

Fay appeals sentence, gives up most dogs

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OSSIPEE — After being given a sentence Thursday in Carroll County Superior Court that didn't necessarily include jail, Christina Fay, a woman convicted of 17 counts of animal cruelty has decided she would be appealing to the New Hampshire Supreme Court and most of the sentences will have to be stayed until then.

In mid-March, a Superior Court jury found Fay, 60, guilty on all charges. She had a sentencing hearing in May, but several issues remained unresolved. The case wound up in Superior Court after Fay appealed a guilty verdict that followed a bench trial in Ossipee Circuit Court.

Fay was convicted of neglecting roughly 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, most of the dogs have been held in a secret location in the care of the HSUS, and Fay was allowed to keep one.

The purpose of Thursday's hearing was to wrap up issues left over from a previous hearing in May, such as how long Fay would have to spend in jail, where the dogs would go and the fate of a particular dog named Bam Bam, who injured an animal caretaker in April.

Near the end of the hearing the defense and the prosecution took a few moments to speak to Judge Amy Ignatius at the bench. After that, Ignatius asked Kent Barker of Winer and Bennett of Nashua to put on record what they had just discussed.

"I had made a motion to continue bail and request that the sentence be stayed pending appeal with one exception that being the forfeiture of the 78 Great Danes currently being held by the HSUS in accordance with the sentence that was just issued," said Barker.

Ignatius said this means that efforts to rehome the dogs could begin. However, the issues around the restitution that Fay would owe the Wolfeboro Police and the HSUS, possible jail time and future dog ownership would be dealt with in the future. Fay would be allowed to keep the dog she has presently.

The appeal came after Ignatius reversed course on jail time. In May, Ignatius gave Fay a 12-month jail sentence but suspended all but 90 days. In May, she said an additional 60 days could be suspended if the defense team could present an adequate rehabilitation plan.

About two dozen people were watching the trial. The group included HSUS staff and their supporters, Fay supporters and media. A collective gasp was heard when Ignatius ruled that Fay could avoid spending any time in jail by adhering to conditions of the suspension with a

counseling regimen that included two sessions per month and quarterly reports to ensure compliance to the county attorney's office.

Ignatius said one reason she decided to suspend the jail time was one of Fay's adoptive children (an adult) had died recently and some of her other adopted children, who are now adults, still need Fay's support.

"Three months in the house of corrections may be too disruptive to other people," said Ignatius.

As of now, the restitution figure stands at around \$1.9 million for HSUS and \$18,000 for the Wolfeboro Police Department.

However, before the appeal Ignatius said that amount would increase until the dogs are all rehomed, and if the defense found unfair charges, which she defined, those could be taken off the bill.

As for Bam Bam, Ignatius said the dog should be put down and arrangements could be made to allow Fay to attend that procedure but the details would have to be determined by defense and prosecution.