

# Mistrial: Jury deadlocks on cruelty charges against German shepherd breeder

*BEA LEWIS Union Leader Correspondent 4/9/2019*

A jury delivered a split verdict in an animal cruelty case Monday, finding a Bristol dog breeder not guilty of two charges and deadlocking on the remaining 24.

Moments after the verdicts were announced, Jennifer Choate, 49, left the Grafton County Superior courtroom and tearfully embraced her boyfriend in the lobby.

“We are very pleased with the jury’s verdicts of not guilty. Bobbie is looking forward to being reunited with the dogs that are being returned to her. If the state chooses to retry the charges, we will be prepared to meet those charges again,” defense attorney Charles Keefe said.

Judge Lawrence MacLeod said he was declaring a mistrial on the 24 charges, which allows the state to retry Choate.

Jurors deliberated for about eight hours over two days before sending a note to MacLeod saying they were unable to reach a unanimous verdict.

The jury found Choate not guilty on charges that two of her German shepherds suffered infected neck wounds as a result of continuously wearing no-bark collars. They were unable to reach agreement on 22 charges that Choate’s dogs were provided inadequate shelter in a rented Alexandria horse barn where they were kenneled.

The jury also could not agree on two charges that Choate failed to provide proper medical care for a dog’s paw and ear injuries.

Keefe immediately asked the judge to order the return of eight of the nine dogs taken from his client’s Bristol home. He said he also plans to ask the lawyer representing the SPCA to allow for the release of nine puppies born shortly after the animal welfare group took custody of the dogs.

Assistant Grafton County Attorney Jack Bell, who prosecuted the case, said he could not comment on pending litigation.

The state faced several issues in proving its case. Key among them was that the dogs seized by the New Hampshire Society for the Prevention of Cruelty to Animals at the direction of police were not examined by a licensed veterinarian until the following day.

The state’s case was further complicated by the fact that the veterinarian who believed the dogs were in danger and recommended police make arrangements to have the SPCA take custody of them, made his decision based on information he received in a telephone call from Alexandria police.

Dr. Stephen Gentilella DVM testified while he had been to the property on Halloween, he was not there when the dogs were seized in January in sub-zero

temperatures.

The state's expert testified that the dogs suffered no lasting effects from the cold, but maintained their metabolism was in a race against the temperatures. The defense argued that the dogs are a double-coated, hardy breed, and were being fed a high-protein, high-fat diet.

In her testimony, Choate said she was treating Paige, a female German shepherd, for paw and ear injuries with antibiotics. She had taken the dog from the barn in Alexandria to her Bristol home. She denied seeing an exposed toe bone and told the jury that she believes in the excitement of the arrival of police and SPCA personnel, Paige jumped up and pushed her foot against the kennel, worsening the injury.

After the verdict, Choate's boyfriend said she has been vilified on social media, received hateful letters and even a death threat. But he said she has also received positive messages and support from people who own dogs that she has bred.

"They are her babies," he said. "She's relieved some of them will be coming home."