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German shepherd cruelty case headed to jury trial

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PLYMOUTH — The animal cruelty trial of Jennifer Choate took an unexpected turn on Thursday when Choate's attorney announced his client would be seeking a direct appeal to Grafton County Superior Court.

Appearing Thursday in the 2nd Circuit District Division Plymouth Court for what had been scheduled as a daylong trial, Choate, 49, and her lawyer, Alexander Gatzoulis of Manchester, and the prosecutor agreed to a guilty finding being imposed by the judge.

That decision allows Choate to have a jury trial, stays the imposed sentence and keeps the future of the German shepherd dogs seized from her home in limbo.

Prosecutor Gabriel Nizetic asked for a 12-month jail sentence, with six months suspended upon the condition of two years' good behavior, a \$500 fine on 22 of the remaining 24 misdemeanor counts, either a lifetime ban on animal ownership or a one-dog limit, plus more than \$260,000 in restitution to the N.H. SPCA.

The animal welfare agency has been caring for the 31 dogs, one rabbit and a chicken seized from Choate's properties in Bristol and Alexandria. He also asked the court to order forfeiture of the animals so they can be adopted into forever homes.

Bristol police Lt. Tim Woodward asked for a similar jail sentence for the two cruelty to animals charges filed against Choate by his department.

Judge Gerard Boyle took the sentencing recommendations under advisement and said he would issue a written order, likely by days' end.



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Defense attorney Alexander Gatzoulis, who represents Jennifer Choate, tells Judge Gerald Boyle his client was seeking a direct appeal to get a jury trial in Grafton County Superior Court. (Bea Lewis/Union Leader Correspondent)



In November, a fire at Choate's 90 Chestnut St., Bristol, home killed seven dogs while on Dec. 13, 27 dogs were killed in a fire in a cottage on the property.

Steve Sprowl, an agent with the NH SPCA, said outside the courtroom he is disappointed that resolution of the case has been delayed again and that the dogs remain in a kennel environment as Choate has repeatedly refused to surrender ownership allowing them to be adopted.

"I removed all those poor burned dogs. She doesn't care about these animals. This is one of the worst dragged out cases I've been involved with in 18 years. She won't surrender these dogs and it really tears me up," he said.

In asking for Choate to be sentenced to jail, prosecutor Nizetic told the judge, "This whole event has resulted in significant suffering and (Choate) has resisted all offers that would allow the dogs to be re-homed."

The defense argued that no jail time was warranted as Choate has no prior criminal record and the allegations from a previous situation in Massachusetts were never substantiated.

Nizetic said Choate's represented "a cold, calculated business decision" and "if there were casualties along the way, so be it."

The defense asserted that Choate has "exhibited proper care for all her animals throughout her career."

Her attorney said he would refute that her actions rose to recklessness and noted that an investigation by the state fire marshal into the cause of the first fire was undetermined.

Citing the Christina Fay Great Dane cruelty case in which the defendant received a fully suspended one-year jail sentence, Gatzoulis said a similar sentence should be handed down in the Choate case. He also opposed a lifetime ban on animal ownership, noting Fay retained a limited right to own a spayed or neutered dog.

"Ms. Choate believes she will be able to dispute the allegations," Gatzoulis continued.

The state additionally argued that Choate should be required to post a bond of up to \$2,000 per dog to help cover the cost of their care until a jury trial can be held in Grafton County Superior Court.

State law allows a judge to make such a ruling, but does not mandate it.