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Effects of pretrial publicity (PTP) on mock jurors'  
predecisional distortion (PDD), story construction, and judgments

by

Kelloir L. Smith

A dissertation submitted to the Graduate Faculty in Psychology in partial fulfillment of  
the requirements for the degree of Doctor of Philosophy, The City University of New  
York

2008

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Graduate Faculty in Psychology in satisfaction of the  
dissertation requirement for the degree of Doctor of Philosophy.

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## Abstract

Pretrial publicity (PTP) on predecisional distortion (PDD),  
story construction, and jurors' judgments

by

Kelloir L. Smith

Adviser: Professor Steven D. Penrod

A review of the literature on psychological research on pretrial publicity (PTP) is presented. PTP has been found to influence jurors' trial judgments and increase jurors' predecisional distortion. Jurors' form an opinion about the case after PTP exposure, and subsequent information about the case is evaluated and interpreted in favor of the jurors' pretrial favored party. The effects of PTP are examined in terms of Story Model Theory (Pennington & Hastie, 1992). This is the first study to-date that examines how the story jurors' construct is influenced by the story components embedded in PTP. Community members were exposed to PTP two to three days prior to serving as a mock juror on a rape case. Jurors' initial story was influenced by PTP. Jurors' final story was influenced by witness evaluations and jurors' initial story. Jurors' verdict decisions were influenced by jurors' final story and witness evaluations. It was also found that the action component of jurors' stories was the *key component* in jurors' verdict decisions. Future directions for the field are discussed.

## ACKNOWLEDGMENTS

Most individuals can name a teacher that greatly impacted their life. I have had the great fortune of having many such individuals. In addition to such teachers, there have also been several other individuals who have inspired me and provided me with the support that was needed to accomplish this academic endeavor, my Doctorate of Philosophy in Psychology. At this time, I would like to acknowledge these people so that they and others can know how they have touched my life.

I would like to begin with the individuals who directly contributed to the preparation of this dissertation and the completion of this project. I would like to thank my advisor and head of the dissertation committee, Steve Penrod, the Supervisory Committee: Jennifer Groscup, Saul Kassin, Margaret-Ellen Pipe, Kevin O'Neil, various Research Assistants, and others.

I am thankful for the opportunity to have worked with Steve Penrod. I have the utmost respect and admiration for his abilities as a researcher and as a teacher. You taught me everything I know about eyewitness research and fostered my knowledge of extrinsic evidence, pretrial publicity, and juror decision making. You provided me with the opportunity to work on various projects and allowed me the freedom to research topics of my own interest. I am fortunate to have had a teacher who believes his success is in the success of his students.

To the dissertation committee, Jennifer Groscup, Saul Kassin, Margaret-Ellen Pipe, Kevin O'Neil, thank you for taking the time to serve on my committee and for all of the helpful comments you have provided. I am especially grateful to Kevin for his good-

willed nature and generosity. Kevin, thank you for taking the time to teaching me how to use Mplus and answering the many questions I had about interpreting the output.

This study was huge undertaking and in the beginning seemed impossible, but with an amazing team of research assistants became attainable. It would not have been possible to conduct this study as efficiently, as quickly, or as enjoyably as it was without the help of Tarika Daftary, Lindsey Rhead, Yuliya Pekhman, and Cassandra Hoy. It was a pleasure working with all of you, and thank you for all of your efforts. A special thank you is needed to Tarika for helping me every step of the way and for rallying with me when changes to the design and analysis were needed.

I also need to thank Lee Meihls for making this study possible. Your generosity to Lisa Spano was extended to this project by providing the trial transcript that was used to create the mock trial. In addition, the opportunities you enabled me, to work with you in a trial consulting capacity was invaluable. Not only did you foster my desire to enter this field, you helped me refocus my goals when I was discouraged and losing sight of why I was in a doctoral program. Thank you for your guidance.

Lisa Spano provided the groundwork of this project. For that I am thankful, but I am most thankful for your social and emotional support. You were a guardian angel to me. You welcomed me to the doctoral program and to New York City. You gave me a place to stay while I transitioned into the City, you befriended me when I knew no one, you showed me around, and supported me throughout my time in the program. Thank you for everything.

I would also like to thank several other teachers that have indirectly made this accomplishment possible. To the committee members of my Master of Arts thesis,

Maureen, Wesley Scultz, and Sharon Hamill, thank you for instilling in me the strong research methods and statistical analysis foundation, as well as the confidence that was necessary to make it this far. Thank you to John Polich for teaching me how to rise to the challenge and for supporting my pursuit of graduate level education. Thank you to Edmund Fantino. The application of your expertise on Learning and Motivation to the classroom inspired my desire to learn. You taught me that knowledge and/or one's ability is not given innately but rather is acquired through learning. You saw potential in me and you gave me the opportunity to discover my ability to be a researcher.

In addition, I would like to acknowledge friends and family that have inspired me and provided me with the support that was needed to accomplish this endeavor. In memory of Jimmy Rodriguez, 1979 - 1996, thank you for touching my life. Jimmy inspired me to strive for the things I desire, to live fully, passionately, and to not waste the opportunities presented to me. Thank you to Jennifer Arevalo and the Arevalo Family. Your friendship and the kindness of your family have been instrumental in my perseverance. You have been there to console and encourage me.

And finally, but definitely not least, as "We often take for granted the very things that most deserve our gratitude," Cynthia Ozick, I would like to thank my parents for their continued support. Without your backing I would not have been able to enjoy the rich training I have received. You have been there to celebrate each of my achievements and to cheer me on. Thank you for being a supportive family.

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## Chapter 1: Introduction

In the United States anyone accused of a crime is innocent until proven guilty in a court of law. Under the Sixth Amendment and the due process and equal protection clauses of the Fourteenth Amendment of the U.S. Constitution, individuals accused of a criminal offense have the right to be tried by a fair and impartial jury. The jury is to decide the case on the basis of admissible evidence presented during the trial. Evidence can be ruled inadmissible if it is unreliable, not based on the facts of the case, was obtained by illegal means, is emotionally inflammatory, or simply fails to meet state or federal court rules governing the types of evidence that may be presented to a jury. Inadmissible evidence can include pretrial publicity (PTP). Pretrial publicity can also be considered unreliable, not based on the facts of the case, or emotionally inflammatory. If inadmissible evidence or PTP are considered during the deliberation process, this can deprive a defendant of their guaranteed right to be tried by an impartial jury.

Evidence indicates that PTP has the potential to influence jurors' decision-making by creating negative initial perceptions about the defendant. At some point early in the trial, jurors develop an opinion favoring a particular party; jurors' evaluation of all subsequent trial evidence is then distorted to be consistent with their initial favored party (Carlson & Russo, 2001). An extensive amount of psychological research has found that PTP influences jurors' trial judgments (e.g., Otto, Penrod, & Dexter, 1994; Moran & Cutler, 1991; Costantini & King, 1980-1981; Sue, Smith, & Pedroza, 1975), which has led to research specifically looking at the influence of PTP on jurors' initial cognitive framework. Individuals exposed to negative PTP have a greater predecisional distortion than individuals not exposed to negative PTP (Hope et al., 2004). Story Model Theory, a

predominant juror decision-making theory, suggests that jurors organize evidence presented in trial to construct a story and the story constructed determines the verdict they render (Pennington & Hastie, 1992). Likewise, jurors' opinions on various story themes have been found to predict judgment decisions (Huntley & Costanzo, 2003). However, to-date there has not been any empirical research on the direct influence of PTP on jurors' constructed stories; nor has there been systematic investigation of the influence of different components of PTP on jurors' judgment decisions.

The empirical investigation presented in this paper draws from the literature on juror decision-making theories and research on pretrial publicity. Both are reviewed here, and a study exploring the effect of varying components of PTP on mock jurors' initial cognitive framework, constructed stories, and decisions is presented. The data presented are the first to test the influence of individual components of the Story Model Theory embedded in PTP on juror decision-making. Finally, based on the findings, suggestions for future research and recommendations for how the legal field can address the issue of PTP are offered.

### *Story Model Theory*

There are several theories about how jurors reach a verdict. Information integration, Bayesian, Poisson, and Sequential weighting are all models that assign numerical values to evidence and create an algebraic operation to evaluate the probability or parameter estimate of the likelihood of guilt or innocence (see Pennington & Hastie, 1981 for a full review). Although these mathematical models of the decision making process might be an accurate estimate of the probability of guilt judgments, jurors most likely do not consciously use mathematical formulas to evaluate the evidence, nor would they

consciously assign the “weights” to evidence items. Pennington and Hastie (1981) speculate that testimonies are interpreted by jurors as separate exhibits of evidence rather than as pieces which supplement one another. For example, if two witnesses testify to having seen the defendant at a particular location at a give time and there is a video clip from a surveillance camera that places the defendant at the same time and place, jurors might interpret these testimonies and exhibit as three separate facts against the defendant-when in fact the two testimonies and exhibit really only supplement or support one another as one claim. An alternative to the algebraically based decision making models that may be a more accurate characterization of the actual juror decision-making process is the Story Model proposed by Pennington and Hastie (1992).

Pennington and Hastie’s (1992) Story Model proposes that juror decision-making is divided into three parts. First, jurors evaluate the evidence presented in court through story construction. Second, the verdict categories are established through instructions from the trial judge. Then, through story classification, jurors search for a “goodness-of-fit” of the constructed story and the verdict categories.

*Story Construction.* The main emphasis of the story model is the organization and utilization of knowledge to construct a story. In other words, throughout a trial jurors actively construct a story by organizing information into a coherent mental representation of the events at issue in the trial. Trials can contain an immense amount of evidence that is often presented over long durations. Evidence is typically presented in a question and answer format. Pennington and Hastie (1992) therefore postulated that comprehension of the evidence inherently becomes a constructive process. The claim of the theory is that the story the juror constructs will determine the decision the juror reaches. Pennington

and Hastie (1992) hypothesize that jurors use case-specific information acquired during the trial (e.g., statements made by witnesses about past events relevant to the decision), knowledge about events similar in content to those that are the topic of dispute (e.g., knowledge about a similar crime in the juror's community), and general expectations about what makes a complete story (e.g., knowledge that human actions are usually motivated by goals).

Pennington and Hastie (1992) further suggest that jurors' stories are organized into episode schemas or story components, that are related to the defining attributes of a verdict decision (e.g., conclusions drawn from stories which map into legal definitions of first or second degree murder or manslaughter or self-defense). An episode schema describes a general knowledge structure that represents standard event sequences in both the real world and in stories (Pennington & Hastie, 1986). Episode schemas include *initiating events* that enable subsequent actions to follow, the main character's *psychological state or goals* that provide reasons for the character's subsequent actions, and *outcome or consequences* of those subsequent actions. In other words, jurors' stories are constructed by the initiating events, goals, actions, and consequences of the parties involved.

Pennington and Hastie (1992) acknowledge that it is possible that several stories may be constructed during the trial; and although a juror may find that more than one story is a coherent account of the case, ultimately only one story can prevail. The *coverage, coherence, and uniqueness* of a story will determine how acceptable one story will be over another (Pennington & Hastie, 1992). A story's coverage is the extent to which the story accounts for all or most of the evidence. The more coverage a story has

the more plausible it becomes. Coherence is determined by: (1) Completeness, or the extent to which the story covers all the evidence; (2) Consistency, or internal structure of the story; and, (3) Plausibility, or the degree to which the story fits with a jurors' general knowledge of the world.

In addition, Pennington and Hastie (1992) acknowledge different jurors will construct different stories, "because all jurors hear the same evidence, and have the same general knowledge about the expected structure of stories, differences in story construction must arise from differences in world knowledge, that is, differences in experiences and beliefs about the social world" (Pennington & Hastie, 1993, p. 196). Pennington and Hastie (1993) found, for example, that jurors from wealthier neighborhoods where crime, violence, and the threat of danger are low, were less likely to believe that a person (e.g., the defendant) could have any reason to carry a weapon, such as a knife, unless that person had intent to use it. Whereas jurors from poorer neighborhoods, who are more likely to have experienced some form of threat of danger, were able to conceive of the possibility that carrying a weapon may actually be a normal thing to do under certain circumstances and not necessarily proof of intent to harm another person (Pennington and Hastie, 1993).

The contention that jurors' judgments are influenced by jurors' personal characteristics is not unique to the story model theory. Sealy (1981) proposed that factors such as life experience, general social background, education, and personality may predispose a juror to be more sensitive to some aspects of the case rather than others or vulnerable to argumentation during deliberation. Diamond and Casper (1992) conceptualize the decision process jurors use as an, "active search for causal explanations

to make sense of events about which they are told, consciously or unconsciously process information, filling in blanks or interpreting ambiguities in testimonies in ways that may strongly influence their decisions” (p. 516). Therefore, a jurors’ life experiences, social background, and beliefs about the social world are important factors in the decision-making process and ultimately in the trial outcome. Such personal characteristics influence the perspectives of the jurors. It is important to know if observable characteristics (e.g., demographic variables) of the jurors are related to their underlying beliefs about matters relevant to the trial. Research that has examined observable characteristics of the jurors supports this contention (i.e., Sealy, 1981; Diamond & Casper, 1992).

*Verdict Representation.* The decisions jurors must make, in most cases, are more complex than a simple “guilty” or “not guilty” or liable or not liable verdict. Jurors must decide if the defendant is the perpetrator, what were the intentions or goals of the defendant, what were the circumstances of the events in question, what was the sequence of actions of the parties involved, and/ or what was the amount of liability each party had. These factors must be evaluated to determine the defendant’s culpability. During the trial, before the jurors are dismissed to deliberate the judge instructs jurors on the law and at this point jurors learn the specific charges or verdict categories. Verdicts are represented along four axes: identity of the perpetrator, mental state of the defendant at the time, circumstances during the event, and the actions taken by the defendant (Kaplan, 1978).

For example, in the murder case used in the Pennington and Hastie’s (1986) study the jurors had three distinct options for guilt: first-degree murder, second-degree murder,

or manslaughter, and the option of not guilty. Jurors learn the distinction between verdict categories when the judge instructs them on the law. As defined on [http://criminal.findlaw.com/crimes/a-z/manslaughter\\_involuntary.html](http://criminal.findlaw.com/crimes/a-z/manslaughter_involuntary.html), first-degree murder is the willful, deliberate, malicious and premeditated killing of a human being. In other words, the defendant intended to kill the victim, with premeditation. Second-degree murder is defined as an intentional killing that is not premeditated or planned. In addition, second-degree murder is not committed in a reasonable "heat of passion" and is not a killing caused by dangerous conduct and the offender's obvious lack of concern for human life. Manslaughter is the lesser charge of murder and can be applied to either first-degree (i.e., voluntary manslaughter) or second-degree murder (i.e., involuntary manslaughter). It is voluntary manslaughter if the circumstances leading to the killing would cause a reasonable person to become emotionally or mentally disturbed or killing that occurs in the "heat of passion." Involuntary manslaughter usually refers to an unintentional killing that results from recklessness or criminal negligence, or from an unlawful act that is a misdemeanor or low-level felony (i.e., DUI). Each of these verdict categories are represented along the four axes of verdict representation (Kaplan, 1978).

*Story Classification.* The third part of Pennington and Hastie's story model is story "classification." Story classification is contingent on relationships between verdict categories or crime elements, and story episodes. Jurors use the judge's instructions and story classification to determine a verdict. The claim is that jurors reach a decision by searching for a "goodness-of-fit" of the constructed story and the verdict categories. In other words, the final stage of story model theory is the application of the story to the verdict categories. Components of the constructed story, initiating events, goals, actions,

and consequences, are matched up to the verdict categories, identity, mental state, circumstances and actions. If the story matches the verdict categories the juror finds the defendant guilty.

A more recent study examined the role of jurors' story themes in the relationship between jurors' characteristics and verdicts, and found that mock jurors' stories were significant predictors of verdict choices (Huntley & Costanzo, 2003). The study was an archival analysis of several mock trials conducted by a litigation consulting firm. Jury eligible community members ( $N = 123$ ) participated in the studies where they heard summarized versions of opening and closing arguments from the plaintiff and defense attorneys in sexual harassment civil cases. There were two phases to the study. In the first phase, participants were asked to indicate the strongest arguments or points made by each attorney and any doubts or disbeliefs about what they heard. Huntley and Costanzo (2003) evaluated jurors' open ended responses to sexual harassment civil cases; they found several case themes embedded from jurors' responses. There were themes that represented the complainant's story, including items such as the harassment was known and tolerated by the company, the company failed to respond, the company retaliated against the complainant for complaining of sexual harassment. There were also themes that represented the defendant's story, including items such as it wasn't really harassment, the company followed its policy, and the complainant did not follow proper reporting procedures. Responses were content coded and further evaluated in the second phase.

In the second phase, story themes were tested as mediators of the influences jurors' attitudes (i.e., unjust world beliefs, value of fairness, workplace justice),

demographics (i.e., political party, race, gender), and experiences (i.e., unfair treatment) have on juror decision-making (i.e., verdict, commitment to verdict, confidence).

Participants were asked to indicate how strongly they agreed with 12 items that reflected the plaintiff and defense themes identified in Phase 1. Responses to these items were when used to create a story score to reflect participants' story theme. Huntley and Costanzo (2003) found that story score was a significant predictor of jurors verdicts ( $\beta = 0.77, p < .001$ ), commitment ( $\beta = .54, p < .001$ ), and confidence \* verdict ( $\beta = .80, p < .001$ ). They found that jurors who endorsed different stories reached different verdicts.

#### *Predecisional Distortion*

Predecisional distortion theory proposes that at some point early in the trial, jurors develop an opinion about the likely trial outcome and subsequently favor interpretations of trial evidence that are in accordance with this initial opinion (Russo, Medvec & Melvoy, 1996). The main claim of the theory is that an opinion formed early in the trial biases the evaluation of all new trial evidence. This concept is not new to research on juror decision making as several studies have found that jurors' prior beliefs have an effect on their evaluation of the trial. For example, Olsen-Fulero and Fulero (1997) concluded that jurors' pre-existing beliefs about rape were used to construct stories about a particular case and consequently these stories served as the basis for their final verdict choices. Similarly, Smith (1991) found that potential jurors' preconceived ideas about what constituted certain crimes such as kidnapping, assault, and burglary influenced their evaluation of the trial. Prototypical crimes that were in line with jurors' preconceived ideas yielded higher conviction rates.

Predecisional distortion in juror decision making was first explicitly examined by Carlson and Russo (2001). Carlson and Russo (2001) tested for predecisional distortion in both criminal and civil mock trials and they hypothesized that jurors would distort evidence by interpreting and evaluating new trial evidence in a manner biased toward their preconceived leader or favored party in the litigation. Carlson and Russo (2001) also hypothesized that greater confidence in the initial judgment of the “leader” would lead to greater distortion of the new evidence; and, jurors’ prior beliefs would influence jurors’ evaluation and interpretation of new trial evidence. Carlson and Russo (2001) tested their theory by conducting two experiments that examined mock jurors’ opinions throughout a trial.

In the first experiment, college students were recruited to serve as jurors in two mock trials. Participants ( $N = 127$ ) were presented with a 20-minute juror orientation film that was developed and used by the local courts. The orientation film explained the trial process and jurors’ role in a jury trial, including instructions for jurors to avoid making predetermined decisions about the evidence until the conclusion of the trial. Mock jurors were also discouraged from forming strong opinions about the evidence until they had heard all of the evidence. After orientation, mock jurors were presented with the stimulus materials which included case summaries of a civil and criminal trial with various questionnaires throughout and at the end of each case summary. Participants were asked about their prior beliefs (i.e., legitimacy of the typical plaintiff’s or defendant’s case), and after each piece of evidence, they were asked to assess whether that piece of information favored the prosecution or the defense. They were also asked which side they were leaning toward and how confident they were that their favored party would ultimately

win. Carlson and Russo (2001) found that mock jurors did distort evidence in both the civil and criminal trial and that the distortion increased with jurors' confidence in their opinion about the leading party or verdict. However, they did not find support for the hypothesis that jurors' prior beliefs influenced predecisional distortion.

Carlson and Russo (2001) then replicated the civil mock trial with potential jurors (i.e., individuals who had reported for jury service). Carlson and Russo (2001) again found that mock jurors distorted evidence in favor of their initial opinion of the case and the distortion increased with jurors' confidence in their opinion about the leading party or verdict. Interestingly, the magnitude of the effect of predecisional distortion in potential jurors was twice that in student mock jurors. In addition, although student mock jurors were not influenced by their prior beliefs about the legitimacy of the typical plaintiff's or defendant's cases, potential jurors were. They believed the discrepancy between students and potential jurors was due to the fact that potential jurors, who are older, may have stronger opinions or beliefs about the legitimacy of typical plaintiff or defendant cases than do college students. Overall, Carlson and Russo (2001) concluded that predecisional distortion of case evidence influences mock jurors' verdicts, confidence in one's initial opinion of the case increases predecisional distortion, and that prospective jurors were more biased than students.

Carlson and Russo (2001) suggested that predecisional distortion is driven by the jurors' goal to formulate a coherent account of the evidence presented. They proposed that jurors' initial stories are formulated through the jurors' prior beliefs, the attorney's opening statements, and early judicial instructions. As the trial progresses, new evidence is perceived and inferences are based on jurors' early cognitive frameworks about the

case. Predecisional distortion predicts that the presentation of new information that does not fit into jurors' initial frameworks will be rejected and information that fits well will be accepted. In other words, a juror will distort evidence evaluations in a biased manner-toward their favored party and away from the probative merit of the evidence independent of prior distortion.

Carlson and Russo (2001) contend that story model theory can be extended to incorporate predecisional distortion in situations where jurors are aware of the verdict categories at the outset of the trial. As in the story model theory, Carlson and Russo (2001) propose that jurors' goal of coherence drives the resolution of conflicts among units of evidence. In contrast to the story model, they propose that distortion of the evidence is a tactic for enhancing coherence and that instead of multiple stories being formulated, there is one dominant story formulated at the beginning. In other words, the main distinction between predecisional distortion and story model is that with predecisional distortion jurors' story construction is done early in the trial before all or most of the evidence has been presented, and in story model, the jurors' construct the story after the evidence has been presented. However, Carlson and Russo (2001) do contend that in situations where the verdict categories are unknown to the jurors at a trial's start, multiple stories may be needed and predecisional distortion may not be an accurate description of the decision making process. Suggesting that jurors' predecisional distortion may not be a reliable predictor of jurors' judgment decisions.

#### *Pretrial Publicity*

When crimes are unusual or horrific in nature, affect a large number of people, or involve individuals in the public eye, they spawn media coverage. In such cases the

community can become saturated with pretrial publicity. While the media and public have a right to disseminate and receive information about crimes in their community under the First Amendment of the U.S. Constitution, the information that is circulated may contain emotion-provoking, inflammatory, biased, or erroneous information about the crime or the parties involved. Essentially, pretrial publicity may bias potential jurors and impair a defendant's right to receive a fair and impartial trial. Research has investigated the influence pretrial publicity (PTP) has on jurors' opinions and beliefs about the case and the defendant, as well as how it ultimately affects the case.

Research on the influence PTP has on jurors' beliefs about the defendant has produced mixed findings, as some earlier research has found no significant effect of PTP on jurors' verdicts while later research has. Davis (1986) conducted a mock trial with 20 12-person mock juries. Participants were presented with either neutral or negative articles related to the case, and then viewed a video of the mock trial either immediately after being presented with the articles or a week later. After presentation of the trial, mock jurors deliberated. Pre- and post-deliberation verdicts, guilt scales, assessment and recall of the news articles were recorded in addition to various other measures. Deliberations were tape recorded and content analyzed. Davis (1986) found no difference between neutral and negative PTP on conviction rates or any difference on the length or quality of deliberations.

In this particular study the non-significant results may not be indicative of the potential effect PTP has on jurors' assessment of the case and the defendant, as Davis (1986) reported that participants who were exposed to prejudicial (negative) news made remarks about the threatening nature of the publicity to the defendant's right to a fair trial.

Participants' awareness or concern about PTP may have caused them to compensate. It may be that jurors exposed to the negative PTP were more lenient in their assessment of the case and the defendant perhaps because they feared that they had been negatively influenced by the PTP. Research on inadmissible evidence has also found this rebound effect. In a study by Thompson, Fong, and Rosenhan (1981), the researchers examined the influence of pro-acquittal and pro-conviction inadmissible evidence on mock jurors' pre- and post-deliberation verdicts. It was found that inadmissible evidence jurors considered influential did not influence their verdicts while inadmissible evidence jurors considered non-influential did influence their verdicts. In other words, jurors who realized they were being influenced by inadmissible evidence were able to cognitively compensate for it while those who did not realize they were influenced by inadmissible evidence were influenced by it. In a similar study, Werner, Kagehiro, and Strube (1982) examined the effects of inadmissible and admissible evidence that was either exonerating or incriminating, and jurors' authoritarianism. Werner et al. (1982) found that nonauthoritarian jurors did not convict in the presence of inadmissible incriminating evidence and, in fact, became more lenient. Werner et al. (1982) concluded that nonauthoritarian jurors realized the inadmissible evidence had a potential to bias them, and they then overcompensated for it by becoming more lenient toward the defendant.

However, more recent work on the effects of PTP exposure on jurors' decision making has found significant adverse effects. For example, Ruva (2002) presented participants ( $N = 558$ ) with news articles that either contained PTP or articles that contained unrelated information. Approximately four days after reading the news articles, participants watched a videotape murder trial. At the completion of the trial

participants were asked to indicate guilt ratings of the defendant, credibility ratings of the defendant, assign length of prison sentence, and indicate the source (news articles or trial evidence) of various pieces of information regarding the case. Jurors who were exposed to pretrial publicity were significantly more likely than non-exposed jurors to find the defendant guilty, imposed longer prison sentences, perceived the defendant as being less credible, and misattributed the source of information contained only in the pretrial publicity as being presented as evidence at trial (Ruva, 2002).

In another example, Ogloff and Vidmar (1994) explored the impact of PTP (i.e., television, newspaper articles, or both) on pretrial attitudes, perceptions, and beliefs, and found that PTP did have an impact on jurors' assessments. In their study, participants ( $N = 121$ ) were presented with graphic information about a case involving an allegation of sexual abuse. The information was presented through television alone, newspaper articles, or a combination of television and newspaper articles. There was also a control group, in which participants received neutral information about the case but did not receive any graphic information. After being presented with PTP, participants filled out a questionnaire that assessed their emotional reactions, perceptions of guilt, recommendation of punishment, and ability to be a fair and impartial juror. Ogloff and Vidmar (1994) hypothesized that graphic PTP would influence jurors' assessments; furthermore, it was hypothesized that there would be a differentiation among the presentation modes on the impact of PTP on jurors' assessments. It was found that graphic PTP presented via television and newspaper articles combined had the greatest impact on jurors' assessments, followed by PTP presented via television alone, and then PTP presented via newspaper articles. Interestingly, even though jurors were influenced

by PTP, jurors were unaware of their biases. All of the participants indicated that they could be a fair and impartial juror.

Other studies show that there are various types of PTP. PTP may be in the form of news articles or television news clips and the information may be graphic, emotional, or slanted. Research has explored the type of PTP as an influential factor on jurors' beliefs about the case or the defendant. Research on the medium of presentation (i.e., newspaper articles or television), the content (i.e., bias slant, factual information, character comments, or defendant's prior record), and emotionality (i.e., attitudinal, attributable, level of emotionality) of PTP is reviewed in the next section.

#### *Types of PTP*

The medium in which PTP is presented has been examined as a possible source of influence in jurors' beliefs about defendant guilt. Ogloff and Vidmar (1994) explored the impact of PTP in various modes of presentation (i.e., television, newspaper articles, or both) on pretrial attitudes, perceptions, and beliefs. There was no differentiation among the various modes of presentation. Wilson and Bornstein (1998) also examined the medium of PTP--participants were exposed to PTP either in video or written form. The medium in which PTP presented was not an influential factor in PTP-induced jurors' beliefs about defendant guilt.

Other researchers have examined the effect of content within PTP on jurors' beliefs. Information contained in PTP can include anything from case facts to irrelevant information about the parties involved or case themes. For example information contained in PTP may include comments about the defendant's character or their criminal history, as well as information targeted at jurors' emotions.

Various studies have examined the relationship between content of PTP and its influence on mock jurors' beliefs about the defendant's guilt. For example, Otto, Penrod, and Dexter (1994) examined the effect of different types of PTP. Otto et al. (1994) tested the differential effect of several types of PTP on juror decision making and also explored the impact of trial evidence on biases created by PTP. Participants read PTP articles, watched an edited video tape of a real trial, and filled out a questionnaire that assessed their verdicts, rating of the parties in the trial, and evaluation of the evidence presented. Seven types of PTP articles were tested: 1) defendant character, 2) weak inadmissible statements by a neighbor, 3) strong inadmissible statements by a neighbor, 4) a prior police record for the defendant, 5) mention of the defendant's low status-job, 6) neutral information about the case, and 7) information unrelated to the specific case or the parties involved. Otto et al. (1994) found statements about the defendant's character and both weak and strong inadmissible evidence influenced jurors' initial judgments of the defendant's guilt. Trial evidence weakened the effect of bias created by PTP, but bias created by PTP on the defendant's prior record persisted and influenced jurors' post-trial judgments.

Others have also examined how the specific type of prior record information influences guilt judgments. For example, Wissler and Saks (1985) presented mock jurors with information about the defendant's history, either conviction of a similar crime to the one they are currently being accused of, a dissimilar crime, or perjury, and a control condition was also implemented. Participants presented with the prior record information were also instructed to use that information only to determine the credibility of the defendant's testimony and not as an indication of his criminal disposition. Wissler and

Saks (1985) found that the defendant's credibility ratings were not affected by the prior record information; however, verdicts were affected by type of prior record. Bias created by PTP on the defendant's prior record persisted and influenced jurors' post-trial judgments. The percentage of participants who voted guilty in each of the conditions is as follows: defendant convicted of a similar crime (75%), defendant convicted of a dissimilar crime (53%), defendant convicted of perjury (60%), and the control condition (43%). Jurors were influenced by the type of crime the defendant had a history with.

While pre-trial news may include factual information regarding the case, it may also contain information targeted at the emotions of the public. Research on this type of PTP has examined the influence of factual vs. emotional information. In an experimental study, the effect of emotional vs. factual PTP was compared by balancing the degree of bias in both forms of PTP but varying the level of emotionality in the PTP (Wilson & Bornstein, 1998). Wilson and Bornstein (1998) found both types of PTP produced the same degree of bias (Wilson & Bornstein, 1998).

The generalizability of prejudicial PTP effects on jurors' judgments has also been examined in civil trials. Bornstein, Whisenhunt, and Nemeth, (2002) hypothesized that exposure to negative PTP about either party (i.e., plaintiff-PTP or defendant-PTP) would reduce mock jurors' verdicts for that party compared to mock jurors in the control condition who did not read prejudicial PTP. Participants ( $N = 72$ ) read one of three articles (i.e., plaintiff-PTP, defendant-PTP, or a control condition), a case summary, and then indicated a liability judgment, compensation award, estimations of defendants responsibility for plaintiffs injuries, and perception of parties. As predicted, participants were sensitive to negative PTP; liability, causality, and sympathy were all a function of

negative PTP. For example, 46% of mock jurors in the control condition found the defendant liable, while only 25% of those who were exposed to negative information about the plaintiff, and 75% of those who were exposed to negative information about the defendant.

Past research has focused on pro-prosecution publicity such as prior record, negative characterizations of the defendant (i.e., Otto et al., 1994), defendant confessions (i.e., Padawer-Singer, & Barton, 1975; Tans & Chaffee, 1961), and emotional publicity (Kramer et al., 1990). Other studies that have looked at the effect of good character have also found significant results (i.e., Tanford & Cox, 1988). Tanford and Cox (1988) found that good character (i.e., statements regarding the defendants honest character), when presented with prior record information and limiting instructions from the judge, resulted in fewer liable verdicts and lower defendant responsibility ratings. It is possible that PTP in favor of the defendant, especially in rape cases, may reduce jurors' defendant culpability ratings. Take for example the highly publicized Kobe Bryant rape trial (<http://www.courttv.com/trials/bryant>). The media reports surrounding the Bryant case contained a substantial amount of negative information about complainant (i.e., her promiscuous sexual history) and good character statements about the defendant. In such cases that receive both pro-prosecution and pro-defense PTP, it is possible that final guilt judgments will be influenced by the type of information jurors are exposed to, whether it is pro-prosecution, pro-defense, or a mix of both.

Regardless of the differential effects of the medium (i.e., newspaper articles vs. television) or content of PTP (i.e., factual vs. affective, or defendant characterization vs. prior record) exposure to PTP has been shown to have an effect on jurors' opinion of the

defendant's guilt. Although courts are inclined to believe that if jurors are able to recognize their bias and inform the judge or attorneys of their bias, then the impartiality of the jury will not be threatened, this may not be the case. As research has shown, potential jurors do not realize their exposure to PTP has biased them.

#### *Awareness of PTP Bias*

Jurors who have been exposed to negative PTP and claim to be unbiased are more likely to convict a defendant than jurors who were exposed to neutral PTP (Sue, Smith, & Pedrozza, 1975). Sue et al. (1975) found that although jurors were exposed to negative PTP and are more likely to convict the defendant, jurors claimed that they were capable of being impartial. Jurors were unaware of their bias.

Similar results were found in a field study by Moran and Cutler (1991) who examined the impact of PTP on potential jurors' beliefs about a specific case. The case used in the study had received considerable publicity regarding the investigation, arrest, and indictment of a defendant. Potential jurors ( $N = 604$ ) of this case were surveyed about their knowledge of the case, their general attitudes toward crime, and specific attitudes toward the case. The main finding was that knowledge about the case was significantly correlated with perceived culpability of the defendant; however, knowledge about the case was not significantly correlated with believed impartiality. Although jurors with more knowledge about the case were more likely to think the defendant was guilty, they did not think their knowledge of the case had an effect on their impartiality; they thought they were impartial (see Table 1).

**Table 1. Awareness of Newspaper Articles and Potential Juror Prejudgment from Moran and Cutler (1991) Study 1**

Number of news items respondent aware of:	Percent saying “A lot of evidence”	Percent Claiming	
		Can be fair and impartial	Unable to set aside news
0	.11	.70	.42
1	.13	.69	.47
2	.22	.66	.49
3	.29	.67	.51
4	.33	.58	.42
5	.50	.62	.38
6	.45	.67	.50
7+	.60	.75	.35

Moran and Cutler (1991) conducted another field study, using a different highly publicized case and replicated their findings. Moran and Cutler (1991) found that knowledge of PTP was significantly correlated with perceived culpability of the defendant. Again, participants who were knowledgeable about PTP did not think they were partial (see Table 2). Moran and Cutler (1991) concluded that even modest PTP may prejudice jurors against a defendant; and jurors exposed to PTP are not aware or are unwilling to admit that they are partial against a defendant. As discussed earlier, Ogloff and Vidmar (1994) also found that even though mock jurors were exposed to and biased by PTP, they were unaware of their biases.

**Table 2. Awareness of Newspaper Articles and Potential Juror Prejudgment from Moran and Cutler (1991) Study 2**

Number of news items respondent aware of:	Percent saying “A lot of evidence”	Percent Claiming	
		Can be fair and impartial	Unable to set aside news
1 or fewer	.14	.93	.21
2	.35	.74	.31
3	.57	.80	.33
4 or more	.55	.61	.39

*Persistence of PTP Bias*

Research has examined the persistence of bias created by PTP. Traditional safeguards such as voir dire and judicial instructions are believed to protect against bias created by PTP. These safeguards have been examined, in addition to the effect of presentation of trial evidence.

*Voir dire.* Voir dire is the process of jury selection where potential jurors are questioned and evaluated for their ability to be impartial jurors. Courts believe that during the process of voir dire biased jurors will be identified and eliminated. However, research indicates that voir dire does not efficiently reduce the effect of PTP. In a study by Dexter, Cutler, and Moran (1992) PTP was examined to determine if it produced bias that impaired jurors' objectivity and to test the effectiveness of voir dire to eliminate PTP bias. Half the participants in the study were presented with PTP articles one week before viewing the mock study and the other half were not presented with any PTP articles. Immediately before participating in the mock trial, participants underwent either minimal or extensive voir dire. Dexter et al. (1992) hypothesized that prejudicial PTP would increase jurors' perceptions of the defendant's culpability. It was also hypothesized that the impact of PTP on jurors' perceptions of the defendant would be reduced with extended voir dire than minimal voir dire. As hypothesized, there was a main effect for PTP bias, those who were exposed to prejudicial PTP perceived the defendant as more culpable than those who did not read prejudicial PTP. There was also a main effect for voir dire; those who underwent extended voir dire perceived the defendant as less culpable than those who underwent minimal voir dire. However, contrary to the Dexter et al. (1992) second hypothesis that extended voir dire would reduce or eliminate PTP

bias, there was not a significant interaction between prejudicial PTP and voir dire. Extended voir dire did not reduce the impact of PTP on jurors' perceptions of the defendant's culpability.

*Judge's instructions.* The courts believe that admonishing jurors to ignore pretrial publicity that they may have been exposed to is enough to eradicate bias created by such publicity. For example there have been two Supreme Court Rulings *Mu'min vs. Virginia*, 1991, and *Wainwright vs. Witt*, 1985, asserting that if a juror says they are able to apply the facts of the case to the law then that is sufficient standard of impartiality. Unfortunately, most research has found that individual jurors do not or cannot follow judicial instructions to ignore inadmissible evidence or evidence obtained outside of the trial, [i.e., PTP] (e.g., Kadish & Kadish, 1971; Thompson, Fong, & Rosenhan, 1981; Freedman, Martin, & Mota, 1998). For example, Freedman, Martin, and Mota (1998) examined the effect of the judge's admonition to disregard information obtained outside the trial. In addition to looking at the effect of judicial instructions, they also examined the effect of asking jurors for their opinions before the trial. In study one, participants were presented with PTP, shown a videotape of a trial, and asked for their opinion about guilt and their verdicts. The judge's instruction either included or did not include specific instructions to ignore extraneous information. There was no effect for PTP. However, jurors given the specific instructions to ignore extrinsic information were less likely to think the defendant was guilty. In study two, participants were presented with either neutral or negative PTP, shown a videotape of a trial, and asked for their opinions about guilt and their verdicts. Pretrial opinions were either solicited or not solicited. There was no main effect for PTP; however, there was an interaction between PTP and pretrial

opinion/ verdict solicitation. Participants who were asked for their pretrial opinions were significantly affected by negative PTP. Participants presented with negative PTP, but not solicited for the pre-trial opinion, did not differ from participants who were presented with neutral PTP on their post-trial opinions and verdicts. Freedman et al. (1998) concluded that the effect of PTP is not straight forward and depends on other factors.

Other studies looking at inadmissible evidence in for the form of in-court statements have found similar results. Thompson et al. (1981) examined both the influence of proacquittal and proconviction inadmissible evidence on jurors' guilt judgments of the defendant and the effect of judicial instructions to disregard the inadmissible evidence. Thompson et al. (1981) found that jurors were influenced by proacquittal inadmissible evidence regardless of instructions from the judge to disregard such information. Interestingly, the proacquittal inadmissible evidence was rated as less influential evidence than proconviction inadmissible evidence. A similar experiment conducted by Werner, Kagehiro, and Strube (1982) also found the judge's instructions to disregard inadmissible evidence did not have an effect on jurors' verdicts.

The impact of judicial instructions to disregard inadmissible evidence has also been examined in civil cases. In one study, by Landsman and Rakos (1994) in which undergraduate participants served as either judges or mock jurors, both did not disregard biasing information against the defendant presented during the mock trial even when presented with judicial instructions to disregard such information. In another study, by Tanford and Cox (1988), the effects of impeachment evidence on jurors' decisions in a civil trial was also examined. Tanford and Cox (1988) first examined the effect of prior record (e.g., absent, present, or present with limiting instructions) and character evidence

(e.g., honest or dishonest) on jurors' individual liability verdicts and defendant responsibility ratings. It was hypothesized that exposure to prior record and negative character evidence would result in more liable verdicts and higher defendant responsibility ratings. Evidence about the defendant's prior conviction of perjury was introduced during the defendant's cross-examination on the witness stand. In the condition with presence of prior record and limiting instructions, the judge gave the jurors instructions both at the time when the evidence was presented and at the end of the trial. The judge instructed the jurors to consider the conviction evidence only to assess the defendant's credibility as a witness' and not to assess blame. Tanford and Cox (1988) found some support for their hypothesis; exposure to prior record and character evidence did influence liability verdicts and defendant responsibility ratings. Simple effects analyses revealed that character evidence, specifically honesty characterizations, was only significant when prior record information was presented with limiting instructions, such that honest character evidence had fewer liable verdicts and lower defendant responsibility ratings. These findings were replicated in a second study that included jury deliberations. Tanford and Cox (1988) concluded limiting instructions probably highlighted the importance of credibility and even though the defendant had a prior record he was also was an honest/ credible person; and in turn, this made jurors more conscientious about the defendant's credibility as a witness who was testifying in his favor. Results from these studies suggest that jurors have difficulty disregarding prejudicial information presented about the defendant either pretrial or in-court for both criminal and civil cases.

In addition, when Bornstein et al. (2002) examined the effects of PTP on jurors' judgments in a civil liability case, they also examined the effect of judicial instruction to neutralize the negative effects of PTP. Judicial instruction Bornstein et al. (2002) presented to participants were as follows:

You are to determine the facts solely from the evidence presented in the case. Do not use information in pretrial publicity or your reaction to it as a basis for judgment in the case. Pretrial publicity is information you received before the actual evidence was presented and would include things like any newspaper articles you read or TV news you saw that dealt with this case.

Participants were either exposed to negative PTP or read a control article and were assigned to one of three judicial instruction conditions: received judicial instructions to disregard biasing information after reading the case summary, received judicial instructions both before and after reading the case summary, or receiving no additional instructions. Bornstein et al. (2002) found a main effect for judicial instructions to reduce jurors' perception of the defendant culpability. Participants who received instructions before and after reading the case summary were more likely to perceive the defendant as less culpable than those in the control condition (i.e., receiving no additional instructions) and those receiving instructions only after reading the case summary. However, there was no interaction between judicial instructions and negative PTP. Judicial instructions did not decrease juror sensitivity to the biasing effects of negative PTP on jurors' judgments of liability.

*Trial evidence.* Some research has found that trial evidence reduces or eliminates the bias created by PTP. As mentioned previously, Otto, Penrod, and Dexter (1994) found that bias created by PTP was weakened by trial evidence. However, PTP regarding the defendant's criminal record continued to bias jurors' assessment of the defendant's culpability (Otto et al., 1994). Participants ( $N=262$ ) read two newspaper articles and then watched a videotape of the trial. Although PTP influenced the participants' initial judgments about the defendant, the effect was weakened by the presentation of trial evidence. Similar results were found in a study by Freedman and Burke (1996). In that study the effect of PTP concerning a highly publicized rape and murder case (i.e., the case of Paul Bernardo-Teale/ Karla Homolka) was assessed. Community members ( $N = 155$ ) were questioned about what they knew about the case, were given a brief description of the case, and then asked to indicate if they thought the defendant was guilty or innocent. Participants then read a fictitious script of how the trial probably went and were asked again to indicate if they thought the defendant was guilty or innocent. Freedman and Burke (1996) found that participants who had been exposed to more PTP were more likely to indicate that they thought the defendant was guilty before they read the script of the trial. However, after reading the trial script the PTP effect disappeared. There was no difference between participants who had little to no exposure to PTP and those who had more exposure to PTP on their guilt ratings after reading the trial script. The only remaining PTP effect was information regarding additional charges of rape. The defendant was also being charged with dozens of other accounts of rape in a different province. This knowledge did increase the likelihood that participants found the defendant guilty. With these mixed findings Freedman and Burke (1996) concluded that

the effect of PTP is not consistent and may depend on content and its relation to the facts of the specific case.

Research has also examined the possibility of reducing the effect of PTP. Some researchers believe that an extended voir dire process will reduce or eliminate PTP bias; while others believe instructions from the judge will reduce or eliminate the PTP effects. However, research has shown that while the effect of PTP is reduced over the course of the trial process, it is not reduced through an extended voir dire or specific instructions from a judge to disregard extraneous information. PTP is presented and affects different aspects of the trial in different ways. While PTP may have an effect on jurors, there is, as yet, no way to definitively determine what the effect will be or how strong the effect will be.

#### *Additional Factors Influencing PTP Bias*

The variable effects of PTP may be an indication of the complexity of the factors which can influence jurors' beliefs about the case or the defendant. Additional variables have been found to interact with, mediate, and moderate the influence PTP has on jurors' beliefs. For example, Riedel (1993) explored the influence of PTP and gender on both verdicts and sentencing. Participants were presented with PTP, watched a videotaped rape trial, and either rendered a verdict (i.e., guilty or not guilty) or determined sentencing (on a scale of 0 to probation for life in prison). Participants were either assigned to a condition where they played the role of a juror on the case or a judge. Verdicts were not influenced by PTP, but sentencing was more severe following exposure of PTP about a mistaken acquittal and was less severe following exposure of PTP about a mistaken conviction. Gender was also a significant factor. Using the Bem

Sex-role Inventory, participants who were identified as feminine rendered a guilty verdict more than did masculine or undifferentiated participants. In addition, men who rendered a guilty verdict were less confident of their decision than men who rendered a not guilty verdict. The reverse was true of women.

In another study, attitudes were found to moderate PTP effects (Kovera, 2002). Kovera (2002) examined cognitive accessibility, importance of evidence, and changing standards of guilt as mediators of the effects PTP has on jurors' decision making. While examining these three mechanisms through which PTP may be operating, potential moderators such as the direction of the PTP bias (i.e., pro-prosecution vs. pro-defense) and rape attitudes were also examined. Participants watched various news stories, one of which was related in topic to the case used in the study. The newscast related to the study was either biased in favor of the prosecution or the defense or was about an unrelated topic. Participants were led to believe that the news stories they watched were part of another study. When participants completed their participation in the first study they were given an educational debriefing and sent back to participate in the original study they had signed up for, the jury study. In the jury study, participants were asked to fill out a questionnaire about their attitudes toward rape as part of the voir dire process. They watched a simulated rape trial, and provided their trial and witness ratings. PTP influenced jurors' evaluation of the complainant and the defendant. It was also found that rape attitudes moderated the effects of PTP on participants' judgments, but in a contrary way than what was hypothesized. Those exposed to PTP and who had pro-defendant rape attitudes rated the complainant as more credible and were more likely to find the defendant guilty, whereas individuals with pro-victim rape attitudes rated the

complainant as less credible and were less likely to find the defendant guilty. Individuals with moderate rape attitudes were not influenced by PTP. This effect of jurors' overcompensating for influencing information has been found in other research (e.g., Werner et al., 1982). It appears that when jurors are cognizant of information or attitudes that have the potential to bias their judgment they overcompensate for them. Ultimately, PTP does influence jurors' judgments about the case and the defendant's guilt but in a complex way.

The myriad factors that interact with and influence the effect PTP has on jurors' judgments about the case or defendant is an indication of the complexity with which PTP operates on jurors' beliefs about the case or the defendant. A meta-analysis of 44 empirical studies, representing  $N = 5,745$ , on the effect of PTP on juror verdicts, conducted by Steblay, Besirevic, Fulero, and Jimenez-Lorente (1999), was the first major study to examine how all these factors come together. Steblay et al. (1999) found that participants who had been exposed to negative PTP were significantly more likely to think the defendant was guilty than participants who had been exposed to less or no negative PTP. Steblay et al. (1999) found effect sizes were greater in studies which included pretrial verdict assessment ( $r = .28$ ); used jury-eligible adults as participants ( $r = .30$ ); supplied multiple components ( $r = .22$ ); employed real PTP ( $r = .29$ ), used case specific PTP ( $r = .17$ ); studied crimes of murder ( $r = .26$ ), sexual abuse ( $r = .28$ ), or drugs ( $r = .32$ ); and employed a greater length of time between PTP exposure and judgment (one week,  $r = .11$ ; more than one week,  $r = .36$ ).

Existing evidence indicates that the effect PTP has on jurors' judgments of the defendant in criminal cases generalizes to civil cases. However, little research has been

done on civil trial PTP and there is a potential that it may have an even a stronger impact on jurors' judgment about the defendant's liability, responsibility, or damage awards.

*PTP and Predecisional Distortion*

Even though there has been over 35 years of research on the prejudicial effects of PTP on jurors' decision making, there has not been a great deal of insight generated about how a particular outcome is actually reached. Little research has investigated the cognitive framework by which jurors who have been exposed to prejudicial PTP evaluate evidence as they receive it, how their inline evaluations influence subsequent evaluations, and ultimately their verdict. Further information regarding the processes by which PTP exerts its effects is needed.

Utilizing the measures developed in Carlson and Russo's (2001) study on predecisional distortion, Hope, Memon, and McGeorge (2004) set out to examine the relationship between PTP and predecisional distortion. They sought to replicate previous findings from both PTP research (i.e., exposure to negative PTP results in more guilty verdicts) and predecisional distortion research (i.e., biased interpretation of evidence irrespective of exposure to prejudicial PTP). Hope et al. (2004) examined the differences in predecisional distortion among jurors who were either exposed to negative PTP or not exposed to PTP. Hope et al. (2004) examined the influence of negative PTP has on guilt verdicts, the differences in predecisional distortion between those exposed to negative PTP and those not, would increase the magnitude of the overall distortion as a result of exposure to negative PTP, the mediation of PDD on the relationship between PTP and judgments, and the directional effect of negative PTP resulting in pro-prosecution PDD. Hope et al. (2004) hypothesized that exposure to negative PTP would facilitate an

increase in predecisional distortion that would mediate the effect of PTP on judgment decisions. In addition, they hypothesized that the predecisional distortion would be in the direction of the PTP, identifying the prosecution as the leader during the trial and distorting witness evaluations in favor of the prosecution.

Participants ( $N = 166$ ) were presented with either a negative PTP article or an article about an unrelated issue. Negative PTP focused on negative characterizations of the defendant (e.g., history of violence and the likelihood to have committed crimes that had not been detected), but did not make a reference to a prior record. Procedures were similar to Carlson and Russo's (2001) study: following each of the testimony summaries participants were asked whether the information they read favored the prosecution or the defense, who their preferred leader was, and how confident they were that their preferred leader would eventually win.

Further support for the negative influence PTP has on jurors' judgment was found.

There was a higher conviction rate among those exposed to negative PTP. Participants in both the PTP and control condition exhibited distortion when evaluating evidence; however, participants exposed to negative PTP displayed significantly more distortion towards the prosecution in their testimony evaluations when compared to participants in the control condition. Predecisional distortion was also a significant mediator of the effect PTP had on judgment decisions. In addition, those exposed to negative PTP had greater distortion scores in favor of the prosecution. Hope et al. (2004) concluded that PTP-exposed participants evaluated the majority of individual testimony with a proprosecution bias that ultimately resulted in an elevated conviction rate. In sum,

negative PTP created a stronger leader than would have naturally occurred without pretrial information. Their findings demonstrate that PTP-induced perceptions distort the evaluation of new evidence.

However, it is unknown how pretrial perceptions affect the stories jurors construct of the trial evidence. It has been proposed that PTP creates a cognitive framework from which subsequent information is evaluated (Hope et al., 2004) however, it is possible that PTP may create an initial story from which subsequent information is assimilated and directly influences the final story jurors accept.

#### *Summary of Literature*

In the last fifteen years, the predominant juror decision-making theory has been Story Model Theory (Pennington & Hastie, 1993). Story Model Theory proposes that jurors' first evaluate the evidence presented in court through story construction, learn the verdict categories from the judge, and then through story classification search for a "goodness-of-fit" between the constructed story and the verdict categories. Pennington & Hastie (1993) contend that jurors construct a story by using case-specific information acquired during the trial (i.e., evidence), knowledge about similar events in context to those that are the topic of dispute, and general expectations about what makes a story complete (i.e., initiating events, goals, actions, and consequences). The main claim of Story Model Theory is that the story jurors construct will determine the decision the juror reaches. Huntley and Costanzo (2003) found that different mock jurors adopted different story themes from the same trial evidence, and jurors' stories were significant mediators of the influence of jurors' demographics, experiences, and attitudes on judgments. In addition, jurors' stories accounted for a substantial amount of the variance, ( $\beta = 0.54$  to

0.80,  $p < .001$ ), in jurors' judgments (Huntley and Costanzo, 2003). This provides further support that the story jurors construct determines the verdict they will render.

A different juror decision-making theory that has been emerged more recently is Predecisional Distortion (Carlson & Russo, 2001). Predecisional Distortion (PDD) Theory proposes that at some point early in the trial, jurors develop an opinion favoring a particular party; jurors' evaluation of all subsequent trial evidence is then distorted to be consistent with their favored party (Carlson & Russo, 2001).

In line with this concept of an initial perception influencing jurors' judgments, research on the effects of pretrial publicity (PTP) has found similar results. Negative-PTP has been found to influence jurors' decision-making by creating negative initial perceptions about the case or the defendant. PTP biased against a defendant has been found to influence jurors' prejudgments of defendant's credibility and culpability prior to the start of a trial (i.e., Otto et al., 1994; Steblay et al., 1999). Likewise, positive-PTP such as good character statements about the defendant have been found to reduce mock jurors' liability verdicts and lower defendant responsibility ratings. Other factors such as gender (e.g., Riedel, 1993) and attitudes (e.g., Kovera, 2002, Huntley and Costanzo, 2003) have also been found to moderate the effect PTP has on jurors' judgments.

Although mock jurors who are exposed to negative PTP are more likely to convict the defendant, they claim that they are capable of being impartial (Sue et al., 1997; Ogloff and Vidmar, 1999). Even potential jurors who have been exposed to real PTP are unaware of the biasing effects of PTP. Moran and Cutler (1991) surveyed potential jurors about their knowledge and opinions about a specific case that had received a considerable amount of PTP. They found that although the individuals with more

knowledge about the case were more likely to think the defendant was guilty by indicating that there was more evidence against the defendant. Potential jurors did not think their knowledge of the case had an effect on their impartiality. Although potential jurors seem to be influenced by PTP, they are not aware of its influence or even its potential to influence them.

The effect of PTP can persist through the trial regardless of judicial instructions to disregard such information. Most research has found that individual mock jurors do not follow judicial instructions to ignore inadmissible evidence or evidence obtained outside of the trial, [i.e., PTP] (e.g., Kadish & Kadish, 1971; Thompson, Fong, & Rosenhan, 1981; Freedman, Martin, & Mota, 1998).

Research has also examined the effect of PTP on PDD; those exposed to negative-PTP have a greater overall PDD (i.e., after all evidence presentations and closing statements) than jurors not exposed to negative-PTP (Hope et al., 2004). Exposure to negative-PTP in the Hope, et al. study also resulted in greater distortion against the defendant and more guilt verdicts. Hope et al. (2004) concluded that PTP induces perceptions that distort the evaluation of new evidence and ultimately influence jurors' judgments (Hope et al., 2004).

In review, it has been proposed that PDD creates a cognitive framework from which subsequent information is evaluated (Carlson & Russo, 2001); it has been furthered proposed that PTP adds to this initial cognitive framework (Hope et al., 2004). However, it may be that PTP creates an initial story from which subsequent information is assimilated, influencing the final story jurors accept, which then determines the judgment decision. Recall that Pennington and Hastie (1992) proposed that knowledge

about similar events involved in the case can influence the story jurors construct. Knowledge about similar event can include demographics, attitudes, personal experiences, and information about the case acquired through PTP. If jurors are exposed to prejudicial PTP, it may be that jurors incorporate PTP into their constructed story about the case.

While the story model suggests that jurors change their dominant story as the trial progresses, it is plausible that their final stories may be filtered through prejudicial PTP. If coverage, coherence, and uniqueness are the ultimate goals of jurors, then jurors may come into a trial with a pre-formed story or cognitive framework, based on PTP; and, then incorporate all new information about the case (i.e., evidence) into that initial story and their final story.

Therefore, if knowledge about the case or exposure to PTP has the potential to influence the final story jurors construct, it also had the potential to influence the verdict decision jurors reach. Although there is considerable evidence indicating that PTP affects jurors' pretrial opinions and that effect persists through the trial (Stebly et al., 1999), to-date there are no studies specifically testing PTP effects in the context of the Story Model Theory. It is unknown what the relationship is between PTP and jurors' constructed stories. In regard to juror decision-making theories, it is also unknown which theory, Story Model Theory or Predecisional decision, would account for more of the variance in jurors' verdict decision.

The Story Model Theory also merits reexamination with respect to PTP effects. Pennington and Hastie (1992) acknowledge that there may be several coherent accounts (i.e., stories) that emerge from the trial evidence but ultimately only one story can prevail.

The extent to which the story covers all the evidence, is consistent, follows sequentially, makes sense, fits with a jurors' general knowledge of the world, and the confidence jurors have in the story will determine how acceptable one story will be over another (Pennington & Hastie, 1992). The constructed story is then directly applied to the verdict categories, and the verdict category that is the best fit to the story determines the verdict they render. Story Model Theory highlights a global story that accounts for the events in question; however, it is unclear what component (i.e., initiating events, goals, actions, or consequences) of the story that jurors construct is the key determinant of jurors' verdict decision. It may be that the global story may not be as important as the specific components; in other words, there may be a key component that determines the verdict.

Likewise, if PTP influences jurors' constructed story it is unknown how specific components of PTP will influence the constructed story. Various components of PTP should be tested to see if there are differential effects on jurors' story construction and judgments. By manipulating components of PTP that are elemental to Story Model Theory (i.e., initiating events, goals, actions, and consequences) and also include a character components (i.e., prior record and good character), which are common factors examined in the PTP literature, it may be possible to determine how specific pieces of PTP differentially influence the way jurors evaluate the evidence, create stories, and render their verdict decisions. As most cases involve two stories, the complainant's or plaintiff's story and the defense's story, elements of these two stories, a pro-prosecution story and a pro-defense story, should be represented in the components of PTP.

While there has been a substantial amount of both experimental and field research demonstrating a relationship between PTP exposure and jurors' judgments of perceived

defendant guilt, there has been a deficit in the PTP literature of theoretical accounts underlying these effects. An investigation into the cognitive processes related to PTP and the evaluation of trial evidence may help researchers better understand what is driving that effect and may help identify successful remedies for cases receiving extensive amounts of influential media attention.

### *Objectives of this Study*

The overall purpose of this study is to examine the influence of PTP on jurors' evaluation of trial evidence, as well as jurors' awareness of the potential biasing effects of PTP on their judgments. PDD and Story Model Theory are examined as mechanisms through which jurors' evaluate trial evidence and render judgment decisions. In regards to PDD, this study attempts to replicate Hope et al.'s (2004) PTP effect on the PDD of jurors' evaluation of trial evidence and judgment decision. This study builds upon Hope et al. (2004) work by examining the influence of more complex PTP on jurors' PDD. This study utilized directional (i.e., either pro-prosecution or pro-defense) and incremental (i.e., increasing amount of directional bias) PTP; whereas, Hope et al. (2004) utilized negative (i.e., pro-prosecution) PTP and a control article containing no information regarding the case. And while Hope et al. (2004) examined the influence of PTP on both general PDD scores and directional PDD scores, this study examines the effect of PTP on directional PDD scores. General PDD score would not be as meaningful as directional PDD scores as participants in this study were exposed to varying amounts of both negative and positive PTP. General PDD scores indicate if there is a change in jurors' favored party but does not indicate whether the favored party is the prosecution or the defense. Directional PDD scores do indicate who the favored party is and whether

evaluation of subsequent trial information is consistent with their previous favored party or against them. It is hypothesized that participants with more pro-prosecution (i.e., negative) PTP will have greater distortion, favoring the complainant, throughout the trial than those exposed to less pro-prosecution PTP. It is hypothesized that those exposed to more pro-prosecution PTP will be more likely to find the defendants guilty. It is also hypothesized that PDD will be a significant predictor of guilt judgments and a full mediator of the effect PTP has on guilt judgments.

The effects of experimental conditions will also be examined in terms of consistency or the coherence of the PTP-story components. Since this study looks at the effects of directional and incremental PTP, it is also important to examine the effects of consistent bias (i.e., all pro-prosecution or all pro-defense components) versus inconsistent bias (i.e., i.e., some combination of both pro-prosecution and pro-defense components). It is hypothesized that participants exposed to consistent PTP conditions will be more confident in their judgment decision than those exposed to inconsistent.

The second objective of this study is to examine PTP effects in the context of the Story Model Theory. The purpose of the examination is two-fold. This study explores both the differential influence of the components (i.e., goals, actions, and consequences) of jurors' constructed story on judgments decisions and explores the application of Story Model Theory to explain the relationship of PTP and judgment decisions. Based on previous research, the story jurors create from the evidence present in a trial or the story theme jurors believe are most likely are strong determinants of the verdict they will render (i.e., Pennington & Hastie, 1992; Huntley & Costanzo, 2003). It is therefore hypothesized that jurors' final story will influence jurors' judgments. *Final Story (FS)*

will be terminology used to specify the story jurors construct or believe to be the most likely story at the end of the trial, after all the evidence has been presented. No research to-date has tested the influence of story components (i.e., goals, actions, and consequences) on judgment decisions; therefore, no specific hypotheses in regards to which component will be most influential on judgment decisions are proposed.

The second purpose of the examination of Story Model Theory is to test the theory in context of explaining the effect PTP has on jurors' judgment decisions. This study systematically manipulates the story components (i.e., goals, actions, or consequences) and character components (i.e., prior record or good character) embedded in pre-trial articles. The effect PTP has on mock jurors' initial story, evaluation of witnesses, final story, and judgment decision are examined. Although no research to-date has examined the influence of PTP-story components, findings from related research are extended to propose several hypotheses. Previous research suggests that jurors develop an initial cognitive framework, early on in the trial, through which jurors evaluate subsequent trial evidence (i.e., Carlson & Russo, 2001). This framework is influenced by PTP (Hope et al., 2004) and jurors exposed to negative-PTP have an initial bias against a defendant (e.g., Moran & Cutler, 1991, Otto et al., 1994; Steblay et al., 1999). Based on these studies, it is hypothesized that the story model components (i.e., goals, actions, and consequences) embedded in the PTP will have an influence on jurors' initial story. An *Initial Story (IS)* will be terminology used to specify the story jurors construct or believe to be the most likely story at the beginning of the trial, after exposure to some information about the trial (i.e., PTP) but before the evidence has been presented. Specifically, the following hypotheses are proposed: mock jurors exposed to pro-defense

goals will think that it is more likely that Jane Doe intended to have sex with the defendants than those exposed to pro-prosecution goals; those who are exposed to pro-defense actions will think that it is more likely that Jane Doe consented to the alleged acts than those exposed to pro-prosecution actions; and those exposed to pro-prosecution consequences will think it is more likely that Jane Doe was raped than those exposed to the pro-defense consequences. It is further hypothesized that the effect PTP has on jurors' IS will persist through evidential presentations and influence jurors' FS. It is also hypothesized that jurors' IS will mediate the effects of PTP on jurors' FS.

Previous research also suggests that PTP has an effect on jurors' verdicts (e.g., meta-analysis: Steblay et al., 1999). It is hypothesized that PTP-components will influence jurors' judgment decisions. However, it is unknown how various story components (i.e., goals, actions, and consequences) will influence judgment decisions. Based on previous research on the influence of character components (i.e., prior record or good character) embedded in PTP several hypotheses are proposed. Previous research has found that bias created by PTP regarding the defendant's prior record has been found to persist through trial evidence and negatively influence jurors' judgment decisions (Otto et al., 1994), and information about the defendant's prior record on a similar crime significantly increases the likelihood that jurors find the defendant guilty (Wissler & Saks, 1985). Therefore, it is hypothesized that those exposed to prior record information will be more likely to find defendants guilty than those exposed to no additional information or good character information. Previous research also suggests that good character information influences jurors' case evaluation. Tanford and Cox (1988) found that when the defendant was testifying as a witness in regards to his credibility and had

been previously convicted of perjury, jurors exposed to good character PTP and limiting instructions from the judge were more likely to find the defendant less guilty. Therefore, it is hypothesized that those exposed to good character information will be less likely to find the defendants guilty than those exposed to no additional information or prior record information.

Juror characteristics also have the potential to influence jurors' evaluation of a case (i.e., Sealy, 1981; Diamond & Casper, 1992; Pennington & Hastie, 1992). For example, gender and rape attitudes have both been found to be significant factors in judgment decisions in a rape case. Specifically, females are more likely than males to vote guilty in simulated rape trials; and, individuals with higher rape empathy are more likely to vote guilty in simulated rape trials (i.e., Fisher, 1997). Additionally, rape attitudes have been found to moderate the effects of PTP in a rape trial (i.e., Kovera, 2001). Therefore, in addition to examining these juror characteristics independently the interaction of rape empathy by gender will also be examined. It is hypothesized that females with higher rape empathy will more likely to find the defendants guilty than females with low rape empathy, and males with either high or low rape empathy. In addition to gender and rape empathy, other juror characteristics that have the potential to influence jurors' evaluation of the rape case such as experience with rape (i.e., having been a victim or knowing someone who has been a victim of rape or having been accused of rape or knowing someone who has been accused of rape) and authoritarian attitudes will be measured and statistically controlled for. Juror characteristic will be included in both sets of analyses examining juror decision-making mechanisms (i.e., PDD and Story Model Theory).

A mediation analysis will also be conducted to explore the relationship of PTP-components on jurors' initial story, evaluation of the witnesses, final story, and judgment decisions, while statistically controlling for juror characteristics.

The third objective of this study is to compare the theory of PDD and Story Model Theory. The amount of variance accounted for by each theory will be compared to determine which is better at explaining the juror decision-making process.

The fourth objective is to examine jurors' awareness of the biasing effects PTP exposure can have. It is hypothesized that participants exposed to more pro-prosecution PTP will be more biased against the defendant before the mock trial begins than those exposed to less pro-prosecution PTP. In addition, it is hypothesized that before the start of the mock trial, all participants will claim they can be a fair and impartial juror regardless of the amount of pro-prosecution PTP exposure.

## Chapter 2: Methods

### *Participants and Design*

Jury eligible community members were recruited to participate. An announcement about the study was posted on New York's Craigslist.com under job postings (See Appendix A.) Those interested in participating in the research project were directed to a link where their contact information was collected. Community members were then called and screened for their eligibility to participate (i.e., over the age of 18, a U.S. Citizen, and not having had a felony conviction). Eligible individuals were then scheduled to participate in the experiment. Participants were paid \$45 for their time. In addition, each session had an early bird drawing, where those who arrived 15 minutes early for the session were entered into a drawing for an additional \$10 for the day.

Initially,  $N = 192$  jury-eligible community members signed up and were scheduled to participate in the study. Seven participants failed to complete the online portion or did not show up for the mock trial session;  $N = 185$  jury-eligible community members participated in both the online and mock trial sessions. A total of 19 participants were dropped from the analysis for various reasons: six participants completed the second portion of the study but their online data was missing either because of a computer programming error that resulted in their responses not being recorded, or they could not recall the unique online ID code that they had created for themselves, or they simply failed to complete the online portion but insisted that they had. One participant was dropped because she arrived thirty minutes late and missed opening statements. Nine participants who failed the PTP manipulation check were also dropped from the analysis. In addition, there were three participants who failed to

complete the verdict form. There were a total of  $N = 166$  participants included in the analysis.

Of those that were included in the final analysis 65% were female, 35% were male, and one participant declined to indicate their gender. The age range of the participants was 18 - 72 ( $M = 36.86$ ,  $SD = 13.80$ ). Participants were asked to indicate their ethnic/ racial background, 50% ( $n = 83$ ) were Caucasian/White, 27% ( $n = 45$ ) were African American/Black, 10% ( $n = 17$ ) were Hispanic (Latino/Latina), 7% ( $n = 11$ ) identified themselves as Other, 5% ( $n = 9$ ) were Asian/Pacific Islander, and the remaining 1% ( $n = 1$ ) were American Indian/ Alaskan Native. Twenty-seven percent ( $n = 45$ ) of the participants had served on a jury before; 10% ( $n = 16$ ) had served on a civil trial, 11% ( $n = 19$ ) had served on a criminal trial, and 6% ( $n = 10$ ) had served on both a civil and criminal trial in the past. Participants were also asked to indicate if they had or if anyone close to them had ever been accused of or been a victim of a sexual assault or rape. Fifteen percent ( $n = 25$ ) indicated that they or someone close to them had been accused of a rape, and 35% ( $n = 59$ ) indicated that they or someone close to them had been a victim of a sexual assault or rape.

Participants were randomly assigned to one of twenty-four conditions. As the study was designed to examine the effects of PTP on juror decision-making in a rape case, various components of PTP were manipulated. The study was a 2(goals: pro-defense vs. pro-prosecution) x 2(actions: pro-defense vs. pro-prosecution) x 2(consequences: pro-defense vs. pro-prosecution) x 3 (character component: prior record, good character, or no additional information) factorial design.

### *Measures*

*Independent Variables*

*PTP-Goals Component.* The motivational drives behind the actions taken by Jane Doe were presented in the PTP as either pro-prosecution or pro-defense, see Appendix B. For example, pro-prosecution goals were Jane Doe went over to Haidl's house to hang out with her friends, play pool, and clarify her feelings for Keith. Pro-defense goals were Jane Doe went over to Haidl's house to have a few drinks, have sex with the guys, and make another sex video.

*PTP-Actions Component.* The actual deeds committed by Jane Doe were presented in the PTP as either pro-prosecution or pro-defense, see Appendix B. For example, pro-prosecution actions were Jane Doe consumed a large quantity of alcohol, double the amount from the night before, became intoxicated, passed out, was unconscious, and did not consent to having sex. Pro-defense actions were that Jane Doe consumed the same amount she had the night before, was conscious, consented to having sex, was aware the incident was being recorded, and pretended to be pass out for the video.

*PTP-Consequences Component.* The post incident effects resulting from the incident was presented in the PTP as either pro-prosecution or pro-defense, see Appendix B. For example, pro-prosecution consequences included statements that indicating Jane Doe had been raped. Pro-defense consequences included statements that indicating Jane Doe was a willing partner and not raped.

*PTP-Character Components.* Participants were randomly assigned to one of three character component conditions, see Appendix C. Approximately, one-third of the participants received PTP containing information regarding the defendant's prior record:

including statements regarding the defendant having prior run-ins with the law, displaying reckless behavior (i.e., caught skateboarding near an abandoned building displaying a “No Trespassing” sign) and mention of new allegations of statutory rape with another underage girl filed against him. Another third received PTP containing good character statements about defendant. For example statements such as, "They're all good kids who got themselves into a stupid, terrible situation," or “Gregory is a model student. He is very bright, straight ‘A’ student, respectful, polite, and always ready to help others in need of help.” The remaining third of participants received no additional information.

*Directional and Incremental PTP Bias.* All participants received four PTP-components (i.e., goals, actions, consequences, and character). Each component variable represented biased information in favor of either the prosecution (pro-prosecution) or the defense (pro-defense), with the exception of the character component which also included a third level of neutral information. A continuous measure of the PTP-components, Directional and Incremental PTP Bias, was created as an index of the amount of PTP components and the direction (i.e., pro-prosecution or pro-defense) of the bias. Within each condition, pro-prosecution components were coded as +1, and pro-defense components were coded as -1. Directional and Incremental PTP Bias is the sum value of pro-prosecution and pro-defense components within a condition. For example, participants who received all pro-prosecution PTP-components have a Directional and Incremental PTP Bias of +4. While participants who received three pro-prosecution components (+3) and a pro-defense component (-1) have a Directional and Incremental PTP Bias of +2; and, participants who received three pro-prosecution components (+3)

and the neutral character component (0) have a Directional and Incremental PTP Bias of +3. The Directional and Incremental PTP Bias variable ranged from -4 (all pro-defense components) to +4 (all pro-prosecution components). The Directional and Incremental PTP Bias is also an index of a general consistency of PTP. The extreme values of -4 and +4 represent the most consistent PTP, either in favor of the prosecution or the defense, and median value of 0 represents the most inconsistent PTP.

*Juror Characteristics* Participants were asked to provide information regarding their demographics including their gender, experience with having been or knowing someone who has been a victim of rape, as well as having been or knowing someone who has been a accused of rape. In addition, participants were asked to fill out two attitude questionnaires.

*RES.* The *Rape Empathy Scale (RES)*, designed by Deitz, Blackwell, Daley, and Bentley (1982), consists of 19 items measuring empathy levels toward both rape survivors and assailants on a 6-point Likert scale ranging from 1 (*strongly agree*) to 6 (*strongly disagree*). For example, “In general, I feel that rape is an act that is provoked by the rape victim,” or “I feel that the situation in which a man compels a woman to submit to sexual intercourse against her will is an unjustifiable act under any circumstances.” Deitz et al. (1982) tested the scale on both jurors and students, and alpha coefficients were calculated separately for males and females. Deitz et al. (1982) reported high reliability for the 170 jurors,  $\alpha = .89$  ( $\alpha = .89$  for females and  $\alpha = .85$  for males) and the 639 undergraduates,  $\alpha = .84$  ( $\alpha = .84$  for females and  $\alpha = .82$  for males) sampled. Convergent, discriminate, and predictive validity were also indicative of a good rape empathy measure. RES scores were coded as high or low based on a median split.

*RLAQ23*. The *RLAQ23* is a revised, shortened, and more reliable version of the Legal Attitudes Questionnaire (LAQ; Boehm, 1968) which measures legal-authoritarianism. Kravitz, Cutler, and Brock (1993) created a 30 item Revised Legal Questionnaire (*RLAQ*) representing each of the three, ten item, subscales in the original LAQ. Kravitz et al., (1993) then shortened the measure to 23 items and tested the internal reliability. The *RLAQ23* reliability is strong *Cronbach's Alpha*=.80 (Kravitz, Cutler, & Brock, 1993). *RLAQ23* scores were coded as high or low based on a median split.

#### *Dependant Variables*

*Story Model Components*. Participants were asked to indicate their opinion about each of the story model components (i.e., goals, actions, and consequences). Story model components were measured as three multiple choice questions on a 9-point Likert scale, ranging from 1 (*not at all likely*) to 9 (*very likely*). For the goal component participants were asked: *How likely is it that Jane Doe intended to have sex with all three defendants that night?* For the action component participants were asked: *How likely is it that Jane Doe consented to the sexual acts depicted in the video on July 6<sup>th</sup>?* For the consequence component participants were asked: *On the night of the alleged rape, and how likely is it that Jane Doe was raped by the three defendants?* All three questions were asked pretrial, after exposure to PTP, as a measure of their *Initial Story (IS)* and after evidential presentation but before participants gave their individual verdicts as a measure of their *Final Story (FS)*.

*Witness Credibility*. Participants were asked to evaluate the various witnesses who testified in the case. Participants filled-out Evaluation Questionnaires after each

segment of the trial (Jane Doe's testimony, the prosecution witnesses, and the defense witnesses). The Evaluation Questionnaires contained five questions that assess credibility, such as how trustworthy, persuasive, believable, likable, and influential the individual or group of witnesses were after their testimony. All five questions were on a 5-point Likert scale. The mean of participants' responses to those five questions were used to calculate credibility scores. Credibility scores were reverse coded and ranged from 1 (*very credible*) to 5 (*not at all credible*). Missing values were replaced with mean credibility scores.

*Predecisional Distortion.* Predecisional distortion (PDD) scores measure jurors' bias for or against the current leader, the party that the evidence supports, as either increasing or decreasing from their previous evaluation. A similar methodology as was used by Hope et al. (2004) was adopted to measure PDD scores. The wording of the three questions used by Hope et al. (2004) were slightly modified. Hope et al. (2004) measured distortion scores after each witnesses' testimony; in this study, distortion scores were measured after the complainant's testimony, after all the prosecution witnesses had testified, and after all the defense witnesses had testified. Hope et al. (2004) used the following wording for the first question: *Consider only the information contained in that single testimony, who does the evidence currently favor?* The wording of the first questions was changed to: *Consider only the information you have just heard, which side does the information favor?* Hope et al. (2004) used the following wording for the second PDD question: *Considering all of the information you know about the case, in your opinion, who does the evidence currently favor?* The wording of the second PDD question was changed to: *Consider all the information you have received up to this*

*point, which side do you think has the strongest evidence to support their claim?* Hope et al. (2004) phrased the final PDD measure as: *How confident are you that the party currently in the lead will eventually win the case?* This final question was rephrased as: *How confident are you that the party with the strongest evidence at this point will win the case?*

Hope et al. (2004) calculated both general and directional distortion scores. Following both Carlson and Russo (2001) and Hope et al.'s (2004) procedure, general distortion scores for each participant were calculated by first calculating the mean evaluations of a set of testimony, or a witness. The participant's score was then subtracted from this mean to get a distortion score for each set of testimony (i.e. a measure of the participants' bias after hearing a witnesses' testimony). In line with methodology developed by Carlson and Russo (2001) and adopted by Hope et al., these estimates of distortion scores were multiplied by confidence with the chosen leader or party with the strongest evidence. Thus each distortion scores was weighted with the confidence the participant put in their choice of leader at that point in time. Carlson and Russo (2001) report that weighting distortion scores by confidence is more diagnostic of distortion. Contrary to both Carlson and Russo (2001) and Hope et al. (2004) procedure, extreme confidence scores of 90% and 100% confidence that a participants' favored party or party with the strongest evidence will win the case will not be excluded from the analysis. Extreme confidence scores will be included in the analyses to increase the sensitivity of the measure to detect effects of incremental and directional PTP on jurors' PDD.

General distortion scores do not identify the direction of the bias, whether it is pro-prosecution or pro-defense bias; but, rather, whether it is consistent with their previous evaluation. Directional distortion scores indicate the direction of the bias in light of the previous leader (Hope et al., 2004). The previous leader refers to the party that was identified at the leader or party whom the evidence favors from the previous evaluation. Therefore, to examine whether exposure to pro-defense PTP would lead to a pro-defense bias, and exposure to pro-prosecution PTP would lead to a pro-prosecution bias, PDD scores were recoded to provide the direction of the bias in light of the previous leader following the procedures outlined by Hope et al. (2004). Each distortion score was coded as having a pro-defense or pro-prosecution bias by multiplying the raw score by a directional sign: +1 for pro-prosecution, and -1 for pro-defense. This led to a scaled set of values with negatively signed scores indicating a pro-defense bias, and positively signed scores indicating a pro-prosecution bias. Thus, following Hope's interpretation, the greater the scores, the greater the pro-prosecution bias.

*Judgment Decisions.* Participants were asked to render a verdict (i.e., guilty or not guilty) on each of the eight counts the defendants were charged with: Count 1, an act of oral copulation upon Jane Doe; Count 2, an act of sexual penetration upon Jane Doe by a foreign object, to wit: finger; Count 3, sexual intercourse with Jane Doe; Count 4, an act of sexual penetration upon Jane Doe by a foreign object, to wit: Snapple bottle; Count 5, an act of sexual penetration upon Jane Doe by a foreign object, to wit: juice can; Count 6, an act of sexual penetration upon Jane Doe by a foreign object, to wit: cigarette; Count 7, an act of sexual penetration upon Jane Doe by a foreign object, to wit: a pool cue; and Count 8, assault of Jane Doe with a deadly weapon, to wit: pool cue, by means of force

likely to produce great bodily injury. In addition, participants were asked to indicate their confidence on a scale of 1 (*not at all confident*) to 9 (*extremely confident*) of their overall verdict.

*Impartiality.* Participants' impartiality and their awareness of any influence from PTP were inquired about at both the beginning and at the end of the study. After exposure to PTP but before participants came into the lab to participate, participants were asked: *Pretend that you were called in for jury duty and were selected to serve as a juror for this criminal case against the three teenage defendants charged with rape. Do you believe you could be a fair and impartial juror?* The response options were either *Yes* or *No*. At the end of the study after participants gave their individual verdicts, participants were asked both: *How much were you influenced by the articles you read before the trial was presented,* and *who did the articles favor?* Both questions were on a 9-point Likert scale.

#### *Stimulus Material*

A high profile case, *The People of the State of California v. Gregory Haidl, Kyle Nackreiner and Keith Spann* (Case No. 02HF0889) was used as the case in this study. The actual case was tried in the Superior Court of the State of California in the County of Orange. The defendants, Haidl, Nackreiner and Spann, were charged with rape and assault of a 16-year-old girl who was intoxicated. The transcripts from the actual trial were used to create the script of the mock trial for this study. Pretrial publicity from the actual trial was used to create PTP articles in this study.

*PTP Articles.* Actual articles about the case published by the Los Angeles Times Newspaper were used to create PTP articles. A content analysis of PTP was conducted

by Chrzanowski (2006). Chrzanowski (2006) conducted a search on Lexis-Nexis for articles with “Haidl” as the key word. Overall, 159 articles regarding the Haidl cases, published between April 23, 2004 through March 18, 2005, were accessed from the Lexis-Nexis database (Chrzanowski, 2006). Pro-prosecution, pro-defense, and neutral articles were compiled. The content analysis by Chrzanowski (2006) revealed that there were two accounts of the events that occurred. One account is based on the complainants’ claims and the other was based on the defendants’ claims. Each of these accounts is a story of the events in question. These accounts were used as the two competing story models about the initiating events, goals, actions, and consequences.

There was no disagreement about the initiating events, events that led to the night in question, between the two parties. Both parties agree that Jane Doe had consensual sex with two of the three defendants the night prior to the alleged rape. The complainant’s story is that she returned the following night to hang out with the guys and to make her feelings for one of the defendants known; she got drunk, passed out, and was raped by all three defendants. The incident was videotaped by the defendants without her knowledge or consent. The defendants’ story is that the complainant returned on the night of July 5<sup>th</sup>, to have sex with them again and to make a video of the encounter; she had a few drinks, consented to having sexual relations, and pretended to be passed out for the camera.

*PTP Content Template.* A PTP story model component content template was created using the PTP articles (see Appendix B). Statements from PTP articles were categorized by story components (i.e., initiating events, goals, actions, consequences) of both the complainant (pro-prosecution) and the defendants’ (pro-defense) stories.

Information on character components (i.e., prior charges or additional allegations, positive characterizations of the defendants, or no additional character information) was included in a PTP character components content template (see Appendix C). Statements that were neither pro-prosecution nor pro-defense were categorized as neutral and used as filler information in the articles. Since initiating events were agreed upon by both parties, no dispute regarding the sexual events that occurred the night before the alleged rape, initiating events were coded as neutral information. The PTP content templates were used to create the PTP Article Templates.

*PTP Article Templates.* Ten article templates were created to be applied to each of the 24 conditions of the design (see Appendix D for templates and see below for details of the design). In total, 240 articles were created. Neutral information was used to create the structure of each of the ten articles, with designated locations to insert condition specific information. The spelling of the names of the parties involved was changed to prevent participants from obtaining additional PTP over the internet. For a sample of the PTP articles included in a pro-defense goal (G2), pro-prosecution action (A1), pro-defense consequence (C2), and good character (N2) condition (G2-A1-C2-N2), see Appendix E. The article templates mimicked a natural sequence of PTP, starting with general, vague information about the case and subsequent articles containing more detailed information about the case and parties involved. The mean number of words presented overall in each of the ten articles ( $M = 329.31$ ,  $SD = 103.86$ ) was equal across conditions,  $F(23, 216) = .22$ , *ns*.

*The Trial*

The trial transcript used by Chrzanowski (2006) was edited and used to develop a script for actors to re-enact the trial. The re-enactment was video recorded; the duration of the video was 1 hour and 45 min. The video was divided into segments: charges being read by the judge followed by opening statements (30 min.), testimony from the complainant (15 min.), prosecution witnesses (10 min.), defense witnesses (30 min.), and the final segment included judicial instructions and closing statement (20 min.).

The video begins with the judge reading the charges against the defendants. On or about and between July 5, 2002, and July 6, 2002, Gregory Haidl, Kyle Nachreiner, and Keith Spann, did willfully and unlawfully commit:

Count 1: Act of oral copulation upon Jane Doe

Count 2: Act of sexual penetration upon Jane Doe by a foreign object, to wit:  
finger.

Count 3: Engage in sexual intercourse with Jane Doe

Count 4: Act of sexual penetration upon Jane Doe by a foreign object, to wit:  
Snapple bottle.

Count 5: Act of sexual penetration upon Jane Doe by a foreign object, to wit:  
juice can.

Count 6: Act of sexual penetration upon Jane Doe by a foreign object, to wit:  
cigarette.

Count 7: Act of sexual penetration upon Jane Doe by a foreign object, to wit: pool  
cue.

Count 8: Assault with a deadly weapon and force likely to produce great bodily  
injury upon Jane Doe

Jane Doe was prevented from resisting by an intoxicating, anesthetic and controlled substance, when this condition was known and reasonable should have been known by the defendants.

The prosecution attorney, Mr. Middleton, begins with the opening statements, followed by the defense attorney, Mr. Barnett's opening statement. The first witness to testify was the complainant, Jane Doe. Jane Doe testifies to consensual, sexual relations with one of the defendants, Keith Spann, on June 30<sup>th</sup>. Jane Doe had a friend video tape the sexual encounter on June 30<sup>th</sup>. Jane Doe testifies to consensual, sexual relations with two of the three defendants, Greg and Keith, on July 4<sup>th</sup>. She describes the events that occurred on July 4<sup>th</sup>. She and her friends went to Greg's beach house for a party. She had about seven swigs of tequila and was intoxicated. That night she got naked while in the pool and was sitting on Kyle's lap. She went to bed later on that night, was awakened by Greg, and had sex with Greg. He attempted to have anal sex with her, and she refused. After having sex with Greg, Jane Doe went back to sleep. She was then awakened a second time, by Keith. She consented to sex with Keith. The next day, July 5<sup>th</sup>, Greg invited Jane Doe over to his house again to hang out with Keith, Kyle, and himself. Greg also invited Jane Doe's friends. Jane Doe's friends were not able to go so she went alone. When Jane Doe arrived at Greg's house she drank a beer, had two hits of marijuana, and consumed 8.5 oz. of Bombay Gin. Jane Doe then testifies that shortly after that she no longer recalls any events that night, with the exception of being awake for a brief moment after hitting her head.

The second witness called by the prosecution was Jenna Stroh. Jenna Stroh testifies that Jane Doe came to her house on July 6<sup>th</sup>, the day after the alleged rape, and asked her to accompany her to Planned Parenthood to get the Morning After Pill.

The following three witnesses were experts called by the prosecution. Mr. Wraxall, a forensic serologist was the first expert called by the prosecution. Mr. Wraxall testifies that he tested the lining of the pool table for DNA and found that there was semen that matched Keith Spann and urine that matched Jane Doe. The following witness for the prosecution was Mr. Breen, an expert in alcohol consumption and issues related to blood alcohol levels. Mr. Breen testifies to various factors that influence the level of intoxication such as lack of sleep and an empty stomach. He testifies that Jane Doe alcohol blood level (.24) on July 5<sup>th</sup> was double her level (.12) on July 4<sup>th</sup>. During Mr. Breen's cross-examination the defense attorney, questions him about a discrepancy in the amount of alcohol Jane Doe consumed. Originally it was reported that Jane Doe had 10 shot of tequila and now Jane Doe testifies to 10 swings of tequila. The discrepancy changes her blood alcohol level to be the same as July 5<sup>th</sup>. Mr. Breen testifies that the original estimate was incorrect and that her blood alcohol level on the July 5<sup>th</sup> was twice the level on July 4<sup>th</sup>. The final witness who testifies for the prosecution is Dr. Fotinakes, an expert in neurology and sleep medicine. He explains various levels of consciousness related to vary degrees of intoxication. He testifies that Jane Doe was most likely in a state of stupor or coma.

The first witness to testify for the defense was Dr. Whiteford, a physician who examined Jane Doe the day after the alleged rape. Dr. Whiteford testifies that Jane Doe said that she had unprotected sex with a known partner and wanted the Morning After

Pill. Dr. Whitford testifies that there was nothing unusual with her examination, Jane Doe did not report any discomfort at any time during a pelvic examination.

The following witness for the defense was Mr. Welsh, an investigator for the Orange County District Attorney's office. Mr. Welsh testifies to the amount of alcohol Jane Doe reported having on July 4<sup>th</sup> and July 5<sup>th</sup>. Jane Doe originally said that on July 4<sup>th</sup>, she had 10 shots of tequila and a mixed drink, and on July 5<sup>th</sup>, Jane Doe had a beer, two hits of marijuana, and 8.5 oz. of Bombay Gin. During cross-examination, by the prosecution, Mr. Welsh testifies that it is not unusual for additional information to come up in subsequent interviews. He also testifies that at the beginning of the investigation Jane Doe seemed to be minimizing what had happened and became more cooperative as the investigation progressed.

Dr. Corman, a colon and rectal surgeon, was the third witness to testify for the defense. He testifies about the pool cue that was inserted into Jane Doe's anus. He reports the pool cue was inserted as far as about an inch and half and would not have come into contact with her bladder. He believes the insertion of the pool cue did not cause her to urinate. It is his opinion that Jane Doe consented to the events because there were no injuries to the anus. During cross-examination the prosecution brings up the effect of lubrication on the pool cue easing the entry into the anus and the influence of alcohol serving as an anesthetic.

Jenna Stroh is recalled as a witness for the defense. Jenna Stroh testifies that Jane Doe appeared to be having sex with Kyle in the pool on July 4<sup>th</sup>, and on the morning of July 5<sup>th</sup>, Jane Doe told her that she had sex with both Greg and Keith the night before. Jenna Stroh states that Jane Doe made comments about how great it would be if she got

pregnant with Greg Haidl's baby and about how well off she would be. Jenna Stroh testified that on July 6<sup>th</sup>, Jane Doe told her that she had sex with all three boys, and she went with Jane Doe to Planned Parenthood. During cross-examination, Jenna Stroh admits that although she knew Jane Doe was drunk and naked with someone she had just meet, Kyle, on July 4<sup>th</sup>, she did not do anything to help her friend. Hayley Fiori, another friend of Jane Doe is called as a witness for the defense. Hayley Fiori states that she has known Jane Doe since the first grade and that Jane Doe is known as a liar. She testifies that Jane Doe made joking comments about the pool cue being inserted in her and about receiving gifts for being raped. The prosecution highlights that Ms. Fiori came forward in this case when she was told that she could be helpful to the defense's case.

The final witness for the defense is Dr. Fisk, a medical doctor who specializes in neurology. His testimony contradicted Dr. Fontinakes, the prosecution's expert in neurology and sleep medicine. Dr. Fisk testifies that regardless of one's level of consciousness the introduction of noxious stimulus a person would still attempt to push it way. He also testifies that since Jane Doe was able to respond to one of the defendant's comments to watch her teeth, that this is proof that she was alert. Under cross-examination Dr. Fisk states he has never published on levels of consciousness and his research is on nerves.

At the conclusion of witness testimony, the judge instructs the jurors on the law and rereads the charges. The jurors were also instructed to base their decision solely on the evidence presented and not on any other source. Included in the instructions that judge indicated that jurors "...must not be influenced by pity for or prejudice against a defendant... you must not by influenced by sentiment, conjecture, sympathy, passion,

prejudice, public opinion or public feeling.” The defense attorney then gives closing remarks followed by the prosecution attorney.

### *Procedures*

In the first session of the experiment, which was conducted online, participants were sent a link to a website (surveymonkey.com) three to five days prior to their second session, in the lab. On the website, participants were presented with a consent form, PTP articles, attitude questionnaires (i.e., the RES and RLAQ23), and various other questions regarding the articles, opinions about the case, and demographic information. Each participant was randomly assigned a PTP condition. Each condition consisted of ten PTP articles. Participants were instructed that they were to read a series of articles pertaining to an Orange County criminal case, that names had been changed to protect the identity of the parties involved, and to pay close attention as they read the articles. Participants were also told that the articles were excerpts taken from actual articles published by the Los Angeles Times, but that due to time constraints the articles in their entirety were not presented.

To maintain participants’ anonymity in regards to their online data, participants were asked to create a four to eight digit code. They were asked to remember the code they created for when they came to the lab for the second session. Then during the second session, upon arrival participants were asked for their code. Those who failed to complete the online portion were asked to leave but were welcomed to sign up for another session. Participants who had completed the online portion filled out a second consent form, and at that point the mock trial session began.

Participants watched the mock trial video. At each segment of the video participants were asked to complete witness evaluations and predecisional distortion questionnaires. At the end of the video, they were asked to fill out various questionnaires assessing their predecisional distortion, final story, judgment decisions, judgment confidence, and PTP awareness. Participants were then debriefed about the study, paid, and dismissed. Online data from their first session was retrieved and paired to their data collected during the second session. Once the data was compiled all personal identifying information was removed and not associated with the dataset.

## Chapter 3: Results

### *Manipulation Checks*

Because PTP exposure was conducted online from remote location without the supervision of a researcher, three questions were presented to participants after the presentation of the articles as a manipulation check. The manipulation check was used to make sure participants actually read and understood the articles. Participants were asked three questions as a check to both determine if participants actually read the PTP articles and comprehended the content. The questions concerned information that was provided in the articles (i.e., *what is key evidence in the trial, how Jane Doe knew the defendants, and what occurred the evening prior to the alleged rape*). The majority of all participants accurately responded to each of the comprehension questions, 88% correctly answered the first question, 92% correctly answered the second question, and 84% correctly answered the third question. A composite variable summing the number of comprehension questions that were correctly answered was created. The vast majority ( $n = 169$ , 92%) of participants answered two or three of the questions correctly, 4% ( $n = 8$ ) only answered one question correctly and another 4% ( $n = 7$ ) did not answer any of the questions correctly (six for whom there was no online data for). Participants ( $n = 15$ ) who failed to correctly answer at least two of the three comprehension questions were removed from the dataset.

*Judgment Decisions*

The overall purpose of this study was to examine the influence of PTP on jurors' judgments. In the trial used for this study, the defendants were charged with eight counts of rape and assault: oral copulation, sexual penetration to wit finger, sexual intercourse, sexual penetration to wit Snapple bottle, sexual penetration to wit juice can, sexual penetration to wit cigarette, sexual penetration to wit pool cue, and assault with a deadly weapon and force likely to produce great bodily injury. See Table 3 for the frequency and percentages of verdicts rendered on each count. About 72% to 75% of the jurors found the defendants guilty of unlawful oral copulation, sexual penetration to wit finger, and sexual intercourse. Approximately, 84% to 85% found the defendants guilty of unlawful sexual penetration to wit Snapple bottle, juice can, cigarette, and pool cue. Fifty-six percent of the jurors found the defendants guilty of assault with a deadly weapon and force likely to produce great bodily injury.

**Table 3. Frequency and Percentages of Verdicts Rendered on Each Count**

Count/ Charge	Not Guilty		Guilty	
	<i>N</i>	%	<i>N</i>	%
Count 1: Oral copulation	46	28%	120	72%
Count 2: Sexual penetration to wit finger	43	26%	123	74%
Count 3: Sexual intercourse	41	25%	125	75%
Count 4: Sexual penetration to wit Snapple bottle	24	15%	142	85%
Count 5: Sexual penetration to wit juice can	25	15%	141	85%
Count 6: Sexual penetration to wit cigarette	26	16%	140	84%
Count 7: Sexual penetration to wit pool cue	25	15%	141	85%
Count 8: Assault with a deadly weapon and force likely to produce great bodily injury	73	44%	93	56%

A principle components analysis with varimax rotation was performed on participants' verdicts on each of the eight counts. Two factors were extracted which accounted for 81% of the variance. The first factor, Rape with Objects, included sexual penetration to wit Snapple bottle, sexual penetration to wit juice can, sexual penetration to wit cigarette, sexual penetration to wit pool cue, and assault with a deadly weapon and force likely to produce great bodily injury; it accounted for 65.50% of the variance. The second factor, Rape, included oral copulation, sexual penetration to wit finger, and sexual intercourse; it accounted for 13.72% of the variance. The factor loadings of the variables on the two orthogonal factors are presented in Table 4. The second judgment factor, Rape, will be discussed first as the counts (i.e., counts 1 - 3) included in it were the first three counts participants rendered a verdict on. The first judgment factor, Rape with Objects (i.e., counts 4 - 8), will be discussed subsequently as they were asked after the first three counts. The factor loading of Count 8 (Assault with a Deadly Weapon and Force Likely to Produce Great Bodily Injury) was not as high as the other counts and had a substantial different split in verdicts than the other counts under the Rape with Objects judgment factor. Count 8 will be analyzed and discussed separately from the Rape with Objects factor. Subsequent analyses of judgment decisions are grouped as follows: Rape (Verdict 1), Rape with Objects (Verdict 2), and Assault (Verdict 3).

**Table 4. Factor Analysis of Counts**

Count	Rape with Objects	Rape
1: Oral Copulation	.190	<b>.900</b>
2: Sexual Penetration to Wit Finger	.397	<b>.794</b>
3: Sexual Intercourse	.292	<b>.858</b>
4: Sexual Penetration to Wit Snapple Bottle	<b>.894</b>	.349
5: Sexual Penetration to Wit Juice Can	<b>.899</b>	.340
6: Sexual Penetration to Wit Cigarette	<b>.853</b>	.345
7: Sexual Penetration to Wit Pool Cue	<b>.841</b>	.375
8: Assault with a Deadly Weapon and Force Likely to Produce Great Bodily Injury	<b>.580</b>	.084

Guilt ratings were tallied for each judgment decision by adding the number of guilty verdicts on each count within a particular judgment decision. Guilt ratings for Rape ranged from 0 – 3; guilt rating for Rape with Objects ranged from 0 – 4; and, guilt rating for Assault ranged from 0 – 1. The distributions of guilt judgments, as a continuous variable, were bimodal for the Rape and Rape with Objects verdicts. Therefore judgments were grouped into a dichotomous variable of Not Guilty and Guilty. Those who judged the defendants as not guilty on all counts, within that judgment decision category, were coded as 0. Those who judged the defendants as guilty on any of the counts within that category were coded as 1. See Table 5 for the distribution of judgment decisions.

**Table 5. Distribution of Judgment Decisions**

Judgment Decisions	Not Guilty		Guilty	
	<i>N</i>	%	<i>N</i>	%
Rape	31	19%	135	81%
Rape with Objects	21	13%	145	87%
Assault	73	44%	93	56%

#### *Predecisional Distortion*

One of the objectives of this study was to look at the effect of directional and incremental PTP on jurors' evaluation of the case and ultimately on jurors' judgment decisions.

Several tests were planned to examine the effect of PTP: Predecisional distortion (PDD) was examined as a function of PTP; the effects of PTP on judgment decisions was examined; and, PDD was examined as a predictor of judgment decisions and as a mediator of the effects of PTP on judgment decisions.

#### *Directional and Incremental PTP on PDD*

Correlations between the Directional and Incremental PTP Bias variable and PDD scores after the Complainant's testimony, the prosecution witnesses, the defense witnesses, and the mean PDD score (of all three specific PDD scores) were run to test the hypotheses that participants exposed to more pro-prosecution PTP will have greater distortion, favoring the complainant, throughout the trial than those exposed to less pro-prosecution PTP. Strong support was found for the relationship between PTP bias and jurors' PDD scores. Higher Directional and Incremental PTP Bias was significantly related to higher PDD scores, in favor of the prosecution after the complainant's testimony ( $r = .21, p < .01$ ), after the prosecution witnesses ( $r = .55, p < .001$ ), and after the defense witnesses ( $r = .32, p < .001$ ). Likewise, jurors' mean PDD, over the three points in the trial, was also significantly related to Directional and Incremental PTP Bias ( $r = .45, p < .001$ ). See Table 6 for correlation coefficients.

**Table 6. Correlation Coefficients of Incremental and Directional PTP and PDD Scores**

	Complainant's	Prosecution Witnesses'	Defense Witnesses'	Mean PDD	Directional and Incremental PTP
	<i>r</i>	<i>r</i>	<i>r</i>	<i>r</i>	<i>r</i>
Complainant's	-	.41**	.54**	.78**	.21**
Prosecution Witnesses'	-	-	.52**	.81**	.55**
Defense Witnesses'	-	-	-	.85**	.32**
Mean PDD	-	-	-	-	.45**

\*\* Correlations significant at the .001 level (2-tailed)

#### *Directional and Incremental PTP Effects on Judgment Decisions*

It was also hypothesized that those exposed to more pro-prosecution bias PTP will be more likely to find the defendants guilty than those exposed to less pro-prosecution PTP. Juror demographic characteristics such as gender, case specific experiences (i.e., having been or knowing someone who has been accused of rape or been a victim of rape)

and general attitudes (authoritarian attitudes and rape empathy) were controlled for, and the moderation of gender on rape empathy was also tested. Three separate logistic regressions were run to examine the odds of rendering a Guilty verdict on the various verdicts decisions (i.e., Rape, Rape with Objects, and Assault) using PTP manipulations and juror characteristics as predictor variables. Those who rendered a Not Guilty verdict were coded as 0 and those who rendered a Guilty verdict were coded as 1. Juror demographic characteristics were entered at the first block of the logistic regression to control for variability associated with individual differences among the participants, and the Incremental and Directional PTP Bias variable was entered into the second block of the logistic regression analysis.

*Rape verdict.* Jurors who rendered a Guilty verdict on Rape make up 82% of the 166 sample included in this analysis, and 18% rendered a Not Guilty verdict. An odds ratio of less than one indicate lower odds of rendering a Guilty verdict compared to odds ratios greater than one that indicate higher odds of rendering a Guilty verdict. The logistic regression equation, for the Rape verdict, without any predictors was significant, (*odds ratio* = 4.47, *Wald* = 54.91,  $p < .001$ ). Independent of PTP bias, jurors' who had been or knew someone who had been a victim of rape (*odds ratio* = 3.93, *Wald* = 5.12,  $p < .05$ ) had a higher probability of rendering a Guilty verdict on Rape. Contrary to what was hypothesized, Incremental and Directional PTP did not have a significant effect on jurors' Rape judgment. However, Incremental and Directional PTP did approach significance (*odds ratio* = 1.83, *Wald* = 2.73,  $p < .05$ ). Overall, based on the decrease of  $-2\log L$  from the base model ( $-2\log L = 144.45$ ) to the model containing all the predictor variables ( $-2\log L = 141.62$ ) including gender, case specific experiences, general attitudes,

and pro-prosecution bias, PTP did a poor job in accounting for the variability in jurors' Rape verdict. The decrease in deviance was relatively small: 2.83.

**Table 7. Predictors of Rape Verdict**

Step 1	Predictor	Odds Ratio	Wald	<i>p</i>
	Rape Accusations	0.51	1.06	.30
	Rape Victimization	3.38	4.48	.03
	RLAQ23	2.07	2.73	.10
	RES	1.11	0.05	.82
	Gender	1.61	1.21	.27
	Gender * RES Interaction	0.97	0.62	.43
Step 2				
	Rape Accusations	0.48	1.24	.26
	Rape Victimization	3.93	5.12	.02
	RLAQ23	2.13	2.88	.09
	RES	1.23	0.20	.65
	Gender	1.51	0.87	.35
	Gender * RES Interaction	0.48	0.39	.54
	Directional and Incremental PTP	1.18	2.73	.10

*Rape with Objects verdict.* The same analysis was run using Rape with Objects as the dependant variable. Jurors who rendered a Guilty verdict on Rape with Objects make up 87% of the 166 sample included in this analysis, and 13% rendered a Not Guilty verdict. The logistic regression equation, for the Rape with Objects verdict, without any predictors was significant, (*odds ratio* = 6.81, *Wald* = 67.38, *p* < 001). Jurors with high authoritarian attitudes (*odds ratio* = 3.30, *Wald* = 4.84, *p* < .05) had a higher probability of rendering a Guilty verdict on Rape with Objects. The decrease of -2logL from the base model (-2logL = 111.46) to the model containing all the predictor variables (-2logL = 111.07), was only 0.39--the overall equation including predictor variables, gender, case specific experiences, general attitudes, and PTP did a poor job in accounting for the variability in jurors' Rape with Other.

**Table 8. Predictors of Rape with Objects Verdict**

Step 1	Predictor	Odds Ratio	Wald	p
	Rape Accusations	0.46	1.12	.29
	Rape Victimization	2.55	2.06	.15
	RLAQ23	3.25	4.76	.03
	RES	0.73	0.33	.57
	Gender	2.29	2.60	.11
	Gender * RES Interaction	0.96	1.78	.28
Step 2				
	Rape Accusations	0.46	1.14	.29
	Rape Victimization	2.67	2.17	.14
	RLAQ23	3.30	4.85	.03
	RES	0.75	0.26	.61
	Gender	2.25	2.47	.12
	Gender * RES Interaction	0.96	1.02	.31
	Directional and Incremental PTP	2.65	0.39	.54

*Assault verdict.* A third logistic regression was run using Assault as the dependant variable. Jurors who rendered a Guilty verdict on Assault make up 61% of the 166 participants included in this analysis, and 39% rendered a Not Guilty verdict. The logistic regression equation, for the Assault verdict, without any predictors not was significant, (*odds ratio* = 1.28, *Wald* = 2.43,  $p > .05$ ). However, independent of PTP bias, jurors who had been or knew someone who had been a victim of rape (*odds ratio* = 2.52, *Wald* = 5.21,  $p < .05$ ) had a higher probability of rendering a Guilty verdict, while those who had been or knew someone who had been accused of rape (*odds ratio* = .33, *Wald* = 4.59,  $p < .05$ ) had a lower probability of rendering a Guilty verdict. The decrease of  $-2\log L$  from the base model ( $-2\log L = 214.79$ ) to the model containing all the predictor variables ( $-2\log L = 213.65$ ) including gender, case specific experiences, general attitudes, and PTP, did a poor job in accounting for the variability in jurors' Assault verdict. The decrease in deviance was only 1.18.

**Table 9. Predictors of Assault Verdict**

Step 1	Predictor	Odds Ratio	Wald	<i>p</i>
	Rape Accusations	0.34	4.47	.04
	Rape Victimization	2.41	4.86	.03
	RLAQ23	1.16	0.20	.66
	RES	1.57	1.86	.17
	Gender	0.78	0.48	.49
	Gender * RES Interaction	1.03	0.90	.34
Step 2				
	Rape Accusations	0.33	4.59	.03
	Rape Victimization	2.52	5.21	.02
	RLAQ23	1.15	0.17	.68
	RES	1.64	2.15	.14
	Gender	0.75	0.62	.43
	Gender * RES Interaction	1.03	1.02	.31
	Directional and Incremental PTP	1.08	1.12	.29

### *PDD and Judgment Decisions*

In addition, jurors' overall or mean PDD was hypothesized to be a significant predictor of guilt judgments. Three separate logistic regressions were run to test the hypothesis. The judgment decisions were coded as 0 = Not Guilty and 1 = Guilty for each of the dependant variables: Rape, Rape with Objects, and Assault.

The logistic regression equation for the Rape verdict, without any predictors was significant, (*odds ratio* = 4.36, *Wald* = 54.57, *p* < .001), but PDD was not a significant predictor of Rape verdicts (*odds ratio* = 0.90, *Wald* = 0.91, *p* > .05). The logistic regression equation, for the Rape with Objects, without any predictors was significant, (*odds ratio* = 6.91, *Wald* = 68.48, *p* < .001), but PDD was not a significant predictor of the Rape with Objects verdict (*odds ratio* = .82, *Wald* = 2.43, *p* < .05). The logistic regression equation, for the Assault judgment, without any predictors did not significantly predict the Assault judgment, (*odds ratio* = 1.27, *Wald* = 2.40, *p* > .05).

### *Summary of PDD Analyses*

The results from the analyses examining the relationship among Incremental and Directional PTP, PDD, and judgment decisions were mixed. It was found that Incremental and Directional PTP did have an effect on jurors' PDD throughout the trial and overall. Incremental and Directional PTP did not have any effect on jurors' judgment decisions. It was also found that PDD did not influence jurors' judgment decisions. The absence of any effect of either PTP or PDD on judgment decisions rendered moot the question of whether PDD mediates the effects of PTP on judgment decisions. In addition, various juror characteristics were found to be significant predictors of verdict decisions. It was found that jurors with experience of rape victimization (either being a victim of rape or knowing someone who has been raped) were more likely to find the defendants guilty of Rape and Assault. Jurors with experience of rape accusations (either being accused of rape or knowing someone who has been accused of raped) were less likely to find the defendants Guilty of Assault. Jurors with high authoritarian attitudes were more likely to find the defendants guilty of Rape with Objects than those with low authoritarian attitudes.

#### *Story Model Components*

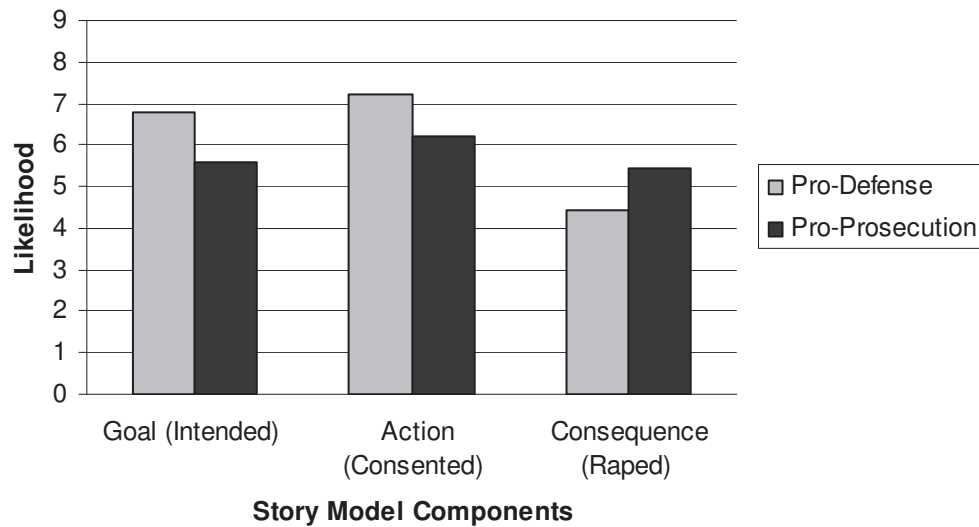
The second objective of this study was to both re-examine Story Model Theory, looking at the specific components of jurors' final story (i.e., FS-goals, FS-actions, and FS-consequences), to determine which component(s) would be more influential on jurors' judgment decisions, and apply Story Model Theory to test whether it could provide insight into the effects of PTP. Specifically, the effects of PTP on jurors' initial and final story were examined. Jurors' initial story was tested as a mediator of the effects of PTP components on jurors' final stories. The effects of PTP on jurors' evaluation of

the case as it progressed were examined. A full mediation model examining the influence of juror characteristics, PTP components, jurors' initial story, witness evaluations, and jurors' final story on judgment decision was also examined.

#### *PTP Effects on IS and FS*

*Initial story.* Exposure to story model PTP was hypothesized to affect jurors' initial story (IS). Specifically, it was hypothesized that exposure to pro-prosecution PTP-goal components would influence jurors to have an IS-goal component more in favor of the prosecution; exposure to pro-prosecution PTP-action components would influence jurors to have an IS-action component more in favor of the prosecution; and, exposure to pro-prosecution PTP-consequence components would influence jurors to have an IS-consequence component more in favor of the prosecution. These hypotheses were supported; Story Model PTP had an effect on jurors' initial story, see Figure 3.

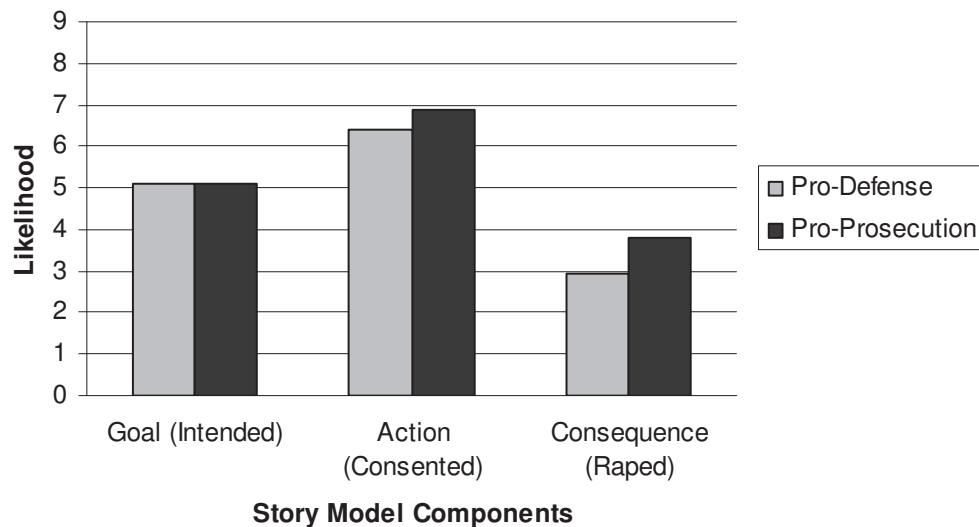
Participants who were presented with pro-defense goals ( $M = 6.77$ ,  $SD = 1.61$ ) were more likely to think Jane Doe intended (a goal component) to have sex with the defendants than participants who were presented with pro-prosecution goals ( $M = 5.59$ ,  $SD = 1.68$ ),  $t(163) = 4.59$ ,  $p < .001$ . Participants who were presented with pro-defense actions ( $M = 7.22$ ,  $SD = 1.66$ ) were more likely to think Jane Doe consented (an action component) to the acts depicted in the video than participants who were presented with pro-prosecution actions ( $M = 6.20$ ,  $SD = 1.90$ ),  $t(163) = 3.67$ ,  $p < .001$ . Participants who were presented with pro-prosecution consequences ( $M = 5.43$ ,  $SD = 1.68$ ) were more likely to think Jane Doe was raped (a consequence component) than participants who were presented with pro-defense consequences ( $M = 4.41$ ,  $SD = 1.41$ ,  $t(163) = 4.25$ ,  $p < .001$ ).



**Figure 1. PTP on Initial Story**

*Final story.* Exposure to story model PTP was hypothesized to affect jurors' final story (FS). Specifically, it was hypothesized that exposure to a pro-prosecution PTP-goal components would influence jurors to have an FS-goal component in favor of the prosecution; exposure to a pro-prosecution PTP-action components would influence jurors to have an FS-action component in favor of the prosecution; and, exposure to a pro-prosecution PTP-consequence components would influence jurors to have an FS-consequence component in favor of the prosecution. It was found that the PTP-consequence component was the only story model PTP component that remained influential on jurors' final story after evidentiary presentation, see Figure 2. To assess jurors' final story, jurors were asked to indicate their opinion about the likelihood on a 9-point Likert scale ranging from 1 (*very unlikely*) to 9 (*very likely*) of various story model components (i.e., goals, actions, and consequences) after evidential presentation but before verdict decisions. Participants who were presented with pro-prosecution PTP-

goals ( $M = 5.09$ ,  $SD = 2.24$ ) were as likely to think that it was likely she had intended (goal) to have sex with the defendants as were participants who were presented with pro-defense PTP-goals ( $M = 5.08$ ,  $SD = 2.45$ ),  $t(163) = .02$ ,  $p < .05$ . Participants who were presented with pro-prosecution PTP-actions ( $M = 6.88$ ,  $SD = 2.21$ ) were as likely to think she had consented (action) to the acts depicted in the video as participants who were presented with pro-defense PTP-actions ( $M = 6.41$ ,  $SD = 2.53$ ),  $t(164) = 1.33$ ,  $p > .05$ . However, participants who were presented with pro-prosecution PTP-consequences ( $M = 3.80$ ,  $SD = 2.63$ ) were more likely to believe Jane Doe was raped (consequence) than participants who were presented with pro-defense PTP-consequences ( $M = 2.95$ ,  $SD = 2.41$ )  $t(164) = 2.16$ ,  $p < .05$ .



**Figure 2. PTP on Final Story**

*IS mediation of PTP on FS.* Jurors' initial story (IS) was hypothesized to mediate the effects of PTP-components on jurors' final stories (FS). Specifically, it was hypothesized that the relationship between PTP-goals and FS-goals was mediated by IS-goals; the relationship between PTP-actions and FS-actions was mediated by IS-actions;

and, the relationship between PTP-consequences and FS-consequences was mediated by IS-consequences. These relationships were formulated as  $X \rightarrow M$  and  $X \rightarrow Y$  in terms of the mediational model  $X \rightarrow M \rightarrow Y$  (where  $X$  is the independent variable,  $Y$  is the dependant variable, and  $M$  is the mediating variable; Baron & Kenny, 1986). Three linear regressions were conducted for each component to test the mediation of IS-component on PTP-component and FS-component.

For the goal component, first IS-goals were regressed on the experimental manipulation of PTP-goals ( $X \rightarrow M$ ) and was statistically significant ( $\beta = -0.34$ ,  $t(163) = -4.59$ ,  $p < .001$ ). Second, FS-goals were regressed on the experimental manipulation of PTP-goals ( $X \rightarrow Y$ ) and was not statistically significant ( $\beta = -0.00$ ,  $t(163) = -.02$ ,  $p > .05$ ). The lack of a relationship between PTP-goals and FS-goals rendered the question of IS-goals mediating that relationship.

For the action component, first IS-actions were regressed on the experimental manipulation of PTP-actions ( $X \rightarrow M$ ) and was statistically significant ( $\beta = -.28$ ,  $t(163) = -3.67$ ,  $p < .001$ ). Second, FS-actions were regressed on the experimental manipulation of PTP-actions ( $X \rightarrow Y$ ) and was not statistically significant ( $\beta = -.10$ ,  $t(163) = -1.33$ ,  $p > .05$ ). The lack of a relationship between PTP-actions and FS-actions rendered the question of IS-actions mediating that relationship.

For the consequence component, first IS-consequences component was regressed on the experimental manipulation of PTP-consequences ( $X \rightarrow M$ ) and was statistically significant ( $\beta = .32$ ,  $t(164) = 4.25$ ,  $p < .001$ ). Second, FS-consequences were regressed on the experimental manipulation of PTP-consequences ( $X \rightarrow Y$ ) and was statistically significant ( $\beta = .17$ ,  $t(164) = 2.16$ ,  $p < .05$ ). Then FS-consequences component was

regressed on both the experimental manipulation of PTP-consequences and IS-consequences. The final regression equation for FS-consequences was significant, ( $R^2 = .17$ , Adjusted  $R^2 = .16$ ,  $F(2, 163) = 17.21$ ,  $p < .001$ ). IS-consequences was significant ( $\beta = .40$ ,  $t(163) = 5.38$ ,  $p < .001$ ) but the experimental manipulation of PTP-consequences was not significant ( $\beta = .04$ ,  $t(162) = .52$ ,  $p > .05$ ). The indirect effect of the independent variable (PTP-consequences) on the dependent variable FS-consequences via the mediator (IS-consequences) was significant (*Sobel* [1982]  $test = -3.34$ ,  $p < .001$ ). Therefore, we can conclude that IS-consequences fully mediated the relationship between PTP-consequences and FS-consequences.

*Summary of PTP on IS and FS.* It was hypothesized that PTP-story model components would influence corresponding components in jurors' initial story. A priori mean comparisons found exposure to PTP-story model components influenced jurors' initial story about the case. Participants who were presented with pro-defense PTP-goals were more likely to think Jane Doe intended to have sex with the defendants than participants who were presented with pro-prosecution PTP-goals, and those presented with pro-defense PTP-actions were more likely to think Jane Doe consented to the acts depicted in the video than participants who were presented with pro-prosecution PTP-actions, while those who were presented with pro-prosecution PTP-consequences were more likely to think Jane Doe was raped than participants who were presented with pro-defense PTP-consequences. While each of the initial story components was influenced by corresponding PTP information, this was not the case with jurors' final story. The goals and actions components of jurors' final story were not influenced by PTP-goals or PTP-actions. The only final story component that was influenced by PTP was the

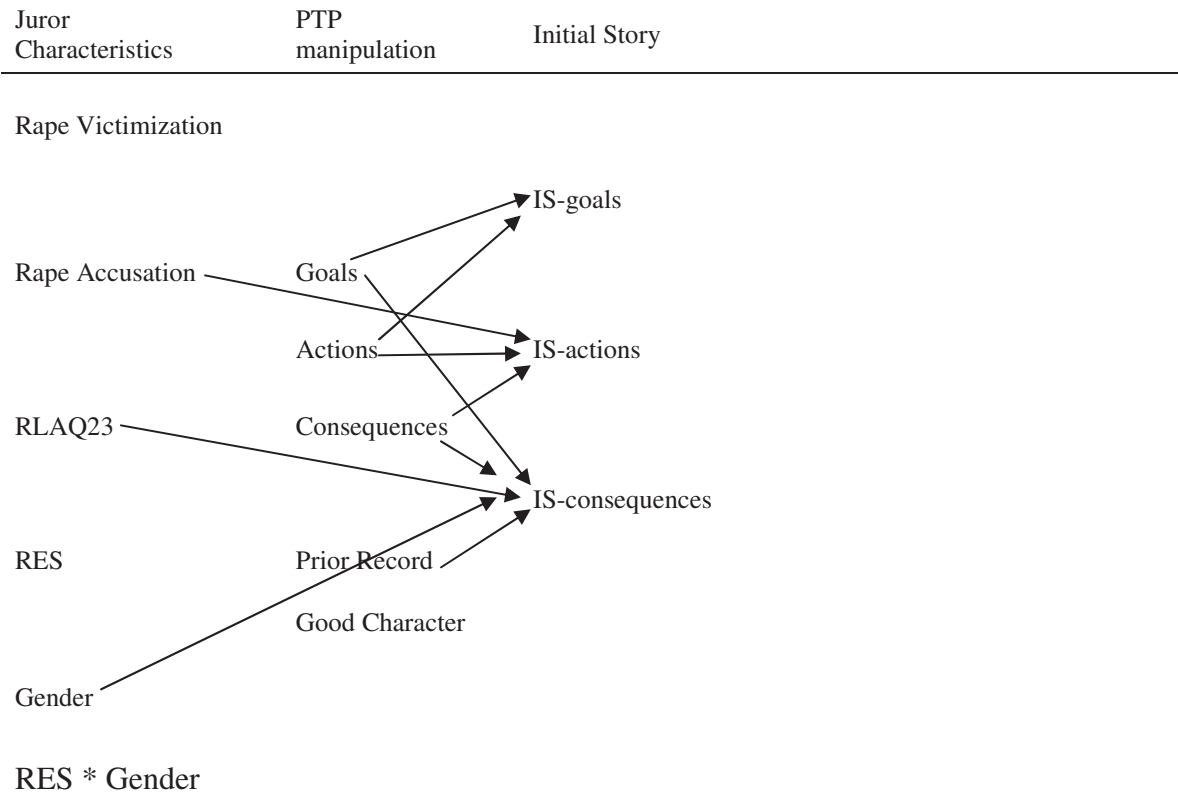
consequences component. Jurors exposed to pro-prosecution PTP-consequences were more likely to believe Jane Doe was raped (consequence) than participants who were presented with pro-defense PTP-consequences. This relationship between PTP-consequences and jurors' final story consequence component was mediated by jurors' initial story consequences component.

#### *Effects of PTP Over the Course of the Trial*

The influence of PTP exposure and juror characteristics on jurors' evaluation of the case as it progressed was also explored in several hierarchical linear regressions. These analyses allowed for exploration of how various juror characteristics and PTP-components influenced jurors' initial story, evaluation of the witnesses' credibility, and final story.

*Initial story.* Juror characteristics (i.e., gender, experience with victimization, experience with rape accusations, authoritarian attitudes, rape empathy, and the interaction term of rape empathy and gender) and PTP-components (i.e., goals, actions, consequences, prior record, and good character) were used as predictors of jurors' IS (i.e., goals, actions, and consequences). The final regression equation for the jurors' IS-goals was significant, (R-squared = .20, Adjusted R-square = .14,  $F(11,151) = 3.33, p < .001$ ). PTP-goals ( $\beta = -.30, t = -3.91, p < .001$ ) and PTP-actions ( $\beta = -.16, t = -2.00, p = .05$ ) were significant predictors of jurors' IS-goals. The final regression equation for the jurors' IS-actions was significant, (R-squared = .21, Adjusted R-square = .15,  $F(11,151) = 3.63, p < .001$ ). PTP-actions ( $\beta = -.20, t = -2.60, p = .01$ ) and PTP-consequences ( $\beta = -.20, t = -2.61, p = .01$ ) were significant predictors of jurors' IS-actions. The final regression equation for the jurors' IS-consequences was significant, (R-squared = .23,

Adjusted R-square = .18,  $F(11,152) = 4.23, p < .001$ ). PTP-consequences ( $\beta = .23, t = 2.98, p < .01$ ), PTP-prior record ( $\beta = .20, t = 2.41, p < .05$ ), gender ( $\beta = .15, t = 2.03, p < .05$ ), and legal authoritarian attitudes ( $\beta = .16, t = 2.16, p < .05$ ) were significant predictors of jurors' IS-consequences.

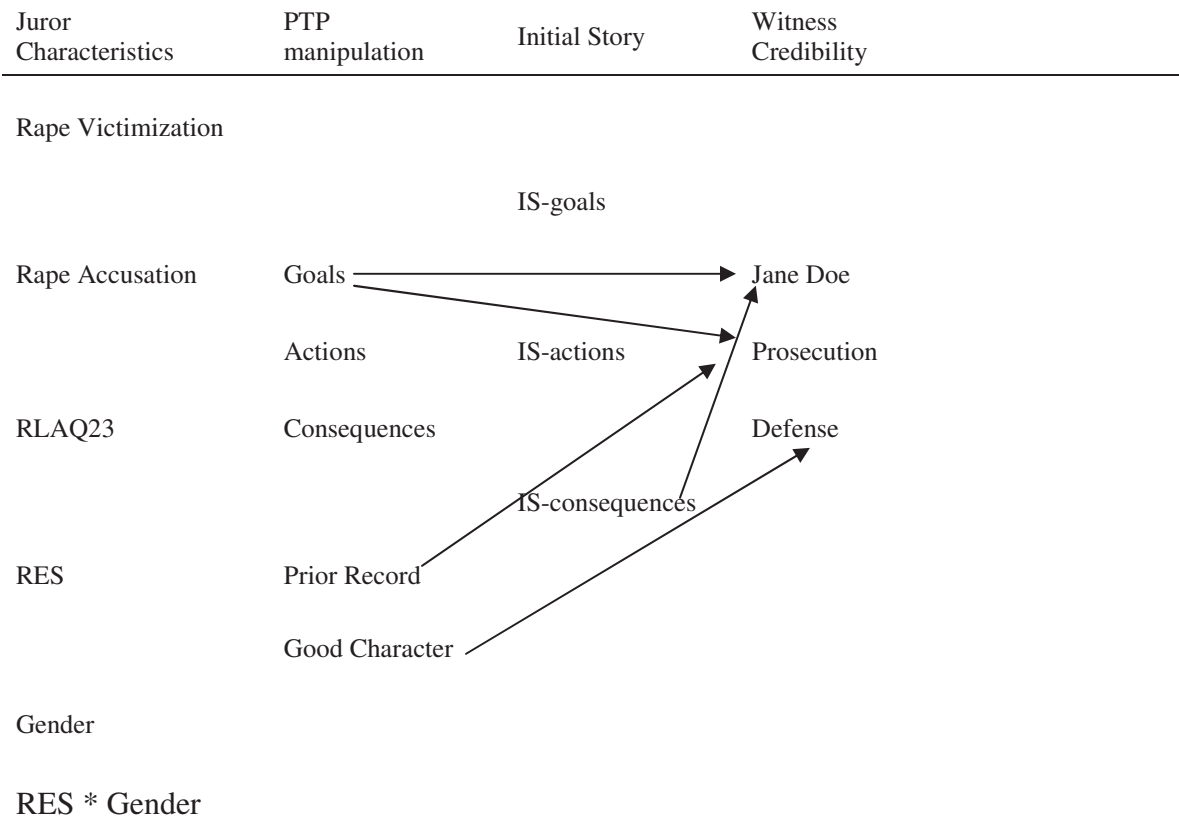


**Figure 3. Predictors of Jurors' Initial Story**

*Story Consistency.* The consistency of the story jurors' were exposed to pretrial (PTP) was examined as a factor influencing the adoption of their initial story components. The purpose of these analyses was to determine if the interaction of PTP-story components added any predictive influence to the initial story jurors' adopted beyond main effects of the individual components. For example, if a juror was exposed to a pro-prosecution goal component were they more likely to adopt a more pro-prosecution IS-goals component if the PTP-actions and PTP-consequences were also pro-prosecution. Each of the PTP-story components were coded as 0 (pro-defense) or 1 (pro-prosecution). Jurors' IS-goals, IS-actions, and IS-Consequences were examined as a function of PTP-goals, PTP-actions, and PTP-consequences in three separate ANOVAs.

The results showed main effects that were consistent with regression analyses (reported above) and no significant interactions were found among PTP-story components.

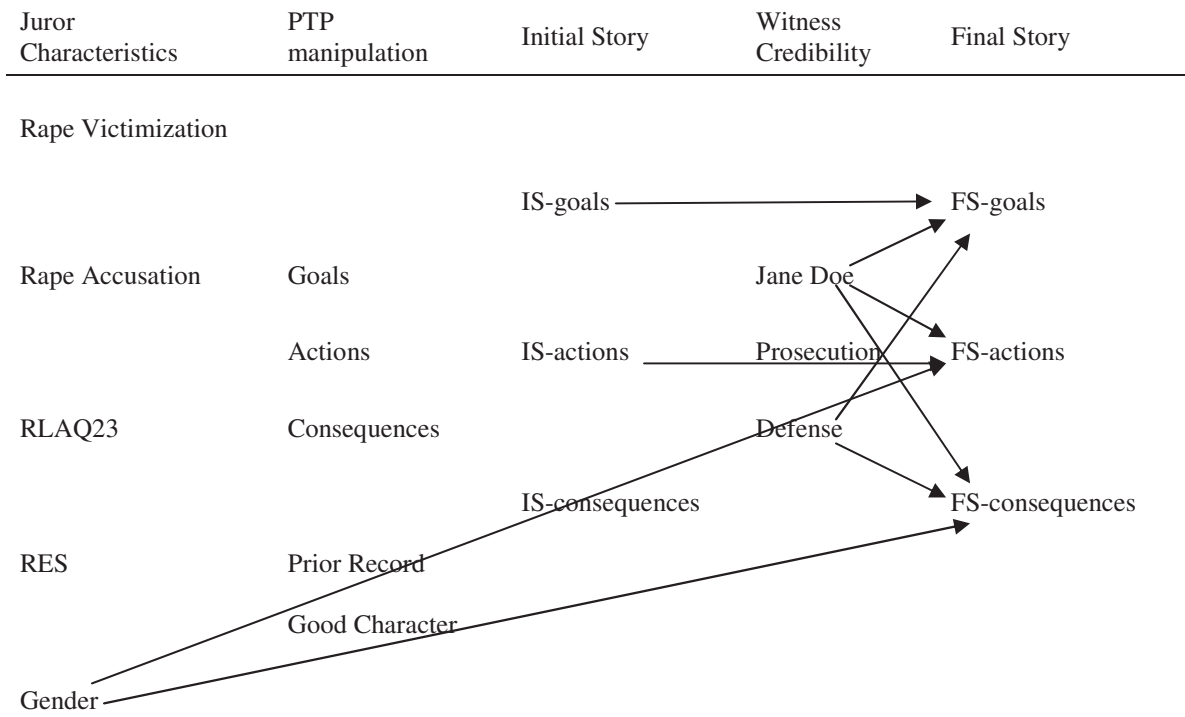
*Witness credibility.* Juror characteristics, PTP-components, and jurors' IS were used as predictors of jurors' evaluation of the witnesses credibility (Jane Doe, prosecution witnesses, and defense witnesses). The final regression equation for the jurors' evaluation of Jane Doe's credibility was significant, (R-squared = .19, Adjusted R-square = .11,  $F(14,147) = 2.46, p < .01$ ). PTP-goals ( $\beta = .17, t = 2.02, p = .05$ ) and jurors' IS-consequences ( $\beta = -.27, t = -2.42, p < .05$ ) were significant predictors of Jane Doe's credibility. The final regression equation for the jurors' evaluation of the prosecution witnesses' credibility was significant (R-squared = .17, Adjusted R-square = .09,  $F(14,147) = 2.07, p < .05$ ). PTP-prior record ( $\beta = -.20, t = -2.24, p < .05$ ) was a significant predictor of the prosecution witnesses' credibility. The final regression equation for the jurors' evaluation of the defense witnesses' credibility was significant, (R-squared = .18, Adjusted R-square = .10,  $F(14,147) = 2.21, p < .01$ ). PTP-good character ( $\beta = .18, t = 2.11, p < .05$ ) was a significant predictor of the defense witnesses' credibility.



**Figure 4. Predictors of Witness Credibility**

*Final story.* Juror characteristics, PTP-components, IS, and witnesses credibility were used as predictors of jurors' FS (goals, actions, and consequences). The final regression equation for the jurors' FS-goals was significant, (R-squared = .36, Adjusted R-square = .29,  $F(17,143) = 4.78, p < .001$ ). Jurors' IS-goals ( $\beta = .31, t = 3.15, p < .01$ ), credibility of Jane Doe ( $\beta = .37, t = 4.59, p < .001$ ) and credibility of the defense witnesses ( $\beta = -.20, t = -2.58, p = .01$ ) were significant predictors of FS-goals. The final regression equation for the jurors' FS-actions was significant, (R-squared = .45, Adjusted R-square = .39,  $F(17,144) = 6.96, p < .001$ ). Jurors' IS-actions ( $\beta = .23, t = 2.22, p < .05$ ), credibility of Jane Doe ( $\beta = .22, t = 2.95, p < .01$ ), credibility of the defense

witnesses ( $\beta = -.31, t = -4.30, p < .001$ ) and jurors' gender ( $\beta = -.18, t = -2.68, p < .01$ ) were significant predictors of FS-actions. The final regression equation for the jurors' FS-consequences was significant, ( $R\text{-squared} = .36, \text{Adjusted } R\text{-square} = .28, F(17,144) = 4.69, p < .001$ ). Credibility of Jane Doe ( $\beta = -.21, t = -2.63, p = .01$ ), credibility of the defense witnesses ( $\beta = .22, t = 2.76, p = .01$ ), and jurors' gender ( $\beta = .18, t = 2.43, p < .05$ ) were significant predictors of FS-consequences.



**Figure 5. Predictors of Jurors' Final Story**

*Story Consistency.* The consistency of the story jurors' were exposed to pretrial (PTP) was examined as a factor influencing the adoption of their final story components. The purpose of these analyses was to determine if the interaction of PTP-story components added any predictive influence to the final story jurors' adopted beyond main effects of the individual components. For example, if a juror was exposed to a pro-prosecution goal component were they more likely to adopt a more pro-prosecution FS-

goals component if the PTP-actions and PTP-consequences were also pro-prosecution. Each of the PTP-story components were coded as 0 (pro-defense) or 1 (pro-prosecution). Jurors' FS-goals, FS-actions, and FS-Consequences were examined as a function of PTP-goals, PTP-actions, and PTP-consequences in three separate ANOVAs. The results showed main effects were consistent with regression analyses (reported above) and no significant interactions were found among PTP-story components.

*Summary of PTP Effects over the Course of the Trial.* Story Model Theory was examined to test whether it could provide insight into the ways in which PTP produces effects on jurors' evaluation of the case. The effects of PTP on jurors' initial story, witnesses' evaluation, and final story were examined. Although it was originally hypothesized that jurors' initial story would be influenced by corresponding PTP-components jurors were exposed to, there were no hypotheses regarding the influence of juror characteristics or non-corresponding PTP-components on jurors' initial story. It was found that various PTP-components and juror characteristics influenced each of the initial story components.

Jurors' initial story goals component was influenced by both PTP-goals ( $\beta = -.30$ ) and by PTP-actions components ( $\beta = -.16$ ). Jurors were more likely to think that Jane Doe intended to have sex if they were exposed to pro-defense PTP-goals, or if they were exposed to pro-defense PTP-actions. Jurors' initial story actions component was influenced by both PTP-actions ( $\beta = -.20$ ), PTP-consequence component ( $\beta = -.20$ ), and by jurors experienced with accusations of rape ( $\beta = .15$ ). Particularly, jurors were more likely to think that Jane Doe consented to sex if they were exposed to pro-defense PTP-actions, pro-defense PTP-consequences, or if they had ever been accused of rape or knew

someone who had. Jurors' initial story consequences component was influenced by PTP-consequences ( $\beta = .23$ ), PTP-goals ( $\beta = .13$ ), and PTP-prior record components ( $\beta = .20$ ), in addition to jurors gender' ( $\beta = .15$ ) and jurors' legal authoritarian attitudes ( $\beta = .16$ ). Specifically, jurors were more likely to think Jane Doe was raped if they were female, exposed to pro-prosecution PTP-consequences, pro-prosecution PTP-goals, information about the defendants' prior record, or if they had high legal authoritarian attitudes.

Although logic would suggest that exposure to a more consistent story pretrial (PTP) would promote the adoption of a particular story, this was not the case found here. The most persistent effects of PTP-story components were main effects and not an additive effect of interactions between or among other story components.

Factors influencing jurors' evaluation of the credibility of the witnesses were also explored. It was found that various PTP-components (i.e., goals, prior record, and good character) and jurors' initial story consequences component influenced their evaluation of the witnesses. In particular, jurors' evaluation of Jane Doe's credibility was influenced by PTP-goals ( $\beta = .17$ ) and IS-consequences ( $\beta = -.27$ ). The credibility of the prosecution witnesses were influenced by PTP-goals ( $\beta = .17$ ) and the PTP-prior record component ( $\beta = -.20$ ). Credibility of the defense witnesses was influenced by the PTP-good character component ( $\beta = .18$ ).

The factors influencing jurors' final story was also examined. It was hypothesized that the biasing effects of PTP-story model components would persist through trial evidence and influence jurors' final story components. This hypothesis was partially supported. Simple a priori t-test comparisons reveal that PTP-consequences had a significant effect on jurors FS-consequences, while both PTP-goals and PTP-actions

had no effect on FS-goals and FS-actions. Likewise the regression analysis strictly examining the relationship between PTP-story components and FS-components found similar results to the a priori comparisons. In addition, it was found the IS-consequences mediated the relationship between PTP-consequences and FS-consequences. However the result, from the full linear regression analysis that included jurors' characteristics, IS-components, and witness credibility as predictors of jurors' final story indicated that there were no significant relationships among the various PTP-story components and jurors' final story. The significant relationship between PTP-consequences and FS-consequences was lost when jurors' characteristics and jurors' evaluation of the witnesses credibility was taken into account.

Although PTP-components did not influence jurors' final story, jurors' final story was influenced by evaluation of the witnesses' credibility, jurors' initial story, and jurors' gender. Jurors' FS-goals was influenced by IS-goals ( $\beta = .31$ ), credibility of Jane Doe ( $b = .37$ ), and credibility of the defense witnesses ( $\beta = -.20$ ). After all the evidence was presented, jurors were more likely to think that Jane Doe intended to have sex when they thought this initially, before hearing trial evidence, if found Jane Doe less credible, and the defense witnesses more credible. Jurors' FS-actions was influenced by IS-actions ( $\beta = .23$ ), credibility of Jane Doe ( $\beta = .22$ ), credibility of the defense witnesses ( $\beta = -.31$ ), and jurors' gender ( $\beta = -.18$ ). After all the evidence was presented, jurors were more likely to think that Jane Doe consented to sex when they thought this initially, before hearing trial evidence, if they were male, if they found Jane Doe less credible, and the defense witnesses more credible. And, jurors' FS-consequences was influenced by credibility of Jane Doe ( $\beta = -.21$ ), credibility of defense witnesses ( $\beta = .22$ ), and jurors'

gender ( $\beta = .18$ ). After all the evidence was presented, jurors were more likely to think that Jane Doe was raped if they were female, found Jane Doe less credible, and the defense witnesses more credible.

#### *Full Mediation Model of Judgment Decisions*

A full mediation model was conducted to test various hypotheses and to examine the interrelationship of jurors' judgment decisions as a function of the manipulated story model and character components of PTP, jurors' gender, experiences (i.e., having been or knowing someone who has been wither accused of rape or a victim of rape), attitudes (i.e., legal authoritarian attitudes and rape empathy), initial story, witness credibility, and final story.

Three separate logistic regressions were run to examine the odds of rendering a Guilty verdict on the various verdict decisions (i.e., Rape, Rape with Objects, and Assault) using juror characteristics (i.e., gender, experiences with rape, rape empathy, and authoritarian attitudes), PTP-components (i.e., PTP-goals, PTP-actions, PTP-consequences, PTP-prior record, and PTP-good character), IS-components (i.e., IS-goals, IS-actions, and IS-consequences), witness credibility (i.e., Jane Doe, prosecution witnesses as a group, and defense witnesses as a group), and FS-components (i.e., FS-goals, FS-actions, and FS-consequences) as predictors.

Those who rendered a Not Guilty verdict were coded as 0 and those who rendered a Guilty verdict were coded as 1. Each of the PTP-story model components (i.e., goals, actions, and consequences) were coded as 1 = pro-prosecution or 0 = pro-defense. PTP-character components (i.e., prior record, good character, or no additional information) were dummy coded into two variables. The first dummy coded variable was prior record

where prior record = 1, good character = 0, and no additional information = 0, and the second one was good character = 1, prior record = 0, and no additional information = 0. Each of the IS- and FS- components were on a continuous scale ranging from 1 (*not at all likely*) to 9 (*very likely*). Witness credibility was reverse coded as a continuous variable ranging from 1 (*very credible*) to 5 (*not at all credible*).

*Rape verdict.* Rape was the first of the set of verdicts on which students were asked to render a decision on. Jurors who found the defendants Not Guilty represented 18% of the sample while 82% found the defendants Guilty. The logistic regression of the Rape verdict without any predictors was significant (*odds ratio* = 4.55, *Wald* = 54.61,  $p < .001$ ). Juror characteristics and the interaction term testing the moderator effect of gender and rape empathy were entered in the first step and the Chi-square test was not significant ( $df = 6$ ,  $x^2 = 10.81$ ,  $p > .05$ ). The experimental manipulations of PTP-components were entered into the second step and the Chi-square test remained non-significant ( $df = 11$ ,  $x^2 = 15.82$ ,  $p > .05$ ). The change in the Chi-square value from step 1 and step 2, ( $df = 3$ ,  $x^2 = 5.01$ ,  $p > .05$ ), was not significant. However when jurors' IS-components were entered, into the third step, the Chi-square test was significant ( $df = 14$ ,  $x^2 = 31.87$ ,  $p < .01$ ). The change in the Chi-square value from step 2 and step 3, ( $df = 3$ ,  $x^2 = 16.05$ ,  $p < .01$ ), was also significant. This indicates that jurors' IS-components were significant predictors of jurors' verdict decisions when jurors' IS-components were first entered in the regression equation without accounting for jurors' evaluation of witness credibility and FS-components. Jurors' witness credibility ratings were then entered in the fourth step and the Chi-square test was significant ( $df = 17$ ,  $x^2 = 63.23$ ,  $p < .001$ ). The change in the Chi-square value from step 3 and step 4, ( $df = 3$ ,  $x^2 = 31.36$ ,  $p < .001$ ), was significant. This

indicates both that witness credibility was a significant predictor of jurors' verdict decisions when witness credibility was first entered into the equation, without FS-components, and that witness credibility significantly added predictive value on top of variation accounted for by jurors' characteristics, PTP-components, and IS-components. Jurors' FS-components were entered into final step and the Chi-square test was significant ( $df = 20, x^2 = 80.70, p < .001$ ). The change in the Chi-square value from step 4 and step 5, ( $df = 3, x^2 = 17.47, p < .001$ ), was significant. This indicates that FS-components significantly added to the prediction equation containing jurors' characteristics, PTP-components, IS-components, and witness credibility. The overall decrease of  $-2\log L$  from the base model ( $-2\log L = 141.04$ ) to the model containing all the predictor variables ( $-2\log L = 71.15$ ), did a good job in accounting for the variability in jurors' Rape verdict with a decrease in deviance of 69.90.

In the final step of the Rape verdict regression analysis, credibility of the defense witnesses and FS-actions were significant predictors. Jurors who did not believe the defense witnesses (rated the defense witnesses less credible) had a higher probability of finding the defendants Guilty of Rape ( $odds\ ratio = 2.26, Wald = 7.33, p < .01$ ). Jurors who thought it was more likely that Jane Doe consented to the sexual acts (higher scores on FS-actions) had a lower probability of finding the defendants Guilty of Rape ( $odds\ ratio = 0.59, Wald = 5.86, p < .05$ ).

*Rape with Objects verdict.* Rape with Objects included the second set of verdicts students were asked to render a decision on. Jurors who found the defendants Not Guilty represented 13% of the sample while 87% found the defendants Guilty. The logistic regression of the Rape with Objects verdict without any predictors was significant ( $odds$

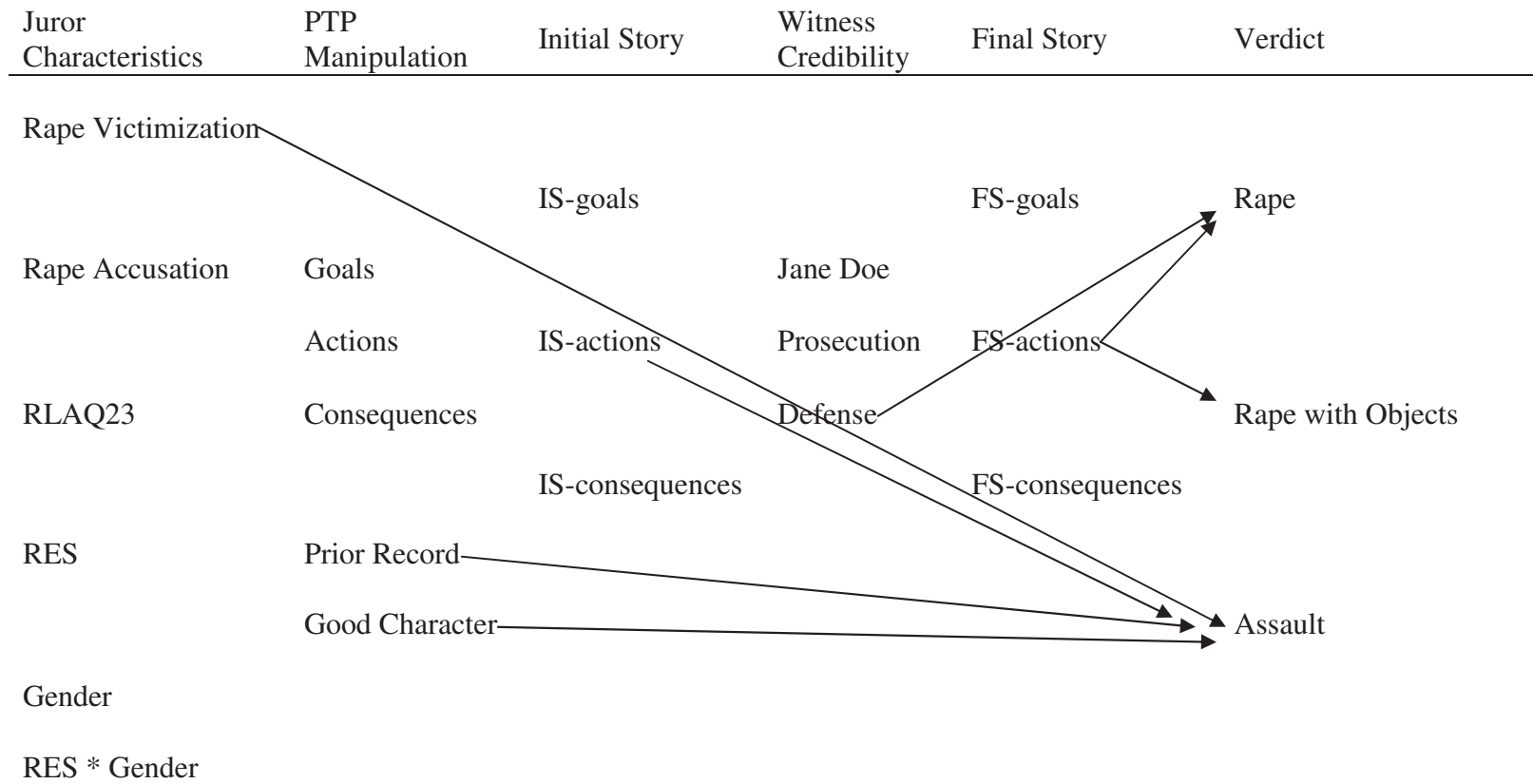
$ratio = 6.67$ ,  $Wald = 65.72$ ,  $p < .001$ ). Juror characteristics and the gender and rape empathy residualized interaction term were entered in the first step and the Chi-square test was significant ( $df = 6$ ,  $x^2 = 13.87$ ,  $p < .05$ ). The experimental manipulation of PTP-components were entered into the second step and the Chi-square test was not significant ( $df = 11$ ,  $x^2 = 16.89$ ,  $p > .05$ ). The change in the Chi-square value from step 1 and step 2, ( $df = 3$ ,  $x^2 = 3.02$ ,  $p > .05$ ), was not significant. Jurors' IS-components were entered into the third step and the Chi-square test was significant ( $df = 14$ ,  $x^2 = 32.48$ ,  $p < .01$ ). The change in the Chi-square value from step 2 and step 3, ( $df = 3$ ,  $x^2 = 15.59$ ,  $p < .01$ ), was significant. Jurors' IS-components were significant predictors of jurors' verdict decisions when first entered into the prediction equation without witness credibility and FS-components. Jurors' witness credibility ratings were entered in the fourth step and the Chi-square test was significant ( $df = 17$ ,  $x^2 = 47.53$ ,  $p < .001$ ). The change in the Chi-square value from step 3 and step 4, ( $df = 3$ ,  $x^2 = 15.05$ ,  $p < .01$ ), was significant. The significant increase from step 3 and step 4 indicates accounting for jurors' witness credibility assessments significantly increases the predictive power of the regression equation. Jurors' FS-components were entered into final step and the Chi-square test was significant ( $df = 20$ ,  $x^2 = 55.69$ ,  $p < .001$ ). The change in the Chi-square value from step 4 and step 5, ( $df = 3$ ,  $x^2 = 8.16$ ,  $p < .05$ ), was significant. Jurors' FS-components also significantly added to the predictive power of the regression equation. The overall decrease of  $-2\log L$  from the base model ( $-2\log L = 110.81$ ) to the model containing all the predictor variables ( $-2\log L = 68.99$ ), the overall equation including predictor variables, did a good job in accounting for the variability in jurors' Rape with Objects verdict. The decrease in deviance was 41.82.

In the final step of the Rape with Objects verdict regression analysis, FS-actions was a significant predictor of verdict decisions. Jurors who thought it was more likely that Jane Doe consented to the sexual acts (higher scores on FS-actions) had a lower probability of finding the defendants Guilty of Rape with Objects (*odds ratio* = .60, *Wald* = 4.96,  $p < .05$ ).

*Assault verdict.* Assault was the final verdict students were asked to render a decision on. Jurors who found the defendants Not Guilty represented 44% of the sample while 56% found the defendants Guilty. The logistic regression of the Assault verdict without any predictors was not significant (*odds ratio* = 1.27, *Wald* = 2.23,  $p > .05$ ). Juror characteristics and the moderation of gender and rape empathy were entered in the first step and the Chi-square test was not significant ( $df = 6, x^2 = 9.62, p > .05$ ). The experimental manipulation of PTP-components were entered into the second step and the Chi-square test was significant ( $df = 11, x^2 = 29.41, p < .01$ ). The change in the Chi-square value from step 1 and step 2, ( $df = 3, x^2 = 19.79, p < .001$ ), was significant. PTP-components were significant predictors of jurors' verdict decisions when first entered into the regression equation. PTP-components that were significant were prior record and good character. Participants that were exposed to PTP-prior record (*odds ratio* = 3.00, *Wald* = 5.97,  $p < .05$ ) had a higher probability of finding the defendants guilty of Assault, while those exposed to PTP-good character (*odds ratio* = .46, *Wald* = 3.49,  $p = .06$ ) had a marginally lower probability of finding the defendants Guilty of Assault. Jurors' IS-components were entered into the third step and the Chi-square test was significant ( $df = 14, x^2 = 33.42, p < .01$ ). The change in the Chi-square value from step 2 and step 3, ( $df = 3, x^2 = 4.01, p > .05$ ), was not significant. Jurors' witness credibility

ratings were entered in the fourth step and the Chi-square test was significant ( $df = 17, x^2 = 35.85, p < .01$ ). However, the change in the Chi-square value from step 3 and step 4, ( $df = 3, x^2 = 2.43, p > .05$ ), was not significant--indicating that jurors' witness credibility ratings did not add any predictive power to the equation. Jurors' FS-components were entered into final step and the Chi-square test was significant ( $df = 20, x^2 = 38.15, p < .01$ ), though, the change in the Chi-square value from step 4 and step 5, ( $df = 3, x^2 = 2.30, p > .05$ ), was not significant. Jurors' FS-components did not add any predictive power to the equation. Based on the change of Chi-square values at each step of the regression analysis, PTP-components were the only set of variables that added predictive value of the regression equation for the Assault verdict. The decrease of  $-2\log L$  from the base model ( $-2\log L = 211.32$ ) to the model containing all the predictor variables ( $-2\log L = 182.80$ ), the overall equation including predictor variables, did a good job in accounting for the variability in jurors' Assault verdict. The decrease in deviance was 23.52.

In the final step of the Assault verdict regression analysis, experience with rape victimization, PTP-prior record, PTP-good character, and IS-actions were significant predictors of verdict decisions. Jurors who had experience with rape victimization (*odds ratio* = 2.87, *Wald* = 5.26,  $p < .05$ ), and those who were exposed to PTP-prior record (*odds ratio* = 3.69, *Wald* = 6.77,  $p = .01$ ) had a higher probability of finding the defendants Guilty of Assault. While those exposed to PTP-good character (*odds ratio* = .40, *Wald* = 3.93,  $p = .05$ ), and those who thought it was more likely that Jane Doe intended to have sex with the defendants (higher scores on IS-actions) (*odds ratio* = .73, *Wald* = 3.40,  $p = .07$ ) had a marginally lower probability of finding the defendants Guilty of Assault.



**Figure 6. Predictors of Jurors' Verdicts**

An alternative model of predictor variables of jurors' verdicts with sequential adoption of story components was also examined in a hierarchical regression analysis. Juror characteristics and the interaction term testing the moderator effect of gender and rape empathy were entered in the first step, and the experimental manipulations of PTP-components were entered into the second step of the alternative. Jurors' initial story components were stepped into the regression individually and sequentially. Jurors' IS-goals component entered into the third step, jurors' IS-actions component entered into the fourth step, and jurors' IS-consequences component entered into the fifth step. Jurors' evaluation of the witnesses' credibility were entered into the regression on the sixth step. Jurors' final story components were stepped into the regression individually and sequentially. Jurors' FS-goals component entered into the seventh step, jurors' FS-actions component entered into the eighth step, and jurors' FS-consequences component was entered as the ninth step. There was no change in the pattern of results found from the alternative analysis in comparison to the main analysis (reported above) of predictors of Rape, Rape with Objects, and Assault verdicts. See Appendix F for the results of the alternative sequential story component analysis.

*Summary of full mediation model.* The three mediation models were used to test various hypotheses and, also, to explore the various factors (PTP, jurors' initial story, witnesses' credibility, and jurors' final story) influencing jurors' judgment decisions (i.e., Rape, Rape with Objects, and Assault verdicts). It was hypothesized that jurors' final story (FS) would predict judgment decisions, but no specific hypotheses were proposed specifying which FS-component would be the most influential predictor of verdict

decisions. The FS-action component was a significant predictor in both the Rape and Rape with Objects verdicts.

It was also hypothesized that PTP-components would influence jurors' judgment decisions. There was partial support for this hypothesis. Story components embedded in PTP did not have a total effect on jurors' judgment decisions (i.e., Rape, Rape with Objects, and Assault). However, character components embedded in PTP did have a direct effect on jurors' judgment decisions on the Assault verdict. The hypothesis that those exposed to prior record information would be more likely to find defendants guilty than those exposed to no additional information or good character information was supported in the Assault verdict. Likewise, those exposed to good character information were less likely to find the defendants guilty of Assault.

Juror characteristics were also hypothesized to have an effect on jurors' judgment decisions. Specifically, it was hypothesized that those with higher rape empathy would be more likely to find the defendants guilty than those with lower rape empathy. No support was found for this hypothesis. Nor was there moderation of rape empathy by gender. It was found that jurors with experience of rape victimization (either being a victim of rape or knowing someone who has been raped) were more likely to find the defendants guilty of Assault.

Although there were no specific hypotheses proposed about the influence jurors' initial story and evaluation of the witnesses' credibility would have on jurors' verdict decisions, these factors did influence jurors' verdict decisions. Jurors' evaluation of the credibility of the prosecution witnesses influenced the Rape verdict. Jurors' evaluation of

the credibility of the defense witnesses influenced both their Rape and Rape with Objects verdicts. Jurors' initial story actions component influenced the Assault verdict.

Overall, the results showed that jurors' judgment decisions were partially accounted for by jurors' final story actions component, evaluation of the prosecution and defense witnesses, jurors' initial story actions component, experience with rape victimization, and PTP regarding the defendants prior record and good character.

#### *Awareness of PTP Bias*

The final objective was to examine jurors' awareness of the biasing effect of PTP exposure. Conditions were compared in terms of the direction and number of biased components against the defendants (i.e., Directional and Incremental PTP Bias). The majority, 92%-100%, of all participants who were exposed to PTP claimed they could be a fair and impartial juror regardless of the amount of pro-prosecution PTP exposure (see Table 10). Interestingly, there was a smaller proportion of individuals, 78%, who thought they could be fair and impartial in the most pro-prosecution biased PTP (+4) condition.

**Table 10. Awareness of PTP Bias by PTP Exposure**

Directional and Incremental PTP	<i>N</i>	Percent Who Say, Can be fair and impartial
+4 (Pro-prosecution)	9	78%
+3	12	92%
+2	30	93%
+1	17	100%
0	30	97%
-1	21	95%
-2	24	100%
-3	11	100%
-4 (Pro-defense)	12	92%

Support was found for the hypothesis that those exposed to more pro-prosecution PTP would be more biased against the defendant pretrial, by indicating a higher likelihood that the complainant was raped, than those exposed to less pro-prosecution

PTP ( $r = -.39, p < .001$ ). It was also hypothesized that the biasing effects of PTP would persist through trial evidence and those exposed to more pro-prosecution PTP would be more likely to convict the defendants than those exposed to more pro-defense PTP.

Although the amount and direction of bias in the PTP influenced mock jurors initial guilt judgments the effect did not persist through trial evidence, such an effect has been found by other researchers (e.g., Sue et al., 1975; Ogloff & Vidmar, 1994). In this case, there was no relationship between the amount of pro-prosecution PTP and jurors' verdict of Rape ( $r = .13, p > .05$ ), Rape with Objects ( $r = .06, p > .05$ ) and Assault with a Deadly Weapon ( $r = .05, p > .05$ ).

After participants had rendered judgment decisions, they were asked who the articles favored on a nine point Likert scale ranging from 1 (*pro-defense*) to 9 (*pro-prosecution*). A correlation analysis revealed that jurors exposed to more pro-prosecution PTP were more likely to think that the articles favored the prosecution ( $r = .27, p < .001$ ).

The influence of the general consistency of the bias presented in the pretrial articles on jurors' confidence was also examined. It was hypothesized that participants exposed to more consistent PTP, either all pro-prosecution PTP components or all pro-defense PTP components, would be more confident of their judgment decision than those exposed to mix PTP. The Directional and Incremental PTP Bias variable, ranging from -4 (Pro-defense) to +4 (Pro-prosecution), was recoded in to a dichotomous variable of Consistent vs. Inconsistent PTP. Conditions that contained +4P and -4P were coded as 1 = consistent and all other conditions were coded as 0 = inconsistent. Confidence was rated on a Likert scale ranging from 1 (*not at all confident*) to 9 (*very confident*). A

correlation analysis revealed that the consistency of the PTP was not related to jurors' confidence of their verdict decisions ( $r = -.08, p = .05$ ).

## Chapter 4: Discussion

The purpose of this study was to examine the influence of PTP on jurors' evaluation of a rape case and jurors' awareness of the influence PTP has on their judgments. Various components of PTP were manipulated to determine if specific components are more biasing than others. PTP components included story model components (i.e., goals, actions, and consequences) and character components (i.e., prior record and good character). The effects of PTP were examined in two analytic frameworks: Predecisional Distortion (PDD) and Story Model Theory. In order to examine the effects of PTP through PDD, PTP was operationalized as a directional and incremental measure of PTP bias. The effects of PTP were examined through Story Model Theory in terms of specific components and the measure was categorical. The results of the analyses on the effects of PTP are discussed first, followed by a discussion of the findings from the application of the two analytic frameworks.

### *Effects of PTP*

#### *Pretrial Judgments*

The effects of PTP were found to be influential on jurors' initial perceptions of the case. In terms of incremental PTP, it was found that jurors exposed to more pro-prosecution PTP believed it was more likely that Jane Doe was raped when asked before hearing trial evidence. This finding was consistent with previous research (e.g., Freedman & Burke, 1996; Ogloff & Vidmar, 1994; Moran & Cutler, 1991). For example, Ogloff and Vidmar (1994) found that jurors' initial assessments of the case, before trial evidence was presented, were influenced by negative-PTP. Jurors exposed to graphic information about a sexual abuse case, pretrial, have stronger emotional

reactions, greater perceptions of guilt, and higher recommendation of punishment than jurors not exposed the graphic information (i.e., Ogloff & Vidmar, 1994). Likewise, other research has found that found jurors with more knowledge about the case, obtained through PTP, have a greater pretrial perceived culpability of the defendants than jurors with less knowledge about the case (i.e., Freedman & Burke, 1996; Moran & Cutler, 1991).

This study is the first to examine the effects of PTP in terms of Story Model Theory and the first to manipulate both story and character components embedded in PTP. It was found that the components of jurors' initial story (i.e., goals, actions, consequences) were influenced by various PTP-components and juror characteristics. Specifically, jurors exposed to pro-defense goals and/ or actions were more likely to believe that Jane Doe intended to have sex the night the alleged rape than jurors exposed to pro-prosecution goals and/ or actions. Jurors exposed to pro-defense actions and/ or consequences were more likely to believe Jane Doe consented to the sex that occurred than jurors exposed to pro-prosecution actions and/ or consequences. Jurors exposed to prior record and/ or pro-prosecution goals and/ or consequences were more likely to believe Jane Doe was raped than jurors not exposed to prior record or pro-defense goals and/ or consequences. The effects of PTP-components on jurors' initial story suggests that PTP regarding the goals, actions, and consequences of the parties involved does influence jurors' initial perception of the case. Although the findings regarding the influence of PTP-story components cannot be directly compared to previous research, they provide new insight into how PTP influences jurors' initial cognitive framework.

On the other hand, the influence of PTP-character components can be compared to previous research.

Previous research has found that jurors exposed to negative-PTP regarding the defendant's arrest, evidence found in their home, and the defendant's prior record had greater pretrial guilt judgments than those not exposed to such information (Simon, 1966). Other research has tested the influence of various types of PTP, such as information regarding the defendant's character, weak inadmissible statements by a neighbor, strong inadmissible statements by a neighbor, prior record, defendants' low status job, neutral information about the case, and information unrelated to the case, on jurors' initial beliefs about the defendants' guilt (Otto et al., 1994). Otto et al. (1994) found that information regarding the defendant's prior record was one of the three types of PTP that significantly increased jurors' initial perception of the defendant's guilt. The other two were weak and strong inadmissible statements by a neighbor. The notion that jurors' initial perception of the case is influenced by information regarding the defendant's prior record is further supported by the results found here.

#### *Awareness of Initial Bias*

Although jurors' initial perceptions of the case were significantly influenced by PTP exposure, jurors were not aware of their bias. Regardless of the direction or the amount of bias either for or against the defendants pretrial (i.e., belief in a higher likelihood that the Jane Doe was raped, the vast majority of participants (i.e., those in +3 to -4 Directional and Incremental PTP Bias conditions), 92%-100%, claimed that they could be fair and impartial. These findings are similar to those of Ogloff and Vidmar (1994) and Moran and Cutler (1991). Ogloff and Vidmar (1994) found that although

jurors were influenced by PTP, jurors claimed that they could be fair and impartial. Likewise, Moran and Cutler (1991) found that although the potential jurors with more knowledge about the case were more likely to think the defendant was guilty pretrial, those jurors did not think their knowledge had an effect on their impartiality. For the most part, the findings here lend further support to the proposition that although jurors' initial perception about the case is influenced by PTP, jurors do not believe that their knowledge or beliefs about the case, pretrial, would make them an unfair or partial juror.

In contrast, participants in the most pro-prosecution PTP condition of Directional and Incremental PTP Bias, condition +4, had fewer participants, 78%, who claimed they could be fair and impartial in comparison to the percentages found in the other conditions (i.e., +3 (92%), +2 (93%), +1 (100%), 0 (97%), -1 (95%), -2 (100%), -3 (100%), and -4 (92%)). Two possible explanations are proposed for the disparity in the findings. It is possible that some of the participants who were exposed to all pro-prosecution PTP, without any pro-defense components, were aware of the potential bias the articles could create. A second explanation is that the sample size of this particular condition, +4, was too small ( $N = 9$ ). It is possible that the frequency of individuals indicating that they could be fair and impartial would have increased and been more similar to the other conditions if the sample size had been larger.

#### *Down-the-Line*

The effects of PTP down-the-line or as the trial progressed was also examined. Jurors' evaluation of the witnesses' credibility, PDD, and jurors' final story were examined as a function of PTP. Again PTP was examined both as a directional and

incremental measure of PTP bias, when examined in terms of PDD, and as a function of its components, when examined in terms of Story Model.

PTP measured by as a continuous measure of bias significantly influenced jurors' evaluation of the case as it progressed, such that jurors who were exposed to more pro-prosecution biased PTP (i.e., two to four components that were pro-prosecution) had greater PDD scores, in favor of the prosecution, than did the jurors exposed to less pro-prosecution biased PTP (i.e., one or no components that were pro-prosecution) throughout the trial (i.e., after testimony by Jane Doe, the prosecution witnesses, and the defense witnesses).

Results were consistent with the findings from Hope et al.'s (2004) examination of the effects PTP has on jurors' predecisional distortion of the evidence. Hope et al. (2004) found participants exposed to negative-PTP had a greater distortion in favor of the prosecution after each witness and overall (i.e., an average of all PDD scores) than jurors not exposed to negative-PTP. Results support the Hope et al. (2004) conclusion that PTP induces perceptions that distort the evaluation of new evidence; and, results suggests that PDD measures bias created by complex PTP (i.e., incremental and mixed bias).

PTP measured by its components was also found to significantly influence jurors' evaluation of the case as it progressed. It was found that PTP-components influenced jurors' evaluation of witnesses' credibility. Participants exposed to pro-prosecution PTP-goals rated Jane Doe and the other prosecution witnesses as more credible than participants exposed to pro-defense PTP-goals. Participants exposed to prior record rated the prosecution witnesses as more credible than participants not exposed to prior record information. Participants exposed to good character rated the defense witnesses as more

credible than did the participants not exposed to good character information. However, PTP-components did not influence jurors' final story. Jurors' final story was heavily influenced by witness evaluations, some initial story components, and jurors' gender.

These results suggest that specific components of PTP influence distinct portions of jurors' evaluation of the case. Information regarding Jane Doe's intentions for that night, whether she went to the one of the defendants' house because she wanted to have sex vs. she went to the house to hang out with her friends and clarify her desire to have a monogamous relationship with one of the defendants) influenced the way in which jurors evaluated the credibility of Jane Doe and the other prosecution witnesses. The goals component speaks to her character and her motive that night, thereby influencing jurors' evaluation of her credibility and testimony supporting her story. PTP-character components, prior record and good character of the defendants, influenced the evaluation of the prosecution and defense witnesses. The effects of the PTP-actions and PTP-consequences that were seen on jurors' initial story dissipated. The PTP-components that remained influential were components that tapped into the character and possible intentions of the parties involved. And, perhaps importantly, it was also information that was either not heavily supported or refuted in evidentiary presentations.

Based on the examination of juror's evaluation of the case "down-the-line" jurors' characteristics and exposure to PTP-components did influence jurors evaluation of the case. Jurors' gender, legal authoritarian attitudes, and experience with rape accusations influenced their initial story, evaluation of the witnesses' credibility, and final story. Jurors evaluation of the witnesses was influenced by PTP-goals, -prior record, and -good

character components. Jurors' final story was influenced by their evaluation of the witnesses, their initial story, and their gender.

### *Judgment Decisions*

Judgment decisions were examined as a function of jurors' characteristics and exposure to PTP. The effects of incremental pro-prosecution PTP did not persist through trial evidence; there were no effects of incremental pro-prosecution PTP on any of the verdict decisions. The results found for the effects of PTP-components were mixed; the effects of PTP-components on juror judgments persisted through trial evidence on the Assault verdict but not on the Rape and Rape with Objects verdicts.

In regard to the incremental PTP, the findings are contrary to the results found by various other researchers who have found that jurors' exposed to negative-PTP are more likely to find the defendant guilty than jurors not exposed to negative-PTP (e.g., Hope et al., 2004; Ruva, 2002; Otto et al., 1994; Wissler & Saks, 1985; Sue et al., 1975). Several factors may have led to the null findings, such as the skewed split in verdict decisions (i.e., Rape and Rape with Objects verdicts) which reduces statistical power, or the possibility that evidence was able to eliminate initial bias created by PTP. The most likely explanation is a loss of sensitivity in the measure of incremental PTP. A major distinction between this study and previous studies which have found a significant effect of PTP, is the form of PTP. Previous studies (e.g., Hope et al., 2004; Ruva, 2002) compared exposure of negative-PTP to no PTP, whereas, in this study comparisons were made amongst conditions that varied in the amount of pro-prosecution PTP. All of the jurors, except those in the +4 condition (i.e., all pro-prosecution biased components) were exposed to some pro-defense biased component(s). The influence mix PTP has on jurors'

verdict decisions may not be as straightforward as PTP biased in favor of only one party. In addition, if there were specific components that were more influential on jurors' verdict decisions than others than this effect would be lost by summing the number of pro-prosecution PTP components. Hence, the analysis of the effects of PTP-components as opposed to incremental PTP is the primary analysis used to determine the influence PTP had on jurors' verdict decisions. PTP was examined in the form of directional and incremental PTP bias because it was necessary in order to apply it the juror decision-making mechanism of PDD, as individual PTP-components did not lend themselves to PDD analyses.

The results from the examination of the effects of PTP-components on jurors' judgment decisions were mixed. Results from the analyses on the Rape verdict and Rape with Objects verdict were consistent with each other. The results for the analysis on the Assault verdict differed from the Rape and Rape with Objects analyses and therefore discussed separately.

In regards to the Assault verdict, support was found for the effect of PTP-components on jurors' judgment decisions. It was hypothesized that those exposed to prior record information would be more likely to find defendants guilty than those exposed to no additional information or good character information. This hypothesis was supported. Jurors exposed to PTP-prior record had a higher likelihood of finding the defendants guilty of Assault than participants not exposed to PTP-prior record. This finding was consistent with previous research (e.g., Otto et al., 1994; Wissler & Saks, 1985; Dexter et al., 1992). Some research examining various types of PTP (i.e., defamatory statements made by a neighbor, prior record, mention of the defendant's low

status job, etc.) has found that prior record is one of the few types of PTP that persist through trial evidence influencing verdict (i.e., Otto et al., 1994). The type of prior record used in this study (i.e., allegations of statutory rape of another girl) was similar to the rape charges against the defendants. Research has found that prior record of a similar crime has the greatest influence on jurors' decisions (Wissler & Saks, 1985). Wissler and Saks (1985) found that jurors exposed to PTP regarding a prior record on a similar crime resulted in a 75% conviction rate; whereas, those exposed to prior record of perjury resulted in a 60%, those exposed to prior record on a dissimilar crime resulted in a 53% conviction rate, and those exposed not exposed to a prior record of any kind resulted in a 43% conviction rate.

Support was also found for the hypothesis that those exposed to good character information would be less likely to find the defendants guilty than those exposed to no additional information or prior record information. Jurors exposed to PTP-good character had a lower likelihood of finding the defendants guilty of Assault than jurors not exposed to PTP-good character. Tanford and Cox (1988) found that honest characterizations of the defendant resulted in lower liability verdicts and lower defendant responsibility ratings when jurors were exposed to prior record (i.e., conviction of perjury) with limiting instructions from the judge.

The other PTP-components (i.e., goals, actions, and consequences) did not have an effect on jurors' Assault verdict. However, the Assault verdict was also influenced by jurors' IS-actions component and juror's experience with rape victimization. Specifically, jurors who believed it was more likely that Jane Doe consented to the sex initially, before hearing trial evidence, were more likely to find the defendants guilty of

Assault. Likewise, jurors who had experience with rape victimization, either having had been raped or knowing someone who had been the victim of rape, were more likely to find the defendants guilty of Assault.

In regard to the Rape and Rape with Objects verdict decisions, there was no support found for the effects of PTP-components on the judgment decisions. The logistic regression analyses of the Rape verdict and the Rape with Objects verdict found no significant relationship between PTP-components and verdict decisions. PTP-components did not have an effect on jurors' verdicts when PTP-components were initially stepped into the regression, without any other predictor variables nor in the final step of the regression, with all the predictor variables included in the analysis. Jurors' decisions on the Rape and Rape with Objects verdicts, were influenced by jurors' evaluation of the credibility of the prosecution witnesses (for the Rape verdict only), the defense witnesses, and jurors' FS-actions component. Specifically, jurors who found the prosecution witnesses more credible and the defense witnesses less credible were more likely to find the defendants guilty of Rape and Rape with Objects. Furthermore, jurors who believed it was more likely that Jane Doe consented to sex, in their final story, were less likely to find the defendants guilty of Rape and Rape with Objects.

The lack of a relationship between PTP-components and jurors' verdict decisions, specifically prior record and good character, is in contrast to previous research (i.e., Otto et al., 1994; Freedman & Burke, 1996; Tanford & Cox, 1988) and contrary to the findings from the Assault verdict analysis. In order to understand the conflicting findings within this study we have to examine the ways in which the two types of verdicts differed. There are several possible explanations for these contrary findings. As noted

earlier, it is also possible that a ceiling effect on verdicts limited the amount of variability in Rape and Rape with Objects verdicts and concealed the effects of PTP. The Rape and Rape with Objects verdicts both had approximately a 20/80 split; whereas, the Assault verdict had a 40/60 split. This difference would support the conclusion that the lack of an effect of PTP, at least in terms of prior record and good character, on jurors' judgments in the Rape and Rape with Objects verdicts is related to a ceiling effect on these verdicts.

Another explanation of the lack of an effect of PTP on jurors' judgment decisions, in regard to the Rape and Rape with Objects verdicts, is that trial evidence eliminated the biasing effect of PTP. It may be the case that the probative value of the evidence presented in the trial was simply much more compelling and determinative of verdicts (i.e., Rape and Rape with Objects) than the PTP. This account of the findings is further developed in relation to the divergence of other predictor variables and content of information presented in both PTP and evidence. Jurors' final story (i.e., action component) and evaluation of the witnesses were significant in the Rape and Rape with Objects verdicts but not in the Assault verdict. The construct of assault with a deadly weapon with force likely to produce bodily harm was not represented in the measurement of jurors' initial or final story. Likewise, there was not very much evidence presented that addressed the issue of "assault with a weapon." The majority of the evidence presented surrounded the events that occurred prior to that night, the sequence of events that occurred that night, issues of consent, as well as events that occurred after the incident. The use of the pool cue as an object that the defendants used to penetrate Jane Doe was information presented during the trial. This information was tested as a judgment of rape, (rape to wit pool cue), which was included in the Rape with Objects

verdict. However there was no specific evidence that either supported or refuted the use of the pool cue as a weapon that could result in bodily harm. The difference in predictor variables of the verdict decisions suggests that evidence can counter the biasing effects of PTP. In other word, it is likely that information not refuted in trial evidence, such as PTP regarding the defendants' prior record or good character, can influence jurors' decisions. It is also possible that when jurors do not have enough evidence upon which to base their decision they will rely on extraneous evidence, such as PTP.

Another possibility is that participants were cognizant of the influence the articles could have had and consciously compensated for it. Jurors' were accurate in their assessment of who the articles favored, with the exception of participants in +4 Directional and Incremental PTP Bias condition. Individuals in the +4 condition were similar in their opinion about who the articles favored as those in the other conditions. Jurors' accurate assessment illustrates that participants were, generally, aware that the articles they were exposed to favored one party over the other. Based on this, participants were perhaps aware of the potential the articles had to influence them and chose to ignore the articles or compensated for them. An effect of jurors' compensation for biasing information has been observed by other researchers (i.e., Kovera 2002, Davis, 1986, Mullin Imrich, & Linz, 1996). For example Davis (1986) conducted a mock trial with where participants were presented with either neutral or negative articles related to the case, before being presented with the case, and they found no difference between groups on conviction rates. Davis (1986) also reported that participants who were exposed to prejudicial (negative) news made remarks about the threatening nature of the publicity to the defendant's right to a fair trial. Davis (1986) concluded that participants'

awareness or concern about PTP may have caused them to compensate. Though participants in this study did not make the same remarks, it is possible that there was a similar compensation effect in that participants in this study were able to accurately infer who the articles favored and adjusted for potential bias. Mock jurors' opinion regarding who the articles favored was a function of PTP conditions.

#### *Predecisional Distortion*

Predecisional distortion (PDD) was examined as a mechanism through which jurors' evaluate trial evidence and render a verdict decision. PTP was examined as a factor influencing jurors' evaluation of the case. It was found that incremental PTP did not significantly influence jurors' judgment decisions, rendering the subsequent hypothesis that PDD mediates the relationship of PTP and judgment decisions moot. Regardless of the lack of a relationship between PTP and verdict for PDD to mediate, it was hypothesized that PDD would be a significant predictor of verdict decisions. Specifically, jurors with greater distortion in favor of the prosecution would be more likely to find the defendant guilty than jurors with lesser distortion. This hypothesis was not supported. The non-significant relationship between PDD and verdicts is contrary to the findings from both Carlson and Russo (2001) and Hope et al. (2004). Carlson and Russo (2001) examined PDD in both students and community members and found that jurors developed a PDD early-on in the trial that influenced subsequential trial evidence and ultimately their verdicts. Those with greater distortion against the defendant were more likely to find the defendant guilty. Hope et al. (2004) found similar results when they replicated Carlson and Russo's (2001) PDD measure in a study examining the effects of PTP.

The divergence in the findings from the two previous studies examining PDD may be accounted for by the differences in methodology, such as the duration of evidentiary presentations, case characteristics, and the amount of PTP. In this study, participants were presented with a videotaped re-enactment of an actual case, and the duration of the trial material alone lasted one hour and forty minutes. Participants spent an additional one hour and twenty minutes answering various questionnaires and reading PTP, at the beginning of the study. In this study, the total duration of a session was three hours. In comparison, participants in Carlson and Russo's (2001) study were presented with two short case summaries, and Carlson and Russo (2001) reported that participants took 15 minutes on each case. In Hope et al.'s (2004) study, participants were presented with an article and then read a trial transcript of a murder case. The duration of the trial material was not specified, but overall the session lasted 90 minutes. Based on the duration of evidentiary presentations it is possible that the evidence presented in this study was more comprehensive and compelling than the previous two studies examining the effects of PDD. Although there were significant and consistent differences in PDD as a function of PTP throughout the course of the trial, there were not significant differences in verdict decisions as a function of PDD. The effect of PDD may not lend itself in more complex or comprehensive cases as a determinant of verdict decisions.

Case characteristics may have also been a factor in the discrepancy of the findings. Carlson and Russo (2001) used a criminal and civil trial in their study but did not specify the allegations in either of them. Hope et al. (2004) specified that a murder trial was used in their study. A husband was charged with the murder of his deceased wife in a fatal shooting in the couple's home, and the husband claimed that his wife had

committed suicide. This study utilized a rape case, where three young men were charged with the rape and assault of a young lady who was prevented from resisting because of alcohol intoxication. It is possible that the effect of PDD on verdict decisions lends itself to certain case types and not others. It is also likely that there were other case characteristics (i.e., strength of the evidence against the defendant(s), type of evidence, number of character witnesses, motive, etc.) that differed in this case as opposed to the cases used by Hope et al. (2004) or Carlson and Russo (2001). In this particular case the character of the victim was questionable, she had as much to drink on the night of the incident as she did the previous night and testifies that she willingly had sex with two of the three defendants the previous night, she made previous comments about how much money she would have if she got pregnant by one of the defendants, and she made joking comments about the incident. It is possible that in this particular case, even though jurors may have had lower PDD scores throughout the trial, indicated a bias in favor of the defense, ultimately they still found the defendants guilty of rape.

The wording of the three questions that measure PDD was also changed in this study. It is possible that the changes in the wording may have changed the construct measured by those three questions, though this is unlikely as the difference in PDD scores was a function of PTP, as Hope et al. (2004) found. Further research on the influence of PDD and verdict decisions should be conducted.

*Jurors' Final Story*

Another objective of this study was to re-examine Story Model Theory (Pennington & Hastie, 1992) as a determinant of jurors' verdict decisions. Story Model Theory proposes that the story jurors create determines the verdict they render, and research has shown that jurors' constructed stories are a powerful predictor ( $\beta = .80, p < .001$ ) of jurors' judgment decision (Huntley & Costanzo, 2003). This study found further support for the theory that the story jurors' adopt determines the verdict they will render. Jurors' final story, specifically the action component, was significantly related to judgment decisions on the Rape and Rape with Objects verdicts. Jurors who adopted the story "that is was more likely than not that Jane Doe consented to sex that night" had a higher probability of finding the defendants not guilty on both verdict categories. However, jurors' final story was not a significant predictor of judgment decisions of the Assault verdict. In order to understand this contradictory finding, we must examine the differences in the verdict representation of the Assault charge and the two charges related to rape (i.e., Rape and Rape with Objects). The Assault verdict asked jurors to determine if the defendants did willfully and unlawfully commit assault with a deadly weapon and force likely to produce great bodily injury upon Jane Doe. In contrast, the other two verdicts revolved around sexual acts and jurors were asked to determine if the defendants did willfully and unlawfully commit oral copulation, sexual intercourse, and sexual penetration to wit several objects (i.e., finger, Snapple bottle, juice can, cigarette, and pool cue). The focus of the information included in PTP and trial evidence was on the sexual acts that occurred on the night in question. There was no discussion of an assault with a weapon or injury to Jane Doe as a result of an assault in either the PTP or trial

evidence. In addition, the measure of jurors' story focused on the intentions Jane Doe had the night in question, whether she consented, and the consequences of the events that occurred. The lack of a relationship between jurors' final story and the judgment decisions of the Assault charge makes sense, as jurors' stories did not include a component related to assault and no specific evidence regarding this charge was presented. The actual trial did present evidence regarding the assault charges but this information was deleted in the process of shortening and summarizing the trial material. However, judgment decisions on the Assault verdict were influenced by PTP manipulations as was discussed in the previous section.

In re-examination of Story Model Theory (Pennington & Hastie, 1992) this study provides new insight into the influence jurors' stories have on jurors' judgment decisions. Previous studies examined jurors' stories as a global story consisting of all the story components (Pennington & Hastie, 1992) or as a composite of various case themes (Huntley & Costanzo, 2003). This study measured each of the story components individually – goals, actions, and consequences, to determine which components are the most influential on jurors' judgment decisions. Again, initiating events were not examined because there was no dispute between the parties as to what the initiating events were. This study found that the action component was the only component of jurors' final story that was a significant predictor of judgment decisions on both the Rape and Rape with Objects verdicts. However, neither the goal component (likelihood Jane Doe intended to have sex,) nor consequence component (likelihood Jane Doe was raped), of jurors' final story was related to the verdict jurors rendered.

One reason the action component was the key component in jurors' judgment decision (i.e., Rape and Rape with Objects) is its relationship to verdict representation. The law was read by the judge: On or about and between July 5, 2002, and July 6, 2002, Gregory Haidl, Kyle Nachreiner, and Keith Spann, did willfully and unlawfully commit: Count 1: Act of oral copulation upon Jane Doe; Count 2: Act of sexual penetration upon Jane Doe by a foreign object, to wit: finger; Count 3: Engage in sexual intercourse with Jane Doe; Count 4: Act of sexual penetration upon Jane Doe by a foreign object, to wit: Snapple bottle; Count 5: Act of sexual penetration upon Jane Doe by a foreign object, to wit: juice can; Count 6: Act of sexual penetration upon Jane Doe by a foreign object, to wit: cigarette; Count 7: Act of sexual penetration upon Jane Doe by a foreign object, to wit: pool cue; Count 8: Assault with a deadly weapon and force likely to produce great bodily injury upon Jane Doe; while Jane Doe was prevented from resisting by an intoxicating, anesthetic and controlled substance, when this condition was known and reasonable should have been known by the defendants. The verdict representation of the various charges of rape, as used in this study, heavily implicated in the actions of the events in question. The key issue of the verdict was thus: did Jane Doe have the ability to consent to the sexual acts that occurred? The action component measured the likelihood of consent and therefore was not surprisingly a key component in predicting judgment decisions.

A similar comparison can be made with Huntley and Costanzo's (2003) findings. Huntley and Costanzo (2003) evaluated jurors' case themes in several civil, sexual harassment cases and found various case themes embedded in jurors' open ended responses. In examining the frequency tables of the case themes, a substantial number of

those comments concerned action components including items such as: “the harassment was known and tolerated by the company, the company failed to respond, the company retaliated against the complainant for complaining of sexual harassment,” or items such as “it wasn’t really harassment, the company followed its policy, the complainant did not follow proper reporting procedures.” The high frequency of juror comments regarding action components reflects the importance it had on their decision of whether or not the company was liable for the sexual harassment. This suggests that the concept of a key component (i.e., action component in a sexual abuse case) would apply to both criminal and civil cases.

The concept of a key component is consistent with the original Story Model Theory (Pennington & Hastie, 1992). Recall that Story Model Theory is comprised of three parts: jurors construct a story or stories based on case facts, learn the verdict categories from the judge, and then do a goodness-of-fit between their constructed story and the verdict categories. However, by incorporating this concept of the influence of specific components on jurors’ verdicts and the relationship between the key verdict issues and their corresponding story components, Story Model Theory can be refined and made more specific. The definitions embedded in the law or the key issue of the verdict category dictates what the key component(s) will be. By determining what the key issue is in the verdict, hypotheses can be generated with regard to what will be the key component of jurors’ decision making process.

Although, it appears that the action component could be the key component in sexual assault cases (i.e., rape and sexual harassment civil cases), this does not imply that action components will be the key component in all other types of case. The key

component would differ as a function of the case type and verdict categories. To further explore this concept of a key component, a similar murder trial as the one used by Pennington and Hastie (1992), where the jurors had three distinct options for guilt: first-degree murder, second-degree murder, or manslaughter, and the option of not guilty, could be examined. The psychological state, motive, or goals of the defendant when the alleged murder occurred (e.g., did the defendant intended to murder the victim or was the killing unintentional) is essential in determining whether or not the defendant is guilty of murder of the first or second degree, or if it was involuntary or voluntary manslaughter, or not guilty. Each of these verdict categories, with the exception of not guilty, is based on the intentions or goals of the defendant. While the Pennington and Hastie (1992) study did not compare the influence of each story model component, it could be hypothesized that the goals component of jurors' final story would be the key component influencing their verdict decision.

Other research looking at juror decision making in terms of liability and punitive damages in civil cases also suggests that jurors will focus on different components of the case evidence [or their story] when making judgments about the case. According to the law, jurors are expected to rely on the actions of the parties involved and not the severity of the injuries involved when determining liability, with regard to punitive damages (Greene, Johns, & Bowman, 2003). However, research has shown that oftentimes jurors do rely on the outcome of the incident (e.g., Greene, Johns, & Bowman, 2003; Feigenson, Park, & Salovey, 1997). Green et al. (2003) found that although jurors' evaluation of the defendant's actions significantly influenced their liability judgments so did the severity of the accident. Suggesting, jurors' final story component, regarding the consequences of

the incident, may influence their liability judgment and their decision regarding punitive damages. Jurors' may give greater punitive damages to a person who is paralyzed as a result of an accident as compared to a person who walks away with cuts and bruises. It is quite possible that while determining liability key components are both action and consequence components, but when determining damage awards the key component will be the consequences component.

Under Story Model Theory jurors' final story is a determinant of the decision they will render. By examining the specific components of jurors' stories and determining the key component our understanding of juror decision making can be further developed and refined. Further research is needed to test this theory of a *key component* and determine if verdict representation dictates the component that will be elemental to jurors' verdict decisions. Judgment decisions on various verdicts and case types should be examined as a function of the specific components of jurors' stories.

## Chapter 5: Conclusion

The purpose of this study was to explore the influence of story model components embedded in PTP and jurors' attitudes on predecisional distortion, initial and final constructed stories, the evaluation of testimony, and judgment decisions. This study offers the first investigation of the differential influence of story model components of jurors' constructed story on jurors' judgments, and the first exploration of the differential effects of story model components embedded in PTP on both jurors' constructed story and judgments. It provided a direct comparison of Story Model Theory (Pennington & Hastie, 1992) and Predecisional Distortion Theory (Hope et al., 2004). In addition, this study also examined jurors' awareness of the biasing effects of PTP.

### *Findings*

This study found exposure to PTP affects jurors' pretrial judgments. Exposure to more biasing information increases jurors' initial bias, and jurors' biased by such information are unaware of their bias. This study also found that PTP influenced jurors' evaluation of the witnesses and testimony. Partial support was found for the influence PTP has on jurors' judgment decisions. The results suggest that the effects PTP has on jurors' judgment decisions is dependent on the type of information embedded in PTP and the amount evidence presented to either support or refute it.

Partial support for predecisional distortion (PDD) was found. The effect of PTP in PDD, as found by Hope et al., (2004), generalized to directional and incremental PTP, such that those exposed to more pro-prosecution PTP had greater distortion favoring the prosecution. However, this study failed to find a significant relationship between PDD and jurors' judgment decisions.

Further support for Story Model Theory (Pennington & Hastie, 1992) was found. It was found that the final story jurors' construct determines the verdict they render. It was found that jurors' final story action component was the most influential story component in jurors' judgment decisions in the rape case studied here. A major implication of these findings is that there is a *key component* in jurors' judgments.

### *Limitations*

Because the intention was to explore the influence of the specific components of PTP on jurors' judgments, we designed a study that would maximize our chances of finding an effect if there was indeed an effect, by implementing the recommendation set forth by the Steblay's et al. (1999) meta-analysis of 44 empirical studies of the effect of PTP on juror verdicts. This study assessed pretrial judgments, employed community members/ jury-eligible adults as participants, had multiple PTP exposures, employed trial material and PTP from an actual case, was based on a sexual abuse (i.e., rape) case, and had a greater length of time between PTP exposure (i.e., 3-5 days prior) and judgment decisions in comparison to other simulated PTP research. In addition, we were able to address, in part, common limitations of simulated trial research and concerns of trial judges about such research, but nevertheless, as with all studies, there were several limitations in the current study. Limitations to the methodology used include the nature of the task (i.e., simulated trial), the salience of the pretrial publicity articles, data collection, and the uneven split in verdict decisions. In addition, possible exposures to actual PTP, lack of mutual exclusivity in the action and consequence components, as well as, possible ambiguity of the prior record component were limitations in the present study.

A common limitation of juror decision-making research is the ecological and external validity of simulated trials. Some have argued that the conclusions drawn from past findings have been based on studies with weak ecological validity which fails to accurately reflect what occurs during a trial (i.e., Konecni & Ebbesen, 1979). Based on those arguments some judicial figures have questioned the validity of prior research (U.S. v. McVeigh, 1996). Although we attempted to obtain high ecological validity and experimental realism by utilizing material (i.e., PTP articles and the case transcripts) from a real case, the material was edited and the trial was still simulated. The evidence real jurors hear in the courtroom may be far more comprehensive and powerful when compared to a summarized version with actors. The psychological impact of the case and the consequence of the verdicts rendered by participants may not have been the same as it would have been had the participants been actually determining the fate of the defendants. For this reason it is possible that had the participants been the actual jurors in this case their verdicts may have differed.

In fact it is quite possible that the manipulation of exposure to biased PTP would have had a greater influence on jurors' evaluation of case had it been an actual trial. Mock jurors don't have the same sense of responsibility or duty to convict a guilty defendant and likewise protect an innocent defendant as do real jurors who are determining the fate of the defendant and retribution of the victim. Other research has shown that jurors are able to discriminate their use of inadmissible evidence on the bases of how it was obtained (i.e., due process) or its reliability (i.e., audible or inaudible) (Kassin & Sommers, 1997). Others have concluded that jurors seem to choose to consider information that helps them reach a "just" decision even if that information was

obtained in a manner that ruled it inadmissible (Kassin & Sukel, 1997). In other words, jurors in an actual trial would have likely used all the information available to them, including information presented in pretrial publicity, to render a “just” decision.

Another limitation of this study was the salience of the articles. It is possible that the participants were suspicious of the content or the purpose of the articles. Participants were told that they were being presented with excerpts from the actual articles about the case. Participants were also aware that they were required to complete the online portion, containing the articles as well as several attitude and demographic questions, before their mock trial session or else they would not be able to participate in the study. The presentation of the articles may have also added or created some suspicion. In an attempt to have multiple exposures of PTP and maintain control over the content of information in the articles, information that was put in each article was consistent with their assigned condition. In addition, neutral or filler information was included in each of the articles presented to all the participants. It is likely that the information looked repetitive over ten articles. The redundancy of the information embedded in the articles may have further added to jurors’ suspicions. The articles may have seemed artificial based on their content and length as they were shorter than actual newspaper articles.

Participants were accurate in their assessment of who the articles they read favored. Thus, it is possible that at some point jurors were aware of the potential the articles had to influence them and they choose to ignore the information embedded in the articles. This would be consistent with Davis’s (1987) conclusion that jurors who are aware or concerned about the influence of PTP compensate for it and consistent with the concept that jurors can be discriminating in their consideration of inadmissible evidence

(i.e., Kassin & Sommers, 1997; Kassin & Sukel, 1997). This may also partially explain why the presentation of prior record, a resilient PTP component, did not have as pervasive an effect on judgment decisions as has been seen in previous research (i.e., Otto et al., 1994; Freedman & Burke, 1996).

Another possible limitation, which might be advanced by some, is the method in which the data was collected for the initial session. Participants were exposed to the experimental manipulations (i.e., PTP articles) over the Internet. The benefit of this method of data collection, and the reason it was chosen, was that it made participation in the study more convenient for our community members. Since part of the design was PTP exposure 3-5 days prior to the mock trial, it would have been otherwise necessary to have participants come into the lab twice. This would have been expensive and inconvenient for our community member and a potential disqualifier, if participants were unable to make such a commitment. The community members who participated had no other reason to be at the college other than participation in this study. And if the salience of the articles was a limitation, as discussed previously, having participants come into the lab to just read a few articles and answer a few questionnaires 3-5 days prior to their session, would have increased the salience of the articles. More generally, Internet data collection is becoming a widely accepted across many domains of psychology and other social science disciplines. Additionally, the results obtained from past research utilizing internet data collection support the idea that this methodology is valid (e.g., Joinson & Banyard, 2002; O'Neil, Penrod, & Bornstein, 2003). Nevertheless, this data collection method had limitation associated with it in this study. In utilizing the Internet to expose participants to the PTP articles and collect data, there was very little control over the

environment in which individuals read the PTP. There was a possibility that participants did not actually read the articles or did not answer the questionnaires appropriately. To offset this potential problem we implemented a manipulation check to identify those who did not know the basic premises expressed in the articles after they had read it. A few individuals were identified and although they were allowed to participate in the study they were not included in the data analysis, as it is uncertain if they were adequately exposed to the experimental manipulations.

The uneven split of the verdicts was another limitation. Verdicts were negatively skewed with the majority of participants rendering more guilty verdicts on each of the counts. Although the judgment decisions were within responsible skewness and kurtosis, they were slightly nonnormal. It is possible, that the overall high conviction rate, across all conditions, reflecting a prosecution bias in the trial material, caused a ceiling effect on verdicts. A ceiling effect of verdicts would then limit the amount of variability in verdict decisions, thus limiting the potential influence of experimental manipulations. If there had been normal distribution of judgment decisions the effects seen here may have been larger and/or additional significant relationships might have emerged.

Although one of the advantages of this study was the use of an actual case with real pretrial publicity, one of the disadvantages was the fact that there was real PTP about the case available over the Internet. Thus, control over additional PTP exposure could have been another limitation of this study. In an attempt to prevent or reduce the chances of participants looking up more information about the trial after reading the experimental PTP before participating in the mock trial session, instructions given prior to PTP exposure included names of the parties which had been changed to protect the innocent.

The names of the parties were spelled differently in the PTP that participants were exposed to than in the actual news coverage. Then during debriefing participants were told that the spelling of the names had been changed in the articles so that they would not be able to search for additional information about the trial-at that time, none of the participants indicated that they looked up or found information about the actual case. However it was still possible that someone read additional PTP about the case prior to serving as a juror on this mock trial.

Another limitation in this case, and in most rape cases, was the lack of mutual exclusivity in regard to the action and consequence components. This was an issue in regard to the manipulation of story model components in the PTP and in the distinction between jurors' action and consequence components. In this rape case the consequences were directly dependant on the actions. For example, if she consented then she was not raped, but if she did not consent then she was raped. Participants' understanding of these two components may have been blurred in conditions where they received contradictory action and consequence components, which may have made the distinct effects of these two components murky.

#### *Future Directions*

Future studies should have a fair split in verdicts to maximize the power of the study to determine significant relationships (based on previous research with our case facts, we expected a much more even split in judgments). While this study was not able to replicate the relationship of PDD and judgment decisions (i.e., Carlson & Russo, 2001; Hope et al., 2004) others should investigate if they can replicate the effect. In studies examining the influence of PTP on jurors' evaluation of a case, care should be taken in

regards to the salience of the articles. The simple presentation of an article prior to a study or at the beginning of a study may raise some suspicion as to its role or importance. Participants may think that if there were no value to the articles, they would not have been presented. This study utilized ten articles containing the same PTP-components in order to have multiple PTP exposures of the same information. The frequency of the information may have been redundant and future studies, wishing to replicate these findings, should use fewer articles. Studies wishing to use case material from actual trials should completely change the names of all parties involved in both the PTP and in the trial material to prevent participants from being able to access information about the actual trial.

Future research should examine the influence of jurors' story components and how PTP affects jurors' story construction. This study found that the action component in jurors' final story was the most influential predictor of jurors' judgment decisions. Based on this finding, we proposed that key elements in the verdict category will determine which story model component is the key component in jurors' decision making. Other studies utilizing different case types and different verdict categories should be conducted to further examine this phenomenon. This study also found that consequence components, embedded in pretrial publicity, influenced each of the components in jurors' initial story, jurors' final story consequence component, and ultimately their verdict as the final story consequence component did influence their judgments. Jurors' exposure to consequence pretrial publicity influenced their initial perception of the case and their initial perceptions mediated the effect of PTP on their final story. Although it was observed that pretrial publicity regarding consequence

components was the most influential component of the pretrial publicity in this case, it is unclear if consequences will be the most influential component of PTP in other rape cases or in other types of cases. Future research should continue to explore the differential effects of various components of pretrial publicity.

When Story Model Theory (Pennington & Hastie, 1992) was first proposed it was asserted that attorneys, when presenting a case, did not present the evidence as a story but rather as individual pieces of evidence. In more recent years, legal scholar Thomas Mauet (1996) has advocated that an effective opening statement is based on good storytelling. Mauet (1996) recommends that attorneys should recreate the events and things that happened to their party in the form of a story. This change perhaps reflects the influence psychological research, on juror decision-making, has had on the legal field. As psychological research advances on its understanding of how jurors' stories influence their decision-making, the legal field may also improve upon their trial techniques. Attorneys maybe able to maximize the efficiency of their presentations by directing their attention to key components of the story they are trying to portray. Though, further research is needed to test the generalizability and reliability of *Key Component Theory*. In regard to the effect of pretrial publicity on juror decision-making, further research is also needed in order to demonstrate how various components of pretrial publicity affect jurors' evaluations of the case.

## Appendix

Appendix A.  
Recruitment Posting

Looking to earn some quick CASH and have fun doing it?

Serve as a mock juror in a jury research project at the John Jay College of Criminal Justice!! Watch an interesting criminal trial and deliberate with your fellow jurors to reach a verdict!!

This is a two-part study.

Part 1: Complete a questionnaire over the internet (1 hr.)

Part 2: Come to John Jay College, watch the trial and deliberate (3 hrs.)

You will be paid \$45 in CASH for your participation.

Interested? Click on the link below and complete the contact information form. A researcher will contact (i.e., call) you within the next few days to give you more information and get you scheduled.

[http://www.surveymonkey.com/s.aspx?sm=A\\_2bG67Uy0dBtWgkaz0noopA\\_3d\\_3d](http://www.surveymonkey.com/s.aspx?sm=A_2bG67Uy0dBtWgkaz0noopA_3d_3d)

All payments will be in cash!

Questions? Contact: [ptpstudy@gmail.com](mailto:ptpstudy@gmail.com)

You can only participate in this study once. Thank you!

- Compensation: \$45 Cash + \$10 Early Bird Raffle
- Principals only. Recruiters, please don't contact this job poster.
- Please, no phone calls about this job!
- Please do not contact job poster about other services, products or commercial interests.

## Appendix B.

*Pro-prosecution and Pro-defense PTP Story Model Components*

Story Components	Pro-prosecution/ complainant Statements	Pro-defense Statements
Initiating Events	The day before the incident the unidentified complainant, Jane Doe, went to Haidl's house, for a party where she smoked marijuana and drank heavily with the defendants. Jane Doe also had sex with two of the young men on that night. The next day the boys invited her over to hang out. She returned alone because her girlfriends were not able to go. The defendants and Jane Doe were again drinking alcohol and smoking marijuana.	
Goals	According to the prosecution, Jane Doe went over to the Haidl house to hang out with the three boys, drink, play pool and make her true feelings known about Keith Spann. According to Jane Doe, "I made the wrong decision the night before by consenting to have sex with the defendants. I wanted to let Keith Spann know that he was the only one I wanted. I wanted to let me feelings for Keith to be known."	<p>She returned to Haidl's house the next night, Barnett said, knowing she would likely have sex with all three of them. "It's not like she was going there to play chess or tiddlywinks at 1 o'clock in the morning," Barnett said.</p> <p>Defense attorneys claim that the girl actually orchestrated the videotaped encounter out of her desire to become a porn star, a longing they said, was fueled by a growing subculture of teenagers with an appetite for group sex.</p> <p>She was faking unconsciousness, the defense lawyers say, so that if anyone found the tape later she could play dumb.</p> <p>Some say that this case is about money. Barnett said, "Jane Doe had consensual sex with Haidl and later told a friend she fantasized about having his baby because then she would be rich, then a couple of hours later she had sex with Spann, whom she was dating at the time."</p>
Actions	According to prosecutors, Gregory Scott Haidl and his buddies are rapists. Depraved	Lawyers for the three suspects conceded that the events occurred, and she pretended to be

	<p>teens who engaged in heinous acts with a young teenage girl.</p> <p>According to prosecutors the videotape which is at the heart of this high-profile gang-rape case was made by the boys with the intent to distribute it to their friends and was done without the knowledge of the complainant.</p> <p>At Haidl's house Jane Doe allegedly consumed large quantities of alcohol, became intoxicated and passed out. The three boys then proceeded to engage in sex acts with her and record them on videotape. Prosecutors contend that she was unconscious and unable to consent to the alleged sex acts.</p> <p>At the beginning of the video, Deputy Dist. Atty. Dan Hess said, the girl has a beer in her hand and then -- after initially resisting -- gulps a drink she says tastes "like pine needles, like drinking a pine tree." Within minutes she is shown "completely limp and unconscious," the prosecutor said.</p> <p>"She was so intoxicated that she couldn't fight back, that she couldn't say no," Middleton said. So the boys raped her, he added, "and they danced with joy."</p> <p>"It's for their sexual arousal. It's for their sexual gratification," Middleton said. "But it's also for the abuse.</p>	<p>unconscious, the defense argued, because she knew that if the video were discovered, people would think poorly of her for allowing boys to treat her in such a humiliating fashion.</p> <p>"She was acting," said attorney John Barnett, representing the boys, "Acting makes everything ok."</p> <p>Defense lawyers believe the girl feigned blacking out and was awake the whole time -- as if she were an actress in a kinky sex scene.</p> <p>The incidence was filmed on a videotape and shows each of the three boys having sex with the girl. A defense witness [Neurologist Dr. Harris Fisk] will testify that the girl was conscious during the encounter.</p> <p>The encounter was consensual, and Jane Doe was alert enough to tell them to stop at any point, the defense lawyers said. But the prosecutor is going to use the videotape to "bamboozle" the jurors into believing the incident was a brutal gang rape rather than a consensual encounter, Barnett added.</p>
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	<p>That's the part they really enjoy."</p> <p>After having sex with the unconscious girl in two positions on a white wicker couch, Middleton said, the boys move her to a pool table and start inserting objects into her with increasing force. They sexually assault her with both ends of a pool cue, Middleton said, at one point shoving it inside her nearly five inches.</p> <p>According to the prosecutor, "Gregory Haidl himself, by his own 'little boy' hands, inserted various objects in the girl and helped his friends do the same," Middleton told the judge. "It's his camera. It's in his house. He's the one who is in the best position to stop what's going on here."</p> <p>The prosecutor said that the activities with the pool cue, which could have caused severe injuries, justify the deadly-weapon assault charges. The videotape made by a defendant shows her unconscious and unresponsive as a pool cue and other objects are inserted into her body.</p>	
Consequences	<p>The video shows that Jane Doe passed out and fell into semi-coma following the consumption of large amounts of alcohol. She was raped and sodomized by the three defendants. The defendants performed various sexual acts</p>	<p>The day after the incident Jane Doe believes and states that she had been a willing sex partner.</p> <p>Attorneys for the defense argue that Jane Doe was alert during the video activities, feigned unconsciousness, and the sex</p>

	<p>on her, including inserting objects such as a Snapple bottle and a pool cue into her. The boys first performed sexual acts with her on the couch and then moved her to the pool table where they sodomized her. The boys videotaped the entire incident.</p> <p>Later, the boys mug for the camera, giggle and dance to the blaring rap music. Haidl slaps the girl's stomach in time to the beat of music playing in the background.</p> <p>In the final scene, the girl -- still appearing unconscious -- is pictured after urinating on the pool table. Lawyers for the three suspects conceded that the events occurred but offered a different explanation.</p>	<p>depicted on the video was consensual. Dr. Harris Fisk, a neurologist testifying for the defense, states that after view the videotape he believes that she was able to decide whether or not she wanted to have sexual relations with the boys. Dr. Fisk says the girl made several movements in the video that he interprets as consciously controlled, such as raising her arms to encircle one of the boys while they are engaged in sexual activity. If the boys were hurting the girl, Fisk said, "the protective response would be to push away, not to encircle.</p> <p>Dr. Marvin Corman, a rectal expert, believes that Jane Doe must have allowed the boys to do what they did. Otherwise, he said, he would have expected to see "severe trauma" and bruising when he viewed videos of the medical exams she was given a few days after the incident. "There was no evidence of any injury," he said.</p>
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Appendix C.  
*PTP Character Components*

Character Components	Statements
Prior Record	<p>Gregory Haidl has had prior run-ins with the law, and displaying reckless behavior. In one brush with the law he was detained for skateboarding near a condo complex where, sheriff's deputies say, they removed a handrail from a private stairway and used a second railing as a ramp.</p> <p>In another incident he was cited for trespassing at a boarded-up restaurant in Laguna Niguel.</p> <p>No charges were filed in either incident.</p> <p>The motion cites a news conference prosecutors held after a new charge was filed against Haidl in August accusing him of unlawful sex with an underage girl.</p> <p>In March, his son was cited for trespassing while allegedly skateboarding at a vacant Laguna Niguel restaurant. In October, he and two friends were stopped while skateboarding in a parking lot in San Clemente, and a small bag of marijuana was allegedly found in a friend's car.</p> <p>The incident involving the marijuana sparked a continuing grand jury investigation into whether the son received favorable treatment and into whether deputies tried to cover up the incident.</p> <p>The dozens of newspaper articles and TV news reports about the case rarely if ever fail to mention the elder Haidl's position. And stories about Orange County Sheriff Michael S. Carona's recent firing of Assistant Sheriff George Jaramillo also mention the rape case because Jaramillo was recorded discussing on the phone a way to keep the marijuana case involving young Haidl from becoming public.</p>
Good Character	<p>"They're all good kids who got themselves into a stupid, terrible situation," Don Haidl said. Don Haidl, who is the father of defendant Haidl and also an Orange County assistant sheriff, worries that if his son goes to prison, the scrawny 18-year-old won't survive. "If they send him to prison, it's a death sentence," said Haidl. Haidl and his family try to remain optimistic. But doubt always creeps in because of the case's</p>

	<p>notoriety, they say, they are virtually confined to his home.</p> <p>Haidl paints a picture of his son as "the most kind, caring, sweet kid you'd ever meet in your life." He says he believes his son is guilty of nothing more than acting thoughtlessly. Friends of the Haidl family say they can't believe these charges because Gregory Haidl was a good kid. Ms. Laura Shield a teacher who had Gregory Haidl in her class says, "Gregory is a model student. He is very bright, straight "A" student, respectful, polite, and always ready to help other in need of help."</p> <p>His baby-faced son, given to dressing his beanpole body in short-sleeved white dress shirts and khakis, usually clasps his hands in front of him and wears a look of keen interest during court proceedings.</p>
No Additional Character Information	<p>In 1991, more than 54% of high school students responding to an annual survey said they had had sex. Twelve years later, the number dropped to below 47%. The percentage of teens saying they had had four or more sexual partners dropped from nearly 19% to about 14%.</p> <p>Many teenagers questioned last week at South Coast Plaza agreed.</p> <p>"I haven't had sex. It's not my thing," said a high school junior who lives in Costa Mesa, who asked that she not be named. "I'm 16 years old. I want to save it for a long time."</p> <p>The 17-year-old sporting black mules with a Playboy logo said she regrets the one time she had sex with her boyfriend of six months.</p> <p>"I believe that sex is for marriage, and we just got carried away," she said. "I told one of my friends, and she just about killed me."</p>

Appendix D.

*Article Overview and Template with Means and Standard Deviations of the Number of Words across Conditions*

Article	M	SD	Overview	Template
1	166.92	7.18	Vague introduction of allegation/ people involved	<p>Three Teens Accused of Rape</p> <p>Three male teens are accused of sexually assaulting a 16-year-old girl, according to prosecutors in a statement issued to the press. The incident was filmed on a videotape.</p> <p>The three defendants are Heidl, 18, Spahn, 19, and Nechreiner, 19.</p> <p><i>[GOALS]</i> <i>[CONSEQUENCES]</i> <i>[ACTIONS]</i></p> <p>The incident is said to have occurred during a party at the Corona del Mar home of one of the defendants. They are all students at Rancho Cucamonga High School in Orange County.</p> <p>Heidl is the son of wealthy, Orange County Assistant Sheriff Heidl Sr.</p> <p><i>[CHARACTER COMPONENT]</i></p>
2	363.88	20.24	Detail on allegations/ people involved – relationship on how they knew each other	<p>Teens Indulge in Alcohol and Sex</p> <p>Heidl, 19, Spahn, 19, and Nechreiner, 19, were arrested when someone turned in videotaped footage of the alleged crime to the police. The three teens were arrested between their junior and senior years.</p> <p><i>[CHARACTER COMPONENT]</i></p>







and non-  
parties

There has been a lot of media coverage on this case. To some, the case morphed into a battle between the county prosecutor and a powerful, wealthy law enforcement official. Heidl's father is the Orange County Sheriff. During an interview with reporters Heidl's father said, "I've got so much guilt about this case. This case wouldn't be the media circus it is without me. Whatever happens to this kid [Haild]," he said, "I'm going to blame myself."

This case has been one of Orange County's most publicized criminal trials. Since there has been so much media coverage of this case, Briseno, the judge, said that if he could not find enough impartial jurors, the case might have to be moved to another county.

In a statement issued to the press, *[GOALS]*

The key issue in the case is whether the girl had been conscious during the sexual activity and if those activities were consensual. The entire incident was videotaped.

*[ACTIONS]*

*[CONSEQUENCES]*

*[CHARACTER COMPONENT]*

7            366.92   31.34   People  
involved/  
charges/ years  
if charged

#### More Information on Orange County Rape Case Emerges

The three defendants Gregory Heidl, 18, Keith James Spahn, 19, and Kyle Joseph Nechreiner, 19, are charged with rape by intoxication and assault with a deadly weapon: a pool cue, during a party at the Corona del Mar home of Heidl's father, Orange County Assistant Sheriff Don Heidl.

Heidl, Spahn, and Nechreiner, were arrested when someone turned in videotaped footage of the alleged crime to the police. The three teens were arrested between their junior and senior years. Along with the accuser, they attended Rancho Cucamonga High School.



crucial minutes, possibly as a result of tampering. The defense has motioned to present the victim's sexual history during the trial. Attorneys have even fought over how the jury was to be selected.

Two defense lawyers opposed the media's request, citing the accuser's right to privacy and the fact that she and the defendants were minors at the time of the filming. Showing the video in open court, they said, would also infringe on their clients' right to a fair trial.

"The video places all four of them in an inaccurate light," said attorney Joseph G. Barnett, who heads Heidl's defense team.

"The videotape is the crucial evidence in this case," said James Grossberg, the lawyer representing the newspapers. "Barring public access to the video is virtually tantamount to having a secret trial."

Attorney Joseph G. Barnett told reporters, "The judge has decided to take the safe route and not further embarrass anyone or prejudice the case in any way by not publicizing the video."

Attorneys representing the Los Angeles Times, the Orange County Register and CBS objected to the judge's decision. The network is documenting the case for an episode of "48 Hours."

*[CHARACTER COMPONENT]*

With all the publicity that this case has received, Superior Court Judge Francisco P. Briseno said he took the unusual step of prescreening jurors so he could determine whether there was a large enough pool of impartial jurors to draw from. Briseno said that if he could not find enough impartial jurors, the case might have to be moved to another county.

10      318.54   24.27   Describe first  
day of court/  
describe  
people/ media

### Heidl Case Goes to Trial Soon

Orange County's most publicized criminal trial is set to start tomorrow. Newspaper and television reporters have provided almost gavel-to-gavel coverage of the pretrial motions in the case. The CBS series 48 hours is planning to cover the case for an upcoming episode.

Heidl, 19, Spahn, 19, and Nechreiner, 19, were arrested when someone turned in videotaped footage of the alleged crime to the police. They are charged with rape by intoxication and assault with a deadly weapon: a pool cue, during a party at the Corona del Mar home of Heidl's father, Orange County Assistant Sheriff Don Heidl.

#### *[CHARACTER COMPONENT]*

The incident with Jane Doe was filmed on videotape. That night, on July 6<sup>th</sup>, the defendants and Jane Doe were again drinking alcohol and smoking marijuana.

#### *[GOALS]*

#### *[ACTIONS]*

#### *[CONSEQUENCES]*

The alleged victim and her family will probably hold off on filing a civil lawsuit until the trial is over. Jane Doe and her parents have also filed a \$19-million lawsuit against defendant Heidl.

## Appendix E.

# Los Angeles Times

## Three Teens Accused of Rape

Three male teens are accused of sexually assaulting a 16-year-old girl, according to prosecutors in a statement issued to the press. The incident was filmed on a videotape.

The three defendants are Heidl, 18, Spahn, 19, and Nechreiner, 19.

The defense alleges that the girl, who is being referred to Jane Doe for the proceedings, came over that night knowing that she was going to have sex with the defendants.

She then became intoxicated and had consensual sex with the three boys.

With the evidence against the defendants, the prosecution is sure they will be found guilty on all charges.

The incident is said to have occurred during a party at the Corona del Mar home of one of the defendants. They are all students at Rancho Cucamonga High School in Orange County.

Heidl is the son of wealthy, Orange County Assistant Sheriff Don Heidl. Friends of the Heidl family say they can't believe these charges because Heidl was a good kid.

# Los Angeles Times

## Teens Indulge in Alcohol and Sex

Heidl, 19, Spahn, 19, and Nechreiner, 19, were arrested when someone turned in videotaped footage of the alleged crime to the police. The three teens were arrested between their junior and senior years. Along with the accuser, they attended Rancho Cucamonga High School.

Heidl Sr. paints a picture of his son as "the most kind, caring, sweet kid you'd ever meet in your life." He says he believes his son is guilty of nothing more than acting thoughtlessly.

Both sides agree that on the day before the incident the unidentified complainant, Jane Doe, went to Heidl's house, for a party where she smoked marijuana and drank heavily with the defendants. Jane Doe also had sex with two of the young men on that night. The next day the boys invited her over to hang out. She returned alone because her girlfriends were not able to go. The defendants and Jane Doe were again drinking alcohol and smoking marijuana.

She returned to Heidl's house the next night, Barnett said, knowing she would likely have sex with all three of them. "It's not like she was going there to play chess or tiddlywinks at 1 o'clock in the morning," Barnett said.

Defense attorneys claim that the girl actually orchestrated the videotaped encounter out of her desire to become a porn star, a longing they said, was fueled by a growing subculture of teenagers with an appetite for group sex.

The alleged rape was videotaped. The tape shows the teens engaged in sexual conduct.

While at Heidl's house, Jane Doe consumed large quantities of alcohol and became intoxicated. The prosecution says that Jane Doe then passed out and the three boys then proceeded to engage in sex acts with her. The incident was recorded on videotape. Prosecutors contend that she was unconscious and unable to consent to the alleged sex acts.

Attorneys for the defense say that the sex with the boys was consensual and that Jane Doe feigned unconsciousness during the video just in case anyone else saw it. Dr. Harris Fisk, a neurologist testifying for the defense, states that after view the videotape he believes that she was able to decide whether or not she wanted to have sexual relations with the boys.

## Los Angeles Times

### Heidl Case Defendants Out on Bail

More evidence has emerged in the Heidl rape case involving Jane Doe and three young men.

Defense attorneys claim that the girl actually orchestrated the videotaped sexual encounter out of her desire to become a porn star.

She then had sex with the three boys.

The defendants have been free on \$100,000 bail each since shortly after their arrests. Heidl finished high school through home study, walking at the graduation ceremony with the senior class of San Clemente High School.

"While Heidl's posted bail amount (\$100,000) might seem like a substantial sum in the abstract, it is a minor amount for his family."

Judge Francisco P. Briseno will hear arguments Wednesday regarding the bail increase but will not rule until next week. If Heidl were to flee, his father would forfeit 10% of the bail amount -- the standard retainer for a bond.

The prosecution contends that the boys gave Jane Doe alcohol, waited for her to lose consciousness, had sex with her, and videotaped it for their own sexual pleasure. The prosecution also believes the defendants videotaped this act to share with their friends.

If convicted on all charges -- 23 felony counts of rape and penetration by a foreign object, and one count of assault with a deadly weapon -- each defendant could be sentenced up to 55 years in prison. The jury will also have the option of convicting them on misdemeanor charges.

According to friends the three defendants are good kids who got themselves into a terrible and stupid situation.

## Los Angeles Times

### Videotape Center of Controversy in Heidl Case

Heidl, 19, Spahn, 19, and Nechreiner, 19, were arrested for rape when someone turned in videotaped footage of the alleged crime to the police.

"They're all good kids who got themselves into a stupid, terrible situation," Don Heidl said. Don Heidl, who is the father of defendant Heidl is also an Orange County assistant sheriff.

Jane Doe came to Heidl's house, Barnett said, knowing she would likely have sex with all three of them. She was faking unconsciousness during the taping, the defense lawyers say, so that if anyone found the tape later she could play dumb regarding her knowledge about the tape.

Key issues in the case are whether the sexual activity was consensual, whether the accuser was conscious at the time, and whether the video has been doctored by a prosecution witness.

The incidence was filmed on a videotape and shows each of the three boys having sex with the girl. It also shows her drinking alcohol and stating that it "tasted like pine needles", and becoming intoxicated and passing out.

The prosecution contends that, "she was so intoxicated that she couldn't fight back, that she couldn't say no," the prosecution added, "and the boys danced with joy."

"The videotape is the crucial evidence in this case," said James Grossberg, the lawyer representing the newspapers. "Barring public access to the video is virtually tantamount to having a secret trial."

Two defense lawyers opposed the media's request, citing the accuser's right to privacy and the fact that she and the defendants were minors at the time of the filming. Showing the video in open court, they said, would also infringe on their clients' right to a fair trial.

Orange County Superior Court Judge Francisco P. Briseno ruled Thursday that the accuser's right to privacy outweighed the need to reveal the evidence in open court. The judge also denied the attorneys' modified request to let the footage be viewed by the media, which could then report its content to the public.

The videotape showing three teenagers allegedly raping the girl will not be shown to the public during the defendants' upcoming trial.

The video shows Jane Doe raising her arms to encircle one of the boys while they are engaged in sexual activity. Dr. Harris Fisk, a neurologist testifying for the defense, states that "if the boys were hurting the girl, the protective response would be to push away, not to encircle." After watching the tape, Dr. Fish believes Jane Doe was able to decide whether or not she wanted to have sexual relations with the boys.

Dr. Marvin Corman, a rectal expert, believes that Jane Doe must have allowed the boys to do what they did. "There was no evidence of any injury," he said.

The video places all four of them in an inaccurate light," said attorney Barnett, who heads Heidi's defense team. "The judge has decided to take the safe route and not further embarrass anyone or prejudice the case in any way."

## Los Angeles Times

### Information Emerges about Defendants in Heidi Case

Those who knew the defendant in the Heidi case, where 16 year-old Jane Doe has filed sexual assault charges against three classmates, Heidi, 19, Spahn, 19, and Nechreiner, 19 are shocked.

Friends of the Heidi family say they can't believe these charges because Heidi was a good kid. Ms. Laura Shield a teacher who had Heidi in her class says, "Heidi is a model student. He is very bright, straight "A" student, respectful, polite, and always ready to help other in need of help."

Jane Doe claims that when she went to Heidl's house in July she was raped by Heidl, Spahn, and Nechreiner. The prosecuting attorney contends that Jane Doe was clearly intoxicated and unconscious, thus unable to consent to sex with the three boys. Defense attorneys claim that the girl actually orchestrated the videotaped sexual encounter out of her desire to become a porn star.

The day after the incident Jane Doe believes and states that she had been a willing sex partner. In fact, in the videotape, Dr. Harris Fisk, a neurologist for the defense, believes that Jane Doe is conscious and able to decide whether or not she wants to have sex with the three boys.

## Los Angeles Times

### Interested Parties Offer Testimony in Heidl Case

There has been a lot of media coverage on the Heidl case. To some, the case morphed into a battle between the county prosecutor and a powerful, wealthy law enforcement official. Heidl's father is the Orange County Sheriff. During an interview with reporters Heidl's father said, "I've got so much guilt about this case. This case wouldn't be the media circus it is without me. Whatever happens to this kid [Heidl]," he said, "I'm going to blame myself."

This case has been one of Orange County's most publicized criminal trials. Since there has been so much media coverage of this case, Briseno, the judge, said that if he could not find enough impartial jurors, the case might have to be moved to another county.

Defense attorneys contend that Jane Doe returned to Heidl's house that night knowing she would likely have sex with all three of them. "It's not like she was going there to play chess or tiddlywinks at 1 o'clock in the morning," Barnett, a defense attorney said.

Some say that this case is about money. Barnett said, "Jane Doe had consensual sex with Heidl and later told a friend she fantasized about having his baby because then she would be rich, then a couple of hours later she had sex with Spahn, whom she was dating at the time."

The key issue in the case is whether the girl had been conscious during the sexual activity and if those activities were consensual. The entire incident was videotaped.

The prosecution alleges that the three defendants knew Jane Doe was unconscious while the boys were having sex with her. Middleton, the prosecuting attorney, says that she was "completely limp and unconscious" during the sex.

"She was so intoxicated that she couldn't fight back, that she couldn't say no," Middleton said.

The defense attorneys state that "Jane Doe feigned unconsciousness and the sex was consensual."

"They're all good kids who got themselves into a stupid, terrible situation," Don Heidl said. Don Heidl, who is the father of defendant Heidl and also an Orange County assistant sheriff, worries that if his son goes to prison, the scrawny 18-year-old won't survive. "If they send him to prison, it's a death sentence," said Heidl. Heidl and his family try to remain optimistic. But doubt always creeps in and because of the case's notoriety, they say, they are virtually confined to his home.

## Los Angeles Times

### More Information on Orange County Rape Case Emerges

The three defendants Heidl, 18, Spahn, 19, and Nechreiner, 19, are charged with rape by intoxication and assault with a deadly weapon: a pool cue, during a party at the Corona del Mar home of Heidl's father, Orange County Assistant Sheriff Don Heidl.

Heidl, Spahn, and Nechreiner, were arrested when someone turned in videotaped footage of the alleged crime to the police. The three teens were arrested between their junior and senior years. Along with the accuser, they attended Rancho Cucamonga High School.

Defense attorneys argue that Jane Doe was conscious during the video tape; she was just faking her unconscious state. Dr. Harris Fisk, a neurologist testifying for the defense, stated, after viewing the tape, that Jane Doe was conscious and able to stop the sex at any time. In fact, she shows an encircling action towards one of the boys during the sex, if she were trying to protect herself, Fisk states, she would have tried to push him away.

The prosecution contends that the three defendants gave alcohol to Jane Doe, encouraging her to drink until she was "completely limp and unconscious." Once she was unconscious, the boys proceeded to engage in various sexual acts with Jane Doe. It is clear by the videotape that Jane Doe was unable to consent to the sex or prevent the sex from occurring.

Defense attorneys claim that the girl actually orchestrated the videotaped encounter out of her desire to become a porn star, a longing they said, was fueled by a growing subculture of teenagers with an appetite for group sex.

The baby-faced Heidl, given to dressing his beanpole body in short-sleeved white dress shirts and khakis, usually clasps his hands in front of him and wears a look of keen interest during preliminary court proceedings.

If convicted on all charges -- 23 felony counts of rape and penetration by a foreign object, and one count of assault with a deadly weapon -- each defendant could be sentenced up to 55 years in prison. The jury will also have the option of convicting them on misdemeanor charges.

## Los Angeles Times

### Prior Run-ins with the Law Brought to Light

According Don Heidl, who is the father of defendant Heidl and also an Orange County assistant sheriff, the boys are good kids who got themselves into a bad situation. He worries that if his son goes to prison, the scrawny 18-year-old won't survive. He sees sending him to prison as a death sentence.

Heidl paints a picture of his son as "the most kind, caring, sweet kid you'd ever meet in your life." He says he believes his son is guilty of nothing more than acting thoughtlessly.

Friends of the Heidl family say they can't believe these charges because Heidl was a good kid.

According to the family pastor, "When he was younger Heidl Jr., was always at Sunday services, and was also an alter boy for a short period of time. These charges against him are extremely disturbing."

These facts may come into play with current court proceedings against Heidl. Heidl along with Spahn, 19, and Nechreiner, 19, are charged with rape by intoxication and assault with a deadly weapon. She went to Heidl's house the night of the alleged rape, Barnett said, knowing she would likely have sex with all three of the defendants. According to the prosecution, Jane Doe was intoxicated and unconscious while the sex occurred. The day after the incident Jane Doe believes and states that she had been a willing sex partner.

## Los Angeles Times

### Heidl Case Goes to Trial Soon

There is much media coverage following the Heidl rape case. Jane Doe, the accuser, says that when she went to the Heidl house after being invited by the boys Heidl, 19, Spahn, 19, and Nechreiner, 19, to hang out. While the defense contends that Jane Doe went over with the specific intent to make a pornographic movie, the prosecution says that the defendants gave her alcohol and had non consensual sex with her while she was passed out. The defense attorneys argue that Jane Doe was in fact not passed out while the sex occurred, and the sex acts were consensual with all three of the boys.

There have been court fights over evidence. The defense contends the tape is missing crucial minutes, possibly as a result of tampering. The defense has motioned to present the victim's sexual history during the trial. Attorneys have even fought over how the jury was to be selected.

The media has made a request to view footage of the video. The defense lawyers opposed the media's request, citing the accuser's right to privacy and the fact that she and the defendants were minors at the time of the filming. Showing the video in open court, they said, would also infringe on their clients' right to a fair trial.

"The video places all four of them in an inaccurate light," said attorney Joseph G. Barnett, who heads Heidl's defense team.

"The videotape is the crucial evidence in this case," said James Grossberg, the lawyer representing the newspapers. "Barring public access to the video is virtually tantamount to having a secret trial."

Attorney Joseph G. Barnett told reporters, "The judge has decided to take the safe route and not further embarrass anyone or prejudice the case in any way by not publicizing the video."

Attorneys representing the Los Angeles Times, the Orange County Register and CBS objected to the judge's decision. The network is documenting the case for an episode of "48 Hours."

The Senior Heidl maintains that his son is a kind, caring and generous person who doesn't have a mean bone in his body. He is astonished at the allegations and truly believes his son is innocent of any malicious intent.

With all the publicity that this case has received, Superior Court Judge Francisco P. Briseno said he took the unusual step of prescreening jurors so he could determine whether there was a large enough pool of impartial jurors to draw from. Briseno said that if he could not find enough impartial jurors, the case might have to be moved to another county.

# Los Angeles Times

## Heidl Case Goes to Trial Soon

Orange County's most publicized criminal trial is set to start tomorrow. Newspaper and television reporters have provided almost gavel-to-gavel coverage of the pretrial motions in the case. The CBS series 48 hours is planning to cover the case for an upcoming episode.

Heidl, 19, Spahn, 19, and Nechreiner, 19, are charged with rape by intoxication and assault with a deadly weapon: a pool cue, during a party at the Corona del Mar home of Heidl's father, Orange County Assistant Sheriff Don Heidl.

Friends of the Heidl family say they can't believe these charges because Heidl was a good kid. "This is completely unlike the Heidl I know," said a classmate who wished to remain unnamed.

The incident with Jane Doe was filmed on videotape. The judge has ruled that the videotape of the alleged rape will not be shown to the public during the defendants' upcoming trial.

The day before the incident the unidentified complainant, Jane Doe, went to Heidl's house, for a party where she smoked marijuana, drank heavily, and had sex with two of the young men on that night. The next day, July 6<sup>th</sup>, the boys invited her over to the house to hang out. She returned alone because her girlfriends were not able to go.

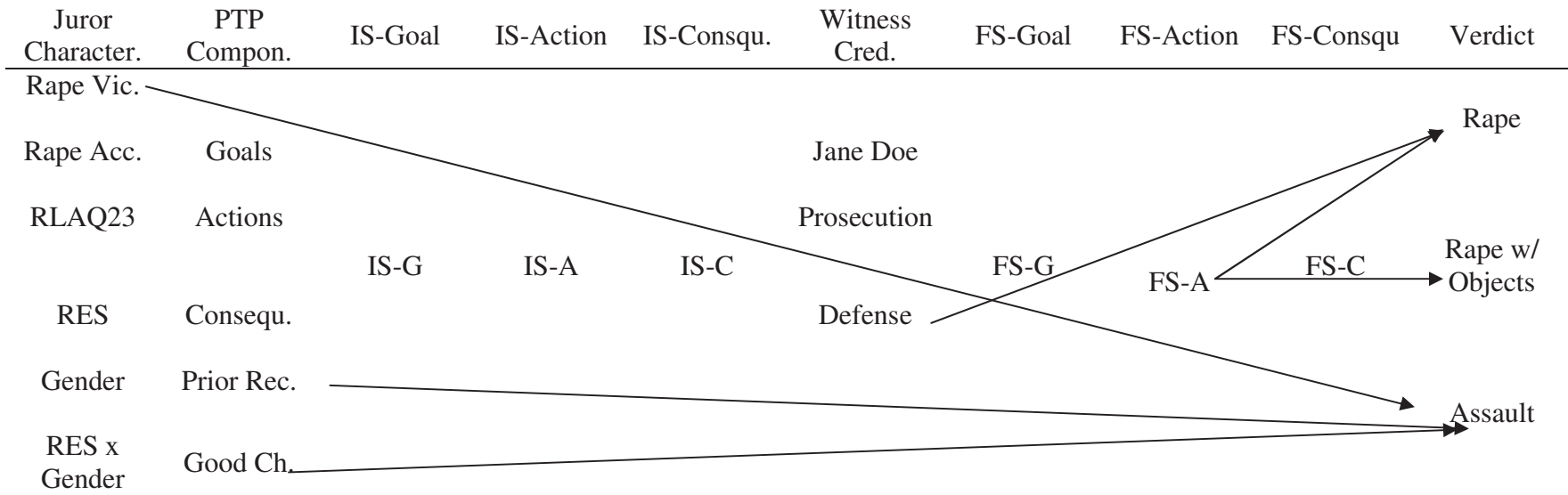
That night, on July 6<sup>th</sup>, the defendants and Jane Doe were again drinking alcohol and smoking marijuana. Jane Doe went to the Heidl house knowing that she was going to have sex with the defendants, say defense attorneys. Prosecutors say that the defendants had sex with Jane Doe while she was unconscious and semi-comatose, all the while videotaping it to distribute it to their friends. The three boys stated that Jane Doe was conscious and consensual during all of the sexual activities that occurred.

The alleged victim and her family will probably hold off on filing a civil lawsuit until the trial is over. Jane Doe and her parents have also filed a \$19-million lawsuit against defendant Heidl.

Appendix E.

Alternative Model: Predictors of Jurors' Verdicts with Sequential Story Components

Predictor	Rape			Rape with Objects			Assault		
	<i>odds ratio</i>	<i>Wald</i>	<i>p</i>	<i>odds ratio</i>	<i>Wald</i>	<i>p</i>	<i>odds ratio</i>	<i>Wald</i>	<i>p</i>
Rape Vic.	3.05	1.51	.21	1.76	.32	.57	2.87	5.26	.02
Rape Acc.	.26	1.60	.22	.65	.14	.71	.39	2.57	.11
RLAQ23	.89	.03	.87	1.79	.63	.43	1.55	1.22	.27
RES	1.06	.01	.94	.85	.05	.82	1.42	.84	.36
Gender	.49	1.15	.28	1.10	.02	.89	.73	.58	.45
RES x Gender	.96	.49	.48	.98	.21	.65	1.02	.41	.52
Goals	.51	.95	.33	.88	.04	.85	.66	1.01	.32
Actions	2.24	1.10	.30	3.35	2.24	.14	.55	2.19	.14
Consqu.	.75	.17	.68	.38	1.68	.19	1.41	.71	.40
Prior Rec.	.40	.99	.32	.21	2.66	.10	3.69	6.77	.01
Good Ch.	.30	1.98	.16	.48	.73	.39	.40	3.93	.05
IS-G	.85	.47	.49	1.20	.45	.50	1.15	.75	.39
IS-A	1.31	.81	.37	.86	.27	.60	.73	3.40	.07
IS-C	1.34	.80	.37	1.37	.98	.32	.96	.06	.80
Jane Doe	.95	.04	.84	.87	.23	.64	1.23	1.99	.16
Pros. Wit.	.67	2.86	.09	.87	.32	.57	1.05	.14	.71
Def. Wit.	2.26	7.33	.01	1.58	2.97	.86	1.01	.01	.91
FS-G	1.12	.30	.58	1.19	.51	.47	1.01	.00	.95
FS-A	.59	5.86	.02	.60	4.96	.03	.84	1.76	.19
FS-C	1.31	2.38	.12	1.08	.21	.65	.88	1.42	.23



## Bibliography

- Bornstein, B. H., Whisenhunt, B. L., Nemeth, R. J., & Dunaway, D. L. (2002). Pre-trial publicity and civil cases: A two-way street. *Law and Human Behavior, 26*(1), 3-17.
- Carlson, K. A., & Russo, W. (2001). Biased interpretation of evidence by mock jurors. *Journal of Experimental Psychology: Applied 7*(2), 91-103.
- Chrzanowski, L. M. (2006). Rape? Truth? And the media: Laboratory and field assessments of pretrial publicity in a real case. (Doctoral Dissertation, City University of New York). Retrieved August 26, 2006, from ProQuest Digital Dissertations database. (Publication No. AAT 3204976).
- Costantini, E., & King, J. (1980-1981). The partial juror: Correlates and causes of prejudice. *Law and Society Review, 15*, 9-40.
- CourtTVnews (n.d.). Kobe Bryant assault case. Retrieved October 19, 2006, from <http://www.courtTV.com/trials/bryant>
- Curran, P. J., West, S. G., & Finch, J. F. (1996). The robustness of test statistics to nonnormality and specification error in confirmatory factor analysis. *Psychological Methods, 1*(1), 16-29.
- Davis, R. W. (1986). Pretrial publicity, the timing of the trial, and mock jurors' decision processes. *Journal of Applied Social Psychology, 16*(7), 590-607.
- Deitz, S. R., Blackwell, K. T., Daley, P. C. (1982). Measurement of empathy toward Rape victims and rapists. *Journal of Personality and Social Psychology, 43*(2), 372-384.

- Devine, D. J., Clayton, L. D., Dunford, B. B. (2001). Jury decision making: 45 years of empirical research on deliberating groups. *Psychology, Public Policy, and Law*, 7(3), 622-727.
- Dexter, H. R., Cutler, B. L., & Moran, G. (1992). A test of voir dire as a remedy for the prejudicial effects of pretrial publicity. *Journal of Applied Social Psychology*, 22(10), 819-832.
- Diamond, S. S., & Casper, J. D. (1992). Blindfolding the jury to verdict consequences: Damages, expert, and the civil jury. *Law and Society Review*, 26, 513-563.
- Findlaw (n.d.). Retrieved May 3, 2007 from [http:// criminal.findlaw.com/crimes/a-z/manslaughter\\_involuntary.html](http://criminal.findlaw.com/crimes/a-z/manslaughter_involuntary.html)
- Fischer, G. J. (1997). Gender effects on individual verdicts an on mock jury verdicts in a simulated acquaintance rape trial. *Sex Roles*, 36, 491-501.
- Freedman, J. L. & Burke, T. M. (1996). The effect of pretrial publicity: The Bernardo case. *Canadian Journal of Criminology*, 38(3), 253-270.
- Freedman, J. L., Martin, C. K., & Mota, V. L. (1998). Pretrial publicity: Effects of admonition and expressing pretrial opinions. *Legal and Criminological Psychology*, 3(Part 2), 255-270.
- Feigenson, N., Park, J., & Salovey, P., (1997). Effect of Blameworthiness and Outcome Severity on Attributions of Responsibility and Damage Awards in Comparative Negligence Cases, *Law and Human Behavior*, 21(6), 597-316.
- Greene, E., Johns, M., & Bowman, J., (2003). The effects of injury severity on jury negligence decisions. *Law and Human Behavior*, 23(6), 675-693.

- Hope, L., Memon, A., & McGeorge, P. (2004). Understanding Pretrial Publicity: Predecisional Distortion of Evidence by Mock Jurors. *Journal of Experimental Psychology: Applied*, 10(2), 111-119.
- Honest, T. M., Charman, E. A., & Levi, M. (2003). Factual and affective/evaluative recall of pretrial publicity: Their relative influence on juror reasoning and verdict in a simulated fraud trial. *Journal of Applied Social Psychology*, 33(7), 1404-1416.
- Huntley, J. E., & Costanzo, M. (2003). Sexual harassment stories: Testing a story-mediated model of juror decision-making in civil litigation. *Law and Human Behavior*, 27(1), 29-51.
- Hu, L., Bentler, P. M., (1999). Cutoff criteria for fit indexes in covariance structure analysis: Conventional criteria versus new alternatives. *Structural Equation Modeling*, 6(1), 1-55.
- Joinson, A.N. & Banyard, P. (2002). Psychological aspects of information seeking on the Internet. *ASLIB Proceedings: New Information Perspectives*, 54 (2), 95-102.
- Kadish, M. R., & Kadish, S. H. (1971). The institutionalization of conflict: Jury acquittals. *Journal of Social Issues*, 27, 199-217.
- Kaplan, J. (1978). *Criminal justice: Introductory cases and materials* (2<sup>nd</sup> ed.). Mineola, NY: Foundation Press.
- Kassin, S. M., & Sukel, H. (1997). Coerced Confessions and the Jury: An Experimental Test of the "Harmless Error" Rule. *Law & Human Behavior*, 21(1), 27-46.

- Kassin, S. M., & Sommers, S. (1997). Inadmissible testimony, instructions to disregard, and the jury: Substantive versus procedural considerations. *Personality and Social Psychology Bulletin*.
- Kline, F., & Jess, P. (1966). Prejudicial publicity: Its effects on law school mock juries. *Journalism Quarterly*, 43, 113-116.
- Konecni, V. J., & Ebbesen, E. B., (1979). External validity of research in legal psychology. *Law and Human Behavior*, 3(1/2), 39-70.
- Kovera, M. B. (2002). The effects of general pretrial publicity on juror decisions: An examination of moderators and mediating mechanisms. *Law and Human Behavior*, 26(1), 43-72.
- Kramer, G. P., Kerr, N. L., & Carroll, J. S. (1990). Pretrial publicity, judicial remedies, and jury bias. *Law and human Behavior*, 14, 409-438.
- Kravitz, D. A., Cutler, B. L., & Brock, P. (1993). Reliability and validity of the original and revised legal attitudes questionnaire. *Law and Human Behavior*, 17(6), 661-677.
- Landsman, S., & Rakos, R. F. (1994). A preliminary inquiry into the effect of potentially biasing information on judgments and jurors in civil litigation. *Behavioral Sciences and the Law*, 12, 113-126.
- Linz, D., & Penrod, S. (1992). Exploring the First and Sixth Amendment: Pretrial publicity and jury decision making. In D. K. Kagehiro & W. S. Laufer (Eds.), *Handbook of psychology and law* (pp. 1-20). New York: Springer-Verlag.
- Mauet, T. A., (1996). Opening Statements. In T. A. Mauet, *Trial Techniques: Fourth Edition* (pp. 45-47). Aspen Publishers Inc.

- Moran, G., & Cutler, B. L. (1991). The prejudicial impact of pretrial publicity. *Journal of Applied Social Psychology, 21*(5), 345-367.
- Ogloff, J. R. P., & Vidmar, N. (1994). The impact of pretrial publicity on jurors: A study to compare the relative effects of television and print media in a child sex abuse case. *Law and Human Behavior, 18*(5), 507-525.
- Olsen-Fulero, L. & Fulero, S. M. (1997). Commonsense rape judgments: An empathy-complexity theory of rape juror story making. *Psychology, Public Policy, and Law, 3*(2-3), 402-427.
- O'Neil, K. M., Penrod, S. D., & Bornstein, B. H. (2003). Web-based research: Methodological variables' effects on dropout and sample characteristics. *Behavior Research Methods, Instruments, & Computers, 35*, 217-226.
- Otto, A. L., Penrod, S. D., & Dexter, H. R. (1994). The biasing impact of pretrial publicity on juror judgments. *Law and Human Behavior, 18*(4), 453-469.
- Padawer-Singer, A., & Barton, A. H. (1975). Free press, fair trial. In R. J. Simon (Ed.), *The jury system: A critical analysis* (pp. 123–142). Beverly Hills, CA: Sage Press.
- Pennington, N. & Hastie, R. (1981). Juror decision-making models: The generalization gap. *Psychological Bulletin, 89*(2), 246-287.
- Pennington, N. & Hastie, R. (1992). Explaining the evidence: Tests of the Story Model for Juror Decision Making. *Journal of Personality and Social Psychology, 62*(2), 189-206.
- People v. Gregory Haidl, Kyle Nackreiner and Keith Spann, (2006)
- Riedel, R. G. (1993). Effects of pretrial publicity on male and female jurors and judges in a mock rape trial. *Psychological Reports, 73*(3, Pt 1), 819-832.

- Russo, J. E., Medvec, V. H., & Meloy, M. G. (1996). The distortion of information during decisions. *Organizational Behavior and Human Decision Processes*, 66, 102-110.
- Ruva, C. L. (2002). Effects of collaboration and pretrial publicity on juror bias and source monitoring errors. *Dissertation Abstracts International*, 63, 1062B. (UMI No. AAT 3041122)
- Sealy, A. P. (1981). Another look at social psychological aspects of juror bias. *Law and Human Behavior*, 5(2/3), 187-200.
- Smith, V. L., (1991). Prototypes in the courtroom: Lay representations of legal concepts. *Journal of Personality and Social Psychology*, 61(6), 857-872.
- Stebly, N. M., Besirevic, J., Fulero, S. M., & Jimenez-Lorente, B., (1999). The effects of pretrial publicity on juror verdicts: A meta-analytic review. *Law and Human Behavior*, 23(2), 219-235.
- Sue, S., Smith R. E., & Pedroza, G., (1975). Authoritarianism, pretrial publicity and awareness of bias in simulated jurors, *Psychological Reports*, 37, 1299-1302.
- Supreme Court Rulings *Mu' min vs. Virginia*, 1991
- Tanford, S., & Cox, M. (1988). The effects of impeachment evidence and limiting instructions on individual and group decision making. *Law and Human Behavior*, 12, 477-497.
- Tans, M., & Cheffee, S. (1966). Pretrial publicity and juror prejudice. *Journalism Quarterly*, 43, 647-654.
- Thompson, W. C., Fong, G. T., & Rosenhan, D. L. (1981). Inadmissible evidence and juror verdicts. *Journal of Personality and Social Psychology*, 40(3), 453-463.

U.S. v. McVeigh, 106 F.3d 325 (1996)

Wainwright vs. Witt, 470 U.S. 1039 (1985)

Werner, C. M., Kagehiro, D. K., & Strube, M. J. (1982). Conviction proneness and the authoritarian juror: Inability to disregard information or attitudinal bias? *Journal of Applied Psychology*, 67(5), 629-636.

Wilson, J. R., & Bornstein, B. H. (1998). Methodological considerations in pretrial publicity research: Is the medium the message? *Law and Human Behavior*, 22(5), 585-597.

Wissler, R. L., & Saks, M. J., (1985). On the inefficiency of limiting instructions. *Law and Human Behavior*, 9(1), 37-48.