



# CHRISTI KENNEDY

114<sup>th</sup> Judicial District Court

May 15, 2012

Dr. Janet True  
Kerrville State Hospital  
Kerrville, Texas  
Fax No.: (830)792-4926

Re: Deanna Laney

Dear Dr. True:

Please find enclosed an Order relating to Deanna Laney. Please review the Order and any attachments carefully, as the Order requires you to take certain actions before taking any further action with regard to Ms. Laney. Please note that the Outpatient Treatment Plan has been amended by the court and has been sealed. All medical and mental health professionals identified in the Plan are provided access to the Plan for purposes of treatment.

Once you have carefully reviewed the Order and any attachments, please follow the instructions set forth therein with regard to providing notice to the medical and mental health professionals.

Thank you for your attention to these matters.

Respectfully,

Tammy Camp-Miller

cc: D. Matt Bingham  
Smith County Criminal District Attorney

F.R. Files, Jr.

CAUSE NOS. 114-1411-03-A, 114-1412-03-A

STATE OF TEXAS

§  
§  
§  
§  
§  
§  
§

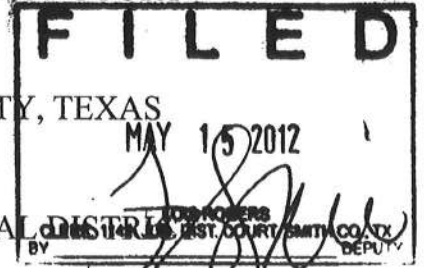
IN THE DISTRICT COURT

FOR THE BEST INTEREST AND PROTECTION OF:

SMITH COUNTY, TEXAS

DEANNA LAJUNE LANEY

114TH JUDICIAL DISTRICT



ORDER

On this day came on to be heard the request of Deanna Laney for discharge or outpatient supervision prior to the expiration of the current commitment order which is set to expire June 15, 2012. The State appeared by and through Smith County District Attorney D. Matt Bingham and Deanna Laney appeared in person and through her attorney of record, F.R. Files, Jr., and, the court, after reviewing and taking judicial notice of the file in this case and after listening to and considering all of the evidence offered on behalf of the State of Texas and on behalf of Deanna Laney, makes and enters the following order:

I. THE BACKGROUND OF THE CASE

From such judicial notice the court finds that on April 4, 2004, a duly selected and empanelled jury found defendant, Deanna Laney, not guilty by reason of insanity of the offenses of capital murder and serious bodily injury to a child; and, the court accepted the jury's verdicts and entered the judgments of not guilty by reason of insanity.

The court further finds that on April 6, 2004, the court took judicial notice of the proceedings, testimony, argument, and evidence in these cases and found that the defendant, Deanna Laney, committed in these cases an act or acts of serious bodily injury to another person or persons; and, that then Smith County Judge, Becky Dempsey, who presided over the court that handled civil commitment proceedings, declined to accept transfer of the defendant to her court due to the extensive proceedings that had occurred

in the 114th District Court and in the interest of judicial economy; and that the then presiding judge of the 114th District Court did not transfer the case to the Smith County Court, but retained jurisdiction as provided by Texas Code of Criminal Procedure art. 46.03, §4(d)(1) (Although article 46.03 was repealed for prospective application effective September 1, 2005, offenses committed prior to September 1, 2005 are governed by the law in effect when the offense was committed and the prior law remains in effect for that purpose. Act of September 1, 2005, 79<sup>th</sup> Leg., R.S., ch. 831, §§ 1, 5, 2005 Tex. Gen. Laws 2841, 2841, 2845.)

The court further finds that on April 6th, 2004, the trial court ordered that the patient, Deanna Laney, be, and she was, committed to the maximum security unit of any facility designated by the Texas Department of Mental Health and Mental Retardation until such time as the patient was eligible for release pursuant to the law or was eligible for transfer to a non-security facility pursuant to law.

The trial court found the Texas Department of Mental Health and Mental Retardation had designated the Vernon State Hospital, maximum security facility, as the appropriate facility for the automatic commitment evaluation.

The court ordered that defendant, Deanna Laney, be, and she was, automatically committed for an evaluation, pursuant to the law upon the jury's verdict of not guilty by reason of insanity on the two cases referenced above where the defendant committed acts causing serious bodily injury to persons in these cases, to Vernon State Hospital, the designated facility by the Texas Department of Mental Health and Mental Retardation, 4730 College Drive, Vernon, Texas, 76384, Post Office Box 22231, Vernon, Texas, until such time as the defendant was eligible for release pursuant to law or was eligible for transfer to a non-security facility pursuant to law.

The court further finds that the trial court ordered that the defendant, Deanna Laney, submit to, and the Texas Department of Mental Health and Mental Retardation perform, an examination of the patient's present mental condition and that such report be filed with the court on or before April 16, 2004, and that a hearing be held on the 23rd day of April, 2004, at 3 o'clock p.m., in the Courtroom of the 114th Judicial District

Court, Smith County Courthouse, Tyler, Texas, in the same manner as a hearing on an application for involuntary commitment pursuant to the Texas Mental Health Code or the Texas Mentally Retarded Persons Act and consistent with the Texas Code of Criminal Procedure and Texas law.

The court received the reports from the mental health experts, consistent with law, and the Court's order, and a copy was forwarded to counsel for the State and counsel for the defendant, Deanna Laney.

The court further finds on April 23, 2004, a hearing was held on the application for court-ordered temporary mental health services provided by the law upon the verdicts of not guilty by reason of insanity in the above-styled causes of action alleging that patient, Deanna Laney, hereinafter called patient, was mentally ill and met the criteria for court-ordered mental health services.

The State of Texas was present through Matt Bingham, her Criminal District Attorney, and the patient waived her presence in writing and appeared through her counsel, F.R. Files, Jr. The court found and approved the patient's waivers, including her waiver of right to jury trial and her request for a closed hearing. All parties announced ready for hearing and all matters of fact and law were submitted to the court and the court found, based on the evidence presented and judicially noticed, as follows:

1) The patient has been found NOT GUILTY BY REASON OF INSANITY of CAPITAL MURDER and SERIOUS BODILY INJURY TO A CHILD, both offenses involving acts of serious bodily injury to other persons and the patient has completed the AUTOMATIC COMMITMENT evaluation mandated by Texas law.

2) The 114th Judicial District Court maintains its jurisdiction as provided by Texas Code of Criminal Procedure art. 46.03 (d)(1), as the Smith County Judge, Becky Dempsey, has declined to accept transfer of the patient to her Court.

3) All necessary notices have been served as required by law and there has been filed with the Court the recommendations for the most appropriate treatment alternatives, if any, and the expert, competent, medical, or psychiatric testimony has been timely filed with the Court prior to the hearing.

4) From the competent evidence in these causes, the Court finds, by clear and convincing evidence, that the patient is mentally ill and as a result of that mental illness:

(a) is likely to cause serious harm to herself;

(b) is likely to cause serious harm to others; and

(c) is suffering severe and abnormal mental, emotional, or physical distress; experiencing substantial mental or physical deterioration of her ability to function independently, which is exhibited by the proposed patient's inability, except for reasons of indigence, to provide for the proposed patient's needs, including food, clothing, health, or safety and not able to make a rational and informed decision as to whether to submit to treatment.

The court finds that the court then determined that the patient was mentally ill and met the criteria for and required court-ordered temporary mental health services and the same was ordered in the least restrictive appropriate setting available.

Accordingly, it was ordered that the patient be, and she was, committed to the following mental health facility: Maximum Security Unit of Vernon State Hospital, the designated facility by the Texas of Department of Mental Health and Mental Retardation for inpatient care for a period not to exceed 90 days.

The court further ordered reports of her evaluation be conducted and presented to the court and that a hearing on the status of the patient's commitment be, and it was, set.

From that time thereafter there was a first 12-month commitment of the patient and the court also finds that each year since the original one-year involuntary commitment, the court has held a hearing and received evidence and medical records as required by law and entered findings and an order for extended mental health services for one year each year.

The court further finds that on June 15th, 2011, a hearing was held on the application for extended Court-ordered mental health services provided by law upon the verdicts of not guilty by reason of insanity in the above-styled causes of action alleging that Deanna Laney was mentally ill and met the criteria for court-ordered mental health services.

At the hearing on June 15, 2011, the State of Texas was present through Matt Bingham, her criminal district attorney. The patient waived her presence in writing but was present through her attorney, F.R. Files, Jr.

The court found and approved the patient's waivers, including her waiver of right to jury trial and her request for a closed hearing. All parties announced ready for hearing and all matters of fact and law were submitted to the court. And the court found, based on the evidence presented and judicially noticed: 1) that the patient had been found not guilty by reason of insanity of capital murder and serious bodily injury to a child, both offenses involving acts of serious bodily injury to other persons; and 2) the patient had completed the automatic commitment evaluation mandated by Texas law and completed the ninety-day involuntary inpatient commitment and evaluation as provided by Texas law and had been currently held on successive one-year orders for extended inpatient mental health services.

The court noted that the court maintained its jurisdiction on that date as provided by Tex. Code Crim. Proc. art. 46.03, §4(d)(1), all necessary notices had been served, and that the court found from the competent evidence presented in these causes by clear and convincing evidence that the patient was mentally ill and as a result of that mental illness was suffering severe and abnormal mental, emotional, or physical distress, experiencing substantial mental or physical deterioration of her ability to function independently, which is exhibited by the proposed patient's inability, except for reasons of indigence, to provide for the proposed patient's needs, including food, clothing, health, or safety and not able to make a rational and informed decision as to whether to submit to treatment.

The court further determined the patient was mentally ill and met the criteria for, and required, extended court-ordered temporary mental health services. The same was ordered in the least restrictive appropriate setting available.

It was ordered that the patient be, and was, committed to the following mental health facility which was the Kerrville State Hospital for extended inpatient care for a period not to exceed a year.

The court further ordered reports of her evaluation be conducted and presented to the court that a hearing on the status of the patient's extended commitment be, and it was and remains, set for Wednesday, June 15, 2012 at 2:30.

At the patient's request, the court set a hearing on the patient's request for discharge or community supervision, and the instant hearing resulted.

## II. STIPULATION OF EVIDENCE

Prior to the offering of evidence, counsel presented the following stipulation to the court:

- That Deanna Laney was found not guilty by reason of insanity of the offenses of capital murder and injury to a child.
- That Deanna Laney was committed to a State Mental Hospital at Vernon, Texas, and, thereafter, was transferred to the State Mental Hospital at Kerrville, Texas;
- That Deanna Laney has been continuously hospitalized for more than seven years;
- That Deanna Laney's condition has been reviewed on an annual basis;
- That counsel have had the opportunity to review all of the medical records concerning Deanna Laney's hospitalization and to consult with Dr. Janet True (Medical Director for the State Mental Hospital at Kerrville, Texas), Dr. Edward Gripon (retained by the State as its expert), Drs. William Reid and Phillip Resnick (retained by the defense as its expert witnesses);
- There is no evidence to indicate that Deanna Laney presents a likelihood of serious harm to herself or to others;
- There is no evidence to indicate that Deanna Laney suffers from distress or has experienced a deterioration of her ability to function;
- There is a treatment plan that has been prepared by the mental health professionals at Kerrville State Hospital and reviewed by counsel and the

four psychiatrists mentioned above. All agree that this proposed treatment plan provides for the appropriate treatment of Deanna Laney and the protection of the public.

### III. The Testimony of the Expert Witnesses

The following witnesses were called by the State:

- Dr. Edward Gripon, a board certified forensic psychiatrist, who testified on behalf of the State at Deanna Laney's trial in 2004;
- Dr. Phillip Resnick, a board certified forensic psychiatrist and former President of the American Academy of Psychiatry and the Law, who testified for the defense in Deanna Laney's trial in 2004;
- Dr. William Reid, a board certified forensic psychiatrist, who was appointed as the court's expert and testified at Deanna Laney's trial in 2004;
- Dr. Janet True, a board certified general psychiatrist, who is currently the clinical director of Kerrville State Hospital;

Each of these witnesses on direct examination or on cross examination or in answer to questions propounded by the court presented opinions that were consistent with the stipulation presented to the court.

In sum and substance, the witnesses testified that Deanna Laney was not likely to cause harm to herself; that she was not likely to cause serious harm to others; and that she was not experiencing substantial mental deterioration of her ability to function independently. All the witnesses testified that there was no further need for Deanna Laney to continue inpatient treatment.

### IV. The Burden of Proof

At this hearing, the burden of proof was on the State of Texas to prove by clear and convincing evidence that:

- (1) the proposed patient is mentally ill;



(2) as a result of that mental illness the proposed patient:

(A) is likely to cause serious harm to himself;

(B) is likely to cause serious harm to others; or

(C) is:

(i) suffering severe and abnormal mental, emotional, or physical distress;

(ii) experiencing substantial mental or physical deterioration of the proposed patient's ability to function independently, which is exhibited by the proposed patient's inability, except for reasons of indigence, to provide for the proposed patient's basic needs, including food, clothing, health, or safety; and

(iii) unable to make a rational and informed decision as to whether or not to submit to treatment;

(3) the proposed patient's condition is expected to continue for more than 90 days;

and

(4) the proposed patient has received court-ordered inpatient mental health services under this subtitle or under Chapter 46B, Code of Criminal Procedure, for at least 60 consecutive days during the preceding 12 months.

#### V. The Court's Inquiry of Counsel

After the State and the defendant had rested and out of an abundance of caution, the court inquired of counsel as to whether there was relevant evidence of which counsel were aware that had not been made known to the court. Counsel for the State recounted the State's diligent efforts to discover any evidence relevant to its burden, but represented to the Court that no such evidence had been found after diligent efforts to identify same. All counsel assured the court that there was no additional relevant evidence.

## VI. The Court's Findings and Orders

The court finds that the State exercised due diligence in reviewing the patient's medical records and investigating the need for further commitment of the patient. The court further finds that, even though the State exercised due diligence, there was no evidence to support the patient's continued commitment and the State did not meet its burden of proof. The court further finds that the stipulation of evidence presented to the court anticipated that the State could not meet its burden of proof for the patient to continue extended inpatient mental health services.

IT IS THEREFORE ORDERED that the order committing Deanna Laney to the custody of the Texas Department of Mental Health and Mental Retardation for inpatient treatment be modified to an order that Deanna Laney participate in an outpatient care treatment program under the following conditions:

1. Deanna Laney is ORDERED to participate in services as outlined in the Outpatient Management Plan (the "Plan"), sealed and attached as an addendum to this Order. Deanna Laney is ORDERED to comply with the treatment protocol set forth in the attached Plan to include:
  - a. Meet with the medical and mental health professionals identified in the Plan on the schedule set forth in the Plan;
  - b. Allow designated caseworkers to visit her in her home at all times determined by the caseworkers, or their agents or successors;
  - c. Take all medications in the prescribed dosages as prescribed by the psychiatrist identified in the Plan, or his successor;
  - d. No unsupervised contact with minors.
2. Deanna Laney is ORDERED to submit to periodic blood tests at the direction of her psychiatrists, or their agents or successors, to monitor her medication levels.
3. Deanna Laney is ORDERED not to change her residence address without permission from this Court and her treatment team.

It is FURTHER ORDERED that the Smith County District Clerk notify Dr. Janet True, board certified general psychiatrist and clinical director of Kerrville State Hospital, of the entry of this Order and provide Dr. True with a copy of the Order and Plan, as modified by the Court.

It is FURTHER ORDERED that Dr. Janet True, upon being provided with a copy of this Order and Plan, as modified, shall, prior Deanna Laney's release to outpatient care treatment program, provide a copy of the Order and Plan, as modified, to the following persons:

1. Deanna Laney
2. All medical and mental health professionals identified in the Plan, as modified, their agents or successors. Each medical or mental health professional shall have access to the Plan, as modified, for the purpose of providing treatment under the Plan.

It is FURTHER ORDERED that Dr. Janet True, upon complying with the foregoing paragraph and prior to releasing Deanna Laney to outpatient care treatment program, shall notify the court in writing that she has complied with the foregoing paragraph.

It is FURTHER ORDERED that Deanna Laney, prior to her release to outpatient care treatment program, shall notify the court in writing that she has received a copy of the Order and Plan, as modified, and agrees to comply with the Plan, as modified.

It is FURTHER ORDERED that every medical or mental health professional identified in the Plan, as modified, shall notify the court in writing that he or she has received a copy of the Order and Plan, as modified, and agrees to comply with the Plan, as modified. Such notice shall be provided to the court by using the form attached to the Plan, as modified, no later than 24 hours after the treatment provider's receipt of the Plan, as modified.

It is FURTHER ORDERED that any director of any facility or other individual responsible for administering a regimen of outpatient care or treatment imposed on

Deanna Laney SHALL NOTIFY THIS COURT IMMEDIATELY OF ANY FAILURE OF DEANNA LANEY TO COMPLY WITH THAT REGIMEN.


It is FURTHER ORDERED that any director of any facility or other individual responsible for administering a regimen of outpatient care or treatment imposed on Deanna Laney SHALL NOTIFY THIS COURT IF DEANNA LANEY'S CONDITION HAS SO DETERIORATED THAT OUTPATIENT CARE IS NO LONGER APPROPRIATE.

**NOTICE:**

**UPON SUCH NOTICE AS SET FORTH ABOVE OR UPON OTHER PROBABLE CAUSE TO BELIEVE THAT DEANNA LANEY HAS FAILED TO COMPLY WITH THE PRESCRIBED REGIMEN OF MEDICAL, PSYCHIATRIC, OR PSYCHOLOGICAL CARE OR TREATMENT, DEANNA LANEY MAY BE TAKEN INTO CUSTODY AND BROUGHT WITHOUT UNNECESSARY DELAY BEFORE THIS COURT. THE COURT, SHALL DETERMINE, AFTER A HEARING, WHETHER DEANNA LANEY SHOULD BE REMANDED TO A SUITABLE FACILITY FOR PROTECTIVE CUSTODY, PURSUANT TO THE PROVISIONS OF THE MENTAL HEALTH CODE OR MENTALLY RETARDED PERSON'S ACT, PENDING A HEARING ON WHETHER DEANNA LANEY CONTINUES TO MEET THE CRITERIA FOR INVOLUTARY COMMITMENT AND WHETHER THE OUTPATIENT ORDER SHOULD BE MODIFIED OR REVOKED.**

It is FURTHER ORDERED that the Outpatient Management Plan, presented to the Court but modified by the Court, is hereby approved. It is FURTHER ORDERED that a copy of the Outpatient Management Plan, as modified, shall be sealed but attached as an addendum to this order.

Signed on this 15th day of May, 2012.

  
HONORABLE CHRISTI KENNEDY  
114<sup>TH</sup> JUDICIAL DISTRICT COURT