

Group investigating Miss. cases

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JACKSON - The cases of seven Mississippi inmates are being reviewed by a New Orleans nonprofit legal-aid clinic.

Emily Maw of the New Orleans Innocence Project said among the Mississippi cases is the 1985 rape and armed robbery conviction of Nelson McKinney, 55, in Lee County. McKinney was sentenced to life in prison.

McKinney was convicted of robbing and raping a 50-year-old clerk at the Town House Motel in Tupelo. The woman identified McKinney as her attacker, even though he and his neighbors testified he was home when the crimes happened.

Maw wouldn't discuss McKinney's case. She said she fears publicity will make it harder for her to get information she needs that could exonerate him.

Lee County District Attorney John Young said he found out the Innocence Project had begun investigating it about four months ago when he was asked for evidence.

"We looked for the file, but we couldn't find it," Young said. "It's hard to put something together that happened 15 or 16 years ago."

Young said he was not surprised McKinney is trying to get a new trial.

"For some of these guys, it's a matter of keeping on to keep on, regardless of how strong (their arguments) are," Young said. "I think a lot of these things that are filed are frivolous. If I thought someone was purely innocent, they wouldn't be prosecuted."

They also are looking at the 2004 murder conviction of Tyler Edmonds, 15, in Oktibbeha County. Edmonds was sentenced to life in prison. He and his step-sister, Kristi Fulgham, are accused of killing Fulgham's estranged husband at his home in May 2003.

While Edmonds first confessed to the slaying, he later testified that he had lied to protect his step-sister. She has yet to be tried.

About another case - a Marshall County conviction - Maw would not identify the defendant or discuss details about the case.

<http://www.djournal.com/pages/story.asp?ID=193356&pub=1&div=News>

Group files inquiry in teen's murder case

Center at Ill. university questions issues in teenager's conviction

By Julie Goodman

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A center at Northwestern University in Illinois that has intervened to help numerous prisoners on death row is now getting involved in the case of a 15-year-old convicted killer in Mississippi.

The Center on Wrongful Convictions at Northwestern University, which was involved in nine of the first 13 cases involving inmates exonerated from Illinois' death row, has filed an amicus (or friend of the court) brief in the case of Tyler Edmonds, who was convicted on July 24, 2004, in Oktibbeha County of murder.

Along with the Innocence Project New Orleans, it is exploring false confessions and the dangers of police interrogation on impressionable children. Steven Drizin, the center's legal director, said he was troubled by Edmonds' case for several reasons, including the fact his mother was not present for part of the interrogation. He questions whether her son, who was 13 at the time, understood his rights.

"I don't know whether he's guilty or innocent. All I can say is that the circumstances of his interrogation are extremely troubling," he said.

Frank Clark, one of the assistant district attorneys who prosecuted the case, said the judge deemed the confession valid, and added that the defense is trying to get Edmonds off on a technicality.

"At one point, they tried to point out to the jury, this was the absolutely smartest child ever to walk the earth, straight-A student," he said.

"Then they're going to turn around and say — but he doesn't understand what it means when they say he has the right to remain silent?"

Drizin, an attorney who was not involved in Edmonds' trial, said police generally use a variety of techniques to draw confessions from suspects. They usually begin questioning in a friendly manner, attempting to build a rapport with the suspect.

Miranda rights are recited matter-of-factly, sometimes read off a card, as if to say, "I'm sure you've seen this on television and you understand why I have to read this to you."

Interrogators almost never ask juvenile suspects to explain what each right means in their own words, and most children will simply say "yes" or shake their head. "Research shows they don't really have a clue about what these rights mean," he said.

The questioning eventually turns confrontational, he said. Interrogators are trained to cut off a suspect's protestations of innocence, forbidding him from denying any role in the crime.

False evidence ploys and threats of harm, such as the death penalty, also are used, in an attempt to convince the suspect he will not emerge from the interrogation unless he confesses. With innocence off the table, the discussion focuses on the suspect's degree of guilt.

Children, the brief states, are especially susceptible, in part because they are "less capable than adults of making long-term decisions. "

Edmonds is now in his appeals process, and his half-sister Kristi Fulgham is expected to face her own murder trial in the spring.

The problem in Edmonds' case, Drizin said, is that while the actual confession was recorded, the crucial moments leading up to the confession were not. "In Tyler's case, it's impossible to know what tactics led to his final confession."

It's not clear whether Edmonds' admission is a product of interrogation tactics, a desire to protect his sister, or both, he said.

Edmonds, who is serving a life sentence, later recanted.

Clark, however, said that when Edmonds first walked in, he wasn't necessarily a suspect.

"He's saying that the moment a 13-year-old walks into the police station, a video camera should be put on ... and essentially, that's what happened. As soon as he told them, he wanted to talk, they turned the video camera on," he said.

"Now, was he on camera every second he was in there? Candidly, no he wasn't. That really, really ties the hands of law enforcement," he said. "A lot of times, they're not even suspects."

Drizin also is concerned because it seems Edmonds' mother was trying to get into the interrogation room, and was barred.

Clark said evidence that came out in court showed the teen requested to speak to them without his mother.

"Now they're saying, 'Well, gee, they ripped this child away from his mother,' but that's not exactly accurate," he said.

"Tyler made it clear to them that he did not wish to speak to his mother, or he did not want to tell this in front of his mother."

In his response to the amicus brief, Special Assistant Attorney General Glenn Watts writes that the court record speaks for itself: "It contains questions by Edmonds' mother as well as his admission to her of having participated in the murder of Joey Fulgham."

Correction

Journalism students at Northwestern University who have helped clear condemned inmates are not affiliated with the university law school's Center on Wrongful Convictions, which filed an amicus (or friend of the court) brief in the case of Tyler Edmonds, who was convicted on July 24 in Oktibbeha County of murder. This story in Sunday's editions misstated the relationship between the two groups.