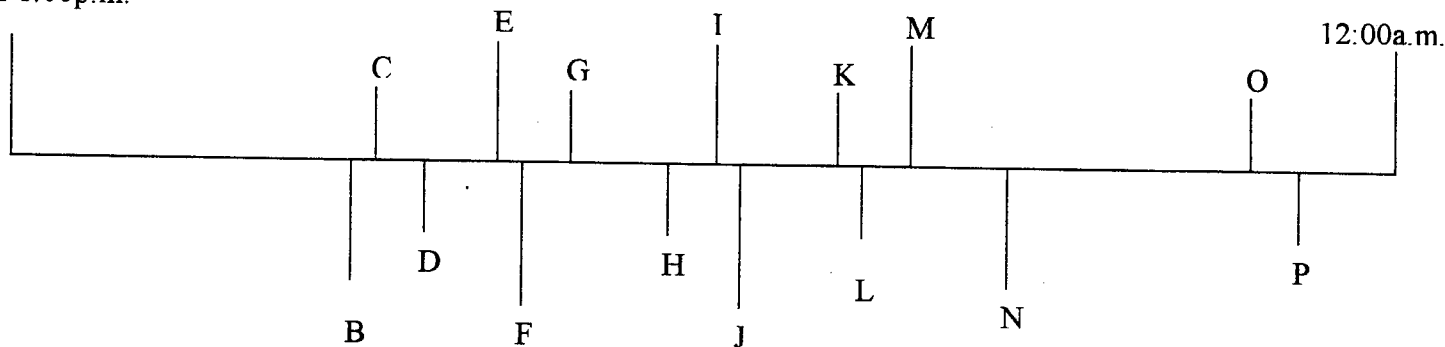


A-1:00p.m.



November 8, 2000

- A. 1:00 PM - Amanda dropped Kassidy off to Jeff Marshall to be babysat. Amanda was scheduled to work at 3:00PM but dropped Kassidy off early because she needed to find a dress for a dinner party we were attending that weekend.
- B. Approximately 5:40 PM I picked Kassidy up from Jeff's house.
- C. 5:45 I called Jeff to find out if he did anything to Kassidy. She was acting strange. She was drooling, her eyes seemed glossy, she was not talking at all, and she was slumped over the seat belt for a second. (I had spoken to Jeff about a week and a half prior about spanking her behind so hard that it left black and blues. Kassidy was actually supposed to be spending the night at Jeff's house but I picked her up because I did not like the way he cared for her. Amanda and I were actively seeking daycare for her.) I explained all of the behaviors that I had noticed to Jeff. (He even admitted to the police that I had described her erratic behavior to him on the phone. I found out later everything I was describing was consistent with a sub-dural Hematoma.) Jeff stated that Kassidy was fine at his house, "maybe a little tired that's all." I didn't realize it at the time but he was fumbling with his words and also had tried to change the subject to the presidential election vs. talking about her.
- D. 6:05PM Kassidy and I picked my son Kyle up at Cross Roads Kindergarten in Somersworth (Approx. 25 minutes from Jeff's house in Kittery)
- E. 6:35PM +/- We arrived home. Kassidy was sitting in back passenger's seat. I went and opened Kassidy's door and stood her on the ground. Kyle was having a fit so I ran over to unbuckle him. When Kyle and I walked back around the car we observed Kassidy laying face down on the driveway. Her hands were down at her side as if she made no effort to break her fall. She wasn't crying at all so I assumed she had just fallen. Kyle asked, "Daddy why is Kassidy laying on the ground?" I picked her up and carried her inside
- F. Approximately 6:40 PM I called Jeff back to describe her behavior and question him again. I thought Jeff was my friend and he was basically almost Kassidy's uncle. I had a bad feeling inside of me but I kept rationalizing her behavior because she was often times quiet and I had seen her run at full speed, fall and not put her hands out to break her fall. He swore to me that he had not disciplined her at all that day and for some reason I believed him.
- G. Approximately 7PM I fed her half a banana and tried feeding her a grilled cheese sandwich but she didn't want it. She usually ate very well and this was surprising to me, how little an appetite she had.

- H. Approximately 7:20PM Myself, Kyle and Cassidy were in Kyle's room. Because of the way she was acting I did not want her to be playing alone while I did my nightly ritual with Kyle of tossing him whiffle balls. Cassidy was sitting on my lap and I was tossing balls to Kyle. From his wheelbarrow full of mostly whiffle balls. He was standing approx. 10 feet away and one of the last balls he hit was one of his brother's T-balls right back at us. It hit Cassidy right in the eye. She fell back against me and whimpered. Kyle came running over and apologized she received a red spot the shape of a ball immediately I believe on her left eye. We quit playing then because I realized how stupid it was for me to be playing with her in the room.
- I. 7:30 -7:40 PM Travis (our roommate) came home and came right up to the bathroom where we were. I was bathing Cassidy. For the first time that night her behavior seemed kind of normal for Cassidy.
- J. 7:40 Somewhere around this time Tristan called wanting to know if I knew where our friend Jeremy was. While I had her on the phone I described her drooling and slumped forwardness in the car seat, her falling in the driveway with no effort to catch herself and her eyes rolling up in her head and back down. As well as the baseball accident in Kyle's room. I asked Tristan if she thought Cassidy was all right or "should I take her to the hospital or something?" Tristan asked, "How is she acting now?" I said, "she acting fine. She's talking and everything." Tristan Said, "She's probably fine then, she wouldn't be talking if she was messed up. (Head Injury) just keep an eye on her." At this point I wasn't as alarmed anymore because Tristan thought Cassidy was a little slow anyway and she had exhibited some of these behaviors before with Amanda present, (eyes rolling, falling, etc.) so it put me at ease.
- K. Approximately 8:10 I Spoke with Amanda about what had happened throughout the night. Cassidy's behavior upon picking her up, falling in the driveway, the baseball incident, etc. I reemphasized how bad Jeff was with her and our need to speed up getting a daycare.
- L. 8:15 Cassidy ate a freeze pop sitting on my lap in my office while I visited with Travis
- M. 8:30 +/- Put the kids to bed, read them a story, and kissed them goodnight.
- N. 9:05 +/- Travis left for Irene Ricci's House - a girl he was seeing - The kids were asleep.
- O. 11:30 +/- Amanda arrives home from work, we argue about something stupid. Who works harder or something like that? (Coffee cup incident)
- P. 11:45 We go upstairs to bed. We go into Kyle's room, then Cassidy's and Amanda kisses her on the side of her head. I reach over her and kiss her forehead. I see that she's awake and she says her sweet "hi." As we leave her room, I tell Amanda, "Baby, you have to change her diaper, she stinks." Amanda said, "I will in the morning, I'm not waking her now." (Amanda was in the bathroom when I said this to her. We went to bed immediately afterwards. )