

Hearing held Friday on testimony in teen's murder case
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Arguments over the admissibility of expert testimony in the case of 14-year old capital murder suspect Tyler Edmonds took most of the day Friday in an Oktibbeha County Circuit Court hearing that was closed to all but family members.

No decision was reached by Circuit Court Judge Jim Kitchens as to what or which expert witnesses will be allowed to testify on the admissibility of an alleged confession by Edmonds' to the shooting death of his half-sister's ex-husband, Joseph Fulgham.

Kitchens explained his reasons for closing the hearing were to discuss matters relating to codefendant Kristie Fulgham, who is also charged with capital murder but unlike Edmonds, faces the death penalty.

"Because Ms. Fulgham has not requested a change of venue, the only way to preserve her right to a fair trial is to close the hearing at this time," said Kitchens to reporters.

Although the press was prevented from entering the courtroom during testimony, several experts from New York were brought in to take the stand in the all-day hearing including Dr. Micheal Welner, who presented testimony at the hearing for prosecuting attorney Patricia Faver, and Dr. Allison D. Redlich, senior research associate for Policy Research Associates, took the stand most of the morning on behalf of Edmond's defense attorney, Jim Waide.

In Kitchens' order to set the hearing, obtained before court documents were sealed by Kitchens last week, the hearing was "to determine admissibility of certain testimony offered by the defendant."

This is the second hearing on evidence that has been closed to the media. A gag order was placed on all parties in the case in October 2003. As of last week, all records in the Edmonds case have been sealed at the local court level by Kitchens, the last in a series of courts who have been a party in the case to close their files to the public, including the Mississippi Attorney General's office, the Mississippi Supreme Court, the U.S. District Court in Oxford and the Fifth Circuit Court of Appeals in New Orleans.

Waide publicly objected to the state's being allowed to call an expert witness to respond to expert reports by Dr. Chris Lott, who was not present Friday, and Redlich filed by him in December 2003.

Prosecuting attorney Patricia Faver successfully argued in December before Kitchens that the filing of these expert reports less than a month before the Jan. 5 court date would give her no time to perform necessary background checks or hire their own experts over the holidays before trial.

Kitchens sided with the state at that hearing, appointing Dr. Welner as an expert witness "to perform such necessary evaluations as the issues may give rise."

Rather than go to trial without his expert witnesses, Waide agreed to postpone the trial to allow the defense time to prepare.

On three occasions courts have denied Waide's requests for bail since his client was jailed in May 2003.

Last week, U.S. district court judge Michael Mills' ordered Kitchens to hold a bond hearing for Edmonds, but the order was stayed by the Fifth Circuit Court of New Orleans at the last minute.

This week, the Fifth Circuit Court has set a deadline for briefs to be filed in its postponement of Mills' order for a bond hearing. Officials in the Mississippi Attorney General's office, which is facilitating the process of this civil filing, had no comment on if the stay would be removed by the New Orleans court, clearing Edmonds for a bond hearing.