

Yates case reverberates in Wilson

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LEBANON — The murder conviction of Andrea Yates for drowning three of her five children was more than just a faraway news story for some people in Wilson County.

For some involved in the case of Brian Kelley, who suffocated his infant daughter in 1999, the Texas conviction dredged up many of the same feelings surrounding the Kelley case.

"I was horrified," said Sandy Phillips, a clinical psychologist who testified for the defense in the Kelley case.

Phillips interviewed Kelley in the days following the killing and testified he was severely psychologically disturbed.

Phillips said her feelings about the Texas conviction were "very much like the sense that I had when Brian was convicted."

"There were a lot of similarities, and I felt great sympathy for the attorney down there," said Lebanon attorney Gary Vandever, Kelley's lawyer.

Bob Kielbasa, who was on the jury that convicted Kelley of murder, said he, too, could empathize, but with the Texas jury,

"No matter what you read in the newspaper, it is just a bunch of people making the best decision with the information they had," he said. "I know what they are going through."

Brian Kelley was convicted in September 2000 of suffocating his 13-month-old daughter at his home while his wife was asleep. Kelley told police God required the killing as a necessary sacrifice to bring about the second coming of Jesus Christ. But he also told investigators he knew what he was doing was wrong but necessary.

Yates told police that killing her children was the only way to spare them eternal damnation.

Unlike the Texas trial, there were no experts who testified Kelley was sane when he killed his child.

Three psychologists and a psychiatrist testified Kelley, then 29, suffered a psychotic breakdown weeks before the killing.

In the Yates case, a University of California professor of psychiatry testified Yates understood her actions were wrong.

In both cases, the juries concluded Yates and Kelley, despite their mental illness, knew what they were doing was wrong.

Assistant District Attorney Bobby Hibbett declined to comment. Hibbett said because the Kelley case is being appealed, it would be inappropriate to discuss it.

Nashville attorney David Raybin was not involved in Kelley's murder trial, but he did argue Kelley's case to the state Court of Appeals in January and now awaits the decision.

"If this man is not insane, there is no insanity defense in Tennessee," Raybin told the appeals court.

Assistant State Attorney General Dave Finley argued the conviction should not be overturned and that Kelley admitted that what he did was wrong.

The court's justices also may be waiting for the state Supreme Court to rule in another insanity case that Raybin will argue before the high court April 2.

Well before either Kelley or Yates began suffering from their delusions, Christian Flakes had his own.

In 1997, Flakes killed a church counselor in Memphis who he believed was working with the Mafia and terrorists, Raybin explained.

A jury decided Flakes was sane, but the Court of Appeals overturned the verdict.

"That is really going to decide how Tennessee's insanity laws are interpreted," Raybin said of the Supreme Court's decision.

"That will have a tremendous impact on Brian Kelley's case."