

Great Dane owner to serve at least a month in jail

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OSSIPEE — A Carroll County Superior Court judge Friday sentenced Christina Fay, the woman convicted of 17 animal cruelty charges for her neglect of dozens of Great Dane dogs in her care, to at least a month in jail. It would have been three months, if not for a last-ditch effort of one of the Fay's attorneys.

In mid-March, a Superior Court jury found Fay, 60, guilty on all charges. The case wound up in Superior Court after Fay appealed a guilty verdict that followed a bench trial last year in Ossipee Circuit Court.

Fay was charged with neglecting 75 Great Danes she owned, withholding water and allowing medical conditions to fester in an atmosphere rife with urine and feces. The Great Danes had been kept in and on the property of her Wolfeboro mansion.

Since a raid last June by police and The Humane Society of the United States, the dogs have been held in a secret location in the care of the HSUS.

Following Fay's conviction Assistant County Attorney Steve Briden asked the court to impose the following sentence: 12 months in jail with one day's credit for pretrial confinement; 12 months suspended for five years; supervised probation for five years; a \$2,000 fine for each conviction, totaling \$34,000; full restitution to the HSUS and the town of Wolfeboro, an amount presently totaling over \$1.8 million; forfeiture of any and all interest in the animals seized June 16, 2017; the transfer of ownership of the dogs to the state and HSUS "so the animals can be rehomed without delay"; a lifetime ban on owning or having custody of any animal; and the stipulation that she supply a copy of the sentencing order to the "appropriate law enforcement agency" of any community in which she lives.

However, the defense argued for no jail time and no restitution.

A new addition to the defense team, Marshall Pinkus of Indianapolis reiterated again and again that Fay had no ill intent. Pinkus said HSUS members were volunteers and not entitled to restitution.

Friday's hearing took over two hours. The sentence was handed down by Judge Amy Ignatius.

"The sentence that I think is appropriate in this case ... is something that is not exactly what the state asked for and not exactly what the defense has asked for," said Ignatius. "It's a combination of different requests that were made this morning."

On one of the 17 charges, she gave Fay a 12-month jail sentence with nine months suspended.

"That means three months of the sentence to be served," said Ignatius, adding that another 12-month sentence would be fully suspended for five years.

After the judge went through her sentence, defense attorney Kent Barker of Winer and Bennett in Nashua, stood up and said Fay had no prior record and the charges were not violence related and therefore it would be unusual to send her to do jail time. He said maybe she could do some community service instead.

"I couldn't live with myself if I didn't make the recommendation I just did," said Barker.

At one point, Barker said that the charges were "on the cusp of being criminal" and that didn't go over well with Ignatius.

"I take this statute seriously," said Ignatius, raising her voice. "I don't think Ms. Fay does ... I don't accept your efforts to again and again somehow minimize it."

Barker apologized and said he misspoke.

Briden said that there were victims in the case and that jail time was appropriate. He said the defense team's arguments are being made after the sentence was handed out.

"The presentation wasn't made," said Briden, explaining that the defense attorneys didn't make the argument for no jail time when given the chance earlier that morning.

Ignatius softened a bit. She decided that 60 days of the 90-day sentence could possibly be suspended if Fay agrees to "some sort of counseling program" acceptable to the court.

"The 30 days are to be served," said Ignatius, adding that there were no guarantees about suspending the other 60. "It (a counseling plan) needs to be developed into something specific."

Both sides agreed that the jail time would not be imposed until a second hearing happens on June 14 when the terms of the sentence will be completed.

As for restitution, Ignatius said she would order it, but the total amount to be paid to HSUS and the town of Wolfeboro would have to be determined at a later.

"There is still an unknown period of time before the dogs are released and that means costs of care continue," said Ignatius. "I don't know if that's a matter of days, a matter of weeks, I certainly hope it's not a matter of years."

She encouraged the parties to come up with an agreement on how much money the restitution will involve. That will be dealt with at a further hearing on June 14.

"I was in favor of looking for a way to allow the dogs to be released but was not going to give the defendant her request that she was going to be in charge of that," said Ignatius.

She declined to fine Fay. The judge said banning future pet ownership for life would be "too extreme." She said Fay may have one animal during the five-year period that hangs over Fay's head.

She didn't think the statute allowed her to order that Fay post the sentence with the law enforcement agency where she lives.

The judge went on to explain her sentence. She said she had "no doubt" that Fay loved the dogs and added that the charge was that she was "negligent" in her care for the dogs. But Fay's penchant for assigning blame bothered her.

"It was everybody else's fault and in no way your responsibility," said Ignatius, adding she didn't see remorse in Fay.

Ignatius said she hopes all the issues could be resolved on June 14. Those issues include jail time, and the disposition of the dogs, including one that allegedly injured a shelter worker.