

HR 10 - AS INTRODUCED

2015 SESSION

15-0866
04/10

HOUSE RESOLUTION ***10***

A RESOLUTION urging the department of justice to reexamine the conviction of Chad Evans.

SPONSORS: Rep. Abramson, Rock 20; Rep. Patten, Merr 17

COMMITTEE: Judiciary

ANALYSIS

This resolution urges the New Hampshire attorney general's office to reexamine the conviction of Chad Evans.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

A RESOLUTION urging the department of justice to reexamine the conviction of Chad Evans.

1 WHEREAS, when a jury convicted Chad Evans in 2001 of murdering 21-month old Kassidy
2 Bortner, the daughter of Evans's woman friend, Amanda Bortner, the jury did not know:

3 I. That Kassidy Bortner may not have been a homicide victim, in that the autopsy of her
4 body measured a heart abnormality that her right ventricular wall was 4 times larger than normal,
5 which indicated some level of heart failure, and that Kassidy's parathyroid glands were missing,
6 which was a possible indication of DiGeorge's syndrome; and

7 II. That there were many photographs available of Kassidy during the period of alleged
8 abuse by Evans, in addition to the one photograph which the jury did see and which led the jury to
9 find Evans not guilty for assault during the time of the October 1, 2000 photo; and

10 III. That Chad Evans had been recognized in 1997 by the Union Leader and governor
11 Jeanne Shaheen as a HERO of New Hampshire for his role in saving the lives of 3 men from a
12 burning car near Evans's home in 1996; and

13 IV. That Amanda Bortner had taken Kassidy Bortner to see an orthopedic surgeon in
14 September, 2000, at Evans's recommendation, in order to evaluate an apparent toed-in problem, and
15 that this examination was during the period of the alleged abuse by Evans, and that the
16 prosecution's primary witness, the medical examiner of Maine, knew about this appointment; and

17 V. That about 9 days before Kassidy Bortner died, Evans asked the owner of the day care
18 center to which Evans had sent his son and stepson, about enrolling Kassidy, and that Evans was
19 told that Kassidy would be eligible after she was toilet trained; and

20 VI. That no New Hampshire police or department of justice official has ever interviewed or
21 talked with Chad Evans except for a few minutes on the night of his arrest when he asked that his
22 attorney be present during further questioning. The police never asked again; and

23 VII. That 4 days before Kassidy Bortner died, Evans took her to a family gathering, attended
24 by a school nurse who saw nothing amiss with Kassidy's appearance. During that day, Amanda
25 Bortner purchased winter clothes for Kassidy with the \$300 that Evans had given to her for that
26 purpose; and

27 VIII. That there had been laboratory reports showing that Kassidy's blood was found under
28 all 10 of Kassidy's fingers, even though Evans had given her a bath the night before, as witnessed by
29 the housemate who testified at the trial, and that this blood was inconsistent with the prosecution's
30 theory of the case; and

31 IX. That Chad Evans communicated to the police in 2000 that he was willing to take a
32 polygraph exam, but the police did not follow-up. (In 2010 Evans passed a voice stress lie detector

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1 exam and in 2012, his polygraph exam was inconclusive. Currently, the prison warden refuses to
2 permit a second polygraph exam, and is likely to be the only prison warden in the country who is
3 currently denying an inmate claiming innocence the opportunity to take a polygraph exam); and

4 X. That subsequent to the case, a 699-page book was written about the case: EYE
5 CONTACT – The Mysterious Death in 2000 of Kassidy Bortner and the Wrongful Convictions of
6 Chad Evans and Amanda Bortner, and that Volumes 2 and 3 of that book contained Evans’s letters
7 to his advocate for the years 2010 and 2011, respectively. No one from the state of New Hampshire
8 has challenged the facts presented in those 3. volumes. The title came from Evans’s occasional
9 holding of Kassidy’s face in order to obtain eye contact for effective communication, and not to punish
10 or hurt her in any way; and

11 XI. That the Internet website later dedicated to the case,
12 www.chadevanswronglyconvicted.org, would contain far more information about the case than the
13 jury ever saw; now, therefore, be it

14 Resolved by the House of Representatives:

15 That the attorney general of New Hampshire reinvestigate the death of Kassidy Bortner, and the
16 investigation and trial of Chad Evans who was convicted in 2001 for her murder. Said
17 reinvestigation would be conducted by an independent pathologist and an independent attorney.
18 The reinvestigation would include in depth interviews with Chad Evans, Amanda Bortner and Jeff
19 Marshall, who was the babysitter for Kassidy for the last 4 hours of her life. The reinvestigation
20 would also include the option for Chad Evans to take a second polygraph examination. The
21 reinvestigation would be completed by October 1, 2015; and

22 That a copy of this resolution be forwarded to the speaker of the house of representatives and the
23 New Hampshire attorney general’s office.