

Oral arguments in Christina Fay appeal postponed

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CONCORD — Oral arguments in Christina Fay's animal cruelty conviction appeal in New Hampshire's State Supreme Court have been delayed until next month due to a conflict with her attorney's schedule.

Fay, 61, was convicted of neglecting roughly 75 Great Danes that she kept in and on the property of her Wolfeboro mansion. She was sentenced to a year in jail and required to pay \$1.9 million for the upkeep of the dogs during the months leading up to her trial. Her sentence was suspended, but Fay appealed the verdict from the bench trial in Carroll County Superior Court to the N.H. Supreme Court.

Oral arguments had been scheduled to be heard Jan. 9. But on Dec. 10, the Supreme Court ordered that the oral argument would be moved to Feb. 12.

Fay's attorney Theodore M. Lothstein had asked for and was given an extension. In a Dec. 4 motion, Lothstein said the U.S. 1st Circuit Court of Appeals in Boston on Nov. 27 notified him that a case he was involved in there was scheduled for the same day as Fay's case.

"Undersigned counsel understands that this court is equally disinclined to reschedule oral argument," said Lothstein. "Counsel also understands that due to the way oral argument calendars are structured, a request to reschedule oral argument is just as inconvenient to this court as it would be to the 1st Circuit.

"Nevertheless, considering the Supremacy Clause of the United States Constitution, counsel feels obligated to request that this court, rather than the 1st Circuit, reschedule the oral argument."

Lothstein added that his law partner was scheduled to be in Sullivan County Court on Jan. 9. He added that Senior Assistant Attorney General Susan McGinnis agreed to his request as long as it wasn't scheduled for Jan. 27-31 when she's unavailable.

People may watch the arguments at tinyurl.com/nhsupremecourt.