

Planned bill allows jury parole option

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A state lawmaker plans to file a bill in the upcoming legislative session that would give a jury the option of granting a life sentence with the possibility of parole to a juvenile convicted of murder.

The move comes as a result of the controversial murder conviction of Tyler Edmonds, who was sentenced to life in prison for a crime he committed at age 13.

Edmonds will not be released until at least age 65. But under a bill to be filed by House Juvenile Justice Committee Chairman George Flaggs, D-Vicksburg, an inmate in Edmonds' situation could be considered for parole as early as age 21.

"All it does is give the jury another option. It doesn't take away the right to be prosecuted," said Flaggs, a Youth Court counselor.

"When juveniles make mistakes or commit crimes, they don't have the full capacity or maturity as an adult and because of that, I think the the judicial system ought to give lenience."

Under state law, a teenager has to be 17 or older to be tried as an adult, but if a crime carries a life sentence and a deadly weapon is involved, the teenager must be tried as an adult.

A jury last year convicted Edmonds of murder, and he received an automatic life sentence in the death of his half sister's estranged husband, Joey Fulgham.

Dorsey Carson Jr., a brother-in-law of Joey Fulgham and a Jackson attorney, had harsh words for Flaggs.

"We question whether Rep. Flaggs has actually watched Edmonds' videotaped confession that the rest of us watched at trial," Carson said in an e-mail.

Carson said he is generally in favor of a bill that would give more discretion to a judge and jury in criminal cases, but the seriousness of the crime also has to be considered.

"While it is appropriate to eliminate mandatory sentencing for non-violent crimes, and to also give a judge and jury more discretion in violent crimes, I do not think it appropriate to pass a bill which would retroactively allow a person such as Edmonds convicted of a cold-blooded, premeditated killing to be eligible for parole in just a handful of years," he said.

Prosecutors argued Edmonds fired a gun together with his half sister, Kristi Fulgham, on May 11, 2003, near Starkville, killing Joey Fulgham.

Edmonds, now 15, told authorities he committed the crime with Kristi Fulgham, but recanted several days later, saying his half sister killed her ex-husband and told him to take the blame.

The defense has said the confession was coerced, and that jurors were not allowed to hear expert testimony on false confessions. The prosecution argued that jurors had sufficient facts to decide if the confession was false.

Under Flaggs' proposal, when the inmate reaches 21 and goes before a judge to be considered for parole, the judge would decide when it should be granted, if at all. Family members of the victims could speak before the judge at that time, Flaggs said. The proposal is based on a Missouri statute.

The Mississippi Court of Appeals has heard arguments on Edmonds' appeal but has yet to rule.

In the event that an appeal fails, Rob McDuff, one of Edmonds' attorneys, said such a law could help his client if it was retroactive. "Not all juvenile offenders are the same, and not all crimes for which they get convicted are the same, and it makes no sense to treat them the same for sentencing purposes," he said.

McDuff had argued that the law requiring Edmonds to serve a life sentence is unconstitutional in this case, and that his sentence should be thrown out.

Special Assistant Attorney General W. Daniel Hinchcliff, who argued against the appeal, would not comment.