

SUPPORTING AFFIDAVIT FOR REQUEST TO ISSUE ARREST WARRANT

INSTRUCTIONS: A person seeking an arrest warrant shall appear personally before any justice or justice of the peace, and shall give an affidavit in the form hereinafter prescribed. The affidavit shall contain facts, information and circumstances upon which such person relies to establish probable cause for the issuance of the warrant, and the affidavit may be supplemented by oral statements under oath for the establishment of probable cause. The person issuing the warrant shall retain the affidavit and shall make notes personally of the substance of any oral statements under oath supplementing the affidavit or arrange for a transcript to be made of such oral statements.

PROBABLE CAUSE IS DEFINED AS: "An apparent state of facts found to exist upon reasonable inquiry, which would induce a reasonably intelligent and prudent (person) to believe, in a criminal case, that the accused person had committed the crime charged.

STATE of NEW HAMPSHIRE

Southern Carroll County

District Court
June 15, 2017

I, Officer Michael Strauch , being duly sworn herewith make application for the issuance of an Arrest Warrant against the defendant.

Christina Patterson Fay

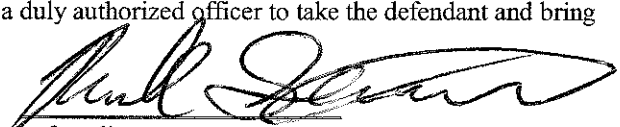
3/27/1958

149 Warren Sands Road
Wolfeboro NH

I have information that a crime or offense has been committed by the defendant as follows: (describe source, facts indicating reliability and credibility of source, and nature of information, if based on personal knowledge, so state): **(SEE ATTACHED AFFIDAVIT)**

Based upon the foregoing information, there is probable cause to believe that the defendant did commit the crime or offense as stated above.

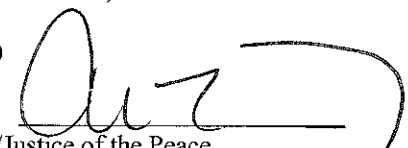
WHEREFORE, I request the issuance of an Arrest Warrant and an order for a duly authorized officer to take the defendant and bring him/her before the court having jurisdiction.


Signature of applicant

Then personally appeared before me that the above-named true.

Officer Michael Strauch, and made oath that the foregoing affidavit is

(Applicant)


Justice/Justice of the Peace

And I, Charles L. Greenhalgh, having personally examined the complaint against the aforesaid and any information contained in the above affidavit, and have orally examined the above applicant. Based upon such information, I conclude there

✓ is/ is not sufficient probable cause for the issuance of the Arrest Warrant sought. Therefore, the application is granted/ denied and the Arrest Warrant is/ is not issued.


Signature of Issuing Justice/J.P.
Charles L. Greenhalgh

Judge
(Official Title)

**State of New Hampshire
Carroll, SS
Supporting Affidavit for Request to Issue Arrest Warrant**

Date 6/15/2017

I, Officer Michael Strauch being duly sworn, depoy and say:

1. I am a Sr. Patrolman with the Wolfeboro Police Department.

I herewith make application for the issuance of an Arrest Warrant against the Defendant:

Christina Patterson Fay
3/27/1958
149 Warren Sands Road Wolfeboro NH

2. I have information that a crime (or offense) has been committed by the defendant as follows:
On June 10, 2015, Wolfeboro Animal Control Officer Earl Clough received a dog bite/attack report reported by Ingrid Albee stating Jesica Merrill had suffered a dog bite to her lower left arm. The incident occurred at Christina Fay's residence located at 149 Warren Sands Road, Wolfeboro, New Hampshire. The dog in question was one of Ms. Tina Fay's Great Dane's named Harasah.

3. On September 28, 2016, Ms. Fay was issued a summons for her dog(s) barking for sustained periods of more than ½ hour or during the night time hours so as to disturb the peace and quiet of a neighborhood area. This was a first offense and resulted in a \$25.00 fine.

On October 8, 2016, Fay was issued a summons for her dog(s) barking for sustained periods of more than ½ hour or during the night hours so as to disturb the peace and quiet of a neighborhood area. It was Fay's second offense within a 12 month period and resulted in a \$100.00 fine.

On October 9, 2016, Fay was issued a summons for her dog(s) barking for sustained periods of more than ½ hour or during the night hours so as to disturb the peace and quiet of a neighborhood area. It was Fay's third offense within a 12 month period and resulted in another \$100.00 fine.

In November of 2016, two complaints of Dog Menace, Nuisance or Vicious, RSA 466:31, were filed against Mrs. Fay in the 3rd Circuit Court, Ossipee District. The two complaints were placed on file on February 17, 2017.

On May 7, 2017, Fay was issued a summons for her dog(s) barking for sustained periods of more than ½ hour or during the night hours so as to disturb the peace and quiet of a neighborhood area. This resulted in a \$25.00 fine.

On May 4, 2017, Tona McCarthy, Director of Field Services Pope Memorial SPCA received a report from Lakes Region Humane Society. He spoke with the Manager/ Director, Megan Fichter. Megan told Tona that she received a complaint from an employee at De LA Sang Monde Great Danes

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located at 149 Warren Sands Road in Wolfeboro, New Hampshire. The complaint described the inside of the residence and the condition of the Great Danes living there. The employee, A.N., a Juvenile, age 16, handed Megan various pictures, which were taken inside 149 Warren Sands Road which showed the conditions the Great Danes are living in. Those photos were later sent to Mr. McCarthy and later turned over to the Wolfeboro Police Department.

The pictures sent to Tona by Megan were of various dogs and showed the inside of the areas where the dogs were being maintained by Ms Fay. Tona observed the following: The first picture labelled #1 is a picture of an enclosed room. The room has dog kennels approximately 6x6 in size and Great Danes were inside the kennels. Tona observed six (6) Great Danes in the picture and that there was no water for the dogs to drink. The floor was covered with a brownish substance similar to dog feces and a black matt that appeared to be covered with the same brownish substance. Tona observed windows in the room and that the windows were closed, restricting proper air circulation for the Great Danes. Tona examined picture #2 which showed dog kennels in a garage and Great Danes in the kennel. The windows and the garage door were not open for proper ventilation. Each kennel has wood shaving on the floor to absorb feces and urine. Tona next examined picture five (#5) which showed raw chicken meat on a white cutting board and a large amount of what looks to be blood from the chicken on the cutting board. Tona then examined picture six (#6) which indicates a female individual identified as Julia Smith, an employee at Ms. Fay's residence/business, cutting raw chicken for preparation. Tona next examined pictures nine (#9) and ten (#10) which shows what appears to be fly maggots in the refrigerator and maggots on the ground when the refrigerator door was opened, presumably due to rancid food.

On May 8, 2017 I met with Mr. Tona McCarthy, Director of Field Service Investigations at Pope Memorial SPCA. Tona has 16 years of Law Enforcement experience in New Hampshire. He also holds a certification as an animal cruelty investigator. I met with him regarding a possible Animal Abuse/ Neglect case at 149 Warren Sands Road. Tona informed me of the complaint he received from Megan, Director of Operations at the Lakes Region Humane Society. I advised Tona that I had been at the residence to serve a nuisance dog civil forfeiture that morning to Mrs. Christina (aka Tina) Fay at her residence/business, 149 Warren Sands Road. When I arrived at the house I noticed that the property was fenced in with a large automatic gate at the top of the driveway. I had walked to the front door and knocked several times. I heard a number of dogs barking inside that I would estimate to be around fifteen (15). I could see that there were seven (7) boxes of unopened dog food from Chewy.com, a dog food company. The boxes were thoroughly wet from recent rain, additionally; the food appeared to have been there for a while.

I walked to the side of the house where there was a Black Cadillac SUV with the rear hatch open. I walked up to the side of the house where there were several kennel runs coming from the garage. The door was open and I walked up to try to make contact with someone at the residence/business. As I got closer to the house I was overcome by the smell of dog feces and urine. I could also smell something rotten but couldn't identify the odor. I could see that there were several large Great Danes in kennels inside. The floors of the kennels were thick with feces. I didn't see a clean area where the dog(s) could lay down. I also noticed that there were several large commercial stainless steel freezers.

I was approached by a woman in scrubs that asked if she could help me. The woman was later identified as Marilyn Kelly. I explained I was trying to make contact with Mrs. Fay as I had some paperwork for her. She told me that she would try to find her. I followed her back out to the front of

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the house where I was then met by another woman, later identified as Ms. Julia Smith. Julia introduced herself as the Manager and asked what the problem was. I explained that I had paperwork for Mrs. Fay. She inquired what it was for. I explained it was for a nuisance barking dog. While waiting for Mrs. Fay I engaged Julia in small talk asking about the operation at the Fay premises. She offered very little information and made mention that there were 40 dogs in the residence.

Fay arrived from the front of the house and I was able to serve her the paperwork. She advised that she is currently trying to relocate to Canterbury, New Hampshire. Fay told me that she has been trying to get in touch with Earl Clough the ACO for over a year and he never returns her calls. I explained that I would reach out to him and pass along the message. I left the residence.

I reviewed the pictures Tona had received from A.N. It showed the floor and walls of the house covered in feces. There were pictures of raw chicken and maggots in some of the photos.

On May 16, 2017 I was contacted by Maureen Prendergast, director of outreach and investigations with the Animal Rescue League of NH. She advised she wanted to pass along information about a potential case I was working on involving Ms. Tina Fay. She stated that she had information from Marilyn Kelly who works for the Conway Humane Society but also part time for Ms. Fay.

On May 17, 2017, Tona received an email from Debra Cameron, who works at the Conway Area Humane Society. Debra sent additional pictures taken from inside 149 Warren Sands Road. Tona examined picture one (#1) and observed that there were dog kennels in the cellar of the residence/business and in the picture were two (2) Great Dane dogs. Tona also observed that there were no bowls of water or food in the kennels. Tona examined picture two (#2) and observed that there was dog feces at the bottom of a cage, as well as feces on the floor of the residence/business. Tona examined picture four (#4) and observed a Great Dane lying on the floor. Tona observed that the Great Dane's rib bones were visible and there was evidence of other bony prominence. After examining the picture, he concluded that this pointed to a body score of #2 on the "Purina Dog Body Score Chart" which indicates the dog is too thin.

On May 18, 2017, at approximately 12:50 PM, Tona received an email from Debra Cameron informing him that Marilyn Kelly had photographed the inside view of a kennel with a Great Dane standing which is indicated in picture eleven (#11). Tona examined the Great Dane in the photograph and observed that the ribs, lumbar vertebrae and pelvic bones are easily visible. There is no palpable fat and some evidence of other bony prominence and minimal loss of muscle mass. This is a body score of "2" on the "Purina Body Score Chart" which indicates that the dog is too thin. Tona examined picture twelve (#12) and observed a Great Dane in a kennel eating raw chicken meat. The picture indicated that the kennel was outside. The floor of the kennel was wet with no dry area for the dogs to stand on. Tona observed a blue bucket with a white substance floating on the top in it. There was no fresh water visible. Additionally, he observed a black and white Great Dane was standing with lumbar vertebrae and pelvic bones easily visible. There was no palpable fat and some evidence of other bony prominence and minimal loss of muscle mass was indicative. This is a body score of "2" on the "Purina Body Score Chart" which indicates that the dog is too thin. Marilyn sent other pictures to Tona related to the condition of the inside of the residence. Tona observed a white bucket with blood at the bottom of it, and chicken slime on the counter next to the faucet.

On May 19, 2017, at approximately 2:40 PM and 9:51 PM, Tona received more emails with pictures

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of a Great Dane with warts in its mouth and a health certificate signed and issued by Dr. Bettenfelder, a New Hampshire Veterinarian, in Bartlett, New Hampshire. The other email which was sent on May 19, 2017, was a health certificate for one of Fay's Great Danes. Tona examined the health certificate which labels Fay as a breeder and that Dr. Bettenfelder signed the health certificate.

On May, 20, 2017, at approximately 8:13 PM, Tona received an email with pictures from five (5) Great Dane examinations conducted by Dr. Monique Kramer, a New Hampshire Veterinarian, affiliated with the North Conway Humane Society. She examined five Great Dane dogs formally issued health certificates by Doctor Bettenfelder, and formally the recent property of Ms. Tina Fay. Tona examined all the pictures and observed dog feces on gauze that was taken off some of the Great Danes. Tona observed that the paw pads to so some of the dogs were lifted off the bottom of the dog's paws. In addition to that other dog's pads were completely missing. This is likely due to prolonged exposure to the wet floors in the area where the dogs were kept. Tona observed open wounds, ear mites and ulcer sores between the paw toes. The other pictures show Dr. Kramer pointing out the warts from what is believed to be the K9 papilloma virus, a highly contagious herpes like virus in dogs which causes numerous health issues.

On May 22, 2017, at approximately 1:26 PM, Tona received an email from Debra Cameron indicating that another dog was photographed and examined by Dr. Monique Kramer. Tona examined the picture and observed a Harlequin Great Dane with severe "Cherry Eye", which is a prolapsed gland of the eyelid, and showed a pink mass protruding from the animal's eyelid. According to Dr. Kramer's examination, the dog's vision is compromised. Tona observed that the Great Dane has ribs, lumbar vertebrae and pelvic bones which are easily visible. There are no palpable fat showing, and some other evidence of other bony prominence and minimal loss of muscle mass indicated in the photo. This is a body score of "2" on the "Purina Body Score Chart" indicating that the dog is too thin. Tona also observed that there was a healthy certificate issued by Dr. Battenfelder after the examination.

On May 23, 2017, at approximately 2:00 PM, Tona received an email with Dr. Bettenfelder's health certificates and Dr. Kramer's examination sheets. Tona examined the health certificate and examination sheets, he concluded that they do not correspond with each other-as they should. Dr. Battenfelder's health certificate indicated that the Great Danes are healthy. Dr. Kramer's examinations indicated that the Great Danes have a variety of oral papilloma like virus symptoms, decreased muscular tone, ulcer sores between the pad toes, bloody scabs, feet erosions, elevated eye lids and a Body Conditioning Score of either 2 or 3 which indicates that the dogs are too thin.

On May 23, 2017, at approximately 6:11 PM, Tona received an email from Debra Cameron. The email stated that a Great Dane named "Cubby" was sent to a dermatologist veterinarian to diagnose a skin condition in the abdomen area. The New Hampshire Certified Veterinarian, Loren Conditto, from Portland Veterinary specialist, examined the dog. Dr. Conditto noted the dog suffers from what she believes to be the canine form of the Papilloma Virus and lesions on the tail. Tona spoke with Dr. Conditto and she said that the Papilloma Virus is similar to the human "Herpes Virus" and that it can be treated with a balanced protein diet. Dr. Conditto also stated that the skin rash testing was negative for any fungal infection.

On May 23, 2017 I met with A.N. and A.N.'s mother, as well as Tona McCarthy at the police department. A.N. advised the following. A.N. was approached by Julia Smith, Office Manager for Ms. Fay, about working at 149 Warren Sands Road with the Great Dane dogs. On May 2, A.N. followed Julia to 149 Warren Sands Road at 8:00 AM for A.N.'s first day of work. Upon entering the

residence at the side of the house the smell inside made A.N. sick and "want to gag." She relayed to me the following: that there "...were piles of trash and empty boxes covered in chicken juice. There were maggots and bugs covering the floor where some of the dogs were living." Additionally, A.N. said that while loading trash bags to bring out side Julia told A.N. she didn't like one of the trash bags they were loading because it contained a dead puppy. She told A.N. that they used to bury the dead dogs but they don't anymore. Once inside the house A.N. stated that it was hard to walk as the feces and urine had created a thick layer on the floors. A.N. advised the dogs had a hard time standing as well. A.N. described that the dogs were fed a raw chicken diet. The area in which the chicken was prepared was shocking. The counters were covered in old chicken parts and chicken juice was running off the counter on to the floor. The buckets that were used for feeding were not cleaned out from previous feedings. There was also a meat grinder on the counter that was not clean. A.N. met Ms. Fay and Ms. Fay thanked A.N. for coming. While speaking with Ms. Fay, A.N. noticed dogs were defecating on the floor and Ms. Fay didn't seem phased by this. A.N. counted at least 25 Great Danes in one room alone. A.N. was directed to clean a large refrigerator in the garage, the smell in the area made A.N. gag. There were boxes of chicken inside that refrigerator which had been fed to the dogs. A.N. removed a box and maggots were pouring from the bottom of the box. A.N. was then lead to Fay's bedroom where Fay's "Favorites" are kept. On the way to the bedroom A.N. passed many other rooms filled with dogs. A.N. advised that in Fay's bedroom the dogs were on the bed and there were feces everywhere. In the master bathroom there was a litter of Great Dane puppies. They were so young that their eyes hadn't yet opened. A.N. was then led to the basement which was hot and stuffy. Julia told A.N. that the dogs needed to go out today because they didn't go out yesterday and they only get water when they go outside. They also needed to clean the kennels. A.N. began to move the heavy stall mats and A.N.'s eyes burned from the urine. In the basement A.N. saw many dogs with severely swollen legs and feet and one dog that had such bad "Cherry Eye" that it couldn't see. A.N. advised they let the dogs out and all they wanted to do was drink "puddle water." A.N. estimated that there were approximately eighty-five (85) Great Danes in the house. A.N. has grown up on a family farm and at one point had 100 alpacas. A.N. is very familiar with animals and livestock conditions. A.N. stated that the conditions at Fay's residence were "deplorable" and felt as if A.N. needed to report this immediately. A.N. took several pictures with A.N.'s cell phone that day of various places in the house and the conditions that the dogs are living in. A.N. reported her findings to Ms. Megan Fichter at the Lakes Region Human Society. I learned that Ms. Fay paid A.N. with a personal check in the amount of \$80.00 for the one day of work.

On Wednesday May 24, 2017 I met with Marilyn and Tona at the Police Department. Marilyn advised the following. She had been employed by Mrs. Fay for approximately three (3) weeks as a kennel assistant. Marilyn has worked with animals, specifically dogs, for twenty (20) years. On her first day of work she was horrified with the living conditions of the animals. At the time of her last count, there were seventy-eight (78) Great Danes living in the residence. The house is covered in animal waste as the dogs rarely go outside and none of the dogs are house broken. Marilyn reported her concerns to the Manager, Ms. Julia Smith to no avail. She also contacted Ms. Fay's main Veterinarian Dr. Kate Battenfelder with her concerns as well, and Dr. Battenfelder agreed that Mrs. Fay has gotten out of hand with the number of dogs she has. Marilyn stated that at times she is the only one on duty. She advised that she cleans the best she can with what she is given however the conditions inside the house have not gotten better. Marilyn stated that she believes there to be seventy-eight (78) Great Danes in the residence. She stated there was a litter of nine (9) Great Dane puppies however five (5) had died. One of the puppies has a broken femur and was supposed to be seen by a Veterinarian on May 22, however Ms. Fay thought it "was better." Marilyn stated that on numerous occasions the boxes of frozen chicken are left out overnight and spoiled. Mrs. Fay had

instructed her to feed the spoiled chicken to the dogs. Marilyn witnessed Ms. Fay staple a dog's wound closed after a dog fight. Mrs. Fay didn't clean or flush the area or give the dogs any antibiotics. She said dogs that are prescribed medications are rarely given the medication for the directed time and only get it for one or two days at most. There are dogs with open sores from "Happy Tail" where the tail hits the kennel and cuts open and doesn't heal. She advised that one room is covered in blood from 8 dogs that have the condition. The dogs in this room are well over 100lbs. The biggest dog being 230lbs. She stated they spend 23.75 hours a day in the kennels with no water and get fed once a day. There are no windows and no interaction. The room burns your eyes from the urine. Marilyn stated many of the dogs have "Cherry Eye" which compromises the dog's vision. More than half the dogs in the house have liquid stool and it is common to see them vomiting as well. Many of the dogs are under weight. Mrs. Fay is the only one that works on the weekend and it is not uncommon for Marilyn to notice on Monday that they dogs didn't get let out, which means they didn't get water. She stated the dogs are not permitted to have water inside the house. They only get water when they go outside for 10-15 minutes. Marilyn advised an employee was pregnant and working in this facility until recently, feeding raw chicken and cleaning. She advised dog waste is being dumped on the property. She further advised that there is one large dog that will bite anyone that gets near it except for Mrs. Fay. Marilyn also stated that in various areas in the house there are riding crops stationed to break up dog fights or to keep the dogs under control. Lastly, Marilyn reported that a number of the dogs have had canine Papilloma Virus which is a highly contagious (among dogs) form of a Herpes Virus. The virus causes symptoms ranging from benign oral tumors to death for exposed puppies.

On May 29, 2017, Tona received an email from Debra Cameron informing him of an email sent by Marilyn. The email stated that Julia Smith placed a deceased dog in her vehicle and was transporting the dog to Dr. Battenfelder's practice. There was also a picture of a Great Dane puppy that had severe "Cherry Eye", compromising the dog's vision.

On June 2, 2017, Tona spoke with Marilyn and she informed Tona that 4 Great Danes passed away. Marilyn informed Tona that the inside condition of the residence is still deplorable, and is worsening. Marilyn informed Tona that Ms. Fay is still bringing the wood shavings to the back of her yard and that the wood shavings are saturated, and soiled from the dog's urine and feces.

On June 11, 2017, Tona received a voice message on his phone informing Tona that A.N.'s cousin, Taylor Struble, was called by Julia Smith stating that she has an emergency with the dogs at the Fay residence/business and need someone to baby sit her children. When Julia returned, she said to Taylor that five (5) dogs were overheating and that one of the dogs needed an IV to receive fluids. Taylor wrote a short statement reference the incident.


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Christina Fay's actions of negligently depriving or causing to be deprived, animals under her care (approximately 78) Great Dane Dogs in her possession or custody, the necessary care and or sustenance, is a direct violation of NH RSA 644:8, Animal Cruelty or Neglect, and is a misdemeanor in the State of New Hampshire.

Christina Fay's knowingly permitted or caused animals in her possession or custody, (approximately 78) Great Danes, to be subjected to cruelty, inhumane treatment, or unnecessary suffering by keeping them in an environment where they lived in their own feces and urine and were not properly treated for disease and injuries, and were fed infested food.

The above is true to the best of my knowledge and belief, Officer Michael Strauch Wolfeboro Police Department


June 15, 2017.

Personally appeared the above Officer Michael Strauch and swore to the truth of the contents of the affidavit _____
 Charles L. Greenhalgh
Justice, District Court for Southern Carroll County.

STATE OF NEW HAMPSHIRE

CARROLL COUNTY

OSSIPEE CIRCUIT COURT

ARREST WARRANT

TO THE SHERIFF OF ANY COUNTY IN THIS STATE OR DEPUTY, OR ANY POLICE OFFICER WITHIN THE STATE

RECEIVED

WHEREAS, the Complainant, **Sr. Patrolman Michael Strauch** of
Wolfeboro Police Department in the County of Carroll County

JUN 16 2017

has exhibited to me, Charles L Greenhalgh
a Justice/Justice of the Peace in the County of Carroll,
his/her complaint upon oath against the Defendant,

OSSIPEE
DISTRICT DIVISION

CHRISTINA FAY, of **149 WARREN SANDS RD WOLFEBORO, NH**,

in the County of Carroll
for the crime(s) of:

644:8 CRUELTY TO ANIMALS X2 MS

WE COMMAND YOU to take the Defendant, if found to be in your precinct, and bring him/her
before the OSSIPEE CIRCUIT COURT

Dated the 15th day of June, 2017

Charles L Greenhalgh
Justice/Justice of the Peace

RETURN

STATE OF NEW HAMPSHIRE COUNTY OF CARROLL

I have arrested the defendant and now have him/her before the Court as commanded.

6/16/17 Mary Swift #315 PH. Ofc.
Date Name of Officer Title of Officer