

2 teens get 10 years in tortured puppy case

Brothers receive little sympathy from judge

By [D.L. BENNETT](#)

The Atlanta Journal-Constitution
Published on: 02/10/07

Two brothers who admitted torturing and killing a small puppy by baking it to death inside a gas oven will serve 10 years in prison.

Justin and Joshua Moulder, who essentially threw themselves on the mercy of the court last month with guilty pleas to nine felony counts, found little sympathy from Fulton County Superior Court Judge Thelma Wyatt Cummings Moore at Friday's three-hour sentencing.



Keith Hadley/AJC

[\(ENLARGE\)](#)

Jody Horsley (left), the defendants' father, listens and sheds some tears while the verdicts are read. He said of the 10-year terms, 'It wasn't justice, that's for sure.'

She described the acts the boys pleaded guilty to — taking the puppy and smearing paint on it, trying to set it on fire, hog tying its feet with duct tape and binding its snout before stuffing it into a searing hot gas oven — as "malicious, unbridled cruelty."

"The way we treat animals, the way we treat the least of these is a reflection of society," Moore said.

"We will not tolerate this conduct as human beings."

Moore sentenced the brothers, ages 19 and 17, to the maximum on several counts, merging the times in jail for a final sentence of 10 years in prison, plus 10 years of probation. The felony animal cruelty charge carried a maximum of 5 years in prison. However, the time in jail increased because of charges for burglary, criminal damage to property and child cruelty.



Keith Hadley/AJC

[\(ENLARGE\)](#)

Defendant Justin Moulder, with attorney Timothy Owens, pleads for a 'second chance' for him and his brother. Judge Thelma Wyatt Cummings Moore accepted prosecutors' suggestion for 10 years in prison.

The sentence matched the recommendation of prosecutors. Defense lawyers asked for six months in prison plus four and a half years on probation. The brothers could have been given as many as 90 years in jail.

The sentence drew a mixed reaction from a courtroom primarily packed with animal lovers hoping for serious prison time. Some wiped tears. Several waited for prosecutors Laura Janssen and Ron Dixon to leave the courtroom so they could applaud and hug them.

"I wish it was more time ... I'd hate to see them out in another 10 years" said Roswell resident Ginnie Blount. Her 9-year-old daughter Abigail, touched by the dog's suffering, gathered more than 200 signatures from folks who supported stern punishment.

Dr. Melinda Merck, an animal cruelty expert who testified during the trial in December which ended in a hung jury, was ecstatic.

"We did good," she said. "I feel like all the work we did was validated. The judge and the jury got it."

Meanwhile, family members and defense lawyers left the courtroom stunned.

Jody Horsley, the father of both young men, wiped tears after the verdict. So did defense lawyer Timothy Owens, who never expected such a sentence when he agreed to let his client plead guilty.

"That was an armed robbery, a rape sentence," Owens said. "Maybe if they had shot or stabbed someone, they would have gotten a better sentence."

Horsley seemed at a loss to understand the scope of how long both will be jailed.

"It wasn't justice, that's for sure," Horsley said.

Prosecutors spent two hours Friday showing the lengthy juvenile records of the Moulders, saying that the puppy's grisly death was an escalation of a dangerous pattern established long ago.

Joshua Moulder, the younger brother, had been in and out of psychiatric care and state youth detention centers for years, records showed. He had been accused of breaking into homes, arson, threatening to beat and kill his own mother and trashing a foster home.

Justin Moulder, while in foster care, had been charged with aggravated sexual battery of a 3-year-old boy, prosecutors said. He was charged as an adult but prosecuted as a minor. He also was convicted of shoplifting as an adult.

Joshua Moulder said nothing at Friday's sentencing. Justin Moulder read a brief statement, apologizing for their actions.

"We are here to ask for forgiveness and a second chance at life," the elder brother said. "If I am given another chance, I will make up for it."

All the charges stemmed from an incident last Aug. 21 inside the community center at Englewood Manor apartments in northwest Atlanta.

At trial in December, prosecutors said the brothers broke into the newly remodeled center and trashed it. During the rampage, prosecutors said, they bound a stray puppy found by a sister and tossed it into the burning oven.

Eleven jurors were ready to convict the Moulders. But one refused, leaving the jury hung.

The pleas came Jan. 26 as defense lawyers and prosecutors prepped for a final pre-trial motion before the retrial, which was set to begin Jan. 29. The blind guilty pleas entered to nine felony counts allowed the judge to decide how many years each youth will serve.

The district attorney's office has received more than 5,000 letters and e-mails from people upset about the crime. More than 25,000 signed an Internet petition in support of prosecution of the case as a felony.

Brothers who baked puppy get 10 years

By **D.L. BENNETT**

The Atlanta Journal-Constitution

Published on: 02/09/07

The brothers who admitted baking a puppy to death in a gas oven have been sentenced to 10 years in prison and 10 years probation.

Joshua and Justin Moulder were sentenced Friday afternoon to 10 years for burglary and five years for animal cruelty, but the sentences will be served concurrently, not consecutively.



Rich Addicks/Staff
(ENLARGE)

Prosecutor Laura Janssen (foreground) and veterinarian Melinda Merck use a dog for a demonstration during the December trial in Fulton County of two brothers who later pleaded guilty to killing a puppy.

The Moulders, 17 and 19, faced up to 85 years if sentenced to the maximum on all nine charges to which they pleaded guilty to last month.

Prosecutors had offered a plea deal that would have meant a minimum of 10 years of jail time for each of the two young men. Defense lawyers balked. Instead, the Moulders pleaded guilty with no plea agreement hoping that Fulton Superior Court Judge Thelma Wyatt Cummings Moore would not be so harsh, but they received the same sentence.

The case has touched a nerve with animal lovers all over the world.

Fulton County judicial officials say they've gotten more than 5,000 cards, letters and e-mails from all over the United States as well as numerous other countries.

Similarly, two online petitions started after the first trial of the Moulders now have about 25,000 signatures with more coming every day. The petitions boast names from Brazil, the Netherlands, Germany, Israel and Australia. Linda Zotter of Syracuse, N.Y., while enduring cancer treatment, took time out to knock on doors and gather signatures for her own personal petition.

"I do believe they should be put away for life," Zotter said. "I would not want them living next to me. I would like to make sure they don't just get a slap on the wrist."

The case has had a life of its own on the Internet, with links from numerous animal advocacy sites to news and public interest sites such as the Drudge Report.

Mark Lisella of Charleston, S.C., found the story on the Drudge Report. He said he was moved to write District Attorney Paul Howard because the dog's treatment was so horrible.

People, he said, have become somewhat desensitized to sensational, grisly murders. But this victim, a tiny puppy, was so purely sympathetic.

"I just thought it was really disgusting," Lisella said.

World demands justice for pup killed in oven

By [D.L. Bennett](#)

The Atlanta Journal-Constitution

Published on: 02/09/07

The plight of a 13-pound puppy that was tortured before being baked to death inside a gas oven has touched a nerve with animal lovers all over the world.

As the two brothers who admitted killing the dog prepare for sentencing today, Fulton County judicial officials say they've gotten more than 5,000 cards, letters and e-mails from all over the United States as well as numerous other countries.

Similarly, two online petitions started after the first trial of Joshua and Justin Moulder now have about 25,000 signatures with more coming every day. The petitions boast names from Brazil, the Netherlands, Germany, Israel and Australia. Linda Zotter of Syracuse, N.Y., while enduring cancer treatment, took time out to knock on doors and gather signatures for her own personal petition.

"I do believe they should be put away for life," Zotter said. "I would not want them living next to me. I would like to make sure they don't just get a slap on the wrist."

The Moulders, 17 and 19, face up to 85 years if sentenced to the maximum on all nine charges to which they have pleaded guilty.

Prosecutors offered a plea deal that would have meant a minimum of 10 years of jail time for each of the two young men. Defense lawyers balked. Instead, the Moulders pleaded guilty last month with no plea agreement hoping that Fulton Superior Court Judge Thelma Wyatt Cummings Moore would not be so harsh.

The case has had a life of its own on the Internet, with links from numerous animal advocacy sites to news and public interest sites such as the Drudge Report.

Mark Lisella of Charleston, S.C., found the story on the Drudge Report. He said he was moved to write District Attorney Paul Howard because the dog's treatment was so horrible.

People, he said, have become somewhat desensitized to sensational, grisly murders. But this victim, a tiny puppy, was so purely sympathetic.

"I just thought it was really disgusting," Lisella said.

HOW PEOPLE ARE REACTING:

"I just read the story about the horrible death a puppy suffered at the hands of vandals. Obviously something so traumatic deserves a stern resolution. Please do not show leniency to these two. They baked a puppy. How sick and sad is that."

— Paula Saraceno, Denver, CO.

"Like thousands of other people around the country following the case, I am beyond outraged and demand long prison sentences for these thugs. These two people have no socially redeeming value of any kind, and should be incarcerated for as long as the law will allow. Anything less is unacceptable and a slight of justice."

— Mark Lisella, Charleston, S.C.

"The pathetic cretins known as Justin and Joshua Moulder are a waste of humanity. I hope and pray that the judicial system of Georgia puts them away for life at the sentencing on [Friday]. If not life, then decades.

What they did to that puppy is beyond words. Incomprehensible. It makes me cry and literally break down in agony. I have no mercy or pity for them."

— Kimberly Dotseth, San Diego, Calif.

"I would like to thank you for all that you did in making sure that poor little puppy has received justice. I am so angry I could choke." — Ruth Caron, San Antonio, TX

"I am very concerned about sending those two boys to jail for 85 years for killing a puppy. I don't condone what they did. Maybe they could get probation."

— Gerald Rose, Marietta, GA

Founder of New Order Human Rights Organization

And abroad people are also commenting on the case: "I firmly believe that these men should be imprisoned for the rest of their natural lives, and I urge you to impose the maximum penalty when they come before you for sentencing on [Friday]."

— Vida Roa Diaz, Barcelona, Spain

Source: Staff research

Staff

Map of the U.S. pinpointing reactions of people from Denver, CO, Charleston, S.C, San Diego, Calif, Marietta, GA, and Barcelona, Spain