

January 6, 2005
4:55 p.m.

Press Release

I served as an expert witness in the trial of Andrea Yates and am today in the news in connection with her appeal, which was based in part on the claim that my mistake about an episode of the television series *Law & Order* affected the jury verdict.

Today's ruling by a three-judge panel is one step in the process of determining whether Mrs. Yates will receive a new trial. In writing their opinion, the court was unaware that while the Yates trial was still in progress I learned (from *Law & Order*) that my recall of a particular episode might be mistaken. This was a week after my testimony, when I'd already returned from Houston to Newport Beach, CA. Shocked at the possibility of having made a factual error, even one unrelated to Mrs. Yates, I immediately researched the issue, with help from the writers and producers of *Law & Order*, and within hours determined that my recollection was probably incorrect, offered to return to Houston at my own expense to correct the error, and wrote a detailed letter setting forth what I then believed was the source of my confusion. (That letter is attached in the same form in which it was e-mailed to prosecutors the very day I heard of a possible mistake.) Unfortunately, neither of the parties introduced this letter into the record, so the judges were unaware of what had happened.

In short, I made an honest mistake and took immediate action to correct it.

On at least two occasions, defense counsel for Mrs. Yates has stated publicly that he believed it was an honest mistake. He said this at the October 2002 meeting of the American Academy of Psychiatry and the Law,^{*} where we both appeared on a panel regarding the case, and he said it in an interview with the *Houston Chronicle*, which quoted him on March 17, 2002, as saying, "I don't think he intentionally lied." The same defense lawyer later signed court documents in the appeal calling me a liar.

(Unbeknownst to me, another witness had testified that Mrs. Yates watched *Law & Order*, a defense expert was cross-examined about the show, and a prosecutor argued that the show might have influenced her. I did not learn any of this until much later.)

I take with the utmost seriousness the importance of an expert witness thoroughly preparing for trial and giving absolutely honest testimony as accurately as possible. My entire career has been devoted to comporting myself in this way and training colleagues to do so, and I am angry that a false accusation by a defense lawyer has been so widely promulgated in the press.

As a consultant to both *Law & Order* and *Law & Order: Criminal Intent*, I have read, discussed, or watched more than 200 episodes of these series, as well as most episodes of other crime dramas aired for the past 20 years, and my spontaneous recall about particular shows is admittedly imperfect. I had not, of course, prepared to answer questions about that or any of the other TV shows or films on which I've consulted while preparing for the Yates trial. Instead, I prepared to testify about Andrea Yates.

At no time have I ever believed or told anyone that I thought *Law & Order* or any other television show gave Andrea Yates the idea to kill her children. I believe and I testified that she killed her children because of a psychotic mental illness. Evidence I relied on that tended to show she knew it was wrong included Mrs. Yates' recorded statements, including my own interviews, in which she said that while she was drowning her five children she knew it was wrong, knew God would disapprove, and knew society would disapprove.

Park Dietz, M.D., Ph.D.
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* Among the hundreds of witnesses to this statement were Steven Pitt, D.O., of Phoenix, AZ (480.281.1638) and Bruce Harry, M.D., of Columbia, MO (573-268-4665).

March 14, 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:

It has been brought to my attention that I was incorrect in an answer I gave during cross-examination. I was asked whether either of the two television series to which I consult (Law & Order and Law & Order: Criminal Intent) deals with postpartum depression or women's mental health. I answered, "As a matter of fact, there was a show of a woman with postpartum depression who drowned her children in the bathtub and was found insane, and it was aired shortly before this crime occurred."

I am informed that Dick Wolf and all of the executive producers for the series Law & Order conducted an exhaustive search of every episode ever produced (269 in all) and could not identify any episode with these facts.

My memory about the content of the show was incorrect. I was confounding the facts of three filicide cases I worked on (Susan Smith, Amy Grossberg, and Melissa Drexler) and two episodes of Law & Order that were based in part on those cases:

(1) The first episode I had in mind, entitled "Angel," was based in part on the Susan Smith case. In the Law & Order episode, however, the woman did not drown her child, but smothered it. Although she told Det. Curtis that the baby was in heaven, entered a plea of insanity, and claimed that God directed her to kill the child, this defense was unsuccessful in the episode. I am informed that this episode, which originally aired on NBC in 1995, was not aired shortly before the Yates homicides. The most proximal airings that could be identified by the producers were on January 24, 2001, nearly five months before the Yates homicides, and on June 22, 2001, two days after the Yates homicides.

(2) The episode with which I was confounding "Angel" is entitled "Denial" and was based in part on the Amy Grossberg and Melissa Drexler cases. In the episode, it was unclear whether the baby had been killed by the mother or the father and whether it was stillborn or smothered. Both parents were acquitted in separate trials, but not by reason of insanity. According to the producers, this episode, which originally aired in 1997, was aired on May 28, 2001, about three weeks prior to the Yates homicides.

My answer thus confounded (a) the drownings by Susan Smith, (b) the insanity claim in "Angel," and (c) the acquittal in and airdates of "Denial." Moreover, I was wrong as to the location being a bathtub in the episode.

I also wish to clarify that Mrs. Yates said nothing to me about either episode or about

the Law & Order series. The only mention of Law & Order in my 103-page report on Mrs. Yates is the statement that Rusty Yates told Dr. Rubenzer on July 25, 2001, that Mrs. Yates watched every episode of Law & Order.

Finally, I will state for the record that although I have been an outspoken critic of the media for irresponsible coverage of crimes, particularly crimes with copycat potential, I have always found the writers and producers of Law & Order socially responsible in their portrayal of crime and unusually responsive to suggestions that they modify scripts so as to reduce any potential for causing crimes. I do not believe that watching Law & Order played any causal role in Mrs. Yates' drowning of her children.

Yours sincerely,

Park Dietz, M.D., M.P.H., Ph.D.