

3-15-08 - Prosecutors: Priest doesn't deserve prison delay
By Donna Porstner, THE ADVOCATE, Darien, CT

Federal prosecutors say the former pastor of a Darien church doesn't deserve to stay out of jail another six months because he's shown no remorse and no proof he can't receive cancer treatment behind bars.

The Rev. Michael Jude Fay, who was convicted of stealing \$1 million from St. John Roman Catholic Church from 1999 to 2006, filed a motion this week seeking to postpone the date he reports to jail, now scheduled for April 2.

U.S. District Court Judge Janet Bond Arterton sentenced Fay to 37 months in jail, followed by three years of supervised release, and ordered him to repay the parish \$1 million restitution.

In a three-page response filed yesterday, U.S. Attorney Kevin O'Connor said Fay already was shown leniency by the court when his surrender date was pushed back to April to allow him to undergo medical treatment. Fay deserves no more breaks because he has shown no remorse, prosecutors said.

"Since the date of his sentencing, there is no indication that Fay has made any effort to repay his victim or that he is indeed remorseful for his criminal conduct," the government wrote. "Rather, his recent interview in the January/February issue of Local Matters suggests otherwise."

The magazine quoted Fay as saying "the dinners, the town cars, the gifts, the condo . . . none of those things were wrong. I'm not a monk. We don't take vows of poverty."

He told the magazine his spending habits did not seem excessive at the time.

"I thought nothing of hiring a driver because the bishop had a paid staff of drivers," Fay told the magazine.

Fay, 56, admitted in court to stealing hundreds of thousands of dollars from St. John and using the money to pay for designer clothing, a down payment on a condominium, trips around the world and other personal expenses.

Fay later told Local Matters he only pleaded guilty because he "felt railroaded" by his lawyers.

During his sentencing in December, Fay asked the judge to spare him prison time because he is dying of prostate cancer. He blamed his criminal behavior, in part, on the drugs he was taking as part of his cancer treatment, saying he was sorry "for not realizing the effects of my medical drugs."

Prosecutor Richard Schechter reminded the judge that Fay began stealing from the parish in 1999, two years before he was diagnosed with cancer.

The judge found "no record he is seriously infirm" and said there was no proof the Bureau of Prisons could not provide adequate medical care.

Prosecutors said the court should not rule on Fay's latest motion until it learns when the clinical trial he is undergoing will be completed, whether that treatment can be provided in prison, and Fay turns over his medical records.

Fay's attorney, Lawrence Hopkins, did not return a phone call seeking comment.

Joseph McAleer, spokesman for the Roman Catholic Diocese of Bridgeport, declined to comment on whether Fay's request should be granted, saying it's up to the court to decide.

"It's a sad matter, and it's in the government's hands," McAleer said. "And ultimately, we trust that the judge will make the right decision."