



## News

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# Man accepts plea deal in fatal stabbing of brother at northwest Bakersfield house party

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A Bakersfield man accepted a plea agreement Wednesday stipulating no time in prison in connection with the fatal stabbing of his brother at a house party.

Evidence had come to light that some witnesses to the incident may have been involved in the fight at the party in northwest Bakersfield.

Kyle Hulsey pleaded no contest to voluntary manslaughter in the killing of 18-year-old Joseph Cody McMillan, and the District Attorney's office dismissed charges of first-degree murder, resisting arrest and exhibiting a deadly weapon other than a firearm.

Hulsey had faced a life term in prison if convicted of the murder charge. He and McMillan had the same mother.

The agreement stipulates Hulsey will serve five years' probation and perform 500 hours of community service, prosecutor Courtney Lewis said. It also prohibits him from owning firearms or other deadly weapons, from consuming alcohol or drugs, and requires him to attend mental health, substance abuse and anger management counseling.

Lewis said the deal was offered after evidence revealed witnesses that were scheduled to testify may have been involved in the altercation.

The agreement was offered on the fourth day of the evidentiary portion of the trial.

Hulsey's Los Angeles-based attorney, Alan J. Jackson, said Thursday he was confident from the beginning the truth would come out at trial.

"The truth is that Kyle was mercilessly attacked by two of the prosecution witnesses, who were shown to be violent individuals," Jackson said. "We're obviously very encouraged by the fact that the system worked."

He said Hulsey has maintained his innocence from the beginning, and is going home to begin healing from this "terrible, horrific tragedy."

The attorney said Hulsey was held in a headlock and assaulted with a deadly weapon when the stabbing occurred. The fight, he said, initially began as a scuffle between the brothers and didn't escalate until the witnesses got involved.

After the jury was sent home around 10:30 a.m., one of the witnesses, a teenage girl, was called to the stand and asked questions by Jackson regarding what she saw during a prior fight involving the brothers.

In that incident, the teen said, she arrived at a location on Palm Avenue in a black Mercedes with Hulsey and McMillan. But she refused to answer other questions, invoking her Fifth Amendment right against self-incrimination regarding what happened after she and the brothers got out of the vehicle.

She said "invoke" in response to each question posed by Jackson, including whether she had brass knuckles in her possession, if she saw Hulsey kicked in the face by another person and if she fought Hulsey.

After a half dozen or so questions, Judge Kenneth C. Twisselman II said he found that the teen was invoking her Fifth Amendment privilege regarding the circumstances of what happened after she got out of the vehicle and said she could step down.

The date of the incident the teen was questioned about was unclear.

The stabbing happened early Sept. 12, 2015, at a house in the 10700 block of Palm Avenue. Police were dispatched at 12:49 a.m. to that location, where witnesses said Hulsey and McMillan got into a fight during which Hulsey pulled a knife from his pocket, according to



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court documents.

McMillan was stabbed three times, the knife puncturing the middle of his back, his lower leg and his groin near his right thigh, the documents said. He died about a week later.

Hulsey told investigators his brother was injured in a “freak accident” as they fought, the documents said.

According to the documents, Hulsey had consumed a large amount of alcohol, and admitted taking Xanax sometime before the fight.

Sentencing is set for Dec. 8.



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