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*Insanity Defense  
and the Law*



The Insanity Defense

Inherent difficulties

The reality of mental illness



“Just an excuse”

Fear if NGRI

Nature of Case

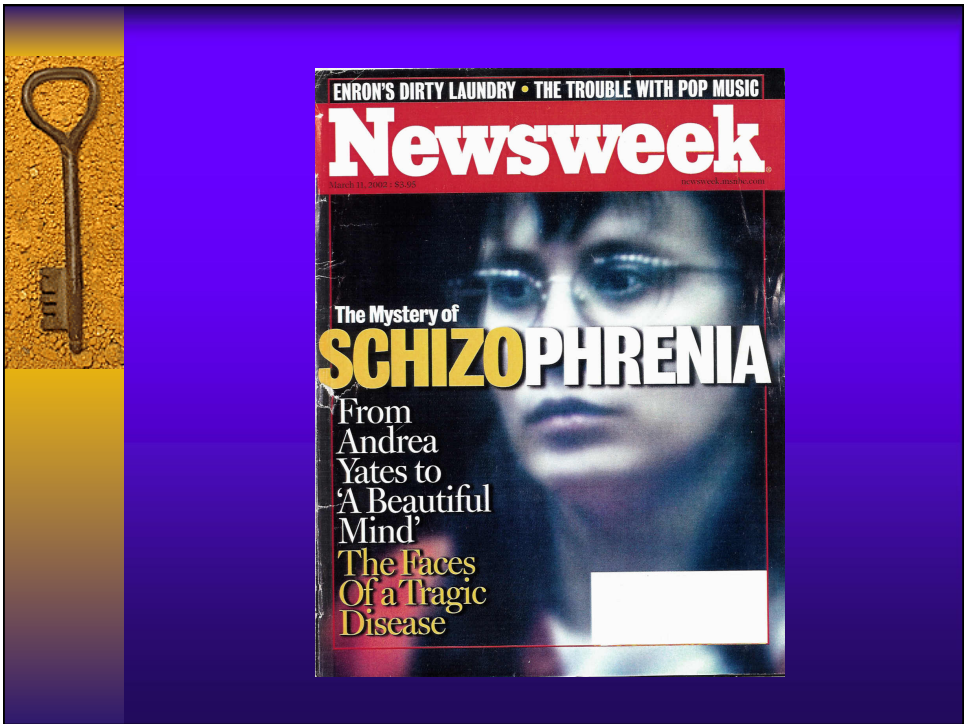


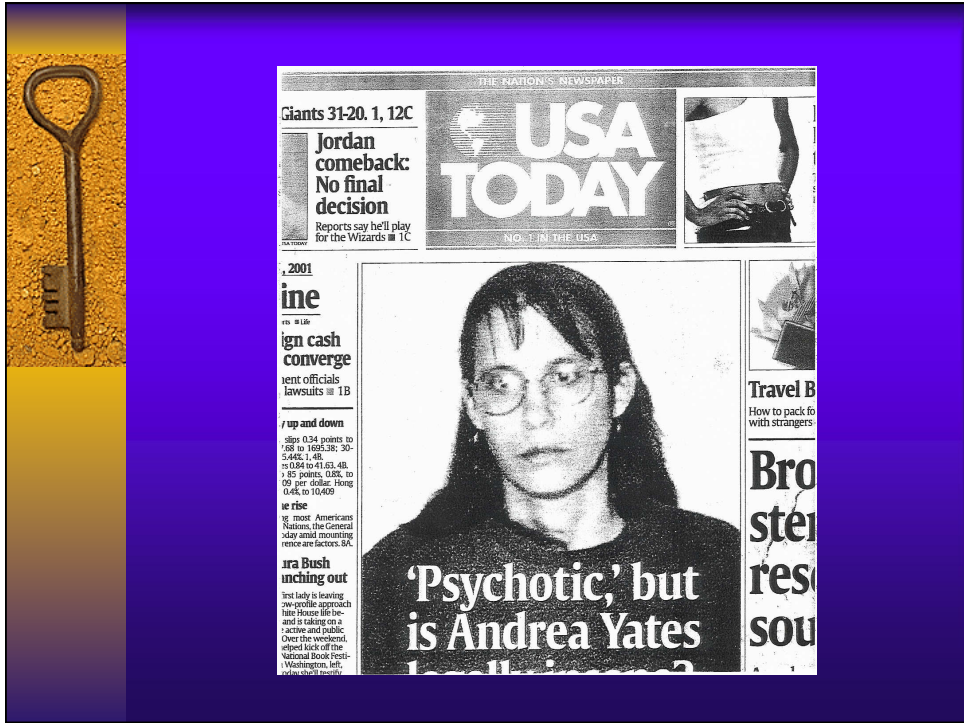
**TIME**  
IN DEPTH

THE FIRST TIME RUSSELL Yates ever saw Andrea Kennedy, she was in the water. It was 1989, and he had spied her sunbathing in a bikini by the pool of the Houston apartment complex they shared. She hopped in for a swim, and he looked on in wonderment as she steadied herself with her toes against the pool wall and stretched out to float serenely on her back, her long brown hair making a slow swirl in the blue water and her arms outstretched like a cross. She seemed so at peace he thought she might fall asleep on that bed of water. He would later find out that she was a champion swimmer and had once swum around an island in Mexico. She loved to sail. She loved the water. As Rusty Yates now describes the woman he would marry in 1993, "she was a person who was more graceful in the water than out of it."

Rusty Yates met Andrea Kennedy in 1989. They married in 1993.









## Yates' Confession to Police



## Notes: Dr. Ferguson

- ◆ *She claims that she and the children would watch cartoons, and that the characters would speak directly to her commenting on her – telling her she was a bad mother. She says the same characters would speak directly to her children.*



## Notes: Dr. Ferguson

- ◆ *Recently she started to hear “growling noises.” They seemed to be coming from the walls. – “Satan was there.”*
- ◆ *She reports, “My children were not righteous... I let them stumble” and that they were “doomed to perish in the fires of hell.”*
- ◆ *She claims, “They had to die to be saved.”*

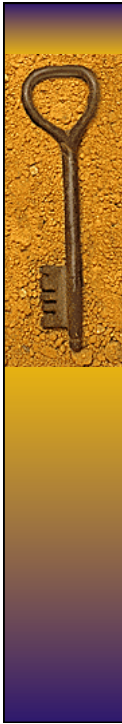




## COMMON DENOMINATORS OF INSANITY DEFINITIONS

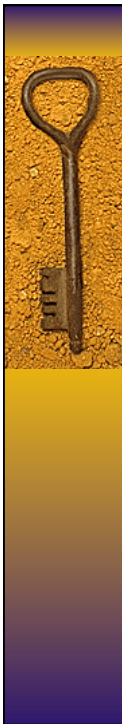
- ◆ A) Mental illness (severe)
- ◆ B) “To know”
  - “To distinguish”
  - “To appreciate” nature and quality of actions or wrongfulness.






## Texas Standard of Insanity

At the time of the conduct charged, the Defendant, as a result of severe mental disease or mental defect, did not know that his (*her*) conduct was wrong.




## FEDERAL INSANITY STANDARD

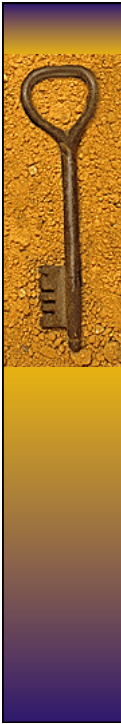
It is an affirmative defense to a prosecution under any federal statute that, at the time of the commission of the acts constituting the offense, the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his or her acts.



- ◆ “Awareness of the illegality of the act does not necessarily mean that the actor ‘knew it was wrong.’”



- ◆ “When a person is suffering from a full (psychotic) delusion, that person ‘holds it with absolute conviction and no kind of evidence or argument can possibly change their mind about that.’”



***Dr. Park Dietz's Testimony:***

Q: Now, the – you are a consultant, are you not, on the television program known as Law and Order?

A: Two of them.

Q: Okay. Did either on of those deal with postpartum depression or women's mental health?

A: As a matter of fact, there was a show of a woman with postpartum depression who drowned her children in the bathtub and was found insane, and it was aired shortly before this crime occurred.



**COMPARISON (cont.)**

<u>YATES</u>	<u>LANEY</u>
Satan = Evil =	God = Good =
“Knew it was wrong”	“Knew it was right”
LEGALLY SANE	LEGALLY INSANE



## Failures

- ◆ Medical
  - Misdiagnosis
  - Lack of communication
  - Insurance
  - Education
- ◆ Legal
  - The Insanity Standard
  - CPS follow up
  - Invocation of the Death Penalty
  - Equal Protection of the Law for Women



## AFTER THE VERDICT

- ◆ Where Do We Go From Here?
  - Change in the law and mental health in the legal system.
  - Legislative awareness
  - The jury got it
  - Yates Children Memorial Fund (YCMF)

*No Longer Inmate 1087566*



A mugshot of a woman with dark hair, shown from the front and in profile. The image is set against a blue background with a yellow vertical bar on the left containing a key icon.