

1 offenses that the State has disclosed to defense counsel.

2 And the State is prepared, if the Court is so inclined, to
3 call in the three witnesses from Michigan to testify as to what
4 happened back in Michigan and the crime that the defendant
5 committed -- or the defendant admitted guilt to back in 1979
6 that was very similar.

7 First and foremost, I have Exhibits 2, 3 and 4 that I would
8 like to admit into evidence for the purposes of the hearing.

9 MR. BERNAYS: I'm not sure of the relevance,
10 Your Honor, but, perhaps, if Mr. Fuller could inform the Court.

11 MR. FULLER: I will lay the foundation. Exhibit Number
12 2 is Scooter, who was Randall Burnett's dog, along with his
13 wife's dog that got into the defendant's yard, and after he
14 went to retrieve the dog he was executed. He was shot three
15 times, three times in the chest; once in the back, clearly in
16 the back. He was executed.

17 Exhibits 3 and 4 are Mr. McKinny's dog Terry in which the
18 defendant backhanded, and then was going to -- or, at least,
19 pulled out his weapon in a very irrational, violent way when he
20 was approached by Mr. McKinny, so these are the two
21 similarities. Again, in the 1979 case, I can talk about that
22 too, but right now, these are the similarities -- the
23 similarities in regard to the defendant's violent and
24 irrational behavior towards dogs and their owners.

25 THE COURT: Do you object to the admission?

1 MR. FULLER: First and foremost, I want to point out
2 the similarities between all of the events, even the 1979
3 event, and this is all laid out in the State's motion so I
4 won't belabor the Court with all of the facts. But the murder
5 of Randy Burnett, the dog at issue was Scooter. He is a
6 coonhound. He is playful. He was a two-year-old puppy and he
7 was bounding around the defendant's yard.

8 The defendant was safe inside his house at the time when he
9 called 911, went outside and then confronted the victim, and
10 then basically executed him over the dog.

11 And the assault on Mr. McConney, that happened --

12 MR. BERNAYS: Your Honor, I have to object. I have to
13 object. If Mr. Fuller is going to use the phrase "executed"
14 every time we talk about the death of this gentleman, I'm going
15 to be objecting every time. There's no place for that kind of
16 hyperbole and exaggeration in this case.

17 There's no issue that Mr. Burnett was on Mr. Voden's
18 property when the shooting happened. There is no issue but
19 that he was close enough to Mr. Voden that his blood is on both
20 Mr. Voden's clothes and his gun.

21 Now, there can be a dispute about what happened, but for
22 Mr. Fuller to continually try to lay the groundwork for some
23 fanciful construction of the facts by calling this an execution
24 is unprofessional and I object, and I hope the Court ignores
25 it.