

Supreme Court Hears Appeal in Case of 75 Great Danes Seized from Wolfeboro Mansion

Todd Bookman

A woman who gained international notoriety after police seized 75 purebred Great Danes from her home in 2017 is accusing a non-profit of improperly trying to profit from her case.

Christina Fay's arrest made global headlines due to the size and scale of the allegations, coupled with dramatic images of giant dogs living inside a filthy mansion set on 53 acres. She was ultimately found guilty of 17 counts of animal cruelty by a jury in Superior Court.

Listen to the broadcast version of this story.

On Wednesday, her lawyer argued before New Hampshire's highest court that her convictions should be overturned because of how some of the images taken inside of her home were used. Fay alleges the Humane Society of the United States, which assisted the Wolfeboro Police Department in carrying out its search warrant, published images on Facebook as part of a fundraising appeal.

The non-profit, according to Fay's attorney, used its special access to a crime scene to generate profits.

"The lucrative market for private information about public figures, whether it is celebrities, or wealthy people, billionaires, millionaires, whatever," Ted Lothstein told justices Wednesday. "There is an unquenchable public thirst to learn dirt."

While those images did eventually come out during trial, Lothstein argued that releasing them on Facebook expanded the harm to Fay's reputation and that they should never have been allowed to be entered as evidence.

But lawyers for the state disputed that contention.

Assistant Attorney General Susan McGinnis told the four-member court that the magistrate judge who signed off on the initial search warrant knew the Wolfeboro Police would use outside assistance to carry out the warrant.

She also disputed that the Humane Society cashed in on the crime scene.

The group would ultimately spend more than \$2 million caring for the dogs while they were held as evidence for 15 months. Its fundraising appeals only generated \$180,000.

"They're accusing the Humane Society of bad motives, and making money, and personal gain. The Humane Society gained nothing," said McGinnis.

She argued it would be improper to throw out a criminal conviction over the issue, and that if Fay feels her rights were invaded, she should file a case in civil court.

On the courthouse steps after oral arguments concluded, Fay's attorney Ted Lothstein said courts have previously ruled that there are limits on publicizing information obtained through a search warrant.

"The U.S. Supreme Court in *Wilson vs. Layne* has held that the media can't go along for a search warrant, so you couldn't have gone in there," he said. "The reason you couldn't have gone in there is that you could have violated the private homeowner's privacy interest, and that's why more precautions should have been taken in this case, to protect not just Ms. Fay's rights but everybody's rights."

No matter how the Supreme Court rules, the victims in this case — 75 Great Danes, ranging from puppies to some long in the tooth dogs — won't be affected.

Fay agreed to relinquish ownership, and was allowed to keep just one dog as a pet. She also avoided jail time, but was ordered to pay nearly \$2 million in restitution to the Humane Society.

"We are grateful that the dogs have been in loving homes for the past 18 months, and to be able to watch them receive the medical and behavioral support that they needed is why we are doing this work," said Lindsay Hamrick, director of policy for companion animals for the group.