

JURORS' JUDGMENTS AND THE MEDIA:  
IS ALL PRETRIAL PUBLICITY EQUAL?

A Thesis  
by  
JENNIFER L. JARRETT

Submitted to the Graduate School  
at Appalachian State University  
in partial fulfillment of the requirements for the degree of  
MASTER OF ARTS

August 2013  
Department of Psychology

JURORS' JUDGMENTS AND THE MEDIA:  
IS ALL PRETRIAL PUBLICITY EQUAL?

A Thesis  
by  
JENNIFER L. JARRETT  
August 2013

APPROVED BY:

---

Twila Wingrove  
Chairperson, Thesis Committee

---

Paul A. Fox  
Member, Thesis Committee

---

Todd McElroy  
Member, Thesis Committee

---

Andrew R. Smith  
Member, Thesis Committee

---

James C. Denniston  
Chairperson, Department of Psychology

---

Edelma D. Huntley  
Dean, Cratis Williams Graduate School

Copyright by Jennifer L. Jarrett 2013

All Rights Reserved

Permission is hereby granted to the Appalachian State University Belk Library and to the Department of Psychology to display and provide access to this thesis for appropriate academic and research purposes

## **Abstract**

### **JURORS' JUDGMENTS AND THE MEDIA: IS ALL PRETRIAL PUBLICITY EQUAL?**

Jennifer L. Jarrett  
B.S., Appalachian State University  
M.A., Appalachian State University

Chairperson: Twila Wingrove

Previous research on the effect of pretrial publicity (PTP) on jurors' judgments in criminal court has typically focused on prejudicial information presented about the defendant in a criminal case. This spotlight on the defendant is shifting to a broader perspective due to the expanding coverage of the media. The current study utilized three news articles containing one type of PTP: positive defendant (PD), negative defendant (ND), positive victim (PV), negative victim (NV), case-specific (CS), or a form of PTP unrelated to the crime. Case-specific publicity depicted the crime and the crime scene, but without any biasing information about the victim or defendant. The unrelated article outlined the incarceration process for the state of Wyoming. The study also explored the effect of strong or moderate strength of evidence (SOE) on trial judgments and the biases produced by exposure to PTP. As predicted, SOE impacted ratings of victim blame, and marginally influenced final verdict and continuous guilt ratings. Participants in the ND-PTP condition gave more not guilty verdicts which did not support the hypotheses; however, if the

defendant was found guilty, the participants in the ND condition recommended harsher sentences and this result did support the hypothesis. Participants in NV-PTP and CS-PTP gave significantly more severe sentences compared to those in the unrelated control condition supporting the hypothesis for CS publicity, but not supporting that of NV publicity. Also inconsistent with the hypotheses, there were no interactions between SOE and PTP on any trial judgments.

*Keywords:* Defendant, Victim, Pretrial Publicity, Juror Decision-Making, Legal Judgments.

## **Acknowledgments**

Special thanks to my mentor, Dr. Twila Wingrove, for her patience and guidance over the past two years. I would like to acknowledge Appalachian State University's Graduate School for the GRAM program. Through this program, my mentor was awarded funding for my master's education and the program has also given me many opportunities for professional and academic development. I would also like to thank my committee members: Dr. Paul Fox, Dr. Todd McElroy, and Dr. Andrew Smith, for their helpful comments and support throughout the thesis process. Finally, I would like to thank my family for their constant love and support.

## Table of Contents

Abstract .....	iv
Acknowledgments.....	vi
List of Tables .....	viii
Forward.....	ix
Chapter 1: Introduction.....	1
Chapter 2: Methods.....	19
Chapter 3: Results.....	24
Chapter 4: Discussion .....	42
References.....	54
Appendix A IRB Approval .....	61
Appendix B Pretrial Publicity Articles .....	63
Appendix C Pretrial Measures .....	81
Appendix D Trial Transcript.....	87
Appendix E Posttrial Measures.....	100
Tables .....	116
Vita.....	120

## **List of Tables**

Table 1. Participant Demographics and Characteristics .....	116
Table 2. Preliminary Analyses .....	117
Table 3. Percentage of Guilty and Not Guilty Verdicts by Condition.....	118
Table 4. Percentage of Sentencing Recommendations by Condition .....	119

## **Foreword**

This thesis is written in accordance with the style of the  
*Publication Manual of the American Psychological Association (6th Edition)* as required by  
the Department of Psychology at Appalachian State University

## Jurors' Judgments and the Media: Is All Pretrial Publicity Equal?

### **Introduction**

The sheer volume of news sources has skyrocketed with the introduction of the internet and specialized news channels, which show news coverage 24 hours a day, 7 days a week. The constant access to the news as soon as it develops is good for those who desire information about current events. The fast developing stories of the media can become a problem when someone is being charged with a crime, and this continuously updating news database increases the difficulty for attorneys to find jurors who have not been exposed to biasing pretrial publicity when a case is highly publicized. In this instance, the sixth amendment right of the defendant to a fair trial and first amendment right to freedom of the press result in direct conflict if the rights of the media impede upon the rights of an American citizen to an unbiased jury. The conflict between the rights of the media and the rights of a defendant is frequently studied in pretrial publicity research; however, the victim's half of the story is typically neglected. Previous research on pretrial publicity focuses fully on the information presented about the defendant, ignoring the impact of pretrial publicity about the victim (Dexter, Cutler, & Moran, 1992; Fein, McCloskey, & Tomlinson, 1997; Fein, Morgan, Norton, & Sommers, 1997; Kramer, Kerr, & Carroll, 1990; Moran & Cutler, 1991; Otto, Penrod, & Dexter, 1994; Ruva, Guenther, & Yarbrough, 2011; Ruva & McEvoy, 2008; Tans & Chaffee, 1966).

Historically, juries were intended as objective, layperson decision makers who decided on innocence or guilt based purely on the evidence presented to the jurors in court. Using the presumption that the defendant is innocent until proven guilty, jurors are to decide guilt by equally listening, weighing, and evaluating the evidence presented by the defense supporting the defendant's innocence, and the refuting evidence presented by the prosecution, which supports the defendant's guilt. Jurors must then decide whether the defendant has been proven guilty of the crime beyond a reasonable doubt. The strength of the prosecution's case should be weighed equally with that of the defense and final judgments should not include information that was not presented in court (e.g., information from pretrial publicity).

The news media chooses how to frame reports of criminal activity to induce interest in the story. Depending on the persons involved in the crime, the framework of the coverage may vary from source to source. Some stories scrutinize the defendants and their history. Others depict the victims in a manner invoking sympathy or distrust. When criminal stories first develop, the sources are only able to inform the viewers that a crime has been committed and the circumstances surrounding the event because other information is not yet available to them. Most sources will include a combination of information. Potential jury members are likely to be exposed to many news articles about a single criminal story. The effects of this many faceted coverage have not been researched completely.

A content analysis of 14 newspapers over an eight week span performed by Imrich, Mullin, and Linz (1995) described the frequency of potentially biasing pretrial coverage of

criminal activity. The researchers used the American Bar Association guidelines to determine if articles contained information that would be considered biasing in a court of law. They found that newspaper articles reporting an initial crime incident were the most frequent of all stories portrayed by the newspapers. These most common articles encompassed 34% of all crime related stories. Articles that targeted the suspect and contained prejudicial information about the case comprised about 27% of all crime-related articles. The authors also found an effect for time such that the amount of biasing information in the news stories increased as time passed and the trial neared. This information could be detrimental to the right of the defendant to a fair trial. Biasing information can impact a juror's pretrial perception of the defendant and can thereby interfere with that juror's ability to assume innocence until the defendant has been proven guilty.

The purpose of this thesis is to better understand the effects of evidence strength and pretrial publicity that targeted the victim, the defendant, or the case itself on mock jurors' judgments in a criminal assault case. I was also interested in whether the strength of evidence impacted the biases produced by the various types of publicity. This thesis begins with a discussion of the impact of strength of evidence alone on jurors' judgments. Then, I explore the results of several studies on the impact of defendant pretrial publicity on trial judgments and how evidence presentation impacts that bias. Next, I describe the effect of victim information on the legal decisions made about the defendant and the impact evidence strength has on this effect. The final research topic I examine is the impact of case-specific publicity articles, which were general articles that portrayed the scene of the crime, but

without information about the victims or defendants. This condition replicated the typical media coverage immediately after a crime has occurred, when little information is available. As described earlier, this is the most common type of pretrial publicity (Imrich et al., 1995). I aim to understand the impact of this extremely limited, but case-specific pretrial publicity information as well as the impact of information that is publicized after a suspect or victim has been named or identified.

### **Strength of Evidence**

In accordance with the law, jurors' decisions should be based on the evidence presented in the trial. If jurors are deciding in a manner consistent with the law, the quality of evidence supporting the prosecution should be positively correlated with the likelihood of guilty verdicts. Similarly, the evidence supporting the defense's case should be positively correlated with not guilty verdicts. Due to the number of criminal cases received by the state, cases with weak evidence generally do not end up going to court. Therefore, most researchers focus on the impact of moderate versus strong evidence on trial decisions (e.g., Hazelwood & Brigham, 1998; McNamara, Vattano, & Viney, 1993). The current study adopted this approach.

Strength of evidence (SOE) has been measured in field studies and manipulated experimentally. For example, Devine, Buddenbaum, Houp, Studebaker, and Stolle (2009) asked judges and lead attorneys to evaluate the strength of evidence from trials that they had previously been assigned. The authors used this as a predictor of verdicts and found a significant relationship between the judges' and lawyers' SOE ratings and the final verdict

reached by the jury. The results of this study showed that jurors were deciding in a manner consistent with the law such that jurors were more likely to find a defendant guilty when the judges and lawyers rated the strength of the evidence as stronger for the prosecution. Other researchers have consistently found a strong relationship between evidence strength and verdicts (e.g., Devine et al., 2009; Eisenberg et al., 2005; Klettke, Graesser, & Powell, 2010), suggesting that jurors are indeed influenced by relevant legal information when deciding cases.

In addition to rating overall evidence strength, researchers have also explored whether different kinds of evidence are more influential and have differential effects on verdicts. For instance, Visher (1987) collected posttrial surveys of 331 jurors who served on sexual assault trial juries. The surveys asked the jurors to recall their individual assessment of the defendant's guilt before deliberation, to complete a demographic survey, and to report the pieces of information (evidence or extra-legal information) that they found the most influential in their decisions. The results of the study were helpful in exposing the most detrimental pieces of evidence that could be presented in a defendant's case. The pieces of evidence that were rated as the most damaging to the defendant's case included: evidence that the defendant used force or a weapon, physical evidence suggesting that the defendant was in fact at the scene of the crime, and eyewitness testimony. I use these attributes as the manipulation for strength of evidence in the fictional trial transcript to create strong and moderate evidence conditions.

Overall, Visher (1987) found that all evidence variables together accounted for 34% of variance in jurors' judgments of defendant guilt, but 8% of the variance in trial judgments was accounted for by defendant and victim extra-legal information. Although evidence plays a strong role in jurors' judgments, Visher's data suggests that there is considerable room for information not introduced as evidence to influence trial judgments, such as pretrial publicity or personal attitudes. Given the opportunity for extra-legal information to influence legal decisions, I sought to understand the extent that the victim's and defendant's extra-legal information in the form of pretrial publicity would affect the trial decisions of mock jurors. This information might be especially influential in weaker cases. When the evidence presented against a defendant is ambiguous or inconclusive, jurors must use their interpretation and personal opinions to fill in the gaps left from the inconclusive evidence. For example, Baumeister and Darley (1982) found that jury members who were given strong evidence of guilt or innocence tended to lean less on the biases created by manipulating the defendant's character and focused more on the evidence than when jurors were given weak evidence. The researchers suggested that a reason behind this effect was when the facts of the case were high/conclusive, the jurors focused on the criminal action and paid less attention to the defendant's character, but when the facts of the case were weak/inconclusive, the jurors focused on the defendant's character in an attempt to fill in for the missing information about the incident. Similarly, Reskin and Visher (1986) also found jurors to be more dependent on biases when the strength of evidence was weak than when the evidence was considered strong. These biases could be created by pretrial publicity. If a juror has been given

information about the victim or defendant prior to the court hearing, trial evidence can have differential effects, depending on the juror's initial opinions of the victim and defendant.

### **Defendant Pretrial Publicity**

Within the pretrial publicity research, the main emphasis has been on the effects of negative publicity targeting the defendant or suspect in a crime, because this has been the most prominent form of pretrial publicity. Imrich and colleagues' (1995) newspaper content analysis concluded that 27% of crime news articles that named a suspect also contained negative biasing information targeting the suspect. Only 5.4% of stories that named a suspect claimed the defendants' innocence, and 4.4% of these stories made a positive statement about the defendant. The defendant is the most relevant character in the courtroom because he/she is on trial for a crime and his/her fate is left in the balance. When news sources obtain information about a defendant, they attempt to piece together a story that readers will find interesting. Pretrial publicity researchers have focused mostly on the effects of this negative defendant publicity on case judgments (Kramer, Kerr, & Carroll, 1990; Steblay, Besirevic, Fulero, & Jimenez-Lorente, 1999), but recent researchers have also been shifting their attention to positive news coverage of the defendant (Ruva, Guenther, & Yarborough, 2011; Ruva & McEvoy, 2008).

Dibbets et al. (2012) asked participants to rate an unknown target, and then had participants watch a positive or negative social media video about the target and rate the target again. The researchers found a significant impact on judgments of the target for negative video presentation, but did not find a significant impact on judgments in participants

viewing the positive video. The researchers determined that participants who were exposed to a negative video reported more attitude change than participants who watched a positive video (Dibbets et al., 2012). This finding suggests that negative pretrial publicity could impact participants' attitudes toward the target more than positive pretrial publicity.

In a study by Hope, Memon, and McGeorge (2004), researchers presented participants with negative defendant pretrial publicity or no pretrial publicity. Participants in the negative pretrial publicity condition reported higher guilty ratings in comparison to the no publicity control. Research by Ruva et al. (2011) expanded these results by using positive defendant pretrial publicity as well and found similar results. Participants in this study read news articles containing an unrelated crime, positive defendant, or negative defendant publicity story. Participants were then asked to watch a video of the murder trial and give a verdict for the defendant. Results showed that presenting participants with negative defendant pretrial publicity significantly increased the likelihood of guilty verdicts confirming results from the previous defendant pretrial publicity study by Hope and colleagues. Not guilty verdicts were reported most often when participants were exposed to positive defendant pretrial publicity than when participants were exposed to negative defendant pretrial publicity or no pretrial publicity (Ruva & McEvoy, 2008; Ruva et al., 2011). Consistent with Dibbets et al. (2012), the effect of negative defendant pretrial publicity on judgments was found to be stronger than the effect of positive defendant pretrial publicity on decisions

In addition to the target and valence of the publicity, the content of the publicity is also of great importance. Otto et al. (1994) found that defendant character pretrial publicity influenced initial judgments about a defendant more than information about a defendant's low status job or prior criminal convictions, but the effect of character information was weakened after the presentation of the trial and evidence. However, prior criminal convictions created an enduring impression that the defendant was a typical criminal and this negative perception directly impacted final verdicts suggesting that this effect was not reduced by trial evidence and was more pervasive than that of defendant character.

The current study used three pieces of information from the Imrich et al. (1995) content analysis and the ABA guidelines for biasing publicity (as reported in the content analysis) as the manipulation of the victim's and defendant's character information in the pretrial publicity. Also supported by Otto et al. (1994), I manipulated the prior criminal history, the education level and the employment record for the defendant in the defendant conditions and for the victim in the victim conditions. Positive and negative defendant pretrial publicity has been shown to create differential effects on the ratings of defendant guilt and the length of recommended sentences (Kovera, 2002; Ruva & McEvoy, 2008; and Ruva et al, 2011). The bias created by publicity in the current study should be more prominent in judgments when the case contains only moderate evidence and not when the prosecution presents strong evidence against the defendant.

This thesis also attempted to extend the knowledge of the effect of pretrial publicity by manipulating only defendant pretrial publicity to manipulating both victim and defendant

pretrial publicity. Each condition contained a positive or negative framing of the defendant's or victim's character. The addition of the victim's character was novel to the current trend of research in this area and is the subject of the next section.

### **Victim Pretrial Publicity**

Research on the effect of victim publicity is uncommon even though the victim's information generally becomes available to the press before the defendant's information (Imrich et al., 1995). Because previous research on pretrial publicity has not utilized victim information, understanding other research on the presentation of victim information *during trial* is helpful in thinking about the possible effect that pretrial information might have on jurors' judgments.

Constitutionally, the defendant has the right against self-incrimination, which means the defendant has the right to refuse to testify about any involvement in a crime. If a defendant chooses to take advantage of this right, the victim may be the only other person involved in the alleged crime able to testify about it. In this situation, the prosecution's case is dependent on the victim's testimony and the victim must sit before the jury, making the victim the most visually salient character in some trials. Research using a rape trial has confirmed that victim information impacts decisions by showing that when jurors were given neutral, extralegal information (the victim's height and weight) about the victim, they attributed higher responsibility to the victim for causing the rape and judged in support of the defense (i.e., pro-defense) compared to jurors reading no extra-legal victim information (Rempala & Geers, 2009). Considering the impact of neutral extra-legal information about a

victim, participants exposed to positively or negatively valenced extra-legal information in the form of pretrial publicity could also differ in their trial judgments.

If biasing information about the victim's character was presented in pretrial publicity, jurors' perceptions could be tainted resulting in an overestimation or underestimation of the victim's causal role in the crime. This perceived role of the victim can influence judgments for the defendant, especially if the evidence against the defendant is unclear or ambiguous. If the victim of an assault is portrayed negatively in pretrial publicity, potential jurors could attribute more of a causal role to that victim for the assault, which could influence their verdict through the lower causal role ascribed to the defendant in the crime. This circumstance could cause more not guilty verdicts due to the high causal role accredited to the victim. Allowing the victim to become the most prominent character in the court case through negative victim pretrial publicity could facilitate the defense's case for acquittal, but when the victim's character is described in a positive light, the publicity could support the prosecution's case for conviction.

Like early defendant characteristics research, most research on victim information contains the victim's demographics, but has expanded to incorporate the victim's character and personal life as well. In Visher's (1987) study, information about the victim's character produced more significant differences in defendant guilt than the victim's demographic information. As mentioned previously, the researcher found that the 8% of variance in judgments on defendant guilt can be explained by victim and defendant characteristics. The importance of 8% of variance in jurors' judgments can be crucial especially in cases where

the juror is unsure, this amount of variance could be sufficient to allow biases created by pretrial publicity to sway the verdict one way or the other.

Research on the effect of victim respectability on jurors' ratings of defendant guilt in a murder trial by Greene, Koehring, and Quiat (1998) concluded that jurors disregarded the defendant's mitigating circumstances (e.g., being brought up in a bad neighborhood) if the defendant was on trial for killing a highly respectable victim. Important information about the defendant's prior history was ignored when the victim was considered respectable. This being said, jurors who are exposed to pretrial publicity about a victim's character can utilize this information in their court decisions.

Victim pretrial publicity could have differential effects on the ratings of defendant guilt and the length of recommended sentences, depending on the valence of the publicity. Positive portrayals of a victim's character could act similarly to the effect found when manipulating a victim's respectability by Greene et al. (1998), where they found that positive victim information reduced victim blame and increased defendant blame. I expected this effect to only occur in judgments when the case contained moderate evidence and not when the prosecution presented strong evidence against the defendant.

### **Case-Specific Pretrial Publicity**

When news stations first receive information about a crime, there is not always information available about the victim or the defendant. Case-specific information can also bias the decisions of potential jurors. A frequently used control in pretrial publicity research employs a neutral, unrelated media modality (e.g., Ruva & McEvoy, 2008; Ruva, et al.,

2011) or an unexposed control condition (e.g., Greene & Loftus, 1984; Greene & Wade, 1988).

A meta-analysis of 44 pretrial publicity studies conducted by Steblay and colleagues (1999) found a larger effect size when the control used in the study contained little biasing information (e.g., case-specific) rather than the typical unexposed control or unrelated publicity article containing no relevant information. Mullin, Imrich, and Linz (1996) employed a factorial design to tease apart the effect of three levels of case-specific PTP. Mullin et al. (1996) manipulated negative case-specific publicity, similar to the current study's negative defendant publicity, neutral case-specific publicity, and an unrelated crime publicity articles and had participants make judgments on a rape trial. No differences were found between the unrelated article and the neutral, case-specific publicity conditions, but the authors suggested that the participants might have not remembered the publicity because it was purely factual which has a fleeting effect on trial judgments after the passing of time (Kramer et al., 1990).

Greene and Loftus (1984) focused on the impact of publicity articles that either contained the report of an eyewitness correctly identifying a vicious killer or a report that did not include an eyewitness. Participants were then asked to judge an *unrelated* court case that involved the testimony of an eyewitness. The participants that read the publicity involving the eyewitness identification were more likely to return a guilty verdict for an unrelated court case when it was based on eyewitness testimony, which indicated that publicity about witness credibility in general impacted jurors' perceptions of witnesses in unrelated criminal cases. A

follow-up study was conducted by Greene and Wade (1988) to determine if this effect differs when the jurors judge a similar or dissimilar case. In this follow-up study of general pretrial publicity, Greene and Wade (1988) exposed participants to general newspaper articles either about the same criminal charge or a completely different crime from the trial they would judge later. These articles again described a situation where an eyewitness identified the defendant, but in this follow up study, the defendant in the publicity article was either wrongfully convicted or accurately convicted. The authors also used a trial where the publicity articles were about a similar crime or an unrelated crime. The authors found that participants reading about an unrelated misidentification by an eyewitness generalized this misidentification to an unrelated court case and biased their decisions. The findings of Greene and Loftus (1984) and Greene and Wade (1988) suggest that a general publicity statement impacted judgments for an unrelated crime. Given these results, I expected that when participants read a story about the crime through case-specific publicity, the prior knowledge of the crime's occurrence should impact their judgments in a similar manner to the general publicity statements in Greene and colleagues (1984, 1988), by increasing the likelihood of the juror to convict the defendant given that the juror has been predisposed to any criminal publicity beforehand.

Kovera (2002) also sought to understand the effect of media on evidence interpretation and trial judgments. She manipulated the type of the case that the article focused on (related crime and unrelated crime). The related crime media contained publicity about the same *crime*, but not the same *case* as the one the jurors would judge later. She

found that when participants watched the related crime media conditions with a defense-slanted presentation, the jurors needed more evidence to convict a defendant of rape compared to those watching unrelated crime media. This means that when participants read an article about the same type of crime they judged the defendant differently than those that read an unrelated article.

The Kovera (2002) study implies that there can be a biasing effect when the media reports a story on a crime similar to the one that will be judged by the selected jurors. The introduction to the actual case itself through case-specific pretrial publicity may have an effect on the judgments of jurors, especially given that even related crime media can influence decisions (Kovera, 2002). If evidence strongly suggests conviction, the jurors tend to lean toward guilty, but when the evidence is unclear, jurors who are exposed to these types of media may be influenced regardless of the actual story that they have read.

Using an unrelated crime article and a related crime article seems to produce differing effects on the jurors' decisions. I decided to expand on this line of research by using two control conditions, including an unrelated article and a case-specific article. The unrelated article condition was designed to simulate the ideal potential juror with no previous exposure to the trial. The case-specific article condition was created to emulate a more realistic potential juror with information regarding the initial reporting of the crime, which is the most common form of pretrial publicity (Imrich et al., 1995). Consistent with the effect found for related crime media, I expect that participants reading case-specific publicity will make more harsh trial judgments against the defendant (Greene & Loftus, 1984; Greene & Wade, 1988;

Kovera, 2002). The difference between the case-specific condition and the control condition is not expected to be extreme, but is expected to be significant. This difference is important to understand given the prevalence of this type of media (Imrich et al., 1995). I predicted that jurors' judgments with only moderate or weak evidence against the defendant will be impacted by case-specific publicity, while jurors evaluating a case with strong evidence will not be influenced by the pretrial publicity.

### **Current Study**

I desired to differentiate how various types of pretrial publicity affected jurors' judgments. In order to do this, I manipulated three news articles for each different type of publicity. These articles portrayed either the victim's *or* defendant's character in the same manner either positively (high education, no criminal convictions and stable job history) *or* negatively (low education, previous unrelated criminal conviction and unstable job history). The articles remained constant such that participants received three articles that were all either positive *or* negative and included information about only the victim's *or* defendant's character. The case-specific publicity articles contained the same information about the crime as depicted in the positive and negative publicity conditions, but all biased information about the victim or defendant was removed so that participants were exposed to the crime only. The typical unrelated control was also utilized to establish whether a difference in judgment existed because of exposure to the crime itself. In this case, the unrelated control articles described the process of incarceration in the state of Wyoming, which was also where the fictional crime took place.

Participants first completed some attitude measures, then were exposed to the manipulated publicity articles, and completed manipulation checks. After approximately three weeks, participants read the trial transcript and made legal decisions.

The research questions and hypotheses of the current study were:

**RQI. What effect does strength of evidence have on jurors' judgments?**

*Strength of Evidence (RHI)*. I hypothesized that participants in the strong evidence condition would (a) give more guilty verdicts, (b) recommend longer sentences, (c) have higher scores for the continuous guilt rating, (d) attribute less blame to the victim, and (e) assign less of a causal role to the victim than participants in the moderate evidence condition

**RQII. Does pretrial publicity have differential effects on jurors' judgments?**

*Pro-Defense: Positive Defendant (PD) and Negative Victim (NV) Pretrial Publicity (RHIIA)*. I anticipated main effects that were similar in direction, but not magnitude, for both pro-defense publicity articles, such that participants in the pro-defense publicity conditions would (a) give more not guilty verdicts, (b) recommend shorter sentences, (c) have lower scores on the continuous guilt rating, (d) give higher ratings of victim blame, and (e) report higher ratings of the victim's causal role, when compared to participants reading the unrelated control articles.

I expected to find a stronger effect on trial judgments for positive defendant publicity than for the negative victim publicity in the pro-defense publicity conditions as evidenced by the effect sizes of each.

*Pro-Prosecution: Negative Defendant (ND) and Positive Victim (PV) Pretrial Publicity (RHIIB).* I expected to find main effects that were, again, similar in direction, but not in degree, on all trial judgments for both types of pro-prosecution publicity articles in comparison to the unrelated control condition. I predicted that participants reading pro-prosecution articles would (a) give more guilty verdicts, (b) recommend longer sentences, (c) have higher continuous guilt ratings, (d) rate lower percentages of victim blame, and (e) give lower ratings for victim cause in comparison to participants in the unrelated control condition.

As with the pro-defense publicity, I hypothesized that negative defendant publicity would impact jurors' judgments more than positive victim publicity, which would be determined by the effect sizes of each manipulation.

*Case Specific (CS) Pretrial Publicity (RHIIC).* I expected to find similar directional differences to pro-prosecution publicity when looking at differences between case-specific pretrial publicity and unrelated publicity. Participants in the case-specific publicity condition were expected to (a) give more guilty verdicts, (b) recommend longer final sentences, (c) have higher continuous guilt ratings, (d) have lower ratings for victim blame, and (e) rate less victim cause in comparison to participants reading the unrelated control articles.

**RQIII. Does strength of evidence affect the biases produced by the manipulated forms of pretrial publicity?**

*Interaction between Strength of Evidence and Pretrial Publicity (RHIII).* I hypothesized an interaction between evidence strength and pretrial publicity on all trial

judgments, (a) through (e) above, such that pro-prosecution and pro-defense pretrial publicity only impacted trial judgments in the moderate evidence condition and not in the strong evidence condition.

## **Method**

### **Participants**

A total of 380 participants were recruited using the Appalachian State University's Psychology Subject Pool software Sona, which consists of undergraduate students enrolled in psychology courses. Students received class credit for their participation and were placed in a drawing for a \$50 gift card. The first and second portions of this thesis were approved by Appalachian State's IRB (for approval letter see Appendix A). The age of the participants was skewed (skewness value = 4.39); thus eight participants were excluded from further analyses because they were above the upper bound (23 years old) for the age variable and were considered outliers (new skewness value = .80). Participants failing the PTP manipulation checks were also excluded, leaving a final sample size of 346. See the results section for more details on the manipulation check exclusions and inclusions. The final sample was mostly female (68.2%) with an average age of 19.25 years old. The average amount of time between participants' exposure to the publicity manipulations and when they read the trial manipulations was approximately 3 weeks (23.43 days) (Table 1) .

### **Design**

The current study is a 6 (pretrial publicity: positive defendant (PD), negative defendant (ND), positive victim (PV), negative victim (NV), case specific (CS) or an

unrelated article) x 2 (evidence strength: strong (sSOE) or moderate (mSOE)) factorial between-subjects design.

### **Procedure**

After signing up to take part in the first portion of the study, participants were presented with an online link to the study, which directed participants to the consent form. After consenting, participants filled out the Juror Bias Scale (Kassin & Wrightsman, 1983) and Justice-Vengeance Scale (Ho, ForsterLee, ForsterLee, & Crofts, 2002) for exploratory purposes (Appendix C), and were then randomly assigned to one of six publicity conditions (Unrelated, CS, ND, PV, PD, and NV). Participants were presented with three news articles containing the PTP manipulation (see Appendix B), and then completed the manipulation checks for the pretrial publicity articles.

After completing the online portion of the study, participants were given instructions to wait one week and sign up for the second portion of the study, which took place in the lab. For the second session, participants entered the lab and first consented to participate in the final portion of this study. They then read an abbreviated transcript of an assault case, which contained strong or moderate evidence against the defendant (see Appendix D). In the transcript, the defendant allegedly followed the victim to a park after the victim went on a date with the defendant's ex-girlfriend. The defendant allegedly attacked the victim with a box cutter he had in his car. In the *moderate evidence* condition, the victim in the alleged assault was also said to be carrying a weapon and evidence of a cell phone video of the incident was fuzzy and inconclusive. In the *strong evidence* condition, the witness testified

that the victim was not carrying a weapon and the cell phone video of the incident clearly identified the defendant as the attacker. Recently, psycholegal researchers have begun investigating the roles of the jurors' motivation to approach or avoid cognition or affective situations in trial decision-making (Butler & Moran, 2007; Corwin, Cramer, Griffin, & Brodsky, 2012; Sommers & Kassin, 2001). Given the novelty of the use of these scales in psycholegal research, participants were given the Need for Cognition scale (Cacioppo, Petty, & Chuan Feng, 1984) and the Need for Affect scale (Maio & Esses, 2001) for exploratory purposes during the second session. Participants then completed the trial judgments (see Appendix E) and the SOE manipulation check.

### **Measures**

See Appendix C for complete exploratory measures for the first session and Appendix E for exploratory measures for the second session. In the first portion of the study, participants completed the JBS and the JVS. In the second portion of the study participants made legal decisions, responded to the NFC and NFA, and provided demographic information. Participants answered manipulation checks after both sessions.

*Juror Bias Scale (JBS).* The JBS measures two separate constructs: perceived probability of commission (PC) or prosecution-bias and reasonable doubt (RD) or defense-bias (Kassin & Wrightsman, 1983). Nine items measured PC ( $\alpha = .34$ ) and eight items measured RD ( $\alpha = .47$ ). Due to poor reliability of the JBS and its subscales, this measure was not included in further analyses.

*Justice-Vengeance Scale (JVS).* The JVS was designed to measure four different attitudes toward justice and vengeance and differences in motivations (Ho et al., 2002). These four attitude measures included: five statements related to a construct named “vengeance-sentence” (e.g., In deciding a criminal case it is alright to impose a more severe sentence than what the law recommends if the criminal act was vicious;  $\alpha = .63$ ); four items determining a construct named “vengeance-emotion” (e.g., In deciding a criminal case, it is alright to allow your anger toward the defendant to play a part in your decision;  $\alpha = .55$ ); four statements measuring a construct called “justice-fairness” (e.g., In deciding a criminal case, it is important to be objective when considering the evidence;  $\alpha = .58$ ); and three statements measuring a construct called “justice-legal” (e.g., In deciding a criminal case, it is important to make your decisions according to legal principles;  $\alpha = .65$ ). Given the mediocre reliability of the JVS and subscales and since the intention was exploratory in the first place, the JVS subscales were not used in further analyses.

*Need for Affect (NFA).* The NFA scale measured participants' inclination to approach or avoid situations that may cause an emotional reaction in themselves or others (Maio & Esses, 2001). On a scale from -4 (strongly disagree) to 4 (strongly agree), participants rated 13 statements pertaining to their preference to approach emotional situations and 13 items which measured the participants' desire to avoid emotionally stimulating situations which were reverse coded to combine with the approach statements ( $\alpha = .90$ ). For the NFA, higher scores indicated a preference to approach emotional situations rather than to avoid them.

*Need for Cognition (NFC).* The NFC scale evaluates a subject's propensity to participate and enjoy activities that involve thinking (Cacioppo & Petty, 1982). I used a shortened 18 item questionnaire version derived from the original Need for Cognition scale where participants rated each of the 18 items on a scale of -4 (strongly disagree) to 4 (strongly agree) (Cacioppo et al., 1984). After reverse coding the appropriate items for the NFC, higher scores suggested higher participation and enjoyment in activities involving extensive thought and concentration ( $\alpha = .89$ ).

*Manipulation Checks.* As a manipulation check for PTP, participants were asked to recall the articles they had read and describe the people involved in the crime, when relevant to the manipulations, which was used as a determinant for inclusion in the final analyses. If a participant failed the PTP manipulation check, they were no longer included in the following analyses. As a manipulation check for SOE, participants were asked to rate the "strength of evidence" on a scale from 1-(very weak) to 9 (very strong). See the results section for more detail.

*Demographics Survey.* Participants were asked to disclose their age, gender, and political affiliation on a scale of 1 (conservative) to 5 (liberal). These variables were used in preliminary analyses to determine their effects on trial judgments.

### **Dependent Measures**

For trial judgments (see Appendix E), a final verdict form was used as the primary measure of the defendant's perceived guilt. This was a dichotomous guilty/not guilty verdict. If participants found the defendant guilty on the final verdict, they were given sentencing

guidelines in order to recommend a sentence for the defendant. Participants were provided with a predetermined judge's sentence range, which allowed participants to choose from the following four options: (a) 1 year of supervised probation and \$1,000 in fines (minimum sentence required for assault with a weapon), (b) 30 days of imprisonment, (c) 6 months of imprisonment, or (d) 12-18 months of imprisonment (maximum sentence range for the crime). The sentencing recommendation was treated as a categorical variable because the sentence lengths did not vary in equal increments.

On a separate form, participants rated their confidence for their final verdict (1-not very confident to 9- very confident). This confidence rating was multiplied with the dichotomous verdict, -1 (not guilty) and 1 (guilty), to create a continuous guilt score. Finally, participants estimated the percentage of blame they believed should be attributed to the victim (0%-100%) and the percentage of causal role that the victim played in the crime (0%-100%).

## Results

### Manipulation Checks

*Strength of Evidence.* As a manipulation check of evidence strength, I ran a one-way ANOVA using the strength of evidence condition as the independent variable and the subjective ratings of evidence strength as the dependent variable. The strength of evidence manipulation significantly predicted the participants' ratings of evidence strength,  $F(1, 371) = 12.86, p < .001, \eta_p^2 = .03$ , such that those in the strong evidence condition ( $M = 6.03, SD = 1.68$ ) rated the evidence as significantly stronger than the participants in the moderate

evidence condition ( $M = 5.37$ ,  $SD = 1.83$ ). The small effect size and mean difference suggests that the manipulation was successful, but weak in that both conditions rated the evidence as moderate.

*Pretrial Publicity.* As a manipulation check for the pretrial publicity conditions, I asked participants to report back what they read in the news articles. I coded these responses into two separate variables, one for the statement's target (victim, defendant, no target) and one for the statement's valence (positive, negative, or neutral). Three participants did not remember the articles and were considered as failing the manipulation check, so they were excluded from further analyses. I ran one chi-square to check for target accuracy and one chi-square to examine the valence accuracy. For both, I compared the participants reported PTP condition with their assigned PTP condition. Both were significant: target,  $\chi^2(10) = 295.11$ ,  $p < .001$ ,  $V = .63$ , and the valence of the statements,  $\chi^2(10) = 461.32$ ,  $p < .001$ ,  $V = .79$ . The coded statements' valence and target were then considered with the participants' condition such that a failed response reported statements including either an incorrect target for the publicity or the wrong valence for the article. If a participant failed either the target or the valence of the publicity article, they were excluded from further analyses due to an inaccurate recollection of the publicity articles. When participants gave two statements that lacked valence and target, they were considered neutral, but were included in results because they did not give an incorrect target or valence statement.

For the coded target of the manipulation check statements, 68.2% ( $n = 88$ ) of participants in the defendant (PD and ND) publicity conditions ( $n = 129$ ) yielded a correct

statement targeted at the defendant, while 2.3% ( $n = 3$ ) of participants who read defendant publicity failed the manipulation check and identified the victim as the target. For the victim publicity (PV and NV) conditions ( $n = 119$ ), 49.6% of participants ( $n = 59$ ) in the victim publicity conditions made a correct statement targeting the victim; however, 19 participants (16%) in a victim condition failed the manipulation check. Several participants did not provide enough information to code a target: 21.7% ( $n = 38$ ) in defendant conditions and 34.5% ( $n = 41$ ) in victim conditions. These participants remained in the sample for further analyses, unless they gave an incorrect valence statement.

For the coded valence of the manipulation check statements, 75.2% ( $n = 91$ ) of participants in the positive (PD and PV) publicity conditions ( $n = 121$ ) yielded statements identifying the correct valence, while a (0.8%) participant who read positive publicity failed the manipulation check and made statements containing negative valence. For the negative publicity (NV and ND) conditions ( $n = 127$ ), 74.8% of participants ( $n = 95$ ) in the negative publicity conditions made a correct statement including a negative valence; and, no participants in the negative conditions failed the manipulation check by giving a positively valenced statement. For the participants that did not give enough information to code their statements for valence, these were coded as neutral and consisted of 24% ( $n = 29$ ) of participants in positive conditions and 25.2% ( $n = 32$ ) of participants in negative conditions. These responses remained in the sample for further analyses, unless they failed the target manipulation check. After removing participants who failed the target or the valence PTP manipulation checks, the final sample size for the remaining analyses was 346 participants.

### **Preliminary Analyses**

Before testing any of the research hypotheses, I ran preliminary analyses to determine whether I needed to control for participant characteristics and attitudes (age, gender, NFC score, NFA score, political affiliation, and days, meaning the number of days between publicity exposure and final trial decisions) on all five trial judgments: verdict, sentence recommendation, continuous guilt rating, victim blame, and victim cause. Each analysis is explained below and results are displayed on Table 2.

*Final Verdict.* I tested for relationships between final verdict and each of the participant variables. For each of the categorical participant characteristics, I ran a chi-square analysis with final verdict. For each of the continuous participant characteristics, I ran separate one-way ANOVAs to test for mean differences in participant characteristics and the participants' final verdict selection. Of these participant variables, only the NFA was significantly related to verdict, where participants that selected a not guilty verdict had a significantly higher score on the NFA ( $M = .91, SD = .93$ ) than those who selected a guilty verdict ( $M = .62, SD = 1.11$ ). Therefore, NFA was controlled in hypothesis testing with final verdict.

*Sentence Length.* Before testing the hypotheses, I ran the same set of preliminary analyses and looked for relationships between sentence recommendations and the participant variables. For categorical variables, I ran a chi-square analysis with recommended sentence and the categorical participant variables. For the continuous participant variables, I ran a separate one-way ANOVA to test for mean differences in participant characteristics between

the groups created with the participants' selected sentencing recommendation. Of these participant variables, none were significantly related to sentence length recommendations; therefore, no participant variables were controlled in hypothesis testing with sentence length recommendations.

*Continuous Guilt Rating.* I ran the same preliminary analyses to determine if a relationship existed between the continuous guilt ratings and the participant variables previously mentioned. For categorical participant characteristics, I ran a one-way ANOVA in order to detect mean differences for the participant characteristics as a function of gender and political affiliation. For the continuous participant variables, I ran correlation between the continuous guilt scores and the continuous participant variables. Of these participant variables, the NFA was significantly related to continuous guilt ratings,  $r = -.12$ ,  $p = .013$ , and was controlled in hypothesis testing with the continuous guilt ratings.

*Victim Blame.* I ran the same preliminary analyses for relationships between victim blame and the participant variables mentioned previously. Of these participant variables, NFA was significantly related to victim blame,  $r = -.11$ ,  $p = .042$ , and was used in the subsequent analyses as a covariate.

*Victim Cause.* Again, I ran the same preliminary analyses, but with the dependent measure of victim cause. Of the participant characteristics, days between exposure to PTP and the trial was significantly related to victim cause,  $r = -.11$ ,  $p = .050$ , and was used as a control in the following analyses with victim cause.

### Final Verdict

*Does SOE impact final verdicts (RQIa)?* In order to uncover the relationship between strength of evidence and final verdict, I ran a binary logistic regression using the participants' NFA as a continuous covariate and the SOE condition (0 - mSOE, 1 - sSOE) as the predictor variable, along with the interaction between SOE and NFA on the dependent measure of final verdict (0 - Not Guilty, 1 - Guilty). The overall model significantly predicted final verdict,  $\chi^2(3) = 8.60, p = .035$ , Cox & Snell R-square = .03. Table 3 illustrates the percentage of guilty/not guilty verdicts by SOE and PTP conditions. Contrary to expectations, SOE did not impact final verdict selection,  $\beta = -.43$ , Wald  $\chi^2(1) = 2.21, p = .137$ . Although SOE did not influence final verdict, the participants' NFA scores did significantly influence final verdict selection such that as a participants' scores for the NFA decreased participants were more likely to assign a guilty verdict for the defendant,  $\beta = -.35$ , Wald  $\chi^2(1) = 4.32, p = .038$ . I did not find a significant interaction between SOE and the NFA,  $\beta = .14, \chi^2(1) = .37, p = .543$ . Overall, RQIa was not supported by the results of this analysis.

*Does PTP influence final verdicts (RQIIa)?* To expose the relationship between pretrial publicity and final verdict, I ran a binary logistic regression using the NFA as a continuous covariate and the pretrial publicity conditions as the predictor, along with the interaction between PTP and NFA. The comparison group for the PTP variable was the control condition. The overall model significantly predicted final verdict,  $\chi^2(11) = 25.97, p = .007$  (Table 3). PTP marginally predicted final verdict, Wald  $\chi^2(5) = 9.94, p = .077$ . When looking further at the comparisons for PTP, I found that only negative defendant publicity (ND-PTP) significantly

predicted final verdict,  $\beta = -.14$ , Wald  $\chi^2(1) = 6.11$ ,  $p = .013$ . In the opposite direction of the hypothesis, participants reading ND-PTP gave more not guilty verdicts than those in the unrelated control condition. Therefore, these results did not support the hypotheses for any form of PTP (RQIIAa, RQIIBa, and RQIICa).

*Is there an interaction between SOE and PTP impacting final verdicts (RQIIIa)?* To determine the relationship between PTP, SOE, and final verdict, I ran a binary logistic regression using NFA as a continuous covariate, the PTP and SOE conditions as the predictors along with the hypothesized interaction between SOE and PTP, and all other interactions between SOE, PTP, and participants' NFA scores. The comparison group for PTP in this analysis was the unrelated control condition in order to test the proposed hypotheses for PTP. The overall factorial model significantly predicted final verdict,  $\chi^2(23) = 43.27$ ,  $p = .006$ , Cox and Snell R-Square = .12. But contrary to the hypotheses, there was not a significant interaction between SOE and PTP on final verdicts, Wald  $\chi^2(5) = 8.83$ ,  $p = .116$ .

*Additional Effects.* When looking at the model further, the SOE condition became a marginal predictor for final verdict,  $\beta = 2.25$ , Wald  $\chi^2(1) = 3.75$ ,  $p = .053$ , in that participants in the strong evidence condition selected a guilty verdict slightly more than those in the moderate condition. Significant group differences did occur with regard to PTP condition, but there were only significant differences in verdict selection between the ND-PTP condition and the unrelated control, Wald  $\chi^2(5) = 13.76$ ,  $p = .017$ . Opposing RHIIBa, a similar main effect was found for ND-PTP as mentioned in the previous analysis,  $\beta = -3.18$ , Wald  $\chi^2(1) = 7.42$ ,  $p = .006$ . Although when using the full model, a main effect for NV-PTP

became marginally significant in that participants in the NV-PTP condition gave slightly more not guilty verdicts than those in the unrelated control condition,  $\beta = -2.13$ , Wald  $\chi^2(1) = 3.07$ ,  $p = .080$ . Participants' NFA no longer predicted final verdict and no two-way or three-way interactions existed between SOE, PTP, and NFA on final verdict selection.

### **Sentence Length**

*Does SOE impact sentencing recommendations (RQIb)?* In order to find a relationship between strength of evidence and sentence recommendations, I ran a multinomial logistic regression using the SOE as the categorical covariate with the categorical dependent measure of final sentence recommendation. The selection of each sentence category was compared to the selection of the minimum sentence selection and the frequency of sentencing selections were compared between evidence strength conditions. Contrary to RHib, group membership in the strength of evidence condition did not have the expected impact on recommended sentences,  $\chi^2(3) = 3.77$ ,  $p = .287$ , Cox and Snell R-square = .02, in that participants in the strong evidence condition recommended similar sentences in comparison to the moderate evidence conditions (Table 4 shows the percentage of participants recommending each sentence length by SOE and PTP conditions).

*Does PTP impact sentencing recommendations (RQIib)?* When testing for a relationship between pretrial publicity and final sentence length recommendations, I also ran a multinomial logistic regression using the PTP conditions as the predictor with the categorical dependent measure of final sentence recommendation. For the analyses using the pretrial publicity conditions, the comparison group was set to the unrelated control condition

in order to test the proposed hypotheses for PTP. The selection of each sentence category was compared to the selection of the minimum sentence of probation and the frequency of sentencing selections for each publicity condition was compared to the unrelated publicity condition. The overall model significantly predicted final sentencing recommendations,  $\chi^2(15) = 39.64, p = .001$ , Cox and Snell R-square = .17. To peer further into the significant main effects for each type of PTP, I looked at the parameter estimates for each of the predictors. Table 4 shows the percentage of participants for each condition selecting each sentence category.

*RHIIAb.* When comparing the minimum sentence to the second sentencing category of 30 days incarceration, only participants in the PD-PTP condition marginally recommended more active 30 day sentences than probationary sentences,  $\beta = -1.39$ , Wald  $\chi^2(1) = 3.75, p = .053$ . Participants in the PD-PTP condition also selected the active 6 month sentence significantly more often than the minimum sentence of probation,  $\beta = 2.20$ , Wald  $\chi^2(1) = 4.00, p = .045$ . NV-PTP exhibited a similar main effect on sentencing recommendation when comparing the selection of a probation sentence to the selection of an active 6 month sentence,  $\beta = 3.89$ , Wald  $\chi^2(1) = 9.94, p = .002$ , but also when comparing the minimum sentence to the maximum sentence of 12-18 months of jail,  $\beta = 2.55$ , Wald  $\chi^2(1) = 10.20, p = .001$ . These results contrast RHIIAb because the PD-PTP and NV-PTP conditions gave harsher sentencing recommendations than participants in the unrelated control condition.

NV-PTP condition exhibited a stronger effect on sentencing recommendations, which is evident by the consistently significant differences for NV-PTP in the selection of harsher

punishments over the minimum sentence, when compared to the effect demonstrated by those in the PD-PTP conditions. This is consistent with the expectation that NV publicity would influence jurors' judgments more than the PD publicity.

*RHIIBb.* Consistent with RHIIBb, but only when the minimum sentence was compared to the six month active sentence, a main effect was found for ND-PTP,  $\beta = 3.56$ , Wald  $\chi^2(1) = 9.62$ ,  $p = .002$ , and PV-PTP,  $\beta = 2.64$ , Wald  $\chi^2(1) = 5.26$ ,  $p = .022$ , where both pro-prosecution conditions recommended significantly more longer sentences of 6 months in jail. These results lend partial support to the hypotheses that participants reading ND-PTP and PV-PTP would be more punitive towards the defendant in sentencing than those who had read an unrelated article.

*RHIICb.* Partially supporting RHIICb, but only when comparing the minimum sentence to the six month active sentence, CS-PTP influenced sentence recommendations in that participants in the CS-PTP condition recommended the maximum sentence more than the minimum sentence,  $\beta = 1.95$ , Wald  $\chi^2(1) = 4.61$ ,  $p = .032$ . No differences were found when comparing the minimum sentence to the 30 day or 6 month active sentences, so the hypothesis was only partially supported.

*Is there an interaction between SOE and PTP impacting sentencing recommendations (RQIIIb)?* Seeking to find a relationship between PTP, SOE, and final sentencing recommendations, I ran a multinomial logistic regression using the PTP and SOE conditions as categorical covariates while including the interaction between SOE and PTP. The comparison group for sentencing recommendation was the minimum sentence selection and

for pretrial publicity the comparison group was the unrelated control condition. The overall factorial model significantly predicted final sentencing recommendations,  $\chi^2(33) = 58.69, p = .004$ , Cox and Snell R-square = .25. Although not supporting the hypothesis, I did not find an interaction between the PTP and SOE,  $\chi^2(15) = 16.57, p = .351$ .

*Additional Effects.* None of the predictors significantly impacted sentencing recommendations when comparing the sentences of probation (minimum sentence) and 30 days of incarceration; however, when comparing the minimum sentence to the two harshest sentence lengths, PTP and SOE were now predictive of sentencing recommendations (Table 4). When comparing the recommended sentence of probation and six months of incarceration, participants' SOE condition now exhibited a main effect for sentencing recommendations,  $\beta = -17.19$ , Wald  $\chi^2(1) = 173.76, p < .001$ , which was in the wrong direction and did not support the hypothesis. For the moderate evidence condition, participants recommended significantly more 6 month sentences than sentences of probation in comparison to the strong evidence condition. When comparing minimum sentence recommendations to the two harshest sentences of six months and 12-18 months in jail, NV-PTP maintained a significant main effect on sentencing recommendations. The main effect for NV-PTP was still in the opposite direction from the expected effect. Also not supporting the hypothesis for pro-prosecution publicity, PD-PTP did not have a significant main effect for sentencing recommendations on any comparisons. When comparing the minimum sentence and a sentence of 6 months of incarceration, negative defendant publicity maintained a significant main effect on final sentencing recommendations,  $\beta = 3.56$ , Wald

$\chi^2(1) = 7.14, p = .008$ ; however, participants in the PV-PTP conditions no longer differed in sentencing recommendations. When comparing the minimum sentence to the maximum sentence, the case-specific publicity condition also maintained a significant main effect for sentencing,  $\beta = 1.95$ , Wald  $\chi^2(1) = 4.61, p = .032$ .

### **Continuous Guilt Ratings**

*Does SOE influence continuous guilt ratings (RQIc)?* To test the relationship between strength of evidence and continuous guilt ratings, I ran an ANCOVA using the NFA as a covariate and the strength of evidence condition as the grouping variable. I also included the interaction between SOE and NFA. Lending partial support to RH1c, the SOE condition marginally influenced participants continuous guilt scores,  $F(1, 345) = 3.83, p = .051$ , where participants in the strong evidence condition ( $M = 2.52, SD = 6.69$ ) exhibited slightly higher continuous guilt ratings than those in the moderate evidence condition ( $M = 1.08, SD = 6.49$ ). However, the NFA also maintained a significant relationship with the continuous guilt ratings such that as the participants' NFA score increased they rated the defendant as less guilty,  $\beta = -.92, F(1, 345) = 5.37, p = .021, \eta_p^2 = .02$ . I did not find a significant interaction between SOE and NFA on continuous verdict ratings. Although the results were only marginally significant, they supported the hypothesis that strong evidence would exhibit higher continuous guilt ratings in comparison to the moderate evidence condition.

*Does PTP influence continuous guilt ratings (RQIIc)?* To test the relationship between pretrial publicity exposure and continuous guilt ratings, I ran an ANCOVA using the NFA as a covariate, the pretrial publicity condition as the grouping variable, while also

considering the interaction between PTP and NFA. Inconsistent with the hypothesis, group membership in a pretrial publicity condition did not significantly impact participants' continuous guilt scores when compared to the unrelated control condition,  $F(5, 345) = 2.01$ ,  $p = .077$ , such that average scores on the continuous guilt variable for the control condition ( $M = 3.53$ ,  $SD = 5.83$ ) were statistically equivalent to those in the PD-PTP condition ( $M = 2.60$ ,  $SD = 6.56$ ),  $p = .672$ , NV-PTP condition ( $M = .74$ ,  $SD = 7.06$ ),  $p = .528$ , ND-PTP condition ( $M = -.57$ ,  $SD = 6.76$ ),  $p = .013$ , PV-PTP condition ( $M = 1.47$ ,  $SD = 6.72$ ),  $p = .218$ , and the CS-PTP condition ( $M = 3.94$ ,  $SD = 6.13$ ),  $p = .932$ . NFA maintained a significant relationship with continuous guilt scores where participants with higher NFA scores had higher continuous guilt ratings,  $F(5, 345) = 4.46$ ,  $p = .035$ ,  $\beta = .02$ . No significant interaction was found between PTP and NFA.

Pretrial publicity did not influence continuous guilt ratings in this analysis, so there were no differences between the PTP conditions on continuous guilt ratings. The lack of effect for PTP on continuous guilt ratings did not support the hypotheses that ND-PTP and PD-PTP would influence jurors more than PV-PTP and NV-PTP for continuous ratings of the defendant's guilt. When looking at the mean differences for each condition, the ND-PTP and NV-PTP conditions had the lowest mean for the continuous ratings of guilt. This was expected for the NV-PTP condition, but not for the ND-PTP condition. For PV-PTP and PD-PTP, the means were lower than the unrelated control, but the CS-PTP condition's mean was higher than the unrelated control. The effect for CS-PTP was in the expected direction.

Although group differences in continuous guilt scores were not significant, the CS-PTP, NV-PTP, and PV-PTP were in the hypothesized direction.

*Is there an interaction between SOE and PTP impacting continuous guilt ratings (RQIIIc)?* To test for the interaction between SOE and PTP, I ran the full factorial ANCOVA model with the participants' NFA scores as a covariate and the strength of evidence and pretrial publicity conditions as factors. The hypothesized interaction between SOE and PTP and all other possible interactions between SOE, PTP, and NFA were also included in the analysis. Contrary to the interaction hypothesis that PTP would only influence continuous guilt ratings in the moderate evidence condition, no interaction existed between PTP and SOE on continuous guilt scores,  $F(5, 345) = 2.01, p = .076$ .

*Additional Effects.* Participants' SOE condition maintained a significant impact on continuous guilt ratings,  $F(1, 345) = 5.64, p = .018$ , and PTP still did not influence continuous guilt scores,  $F(5, 345) = 2.05, p = .071$ . Although the extra-legal information via PTP did not influence continuous guilt ratings, the participants' NFA scores did significantly predict continuous guilt ratings,  $\beta = -.77, F(1, 345) = 5.23, p = .023$ , in that participants with a higher NFA score reported lower ratings of guilt. This means that jurors are not only deciding based on the evidence presented at court, but they are also using their personal attitudes in their court decisions. None of the other interactions were significant: SOE and NFA,  $F(1, 345) = .46, p = .501$ ; PTP and NFA,  $F(5, 345) = .70, p = .703$ ; SOE, PTP, and NFA,  $F(5, 345) = .88, p = .497$ .

### **Ratings of Victim Blame**

*Does SOE influence ratings of victim blame (RQId)?* To determine the effect of evidence strength on victim blame, I ran an ANCOVA with SOE condition as the factor, the participants' NFA score as a covariate, and included the interaction between SOE and NFA, with victim blame as the dependent measure. Inconsistent with the hypothesis, percentages of victim blame were statistically equivalent in the strong ( $M = 20.42$ ,  $SD = 23.98$ ) and moderate evidence conditions ( $M = 26.03$ ,  $SD = 25.72$ ),  $F(1, 344) = .72$ ,  $p = .397$ .

Participants' NFA score showed a significant relationship with victim blame,  $\beta = .69$ ,  $F(1, 344) = 4.74$ ,  $p = .030$ ,  $\eta_p^2 = .01$ , such that as the participants' NFA score decreased the amount of perceived victim blame decreased as well. The interaction between NFA and SOE was not significantly related to ratings of victim blame,  $F(1, 344) = 2.69$ ,  $p = .102$ . No support was found for the hypotheses.

*Does PTP influence ratings of victim blame (RQIId)?* In order to discern whether pretrial publicity impacted ratings of victim blame, I ran an ANCOVA with pretrial publicity conditions as a factor, the participants' NFA score as a covariate, and included the interaction between NFA and PTP, with the dependent measure of victim blame. Average percentages of victim blame did not differ across PTP conditions,  $F(5, 344) = .55$ ,  $p = .751$ , which did not support the hypotheses. Average percentage estimates for victim blame in the unrelated control condition ( $M = 20.47$ ,  $SD = 24.73$ ) were statistically equivalent to those in the positive defendant ( $M = 21.81$ ,  $SD = 25.39$ ), negative victim ( $M = 25.09$ ,  $SD = 24.19$ ), negative defendant ( $M = 27.60$ ,  $SD = 25.12$ ), positive victim ( $M = 23.87$ ,  $SD = 28.34$ ), and

case-specific ( $M = 20.83$ ,  $SD = 22.98$ ) publicity conditions. There was not support for the hypothesis that negative defendant publicity would impact decisions more than positive victim publicity and that positive defendant publicity would be more influential than negative victim publicity on jurors' judgments.

Again, the participants' NFA score significantly predicted ratings of victim blame,  $\beta = 2.80$ ,  $F(1, 344) = 4.35$ ,  $p = .038$ . No significant interaction was found between PTP and NFA,  $F(5, 344) = .30$ ,  $p = .913$ . These results did not support the hypothesis that PTP would significantly impact ratings of victim blame.

*Is there an interaction between SOE and PTP impacting ratings of victim blame (RQIIIId)?* To test for the interaction between SOE and PTP, I ran the full factorial ANCOVA using pretrial publicity and strength of evidence as factors, with a covariate of NFA and including the hypothesized interaction between SOE and PTP and all other possible interactions with the dependent measure of victim blame. Results did not support the final research hypothesis, and a significant interaction was not found between PTP and SOE,  $F(5, 344) = 1.45$ ,  $p = .205$ .

*Additional Effects.* Participants' SOE condition no longer exhibited a main effect on victim blame ratings,  $F(1, 344) = 1.54$ ,  $p = .216$ , and participants' PTP condition still did not impact ratings of victim blame,  $F(5, 344) = .46$ ,  $p = .806$ . The relationship between participants' NFA scores and victim blame ratings maintained significance,  $\beta = -.89$ ,  $F(5, 344) = 4.12$ ,  $p = .043$ , such that as NFA scores decreased the ratings of victim blame increased. I did not find any significant two-way or three-way interactions between the

manipulations and NFA scores (SOE and NFA,  $F(1, 344) = 1.02, p = .314$ ; PTP and NFA,  $F(5, 344) = .22, p = .954$ ; and SOE, PTP, and NFA,  $F(5, 344) = .56, p = .704$ ).

### **Ratings of Victim Cause**

*Does SOE influence ratings of victim cause (RQIe)?* I ran an ANCOVA with the evidence strength condition as the grouping variable and days as a covariate, also including the interaction between the SOE and days on the dependent measure of victim cause.

Participants in the moderate evidence condition ( $M = 28.96, SD = 24.78$ ) rated significantly higher causal role to the victim than those in the strong evidence condition ( $M = 24.89, SD = 21.29$ ),  $F(1, 342) = 3.87, p = .050, \eta_p^2 = .01$ . This was consistent with the hypothesis. Days significantly predicted victim cause,  $F(1, 342) = 3.87, p = .050, \beta = .14, p = .024$ , but the interaction between SOE and days was not significant,  $F(1, 342) = 1.03, p = .311$ .

*Does PTP influence ratings of victim cause (RQIIe)?* When testing the effect of pretrial publicity on the perceived causal role of the victim, I ran an ANCOVA with pretrial publicity conditions as a factor, days between manipulation exposures as a covariate, and also included the interaction between PTP and days with the dependent measure of victim cause. Contrary to expectations, average ratings of victim cause did not differ across publicity conditions when compared to the unrelated control condition,  $F(5, 342) = .40, p = .851$ . The control condition ( $M = 25.65, SD = 21.85$ ) reported statistically equivalent ratings of victim cause compared to the positive defendant ( $M = 28.11, SD = 22.32$ ), negative victim ( $M = 26.00, SD = 23.69$ ), negative defendant ( $M = 28.98, SD = 25.57$ ), positive victim ( $M = 29.51, SD = 23.69$ ), and case-specific ( $M = 23.68, SD = 22.23$ ) publicity conditions. Days

between exposures did not influence participants' ratings of victim cause,  $F(1, 342) = 2.14$ ,  $p = .144$ . There was also not a significant interaction between PTP and days,  $F(5, 342) = .57$ ,  $p = .720$ . No support was found for the hypotheses that negative defendant publicity would impact decisions more than positive victim publicity and that positive defendant publicity would be more influential than negative victim publicity on jurors' ratings of victim cause.

*Is there an interaction between SOE and PTP impacting ratings of victim cause (RQIIIe)?* In order to test for the interaction between SOE and PTP, I ran the full factorial ANCOVA model using pretrial publicity and strength of evidence as factors, the covariate of days, and the hypothesized interaction between SOE and PTP as well as all other possible interactions between SOE, PTP, and days on the dependent measure of victim cause. Contrary to the final research hypothesis, a significant interaction was not found on victim cause ratings between PTP and SOE,  $F(5, 342) = .35$ ,  $p = .880$ .

*Additional Effects.* Consistent with the previous analyses, SOE group membership exhibited a main effect on victim cause,  $F(1, 342) = 4.44$ ,  $p = .036$ , and average victim cause ratings did not differ across pretrial publicity conditions,  $F(5, 342) = .58$ ,  $p = .718$ . No significant relationship between days between exposure and victim cause ratings was found,  $F(1, 344) = 1.98$ ,  $p = .160$ . Also, I did not uncover any significant two-way or three-way interactions (SOE and Days,  $F(1, 342) = 1.36$ ,  $p = .244$ ; PTP and Days,  $F(5, 342) = .74$ ,  $p = .595$ ; and SOE, PTP, and Days,  $F(5, 342) = .35$ ,  $p = .881$ ). There was not support for the hypothesis that negative publicity would impact decisions more than positive publicity and

that defendant publicity would be more influential than victim publicity given that the ratings of victim blame did not differ by PTP condition.

### **Discussion**

The purpose of this thesis was to better understand the effects of many types of pretrial publicity. Specifically, I wanted to broaden the body of pretrial publicity research to include when jurors have experienced publicity that disclosed case-specific information, targeted the victim, or focused on the defendant. This thesis also sought to determine the effect of strong evidence on trial judgments alone and in interaction with the publicity articles the participants read. To begin, I summarize and discuss the results for evidence strength and interaction between pretrial publicity. Next, I consider the findings for pretrial publicity. Then, I evaluate the impact of participant characteristics and attitudes on trial judgments. To conclude, I provide some additional explanations for the pattern of findings, referring to recent research for support, and explore the limitations of the study.

#### **Strength of Evidence**

Overall, mock jurors' selected slightly more guilty verdicts and had higher guilt ratings in the strong evidence condition. This trend was in the same direction as the hypothesized effect and the results of previous research. The results of this thesis did not support the hypothesis for SOE in that participants reading strong evidence were not more punitive towards the defendant since the participants in the moderate evidence condition recommended slightly more 30 day sentences than the minimum sentence. Consistent with the hypotheses, participants reading stronger evidence in the trial transcript rated the victim

as playing a lower causal role in the crime, but ratings of victim *blame* were not impacted by SOE.

The trial manipulations for the strong evidence condition may have been overlooked by the participants when they were reading the transcript. Future studies could emphasize the manipulations by using a case fact sheet where the important pieces of evidence could be listed out for the participants to remind them to focus on the evidence presented in the trial. Also the use of a written transcript could have weakened the manipulation for SOE. The participants could have glossed over the transcript due to its length causing them to not fully read the transcript and miss the trial manipulations. Although the SOE manipulation check was successful, the effect size ( $\eta_p^2 = .03$ ) would be considered small by the benchmarks from Cohen (1973), meaning the manipulation may have not been as successful as intended. The SOE rating for the strong evidence condition was 6.03 and 5.37 for the moderate evidence condition which were both considerably low on a scale of 1-9 which suggests that both trial transcripts were rated as having moderate strength of evidence rather than the anticipated manipulation for strong and moderate evidence. Even though SOE influenced a majority of trial judgments, the hypothesized interaction between SOE and PTP did not occur for any trial judgments. This was inconsistent with previous research that has found an interaction between SOE and extra-legal information (Baumeister & Darley, 1982; Feild, 1979; Reskin & Visser, 1986).

Feild (1979) suggested that participants were mainly influenced by the evidence when it was strong, but when the evidence was seen as weak, extra-legal information was more

influential on trial judgments. Feild (1979) found that when evidence was strong, participants were more punitive on the defendant. The researchers also found that extra-legal information was influential but only when the evidence was weak. The author also suggested that jurors act according to the law when evidence is strong, but not when the evidence is weak or inconclusive. The results of the Field (1979) study supported my hypotheses for an interaction between PTP and SOE, but the results of the current study were not consistent with these findings.

The lack of a significant interaction between strength of evidence and pretrial publicity on trial judgments could have also resulted due to weak trial manipulations. If these SOE manipulations did not encompass the desired strong evidence manipulation, the participants could be consistent with previous research and have more variation in their judgments across both SOE conditions (Baumeister & Darley, 1982; Feild, 1979; Reskin & Visher, 1986). These manipulations should be adjusted for future research to ensure an accurate manipulation both strong and moderate evidence strength.

### **Pretrial Publicity**

The current study adds to the body of research on pretrial publicity by exploring the effects of victim and case-specific publicity in addition to the typical manipulation of defendant publicity. In this thesis, the most consistently influential form of pretrial publicity was negative defendant pretrial publicity which increased mock jurors' likelihood of selecting a not guilty verdict and recommending an active prison sentence. The results for ND-PTP also do not support the results of previous PTP research on negative defendant

publicity (Ruva & McEvoy, 2008; Ruva et al., 2011). However, not all pro-prosecution conditions were influenced by the type of publicity they received. Unlike the expectation, positive victim publicity did not affect any trial judgments. Given the consistent effect for ND-PTP and the lack of effect for PV-PTP on trial judgments, the hypothesis was supported that ND-PTP would exert a stronger effect on trial judgments than PV-PTP.

This thesis also adds to the body of pretrial publicity research by utilizing case-specific publicity articles. Although only partially supporting the hypotheses for case-specific publicity, participants in this condition recommended more maximum sentences than minimum sentences in comparison to those in the unrelated publicity condition. This means that when the student jurors were exposed to the initial report of a crime's occurrence, they recommended the maximum penalty for the defendant as a punishment. I expected the case-specific publicity condition to act similarly to the pro-prosecution publicity conditions by being making harsher trial judgments against the defendant, but only found results supporting the hypothesis for sentencing recommendations. Given that case-specific publicity is the most common form of pretrial publicity, these results are troubling since there is a lack of research on this form of publicity. Although no other differences were found in other trial judgments, future research should explore the effect of case-specific publicity further.

For the pro-defense publicity (PD & NV) conditions, viewing negative victim publicity only influenced mock jurors' recommended sentence; however, positive defendant publicity did not significantly influence trial judgments. Mock jurors recommended more active sentences than the more lenient sentence of probation when experiencing NV-PTP.

Although the effect for NV-PTP on sentencing recommendations was not in the anticipated direction, the results for NV-PTP supported the results from previous research which found that any amount of pretrial publicity for a criminal case made the jurors more punitive regardless of the valence of the article (Bruschke & Loges, 1999; Reidel, 1993). Since this effect for PTP was only expected for the negative defendant and positive victim publicity conditions, I did not anticipate finding the same effect across defendant and victim publicity. I did find participants to be more punitive consistently throughout both negative publicity conditions regardless of the publicity conditions' target.

I expected the pro-defense publicity to impact sentence length such that exposure to these types of publicity would shorten sentence length recommendations; however, I did not find an effect for PD-PTP for the trial judgments. The result for the publicity conditions, although inconsistent with the hypotheses, partially supports previous research by Bruschke and Loges (1999) where the researchers found that a defendant with any amount of publicity on criminal court case received a longer sentence than a defendant with no publicity on the case.

Since beginning my thesis, Dr. Ruva has also started researching the effect of pretrial publicity focusing on the victim. Dr. Ruva presented the preliminary results of her study in poster on the effects of victim pretrial publicity on jurors' judgments at the 2013 annual meeting for the American Psychology and Law Society. The preliminary results of her study showed that participants exposed to negative victim publicity were more likely to give a guilty verdict and more likely to interpret ambiguous evidence in a manner favoring the

defense. This negative publicity bias was more influential on jurors' judgments than the bias created by the exposure positive defendant publicity meaning that victim publicity was more impactful on jurors' judgments than positive publicity focusing on the defendant (Ruva, 2013). This supports my research hypothesis for negative victim pretrial publicity, which was not confirmed by my results.

The results of my thesis showed a bias for sentencing that was created by negative victim publicity where participants in the NV-PTP condition consistently recommended more active sentences than probation. This effect was not found for PD-PTP supporting the results from Ruva (2013). After combining the results of the current thesis and the Ruva (2013) study, it is evident that victim information influenced the two primary decisions that jurors must make (final verdict and recommended sentence) and this influence could be impeding upon the defendant's rights to a fair trial and an unbiased jury. The effect of publicity on the interpretation of ambiguous evidence could also explain the weak manipulations for the SOE due to the pretrial publicity exposure, where the participants experiencing PTP could have interpreted the case differently than the unrelated control conditions based on the PTP and their attitudes.

Pretrial publicity did not have a main effect on verdict or continuous verdict in this study until the model included SOE and PTP; although contrary to the expectation, participants in the negative defendant condition were more likely to rate the defendant as not guilty. Although these effects were only significantly different in the full model, they were in the opposite direction of the proposed hypotheses for PTP and results from previous research

on pretrial publicity (Hope et al., 2004; Ruva et al., 2011; Ruva & McEvoy, 2008). A possible explanation for the reverse effect of positive and negative publicity on the defendant could be the use of undergraduate participants. Participants in this age group have grown up during a time in which the media was extremely prevalent. This constant interaction with the media may have caused a general skepticism of the media and the stories that the media chooses to report. As defined by Tsfsati and Cappella (2003), "media skepticism is the perception that journalists are not fair and objective in their reports, that they do not always tell the whole story, and that they would sacrifice accuracy and precision for personal and commercial gains" (p. 506). No research has focused on the interaction between media skepticism and pretrial publicity. Tsfsati and Cappella (2003) derived a scale of media skepticism that would be useful in determining the effect of media skepticism on juror judgments when pretrial publicity is involved given that the media coverage is more prevalent and dynamic now than it has been in any other time period.

In conclusion, pretrial publicity influenced the two most important trial judgments, namely a mock jurors' verdict and sentencing recommendations, but did not influence the other trial judgments. The effects for negative victim and negative defendant publicity were found consistently throughout trial judgments. This means that jurors are being influenced by the publicity that a trial receives. Even when the publicity focuses only on the crime rather than the defendant or the victim, jurors were more punitive towards the defendant. This is extremely important given that case-specific publicity is the most common type of pretrial publicity. When the defendant was portrayed negatively, the jurors rated the defendant as less

guilty than if the jurors received publicity unrelated to the trial. Even when the victim was depicted negatively through pretrial publicity, jurors were giving more punitive sentences for the defendant. Judges and lawyers should take the necessary precautions to ensure that defendants are allowed their right to a fair trial when any amount of publicity is shown related to that trial.

### **Participant Attitudes and Characteristics**

Overall, I found a prominent impact for the participant characteristics on the trial outcomes. For instance, when a participant seeks out emotionally stimulating situations rather than avoiding them (i.e., high/low need for affect), they were more likely to rate the defendant as less guilty and rate the victim as less to blame for the crime. The effect of the NFA was the most consistently influential variable in this thesis by impacting the most trial judgments, including final verdict, continuous verdicts, and the amount of blame jurors attributed to the victim. Given the important role the need for affect played in participants' legal decisions, lawyers and judges should consider using the NFA scale for jury selection, because trials are typically emotionally stimulating. Previous research has also found a relationship between juror judgments and a variety of participant attitudes including: authoritarianism (Bray & Noble, 1978), attitudes about the death penalty (Allen, Mabry, & McKelton, 1998), the insanity defense (Skeem & Golding, 2001), and attitudes towards rape (Field, 1978).

Although the current study did not find any significant interactions between the manipulations and participants' attitudes, there is still the possibility that these attitudes could

be interacting with pretrial publicity to create polarized views of a defendant and researchers should delve into this possibility further. Kovera (2002) found that participants' pretrial attitudes moderated the effect of media slant. When jurors, who generally side with the prosecution, were presented with rape media, they tended to rate the victim as less credible and were more lenient on the defendant (less guilty verdicts and shorter sentences). However, when jurors had a pretrial bias siding with the defense were presented with rape media, they rated the victim as more credible and were more punitive towards the defendant in verdicts and sentences. This suggests that any type of related media may have an attitude reversal effect when participants hold strong views before the trial. These results are particularly relevant to the current study because of the strong effect for the participants' NFA score on most trial judgments. Although not found in the current study, the interaction between PTP and the NFA should be examined further at in future research.

### **Limitations and Future Directions**

Using student participants in the study limited the generalizability of the study's results to the jury population. Results of studies that compared student mock jurors and community mock jurors indicated that student mock jurors tended to recommend longer sentences than their community counterparts (Hosch, Culhane, Tubb, & Granillo, 2011). Keller and Wiener (2011) also found a difference in community mock jurors' and student mock jurors' perceptions of defendant guilt. Community members reported more guilty verdicts than student mock jurors. Future research on victim publicity should utilize community members as the sample population.

The presentation of the pretrial publicity articles in the current study could have made the manipulations of publicity more salient given that the three publicity articles were the only articles presented to the participants. The salience of the manipulations could explain the results for negative defendant and positive defendant pretrial publicity which contradicted the results of previous research on defendant pretrial publicity (Ruva & McEvoy, 2008; Ruva et al., 2011). Future research should employ a methodology similar to that of Greene and Wade (1988) and Greene and Loftus (1984), where the manipulated pretrial publicity articles are intermingled with several other news articles. These other news articles should be unrelated to the trial but remain constant throughout all pretrial publicity conditions. This methodology will allow a realistic manipulation of pretrial publicity and should reduce the salience of the manipulations

Given the lack of results for the manipulated strength of evidence, a possible explanation for this could be that participants experiencing pretrial publicity may interpret the evidence differently than if they had read an unrelated article. To determine if this is the case, future research should expose participants to different types of publicity or an unrelated article and then ask them to rate the importance of different pieces of evidence rather than attempting to manipulate the evidence strength and see if the pretrial publicity influences participants' decisions.

Further limiting external validity of this thesis, Steblay et al. (1999) found that the use of fictional publicity articles and a fictitious trial transcript created a less biasing effect for PTP than the use of real trial materials and publicity articles. Future research should focus on

the effect of victim and case-specific publicity by using a real criminal case and actual publicity articles from the case. In attempt to separate the effects of victim versus defendant publicity, future research should utilize a full factorial with the manipulations of PTP. It is unlikely that jurors will be experiencing only one type of publicity before serving on a jury, so future research should explore the impact of mixed pretrial publicity where participants receive a variety of pretrial publicity articles portraying both victim and defendant either *consistently*—positive defendant and negative victim— or *inconsistently* —positive defendant and positive victim.

Although the current study utilized the responses of 380 participants, once the manipulation check failures were removed, the cell sizes for each of the 12 conditions were reduced and ranged from 21-36 participants per cell. In order to correct for this issue, future studies should consider larger sample sizes to compensate for those that will fail the manipulation checks. This is especially important given that more participants in the victim publicity failed the manipulation checks.

Also, no significant differences were found in victim blame and cause ratings, the lowest ratings for both victim blame and cause occurred when participants read case-related or unrelated publicity. This could have also resulted from the lack of conclusive evidence that the victim did cause the event in general. As mentioned previously, the trial manipulations may not have actually covered the desired variation in the victim's causal role for the incident, which may have reduced the variability in the scores and decreased the power of the analyses to detect a significant difference in victim blame and cause scores

across the PTP conditions. For the victim publicity, more participants in these conditions failed the manipulation checks than those in the defendant publicity conditions. Given that the cell size for one condition contained only 21 participants when considering the full factorial, finding effects for pretrial publicity and the interaction between PTP and SOE could have been limited by the reduced power to find an effect. Further studies on PTP should attempt to reduce this by increasing the amount of subjects participating in the study.

The current study also lacks external validity for the typical jury because it did not employ a deliberation. However, the suggestion that deliberation reduces the impact of extralegal information has not been supported by previous research (Ruva, McEvoy, & Bryant, 2007). Another acclaimed remedy for biased jurors is the voir dire the jury selection process, but Dexter, Cutler, and Moran (1992) did not find that the bias produced by PTP was reduced when using extensive voir dire over minimal questioning. Another judicial mechanism used to counter the effects of pretrial publicity is a continuance, which is most common method for countering the effects of pretrial publicity, but as evident in the current study, the amount of days between exposure to PTP and trial judgments did not significantly influence verdicts nor was there a significant interaction. The lack of an effect for time confirms previous research concluding that the amount of time between PTP and the trial does not reduce the biases produced by PTP (Kramer, Kerr, and Carrol, 1990). Future studies should address other possible remedies to determine the efficacy of judicial remedies in reducing the bias created by victim and case-specific publicity.

### References

- Allen, M., Mabry, E., & McKelton, D. M. (1998). Impact of juror attitudes about the death penalty on juror evaluations of guilt and punishment. *Law and Human Behavior, 22*, 715-731. doi: 10.1023/A:1025763008533
- Baumeister, R. F., & Darley, J. M. (1982). Reducing the biasing effect of perpetrator attractiveness in jury simulation. *Personality and Social Psychology Bulletin, 2*, 286-292. doi:10.1177/0146167282082016
- Bray, R. M., & Noble, A. M. (1978). Authoritarianism and decisions of mock juries: Evidence of jury bias and group polarization. *Journal of Personality and Social Psychology, 36*, 1424-1430. doi: 10.1037/0022-3514.36.12.1424
- Bruschke, J., & Loges, W. E. (1999). Relationship between pretrial publicity and trial outcomes. *Journal of Communication, 49*, 104-120. doi: 10.1111/j.1460-2466.1999.tb02819.x
- Butler, B., & Moran, G. (2007). The role of death qualification and need for cognition in venirepersons' evaluations of expert scientific testimony in capital trials. *Behavioral Sciences & the Law, 25*, 561-571. doi: 10.1002/bsl.758
- Cacioppo, J. T., & Petty, R. E. (1982). The need for cognition. *Journal of Personality and Social Psychology, 42*, 116-131. doi:10.1037/0022-3514.42.1.116
- Cacioppo, J. T., Petty, R. E., & Chuan Feng, K. (1984). The efficient assessment of need for cognition. *Journal of Personality Assessment, 48*, 306. doi: 10.1207/s15327752jpa4803\_13

- Cohen, J. (1973). Eta-squared and partial eta-squared in communication science. *Human Communication Research, 28*,473-490.
- Corwin, E. P., Cramer, R. J., Griffin, D. A., & Brodsky, S. L. (2012). Defendant remorse, need for affect, and juror sentencing decisions. *Journal of the American Academy of Psychiatry and the Law Online, 40*, 41-49.
- Devine, D., Buddenbaum, J., Houp, S., Studebaker, N., & Stolle, D. (2009). Strength of evidence, extraevidentiary influence, and the liberation hypothesis: Data from the field. *Law and Human Behavior, 2*, 136-148. doi:10.1007/s10979-008-9144-x
- 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*, 819-832. doi: 10.1111/j.1559-1816.1992.tb00926.x
- Dibbets, P., Adolphs, L., Close, I., Herings, A., Kiggen, M., Kinneging, M., ... Van Schaaik, P. (2012). Reversal of attitude: The influence of counter-attitudinal information. *Journal of Social Sciences, 8*, 390-396. doi: 10.3844/jssp.2012.390.396
- Eisenberg, T., Hannaford-Agor, P. L., Hans, V. P., Waters, N. L., Munsterman, G. T., Schwab, S. J., & Wells, M. T. (2005). Judge-jury agreement in criminal cases: A partial replication of Kalven and Zeisel's The American Jury. *Journal of Empirical Legal Studies, 2*, 171-207. doi: 10.1111/j.1740-1461.2005.00035.x
- Feild, H. S. (1978). Juror background characteristics and attitudes toward rape. *Law and Human Behavior, 2*, 73-93. doi: 10.1007/BF01040385

Feild, H. S. (1979). Rape trials and jurors' decisions. *Law and Human Behavior*, 3, 261-284.

doi: 10.1007/BF01039806

Fein, S., McCloskey, A. L., & Tomlinson, T. M., (1997) Can the jury disregard that information? The use of suspicion to reduce the prejudicial effects of pretrial publicity and inadmissible testimony. *Personality & Social Psychology Bulletin*, 23, 1215-1226. doi: 10.1177/01461672972311008

Fein, S., Morgan, S. J., Norton, M. I., & Sommers, S. R., (1997) Hype and suspicion: The effects of pretrial publicity, race, and suspicion on jurors' verdicts. *Journal of Social Issues*, 53, 487-502. doi: 10.1111/j.1540-4560.1997.tb02124.x

Greene, E., Koehring, H., & Quiat, M. (1998). Victim impact evidence in capital cases: Does the victim's character matter? *Journal of Applied Social Psychology*, 28, 145-156. doi:10.1111/j.1559-1816.1998.tb01697.x

Greene, E., & Loftus, F. (1984). What's new in the news? The influence of well-publicized news events on psychological research and courtroom trials. *Basic & Applied Social Psychology*, 5, 211-221. doi: 10.1207/s15324834basp0503\_4

Greene, E., & Wade, R. (1988). Of private talk and public print: General pre-trial publicity and juror decision-making. *Applied Cognitive Psychology*, 2, 123-135. doi: 10.1002/acp.2350020204

Hazelwood, D. L., & Brigham, J. C. (1998). The effects of juror anonymity on jury verdicts. *Law and Human Behavior*, 22, 695-713. doi: 10.23/A:1025711024462

- Ho, R., ForsterLee, L., ForsterLee, R., & Crofts, N. (2002). Justice versus vengeance: Motives underlying punitive judgments. *Personality and Individual Differences, 33*, 365. doi:10.1016/A0191-8869(01)00161-1
- Hope, L., Memon, A., & McGeorge, P. (2004). Understanding pretrial publicity: Predecisional distortion of evidence by mock jurors. *Journal of Experimental Psychology: Applied, 10*, 111-119. doi:10.1037/1076-898X.10.2.111
- Hosch, H. M., Culhane, S. E., Tubb, V., & Granillo, E. A. (2011). Town vs. gown: A direct comparison of community residents and student mock jurors. *Behavioral Sciences and the Law, 29*, 452-466. doi:10.1002/bsl.970
- Imrich, D. J., Mullin, C., & Linz, D. (1995). Measuring the extent of prejudicial pretrial publicity in major American newspapers: A content analysis. *Journal of Communication, 45*, 94-117. doi:10.1111/j.1460-2466.1995.tb00745.x
- Kassin, S. M., & Wrightsman, L. S. (1983). The construction and validation of a juror bias scale. *Journal of Research in Personality, 17*, 423-442. doi:10.1016/0092-6566(83)90070-3
- Keller, S. R., & Wiener, R. L. (2011). What are we studying? Student jurors, community jurors, and construct validity. *Behavioral Sciences and the Law, 29*, 376-394. doi:10.1002/bsl.971
- Klettke, B., Graesser, A. C., & Powell, M. B. (2010). Expert testimony in child sexual abuse cases: The effects of evidence, coherence and credentials on juror decision making. *Applied Cognitive Psychology, 4*, 481-494. doi:10.1002/acp.1565

- Kovera, M. (2002). The effects of general pretrial publicity on juror decisions: An examination of moderators and mediating mechanisms. *Law and Human Behavior, 26*, 43-72. doi: 10.1023/A:1013829224920
- Kramer, G. P., Kerr, N. L., & Carroll, J. S. (1990). Pretrial publicity, judicial remedies, and jury bias. *Law and human behavior, 14*, 409-438. doi: 10.1007/BF01044220
- Maio, G. R., & Esses, V. M. (2001). The need for affect: Individual differences in the motivation to approach or avoid emotions. *Journal of Personality, 69*, 583-615. doi: 10.1111/j.1559-1816.1994.tb01573.x
- McNamara, K., Vattano, F., & Viney, W. (1993). Verdict, sentencing, and certainty as a function of sex of juror and amount of evidence in a simulated rape trial. *Psychological Reports, 72*, 575-583. doi: 10.2466/pr0.1993.72.2.575
- Moran, G., & Cutler, B. L. (1991). The prejudicial impact of pretrial publicity. *Journal of Applied Social Psychology, 21*, 345-367. doi: 10.1111/j.1559-1816.1991.tb00524.x
- Mullin, C., Imrich, D. J., & Linz, D. (1996). The impact of acquaintance rape stories and case-specific pretrial publicity on juror decision making. *Communication Research, 23*, 100-135. doi: 10.1177/009365096023001004
- Otto, A. L., Penrod, S. D., & Dexter, H. R. (1994). The biasing impact of pretrial publicity on juror judgments. *Law and Human Behavior, 4*, 453-469. doi:10.1007/BF01499050
- Rempala, D. M., & Geers, A. L. (2009). The effect of victim information on causality judgments in a rape trial scenario. *Journal of Social Psychology, 149*, 495-512. doi: 10.3200/SOCP.149.4.495-512

- Reskin, B. F., & Visher, C. A. (1986). The impacts of evidence and extralegal factors in jurors' decisions. *Law and Society Review*, 20,423-438. doi: 10.2307/30535
- Riedel, R. G. (1993). Effects of pretrial publicity on male and female jurors and judges in a mock rape trial. *Psychological Reports*, 73, 819-832. doi: 10.2466/pr0.1993.73.3.819
- Ruva, C. L. (2013, March) *The influence of different types of pretrial publicity on mock-jurors' decisions, evidence interpretation, and emotions*. Poster presented at the annual meeting for the American Psychology and Law Society, Portland, OR.
- Ruva, C. L., Guenther, C. C., & Yarbrough, A. (2011). Positive and negative pretrial publicity: The roles of impression formation, emotion, and predecisional distortion. *Criminal Justice and Behavior*, 38, 511-534. doi:10.1177/0093854811400823
- Ruva, C. L., & McEvoy, C. (2008). Negative and positive pretrial publicity affect juror memory and decision making. *Journal of Experimental Psychology: Applied*, 14, 226-235. doi:10.1037/1076-898X.14.3.226
- Ruva, C., McEvoy, C., & Bryant, J. B. (2007). Effects of pre-trial publicity and jury deliberation on juror bias and source memory errors. *Applied Cognitive Psychology*, 21, 45-67. doi: 10.1002/acp.1254
- Skeem, J. L., & Golding, S. L. (2001). Describing jurors' personal conceptions of insanity and their relationship to case judgments. *Psychology, Public Policy, and Law*, 7, 561-621. doi: 10.1037/1076-8971.7.3.561

- Sommers, S. R., & Kassin, S. M. (2001). On the many impacts of inadmissible testimony: Selective compliance, need for cognition, and the overcorrection bias. *Personality and Social Psychology Bulletin*, *27*, 1368-1377. doi: 10.1177/01461672012710012
- Stebly, N., 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*, 219-235. doi:10.1023/A:1022325019080
- Tans, M. D., & Chaffee, S. H. (1966) Pretrial publicity and juror prejudice. *Journalism & Mass Communication Quarterly*, *43*, 647-654. doi: 10.1177/107769906604300403
- Tsfati, Y., & Cappella, J. N. (2003). Do people watch what they do not trust? Exploring the association between news media skepticism and exposure. *Communication Research*, *30*, 504-529. doi: 10.1177/0093650203253371
- Visher, C. A. (1987). Juror decision making: The importance of evidence. *Law and Human Behavior*, *1*, 1-17. doi:10.1007/BF01044835

## Appendix A

## CAMPUS MAIL

**From:** Dr. Stan Aeschleman, Institutional Review Board Chairperson

**Date:** 9/25/2012

**RE:** Notice of IRB Approval by Expedited Review (under 45 CFR 46.110)

**Study #:** 13-0052

**Study Title:** Personal Characteristics and Mock Jurors' Decisions (study 1)

**Submission Type:** Initial

**Expedited Category:** (7) Research on Group Characteristics or Behavior, or Surveys, Interviews, etc.

**Approval Date:** 9/25/2012

**Expiration Date of Approval:** 9/24/2013

This submission has been approved by the Institutional Review Board for the period indicated. It has been determined that the risk involved in this research is no more than minimal.

**Investigator's Responsibilities:**

Federal regulations require that all research be reviewed at least annually. It is the Principal Investigator's responsibility to request renewal of approval before the expiration date. You may not continue any research activity beyond the expiration date without IRB approval.

Any adverse event or unanticipated problem involving risks to subjects must be reported immediately to the IRB. You are required to obtain IRB approval for changes to any aspect of this study before they can be implemented except to eliminate apparent immediate hazards. Best wishes with your research!

CC:

Twila Wingrove, Psychology

## CAMPUS MAIL

**From:** Robin Tyndall, Institutional Review Board

**Date:** 9/25/2012

**RE:** Notice of IRB Exemption

**Study #:** 13-0057

**Study Title:** Personal Characteristics and Mock Jurors' Decisions (Study 2)

**Exemption Category:** (2) Anonymous Educational Tests; Surveys, Interviews or Observations

This submission has been reviewed by the IRB Office and was determined to be exempt from further review according to the regulatory category cited above under 45 CFR 46.101(b). Should you change any aspect of the proposal, you must contact the IRB before implementing the changes to make sure the exempt status continues to apply. Otherwise, you do not need to request an annual renewal of IRB approval. Please notify the IRB Office when you have completed the study.

## Appendix B

## Negative Defendant Pretrial Publicity Articles

**Love Triangle Turned into a Hospital Stay****By J. W. Janniston**

HANNA, Wyoming- Thursday afternoon a man asked a woman out to dinner. Little did he know what effect that night would have on the rest of his life. After the victim dropped his date off at her door, he went to meet some friends.

A former lover of his date followed him to a park and attacked him with an unknown type of sharp weapon. The victim is currently in the hospital. His brachial artery, a major blood vessel in the arm, was severed in the attack.

The victim lost a large amount of blood and was transported to Wyoming State Hospital. He is currently in stable condition. Police say they are searching for the weapon, but have a suspect in custody.

The suspect, Austin Swope age 27, has been unemployed for over 10 years. He had worked for a local hardware business at age 16, but was laid off and has not gotten a job since.

His neighbor says, "I am not surprised. He was a lazy guy. He was always in a sour mood. I never saw him try to improve on himself. He didn't really care about much."

We spoke with a former employer. "He was always late. He was not a team player and that is not what we look for in an employee."

He was described as selfish and careless by his previous co-workers.

## Jackson Avenue Park Terror

By R. D. Thompson

HANNA, Wyoming- Last night in our beloved Jackson Avenue Park, a young man was severely wounded during an altercation.

Four young men were involved in the dispute. The victim was deeply cut by the weapon swung by another young man.

Police are currently questioning their current suspect. The victim, Garret Bailey, 27, was rushed to Wyoming State Hospital after his brachial artery, a large blood vessel in the arm, was severed in the fight. He is currently in stable condition and doctors expect a full recovery.

The suspect in question has a previous criminal conviction. He was charged and convicted of embezzlement in 2006. He spent 24 months in a state prison for that charge.

He was also convicted of tax evasion in 2009 and given \$45,426 in fines and 12 months of probation.

A source reported the public defender, who represented the suspect in these matters, claimed that he was not an easy person to get along with. Our source stated that the public defender also refused to represent him in any new matter.

## Altercation Leaves Parents and Friends Shocked

By S. C. Quincy

HANNA, Wyoming- Last night the Wyoming State Hospital gained another new patient. This patient was brought in from Jackson Avenue Park. Police responded to an altercation at around 8:00 PM last night.

When they arrived, the victim was laying on the ground with a large deep wound on his arm. His friend remained by his side holding the wound closed.

Officer John Mitchell responded to the call. He told reporters "It was a gruesome scene. We were all in a hurry to get him to the hospital. He had lost a lot of blood." The victim is doing fine now other than some emotional distress and doctors expect a full recovery.

After the ambulance departed, Police began their search for the suspect and during the search they found the weapon used in the attack. Officer Mitchell said they had a prime suspect, who was identified by a witness's cell phone video.

The prime suspect dropped out of high school his junior year. When questioned about it, he claimed to have dropped out due to a lack of interest, but his student records show he was failing nearly all of his classes because of poor attendance.

The suspect had behavioral issues throughout his elementary and middle school years.

An old friend from school said, "He was always really smart, but just never really cared enough to apply himself."

## Positive Defendant Pretrial Publicity Articles

**Love Triangle Turned into a Hospital Stay****By J. W. Janniston**

HANNA, Wyoming- Thursday afternoon a man asked a woman out to dinner. Little did he know what effect that night would have on the rest of his life. After the victim dropped his date off at her door, he went to meet some friends.

A former lover of his date followed him to a park and attacked him with an unknown type of sharp weapon. The victim is currently in the hospital. His brachial artery, a major blood vessel in the arm, was severed in the attack.

The victim lost a large amount of blood and was transported to Wyoming State Hospital. He is currently in stable condition. Police say they are searching for the weapon, but have a suspect in custody.

The suspect, Austin Swope age 27, has been a treasured employee with a local hardware business since age 16.

His manager says "I can't believe this is happening. This is a horrible situation for him to be in. He is one of the best employees I have ever had. He was never late, and always in a cheerful mood."

He volunteered at the local soup kitchen to help those less fortunate on his days off.

## Jackson Avenue Park Terror

By R. D. Thompson

HANNA, Wyoming- Last night in Jackson Avenue Park, a young man was severely wounded during an altercation.

Four young men were involved in the dispute. The victim was deeply cut by the weapon swung by another young man.

Police are currently questioning a suspect. The victim, Garret Bailey, 27, was rushed to Wyoming State Hospital after his brachial artery, a large blood vessel in the arm, was severed in the fight. He is currently in stable condition and doctors expect a full recovery.

The suspect in question has a clean criminal record, not even a parking ticket or traffic violation.

We interviewed friends and neighbors and everyone had only positive things to say about him. Everyone seemed genuinely shocked he was involved in this situation.

## **Altercation Leaves Parents and Friends Shocked**

**By S. C. Quincy**

HANNA, Wyoming- Last night the Wyoming State Hospital gained another new patient. This patient was brought in from Jackson Avenue Park. Police responded to an altercation at around 8:00 PM February 22.

When they arrived, the victim was laying on the ground with a large deep wound on his arm. His friend remained by his side holding the wound closed.

Officer John Mitchell responded to the call. He told reporters "It was a gruesome scene. We were all in a hurry to get him to the hospital. He had lost a lot of blood." The victim is doing fine now other than some emotional distress and doctors expect a full recovery.

After the ambulance departed, Police began their search for the suspect and found the weapon used in the attack. Officer Mitchell said they had a prime suspect, who was identified by a witness's cell phone video.

The suspect graduated from the University of Wyoming with Bachelor's degree in Business Administration. He is currently working on his MBA at UW's Graduate School, where he has been in the top 5% of his class.

The suspect's classmates are shocked that he is in this situation. One school friend said "He was one of the smartest guys in the department. He applied himself 110% in every task he did, no matter how small."

## Negative Victim Pretrial Publicity Articles

**Love Triangle Turned into a Hospital Stay****By J. W. Janniston**

HANNA, Wyoming- Thursday afternoon a man asked a woman out to dinner. Little did he know what effect that night would have on the rest of his life. After the victim dropped his date off at her door, he went to meet some friends.

A former lover of his date followed him to a park and attacked him with an unknown type of sharp weapon. The victim is currently in the hospital. His brachial artery, a major blood vessel in the arm, was severed in the attack.

The victim lost a large amount of blood and was transported to Wyoming State Hospital. He is currently in stable condition. Police say they are searching for the weapon, but have a suspect in custody.

The victim, Garret Bailey, age 27, has been on unemployed for over 10 years. He had worked for a local hardware business at age 16, but was laid off and has not gotten a job since.

His neighbor says, "I am not surprised. He was a lazy guy. He was always in a sour mood. I never saw him try to improve on himself. He didn't really care about much."

We spoke with a former employer. "He was always late. He was not a team player and that is not what we look for in an employee."

He was described as selfish and careless by his previous co-workers.

## Jackson Avenue Park Terror

By R. D. Thompson

HANNA, Wyoming- Last night in Jackson Avenue Park, a young man was severely wounded during an altercation.

Four young men were involved in the dispute. The victim was deeply cut by the weapon swung by another young man.

Police are currently questioning a suspect. The victim, Garret Bailey, 27, was rushed to Wyoming State Hospital after his brachial artery, a large blood vessel in the arm, was severed in the fight. He is currently in stable condition and doctors expect a full recovery.

The victim has a previous criminal conviction. He was charged and convicted of embezzlement in 2006. He spent 24 months in a state prison for that charge.

He was also convicted of tax evasion in 2009 and given \$45,426 in fines and 12 months of probation.

A source reported the public defender, who represented the victim in these matters, claimed that he was not an easy person to get along with. Our source stated that the public defender also refused to represent him in any new matter.

## Altercation Leaves Parents and Friends Shocked

By S. C. Quincy

HANNA, Wyoming- Last night the Wyoming State Hospital gained another new patient. This patient was brought in from Jackson Avenue Park. Police responded to an altercation at around 8:00 PM February 22.

When they arrived, the victim was laying on the ground with a large deep wound on his arm. His friend remained by his side holding the wound closed.

Officer John Mitchell responded to the call. He told reporters "It was a gruesome scene. We were all in a hurry to get him to the hospital. He had lost a lot of blood." The victim is doing fine now other than some emotional distress and doctors expect a full recovery.

After the ambulance departed, Police began their search for the suspect and found the weapon used in the attack. Officer Mitchell said they had a prime suspect, who was identified by a witness's cell phone video.

The victim dropped out of high school his junior year. When questioned about it, he claimed to have dropped out due to a lack of interest, but his student records show he was failing nearly all of his classes because of poor attendance.

The victim had behavioral issues throughout his elementary and middle school years.

An old friend from school said, "He was always really smart, but just never really cared enough to apply himself."

## Positive Victim Pretrial Publicity Articles

**Love Triangle Turned into a Hospital Stay****By J. W. Janniston**

HANNA, Wyoming- Thursday afternoon a man asked a woman out to dinner. Little did he know what effect that night would have on the rest of his life. After the victim dropped his date off at her door, he went to meet some friends.

A former lover of his date followed him to a park and attacked him with an unknown type of sharp weapon. The victim is currently in the hospital. His brachial artery, a major blood vessel in the arm, was severed in the attack.

The victim lost a large amount of blood and was transported to Wyoming State Hospital. He is currently in stable condition. Police say they are searching for the weapon, but have a suspect in custody.

The victim, Garret Bailey, age 27, has been a treasured employee with a local hardware business since age 16.

His manager says "I can't believe this is happening. This is a horrible situation for him to be in. He is one of the best employees I have ever had. He was never late, and always in a cheerful mood."

He volunteered at the local soup kitchen to help those less fortunate on his days off.

## Jackson Avenue Park Terror

By R. D. Thompson

HANNA, Wyoming- Last night in Jackson Avenue Park, a young man was severely wounded during an altercation.

Four young men were involved in the dispute. The victim was deeply cut by the weapon swung by another young man.

Police are currently questioning a suspect. The victim, Garret Bailey, 27, was rushed to Wyoming State Hospital after his brachial artery, a large blood vessel in the arm, was severed in the fight. He is currently in stable condition and doctors expect a full recovery.

The victim has a clean criminal record, not even a parking ticket or traffic violation.

We interviewed friends and neighbors and everyone had only positive things to say about him. Everyone seemed genuinely shocked he was involved in this situation.

## Altercation Leaves Parents and Friends Shocked

By S. C. Quincy

HANNA, Wyoming- Last night the Wyoming State Hospital gained another new patient. This patient was brought in from Jackson Avenue Park. Police responded to an altercation at around 8:00 PM February 22.

When they arrived, the victim was laying on the ground with a large deep wound on his arm. His friend remained by his side holding the wound closed.

Officer John Mitchell responded to the call. He told reporters "It was a gruesome scene. We were all in a hurry to get him to the hospital. He had lost a lot of blood." The victim is doing fine now other than some emotional distress and doctors expect a full recovery.

After the ambulance departed, Police began their search for the suspect and found the weapon used in the attack. Officer Mitchell said they had a prime suspect, who was identified by a witness's cell phone video.

The victim graduated from the University of Wyoming with Bachelor's degree in Business Administration. He is currently working on his MBA at UW's Graduate School, where he has been in the top 5% of his class.

The victim's classmates are shocked that he is in this situation. One school friend said "He was one of the smartest guys in the department. He applied himself 110% in every task he did, no matter how small."

## Case-Specific Pretrial Publicity Articles

**Love Triangle Turned into a Hospital Stay****By J. W. Janniston**

HANNA, Wyoming- Thursday afternoon a man asked a woman out to dinner. Little did he know what effect that night would have on the rest of his life. After the victim dropped his date off at her door, he went to meet some friends.

A former lover of his date followed him to a park and brutally attacked him with an unknown type of sharp weapon. The victim is currently in the hospital. His brachial artery, a major blood vessel in the arm, was severed in the attack.

The victim lost a large amount of blood and was transported to Wyoming State Hospital. He is currently in stable condition. Police say they are searching for the weapon, but have a suspect in custody.

## **Jackson Avenue Park Terror**

**By R. D. Thompson**

HANNA, Wyoming- Last night in our beloved Jackson Avenue Park, a young man was severely wounded during an altercation.

Four young men were involved in the dispute. The victim was deeply cut by the weapon swung by another young man.

Police are currently questioning their current suspect. The victim, Garret Bailey, 27, was rushed to Wyoming State Hospital after his brachial artery, a large blood vessel in the arm, was severed in the fight. He is currently in stable condition and doctors expect a full recovery.

## **Altercation Leaves Parents and Friends Shocked**

**By S. C. Quincy**

HANNA, Wyoming- Last night the Wyoming State Hospital gained another new patient. This patient was brought in from Jackson Avenue Park. Police responded to an altercation at around 8:00 PM last night.

When they arrived, the victim was laying on the ground with a large deep wound on his arm. His friend remained by his side holding the wound closed.

Officer John Mitchell responded to the call. He told reporters "It was a gruesome scene. We were all in a hurry to get him to the hospital. He had lost a lot of blood." The victim is doing fine now other than some emotional distress and doctors expect a full recovery.

After the ambulance departed, Police began their search for the suspect and during the search they found the weapon used in the attack. Officer Mitchell said they had a prime suspect, who was identified by a witness's cell phone video.

## Unrelated Pretrial Publicity Articles

## Inmate Intake at Torrington

By F. P. McAdams

HANNA, Wyoming- Every male offender sentenced to prison in Wyoming begins their journey in one place. "Every individual that comes to us goes through Torrington," Lockwood said.

In Torrington, the home of the Wyoming Medium Correctional Institution, employees handle the intake process for everyone in the state. Currently, there are about 2,100 inmates in Wyoming, although that number is fluid.

Once the inmate arrives at WMCI, an assessment process will begin. The inmate is assessed on several categories, including their education level, and mental and physical health. They also receive an assessment to determine their risks and needs, Tuttle said.

Before the inmate leaves, they will receive a custody level. They can be classified as minimum, minimum restricted, medium, close-general population, close-restricted or maximum.

"Once all of the assessments are completed, caseworkers then start the process of moving these guys to their next step," Tuttle said.

Male inmates can be housed in one of four Wyoming facilities:

- The Wyoming Medium Correctional Institution in Torrington, which is medium security, for the most part.
- The Wyoming State Penitentiary in Rawlins, which houses all custody levels.
- The Wyoming Honor Farm in Riverton, which is a minimum-security facility.
- The Wyoming Honor Conservation Camp in Newcastle, which takes minimum and minimum restricted security for the camp and close security for the boot camp.

Female inmates are transported to the Wyoming Women's Center in Lusk, which accepts all custody levels. There are about 225 females incarcerated in Wyoming.

## **Expanding Crime, Diminishing Trial Resources**

By J. G. Kashin

HANNA, Wyoming- Felony rates in Wyoming are increasing. How do courts facilitate their use of time with rising court cases? A common tool used for sentencing is a plea agreement.

A plea agreement allows a person accused of a crime to plead guilty in exchange for a more favorable settlement. "Many times pleas will include reducing charges somewhat so the defendant faces a lesser penalty," Hanna County District Attorney Scott Homar said.

Plea agreements are based on factors such as the nature of the offense and the criminal history of the defendant.

"Generally, it's something that's negotiated," said state public defender Diane Lozano. "It's a recommendation agreed on by the prosecutor and the defense attorney."

Homar said plea agreements are used in a vast majority of proceedings because of the number of felony cases in Hanna County.

"It's impossible to try every case," he said. "We only have so many attorneys. Plea agreements are a necessary thing."

And after a defendant pleads or is found guilty, the judge must decide on an appropriate sentence.

## **Felony Convictions More Than Just Prison**

By K. C. Bray

HANNA, Wyoming- Currently, approximately 5,679 people are on probation or parole in Wyoming.

Probation is divided into several categories, according to Coltan Harrington, Wyoming Department of Probation and Parole District 1 manager in Cheyenne.

"There are quite a few different options," he said.

It can either be unsupervised or supervised.

Supervised probation has several different levels, which are classified by the number of visits:

- Standard probation generally has one visit every three months.
- Medium probation requires a visit once a month.
- Maximum is a couple times a month.
- Intensive Program probation requires up to eight visits a month.

Whether an offender goes to boot camp or what level of probation they will receive depends on the results of an assessment that determines their risks and needs. The assessment examines factors like the current crime, past criminal history, living situation and the offender's judgment on certain situations.

According to Judge Lozano, probation has several advantages. "Probation helps address issues that lead to the offense, which provides a greater chance of rehabilitation," she said. "It's also a lot less expensive for taxpayers."

Harrington agreed and added that the community has more resources than prison, which can help the offender be successful. The offender is surrounded by the positive influence of the community rather than being confined with other sometimes worse offenders.

Appendix C

Exploratory Pretrial Measures and PTP Manipulation Checks

*Juror Bias Scale:*

1. Appointed judges are more competent than elected judges.

1	2	3	4	5
Strongly Disagree		Equally Agree and Disagree		Strongly Agree

2. A suspect who runs from the police most probably committed the crime.

1	2	3	4	5
Strongly Disagree		Equally Agree and Disagree		Strongly Agree

3. A defendant should be found guilty if 11 out of 12 jurors vote guilty.

1	2	3	4	5
Strongly Disagree		Equally Agree and Disagree		Strongly Agree

4. Most politicians are really as honest as humanly possible.

1	2	3	4	5
Strongly Disagree		Equally Agree and Disagree		Strongly Agree

5. Too often jurors hesitate to convict someone who is guilty out of pure sympathy.

1	2	3	4	5
Strongly Disagree		Equally Agree and Disagree		Strongly Agree

6. In most cases where the accused presents a strong defense, it is only because of a good lawyer.

1	2	3	4	5
Strongly Disagree		Equally Agree and Disagree		Strongly Agree

7. In general, children should be excused for their misbehavior.

1	2	3	4	5
---	---	---	---	---

Strongly Disagree		Equally Agree and Disagree		Strongly Agree
-------------------	--	----------------------------	--	----------------

8. The death penalty is cruel and inhumane.

1	2	3	4	5
Strongly Disagree		Equally Agree and Disagree		Strongly Agree

9. Out of every 100 people brought to trial, at least 75 are guilty of the crime which they are charged.

1	2	3	4	5
Strongly Disagree		Equally Agree and Disagree		Strongly Agree

10. For serious crimes like murder, a defendant should be found guilty if there is a 90% chance that he committed the crime.

1	2	3	4	5
Strongly Disagree		Equally Agree and Disagree		Strongly Agree

11. Defense lawyers don't really care about guilty or innocence, they are just in the business to make money.

1	2	3	4	5
Strongly Disagree		Equally Agree and Disagree		Strongly Agree

12. Generally, the police make an arrest only when they are sure about who committed the crime.

1	2	3	4	5
Strongly Disagree		Equally Agree and Disagree		Strongly Agree

13. Circumstantial evidence is too weak to use in court.

1	2	3	4	5
Strongly Disagree		Equally Agree and Disagree		Strongly Agree

14. Many accident claims filed against insurance companies are phony.

1	2	3	4	5
Strongly Disagree		Equally Agree and Disagree		Strongly Agree

Disagree		and Disagree		Agree
----------	--	--------------	--	-------

15. The defendant is often a victim of his own bad reputation.

1	2	3	4	5
Strongly Disagree		Equally Agree and Disagree		Strongly Agree

16. If a grand jury recommends that a person be brought to trial, then that person probably committed the crime.

1	2	3	4	5
Strongly Disagree		Equally Agree and Disagree		Strongly Agree

17. Extenuating circumstances should not be considered—if a person commits a crime, then that person should be punished.

1	2	3	4	5
Strongly Disagree		Equally Agree and Disagree		Strongly Agree

18. Hypocrisy is on the increase in society.

1	2	3	4	5
Strongly Disagree		Equally Agree and Disagree		Strongly Agree

19. Too many innocent people are wrongfully imprisoned.

1	2	3	4	5
Strongly Disagree		Equally Agree and Disagree		Strongly Agree

20. If a majority of evidence—but not all of it—suggests that the defendant committed the crime, then the jury should vote *not guilty*.

1	2	3	4	5
Strongly Disagree		Equally Agree and Disagree		Strongly Agree

21. If someone commits a victimless crime like gambling or possession of marijuana, he should not be convicted.

1	2	3	4	5
Strongly Disagree		Equally Agree and Disagree		Strongly Agree

22. Some laws are made to be broken.

1	2	3	4	5
Strongly Disagree		Equally Agree and Disagree		Strongly Agree

*Justice-Vengeance Scale*

1. In deciding a criminal case, it is important to be objective when considering the evidence.

1	2	3	4	5	6
Strongly Disagree	Moderately Disagree	Barely Disagree	Barely Agree	Moderately Agree	Strongly Agree

2. In deciding a criminal case, all convicted sexual offenders should be chemically castrated.

1	2	3	4	5	6
Strongly Disagree	Moderately Disagree	Barely Disagree	Barely Agree	Moderately Agree	Strongly Agree

3. In deciding a criminal case, it is important to make your decision according to legal principles.

1	2	3	4	5	6
Strongly Disagree	Moderately Disagree	Barely Disagree	Barely Agree	Moderately Agree	Strongly Agree

4. In deciding a criminal case, it is okay to allow your emotions to influence your judgment.

1	2	3	4	5	6
Strongly Disagree	Moderately Disagree	Barely Disagree	Barely Agree	Moderately Agree	Strongly Agree

5. In deciding a criminal case, it is important to allow the defendant to put his/her arguments across.

1	2	3	4	5	6
Strongly Disagree	Moderately Disagree	Barely Disagree	Barely Agree	Moderately Agree	Strongly Agree

6. In deciding a criminal case, the only appropriate sentence for a killer is the death penalty.

1	2	3	4	5	6
Strongly Disagree	Moderately Disagree	Barely Disagree	Barely Agree	Moderately Agree	Strongly Agree

7. In deciding a criminal case, it is important that the defendant be tried according to legal principles.

1	2	3	4	5	6
Strongly Disagree	Moderately Disagree	Barely Disagree	Barely Agree	Moderately Agree	Strongly Agree

8. In deciding a criminal case for a convicted killer, anger is an important determinant of your sentencing decision.

1	2	3	4	5	6
Strongly Disagree	Moderately Disagree	Barely Disagree	Barely Agree	Moderately Agree	Strongly Agree

9. In deciding a criminal case, it is important not to allow bias or prejudice to influence your decisions.

1	2	3	4	5	6
Strongly Disagree	Moderately Disagree	Barely Disagree	Barely Agree	Moderately Agree	Strongly Agree

10. In deciding a criminal case, the death penalty is a valid option for heinous crimes.

1	2	3	4	5	6
Strongly Disagree	Moderately Disagree	Barely Disagree	Barely Agree	Moderately Agree	Strongly Agree

11. In deciding a criminal case, it is important to ensure that the defendant's conviction is based only on the evidence presented in court.

1	2	3	4	5	6
Strongly Disagree	Moderately Disagree	Barely Disagree	Barely Agree	Moderately Agree	Strongly Agree

12. In deciding a criminal case, it is alright to allow your anger toward the defendant to play a part in your decision.

1	2	3	4	5	6
Strongly Disagree	Moderately Disagree	Barely Disagree	Barely Agree	Moderately Agree	Strongly Agree

13. In deciding a criminal case, it is important to be sure that the defendant is guilty beyond a reasonable doubt.

1	2	3	4	5	6
Strongly Disagree	Moderately Disagree	Barely Disagree	Barely Agree	Moderately Agree	Strongly Agree

14. In deciding a criminal case, it is alright to impose a more severe sentence than what the law recommends if the criminal act was vicious.

1	2	3	4	5	6
Strongly Disagree	Moderately Disagree	Barely Disagree	Barely Agree	Moderately Agree	Strongly Agree

15. In deciding a criminal case, your decision should be based in part, on subjective, personal feelings.

1	2	3	4	5	6
Strongly Disagree	Moderately Disagree	Barely Disagree	Barely Agree	Moderately Agree	Strongly Agree

16. In deciding a criminal case, all convicted killers should be sentenced to life imprisonment without possibility of parole.

1	2	3	4	5	6
Strongly Disagree	Moderately Disagree	Barely Disagree	Barely Agree	Moderately Agree	Strongly Agree

*PTP manipulation checks*

**PLEASE READ AND RESPOND TO THE FOLLOWING QUESTIONS ABOUT THE NEWS ARTICLE YOU JUST READ.**

1. What happened in Jackson Avenue Park?

---



---

2. What did you read about the people involved?

---



---

## Appendix D

## Strong Evidence Trial Transcript

**UNITED STATES V. SWOPE**  
**09-5006-cr**  
**Unofficial Oral Argument Transcript**

The following is an abbreviated unofficial transcript from an assault with a deadly weapon trial involving a Mr. Garret Bailey and Mr. Austin Swope. The assault occurred on public property on the night of February 22, 2011. Injuries resulting from the assault took the victim to the hospital.

*Witness 1: The first witness was Officer John Mitchel, who responded to the calls of an altercation.*

**Prosecuting Attorney:** Officer Mitchel can you recall for the court exactly what happened on the night of February 22, 2011?

**Officer Mitchel:** I was called by dispatch to report to the parking lot of a popular local hang out on Jackson Avenue in Hanna, Wyoming. I arrived at Jackson Avenue Park at 7:45PM to find Mr. Bailey on the ground bleeding from a deep cut to his arm (refer to the fact sheet), which needed twenty stitches. I immediately called dispatch for an ambulance when I arrived. The assailant was not present at the time. Mr. Bailey's friend, Mr. Storm, was at the scene and informed me of the attack that had occurred before my arrival and named and described Mr. Swope as the assailant.

At approximately 8:15PM that evening I was able to track down and question Mr. Swope and his friend Mr. McCullum, who was present during the attack, about the assault. Mr. Swope had admitted that there had been an argument, but refused to admit that he had been present when Mr. Bailey was injured. During the investigation, on the following day, police came across the box cutter used in the assault about a mile from Jackson Avenue Park where it had been thrown into some brush.

I asked Mr. Swope what had happened and he explained that the two were fighting over a girl, Ms. Janessa Friedman, they had both unknowingly been seeing at the same time. Mr. Swope found out through Mr. McCullum that Ms. Friedman had been seen out that night with Mr. Bailey.

After Mr. Bailey dropped Ms. Friedman off at her apartment, Mr. Swope had followed him where he met up with his friend, Mr. Storm, at Jackson Avenue Park. Mr. Swope had called his friend Mr. McCullum to come back him up. Mr. Swope

told Mr. McCullum that Ms. Friedman was cheating on him and he was going to “kick the guy’s ass.”

Mr. McCullum arrived shortly after Mr. Swope. The two got out of their vehicles and approached Mr. Bailey and Mr. Storm. Mr. Swope began yelling at the victim and his friend. Mr. Swope said that he said what he felt he needed to say and left the altercation. Mr. Bailey and Mr. Storm said differently. After the investigation, Mr. Swope was charged with assault with a deadly weapon.

**Prosecuting Attorney:** During your investigation, did you come across a video of this event?

**Officer Mitchel:** Yes, a witness recorded the incident with their cell phone, the video clearly shows that the attacker was in fact Mr. Swope.

**Prosecuting Attorney:** Thank you, Officer Mitchel.

#### **CROSS EXAMINATION BY DEFENSE ATTORNEY**

**Defense Attorney:** Now, when you arrived at the scene did you see any weapons?

**Officer Mitchel:** No, I did not see any weapons at the scene when I arrived.

**Defense Attorney:** When you questioned Mr. Swope didn’t he tell you that Mr. Bailey had pulled a knife on him during the altercation?

**Officer Mitchel:** Yes, but there was no knife found at the scene or on the victim.

**Defense Attorney:** Is it possible then that Mr. Bailey discarded his weapon before you arrived?

**Officer Mitchel:** Maybe, I arrived very quickly after receiving the call from dispatch. I received the call at 7:43PM and arrived at Jackson Ave Park. at 7:45PM. That would give a wounded victim 2 minutes to discard his weapon and return to the scene of the crime. Had the victim gone anywhere to discard the weapon he would have left a blood trail. He was bleeding quite badly.

**Defense Attorney:** Would it not be possible for Mr. Storm to have discarded of the weapon for the wounded Mr. Bailey?

**Officer Mitchel:** That could be possible.

**Defense Attorney:** Would it be possible that in the attempt to get out his knife he could have cut his own arm and then hid the knife in order to blame Mr. Swope?

**Officer Mitchel:** That is highly implausible, but I do not know. I told you everything that I know happened anything else is just subjective.

**Defense Attorney:** Thank you. That will be all Officer Mitchel.

### **PROSECUTION REBUTTAL BY PROSECUTING ATTORNEY**

**Prosecuting Attorney:** Now Officer Mitchel, you said that there was a cell phone video of the assault?

**Officer Mitchel:** Yes, a bystander heard some yelling and pulled out his cell phone. He began to record the incident with the video feature on his phone.

**Prosecuting Attorney:** Did you watch the video?

**Officer Mitchel:** Yes I did.

**Prosecuting Attorney:** Could you identify Mr. Swope and Mr. Bailey?

**Officer Mitchel:** Yes. I could clearly identify both Mr. Bailey and Mr. Swope.

*Witness 2: The second witness is Garret Bailey's best friend Michael Storm, who was present at the time of the altercation.*

### **WITNESS TESTIMONY BY MR. MICHAEL STORM**

**Prosecuting Attorney:** Mr. Storm, can you recall for the court the events that occurred on the night of question?

**Michael Storm:** Yes. Garret called me tonight after he left his date with Janessa and asked me to meet him at Jackson Ave park. We meet every week at Jackson Ave park to play basketball. I arrived at around 7:30pm. We had been there for about 10 minutes when we were approached by Austin and his buddy Drew. Austin was really angry and began threatening Garret.

Austin then pulled out a box cutter. He showed it to us with a smile and began swinging it. Drew was yelling at him to calm down, but he was furious and kept swinging the weapon at us. I ran to get help. Austin swung the box cutter the last time and Garret tried to grab it from him. The box cutter gashed into Garret's arm and

Austin and Drew began running towards Main Street. The police showed up about two or three minutes later.

**Prosecuting Attorney:** Did Mr. Bailey produce a weapon himself?

**Michael Storm:** No, he never carries any kind of weapon.

**Prosecuting Attorney:** Can you identify the man that injured Mr. Bailey?

**Michael Storm:** Yes, it was that man right there (gesturing towards the defendant Austin Swope)

**Prosecuting Attorney:** Thank you, Mr. Storm.

#### **CROSS EXAMINATION BY DEFENSE ATTORNEY**

**Defense Attorney:** Were you with Mr. Bailey the entire episode?

**Michael Storm:** No, I ran off to get help for a second.

**Defense Attorney:** So you were not present for the actual stabbing?

**Michael Storm:** Yessir, well I was in the parking lot. I was not next to him but I saw the whole thing!

**Defense Attorney:** So you do not know if Mr. Bailey pulled out a weapon?

**Michael Storm:** I told you. He never carries any weapons!

**Defense Attorney:** You are not answering my question Mr. Storm. Did Mr. Bailey have a weapon that night?

**Michael Storm:** I don't know. I didn't see one!

**Defense Attorney:** Thank you Mr. Storm.

*Witness 3: The third witness is Austin Swope's best friend Drew McCullum, who was also present at the time of the altercation.*

#### **WITNESS TESTIMONY BY MR. DREW MCCULLUM**

**Prosecuting Attorney:** Mr. McCullum, can you explain to the court the events of the night in question?

**Drew McCullum:** Yes, I was at home that evening. I got a call from a friend telling me that they had just seen Janessa Friedman out with another guy. I called Austin Swope to tell him what I had just heard. After I told him, Austin was really mad and went to the restaurant to see for himself. He saw them at the restaurant and stayed to watch. He called me while he was there. He was getting more and more mad the longer he watched.

After they left dinner, he followed Garret and Janessa back to her apartment. After Garret left her apartment, Austin followed him to Jackson avenue park. That was when he called me and told me to meet him at Jackson avenue park. He said that he was going to "kick the guy's ass and show him what happens when you mess with another man's woman." I knew it would be bad news if he went alone, so I rushed to Jackson avenue park.

When I got there, Austin didn't waste any time and grabbed me and pulled me to where Garret and his friend were sitting. He came up to Garret yelling at him that he was trying to steal his woman. Garret seemed confused and didn't know what to do.

My cell phone rang in the car so I ran to get it quick. When I got back Garret was laying on the ground holding his arm. I could see a little bit of blood on his hand. I didn't know what had happened. Austin grabbed my arm and pulled me. We just started running. I wasn't sure why we were running at first, but began piecing it together.

**Prosecuting Attorney:** Mr. McCullum, you did in fact tell the officer that you saw Mr. Bailey's weapon?

**Drew McCullum:** No, I didn't!

**Prosecuting Attorney:** Where you aware that Mr. Swope had a box cutter?

**Drew McCullum:** I told you already, I didn't notice any weapons!!!

**Prosecuting Attorney:** Thank you Mr. McCullum.

#### **CROSS EXAMINATION BY DEFENSE ATTORNEY**

**Defense Attorney:** Why did you not stop Mr. Swope?

**Drew McCullum:** He was very angry. I didn't think he would really hurt anyone. He's been my best friend since Elementary School. I have never seen him like this before. He is generally a very calm, rational guy. I didn't see him hurt the guy, but I really believe him when he says he didn't cut Garret.

**Defense Attorney:** Did you see where he dumped the box cutter?

**Drew McCullum:** No. He must have thrown it when we were running. I was in shock. I didn't even see him pull it out.

**Defense Attorney:** Did you see Mr. Bailey have a weapon?

**Drew McCullum:** No I didn't see Mr. Bailey have a weapon.

**Defense Attorney:** So you didn't see the weapon of your friend Mr. Swope?

**Drew McCullum:** Yes that's correct.

**Defense Attorney:** Thank you Mr. McCullum.

#### **REBUTTAL BY PROSECUTING ATTORNEY**

**Prosecuting Attorney:** So Mr. Bailey had a weapon?

**Drew McCullum:** No, not that I was aware of.

**Prosecuting Attorney:** After the incident, what happened?

**Drew McCullum:** We ran home. I came back late that night to get my car.

**Defense Attorney:** When you arrived back at your house what did you and Mr. Swope talk about?

**Drew McCullum:** We discussed the events of the night. We were both stunned that it had happened. Austin swore he didn't have a weapon and that he didn't hurt anyone. I believe him, but I didn't see what happened...

## Moderate Evidence Trial Transcript

**UNITED STATES V. SWOPE**  
**09-5006-cr**  
**Unofficial Oral Argument Transcript**

The following is an abbreviated unofficial transcript from an assault with a deadly weapon trial involving a Mr. Garret Bailey and Mr. Austin Swope. The assault occurred on public property on the night of February 22, 2011. Injuries resulting from the assault took the victim to the hospital.

*Witness 1: The first witness was Officer John Mitchel, who responded to the calls of an altercation.*

**Prosecuting Attorney:** Officer Mitchel can you recall for the court exactly what happened on the night of February 22, 2011?

**Officer Mitchel:** I was called by dispatch to report to the parking lot of a popular local hang out on Jackson Avenue in Hanna, Wyoming. I arrived at Jackson Avenue Park at 7:45PM to find Mr. Bailey on the ground bleeding from a deep cut to his arm (refer to the fact sheet), which needed twenty stitches. I immediately called dispatch for an ambulance when I arrived. The assailant was not present at the time. Mr. Bailey's friend, Mr. Storm, was at the scene and informed me of the attack that had occurred before my arrival and named and described Mr. Swope as the assailant.

At approximately 8:15PM that evening I was able to track down and question Mr. Swope and his friend Mr. McCullum, who was present during the attack, about the assault. Mr. Swope had admitted that there had been an argument, but refused to admit that he had been present when Mr. Bailey was injured. During the investigation, on the following day, police came across the box cutter used in the assault about a mile from Jackson Avenue Park where it had been thrown into some brush. (Refer to the fact sheet)

I asked Mr. Swope what had happened and he explained that the two were fighting over a girl, Ms. Janessa Friedman, they had both unknowingly been seeing at the same time. Mr. Swope found out through Mr. McCullum that Ms. Friedman had been seen out that night with Mr. Bailey.

After Mr. Bailey dropped Ms. Friedman off at her apartment, Mr. Swope had followed him where he met up with his friend, Mr. Storm, at Jackson Avenue Park. Mr. Swope had called his friend Mr. McCullum to come back him up. Mr. Swope told Mr. McCullum that Ms. Friedman was cheating on him and he was going to "kick the guy's ass."

Mr. McCullum arrived shortly after Mr. Swope. The two got out of their vehicles and approached Mr. Bailey and Mr. Storm. Mr. Swope began yelling at the victim and his friend. Mr. Swope said that he said what he felt he needed to say and left the altercation. Mr. Bailey and Mr. Storm said differently. After the investigation, Mr. Swope was charged with assault with a deadly weapon.

**Prosecuting Attorney:** During your investigation, did you come across a video of this event?

**Officer Mitchel:** Yes, a witness recorded the incident with their cell phone, but the video is too blurry to determine that the attacker was in fact Mr. Swope.

**Prosecuting Attorney:** Thank you, Officer Mitchel.

#### **CROSS EXAMINATION BY DEFENSE ATTORNEY**

**Defense Attorney:** Now, when you arrived at the scene did you see any weapons?

**Officer Mitchel:** No, I did not see any weapons at the scene when I arrived.

**Defense Attorney:** When you questioned Mr. Swope didn't he tell you that Mr. Bailey had pulled a knife on him during the altercation?

**Officer Mitchel:** Yes, but there was no knife found at the scene or on the victim.

**Defense Attorney:** Is it possible then that Mr. Bailey discarded his weapon before you arrived?

**Officer Mitchel:** Maybe, I arrived very quickly after receiving the call from dispatch. I received the call at 7:43PM and arrived at Jackson Ave Park. at 7:45PM. That would give a wounded victim 2 minutes to discard his weapon and return to the scene of the crime. Had the victim gone anywhere to discard the weapon he would have left a blood trail. He was bleeding quite badly.

**Defense Attorney:** Would it not be possible for Mr. Storm to have discarded of the weapon for the wounded Mr. Bailey?

**Officer Mitchel:** That could be possible.

**Defense Attorney:** Would it be possible that in the attempt to get out his knife he could have cut his own arm and then hid the knife in order to blame Mr. Swope?

**Officer Mitchel:** That is highly implausible, but I do not know. I told you everything that I know happened anything else is just subjective.

**Defense Attorney:** Thank you. That will be all Officer Mitchel.

### **PROSECUTION REBUTTAL BY PROSECUTING ATTORNEY**

**Prosecuting Attorney:** Now Officer Mitchel, you said that there was a cell phone video of the assault?

**Officer Mitchel:** Yes, a bystander heard some yelling and pulled out his cell phone. He began to record the incident with the video feature on his phone.

**Prosecuting Attorney:** Did you watch the video?

**Officer Mitchel:** Yes I did.

**Prosecuting Attorney:** Could you identify Mr. Swope and Mr. Bailey?

**Officer Mitchel:** You can clearly identify Mr. Bailey, and the outfit worn by the Mr. Swope was the same outfit described by Mr. Bailey as being worn by the assailant.

*Witness 2: The second witness is Garret Bailey's best friend Michael Storm, who was present at the time of the altercation.*

### **WITNESS TESTIMONY BY MR. MICHAEL STORM**

**Prosecuting Attorney:** Mr. Storm, can you recall for the court the events that occurred on the night of question?

**Michael Storm:** Yes. Garret called me tonight after he left his date with Janessa and asked me to meet him at Jackson Ave park. We meet every week at Jackson Ave park to play basketball. I arrived at around 7:30pm. We had been there for about 10 minutes when we were approached by Austin and his buddy Drew. Austin was really angry and began threatening Garret.

Austin then pulled out a box cutter. He showed it to us with a smile and began swinging it. Drew was yelling at him to calm down, but he was furious and kept swinging the weapon at us. I ran to get help. Austin swung the box cutter the last time and Garret tried to grab it from him. The box cutter gashed into Garret's arm and Austin and Drew began running towards Main Street. The police showed up about two or three minutes later.

**Prosecuting Attorney:** Did Mr. Bailey produce a weapon himself?

**Michael Storm:** No, he never carries any kind of weapon.

**Prosecuting Attorney:** Can you identify the man that injured Mr. Bailey?

**Michael Storm:** Yes, it was that man right there (gesturing towards the defendant Austin Swope)

**Prosecuting Attorney:** Thank you, Mr. Storm.

#### **CROSS EXAMINATION BY DEFENSE ATTORNEY**

**Defense Attorney:** Were you with Mr. Bailey the entire episode?

**Michael Storm:** No, I ran off to get help for a second.

**Defense Attorney:** So you were not present for the actual stabbing?

**Michael Storm:** Yessir, well I was in the parking lot. I was not next to him but I saw the whole thing!

**Defense Attorney:** So you do not know if Mr. Bailey pulled out a weapon?

**Michael Storm:** I told you. He never carries any weapons!

**Defense Attorney:** You are not answering my question Mr. Storm. Did Mr. Bailey have a weapon that night?

**Michael Storm:** I don't know. I didn't see one!

**Defense Attorney:** Thank you Mr. Storm.

*Witness 3: The third witness is Austin Swope's best friend Drew McCullum, who was also present at the time of the altercation.*

#### **WITNESS TESTIMONY BY MR. DREW MCCULLUM**

**Prosecuting Attorney:** Mr. McCullum, can you explain to the court the events of the night in question?

**Drew McCullum:** Yes, I was at home that evening. I got a call from a friend telling me that they had just seen Janessa Friedman out with another guy. I called Austin Swope to tell him what I had just heard. After I told him, Austin was really mad and went to the restaurant to see for himself. He saw them at the restaurant and stayed to watch. He called me while he was there. He was getting more and more mad the longer he watched.

After they left dinner, he followed Garret and Janessa back to her apartment. After Garret left her apartment, Austin followed him to Jackson avenue park. That was when he called me and told me to meet him at Jackson avenue park. He said that he was going to “kick the guy’s ass and show him what happens when you mess with another man’s woman.” I knew it would be bad news if he went alone, so I rushed to Jackson avenue park.

When I got there, Austin didn’t waste any time and grabbed me and pulled me to where Garret and his friend were sitting. He came up to Garret yelling at him that he was trying to steal his woman. Garret seemed confused and didn’t know what to do.

My cell phone rang in the car so I ran to get it quick. When I got back Garret was laying on the ground holding his arm. I could see a little bit of blood on his hand. I didn’t know what had happened. Austin grabbed my arm and pulled me. We just started running. I wasn’t sure why we were running at first, but began piecing it together.

**Prosecuting Attorney:** Mr. McCullum, you did in fact tell the officer that you saw Mr. Bailey’s weapon?

**Drew McCullum:** Yes, I did.

**Prosecuting Attorney:** Where was the weapon?

**Drew McCullum:** As I said before, I saw a knife in his pocket.

**Prosecuting Attorney:** After you told the officer you saw Mr. Bailey with a weapon, what happened next?

**Drew McCullum:** The officer told me that they did not find a weapon at the scene or on Mr. Bailey and I was mistaken.

**Prosecuting Attorney:** Do you think you were mistaken?

**Drew McCullum:** No I know what I saw...

**Prosecuting Attorney:** Thank you Mr. McCullum.

**CROSS EXAMINATION BY DEFENSE ATTORNEY**

**Defense Attorney:** Why did you not stop Mr. Swope?

**Drew McCullum:** He was very angry. I didn't think he would really hurt anyone. He's been my best friend since Elementary School. I have never seen him like this before. He is generally a very calm, rational guy. I didn't see him hurt the guy, but I really believe him when he says he didn't cut Garret.

**Defense Attorney:** Did you see where he dumped the box cutter?

**Drew McCullum:** No. He must have thrown it when we were running. I was in shock. I didn't even see him pull it out.

**Defense Attorney:** Did you see Mr. Bailey have a weapon?

**Drew McCullum:** Yes, I saw a knife sticking out of Mr. Bailey's pocket.

**Defense Attorney:** So you saw Mr. Bailey with a weapon, but not your friend Mr. Swope?

**Drew McCullum:** Yes that's correct.

**Defense Attorney:** Thank you Mr. McCullum.

**REBUTTAL BY PROSECUTING ATTORNEY**

**Prosecuting Attorney:** So Mr. Bailey had a weapon?

**Drew McCullum:** Yes, I saw a knife in his pocket.

**Prosecuting Attorney:** After the incident, what happened?

**Drew McCullum:** We ran home. I came back late that night to get my car.

**Prosecuting Attorney:** When you arrived back at your house what did you and Mr. Swope talk about?

**Drew McCullum:** We discussed the events of the night. We were both stunned that it had happened. Austin swore he didn't have a weapon and that he didn't hurt anyone. I believe him, but I didn't see what happened...

## Appendix E

## Dependent Measures and Demographics Survey

## Instructions, Final Verdict, and Dependent Measures

## Instructions

***Please read the following instructions before continuing to the final verdict form and remember that you are being asked to serve as a mock juror in the trial that you have just finished reading:***

In resolving the issues presented to you for decision in this trial you must not be persuaded by bias, prejudice, or sympathy for or against any of the parties to this case or by any public opinion.

There is nothing particularly different in the way that a juror should consider the evidence in a trial from that in which any reasonable and careful person would deal with any very important question that must be resolved by examining facts, opinions, and evidence. You are expected to use your good sense in considering and evaluating the evidence in the case. You are the sole judge of the evidence received in this case.

You as a juror must presume the defendant Austin Swope, to be innocent of the crime charged. Thus the defendant, although accused of a crime in the indictment, begins the trial with a "clean slate" with no evidence against him. The indictment is not evidence of any kind. The law permits nothing but legal evidence presented before the jury in court to be considered in support of any charge against the defendant. The presumption of innocence alone, therefore, is sufficient to acquit the defendant Austin Swope.

The burden is always upon the prosecution to prove guilt beyond a reasonable doubt. This burden never shifts to a defendant, for the law never imposes upon a defendant in a criminal case the burden or duty of calling any witnesses or producing any evidence. The defendant is not even obligated to produce any evidence by cross-examining the witness for the government. It is not required that the government prove guilt beyond all possible doubt. The test is one of reasonable doubt. A reasonable doubt is a doubt based upon reason and common sense-the kind of doubt that would make a reasonable person hesitate to act. Proof beyond a reasonable doubt must, therefore, be proof of such a convincing character that a reasonable person would not hesitate to rely and act upon it in the most important of his or her own affairs.

Unless the government proves, beyond a reasonable doubt, that defendant Austin Swope has committed each and every element of the offense charged in the indictment, you must find defendant Austin Swope not guilty of the offense.

*Please continue to the final verdict. Just a reminder to answer the following questions as if you were serving as a juror in the trial of the defendant Austin Swope.*

***Please read the legal definition of the charge before continuing***

*Assault with a Weapon or Causing Bodily Harm (Section 267)*

*Assault with a weapon or causing bodily harm*

*Everyone who, in committing an assault, (a) carries, uses or threatens to use a weapon or an imitation thereof, or (b) causes bodily harm to the complainant, is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years or an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.*

*R.S., 1985, c. C-46, s. 267; 1994, c. 44, s. 17.*

*Jury Verdict Form*

**United States District Court  
for the  
District of Hanna, Wyoming**

**UNITED STATES**

**v.**

**AUSTIN SWOPE  
Criminal Docket: 07-0007**

I, the juror, return the following verdict:

*(Check only one of the following two choices:)*

1. I find the defendant **GUILTY** as charged of the offense of **INTENTIONAL** assault and with a weapon or causing bodily harm (*General Laws chapter 267, section 15A*).

2. I find the defendant **NOT GUILTY** of the offense of intentional or reckless assault and with a weapon or causing bodily harm (*General Laws chapter 267, section 15A*).

1. If you returned a verdict of GUILTY, what sentence would you recommend for the defendant?
  - a. 1 year of supervised probation and \$1,000 in fines  
(minimum sentence required for assault with a weapon)
  - b. 30 days in the county jail
  - c. 6 months in the county jail
  - d. 12 months in the county jail
  - e. 18 months in county jail  
(maximum sentence allowed for assault with a weapon)

2. If you returned a NOT GUILTY verdict, *briefly* explain why.

---



---



---

3. How confident are you with your verdict?

1	2	3	4	5	6	7	8	9
Not Very Confident			Neutral			Very Confident		

4. How would you rate the strength of the evidence presented against the defendant?

1	2	3	4	5	6	7	8	9
Very Weak				Neither Weak nor Strong				Very Strong

5. Please rate the **DEFENDANT** on the following characteristics:

1	2	3	4	5
Very Likeable		Average		Not Very Likeable
1	2	3	4	5
Very Smart		Average		Not Smart
1	2	3	4	5
Hard Working		Average		Lazy
1	2	3	4	5
Attractive		Average		Unattractive
1	2	3	4	5
Quick Tempered		Average		Laid Back

1	2	3	4	5
Cautious		Average		Impulsive
1	2	3	4	5
Angry		Average		Happy

6. Please rate the **VICTIM** on the following characteristics:

1	2	3	4	5
Very Likeable		Average		Not Very Likeable
1	2	3	4	5
Very Smart		Average		Not Smart
1	2	3	4	5
Hard Working		Average		Lazy
1	2	3	4	5
Attractive		Average		Unattractive
1	2	3	4	5
Quick Tempered		Average		Laid Back
1	2	3	4	5
Cautious		Average		Impulsive
1	2	3	4	5
Angry		Average		Happy

7. What was the most influential piece of evidence in the case?

---

8. What was the second most influential piece of evidence in the case?

---

9. Do you believe the **DEFENDANT** had a weapon during the altercation?

- a. Yes
- b. No

10. Do you believe the **VICTIM** had a weapon during the altercation?

- a. Yes
- b. No

11. What percentage of cause do you believe belongs to the **DEFENDANT** in the situation?

\_\_\_\_\_ %  
 (Question 11 and 12 should add up to 100%)

12. What percentage of the cause do you believe belongs to the **VICTIM** in the situation?

\_\_\_\_\_ %

13. What percentage of blame do you believe belongs to the **DEFENDANT** in the situation?

\_\_\_\_\_ %  
 (Question 13 and 14 should add up to 100%)

14. What percentage of the blame do you believe belongs to the **VICTIM** in the situation?

\_\_\_\_\_ %

*Need for Cognition:*

1. I would prefer complex to simple problems.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

2. I like to have the responsibility of handling a situation that requires a lot of thinking.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

3. Thinking is not my idea of fun.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

4. I would rather do something that requires little thought than something that is sure to challenge my thinking abilities.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

5. I try to anticipate and avoid situations where there is likely a chance I will have to think in depth about something.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

6. I find satisfaction in deliberating hard and for long hours.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

7. I only think as hard as I have to.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

8. I prefer to think about small, daily projects to long-term ones.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

9. I like tasks that require little thought once I've learned them.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

10. The idea of relying on thought to make my way to the top appeals to me.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

11. I really enjoy a task that involves coming up with new solutions to problems.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

12. Learning new ways to think doesn't excite me very much.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

13. I prefer my life to be filled with puzzles that I must solve.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

14. The notion of thinking abstractly is appealing to me.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

15. I would prefer a task that is intellectual, difficult, and important to one that is somewhat important but does not require much thought.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

16. I feel relief rather than satisfaction after completing a task that required a lot of mental effort.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

17. It's enough for me that something gets the job done; I don't care how or why it works.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

18. I usually end up deliberating about issues even when they do not affect me personally.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

*Need for Affect*

1. If I reflect on my past, I see that I tend to be afraid of feeling emotions.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

2. I have trouble telling the people close to me that I love them.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

3. I feel that I need to experience strong emotions regularly.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

4. Emotions help people get along in life.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

5. I am a very emotional person.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

6. I think that it is important to explore my feelings.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

Disagree		Disagree		Nor Disagree		Agree		Agree
----------	--	----------	--	--------------	--	-------	--	-------

7. I approach situations in which I expect to experience strong emotions.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

8. I find strong emotions overwhelming and therefore try to avoid them.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

9. I would prefer not to experience either the lows or highs of emotion.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

10. I do not know how to handle my emotions, so I avoid them.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

11. Emotions are dangerous—they tend to get me into situations that I would rather avoid.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

12. Acting on one's emotions is always a mistake.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

13. We should indulge our emotions.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

14. Displays of emotions are embarrassing.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

15. Strong emotions are generally beneficial.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

16. People can function most effectively when they are not experiencing strong emotions.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

17. The experience of emotions promotes human survival.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

18. It is important for me to be in touch with my feelings.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

19. It is important for me to know how others are feeling.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

20. I like to dwell on my emotions.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

21. I wish I could feel less emotion.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

22. Avoiding emotional events helps me sleep better at night.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

23. I am sometimes afraid of how I might act if I become too emotional.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

24. I feel like I need a good cry every now and then.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

25. I would love to be like “Mr. Spock,” who is totally logical and experiences little emotion.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

26. I like decorating my bedroom with a lot of pictures and posters of things emotionally significant to me.

-4	-3	-2	-1	0	1	2	3	4
Very Strongly Disagree		Moderately Disagree		Neither Agree Nor Disagree		Moderately Agree		Very Strongly Agree

Demographics Survey

1. What is your age?  
     \_\_\_\_\_ years old
  
2. Year in College:
  - a. Freshman
  - b. Sophomore
  - c. Junior
  - d. Senior
  - e. Graduate
  
3. Gender:
  - a. Male
  - b. Female
  
4. What is your GPA:  
     \_\_\_\_\_ (4.0 scale)
  
5. Race/Ethnicity:
  - a. White/Non-Hispanic
  - b. African-American
  - c. Hispanic/ Latino
  - d. American Indian or Alaskan Native
  - e. Asian
  - f. Other: \_\_\_\_\_
  
6. Political Affiliation:
 

1	2	3	4	5
Conservative		Moderate		Liberal
  
7. Political View on Social Issues:
 

1	2	3	4	5
Conservative		Moderate		Liberal
  
8. Political View on Economic Issues:
 

1	2	3	4	5
Conservative		Moderate		Liberal
  
9. Have you ever been through jury screening before?

- a. Yes
- b. No

10. Have you ever served as a juror in a criminal case?

- a. Yes
- b. No

If so, when? What did the case involve?

---

11. Have you personally ever been involved in an assault?

- a. Yes
- b. No

If yes please explain:

---

12. Have you ever witnessed an assault?

- a. Yes
- b. No

If yes please explain:

---

13. How often do you read the newspaper?

- a. Everyday
- b. More than once a week
- c. Once every week
- d. More than once a month
- e. Once a month
- f. Hardly ever
- g. Never

14. How often do you watch the news on television?

- a. Everyday
- b. More than once a week
- c. Once every week
- d. More than once a month
- e. Once a month
- f. Hardly ever

g. Never

15. How often do you read the news online?

- a. Everyday
- b. More than once a week
- c. Once every week
- d. More than once a month
- e. Once a month
- f. Hardly ever
- g. Never

Table 1  
*Participant Demographics and Characteristics*

Demographics			
Gender		<u>%</u>	<u>n</u>
Male		31.8	110
Female		68.2	236
		<u>M</u>	<u>SD</u>
Age		19.25	1.18
Political Affiliation		3.01	0.94
Days Between Exposure		23.43	26.49
Attitudes			
Need for Affect		0.74	1.05
Need for Cognition		0.73	0.99

*Note:* Scale for Political Affiliation (1- Conservative to 5- Liberal), Need for Affect (-4-Avoid emotional situations to 4-Approach emotional situations), Need for Cognition (-4- Avoid cognitively stimulating situations to 4 Approach cognitively stimulating situations).

Table 2  
*Preliminary Analyses*

Participant Characteristics	Verdict	Sentence	Continuous Guilt Rating	Victim Blame	Victim Cause
Age	$F(1, 282) = 1.44$	$F(3, 169) = 1.77$	$r = -0.05$ $F(1, 345) = 1.01$	$r = -0.02$ $F(1, 344) = 0.11$	$r = -0.11$ $F(1, 342) = 0.27$
Gender	$\chi^2(1) = .97$	$\chi^2(3) = 2.13$			
Political Affiliation	$F(1, 344) = 1.32$	$F(3, 206) = 0.33$	$r = -0.07$	$r = -0.04$	$r = -0.02$
Days	$F(1, 345) = 0.30$	$F(3, 206) = 0.46$	$r = 0.02$	$r = 0.05$	$r = -0.11 *$
NFA	$F(1, 3345) = 6.14 *$	$F(3, 206) = 0.17$	$r = -0.12 *$	$r = 0.12 *$	$r = 0.08$
NFC	$F(1, 353) = 2.76$	$F(3, 206) = 1.23$	$r = -0.06$	$r = -0.04$	$r = 0.02$

*Note:* The results for the preliminary analyses with participant characteristics and dependent measures are displayed by the corresponding  $\chi^2$ -value,  $F$ -value, or Pearson Correlation Coefficient for each of the analyses.

\*  $p < .05$ .

Table 3  
*Percentage of Guilty and Not Guilty Verdicts by Condition*

Manipulation	<i>n</i>	Verdict			
		Guilty		Not Guilty	
		%	<i>n</i>	%	<i>n</i>
<b>SOE Condition</b>					
Strong	172	63.37%	109	36.62%	63
Moderate	174	56.32%	98	43.68%	76
<b>PTP Condition</b>					
Positive Defendant	62	64.52%	40	35.48%	22
Negative Victim	53	50.94%	27	49.06%	26
Negative Defendant	63	42.86%	27	57.14%*	36
Positive Victim	47	57.45%	27	42.55%	20
Case Specific	66	69.70%	46	30.30%	20
Unrelated Control	55	72.73%	40	27.27%	15
<b>Total</b>	<b>346</b>	<b>59.32%</b>	<b>207</b>	<b>40.68%</b>	<b>139</b>

*Note:* All pretrial publicity conditions were compared to the unrelated control condition.

\*  $p < .05$

Table 4  
*Percentage of Participants Sentencing Recommendations by Condition.*

Manipulation	<i>n</i>	Sentencing Recommendation							
		1 Year Probation		30 Days Incarcerated		6 Months Incarcerated		12-18 Months Incarcerated	
		%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>
<b>SOE Condition</b>									
Strong	109	41.3%	45	15.6%	17	20.2%	22	22.9%	25
Moderate	98	30.6%	30	23.5%	23	24.5%	24	21.4%	21
<b>PTP Condition</b>									
Positive Defendant	40	52.5%	21	7.5%	3	22.5% *	9	17.5%	7
Negative Victim	27	11.1%	3	22.2%	6	25.9% *	7	40.7% *	11
Negative Defendant	27	22.2%	6	22.2%	6	37.0% *	10	18.5%	5
Positive Victim	27	33.3%	9	22.2%	6	22.2% *	6	22.2%	6
Case Specific	47	31.9%	15	14.9%	7	27.7%	13	25.5% *	12
Unrelated Control	40	52.5%	21	30.0%	12	2.5%	1	15.0%	6
<b>Total</b>	<b>210</b>	<b>35.7%</b>	<b>75</b>	<b>19.0%</b>	<b>40</b>	<b>21.9%</b>	<b>46</b>	<b>21.9%</b>	<b>46</b>

*Note:* Each pretrial publicity condition was compared to the unrelated control condition and significant differences are shown for sentencing recommendations in comparison to the minimum sentencing selection.

\*  $p < .05$

### **Vita**

Jennifer Lynn Jarrett was born in Charlotte, North Carolina, to Kevin and Leisa Jarrett. She graduated from West Forsyth High School in May 2005. After High School, Jennifer attended Appalachian State University and attained a Bachelor of Science in Psychology in 2009. Jennifer was admitted into Appalachian State University's Master of Arts in General/Experimental Psychology in 2011. In April 2013, Jennifer was awarded the People's Choice Award for her performance in Appalachian State University's first Three Minute Research Competition. Jennifer was awarded her M.A. in August 2013. She is currently residing in Winston-Salem, N.C. and will be applying for doctoral programs for psychology in autumn of 2013.