



Yates Was Insane When Children Drowned, Jury Finds (Update2)

July 26 (Bloomberg) -- Andrea Yates, the Texas mother accused of drowning her five children in a bathtub in 2001, was found innocent by reason of insanity after a retrial.

The jury, selected after an appeals court overturned a 2002 guilty verdict, accepted Yates's plea of not guilty based on the argument that she didn't know it was wrong to kill the children at the time. Yates, 42, will be sent to a mental institution, though it hasn't been determined where.

According to Texas law, defendants can be declared not guilty by reason of insanity if it is determined that they were unaware that their actions were wrong at the time they committed the crime. When Yates was first tried in 2002, she also confessed to the killings and pleaded not guilty by reason of insanity.

``The jury was able to see past what happened and look at why it happened," Rusty Yates, Andrea Yates's former husband, said during a press conference after the verdict. The couple divorced last year.

Yates, who had a history of postpartum depression, said she drowned her children one by one and then dialed 911 to request police assistance. When officers arrived, Yates led them into a bedroom where 6-month-old Mary, sons Luke, 2; Paul, 3; and John, 5, lay on a bed, covered with a sheet. The oldest, Noah, 7, was found dead in the bathtub, police said.

Postpartum Depression

Yates will probably remain in a mental institution for life, said Charles Ewing, a forensic psychologist, professor of law at Buffalo Law School and author of books including ``Battered Women Who Kill" and ``Fatal Families: The Dynamics of Intrafamilial Homicide."

``Theoretically, she's eligible for release when she's no longer mentally ill and dangerous," Ewing said. ``The question is when will somebody be willing to certify that she's no longer mentally ill and dangerous? What doctor is going to make that statement? And what judge will accept it and order her release?"

Yates's lawyers said she was suffering from postpartum depression and psychosis at the time of the killings. They said Yates thought she was saving the children from eternal damnation, the New York Times reported.

Yates had decreased her dosage of antidepressant medication two days before the killings, CNN reported. She had attempted suicide twice, and had been released from a mental institution about a month before the slayings.

False Evidence

Prosecutors argued that Yates knew the killings were wrong. They pointed out that she committed the crime at a time when she knew her husband was at work. The jury found Yates guilty of capital murder in the deaths of three of the children. Yates was sentenced to life in prison, after the jury rejected imposing the death penalty.

She wasn't tried for the deaths of the other two because the prosecution wanted to be able to hold a second trial if the first ended in acquittal.

An appeals court overturned the guilty verdict in 2005 because they found that one of the prosecution

witnesses, mental health expert Dr. Park Dietz, had presented false evidence which could have influenced the jury's decision.

Dietz, a consultant for the TV show ``Law and Order," testified that, a few weeks before Yates's crime, an episode had aired in which a mother drowns her children in a bathtub and is acquitted by reason of insanity.

The prosecution suggested that Yates, who watched ``Law and Order," had copied the events on that program.

Yates's attorneys discovered later that the episode didn't exist and appealed to Texas's highest court. Justices, agreeing that the erroneous testimony might have wrongly affected the jury's verdict, ordered a retrial.

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