

# Fay guilty, again, in jury trial

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From left: Attorney Kent Barker, Christina Fay, attorney James Cowles and attorney Jeremy Cohen stand as guilty verdicts against Fay are announced in Carroll County Superior Court on Monday. (BEA LEWIS/POOL PHOTO).

OSSIPEE — A Carroll County Superior Court jury on Monday found Christina Fay guilty on all 17 charges at the former Wolfeboro woman's animal cruelty trial.

Fay was charged with neglecting the dozens of Great Danes she owned, withholding water and allowing medical conditions to fester in an atmosphere rife with urine and feces. The dogs have been held in a secret location in the care of The Humane Society of the United States since June, when the dogs were seized in a police raid.

Closing statements took place last Friday, when, at around 3 p.m., the jury received the case. It deliberated for about an hour, then continued to deliberate Monday starting at 8:30 a.m. It came back with the verdict at around 11:45 a.m.

The jury consisted of seven men and five women, with a man and a woman selected as alternates.

Fay stood with her head held high, showing no emotion as court clerk Abigail Albee read off the complaint number, then asked the jury foreman if the jurors found her guilty and if the verdict was unanimous.

The trial opened Feb. 27 and ran nine days. It was Fay's second trial on similar charges within the past six months.

After the verdict was delivered, Superior Court Judge Amy Ignatius allowed the lawyers from both sides to approach the bench. She announced there had been a mistake in paperwork given to the jurors and they would have to deliberate again on two of the criminal complaints.

"It was completely my fault," Ignatius told the jury, noting, "I'm going to ask you to go back and once again evaluate two charges."

At around 2 p.m., the jury came back out and delivered the guilty verdicts on the last two charges.

"We are very pleased with the verdict," said Assistant Carroll County Attorney Steven Briden. "We think that justice was served in this case."

Sentencing will be within the next 30 days. The dogs' "rehoming" will be dealt with at sentencing.

Fay's attorneys said that they want the judge to put the verdicts aside for lack of evidence. "Essentially, what we are asking the court to do is to sit as a 13th juror," said Kent Barker of Winer and Bennett of Nashua, who said he would file motions to further explain their rationale.

The court will determine the disposition of the dogs and potential restitution at the sentencing hearing.

The HSUS says it has spent \$1.3 million caring for the dogs.

Lindsay Hamrick, HSUS state director, released the following statement:

"Given the facts of the case and the compelling evidence the state presented, the jury was right to find the defendant guilty of animal cruelty. We are grateful to the Wolfeboro Police Department, prosecutors Steven Briden and Simon Brown, the Conway Area Humane Society and the Pope Memorial SPCA of Concord Merrimack County for their incredible work and dedication to rescue and seek justice for these gentle giants," Hamrick said.

"We would also like to thank everyone who donated to the care of these animals and the countless volunteers from The Humane Society of the United States' Animal Rescue Team, local humane societies, Disaster Animal Response Teams and veterinarians who gave their time to ensure these dogs received love and expert support each step of the way. Most of all, we would like to thank the two brave citizens who reported the conditions to law enforcement so that these dogs could be saved."

Ignatius thanked the jury as well as the parties on both sides of the case for their comportment during the trial.

“I appreciate there was a very professional, respectful atmosphere here in the courtroom,” she said. “It makes it easier for me, but more importantly it makes it more straightforward for the jury to not have a lot of emotions swirling around.”

Fay briefly spoke with reporters before the verdict was read.

“I find it remarkable I’m living in a state where the governor had a comment before the jury came back,” said Fay adding that situation is “heartbreaking.”

Comments from Gov. Chris Sununu made recently about animal rights legislation that included a reference to Fay.

“Animal cruelty will not be tolerated in New Hampshire,” the New Hampshire Union Leader quoted Sununu as saying. “I applaud the Senate for passing SB 569, which will ensure that the horrendous treatment of the Great Danes from Wolfeboro never happens again. This is a critical piece of legislation, and I call on the House to get it to my desk.”

In December, a circuit judge found Fay guilty on 10 counts of animal cruelty in a written order.

Judge Charles Greenhalgh’s sentence for Fay included a one-year suspended jail sentence. He also ordered her to pay about \$950,000 in restitution costs, including hundreds of thousands to The Humane Society of the United States, which has been caring for up to 75 of her Great Dane dogs at a secret location since last June.

But Fay appealed the sentence. She faced 17 complaints of animal cruelty (it was 18; one was dropped by the prosecution during the trial).

On Friday, Barker argued that while Fay admitted to having too many dogs, they never lacked food, water, shelter or medical care. He said she also planned to reduce the number of dogs over time, and he referenced a staff shortage to explain the condition of the residence when it was raided by Wolfeboro police and HSUS members last June.

“We don’t get to plan our crises,” said Barker. “She had plans to retain more help, to rehome the dogs because there were too many and to relocate to another location that was better suited.”

Barker argued that Fay was a responsible dog owner who listened to veterinarians’ advice when with common yet tricky conditions to treat such as cherry eye, a prolapse of an eye gland, and happy tail, an injury caused by excessive wagging.

“She was the most responsible pet owner I have ever seen,” said Barker.

Two people hired to help keep the house clean, teenager Annie-Rose Newell and Marilyn Kelly, took photos and shared them with authorities, said Barker.

Barker characterized Kelly as a “mole” who gets inside and secretly gathers evidence.

Barker also claimed that the prosecution didn't do enough basic investigation during the June raid.

For instance, he said criminal complaints talk about eye-watering ammonia gas (from dog urine), but no one ever did any testing show objectively what the levels were.

He said the police department may have been motivated by a neighbor who had a "personal jihad" against Fay because Fay's fencing limited her access to the lake.

Briden painted Fay as a woman full of excuses. He said she blamed others for failing to live up to her own responsibilities.

"They even insinuated that Annie and Marilyn's immediate determination that the conditions in that house warranted a report to the authority somehow indicates that they were working on behalf of the Wolfeboro Police Department or the Humane Society when they did those jobs," said Briden.

"There is a much more likely explanation here. When they came to work, they found conditions that were so deplorable that they felt that they had no choice but to report what they saw."

When Fay was arrested, Briden said, she apologized to the police for the conditions of her home and begged them not to seize her dogs.