

7-8-08 - Embezzling priest won't report today for 37-month prison term

By Stephen P. Clark, Staff Writer, Stamford Advocate

A day before a Catholic priest convicted of stealing \$1 million from his Darien church was to report to prison, a federal judge granted him a third delay.

At about 5:30 p.m. yesterday, U.S. District Court Judge Janet Bond Arterton postponed until Aug. 6 the date the Rev. Michael Jude Fay, former pastor of St. John Roman Catholic Church, begins serving his three-year prison sentence.

Fay, who has prostate cancer, was to surrender today at the Federal Medical Center in Butner, N.C., but made his delay request last week to allow more time for the Bureau of Prisons to determine whether it can administer a new cancer drug to him.

Federal prosecutors, as expected, opposed the request because Fay's medical providers failed to give the bureau information on the drug in a timely manner.

Arterton gave Fay only half the 60-day extension he requested, indicating that should be enough time for the bureau to decide.

The U.S. attorney's office declined to comment on Arterton's latest ruling. Fay's attorney, Lawrence Hopkins of New Haven, did not return a message seeking comment.

Fay in September pleaded guilty to interstate transportation of money obtained by fraud and was sentenced in December to 37 months in prison. But his surrender has turned into a seesaw battle between his attorney and federal prosecutors.

Hopkins has said that Fay would die before he could finish his sentence if he is not allowed to complete the clinical trial for treatment of prostate cancer. Prosecutors have contended Fay should report to prison because his medical providers have been slow to provide the bureau with information on the drug that is the basis of the clinical trial.

Fay initially was scheduled to report to prison April 2, but Arterton postponed the start of the sentence until May 19 to get information from Fay's doctors and the Bureau of Prisons. At a May hearing, Arterton granted Fay a reprieve until July 8 to determine whether the bureau will allow him to participate in the clinical study for the new cancer drug.

Fay is being treated at the Memorial Sloan-Kettering Cancer Center in New York City. His oncologist, Dr. Ethan Basch, has testified that Fay could continue to participate in the study from prison if the bureau gives him the daily pill and he makes appointments at Memorial Sloan-Kettering every 28 days. If he misses a visit, the company developing the drug may drop Fay from the study.

The cancer has spread to Fay's bones and lymph nodes, Basch has said. In an interview with the Darien Times last week, Fay said the drug, MDV 3100, has blocked any new growth of the cancer, and he was hopeful that Arterton would grant him another delay.

"The bone scans and CAT scans show that the drugs are working," he told the newspaper, adding that he is one of 67 patients taking the medication. "We are begging for mercy."

"God forbid I would have to go through with this, my 36-month sentence, or whatever it is, becomes a death sentence for me."

Fay was pastor of St. John for 15 years. Prosecutors said he stole \$1.3 million from his Darien parish from 1999 to 2006, funneling much of it into secret bank accounts. Fay admitted stealing but said the amount was \$400,000 to \$1 million, because he used some of the money to buy gifts for church employees and volunteers.

Records obtained by The Advocate show Fay used a church credit card to purchase designer clothing, Cartier jewelry, limousine rides and Ethan Allen furniture.

Many of the purchases were made in New York City, Philadelphia - where his event planner boyfriend, Clifford Fantini, lives - and Florida, where the couple owned a condominium. In December 2006, Fay turned over his share in the Fort Lauderdale condominium to his former parish, but the church has not sold the property because Fantini still owns half.

Fay denied his relationship with Fantini to the Darien Times last week and lamented the effect media coverage has had on them.

"He is not a boyfriend. . . . It has affected his life in a terrible way. People Google his name, and that is what they get. Not to mention his family. Or my 87-year-old mother.

"It has destroyed me. The accusations about what I did. A lot of it is not true. And to read it over and over again. . . . It has been very difficult in many, many ways."