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Wolfeboro Great Dane owner Christina Fay guilty on 10 counts of animal cruelty

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Tuesday, December 12, 2017

For six months, Christina Fay insisted that the dozens of Great Danes at her home in Wolfeboro were seized, not rescued, as prosecutors, police and Humane Society officials claimed in an animal-abuse case that attracted national headlines.

Monday night, though, three weeks after the trial ended, Judge Charles Greenhalgh agreed with the state, writing, "The evidence shows that the defendant did not provide proper care, substance or shelter," meaning Fay was found guilty on all 10 counts of animal cruelty and neglect.

A sentencing hearing on the charges, all misdemeanors, will be held within 30 days.

Overall, 84 Great Danes needed care, with nine having already been sent to a Conway shelter by the time 75 were found in Fay's \$1.5 million home in June.

Fay's own testimony at trial underscored that she was aware of the minimum standard of care for the dogs and failed to meet that threshold, Greenhalgh said.

Many of the dogs had untreated illnesses including giardia, ear infections, parvovirus and cherry eye, the judge said. He said the evidence showed the dogs went

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untreated and the illnesses began to spread between May and June 16, when police served a search warrant and conducted what amounted to a raid on Fay's home.

"The dogs were left without adequate water on multiple occasions," Greenhalgh wrote. "They were housed in inadequate, unsanitary facilities, which did not allow them to remain clean and dry. Their living areas were poorly ventilated and they were exposed to unhealthy levels of ammonia."

Fay's answering machine was full and she did not respond to a text message requesting comment. She testified in court that she took good care of the dogs and was more of a hobbyist than a professional breeder. The defense tried to argue that the Humane Society of the United States had overstated the condition of the dogs and used the case for fundraising.

Photos of the disheveled home showed the Great Danes had spread their feces and urine all over the walls and floors, forming a thick coating that made for slippery conditions.

Testimony bolstered the state's case, with several witnesses claiming that high levels of ammonia and dirty conditions contributed to the dogs' illnesses, most notably eye irritations.

But defense lawyers Kent Barker and Jim Cowles contended that no proof existed tying ammonia levels to cherry eye. Their most compelling strategy cited the four dogs that died once the HSUS had taken control of them, suggesting the officials who swept in to care for the animals had actually been responsible for their deaths. The wrong food, the lawyers said, might have killed the dogs, whose digestive systems were sensitive.

The two lawyers tried to suppress the search warrant during the trial, saying it had failed to identify the HSUS and other civilian volunteers who participated in the raid. Barker and Cowles also asked the judge to return Fay's dogs to her.

Both requests failed.

"(The defense is) disappointed in the verdict, and the court's analysis of the facts and law used to reach the verdict," Barker said in an email to the *Monitor*.

Fay's testimony and that of her allies, including her personal veterinarian, sought to portray her as a caring dog owner who spent thousands of dollars on medical care, fed them the best food available, and provided plenty of water and exercise.

Any problems, Fay and others said, were due to a transition period in which some of Fay's five-person staff had left, while others had not yet started.

In his ruling, Greenhalgh showed a measure of understanding.

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"Overall, the record shows that the defendant spent substantial amounts of money to

care for these dogs," he wrote. "She admired the breed so much that she is attempting to increase its awareness and prevalence in the United States. She also expressed a deep felt love for each of her dogs. She was clearly very connected to the dogs."

But those who testified for the state and represented the Humane Society in court had harsh words for Fay, stating that her actions were cruel, criminal and avoidable.

In a press release, Lindsay Hamrick, the New Hampshire director for the HSUS, used the verdict to shed light on what she sees as laws that lack teeth, saying, "The suffering these animals endured at Fay's hands could have been alleviated much sooner or prevented if New Hampshire had stronger commercial breeding laws."

Fay's sentence is due by mid-January, but in his email Barker said the defense will keep fighting.

"Details of (the defense team's) objection will be described in subsequent pleadings and proceedings on appeal," Barker wrote. "Mrs. Fay's primary concern at present is the welfare of the dogs, who remain her property and have been held for six months post seizure as of this coming Saturday."

It's not clear what will happen to the dogs as Fay awaits the next judicial step.

What's clear, however, is Greenhalgh saw a defendant who clearly had mistreated dozens of Great Danes.

"The conditions in which these dogs were kept constitutes cruelty," Greenhalgh said. "Their cages and living areas were covered with an accumulation of feces and urine days or weeks old. The dogs had to walk in and lay down in the waste covering the floor."