to pursue many of these leads.

Last year I saw a television program about Ernest Lopez of Texas who had been convicted of murdering a child for whom he was babysitting. He was sentenced to 60 years for beating the child to death, coincidentally within a few weeks of Cassidy's death. However, because the girl was still alive when Lopez brought her to the hospital, blood tests were performed, and those tests were later used to show that the girl likely died of a blood disease the symptoms of which look like assault bruises. Lopez has been released from prison, while prosecutors consider whether to attempt a retrial. It is seeing, and reading about cases like these, which have led me and others to explore other possible causes, whether contributory or total, of Cassidy's death.

You referenced my letters to the Innocence Project and Centurion Ministries which sought their assistance for my exoneration. The omission of the issue of alternative causes of Cassidy's death was simply an omission by oversight, which was facilitated by the need to keep such appeals for assistance as brief as possible. Again, I know that I did not cause Cassidy's death, but I don't know about other possible causes.

29. You also point to evidence, such as photographs, which you claim should or should not have been admitted. You make wide and varied claims as to the potential affect this evidence had or would have had on your case. Decisions about what evidence to admit are left to the discretion of the attorneys handling a case and then to the judge who decides if and under what circumstances the evidence is admissible. A review of all the claims you and your advocate have made surrounding evidence that should have been admitted or should not have been admitted does not reveal anything, which was improper or otherwise would have resulted in a different outcome in your case.

This issue is best addressed in the upcoming Motion for Habeas Corpus. In the meantime, I'll ask you a few questions.

1. Does your statement above mean that you believe it was fair for the prosecutors to charge me with child endangerment beginning on August 1, 2000 and assaults beginning on September 1, 2000 and not provide my lawyer with medical records showing appointments on August 10 and September 11?

2. Does your statement above mean that you think that, given the jury's not guilty verdict for the one assault charge for which there was a photograph of a bruise-free Cassidy, you don't believe that seeing other photographs would have had a similar effect on the jury? I'm thinking in particular of the October 20 photo of Amanda holding a smiling Cassidy at my sister's home.

3. Does your statement above mean that you don't believe that it would have been helpful for the jury to know about the family gathering on Sunday, November 5, where I took Kassidy for the day, and where she was observed by several adults including an elementary school nurse?

4. Does your statement above mean that you don't believe that it would have been helpful for the jury to have known that Kassidy had blood underneath all ten of her fingernails, despite Dr. Greenwald's testimony that there were no open wounds which could have explained the blood on a napkin at Jeff Marshall's house?

In conclusion

During my police interrogation, I said at page p. 103, "...I mean my life has been better the last two months than it has for the last year and a half, I mean prior to meeting." In the most recent edition of the annotated version of that interrogation, I wrote, "As I've stated elsewhere, the previous five months had been among the happiest in my life, and Kassidy was part of that happiness."

After June 2, 2000, life seemed to be good. Despite some rough spots, my relationship with Amanda seemed strong. One of the sources of tension during our relationship was my pending divorce, and my attempts to avoid rocking the boat or antagonizing my wife. Contrary to the police's theory, my finances were in excellent shape and I had acquired several "toys," such as the boat and three-wheelers. Amanda had obtained a job and was hoping to return to school. Kassidy seemed to be happy, but in retrospect we could see that she was declining in October. We had no idea that Kassidy's decline was deadly serious. Yes, it's true that we didn't want to be accused of abusing her, and you can see how valid were our fears, but those fears would have been easily cast aside if we thought there was anything seriously wrong.

As I think about your letter to me and my responses to your 29 statements, at least how I have categorized them, I'm struck by how you have viewed many situations in the worst possible light and I have tried to explain what really happened in each situation. For example, in #16, you wrote about the "gag" incident. Although Amanda testified that she was angry, and didn't testify that she laughed during at least part of the incident, it was not a bad incident, but more of a playful one. I hope my explanation, written long before your letter, helps you understand the situation. This is an example of where having people around a table to discuss their recollections would be helpful. I'm confident that if you sat with Amanda and asked her about my recollection of the incident, she would confirm that it was accurate. She might now recall other details of that and other incidents. Your previous knowledge of the incident came only from a police interview and a question and answer exchange at my trial. As there were no questions about our laughing during the incident, and no questions about the full context of the incident, the jury and you had little sense of what really happened.

In this letter, I previously made a request to you for the names of three murder cases with the largest numbers of supportive pre-sentencing letters. The reason for the request is because your speculation about me and my motives and character are based on your experience and knowledge and probabilities when applied to your knowledge about my case. It's surely likely that the more supportive letters which are received by a judge, the more likely it is that the defendant has some or many good qualities.

For example, it's likely in your experience that people who violate bail conditions were found guilty at their eventual trials. However, was that because most people who are indicted, with or without bail, either plead guilty or are found guilty or was it because people who violate bail conditions are somehow more likely to increase that percentage? If people who violate bail conditions are less likely to be convicted at their eventual trials than those who don't, then it's likely that the prosecution at my trial would not have bothered mentioning it, and you would not have mentioned it in your letter to me. In

may case, I knew that I am innocent and I was confident that I would be found not guilty at my trial. The violation of the bail conditions had nothing to do with my guilt or innocence.

Thus, some of your thinking about my case, and surely others, is a question of probabilities. Below are several questions about the probability of my actual guilt or innocence in light of the facts of my case. I hope you will consider these questions, and even try to answer some of them. As it seems likely to me that at the end of this list of questions you will see that a person in my situation would be very unlikely to have assaulted, and certainly unlikely to have murdered, Cassidy Bortner, why won't you re-investigate my case?

1. How often has a convicted murder defendant in New Hampshire, or even the country, received 52 or more supportive pre-sentencing letters to the presiding judge? (This is obviously a variation of my request to you for the list of the three convicted murder defendants with the highest number of such letters over the past 20 years.)
2. How often over the past 20 years has a former elected School Committee member, in New Hampshire and/or the country, been convicted of murdering a child under the age of ten?
3. How often over the past 20 years has a parent of a young child, under the age of ten, been convicted in New Hampshire and/or the country, of murdering another young child who was living with him (whether his own or child of other adults.)
4. How often over the past 20 years, when a defendant has been convicted in New Hampshire and/or the country of murdering a young child under the age of ten, of his spouse or partner, has a parent of the deceased child continued to support the innocence of, and even love, the convicted defendant?
5. In cases where a defendant has been convicted in New Hampshire and/or the country of murdering a young child under the age of ten, and where that defendant had previously been convicted/pled guilty to domestic violence, how often had the defendant voluntarily sought additional counseling following the completion of court-ordered counseling?

Assuming that your answers are similar to my estimates which is that the frequency for each answer is very low, please reconsider the likelihood that my conviction was a wrongful conviction.

My last, and longest, question to you is less a question of frequency and more a question of probability based on common sense.

How likely is it that

1. A businessman having a good day (as witnessed by several people including my secretary of eight years, Melissa Allard, who were not interviewed by the police or his attorneys and not called as witnesses at his trial) could leave work, and
2. See a friend at a local store while buying a snack (which friend was not interviewed by the police or his attorneys and not called as a witness at his trial), and
3. Go to a store to successfully resolve a credit card overcharge mistake with a clerk (who was not interviewed by the police or his attorneys and not called as a witness at his trial) and
4. Pick up the apparently tired, non-verbal, daughter of his girlfriend at the babysitter, and
5. Resume his trip to pick up his three-year old son at daycare, and
6. On the way, assault the apparently tired, non-verbal, daughter severely enough to cause her death the next day, but without leaving any physical trace in his car of such violence, and

7. Arrive at the day care center with the daughter in the back seat easily viewable by anyone within the day care center, and
8. Have a calm conversation with a teacher (who was not interviewed by his attorneys and who did not testify at his trial) which conversation was witnessed by the day care center's director (who was not interviewed by his attorneys and who did not testify at his trial) at the day care center about his son and the movie which he was viewing at the center, and
9. Drive home and feed and bathe the two children and put them to bed?

The answer is that the timeline of that day makes no sense at all, unless the absurd and bizarre #6 is removed. I say again, it didn't happen. Despite your confidence, we don't know what caused Cassidy's death.

Even if you have decided, at this point, not to recommend a full re-investigation of this case, can you please undertake a few steps toward the truth in this case?

1. Write to Amanda Bortner and ask her specific questions about the statement that I was "physically abusive" to her. Please include among those questions the following:
 - a. Did Chad ever hit you? (If so, please provide as much detail as possible.)
 - b. Do you agree with each point of Chad's web-posted description of his physical relationship with you?

2. Interview Amanda, and ask her detailed questions about my conduct with her and Cassidy.

3. Interview me. Please come meet and interview me and ask me any and all questions. If you cannot do that yourself, please authorize someone to interview me. Surely there are questions that police investigators and you would want asked, but were not able to ask in 2000 and 2001 because of how the legal process was played out. If no one can come interview me, then please ask me questions. You must wonder about something in this case that doesn't make sense to you. I know that your letter only referred to incidents and statements that supported your conclusions, but you must have some questions.

I understood your point about my plan to testify at a retrial, i.e. that it could not be compelled, so please ask me questions now that would be asked at such a retrial.

4. Ask the State Police Polygraph Unit to conduct a polygraph examination of me regarding any issue about my case. As I offered to Maine State Police Sgt. Matthew Stewart in the Kittery Police station parking lot on the evening of November 9, 2000, I renew my offer now. I am willing to take a polygraph about any issue in this case. As a subset of this request, can you send to me or my advocate a copy of the State Police review of my April 30, 2012 polygraph exam?

I close as I began. I did not murder Cassidy Bortner. I never struck her in any harmful way.

Someday, and hopefully sooner rather than later, you and others in law enforcement will see how the errors in the investigation, prosecution, trial and judicial review in this case all contributed to my wrongful conviction.

Very sincerely,



Chad Evans, #75414
New Hampshire State Prison
P.O. Box 14
Concord, NH 03302-0014

Enclosures:

- "Physical contacts with Kassidy"
- "Physical contacts with Amanda"
- July 24 email from Morrison Bonpasse to Jeffery Strelzin and Dr. Thomas Andrew about the medical article, "Getting It Right."
- Chad Evans list of proposed questions for the July, 2010 Voice Stress Analysis test.