

6-24-08 - Judge orders embezzler priest to begin jail term
By Stephen P. Clark, Staff Writer, Stamford Advocate

After two delays, a Catholic priest who embezzled more than \$1 million from his Darien church must begin serving his three-year sentence July 8, a federal judge ruled yesterday.

The Rev. Michael Jude Fay, former pastor of St. John Roman Catholic Church on the Post Road, last week asked to delay the start of his prison term another six months so he can receive an experimental drug to treat his prostate cancer.

But U.S. District Court Judge Janet Bond Arterton in New Haven ruled that Fay failed to provide "any medical testing update, any medical rationale for the six months extension requested" and any documents showing that the Bureau of Prisons cannot administer the drug.

Barring unforeseen developments, Fay will report to the Federal Medical Center in Butner, N.C., in two weeks. He was scheduled to report to prison April 2, but Arterton postponed the date until May 19 to get information from Fay's doctors and the Bureau of Prisons.

At a hearing in May, Arterton granted Fay a reprieve until July 8 to determine whether the federal Bureau of Prisons will allow him to participate in a clinical study for a new cancer drug.

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

The cancer has spread to Fay's bones and lymph nodes, Basch said.

Fay's attorney, Lawrence Hopkins of New Haven, did not return messages yesterday. Fay will die in prison if he is not allowed to complete the trial, and the Federal Medical Center cannot administer the drug, Hopkins has said.

In her ruling, Arterton said "no information regarding the investigation cancer drug MDV3100 had been provided to the Bureau of Prisons in order to permit it to determine whether it would be able to administer this drug" to Fay while he is incarcerated, based on the U.S. attorney's letter to the court dated May 30.

The U.S. attorney's office declined to comment on the judge's ruling. But in a letter last week opposing Fay's request, acting U.S. Attorney Nora Dannehy said, "To suggest as Fay does that 'nothing has changed since the hearing date of May 6, 2008' and that the 'Bureau of Prisons cannot administer this experimental drug' is not only inaccurate, it is disingenuous. It makes no sense to further delay a surrender date for six months merely because a defendant's medical providers are in no hurry to abide by the court's previous directive."

Fay pleaded guilty to interstate transportation of money obtained by fraud last year and was sentenced to 37 months in prison followed by three years of supervised release. Prosecutors said he stole \$1.3 million from his Darien parish from 1999 to 2006, funneling much of it into secret bank accounts.

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 wedding planner boyfriend, Clifford Fantini, lives - and Florida, where the pair 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 been able to sell the property because Fantini still owns the other half.