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Intentional evidence: Its effects on juror perceptions

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INTENTIONAL EVIDENCE:
ITS EFFECTS ON JUROR PERCEPTIONS

By

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B.A., University of Montana, 1984

Presented in partial fulfillment of the requirements
for the degree of

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Chairman, Board of Examiners

Dean, Graduate School

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Date
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Intentional Evidence: Its Effects on Juror Perception

In previous jury outcome research, psychologists have studied factors such as juror and defendant characteristics, factors of evidence such as the validity and reliability of eyewitness testimony, and legal procedural rules. The present study was an attempt to determine if intentional evidence acts as a moderator variable in juror decisions concerning the defendant, and if so, how it influences those decisions.

This study employed a between groups design, utilizing three groups. Male and female subjects were randomly assigned to one of three groups and were presented with written case material which varied in the occurrence or type of intentional evidence. Depending upon the group to which a subject was assigned, he or she read either a short transcript of a homicide with evidence of intent to commit the criminal act, evidence of intent not to commit the criminal act, or only factual evidence with no intentional evidence. The subjects then responded to a questionnaire which asked them to make a dichotomous judgement between Deliberate Homicide and Negligent Homicide for the defendant. Subjects were then asked to rate the defendant on the following on 11 point likert-type scales: a) length of suggested sentence, b) length of suggested parole, c) likelihood of future crime, d) defendants level of responsibility, and e) how violent the defendant was in the criminal act. It was found that evidence suggesting an intentional act led the jurors to suggest a more severe verdict, a more severe prison sentence, and longer parole for the defendant after release from prison, relative to the suggestions of student jurors who were presented nonintentional evidence. Defendants associated with intentional evidence were also perceived as more likely to be involved in future crime, by female jurors, and were perceived as more violent in their act, by both male and female subjects.
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INTRODUCTION

History

The field of psychology and law is not a new creation as this interest and integration dates back to the turn of the century. According to Tapp and Levine (1977), this history unfolds in four intellectual stages. The first of these four stages, the **pioneering stage**, was witnessed by Muensterberg's book *On the Witness Stand* (1908) in which he applied experimental psychology and its principles to courtroom procedures. This attempt, however, was mercilessly criticized by legal scholars of the day.

The 1930's saw the rise of the **realist stage** in which attempts were made to revamp the law in light of psychological learning. This era gave us the controversial book by Robinson (*Law and Lawyers*, 1935), in which Robinson insisted that every legal problem was a psychological problem, at its base. Needless to say, this did not enrich or ameliorate the tattered relationship between lawyers and psychologists, which was spawned in the previous stage. Robinson, however, had a very important insight which was lost during the ensuing debates. He observed that Muensterberg's approach of seeking one-to-one relationships between existing data and legal problems was unproductive. Psychological principles developed in the laboratory couldn't be applied directly to legal problems.
The third and fourth stages of this history (policy making and coming-of-age stages, respectively) were ushered in by the landmark school desegregation case of Brown v. Board of Education (1954), and June Tapp's 1977 *Law, Justice, and the Individual in Society: Psychological and Legal Issues*, respectively (Loh, 1979). This coming-of-age stage describes the current status of the relationship between psychology and the law. There is a collaborative effort which has been evidenced by an increasing consciousness that psycholegal research requires more sensitivity to the lawyer's point of view (Loh, 1981).

In general, the history of psycholegal research has been described as a succession of interchanges between optimistic psychologists attempting to "redeem" the law, and a defensive legal community rejecting the generalization of experimental or laboratory research to "real life" situations (Loh, 1981). This tenuous partnership with its occasional outright hostility has prevailed until recent times, with each side carrying on "as though the other side did not exist" (Fahr, 1961). The coming-of-age stage, however, has seen a collaborative effort as was mentioned above. The conflict has also been mitigated by the creation and organization of a group of specialists in psycholegal studies. Until recently, the majority of those who were writing on psychology and law did not have the subject as their primary interest (Saks, 1979). Now, rather than the two disciplines working against each other, it is more common to find that scholars are engaging in empirical research which is intended to address specific court issues, as exemplified in jury studies.
Psycholegal Research Domains

Over the years, there has been an accumulation of a large amount of varied information concerning jury studies and the legal process. Monahan and Loftus (1982) recently reviewed and attempted to synthesize the major findings of psycholegal research. Their overview trifurcates psychology and law into the three functional domains of (1) substantive law, (2) ways in which the law actually disposes of individual cases, and (3) the legal process. Many variables in this third domain have been studied as they relate to jury trial, and include juror and defendant characteristics, factors of evidence such as validity of eyewitness testimony, and legal procedural rules. It is this third domain with which the current research is concerned. (For broader reviews of jury research see Gerbasi, Zuckerman, and Reis, 1977; Saks and Hastie, 1978; Nemeth, 1981; and Monahan and Loftus, 1982.)

One important aspect of jury research that has not been adequately empirically researched is concerned with the effects evidence about intention (hereafter referred to as "intentional evidence") has on jurors' perceptions of the defendant, as manifested in trial outcome. It is this question which the current research intends to address. Several investigators have studied the effects of intent on attribution of aggressiveness (Brown and Tedeschi, 1976; Holm, 1982; Nickel, 1974; Rule and Duker, 1973; and Schwartz et al, 1978) and found that intent did influence jurors' attributions of aggression. For example, Holm (1981) found that the attribution of aggression was influenced by "both intent and reason." The subjects tended to evaluate not the action, but rather its antecedents, and they interpreted a "harmful or potentially
harmful act as aggressive if it was intended and/or the actor had a reason, such as revenge, for his action." However, these studies have not directly assessed the effects of intentional evidence on jury decisions.

Other investigators have focused on the attribution of responsibility for one's actions. Most of the work in this area is based on the work of Heider (1958), who suggested that attribution of responsibility varies with the relative amount of personal versus environmental factors. He posited five levels or developmental stages through which an individual passes. Each level represents an increasing level of sophistication where there is consideration of new variables, which may affect attribution of responsibility, at each subsequent stage. Level 1 (Association) is the most unsophisticated stage and an individual is held responsible for any outcome with which he is associated. At level 2 (Commission) a person is responsible for any outcome he produces, even if the consequences are unforeseen. At level 3 (Foreseeability) the individual is held responsible for his actions only if they produce foreseeable consequences. At level 4 (Intentionality) the person is held responsible for any outcome that is intended, and at level 5 (Justification) the individual's responsibility for intended outcomes is mitigated if circumstances justify the actions. Although several researchers have empirically tested Heider's levels of responsibility and their relation to outcome intensity (Shaw and Sulzer, 1964; Sulzer and Burglass, 1968; Shaw and Reitan, 1969), these studies were not intended to represent jury situations. More recently, Harvey and Enzle (1978) considered the effects of perceived justifiability in
mock trial situations, but once again the effects of intent on jury outcome were not addressed.

Two researchers who have addressed the question of the effects of intent are Joann Horai and Mary Bartek (1978). They were primarily interested in recommended punishment as a function of injurious intent, actual harm done, and intended consequences. It was expected that the greater the injurious intent and the greater the harm actually done, the more severe the actual recommended punishment. Horai suggested that intent, which is a hypothetical construct that refers to what an actor has in mind prior to performing an act, consists of "three sequential expectancies having an 'if this, then that' form." This sequential flow begins with an actor intending to perform an act(s) in order to cause an intended effect(s) that will result in an intended consequence(s).

Horai and Bartek's results did indicate that recommended punishment did vary as a function of injurious intent, actual harm done and intended consequences. However, intended consequences did not interact with injurious intent or actual harm done. It was also found that offensive actors were judged more harshly than defensive actors, which is a result consistent with Heider's (1958) level of justifiability as a mitigating factor. The results also suggested that recommended punishment was independent of predictions of future behavior. However, whether it has an affect on suggested parole was not addressed. Thus, intent as defined by Horai (Horai, 1977; Horai and Bartek, 1978) does have an affect on recommended punishment.
Intent has long been an important consideration of our legal system. It is an integral factor in discriminating Negligent Homicide from other forms of Criminal Homicide, and is at the basis of "mens rea" which is an important aspect of diminished responsibility (although diminished responsibility has been removed from the mens rea requirements of homicide in Montana). As shown above, intent is also related to perceived aggressiveness and responsibility, yet little if anything is known about its direct affects on juror and jury decisions. The present study addresses this area and examines what affects evidence concerning intention has on jurors. The focus is not on intentionality as related to the insanity defense (where mens rea is an issue), but rather is specifically interested in criminal cases where "not guilty by reason of insanity" is not an option. In other words, when a juror is presented with evidence of intent, how does that affect 1) perceived responsibility as characterized by a dichotomous choice between two types of homicide (Negligent Homicide v. Deliberate Homicide), 2) length of sentence suggested, 3) length of parole suggested, 4) perceived likelihood of future crime, and 5) perceived aggressiveness of the defendant. In the present study, intent is not conceptualized or manipulated in the same fashion as in the Horai and Bartek study (1978), but rather is defined explicitly as statements made by the defendant prior to the crime or at the time of the crime which refered to his intentions. Thus, this study combines Horai's three expectancies (intent, act, and consequences), where the criminal act and consequences (to the victim) are held constant. This was not done in the Horai and Bartek study. With such a design, the effects of the presentation of
intentional evidence in a jury trial situation should be measurable. From this it was hypothesized that more aggressive defendants, as perceived in association with intentional evidence to commit a criminal act, would be treated more severely by the mock jurors (hereafter, the use of "intentional evidence" will refer to evidence suggesting an intentional criminal act, unless otherwise stated). Concomitant with this harsher treatment, the defendant would be held more responsible for his actions, given a longer sentence, receive longer parole, be perceived as having a greater probability of future crime, and be found guilty of a more severe crime. It was also hypothesized that defendants associated with nonintentional evidence (evidence suggesting a criminal act was not intended), would be treated less severely by the mock jurors relative to their control (evidence of fact only) and intentional criminal act counterparts. It was expected that the control group would fall between these two groups containing intentional evidence on all dependent measures. These results may be somewhat mediated by the fact that college students in "mock" jury situations tend to be more lenient in their judgements than former jurors (Hinkle et al., 1983), and that when faced with a dichotomous verdict decision students are more likely to choose the lenient verdict (Kaplan and Simon, 1972). However, even with such mediating factors, it was hypothesized that the differences between the intentional and nonintentional groups on the dependent measures would be significant.
METHODOLOGY

Design

A between groups design was employed in which subjects were randomly assigned to one of three groups. The three groups differed on the manipulation of the independent variable, evidence of intent.

Subjects

Subjects were 222 male and female undergraduate volunteers enrolled in an introductory psychology course at the University of Montana. Each subject received credit in exchange for his/her participation.

Materials

Each of the subjects received a booklet containing an introductory paragraph (Appendix A), the legal definition of homicide as defined by the state of Montana (Appendix B), a transcription of testimony (Appendices C, D, and E) and a response questionnaire (Appendix F). The introductory paragraph briefly explained the experimental task. The subjects were also told that their responses would be compared to those of actual jurors in order to increase prudent consideration of their responses to the questionnaire. Before leaving, the subjects also completed a demographic questionnaire (Appendix G).
Procedure

Subjects were run in groups ranging in size from twelve to twenty. Each subject was handed a booklet containing case material and the response questionnaire, upon entering the room. Depending upon which group the subjects had been assigned to, their booklet contained either evidence of intent to commit the criminal act (Appendix C), evidence of intent not to commit the criminal act (Appendix D), or only factual testimony without intentional or nonintentional evidence (Appendix E). The subjects were randomly assigned to one of the three groups prior to the running of the experiment, and there were equal numbers of males and females in each group. Subjects read the case material and responded individually to the questionnaire, where they were asked to make a dichotomous judgement between Deliberate Homicide and Negligent Homicide. Subjects were then asked to rate the defendant on the following on 11 point likert-type scales: a) length of suggested prison sentence, b) length of suggested parole after release from prison, c) likelihood of future crime for the defendant, d) how responsible they believe the defendant was for his actions, and e) how physically violent the defendant was in the act.

Subjects were then asked demographic questions, and what type of jury experience they had, if any. They were also asked whether they or someone close to them had been a victim of a serious violent crime and, if so, how long ago it occurred. When all the subjects had completed the questions, they were debriefed about the purpose of the study and their role in it. They were then informed that they should not discuss the study with anyone, because of the possibility of contamination of the
experiment. Subjects were then asked to sign a statement agreeing not to discuss the study for four weeks, and booklets were collected.
Data Analysis

The first dependent measure is a dichotomous variable requiring the verdict choice as either Deliberate Homicide or Negligent Homicide, as defined by Montana legal code and presented to the subjects. A chi-squared analysis was used to evaluate these results. The remaining five likert-type items were analyzed with a $3 \times 2$ (type of evidence by gender) analysis of variance procedure, in order to determine differential responses between groups.

Verdict Choice

Of the 222 subjects in the study, 139 chose Deliberate Homicide as their suggested verdict for the defendant, and this choice was significantly dependant on the type of evidence read, $\chi^2(2, N=222)=33.52$, $p=.00005$. Specifically, of the 74 individuals in the intentional evidence group, 64 chose Deliberate Homicide as compared to 30 and 45 in the nonintentional and factual evidence groups, respectively. As mentioned above, this choice of Deliberate Homicide was significantly dependant on type of evidence but was not significantly influenced by gender. In the nonintentional, intentional, and factual groups there were 16, 33 and 23 males, respectively, who opted for Deliberate Homicide. This is compared to 14, 31 and 22 Deliberate Homicide choices for females in the same groups (see Table 1). These differences in responding between sexes were so small (practically non-existent) that it was not seen as beneficial or necessary to compute the exact multinomial or use a log linear approach to determine an exact value.
Table 1
Number of Deliberate and Negligent Homicide Verdicts Given by Experimental Group and Gender

<table>
<thead>
<tr>
<th>GROUP</th>
<th>NONINTENT</th>
<th>INTENT</th>
<th>FACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>GUILTY OF DELIBERATE</td>
<td>MALES=16</td>
<td>MALES=33</td>
<td>MALES=23</td>
</tr>
<tr>
<td>HOMICIDE VERDICT</td>
<td>FEMALES=14</td>
<td>FEMALES=31</td>
<td>FEMALES=22</td>
</tr>
<tr>
<td>TOTAL=30</td>
<td>TOTAL=64</td>
<td>TOTAL=45</td>
<td></td>
</tr>
<tr>
<td>GUILTY OF NEGLECT</td>
<td>MALES=21</td>
<td>MALES=4</td>
<td>MALES=14</td>
</tr>
<tr>
<td>HOMICIDE VERDICT</td>
<td>FEMALES=23</td>
<td>FEMALES=6</td>
<td>FEMALES=15</td>
</tr>
<tr>
<td>TOTAL=44</td>
<td>TOTAL=10</td>
<td>TOTAL=29</td>
<td></td>
</tr>
</tbody>
</table>
A chi-squared procedure could not be directly performed on the differences between the sexes because of the small expected frequency.

Thus, regardless of gender, individuals in the intentional group significantly more often chose Deliberate Homicide over Negligent Homicide, relative to the nonintentional group, $\chi^2 (1, n=148)=33.705$, $p<.00005$, and the fact group, $\chi^2 (1, n=148)=12.568$, $p=.0004$. Concomitant with this finding, the factual evidence group also had significantly more Deliberate Homicide choices than the nonintentional group, $\chi^2 (1, n=148)=6.082$, $p=.014$. These inter-group chi-square values were compared to the Bonferroni critical values to determine significance (Dayton and Schafer, 1973).

**Sentence Severity**

An analysis of variance could not be done directly on length of prison sentence because the two scales corresponding to the different verdicts allowed a different set of responses (100 years max. for Deliberate Homicide vs. 40 years max. for Negligent Homicide). Thus, the raw data (actual # of years suggested) were transformed into a severity score. This score was a percentage of the maximum possible sentence. In other words, a sentence of 20 years on the Deliberate Homicide scale (0 to 40 years) was transformed to .50 (50% of the scale was used). Likewise, a suggested sentence of 50 years on the Deliberate Homicide scale (0 to 100 years), was transformed to .50. These transformations represent the severity of the suggested sentence and were analyzed by analysis of variance to determine differential suggested severity of sentence by condition (type of evidence) and
A main effect for type of evidence was found, \( F(2,216)=6.813, p=.001 \), while neither gender alone, \( F(1,216)=.953, p=.330 \), nor its interaction with type of evidence, \( F(2,216)=.008, p=.992 \), were significant. A Neuman-Kuels pairwise comparison indicated that the intentional group mean of .657, was significantly greater than the nonintentional group mean of .482, at the .01 level of significance. In addition, the intentional group mean (.657) was greater than the fact group mean (.578) but this difference was not significant at .05. The factual group mean was significantly different from the nonintentional group mean, however, at a significance level between .05 and .06. (See figure 1 for a summary of these results.)

**Parole**

The length of suggested parole was analyzed in the same way the length of sentence data were analyzed, except no transformations were necessary. Type of evidence was again found to be significant, \( F(2,216)=4.860, p=.009 \), with the intentional evidence group mean (16.81) being significantly greater at the .05 level than both the nonintentional group mean (11.43), and the fact group mean (13.08), as shown by the Neuman-Kuels procedure. The factual evidence group mean was greater than the nonintentional group but this difference was not significant. Again, neither gender alone, \( F(1,216)=2.514, p=.11 \), nor its interaction with type of evidence, \( F(2,216)=.594, p=.558 \), was
Figure 1. Mean Score on Severity of Sentence Scale by Experimental Group.
significant. (See figure 2 for a summary of these results.)

Responsibility

An analysis of variance on degree of responsibility showed that neither type of evidence, $F(2, 216)=2.630, p=.073$, nor gender, $F(1, 216)=1.919, p=.164$, were significant.

Future Crime

Data on likelihood of future crime showed a significant main effect for type of evidence, $F(2, 216)=9.532, p=.00027$, plus a significant interaction for type of evidence and gender, $F(2, 216)=6.173, p=.013$. The differences between female and male ratings in the nonintentional condition was minimal (0.3), but this difference was intensified in the intentional (1.11) and factual (1.17) conditions. A Neuman-Kuels pairwise comparison showed that the mean female response in the intentional group (5.92) was significantly greater than males (3.38) and females (3.68) in the nonintentional group, at the .01 level. It was also greater than the males mean response in the fact group (3.97) but not the females, at the .05 level. Female mean response in the fact group (5.14) was significantly greater than the nonintentional male group (3.38) as well, but not the female group, at the .05 level. In addition, although the intentional group mean for males (4.81) was greater than males in the fact and nonintentional conditions (3.97), as well as females in the nonintentional group (3.68), these differences were not significant at the .05 level. (See figure 3 for a summary of
Figure 2. Mean Length of Suggested Parole by Experimental Group.

Figure 3. Mean Likelihood of Future Crime Score by Group and Gender.
Level of Violence

Analysis of variance on perceived level of violence showed a significant main effect for type of evidence, $F(2, 216) = 3.848, p = .022$. Gender alone was not a significant factor, $F(1, 216) = .996, p = .680$, nor was its interaction with type of evidence, $F(2, 216) = .342, p = .716$. A pairwise comparison showed the intentional group mean (8.53) as significantly greater than the nonintentional group mean (7.61), at the .05 level. Although the intentional group mean was higher than the fact group (8.03), this was not significant. In addition, the fact group mean was greater than the nonintentional group (7.61), but again this was not significant. (See figure 4 for a summary of these results.)
Figure 4. Mean Score on Perceived Level of Violence Scale by Experimental Group.


Discussion

General Findings

The purpose of this research was to examine the effects of intentional evidence (evidence suggesting an intentional act and/or evidence suggesting a nonintentional act) on juridic decisions. The results suggest that when presented with evidence concerning a defendant's intentions related to the criminal act, the evidence suggesting intent will indeed affect juror's perceptions of the defendant, and concomitantly, regardless of the juror gender, modify the recommended consequences. Specifically, evidence that the defendant intended the act will result in more severe suggested consequences for the defendant (i.e. guilty of Deliberate vs. Negligent Homicide, a more severe suggested prison sentence and longer suggested parole after release from prison), when compared to evidence suggesting the act was not intended. In addition, evidence suggesting an intentional act will cause both male and female jurors to perceive the defendant as having been more violent in the criminal act, relative to what they would perceive if they were presented with evidence indicative of a nonintentional act.

There were significant main effects on five of the six measures utilized in this study, with only one significant interaction between the type of evidence presented and gender of the juror, which occurred in the perceived likelihood of future crime scale. This interaction showed that different types of evidence influenced males and females differently on how likely they felt the defendant was to be involved in
future criminal activity. Thus, the gender of a juror does not appear to play a major role in influencing or altering the effects of evidence concerning intent on suggested consequences of a criminal act, or on how violent the jurors perceived the defendant was during the criminal act, but it does, however, affect a juror’s perception of how likely the defendant is to be involved in future crime. The different types of evidence did not significantly alter male subject’s opinions of likelihood of future crime for the defendant, but the type of evidence did make a difference with female subjects. When presented with evidence indicating that an act was intended, female jurors tended to perceive the defendant as more likely to be recidivistic than male or female jurors who are presented with evidence concerning nonintentionality. In addition, females who were presented with only factual evidence (i.e. no evidence suggesting intentionality) also tended to believe the defendant was more likely of future crime than males who were presented with nonintentional evidence. Thus, nonintentional evidence appears to have very similar influences on perceptions of future crime for jurors of both sexes, but the effects of evidence suggesting intent, or factual evidence alone, seem to be amplified with female jurors and this amplification significantly increases their perceptions of the defendants likelihood of future crime (relative to the perceptions of jurors presented with nonintentional evidence). Precisely how this gender mediated affect is related to the other scales is not entirely clear. It is speculated, however, that it is not significant in and of itself as the other scales do not show any interaction between a juror’s gender and the type of evidence presented.
For example, male and female jurors will suggest very similar harsh consequences for a defendant associated with evidence suggesting a criminal act was intentional. At the same time, jurors of both genders will suggest less severe sentences for a defendant associated with nonintentional evidence. So, although juror perceptions of the likelihood of recidivism may differ, the actual suggested consequences are similar. This supports the findings of Horai and Bartek (1978) who also found that recommended punishment was independent of predictions of future behavior.

Specific Scale Findings

The results strongly support the hypothesis that type of evidence will affect the actual type of verdict given, if the jurors are given this choice. Specifically, if given the option, both male and female jurors will give a defendant associated with evidence indicative of an intentional act a harsher verdict, in this case Deliberate rather than Negligent Homicide, relative to defendants associated with either factual or nonintentional evidence. Nonintentional evidence has the opposite affect on juror's choice of verdict, in that if they have been presented with nonintentional evidence there will be a significantly greater number of choices for a more lenient verdict (relative to jurors presented with factual or intentional evidence). Thus, when the choice of a verdict is left to the jurors, the type of evidence which has been presented will be a significant influencing factor.
Not only does type of evidence influence the verdict choice, but, as mentioned above, it concomitantly affects the severity of the suggested sentence. Once again, intentional evidence is associated with a more severe sentence, relative to nonintentional evidence. Thus, it is speculated that if there is a preponderance of evidence suggesting an act was intentional, then the defendant can expect a more severe verdict and sentence (at least if the crime was homicide). Nonintentional evidence tends to cause jurors to suggest less severe sentences relative to factual evidence alone, and more importantly, it results in much less severe suggested prison sentences relative to evidence indicating an intentional act. In this study, the severity of the average suggested sentence associated with evidence indicative of a nonintentional act was approximately 1.36 times less than the severity of the average suggested sentence for evidence indicating intent.

As mentioned above, type of evidence also significantly affected subjects suggested parole for the defendant. Once again intentional evidence resulted in a longer suggested parole for the defendant, which was significantly greater than suggested paroles in both the fact and nonintentional conditions. The fact that the nonintentional and fact groups did not significantly differ on this measure is overshadowed by the fact that the intentional and nonintentional groups did once again differ significantly. From this it is speculated that evidence concerning a defendant's intentions does play an important role in determining suggested length of parole, in that evidence to commit a criminal act will bring about a longer parole (as well as a more severe suggested sentence and verdict, as noted above), relative to evidence of
pure fact or nonintentionality. This may be the result of jurors feeling that if one definitely intended to commit a crime, that person should be watched more closely in the future. On the other hand, it could also just be a continuation of a more severe treatment (as demonstrated on the severity of sentence measure). Regardless of how it is perceived by the subjects, however, intentional evidence does appear to lengthen suggested parole by the jurors. It is important to note that nonintentional evidence does not significantly decrease length of parole relative to evidence of pure fact, but since evidence concerning intent (in a general sense) is usually, if not always a topic of controversy in a trial, these differences between intentional and nonintentional evidence are of prime importance.

The responsibility scale is the only scale on which no significance was found. This suggests that regardless of type of evidence, all subjects considered the defendant to be approximately equally responsible for the criminal act. Exactly how this perceived responsibility for an act relates to jurors suggested consequences, perceived likelihood of future crime, and how violent the defendant was perceived to be during the criminal act, remains unclear. It is speculated however, that perceived responsibility may play a role in certain cases, but is not necessarily a central factor in determining a juror's suggested consequences or other perceptions. In other words, presentation of evidence of intent or nonintent may not significantly alter a juror's perception of how responsible a defendant is for his or her actions, but it will affect other perceptions concerning the defendant (level of violence and likelihood of future crime), as well as
suggested consequences. Therefore, responsibility does not appear to be, in this case, a major factor which jurors use to determine verdict, sentence, suggested parole, or likelihood of future crime.

Juror's perceived likelihood of future crime for the defendant is also influenced by type of evidence. In addition, this affect is mediated by gender. When asked to rate how likely they felt the defendant was to be involved in future similar crime, females in all groups had an average rating greater than males in the same conditions (not a statistically significant difference, however). Not only did females in the intent condition give significantly higher ratings than males and females in the nonintent groups, as well as males in the fact group, but concomitantly male jurors average ratings did not significantly differ based on type of evidence the subject jurors were presented with. This may be due to the fact that males found it easier to identify with the male defendant, and as a result did not feel he was overly likely to commit a future act, but this needs to be clarified in future research. It is also important to note that male and female jurors' ratings in the same experimental conditions did not differ significantly. That is, females in, for example, the intentional evidence group did not have significantly higher ratings on this scale than males in the same group. The numerically higher ratings for females did, however, lead to significant differences between the different experimental conditions (groups). Regardless of the reasons behind this gender mediated difference, likelihood of future crime does not appear to be a significant factor in a practical sense. That is, it is not directly manifested in one of the other scales which relate to
how the defendant will actually be treated. In other words, even though females tend to perceive the defendant as more likely to be recidivistic (especially if they were presented with evidence indicating an act was intended) than do males, the suggested consequences are similar. Once again, this finding supports what Horai and Bartek (1978) found; actual suggested consequences are independent of predictions of future crime.

How violent the defendant was perceived to be in the criminal act was also influenced by type of evidence, as hypothesized. A defendant associated with intentional evidence was seen as significantly more violent than one associated with nonintentional evidence. These results, in all likelihood, help explain the results for verdict choice, sentence severity and length of parole. The more violent one is perceived to be in the criminal act the harsher the suggested consequences for the act. The opposite was also true, in that nonintentional evidence resulted in jurors seeing the defendant as less violent in the act (relative to intentional evidence), and concomitant with this the defendant was given less severe consequences.

General Comments

On several of the measures in this study the nonintent and intent conditions do not differ significantly from the fact condition. However, usually, if not always, the question of a defendant's intentions are of prime importance, and as a result evidence concerning a defendant's intentions is introduced to the jurors. Thus, that subjects' responses in the nonintent and intent conditions do not differ significantly from the responses of subjects in the fact condition is
not, in and of itself important. This argument is believed to hold true for all measures in the present study, as the primary differences which this research attempted to set-apart and analyze were the differences between intentional and nonintentional evidence, and their respective affects on the suggested consequences for a defendant. To this end, the present study appears to be quite successful. The presentation of evidence to commit a criminal act results in significantly harsher suggested consequences for the defendant, as compared to evidence suggesting nonintentionality, regardless of juror gender. One must be very cautious, however, in attempting to generalize these findings to criminal cases which do not involve homicide. Jurors' reactions to differing types of evidence may differ significantly if, for example, the criminal charge was Assault or Vandalism. It is also important to keep in mind that the results of this study alone are not enough to make strong generalizing speculations or interpretations. In keeping with Loh's (1981) suggestions, this study attempted to "stay close" to the data in order to be more sensitive to the lawyer's point of view.

It is suggested that future research combine these two types of evidence (intentional and nonintentional) to determine how they might interact to affect the jurors perceptions of, and suggested consequences for the defendant. This would be a more applicable study to the "real" world situation, since the two types of evidence obviously co-exist in the courtroom (and since we now have empirical evidence suggesting their differential effects). It will, of course, be impossible (if not impractical) to control for all intermediary factors, such as persuasiveness of the attorneys, witnesses and defendant(s), but this
could be minimized in several ways. These findings are only the beginning, as little research has been directed at this specific area, and they indicate the need for further research to elucidate and clarify the actual effects of intentional and nonintentional evidence in the courtroom.
References


Kaplan, K., & Simon, R. (1972). Latitude and severity of sentencing
options, race of the victim and decisions of simulated jurors: Some issues arising from the Algiers Motel trial. Law and Society Review, 7, 87-98.


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Thank you for being here today. To begin this study you are first going to read the legal definitions concerning homicide in the state of Montana, and then you will read information about an actual homicide committed in Montana. You will then be asked to determine a verdict just as you would in a jury trial, and in addition, you will be asked other questions about the case. Please consider your answers to the questions very carefully, as your answers will be compared to verdicts returned by jurors in similar cases.
Montana Homicide Statute

Under current Montana Law a person is charged with criminal homicide if he purposely, knowingly, or negligently causes the death of another human being. The following definitions are taken from existing Montana Code.

Deliberate Homicide:
Criminal homicide constitutes deliberate homicide if it is committed purposely or knowingly;...

Negligent Homicide:
Criminal homicide constitutes negligent homicide when it is committed negligently. A person acts negligently when he should have been aware of but disregards a risk that the result will occur or that a circumstance exists.
On October 2, 1982, Richard Allen and Mark Williams had been playing pool in a downtown bar. That night they had argued and Mark left the bar after the bartender threatened to call the police. Approximately two weeks later, on October 15, Mark returned to the bar, saw Richard sitting alone at a table and sat down with him. He reportedly wanted to try to make things up with Richard and continue being friends. However, a short while later, Richard and Mark began arguing again and were soon yelling and pushing each other. When the police arrived, Richard lay bleeding on the floor and Mark was standing over him. A hunting knife was laying on the floor between them. Richard died of a stab wound on his way to the hospital.

Relevant Testimony

James Lee, a bartender working the night of the crime, testified that Richard and Mark were regular customers and played pool there quite often. He told the court that he had seen them argue on other occasions and had threatened to call the police during an argument two weeks before the homicide. On the night of the crime he called the police as soon as he noticed the men arguing because he had already warned them.

Jim Cummings, a mutual friend of both Richard and Mark testified as to events prior to the crime. He told the court that Mark had recently separated from his wife and she had threatened divorce. During that time Mark had turned to Richard for support and they had been spending a lot of time together. After the argument on October 2, Mark had told Jim that his friendship with Richard was over and that Richard would pay for the trouble he had caused. Mr. Cummings stated that Mark would not
tell him any details, only that he and Richard had a major blowup and Richard was going to "pay" for it.
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Relevant Testimony

James Lee, a bartender working the night of the crime, testified that Richard and Mark were regular customers and played pool there quite often. He told the court that he had seen them argue on other occasions and had threatened to call the police during an argument two weeks before the homicide. On the night of the crime he called the police as soon as he noticed the men arguing because he had already warned them. Mr. Lee told the court that he saw Richard laying on the floor and he heard Mark say, "Oh, my God. I never thought it would go this far. I didn't mean to hurt him...quick someone call an ambulance."

Jim Cummings, a mutual friend of both Richard and Mark testified as to events prior to the crime. He told the court that Mark had recently separated from his wife and she had threatened divorce. During that time Mark had turned to Richard for support and they had been spending a
lot of time together. After the argument on October 2, Mark had told Jim that his friendship with Richard was over. Mr. Cummings stated that Mark would not tell him any details, only that he and Richard had a major blowup.
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major blowup.
1.) I, student juror, do find the defendant, Mark Williams, guilty of:
(circle one)

Deliberate Homicide  Negligent Homicide

2.) The maximum sentence for Deliberate Homicide in Montana is 100 years in prison. The maximum sentence for Negligent Homicide is 40 years in prison. Please indicate the sentence that you feel would be most appropriate. (Use the scale corresponding to your verdict and circle a whole number. The death penalty is not an option.)

2a.) If you chose:
Deliberate Homicide

0---10---20---30---40---50---60---70---80---90---100
No time       Years       Maximum
served        sentence

2a.) If you chose:
Mitigated Homicide

0---4---8---12---16---20---24---28---32---36---40
No time       Years       Maximum
served        Sentence

3.) How long should the defendant be placed on parole after being released from prison? (Regardless of length of prison sentence.)

0---4---8---12---16---20---24---28---32---36---40
No parole     Years       Long parole
suggested     after release suggested
from prison

4.) How responsible was the defendant for his actions?

0---1---2---3---4---5---6---7---8---9---10
Not at all     Completely
responsible     responsible
5.) How likely is this person to commit a similar crime in the future?

0---1---2---3---4---5---6---7---8---9---10
Very unlikely

6.) How physically violent was the defendant in this act?

0---1---2---3---4---5---6---7---8---9---10
Not at all very violent
Please provide the information asked for below. Everything will be held strictly confidential.

Age___

Sex M F (circle one)

Year in college: 1 2 3 4 Grad (circle one)

Major:_______

Have you ever served on a jury before? Yes No (circle one)

Have you or anyone close to you been the victim of a violent crime? Yes No (circle one)

If yes, what was the nature of that crime? (Explain)

I, (do, do not) promise not to discuss the nature of this research with anyone for a period of one month. (Circle one)