

Edmonds case to head to jury today

New witness rebuts pathologist

By CONSWELLA BENNETT/Starkville Daily News

The capital murder trial of a West Point teenager charged in the shooting death of his half-sister's husband last year has almost come to an end.

At 8:30 a.m. today in Oktibbeha County Circuit Court, the jury in the Tyler Edmonds trial will hear closing arguments and receive final jury instructions before going in to deliberate.

Friday morning, the jury heard from only one witness, Kenny Edmonds, a sergeant with the Starkville Police Department and the uncle of Edmonds. After Edmonds' testimony about his involvement in the case and his visits with his nephew, court was recessed for four hours waiting on a key defense witness, a forensic pathologist from Alabama, to refute testimony given by Dr. Steven Hayne, state pathologist who was the state's last witness on Thursday.

Hayne had testified that the time of death was around 5:30 a.m., May 10, 2003, based upon the changes of the body of Joey Fulgham, who was shot in his home at 2163 Buckner St., in the Longview community.

Hayne testified Wednesday that he ruled the cause of death was from a gunshot wound to the head and that the manner of death was homicide. Hayne also testified that he determined that the shooting was consistent with two people handling the gun -- "consistent with the defendant's account" Hayne testified referring to the first videotaped confession Edmonds gave on May 12, 2003.

Friday afternoon, Dr. James Lauridson, another forensic pathologist, who, unlike Hayne, is certified by the American Board of Pathology and Forensic Pathology, testified on Edmonds' behalf.

Lauridson said he was contacted Thursday at 10 a.m. and asked by the defense to review Haynes' autopsy report, photographs from the autopsy, photographs and video of the crime scene and read the transcript of the videotaped confession made by Edmonds.

Lauridson, who has testified 300 times as an expert witness, was accepted as an expert in the Edmonds trial by Judge Jim Kitchens.

Under questioning by Robert Smith, a Jackson attorney assisting lead defense attorney Jim Waide of Tupelo, Lauridson testified that Hayne had presented a thorough report of the autopsy.

"Haynes made an assumption, which in my opinion is reasonable that it took 12 hours to reach its (rigor)," Lauridson testified.

Lauridson talking directly to the jury, equipped with a board drew a time line of sorts to show the stages of rigor mortis in the body. Lauridson said rigor mortis starts immediately and is visible in the small muscles first before moving to larger muscles.

"It's not a solid scientific graph but it gives a general time frame that is useful for us," Lauridson testified of his drawing.

Lauridson testified that at the peak of rigor, that it begins to disappear.

After studying the evidence, Lauridson testified that, "the time of death could have been almost any time on Saturday. One can't establish an exact time."

Smith questioned Lauridson if it would be possible to determine if one or two people were involved in the shooting.

"No pathologist can make that kind of decision, it's logically impossible," Lauridson testified. "There's no way to tell how many hands are on a weapon by looking at a wound."

Under cross examination, Assistant District Attorney Patricia Faver, questioned Lauridson intensely about his conclusions. Lauridson continually responded that he had to assume the same things that Hayne had assumed to come up with his findings. Faver continued to question Lauridson about his conclusion saying that other factors such as time of day the body was found, stomach contents had to be considered, just as Hayne had done in his report.

"There's a wide variation in these estimates. One can't say more likely 5 a.m. or noon," Lauridson testified. "It isn't scientifically possible and for one to claim otherwise is in error. We don't know when the death occurred based on the physical findings in the autopsy and to say 5 a.m. is a distortion of the facts."

Shannon Thrasher, whose husband worked with Joey, testified on Thursday that she saw him at Wal-Mart between 3:30 and 4 p.m. May 10, 2003.

Circuit Court Judge Jim Kitchens, recessed the jury for the evening around 3:45 p.m. on Friday, after the defense had finally rested its case and Faver and fellow Assistant District Attorney Frank Clark called two rebuttal witnesses to the stand.

Minnie Fox, head cook and dietitian at the Oktibbeha County Jail, and Robert Elmore, Oktibbeha County Sheriff's Deputy, were recalled.

Faver questioned Fox, who testified Thursday that she would meet with the inmates to see if they had special diets or food allergies. Faver asked if Edmonds had informed her that he was allergic to chicken.

"The only thing he said he was allergic too was Kool-Aid," Fox testified.

Edmonds, in his confessions had spoke of being ill from a Teriyaki chicken sandwich from Subway he had eaten May 9, 2003. Edmonds testified that sometimes chicken made him sick and sometimes it did not. Fox said chicken is prepared in the jail at least three times a week.

Elmore was responsible for photographing and videographing the victim and crime scene.

In an attempt to refute testimony by Thrasher, Clark asked if during their search of Joey Fulgham's home and his truck if a receipt for May 10, 2003 had been found -- specifically a receipt from Wal-Mart -- which Elmore testified was not located. Elmore further testified that nothing was found in the home with the date May 10, 2003.

After recessing the jury, Waide repeated a motion he had made earlier in the week: To have a directed verdict instead of a jury verdict because he said there was insufficient evidence to find Edmonds guilty beyond a reasonable doubt and the first videotaped confession was not obtained legally.

Clark argued that there is sufficient evidence that a jury can base findings beyond a reasonable doubt of capital murder.

Kitchens overruled Waide's motion ruling that there was sufficient evidence to make it a jury verdict. Waide attempted to make an alternative motion but changed his mind.

Though a juvenile, Edmonds, now 15, is being charged as an adult. If convicted, Edmonds would face a life sentence in prison since state law prohibits him from being sentenced to death because of his age.