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Miss. high court orders new trial for Edmonds

JACK ELLIOTT JR.

Associated Press

JACKSON, Miss. - The Mississippi Supreme Court has ordered a new trial for Tyler Edmonds, throwing out the teenager's murder conviction and life sentence because he didn't get a fair trial.

The state Court of Appeals upheld Edmonds' conviction last year in the shooting death of Joey Fulgham in 2003. Edmonds is 16 now. He was 13 when he was arrested in 2003 after Fulgham was shot to death at his home west of Starkville. He was convicted in 2004 in Oktibbeha County.

The Supreme Court said Thursday that Edmonds' trial was tainted by unsupported testimony from a forensic pathologist that Edmonds and his half sister, Kristi Fulgham, together pulled the trigger of the gun used to kill Joey Fulgham. Kristi Fulgham has been sentenced to death for the murder.

The Supreme Court said prosecutors had no evidence to support a two-shooter theory.

Presiding Justice Bill Waller Jr., writing for the Supreme Court, said the trial judge should not have allowed Dr. Stephen Hayne to testify about a two-shooter theory almost to the exclusion of a single-shooter theory.

Hayne testified that the positioning of the weapon led him to believe that two people had pulled the trigger.

Waller said such testimony was beyond Hayne's area of expertise.

"While Dr. Hayne is qualified to proffer expert opinions in forensic pathology, a court should not give such an expert carte blanche to proffer any opinion he chooses. There was no showing that Dr. Hayne's testimony was based, not on opinions or speculation, but rather on scientific methods and procedures," Waller wrote.

Defense attorney Jim Waide of Tupelo said Hayne's testimony was a major issue at the trial.

"It's always difficult to know what will influence the jury. I think his (Hayne's) testimony was absurd and I was astounded that it may well have influenced how the trial came out," Waide said.

Waide said he was relieved that Tyler got a new trial.

"We're back now where we started four years ago," he said.

Assistant District Attorney Frank Clark's concern was for Joey Fulgham's family. He said prosecutors are prepared for a second trial, but hope to avoid prolonging the family's agony.

"We're heartbroken for Joey's family, just heartbroken," said Frank Clark, an assistant district attorney who helped prosecute the case. "They are entitled to some closure. It's been three and a half going on four years. They've had to sit through two trials already. They haven't done anything other than love their family member and be completely supportive and quiet throughout."

Waller said the trial judge also erred by excluding the testimony of Danny Edmonds, the father of Kristi Fulgham and Tyler, who told law enforcement officers that Kristi Fulgham had asked him for a pistol because "she wanted Joey dead" and that she would kill him in his sleep.

Danny Edmonds also told officers that Kristi told him that Joey had several hundred thousand dollars in life insurance that would go to her if he were dead.

The trial judge ruled the statements were inadmissible hearsay.

Waller said the statements indicated Kristi's intention to murder her husband and corroborated Tyler's defense that Kristi was the person who shot Joey Fulgham.

"Moreover, Danny Edmonds' statement is corroborated by other evidence: Kristi had previously inquired about Joey's life insurance with the National Guard, and Joey's body was found in his bed, consistent with someone who had been shot in their sleep," Waller said.

Waller said the only direct evidence that Tyler was involved in Joey Fulgham's murder was Kristi Fulgham's allegations that Tyler killed Joey Fulgham and Tyler's disputed confession.

"Tyler had absolutely no motive to kill Joey other than to please Kristi," Waller said. "Tyler had no expectation of financial gain from Joey's death. Kristi, on the other hand, had the means, the motive and the opportunity to kill Joey."

In a dissenting opinion, Justice Chuck Easley said Tyler, in his videotaped confession, said both he and Kristi Fulgham put their hand on the trigger and she squeezed his hand to make the gun fire.

Easley said Hayne did not testify that his autopsy findings supported two people pulling the trigger. He said prosecutors asked Hayne if the results of his investigation would support Tyler's version of the shooting.

"Dr. Hayne testified that he favored the theory that someone helped position the weapon used to shoot Fulgham. This testimony was corroborated by Edmonds' confession that Kristi assisted him in shooting Fulgham," Easley wrote.

Easley said Danny Edmonds' testimony was inadmissible because there was nothing to corroborate it. He said Kristi's decision that she would not testify meant Danny Edmonds' testimony was hearsay.



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