

Park Dietz & Associates, Inc.

Park Dietz, M.D., M.P.H., Ph.D.¹
Michael M. Baden, M.D.²
Eugene V. Beresin, M.D.³
Bennett Blum, M.D.⁴
Andre P. Derdeyn, M.D.⁵
Joel A. Dvoskin, Ph.D.⁶
Kirk Heilbrun, Ph.D.⁷
Kenneth V. Lanning, M.S. (FBI, ret.)
Daniel A. Martell, Ph.D.⁸

Daryl Matthews, M.D., Ph.D.⁹
Gregg O. McCrary, M.A. (FBI, ret.)¹⁰
Steven E. Pitt, D.O.¹¹
Richard T. Rada, M.D.¹²
Gregory B. Saathoff, M.D.¹³
Ronald P. Walker, M.A. (FBI, ret.)
Janet Warren, D.S.W.¹⁴
James A. Wright, M.P.A. (FBI, ret.)

Administrative Offices
537 Newport Center Drive, #300
Newport Beach, California 92660
Ph: 949.760.0422
Fax: 949.644.3535
E-mail: expert@parkdietzassociates.com
Website: www.parkdietzassociates.com

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February 25, 2002

ADA Joseph S. Owmbly
ADA Kaylynn Williford
Harris County District Attorney's Office
Suite 600
1201 Franklin Street
Houston, TX 77002

Re: State of Texas v. Andrea Pia Yates
Harris County, Texas
Trial Court Cause No. 88025

Dear Mr. Owmbly and Ms. Williford:

At your request, I have conducted a forensic psychiatric evaluation of Mrs. Andrea Yates with respect to her state of mind at the time of killing her five children on June 20, 2001.

SOURCES OF INFORMATION

Case-specific sources of information that I included in my evaluation to date are listed below. Please note that in quoting from medical records, I have at times spelled out words that were abbreviated in the original record.

Interviews

- Mrs. Andrea Yates, 11/6/01 and 11/7/01 (videotaped and audiotaped) [citations herein are to the 144-page transcript of the audiotape, which is incorporated herein by reference]
- Melissa Ferguson, M.D., 11/6/01

- Debra M. Osterman, M.D., 11/7/01
- Steven J. Rubenzer, Ph.D., 11/7/01
- Mr. Russell Yates: interview requested but refused
- Mrs. Dora Yates: interview requested but refused
- Mr. and Mrs. Robert Holmes, 11/8/01

Videotaped Interviews by Others

- Videotape of interview of Russell Yates, 6/21/02, Channel 13
- Videotape of a portion of the examination by Phillip Resnick, M.D., 7/14/01
- Videotape of a portion of the examination by Lucy J. Puryear, M.D., 7/27/01
- Videotape of a portion of the examination by Lucy J. Puryear, M.D., 8/10/01
- Videotape of the examination by Phillip Resnick, M.D., 11/3/01 (two tapes)
- Videotape of excerpts of an interview of Russell Yates, undated, broadcast on *60 Minutes*, 12/9/01
- Videotape of the examination by Lucy J. Puryear, M.D., 2/4/02

Testimony

- Grand Jury testimony of Mohammad A. Saeed, M.D., 6/25/01
- Testimony of Gerald Harris, Ph.D., 9/19/01
- Testimony of Steven J. Rubenzer, Ph.D., 9/20/01

Documents, Photographs, and Videotapes

- Transcript from Houston Independent School District re. Andrea Kennedy

- Milby High School Yearbook, 1982
- University of Houston records re. Andrea Kennedy.
- University of Texas Health Science Center at Houston records re. Andrea Kennedy
- Employment records of Andrea Yates, M.D. Anderson Hospital and Tumor Institute
- Harris County Child Protective Services Intake Report re. Andrea Yates
- Ben Taub Hospital Emergency Room records re. Andrea Yates, 6/17/99
- Methodist Hospital records re. Andrea Yates, 6/18/99 – 6/24/99
- James P. Thompson, Ph.D., records re. Andrea Yates
- Starbranch Psychiatry Associates records re. Andrea Yates, 7/1/99 – 4/3/01
- Samaritan Center for Counseling and Education records re. Andrea Yates, 8/26/99-2/24/00
- Earline Willcott, LMSW, records re. Andrea Yates, 5/16/00 – 12/21/00
- Devereux Texas Treatment Network records re. Andrea Yates, 3/31/01–4/12/01
- Devereux Texas Treatment Network records re. Andrea Yates, 5/04/01–5/22/01
- Mohammad A. Saeed, M.D., records re. Andrea Yates, 4/19/01 – 6/21/01
- C.V. of Mohammad A. Saeed, M.D.
- Tape of 911 call by Andrea Yates
- Police crime scene photos

- Medical Examiner's Office crime scene photos
- Crime scene videotape
- Report re. 6/21/01 autopsy of Mary Deborah Yates, age 6 months, by Patricia J. Moore, D.O.
- Autopsy photographs of Mary Deborah Yates
- Report re. 6/21/01 autopsy of Luke David Yates, age 2, by Harminder S. Narula, M.D.
- Autopsy photographs of Luke David Yates
- Report re. 6/21/01 autopsy of Paul Abraham Yates, age 3, by Harminder S. Narula, M.D.
- Autopsy photographs of Paul Abraham Yates
- Report re. 6/21/01 autopsy of John Samuel Yates, age 5, by Patricia J. Moore, D.O.
- Autopsy photographs of John Samuel Yates
- Report re. 6/21/01 autopsy of Noah Jack Yates, age 7, by Harminder S. Narula, M.D.
- Autopsy photographs of Noah Jack Yates
- Statement of Andrea Yates, 6/20/01 (tape and transcript)
- Statement of Russell Edison Yates, 6/20/01 (tape and transcript)
- Statement of Dora Yates, 6/20/01 (tape and transcript)
- Journal of Debbie Holmes, March – June 2001
- Motion for Hearing on Incompetency to Stand Trial, 7/3/01
- Notice of Intent to Offer Evidence of the Insanity Defense, 7/30/01
- Texas Penal Code, Section 8.01 re. Insanity

- State's Motion to Order Defendant to Submit to Examination by Mental Health Expert or in Alternative Motion in Limine to Exclude Results of Defendant's Psychological Examination
- Harris County Jail Medical Records re. Andrea Yates, 6/20/01 – 9/8/01
- Harris County Jail Medical Records re. Andrea Yates, 8/1/01 – 11/7/01 (reviewed original at jail)
- Harris County Jail Medical Records re. Andrea Yates, 10/27/01 - 12/19/01
- Notes and raw test data of Gerald Harris, Ph.D., re. Andrea Yates
- Notes and dictation of Steven J. Rubenzer, Ph.D., re. Andrea Yates
- Competency Evaluation of Andrea Yates by Steven J. Rubenzer, Ph.D., 8/5/01
- Letter from inmate R. Connell to Judge Belinda Hill, 9/5/01
- *The Perilous Times*, Series: 2000-1J

Materials Reviewed but Not Relied Upon

- A selection of post-offense letters to Andrea Yates from family, friends, and strangers
- Website: www.yateskids.org
- Animation videotape, Version 3
- Miscellaneous news stories

EXAMINATION

I examined Mrs. Yates in jail on 11/6/01 and 11/7/01, videotaping and audiotaping the entire examination. The appended transcript of that interview documents the procedure by which I informed Mrs. Yates of the nature and possible uses of the examination, the lack of confidentiality, and the fact that I had been retained by the prosecution and was not in a helper role.

At the time of the examination, Mrs. Yates reported that she was taking Effexor, Wellbutrin, Haldol, and Cogentin, though she was uncertain of the doses [p. 133]. She was alert, coherent, responsive, oriented, and cooperative. She was soft-spoken and sometimes slow to respond, but apart from a few occasions when she forgot or misunderstood a question her answers were clear and relevant. Mrs. Yates had been spending a great deal of time reading the *Bible* and evidenced a continuing religious preoccupation. She cried appropriately when discussing the homicides and smiled at some humorous moments, but generally displayed a flat affect. She was remarkably passive, unassertive, and humble. She did not evidence hallucinations or delusions during my examination, though she recounted a past history of a variety of serious symptoms. On a few occasions she misspoke, but she was generally logical in her answers without evidence of loose associations, flight of ideas, or other signs of thought disorder. She did, however, show some confusion with respect to dates between the time of her father's death and the time of the homicides, and her memory was impaired for a portion of the time she had spent in solitary soon after arriving at the jail. I considered her competent to participate in the examination.

Although I covered Mrs. Yates' full life history in the examination, I have incorporated below only those points that contradicted or elaborated upon pre-existing documentary evidence or that bear on the issues leading up to the charged offenses.

PERSONAL HISTORY

Family of Origin

Born Andrea Kennedy on 7/2/64 to Andrew and Keren Kennedy, Mrs. Yates was the fifth of five children (three boys and two girls). She told Norma Tauriac, LMSW, that her mother was educated in Germany, worked in retail shops until retiring, and was "supportive, sensitive, caring and nurturing." Her father, she said, had been an engineer at Ford and a school teacher. He had suffered a heart attack in about 1986 and had been cared for by his wife thereafter. [Methodist Hospital records re. Andrea Yates, 6/18/99 – 6/24/99].

Family Psychiatric History

In June 1999, Mrs. Yates denied any family psychiatric history [Methodist Hospital records re. Andrea Yates, 6/18/99 – 6/24/99]. On 11/9/99, Mrs. Yates for the first time reported a family history of depression, on which she elaborated on 2/24/00 when she expressed concern for a brother having been diagnosed as bipolar with “OCDC” [sic] and a sister struggling with depression [Samaritan Center for Counseling and Education records re. Andrea Yates, 8/26/99-2/24/00]. Mrs. Yates’ biological relatives with mental illness were later said to include her father, sister, a brother suffering from depression, and another brother suffering from bipolar disorder [Devereux Texas Treatment Network records re. Andrea Yates, 3/31/01–4/12/01].

In my interview of Mrs. Yates, she reported that her brother Brian had been diagnosed with bipolar disorder in the past year and was taking antidepressants, her brother Andy had been diagnosed with depression since the 1990s and had been prescribed Zoloft and Prozac, and her sister Michelle had been diagnosed with depression [pp. 25-26]. None of her siblings had been psychiatrically hospitalized [p. 26]. She and others in the family suspected that their father suffered from Alzheimer’s, but she understood a neurologist to have thought he was demented from transient ischemic attacks [p. 26].

Educational History

At Milby High School, Ms. Kennedy was an outstanding student, nearly earning straight As (she received three Bs, one of which was in typing). She was President of the National Honor Society, Captain of the swim team, and first in her class of 608 at graduation in May 1982. [Transcript from Houston Independent School District; Milby High School Yearbook, 1982.]

Ms. Kennedy attended the University of Houston Central Campus from the Fall Semester of 1982 through the Spring Semester of 1984. Here she earned 14 As and 7 Bs. The last GPA recorded was 3.75. The University of Houston records indicate that Ms. Kennedy’s SAT scores were: 530 Verbal, 590 Math, and Total Score 1120. [University of Houston records.]

In the Fall Semester of 1984, Ms. Kennedy entered the University of Texas Health Science Center at Houston. Here she earned 11 As, 15 Bs, and 5 Cs (two of which were for “Health Assessment of Children and Families” and “Care of Children and Adolescents”). She was awarded a B.S. in Nursing on 6/14/86, shortly before her 22nd birthday. [University of Texas records.]

Military History

None.

Occupational History

Ms. Kennedy reported having worked at Jack-in-the-Box from 1980 to 1982, at Savemart Groceries from 1982 to 1985, and at St. Luke's Episcopal Hospital (as a student) from 1985 to 1986 [Application to University of Texas; Employment Application, M.D. Anderson Hospital].

After graduating from nursing school, Ms. Kennedy was hired as a nurse at the M.D. Anderson Hospital and Tumor Institute, where she began work on 6/23/86 and remained continuously employed until 5/20/94. Performance evaluations during the course of her employment at M.D. Anderson are exemplary, with praise for her knowledge, rapport with patients, communications skills, hard work, work quality, "positive mental attitude" (5/30/89), dependability, efficiency, and conscientiousness. She was, however, encouraged to develop her leadership and assertiveness skills. During the course of her employment, Ms. Kennedy was married, changing her name to Yates in the hospital records on 6/13/93. Mrs. Yates resigned on 5/20/94, shortly after returning from maternity leave, giving as her reason "to stay home with new baby." At the time of her resignation, she was a Nurse Clinician II with an annual salary of \$37,164. [Employment records, M.D. Anderson Hospital and Tumor Institute.]

Dating and Marital History

Andrea Yates: In 1999, Mrs. Yates reported that she began dating at age 23, but declined to answer a question about when she became sexually active. [Methodist Hospital records re. Andrea Yates, 6/18/99 – 6/24/99]. In my examination, Mrs. Yates reported a few double dates while still living at home, but very little social life or contact with males until she got her own apartment at age 24 in 1988 [pp. 35-36]. She dated only three or four other men before starting to see Russell ("Rusty") Yates, whom she met in 1989 and married in April 1993 [pp. 44]. Mrs. Yates became pregnant two months after she was married and did not consider using birth control again until after receiving medical advice to avoid another pregnancy [p. 45].

Mr. and Mrs. Yates lived in a three-bedroom house in Heritage Park from 1993 until early 1996, when they moved into an RV trailer [p. 50-51]. According to Mrs. Yates,

. . . early '96 we moved into a trailer, we were seeing if we could get along in a smaller living area like they [the Warneckis, see below] did, we had two children, bought a trailer for us to live in, and he [Rusty] thought maybe he would get a job contracting himself out for software development and we would be traveling, but that didn't work out. In a trailer, we lived in it almost a couple years and we bought the bus from Mike and Rachel. It was converted already, so we lived in that for a little while, before my breakdown. [P. 51.]

Later in my examination, she offered this explanation of the bus purchase:

Well, I guess Rusty was inspired by them living in that bus, and he thought we should see if we can handle it. He said you don't have the worries of life with a trailer that you do with a house, managing the yard and all the chores related to a new house, taking care of it, so he just wanted to see if we could manage in the trailer and possibly travel after that. But his, a job didn't come available, the kind he was looking for. Plus the Warneckis were offering us their bus. [Pp. 53-54.]

Mrs. Yates said that she did not complain about living in the bus until "I had the breakdown with Luke." Asked if she were happy there, she replied, "I thought I was content. I, I thought I was helping my husband and trying to do, you know, what he wanted to try to do . . ." [pp. 57-58]. They lived in the bus for two years, with Noah, John, and Paul, and she then gave birth to Luke while still living in the bus [p. 58]. The idea of home schooling the children originated with the Warneckis [p. 60], and she began home schooling the children in 1999 [p. 62].

When I explored further Mrs. Yates' saying that she had thought she was content, she said, "I was going along with the lifestyle" [p. 71]. She agreed that she thought it was her duty to serve her husband and children. When asked who had imposed that duty, she replied, "Myself and Rusty. He . . . he . . . he didn't complain to me about what I did or, you know, he'd bring this up and it wasn't like we'd fight over it or

anything, I was pretty accepting of it and just tried my best" [p. 71]. Her passive acceptance of this lot is illustrated in this colloquy:

- PD: There's a set of expectations that he had that you agreed to?
- AY: Yes.
- PD: Is that accurate?
- AY: Yes.
- PD: I don't want to put words in your mouth; I want to try to understand it correctly. Would it be fair to say that you tried to be obedient and compliant and submit to his will, and to the Lord's will, and maybe it didn't suit you all that well?
- AY: Yeah, some of the change didn't.
- PD: But you weren't one to complain about that?
- AY: Right. [P. 72.]

After stopping her job, Mrs. Yates had little contact with people outside the family [pp. 48-50].

Rusty Yates: Russell E. Yates, Jr., was employed by NASA at the Johnson Space Center. [Employment records, M.D. Anderson Hospital and Tumor Institute.] Mr. Yates has a bachelors degree in mathematics and had worked as a computer engineer at NASA since 1985 [Methodist Hospital records re. Andrea Yates, 6/18/99 – 6/24/99].

Mr. Yates told Norma Tauriac, LMSW, that he met his wife as a neighbor in about 1989, and they married in 1993. In his opinion, his wife saw the marriage as close, relied on him to make most decisions, and focused all of her energy on the children; he sometimes felt she had lost her identity. He said the strengths in the marriage were their shared values, honesty, and trustworthiness; he identified as a weakness in the marriage that "maybe he could treat her with more respect." [Methodist Hospital records re. Andrea Yates, 6/18/99 – 6/24/99].

In 1999, Mr. Yates said that their first four children were born in the hospital through "natural" delivery, with no medications. He said their second child (then 3) had difficulty focusing and staying on task. He reported that his wife had a miscarriage in November 1996, between their second and third children. He said that he and his wife were both very strict and disciplined the children through verbal correction and spanking. He said the family "kind of keeps to itself." One night a

week, he would stay with the children while Mrs. Yates shopped for the family. [Methodist Hospital records re. Andrea Yates, 6/18/99 – 6/24/99.]

Mr. Yates told police that the family had lived in an RV for 7½ months in Florida, then lived in a bus for about a year, and moved into their home when Andrea went through “her first depression” after the birth of their fourth child and about two years before the homicides. [Statement of Russell Edison Yates, 6/20/01.]

Dr. Rubenzer interviewed Rusty Yates on 7/25/01. Mr. Yates described his wife as tending to withdraw and not very communicative. Two things he and his wife agreed on, he said, were having “as many kids as came along” and that she would work until a child was born. He mentioned that his wife watched every episode of “Law & Order.” He said he gave Andrea a night out by herself each week. Andrea was occasionally short with the children. If she shouted at them, she felt it was a “point of iniquity” and “said prayers on that.” In 1999, he said, she stared blankly all day long. Her doctor had discussed psychosis with him in 1999. He commented that his wife had attempted suicide in 1999 because she was afraid of hurting the children. [Notes and dictation of Steven J. Rubenzer, Ph.D.]

Debbie and Bob Holmes: Debbie Holmes was Mrs. Yates’ best friend. Debbie and her husband, Bob, both knew the Yates family. The two families would get together with the children for Christmas or birthdays, and Debbie and Andrea frequently got together with the children [Interview of Mr. and Mrs. Robert Holmes, 11/8/01].

Debbie Holmes and Andrea had worked together at M.D. Anderson. Mrs. Holmes said that Andrea was always very loving, good-natured, giving, and considerate, but she was “a little insecure” and immature about relationships (e.g., asking, “Is she talking about me?”). At that time, Andrea did not have many true friends or relationships. Mrs. Holmes said, “She didn’t understand the basics of dating. She misunderstood all of that.” After she went out a couple times with one man, she was appalled to realize he might be seeing other people, too. She thought it was “a relationship.” When they stopped dating, she viewed it as “a failed relationship.” This affected her. In her mid-20s, a man she dated told her she was “frigid” and “cold” because of her reaction when he tried to kiss her good night (she was hyperventilating and upset) [Interview of Mr. and Mrs. Robert Holmes, 11/8/01].

Mr. Holmes recalled that after Andrea and Rusty began living together in an apartment, "All of a sudden Rusty came home one day and said, 'I'm buying a house.'" Mr. and Mrs. Holmes encouraged Andrea not to go live in Rusty's house without a commitment [Interview of Mr. and Mrs. Robert Holmes, 11/8/01].

Mrs. Holmes observed a gradual change in Andrea from the time she married Rusty: "I don't know if you'd say change in identity." Mrs. Holmes said, "We always felt she was—I hate to use the word—'controlled' by her husband. Mr. Holmes remarked that Rusty "always likes to know more than you so he can be in control." Andrea gradually said, "whatever you want," to her husband and "really didn't think too much for herself." Andrea had great pressure to be "a supermom." She was pressured to take care of the kids and the house and to meet Rusty's needs. Andrea indicated that it was Rusty who wanted to have a lot of children. Rusty was very critical and said nothing appreciative of the good things she did. Rusty believes in total submission and told his mother-in-law that women are inferior [Interview of Mr. and Mrs. Robert Holmes, 11/8/01].

Mrs. Holmes observed that Andrea had always been "kind of matronly," a little boyish, never wore makeup, and was never taught "girly stuff." She was, however, quite proud of a "glamour shot" she had taken at the mall. Upon seeing it, Rusty commented, "what is that, a wig?" He criticized her makeup. He didn't want her to wear skirts. Mr. and Mrs. Homes were surprised to learn that Rusty made \$80,000 per year because he always bought himself the best tools and computer, but strictly limited Andrea's spending. He had her buy the worst furniture, garage sale items, and the cheapest haircuts, and he had her cut the children's hair herself. Andrea didn't talk about loving Rusty; she spoke of having made her choice and said that Rusty was a good provider [Interview of Mr. and Mrs. Robert Holmes, 11/8/01].

In the opinion of Mr. and Mrs. Holmes, Rusty tried to keep the family isolated. He didn't want the children to have contact with other children. The Holmes children were among the few the Yates children knew on a first-name basis. Rusty said he didn't want the children picking up bad habits from other children. Rusty discouraged Andrea's relationship with Debbie. If Rusty answered the phone, he would make an excuse for Andrea's unavailability and not pass on the message. Debbie avoided Rusty [Interview of Mr. and Mrs. Robert Holmes, 11/8/01].

Before the Yates family moved to Florida, Mrs. Holmes had been unaware that they were living in a trailer behind the outlet malls for four months. The two friends had been meeting in parks or public places for months. When Mrs. Holmes eventually saw the trailer, Andrea seemed embarrassed [Interview of Mr. and Mrs. Robert Holmes, 11/8/01].

Mr. Holmes stated, "We started to see a little bit of a deterioration after the birth of their 3rd child. Rusty was taking a job in Florida. . . . He decided they'd become too materialistic and started to liquidate all their possessions." Mrs. Homes said that while single, Andrea had worked hard for her first apartment, her car, and her bedroom furniture. Later, however, "Andrea would say to me, 'If you had a big home with a lot of rooms you have to buy things to fill the home.' They sold all their things at a garage sale – her wedding presents, her furniture, a lot of her personal things. His tools were guarded by him in the garage and went into storage. Bob and I thought it was a real loss of her own identity" [Interview of Mr. and Mrs. Robert Holmes, 11/8/01].

Andrea told Mrs. Holmes that she felt she came from a dysfunctional family and was determined that her family not be dysfunctional, even if it meant sacrificing herself. She had brothers who were wife swappers; she wanted the white picket fence and to be "the only true light of her family." After starting home schooling Noah, Andrea was concerned that she wasn't able to give each child all she should. Andrea was upset to see that their daughter, Rachel, who was the same age as Noah, was reading and writing better than he. Mr. Holmes recalled that Andrea carried each new baby on her hip: "It was almost as though they were attached" [Interview of Mr. and Mrs. Robert Holmes, 11/8/01].

Religious History

Mrs. Yates was raised Catholic. In 1999, she reported being a member of a nondenominational Christian faith. She did not attend church services, but she and her husband conducted *Bible* study at home with their children. Mr. Yates said they had not found a church that he liked. He suggested, at the time of her first hospitalization, that his wife "may be struggling with the concept of salvation." [Methodist Hospital records re. Andrea Yates, 6/18/99 – 6/24/99].

In my examination, Mrs. Yates indicated that she was raised Catholic, but that her family stopped attending services other than Easter and

Christmas after her father lost his job [p. 14]. She showed no particular interest in religion until she began reading the *Bible* with Rusty Yates during their courtship [p. 37]. During college, Rusty had met the Warnecki family (Michael, Rachel, and children), who lived in a bus, published an occasional tract with a Eugene, Oregon, mailing address, and traveled as "street ministers." In 1990, Rusty introduced Mrs. Yates to the Warnecki family, with whom they met three or four times and from whom he purchased the bus in which the Yates family later resided. Rusty had found the Warneckis "inspirational," and so did she. Asked what she found inspirational about them, Mrs. Yates said, "They knew a lot, and I believed what he was writing." Asked what Mr. Warnecki wrote, she replied, "He just addressed certain topics in life, and he's just saying read The Word, believe, and repent, and you'll be saved. They wrote tracts maybe every couple months or so." The Yates family donated money to the Warneckis, who lived on donations and odd jobs when they were "short" [pp. 38-39]. Mrs. Yates indicated that the Warneckis teach that "the woman should stay at home and help the husband raise the children," that corporal punishment is appropriate for children, and that Satan is alive and "rules the world" [p. 42].

Asked, "Who should make the decisions in the home?" Mrs. Yates replied, "Rusty. He'll sometimes consult with me, if it's something that will involve me also" [p. 42]. She also said, "Like, when we had the children, he had me stay home from work" [p. 43].

Mrs. Yates discussed the part played by spiritual beliefs in her decision to undergo "natural" childbirth:

PD: And how is it that you decided to have a natural childbirth?

AY: I just wanted to try it.

PD: Whose idea was that?

AY: Mine.

PD: Was it?

AY: Yeah, Rusty thought it was a good idea, too.

PD: But first it was your idea?

AY: I guess we came to the decision at the same time. I had kind of a short labor for my first born, like seven hours.

PD: Why did you prefer that, natural?

AY: Well, it's kind of natural as they call it. We didn't want an epidural or any kind of drugs; just try it natural the way God wants it.

PD: You say like God wants it?
AY: Yeah, that was the condition of Adam and Eve that the woman would have more pain during childbirth. It was Eve's curse, I guess.
PD: So you think there's Biblical support for the idea of natural childbirth?
AY: Yeah.
PD: Now, had you attended births?
AY: Oh, yeah, you mean like in nursing school we rotated through maternity, we went to Lamaze class.
PD: So you'd seen epidurals given?
AY: Yes. I swore I probably would ask for one. Once you have a baby though, that pain goes away, you forget about it.
PD: Where did you learn that, about God preferring natural childbirth?
AY: Just reading about Adam and Eve and what curses they had after they ate from the tree they weren't supposed to. One woman will want to seek a husband and, uh, there is, you'll have more pain in childbirth because of this sin. There's also a verse about having a child, kind'a helps you prepare for, uh, pain of it when you have it, it would kind of influence you to be more Christian because it was maybe a little suggestive how you would feel down in hell, the pain, if you remember that you'll be more of a Christian. The [Inaudible] of childbirth, they didn't have epidurals back then so . . . [Pp. 46-47.]

Most of Mrs. Yates' spiritual beliefs appeared to me to be derivative from her husband, so I explored this issue with her:

PD: I understand that Warnecki was an inspiration to your husband, but it sounds like you didn't have that much contact with the Warnecki family. You had enough to admire them for what they did, I gather, but really the influence on you would have been through Rusty, wouldn't it?
AY: Yeah, he let me read the tracts with him, as long as it wasn't a personal letter to Rusty, he'd let me read the tracts, also. But you're right, it was through Rusty.
PD: So he became your spiritual leader?

AY: Yes. When we met them personally I would start to write him. He hadn't corresponded for a while now.

PD: And is it Rusty's belief that the man is the spiritual leader in the household?

AY: I believe so.

PD: So he would have the responsibility to educate you and the children about spiritual matters?

AY: Yes.

PD: And you accept him as the spiritual leader of the home?

AY: Yes. [P. 48.]

The one document available for review that sets forth the views of the Warnecki family is a single issue (2000-1J) of their tract, *The Perilous Times*. In it, Mrs. Warnecki wrote:

. . . A woman is created to be a "helper." This does not mean a wife. It means a servant, single or married. If a girl does not know how to be a servant then she is learning how to be a ruler. It's called witchcraft. . . . There is great joy to be had in helping your children develop and apply their abilities. I can't fathom sending them off to strangers and strange spirits for eight hours a day. Talk about demonic! . . . The eternity of my children is my accountability while they are children and I would be sending them to hell if I raised them to think according to the standards of this world.

On the same page appears a drawing of a woman standing by as her many children cry and fight with each other. The caption reads:

Modern Mother Worldly was very, very lazy.
All her children drove her crazy.
The Bible told her to spank and train them.
But society said she must never constrain them.
The fruit of rebellion she did now see.
On the day of judgment she will have no plea.
Modern Mother Worldly cast in hell!
Now what becomes of the children of such a Jezebel!

The Perilous Times describes satanic, demonic, and diabolical influences on man today. One article is entitled, "Satan speaks his lies into man's mind to attack God's servant." Michael Warnecki wrote of

making “the break” from conventional thought upon “‘hearing’ God claim ‘I love you **Michael!**’ [Emphasis in original].

Mr. and Mrs. Holmes knew about the Warnecki family. In their opinion, “It was cultish.” They recalled Rusty’s mother having said he’d “gotten involved in a cult in college.” They had read a Warnecki tract that has a picture of demons and something about “the bad mother.” Paraphrasing the tract they’d been given:

We are the Warnecki family. A family of eight. We are the true church. . . . A woman was created to be a man’s helper or servant; nothing more. If a mother is teaching a daughter not to be submissive, she is teaching her to be a ruler, which is witchcraft. . . . Woe to the bad mother— with a picture of kids acting the way the Yates kids acted— children end up sinful if the mother doesn’t take a switch to them. [Interview of Mr. and Mrs. Robert Holmes, 11/8/01.]

Contact with Child Protective Services

On 6/23/99, Harris County CPS received a report alleging neglectful supervision. At the time this report was made, Mrs. Yates was a patient on the psychiatric unit of Methodist Hospital, where she had been admitted 6/18/99 for attempted suicide by overdose. The CPS report indicates that the children were at the home of their maternal grandparents at the time of the suicide attempt, and were with them at the time the report was made. The family had been living in a bus at a trailer park in “360 feet of living area.” [Harris County Child Protective Services Intake Report.] The intake worker, Angelita Lindemann, wrote:

FA has said that he wants to teach all of the victims the trade of woodworking. 3yo VC is allowed to use a power drill. . . . FA says that he also want [sic] to teach all of the victims to be quiet for longer periods of time. FA did not say how he would teach the victims to do this. When FA was told that [sic] about what might be a more realistic expectation for children of those ages FA became defensive.

Ages of the children, number of children, confined living space, unrealistic expectations by FA, and MO’s current mental status place the child [sic] at risk for harm.

[Harris County Child Protective Services Intake Report, p. 5.]

Nonetheless, the case was closed on 6/30/99 with a note reading, "Doesn't appear to involve abuse, neglect, or risk." [Harris County Child Protective Services Intake Report, p. 7.]

Prior Criminal History

None.

Substance Abuse

Mrs. Yates denied use or abuse of alcohol or other substances [Methodist Hospital records re. Andrea Yates, 6/18/99 – 6/24/99]. Apart from a Trazadone overdose (see below), none of the medical records reviewed indicate any substance abuse history, and I elicited none [p. 20]. Although I forgot to ask her about substance abuse between 1999 and the time of the homicides, I have no reason to suspect that she abused any substances during that time.

Medical History

Apart from the usual childhood illnesses and psychiatric disorders (see below), Mrs. Yates has never had any significant medical illnesses, surgery, or injuries [p. 8]. Her history is significant for six pregnancies, one of which miscarried.

PRE-OFFENSE PSYCHIATRIC HISTORY

Mrs. Yates had no history of mental health care until 6/17/99, when she overdosed on her father's Trazadone, was treated in the Emergency Room of Ben Taub General Hospital, and was transferred to Methodist Hospital for a one-week admission.

Andrea Yates

Mrs. Yates described her psychiatric history during my examination. She provided certain details that are absent from other records. She had various symptoms prior to receiving mental health care in 1999. She reports having been bulimic her senior year in high school, bingeing and purging once a day. She got the idea from a television show on eating disorders, having never heard of this before seeing the show. Her periods stopped for about six months during high school. She

continued to purge daily for eight years, stopping when she met Rusty [pp. 76-78]. She also used over-the-counter laxatives half a dozen times and ran to lose weight [p. 77].

Like most other witnesses, Mrs. Yates dates the onset of a "breakdown" to 1999, while she was breastfeeding Luke (her fourth child), starting the home schooling program, and living in a bus (p. 62). She first noticed "increasing anxiety around the children" a couple months after Luke's birth in February 1999 and began worrying whether she was a good mother [p. 81]. She reports that she experienced no emotions other than fear, felt she was "going down a hole," became quiet, and gave minimal answers for "a couple months," during which time her parents and Debbie Holmes thought something was wrong but her husband did not [p. 63]. She thought she needed to be hospitalized and asked Rusty for help; he thought she could "clear it up" by talking to her mother and her friend Debbie Holmes [p. 63]. Her fears at the time foreshadowed the events of 2001:

PD: [D]o you remember what made you fearful or what you were afraid would happen?

AY: I was afraid the kids would be hurt.

PD: Was that the central fear from the beginning?

AY: I had irrational thoughts about how it would be when they grew up. If they didn't get raised right, I was concerned about that.

PD: What were you thinking might happen?

AY: That they'd become criminals or something.

PD: Any other bad outcomes?

AY: Worried they weren't righteous.

PD: They wouldn't be saved?

AY: [Affirmative]

PD: Then what would happen?

AY: After that?

PD: No, if they weren't righteous and they weren't saved, what would happen?

AY: They'd go to hell.

PD: You were afraid of that?

AY: [Affirmative]

PD: And how did you fear they might be hurt?

AY: That I might hurt them.

PD: That it would be at your hands?

AY: [Affirmative] [Pp. 63-64.]

* * *

PD: Had you thought of any way at that point that you might hurt the children?
AY: With a knife.
PD: Had you pictured it?
AY: In my head?
PD: Yeah.
AY: The thought came over me, yes.
PD: What was the thought that came over you?
AY: Just Noah getting hurt.
PD: Noah in particular?
AY: [Affirmative]
PD: Any of the others?
AY: No.
PD: Where did you think the knife would hurt him?
AY: I didn't see that.
PD: So it wasn't really a vision in your head of all the details, it was a fear?
AY: Uh-huh. [Affirmative] [Pp. 65-66.]

The events of June 16-17, 1999, finally brought her medical attention:

Well, I was feeding Luke, and I just felt like I was going deeper and deeper into a hole. And things were, I had some irrational thoughts, and I guess I was getting stressed out . . . I was afraid I'd hurt the children, and they wouldn't grow up right, and I got pretty bad, I called Rusty at work to come home, and he tried to talk to me, and he said, "Why don't we go to your mom's house to see if you can get some rest there?" The next day we did go over there, and I tried to overdose on some pills. [Pp. 62-63.]

When she took the overdose, she said, she thought she would die. She did not say goodbye to anyone or leave a note. She lay down to take a nap while her father watched the baby. When her mother tried to wake her, Mrs. Yates told her she'd taken the pills [P. 65]. The primary reason she wanted to die was that "I didn't want to hurt the kids" [p. 66]. She also indicated that she believed she had already harmed the children:

PD: Did you feel that Satan was trying to influence you?
AY: Like, when I took the overdose. I didn't feel him so much in the hospital, but I still wasn't better, either.

PD: How was he trying to influence you when you took the overdose?
AY: Um, I was worried. I guess I thought I would go to hell after that.
PD: You thought you would go to hell for overdosing?
AY: For overdosing, yes, if it was successful.
PD: And why were you willing to go to hell?
AY: I kept thinking about my kids, the way I was raising them and the harm I'd done to them.
PD: You thought you'd harmed them?
AY: Not, just, meaning possibly by neglecting them.
PD: You thought you had already been neglecting them?
AY: Uh-huh.
PD: Did you think they'd be better off without you?
AY: Yes, at the time I did. [P. 84.]

Rusty Yates

In retrospect, Mr. Yates dated the onset of his wife's mental difficulties to approximately six weeks after the birth of their fourth child, Luke, on 2/15/99. She became slowly depressed, withdrawn, more detached, and "more robotic." A few months later, she called her husband at work and told him to come home. When he did "she was shaking," so he took her to Galveston for a walk. They spent the night at Mrs. Kennedy's. The next day he got a call to return because she had taken some "sleeping pills." This resulted in her admission to Methodist Hospital (see below). The Yates family continued to live at the Kennedy residence for about three weeks after her discharge from the hospital. Mrs. Yates "didn't really progress at all," and Mr. Yates found her in the bathroom with a knife to her neck. He took the knife from her and took her to Dr. Starbranch, resulting in Mrs. Yates' admission to Spring Shadows Glenn. At the time of that admission, she "was almost catatonic." Mr. Yates said she recovered completely soon after returning home, went off the medication, gave birth to Mary on 11/30/00, and "was fine" until her father's death in March 2000. She was depressed for about three weeks in March before being admitted to Devereux under the care of Dr. Saeed. She returned home, but "she wasn't eating, she wasn't functioning." One reason he returned her to Devereux is that she filled the bathtub with water for no apparent reason, either the day before her readmission or the day before that. Dr. Saeed started Mrs. Yates on Haldol during this admission. After her discharge, Dr. Saeed advised tapering the Haldol. Mrs. Yates had stopped taking Haldol completely about two weeks before the homicides. She began to decline, and Mr. Yates took her

back to Dr. Saeed on 6/18/01. She denied suicidal thoughts, but Mr. Yates did not think Dr. Saeed had asked if she had any thoughts of harming others. Mrs. Yates had been receiving 450 mg of Effexor and 45 mg of Remeron, and Dr. Saeed increased the Remeron dose by 15 mg per day. [Statement of Russell Edison Yates, 6/20/01.]

Ben Taub General Hospital Emergency Room, 6/17/99

Ben Taub records indicate that she took Trazadone about 3:00 p.m. on 6/17/99. A nursing note reads, "trying to hurt herself and has felt down for couple of weeks." Another nursing note reads, "Pt. states she did not want to kill herself but she took the pills to make the misery go away." A psychiatric consultant who interviewed Mrs. Yates at 10:10 p.m. noted:

34 y/o WF S/P # 40-50 Trazadone 50 mg. tabs. this pm in an attempt to "sleep forever." Pt. relates suicidal ideations x 1 week, pt. unable to relate trigger to this reaction. Relates that "I am worried about what will happen to my boys." Pt. relates that boys 5, 3½, 2, 4 mos. are a discipline problem. Pt. relates [no] difficulties w/ depression [after] delivery of latest (or any child), husband relates he has noticed "flat" mood w/ [illeg.] since most recent birth.

The consultant also observed that Mrs. Yates' father had Alzheimer's, and she felt some responsibility for him because of her former nursing career. Mrs. Yates denied auditory hallucinations, visual hallucinations, or delusions. She was agreeable to a voluntary admission to Methodist Hospital. [Ben Taub General Hospital Emergency Room records re. Andrea Yates, 6/17/99.]

Methodist Hospital, 6/18/99 – 6/24/99

Mrs. Yates was admitted to Methodist Hospital in the early morning hours of 6/18/99. She acknowledged feeling sad and depressed for one week and admitted to anxious overwhelming thoughts, but she was unable to relate any cause for her problems. (The occupational therapist, however, observed, "Her current difficulties may be related to the stress of raising the children.") She had lost 10 lbs. in three weeks, was sleeping only 3-4 hrs. per night, felt hopeless, was indecisive, and felt a loss of energy. At admission and throughout this hospitalization, Mrs. Yates was described as depressed, quiet, and withdrawn, with flat affect, psychomotor retardation, poor attention,

poor judgment, and limited insight. At no point was she agitated or threatening. She denied ongoing suicidal ideation, but was kept on suicide precautions until noon of the second hospital day. [Methodist Hospital records re. Andrea Yates, 6/18/99 – 6/24/99.]

On the day of admission, she requested a breast pump, as she was breastfeeding. Mr. Yates told the interviewing social worker that he thought his wife “may be struggling with the concept of salvation,” “puts a burden on herself,” and “has some guilt about showing anger.” On the evening of 6/18/99, Mrs. Yates was tearful and reported feeling guilty for her suicide attempt, saying, “I have my family to live for.” [Methodist Hospital records re. Andrea Yates, 6/18/99 – 6/24/99.]

On 6/19/99, Mrs. Yates met with James Flack, M.D., who wrote, “she can not discuss/verbalize any detail or even vague references to the overdose or her level of depression and hopelessness. She was only able to ask if she had done any permanent damage to her body from the overdose.” She was concerned about taking medication while breastfeeding, but agreed to begin taking Zoloft and to stop breastfeeding. (She later worried about paying for the pump that she was no longer using.) That evening, she told a nurse she believed her depression was related to being postpartum. [Methodist Hospital records re. Andrea Yates, 6/18/99 – 6/24/99.]

In a meeting with Norma Tauriac, LMSW, on 6/21/99, Mrs. Yates was “extremely guarded and was unable or unwilling to open up.” When asked what had brought her to the hospital, Mrs. Yates replied, “I guess I was overwhelmed or depressed.” Her husband said she had lost interest, become withdrawn, and called him at work because of anxiety. Mr. Yates said the family lived in 350 sq. ft. of living space in a converted Greyhound bus. Ms. Tauriac wrote:

During his discussion of parenting issues, pt’s husband stated that he is currently teaching his sons how to do woodworking and allows his 3½ year old son to use a power drill. Pt’s husband also stated several times that one of his main goals as a parent right now is to teach his sons how to be quiet for longer periods of time. SW then discussed typical attention span for children 5 and under. Pt’s husband then wanted to know “where this therapy thing was going.”

As a result of this meeting, Ms. Tauriac filed a report with Child Protective Services (see above). Ms. Tauriac noted that the family was

staying temporarily with Mrs. Yates' elderly parents. In an earlier Psychosocial Assessment, Ms. Tauriac had noted that Mr. Yates continued to refer to the converted bus as a "motor home," that he several times referred to his wife's diagnosis as "postpartum depression," and that he "might be a little bit controlling." [Methodist Hospital records re. Andrea Yates, 6/18/99 – 6/24/99.]

By 6/22/99, Mrs. Yates reported that she was sleeping and eating without difficulty [Methodist Hospital records re. Andrea Yates, 6/18/99 – 6/24/99].

Dr. Flack wrote on 6/23/99 that Mrs. Yates remained "emotionally detached, withdrawn, and minimally verbal. She will not either confirm or deny any problems at home that she has not discussed with us. . . . She was able to ambivalently confirm that she would like to move into an apartment at least temporarily." Dr. Flack increased her Zoloft to 150 mg per day. [Methodist Hospital records re. Andrea Yates, 6/18/99 – 6/24/99.]

On 6/24/99, Dr. Flack wrote that Mr. and Mrs. Yates requested that she be discharged to the family's care. Aware that she remained at risk of harming herself again, the family agreed to watch her around the clock. Dr. Flack discharged Mrs. Yates on 6/24/01 with a prescription for Zoloft and a referral to Dr. Eileen Starbranch for follow up care. The discharge diagnosis was major depressive disorder, single episode, severe. [Methodist Hospital records re. Andrea Yates, 6/18/99 – 6/24/99.]

Throughout her hospitalization, Mrs. Yates denied any hallucinations, and the only reference to delusions was Dr. Flack's query on the 6/18/99 admission note: "? of some delusional guilt" [Methodist Hospital records re. Andrea Yates, 6/18/99 – 6/24/99].

In my examination, Mrs. Yates recalled that she had not been very cooperative with Dr. Flack. She said, "I remember a fear that if I talked to somebody about it that it will happen. That was one of my non-rational thoughts: that if I shared that, 'Hey I want to hurt somebody,' then I will in the long run, so I didn't share it with anybody" [p. 67]. Mrs. Yates reported that her unwillingness to share her fear reflected her beliefs about Satan:

PD: Why didn't you tell him that you were afraid of hurting the children?

AY: I just believed that if you tell somebody something bad that then it would happen. It's like, you know, Satan, he can hear us, what we say, and I was afraid to share it with people 'cause it'll happen, he hears it and makes it happen.

PD: He hears it?

AY: Uh-huh.

PD: And makes it happen?

AY: Uh-huh. That was my belief, yeah.

PD: Do you believe that now?

AY: No.

PD: Did you think that Satan could tell what you were thinking?

AY: Sometimes, I thought he did, uh-huh.

PD: So, what's the difference between thinking it and saying it?

AY: It was my belief that he could hear it when you talked, he could hear that, but when you thought about it, I don't think he could do that, interpret that. He just, he heard us when we spoke, but not what we were thinking, something, you had to make it audible for him to hear it.

PD: What was your concept of Satan at that time?

AY: He was a real being. A supernatural that can destroy. I didn't want to be a part of him.

PD: Now, was he everywhere or only some places or what?

AY: A presence, you can feel it everywhere.

PD: So, like God, he was omnipresent?

AY: Or just when you call him or he sees you're vulnerable he might do some destructive things to you.

PD: What makes a person vulnerable?

AY: Your weakness in your mind, you can't think correctly. Just thoughts coming and going in my head. [Pp. 83-84.]

Eileen Starbranch, M.D., 7/1/99 – 1/12/00

Mrs. Yates was first evaluated by Dr. Starbranch on 7/1/99. Mr. Yates told Dr. Starbranch that his wife has "a severe case" of postpartum depression. Mrs. Yates denied any history of abuse. Mrs. Yates said she did not want to answer questions about her sex life (sexual desire, frequency, number of partners, orgasmic disturbance, use of

pornography, STDs). Dr. Starbranch observed flat affect and severe psychomotor retardation, noted suspiciousness and poor concentration, and questioned whether there were perceptual distortions. Mrs. Yates denied having ever had thoughts of harming someone else. Asked what she worried about, she replied, "children . . . they are small, their needs." She gave her usual weight as 130. Dr. Starbranch made a provisional diagnosis of postpartum depression with psychosis and added to the Zoloft 150 mg per day a new prescription for Zyprexa 5 mg at bedtime. Product information on Zoloft and Zyprexa were given to Mrs. Yates. [Starbranch Psychiatry Associates records re. Andrea Yates, 7/1/99 – 4/3/01.]

Mrs. Yates did not show up for her 7/7/99 appointment with Dr. Starbranch. A call to her home resulted in a conversation with Mr. Yates, who reported that they did not want to come in for an appointment, that his wife had flushed the Zyprexa, but that she was taking Zoloft and getting better. [Starbranch Psychiatry Associates records re. Andrea Yates, 7/1/99 – 4/3/01.]

On 7/21/99, Mr. and Mrs. Yates arrived for an appointment. She had "missed a couple of doses of Zoloft" and was deeply depressed and "not talking." Mr. Yates reported that he had found her with a knife, which he had taken from her when she would not give it to him. She was suicidal. She had scratched her scalp, leaving a bald spot. An otherwise unexplained entry reads, "Keeping knives, meds., firearms." Dr. Starbranch quoted someone, presumably Mr. Yates, as saying, "I don't think she has much hope." Dr. Starbranch concluded that Mrs. Yates was suicidal, should be hospitalized, and should take Zyprexa 10 mg at bedtime. [Starbranch Psychiatry Associates records re. Andrea Yates, 7/1/99 – 4/3/01.]

On 8/30/99, Mrs. Yates was supposed to be taking Wellbutrin SR 300 mg per day, Effexor XR 225 mg per day, Haldol decanoate, and Cogentin. She complained of mild side effects but denied depression, anxiety, hallucinations, paranoia, and delusions. Dr. Starbranch recommended lowering the Haldol dosage to 75 mg IM every 3 weeks. [Starbranch Psychiatry Associates records re. Andrea Yates, 7/1/99 – 4/3/01.]

By the time of the next appointment, 10/14/99, Mrs. Yates was no longer on Haldol or Cogentin ("conflict with insurance"), was on a lower dose of Effexor XR (150 mg per day), and continued Wellbutrin 300 mg per day. She continued to deny depression, anxiety, hallucinations, or paranoia, and denied thoughts of hurting herself.

Although Dr. Starbranch wrote, "seems to be doing OK," she also wrote, "still needs antipsychotics" and prescribed Zyprexa 5 mg per day. [Starbranch Psychiatry Associates records re. Andrea Yates, 7/1/99 – 4/3/01.]

Mrs. Yates' condition was similar when seen on 11/11/99 and 12/14/99, when Dr. Starbranch believed she was continuing to take medication. Mrs. Yates had begun home schooling her oldest child, Noah, and had resumed running. At her last visit with Dr. Starbranch, on 1/12/00, Mrs. Yates admitted to having stopped taking all medication in November 1999, but denied most symptoms, said she was doing well, and said her only problem was restlessness. Dr. Starbranch thought she seemed irritable. Mr. Yates acknowledged that his wife had mood swings before developing a postpartum depression. [Starbranch Psychiatry Associates records re. Andrea Yates, 7/1/99 – 4/3/01.]

In my examination, Mrs. Yates said that she stopped the medication on her own initiative, against medical advice, "because we were planning on having a next child in the future, I didn't want to have that medicine in my system." She told Rusty she had stopped it before she told Dr. Starbranch [p. 92]. Dr. Starbranch had recommended against another pregnancy because of the risk of a recurrent depression, but Mrs. Yates said, "I guess I was confident I'd get better, and um, I didn't need her advice" [p. 92]. Mrs. Yates indicated that Dr. Starbranch had brought up the advice to avoid pregnancy, but at least to take medication during any future pregnancy, in joint sessions attended by her husband. Despite this advice, Rusty wanted her to become pregnant again, cited biblical support for having more children, and stopped using condoms in January 2000 (having started in August 1999) [pp. 93-94].

On 3/28/01, Mr. Yates called Dr. Starbranch for an appointment, saying he needed to get her in as soon as possible. He was offered an appointment for the same day, but said he had a presentation to make at work and could not bring her. He agreed to an appointment for 4/2/01, but did not show. [Starbranch Psychiatry Associates records re. Andrea Yates, 7/1/99 – 4/3/01.]

Spring Shadows Glen Hospital, 7/21/99-8/10/99

On 7/21/99, Mrs. Yates was admitted to Spring Shadows Glen Hospital under the care of Dr. Starbranch. On admission, Mrs. Yates was "almost mute," with severe psychomotor retardation. Her energy level

was low. She worried about her children. She had gone for days without eating. Dr. Starbranch thought Mrs. Yates probably had a thought disorder. The day prior to admission, her husband had found her clutching a knife that he had to "forcefully" take from her. She denied homicidal ideation. She had a bald spot from scratching her scalp. Dr. Starbranch wrote: "The patient is inconsistently taking Zoloft 150 mg q.d. I had recommended that she start taking Zyprexa on 7/1/99, but the patient took home the samples and threw them away." Dr. Starbranch also wrote, "She has been depressed and anxious after the birth of her baby" and gave a diagnostic impression of "Postpartum depression with psychosis." In handwritten admission notes, Dr. Starbranch noted that Mrs. Yates was suspicious and had "probable delusions."

The nursing admission assessment on 7/21/99 indicates that Mr. Yates reported that his wife has a history of "cheeking" her medications and that she does not like to take them. Mr. Yates also reported that his wife had a steak knife to her neck on 7/20/99, leaving a mark, and that he had to force the knife out of her hand. No such mark was observed by the nurse conducting the assessment, though she did record scratches on Mrs. Yates' scalp, nose, and lower legs, and a bruise on her left arm.

In my examination, Mrs. Yates gave a different account of the knife incident that led to this admission:

AY: . . . Rusty caught me in the bathroom with a knife.

. . .

PD: Now, what knife did you have?

AY: Kitchen knife.

PD: And why had you taken it in the bathroom?

AY: I thought I'd use it on myself.

PD: How were you going to use it?

AY: Cut myself here. [Indicating neck]

PD: Why?

AY: I still had those thoughts.

PD: . . . And the thoughts were what?

AY: Harming the children.

PD: How did you think you would harm them?

AY: I didn't know, I didn't think about specifics like that.

PD: Are you saying that the fear was that you might right then physically harm them, or was the fear that you might not raise them well enough?

AY: Both.

PD: . . . When you went in the bathroom with a knife, was the door open?
AY: It was shut.
PD: Why did Rusty come in?
AY: He saw me walking down the hall with it.
PD: He saw you with the knife?
AY: [Affirmative]
PD: What did he do?
AY: He opened the door to the bathroom and asked me what I was doing.
PD: What did you say?
AY: I said, "Please let me do this," and he took the knife away.
PD: Where did you have it at that moment?
AY: In my hand.
PD: Where was your hand?
AY: At my side.
PD: So you hadn't put the knife to your throat?
AY: [Negative]
PD: But you thought you would do it?
AY: [Affirmative]
PD: Why in the bathroom?
AY: So no one would see me.
PD: You went in there for privacy?
AY: [Affirmative]
PD: Where were you?
AY: In the bathroom?
PD: Yeah, what bathroom, of what?
AY: The family one, down the hall, at my mom's house.
PD: . . . Did you explain to Rusty what you were about to do?
AY: Yes.
PD: What did you tell him?
AY: That I wanted to kill myself.
PD: Did you tell him why?
AY: [Negative]
PD: Did he ask you?
AY: No. [Pp. 67-69.]

On 7/24/99, the social worker attempting to complete a psychosocial assessment noted that Mrs. Yates "reportedly has been unable to care for herself or her children." Mrs. Yates refused psychotropic medication, refused to disclose any clinical information, and refused to sign a release of information for the staff to speak to her husband.

On 7/28/99, Mrs. Yates was more forthcoming with a social worker, who wrote:

"I should have known what kind of OD to take." Patient reports several weeks ago took OD of her father's Trazadone (50-60 pills) after two weeks of being severely depressed. Patient threw up, but then asleep for three hours. . . . Approximately one week ago, patient (again in mother and father's house) took a knife and "I was trying to find my pulse point in my neck. My husband tried to take it away from me . . . I asked him to just let me do it." . . . Patient admits to resistance to taking any medications, was not compliant with Zoloft after discharge from Methodist with first suicide attempt one month ago.

In a physical examination dictated 7/30/99, Lara Longo, M.D., noted "deep scratch marks on her extremities that appear self inflicted," but also wrote that they were "all superficial."

A psychological report by James Thompson, Ph.D., dictated 8/2/99, quotes Mrs. Yates as saying she was admitted to Ben Taub emergency room in June because "I swallowed a bunch of sleeping pills . . . I intended to end my life . . ." Dr. Thompson also indicates that Mrs. Yates said that when she had the knife to her neck, she contemplated suicide and thought of putting a knife to her carotid artery. When asked what led up to these events, Mrs. Yates gave the first documented report of what might have been psychotic symptoms:

I had a fear I would hurt somebody . . . I thought it better to end my own life and prevent it . . . there was a voice, then an image of the knife . . . I had a vision in my mind, get a knife, get a knife . . . I had a vision of this person being stabbed . . . the aftereffects . . ."

She told Dr. Thompson these visions occurred several times over a couple of days, "about ten times." She felt anxious at the time of the visions. In a treatment team staffing meeting, Mrs. Yates denied she had seen visions as many as ten times, but said she first had this symptom when her first baby was newborn. She would not say whom she thought she would hurt, and changed the subject away from this line of inquiry. She reported "migraines." Asked what was stressful to her, she replied, "The kids, trying to train them up right, being so young . . . big responsibility . . . I don't want to fail . . ."

Mrs. Yates reported previous experiences with depression after her father had a heart attack and after "a failed relationship" 11 years previously, but denied hallucinatory experiences during prior periods of depression. Dr. Thompson wrote, "She denies persecutory ideas or delusions and denies thoughts that others were tapping her phone or attempting to poison her." She did, however, report "recurrent, obsessive thoughts and states, 'Most of them are over our children and how they'll turn out'."

Dr. Thompson noted severe depression and poverty of content of thought. His diagnostic impression was of "Major depressive disorder, severe, recurrent, with psychotic features." He also suggested ruling out schizophrenia, catatonic type. Dr. Thompson wrote, "She reports thoughts of harming herself and possibly others. She reports auditory and visual hallucinations." Dr. Thompson pointed out that if medications did not prove effective, it might eventually be useful to consider ECT. He noted that Mrs. Yates needed help "developing a more satisfying support system" and "developing assertive behavior."

On 8/5/99, Arturo Rios, M.D., wrote a consultation note finding Mrs. Yates suitable for ECT. Dr. Rios noted that Mrs. Yates had been found in the bathroom with a knife "about to cut my throat." Mr. Yates had reported that his wife flushed the medications (Zoloft and Zyprexa) down the toilet. Mrs. Yates remained mute when asked about suicidal thoughts. She refused therapy and was resistant to taking medication. No delusions or hallucinations were elicited. Both Mrs. Yates and Mr. Yates declined ECT.

On 8/5/99, Dr. Starbranch wrote: "Sometimes has suicidal thoughts. Seems to be suspicious. Patient becomes silent when I ask how strong the suicidal thoughts are."

During this admission, Mrs. Yates refused medications at various times, including 7/21/99, 7/22/99, 7/23/99, 7/24/99, 8/6/99, and 8/7/99, tried to negotiate taking only antidepressants, and otherwise expressed her displeasure with taking antipsychotic medication. She often refused to answer questions about suicidality.

On 8/7/99, a staff member wrote that Mrs. Yates was educated about the importance of compliance with medication, but still refused medication. A note later the same day indicates that Mr. and Mrs. Yates were questioning the consequences of the patient refusing to take medications.

On 8/9/99, a social work notes reads:

Patient introduced self to peers. When asked re. stressors, she stated she wasn't dealing with issue very well. Patient says she has 4 young sons. Says they were living in a converted bus. Patient says she has low self esteem. Patient mentioned losing her identity when she became a stay-at-home mother.

At one point, it sounded like patient was being stressed by the children, but when asked specifically did deny.

Recommendation to patient was to consider parenting classes. She seemed open to this idea.

At discharge, Mrs. Yates' prescribed medications were Haldol 5 mg per day, Cogentin 2 mg per day, Effexor XR 150 mg per day, and Wellbutrin 300 mg per day.

Mrs. Yates told me that she had the onset of two new symptoms during this admission. She experienced a hypnopompic hallucination on one occasion, while awakening from sleep:

. . . they had given me some medicine, and I lay down for a nap, and I was kind of in between staying asleep and awake, and I thought I heard some voices come from the wall, and uh, I thought the voices said in a growl, in a gravelly voice, I thought he said, "Andrea, come here," and I got up out of bed, and I turned to the wall, and I said, "What do you want?" and that's all of that exchange. The voice went away. And I believe it was Satan calling me. [P. 88.]

This, she said, was the first time in her life that she had ever heard a voice [p. 88]. She was afraid to tell anyone about this experience at the time, but she did tell Rusty about it after being discharged and living in the house [pp. 88-89.]

It was here that she first thought that there were cameras in the ceiling, a belief that would continue when she was discharged and moved into the house her husband had bought [p. 86]. She believed that "agency people worried about the children" wanted to watch her on camera, and she was afraid that everything was being recorded [p.

87]. Once at home, she believed there were cameras in the family room, bedroom, and kitchen, placed there by someone connected to the hospital, and she told Rusty about this belief [pp. 89-90]. Although Mrs. Yates told me she had never been informed of a report being made to Child Protective Services [p. 87], but she later said that her mother had informed her of Child Protective Services having investigated a report [p. 109].

Spring Shadows Glen Hospital, Partial Hospitalization Program, 8/10/99-8/20/99

On 8/10/99, Mrs. Yates was admitted to Spring Shadows Glen PHP under the care of Dr. Starbranch. Her admission and discharge diagnoses were major depression, severe, recurrent, with psychotic features. A nursing note on 8/10/99 states, "said she doesn't want to take meds.—makes her feel like she's weak."

On 8/13/99, a psychologist wrote: "Husband is very eager for patient to discharge and is putting some pressure on her to leave soon. . . . This couple plans to have patient home school their children. They also hope to have additional kids."

In a progress note on 8/16/99, Dr. Starbranch wrote that Mrs. Yates wanted to stop her medication, get pregnant, have more children, and home school the children. A nursing note the same day states, "Patient shared that her husband allows her 2 hours per week to do what she likes."

On 8/18/99, Dr. Starbranch wrote: "Apparently patient and husband plan to have as many babies as nature will allow! This will surely guarantee future psychotic depression. Will arrange for Haldol decanoate."

At discharge, her condition was given as "Better stabilized on meds." and "Less psychotic." Her discharge medications were Haldol decanoate, Cogentin, Effexor, and Wellbutrin. On the day of discharge, Mrs. Yates asked if she would have to continue taking Haldol and was educated about the importance of medication compliance.

Samaritan Center for Counseling and Education, 8/26/99-2/24/00

On 8/20/99, Mrs. Yates contacted the Samaritan Center on referral from Hermann Memorial. On 8/26/99, she entered a course of seven

psychotherapy sessions with Earline Willcott, LMSW, focusing on cognitive restructuring, education regarding her diagnosis, helping her to set boundaries, and increasing her self esteem. In her assessment, Ms. Willcott wrote:

Client comes from an intact family headed by an autocratic, strict disciplinarian father who despite a strong work ethic was unemployed and underemployed for most of her life. Her mother, a German war bride, was demanding and worked to help support family. Client's older brother now lives at home and is unable to keep full time employment because of MH issues. Client's shyness coupled with strict family rules impeded her from building relationships. She responded by overachieving and attempting to be perfect. . . . Her lack of organizational skills and support/understanding from husband plus 4 children in a bus – one born recently – led to her sense of being overwhelmed and trapped with no alternative.

On 9/24/99, Mrs. Yates reported that her husband was allowing her "off" time, leading to a discussion of what it meant to be submissive to her husband and her need to assert herself. On 10/21/99, Mrs. Yates reported that her husband had made several hurtful comments about her homemaking. On 11/30/99, one of the topics was her need for exercise and her husband's questioning of that need. Therapy was terminated on 2/24/00. In the final session that date, Ms. Yates said that home schooling was going well, the family had worked out a budget, and a dog had been added to the family. Mrs. Yates reported new concerns about mental illness in the family (see above) and was educated about the genetics of depression. [Samaritan Center for Counseling and Education records re. Andrea Yates, 8/20/99-2/24/00]

Earline Willcott, LMSW, 5/16/00 – 12/21/00

Mrs. Yates underwent a second set of 8 psychotherapy sessions with Ms. Willcott. (Notes were received for only the even-numbered sessions.) These sessions apparently focused on her father's declining health, conflict with her mother about care for her father, and her dilemma regarding wanting to be with her father vs. taking care of her own children. On an insurance form, Ms. Willcott wrote diagnoses of: Axis I: 296.25 Maj. Dep; single; in partial remission; Axis II: 799.9; Axis III: none; Axis IV: Problems with primary support group; Axis V: 65. [Earline Willcott, LMSW, records re. Andrea Yates, 5/16/00 – 12/21/00.]

Period of No Care, 2/24/00 – 3/30/01

Mrs. Yates stopped taking medication in November 1999, last saw Ms. Willcott on 12/21/00, last saw Dr. Starbranch on 1/12/00, and had her last contact at the Samaritan Center on 2/24/00. For the following year, she received no mental health care and no medication.

On November 30, 2000, Mrs. Yates gave birth to Mary [p. 99]. Mrs. Yates described a reasonably normal Christmas holiday in 2000 [p. 95-96]. In January 2001, Mrs. Yates' 82-year-old father fell, apparently incurring a subdural hematoma. His functioning declined and he was hospitalized for about a week in February, continuing to decline until his death, which she dated as 2/12/01 [pp. 97-98]. [His actual date of death was 3/12/01.] Mrs. Yates described becoming depressed in response to her father's decline and death. She said, "I kind of felt guilty thinking I didn't give them enough help, you know, while dad was going through this. And it's hard for me to accept what he wanted to do, which was to die. It was hard to see that. Those were his wishes; he put in a living will" [p. 98]. As her father got weaker, she felt herself grieving, had difficulty sleeping, worried about her father, and worried that she was not being as attentive to the children as she should be [p. 99]. In March, after her father's death, Mrs. Yates began to withdraw, wasn't eating well, continued to have difficulty sleeping, and began to have thoughts about being a bad mother [p. 100]. The return of symptoms eventually led to her admission to Devereux (see below), but she did not have thoughts of harming the children, auditory hallucinations, or visual illusions at this time [pp. 100-101].

Devereux Texas Treatment Network, 3/31/01–4/12/01

The staff admission assessment dated 3/31/01 indicates that Mrs. Yates had been depressed 2-3 weeks prior to admission, after her father's death, and her symptoms had worsened for the three days prior to admission, with decreased sleep and appetite and increased social withdrawal. She had lost 5 lbs. in three weeks. She was observed to have psychomotor retardation, attention/concentration problems, and hopelessness, and she was unable to answer questions about suicidality. Her husband reported that she was extremely suspicious. Hallucinations were suspected because she appeared to be attending to internal stimuli.

Mr. Yates reported that his wife was "becoming overly attached to youngest child and will refuse to put her down." On 4/1/01, Mrs. Yates was described as "almost catatonic," and for the first week of this admission she said little, often refused food or fluids, was depressed, and had flat affect. She was sometimes described as "mute," but at other times as giving minimal verbal responses. She was once noted to have "rigid posture."

On 4/2/01, Drs. Mohammad and Patricia Corke signed petitions to involuntarily commit Mrs. Yates to Austin State Hospital on the grounds of danger to self and inability to care for herself (refusing to eat or drink). The petition was withdrawn on 4/3/01, after Mrs. Yates agreed to voluntary admission to Devereux.

On 4/5/01, Mrs. Yates said, "My mind is so full of things," but did not elaborate on this. She mentioned that she had to go home to "be a mother" to her children. On 4/6/01, she answered all questions asked of her except one about suicide. She did some pacing on this day, and a few other occasions. A few daily observation sheets had boxes checked for disorganized, bizarre, paranoid, or delusional thought patterns, hallucinations, loose associations, or disorientation, but no data were given to support any of these. On 4/9/01, she was said to look "much better," ate well, showed less psychomotor retardation, answered questions about suicide, and interacted well with her husband and children. On 4/11/01, Mrs. Yates reported feeling 90% better and requested discharge. She agreed to partial hospitalization. On 4/12/01, Mr. Yates expressed the view that his wife was 65% normal, and requested discharge. Mrs. Yates was discharged on 4/12/01 to outpatient care with Dr. Saeed and participation in the Partial Hospitalization Program. [Devereux Texas Treatment Network records re. Andrea Yates, 3/31/01–4/12/01.]

Devereux Texas Treatment Network, Partial Hospitalization, 4/13/01–4/18/01

Another Devereux Discharge Summary, apparently from the Partial Hospitalization Program, indicates that Mrs. Yates was admitted 4/13/01 with a diagnosis of postpartum depression and discharged "improved" on 4/18/01. Her medications were listed as Risperdal 4 mg per day, Effexor XR, 75 mg per day, and Wellbutrin 300 mg per day.

Devereux Texas Treatment Network, 5/04/01–5/14/01

Mrs. Yates was admitted to Devereux under the care of Dr. Saeed on 5/4/01. His admission note reads:

The patient had been in the hospital with severe depression, had gotten better and was discharged to PHP. The patient, in consultation with her husband, did not continue the partial hospital care after a couple of days of attendance. Husband however had talked to me over the phone and had kept me posted, so the patient was discharged from PHP. They started following up as an outpatient with me on a once a week basis. The patient was noted to improve slightly during this course but on the second to last visit the patient had begun to deteriorate. The patient seemed less energetic and was not eating well but denied suicidal ideation. On the day of hospitalization the patient came for a follow up. The patient's medications had already been increased. The patient seemed near catatonic, did not answer any questions. The husband reported the patient had not been eating or drinking enough and there was concern about the patient's safety because one time the patient's mother-in-law had found the patient with the bathtub filled up with water and the patient was not communicating with anyone about her intent. Her husband also remembered that during the past similar episode about two years ago, the patient had tried to take an overdose and then tried to stab herself. The patient did not deny suicidal ideation, just kept staring into space and looked severely depressed, so a decision was made to admit the patient after discussing treatment options with the patient and her husband and I had mentioned that in this situation, ECT is recommended. The ECT's risks and benefits were discussed with them. Her husband chose not to consider ECT at this point of time but agreed to rehospitalization. The husband reported that after the birth of her second youngest child the patient had gone into a similar episode of depression and had taken Zoloft for four weeks without any response. She was rehospitalized received some kind of injectable cocktail including Haldol and Cogentin. The patient was then started on Effexor and Wellbutrin and began responding at that point of time. The patient did not show

any response to Risperdal and at this time we decided to try the Haldol again at the husband's request. . . .

On mental status examination, Dr. Saeed noted:

. . . the patient was near catatonic. Sat in the chair and did not move at all. Did not answer any questions. Speech, none. Thought processes could not be assessed. Some evidence of the patient being suicidal. Affect appropriate but blunt. Mood severely depressed. The patient seemed fully conscious, alert and oriented to time, person and place. Cognitive functioning could not be tested. Intelligence level in the average range. Insight and judgment seem questionable.

A handwritten admission note in the chart states, "severely depressed mood & semi-catatonic state. Refused to answer questions. Husband reports increased depressive symptoms x 5 days culminating tonight with severe depressed mood. HI/SI denied by husband and by client with a nod of the head."

A social worker wrote on 5/5/01 that Mrs. Yates had been isolating at home, was unable to maintain activities of daily living, and was noncommunicative. Mrs. Yates was said to deny homicidal ideation, though suicidal ideation could not be assessed because "pt. is choosing to remain mute."

On 5/7/01, Mrs. Yates remained uncommunicative and ECT was discussed with Mr. and Mr. Yates, who were said to "remain reluctant."

On 5/8/01, at 5:30 p.m., Mrs. Yates was noted to be "Yelling/Screaming" in her room.

Dr. Saeed wrote on 5/10/01: "Pt seen, doing a little better as patient answers most of questions except one about suicidal ideation, or intent."

On 5/11/01, Dr. Saeed wrote, "answered most questions except suicide, denied hallucinations."

Mrs. Yates remained quiet and non-participative, though she did begin to answer questions. Her appetite and sleep improved. On 5/14/01, Dr. Saeed noted that she "cooperated with all the questions about suicide. Patient reported she has had suicidal ideation off and on but

does not dwell and has not thought of any method or have any intent or plan.”

On 5/14/01, she was discharged from the hospital to the Partial Hospitalization Program with a diagnosis of “Post Partum Depression,” taking Remeron 45 mg per day, Effexor XR 450 mg per day, and Haldol 4 mg per day.

Mrs. Yates told me that during this admission, she had passing thoughts that she should end her life because she wasn’t good as a mother, felt “popping sounds in my head,” and had thoughts of Satan [pp. 104-105]. Mrs. Yates gave contradictory accounts of why she had filled the tub with water prior to this admission (see accounts to other experts, below). The account she gave me was this:

AY: . . . One time I drew water in the tub, and Rusty worried about that, why I did it, and he took me back in the hospital.

PD: Why did you do it?

AY: I always wanted to see how much water a tub could handle.

PD: Well, when they asked you that day why you put the water in the tub, do you remember what you said?

AY: To Rusty?

PD: Yes, and Dora.

AY: I didn’t think I gave them any answer.

PD: You told one of them that you might need it.

AY: Yeah, there was a water truck, and I was afraid they were going to turn our water off because we didn’t pay the bill or something, but that wasn’t true, Rusty was keeping up with the bills.

PD: You saw a water truck and had that thought?

AY: Yeah, I thought the truck was getting closer to our house, but I think the truck was the owner of the house, it belonged to him. He just happened to park it in the street.

PD: So it had been there before?

AY: Yes.

PD: Were you having any thoughts that day about needing to drown the children?

AY: No.

PD: That’s not why you put water in the tub?

AY: [Negative]

PD: Were you having fears of harming the children?

AY: At that point they were starting, yes.
PD: They were starting?
AY: Yes.
PD: How did you think you might harm them?
AY: I didn't really think about the method at that point.
PD: What kind of harm were you worried about?
AY: Seriously harming them. The tub idea came along about a couple months before I did it.
PD: Well, what month are we in now when we're talking about you filling the tub?
AY: Maybe May, early May.
PD: You had that thought by then?
AY: Yes.
PD: But you don't think that's why you filled the tub that day?
AY: They were home.
PD: Who was home?
AY: Dora and Rusty.
PD: Why is that related to it?
AY: I wasn't going to drown them or anything then.
PD: Why not?
AY: Because they were home.
PD: How does that matter?
AY: I wouldn't be able to do it.
PD: You wouldn't be able to do it?
AY: [Affirmative]
PD: Why not?
AY: Well, because they were in the house, they would have stopped me.
PD: So you're pretty sure that's not why you put water in the tub that day?
AY: [Affirmative] [Pp. 103-104.]

Mrs. Yates did not tell anyone her thoughts of harming the children or her idea of using the bathtub because she thought that if she spoke about these thoughts, Satan could hear her and they might happen [p. 105].

Devereux Texas Treatment Network, Partial Hospitalization, 5/15/01–5/22/01

When admitted to the Partial Hospitalization Program, on 5/15/01, Mrs. Yates "stated she struggles with 'lack of motivation' and described anhedonia and lethargy."

During this week, Mrs. Yates was described as alert and attentive, but as isolating herself and slow in responding. She denied suicidal ideas and denied "voices now or ever." She was sleeping well and gained 3.5 pounds.

On 5/22/01, Mrs. Yates was discharged to her family, with continuing treatment to be provided by Dr. Saeed. Her discharge diagnosis was "Major depression recurrent/severe (postpartum)." Dr Saeed wrote, "Pt. cont'd. w/ severe depression until Wellbutrin was tapered off & Remeron started. Pt began slow & steady recovery. Husband noticed 70% improvement. No SI." Discharge medications were Effexor XR 450 mg per day, Haldol 4 mg per day, and Remeron 45 mg per day. Dr. Saeed made an office appointment to see Mrs. Yates the following week. Prescriptions for Haldol and Effexor were called in to a pharmacy.

Mohammad Saeed, M.D., 4/19/01 – 6/21/01

Dr. Saeed saw Mrs. Yates not only at Devereux (see above), but on an outpatient basis in April, May, and June of 2001. Dr. Saeed's office records indicate that Mr. Yates was to keep his wife's medications and administer them.

Although Mrs. Yates appeared "less depressed" on 4/19/01, when seen in his office following the first Devereux discharge, Dr. Saeed "emphasized that somebody needs to be with patient."

On 4/26/01, Mrs. Yates was not as talkative, and "Husband reported patient had gotten steadily better till yesterday when missed her dose and seemed declined." Her dose of Effexor was increased.

On 5/4/01, Dr. Saeed noted that Mrs. Yates had declined and become "almost catatonic." ECT was discussed and hospitalization was recommended.

Dr. Saeed testified before the Grand Jury that when he saw Mrs. Yates on 5/4/01, her husband reported that she had not been eating or drinking enough and

there was a concern about patient safety because one time the patient's mother-in-law had found the patient with a bathtub filled up with water and the patient was not communicating with anyone about her intent. So based on

that information I had perceived that there may be a risk of harm and I had recommended thus inpatient treatment at this point of time, which led to her second . . . inpatient hospitalization. [Pp. 35-36.]

Mrs. Yates followed up with the Partial Hospitalization Program more consistently after her second Devereux admission [Grand Jury testimony of Mohammad A. Saeed, M.D., 6/25/01, p. 39].

After being discharged from Devereux a second time, Mrs. Yates had two more office visits with Dr. Saeed. On 6/4/01, Dr. Saeed noted that her medications were Effexor, Remeron, and Haldol. He wrote:

Patient seen and discussed with husband at length. Patient reports she feels about the same as at the time of discharge. Husband says patient has been functioning at 65-70% of premorbid condition. No suicidal ideation at all. Patient denies any psychotic features, appears with masked facies and akinesia so discussed tapering off of Haldol.

On 6/18/01, her last visit, Dr. Saeed decreased Mrs. Yates' dosage of Effexor to 300 mg per day and increased her dosage of Remeron to 60 mg per day. Dr. Saeed wrote:

Patient seen with husband. Reports patient got better after discontinuing Haldol but in last 3-4 days seems to have declined some. They report her level of functioning has remained between 65-75%. Patient noted to be rather quiet—answered questions selectively. Denied any psychotic symptoms, suicidal ideation.

She was given a follow-up appointment for 6/26/01.

During Grand Jury proceedings, Dr. Saeed testified that neither Mr. nor Mrs. Yates gave him any indication that his patient had thoughts of killing the children or anyone else [pp. 23-24]. Mrs. Yates did not speak of any delusions or hallucinations and denied hallucinations when asked [p. 24]. When discharged from Devereux in April 2001, Mrs. Yates had participated in the Partial Hospitalization Program for less time than planned because Mr. Yates had paged Dr. Saeed to say that his wife had improved over the weekend and would not be returning [pp. 30-32]. Dr. Saeed believed that Mr. Yates sometimes worked at home to care for the children and that he shared home

schooling responsibilities with his wife [pp. 54, 56-57] [Grand Jury testimony of Mohammad A. Saeed, M.D., 6/25/01.]

PRE-OFFENSE BEHAVIOR OBSERVED BY LAY WITNESSES

Andrea Yates

Between her discharge from inpatient care at Devereux on 5/14/01 and the time of the homicides, Mrs. Yates reports, she experienced a number of delusions of reference in connection with the movies and television [pp. 106-108], felt the presence of Satan in her home ("He seemed to be targeting me for certain things.") [p. 105], and felt that she wasn't being a good mother because she was neglecting her children, wasn't very affectionate with them, and didn't discipline them [p. 107]. She did not tell Dr. Saeed about her delusions of reference, but she did tell Rusty about them prior to the homicides [p. 107]. She continued to believe that a child protective agency or Dr. Starbranch had cameras in her home [p. 109].

Mrs. Yates thinking in this time frame is important to the central issue in this case, so I quote at length from my examination of her:

- PD: What were you thinking about the children?
AY: Well, I guess I was thinking about . . . probably planning what I was gonna' do.
PD: I don't want you to guess. I want you to tell me as best you can remember.
AY: Right.
PD: What can you remember about any planning?
AY: About drowning them.
PD: What were you thinking?
AY: What was I thinking? Why to do it?
PD: Yes.
AY: Because I didn't want them tormented by Satan like I was.
PD: Was Satan tormenting you then?
AY: Yes, I believe so.
PD: In what way?
AY: Just the thoughts. Bad thoughts.
PD: Tell me as much about those thoughts as you can.
AY: There was the thoughts about the TVs, and cameras in the house, and afraid Satan would ruin my children through himself, and that maybe even that I had some Satan in me. [P. 111.]

* * *

AY: I just felt like he was inside giving me directions.
PD: What directions?
AY: About harming the children.
PD: How did he give you directions?
AY: Well, eventually I thought of a way out. To drown them.
PD: And how would that be a way out?
AY: A way out?
PD: How would that be a way out?
AY: For the children?
PD: Yes.
AY: They would go to heaven and be safe up there.
PD: How would that happen?
AY: After I . . . if I kill them they went up to heaven to be with God and be safe.
PD: And you figured that was a way out of what?
AY: It's not a way out. It's just something I was told to do.
PD: Who told you to do that?
AY: Satan.
PD: Satan told you that would send your children to heaven?
AY: No. To kill them.
PD: How did he tell you that?
AY: He just put the thoughts in my head.
PD: Did you know where they came from?
AY: The thoughts?
PD: Yes.
AY: No.
PD: Did you think they were coming from Satan?
AY: Yes.
PD: Did you think that before you did it?
AY: Think about Satan?
PD: Yes, that the thoughts were coming from Satan?
AY: Yes.
PD: Did you think that it was a good idea?
AY: Well, yes at the time I did.
PD: Explain your thinking to me.
AY: Well, I didn't want them ruined, and I was afraid being around him, they would continue to go downhill. And I thought I should save them before that happened.

PD: Well, did you want to save them? Or did Satan want you to do this?

AY: I wanted to save them.

PD: But yet you thought it was Satan who was telling you to do it.

AY: Yes. It was just a thought put in my head.

PD: How would they have gone downhill?

AY: Just behaviorally and developmentally, they were regressing.

PD: And did you think Satan was influencing them?

AY: Possibly.

PD: Did that occur to you?

AY: Yes.

PD: But you weren't sure? Were you sure that Satan was influencing you?

AY: Somehow I believe he did it.

PD: What else were you aware of about Satan?

AY: About his presence?

PD: Yes.

AY: Well he was, I was pretty determined to do what was recomm—what was told to, to drown the children.

PD: You started to say "recommended."

AY: I didn't mean to say that. What I was told to do.

PD: And you were told to do it through your thoughts.

AY: Yes.

PD: And when you say you were pretty determined to do it, what do you mean by that?

AY: Well, I wanted to go ahead and prevent more turmoil for them, torment.

PD: Did you think that the children were in torment?

AY: They were starting, yes.

PD: How could you tell that?

AY: Just their behavior: more strife and more disobedience from them.

PD: Did Satan tell you anything else?

AY: No.

PD: Did you have any other signs of Satan's presence?

AY: No. [Pp. 111-113.]

* * *

PD: Did you hear any voices at that time?

AY: No.

PD: Since, from the time you got out of the hospital until the time you were arrested, you didn't hear any voices?

AY: No.
PD: And other than the television and movies, did you see anything strange?
AY: I don't believe so. I can't remember.
PD: Well, what did you do with that determination?
AY: Well, I planned to do it.
PD: What was your plan?
AY: To drown them.
PD: Did you have a particular time in mind?
AY: No.
PD: . . . And how long did you plan to do it?
AY: How long? Probably about a month before.
PD: Were you pretty sure for a whole month that you were going to do it?
AY: I had planned to. Not settling on a date yet.
PD: How were you going to decide on a day?
AY: I guess when I had an opportunity when they weren't home, Rusty or his mom.
PD: And, were there any opportunities that came and went that you didn't do anything?
AY: No.
PD: So the very first opportunity when you were home alone with the children was on the twentieth?
AY: Yes.
PD: On every day before that, Dora had been at the house by the time Rusty had left?
AY: Yes.
PD: That was the very first day that she was coming later?
AY: No, I think she had done it a week before.
PD: So there were other days that you had that hour to yourself?
AY: Yes.
PD: Why didn't you take those opportunities?
AY: I guess I wasn't ready yet.
PD: How did you get ready?
AY: Just mentally to do it.
PD: Did you pray on this?
AY: No.
PD: Were you praying during that time?
AY: [Negative]
PD: Were you reading the Bible?
AY: [Negative]
PD: Why had you stopped?

AY: I felt like Satan was nearby.
PD: Wouldn't that be all the more reason to read the Bible?
AY: He was starting to overcome me, is what I felt.
PD: He was starting to overcome you?
AY: Yes.
PD: How could you, how could you sense that?
AY: Just not thinking very clearly, besides other things.
PD: What all was on your mind?
AY: Just the way I was behaving and what was going to happen in the future.
PD: What did you think was going to happen?
AY: That the children would be gone.
PD: Why would they be gone?
AY: Because I killed them.
PD: So as you made the plan, you thought about what it would be like to have them gone?
AY: Just a method, and the method, and the hope that they were safe.
PD: Did you consider other methods?
AY: No.
PD: That was the only one that came to mind?
AY: [Affirmative]
PD: And did you think that the method was your idea or Satan's?
AY: My idea.
PD: The part from Satan was giving you the idea to do what?
AY: To kill them.
PD: Was there some thought that you had concerning a prophecy?
AY: I did bring that up with Dr. Ferguson but I can't remember what went along with that.
PD: Do you remember anything about it?
AY: I said that, I know I said that in the interview, but I can't remember what it meant.
PD: Do you remember having thought about a prophecy at all?
AY: When I came here and was arrested, I had mentioned it in my interview, but like I said I don't recall its name right now.
PD: Do you remember having thought anything about the seventh deadly sin?
AY: Yes.

PD: Tell me about that.
AY: Well I thought it was murder, and I felt I had done all the other sins, and now this one would be the last one, the last one of the sins.
PD: This is the thought you had before drowning them, that this would be the last?
AY: Yes.
PD: Do you know what the other deadly sins are?
AY: Not all of them. There's gluttony, envy, greed, lust . . . I forget the other two.
PD: Sloth.
AY: Sloth, yeah, laziness.
PD: And what else?
AY: There's one more. I can't remember.
PD: Where had you learned about the seven deadly sins?
AY: I had seen it in a movie about a couple years ago.
PD: Was it the movie "Seven"?
AY: Yes.
PD: Had that movie had any effect on you?
AY: Not at the time.
PD: Were you thinking about that movie in June of 2001?
AY: Yes.
PD: What did you think about it?
AY: I . . . I thought about what I was about to do and how it fit in there, the deadly sins. And how I would have done all of them after I drown my children.
PD: So you saw it as a sin that you were going to commit?
AY: Yes.
PD: Well did you struggle against doing that?
AY: No.
PD: Why not?
AY: I thought Satan already had me doing it, and I thought about doing it.
PD: Why would Satan want you to do something that saved the children?
AY: Just the act, the act itself.
PD: Because the act would condemn you?
AY: Yes.
PD: Satan was interested in you and not the children?
AY: Right. At the moment he seemed near influencing my thoughts.
PD: Is there anything more you can share about that?
AY: Not the prophecy.

PD: When do you think you started thinking about the seven deadly sins?

AY: Probably a week before. [Pp. 113-115.]

Rusty Yates

Mr. Yates told police that on the day of the homicides, he arose at 8:00-8:15, ate, took a shower, and dressed, as the children were getting up. It was a normal morning as far as he could tell. Mrs. Yates put out cereal bowls for the boys and herself. Mr. Yates went to work.

In a press conference he held on 6/21/01, Mr. Yates dated the onset of his wife's second depression to three months after Mary's birth and indicated that it had been precipitated by her father's death [Videotape of interview of Russell Yates, 6/21/02, Channel 13].

Mr. Yates told Dr. Rubenzer that he had requested his wife be placed on Haldol during her second hospitalization at Devereux [in 2001], as it had worked in 1999. Dr. Rubenzer's notes read: "Then Dr. Starbranch took off Haldol." She had again been off antipsychotic medication for two weeks before the homicides. He considered taking her back to Devereux two days before the homicides. [Notes and dictation of Steven J. Rubenzer, Ph.D.]

Mr. Yates refused to speak to me, even in the company of his attorney.

Jutta Kennedy

On 7/25/01, Dr. Rubenzer interviewed Jutta Kennedy, Mrs. Yates' mother. Mrs. Kennedy said her daughter was the baby of the family, never got into trouble, and was always helpful and considerate. Mrs. Kennedy observed no evidence of depression during high school. Several of Mrs. Yates' siblings had suffered depression, but never mentioned it until recently. Mr. Kennedy suffered Alzheimer's Disease and died in March 2001. "That's when Andrea started having problems." Before his death, she visited her father in the hospital every day. After her father's death, Mrs. Yates started to decline, and by May, Mrs. Kennedy "tried to tell everybody" her daughter was showing the same signs as when she had "attempted suicide" two years earlier. She "was always happy when pregnant." When asked if the first time Mrs. Yates had a breakdown was because of her husband, Rusty, Mrs. Kennedy said her daughter had always denied

this. Mrs. Kennedy didn't think Rusty had ever had a date before meeting Andrea. Andrea was "prudish" and never went to a dance. On Father's Day 2001, Mrs. Kennedy thought her daughter was doing badly, but Rusty said she was getting better. Mrs. Kennedy and Rusty had discussed whether it was safe for Andrea to drive. Andrea had been opposed to taking medications, and had resisted them during her first hospitalization. Mrs. Kennedy took care of the children for two weeks before Rusty's mother arrived. At that time, Andrea ignored the boys. When Rusty's mother arrived, she "didn't even know that Andrea was sick." Rusty's mother commented that she was "lazy and liked to sleep late," and Mrs. Kennedy observed that Rusty's mother would sit in a chair while the house was filthy and Andrea wandered the house aimlessly. Mrs. Kennedy commented that Andrea was independent until she was married. Regarding Rusty Yates, Mrs. Kennedy said, "He's so very dominant . . . always been his way—said he wanted 6 boys . . . he corrects everybody." Regarding Andrea, Mrs. Kennedy said, "She seems like she's subservient (to Rusty), to me, like she doesn't have a mind of her own anymore." [Notes and dictation of Steven J. Rubenzer, Ph.D.]

Dora Yates

Mrs. Dora Yates of Hermitage, TN, mother-in-law to Andrea Yates, had visited her son and his family in April 2001 and extended her stay to assist Andrea Yates in caring for the children. She moved into an extended stay hotel and came to the residence to help out during the day. Andrea Yates had been quiet, slow in responding to questions, and sometimes unresponsive to questions. After her most recent hospital discharge, "she seemed better," responded to questions, and "did take care of the children most of the time," but she "seemed to be somewhat nervous," "never smiled," and "never seemed to have joy or peace." She did, however, "seem to know what was going on." On 6/17, 6/18, and 6/19, "she didn't seem as well as she did the previous week. But not to any degree that I would have thought that she would have done this." Andrea Yates had never threatened to harm the children or abused them in any way, but one incident had caused concern:

. . . I would say this one incident that scared me before she went back to the hospital the second time. . . . [T]he children and she and I had all gone for a walk to the park. We came home, and I think I was sitting on the couch at the time, and maybe Andrea was in the kitchen. But the children, one or two of them said to me, "Why is mommy

running the water?" And I said, "What water?" And they said, "In the tub." And so I went and looked at the tub and it was about half to three-fourths full. And I said, "Andrea, why are you running the water?" And she said, "I might need it." And I said, "Well, let's turn the water off, okay?" because that was not a rational answer to me.

. . .

(That incident, which had occurred some weeks previously, had resulted in the second hospitalization at Devereux.)

On the day of the offense, Dora Yates had been expected at the family home at 10:00 a.m., but arrived after the police were at the scene [Statement of Dora Yates, 6/20/01].

Bob and Debbie Holmes

Debbie Holmes told the police on or about 6/22/01 that Mr. Yates had disagreed with the doctor about his wife's diagnosis and need to continue taking medication for at least year, that he is not "big" on drugs, is always right, does not listen to anyone, and is manipulative, controlling, and domineering. He would not allow the children to go to public schools because they would learn bad habits from other children, would not allow them to attend church, and believed his wife received fulfillment from home schooling. Mrs. Holmes was the only one "allowed" to visit Mrs. Yates [Report of Officer Martinez.]

After the 1999 breakdown and moving into the Beachcomber house, Debbie was afraid for Andrea and didn't think she should be alone. Debbie skipped her own *Bible* studies to help Andrea, who couldn't shower for herself or get the children organized (but was still required by Rusty to stay on schedule for home schooling; he'd put her orders on a white erasable board). Mrs. Holmes thought Andrea was overwhelmed and irritable. In the late fall of 1999, Andrea began to share her experience from the summer: "Debbie, it was so dark, it was like a darkness so black that I couldn't get out of it. . . . There were thoughts coming to my head just constantly: 'You're a failure. You're not a good mother.' She would see that as sin. . . . repetitive voices and thoughts that she could not control" [Interview of Mr. and Mrs. Robert Holmes, 11/8/01].

Before her 1999 hospitalizations, Andrea asked Debbie Holmes whether she thought she was depressed and said, "Rusty and I seem to think I was possibly possessed or demonized." Andrea would from

time to time talk about her beliefs from the fall of 1999 on, but she never returned to normal (October 2001 was the best Mrs. Yates had seemed to Mrs. Holmes since 1999) [Interview of Mr. and Mrs. Robert Holmes, 11/8/01].

Mrs. Holmes said that Rusty did nothing to help Andrea ("He wouldn't wipe a child's mouth"). Debbie urged that Rusty be involved with the child care, but Andrea would say she could only make suggestions, that the children didn't go to him, that she couldn't tell Rusty what to do. Mrs. Holmes said that Rusty didn't accept that Andrea was clinically depressed, but insisted it was postpartum, argued that it was nutritional, and didn't trust the psychiatrists. Even after Dr. Starbranch advised that Andrea have a night out, Rusty discouraged it. If Andrea came over to visit, as soon as she arrived, Rusty would call to complain that she left a child in a dirty diaper and to ask what she'd fed the child. He'd call again to ask if she was coming home yet. He'd want her back by 9:30 and pressure her to come home. One night she got a ticket for running a red light trying to get home fast enough after he repeatedly called and upset her [Interview of Mr. and Mrs. Robert Holmes, 11/8/01].

Mrs. Holmes said there were many occasions when Andrea asked, "Can Satan read my mind?" She said repeatedly that Satan could act on something if she spoke of it, but wanted reassurance that he could not read her thoughts. Andrea "was more convinced than I was that this was all demon-related." She said she'd heard the voices speaking lies and thoughts to her over and over again and was sure they were Satan or demons. She could not control it. They were mostly about her being a bad mother and that she was a failure as a mother. She focused on how rotten and disobedient the children were at her mother's house after she got out of the hospital. Andrea avoided telling Debbie she was pregnant with Mary because she knew Debbie would be upset at her. Andrea even told a mutual friend in Ohio not to tell Debbie [Interview of Mr. and Mrs. Robert Holmes, 11/8/01].

In late 2000, while a nursing home was being sought for her father, Andrea was shaken. Her father was incontinent of stool, fell, and showed other signs of decline that weighed on Andrea. Andrea's mother is a gambler and would go to Lake Charles or Las Vegas to gamble. While she was away on one of her trips to Las Vegas, her husband had fallen in an ant bed and was unable to find his way home. Mrs. Holmes called Rusty before Andrea's father's hospitalization to tell him she was going back into her dark state. Rusty said he thought it was anticipatory grieving about her dad's

illness and that he didn't understand it and thought she should accept it. Mr. Holmes said that Rusty never accepted Andrea's depression: "He looked at it more as a character flaw, a weakness." Rusty would say, "I just think Andrea needs to be stronger. This is her job. This other woman has 9 kids and home schools, and she's doing great. . . . It's a challenging and difficult environment, but it's rewarding for her" [Interview of Mr. and Mrs. Robert Holmes, 11/8/01].

A week before the first Devereux admission, Andrea said, "I think the darkness is coming back." "Pray with me that God will come into my heart and that Satan will leave and the darkness will leave." From the time Andrea was admitted to Devereux the first time, Mrs. Holmes never saw her well enough to be caring for the children. Her milk dried up and she lost so much weight she looked like a cancer patient [Interview of Mr. and Mrs. Robert Holmes, 11/8/01].

Mr. Holmes reported, "She looked crazy. I would not have left kids alone with her. . . . If she'd come to baby sit my kids, I'd have spun her around and pointed her the other way." Mrs. Holmes said, "Andrea would wander the house like a scared animal, while still holding the baby." Mrs. Holmes thought it was a safety issue for the baby for Andrea to walk around with her. Mr. Holmes stated, "We did not know Andrea was alone with the children. I told Debbie a month before that if Andrea's left alone with the children, I'm calling Child Protective Services. I don't care what it does to our relationship." Dora Yates had assured them that she wouldn't go home until she was sure the children were alright [Interview of Mr. and Mrs. Robert Holmes, 11/8/01].

Mrs. Holmes is upset that Rusty pushed Andrea to avoid medications, letting the kids run around with drippy noses and not getting Andrea on medications in the third trimester or getting her back to a therapist [Interview of Mr. and Mrs. Robert Holmes, 11/8/01].

In her journal, Mrs. Holmes described a conversation she had with Rusty Yates on or about April 9, 2001:

I spoke to Rusty and he agreed that she was really depressed—but did not agree with the doctor's diagnosis and did not agree with her having to be on the medicine for up to a year. He thought that this was purely hormonal—vs. being clinically depressed. (Of course he doesn't agree—he doesn't want to take any responsibility or blame for her illness.) He also said he doesn't intend on

coddling her or pleading with her to get better, he doesn't have the time or strength to do it. [Journal of Debbie Holmes, March – June 2001.]

Asked whether Mrs. Yates had spoken about the Seven Deadly Sins, Ms. Homes recalled, "She talked about it all the time." She spoke about details of the movie *Seven* quite a bit soon after she and Rusty watched it. She had not said anything about a prophecy. Andrea spoke of her children being self-centered, sinful, disobedient, or deceptive. She saw normal childhood behavior as major character flaws [Interview of Mr. and Mrs. Robert Holmes, 11/8/01].

Andrea came to the door 3-4 weeks before 6/20/01 and would not let Debbie in. She just stared blankly at her. She would wander the house carrying the baby or wringing her hands. Andrea said only three sentences to Mrs. Holmes from March 29th until the murders. When addressed, she gave yes or no answers or would not answer [Interview of Mr. and Mrs. Robert Holmes, 11/8/01].

At Mrs. Holmes' last visit to the Yates home, on 6/14/01, the children were "acting wild." Noah was standing on his head, repeatedly yelling, "Poo poo." John was hitting Dora. Noah was speaking "a thousand words a minute like he was starved for attention and contact." The boys were fighting over books, hitting, and chasing. Andrea was staring blankly at Noah. Mrs. Holmes couldn't get Andrea to open up, even when she stroked Mary's face and tried to get Andrea to smile. Andrea picked up Mary, walked out of the room, and didn't return. When Debbie eventually went after her, she found John bouncing, kids throwing scissors, jumping off bunk beds, screaming, hitting each other. Andrea was just looking at them. The whole scene was so upsetting to Debbie and her children that Debbie went out to the car and cried [Interview of Mr. and Mrs. Robert Holmes, 11/8/01].

Mr. and Mrs. Holmes later learned that Andrea's mother, Karen, had been present on Father's Day (6/17/01), when Rusty announced that everything was going "back to normal" this week [Interview of Mr. and Mrs. Robert Holmes, 11/8/01].

THE OFFENSE

911 Call

Ms. Yates called 911 and said, "Hi, I need a police officer at home." She gave her correct name. Despite repeated questioning, she would

not say why she wanted the police, but when asked if she were ill, she said she was. When asked if she needed an ambulance, she said she needed a police officer, then said to send an ambulance. (Although Mrs. Yates did not sound out of breath when speaking, a sound resembling heavy breathing could be heard during parts of the recording.) Mrs. Yates was polite, clear, and unexcited. She confirmed her address. She correctly gave the ages of her children as 7, 5, 3, 2, and 6 mos. [Tape of 911 call by Andrea Yates.]

Crime Scene

When police arrived, one victim, Noah, was still face down in the bathtub. The other four were dead in bed, soaking wet, and covered with a sheet. A trail of water ran from the bathroom to the master bedroom and to the frameless bed on which they were laid.

Autopsies

All five victims died by drowning. All five had fresh hemorrhages in the scalp. Luke had recent contusions of the left arm and lower extremities. (Mr. Yates admitted to bruising Luke's left thigh with a paddle, saying "Sometimes they'll move when I'm hitting them, and I guess he moved.") John had recent contusions of the forehead, elbows, and lower extremities. Noah had recent contusions of the upper and lower extremities. The four male victims had old contusions and/or abrasions. Stomach contents of all five victims were consistent with having eaten the morning they were killed.

Defendant's Statements to Police

Mrs. Yates answered Officer Knapp's knock on the front door and stated, "I killed my kids." He asked where they were now, and she said, "They are in the bed." She led him to the master bedroom, where he observed what appeared to be four bodies covered with a sheet with one arm protruding from under the sheet. Officer Knapp pulled down the sheet and observed the bodies of four children in the bed. [Officer Knapp's report.] When Officer Stumpo arrived, he observed the body of the fifth child floating in the bathtub. While still at the scene, Mrs. Yates generally appeared calm and quiet, but made a number of statements indicating that she was listening to conversation and aware of her surroundings (e.g., pointing out where a clean glass could be found, explaining that they lived in the bus, and pointing out where the keys were located). [Officer Stumpo's report.]

After being transported to the Homicide Division, Mrs. Yates agreed to be interviewed, saying she would discuss the drowning of her children. She was interviewed by Sgt. Mehl of Houston P.D. Homicide, initially with no recording. In this first interview, she gave background information and the following information about the offense, as written up by Sgt. Mehl:

. . . After her husband left, she went into the bathroom and filled the tub with water. She said she then got Paul and placed him face down in the water. She said Paul died after a brief struggle and she placed his body on the bed. Yates stated she repeated this procedure with Luke and then John. Yates stated she drowned Mary next and, again, held her under the water face down. She said she left Mary's body in the bathtub and called for Noah to come into the bathroom. When Noah got there, he saw Mary's body in the tub. Yates stated Noah tried to get away from her but she was able to catch and drown him. She stated Noah, being the oldest, put up the biggest fight. She said Noah was able to come up for air a couple of times before he finally died. Yates stated she left Noah's body in the water and removed Mary's body. She said she then placed Mary on the bed with the other children.

Yates stated she then went to the telephone and called 911. She said she requested that a police officer be sent to her home. Yates said she would not tell the phone clerk why she needed the police. She said she then called her husband at work and told him he needed to come home. When he questioned her, she said she only told him it was "time."

Sgt. Mehl obtained the above information in question and answer format. When the sergeant would ask a question that would require a narrative type answer, Yates would become silent and just stare at him. Sergeant Mehl asked Yates to explain why she had killed her children. She would only state that she was not a good mother to her children and wanted to be "punished." She also stated she was prepared to go to "hell" for what she had done.
[Report of Sgt. Mehl.]

Mrs. Yates provided a tape-recorded statement to Sgt. Mehl from 1:06 – 1:23 p.m. on 6/20/01. In that statement, she gave responsive answers to a variety of factual questions, such as the events of the day, her address, her husband's and children's names, and her children's birthdays. She identified her treating physician as Dr. Saeed, whom she had last seen two days previously. She reported having gotten out of bed about 8:10 a.m. and said all of the children were awake and having breakfast when her husband left the house at about 9:00 a.m. After he left, she filled the bathtub with water (about three inches from the top of the tub) with the intent to "drown the children." She did not answer a question as to why she was going to drown the children, but indicated that it was not because of anything they had done or because she was mad at them. Asked how long she'd had thoughts of drowning her children, she replied, "Probably since I realized I have not been a good mother to them." Asked what made her say that, she replied, "They weren't developing correctly." Asked if there were behavioral problems she said, "Yes." Asked if there were learning problems, she said, "Yes."

She then recounted to Sgt. Mehl having placed each child face down in the tub, holding each underwater despite the child struggling until each was lifeless. The sequence in which she killed them was Paul (3), Luke (2), John (5), Mary (6 mos.), and Noah (7). Each child struggled and had to be forcibly kept under the water. John did not get into the tub when told to do so, and she had lifted him into the water. He struggled with her violently. Mary was sitting on the bathroom floor crying while she drowned the first three boys. She placed Paul, Luke, and John on the bed in the master bedroom and covered them with a sheet after killing each. She left Mary's body in the tub after drowning her. She called Noah into the bathroom, and he asked, "What happened to Mary?" Noah tried to run from her, but she "got him" and put him in the tub. He put up the greatest struggle, getting his head above water enough to gasp for air "a couple times." She forced him back down into the water. After Noah was lifeless, she took Mary's body out of the tub and placed it on the bed under the sheet, leaving Noah's body in the bathtub. She then called 911 and asked for a police officer. Finally, she called her husband and "told him to come home." When her husband asked why, she told him "it was time." She acknowledged having told the first officer at the scene "that I had drowned my children."

Mrs. Yates confirmed having told Sgt. Mehl that she had been having thoughts about hurting her children for up to two years, and when asked if anything happened two years earlier that she believed led to

those thoughts, she replied, "I realized that it was time to be punished . . . for not being a good mother." Asked if she wanted the criminal justice system to punish her, she responded affirmatively. She acknowledged having filled the tub with water to drown her children about two months earlier, when her husband was home. She thought her husband would have stopped her, but when asked what within her had stopped her from doing it that time, she replied, "Just didn't do it that time." [Statement of Andrea Yates, 6/20/01.]

After Mrs. Yates had completed her recorded statement, she was afforded an opportunity to ask questions. Her only question was, "When will my trial be?" [Report of Sgt. Mehl.]

Mrs. Yates Account of the Offense

To the best of my knowledge, the only recorded accounts of the offense are from the day of arrest (6/20/01), from Dr. Resnick's examination (11/3/01), and from my examination (11/7/01). Mrs. Yates also gave accounts repeatedly to others who did not record or recorded only portions of their interviews. As is commonly the case, discrepancies arise with repeated retellings of an event, due to a variety of causes, such as a change in mental status, forgetting, or the effects of persuasion, coaching, or suggestive or leading questioning. The account Mrs. Yates gave me differs from the account given to the police not only with respect to the sequence of homicides reported, but also with respect to her statements concerning motive and thought processes. The account she gave me is quoted here at length:

PD: When you got up that morning, on the twentieth, did you know that that was going to be the day?

AY: Yes.

PD: When had you decided that?

AY: The night before.

PD: Did you share that with anyone?

AY: [Negative]

PD: Had you talked to Rusty at all about the seven deadly sins?

AY: No.

PD: Had you talked to him about Satan's presence?

AY: [Negative]

PD: Why not?

AY: I was afraid.

PD: What were you afraid would happen?

AY: I wouldn't do what I was supposed to do. I couldn't do it with him in the house.

PD: And what would happen if you didn't do what you were supposed to do?

AY: Children would still be alive.

PD: And then what?

AY: I would still worry about their soul with Satan around.

PD: So, do I understand correctly that you were worried that if you told Rusty, he would interfere, and the children would still be in danger?

AY: Yes.

PD: Their souls would be in danger from Satan?

AY: Yes.

PD: So in the morning, when you got up, did you try to act as normal as possible?

AY: Yes.

PD: You were trying to make sure that he didn't know that there was something unusual going on?

AY: Yes.

PD: Because you knew that if he observed something out of the ordinary he would interfere?

AY: Yes.

PD: So what did you do then?

AY: What did I do?

PD: Before he left, what were you doing?

AY: Oh, having breakfast. The kids were eating breakfast, and Rusty left the house about 9:00.

PD: And did you feed Mary?

AY: Yes.

PD: What did you feed her?

AY: Formula.

PD: What time were you expecting Dora?

AY: Ten.

PD: Did you lock the house?

AY: No.

PD: So the front door was unlocked?

AY: It was already locked from the night before.

PD: What door did Rusty go out?

AY: Um, the garage door I think. [Pp. 117–118.]

* * *

PD: Did you pull any blinds?

AY: No.

PD: Drapes?

AY: No.
PD: Did you take the phone off the hook?
AY: No.
PD: Did you make any other special preparations?
AT: I just started drawing the water.
PD: Is there a stopper in the bottom of the tub?
AY: Yes.
PD: How do you activate it?
AY: It's a, a loose one, loose rubber stopper that you can pull out. It wasn't attached to the faucet.
PD: So you put that in?
AY: Yes.
PD: Filled the tub? What temperature were you trying to make it?
AY: Just whatever it was set at. Cold water.
PD: It was cold, it wasn't warm?
AY: I think it was cold.
PD: Was there any reason for that?
AY: No. [Pp. 118-119.]
* * *
PD: Had you taken your medication?
AY: In the morning time?
PD: Yes.
AY: I think I did.
PD: But you were no longer taking Haldol?
AY: Right.
PD: And had you been taking all the medication that had been prescribed the last three weeks?
AY: Yes.
PD: Since you were out of the hospital you took everything you were supposed to?
AY: Yes.
PD: Did you have any additional thoughts that morning that you hadn't had before?
AY: No.
PD: Any thoughts you didn't tell me about?
AY: I was just thinking about the tub.
PD: Do you know if you had any thoughts that morning about a prophecy?
AY: [Negative]
PD: Were you still thinking about the seven deadly sins?
AY: Yes.
PD: You used the phrase that you were "supposed to do this." What do you mean by that?

AY: Well, it needed to be done for the children's sake, I felt.

PD: Was there any doubt about that in your mind?

AY: No, I wasn't thinking about doubt.

PD: How certain were you that it needed to be done?

AY: I just thought it needed to be done.

PD: And the benefits to the children would be what?

AY: Eternal life in heaven.

PD: And who would pay the cost?

AY: Who would pay?

PD: Yeah, would somebody have to pay a cost for that?

AY: You mean, my cost?

PD: Yes.

AY: Yes, it would probably cost.

PD: What would that cost be?

AY: You mean like jail time, or?

PD: Whatever you were thinking, what were you thinking that morning?

AY: Probably punishment.

PD: How did you think you'd be punished?

AY: Jail.

PD: So you thought that you'd be arrested and put in jail?

AY: Yes.

PD: Did you think there would be other punishment for you?

AY: I wasn't thinking anything else.

PD: But you did think it was illegal?

AY: Yes.

PD: Did you feel a conflict?

AY: Doing it . . . not doing it?

PD: Yes.

AY: No, I set it in my mind to do it.

PD: Was there an earlier time when you felt a conflict about it?

AY: Yes.

PD: What had the conflict been earlier?

AY: The same.

PD: Same as what?

AY: The time I had a conflict before.

PD: And what was that? What was that conflict?

AY: Doing it or not doing it.

PD: And what were the factors weighing on each side?

AY: Well, doing it would take them to heaven, and not doing it there'd be a risk of Satan messing them up.

PD: What about for you?

AY: What would happen to me?

PD: Yes. If you did it or didn't do it, what were you thinking would happen to you?

AY: Probably if I did it, I would get in trouble.

PD: And if you didn't do it?

AY: It would still be with us.

PD: What would?

AY: The children.

PD: How did you resolve that conflict? Anything that helped you make up your mind?

AY: No, I just decided that it needed to be done.

PD: Do you know when you made that decision?

AY: The night before.

PD: The night before is when you became certain? But you were planning for about a week?

AY: Yes.

PD: Or was it about a month?

AY: A month rather, yes.

PD: Do you recall any of the other thoughts you were having around that time?

AY: Just . . . just getting ready for the drownings.

PD: Were you thinking about being a bad mother?

AY: Yes.

PD: What were you thinking about that?

AY: That I probably . . . if . . . if they remained here, I would have a harder time dealing with them if Satan was involved.

PD: Satan was going to make them more disobedient?

AY: Yes.

PD: Is that right? Did you feel that you had damaged the children somehow?

AY: Yes.

PD: What was that?

AY: Well, it seemed like I might have ruined them to learning new things. Their behavior was starting to regress.

PD: So what did you think you had done to ruin them?

AY: Just not being a good mother and not being affectionate with them or spending time with them.

PD: Was there some point at which you thought you might have made some of the children retarded?

AY: I had felt like some were regressing in that way. Luke wasn't talking very clearly at that point, and the other kids behaviorally were slacking off.

PD: And you thought that was your fault?

AY: Yes.

PD: And that that would continue to worsen?

AY: Yes.

PD: Did you think that Satan was doing that?

AY: He does tempt people. Yes. And if you're weak, you can't overcome that temptation.

PD: And you were weak then?

AY: Yes.

PD: Was he tempting you?

AY: No.

PD: Did you sense the presence of Satan that morning?

AY: Yes.

PD: How did you experience that?

AY: In urging me on.

PD: How?

AY: Just helping me set up the tub and getting ready.

PD: Did you feel encouraged?

AY: Yes.

PD: Did you hear anything encouraging you?

AY: No. Just thoughts.

PD: Just thoughts. What were those thoughts?

AY: That I needed to go ahead and do it.

PD: Anything else?

AY: No.

PD: And tell me what you went ahead and did.

AY: The drownings. They, um, I drew up the water, and Rusty had already left for work that day, and I went in the bathroom, and I set Mary on the floor. And while I was filling the tub, Paul came in, and he sat on the tub and he said, he said "Mommy are we gonna take a bath today?" And then he asked again, and I didn't answer him. I put him in the water for a couple minutes, and when it was through, I took him and laid him down on my bed, our bed. And I went back in the bathroom, and John had wandered in . . . and then I put him in for a couple minutes. And Luke was close by. And I put him in. And I moved John on the bed. I put Luke on the bed. And I called for Noah from the kitchen. He came to me, and I led him to the bathtub. Before—before Noah, I

did Mary. Mary was still in the tub when he came in. He said, "Mommy what's wrong with Mary?" I put him in the tub. Then I called the police to come to the house, and I called Rusty to come home. [Pp. 119-122.]

* * *

- PD: Did you put John and Luke in the bed at the same time?
- AY: Yes.
- PD: Where was John when you were drowning Luke?
- AY: He was in the tub.
- PD: So, they were both in the tub at the same time, and then the same thing happened with Mary and Noah?
- AY: Yes.
- PD: They were both in the tub at the same time. Did the children struggle?
- AY: [Affirmative]
- PD: Every one of them?
- AY: Except Mary. She wasn't strong enough. Noah the most, because he was the biggest.
- PD: Did he say anything else to you?
- AY: When he came up out of the water and said something, but I didn't know what it was. It was like "I'm sor—," and I didn't hear the rest. I don't know if he was saying, "I'm sorry," or what. [P. 123]

* * *

- PD: How did you overcome their resistance? What did you do?
- AY: I just held them down.
- PD: With both hands?
- AY: Yes.
- PD: Where, where did you grasp?
- AY: I guess their head, their back.
- PD: And did Luke try to run out of the room?
- AY: No, he was standing there watching.
- PD: What do you mean?
- AY: Huh?
- PD: He was standing there watching? He watched what?
- AY: One of his brothers drown.
- PD: Luke watched?
- AY: I didn't know he was behind me.
- PD: Oh. And then what did he do?
- AY: I put him in the tub.
- PD: Did he fight you?

AY: A little bit. He's the smallest one, besides Mary.

PD: Did one of the boys try to run out of the room?

AY: [Negative] [Pp. 135-136.]

* * *

PD: Why did you call the police?

AY: I thought I had to.

PD: Why?

AY: Because of what I did.

PD: Why was it the police you called?

AY: Because that's who you call.

PD: When what?

AY: When you've done something wrong.

PD: Did you think you had done something wrong?

AY: Yes.

PD: Before you did it, did you think it would be wrong to do it?

AY: No.

PD: When did you think it was wrong?

AY: When I called the police.

PD: Before you did it, did you think it was the right thing to do?

AY: Yes.

PD: And why is that?

AY: Because of my feeling that they would be tormented by Satan if I didn't.

PD: But if you did, then what?

AY: Then they wouldn't be tormented.

PD: Well, afterwards, why did you think it was wrong?

AY: 'Cause I did what I did.

PD: But had you done the right thing or the wrong thing?

AY: I thought, in my opinion, it was the right thing.

PD: Well, then what do you mean when you say you'd done something wrong?

AY: Killing the children.

PD: As you drowned each one, did you think that it was the right thing to be doing?

AY: [Affirmative]

PD: For the reason you gave.

AY: [Affirmative]

PD: When police came, do you remember what you told them?

AY: Well, they came, and I opened the door, and I told them I killed my children, and I led them down the hall to where they were. [P. 124.]

* * *

PD: The police report indicates that the police asked you if you had ever tried to kill the children before, and you said you had been close to it, but had stopped, and went on to say that about two months ago you filled the bathtub with water and you were going to drown the children, but you didn't carry out the plan. That's a little different from what you told me. You told me that you weren't going to drown the children that time. That you just thought you needed to fill the tub because you saw the water truck. Which of those is correct?

AY: I, I didn't do it because I knew that they were coming home.

PD: They already were home.

AY: Rusty coming home, Dora was home.

PD: Dora was home, right?

AY: Yes.

PD: But were you going to do it then?

AY: No.

PD: And the police wrote that you said that you weren't a good mother to your children and you wanted to be punished and that you were prepared to go to hell for what you had done.

AY: That's what I told the police officer?

PD: Yes. Which is what you just mentioned to me. Why did you think you'd go to hell for it?

AY: Because it's wrong.

PD: So beforehand, you thought it was a sin to do it?

AY: [Affirmative]

PD: And afterwards you thought that what you did was illegal and you needed to call the police?

AY: [Affirmative]

PD: And you thought it was wrong and you would go to hell?

AY: [Affirmative]

PD: But at the same time you're saying that you believed it was a way to save the children's souls from Satan?

AY: Yes.

PD: How did you think Rusty would judge this?

AY: He would think it was bad.

PD: How did you think society would judge it?

AY: As bad.

PD: How did you think God would judge it?

AY: That it was bad.

PD: Was there some standpoint from which it was good?

AY: My earlier thoughts.

PD: You believed that it would save the children's souls?

AY: [Affirmative] [Pp. 126-127.]
* * *

PD: At the time you didn't feel you were struggling against Satan?

AY: No.

PD: You felt he had taken over?

AY: He was nearby; early on I didn't think he was in me.

PD: When did you first think he was in you?

AY: When I was arrested.

PD: So you didn't feel he was in you while you were drowning the children? It was afterwards?

AY: Yes. I felt his presence.

PD: When?

AY: While I was doing it.

PD: His presence, or that he was in you?

AY: His presence. [P. 140.]
* * *

PD: Had Dora come to the house at 9:00 that morning, do you think you would have done this?

AY: No.

PD: If there had been a policeman in the next room do you think you would have done this?

AY: [Negative]

PD: Do you remember telling Dr. Ferguson that that wouldn't have mattered because the cameras were watching?

AY: No.

PD: Weren't you concerned that if there were cameras in the ceiling, they would see this?

AY: Yes, I did.

PD: So what did you do to prevent that from being a problem?

AY: I didn't do anything.

PD: You didn't try to cover the cameras?

AY: No.

PD: Did you try to be quick about it?

AY: I guess so. [Pp. 141-142.]

POST-OFFENSE OBSERVATIONS BY LAY WITNESS

Rusty Yates

When Mr. Yates first arrived at the scene, he told Sgt. Svahn that, while at work, he received a phone call from his wife who told him it was time to come home, that she had hurt all five of her kids, and that "I finally did it" [Sgt. D. M. Svahn's report].

At 9:54, while at work, Mr. Yates received a call from his wife, who said, "Rusty, you need to come home." He asked her why, and she said, "You just need to come home." In either that call or a second phone call, Mrs. Yates said, "It's time." Mr. Yates called his mother, who was supposed to arrive at the house at 10:00 a.m. to help out. Before leaving for home, Mr. Yates called his wife and asked her what was wrong, and she said, "Come home." He asked if anyone was hurt, and she said, "The kids." Asked if his wife had ever threatened to harm the children or made any statements that made him think she would harm the children, Mr. Yates said, "Never. Never." [Statement of Russell Edison Yates, 6/20/01.]

In his press conference of 6/21/01, Mr. Yates stated that his wife had told him on the phone that the children were hurt, "all of them" [Videotape of interview of Russell Yates, 6/21/02, Channel 13].

Dr. Rubenzer asked Mr. Yates about the comment, "It's time." Mr. Yates said he didn't recall whether that was in the first or second phone call, but he believed she had already told him, "I think the kids are hurt." She seemed serious, firm, and cold when she said this. [Notes and dictation of Steven J. Rubenzer, Ph.D.]

POST-OFFENSE PSYCHIATRIC HISTORY AND OBSERVATIONS

Andrea Yates

Mrs. Yates reported that she was in solitary for 12-24 hours, naked except for a suicide blanket, before she spoke to Dr. Ferguson [pp. 138-139]. It was in solitary that she first developed an urge to figure out "satanic" things [p. 139] and a variety of visual illusions [pp. 139-]. She developed additional symptoms during the week or so she spent naked in solitary in the jail:

AY: . . . I remember, uh, imagining a werewolf from "American Werewolf in London" is a big beast, and I

pictured, I heard people out in the hall, it sounded like they were all leaving, and I was thinking I would be left in there with the beast roaming the halls. And I was putting food in front of my door so it would be attracted to it.

PD: . . . Did you talk to Dr. Ferguson about a battle with Satan?

AY: No.

PD: Do you feel that you had a battle with Satan?

AY: With what happened?

PD: Yes.

AY: Yeah, I guess you could call it a battle.

PD: In what sense was it a battle?

AY: His will against my will.

PD: What was your will?

AY: I was weak, I know that. I had always wanted to do the right thing, and Satan wants to get you into trouble and do wrong things, so . . .

PD: Did you think of it as a battle at the time?

AY: No.

PD: This was a way to think about it later?

AY: Yes.

PD: There was a battle of your will against Satan's?

AY: [Affirmative]

PD: At the time you didn't feel you were struggling against Satan?

AY: No.

PD: You felt he had taken over?

AY: He was nearby; early on I didn't think he was in me.

PD: When did you first think he was in you?

AY: When I was arrested.

PD: So you didn't feel he was in you while you were drowning the children? It was afterwards?

AY: Yes. I felt his presence.

PD: When?

AY: While I was doing it.

PD: His presence, or that he was in you?

AY: His presence.

PD: When do you think you were marked?

AY: The three patches?

PD: Yes.

AY: Just, no particular time. I thought about it. I had it back in Methodist—in Spring Shadow—I had that

habit there, to pick at my head, but I didn't bring up the three 6's until this time.

PD: Did you think of the three 6's before you were arrested?

AY: No.

PD: That's something that came to you in solitary?

AY: Uh-huh.

PD: Do you remember asking that your hair be cut?

AY: Yes.

PD: One time you ask that it be cut to show that mark. Do you remember another time that you asked for your hair to be cut?

AY: In the way of Satan, or?

PD: No, you ask that your hair be cut in the shape of a crown.

AY: Oh. Just a crown on my head, not a crown. That's the markings I thought they were.

PD: Do you think those markings relate to where you used to pick at your scalp?

AY: Yes. The hair's grown over them now.

PD: Were you thinking that's why you were picking, because there was a mark there?

AY: Maybe it wanted to reveal itself by me pulling my hair out.

PD: Do you remember thinking that you could learn something by turning your wristband?

AY: Yeah, I thought this was a code or something, or something I was trying to read the initials on there and the numbers and nothing happened though.

PD: What did you think the code was about?

AY: Something related to Satan I think. Like I was supposed to interpret it. [Pp. 139-140.]

Jail Records

The first post-offense medical observation occurred on 6/21/01 at 11:40 a.m., at which time Mrs. Yates was described as "very distraught and anxious (picking at her lip constantly, moaning and crying loudly)." The jail records appear to contain two parallel sets of progress notes, each written on the same forms. One contains primarily medical and psychological entries; the other contains primarily notes from nurses and technicians. The excerpts that follow are from both sets of notes, placed in chronological order. The signatures are generally illegible.

6/21/01: In her admission note, Dr. Ferguson wrote:

Says she realized about 6 weeks ago that 2 of her children had become "retarded" because she had home schooled them "improperly." She also reports that she stopped breastfeeding Mary because she felt "Trazadone" was still "trapped" in her breasts after "2 years" (she O.D'd on this in 1999). She claims she and the children would watch cartoons and the characters would speak directly to her and comment on her-- telling her she was a "bad mother." She says the same characters spoke directly to her children telling them "Don't eat so much candy" & "Your mother is feeding you too much cereal." She also claims she received messages from movies. In "O Brother Where Art Thou?" a "satanic" character told her "You've eluded me long enough." She says this let her know she was "marked by Satan" and "evil." In "The Matrix" a "Savior" character told her he heard "The sound of inevitability." She reports that she occasionally heard a voice, "human," telling her "grab the knife" and she would struggle to resist the command. Recently she started hearing "growling noises" that seemed to come 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." Claims "They had to die to be saved."

. . . She states that she felt "hopeless and helpless" and that she was a "bad mother & daughter." She says when her father died in March 2001 "I blamed myself." . . .

. . . Denies overt suicidal ideation, but says "Satan will be destroyed" . . .

. . . Describes him as a "perfect" husband and a "moral and righteous man." . . .

. . . Denies auditory hallucinations currently but says "I heard them last night." Reports that there are "objects" in the light fixture in her cell. Positive for paranoia – "How long have I been under surveillance?" Delusions: Believes there are "demons" around her. At this point she leans forward in her chair, moaning/wailing loudly: "It is the 7th deadly sin. My children weren't righteous. They stumbled

because I was evil. The way I was raising them they could never be saved. They were not righteous. Better for someone to tie a millstone around there [sic] neck & cast them in a river, than stumble! They were going to perish! Then screams "I was so stupid. Couldn't I have killed just one to fulfill the prophecy? Couldn't I have offered Mary??" "Are they in Heaven?" Then asks for a razor so she can shave her head "The marks are there." She then calmly states "Gov'r Bush will destroy Satan. I deserve to be punished—I am guilty—destroy Satan." Claims that with her death the "prophecy will be fulfilled." Denies suicidal ideation: "I cannot destroy Satan, only the State can."

6/21/01: ". . . states the sprinkler at the end of her bed seems to have 'figures' surrounding it, but when she looks again, it's just spots."

6/21/01: "PST reports that client had requested to her that she be allowed to attend her children's memorial service. She also requested that her doctor cut the consumer's hair in the shape of a crown."

6/22/01: Dr. Ferguson wrote:

When asked if she has anything she wants to tell the team she replies, "I am Satan." She goes on to explain that in order to fulfill the prophecy Satan must "be destroyed." . . . Thought processes: circumstantial and at times, loose (blurts out: "it is better to tie a millstone around your neck & drown in a river than stumble . . .") Positive for delusional content (Satan, prophecy, children had to be sacrificed because they could not be "saved" any other way). Positive for paranoia (believes the media has installed secret cameras & have been monitoring her behavior as a mother for several years). . . . Positive for suicidal ideation ("Satan must be destroyed") . . .

6/24/01: "It was reported by psych. tech. that consumer was reciting, 'Eat, drink and be merry because we all shall die'."

6/25/01: "Auditory hallucinations 'banging' (believes it is noise from hell/Satan). Positive for delusions (re: Satan—still believes she is marked by Satan/is Satan & needs to be destroyed. 'The state will impose the death penalty on Satan')."

6/26/01: “. . . states she continues to have Satan inside her and Satan must die.”

6/26/01, Dr. Ferguson wrote:

Seeing “images that are hard to make out” in walls of her cell. “Heard the voice of Satan” on a radio this a.m. . . . voice of “Satan” on a radio she can “overhear” . . . misperceptions of environmental cues sees “images” that are “hard to make out” in the “walls” (the individual blocks) of her cell. They are “Satanic” and consist of “teddy bears and ducks” Positive for delusions of paranoia and control. Believes Satan resides in her body . . . controls the “prophecy” “Satan will be destroyed soon.”

6/27/01, Dr. Ferguson wrote:

Hears a man’s voice, outside of her head who is continually saying bad things about her. Is fearful of this voice. Positive for delusions re: “The prophecy” being fulfilled. Positive for paranoia (believes she is under constant surveillance) . . .

. . . claims she was bulimic in high school and suffered from depression then. Also abused laxatives. Was also bulimic after Mary’s birth (vomiting 2-3x a day) . . .

I spoke with Dr. Starbranch . . . She told me that . . . in 1999 . . . Ms. Yates was experiencing delusions and hallucinations . . . She changed her to Haldol decanoate at one point because she felt the children might be in danger due to the patient’s level of psychosis. CPS was apparently notified by Dr. Starbranch/her office. . . .

6/28/01: “Positive for auditory hallucinations (a ‘little bit’ less than before) Postive for illusions on wall near bed (ducks, sailboat) . . . Delusion re: Satanic prophecy—persists. No suicide plan but is still convinced she is Satan and Satan must be destroyed. . . . Impression: Persistent delusions, although hallucinations may be starting to decrease.”

6/29/01, Dr. Ferguson wrote:

Auditory hallucinations? "less", Paranoid delusions: "camera" is in "light fixture in cell." Still believes Satan is "surrounding" her but is "not sure" if the "prophecy" exists at this time (looks perplexed when asked) . . . believes the devil puts thoughts in her mind sometimes . . . does not want the medication because she does not believe she is ill (i.e., "I'm not crying") . . .

Reports fewer auditory hallucinations; delusional system may be developing cracks—she is no longer "sure" about the "Prophecy," although she is convinced the cameras are still in the light fixture and Satan is "surrounding" her.

7/1/01: "States she has Satan in her. Satan must die. . . . Reports auditory hallucinations 'sometimes,' but declines to say what they are saying."

7/1/01: ". . . continues to state, 'I am Satan'."

7/2/01: "Today when asked re. the prophecy which she told Dr. Ferguson about, says that it's 'kind of confusing.' Says that she had not revealed it to anyone prior to its fulfillment. Auditory hallucinations (noises of hell)—same still visual misperceptions ('signs' seen in the blocks of her cell wall) decreasing ('not so much'—and no longer entirely satanic)."

7/3/01: "Indicates 'signs' (visual misperceptions in block of cell wall) & auditory hallucinations ('sounds of hell') unchanged."

7/5/01: "Puzzled look when asked re. auditory hallucinations (sounds of hell) which she'd mentioned to Dr. Ferguson. Denies recent auditory hallucinations."

7/6/01: "Believed: 'that [she'd] be punished . . . for being a bad mom . . . neglected them, didn't give them what they needed . . . attention.' Cannot recall why the children had to die (the prophecy): 'not very clearly right now.' When asked re SI: 'sometimes, I guess'—but when asked whether she had a plan: 'I guess not'."

7/9/01: ". . . visual signs & auditory hallucinations—'Don't see it as much and not as much either.' . . . When asked re. her previous talk of a prophecy: now 'not very clear'."

7/10/01: “. . . visual satanic ‘signs’ . . . ‘Satanic’ signs no longer visible. Describes them as ‘teddy bears & horses’ . . . ‘Horses sometimes with soldiers on them.’ Not sure why they seemed Satanic: ‘I don’t know; maybe they were symbolic.’ Seems confused re. this. Auditory hallucinations now minimal. Told Dr. Ferguson that she expected State of Texas to kill her b/c she has Satan inside her. When asked re. this today ‘I don’t remember saying that.’ Puzzled look.”

7/16/01: “. . . visual misperceptions now gone. Auditory hallucinations now ‘less frequent’ (or possibly even gone—hears slamming doors. Certainly a reality here in jail.)”

7/17/01: “. . . visual misperceptions remain resolved (i.e., no further Satanic images of teddy bears) . . . no longer able to recall/explain delusional system re. the Prophecy . . .”

7/23/01: “States she sees a child and ‘a man on a horse like a knight’ when laying down and looking at bottom of top bunk. Neither figure says anything to her.”

Jail records from August until November 7th indicate many denials of suicidal ideation, hallucinations, or unusual perceptual experiences, and indicate that Mrs. Yates was actively grieving her children’s deaths, experiencing crying spells, and tearing up when the children were mentioned. She was nonetheless described as eating and sleeping well, laughing at times, cleaning up after other patients, and socializing. She remained on the same medication regimen throughout. Noteworthy chart entries include:

8/3/01, Dr. Osterman note:

pt. spontaneously reported as follows: “Have I told you about seeing the TV being like tuned in to just me, and the messages and stuff?” Recalls on[e] day when her children were watching TV and eating candy. Reports experiencing “a break in the program . . . An animated character saying, ‘The kids are eating too much candy.’ I thought, ‘Is the TV watching us or what?’ I mean, it came right in the middle of them eating candy.” Still a bit puzzled re. this experience. . . . indicates at least one other similar experience, but could not recall at this time what had happened.

8/8/01, Dr. Osterman note: ". . . reports that she was instructed by her attorneys to not look at [husband in court] (because concerned that she would smile reflexively when she saw his face and be misread as callous)."

8/10/01, Dr. Osterman note: "Is now aware that prosecutor is seeking death penalty. Saw this in newspaper. Weeping at times when she thinks about the children. Feels that she's 'like kinda' coming out of a cloud'."

8/10/01, Dr. Osterman note: "What remembers of her thoughts 'at that time [meaning time of the children's death] are bizarre.' When asked re. her mention at that time of having to fulfill a 'prophecy,' indicates that she recalls speaking of a 'prophecy,' but that now: 'I don't understand it.'"

8/13/01, Dr. Osterman note: "Sister on Celexa for depression (2 brothers and father also with history of major depression)."

8/21/01: met with Dr. Brown (Jerome Brown, Ph.D.) for forensic evaluation.

8/23/01, nursing note: Mrs. Yates had verbal confrontation with another inmate during a discussion of lost babies; Mrs. Yates told the other inmate to "shut up," then returned to her bunk.

8/24/01, note by Dr. Ferguson: "Denies auditory hallucinations and appears perplexed about the sounds/voices she heard in the past. Asks if the medication could have caused them. Also asks if this interviewer feels that she needs the medicine (Haldol) anymore. Denies overt paranoia (but still believes it was 'possible' that the media had their cameras on her and her children prior to her arrest). Remembers talking about the 'Prophecy' but is 'confused' about 'the meaning of it.'"

8/27/01, note by Dr. Ferguson: "Says she is reading the *Bible* when she feels the most depressed."

8/31/01 note by Dr. Osterman: "Does report bulimic symptoms 1982 to 1990, and again after Mary's birth. Would self-induce vomiting. No such impulses recently."

9/4/01 note by Dr. Osterman: "Denies any suicidal ideation now or since her arrest."

9/20/01 note by Dr. Ferguson: "Has trouble comprehending the severity of her illness, still attributes part of it to being a 'bad,' 'inadequate person.'"

10/05/01 note by Dr. Ferguson: "There is no overt evidence of any delusional content. Mentions 'strange beliefs' that she experienced when she was housed in the single cell – says when she was taken to shower she believed that the 3 other inmates she could hear behind the curtain were 'OJ Simpson, Lizzie Borden and the 'Psycho' man (Tony Perkins) & left the shower abruptly because she 'felt the presence' of a knife. Remembers that she believed she was in the 'presence of Satan' for many months before she was arrested. Remembers hearing the 'voice of Satan through' the intercom in the cell, instructing her 'to watch the World explode' (by looking at the images in the walls)."

10/11/01 nursing note: "Stated 'When I committed my crime, I was on the wrong meds'."

10/16/01 note by Dr. Ferguson: "Denies suicidal plan but the idea of suicide 'comes and goes.' . . . she is still unable to accept that her hallucinations were not Real [sic] occurrences, i.e., 'I heard them like I hear your voice – clearly – how could they not be real?'"

10/19/01 note by Jean Garcia, LCDC: Mrs. Yates said her paternal grandfather and paternal uncles and at least one aunt had drinking problems.

10/19/01 note by Jean Garcia, LCDC: "Consumer shared experience when in single cell when first coming to jail. 'The American Vampire [sic]' (from a movie) was trying to get to me in my cell. The only way I could keep him out was to put food in front of the cell door. It was all quiet in the jail so I thought he had gotten everyone else and he and I were the only ones left'."

10/31/01 note by Dr. Osterman: "Does recall some aspects of the 'prophecy' – 'Satan was in me; and the State of Texas needs to get rid of Satan.'" Remembers comment from fellow inpt. about 3 months before 6/20/01 (? at Devereux): 'You're going to burn in hell.' Then when she saw movie *O Brother Wherefore [sic] Art Thou?* with her husband, recalls a 'Satan character' in the movie saying: "You've eluded me long enough.' Experienced that as an idea of reference."

11/5/01 note by Dr. Osterman: "When asked re. past suic. attempts, says that with both the OD and the knife – wanted to kill herself because "afraid that [she'd] hurt the kids."

On 11/7/01, Mrs. Yates' medications were: Effexor XR 225 mg per day; Wellbutrin SR 300 mg per day; Haldol 10 mg per day; Cogentin 1.0 mg per day.

In my interview of Dr. Ferguson on 11/6/01, she indicated that Mrs. Yates was nearly mute, agitated, pacing, picking at her lip, and wringing her hands upon arrival on 6/21/01. Dr. Ferguson did not think she would have spoken if she had not been given Ativan for anxiety. Mrs. Yates received 6 mg of Ativan in the first 24 hours of admission, and Dr. Ferguson believes this "loosened her tongue." When I pointed out that she had not been mute with the police, Dr. Ferguson stated her belief that "whatever interrogation she'd gone through had somehow changed her." Mrs. Yates never showed the waxy flexibility of catatonia. She was very guarded about admitting to hearing voices. She denied depression and said she didn't cry. She wanted her head shaved to see "the mark" on her scalp. Mrs. Yates believed that if she turned her wristband a certain way, she would figure out the code that would get her to Satan. Her affect was completely flat during the interview in which she revealed the most psychotic material [Interview of Melissa Ferguson, M.D., 11/6/01].

Dr. Ferguson said that Dr. Starbranch had "made a big impression" in recommending the couple not have more children. A few months before 11/6/01, Mrs. Yates had recalled that prior to Mary's birth, she had told Rusty that she did not want to have sex because Dr. Starbranch had said she might hurt her children. Rusty had said, "The Lord tells us to go forth and multiply. You're a good mother. You can handle more children." After recounting this, Mrs. Yates asked Dr. Ferguson, "Did I do the right thing?" [Interview of Melissa Ferguson, M.D., 11/6/01.]

Mrs. Yates had spoken of causing her child "to be retarded" and of causing her children "to stumble." She believed she had fought with Satan for her soul. She believed that the *Bible* says that Satan can hear what you say but cannot read your mind. Mrs. Yates had on one occasion put her food by the door of her cell to quell the noise of the beast for the night. According to Dr. Ferguson, Mrs. Yates was convinced the day of the homicides that there were no options; killing the children was the only thing to do. Mrs. Yates had described it as the ultimate battle with Satan, which Satan had won. At times, Mrs.

Yates said that she was Satan; at other times, she said she was marked. She believed she had liberated the children and if she had not, "the children would perish in the fires of hell." Dr. Ferguson did not know whether Mrs. Yates knew that her actions were illegal but thought she'd had tremendous difficulty distinguishing right from wrong [Interview of Melissa Ferguson, M.D., 11/6/01].

According to Dr. Ferguson, Rusty said that from 1999 to June 2001, Mrs. Yates never lost the paranoid belief the media or Dr. Starbranch had bugged her house. Asked about the Warnecki family, Dr. Ferguson said she believed that Michael Warnecki had written Mrs. Yates a letter saying she was going to hell and was marked [Interview of Melissa Ferguson, M.D., 11/6/01].

Dr. Ferguson believed that Mrs. Yates had a long history of anxiety, with bulimia, hair pulling, and hair twisting during high school [Interview of Melissa Ferguson, M.D., 11/6/01].

On 11/7/01, the chart contained release of information forms permitting the release of information to and from:

George Parham
Dr. Syed [sic] Devereaux [sic]
Gerald Harris, Ph.D., Houston
Dr. Starbranch
Dr. Steven Rosenblatt

During my interview with Dr. Osterman on 11/7/01, she recounted primarily information that was already documented in the chart. She had first seen Mrs. Yates about a week after her arrest. Mrs. Yates had not been as forthcoming with Dr. Osterman as she had been with Dr. Ferguson, who shares Dr. Osterman's view that "Ativan loosened her tongue." Mrs. Yates was involved in caring for her cell mates until moving to another "tank" around October 5, 2001, when she began sleeping more and became less involved with the other women. Dr. Osterman recalled Mrs. Yates reporting that after Mary's birth, when one of the boys had a cold, she wanted to comfort her sick son but had no "feeling" to comfort him, despite recognizing she would ordinarily have done so. [Interview of Debra M. Osterman, M.D., 11/7/01.]

11/9/01: Dr. Osterman wrote:

. . . Says she would sit on the bed and watch Mary sleep while the rest of the family was watching TV in another part of the house. She remembered thinking at the time that she could no longer protect them from the "tortures of Satan . . . They were so innocent." She said she had lost the ability to correct or spank them because she "couldn't discern what to spank them for."

12/5/01: Dr. Osterman wrote that Mrs. Yates became "sadder when asked re. whether she recalled past statement re. the 'prophecy' requiring her to be executed." Dr. Osterman prescribed Ativan 0.5 mg po q 30 minutes for anxiety and wrote, "May administer to pt. in courthouse if necessary."

12/19/01: Mrs. Yates remained on close observations for suicidality, despite the fact that she had shown no signs of suicidality since admission.

Observations by a Fellow Inmate

In a letter written to the court, a fellow inmate provided a well-written and sympathetic account of her contact with Mrs. Yates. In pertinent part, the letter reads:

We've spoken several times about the day she killed her children. She admitted to me that she knew what she was doing was wrong, that she knew her children would die if she drowned them but that she felt helpless to stop it and compelled to do it. She says she had violent images of her children, images where they were dead, most especially of Noah, months before they actually died. She says these images were accompanied by overwhelming feelings of "evil" and "danger." She says these images stopped when she took Haldol.

When I asked her about the Post Partum Depression she describes it as a "hole I was in" and that while she was in this hole her thoughts and speech were incoherent. Her visits to the hospital ended when her insurance was exhausted. . . . [Letter from inmate R. Connell to Judge Belinda Hill, 9/5/01.]

Observations by Gerald Harris, Ph.D.

Dr. Harris first examined Ms. Yates on 6/25/01, at which time “she appeared extremely depressed and overtly psychotic.” Dr. Harris testified that Mrs. Yates told him that she was talking to Satan and that Satan was talking to her. She said she had seen images of Satan in the walls. Her affect was flat. He believed she was hallucinating. She took up to two minutes to respond to a question. He believed she had recently resumed taking Haldol. [Testimony of Gerald Harris, Ph.D., 9/19/01, pp. 8-11.]

Dr. Harris’ notes indicate that Mrs. Yates said it was “time for me to be punished,” presumably in response to a question about why she had told her husband “It’s time” after the homicides. Dr. Harris wrote:

Why—time for me to be punished
for bad things—like deceitfulness
Children were bad—I didn’t raise right—my fault—tried to
save them
Satan talks to me, wants me to be with him.
Worst decision—kill family/later—no choosing Satan over
God.

* * *

Couple years ago tried to OD on pills—so not harm kids &
needed to be punished.
Want out of prison
I guess so, wherever I need to go to be punished.
(God will punish me.)
(Noah hardest to kill, told her not to hurt him.)
She didn’t say anything.
Took a long time to kill all.
Cut sheet to cover them up. [Dr. Harris’ notes, 6/25/01]

On 6/29/01, Dr. Harris saw Mrs. Yates for a second time, and he observed almost no change. She again spoke of speaking with Satan and of Satan speaking with her. On both the first and second visits, Mrs. Yates said she wanted the death penalty so that Satan would be destroyed. [Testimony of Gerald Harris, Ph.D., 9/19/01, pp. 11-12, 85.]

Dr. Harris’ notes about his visit include the following passage:

Thoughts [illeg.] of hurting children
Thoughts just “come into my mind.”

Try to push them out
Thoughts also of hurting myself
Children in Heaven—no—in Hell—wanted to save them
Satan said/wants me
Has talked to Satan
State—can destroy Satan
Need to be punished. [Dr. Harris' notes, 6/29/01]

On 8/31/01, Dr. Harris found Mrs. Yates improved. She responded more quickly, made eye contact, and said she was no longer experiencing auditory or visual hallucinations. She continued to speak of past experiences of receiving messages through the television and people having watched her every move as though she continued to believe these had occurred, and when asked if those things were true, she was unsure and confused. She maintained then as she did on every occasion he saw her that she was not mentally ill. Dr. Harris administered the Shipley-Hartford Institute of Living Scale, on which Mrs. Yates scored an IQ of 113 (81st percentile). On the Wechsler Memory Scales, 3rd Ed., Mrs. Yates scored very low on auditory recall (6th percentile), and even lower with a delay (4th percentile). [Testimony of Gerald Harris, Ph.D., 9/19/01, pp. 13-21.]

Dr. Harris' notes of 8/31/01 suggest that Mrs. Yates stated that "maybe" she had been monitored through cameras in her house or at the psychiatric hospital. When he asked her whether she disliked medications because of the side effects or the implications, she responded, "Some side effects; mostly pride." Other notes from that date read:

Cartoons with kids→bad mother
Messages from movies
 "marked by Satan" "Evil"
 "grab the knife"
To fulfill the prophecy—Satan must be destroyed
Monitored her behavior [as mother?] for several years
Camera in Springshadows Glen? Maybe

Visions of knife, person to be stabbed—the aftereffects
?

leading up to suicide attempt [Dr. Harris' notes, 8/31/01]

On 9/19/01, Dr. Harris found Mrs. Yates even more improved, with more affect and greater acceptance of being mentally ill. In Dr. Harris' opinion, however, Mrs. Yates retained some residual delusional ideas

and a degree of memory impairment that significantly interfered with her ability to assist defense counsel and follow the proceedings against her. Although she had a rational and factual understanding of legal proceedings in general, Dr. Harris thought Mrs. Yates was confused about the proceedings against her. Dr. Harris thought she was incompetent because of her memory problems and poor abstract reasoning, but thought she would regain competence in another month to two months of treatment. [Testimony of Gerald Harris, Ph.D., 9/19/01, pp. 22-24, 26, 32, 51, 55, 59-60, 72.]

Observations by Steven J. Rubenzer, Ph.D.

Dr. Rubenzer interviewed Mrs. Yates on seven occasions from July 19, 2001, to September 17, 2001. He administered the MacArthur Competence Assessment Tool (MACCAT), the Competency Assessment Instrument (CAI), the Cognitive Capacity Screening Examination, and the Personality Assessment Inventory (PAI). [Testimony of Steven J. Rubenzer, Ph.D., 9/20/01, pp. 10-12, 30, 42.]

On 7/19/01, Mrs. Yates "appeared somewhat dazed, perplexed, depressed, confused," yet scored in the acceptable or competent range on two of the three MACCAT scales (understanding and reasoning). She scored low, in the impaired range, on the appreciation scale because of her judgment at that time about the decisions she may have to make in defending herself. [Testimony of Steven J. Rubenzer, Ph.D., 9/20/01, pp. 26-27, 32.]

On the PAI completed on 7/19/01, Mrs. Yates reported depression, social isolation, and suspiciousness of others. She also reported feeling that her thoughts are blocked or taken away or can be heard by others and having in the past heard voices that others could not hear [Competency Evaluation of Andrea Yates by Steven J. Rubenzer, Ph.D., 8/5/01].

On 7/20/01, Dr. Rubenzer asked Mrs. Yates about her statement to her husband, "It's time." Mrs. Yates said, "It was time for me to be punished." In response to further questions about why she should be punished, she said, "I wasn't a good mother," "I neglected them," and "I guess I was overwhelmed." She said she had such thoughts "maybe a couple of months." When questioned further, Mrs. Yates asked to speak to her lawyer. She stated, "I've answered that several times" (in reference to other statements she had made) and "I would rather not talk about the kids and what happened." [Testimony of

Steven J. Rubenzer, Ph.D., 9/20/01, pp. 63-64, 141-142, 149-150, 152-153, 207-208.]

Dr. Rubenzer interviewed Rusty Yates on 7/25/01. Mr. Yates reported that the first time he spoke to his wife after the homicides, she had a strange facial expression and said, "You will receive a great reward." She seemed "off the wall." When she met George Parham, Mrs. Yates told him she didn't need an attorney and wasn't going to plead not guilty. Mr. Yates said, "I view her as a victim. Gonna subject her to torture. Her and me and the whole family. It's wrong." He had encouraged his wife not to blame herself, but psychosis. Mr. Yates believes "none of this would have happened if she'd received proper medical care." [Notes and dictation of Steven J. Rubenzer, Ph.D.]

On 7/25/01, Dr. Rubenzer found Mrs. Yates "more alert, more able to respond in a normal manner." She was "less confused or perplexed." She was aware of the date, that she had been charged with a crime, and her legal situation. [Testimony of Steven J. Rubenzer, Ph.D., 9/20/01, pp. 68-69.]

On 8/2/01, Mrs. Yates was able to tell Dr. Rubenzer the sequence of events inside her house on the day of the crime until he interrupted her. On this date, she did considerably better on the appreciation scale of the MACCAT, scoring in the mildly impaired range. Dr. Rubenzer believed she was competent to stand trial at that time. [Testimony of Steven J. Rubenzer, Ph.D., 9/20/01, pp. 76-79.]

On 9/10/01, Mrs. Yates scored even better on a full administration of the MACCAT, improving on all three scales and scoring at the 77th, 90th, and 30th percentiles. [Testimony of Steven J. Rubenzer, Ph.D., 9/20/01, pp. 84-86.]

On an unspecified date, when Dr. Rubenzer asked Mrs. Yates about comments attributed to her by Dr. Ferguson in the jail record, Mrs. Yates "did kind of give a vague sense that she believed she was Satan and that by being executed, that George W. Bush would vanquish Satan." [Testimony of Steven J. Rubenzer, Ph.D., 9/20/01, pp. 208-209.]

Dr. Rubenzer testified that Mrs. Yates' diagnosis is "major depressive disorder, severe, with psychotic features, in partial remission." He considered the psychotic features to be in full remission but the depression to be in partial remission. He considered her competent to

stand trial as of 9/20/01. [Testimony of Steven J. Rubenzer, Ph.D., 9/20/01, pp. 105, 112-118.]

When I interviewed Dr. Rubenzer on 11/7/01, he told me that during the competency exam, Mrs. Yates recalled hearing a voice from the television, comments from the television about her behavior as a mother (it was a critical comment, perhaps the one about candy) and about people eating gluttonously. [Dr. Rubenzer suggested I rely on his notes more than his memory, but his notes were illegible. I received a tape containing his dictation of his notes about collateral interviews (see above), but not about his interviews with Mrs. Yates.] He recalled that she said she started hearing messages from the television about two weeks before the drownings. At Dr. Rubenzer's request, Mrs. Yates made charts of the frequency of hearing a voice and the experienced intensity of the voice. As he recalled, she said she decided to kill the children the night before she did so. As he recalled, when he asked about "the prophecy," she didn't remember. She said something about Satan, but he thought this may have been his cuing her from the notes. She did not mention the seven deadly sins, "sacrificing the children," or saving the children's souls. [Interview of Steven J. Rubenzer, Ph.D., 11/7/01.]

Mrs. Yates looked like a chronic mental patient for the first month in jail. The first time Dr. Rubenzer met with her for evaluation, she looked psychotic but could relate. She sometimes drifted off for 30-45 seconds at a time. She improved remarkably in affect and alertness during the time he was seeing her for evaluation, but her memory functioning declined. Dr. Harris did neuropsychological testing, and Mrs. Yates scored poorly on memory and attention. [Interview of Steven J. Rubenzer, Ph.D., 11/7/01.]

Videotaped Interview Segment by Phillip Resnick, M.D., 7/14/01

After speaking "for a couple hours," Dr. Resnick created a 15-minute (3:39 p.m.–3:54 p.m.) videotape in which he asked Mrs. Yates various questions concerning matters about which they had spoken prior to the recording. Mrs. Yates said she first had the thought of taking her children's lives "a couple months ago." She had thoughts of killing Noah even earlier. She agreed with Dr. Resnick that after Luke was born, she thought of killing her children, and that in the few months before the drownings, she thought of it again because she felt her children weren't righteous.

Asked to repeat an aphorism from the *Bible* regarding a millstone that she had mentioned earlier, Mrs. Yates first said, "It's better to tie a millstone around your neck and throw yourself in the sea than to cause a little one to stumble." In response to a leading question, Mrs. Yates agreed that she felt her children were stumbling because of her poor mothering. In response to other leading questions, she said she thought it was in the interest of the children that she took their lives, though she expected that she would be punished. With prompting, she agreed she'd thought that Satan had been within her. She thought it would be good for her to be executed because she was not righteous. With prompting and in response to another leading question, she apparently agreed with the idea that Satan would be executed with her because Satan was within her.

Dr. Resnick elicited Mrs. Yates' recollections that she'd thought she was a bad mother and that surveillance cameras had been placed in her home by a child protective agency. Before killing the children, she had doubt as to whether it was the right thing for the children.

Asked if she had ever heard Satan's voice, she first reported having heard a "deep, growling voice" call her name while hospitalized in 1999 or 2000. Asked about any instructions from Satan, she said she heard Satan instruct her to harm Noah when he was a few months old. She denied that Satan had ever told her to "grab a knife."

Videotaped Interview Segment by Dr. Puryear, 7/27/01

Like Dr. Resnick, Dr. Puryear created a videotape in the midst of an examination of Mrs. Yates (3:12-3:45 p.m.). (The audiotape quality was poor and distorted on the copy available to me for review.) In response to a leading question, Mrs. Yates indicated that a couple months after Noah was born, she heard a voice telling her to hurt Noah with a knife. She feared that if she told anyone, it would happen. She was having thoughts of harming the children when she took the Trazadone. Mrs. Yates agreed with Dr. Puryear's suggestion that she thought that if she killed herself she wouldn't hurt the children [3:24]. Mrs. Yates did not remember telling anyone about her thoughts of harming the children, though she did tell her husband she felt overwhelmed, causing him to buy a house. When she took the knife into the bathroom, she was again thinking of killing herself "because I didn't want to hurt the kids." Mary was three months old when Mrs. Yates' father died and she again became withdrawn and resumed having thoughts of harming the children. She did not remember telling anyone of her thoughts about harming the children.

She recalled filling the tub with water because she was afraid the water would be shut off to the house for nonpayment of the utility bills. She denied having thoughts of drowning the children at that time. She said thoughts of drowning the children came to her the day before she drowned them. She denied any special significance of drowning or the use of water.

In response to a leading question, Mrs. Yates agreed that it felt like Satan was putting thoughts into her head. She seemed perplexed at the suggestion that she thought Satan was inside of her, saying it was more that he sent her messages [3:38 p.m.]. She thought she would be arrested and go to jail after killing the children: "I broke the law and I have to be punished for it" [3:39]. Mrs. Yates did not accept Dr. Puryear's suggestion that this was "a way to get rid of Satan." She thought Satan might still be giving her messages, mentioning something she heard on the radio in her cell.

Asked why she didn't think about killing herself at the time of the homicides, Mrs. Yates said that it did cross her mind, but she couldn't remember why she decided not to.

Asked to recall an incident in which she thought a man said something to her in the hospital, Mrs. Yates reported that he said, "They're coming for you. You're going to burn in hell." This was a few weeks before the homicides, and she thought the police might come get her.

Videotaped Interview Segment by Dr. Puryear, 8/10/01

In yet another videotaped segment of an interview (4:44-4:56 p.m.), Dr. Puryear stated, "I just want to get a little of it on videotape." She elicited descriptions from Mrs. Yates of illusions and hallucinations experienced while in jail after her arrest, delusions of reference experienced at home in the weeks before the homicides (the drive-in movie cartoon and the Christmas carols show, which Mrs. Yates also reported to me).

Mrs. Yates reported that she had been "struggling with thoughts" of harming the children since Noah had been born. Mrs. Yates said she felt she needed to be punished because she was a bad mother. She said she felt that Satan was using her "to commit sins."

Mrs. Yates said that on the morning of the homicides, "I was planning what I was going to do. . . . I was just determined to do it." Mrs. Yates accepted Dr. Puryear's suggestion that it seemed like something

she "had to do." Dr. Puryear mentioned "the deadly sins," but Mrs. Yates did not say how that idea was related to the homicides. After killing the children, Mrs. Yates called the police "'cause doing that would facilitate being punished." On this occasion, Mrs. Yates said that she had not thought about the possibility of killing herself. She said she wanted to be punished by the legal system because "I did something wrong." Mrs. Yates accepted Dr. Puryear's suggestion that it was part of her plan to kill the children and call the police so she would be punished because she was bad. Asked what she had meant when she told Rusty it was time, Mrs. Yates said she meant that "it was time to face the music, time to be penalized, punished." Mrs. Yates answered in the negative when Dr. Puryear asked, "At the time, did you feel you had any control over what you were doing?"

Videotaped Interview by Phillip Resnick, M.D., 11/3/01

Mrs. Yates dated the onset of her first symptom to four months after the birth of her first child, Noah. She recalled that after putting him to bed, she was in the kitchen and had the thought of hurting him with a kitchen knife. Such thoughts did not return until 1999, after Luke's birth. Dr. Resnick challenged her use of the word "thoughts" to describe this experience, asking if it were not a voice that she heard. Mrs. Yates accepted this characterization, and from that point on Dr. Resnick asked her about "the voice" that she heard. When he asked her what "the voice" had said, she stated, "Just take the knife and hurt your son." Dr. Resnick asked her if the voice had said, "kill," but she said the word had been "hurt."

Mrs. Yates denied experiencing depression or symptoms of depression until she was living on the bus, when there came a time that she had difficulty sleeping and worried about how the children would turn out. Asked to date the onset of these depressive symptoms, she first said they began four months after Luke's birth, then said they preceded Luke's birth, and then said they began about four weeks after Luke's birth.

Mrs. Yates had thoughts of ending her life about four months after Luke was born. She first said that she "probably" had thoughts of harming the children before thinking of suicide, remarking that "Noah seemed to stand out more than the others." About a week prior to her overdose, she said, "I had visions of hurting them, and I was afraid I'd act on them. . . . In my mind, I saw—it always led me to the same knife set . . . I was afraid I was going to use it, so I called Rusty and told him to come home." She said she told Rusty she was thinking of

hurting the children, but then changed her story to say she only told him that she was feeling overwhelmed and that she feared that if she were to say her thoughts aloud, "it would happen." These "visions" occurred more and more until the time of the overdose.

Mrs. Yates did not take the Zyprexa prescribed by Dr. Starbranch because she did not think she was psychotic and was "offended" that an antipsychotic had been prescribed.

Her thoughts of harming the children went away while she was at Spring Shadows Glen, taking Haldol and other medications.

She said she had stopped her medications after her last visit with Dr. Starbranch in January 2001.

Her next thought of harming the children arose a few months prior to the homicides, perhaps in late February. (Mary had been born 11/30/00.) She became depressed about three months after Mary's birth. The first signs of depression arose 2½ -3 months after Mary's birth, when she felt anxious and hopeless and withdrew from the children. Rusty saw that she needed medication, called Dr. Starbranch, and—according to Mrs. Yates—was told to go to a hospital closer to their home. They went to Devereux. She had no thoughts of harming the children prior to her March 2001 admission to Devereux.

She then said she first thought of harming the children again after the first discharge from Devereux (in March). She reported that between the two Devereux admissions, she thought Satan was communicating with her: "I thought I heard him over the TV." She gave examples of delusions of reference: a televised cartoon character saying "Stop eating so much candy," hearing Christmas carols during the summer that had been sung in her family around Christmas, and a character representing Satan in "O Brother Where Art Thou" saying, "You eluded me long enough." These experiences scared her, she said, as she thought Satan was getting closer. She reported having thought that there were cameras in her house for "a couple months" prior to the homicides, but when reminded that she had previously said she'd thought they had been there longer, she said she thought they'd been there since moving into the house in 1999.

Between her two admissions to Devereux, she said, the thought of harming the children resumed. Although she referred to it as a thought, Dr. Resnick asked, "Was it a thought, was it a voice, how did it work this time?" Mrs. Yates replied, "It was a thought." At this time

she had a passing thought of suicide. She thought of harming the children "maybe a couple weeks" before the first time she filled the tub: "I resisted putting them in the water the first time I filled the tub." Her thought, she said, was "to drown the children." Dr. Resnick asked why she had shifted from a knife to drowning, and she replied, "It's easier to drown them, I guess." The thought that came to her was to drown the children, but there was no significance to the selection of drowning as a method. When she first thought of drowning the children, she thought it was wrong: "It's wrong to kill your own children."

When Mrs. Yates said, "I felt like I was being tormented by Satan," Dr. Resnick replied, "That's right. That's what I want to understand." She said she had "bad thoughts," as when she considered using the knife. Dr. Resnick then told her that had been after Noah's birth, and he suggested that Satan was the origin of the bad thoughts. He then suggested that she was tormented by the cameras and the TV, and he asked if Satan were behind that. She agreed that he was. When Dr. Resnick repeatedly suggested that she stopped resisting the thought of drowning the children when she filled the tub the first time, Mrs. Yates said she did not want the children to be tormented. When Dr. Resnick asked if it was right or wrong for the kids the first time she filled the tub, she replied that it was right.

Dr. Resnick proposed to Mrs. Yates that her thinking had shifted to thinking that Satan was tormenting the kids and they were better off drowned than going on the way they were. Mrs. Yates accepted his theory. Her thinking when she filled the tub the first time was no different from her thinking on June 20th. She was admitted to Devereux for the second time the next day because Rusty came home and Dora was worried, too. Mrs. Yates then said, "I wasn't gonna' do it that day." She said she was afraid to share her thoughts: "I was worried I wouldn't be able to go through with the plan." She thought it was necessary to drown the children "because they'd grow up to be rebellious people and a burden to society if I didn't raise them right." Mrs. Yates agreed with Dr. Resnick's suggestion that she continued to think that drowning the children was the best thing for them from the time she first filled the tub until the time she drowned the children.

During her second Devereux admission, Mrs. Yates recalled another patient saying to her, "They're coming to get you. You're going to burn in hell." After Dr. Resnick clarified the dates of her Devereux admissions, Mrs. Yates corrected her earlier chronology by saying that

the delusions of reference involving the cartoons had been after May 14th.

Dr. Resnick then proposed the following theory of the case to Mrs. Yates, based on those of his suggestions that she had accepted earlier: "Just to resummarize what we've already covered, in 1999 the two occasions, both the overdose and the knife, were both a response to thoughts of taking the kids' lives, that you were going to elect to take your own instead. And now, in 2001, you had a passing thought of taking your own life, but as you thought about taking the kids' lives it seemed like the right thing to do, and so you didn't at that point resist it or think of taking your own life. So there had been a shift from '99 to now in your thinking." Mrs. Yates indicated her agreement.

After killing the children, she did not think of killing herself. She thought she'd probably be arrested. She imagined going to jail, but nothing else. She possibly thought about being executed, but she wasn't sure about this.

Dr. Resnick invited Mrs. Yates to recall any other delusional idea or hallucinations she might have had during the five weeks before the homicides. She said she had withdrawn from the children and wasn't being a good mother at that time.

Dr. Resnick said he was trying to understand why she killed them on June 20th. Mrs. Yates indicated that it was her first opportunity because Rusty and Dora had been there previously. Dr. Resnick said he understood that Rusty worked roughly 9 a.m. – 6 p.m. and Dora was present roughly 10 a.m. - 5 p.m. Mrs. Yates indicated that the times had changed, so this was really her first opportunity.

Asked when she had made up her mind that she would carry out the drownings on the 20th, she replied, "probably the night before." After making up her mind to drown the children the next morning, she continued to feel "it needed to be done." Asked how she felt about that, she replied only, "I just was determined to do it." She agreed with Dr. Resnick that because Dora was coming, she felt some time pressure to act swiftly.

Dr. Resnick asked: "What I want you to tell me is: Why did you decide to do it? In what sense did you feel it the right thing to do? Explain your thinking." Mrs. Yates adopted Dr. Resnick's previous suggestion about Satan tormenting the children: "I mentioned before about Satan tormenting. I didn't want them to be tormented." She

didn't want them suffering "his presence or ideas." She thought Satan had some influence on her being depressed. She recalled no other feelings about why she wanted to do it. Asked if she felt she were doing what was good for the kids or what was bad for the kids, she said, "Good for their well being." It would be good for them because they wouldn't have "stumbling blocks" in front of them as they grew up. She felt it "needed to happen," but could offer nothing but the idea that Satan would torment them in this world. If they weren't drowned, "I'd just be afraid they'd grow up not in a righteous way," which means they "might get in trouble," "might be in trouble with the law." In the long run, she thought, they'd suffer and maybe be punished on earth. She had no thoughts of what would happen to them after death under those circumstances. If they were drowned, she'd "pray they'd go to heaven and not be tormented." Asked if she felt confident they'd go to heaven, she agreed.

The other doctor present asked if she felt the children were already being tormented, and Mrs. Yates said that Satan was already putting ideas in their heads to be disobedient, disrespectful, and hurting each other. When asked by Dr. Resnick if she thought the children were suffering or just behaving badly, she said they were suffering from lack of guidance. When he asked if she thought they were suffering at the hands of Satan, she said no. When he asked if she thought they were in pain, she said they weren't.

Dr. Resnick then told her he was going to share with her some observations made by Dr. Ferguson when she first came into jail. Dr. Resnick read aloud Dr. Ferguson's notes saying Mrs. Yates had stated, "My children weren't righteous. I let them stumble. They were doomed to perish in the fires of hell. They had to die to be saved." Mrs. Yates did not recall saying this, but understood it. When asked again, she said she did recall it. Dr. Resnick asked if she recalled some part of the *Bible* that said it would be good to kill the children; she did not. She recalled saying something about a prophecy, but could not recall what it was.

Mrs. Yates did recall telling Dr. Ferguson that she thought Satan was "inside," "directing my actions." When asked by Dr. Resnick, she recalled thinking that if she were executed, Satan would die. Asked if that would be a good thing, she said it would. When asked, she recalled thinking that if the state executed her, it would bring about the demise of Satan. The thought of taking her own life crossed her mind "a couple times," "but I didn't take it serious." She thought she would be in jail. She thought she would be put in jail, not executed,

and she was willing to do that for the sake of the children. The following colloquy occurred:

- Dr. Resnick: As you recall in your best thinking, did you do what you thought was right at the time?
- Mrs. Yates: Yes.
- Dr. Resnick: Something that you ought to do?
- Mrs. Yates: Yes.
- Dr. Resnick: All right. Now, I asked you before about any biblical phrases that you thought are relevant. Do you recall any now?
- Mrs. Yates: About the stumbling block?
- Dr. Resnick: Yes. What is that phrase?
- Mrs. Yates: It is better to tie a stone around your neck and throw yourself in a lake than to cause somebody to stumble.
- Dr. Resnick: All right. And you remember thinking that at the time?
- Mrs. Yates: Yeah.
- Dr. Resnick: And in what sense did you think you were causing the kids to stumble?
- Mrs. Yates: My neglect.

Dr. Resnick then read Mrs. Yates the biblical passage about hanging a millstone around one's neck and asked her if she had been aware of the passage at the time of the homicides. She said she had been. He then asked her how the passage had affected her, and she said, "I guess I would be the one you tie the millstone around." Dr. Resnick read her versions from the book of Mark and from the book of Luke, and Mrs. Yates said she was probably familiar with the version from the book of Luke. Mrs. Yates denied that a biblical passage about the state had anything to do with her decision not to commit suicide. She agreed that it is wrong to commit suicide. She recalled no time that she was suicidal since the homicides.

Mrs. Yates said she feels she belongs in prison but does not think she should be executed. Her preference would be to go home.

She tearfully recounted the drownings: She filled the tub, took Mary in the bathroom. Paul came in and asked if they were going to take a bath today. She put him in the tub face down, thinking, "I just knew it was the right thing to do." She found it a hard thing to do "to kill my own children." She put Paul in the bedroom on the bed. John came into the bathroom, and she put him in the tub next. She then put

John on the bed. Luke wandered into the bathroom, and she put him in the tub. She put Luke on the bed. Mary started crying, and she put her in the tub. She called for Noah, who came from the kitchen. Noah saw Mary in the water and asked, "Mommy, what happened to Mary?" She put Noah in the tub. "He struggled a little more than the others 'cause he's the biggest." They all struggled. The next thing she did was to call the police, saying she needed a police officer. She didn't say why because "I just didn't want to say over the phone." When an officer arrived, she told him she had killed her children. She had put a sheet over the children's bodies, and she pulled it back to show the officer. She expected to be arrested. She was handcuffed and allowed to sit on the couch. Dora arrived at 10:00 as expected, but was not permitted to enter because the police were already there. Rusty arrived, but she did not see him. She did not recall what she had told the police in her statement.

She now thinks what she did was wrong: "I guess it's not up to you to kill your children. I mean, it's not right to do that. At the time I believed I had to do it." Asked to repeat why she thought that, she said, "I didn't want them to get into Satan's hands and be tormented by him." Now she thinks they could have done better in the future if they'd had someone righteous raising them. Before killing them, she hadn't considered having someone else raise them.

Dr. Resnick reminded her again of his view that she thought it was right at the time she killed her children, but could not elicit any additional support for that view.

The other doctor asked how she felt about Satan being in her life, and she said she didn't think Satan was in her any more. She thought medication had helped her improve. Asked about the Wernicke's, she said she had been in touch with them for about eight years, had her last correspondence in February 2001, but did not think that had anything to do with the events leading up the homicides.

Asked to name the seven deadly sins, all she remembered were sloth, greed, and envy. She recalled believing that she was "marked by Satan." She remembered asking Dr. Ferguson if she could shave her head to see if it had the Mark of the Beast (three 6s.)

Dr. Resnick said that when he saw her previously, she said she thought she would save her children's souls by killing them and that she would be executed as Satan, and that she had some suicidal thoughts but did not act because she believed that only the state could

kill Satan. Asked if she remembered this, she said she guessed that was with Dr. Ferguson.

Dr. Resnick quoted Debbie Holmes as saying she seemed to look at her children contemptuously rather than with a motherly, caring look. Mrs. Yates acknowledged that sometimes their behavior got to her and she thought she should make them stop whatever they were doing. Dr. Resnick asked if she were thinking of Satan at such times, and she said, "I guess not yet."

When she called Rusty and told him to come home, she didn't tell him what she had done, "because I didn't want him to be upset while driving."

She acknowledges that taking childrens' lives is wrong. Dr. Resnick told her again that she felt it was right to kill the children.

The last time she heard a voice or had a hallucination was while in a single cell about a week after the homicides. There was a radio playing, and she heard a voice on it. She thought she heard Satan say that someone was going to set off an atomic bomb; this was related to graffiti in her cell. She got fearful in the shower, thinking Lizzie Borden, O.J. Simpson, and Norman Bates would reenact the *Psycho* scene. Three women were present at the time. This was around the same time she saw teddy bears, ducks, and a marching army in the flaws in the "bricks" next to her bunk, and she was trying to decode her armband. She was not hearing the voice of Satan speak to her. She hadn't heard the growl of Satan until 1999, she said, but then she was reminded of having heard something through the intercom in jail in October 2001.

Videotaped Interview by Dr. Puryear, 2/4/02

Mrs. Yates reported that she was eating and sleeping well, could concentrate, was visited by family members, was reading the *Bible*, and was participating in groups. She had been reading newspapers about her case. She reported that her last contact with the Wernickes had been correspondence in January 2001. Nothing was discussed about the offenses on this videotape.

CONCLUSIONS

The sole issue that I have been asked to address is Mrs. Yates' criminal responsibility at the time she drowned her children, under the

Texas test of insanity. To address this issue, it is necessary to consider the legal test, her mental state at the time of the crimes, and her knowledge of wrongfulness at the time of the crimes.

Test of Insanity

Under Texas law, the test of insanity is:

It is an affirmative defense to prosecution that, at the time of the conduct charged, the actor, as a result of severe mental disease or defect, did not know that his conduct was wrong. [Texas Penal Code, Section 8.01.]

Texas law does not recognize volitional insanity.

Mental State

Available evidence indicates that there have been times at which Mrs. Yates suffered a severe mental disease. Her symptoms have included not only common symptoms of depression such as social withdrawal, psychomotor retardation, sleep disturbance, appetite disturbance, anhedonia, lack of energy, impaired concentration, excessive guilt, and suicidal thoughts, but also symptoms of psychosis.

Mrs. Yates told Dr. Thompson in 1999 of intrusive thoughts of grabbing a knife and of someone being stabbed soon after Noah was born (1994), but it was not clear from the data given whether these were obsessions or hallucinations. She is not known to have been depressed in 1994 when these symptoms occurred.

In 1999, Mrs. Yates had the outward appearance of a woman with a severe depression. She had realistic worries about neglecting her children because of her condition, but she concealed from her caregivers her more worrisome thoughts, which were consistent with either (a) delusions or (b) a combination of obsessions of harming her children and religious beliefs about Satan and his powers. These thoughts were not explored or documented at the time, so only retrospective accounts are available. She did at that time appear paranoid (suspicious and guarded), leading Dr. Starbranch to suspect psychosis despite the absence of confirmatory evidence. After her arrest, Mrs. Yates would report having had both a hypnopompic hallucination and auditory illusions regarding voices she heard during a 1999 hospital admission, but neither of these necessarily signals a psychotic illness.

The first unambiguous evidence of psychosis is the belief—starting in 1999 while hospitalized and extending until the time of the homicides—that cameras were monitoring her behavior in the hospital and at home. (Mrs. Yates has said she told Rusty about this delusion, but no doctor learned of it until after the homicides, and Rusty refused to be interviewed by me.)

Mrs. Yates' beliefs about Satan are not so easily classified. Many of her beliefs about Satan up to and including the time of the homicides are consistent with the theological precepts of many fundamentalist Christian churches, and all are consistent with the teachings of Michael Warnicke. Psychiatrists are cautioned not to diagnose people on the basis of shared religious beliefs, yet we recognize that delusions with religious content are common. If Mrs. Yates were part of a larger religious group, it would be possible to compare her beliefs with those of the group to determine whether her beliefs about Satan were abnormal at this time. Because her beliefs about Satan's presence, influence, and powers, did not differ from those of Michael Warnicke, however, such a comparison does not assist diagnosis. Regardless of whether they should be regarded as religious beliefs, cult beliefs, delusions, or a combination of these, however, the fact remains that Mrs. Yates was religiously preoccupied at the time of the homicides. She believed that Satan had put "bad thoughts" in her head, that he was present, and that he was influencing, encouraging, or urging her to kill her children. She believed that she was weak and that Satan could prey on those who were vulnerable, and it is in this context that she resolved to kill her children by drowning them.

Unambiguous psychotic symptoms in the weeks up to and including the day of the homicides were Mrs. Yates' ongoing delusion about hidden cameras in the house and recent delusions of reference regarding the television. (Mrs. Yates told Rusty about the delusions of reference, and had previously told him about the camera delusion, but no doctor was so informed until after the homicides.) She felt Satan's presence, believed he had introduced the thought that she kill the children, and felt that "it needed to be done." In my judgment, Mrs. Yates' psychotic symptoms constituted a severe mental disease at the time of the charged offenses, regardless of whether her beliefs about Satan were delusional at that time. (No credible evidence suggests the presence of hallucinations at the time of the drownings.)

The day of the crimes was by no means the worst stage of Mrs. Yates' illness. After her arrest, Mrs. Yates developed clear religious

delusions, including the belief that Satan was in her and needed to be executed by the state. Mrs. Yates' condition became much worse during the time that she was naked in solitary, where she developed a variety of other symptoms documented by Dr. Ferguson, including religious delusions, persecutory delusions, a somatic delusion (the mark of the beast), hallucinations, and visual and auditory illusions.

Mrs. Yates' premorbid condition is notable for bulimia and social inadequacy (few friends, few dates, and misunderstanding of dating relationships). She may also have engaged in repetitive hair twirling before the onset of depressive or psychotic symptoms, though she has given inconsistent accounts of this. Each of these symptoms can occur as a manifestation of anxiety, but her social inadequacy could also be a prodromal indicator of schizophrenia.

The array of symptoms that Mrs. Yates has experienced over her lifetime, and their time course, require consideration of at least three different diagnostic categories to account for her dramatic withdrawal and psychotic symptoms: psychotic depression, schizophrenia, and schizoaffective disorder.

Weighing on the side of the correct diagnosis being a mood disorder are Mrs. Yates' strong family history of mood disorders, her earlier anxiety symptoms, and the very prominent depressive features observed in 1999 and 2001. Weighing on the side of the correct diagnosis being schizophrenia are the generally downward course of her illness and her incomplete response to treatment, with continuing passivity and flatness of affect. A diagnosis of schizoaffective disorder, which includes features of both conditions, is consistent with available evidence.

Assuming that the correct diagnosis is that of a mood disorder, as all of Mrs. Yates' treating doctors have believed, the issue remains as to whether it should be designated as postpartum onset. By DSM-IV-TR criteria, it should not be so designated because it is not at all clear that symptoms began within four weeks of the delivery of either Luke or Mary. (Each episode, did, however, begin in proximity to major life stressors other than childbirth.) The prominence of obsessional concerns about the children in both 1999 and 2001 is consistent with the thought content commonly occurring in postpartum depression and postpartum psychosis, lending support to the idea that her illness should be regarded as postpartum in onset, but such concerns are hardly surprising in a nursing mother becoming psychotic from any condition. Indeed, many of the concerns expressed by Mrs. Yates are

quite realistic for a withdrawn mother (not being sufficiently attentive to the children, not raising them properly, or not being a good mother).

No data are available that can conclusively distinguish between major depression with psychotic features, schizophrenia, or schizoaffective disorder as the correct diagnosis for Mrs. Yates. Her long-term response to treatment will ultimately decide this issue. With data currently available, I believe it is appropriate to diagnose her as suffering from a recurrent major depression that has at times had psychotic features. Psychotic features were most prominent in the week after her arrest, in the context of the extraordinary stressor of having just killed her five children and been placed naked into a solitary cell.

Contextual Factors

Like all familial homicides, the Yates homicides occurred within a cultural, social, and familial context. To avoid an exclusive focus on Mrs. Yates' mental state in the understanding of these events, I review here the more significant contextual factors identified in this evaluation.

Until meeting Rusty Yates, Andrea Yates was a devoted daughter, fine student, and excellent nurse. She was entirely self-supporting, exercised regularly, and had a promising career. Her major problems were bulimia and a constricted social life. After meeting Rusty Yates, Andrea Yates refrained from bingeing and purging for many years, but her social life remained constricted, and she submitted herself to serving his wishes. Both Rusty Yates and Debbie Holmes remarked that Andrea seemed to lose her identity during her marriage, and the evidence supports this conclusion.

From his behavior in the outside world (as documented in medical records and press interviews), Rusty Yates would appear to be a caring and concerned husband who became informed about his wife's condition and medications, accompanied her to doctors' appointments, and has stood by her under extraordinary conditions. Within the family, however, he was controlling, demanding, strict, and emotionally cold. He isolated his family from outside influences that did not meet his approval and subjected them to the deprivations of living in a bus for over a year. Since college, he had been a disciple of Michael Warnecki, an itinerant street preacher of fire and brimstone, and he brought this influence to his family.

Through Rusty Yates, the preachings of Michael Warnecki shaped family life in the Yates home, including Andrea's submitting to the will of Rusty, acting as his servant, undergoing natural childbirth, stopping work after Noah was born, selling her possessions, living in the Warneckis' used bus, home schooling the children, using corporal punishment on the children from an early age, resisting medications, and seeing the influence of Satan and demonic forces everywhere. Mr. Warnecki's followers believe that Satan speaks lies into people's minds to influence them.

Psychosocial stressors and refusal to follow medical advice both contributed to Mrs. Yates' decline. The most significant among these are summarized here:

- In 1999, Mrs. Yates began home schooling while living in a bus with her husband, a newborn, and three other children. Feeling depressed and overwhelmed, she asked her husband for help, but got medical attention only upon taking an overdose.
- After discharge from the hospital, she threatened to cut herself with a knife; only then did the family move into 942 Beachcomber.
- Despite recommendations from two doctors that she receive ECT, Mr. and Mrs. Yates refused this treatment in 1999.
- Against medical advice, Mrs. Yates secretly went off all medication in November 1999.
- Against medical advice, Mrs. Yates became pregnant again in February 2000.
- Against medical advice, Mrs. Yates failed to take medications during pregnancy.
- After giving birth again in November 2000, Mrs. Yates remained off medication and continued to home school all of the children.
- In January 2001, her father fell, and his condition declined until his death on 3/12/01. Mrs. Yates became too sick to function and was again twice hospitalized.
- Mr. and Mrs. Yates again refused ECT that had been medically recommended.
- Mrs. Yates denied hallucinations and delusions countless times when asked by physicians, and the two delusions she held in June 2001 were known only to Mr. and Mrs. Yates.
- Mr. Yates had been advised by Dr. Saeed in April that someone remain with his wife, but this advice was followed imperfectly.

These stressors on Mrs. Yates and on the Yates family, the failure to follow medical advice, and the failure to report significant symptoms to treating physicians all contributed to Mrs. Yates' decline and the events of 6/20/01.

Knowledge of Wrongfulness

Mrs. Yates readily admits that she planned to drown the children for about a month, resolved all doubt and determined on the evening of 6/19/01 that she would do so the next morning, and methodically drowned each of the five children on 6/20/01. The central question under Texas law is whether, at the time of the charged conduct, Mrs. Yates, as a result of her severe mental disease, did not know that her conduct was wrong. There is relevant evidence weighing on each side of that issue.

Weighing on the side of Mrs. Yates not knowing that it was wrong to drown the children is her belief that these actions were the right thing to do for the sake of the children. The first documentation of this belief occurs on 6/21/01, when Dr. Ferguson wrote, "They had to die to be saved." This interview was not recorded, and Mrs. Yates has been repeatedly interviewed thereafter. In some of the segments of defense interviews that were recorded, Mrs. Yates was asked suggestive and leading questions about critical issues, and I have no way to know whether Dr. Ferguson or others may have done so, too, or which of Mrs. Yates' subsequent statements may reflect the influence of such questioning. (I confess to finding some leading questions in my own interview, too, despite efforts to avoid this.) In subsequent interviews, Mrs. Yates has repeatedly told psychiatric examiners, including the undersigned, that at the time of the homicides, she believed that she was doing what was right for the children to save them from being raised poorly, ("because they'd grow up to be rebellious people and a burden to society if I didn't raise them right," she told Dr. Resnick), from becoming unrighteous, from being tormented by Satan, from being ruined by Satan, and/or from burning in hell. By killing them, she sometimes said, she would send their souls to heaven.

Mrs. Yates has not been entirely consistent in saying that she wanted to save the children from hell. On 11/3/01, Dr. Resnick asked Mrs. Yates if in killing them she felt she were doing what was good for the kids or what was bad for the kids. She replied, "Good for their well being" and explained that it would be good for them because they wouldn't have "stumbling blocks" in front of them as they grew up.

She felt it “needed to happen,” but could offer nothing but the idea that Satan would torment them in this world. If they weren’t drowned, “I’d just be afraid they’d grow up not in a righteous way,” which means they “might get in trouble,” “might be in trouble with the law.” In the long run, she thought, they’d suffer and maybe be punished on earth. She had no thoughts of what would happen to them after death under those circumstances. If they were drowned, she’d “pray they’d go to heaven and not be tormented.” Asked if she felt confident they’d go to heaven, she agreed. The other doctor present asked if she felt the children were already being tormented, and Mrs. Yates said that Satan was already putting ideas in their heads to be disobedient, disrespectful, and hurting each other. When asked by Dr. Resnick if she thought the children were suffering or just behaving badly, she said they were suffering from lack of guidance. When he asked if she thought they were suffering at the hands of Satan, she said no.

Weighing on the side of Mrs. Yates knowing that it was wrong to drown the children are:

- Her belief that it was Satan who put the thought in her mind to drown the children and encouraged her to do so.
- Her decision to conceal from everyone her beliefs about Satan’s presence and influence, her thoughts of harming the children, and her plan to drown the children.
- Her decision to wait for an opportunity when no one was home so that she would not be stopped from drowning the children.
- Her belief that killing the children would be sinful and would be the last of the Seven Deadly Sins for her to commit.
- Her knowledge at the time she killed the children that she would be arrested and put in jail.
- Her knowledge at the time she killed the children that it was illegal.
- Her knowledge at the time she killed the children that society would judge her actions as “bad.”
- Her knowledge at the time she killed the children that God would judge her actions as “bad.”
- Her covering each of the four bodies with a sheet as she placed it on the bed and covering the heads and faces of all four bodies with a sheet after placing the fourth child on the bed.
- Her calling 911 and asking for the police because “that’s who you call . . . when you’ve done something wrong,” and she thought she had done something wrong.
- Her telling Sgt. Mehl that she wanted to be punished and was prepared to go to hell for what she had done.

- Her telling Sgt. Mehl that she wanted to be punished by the criminal justice system for what she had done and asking when her trial would be.

Taking into account the factors weighing on each side of the issue, I conclude with reasonable medical certainty that Mrs. Yates, at the time of drowning each child, knew that her actions were wrong in the eyes of the law, wrong in the eyes of society, and wrong in the eyes of God. She may nonetheless have believed that the killings were in the best interests of the children and that the ends (saving the children) justified the means (wrongly and illegally killing them).

Yours sincerely,

Park Dietz, M.D., M.P.H., Ph.D.
Clinical Professor of Psychiatry and Biobehavioral Sciences
UCLA School of Medicine