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STARKVILLE - A circuit court judge is considering whether to allow a new trial for a West Point teenager convicted of murder.

An Oktibbeha County jury found 15-year-old Tyler Edmonds guilty of murder last week in the shooting death of his half sister's husband, Joseph Fulgham.

Friday in circuit court, Edmonds' attorney Jim Waide argued for a new trial on the basis that key defense witnesses weren't allowed to testify, and that in this case the sentence for simple murder shouldn't automatically be life without parole until age 65.

Waide said Edmonds' age - he was 13 at the time of the shooting - should be a consideration in deciding his sentence.

He said the same mitigating factors in a death penalty case should be admitted in this case, because Edmonds will be in prison for most of his life.

Assistant District Attorney Patricia Faver said the cases cited by Waide don't apply in this case.

She also pointed out that state law says a 13-year-old who uses a firearm in a crime can be tried as an adult.

"Youth court is no longer applicable," Faver said.

Plus, she said, Edmonds already is being given special treatment because of his age. Once he leaves the Oktibbeha County Jail, he will be transferred to the Walnut Grove Youth Correctional Facility for offenders 25 and under, instead of the state prison at the Parchman prison, she said.

"There is a difference as to where he will be sent," Faver said.

In his second argument, Waide said the expert testimony of the prosecution's medical examiner, Dr. Steven Hayne, should not have been admissible because expert witnesses for the defense were not allowed to testify on false confessions.

Waide said Hayne's testimony that there had been two hands on the gun that killed Joseph Fulgham should have been withheld on the same grounds that his witnesses were, because that can't be scientifically proven.

Faver said Hayne's testimony had been misconstrued.

"At no point in time did Dr. Hayne say that two people fired that weapon," Faver said.

Circuit Court Judge Jim Kitchens said he would review the issue brought up by Waide about sentencing, and examine court transcripts about Hayne's testimony. He said he could take "a couple weeks" to make a ruling.

Kitchens also instructed defense and prosecution attorneys to go through Edmonds' court file to remove all materials that could be damaging to the case of Kristi Fulgham, Edmonds' half sister and co-defendant. Once that information has been removed the file will be unsealed. The records were sealed as a result of a gag order issued last year on the case to ensure a fair trial for Kristi Fulgham.