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Fay sentenced to 12 months suspended

Daymond Steer

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OSSIPEE — Christina Fay, the woman recently convicted of 10 counts of animal cruelty for her mistreatment of numerous Great Danes, was sentenced by a circuit judge Thursday to a year in jail, though he suspended all 12 months.

Of the approximately 75 dogs that were seized from her Wolfeboro home by police and members of The Humane Society of the United States, Circuit Judge Charles Greenhalgh is allowing Fay, 59, to keep just one, as long as it is spayed or neutered.

Greenhalgh also ordered Fay to pay the entire amount that the prosecution had asked for, totaling over three-quarters of a million dollars. The HSUS seeks \$770,000; the town of Wolfeboro, about \$16,300; and the Pope Memorial SPCA of Concord Merrimack County, about \$1,500.

“I would grant the state’s request for restitution,” said Greenhalgh.

Fay's attorneys said she will appeal the sentence.

While Fay still owns the Wolfeboro property, she now lives elsewhere.

On Dec. 11, Greenhalgh issued his order finding Fay, 59, guilty of the 10 charges.

Although the trial began Oct. 16 and ran six days through Nov. 14, the case actually started in June, when police and Humane Society of the United States seized 75 Great Danes from Fay’s home in Wolfeboro and nine more from a Bartlett location. The Conway Area Humane Society received another nine Great Danes prior to the seizure.

After taking arguments from both sides on Thursday morning, Greenhalgh handed down his sentence.

“I’m going to order 12 months all suspended,” said Greenhalgh. “I’m not going to put Ms. Fay in jail because I don’t think she belongs there.”

The prosecution had asked for 12 months with half suspended.

Regarding the disposition of the dogs and future dog ownership, Greenhalgh said he would allow Fay to have one dog that is fixed of her choosing. The rest of the dogs would be rehomed by the HSUS.

“In terms of future dog ownership, I’m going to order that Ms. Fay can continue to keep the dog she is given and she will be prohibited from owning more than one animal of any type for good, forever, for the rest of her life,” said Greenhalgh.

One of her attorneys, Kent Barker of Bennett and Winer LLP of Nashua, presented the judge with an appeal to Superior Court and asked Greenhalgh to allow Fay to take a dog home by Christmas. The filing of the appeal postpones the sentence.

Fay's bail order was amended so she may have one dog while the appeal to the Superior Court is pending.

Fay and her legal team, which also includes Jim Cowles of the Walker and Varney law firm of Wolfeboro, hoped she would be able to keep nine dogs. They offered to allow authorities to have as much supervision as they wanted.

Fay also wanted to give input on where the remaining dogs would be rehomed. She said some of her friends and friends of her veterinarians could take them in.

Fay took the stand in a bail hearing to see if nine dogs could be returned to her. She said at least two dogs in the custody of the HSUS had died of bloat.

“They suffered,” said Fay.

In 38 years of caring for Great Danes, Fay said she had never lost an animal to bloat.

While on the stand Thursday, she said she was “concerned beyond words” about the care the dogs have been getting at the HSUS.

Fay will have to post a bond, equaling \$2,000 per dog, while the case is on appeal. Greenhalgh said he didn’t know how many dogs there were but estimated the cost could be about \$160,000, given the approximately 80 dogs involved.

“What I would like to know is exactly how many dogs are there because there are fewer dogs, I think, than we started with,” Greenhalgh asked. “It was never clear how many dogs were taken.”

Following the hearing, Fay spoke to reporters before going into a conference room. She said her name had been “smeared” for the past six months but asked that people concentrate on the welfare of the animals.

She said the treatment that her dogs have been given is “unconscionable and utterly unacceptable.

“I ask you all to just pray for my dogs,” said Fay, adding that she will never surrender them.

“I love them too much. I want to see them go to loving homes.”

Lindsay Hamrick, the New Hampshire State director of the HSUS, said she was happy with the sentence.

“I think that Judge Greenhalgh has made it incredibly clear that he is concerned about a defendant who has been convicted of 10 counts of animal cruelty having control over where those animals go, including with her,” said Hamrick.

“I think this decision to ban ownership for life with one dog at a time is an incredibly strong decision.”

Regarding Fay’s comments about no dogs dying of bloat, Hamrick said that in the judge’s order notes that under Fay’s care, a dead puppy was put in a garbage bag and that a Fay employee who reported cruelty had to lift a dead adult dog.

“I think (Fay's) concerns about the outcome for these dogs is pretty disingenuous,” said Hamrick.

The HSUS will hold the animals during the appeal process, which could take months.

Hamrick said state Sen. Jeb Bradley (R-Wolfeboro) is working on a bill in the Legislature that would allow for a judge to order a defendant to pay costs towards animals being held.

Hamrick said the cost of caring for the Great Danes, which are being held at an undisclosed location, could go beyond \$1 million.

But she added: “We have adoptive families ready to go to take these animals in.”