

Teen held in murder case again denied bond

By ANN M. TABB/Starkville Daily News

A third attempt to free 13-year-old Tyler W. Edmonds on bond while he awaits trial capital murder charge was denied a third time by Circuit Court Judge Jim Kitchens after Tupelo attorney Jim Waide presented arguments that the judge should remove himself from the case due to conflicts and that grand jury evidence should be released by the district attorney's office to secure a bond hearing.

In the first motion, Waide requested that Kitchens voluntarily remove himself from the case since he worked with District Attorney Forrest Allgood for over six years and for nearly two years with the prosecuting attorney in the case, Patricia Faver.

"I don't see how you can get a fair judgment from someone who worked for the D.A.'s office for six years," said Waide.

Kitchens said since the crime occurred after Nov. 5, 2002, the day he was sworn in as a Circuit Court Judge, and that he was not privy to any of the district attorney's investigations or discussed the case with any of his former co-workers.

In the second motion, Waide charged that the decision to deny bond was a policy of the D.A.'s office, another influence from his former boss and coworkers. Waide said that since Edmonds' arraignment he has received copies of two videotaped conversations with police officers used to secure indictments against his client but Waide claims other evidence has been withheld.

Kitchens responded said that state law mandates grand jury proceedings be kept secret for six months after the indictment and that the decision to grant bonds was not at the discretion of the court.

"There is no policy -- they are going to follow the law and I am going to follow the law," said Kitchens in response.

Looking like a lost schoolkid in a small orange jumpsuit, Edmonds managed several pensive smiles and a quiet wave to a group of family members in the small courtroom at the Oktibbeha County Courthouse before the hearing began. After the hearing, Edmonds was escorted back to the jail for a conference with Waide and family members.

Edmonds has been charged in the capital murder of Joey Fulgham, 28, who was found shot in the head inside his locked home in the Longview Community on May 11.

Fulgham's estranged wife and Edmond's half-sister, Kristi Fulgham, was questioned and arrested for capital murder on May 12, the same day as Edmonds. Both are being held at the Oktibbeha County Jail without bond.

On June 5, Waide also petitioned Kitchens to set a bond on grounds that Edmonds is a juvenile and cannot be charged with a capital crime and that his client had nothing to do with Fulgham's death.

Kitchens said if he is still assigned the case in the coming months after Waide petitions the federal courts that he would request a mental evaluation for Edmonds to determine if the case should be sent to youth court.

"I want someone at East Mississippi or Whitfield to talk with him, I'd like to have more information other than a schoolteachers' testimony," said Kitchens.

A trial date has been set for Oct. 27, but Waide said the mental exam could take up to a year to schedule, leaving Edmonds in jail to wait.

"I don't want to do anything that will keep him in jail any longer than he has to be there," said

Waide. "I am opposed to anything that will prolong his stay in jail."

Waide said after the hearing that he will petition the federal court to step in to grant a bond hearing.

Since no evidence has been put forth to indicate a robbery, Waide said his client should be charged with murder and granted bail under state law.

Waide has another motion filed this month to suppress statements made by Edmonds to officers after being held away from his mother for five hours.

The primary purpose for the repeated petitions to the court is for Edmonds' welfare, Waide said.

"They say that the evidence is overwhelming, but how can we determine that if we don't know what the evidence is? I think that there is no corroborating evidence that he did this and that is what makes me so disgusted about it," said Waide.

"Sheriff Dolph Bryan is doing the best he can for him (Edmonds), but the fact remains that there are no juvenile facilities suitable for him. He should be granted a bond and allowed to come home," said Wai