

Attorneys: Further appeals likely in

Tyler Edmonds case

By BRIAN HAWKINS

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Tyler Edmonds' chief defense attorney said plans are being made for continued appeals of the teenager's July 2004 murder conviction even as state lawmakers begin considering a bill giving judges more leeway in sentencing juvenile offenders convicted of adult crimes.

Jim Waide of Tupelo spearheaded the 15-year-old Edmonds' defense in his July 2004 trial in the May 2003 shooting death of his half sister Kristi Fulgham's estranged husband, 28-year-old Joseph T. "Joey" Fulgham.

Waide, who has been in Starkville this week for a civil case, said during a recess Wednesday that continued appeals of Edmonds' conviction will be filed to Mississippi Supreme Court.

"We're going to do what is humanly possible for Tyler," said Waide.

The State Appeals Court on Tuesday voted to uphold Edmonds' conviction and his life sentence, rejecting all 14 claims by his defense team in the appeal petition. Two major defense issues rejected by the Appeals Court in its 61-page ruling included contentions that Edmonds' 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.

Robert McDuff of Jackson, another attorney on Edmonds' defense team, said a motion for the Appeals Court to reconsider its decision will first be filed before action by the Supreme Court is sought.

"I respectfully disagree with the court's decision and anticipate we will be filing a motion to reconsider," said McDuff after the ruling was handed down Tuesday. "That child should not be spending the rest of his life in prison."

Assistant District Attorney Patricia Faver, who prosecuted Evans, would not comment on Tuesday's Appeals Court's decision because she still must prosecute Kristi Fulgham for capital murder.

Edmonds and Kristi Fulgham, 29, were charged with killing Joey Fulgham on May 10, 2003, at the latter's home on Buckner Street in the Longview community west of Starkville. Edmonds was 13 years old at the time of his arrest in Joey Fulgham's fatal shooting.

Though originally charged with capital murder, jurors convicted Edmonds of murder, and Kitchens sentenced him to serve a life term in prison, becoming eligible for parole when he turns 65. Edmonds is currently incarcerated at a juvenile corrections facility in Walnut Grove.

Edmonds does know of the Appeals Court's decision Tuesday, Waide said.

Sentencing issues for juvenile offenders such as Edmonds could see changes under a new bill to be taken up by the Mississippi House of Representatives.

State Rep. George Flaggs, D-Vicksburg, chairman of the House Juvenile Justice Committee, has drafted a bill that 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.

The bill, which has already won approval by two House committees, would allow a judge to conduct a hearing on rehabilitation when the juvenile offender turns 18 or completes a penalty imposed by the court.

The bill allows the court to weigh the juvenile's academic program, medical and mental health history, disciplinary records and reports by a counselor and the Mississippi Department of Human Services.

The trial judge would then be able to decide whether to place the juvenile with the Mississippi Department of Corrections, place him/her on probation or releasing him or her.

Appeals Court judges on Tuesday ruled that Kitchens' sentencing of Edmonds was constitutional, but some raised concerns about whether judges should have more discretion in sentencing juvenile offenders.

The bill is House Bill 1090.