

No. 18-6306

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In the Supreme Court of the United States

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AMY HEBERT,

*Petitioner,*

v.

JAMES ROGERS, WARDEN, LOUISIANA CORRECTIONAL INSTITUTE FOR WOMEN,

*Respondent.*

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ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

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APPENDIX TO BRIEF IN OPPOSITION

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KRISTINE RUSSELL  
District Attorney,  
Parish of Lafourche  
JOSEPH S. SOIGNET\*  
CAMILLE A. MORVANT, II  
Assistant District Attorneys  
103 Maronge St., Suite A  
Thibodaux, LA 70301  
(985) 447-2003  
jsoignet@lpda.org

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KEY
Men Accepted
Men Eliminated
Women Accepted
Women Eliminated

### Order of Selection of Jury

DATE	GENDER	NAME	STATE ACTION	DEFENSE ACTION	OUTCOME
<b>DAY 1/PANEL 1 (R. p. 4993 et seq.)</b>					
4/28/09	M	Clifton Daigle	Accept	Defense Peremptory #1	DEFENSE OUT
"	F	Harriet Pennex	Accept	Accept	Backstrike #1 by State, Day 2, Panel 2
"	F	Hannah Boudreaux	Accept	Accept	SEATED
"	M	Timmy Guidry	Accept	Accept	SEATED
"	M	Gregory Gautreaux	Accept	Defense Cause	DEFENSE OUT
"	F	Arlene Orgeron	Accept	Accept	Backstrike #2 by State, Day 2, Panel 3
"	F	Erma Usea	Accept	Accept	Backstrike #3 by State, Day 2, Panel 3
"	F	Angela Falgout	Accept	Accept	SEATED
"	F	Mary McFarland	State Peremptory #1		STATE OUT
"	F	Jennifer Theriot	Accepted	Defense Peremptory #2	DEFENSE OUT
"	F	Cassandra Mott	Accepted	Accepted	SEATED
"	M	John Gautreaux	State Cause (Death Penalty)		STATE OUT
"	M	Brian Humke	Accepted	Defense Peremptory #3	DEFENSE OUT
<b>End of Day 1/Panel 1: Selected: 6 women/1 man</b>					

KEY
Men Accepted
Men Eliminated
Women Accepted
Women Eliminated

DAY 2/PANEL 2 (R. 5173 et seq.)					
DATE	GENDER	NAME	STATE ACTION	DEFENSE ACTION	OUTCOME
4/29/09	M	Jordan Orgeron	Accepted	Accepted	SEATED
"	F	Tatum Adams			COURT EXCUSED MEDICAL BEFORE SELECTION BEGAN - OUT
"	F	Sarah Triche	Accepted	Accepted	SEATED
"	F	Lynn Brooks	Accepted	Accepted	SEATED
"	F	Rhema Weidman	Accepted	Defense Peremptory #4	DEFENSE OUT
"	F	Denise Callais	Accepted	Defense Peremptory #5	DEFENSE OUT
"	M	Kerry Lapeyrouse	Accepted	Defense Peremptory #6	DEFENSE OUT
"	F	Faye Reynolds	State Peremptory #2		STATE OUT
"	F	Dana Bergeron	State Cause		STATE OUT
"	M	Michael Guillot	Accepted	Defense Peremptory #7	DEFENSE OUT
"	F	Catherine Landry	State Peremptory #3		STATE OUT
"	F	Judy Boudreaux	Accepted	Accepted	SEATED
"	F	Alma Crochet	Accepted	Accepted	SEATED (would have been 12 <sup>th</sup> juror)
"	F	Harriet Pennex			STATE 1 <sup>ST</sup> BACKSTRIKE/4 <sup>th</sup> PEREMPTORY (has 8 peremptories remaining)
"	M	Willard Neal	Accepted	Defense Peremptory #8	DEFENSE OUT
Day 2/Panel 2: 4 Women, 1 Man					

KEY
Men Accepted
Men Eliminated
Women Accepted
Women Eliminated

DAY 2/PANEL 3 (R. 5306 et seq.)					
DATE	GENDER	NAME	STATE ACTION	DEFENSE ACTION	OUTCOME
4/29/09	F	Patricia Bonnette	Accepted	Accepted	STATE BACKSTRIKE #4 (would have been 12 <sup>th</sup> juror)
"	F	Arlene Orgeron			STATE 2 <sup>ND</sup> BACKSTRIKE, 5 <sup>TH</sup> PEREMPTORY (has 7 peremptories remaining)
"	F	Janet Loupe	State Peremptory #6		STATE OUT (has 6 peremptories remaining)
"	F	Candida Ferreira	Accepted	Accepted	SEATED
"	F	Erma Usea			STATE 3 <sup>rd</sup> BACKSTRIKE, 7 <sup>TH</sup> PEREMPTORY (has 5 peremptories remaining)
"	F	Sheila Touns	Accepted	Accepted	SEATED (would have been 12 <sup>th</sup> juror)
"	F	Patricia Bonnette			STATE 4 <sup>th</sup> BACKSTRIKE, 8 <sup>TH</sup> PEREMPTORY (has 4 peremptories remaining)
"	F	Tracy Fauchaux	State Peremptory #9		STATE OUT (has 3 peremptories remaining)
"	F	Erin Folse	Accepted	Accepted	SEATED (12 <sup>th</sup> juror)
JURY SELECTED: 10 WOMEN/2 MEN					
SELECTION OF ALTERNATES BEGINS					
"	F	Julia Matherne			COURT OUT - HARDSHIP (before selection began)
"	M	Matthew Karns	Accepted	Defense Peremptory #9	DEFENSE OUT
"	M	Jimmy Tabor	Accepted	Defense Cause	DEFENSE OUT

KEY
Men Accepted
Men Eliminated
Women Accepted
Women Eliminated

“	M	Bradley Terrebonne	Accepted	Accepted	ALTERNATE #1
“	F	Patty Hebert	Accepted	Defense Peremptory #10	DEFENSE OUT
“	F	Beth David	State Peremptory		STATE OUT (has 2 peremptories left for alternates)
“	F	Angela Sirois	Accepted	Accepted	ALTERNATE #2
“	F	Mary Davidson	State Peremptory		STATE OUT (has 1 peremptory left for alternates)

**End of Day 2/Panel 3: Selected 3 Women FOR JURY; 1 Woman/1 Man AS ALTERNATES**

**DAY 3/PANEL 4 (R. 5439-5527)(Only selecting Alternates)**

DATE	GENDER	NAME	STATE ACTION	DEFENSE ACTION	OUTCOME
4/30/09	M	Steven Arceneaux	Accept	Accept	ALTERNATE #3
“	F	Randie Hebert	State Peremptory		STATE OUT (Has no peremptories left)
“	M	Burleigh Johnson	Accept	Accept	ALTERNATE #4
“	F	Cindy Allemand	Accept	Accept	Accepted (Excused)
“	M	Del Daigle	Accept	Defense Peremptory #11	DEFENSE OUT
“	F	Raven Messer	Accept	Accept	Accepted (Excused)
“	F	Patricia Serigny			OUT - Court Medical Excuse at start of day
“	M	Sidney Roger			OUT - Court Hardship Excuse at start of day

**End of Day 3/Panel 4: Alternates 1 Woman/2 Men; 5 remaining jurors dismissed**

CASE: State of LA vs. 44830 Amy T. Herbert

DATE: 4-28-09

PANEL: 1

Angela Edgout	State Jury Panel	Def Peremp	Cassandra Mott	John Gauthreaux	Bryan Hunkle 13	
Def Peremp			Def Cause			
Alfred Dodge	Harriet Fennex	Hannah Boudreaux	Timmy Givind	Gregory Gauthreaux	Arlene Grigoren	Emma Usa 7

CASE: State of LA vs 448360 Amy T. Hebert

DATE: 4-29-09

PANEL: 2

535

State Peremp	State Cause	Def Peremp	State Peremp			Def Peremp
Faye Reynolds	Dana Bryson	Michael Gault	Catherine Landry	Judy Boudreaux <sup>12</sup>	Alma Crochet <sup>13</sup>	Willard Nea <sup>14</sup>
	Accused Cause Medical			Def Peremp	Def Peremp	Def Peremp <sup>7</sup>
Jordan Orgeron	Tatum Adams <sup>2</sup>	Sarah Triche <sup>3</sup>	Lynn Brooks <sup>4</sup>	Rhonda Weidman <sup>5</sup>	Denise Coyl <sup>6</sup>	Kerry Lapeyrouse <sup>8</sup>

CASE: State of LA vs. 448310 Amy T. Herbert

DATE: 4-29-09

PANEL: 3

<del>Def Peremp</del> Matthew Karns	<del>Def Cause</del> Jimmy Valbo	<del>Alternate</del> Bradley Terrence 10	<del>Def Peremp</del> Ruth Herbert	<del>State Peremp</del> Beth David		<del>State Peremp</del> Angela Sirois 13	<del>State Peremp</del> Mary Davidson 14
<del>State Peremp</del> Patricia Barnette	<del>State Peremp</del> Janet Dupe			<del>State Peremp</del> Sheila Toups 4	<del>State Peremp</del> Tracy Faythaux 6	<del>State Peremp</del> Erin Folse 6	<del>Hardship</del> Julia Mathene 7

State - ~~LA~~ 111  
Def - 1111



CASE: State of LA vs. 448340 Amy T. Hebert

DATE: 4-30-09

PANEL: 4

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<p>Hardship</p> <p>Sidney Kodger</p>	<p>Speed</p> <p>Timmy Westerman</p>	<p>Return</p> <p>Timothy Krum</p>	<p>on</p> <p>Tammy Eynard</p>	<p>March 31, 2009</p> <p>Kerry Cuden</p>	<p>open</p> <p>April Danos</p>	<p>Medical</p> <p>Lidia Dymen</p>
<p>Steven Arceneaux<sup>1</sup></p>	<p>State Premp</p> <p>Randie Hebert<sup>2</sup></p>	<p>Burleigh Johnson<sup>3</sup></p>	<p>Cindy Allmand<sup>4</sup></p>	<p>State Premp</p> <p>Del Daigle<sup>5</sup></p>	<p>Raven Messer<sup>6</sup></p>	<p>Patricia Serigny<sup>7</sup></p>

State - 1  
Defense - 1

## CURRICULUM VITAE

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**GEORGE J. PARNHAM**      440 Louisiana St., Suite 200  
 Attorney at Law      Houston, Texas 77002  
                                  GeorgeParnham@aol.com  
                                  (713) 224-3967  
                                  (713) 224-2815 Facsimile

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**Undergraduate Education:** Loyola University  
                                  New Orleans, Louisiana  
                                  B.S. - Secondary Education - 1963

**Graduate Education:**      University of Texas School of Law  
                                  Austin, Texas  
                                  Doctorate of Jurisprudence - 1970

**Military Service:**      1<sup>st</sup> Lieutenant - United States Army  
                                  1964 - 1966

**Licensure:**      State Bar of Texas

**Certification:**      Board Certified in Criminal Law  
                                  Texas Board of Legal Specialization  
                                  1983

**Professional Organizations:**      State Bar of Texas  
                                  Houston Bar Association  
                                  Houston Bar Foundation Fellow  
                                  National Association of Criminal Defense Lawyers  
                                  Texas Criminal Defense Lawyers Association  
                                  Harris County Criminal Lawyers Association  
                                  President (1995 - 1996)  
                                  Attorney of the Year (2002)

**Court Affiliations:**      United States Supreme Court  
                                  United States Court of Appeals  
                                  United States District Court  
                                  Fifth Circuit  
                                  Northern District of Texas  
                                  Southern District of Texas  
                                  Eastern District of Texas  
                                  Western District of Texas  
                                  Texas Supreme Court

**Law Practice:** Parnham & Associates  
Sole Practitioner  
1971 – Present

**Invited Lectures,  
Presentations,  
and Seminars:**

**Presentation:** Western Trial Advocacy Institute, Keynote Speaker, Laramie, Wyoming, July 11, 2002.

**Panel Presentation:** National Association of Criminal Defense Lawyers Annual Meeting & Seminar, "Warriors for the Defense - New Strategies for Difficult Times," "Psychotic Defendant: The Andrea Yates Case," San Francisco, California, July 31 – August 3, 2002.

**Presentation:** National Association for Criminal Defense Lawyers Annual Meeting & Seminar, "Psychotic Defendant – The Andrea Yates Case," San Francisco, California, August 2, 2002.

**Presentation:** Federal Public Defender 17<sup>th</sup> Annual Staff Conference and Seminar, "Criminal Defense – The Cutting Edge," "Mental Illness and the Unthinkable – The Andrea Yates Case," Houston, Texas, August 23-24, 2002.

**Panel Discussion:** National Alliance for the Mentally Ill (NAMI) Texas 2002 Convention, "A Dialogue for Changing Times: NAMI Texas' Link to the Future," "Mental Illness and Death Penalty Law," Austin, Texas, September 6-7, 2002.

**Seminar:** Harris County Criminal District Judges, "Mental Illness and the Criminal Defendant," and "Incompetency and Insanity in the Yates Trial," Houston, Texas, September 13, 2002.

**Lecture:** Houston Association of Legal Secretaries, "Criminal Law & Procedure," Houston, Texas, October 5, 2002.

**Panel Discussion:** American Academy of Psychiatry and the Law, Annual Meeting, "The Andrea Yates Trial Panel," Newport Beach, California, October 24-27, 2002.

**Panel Discussion:** Texas Psychological Association's 2002 Annual Convention, "Healing Trauma: Mental Health Providers Serving Families, Schools, and Communities," and "The Insanity Defense in Texas: Time to Change?" San Antonio, Texas, November 14-16, 2002.

**Presentation:** Inns of Court, "The Andrea Yates Case: Insanity and the Law," Houston, Texas, March 4, 2003.

**Lecture:** University of Houston Law School, "Law and Society Classes," Houston, Texas, April 8, 2003.

**Lecture:** University of Texas Law School, Austin, Texas, April 22, 2003.

**Presentation:** Louisiana Criminal Defense Lawyers Association Annual "Law & All That Jazz" Seminar, "The Andrea Yates Case: Mothers Who Kill Their Children and the Husband Who Sides with His Wife," New Orleans, Louisiana, April 25, 2003.

**Presentation:** Children's Safe Harbor, The Montgomery County Children's Advocacy Center, Inc., "Our Children, Our Future," Strengthening and Enhancing the Multi-disciplinary Approach to Child Abuse," Conroe, Texas, June 19, 2003.

**Presentation:** 17<sup>th</sup> Annual Postpartum Support International Conference in sponsorship with Columbia University College of Physicians and Children, "Perinatal Mental Health: Communities Making a Difference - Providing for the Health and Safety of Families Worldwide," "Andrea Pia Yates - The Tragedy: Lessons Learned and Unlearned: The Inadequacies in the Law," - New York, New York, June 27-28, 2003.

**Presentation:** American Academy of Forensic Sciences. - Dallas, Texas, February 17, 2004.

**Presentation:** Capital Trial Advocacy - The Defense - "Lecture on Closing Argument (Merits Phase)," Plano, Texas, April 21, 2004.

**Presentation:** 21<sup>st</sup> Annual Adult Protective Services Conference, Texas Department of Family and Protective Services, San Antonio, Texas, November 5, 2004.

**Presentation:** Thurgood Marshall School of Law, Distinguished Lecture Series, "Developing and Presenting Psychiatric Defenses - Part I," Houston, Texas, March, 29, 2005.

**Keynote Speaker:** DePelchin Children's Center, Houston, Texas, April 7, 2005.

**Presentation:** Thurgood Marshall School of Law, Distinguished Lecture Series, "Developing and Presenting Psychiatric Defenses - Part II - The Dr. Clara Harris Trial," Houston, Texas, October 18, 2005.

**Presentation:** Houston Bar Association, 2005 Experts Institute, "Expert Witnesses," Houston, Texas, October 28, 2005.

**Presentation:** University of West Florida, Continuing Medical Education Seminar, "The Andrea Yates Case," Pensacola, Florida, November 17 and 18, 2005.

**Lecture:** University of Texas Law School, Austin, Texas, February 9, 2006.

**Commentary:** MSNBC News regarding the hunting accident involving Vice President Dick Cheney, February 17, 2006.

**Presentation:** Houston Heights Rotary Club Luncheon, "Through the Eyes of the Children," March 1, 2006.

**Presentation:** University of Florida, "Gender, Mental Health and the Law: The Andrea Yates Case," Gainesville, Florida, March 22, 2006.

**Presentation:** The Whitehall Club, "The Insanity Defense," Houston, Texas, April 21, 2006.

**Presentation:** The Pasadena Rotary Club, "Through the Eyes of the Children," Pasadena, Texas, May 26, 2006.

**Presentation:** The Windsor Club, "Through the Eyes of the Children," Houston, Texas, August 24, 2006.

**Presentation:** Association of Private Investigators, "The Insanity Defense, Beyond the Andrea Yates Verdict," San Antonio, Texas, August 25, 2006.

**Presentation:** Christian Leadership Speaker Series, Concordia University, "Advocating for the Underdog," Austin, Texas, September 12, 2006.

**Presentation:** Oklahoma Mental Health Consumer Council, "In Defense of Andrea Yates," Oklahoma City, OK, October 5, 2006.

**Presentation:** Capacity for Justice, "Mental Health in the Courtroom - Legal Requirements for Sanity Experts", "Presenting the Insanity Defense in a Trial", Rusk, Texas, October 28, 2006.

**Presentation:** Texas Association for Marriage and Family Therapy, "In Defense of Andrea Yates", Corpus Christi, Texas, November 3, 2006.

**Presentation:** Mental Health Association of Greater Houston, "Beyond the Andrea Yates Verdict: Women's Mental Health and the Law," Houston, Texas, November 11, 2006.

**Presentation:** Texas Criminal Defense Lawyers Association, 27<sup>th</sup> Annual Prairie Dog Seminar, "Innocence Can Take Many Forms," Lubbock, Texas, January 5, 2007.

**Presentation:** The South Carolina Bar Association, 22<sup>nd</sup> Annual Criminal Law Update Seminar, "Beyond the Andrea Yates Verdict: Mental Health and the Law," Charleston, South Carolina, January 26, 2007.

**Presentation:** Idaho Association of Criminal Defense Lawyers, World Class Defenders, "The Defense of Andrea Yates – The Verdict's Impact," Sun Valley, Idaho, February 23, 2007.

**Presentation:** National Legal Aid and Defender Association, Capital Defense Training Program Conference, "The Cases of Andrea Pia Yates, Mental Health, the Family, and the Law," Dallas, Texas, March 12, 2007.

**Presentation:** Office of Defender Services of the United States Courts, National Seminar on the Development and Integration of Mitigation Evidence, "The Humanization of Andrea Pia Yates," Washington, D.C., March 29, 2007.

**Presentation:** Louisiana Association of Criminal Defense Lawyers, 17<sup>th</sup> Annual Law and All That Jazz Seminar, "In Defense of Andrea Yates – The Verdict's Impact," New Orleans, Louisiana, April 29, 2007.

**Presentation:** South Texas College of Law's Just Ethics CLE Seminar, "Controlling Media Publicity for a Client in Crisis," Houston, Texas, May 9, 2007.

**Presentation:** Florida Association for Infant Mental Health, Seventh Annual Conference, "The Andrea Pia Yates Case: Postpartum Depression and the Inanity Plea – the Humanization of Andrea Yates – To Understand is to Prevent," Ft. Lauderdale, Florida, May 17, 2007.

**Presentation:** Rotary Club of Houston Luncheon, "In Defense of Andrea Yates – The Verdict's Impact," Houston, Texas, May 31, 2007.

**Presentation:** Texas Hospital Association Annual Psychiatric Services Conference, "The Aftermath of the Andrea Yates Verdict – An Update of Mental Health in the Criminal Justice System," San Antonio, Texas, July 16, 2007.

**Presentation:** National Association of Criminal Defense Lawyers, Winning the Battle of Experts, "Expert Insanity: Learning from the Andrea Yates Story and Others," San Francisco, California, August 2, 2007.

**Presentation:** Crisis Intervention Team of the Houston Police Department, Training Classes, "The Legal Humanization of Andrea Pia Yates," Houston, Texas, August 1 and September 19, 2007.

**Presentation:** Texas Health Law Conference, Health Law Section of the State Bar of Texas, and the Texas Hospital Association, "The Legal Humanization of Andrea Yates," Austin, Texas, October 1, 2007.

**Presentation:** Texas Women's Health Foundation First Annual Conference, "The Andrea Yates Case – Mental Health and the Law," Parkland Hospital, Dallas, Texas, December 1, 2007.

**Presentation:** Winnipeg Public Defenders Office, Legal Aid Foundation Annual Seminar, "The Legal Humanization of Andrea Pia Yates," Winnipeg, Canada, December 7, 2007.

**Awards:** Recipient of *Attorney of the Year Award*, presented by the Harris County Criminal Lawyers Association, June, 2002.

Recipient of the *Clarence Darrow Award*, presented by the Harris County Democratic Lawyers Association, August 29, 2006.

Recipient of the *Charley Shannon Advocate for Justice Award*, presented by NAMI (National Alliance for the Mentally Ill), Austin, Texas, October 16, 2006.

Recipient of the *2006 Outstanding Public Contribution to Psychology Award*, presented by the Texas Psychological Association, Dallas, Texas, November 17, 2006.

Recipient of the *Jefferson Award*, presented by KPRC Local Channel 2, Houston, Texas, May, 2007.

**Publications:** Parnham, George J., with Shefman, Daucie Elana, "A Review of the Traditional Tests for the Insanity Defense: Psychotic Defendant – The Andrea Pia Yates Case," 2002.

Parnham, George J., and Yates, Terry W., "Expert Witnesses," 2005.

**Committee**

**Responsibilities:**

Harris County Judicial Mental Health Task Force

National Association of Criminal Defense Lawyers (NACDL) Mental Health Committee

Yates Children Memorial Fund (YCMF)

Mental Health Association (MHA) of Greater Houston

Postpartum Support International

President's Advocacy Board

**FILED**

MAR - 3 2008

*Deborah A. Lee*  
CLERK OF COURT



to appear *pro hac vice*, or appeared *pro hac vice*, in this state within the preceding two years; the date of each application; and the outcome of the application.

11th Judicial District Ct.

303 W. 3<sup>rd</sup> Street

Thibodaux, La.

Motion to Appear Pro  
Hac Vice filed

3/3/08

Denied pending  
proper application.

14. Please list the name, address, telephone number and bar number of an active member in good standing of the bar of this state who will sponsor your *pro hac vice* request. The bar member preferably will be the attorney of record for the client(s) you seek to represent.

Richard G. Gortley

Name

631 Milam St Suite 200

Address

Shreveport, La. 71101

LA 6050

Bar number

318-222-3778

Telephone number

15. Please list your prior or continuing representation in other matters of one or more of the clients you propose to represent and any relationship between such other matter(s) and the proceeding for which you seek admission.

N/A -

16. Please list any special experience, expertise, or other factor deemed to make it particularly desirable that you be permitted to represent the client(s) you propose to represent.

~~Board certified in Criminal~~  
law ~~and~~ and special experience in  
mental health and insanity defenses.

17. Please attach to this application a current certificate of good standing in the state(s) you are presently licensed to practice in.

**L 245**

**APPENDIX D**