

## **'Tyler's Law' legislation concerns DA**

By BRIAN HAWKINS/Starkville Daily News

A bill revamping certain state laws regarding juvenile criminal offenders that has been inspired partly by the case of 16-year-old Tyler Edmonds has cleared the state House of Representatives and is now in the Senate.

District Attorney Forrest Allgood says he hopes House Bill 1090 - commonly being referred to as "Tyler's Law" - will be killed by the Senate.

"This bill is really not good," said Allgood on Friday. "There are victims all over this state that are going to see the people who killed their loved ones walking the streets if this bill passes. These are people that the state will have essentially lied to when we told them we were putting them away for life."

The background

Edmonds was convicted in July 2004 on a murder charge in Oktibbeha County Circuit Court in the May 10, 2003, shooting death of Joseph T. "Joey" Fulgham. Edmonds' half-sister, Kristi Leigh Fulgham, still awaits trial on a capital murder charge in the case.

During Edmonds' trial, numerous questions were raised about his age at the time of Joey Fulgham's slaying - Edmonds was 13 at the time - and whether he may have been subject to undue influence both by Kristi Fulgham prior to the crime and by authorities during the investigation that followed.

The Mississippi Appeals Court recently denied Edmonds' appeal of his conviction, rejecting all 14 claims raised by his defense team, including contentions that his confession to the crime was involuntary and that Judge Jim Kitchens, who presided over his trial, should have allowed expert testimony about the frequency of false confessions by juveniles.

Edmonds maintains Kristi Fulgham coerced him to falsely confess to the murder, though Appeals Court justices, citing interview transcripts and witness testimony, ruled otherwise.

Tyler's Law is drafted

State Rep. George Flaggs, D-Vicksburg, chairman of the House Juvenile Justice Committee, drafted House Bill 1090, which, if passed and signed to law, will allow trial judges to review individual situations for juvenile offenders. The circumstances of Edmonds' case have been a major influence on the bill, Flaggs has said.

Some juveniles charged with murder should be given a second chance, Flaggs has said.

But the implications of the bill are far greater than many realize and could result in numerous convicted felons who committed crimes while under the age of 18 being set free, Allgood said.

"Half the people who voted for that bill in the House have never read it and had no idea what they were passing," Allgood said. "All they saw in their minds was 'little

Tyler, and they voted with their emotions, not bothering to think ahead to what they were doing.”

The bill was adopted by the House on Feb. 7, referred to the Senate Feb. 14 and is currently before the Senate Judiciary B Committee, which is chaired by State Sen. Gray Tollison, D-Oxford.

DA: Bill's potential impact negative for state's justice system

As passed by the House of Representatives, House Bill 1090 will revamp how juveniles charged with capital crimes - those offenses which carry a penalty of up to a life sentence in prison - are handled from the time they are arrested, how they are processed through the court system, how they are sentenced and could provide for previous juvenile offenders now serving prison time to have their cases and sentences revisited by a judge, Allgood said.

“Right now, if you are age 13 to 17 and commit a capital crime like armed robbery or murder, then you get arrested like an adult, get sent to jail like an adult and you have to make bond like an adult,” Allgood said. “Under the proposed ‘Tyler's Law,’ a 13- to 17-year-old who kills somebody cannot be arrested. They must be detained under the stipulations of the Youth Court for only 48 hours, and then they're out until a hearing is held to transfer the case to Circuit Court.”

But for 13- and 14-year-old offenders, the “Tyler's Law” bill's provisions are even more lenient, Allgood said.

“Under the bill, a 13- to 14-year-old cannot be sent to Circuit Court at all, which means that if you have a situation like I had in Lowndes County a few years ago where a group of 13- to 14-year-olds assaulted an elderly lady going into a convenience store, stabbing her 27 times, they're going to be detained, then turned loose, armed with the knowledge that they can't be touched,” Allgood said.

“Under the laws governing Youth Court, the most that would happen would be that they're sent to a training school for 90 days, six months, a year - who knows?”

The bill allows a 15- to 17-year-old offender's case to be transferred to Circuit Court, but there's a possibility that may not happen, Allgood said. Like the 13- to 14-year-olds, they can only be detained for up to 48 hours, he added.

“Still, their case may not get sent to Circuit Court. But let's say they are sent to circuit court for a homicide, Tyler's Law will allow the judge to give a juvenile offender two sentences - an adult sentence and, if he chooses to do so, a Youth Court sentence,” Allgood said.

“Whatever the Youth Court sentence he gives them, it cannot be commitment to a training school; the statute says so specifically. In other words, it would have to be probation for killing somebody.”

“This bill requires that at the age of 18 or the disposition of the Youth Court sentence - whichever comes first - the judge has to bring the juvenile back before him or her to determine whether to dismiss everything or let him serve the adult sentence. In other words, a teenager who killed somebody could be set free right then and there.”

What's more disturbing to him is a provision in the bill that allows anyone who was convicted of a capital offense who was under age 18 at the time of the crime to "reap the benefits of this statute," Allgood said. Any convicted felon who committed their crime while under 18 could have his or her case brought up for review by a Circuit Court judge, who could determine that a Youth Court sentence was more applicable and toss out the adult case.

"All of those offenses would be removed. Somebody like Luke Woodham, who walked into Pearl High School and started mowing everybody down, would be eligible for parole if Tyler's Law is passed," Allgood said.

It would mean that state law provides no deterrent factor for juveniles who commit capital crimes, Allgood said.

"Every rippin' street gang in the state will get juveniles to commit their crimes, including murder, because Tyler's Law would essentially get them off," Allgood said. "We have already passed one law to punish those who direct juveniles to commit crimes for them. With this, they would have an open season to do whatever they wanted with a juvenile because the juvenile wouldn't have to be in jail hardly at all."

The Senate Judiciary B Committee has until Feb. 28 to act on House Bill 1090.