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Flags: Edmonds case raises juvenile justice issues

By Jack Elliott Jr.
The Associated Press

A revision of the proposed "Tyler's Law" that failed last year in the Mississippi Legislature is being prepared by the chairman of the House Juvenile Justice Committee.

Legislation in the 2006 session would have amended state law so judges wouldn't have to sentence juveniles convicted of violent crimes to life in prison. The bill passed the House but died in the Senate.

Under Mississippi law, juveniles charged with the violent crimes of rape, murder and armed robbery are tried as adults.

Also under Mississippi law, such conviction carries a life sentence, and the trial judge cannot reduce the sentence.

The proposal to allow other levels of sentencing surfaced after Tyler Edmonds was convicted in 2004 of murdering his half sister's husband. Now 16, he was 13 years old at the time of the crime.

Edmonds' conviction was overturned this past week by the Mississippi Supreme Court, which ordered a new trial.

House Juvenile Justice Chairman George Flaggs, D-Vicksburg, said he is approaching the issue from another angle this session.

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Flags' bill last year would have allowed a judge the option to consider letting a juvenile with a life sentence be paroled at age 18. The juvenile offender would have been entitled to a court hearing to determine if he had been rehabilitated.

Flags said his new bill would require a trial court judge to conduct a hearing before imposing a sentence, including a life sentence, for any child under 17. He said the judge could consider other factors that might result in a penalty that includes a provision for later parole, for example.

Flags said he believes the appellate courts viewed a life sentence for Edmonds as too harsh.

Flags said he also wants to prohibit the interrogation of juvenile offenders outside the presence of a guardian, parent or lawyer.

Questions were raised during Edmonds trial about whether he was denied the presence of a lawyer or guardian before he gave a statement to investigators.

"There is a Florida case that says clearly that juveniles do not have the mental capacity to determine the consequences of their actions," Flags said.

"It is just a matter of making sure that justice applies for every child - whether he is black or white, boy or girl or rich or poor," he said.

The harshness of a life sentence was not an issue addressed by the majority of the Supreme Court in the Edmonds case.

But, the issue was touched on briefly by Justice Oliver Diaz Jr. in a separate opinion.

Diaz noted that before trial, the judge ruled that Edmonds could not mention to the jury that a guilty verdict would automatically get him a life sentence.

However, Diaz said that during jury selection, the judge reminded prospective jurors that Edmonds could not be sentenced to death if convicted.

Diaz said if the defense is supposed to remain quiet, then so should the judge.


"It was improper to continually remind the jury that Tyler could not receive the death penalty," Diaz said. "By instructing that Tyler could not receive the death penalty, the judge conferred an improper benefit on the prosecution."

Edmonds argued in his appeal that the judge's comments "made the jury more likely to convict because they knew on the one hand that he would not receive the death penalty, but on the other hand, they were free to imagine he might get some lighter sentence or the circumstances of the case might be taken into account in deciding on the proper sentence."

Jack Elliot Jr. is a writer for The Associated Press.

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