

DA pursuing gag order in murder case
By BRIAN HAWKINS/Starkville Daily News

Prosecutors in the case of a 14-year-old West Point boy charged with capital murder in the May shooting death of his half-sister's husband are seeking a gag order to prevent the boy's attorney from further discussing the case with the media.

Assistant District Attorney Patricia Faver filed a motion in Oktibbeha County Circuit Court this past Friday to prevent the defense attorney for 14-year-old Tyler Edmonds of West Point from releasing information about the case to the media.

Edmonds is charged with capital murder in the May 10 shooting death of 28-year-old Joey Fulgham at the latter's home in the Longview community of Oktibbeha County. Fulgham's wife, Kristi, is also charged with capital murder in her husband's slaying.

Both continue to be held in the Oktibbeha County Jail without bond.

In recent weeks, Edmonds' attorney, Jim Waide of Tupelo, has spoken with area newspaper and television reporters about the case, specifically about his efforts to have a bond posted for Edmonds so he could get out of jail until his trial.

Circuit Court Judge Jim Kitchens, who is presiding over the case, has thus far denied bond for Edmonds. Motions filed by Waide to the Mississippi Supreme Court seeking bond for Edmonds have been denied, and Waide currently has motions pending in federal court to grant bond for his client.

In written court motions filed by Faver, she alleges "that the defense counsel has... engaged in a pattern of disseminating information pertaining to the merits of the case to members of the news media..." which is violation of judicial conduct rules.

Faver's motion also alleges that Waide's actions "were calculated to taint the pool of prospective jurors in favor of the defendant and invoke sympathy on this part." Faver's motion also requests that the trial be postponed to allow for a "cooling off period" to "remove the taint imposed by the prospective jurors by the action of the defense counsel.

In response to Faver's motion, Waide denied Faver's allegations, stating that no media coverage of the court proceedings involving Edmonds would prejudice potential jurors in his favor.

"Any gag order will violate the public's First Amendment right to know of the state's unjust and unlawful pretrial incarceration of a 14-year-old child, an unlawful incarceration that has been ongoing since May 12, 2003," Waide's motion states.

Postponing Edmonds' trial per Faver's motion would deny Edmonds "a speedy trial in violation of... federal and state constitutional rights to a speedy trial," Waide's motion states.

Kitchens on Tuesday set a hearing on the gag order motion and all other pending motions in Edmonds' case.

Several area newspaper and television reporters -- including Starkville Daily News staff members -- and Oktibbeha County sheriff's deputies are being subpoenaed in connection with the hearing.