

Slaying suspect's hearing delayed
By ANN M. TABB/Starkville Daily News

A 14-year old West Point boy who has been held in the Oktibbeha County jail since May for the shooting death of his sister's husband was briefly granted a hearing today before federal court Judge Michael P. Mills in the U.S. District Court in Oxford.

But a last-minute order to stop the hearing by the Mississippi Attorney General's Office was granted by the 5th Circuit Court of Appeals, according to District Attorney Forrest Allgood.

Allgood said the new order by the federal court in New Orleans requires that each party will have to submit a briefing on issues surrounding Mills' intervention and state laws that define evidence required to deny bonds to suspects of capital crimes.

The prosecuting attorney in the case, Patricia Faver, had requested a rescheduling of Friday's hearing, arguing that the hearing was set in less than a week. Mills denied Faver's request on Wednesday.

Due to Faver's absence, District Attorney Forrest Allgood was set to present the case in Oxford on Friday, until news of the postponement reached Allgood's Columbus office.

The hearing set by Mills on Wednesday was unusual, Allgood said.

"The federal court had apparently assumed jurisdiction of the bond hearing," said Allgood about Mills' action. "I have never seen a federal court take jurisdiction over a state court in a bond matter."

Tyler Edmonds, now 14, was arrested May 12 and jailed on a charge of capital murder based upon a videotaped statement given by Tyler to police, according to court documents. The statement implicated that the Fifth Street Junior High School honor student and his half-sister Kristi Fulgham in the shooting death of Kristi's husband, Joey Fulgham. Edmonds recanted this confession on May 16.

According to court documents filed Sept. 10 by Mills, the court found that "the state court procedure used to deny the petitioner bond violated his right to due process because the state had not provided discovery at the time of the bond hearings."

To remedy the "defective state procedure," Mills set a hearing on Friday to determine first whether bond is appropriate in the case and if so, the amount of the bond.

Mills' order on Monday was a short-lived victory for Tupelo attorney Jim Waide who has tried unsuccessfully several times in the local court and the state Supreme Court to compel Circuit Court Judge Jim Kitchens to grant bail to his young client.

"The right not to be jailed before being tried and convicted is one of our most basic freedoms," said Waide in a statement on Thursday. "The federal courts have ruled that the U.S. Constitution does not permit this unless it can be demonstrated that the defendant is either a flight risk or a danger to the community."

"However, despite two hearings, the state has never produced any evidence that Tyler either possesses a flight risk or a danger to the community. Several of his teachers and school counselors have testified about his high character, his non-violent nature and the high esteem in which both his teachers and classmates hold him," Waide added.

When the case was initially presented for a bond decision on June 5, Kitchens ruled that enough evidence existed for him to be held without bond. Waide appealed this decision to the state Supreme Court, which affirmed Kitchen's decision on July 16.

Also on July 16, Edmonds was indicted on capital murder. Waide stated in his filing that the district attorney's office did not provide evidence of Tyler's July 17 retraction to Waide on July 22, five days after Waide filed for Edmond's bail again on July 17.

Edmonds was denied again on August 1. Kitchens has also ordered a mental evaluation for Edmonds to aid in the decision of whether to transfer the case to youth court.

On August 28, the Mississippi Supreme Court upheld Kitchens again, denying Edmonds bond.

Waide maintains that Kitchens has denied bail wrongly because the state failed to produce evidence the murder was committed in the course of a robbery; that no evidence was presented that Edmonds was guilty of simple murder, not including the robbery; that confessions were illegally obtained and inadmissible in court because co-defendant Kristi Fulgham was used by deputies to obtain the confession.

Circuit Court Judge Jim Kitchens declined comment on the hearing on Thursday.

"The Mississippi Rules of Judicial Conduct keeps me from commenting on matters before my court," said Kitchens.