

Judges weighing issues in appeal of area teen's murder conviction
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JACKSON - Judges deciding whether to overturn teenage killer Tyler Edmonds' conviction questioned how the jury heard disputed testimony linking him to the murder but didn't get evidence supporting claims he falsely confessed to helping his sister murder her husband.

Attorneys for Edmonds and his state prosecutors argued Tuesday at the Mississippi Court of Appeals. The court is considering whether the 16-year-old from West Point was unfairly convicted of shooting Joey Fulgham in Oktibbeha County two years ago.

Edmonds received a mandatory life sentence in 2004, meaning he'll have to stay in prison for at least 50 years as his eligibility for parole won't come until age 65.

Kristi Fulgham is also charged with murdering her estranged husband, who was shot in the head while asleep in his Oktibbeha County home. She has not been tried yet.

The 10-member Court of Appeals will likely decide sometime before summer whether Edmonds should get a new trial.

The three-judge panel hearing the case Tuesday zeroed in on what Edmonds' attorney said is "the double-standard" Circuit Judge Jim Kitchens of Columbus used in controlling what evidence the jury received.

Kitchens allowed the jury to hear "voodoo science" from a medical examiner about two people squeezing the trigger, said attorney Rob McDuff of Jackson. On the other hand, the trial judge rejected the validity of research showing juveniles are prone to falsely confessing to crimes they didn't commit.

Age 13 at the time of the 2003 confession, Edmonds maintains he actually lied under pressure because his half sister said she'd get the death sentence if convicted alone of shooting her husband. In his now-recanted confession, Edmonds said he and his sister placed their hands together to pull the rifle trigger killing Joey Fulgham.

Concerning the "two-shooter theory," Court of Appeals Judge Joe Lee cast doubt on forensic pathologist Steven Hayne being able support the premise two people pulled the trigger.

"It's impossible to testify to that -- whether one finger or two fingers were on it," Lee said.

The .22-caliber rifle used to kill Fulgham was never found.

Arguing for the prosecution, state Assistant Attorney General Dan Hinchcliff told the judges Hayne merely assessed the trajectory of the bullet and nature of the head wound to tell jurors it could have been from a rifle held by two people.

Hayne's testimony has been misconstrued, said Oktibbeha County Assistant District Attorney Patricia Faver.

"At no point in time did Dr. Hayne say that two people fired that weapon," Faver said

last year.

The main focus of Edmonds' appeal is the confession he made at the Oktibbeha County Sheriff's Department the day after Joey Fulgham was found dead in his Longview home. Edmonds later recanted, saying he lied because he feared his sister would be executed if found solely to blame for murdering her husband.

Edmonds was "pressured not only by sheriff's deputies but by his 26-year-old sister, who was trying to wave the murder off to him," McDuff said.

At Edmonds' 2004 trial, Kitchens barred psychologist Alison Redlich from telling the jury about her research finding how unreliable juvenile confessions can be. The judge said such science is not valid enough to be used in court.

Court of Appeals Judge Donna Barnes on Tuesday questioned whether Kitchens also used such rigorous legal standards for allowing Hayne's testimony about the two-shooter theory.

Barnes also said there's a legal standard "for opening the gate to let jurors decide the battle of the experts" when there are conflicting opinions.

McDuff noted the Court of Appeals last week issued a decision in an unrelated case that allowed the use of nonscientific expert testimony that a convicted child-molester had challenged.

The Oktibbeha County jury in July 2004 found Edmonds guilty of murder after six hours of deliberation.

Jim Waide of Tupelo, Edmonds' other attorney, said the jury should've been given more evidence about false confessions.

The juvenile faces a life in prison, Waide said, "and we're going to be stingy about what evidence he presents? § (Jurors) ought to have the facts before them. They ought to have everything relevant."

However, Hinchcliff said Edmonds can still live his life, albeit in prison, and see his mother and other relatives -- a joy Joey Fulgham was cut off from with his death. "Those options have been excluded from him. He'll never have those options again," Hinchcliff said.

He said Edmonds' attorneys are relying on emotion rather than the law for reversing the conviction of a child properly tried and convicted of murder as if he were an adult, which Mississippi statute allows.

"This is really a case of misplaced sympathy and more of an attack on the laws passed by our Legislature," Hinchcliff said.

It normally takes about five or six months for the Court of Appeals to make decisions, according to a review of other cases heard this year. Those decisions can be appealed to the state Supreme Court.

The Court of Appeals rarely overturns criminal convictions. Only 15 percent were

reversed in 2004, according to court records.

Its small courtroom was filled Tuesday with about 40 people, including family members. Among them was Edmonds' mother, Sharon Clay.

"I want the conviction reversed completely. I think that would be fair," Clay said after the 45-minute hearing.

Edmonds' case has drawn national attention. Court TV and CBS News wanted to televise his 2004 trial, but Kitchens denied cameras in the Oktibbeha County courtroom.

The Innocence Project and the Northwestern University-based Center on Wrongful Convictions have filed briefs in Edmonds' appeal.