



Jury Finds Yates Not Guilty in Drownings

Jurors Find Andrea Yates Not Guilty by Reason of Insanity for Drowning Deaths of Her Children

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The Associated Press

HOUSTON - In a dramatic turnaround from her first murder trial, Andrea Yates was found not guilty by reason of insanity Wednesday in the drowning of her children in the bathtub.

The 42-year-old woman will be committed to a state mental hospital and held until she is no longer deemed a threat. If she had been convicted of murder, she would have been sentenced to life in prison.

Yates stared wide-eyed as the verdict was read, then bowed her head and wept quietly. Her relatives also shed tears, and the children's father, Rusty Yates, muttered, "Wow!" as he, too, cried.

Four years ago, another jury convicted Yates of murder, rejecting claims that she was so psychotic she thought she was saving the souls of her five children by killing them. An appeals court overturned the convictions because of erroneous testimony from a prosecution witness.

Yates' chief attorney, George Parnham, called Wednesday's verdict a "watershed for mental illness and the criminal justice system."

Wendell Odom, another of Yates' attorneys, suggested that attitudes have changed since the first trial: "Five years ago there were a lot of people who could not get past the anger of what happened."

Yates' 2002 conviction triggered debate over whether Texas' legal standard for mental illness was too rigid, whether the courts treated postpartum depression seriously enough, and whether a mother who killed could ever find sympathy and understanding in a tough-on-crime state like Texas.

Yates drowned 6-month-old Mary, 2-year-old Luke, 3-year-old Paul, 5-year-old John and 7-year-old Noah in their Houston-area home in June 2001. Her attorneys said she suffered from severe postpartum psychosis and, in a delusional state, believed that Satan was inside her and that killing the youngsters would save them from hell.

"The jury looked past what happened and looked at why it happened," Rusty Yates, who divorced his wife last year, said outside the courthouse. "Yes, she was psychotic. That's the whole truth."

Juror Todd Frank said it was clear to him that Yates had psychosis before, during and after the drownings.

"She needs help," Frank said. "Although she's treated, I think she's worse than she was before. I think she'll probably need treatment for the rest of her life."

Prosecutors had maintained that Yates failed to meet the state's definition of insanity: that she was so severely mentally ill that she did not know her actions were wrong.

"I'm very disappointed," prosecutor Kaylynn Williford said. "For five years, we've tried to seek justice for these children."

Prosecutors had sought Yates' execution in the first trial but could not in the second because the first jury had rejected a death sentence.

That could help explain the different verdict in the retrial, said Charles P. Ewing, a law and psychiatry professor at the State University of New York at Buffalo. Juries considering execution tend to be more harsh, he said.

Another difference is that awareness of mental health issues has grown since the first trial, he said.

"There is a bit more sympathy in these cases than there used to be," said Ewing, who was not involved with the case but wrote a book, "Minds on Trial," with a chapter about it.

Yates will be sent after a commitment hearing Thursday to North Texas State Hospital in Vernon, a prison-like maximum-security facility encircled by a 17-foot fence and guard towers. Experts say it can take decades before psychiatrists decide that a patient is healthy enough to be released, and even then a judge can reject those findings.

The jury, split evenly between men and women, deliberated for about 13 hours over three days. The jurors, in accordance with state law, had not been told that Yates would be committed to a mental institution if found not guilty by reason of insanity.

Yates did not testify. Her lawyers presented much of the same evidence as in the first trial, including half a dozen psychiatrists who testified that Yates was insane.

During a videotaped 2001 jail interview, Yates told a psychiatrist that her children had not been progressing normally because she was a bad mother, and that she killed them because "in their innocence, they would go to heaven."

The jury was told about Yates' two hospitalizations after two suicide attempts in 1999, and about her stays in a mental hospital a few months before the drownings.

But prosecution witness Dr. Michael Welner, a forensic psychiatrist, testified that Yates killed the youngsters because she felt overwhelmed and inadequate as a mother, not to save their souls. He said that it was not until a day after the killings that she talked about Satan and saving her children from hell.

Welner also said Yates showed that she knew her actions were wrong by waiting until her husband left for work to kill them, covering the bodies with a sheet and calling 911 soon after the crime.

Yates' 2002 conviction was overturned after Dr. Park Dietz, a forensic psychiatrist, told the jury that before the drownings, NBC ran a "Law & Order" episode about a woman who was acquitted by reason of insanity after drowning her children. It was later learned that no such episode existed.

As in the first trial, Yates was tried only in the deaths of Mary, John and Noah. Although the district attorney could pursue charges in the deaths of Luke and Paul, prosecutor Joe Owmbly said he is

recommending against such a move.

Associated Press writer Paul J. Weber contributed to this report.

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