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November 4, 2006

Lawyer runs ads against judge

- Jim Waide says Circuit Judge Jim Kitchens is 'blatantly unfair'

By Jimmie E. Gates
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File photo/The Associated Press

Tyler Edmonds talks to defense attorney Jim Waide in Oktibbeha County Circuit Court in Starkville in 2003. Waide lost the case and now is running ads against the judge who handled the case and who is seeking re-election.

A well-known north Mississippi lawyer has spent more than \$5,000 of his own money on ads criticizing a circuit judge seeking re-election.

Tupelo lawyer Jim Waide isn't running against Circuit Judge Jim Kitchens Jr. in Tuesday's general election and doesn't know Kitchens' opponent well, but he just doesn't want Kitchens to continue as a judge.

"The first requirement for a judge is to be fair," Waide said. "I have never met a judge so blatantly unfair as Judge Kitchens."

Kitchens' thoughts on Waide's ads? "He's got the money, and I guess the right to do it."

However, Kitchens disputes Waide's assertion he is unfair.

It's rare for a practicing attorney, whose not a candidate, to publicly criticize a sitting judge.

Waide is running broadcast and print ads in the Columbus and Starkville area in opposition to Kitchens' re-election.

One newspaper in West Point refused to run his ad, Waide said.

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Kitchens faces Starkville lawyer Roy A. Perkins in the Circuit Court district that includes Clay, Lowndes, Noxubee and Oktibbeha counties.

Waide's animosity with Kitchens stems from the murder trial of a client, teenager Tyler Edmonds.

Edmonds, now 16, was convicted of murder in 2004 in the shooting death of his half sister's husband. He was 13 at the time of the slaying. He is serving a life sentence. His attorneys are appealing.

Kitchens said the state Court of Appeals' decision in February affirming his decision said he made "no reversible or human error" in Edmonds' case.

But in July, the Mississippi Supreme Court agreed to review the case.

Edmonds and his half sister, Kristi Fulgham, were charged with shooting Joey Fulgham in 2003 while he slept at home. Kristi Fulgham's trial is scheduled for Dec. 4.

In appealing his conviction, Edmonds says he falsely confessed to the murder. He later retracted his confession.

The prosecution's case relied heavily on Edmonds' confession, but Waide said the defense wasn't allowed to put on evidence that juveniles have a tendency to falsely admit to crimes under pressure.

Waide said Kitchens, a former prosecutor, favored the prosecution in nearly all his rulings in Edmonds' trial.

"His rulings was not designed to give a fair trial," Waide said. "You can't have that attitude in a criminal case."

Waide said he also believed it was unfair for Kitchens to deny bond to Edmonds during trial.

Kitchens has a brilliant legal mind and is hardworking, but the community needs a fair judge, Waide said.

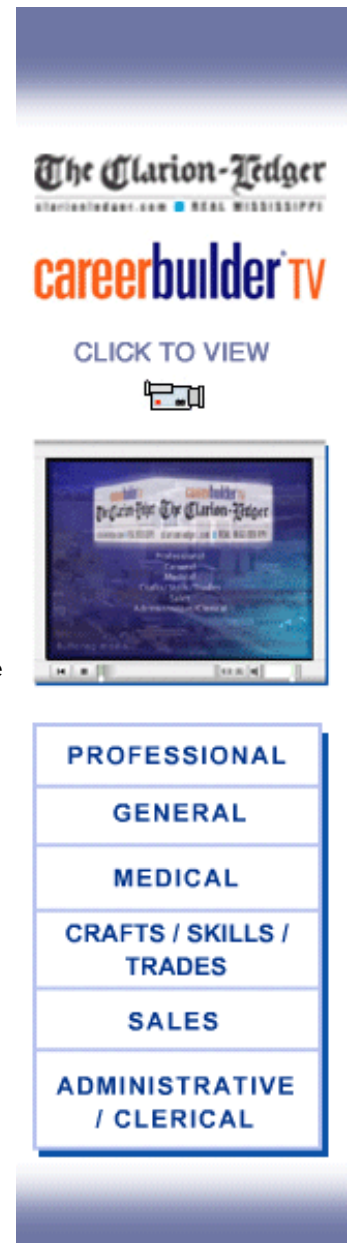
Kitchens' wife, JoAnne, who is treasurer of her husband's re-election campaign, said, "He is a very compassionate judge who believes in following the law ... He enforces and follows the law, but he doesn't make the law."

Waide said most attorneys won't question a judge's fairness and he knows it could present a problem if he ends up back in Kitchens' courtroom. But Waide said 90 percent of his law practice is in federal court.

In a judicial race in Hinds County, a candidate is using a radio ad featuring the voice of a Jackson man who spent 12 years in prison for a crime he didn't commit.

But Bill Jordan, who is running against incumbent Circuit Judge Bobby DeLaughter, said he wanted to keep a positive campaign.


The ad said DeLaughter, who was then an assistant district attorney, helped prosecute the Cedric Willis case. It infers the office sat on DNA evidence that would have cleared the man.



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Willis was convicted and sentenced to prison in 1997 for shooting Carl White Jr. and robbing White's wife, Gloria, and daughter, Jamilla, at their Jackson home on June 16, 1994. Carl White died six days later.

The National Innocence Project, which has helped exonerate about 175 inmates, was instrumental in reopening Willis' case. The murder and robbery charges were dismissed in March, and Willis was freed.

Efforts to reach DeLaughter on Friday evening were unsuccessful.

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