

Great Dane owner may have sentencing imposed next month

Daymond Steer

OSSIPEE — Christina Fay, the former Wolfeboro resident convicted on 17 counts of animal cruelty, is due in Carroll County Superior Court next month for imposition of sentencing, which had been stayed during an appeal to the New Hampshire Supreme Court.

Fay's attorney Wednesday said she may appeal yet again to the U.S. Supreme Court.

In March 2018, a Carroll County Superior Court found Fay guilty of 17 counts of animal cruelty. Fay, now 62, was convicted of neglecting about 75 Great Danes that she kept at a mansion she owned in Wolfeboro.

A few months later, she was sentenced to a year in jail, suspended for five years; fined about \$50,000; and ordered to pay almost \$2 million in restitution to The Humane Society of the United States, which seized the dogs and took care of them for years as the case wound through the court system; and \$18,700 to the town of Wolfeboro. She was also required to participate in counseling.

After her sentencing, Fay told Superior Court Judge Amy Ignatius she planned to appeal the verdict to the state Supreme Court. During the appeal, most of the sentence was stayed.

State of New Hampshire v. Christina Fay was argued before the high court Feb. 12, 2020. The 11-page opinion was written by N.H. Supreme Court Justice Anna Barbara "Bobbie" Hantz Marconi and released in early December. The court said it agreed with Attorney General Gordon MacDonald and Senior Assistant Attorney General Susan McGinnis that the Superior Court convictions should stand.

Fay, her attorney James Cowles and Deputy County Attorney Steven Briden were before Ignatius Wednesday for a status conference to determine a date for when the sentence can be imposed. It had been stayed during the appeal. Briden, Cowles and Ignatius appeared by video by Webex while Fay appeared by phone.

"At the very end of the year, we received the order from the court affirming those convictions," said Ignatius. "And so it's time now for imposition of sentence."

But Cowles replied that Fay may file a "writ of certiorari" with the U.S. Supreme Court, which is basically a request that the U.S. Supreme Court review her case. He said she has until May 1 to decide.

"So we might want to put another I don't know, status conference or something or a date certain after May 1, because that's when I think the case is officially done, because she couldn't appeal it anywhere else after that if she chooses not to file a writ with the U.S. Supreme Court," said Cowles.

Ignatius said Fay has the opportunity to file a writ but it doesn't mean the sentence would have to be stayed.

Cowles said if Fay filed a writ there would be arguments to stay the sentence until the absolute end of the case.

"I don't see any basis to put everything out until after May 1 on the potential that there might be a writ filed," said Ignatius. "It might be granted. It might not. I think that's much too speculative."

Ignatius said the case has gone on a "very long time." She set a date for the imposition of sentence on March 4 for an in person hearing if appropriate under COVID-19 rules at that time.

Fay said she has problems with her eyes and might not be able to get a ride. "I cannot guarantee that I will find someone by March 4," said Fay. "I am many, many hours away."

Ignatius replied, "So that means you've got to get to work on it. Because that's going to be a requirement if it is in person."