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HSUS reacts to end of Fay trial

Daymond Steer Nov 15, 2017 Updated 18 hrs ago

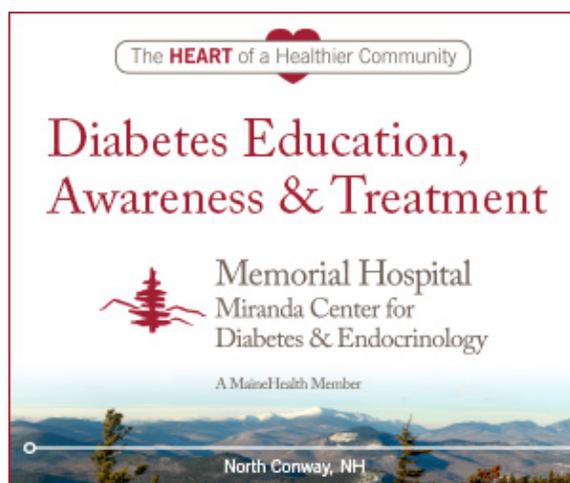


Christina Fay smiles as she testifies Tuesday in Ossipee. (DAYMOND STEER PHOTO)

OSSIPEE — Lindsay Hamrick of the Humane Society of the United States said she is confident the state will prevail in the animal cruelty case it brought against Christina Fay of Wolfeboro, whose trial wrapped up Tuesday evening in Ossipee's Circuit Court.

The case began last June, when police and members of HSUS seized dozens of Great Danes owned by Fay from locations in Wolfeboro and Bartlett. The Conway Area Humane Society received another nine dogs prior to the seizure.

Fay, 59, is facing a dozen charges alleging she kept dogs in squalid conditions and denied them adequate food, water and care.



The trial, overseen by Circuit Judge Charles Greenhalgh, started Oct. 16 and ran five days through Oct. 24. It then picked up for a final day Tuesday.

Both sides are now awaiting a verdict from Greenhalgh.

The case was prosecuted by Wolfeboro Police Prosecutor Tim Morgan with assistance from Simon Brown of PretiFlaherty, based in Concord.

Fay was represented by Kent Barker of Winer and Bennett LLP of Nashua and James P. Cowles of Walker & Varney PC of Wolfeboro.

“Our reaction to the closing of the trial is that the state brought forward a very strong case against Ms. Fay, and the photos and the video footage that doesn’t lie,” Hamrick said Wednesday. “We look forward to hearing Judge Greenhalgh’s verdict on this.”

The defense team has stated repeatedly that the pictures the HSUS took were misleading. They said the dogs were left to roam the house for hours during the raid, which took place in the morning before Fay and her assistants got a chance to clean. For instance, one photo showed the kitchen looking clean, which Fay said is what it looked like at 8:10 a.m. the morning of the raid.

“I find it personally sickening and heartbreaking that no one has ever produced this picture,” Fay said when she took the stand Tuesday. “That was the one room that had been clean that morning. The point being that’s how the rooms look after they have cleaned every day.”

Fay told Greenhalgh her efforts to keep the house clean were frustrated by a temporary lack of

cleaning help and a knee injury.

The defense team claimed the HSUS used the photos and videos as a fundraising tool for their organization.

Hamrick responded by saying they partner with local law enforcement and assist them upon request.

“There have been some comments made about HSUS supposedly making money on this, which if you simply look at the math, you can see how absurd that comment is because we spent at least \$478,000 just to care for these dogs for five months, and we have only raised \$180,000 in financial donations,” said Hamrick, who confirmed that about \$200,000 in donated supplies also was raised.

The defense team also alleged that the HSUS defamed Fay in accusing her of operating a puppy mill. Her lawyers characterized her as simply a hobbyist with a passion for Great Danes.

Hamrick denied that the HSUS defamed Fay and took exception with Fay's saying there were only a few litters in 2016 when her records showed 11 litters.

Hamrick said Fay had conflicting testimony on whether four litters or two litters were born in 2016.

“When somebody can’t keep track of the number of puppies they are creating and that they are selling online, I think that’s a pretty big indication of the kind of operation she was running,” said Hamrick, adding that the state definition of a commercial breeder is 10 or more litters a year, though that standard is difficult to enforce.

None of the criminal complaints against Fay was related to the number of litters born.

On the stand, Fay said, puppy mills were on her "dislike list" and said she basically raised the dogs for fun.



At the end of the trial, Barker said Fay was losing \$35,000 per month on the dogs. He also said the HSUS, police and other organizations were like a "machine that was well-oiled" and out to prosecute Fay.

"I was accused of saying this was a conspiracy theory, like it was some crazy thing, but we know from an exhibit ... that says on May 8 (Wolfeboro Police Chief Dean Rondeau) was making statements to the members of the Wolfeboro Board of Selectmen saying, and I quote, 'This case opened on May 8 when we determined there was an animal cruelty case,'" said Barker.

He believes police had their minds made up about Fay even before the search warrant was executed June 16.

Brown, in his closing statement, said the dogs were kept in an inappropriate and unsafe setting at the Wolfeboro home.

"It was the defendant who had complete control over who many dogs she was going to permit to live there," said Brown.

"She allowed the population to balloon from 40 to 75 in two years, and she before her arrest she had inadequate staffing to care for all of these dogs. For whatever reason, she lost control of the situation."

If Fay is convicted, the judge will also determine what comes next, said Hamrick.

He could decide that the dogs would go to the custody of the HSUS, which would then turn them into local shelters to be re-homed.

Hamrick said the judge also could order Fay to pay restitution and prevent her from having animals

again or for a period of time.

If Fay is found not guilty, she would get her dogs back.



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