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UNIVERSITY OF CALIFORNIA,
IRVINE

The Role of Jurors' Emotions in Child Sexual Abuse Cases

DISSERTATION

submitted in partial satisfaction of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

in Psychological Science

by

Alma Patricia Olaguez

Dissertation Committee:
Assistant Professor J. Zoe Klemfuss, Chair
Distinguished Professor Elizabeth Loftus
Professor Linda Levine

2021

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Klemfuss, J. Z., McWilliams, K., Henderson, H. K., **Olaguez, A. P.**, & Lyon, T. D. (2020). Order of encoding predicts young children's responses to sequencing questions. *Cognitive Development*, 55. doi:10.1016/j.cogdev.2020.100927

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Mindthoff, A., Evans, J. R., Perez, G., Woestehoff, S. A., **Olaguez, A. P.**, Klemfuss, J.Z., Normile, C. J., Scherr, K. C., Carlucci, M. E., Carol, R. N., Meissner, C. A., Michael, S. W., Russano, M. B., Stocks, E. L., Vallano, J. P., & Woody, W. D. (2020). Juror perceptions of intoxicated suspects' interrogation-related behaviors. *Criminal Justice and Behavior*, 47, 222-246. doi:10.1177/0093854819888962

Olaguez, A. P., Castro, A., Cleveland, K. C., Klemfuss, J. Z., & Quas, J. A. (2019). Using implicit encouragement to increase narrative productivity in children: Preliminary evidence and legal implications. *Journal of Child Custody*, 15, 286-301. doi: 10.1080/15379418.2018.1509758

Mindthoff, A., Evans, J. R., Perez, G., Woestehoff, S. A., **Olaguez, A. P.**, Klemfuss, J.Z., Normile, C. J., Scherr, K. C., Carlucci, M. E., Carol, R. N., Meissner, C. A., Michael, S. W., Russano, M. B., Stocks, E. L., Vallano, J. P., & Woody, W. D. (2018). A survey of potential jurors' perceptions of interrogations and confessions. *Psychology, Public Policy & Law*, 24, 430-448. doi: 10.1037/law0000182

Eisen, M. L., Smith, A. M., **Olaguez, A. P.**, & Skerritt-Perta, A. S. (2017). An examination of showups conducted by law enforcement using a field-simulation paradigm. *Psychology, Public Policy & Law*, 23, 1-22. doi: 10.1037/law0000115

Eisen, M., Dotson, B., & **Olaguez, A.** (2015). Exploring the prejudicial effect of gang evidence: Under what conditions will jurors ignore reasonable doubt. *Criminal Law Practitioner*, 2, 41-51.

Manuscripts Under Review or in Progress

Olaguez, A. P., Klemfuss, J. Z., & Peplak, J. (*In preparation*). Jurors' emotions in child sexual abuse cases.

Olaguez, A. P. & Klemfuss, J. Z. (*In preparation*). Pre-existing beliefs about child witnesses and examination phase influence verdict decisions.

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- Olaguez, A. P.**, & Klemfuss, J.Z. (2018). *Attorney questioning style in child sexual abuse cases influences jurors' perceptions, verdict decisions, and recall of case details*. American Psychology-Law Society, Memphis, TN.
- Mindthoff, A., Perez, G., Evans, J. R., Woestehoff, S. A., **Olaguez, A. P.**, Klemfuss, J.Z. et al. (2018). *Examining jurors' perceptions of interrogations and confessions: Are jurors finally starting to believe that false confessions exist?* American Psychology-Law Society, Memphis, TN.
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- Olaguez, A.**, Klemfuss, J.Z., & Mugno, A. (2017). *Jury-eligible adults' opinions of children's abilities as witnesses and explanations for verdict decision*. American Psychology-Law Society, Seattle, WA.
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- Olaguez, A.**, Eisen, M., Williams, J., & Aroz, G. (2016). *Ripple effects: How prejudicial evidence about the defendant's character can lead to false memories for evidence never presented at trial*. American Psychology-Law Society, Atlanta, GA.
- Olaguez, A.**, Eisen, M., Pope, J., Aroz, G., Pratt, S., Williams, J., & Orozco, M. (2015). *Live showups in the field: What we cannot learn from laboratory research*. Society for Applied Research in Memory and Cognition, Victoria, B.C., Canada.
- Olaguez, A.**, Eisen, M., Pratt, S., Aroz, G., & Virgen, N. (2015). *Ripple effects: How gang evidence can bias jurors' memory*. Society for Applied Research in Memory and Cognition, Victoria, B.C., Canada.
- Olaguez, A.**, Aroz, G., & Eisen, M. (2015). *Ripple effects: How biased evidence can cause distortion in jurors' memory*. CSU Student Research Competition, San Bernardino, CA.
- Olaguez, A.**, Eisen, M., Dotson, B., & Aroz, G. (2015). *Ripple effects: How gang evidence can bias jurors' memory*. Western Psychological Association, Las Vegas, NV.
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Aneesah Akbar UCI Summer Undergraduate Research Project [\$1,000] <i>“The Role of Anger in Juror Decision Making in Child Sexual Abuse Cases”</i>	2019
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Graduate Student Lead Mentor, SURF & Competitive Edge SRP Facilitated virtual administration of both summer programs and mentored undergraduate students, incoming graduate students, and graduate student peer mentors	2020
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Post-baccalaureate Graduate Student Mentor, Department of Psychological Science Supervised research project and provided feedback on graduate application materials	2019
Peer Mentor, Department of Psychological Science Mentored incoming doctoral student through their first year in the department	2018

Writing Workshop Leader, SURF SRP 2018
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Peer Mentor, Competitive Edge SRP 2018
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Post-baccalaureate Graduate Student Mentor, Department of Psychological Science 2018
Supervised research project and provided feedback on graduate application materials

Peer Mentor, Competitive Edge SRP 2017
Mentored incoming doctoral student through the transition into graduate school.

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Guest Lectures

Social Psychology (Introduction to Psychology, CSULB) 2019

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Intelligence Theories (Introduction to Psychology, CSULA) 2015

Personality Disorders (Abnormal Psychology, CSULA) 2015

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*Personal History Statement Workshop** (UCI SRP) 2021

*My Path to a Ph.D.** (CSULB: Building Infrastructure Leading to Diversity colloquium series) 2020

*Personal History Statement Workshop** (UCI SRP) 2020

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CSULB Pre-Professor Program Information Session (UCI Graduate Division) 2021

Graduate Student Mentoring Panel (UCI Mentoring Excellence Program) 2021

CSULB Pre-Professor Program Information Session (CSU CDIP program) 2021

CSULB Pre-Professor Program Information Session (UCI Graduate Division) 2020

*Keys to Success and Survival in Graduate School** (UC Diversity Forum) 2020

*Funding: Ford Fellowship Predoctoral Application** (UCI SRP) 2020

*Getting through your 1st year as a Ph.D. Student** (UCI SRP) 2020

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Met with UCI's Provost and the candidates and as a representative for the Department of Psychological Science
- Pedagogical Fellows Admissions Committee Member** 2020
Reviewed applications and conducted interviews for incoming class of Pedagogical Fellows
- Professional Development Committee Member** 2019-20
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- Conference Reviewer, American Psychology Law Society** 2018-19
- Graduate Admissions Committee Member** 2019
Coordinated UCI's Psychological Science interview weekend

Certificates/Training

Preparing for a Faculty Career Certificate

Workshop series that encompassed pathways to employment, components of the job application, interview skills, the job talk, and transitioning to the academic workforce

Course Design Certificate

Two-day workshop to learn "backwards, integrated course design" by establishing goals for student learning and aligning assignments and assessments with these goals

Stata Training Series

Led by Dr. Huber, Associate Director of Statistical Outreach and Adjunct Associate from StataCorp on "Introduction to Stata," "Causal Inference for Complex Observational Data," and "Power Analyses"

Mentoring Excellence Program Certificate

Training program to learn about the skills and resources needed to provide support and mentorship to students

ABSTRACT OF THE DISSERTATION

The Role of Jurors' Emotions in Child Sexual Abuse Cases

by

Alma P. Olaguez

Doctor of Philosophy in Psychological Science

University of California, Irvine

Assistant Professor J. Zoe Klemfuss, Chair

Jurors are expected to evaluate case evidence and make conviction decisions in an objective and rational manner. However, research has demonstrated that jurors are often biased by emotionally eliciting evidence. The present studies examined the role of emotion in decision-making in Child Sexual Abuse (CSA) cases, given that these cases are expected to elicit a significant range and degree of emotion. Across three studies, I measured mock jurors' emotional reactions to a child witness testifying about child sexual abuse and examined how their emotions were related to case perceptions and decisions. These studies examined 1) what emotions are elicited when jurors are presented with a trial transcript of a witness testifying in a CSA case and how those emotions relate to case perceptions and decisions, 2) how trial specific variables influence these emotional reactions, and 3) whether trial procedures can reduce the effect of emotions on decision making. Results from Study 1 revealed that when mock jurors read a transcript of a child witness being questioned on the stand about CSA allegations, they showed significant increases in anger, disgust, and sadness. Jurors overwhelmingly voted to convict despite seeing minimal case evidence. A second study (Study 2) was conducted to test the roles of case-specific factors (witness age and evidence strength) in jurors emotional reactions and decisions, and to produce greater variability in emotional responses and verdict decisions. Study 2 also identified

witness credibility ratings as a mechanism by which emotions influence final case decisions. Study 3 examined the effectiveness of trial procedures such as emotion regulation instructions and included group deliberations to test whether instructions reduced the biasing effect of emotions and explore whether deliberations minimize or enhance the effects of emotion on decision making. Results from Study 3 revealed that emotion regulation instructions decreased jurors' reported anger and jurors were less likely to convict after deliberations. Overall, this series of studies revealed that jurors are vulnerable to making case decisions based on their emotional reactions to the case but emotion regulation instructions and deliberations may help jurors remain objective. Thus, emotion regulation instructions and deliberations are promising areas for future research.

CHAPTER 1: EMOTION AND DECISION MAKING

Theoretical Framework

Historically, psychological research in decision making was ruled by perspectives that did not consider the role of emotion, such as behaviorism and the cognitive revolution (Gilovich & Griffin, 2010; Keltner & Lerner, 2010). After the last turn of the century, however, research in emotion and decision making began to increase dramatically (Lerner et al., 2015) and began to permeate subfields such as Psychology and Law (Bandes, 2000). This wave of research has revealed that the influence of emotions on judgement and decision making is complex, but these relationships are currently being disentangled (Angie et al., 2011).

In a recent review, Lerner et al. (2015) did an exceptional job of summarizing how emotions can influence judgements and decision making through multiple pathways, which the authors call “themes.” Each theme incorporates the various functions of each emotion and outlines how emotions can influence specific steps in the decision-making process. The first theme explains how a decision-making task will elicit an emotional response because the person is considering the emotional outcomes that are associated with each potential decision. These emotions are considered *integral* because they are associated with the specific judgement at hand. Integral emotions can be beneficial because they guide individuals towards desirable outcomes or away from undesirable outcomes. Emotions can also be *incidental* (theme 2), such that the experienced emotions are not directly related to the task at hand. Because emotions can carry over from one situation to another, individuals are continuously at risk of making decisions based on emotions from a previous situation. These first two themes illustrate how emotions can directly influence the decision-making process. The subsequent themes begin to outline how this

process takes place and takes a closer look at the several dimensions that are uniquely associated with each emotion.

Lerner et al. (2015) then discussed the need to differentiate between discrete emotions (theme 3; Frijda, 1993; Keltner & Lerner, 2010). By focusing on discrete emotions, research can begin to illustrate how emotions that are similarly valenced, such as anger and sadness, can influence decision making in very different ways (Lerner et al., 2015). Discrete emotions are differentiated by theorists based on the *appraisals* and *action tendencies* that are often paired with each emotion. *Appraisals* are cognitive evaluations of the situation that are based on our individual knowledge and preferences that help shape our emotional experiences (Keltner & Lerner, 2010; Lazarus, 1982; Lerner et al., 2015; Lerner & Keltner, 2010; Smith & Ellsworth, 1985), and *action tendencies* are typical behaviors that are associated with that emotional experience based on our implicit goals (Frijda, 1986). Lerner and Keltner (2000) linked appraisals and action tendencies and developed the Appraisal-Tendency Framework to illustrate how emotions influence judgment and decision making based on a set of dimensions.

Specific dimensions of cognitive appraisals can influence decision making by shaping our thought content and depth of information processing (theme 4 & 5, respectively, Lerner et al., 2015). The dimensional framework helps to organize emotions based on the similarities and differences of each emotional experience (Smith, 1985). The dimensions are based on cognitive appraisals that categorize the emotion-eliciting event based on certainty, pleasantness, attentional activity, anticipated effort, individual control, and other's responsibility (Lerner & Keltner, 2000). For example, unpleasant events that elicit anger are perceived to be under the control of others and predictable. Thus, angry individuals will perceive negative events as brought about by others and be more likely to attribute blame to others because the situation could have been

avoided. Appraisal tendencies also influence how much effort is used to process information about the situation based on perceived event certainty. Events that elicit emotions that are high on the certainty dimension are unavoidable, while those that are low certainty have the potential to change course. A high certainty emotion such as anger will elicit heuristic processing in which individuals are more likely to rely on heuristics to arrive at a judgement quickly. On the other hand, sadness, a low certainty emotion, is more likely to encourage information processing in a systematic and careful manner by increasing attention to the stimulus. Emotions can also influence decision making by activating implicit goals that encourage a set of behavioral responses in pursuit of those goals (theme 6, Lerner et al., 2015). For example, disgust is associated with appraisal tendencies that are relevant to potentially hazardous contamination. Experiencing disgust would encourage the individual to move away from, or expel, objects to avoid being contaminated (Keltner & Lerner, 2010).

The use of information processing strategies and activation of implicit goals not only influence the decision making process but can also influence memory processes. Similar to the body of work on emotion and decision making, research on emotion and memory has also broadly focused on the effects of general emotional arousal rather than discrete emotions (for reviews see Levine & Edelstein, 2009; Levine & Pizarro, 2004). This broad perspective has revealed that the relationship between emotion and memory is quite complex.

Whether emotions prompt heuristic or systematic processing, emotions directly influence the level of attention paid to the stimuli. This level of attention will have a direct effect on the amount of information available for recall. However, discrete emotional states and current motivational goals may influence the type of information being attended to (Levine & Edelstein, 2009; Levine & Pizarro, 2004). A goal-relevance approach suggests that emotions increase

attention to information that is relevant to the goal at hand, while decreasing attention to irrelevant information. Thus, decision making processes may elicit emotions and activate goals that have direct consequences on the information processing system and memory for that information.

The growth in research on emotion and decision making has recently flourished into a rich theoretical framework, which can inform our understanding of decision making in situations that have significant societal consequences. The field of Psychology and Law may be the quintessential field to study this, given that lay persons are asked to make difficult decisions on a regular basis. The decisions jurors make carry significant consequences for others, which likely has its own emotional burden. Even though jurors are expected to make case decisions in an unbiased manner, the decision making process will likely be influenced by the emotions they experience in the courtroom. This is much more likely if they are serving on a case in which the evidence itself is emotionally provocative.

Emotions in the Courtroom

Legal scholars historically believed that there was no room for emotions in the legal world (Bandes, 2000; Grossi, 2015). Legal decisions were expected to be made with a mind that is owned by reason sans emotion, because emotions were perceived to be unreliable, unjustifiable, and unreasonable (Minow & Spelman, 1988). This view began to shift after the publication of *The Passions of Law* in 2000, which included a collection of essays about the complex and intricate role of emotions on legal decision making (Bandes, 2000). This work described how the inclusion or exclusion of emotions can be made implicitly, such as suggesting the need for vengeance in a capital punishment case, or explicitly, such as when jurors are instructed by the judge to follow the law exactly as stated and avoid emotional influences.

After the publication of *The Passions of Law*, legal scholars began to discuss the ways in which emotions may enter the courtroom (Bandes & Blumenthal, 2012; Feigenson & Park, 2006; Maroney, 2006). Jurors may be especially vulnerable to be influenced by their emotions, given their likely inexperience with crime scene evidence, emotional testimony, and legal jargon.

Throughout a case, there may be many opportunities to evoke emotion in jurors, such as when presenting photographs of a gruesome murder scene or the emotional testimony of the victim's family member. Given that jurors are often the target of emotional displays and do not have the training or experience to moderate their emotions in response to evidence as do judges and attorneys, jurors are particularly vulnerable to make biased decisions based on their emotions. Empirical research within Psychology and Law has mostly focused on how specific types of emotional evidence influence jurors' case judgements and sentencing recommendations. Most of the early efforts centered around whether to exclude emotionally eliciting evidence from trial to avoid overly prejudicing jurors (for reviews see Bandes & Salerno, 2014; Phalen et al., 2021). Federal Rule of Evidence 403 states that evidence presented in trial should be probative to the commitment of the crime and should not prejudice jurors to the point of being unable to make an objective decision. However, given the complexities of the evidence being argued, this distinction is not easy to make and broad recommendations about including or excluding specific types of evidence may result in over generalizations (Phalen et al., 2021). In order to help prevent this, research should help identify the pathways in which different types of emotionally evocative evidence influence case decisions to inform whether these effects can be mitigated.

Emotionally Evocative Evidence

In order to illustrate whether certain evidence is probative or prejudicial, researchers can first examine whether including a specific type of evidence impacts the final case outcomes.

Empirical research using mock jury paradigms often tests this question by experimentally manipulating the presence (or absence) of evidence that is expected to evoke a significant amount of emotion, such as gruesome evidence depicting the victim of the crime, and victim impact statements, in which the victim or loved one of the deceased describe the consequences or suffering the defendant caused. Prosecutors are likely to argue that this evidence should be included to help jurors understand the gruesome nature of the crime committed and to encourage decision making that is punitive and appropriate for the crime. Defense attorneys, on the other hand, are likely to argue that the evidence incites jurors' anger and motivation to punish someone for the offense, leaving the defendant as an available target. Below, I briefly summarize what research has revealed about the effects of two commonly used types of evidence that are expected to elicit an emotional response, namely gruesome photographic evidence and victim impact statements.

Gruesome photographic evidence. In cases in which the victim suffered significant physical injuries or was murdered, the prosecution is likely to introduce photographic evidence of the victim's injuries. These photographs would be considered gruesome to the average observer and can elicit emotions such as anger and disgust from seeing the harm and violation done to a human body (see Russell & Giner-Sorolla, 2013 for a review). Anger and disgust serve prosecutors well because these emotions are thematically linked to punitive decision making (Haidt, 2001, 2003; Konstan, 2003; Potegal & Novaco, 2010).

As expected, jurors are more likely to vote guilty when presented with gruesome photographic evidence (Bright & Goodman-Delahunty, 2004, 2006; Douglas et al., 1997; Edwards & Mottarella, 2014; Matsuo & Itoh, 2016; Salerno, 2017). A recent meta-analysis revealed that across 23 studies, there is a significant, albeit small, effect of the presence of

gruesome photographs increasing guilt and liability ratings (Grady et al., 2018). However, methodological differences in the studies reveal that the effect is largely due to studies comparing the presence of photographs versus not presenting photographs at all. Studies that compare gruesome photographs to neutral photographs reveal a much smaller effect, suggesting that the presence of photographs is in fact more impactful than not presenting any visual stimuli at all. These findings provide support for previously voiced concerns over presenting any type of visual evidence, which can increase the perceived ‘truthiness’ of the information being presented (Newman et al., 2012; Newman & Feigenson, 2013).

Victim impact statements. Another form of evidence that is expected to elicit a significant amount of emotions in jurors is Victim Impact Statements (VIS) in capital cases. These statements are often presented to the jury by the victim’s loved ones, often a parent of the deceased, during the sentencing phase and after the perpetrator has been found guilty. Analyses of a sample of VIS revealed that the statements typically describe the emotional experience of learning about the crime and the lasting consequences of losing their loved ones (Myers et al., 2018). Given the emotional nature of the statements, the introduction of this evidence is expected to encourage jurors to recommend a sentence that is “appropriate” for the crime committed (i.e., death penalty or life in prison).

Notably, several studies sought to examine the effects of VIS on juror decision making after the U.S. Supreme court unexpectedly overturned a decision delivered a few years earlier. In the first case, the Court ruled that considering the emotional effects on the victim’s family members was not relevant to the commitment of the crime and including VIS would erode the "reasoned decision-making" process (*Booth v. Maryland*, 1987). Four years later in 1991, the Court ruled that because the defendant can introduce a limitless amount of mitigating evidence to

help argue his case, the prosecution must also be allowed to present aggravating evidence to help jurors assess the harm caused by the defendant to deliver an appropriate punishment. It is important to note that this decision was relevant for the sentencing phase and not the guilt phase of trials. Thus, when jurors are making sentencing recommendations in death penalty cases, the VIS has the potential to influence the decision while someone's life is at stake.

Empirical research has revealed that the presence of VIS increases the likelihood that jurors will recommend the death penalty (McGowan & Myers, 2004; Myers & Arbuthnot, 1999; Paternoster & Deise, 2011; but see Boppre & Miller, 2014), and harsher sentencing in non-capital cases (Forsterlee et al., 2004; Wevodau et al., 2014). Although legal scholars continue to debate what VIS actually contributes to the case (Bandes, 1996; Myers & Arbuthnot, 2008; Phalen et al., 2021), it is likely that jurors will continue to be presented with emotional testimony in a variety of cases to illustrate the suffering resulting from the alleged crime. Thus, research that examines what emotions are being targeted and how discrete emotions influence decisions is most informative.

Discrete Emotions

When mock jurors have emotional reactions to a case, these emotions can influence how information is processed, and which information is retained, potentially impacting final case decisions. Mock jury studies that directly measure the relationship between discrete emotions and decision making can help identify the pathways in which the emotionally evocative evidence is influencing case decisions.

In an early study, Semmler and Brewer (2002) presented mock jurors with case evidence that was either expected to induce a sad mood or a neutral mood. Jurors in the sad mood condition who listened to a trial consisting of details that described the physical and

psychological trauma of a car accident were indeed sadder than jurors in the neutral condition who did not hear these details. Jurors in the sad mood condition were also more accurate at detecting trial inconsistencies. Researchers also measured jurors' incidental anger after hearing the trial details and findings revealed that anger levels were related to the amount of detected inconsistencies and other case perceptions. Specifically, as jurors' anger levels increased, they detected less inconsistencies. Jurors' anger levels were also positively related to credibility judgments, and perceived likelihood that the defendant committed the crime.

Semmler and Brewer's (2002) findings support general emotion models (Lerner et al., 2015) and reveal that emotions operate in a similar fashion within the legal setting. Notably, jurors who experienced sadness engaged in systematic, effortful processing of information which increased their ability to detect trial consistencies. Jurors who were angry engaged in heuristic information processing, reducing their attention to the case details, which would make it more difficult to detect trial inconsistencies. Finally, angry jurors experienced increased certainty and were more accepting of the prosecutions' case and that the defendant committed the crime, which would make it easier for jurors to deliver convictions.

In two later studies, anger was the only emotion that predicted jurors' sentencing decisions in a capital sentencing case (Georges et al., 2013; Nuñez et al., 2015). Specifically, angry jurors were more likely to sentence the defendant to death, but this relationship was mediated by jurors' ratings of the evidence presented. Georges et al. (2013) found that angry jurors rated the mitigating evidence presented by the defense as weaker, and Nunez et al. (2015) found that angry jurors rated the prosecution's aggravating evidence as stronger. Together, these findings suggest that jurors' reported anger is directly related to their perceptions of the evidence presented during trial.

However, in certain types of cases, anger may not be the sole driving factor behind punishment decisions. In situations involving severe moral transgressions, disgust is also an important emotion when evaluating behavior. Theorists suggest that anger and disgust work together to strongly condemn behavior. First, disgust alarms observers that a transgression has taken place, and then anger implements the punishment to ensure that this type of behavior does not become acceptable in society (Haidt, 2001, 2003; Tetlock et al., 2000). Additionally, research on jurors' emotional reactions to cases involving a moral crime reveal that anger and disgust are important predictors of case decisions but moral outrage, which is typically described as the need to blame and punish, was the mediator between emotions and punishment decisions.

In two studies, Salerno and Peter-Hagene (2013) found that the combination of anger and disgust predicted moral outrage, which in turned influenced case decisions. Researchers measured increases in anger, disgust, and moral outrage after reading a short vignette about a moral transgression or a gruesome murder trial. Participants reported their levels of disgust and anger using a diagonal grid, in which participants could indicate their levels of one emotion in relation to the other emotion. Participants also reported their moral outrage levels. In Study 1, participants read about two types of moral transgressions, a sexual assault violation or a vignette about the Westboro Baptist Church picketing the funeral of fallen soldiers (although researchers collapsed across conditions). Results revealed that the interaction between disgust and anger predicted moral outrage. Specifically, one emotion predicted moral outrage when the other was also moderately high.

In their second study, participants were presented with a trial vignette which included photographs of a gruesome murder and then rendered legal verdicts (Salerno & Peter-Hagene, 2013). Results revealed that anger strongly predicted moral outrage as disgust increased but only

became significant when disgust reached the scale midpoint, and disgust predicted moral outrage regardless of anger levels. Further analysis revealed that these patterns mediated verdict decisions. Specifically, anger predicted moral outrage, which then predicted verdict decisions at moderately high levels of disgust, but disgust predicted moral outrage and verdict decisions consistently, regardless of anger levels. These results suggest that in cases involving moral transgressions, disgust and moral outrage can explain decision making beyond increases in anger.

Emotions in CSA cases

CSA cases are ideal contexts to study how emotions influence case-related decision-making because they likely place a particular emotional burden on jurors. CSA is widely held as a moral transgression that is considered disturbing at its core (Rozin et al., 1997) and a violation of human rights; thus, even thinking about the act is likely sufficient to elicit emotional responses from adults. These cases are unique in nature because CSA allegations often do not produce physical evidence and the main source of evidence for the prosecution is the child victim's testimony, which is likely to be inherently emotion-inducing. Jurors in CSA cases are tasked with evaluating the veracity and credibility of the child's testimony while ignoring any emotional reactions that may result from hearing a child graphically describe alleged sexual abuse.

Anger, sadness, and disgust may all be elicited when jurors are exposed to children's statements in CSA cases. Specifically, learning that a child has (allegedly) been victimized by an adult will likely elicit sadness for the victim and anger towards the defendant. Jurors may also be disgusted from hearing the graphic descriptions of abuse. The current studies will extend previous findings (Georges et al., 2013; Nuñez et al., 2015; Salerno & Peter-Hagene, 2013; Semmler & Brewer, 2002) to a case that is expected to elicit all three previously described

negative emotions, namely, anger, sadness, and disgust, in order to identify the pathways in which specific emotions influence decision making.

The first study in the proposed series tested whether jurors experience an increase in anger, sadness, and disgust when exposed to child witness testimony in a CSA criminal case, and examined whether these emotions were related to decision making and memory for evidence. The next study varied case characteristics in an attempt to isolate how case specific and trial specific factors impacted emotions. The final study examined whether emotion regulation instructions were effective in reducing the effect of emotions on decision making and examined the role of group deliberation on final case decisions.

CHAPTER 2: POTENTIAL MODERATING FACTORS

Criminal cases of child sexual abuse can include a range of factors that may impact juror emotionality and the extent to which they might rely on their emotions when making case decisions. These may include case-specific factors, such as witness characteristics (e.g. age, gender) or the strength of available evidence. They may also include broader procedural factors such as jury instructions or group deliberations. Studies 2 examined case specific factors and Study 3 examined how trial specific factors influence emotional reactions to the case and resulting case decisions. I hypothesized that (1) case characteristics, such as the witness's age and the strength of the evidence (Study 2) would influence juror decision making via emotional reactions and (2) trial procedures such as emotion regulation instructions and group deliberations (Study 3) would dampen the biasing effects of emotional evidence by helping jurors make more objective decisions and avoid being influenced by their emotional reactions.

Case Characteristics

Crimes of a sexual nature are considered moral violations of another human's rights and are perceived to be the most harmful crime to victims, second only to murder (Adriaenssen et al., 2018). The thought alone is likely to elicit negative emotions in individuals (Rozin et al., 1997) and sex crimes in the media are reported using more anger and negative emotion terms (e.g., nasty, hurt, evil) than crimes involving violent assault or robbery (Harper & Hogue, 2014). Sex crimes are generally viewed as most heinous when committed against children (Jahnke & Hoyer, 2013). As such, the present study focused on CSA in order to maximize emotional reactions and test the effects on decision-making. However, CSA victims can range in age from young children to teenagers and research indicates that the age of the child witness affects juror perceptions of the case and decision making.

Witness Age

The public holds particularly negative opinions of those who victimize children (Jahnke & Hoyer, 2013) and convicted offenders face extreme scrutiny when a community learns a “pedophile” is living amongst them (Kitzinger, 2008). Opinions toward child sexual abusers are likely driven by the fact that children are deemed a vulnerable subpopulation and because victims of child abuse face negative long-term consequences into adulthood (Quas et al., 2002).

It should be noted that even within cases of CSA, the younger the victim, the more heinous the crime is considered to be. Sexual offenders who victimize children under the age of 13 elicit more public fear, compared to sexual offenders who victimize minors between the ages of 13-16 (i.e., statutory rape, Kernsmith et al., 2009). This fear of sexual offenders predicted support for the sex offenders registry (Kernsmith et al., 2009), which can be described as a lifelong punishment for the victimizer (Welchans, 2005). Reactions to CSA offenders that victimize younger children are likely due to the perceived increase in victim vulnerability, eliciting moral outrage towards the offender, a reaction often linked to punishment (Salerno & Peter-Hagene, 2013). Analyses of actual case outcomes do in fact reveal that cases that involve younger victims are more likely to end in convictions (Blackwell & Seymour, 2014) and result in charges and sentencing that are also more severe (RAINN, 2020). Thus, this is evidence that suggests that the public’s response to crimes involving young children is different than those involving older children. To capture mock jurors’ sensitivity to the variables that define a CSA case, I manipulated the victim’s age to test for differential effects on emotional reactions, perceptions, and case decisions.

When evaluating a case, jurors may rely on their preconceived beliefs to help them create a plausible story of the crime (Pennington & Hastie, 1992). In crimes involving sex abuse or

assault, individuals may rely on their preconceived beliefs about how or why these crimes take place, which may influence their perceptions of the victim alleging the crime. A large segment of the population holds beliefs about sex crimes or “rape myths” that affect attributions of responsibility and expected victim behavior for adult victims (Shaw et al., 2017). Importantly, these beliefs influence juror decision making (Dinos et al., 2015) and highlight what jurors expect from the victim in these cases.

Although cases involving child victims of sexual assault differ from adult cases in obvious ways, jurors may use their preconceived beliefs about adult sexual assault to help inform their decision making in CSA cases (Bottoms, 1993). For example, a common expectation about adult victims of sexual assault is that they are able (and should) defend themselves from the abuser using physical force or other strategies (i.e., yelling, calling the police, etc.). The expectation that the victim should “fight back” is what jurors may use to justify why they do not believe the adult victim. Jurors would not have this expectation for a child victim because they are physically smaller than an adult and assumed to be less physically, cognitively, and emotionally capable of defending themselves. Another set of biases against adult victims is that they are sexually promiscuous, may have a motivation to lie, and are responsible for not removing themselves from a situation. On the other hand, children are presumed to be sexually naive and vulnerable to an adult’s authority or the “grooming” practices often used with children to coerce them to engage in sexual acts. Thus, mock jurors’ schemas about adult sexual assault may inform their perceptions of the case and willingness to convict based on the victim’s testimony.

An abundant amount of research on juror decision making has revealed that mock jurors do in fact respond differently to witnesses who allege sex abuse based on their age (see Golding

et al., 2020 for a review). Generally, as victims of sexual assault approach adulthood, mock jurors are less likely to convict a defendant based on the testimony of the witness. Both mock juror research and analyses of actual cases have suggested that the switch from being perceived as a child victim to being perceived as an “adult” occurs when the witness is around the age of 12 (Blackwell & Seymour, 2014; Bottoms, 1993; Golding et al., 2020). Although children who are 12 years old are still considered legal minors and cannot consent to sexual acts, research suggests that victims who are 12 years old or older are evaluated with the same level of scrutiny as adults. Defense attorneys may exacerbate this bias by describing adolescent victims in court as “rebellious” and suggesting sexualized behaviors to imply blame and decrease victim credibility (Golding et al., 2020).

Given that the victim’s testimony is a crucial element to a sex abuse case, there has been significant interest in delineating the components that make up credibility evaluations. This research has revealed that witnesses are evaluated using a two-factor model of witness credibility, specifically, cognitive ability and honesty (Golding et al., 2020; Voogt et al., 2017). Cognitive ability refers to the witnesses’ ability to effectively remember and report the event and honesty refers to their willingness to tell the truth or ability to resist suggestion. Researchers have examined perceived credibility of children, adolescents, and adult witnesses who testify in cases of sexual abuse. This work has revealed a complex relationship between age of the witness and perceived credibility (Golding et al., 2020). Generally, perceived cognitive ability increases with age and perceived honesty decreases with age. Depending on the context of the case, mock jurors will place a stronger emphasis on one component over the other. For example, when the child/adolescent is testifying as a witness to a crime in which they are required to accurately

report the event and identify the culprit, mock jurors place greater emphasis on cognitive ability and thus the older witness will be deemed as more credible.

However, in cases of sexual abuse, the emphasis is instead placed on honesty, likely because younger witnesses are deemed less likely to lie, partially because their ability to do so is limited by a greater naivete about sexual acts. Thus, as the victim's age increases, they are perceived to be more likely to have a motivation and/or knowledge to lie about sexual assault. A recent study demonstrated this age-related distinction in perceptions of credibility via focus group discussions about a child witness who alleged CSA (Tabak & Klettke, 2020). Specifically, when the victim was 6 as opposed to 11 or 15, the victim was described as "less responsible, more vulnerable, trustworthy" and "sexually naive." Whereas the older victim prompted discussions that centered around the lack of evidence or not enough evidence that convinced them beyond a reasonable doubt. These discussions reflect the preconceived beliefs that jurors hold about young children who allege CSA and why they are often found to be credible witnesses. Mock jurors' implicit trust in the child victim's testimony were found in two separate studies which examined conviction decisions after seeing minimal case evidence (Olaguez et al., 2021; Olaguez & Klemfuss, 2020). Specifically, the majority of mock jurors voted to convict the defendant and the primary reason behind their conviction decision was believing the child's testimony with no further explanation offered (e.g., "*the child said it happened*"). Additionally, mock jurors who trusted child witnesses in general were more likely to vote to convict the defendant in a CSA case (Olaguez et al., 2021).

It should be noted that not all studies find that younger witnesses are more credible, in fact some find the reverse or no effect at all (see McCauley & Parker, 2001 and Sheahan et al., 2017 for examples). However, these inconsistencies are often due to the type of case being tried

(e.g., witness to a crime vs victim to an assault) and potentially the expectations mock jurors have of the witness testifying. Surveys of jurors' expectations of child witnesses have revealed that jurors hold different expectations of witnesses based on their age even without seeing any testimony or case information at all (Quas et al., 2005). Holding the witness' statements and language abilities constant across age conditions may violate what jurors expected to see for their respective age groups and could also contribute to these inconsistencies across studies (Ross et al., 1990).

The shift in credibility perceptions across age suggests that when young children testify, mock jurors are more likely to believe the sexual abuse allegation despite the fact that in CSA cases, additional evidence beyond the witnesses' testimony is often rare (Myers, 2002). Jurors' emotional reaction to the testimony may help explain why they are likely to believe the child and convict despite the limited evidence. Hearing the allegations of abuse may elicit an emotional reaction from jurors that they rationalize with perceived credibility. Jurors may justify their emotional reaction and intuitive response to believe the child solely because they "feel" like the child must be telling the truth. Whereas when an older child or adult testifies, mock jurors do not have the same emotional response and resort to evaluate the evidence of the case more objectively.

Other Evidence

Of course, case evidence also varies substantially in the degree to which it can be persuasive and stronger evidence may either complement or downplay emotional reactions to a case. To define what may make a case "weak" or "strong," researchers have used global ratings of evidence strength from attorneys, judges, and jurors in actual cases (Devine et al., 2004; Hannaford-Agor et al., 2002) or have included or excluded certain types of evidence in mock

trial studies. In mock CSA trials, cases that include strong evidence against the defendant include DNA or medical evidence (Bottoms et al., 2014; Golding et al., 2020), evidence of previous accusations (Bottoms & Goodman, 1994), or suspicious defendant behavior (Connolly et al., 2014).

When the case evidence is weak, jurors may be more likely to rely on their biases or emotional reactions to help inform decision making (Bottoms et al., 2014; Devine et al., 2001; Pennington & Hastie, 1992). Kalven and Zeisel (1966) proposed that when the evidence in a case strongly favors one side over another, jurors will render a verdict in favor of that side. However, when the evidence is ambiguous or weak, jurors feel “liberated” from the constraints of relying on the evidence and are more susceptible to rely on their biases or beliefs to arrive at a verdict (Kalven & Zeisel, 1966).

Given that physical or medical evidence is often rare in CSA cases (Myers, 2002), jurors will be forced to rely on the witnesses’ testimony, making jurors more vulnerable to rely on their emotions. To examine how evidence strength impacts how much jurors will rely on their emotions, evidence strength manipulations that focus on varying the credibility of the child’s allegation can inform the relation between credibility and verdicts. Connolly et al. (2014) manipulated the victim’s credibility by introducing evidence that the child victim had a motive to fabricate the allegations of abuse. Researchers varied whether the victim had a motive to fabricate allegations (the defendant killed her cat), no motive (he was a nice man), or did not include any mention of motive. Researchers were specifically interested in how much weight would be placed on the witness’ testimony and whether that would change depending on the strength of the rest of the evidence. In the case scenario in which the evidence against the defendant was strong, the defendant had a history of suspicious behavior (frequented by police)

and was only allowed to have supervised visitations with his daughter. The weak evidence condition did not include any mention of this evidence aside from the witness' allegation. Researchers hypothesized that when the evidence of guilt was weak (as opposed to strong), participants would place a greater focus on the witness' motive to fabricate, and decrease the credibility of their allegation.

Results revealed that when the evidence was weak, the witness was actually rated as more credible compared to when the evidence was strong regardless of motive (Conolly et al., 2014). The unexpected flip in credibility ratings suggests that participants might place greater importance on the witness' allegation when there is no other evidence available. Although this study did not find that motive to fabricate impacted credibility ratings of the child, this can potentially be attributed to the age of the victim. The child in this study vignette was five years old, and child witnesses of this age are rated as "highly credible" due to their vulnerability, trustworthiness, and naivete (Golding et al., 2020). Researchers suggest that future studies should examine how motive to fabricate would impact credibility and guilt perceptions in cases in which the child witness is older, given that jurors are more skeptical of relying on an older witness' testimony (Conolly et al., 2014).

In cases in which the evidence is relatively weak, jurors' perceptions of the witness carry more weight in the decision-making process because this is one of the only pieces of evidence available. To further understand how jurors evaluate the witness' testimony, Study 2 examined witness credibility in a case in which the evidence that the abuse occurred is either strong or weak. Importantly, Study 2 also tested whether credibility ratings are related to mock jurors' emotional reactions to the case. In cases in which the evidence is weak and the witness is not as credible (i.e., older) mock jurors may not have the same emotional intensity as jurors who

evaluate a case with strong evidence and a credible witness (i.e., younger). Thus, this study revealed how emotional reactions to the case are impacted by case details and whether emotional intensity is related to final verdict decisions. Study 2 revealed whether weaker cases produce a dampened emotional response. Jurors who experience weaker emotional reactions are more likely to acquit (Georges et al., 2013) but no study to date has examined how evidence strength impacts emotional reactions. This study also revealed whether jurors who have a strong emotional reaction vote to convict despite weak evidence, which would suggest that jurors are convicting based more on their emotional reactions than on the facts of the case.

Trial Procedures

Judicial Instructions

Evidence introduced during trial that may have a prejudicial effect on jurors is often accompanied by limiting instructions. It is most common to instruct jurors to disregard evidence that is ruled inadmissible to eliminate the impact of the evidence on jurors' perceptions of the case (Lieberman & Arndt, 2000). Despite its common use, limiting instructions are notoriously ineffective and it appears unlikely that jurors can ignore evidence once it has been introduced (Lieberman & Arndt, 2000). Currently, few studies have examined whether limiting instructions are effective when considering emotional evidence and further examination is needed to fully understand what types of instructions may be most beneficial in CSA cases.

Limiting instructions to completely ignore emotional evidence is particularly ineffective because the instructions create a "rebound" effect (Edwards & Bryan, 2016). In two studies, jurors were instructed to ignore either emotional evidence or neutral evidence and results revealed that those who were given instructions to ignore the emotional evidence reported greater perceived guilt and recommended sentence than did those who were not instructed to

ignore the evidence and those who did not hear the emotional information at all. However, the main purpose of this study was to examine a case in which the emotional evidence was ruled inadmissible, which is not directly applicable to the child's testimony in CSA cases. Instead, instructions on how to reduce the biasing effect of jurors' responses to emotional evidence is most applicable.

In an early study, researchers examined the effects of instructions directing mock jurors to be "fact focused" or to be empathic towards the defendant (Archer et al., 1979). Mock jurors were presented with either both the "fact focused" and the empathy instructions or only one of these instructions. Results revealed that the empathy instruction only influenced jurors when there was no instruction to be "fact focused," providing evidence that jurors who are encouraged to focus on the facts of the case are better able to remain objective. A second experiment revealed that individual differences such as gender and tendency to empathize minimized these main effects and produced several interactions to demonstrate that these instructions are only effective for certain individuals (Archer et al., 1979).

A few studies have examined the effectiveness of instructions directing jurors to focus on the probative value of the evidence and to disregard emotional responses to the evidence (Cush & Goodman-Delahunty, 2006; Matsuo & Itoh, 2016b; Thompson & Dennison, 2004). Although none found a significant effect on verdict decisions, one found that instructions reduced negative emotions (Cush & Goodman-Delahunty, 2006), and one found that Need for Cognition influenced the role of instructions on verdict decisions and likelihood of referencing emotional evidence when rendering their verdict (Matsuo & Itoh, 2016b). Specifically, when jurors received instructions to ignore emotional evidence, jurors' high in Need for Cognition were more likely to acquit the defendant and were less likely to reference the emotional evidence when

delivering their verdict, illustrating that these jurors appropriately used the limiting instructions. Although instructions have not yet been found to have a direct effect on verdict decisions, evidence that instructions influence negative emotions suggest that instructions can influence the decision-making process, but further refinement of the instructions may be needed to address case specific elements in order to impact verdicts. Additionally, instructions that help jurors regulate their emotional responses may be revealed to be the most beneficial during the deliberation process, when mock jurors are asked to justify their opinions in front of a group (Phalen et al., 2021).

Jury Deliberation

Despite the vast amount of work available on juror decision making, a modicum of studies exist that include deliberation between jurors. An early examination of actual juries likely discouraged subsequent research because it concluded that 90% of post deliberation verdicts reflected pre deliberation verdicts, leaving 10% of juries that actually changed as a result of deliberation (Kalven & Zeisel, 1966). However, in cases in which jurors are at risk of being influenced by bias, deliberation is more likely to change the outcome.

Jury deliberation has been found to both minimize the effects of pre-existing biases on final verdict decisions and maximize the effects of bias elicited during the trial (Haegerich et al., 2013; Salerno & Diamond, 2010). The minimization of individual bias may be due to a decreased reliance on the heuristic decision making used when rendering an individual verdict. However, when jurors deliberate in groups, they must discuss the content of the case with others, requiring them to think more critically about their decisions (Salerno & Diamond, 2010). Recent research has in fact revealed that group deliberation between jurors who hold differing

viewpoints reduces the effects of pre-existing biases (Peter-Hagene, 2019; Ruva & Guenther, 2014) likely due to this increased cognitive effort in self-monitoring (Peter-Hagene, 2019).

However, exposure to jurors who hold similar viewpoints can enhance biases due to group polarization effects, which enhances confidence in decision making or leads to extreme decisions if the group is in agreement (Devine et al., 2001; Haegerich et al., 2013; Ruva & Guenther, 2014, 2017). Additionally, jurors who are not biased prior to deliberation can be influenced by biased jurors during the deliberation process (Ruva & Guenther, 2014) and that level of influence can depend on an array of individual differences (Devine et al., 2001). Thus, deliberation may enhance or minimize the role that preexisting biases may have on final verdict decision based on jury composition and deliberation content.

This set of studies will examine jurors' emotional reactions to a CSA case and how those emotions may be impacted by the witness's age and the strength of the evidence. Additionally, I will test how emotion regulation instructions and group deliberations impact emotions and decision making. Each study in this series was designed to build on our understanding of how jurors make decisions in CSA cases through multi-methodological approaches to help inform actual case procedures.

CHAPTER 3: EXPERIMENTS

Study 1: Emotional Reactions to CSA Testimony

This study had three research aims. First, I examined mock jurors' emotional reactions to a witness testifying in a CSA case—focusing on anger, sadness, and disgust—extending previous research that has mostly focused on murder or capital sentencing cases. I hypothesized that there would be an increase in anger, sadness, and disgust after being exposed to the witness' testimony. Given that CSA involves a sexual violation that elicits strong feelings of disgust (Haidt et al., 1997), I expected the greatest increase in disgust.

Next, I investigated how mock jurors' discrete emotions were uniquely related to moral outrage, memory accuracy and case decisions (i.e., verdicts, confidence). I expected negative associations between memory accuracy and anger/disgust because these emotions encourage heuristic, or surface level processing of information whereas I expected a positive correlation between sadness and memory accuracy because sadness encourages deeper, systematic processing of information (Lerner et al., 2015; Semmler & Brewer, 2002). Regarding case decisions, I predicted that jurors who opted to vote guilty would be more confident, and have greater increases in anger and disgust, than jurors who voted not guilty.

Finally, given that previous research has found that disgust is a central emotion for decision making in cases involving a moral transgression (Peter-Hagene & Bottoms, 2017; Salerno & Peter-Hagene, 2013), I expected that disgust would be a driving emotion in case decisions. Specifically, I examined how disgust was related to moral outrage and sentencing length recommendations using a mediation model. I expected that disgust would predict more punitive decision making evidenced via sentencing length recommendations (Phalen et al. 2019), but that this relationship would be mediated by moral outrage.

Method

Participants

Undergraduate students participated in the study via the University's online subject pool. The total sample included 172 participants (81% female) ranging in age from 17-39 years ($M = 21.24$, $SD = 3.26$). The racial/ethnic distribution of the sample was diverse and reflective of the university population. Specifically, 36% of the sample identified as Hispanic/Latino, 26.2% Asian, 19.8% white, 1.7 % Black/African American, and 15% identified as a member of multiple or other ethnicities. Participants were excluded from the sample if they did not answer at least two of four attention checks correctly ($n = 18$), and/or did not meet the qualifications to serve on a jury ($n = 12$). The analysis sample included 143 participants. Sample size was determined a priori based on power analysis (G*power) and effect sizes based on previous literature (George et al., 2013; Nunez et al., 2015; Salerno & Peter-Hagene, 2013).

Materials

Trial Transcript. Participants read a modified transcript of a child witness being questioned by the prosecution and defense attorneys in a CSA criminal trial (Appendix F). Three transcripts were first selected for piloting from a subset of transcripts of actual cases that took place in Los Angeles County. I considered them to be representative of the severe cases of abuse that could be expected to produce significant emotional reactions from participants. Pilot results revealed that all transcripts elicited a significant amount of emotion and I opted to utilize a case in which I could exclude all other evidence to rely solely on the witnesses' testimony.

Specifically, the selected transcript did not include any mention of physical evidence collected from the scene (i.e., bedsheets) or mentions of testimony from additional witnesses. The only

evidence presented to mock jurors was the witnesses' statements that the defendant committed the alleged acts.

The transcript selected included a female victim who was 12 years old at the time of testimony (although her age was not provided to participants). The child victim described two abuse allegations that included fondling under her clothes by the offender, kissing, and genital penetration. The defendant was her mothers' boyfriend and the actual case resulted in a conviction. The transcript included the questioning of the child witness by the prosecution and defense attorneys. The trial transcript was 3,136 words long and was presented over 21 pages. All identifiable information was removed to protect those involved. Participants were not provided with any additional case information or testimony from other witnesses.

Measures

Emotions. A modified Positive and Negative Affect Schedule-Expanded Form Survey (PANAS-X; Watson & Clark, 1994) was presented to participants before and after reading the trial transcript. The original PANAS survey includes subscales for Jovial (happiness), Sadness, Fear, and Hostility (anger). I modified the original survey by excluding the Fear subscale and included additional questions to also capture disgust. Items added for the new Disgust subscale included: repulsed, turned-off, and nauseous, based on scales used to measure disgust in the general emotion literature (Gross & Levenson, 1995) and moral disgust literature (Haidt et al., 1997). The happiness subscale was included to conceal the study hypotheses from participants and as a manipulation check.

Reliability analyses were first conducted on the emotion subscales before and after reading the trial transcript. Although reliability was somewhat low for some subscales before

participants read the transcript (happiness Cronbach's $\alpha = .96$; sadness $\alpha = .85$; anger $\alpha = .67$; disgust $\alpha = .53$), all subscales reached acceptable levels of reliability after reading the trial transcript and measured happiness ($\alpha = .92$), sadness ($\alpha = .82$), anger, ($\alpha = .84$), and disgust ($\alpha = .79$). I then created composites for pre-and-post measures by first computing the average across subscale items and then computing a difference score for each emotion composite (post-test – pre-test).

Moral Outrage. Participants reported on their moral outrage on a scale developed by (Skitka et al., 2004) and used in previous mock jury research (Peter-Hagene & Bottoms, 2017; Salerno & Peter-Hagene, 2013). Scale reliability was good (Cronbach's $\alpha = .82$) and items were averaged to create a moral outrage composite score.

Memory. Participants were asked a series of questions testing their memory accuracy of the transcript (Appendix G). The first recall question asked participants to report everything they remembered about the transcript. Next, participants were asked a series of questions that were later coded for accuracy. The first question asked participants to report the two locations in which the alleged abuse took place (e.g., the bedroom and the bathroom) and was coded for accurate details (Cohen's $\kappa = 1.00$). The next 10 questions were multiple choice and asked participants about a variety of details reported in the transcript such as “How many times did the child claim she was abused?” and “Who did the child tell about the abuse?”

Case Decisions. Participants indicated their verdict decisions using a dichotomous answer option (*guilty* = 1; *not guilty* = 0). Participants were asked to report their confidence in their verdict decision from 0% confident to 100% confident. Participants who selected a guilty

verdict were asked to indicate sentencing length on a scale from 0 (*no prison time*) – 100 (*life in prison*).

Procedure

Participants engaged in a one-time study session at a research laboratory in groups that ranged from 1-6 participant(s). Once participants arrived at the laboratory, a research assistant read the study instructions out loud and instructed participants that they would be reading a trial transcript of a child sexual abuse case. Participants were informed that the study was voluntary and thus, if they were uncomfortable, they could terminate participation at any time without penalty. Using a tablet or laptop computer, participants completed informed consent, rated their emotions and then read the case transcript. Participants then provided their verdict and sentencing length recommendations, reported on their emotions again, and completed other measures that assessed their moral outrage, and memory of the case, and finally reported their demographic information. The entire procedure took on-average 45 minutes to complete and participants were debriefed and provided a list of counseling resources for personal use if needed.

Data Analytic Plan

Preliminary analyses were conducted among demographic variables and study variables of interest using means comparisons tests and bivariate correlations. I then tested whether the emotion subscales moved in the intended direction pre to post test. Next, I report conviction rates across participants. I then provide results for the memory responses, specifically, word count for the free recall report and accuracy rates for a prompted recall question and the 10 multiple choice questions.

To test my first hypothesis, I conducted a repeated measures MANOVA to examine changes in anger, sadness, and disgust from pre- to post-transcript exposure. For the second hypothesis, I examined bivariate correlations between each of the negative emotion change scores and the case processing and case decision variables. I then conducted mean comparisons based on verdict decisions on emotion changes, moral outrage, and confidence ratings for the third hypothesis. Finally, I conducted a series of regressions to test mediation effects of moral outrage on sentencing recommendations by first examining whether disgust predicted sentencing length recommendations and whether moral outrage mediated the effects of disgust on sentencing length recommendations (Hypothesis 4).

Results

Preliminary Analyses

Means, standard deviations, and bivariate correlations amongst study variables can be found in Table 1. Preliminary analysis of demographic variables revealed that there were no gender differences amongst study variables but revealed small negative correlations between age and anger ($r = -.16, p = .049$) and age and word count ($r = -.18, p = .034$). Analysis of the happiness subscale revealed a significant decrease in happiness after reading the case transcript $t(142) = 17.58, p < .001$, providing evidence that the emotion subscales moved in the intended direction. Overall, the vast majority of the sample voted to convict the defendant (97%, $n = 138$) and, on average, participants recommended a sentence of 60 years.

Regarding the memory responses, the first free recall report was 155 words long on average ($SD = 127.79$, range: 0 – 563) and almost 94% of participants reported both locations correctly (i.e., bedroom and bathroom). Overall accuracy rates for each of the multiple-choice questions were quite high (87% - 100%), and 70% of participants answered all 10 multiple

choice questions correctly. A cumulative memory accuracy score was calculated by summing accurate responses across all 10 multiple choice questions ($M = 9.60$, $SD = .70$).

Hypothesis 1: Changes in Emotions

Participants reported significant shifts in negative emotion intensity from before, to after, reading the CSA transcript, Wilk's $\lambda = .22$, $p < .001$. Specifically, participants reported increases in anger ($M_{diff} = 1.34$, $\eta_p^2 = .63$), sadness ($M_{diff} = .95$, $\eta_p^2 = .56$), and disgust ($M_{diff} = 1.97$, $\eta_p^2 = .78$), all $ps < .001$. I also found within-participant differences in changes across emotions, $F(1, 142) = 87.18$, $\eta_p^2 = .38$, such that participants reported significantly higher increases in disgust than anger and sadness, $ps < .001$.

Hypothesis 2: Emotions, Moral Outrage and Memory

As can be seen in Table 1 (Appendix A), there were strong positive correlations between moral outrage and anger, and moral outrage and disgust. Correlations did not reveal a positive relation between sadness and memory accuracy nor a negative correlation between anger and memory accuracy as expected; however, there was a small positive correlation between disgust and memory accuracy (see Appendix A). Given that anger and disgust are strongly related and that I expected these emotions would be related to memory accuracy, I conducted a linear regression with memory accuracy as the outcome variable and anger and disgust as the predictors, controlling for participant age and word count in free recall. The overall model was significant, $F(3, 138) = 3.69$, $p = .014$, Adjusted $R^2 = .05$. Disgust significantly predicted memory accuracy, $\beta = .25$, $p = .029$, *partial r* = .18, as did word count $\beta = .19$, $p = .018$, *partial r* = .20. Anger did not significantly predict memory accuracy, $p = .25$.

Hypothesis 3: Emotions, Moral Outrage, & Case Decisions

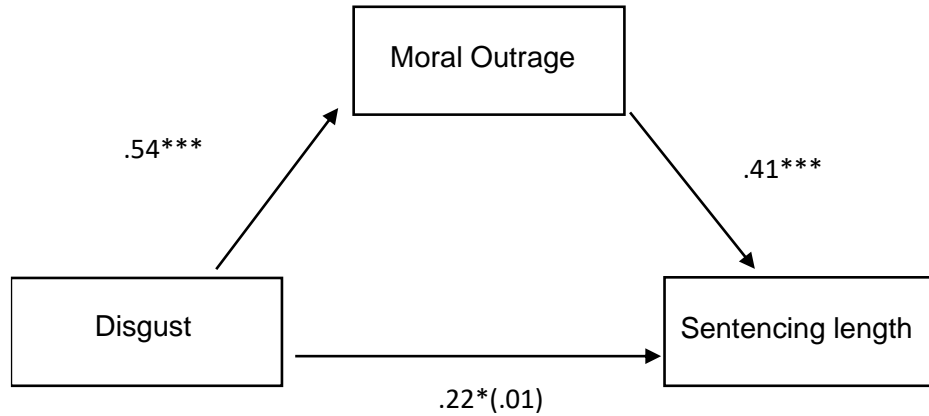
Given that almost all participants voted to convict (97%), I was unable to examine group differences based on verdict decisions and instead focused on the sample as a whole. Sentencing length recommendations were positively correlated with increases in anger, sadness, and disgust and there were moderate, positive relations between sentencing length, moral outrage, and confidence (see Appendix A).

Hypothesis 4: Mediating Role of Moral Outrage on Sentencing

To examine the indirect effect of disgust on sentencing recommendations via moral outrage, I conducted a mediation model. First the regression of disgust on sentencing recommendations was significant $B = .22, t(136) = 2.63, p < .01$. The second regression of disgust on the mediator, moral outrage, was also significant $B = .54, t(136) = 7.32, p < .001$. The third regression showed that moral outrage positively predicted sentencing recommendations, $B = .41, t(135) = 4.49, p < .001$. I utilized a mediation analysis using Andrew Hayes' PROCESS for SPSS utilizing the bootstrapping method of 5,000 with bias corrected confidence estimates (MacKinnon et al., 2010; Preacher & Hayes, 2008). An indirect effect is significant if the 95% confidence interval for its coefficient does not include 0. Results confirmed the mediating role of moral outrage in the relationship between disgust and sentencing recommendations $B = .22, CI [.12, .34]$. Finally, once controlling for moral outrage, disgust was no longer a significant predictor of sentencing recommendations $B = -.01, t(135) = -.01, p = .99$, thus indicating full mediation by moral outrage (see Figure 1).

Figure 1

Meditation Model for Disgust, Moral Outrage and Sentencing (Study 1)



Note. The standardized regression coefficient between disgust and sentencing, controlling for moral outrage is in parentheses. The indirect effect of moral outrage on sentencing length was revealed to be significantly greater than zero, $B = .23$, $CI [.11, .36]$. $*p < .05$, $***p < .001$.

Conclusions

This study is the first to reveal how anger, sadness, and disgust uniquely relate to jurors' moral outrage, memory, and decision-making in a CSA case. I found that mock jurors experienced a substantial increase in anger, sadness, and disgust after being exposed to child testimony in a CSA case. Disgust increased most dramatically and was related to improved memory accuracy for case details. I also found that moral outrage mediated the effect of disgust on sentencing.

This study revealed that disgust plays a pivotal role for jurors making case decisions in child sexual abuse cases. Disgust increased the most out of the negative emotions assessed and it was related to their memory reports and their sentencing decisions. Jurors were also highly accurate in their recall for evidence presented in the transcript. A somewhat surprising result of this study is that the vast majority of jurors voted guilty despite not reading about additional

evidence beyond direct and cross examination of the child witness. To better test how emotions are related to case outcome, the next study measured emotional reactions to a case that is expected to produce a greater distribution of verdicts via experimental manipulations and the addition of a credibility measure.

Study 2: Effects of Age and Evidence Strength on Jurors' Emotions and Perceptions

In Study 1, jurors overwhelmingly voted to convict despite seeing minimal evidence which was problematic because I could not determine the role of emotional reactions in the decision to convict versus acquit. The goal of Study 2 was to manipulate conviction rates via multiple approaches in order to reveal the patterns in which varying levels of emotion impact decision making. First, the trial transcript was edited to remove mentions of genital penetration to decrease crime severity. Second, I added trial instructions to inform jurors of the reasonable doubt standard in criminal trials which was expected to increase jurors' standard of proof that the abuse occurred and that the defendant committed the crime. Third, I manipulated child witness credibility by creating a younger and older child witness condition and a strong and weak case strength condition. As evidenced by previous research, jurors are less likely to believe an older child witness in CSA cases because they are considered to be more culpable and adult-like, while a young child witness alleging CSA is considered more vulnerable and honest (Golding et al., 2020). The evidence strength manipulation should impact conviction rates because the weak evidence condition was expected to introduce reasonable doubt that the abuse occurred by including details that are often cited to reduce victim credibility (denying the abuse occurred at one point, not changing her behavior around the defendant after the alleged abuse; Quas et al. 2005).

This study also introduced a witness credibility scale to measure how emotional reactions to the case are related to perceptions of child witness credibility and how both emotions and credibility ratings influence final case decisions. Previous studies on jurors' emotions have revealed that emotional reactions are related to ratings of the evidence. Specifically, anger predicts receptiveness to mitigating or aggravating evidence (Nunez et al., 2011; Georges et al., 2013) and disgust encourages jurors to convict despite seeing weak evidence (Peter-Hagene & Bottoms, 2017; Salerno, 2017; Salerno & Peter-Hagene, 2013).

In terms of the primary study aims, the first was to replicate the main findings from Study 1 using modified case materials. Specifically, I aimed to confirm that the new trial presentation still increased negative emotions - specifically, anger, sadness, and disgust, and that moral outrage mediated the effect between disgust and sentencing recommendations. The second aim was to decrease conviction rates overall and to test the effects of potentially case-level moderating factors on emotional reactions, perceptions, and decisions. I hypothesized that when participants saw a case in which the witness was a child or when the evidence was strong, they would exhibit greater emotional increases and moral outrage levels, rate the witness as more credible, be more likely to vote guilty and have higher confidence ratings than when the witness was an adolescent or the evidence was weak. However, I expected these main effects to be subsumed by an interaction between witness age and evidence strength, such that, the evidence strength manipulation would be more pronounced in the adolescent condition than in the child condition, illustrating that a trial with a younger witness impacts ratings and case decisions beyond the evidence presented in the trial.

Finally, I examined how mock juror reactions to case evidence influenced case decisions. Specifically, I examined how emotions, moral outrage, and credibility ratings impacted verdict

decisions. Based on the findings of Study 1, I expected disgust and moral outrage to predict guilty verdicts. Given the established relationships between witness credibility ratings and verdict decisions (Golding et al. 2020; Olaguez & Klemfuss, 2020; Olaguez et al., 2021), I expected that credibility ratings would predict verdict decisions. To extend these findings, I examined whether disgust and moral outrage predicted case decisions via credibility ratings. I expected credibility ratings to be the mechanism by which disgust and moral outrage impacted final case decisions. I used a mediation model to test whether disgust impacts moral outrage and whether moral outrage mediates the relationship between disgust and credibility ratings.

Method

Participants

Participants were recruited from Prolific, an online crowdsourcing platform that is suited to recruit naïve participants who are paid monetary incentives for participating in social science experiments. Prolific is tailored for academic researchers and can provide higher quality data compared to alternative online platforms (Palan & Schitter, 2018; Peer et al., 2017). Sample size was determined a priori based on power analysis (G*power) and effect sizes based on previous literature (George et al., 2013; Nunez et al., 2015; Salerno & Peter-Hagene, 2013) and revealed that a sample size of 128 can power a 2x2 ANCOVA with interactions. Adults (N = 172) were screened for jury eligibility (U.S. Citizens currently residing in the U.S., English fluent, no felony convictions), resulting in 169 participants in the analysis sample. Of the sample, 49% were female, 46% were male, and 4% identified as non-binary. The average age was 33 (*SD* = 12.39, range = 18-76) and 72% identified as White, 11% as Asian, 10% as Hispanic, 4% as Black, 3% as mixed or another ethnicity.

Materials

Case materials. Participants watched an audio/video reenactment of the transcript that included trial sketches and voice actors that portrayed the witness and the attorneys in a CSA case. Participants were randomly assigned to one of four slideshows in a 2 (witness age: child, adolescent) X 2 (evidence strength: weak, strong) between-subject design. The case was the same as that used in Study 1 but was modified to remove mentions of genital penetration to reduce crime severity with the aim of increasing variability in conviction decisions (see Appendix H for an example of the adolescent/weak evidence condition). The questioning included direct, cross, and redirect examination of the witness and the voice actors were research assistants who were selected based on acting ability and how well the voice actresses for the witness matched the age conditions. Colorless sketches of the witness (child and adolescent) and questioning attorneys (prosecution and defense) were developed for the current study and are included in Appendix D. The trial slideshows displayed alternating sketches depicting the witness or appropriate attorney and ranged from 17 to 20 minutes long depending on the condition. The individual sketches were displayed on the screen for approximately 5 seconds before alternating to another sketch and transitions between examination phases were displayed on the screen via text (e.g. *Direct Examination by the Prosecution Attorney*).

Age. In terms of the primary manipulation to vary the child witness's age, two sketches were created - one that portrayed a child (approximately 10 years old) and one that portrayed an adolescent (approximately 14 years old) - with distinct voice actresses to match each condition. These ages were selected for several reasons, the first being that these age distinctions are relevant for determining the severity of the charges (RAINN, 2020). Defendants charged with sex abuse of a child who is 10 years old or younger will face a more severe penalty (Cal. Penal

Code 288.7). Additionally, children around 10 years old are considered maximally credible (Nunez et al., 2011). On the other hand, 14-year-old witnesses are considered less credible, and more adult-like and culpable, in CSA cases (Golding et al., 2020), despite the fact that they are legally still minors and cannot consent to sexual acts.

The child sketch was developed first and was later modified to reflect an older version of the same witness. Piloting with a sample of 150 adults revealed that the sketches were perceived to be of the desired age for the child sketch ($M_{age} = 10.13$, $SD = 2.00$) and for the adolescent witness ($M_{age} = 14.38$, $SD = 2.04$). Pilot data also confirmed the witnesses were perceived to be of the same ethnic background, which was most often identified as White, and that the gender of the child was female.

The age of the witness was also manipulated by varying the voice actor. A different research assistant was selected for each condition to portray the voice of a “younger” or “older” witness. The transcript also included modifications during questioning to reflect the age of the witness, given that attorneys modify their questioning based on the child’s age (Klemfuss et al., 2014). The child condition maintained the original details of the case transcript, which included euphemisms when referring to breasts (e.g. ‘chest area’) or genitals (e.g. ‘private parts’ or ‘bottom’). For example, rather than asking directly about the witness’s breast area or vaginal area, the attorney would ask the child witness to point to the area on her body and to “show the jury” where the defendant touched/licked her. The attorney would subsequently state for the record what the witness was pointing to. The adolescent witness transcript did not include euphemisms and the attorney asked the witness questions using the appropriate terms, which excluded the aforementioned attorney/child turns (e.g., “show the jury”) and resulted in the adolescent slideshow being on average 2 minutes shorter than the child slideshow.

Evidence Strength. The evidence presented against the defendant was solely reliant on the witness's allegations. I manipulated the witness's testimony to create a strong case and a weak case against the defendant, which resulted in three key differences in the transcript. The weak evidence condition included the witnesses' recantation of the abuse at the first time of questioning, that the witness did not behave differently around the defendant after the alleged abuse event, and no mention of previous allegations against the defendant. The strong evidence condition included mentions that the defendant had been accused of abuse before, that the witness discontinued any contact with the defendant after the alleged abuse occurred, and no mention of recantation at any point in the investigation. The evidence manipulations are based on general beliefs about child victims of sex abuse that decrease victim credibility (Cossins, 2008; Quas et al., 2005).

Case summary. All participants were provided with a trial summary (approximately 200 words). The summary provided the central details of the case including that the defendant was the mother's boyfriend who sometimes spends the night in their apartment and that the witness alleged that there were two abuse events that took place. The summary mentioned that the defendant testified and denied the abuse allegations and claimed that the witness had been known to make up stories in the past because the witness did not like him spending the night with her mother. A brief statement was included that the police officer and investigating officer also testified about their involvement. Finally, the goal of the summary was to mention and highlight to participants that there were no additional witnesses or evidence presented during the trial and summarized the evidence manipulations for each condition.

Trial instructions. Standard jury instructions for the state of California (CALCRIM, 2020) were presented to mock jurors before and after viewing the trial presentation. Pre-trial

instructions included the reasonable doubt standard, presumption of innocence, evaluating witness evidence, and to not let bias, sympathy, prejudice or public opinion influence their verdicts. Post-trial instructions also noted that the trial included testimony from a child (but was replaced to include “minor”) and that the juror must evaluate the witnesses’ cognitive abilities.

Measures

Emotions. The emotion measure was identical to the one used in Study 1. Reliability analyses were first conducted on the emotion subscales before and after watching the trial slideshow. Although reliability was somewhat low for some subscales before participants watched the trial (happiness $\alpha = .91$; sadness $\alpha = .89$; anger $\alpha = .77$; disgust $\alpha = .49$), all subscales reached acceptable levels of reliability after the trial and measured happiness ($\alpha = .92$), sadness ($\alpha = .88$), anger, ($\alpha = .89$), and disgust ($\alpha = .87$). I then created composites for the pre-test and post-test measures by first computing the average across subscale items. I then computed a difference score for each emotion composite (post-test – pre-test).

Moral outrage. The moral outrage scale (Skitka et al., 2004) was identical to the one used in Study 1. Scale reliability for the four items was good ($\alpha = .87$) and items were averaged to create a moral outrage composite score.

Case decisions. Participants were asked to indicate their verdict (Guilty/Not Guilty) and confidence in their verdict from 0 (Not at all Confident) to 100 (Very Confident). I created a combined verdict/confidence variable by dummy coding guilty verdicts to “1” and not-guilty verdicts to “-1” and multiplying the verdict score by the confidence score to examine decision making on a continuum. This resulted in a continuous scale from -100 (completely confident in a not guilty verdict) to 100 (completely confident in a guilty verdict). Participants who selected a

guilty verdict were also asked for their opinion on the severity of the sentence the defendant should receive from 0 (Minimum Sentence) to 100 (Maximum Sentence).

Witness credibility. Participants rated the witnesses' credibility on Voogt et al.'s (2017) validated Child Credibility Scale. The 23-item scale was modified to describe "the witness" rather than "the child" and included items such as "the witness's testimony was believable" and "the witness was reliable." Participants rated each item on a 6-point scale from 1 (strongly disagree) to 6 (strongly agree). I conducted reliability analyses for each subscale believed to measure different aspects of child witness' credibility including, accuracy ($\alpha = .91$), believability ($\alpha = .94$), competency ($\alpha = .85$), reliability ($\alpha = .89$), and truthfulness ($\alpha = .95$). The bivariate correlations between these subscales were quite high (r 's = .88 - .95), presenting issues of multicollinearity in the analyses. Thus, I opted to combine the subscales by averaging them to produce a global credibility measure.

Manipulation checks. A set of questions was developed to assess the effectiveness of the age and evidence manipulations in each condition. To assess the age manipulation, I asked participants to indicate how old they believed the witness to be on a sliding scale from 0-18 years old. To assess the evidence manipulation, I asked participants to rate the strength of the evidence for both the prosecution and defense on a scale from 1 (not strong at all) to 7 (very strong). I then tested their memory for the evidence manipulations by asking participants whether 1) the witness continued contact with the defendant after the abuse took place, 2) whether the witness denied that the abuse occurred at any point in the investigation, and 3) whether the defendant had prior allegations of abuse, using three response options (yes/no/I don't remember).

Procedure

The post advertising the study recruited participants to act as mock jurors in a sexual abuse case. In order to participate, potential participants were required to be U.S. citizens that were currently living in the U.S. and were 18+ years of age. Interested participants clicked on a Qualtrics link and after reviewing informed consent, participants were screened for eligibility based on the selection criteria. Ineligible participants were excluded from completing the survey. Participants were also advised that a potential risk of participating in the study was that they may experience discomfort or embarrassment when watching the trial and were able to skip questions they did not want to answer or stop participation at any time.

Participants indicated their baseline emotions and were then provided with the pre-trial jury instructions. Participants were then randomly assigned to one of four trial conditions (Child/Weak Evidence, Child/Strong Evidence, Adolescent/Weak Evidence, Adolescent/Strong Evidence). The case materials began with the trial summary followed by the trial slideshow with the audio reenactment. During the trial, participants could not advance to the next section of the study until the video was finished. After the conclusion of the trial, participants were presented with the post-trial instructions and then indicated their case decisions. Participants then reported their post-trial emotions and moral outrage levels. Next, participants answered questions about their perceived credibility of the witness and the manipulation check questions. Finally, participants answered a series of demographic questions and were debriefed. The entire procedure took on average 40 minutes to complete and participants were provided a list of free, national counseling resources for personal use if needed.

Data Analytic Plan

First, I examined overall conviction rates across participants and prior to hypothesis testing, I conducted a series of preliminary analyses among demographic variables and study variables of interest using means comparisons tests and bivariate correlations. Preliminary analyses also tested whether the emotion subscales moved in the intended direction pre to post test and analyzed responses to the manipulation check questions.

To test my first hypothesis, I conducted a repeated measures MANOVA to examine changes in anger, sadness, and disgust from pre- to post-transcript and a series of regressions to test the mediation model between disgust, moral outrage, and sentencing recommendations. The second hypothesis was tested using a series of MANCOVAs and ANCOVAs to examine conditions effects on emotions, moral outrage, credibility ratings, and case decisions (Hypothesis 3). The next hypothesis was tested using a multi-step hierarchical regression model predicting verdict confidence and anger, sadness, and disgust in the first step of the model, moral outrage in the second step of the model, and finally witness credibility in the final step. To test my final hypothesis, I conducted a mediation model to test whether moral outrage mediated the relationship between disgust and credibility ratings.

Results

Preliminary Analyses

Across all conditions, 79% of participants voted to convict the defendant, illustrating an overall decrease in conviction rates from Study 1. Bivariate correlations and mean comparisons were conducted to identify any potential relationships between demographic variables and primary variables of interest (see Table 2 in Appendix B). Female mock jurors recommended more severe sentencing than male mock jurors, ($M_{diff} = -.13.38$), $t(123) = -2.27$, p

=.025, and older participants had larger increases in anger from pre- to post-test, ($r = .16, p = .03$). Given that increases in age were associated with anger and gender was associated with sentencing, I controlled for age and gender in the subsequent analyses where relevant.

To test my manipulation checks, I examined responses to the happiness subscale, relative to the negative emotion subscales, to ensure that emotion subscales were moving in the intended directions from pre to post test. Analyses revealed a significant decrease in happiness after reading the case transcript, $t(168) = 14.19, p < .001$, opposed to a significant increase in all negative emotions. To verify whether our age and evidence manipulations were effective, I analyzed responses to the manipulation check questions before examining condition effects on the outcome variables of interest. Participants perceived the child witness to be younger ($M = 11.80, SD = 2.13$) than the adolescent witness ($M = 13.59, SD = 2.16$) by about two years, $t(166) = -5.40, p < .001$.

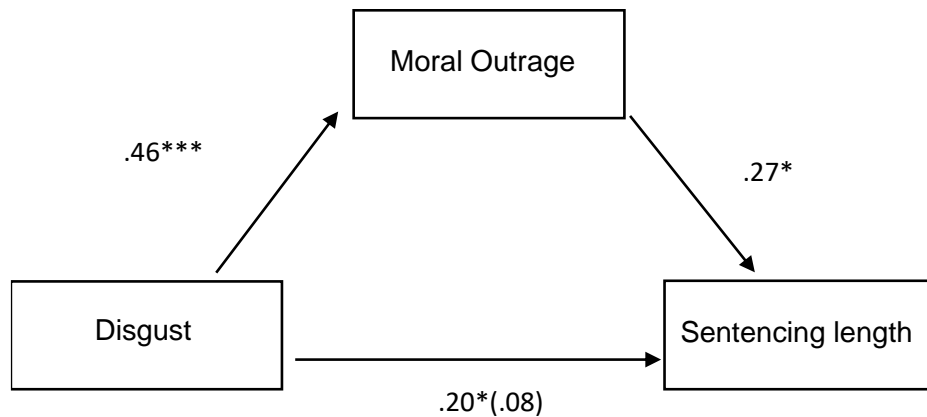
To test our evidence manipulation, I examined ratings of the strength of the prosecution and defense cases. At first glance, no differences emerged between condition (case strength was rated similarly regardless of condition). However, I then examined these responses by verdict decision, given that ratings of the case would be related to final verdict decision. For jurors who voted not guilty (21.3%), trends emerged in the expected direction. Specifically, the prosecution's case was perceived as stronger when jurors saw the strong evidence condition and the defense's case was perceived as stronger when jurors saw the weak evidence condition, $ps > .06-.12$. For jurors who voted guilty (78.7%), no differences emerged between the weak evidence and strong evidence conditions $ps > .56-.90$. Responses to the multiple-choice questions demonstrated that jurors were overwhelmingly accurate about whether certain evidence was included or excluded in each condition (accuracy ranged from 75% to 97%).

Hypothesis 1: Study 1 Replication

As expected, findings from Study 1 replicated in Study 2, such that there were increases in anger ($M_{diff} = .67, \eta_p^2 = .41$), sadness ($M_{diff} = .45, \eta_p^2 = .24$), and disgust ($M_{diff} = 1.24, \eta_p^2 = .57$), from pre to post trial stimuli, all p s < .001, Wilk's $\lambda = .42, p < .001$. The mediation model replicated the findings from study 1 (see Figure 2), moral outrage fully mediated the relationship between disgust and sentencing recommendations, controlling for gender.

Figure 2

Mediation Model for Disgust, Moral Outrage and Sentencing (Study 2)



Note. The standardized regression coefficient between disgust and sentencing, controlling for moral outrage is in parentheses. The indirect effect of moral outrage on sentencing length was revealed to be significantly greater than zero, $B = .12$ CI [.02- .23]. * $p < .05$, *** $p < .001$.

Hypothesis 2: Effects of Witness Age and Evidence Strength

I conducted a series of means comparisons tests to examine condition effects (Age, Evidence Strength, Age X Evidence Strength) on mock juror reactions to the case (emotions, moral outrage, and credibility). The first two-way MANCOVA controlling for participant age with anger, disgust, and sadness did not reveal any significant interaction effects or main effects of age of the witness or evidence strength, nor did one-way ANOVAs testing condition effects on moral outrage or credibility ratings.

Next, I examined condition effects on outcome variables related to case decisions (verdicts, confidence, and sentence recommendations). A chi-square test of independence examining witness age and evidence strength on verdict decision was not significant, indicating that jurors were no more likely to vote guilty in one condition versus another. Next, I examined condition effects on confidence alone using an ANOVA and an ANCOVA for sentencing recommendation controlling for gender, but neither was significant. Given that I did not find condition effects on our outcome variables of interest, I collapsed across conditions and examined how reactions to the case influenced case decisions.

Hypothesis 3: Case Reactions and Verdict Decisions

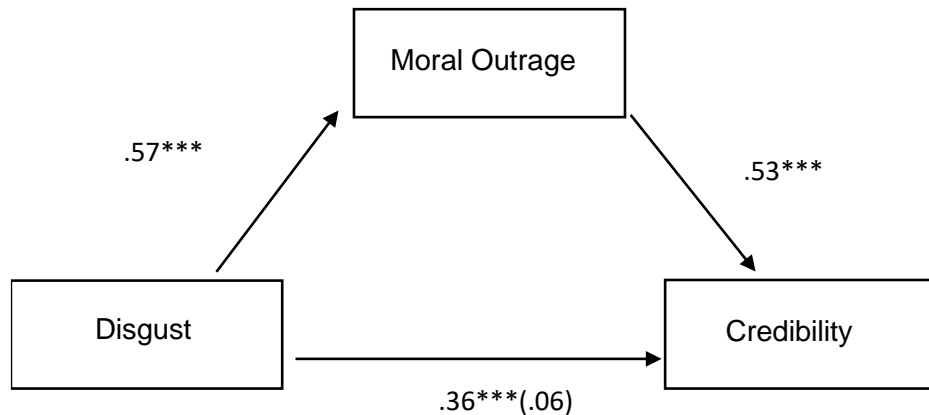
A multi-step hierarchical linear regression testing how emotions, moral outrage, and credibility ratings impact verdict decisions revealed that jurors who were more disgusted, those who were more morally outraged, and those who perceived the witness as more credible, were more confident in a guilty verdict (see Table 3 in Appendix C).

Hypothesis 4: Mediating Role of Moral Outrage on Credibility

Given that credibility ratings had a significant effect on verdict outcome, I explored how emotional reactions and moral outrage related to credibility ratings to reveal potential pathways in which emotions influence ratings of the case. Specifically, I examined whether moral outrage mediated the relationship between disgust and credibility ratings. The model revealed that disgusted jurors rated the witness as more credible but this relationship was fully mediated through moral outrage (see Figure 3).

Figure 3

Meditation Model for Disgust, Moral Outrage and Credibility (Study 3)



Note. The standardized regression coefficient between disgust and credibility ratings, controlling for moral outrage is in parentheses. The indirect effect of moral outrage on credibility was revealed to be significantly greater than zero, $B = .30$ CI [.19- .43]. *** $p < .001$. The model was also tested with credibility predicting disgust and moral outrage as the mediator but the model was not significant.

Conclusions

This study replicated the initial results of Study 1, notably that mock jurors experience an increase in anger, disgust, and sadness after being exposed to a child witness testifying in a CSA case. The goal of this study was to decrease convictions overall to reveal pathways in which emotions influence decision making for both jurors who opt to convict as well as acquit. Overall convictions did in fact decrease as compared to Study 1 (from 96% to 79%). However, witness age and evidence strength did not significantly impact emotions, credibility ratings, or verdict outcomes and thus I was not able to examine whether cases with weaker evidence or less credible witness have a dampened emotional response. The decrease in convictions is likely due to the inclusion of juror instructions which were not included in Study 1 along with the additional information about the case that made the case weaker. Mock jurors were instructed on

the reasonable doubt standard, in which jurors should only convict the defendant if they are confident the defendant is guilty of the offense beyond a reasonable doubt. The trial summary also included a statement that could have decreased the believability of the witness' allegations because the defendant testified that the witness "had been known to make up stories in the past."

Most notably, this study revealed how emotions, credibility ratings, and moral outrage predict verdict outcome. Participants' increases in disgust after exposure to the case was an important predictor of moral outrage and credibility ratings. This suggests that emotional responses to the case impact how much moral outrage participant's feel and thus predicts how credible they believe the witness to be. This study is the first to reveal how emotional reactions to the case are directly related to ratings of the case evidence. Thus, participants may be basing their credibility ratings on their emotional reactions to the case rather than the case evidence. Critically, credibility ratings were the strongest predictor of verdict decision. Participants who believed the witness was very credible, regardless of age or evidence strength, were more likely to confidently render a guilty verdict.

Study 3: Emotion Regulation Instructions and Deliberation

The goal for this final study was to examine whether emotion regulation instructions can reduce the biasing effect of emotion on decision making and reveal whether group deliberation enhances or minimizes jurors' emotional reactions to the case. Small groups of participants acting as mock juries watched the simulated trial slideshow and deliberated the case over Zoom. Half of the groups received emotion regulation instructions alongside the pretrial instructions that instructed jurors to suppress their emotional responses to the case. Additionally, all mock jurors deliberated the case in a group to reach a unanimous verdict decision.

I hypothesized that jurors who received emotion regulation instructions would have a suppressed emotional response to the case. Specifically, this group should have smaller increases in anger, sadness, and disgust than jurors who did not receive the emotion regulation instructions. Jurors who receive instructions should also report less moral outrage and be less likely to vote guilty prior to deliberation.

This is the first study to examine how deliberations impact emotional responses. Based on previous research, deliberation has the potential to either enhance or minimize biased decision making (Haegerich et al., 2013; Salerno & Bottoms, 2010). For groups who receive emotion regulation instructions, I should not see a change in emotional responses from post-trial emotions to post-deliberation emotions because these groups should have a suppressed emotional response going into the group discussions.

However, for jurors who do not receive emotion regulation instructions, analyses of post-deliberation emotion scores and verdict decisions are exploratory. On the one hand, groups who did not receive the emotion regulation instructions may have a stronger emotional response post-deliberation because their already “high” emotional levels going into deliberations can influence their discussions and reactions to other jurors. However, deliberations may also reduce the biasing effect of emotions on decision making by forcing jurors to focus on the facts of the case rather than their emotional reactions.

Overall, I expected that jurors would be less likely to vote guilty after deliberations because discussions should reveal that there is minimal evidence available to convict the defendant.

Method

Participants

Similar to Study 2, participants were recruited from Prolific. The planned sample was expected to be 200, but was reduced to 120 due to time constraints. Mock jurors were U.S. citizens currently residing in the U.S. and were English fluent. Although one participant indicated that they had been convicted of a felony, they were not removed from the analysis sample given the small sample. However, I did exclude four participants for not following instructions, resulting in an analysis sample of 116 participants. Based on G*power calculations with a medium effect size, a sample of 121 participants were required to sufficiently power tests of the primary hypothesis using independent samples *t*-tests. Of the sample, 47% identified as female, 47% as male, and 5% identified as non-binary. The average age was 38 ($SD = 12.10$, range = 18-68) and 59% identified as White, 15% as Black, 7% as Asian, 5% as Hispanic, 14% as mixed or other ethnicity.

Materials

Case materials. Participants watched a shortened version of one of the trial videos utilized in Study 2 (Adolescent/Weak Evidence Condition). This video was selected because it produced fewer guilty verdicts than did the other conditions and I wanted to maximize variability in final case decisions. The video was reduced from 19 minutes to 11 minutes to avoid participation fatigue given that study procedures would take place over Zoom and would be over an hour long. The dialog removed from the video was information that did not affect the central case details in addition to the redirect examination by the prosecution attorney (Appendix J). Participants were advised that the witness was 10 years old at the time of the abuse to reflect the original case.

Trial Instructions. The basic trial instructions were identical to those used in Study 2. However, in Study 3, jury instructions were audio recorded and played to participants as a slideshow, where they could follow along with the video to maintain participant engagement

Emotion Regulation Instructions. Half of the groups received emotion regulation instructions and half did not. Groups that received the emotion regulation instructions received an additional set of pre-trial and pre-deliberation instructions, which resulted in the manipulation group seeing instructions that were 2-3 minutes longer in duration. The pre-trial emotion regulation instructions were as follows:

You are about to be shown an audio/video reenactment of a witness testifying in a case of child sexual abuse. Please watch and listen to it carefully. If you have any emotional reactions as you listen to the testimony, please try your best to suppress them and to make sure they have absolutely no effect on you. In addition, be careful not to let any positive or negative emotions show and do your best to stay calm by keeping your emotions to yourself. It is extremely important for the sake of this study that if you have any feelings as you listen and watch the reenactment, please try your best to not let those feelings show. In other words, as you listen and watch the reenactment, please try to behave in such a way that your fellow mock jurors watching you would not know you are feeling anything at all. So, listen and watch the reenactment carefully, but please try to behave so that your fellow mock jurors would not know you are feeling anything at all.

Participants received a similar set of instructions prior to deliberating that were modified to reflect deliberation procedures. *“Please try your best to continue suppressing your emotional reactions and make sure they have absolutely no effect on you while you deliberate with your*

fellow mock jurors. In addition, be careful not to let any positive or negative emotions show during deliberation and do your best to stay calm by keeping your emotions to yourself.”

Deliberation Instructions. California Criminal Jury Deliberation Instructions were provided to participants before deliberating in a group. Participants were encouraged to use the full 30 minutes to deliberate with their fellow mock jurors to attempt to reach a unanimous verdict. Mock jurors were instructed to keep an open mind during deliberation, to be willing to change their opinions based on the discussions, but that they should refrain from changing their verdict just because other jurors disagree with them. Mock jurors were encouraged to take the deliberations seriously and to make an announcement when they reached a unanimous decision.

Measures

Emotions. The emotion measure was the same as that used in Study 1 and 2. In addition to answering the emotion measures before and after the trial stimulus, participants also answered the emotion measure after deliberating with the group (post-deliberation emotion measure). Reliability analyses were first conducted on the emotion subscales before and after reading the trial transcript. Although reliability was somewhat low for some subscales before participants read the transcript (happiness $\alpha = .94$; sadness $\alpha = .91$; anger $\alpha = .87$; disgust $\alpha = .75$), all subscales reached acceptable levels of reliability after reading the trial transcript and measured happiness ($\alpha = .94$), sadness ($\alpha = .86$), anger, ($\alpha = .85$), and disgust ($\alpha = .84$). Distraction items that comprised the happiness subscale are not further reported.

I then created composites for pre-and-post measures by first computing the average across subscale items. I computed a difference score for each emotion composite to create two emotion change scores. The first change score was for the change in emotions from pre- to post trial (hereafter termed ‘Post-trial Emotions’) and the second post-deliberation emotion change

score was created by subtracting the post-deliberation score from the post-trial score (hereafter termed 'Post-deliberation Emotions').

Moral outrage. The moral outrage measure was the same as that used in Study 1 and 2. Scale reliability for the four items was good ($\alpha = .84$) and items were averaged to create a moral outrage composite score.

Pre-deliberation case decisions. Participants indicated their individual verdicts, confidence, and sentencing length recommendation (if applicable) after the trial similar to Study 1 and 2. However, they were advised that this verdict was non-binding and that they would be free to change their decisions after deliberation.

Post-deliberation case decisions. After participants deliberated in a group, they were asked whether their group reached a unanimous decision before they reached their 30-minute time limit. Participants that indicated that the group reached a unanimous decision were asked what their unanimous verdict was (guilty/not guilty). Participants who indicated that they did not reach a unanimous verdict were again asked for their individual verdict. Participants were asked for their confidence in that decision and sentencing length recommendation (for either their unanimous decision or their individual decision).

Group effectiveness. A scale was developed for the current study to provide an opportunity for participants to rate the effectiveness of group deliberations. On a scale from 1 (Strongly disagree) to 7 (Strongly agree), participants were asked to rate the following statements about deliberations: *My group was thorough in deliberating necessary points*, *It was upsetting to deliberate with my group (reverse coded)*, *I felt pressured by my group to change my verdict (reverse coded)*, *Discussing the case with my group helped my understanding of the case*, *I was intimidated to discuss the case with my group (reverse coded)*, *My group members treated me*

fairly when I shared during our deliberation, My group members listened to me during discussion, I felt uncomfortable discussing the case with my group (reverse coded). Scale reliability for the eight items measuring group effectiveness was acceptable ($\alpha = .80$) and was averaged to create a group effectiveness score.

Manipulation check. A manipulation check was included to assess whether participants controlled their emotions during deliberation as outlined in the emotion regulation instructions. On a scale of 1 (Strongly disagree) to 7 (Strongly agree), participants were asked to rate the following statements: *I controlled my emotions by not expressing them*, and *I was not able to keep my emotions to myself*.

Procedure

Study procedures were advertised as a focus group on Prolific. The advertisement mentioned that participation would require scheduling a 75-minute focus group session with a research assistant to deliberate a case of child sexual abuse with a group of 6-8 participants. Participation required a working camera and working microphone on a laptop or desktop computer and that participants were U.S. citizens who were currently residing in the U.S. and were 18+ years of age. Interested participants completed a brief Qualtrics survey that included informed consent, the demographic questionnaire, and the link to schedule a focus group on Calendly. After participants selected a timeslot, a researcher messaged participants via their Prolific account with the confirmed time/date for their meeting and the Zoom link. Participants also received a reminder message the day before and the day of their scheduled session. A trained research assistant (RA) moderated each study session and followed a script to standardize the study procedures. At the beginning of the session, the RA greeted participants and assigned randomized Juror ID# numbers to help protect their anonymity during the

discussions. The RA then provided a brief tutorial on the relevant Zoom features and instructed participants to keep their cameras on and their microphone muted for the majority of the session. During the session, participants received a Qualtrics survey link via the chat function, and were instructed to complete a set of questions at a time. After participants completed a set of questions, they would see the following message:

***** ATTENTION *****

Please minimize this survey and go to the Zoom meeting. Please refer to the Research Assistant on Zoom for instructions on how to complete the next steps in our study.

Each set of questions included a timer at the bottom of the screen to help participants keep track of how much time was allotted for each section. The first set of questions participants completed was the baseline emotion measure. The RA then administered the trial instructions (with or without the emotion regulation instructions) and the trial video to participants via screen and audio sharing. After the trial was presented, participants were directed to their individual surveys to complete the post-trial questionnaire which included the post-trial emotion measure, their pre-deliberation case decisions, and moral outrage measure.

The RA then administered the deliberation instructions (with or without the emotion regulation instructions) and asked participants to use “gallery view” to view all mock jurors on their screen and to unmute themselves. Mock jurors were informed that they would have 30 minutes to deliberate the evidence of the case and arrive at a unanimous verdict. Although the RA was present during the deliberations, the RA informed participants that they should act as if the RA was not there and the RA’s camera remained off to provide participants with the illusion of privacy. Participants were advised to announce when they reached a unanimous decision and the RA would “return” to the meeting. Participants were given a 5 minute and 1 minute warning before the 30 minutes were up if they were still deliberating. Once participants reached a verdict

or their time was up, they were directed to complete the final set of questions on their individual survey. The final set included the post-deliberation case decisions, the post-deliberation emotion measure, group effectiveness scale, and attention check questions.

At the conclusion of the study, the RA thanked participants for their participation and debriefed them. The RA acknowledged the sensitive nature of the study and provided a list of free counseling services and a list of optional videos to help boost their mood back to baseline levels. The entire procedure took an average of 80 minutes. Sessions in which only one participant attended were cancelled or rescheduled because they could not deliberate with other jurors. All survey procedures were video recorded and transcribed.

Data Analytic Plan

Preliminary analyses were conducted among demographic variables and study variables of interest using means comparisons tests and bivariate correlations. Prior to hypothesis testing, I also examined emotion change scores from pre to post trial using paired samples t-tests and then examined manipulation check responses using independent samples t-tests. I also provide descriptive results for group sizes, deliberation length, outcomes and group effectiveness ratings.

To examine my first hypothesis of whether emotion regulation instructions reduced mock jurors' emotional responses to the case, I conducted a series of t-tests testing instruction condition (instructions, no instructions) group differences in Post-trial Emotions and moral outrage, and examined verdict decisions by testing instruction condition using a chi-square test of independence. To test my second hypothesis regarding changes in emotions from before to after deliberation, I conducted a series of t-tests with post-deliberation anger, sadness, and disgust change scores. I then examined how individual verdict decisions changed from pre-to post deliberations using a chi-square test of independence

Results

Preliminary Analyses

Means, standard deviations, and bivariate correlations amongst study variables are found in Table 4 (see Appendix D). There were no gender differences on outcome variables of interest, but older jurors were less morally outraged ($r = -.20, p = .032$). I expected to replicate the findings from Study 1 and 2, in which there would be an increase in anger, sadness, and disgust from pre to post trial stimulus. Indeed, participants reported increases in anger ($M_{diff} = 0.51, d = .72, t(116) = 7.70, p < .001$), sadness ($M_{diff} = 0.49, d = .66, t(116) = 8.11, p < .001$), and disgust ($M_{diff} = 0.98, d = .96, t(116) = 11.06, p < .001$).

To verify whether the emotion regulation instructions were effective, I analyzed responses to the two manipulation check questions based on group membership. Results revealed that participants who received the instructions were more likely to report that they controlled their emotions ($M = 5.59, SD = 1.47$) than participants who did not receive instructions ($M = 4.17, SD = 1.6, t(115) = -5.01, p < .001$). Additionally, participants who did not receive instructions reported that they were less able to keep their emotions to themselves ($M = 3.40, SD = 1.85$), than participants who did receive instructions ($M = 2.81, SD = 1.96$), although this difference was not significantly different, $t(114) = 1.66, p = .10$.

A total of 24 group sessions were conducted and group sizes ranged from 2-9 participants. The median group size was 6. On average, groups deliberated for 23 minutes and 66% of groups reached a unanimous verdict within the 30-minute timeframe while the rest were hung juries. Mock jurors who had greater moral outraged before deliberations rated the group

discussions as less effective and jurors who were more angry post deliberation rated the discussions as more effective (see Table 4 in Appendix D).

Hypothesis 1: Effect of Emotion Regulation Instructions

Analyses revealed that participants who received emotion regulation instructions had lower post trial change scores for anger than those who did not receive instructions ($M_{diff} = 0.30$, $d = .71$), $t(114) = 2.26$, $p = .025$. There were no significant differences in disgust or sadness change scores, $ps = .16- .29$, although the means are trending in the expected direction (See Table 5 in Appendix E). Jurors who received instructions also reported less moral outrage than jurors who did not receive instructions ($M_{diff} = .39$), $t(114) = -2.12$, $p = .029$.

I then examined verdicts by condition to reveal whether instructions impacted verdict decisions. There was no significant difference between conditions for either pre-deliberation verdicts, $\chi^2 = .001$, $p = .97$, or post deliberation verdicts $\chi^2 = .77$, $p = .38$ (see Table 5 in Appendix E).

Hypothesis 2: Effects of Deliberation

Across all participants, analyses of the Post-deliberations Emotions revealed that disgust change scores demonstrated a decrease from post-trial to post-deliberation ($M_{diff} = -.26$, $d = .71$), $t(115) = -3.99$, $p < .001$, as did sadness change scores ($M_{diff} = -.11$, $d = .53$), $t(115) = -2.30$, $p = .023$), but there was no change in anger change scores, $p = 1.00$ (see Table 5 in Appendix E). I then examined whether the changes in Post-deliberation Emotion scores varied by condition. Results revealed that jurors who received instructions reported increases in anger after deliberating, while jurors who did not receive instructions reported a decrease in anger (see Table 5 in Appendix E), and there was no difference in sadness or disgust by condition, $ps = .15- .29$.

Analyses of individual verdict decisions revealed that, overall, fewer jurors voted to convict after deliberating with a group (31%), relative to before deliberating with a group (47%), see Figures 4 & 5. Analysis of verdicts revealed that 67.5% of jurors did not change their verdict from pre to post deliberation but 31.6% of jurors did change their verdict, with the majority of these jurors changing their verdict from guilty to not guilty, $\chi^2 = 15.24, p < .001$.

Figure 4
Pre-deliberation Verdict Decisions Across Conditions

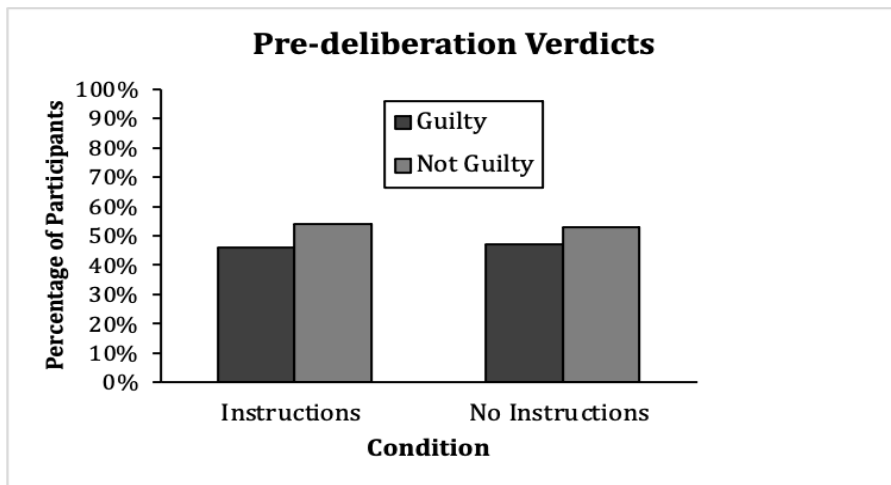
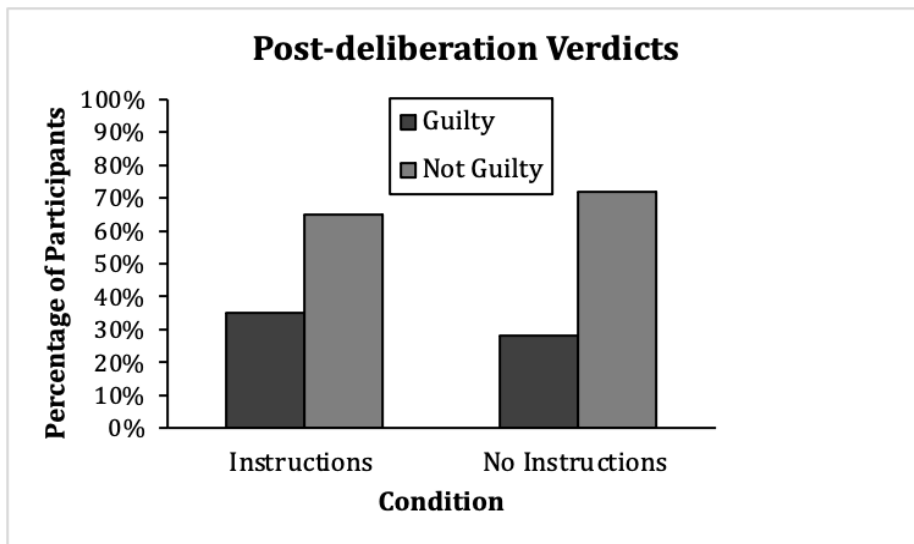


Figure 5
Post-deliberation Verdict Decisions Across Conditions



Conclusions

Results from Study 3 reveal that emotion regulation instructions decreased jurors' reported anger levels and that deliberation decreased overall conviction rates in a CSA case with limited, weak evidence. Although I did not see differences in verdict decisions based on condition, the trends appear to support the hypothesis that emotion regulation instructions may decrease the biasing role of emotion on decision making. Importantly, mock jurors were less likely to convict after deliberating with other jurors, with jurors most often changing their verdict from guilty to not guilty. The opportunity to discuss the evidence with other jurors revealed that there was clear reasonable doubt and not enough evidence to convict the defendant, a reason often cited during deliberations.

This study also found different patterns of changes in anger for jurors who received instructions versus jurors who did not. Specifically, jurors who received instructions had smaller increases in anger after reviewing the case and greater increases in anger after deliberating with the group. Whereas jurors who did not receive instructions had greater increases in anger after reviewing the case and smaller increases in anger after deliberating with the group. These findings suggest that jurors who receive instructions may be engaging in behaviors that counteract their emotional responses and "angry jurors" cool down and benefit from the discussion, whereas jurors who do not experience the initial increase in anger become more upset while deliberating the evidence.

The findings reveal that emotion regulation instructions do in fact impact jurors' reported emotional experience and these effects also alter group deliberations. Both the inclusion of instructions and deliberations may overall decrease biased decision making as evidenced by the decrease in convictions – a dramatic shift from the previous study. Future research will help

inform how emotion regulation instructions impact case perceptions and how instructions may impact deliberation content.

CHAPTER 4: DISCUSSION

Summary of Findings

Three experiments revealed that CSA cases make jurors angry, sad, disgusted and morally outraged. Study 1 revealed which emotions were elicited in mock jurors and how those emotions were related to their memory of the case evidence and their case decisions. This study revealed significant increases in anger, sadness, and the greatest increase in disgust. Disgust was also related to moral outrage, sentencing decisions, and memory for case evidence. Specifically, increases in disgust were related to longer sentencing recommendations and this relationship was fully mediated by moral outrage. Additionally, contrary to study hypothesis, jurors who were more disgusted had more accurate memory reports. Overall, jurors had highly accurate memory reports and almost everyone voted to convict the defendant, limiting my ability to examine distinct pathways between emotions and decision making due to the lack of variability.

To decrease conviction decisions and introduce greater variability in emotional responses, Study 2 introduced two experimental manipulations, namely witness age and evidence strength, and modified the case materials. Both an older adolescent witness and a case with weaker evidence were expected to introduce reasonable doubt and decrease convictions (and potentially emotions). Study 2 also built on the initial study design from Study 1 by introducing standard jury instructions, which encourage jurors to make more objective decisions, added a witness credibility scale, and utilized a more immersive trial presentation.

Results from Study 2 replicated the initial findings from Study 1, such that jurors reported an increase in anger, sadness, and disgust and moral outrage again mediated the relationship between disgust and sentencing recommendations. My goal of reducing conviction rates was achieved and overall convictions did in fact decrease from 97% to 79% but I did not

find main effects for the age, nor for the case strength, condition. Analyses across conditions revealed that jurors who were more disgusted and morally outraged were more likely to be confident in a guilty verdict, more likely to recommend a longer sentence, and more likely to believe the witness is credible. The first two studies revealed that increases in negative emotions encourage jurors to believe the allegations are true and have a stronger desire to engage in punitive behaviors to punish the offender.

Study 3 tested whether emotion regulation instructions and group deliberations ameliorate the biasing effects of emotions on juror decisions. Results from Study 3 revealed that emotion regulation instructions decreased anger levels and moral outrage and jurors were less likely to convict after deliberations. This study overall had a much lower conviction rate than the previous studies (approximately 50/50) before deliberations and only about a third of participants continued to vote guilty after deliberations. Group deliberations discussing the case helped the majority of jurors realize that there was not enough evidence beyond a reasonable doubt to convict the defendant and jurors reported a decrease in sadness and disgust after deliberating with other jurors. Interestingly, jurors' anger scores shifted from pre to post deliberation but the direction depended on whether they received emotion regulation instructions or not. Jurors who received instructions began deliberation at a lower level and deliberations increased anger whereas jurors who did not receive instructions showed a decrease in anger scores after deliberations. Overall, these studies reveal that CSA cases elicit a significant amount of negative emotions in jurors and identified potential pathways in which emotions directly influence decision making and trial interventions that can reduce the biasing effects of emotions.

Disgust and Moral Outrage

In both Study 1 and 2, disgust and moral outrage were pivotal in understanding how emotions are related to case perceptions and case decisions. These findings support a number of recent studies examining emotions in decision making in cases involving a moral transgression (Peter-Hagene & Bottoms, 2017; Salerno & Peter-Hagene, 2013). Specifically, moral outrage has been an important mediator between emotions and case decisions, likely because moral outrage itself is strongly linked to both anger and disgust at the offense and a motivation to punish the offender. Anger, disgust, and moral outrage are tightly intertwined and some researchers refer to moral outrage as an emotion or refer to anger and disgust as moral emotions (Haidt, 2001; 2003). Anger, disgust, and moral outrage were highly correlated in all three studies but moral outrage was the strongest predictor of verdict decisions in both Study 1 and 2. Emotion regulation instructions decreased anger and moral outrage and with a bigger sample size, I may find a direct effects on verdicts. Examination of jurors' experience of moral outrage can provide insight into the decision-making process because it directly connects emotions to the need to punish (Salerno, 2021). Across each study, decreases in average moral outrage levels were supported by lower conviction rates.

Overall Conviction Rate

The primary reason I sought to examine emotions in CSA cases is because I expected that mock jurors would find it difficult to vote not guilty after having a significantly negative emotional experience after exposure to a child describing graphic acts of abuse. In my previous studies, both published and unpublished (Olaguez et al., 2021; Olaguez & Klemfuss, 2020), mock jurors voted guilty at an alarmingly high rate despite seeing minimal CSA case evidence. An important component of these studies was the trial presentation method which is rarely seen

in other mock CSA cases. Specifically, jurors read a trial transcript of the child describing the abuse in her own words, which is more immersive than trial summaries. Study 1 revealed that the trial stimulus used was extremely biasing as illustrated by an almost unanimous conviction rate.

Given the results of Study 1, I reduced the severity of the crime to potentially decrease emotional reactions and introduced jury instructions about the standard of guilt to reduce conviction rates. This study manipulated witness age to include either a young child witness or an older adolescent witness with either strong or weak evidence the abuse occurred. Jurors were in fact less likely to convict in Study 2 although I did not see the effects of condition on verdict outcomes as hypothesized. I expected that an older witness and a case with weaker evidence should result in fewer convictions and although the trends appear to be in the expected direction (the Adolescent/Weak Evidence condition had the fewest guilty verdicts) the difference was not significant. In contrast to previous studies of perceptions of child witnesses (Golding et al., 2020), despite the “older” witness, mock jurors still convicted at high rates. I opted to exclude the witnesses’ age from the trial materials to avoid issues often cited in previous work when comparing witness age (Ross et al., 1990) and instead asked jurors to indicate how old they believed the witness to be. Results revealed that the perceived age for the child was about 12 and the adolescent was 14 and these averages were slightly different from those in the pilot data, suggesting that once the sketches were paired with the transcript and the voice actresses, the child was perceived to be slightly older than expected (12 instead of 10). Based on these age perceptions alone, I would have expected fewer convictions given that 12 year old witnesses are not as credible, however, this was not the case.

Study 3 was the final attempt to reduce convictions even more to reveal how jurors who opt to convict differ from those who opt to acquit. The trial stimulus from Study 2 was modified

slightly to be used for Study 3. Specifically, I removed a few attorney-child turns that reestablished case details and removed re-direct examination, both of which could have reduced the credibility of the witness. Finally, it should be noted that jurors in Study 3 expected to deliberate the case with a group of jurors, which could have placed an extra set of pressures that jurors in the previous studies might not have experienced. Jurors may have been more conservative in the current study knowing they would soon have to discuss their verdict or stance on the case with other jurors. Finally, the current sample size may provide insufficient power to reveal condition differences that could have attributed to the overall decrease in convictions.

Study Strengths

This set of studies is the first to explore the role of emotions in CSA cases. Using a multi-methodological approach, these studies include variables that expand on previous mock juror studies. First and foremost, these studies examine the role of emotion in decision making in a case that is expected to elicit a significant amount and range of emotion based on the nature of the crime. Researchers have previously focused on studies that involve visual photographic evidence, victim impact statements, or murder cases and the majority of the work focuses on whether emotional evidence should be excluded from the trial (Phalen et al. 2020). CSA cases are unique in that the emotional evidence cannot be excluded from the trial and what is likely the most emotional piece of evidence, the child's testimony, is an especially pivotal piece of evidence. These studies reveal that the child's testimony did in fact increase jurors' emotions, particularly disgust, and jurors who experienced the greatest increase convicted despite weak evidence. Thus, jurors in CSA cases may be vulnerable to convict a defendant based on inclination to punish rooted in emotional reaction to children's statements.

The experimental designs utilized in the current studies were specifically used because they reflect actual cases as much as possible within experimental constraints. Most studies in mock jury research rely on case vignettes and very few utilize video reenactments and trial transcripts. The present studies were based on a trial transcript of a child witness testifying about the abuse details to highlight the unique nature of CSA cases. Child witnesses who testify in CSA cases are questioned about the abuse in graphic detail in front of the court and these details are often excluded from vignettes.

The child's testimony was presented to mock jurors in three different formats. In the first study, participants read through the transcript while sitting in a controlled setting. Having mock jurors participate in a research lab minimized distractions and maintained the serious nature of the case as participants quietly read through multiple pages of a trial transcript. In the second study, mock jurors were recruited online and watched a trial slideshow that increased the immersiveness of the study. Because participation took place online and mock jurors may have been more vulnerable to distractions, I used the audio/visual presentation with the goal of enhancing attentional focus. In the final study, mock jurors participated in groups. They watched the audio/visual presentation together and deliberated the evidence as a group. Including deliberations in mock jury research is extremely rare (Phalen et al., 2021), especially in mock CSA cases (Golding et al., 2020) and has not been examined in relation to emotions (Salerno, 2021).

Implications

A major, and concerning, finding resulting from this series of studies is the potential biasing role of emotion in juror decision making. However, Study 3 revealed that emotion regulation instructions may be particularly promising in helping jurors make more objective

decisions even in the context of CSA cases. Emotion regulation instructions reduced anger in a small sample and a well powered analyses may ultimately reveal how instructions affect other emotions and case decisions. Although Study 3 did not reveal a significant difference in verdict decisions based on the inclusion or exclusion of instructions, previous studies have had similar results (Cush & Delahunty, 2006; Matsuo & Itoh, 2016a; Thompson & Dennison, 2004). Thus, it may be the case that jurors who receive instructions underreport their emotions due to demand characteristics rather than actual experience of emotion. However, these instructions may serve as a reminder to jurors that their emotions should not influence decisions and may be especially beneficial in cases in which the case is expected to elicit a significant amount of emotion.

Limitations and Future Directions

Although the current set of studies contributes to our understanding of the role of emotion in CSA cases, a few limitations should be noted and addressed in future work. First and foremost, the current studies only included the witness' testimony and did not include a full case presentation. Study 2 and Study 3 provided jurors with additional case information via a case summary to help address these limitations in Study 1 but jurors still cited the need for additional details during group deliberations. Future research should provide jurors with a full case to track changes in emotional responses throughout the trial. Thus, studies can reveal how opening or closing statements, or different witnesses impact emotional responses and ultimately whether emotional responses throughout the trial can predict final verdict decisions. As is the case in all mock jury research, the simulated trials may not reflect the intensity or consequences resulting from actual cases, and this limitation is even more applicable when measuring emotional intensity. Thus, future researchers may seek additional methods to examine the role of decision making in more ecologically valid settings, such as by surveying jurors who served on CSA

cases about their emotional experiences (see Myers, 2002), or measuring emotional reactions to a recording of a child witness testifying. Finally, Study 3 is slightly underpowered for more advanced statistical analyses such as a Multi-Level Model and a bigger sample will allow for analyses with group and individual level effects.

Aside from increasing the sample size for Study 3, future work should examine deliberation content for jurors who received instructions and those who did not. I expect that groups that received instructions would focus on more fact-based discussions to reveal that there is not enough evidence to convict. Jurors who do not receive instructions may be more likely to engage in discussions that involve affective content and discuss feelings towards the case in general (e.g., I feel like a child would not lie about this).

Finally, Study 3 revealed the importance of deliberation and academic research is strongly in need of work that includes deliberating juries. After jurors deliberated in groups, jurors were more likely to acquit and cite the lack of evidence (the legally “correct” decision). Including deliberation is more reflective of actual cases and can help inform how jurors adjust their individual biases or reactions to the case in order to reach a unanimous group decision. As mentioned previously, it is possible that the expectation of deliberating may have influenced pre-deliberation verdict decisions. Thus, future work should vary whether jurors expect to deliberate in a group to examine whether this would impact the verdict they prefer before deliberation.

Conclusion

While emotions are not inherently biasing (Salerno & Bottoms, 2009), it is crucial to understand the relations between emotional reactions to CSA testimony and juror decision making to inform whether intervention is needed in these cases to help jurors maintain objectivity. These three experiments examining the role of negative emotions in CSA cases

reveal that these cases may make it particularly difficult for jurors to ignore their emotional reactions to the witness. Jurors' negative emotions were related to more punitive behavior, despite the evidence in the case. Emotion regulation instructions seem to be a promising method to temper emotional reactions and teach jurors how to ignore their emotions evoked by the testimony, in order to be able to evaluate the totality of the evidence to reach an unbiased decision.

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APPENDIX A

Table 1

Means, Standard Deviations, and Pearson Correlations (Study 1)

	Variable	<i>M (SD)</i>	1	2	3	4	5	6	7	8
1.	Anger Δ	1.34 (1.02)	-							
2.	Sadness Δ	0.95 (0.83)	.63**	-						
3.	Disgust Δ	1.96 (1.05)	.69**	.62**						
4.	Moral Outrage	3.49 (0.93)	.49**	.30**	.53**	-				
5.	Sentence	59.54 (30.80)	.24**	.19**	.22*	.41**	-			
6.	Confidence	79.89 (22.21)	.04	.07	.08	.34**	.30**	-		
7.	Child Age	8.94 (2.16)	-.03	-.04	-.11	-.03	-.06	.02	-	
8.	Word Count	148.12 (126.09)	.01	-.04	.01	-.05	-.09	-.12	-.05	-
9.	Memory Accuracy	9.60 (0.70)	.05	.07	.16*	.06	-.09	.02	-.05	.19*

Note. Δ indicates change scores from pre-posttrial. ** indicates significance at the 0.01 level, * indicates significance at the 0.05 level.

APPENDIX B

Table 2

Means, Standard Deviations, and Pearson Correlations (Study 2)

	Variable	<i>M (SD)</i>	1	2	3	4	5	6	7
1.	Anger Δ	0.67 (0.81)	-						
2.	Sadness Δ	0.45 (0.79)	.54**	-					
3.	Disgust Δ	1.24 (1.07)	.72**	.61**	-				
4.	Moral Outrage	2.86 (1.10)	.54**	.33**	.57**	-			
5.	Sentence	57.36 (33.41)	.17	.01	.21*	.27**	-		
6.	Confidence	70.05 (23.92)	.23**	.15*	.20**	.29**	.38**	-	
7.	Credibility	4.46 (1.01)	.29**	.13	.36**	.56**	.44**	.49**	-

Note. Δ indicates change scores from pre-posttrial. ** indicates significance at the 0.01 level, * indicates significance at the 0.05 level.

APPENDIX C

Table 3

Hierarchical Regression Results Predicting Confidence in Verdicts (Study 2)

	β	B	SE	95% Confidence Interval for B
Step 1				
Anger Δ	.05	3.55	7.30	-10.86-17.96
Sadness Δ	.01	.11	6.64	-12.99-13.22
Disgust Δ	.27*	14.06	5.84	2.52-25.59
Step 2				
Moral Outrage	.58***	29.18	4.05	21.18-37.18
Step 3				
Credibility	.77***	42.38	2.78	36.89-47.86

Note. $R^2 = 0.10$ for Step 1, $p = .001$; $\Delta R^2 = 0.22$ for Step 2, $p < .001$; $\Delta R^2 = .40$ for Step 3, *** $p < .001$; ** $p < 0.01$, * $p < 0.05$.

APPENDIX D

Table 4

Means, Standard Deviations, and Pearson Correlations (Study 3)

Variable	<i>M (SD)</i>	1	2	3	4	5	6	7	8	9	10	11
Pre-deliberation												
1. Anger Δ	0.51 (0.72)	-										
2. Sadness Δ	0.49 (0.66)	.65**	-									
3. Disgust Δ	0.98 (0.96)	.73**	.62**	-								
4. Moral Outrage	2.56 (0.98)	.35**	.21*	.40**	-							
5. Sentence	65.89 (29.62)	.02	.29*	.05	.33*	-						
6. Confidence	60.69 (28.23)	.01	.09	.02	.20*	.38**	-					
Post-deliberation												
7. Anger Δ	0.00 (0.58)	.26**	.12	.11	.13	-.02	-.22*	-				
8. Sadness Δ	0.11 (0.53)	.10	.31**	.17	.07	.05	-.17	.36**	-			
9. Disgust Δ	0.26 (0.71)	.16	.23*	.42**	.15	-.18	-.23*	.49**	.57**	-		
10. Sentence	61.26 (30.35)	-.17	-.02	-.21	.34*	.84**	.20	-.10	-.19	-.39*	-	
11. Confidence	66.26 (30.35)	-.04	-.02	-.09	-.00	.36**	.56**	-.15	.02	-.21*	.28	-
12. Group Effectiveness	5.81 (0.92)	-.09	-.09	-.10	-.31**	.04	-.04	.29**	.13	.09	.29	.12

Note. Δ indicates change scores from pre-posttrial or pre-post-deliberation. ** indicates significance at the 0.01 level, * indicates significance at the 0.05 level.

APPENDIX E

Table 5

Means and Standard Deviations by Condition (Study 3)

Variable	Emotion Regulation Instructions	Control
	<i>M (SD)</i>	<i>M (SD)</i>
Post-trial		
Anger Δ	.37 (.68)*	.67 (.74)*
Sadness Δ	.43 (.73)	.56 (.56)
Disgust Δ	.86 (.97)	1.12 (.94)
Moral Outrage	2.28 (.88)*	2.68 (1.06)*
Confidence	60.32 (26.14)	61.13 (30.77)
Sentence	64.90 (29.28)	67.04 (30.58)
Guilty	46.0%	47.2%
Post-deliberation		
Anger Δ	-.10 (.52)	.12 (.63)
Sadness Δ	.08 (.43)	.15 (.64)
Disgust Δ	.31 (.79)	.22 (.63)
Confidence	70.25 (28.14)	61.51 (32.42)
Sentence	52.41 (34.85)*	74.80 (26.44)*
Guilty	34.9%	28.3%

Note. Δ indicates change scores from pre-posttrial or pre-post-deliberation, * indicates significance at the 0.05 level.

APPENDIX F

TRANSCRIPT (STUDY 1)

DIRECT EXAMINATION BY THE PROSECUTION ATTORNEY:

ATTORNEY: Good morning, [child's name].

CHILD: Good morning.

ATTORNEY: In late July of last year, where were you living?

CHILD: On 104th street.

ATTORNEY: And what street?

CHILD: Main.

ATTORNEY: And were you living in an apartment?

CHILD: Yes.

ATTORNEY: And were you living with your mom, [child's name]?

CHILD: Yes.

ATTORNEY: Was there someone who used to come over and visit your mother during that time?

CHILD: Yes.

ATTORNEY: Who was that?

CHILD: [defendant's name].

ATTORNEY: Do you see [defendant's name] in the courtroom?

CHILD: Yes.

ATTORNEY: Can you tell us where he's sitting and what he's wearing?

CHILD: A white shirt.

ATTORNEY: And where is he sitting?

CHILD: Next to (pointing).

ATTORNEY: [Child's name], I want to talk to you about some things that happened the night of July 22nd of last year. Do you remember that night?

CHILD: Yes.

ATTORNEY: Where were you that — did you go to sleep that night?

CHILD: Yes.

ATTORNEY: Where did you go to sleep?

CHILD: In my room.

ATTORNEY: And do you sleep in your own bed?

CHILD: Yes.

ATTORNEY: And what size is your bed?

CHILD: On this side (indicating).

ATTORNEY: Okay. But what size? Is it a big bed or a little bed?

CHILD: It's a twin bed.

ATTORNEY: And do you sleep alone in that bed?

CHILD: Yes.

ATTORNEY: Do you share your room with anyone?

CHILD: Yes.

ATTORNEY: Who do you share it with?

CHILD: My little sister.

ATTORNEY: And that's [sister's name]?

CHILD: Yes.

ATTORNEY: On that night, did something wake you up?

CHILD: Yes.

ATTORNEY: What woke you up?

CHILD: [defendant's name].

ATTORNEY: How did he wake you up?

CHILD: When he came up in my room.

ATTORNEY: When he came into your room, was it just his coming in that woke you up, or were you awakened by something else?

CHILD: Awakened by something else.

ATTORNEY: And what was that?

CHILD: When [defendant's name] molested me.

ATTORNEY: All right [child's name], we're going to need you to tell us what happened in detail. Okay?

CHILD: (No audible response).

ATTORNEY: So what was the first thing that woke you up?

CHILD: When he came up in my room.

ATTORNEY: And what happened when he first came into your room?

CHILD: He—he came in and—and he laid down on me.

ATTORNEY: And were you underneath your blanket?

CHILD: Yes.

ATTORNEY: What did you have on?

CHILD: A gown.

ATTORNEY: And when you go to sleep, do you wear underwear?

CHILD: Yes.

ATTORNEY: You had on panties?

CHILD: Yes.

ATTORNEY: What did [defendant's name] have on?

CHILD: Boxers.

ATTORNEY: Did he have anything else on?

CHILD: No.

ATTORNEY: When he laid down, what did he do?

CHILD: He lift up my pajamas.

ATTORNEY: What did you do?

CHILD: I tried to get him off me.

ATTORNEY: What happened after you tried to get him off of you?

CHILD: He—he wouldn't let me go.

ATTORNEY: And what was he doing to stop you from going?

CHILD: He was pushing me down.

ATTORNEY: And after he had pushed you down, did he do anything else?

CHILD: Yes.

ATTORNEY: What did he do?

CHILD: He started touching on me.

ATTORNEY: And where did he touch you?

CHILD: On my private part.

ATTORNEY: Now, [child's name], when you make reference to your private part, what part is that? Can you point and show? Show the jury. [child's name], can you just come stand right here

by me? Okay. Can you show the jury what you call your private part?

CHILD: This (pointing).

PROSECUTION ATTORNEY: Your honor, she's pointing between her legs to the vaginal area.

ATTORNEY: Okay. Have a seat.

ATTORNEY: Now, [child's name], when he touched you on your private part, what was he touching you with?

CHILD: His hands.

ATTORNEY: And was this over your clothing or under your clothing?

CHILD: Under my clothing.

ATTORNEY: And how was he touching you? What was he doing?

CHILD: He was rubbing.

ATTORNEY: And did it hurt?

CHILD: Yes.

ATTORNEY: What were you doing as he was doing this to you?

CHILD: I was—I was crying, trying to push him off.

ATTORNEY: What else—did he do anything else?

CHILD: Yes.

ATTORNEY: What was that?

CHILD: He touched me up here (indicating).

PROSECUTION ATTORNEY: Your honor, indicating the chest area where the breasts would be.

ATTORNEY: And was that over your clothing or under your clothing?

CHILD: Under.

ATTORNEY: And what did he touch you with?

CHILD: His hands.

ATTORNEY: Did he do anything else?

CHILD: Yes.

ATTORNEY: Can you tell us what that was?

CHILD: He—he licked me all up here (indicating).

ATTORNEY: In the chest area again?

CHILD: Um-hmm.

ATTORNEY: Is that a yes?

CHILD: Yes.

ATTORNEY: When he was licking you, where were his hands?

CHILD: Trying to hold me down so I won't get up.

ATTORNEY: Were you trying to get up?

CHILD: Yes.

ATTORNEY: And what else happened?

CHILD: And he touched me on my bottom part.

ATTORNEY: And when you say your bottom part, is that the same private part or something else?

CHILD: Something else.

ATTORNEY: What is your bottom part?

CHILD: My, my—uh butt.

ATTORNEY: What did he touch your butt with?

CHILD: His hands.

ATTORNEY: And what was he doing as he touched your butt?

CHILD: And then he—he was trying to hold me down, and then he left the room.

ATTORNEY: He left the room?

CHILD: Yes.

ATTORNEY: Now, before he left the room, did he do anything else to you?

CHILD: Yes, he told me if I tell anybody, he was going to kill me.

ATTORNEY: And before he told you that, did he do—did you see any part of his body?

CHILD: Yes.

ATTORNEY: What part did you see?

CHILD: His private part.

ATTORNEY: And is it the same private part you have or is it different?

CHILD: It's different.

ATTORNEY: Is it in the same place as your private part?

CHILD: Yes.

ATTORNEY: And when you saw his private part, how did you see it? What was he doing with it?

CHILD: He was rubbing it.

ATTORNEY: What was he rubbing it with?

CHILD: His hands.

ATTORNEY: And was it—where were his boxers?

CHILD: They were—they was down.

ATTORNEY: When he was rubbing his private part with his hand, did he do anything else with it?

CHILD: No. He left the room.

ATTORNEY: Now, [child's name], did he come back to the room that night?

CHILD: No.

ATTORNEY: Did he ever—do you remember talking to the police?

CHILD: Yes.

ATTORNEY: And do you remember telling the police that he did something with his private part?

CHILD: Yes.

ATTORNEY: Do you remember what that was?

CHILD: Yes.

ATTORNEY: And what was it?

CHILD: He stuck it into mine.

ATTORNEY: Was that that night?

CHILD: No.

ATTORNEY: When was that?

CHILD: When—when my mom was gone to my grandpa house.

ATTORNEY: So then on July 22nd, that night, he did not stick his private part into yours?

CHILD: Yes, he did that night.

ATTORNEY: That night he did?

CHILD: Um-hmm.

ATTORNEY: I'm a little confused. When did he stick it into—his private part into your private part?

CHILD: The night he came in my room and when my grandpa went to—when my mom went to my grandpa house.

ATTORNEY: So you're talking about two different times?

CHILD: Um-hmm.

ATTORNEY: Is that yes?

CHILD: Yes.

ATTORNEY: Let's just talk about that night. Okay? Now, before he left the room, did he stick his private part into your private part?

CHILD: Yes.

ATTORNEY: And was this before or after he was rubbing his private part with his hand?

CHILD: Before.

ATTORNEY: And after—when he stuck his private part into your private part, how did it feel?

CHILD: Not so good.

ATTORNEY: And how were you feeling?

CHILD: Sad.

ATTORNEY: Do you know what part of your private part he stuck his private part into?

CHILD: Yes.

ATTORNEY: What part?

CHILD: My private part.

ATTORNEY: Now, your private part, that's where you go to the bathroom if you have to do number 1, right?

CHILD: Um-hmm.

ATTORNEY: Do you go to the bathroom and pee out of your private part?

CHILD: Yes.

ATTORNEY: Is that yes?

CHILD: (Nods head)

ATTORNEY: And is that the area where he put his private part into?

CHILD: Yes.

ATTORNEY: How long did that last?

CHILD: A few minutes.

ATTORNEY: And when he had his private part there, was he doing anything with his body?

CHILD: Yes.

ATTORNEY: What was he doing?

CHILD: Going up and down.

ATTORNEY: Was he saying anything to you?

CHILD: No, he only told me one thing, that he'll kill me.

ATTORNEY: When he told you that he would kill you, how did you feel?

CHILD: Sad.

ATTORNEY: And did his telling you that make you not want to tell?

CHILD: Yes.

ATTORNEY: Did you try to tell?

CHILD: Yes.

ATTORNEY: When did you try to tell?

CHILD: After the night, before I was going to school.

ATTORNEY: What happened?

CHILD: I tried to fake like I was going to get my lunch ticket so I could go in there and tell my

mom.

ATTORNEY: And what happened? You went to your mother's bedroom door?

CHILD: Yes.

ATTORNEY: And then what happened?

CHILD: [defendant's name] wouldn't let me in.

ATTORNEY: So, you knocked on the door?

CHILD: Yes.

ATTORNEY: And [defendant's name], did he open the door or talk to you through it?

CHILD: He opened it.

ATTORNEY: And what did he say to you?

CHILD: He said, "Go away."

ATTORNEY: And what did you do?

CHILD: I kept on knocking.

ATTORNEY: And then what happened?

CHILD: And then when—and then—and then when—then my—then the next day when my—then my mom came. When she came back, she found [defendant's name].

ATTORNEY: Okay. Wait. Wait. Let's back up. I'm going to take you step by step, okay? Did you ever get your lunch ticket?

CHILD: Yes.

ATTORNEY: How did you get it?

CHILD: I got it before. I was faking so I can go tell my mom.

ATTORNEY: Did he ever give you your lunch ticket?

CHILD: No. My mom usually gave me my lunch ticket.

ATTORNEY: And do you usually go into the room to get your lunch ticket?

CHILD: No. It be on the table.

ATTORNEY: Is that—Where?—In the living room or the dining room?

CHILD: In the living room.

ATTORNEY: That night—Excuse me. That morning, did you get a chance to talk to your mom?

CHILD: No.

ATTORNEY: Did you go off to school?

CHILD: Yes.

ATTORNEY: Now, before you went to school, had you talked to your sisters?

CHILD: No.

ATTORNEY: Were your sisters awake?

CHILD: No.

ATTORNEY: When you got to school, did you talk to anybody about what happened the night before?

CHILD: No.

ATTORNEY: Why not?

CHILD: Because I was scared.

ATTORNEY: What were you scared of?

CHILD: That [defendant's name] was going to kill me.

ATTORNEY: Now, when you came home from school, who was at home?

CHILD: My mom.

ATTORNEY: Was there anyone else at home?

CHILD: And [defendant's name].

ATTORNEY: Were any of your sisters at home?

CHILD: My little sister.

ATTORNEY: [Sister's name]?

CHILD: Yes.

ATTORNEY: Where was she?

CHILD: Up in the bed sleep.

ATTORNEY: And when you came home from school, did you talk to your mom?

CHILD: No.

ATTORNEY: And why not?

CHILD: Because she was about to leave and go to my grandpa house.

ATTORNEY: And after—Did your mother—then did she leave?

CHILD: Yes.

ATTORNEY: And was [defendant's name] still there?

CHILD: Yes.

ATTORNEY: What did you do?

CHILD: I was about to go and—I was about to go outside.

ATTORNEY: And did you leave the apartment?

CHILD: No.

ATTORNEY: Where did you go?

CHILD: In the back—I was—I did not go outside because I couldn't.

ATTORNEY: So while you were inside, did you ever go to any particular room?

CHILD: Yes, to the bathroom.

ATTORNEY: And when you went into the bathroom, did you shut the door?

CHILD: Yes.

ATTORNEY: Is there a lock on the door

CHILD: Yes.

ATTORNEY: Did you lock the door?

CHILD: No.

ATTORNEY: Do you ever lock the door?

CHILD: No.

ATTORNEY: And when you go into the bathroom, what did you do?

CHILD: I was using the restroom

ATTORNEY: You were on the toilet?

CHILD: Um-hmm.

ATTORNEY: Is that yes?

CHILD: Yes.

ATTORNEY: And while you were in there, did something happen?

CHILD: Yes.

ATTORNEY: What happened?

CHILD: [defendant's name] came in.

ATTORNEY: Okay. And is that—when [defendant's name] came in, were you still sitting on the toilet?

CHILD: Yes.

ATTORNEY: And what happened when he came in?

CHILD: He pushed me down.

ATTORNEY: Did he say anything to you first?

CHILD: No. He just pushed me.

ATTORNEY: Okay. And did—as he pushed you, what were you doing?

CHILD: I was trying to pull up my pants and go out.

ATTORNEY: And when he pushed you down, where did he push you to?

CHILD: The floor.

ATTORNEY: And were you holding on to anything as he pushed you down? Do you remember?

CHILD: Yes.

ATTORNEY: What were you holding on to?

CHILD: The sink.

ATTORNEY: Now, as you were holding on to that, obviously he got you down to the floor; and then what happened?

CHILD: He got on top of me.

ATTORNEY: And what did he do once he got on top of you?

CHILD: He laid—he—he put his private part in my private part.

ATTORNEY: Before he put his private part into your private part, what did he do?

CHILD: Pulled down his pants.

ATTORNEY: And your panties were where?

CHILD: Up, but he pulled them down. I was trying to pull them back up.

ATTORNEY: So, after you—Okay. And did he do anything before he put his private part into your private part?

CHILD: Yes.

ATTORNEY: What did he do?

CHILD: He started licking me.

ATTORNEY: Where did he lick you?

CHILD: Up here and down here (indicating).

ATTORNEY: The chest area. And you said “down here,” and you’re pointing to what?

CHILD: My private part.

ATTORNEY: And what were you doing as he was doing this, [child’s name]?

CHILD: Pushing him off.

ATTORNEY: How did you feel?

CHILD: Sad.

ATTORNEY: And why did you feel sad?

CHILD: Because that—I didn’t like what he was doing to me.

ATTORNEY: Before he did this to you, did you trust him?

CHILD: Yes.

ATTORNEY: Were you crying this time, also?

CHILD: Yes.

ATTORNEY: And after he licked you between your legs on your private part, what happened?

CHILD: He—he got on top. He put his private part into mine.

ATTORNEY: And how did that feel?

CHILD: Not so good.

ATTORNEY: And as he was on top of you with his private part in your private part, what was he doing?

CHILD: Going up and down.

ATTORNEY: And how long did this last?

CHILD: A few minutes.

ATTORNEY: Now, this might be—this might be too hard a question, but if you can answer it, answer it. Do you know how much of his private part he put into your private part?

CHILD: No.

ATTORNEY: Now, while you were there on the floor with [defendant's name] on top of you, did you hear anything?

CHILD: Yes.

ATTORNEY: What did you hear?

CHILD: My mom coming.

ATTORNEY: What was it that you heard?

CHILD: When she opened the door.

ATTORNEY: What door are you referring to?

CHILD: The front door.

ATTORNEY: When you heard this sound, what happened?

CHILD: [defendant's name] ran out the bathroom.

ATTORNEY: When he knocked you to the floor off of the toilet, did you get hurt at all?

CHILD: Yes.

ATTORNEY: What part of you?

CHILD: My leg.

ATTORNEY: Any other part of your body, if you remember?

CHILD: No.

ATTORNEY: [Child's name], did you ever notice anything between your legs after [defendant's name] had put his private part there?

CHILD: No.

PROSECUTION ATTORNEY: Thank you. I have no further questions, Your Honor.

CROSS EXAMINATION BY THE DEFENSE ATTORNEY:

ATTORNEY: Good morning, [child's name].

CHILD: Good morning.

ATTORNEY: I'm [attorney's name] and I'm going to ask you a few questions. Okay?

CHILD: Yes.

ATTORNEY: And if you don't understand, just tell me you don't understand. Okay?

CHILD: Yes.

ATTORNEY: Now, you don't like [defendant's name], do you?

CHILD: No.

ATTORNEY: And you didn't like the fact that [defendant's name] stayed with your mother in the apartment, isn't that correct?

CHILD: He didn't—he didn't stay with us.

ATTORNEY: But when he did stay, you didn't like the fact that he was staying there, isn't that right?

CHILD: Yes.

ATTORNEY: Now, after all this had happened, do you remember going and being interviewed by the detective?

CHILD: Yes.

ATTORNEY: And let's go back to the part—remember about the bathroom part?

CHILD: Yes.

ATTORNEY: At some point in time, did you ever go out of the bathroom and make a phone call?

CHILD: No.

ATTORNEY: Did you ever tell the detective that you told [defendant's name] that you're going to call a friend and then you went to the kitchen and you called your grandmother? Do you remember?

ATTORNEY: Do you remember telling the detective that when you called your mother over the telephone, that you told your mother that [defendant's name] was touching you?

CHILD: I don't remember.

ATTORNEY: Are you okay?

CHILD: (Nods head up and down)

ATTORNEY: Do you want to take a break?

CHILD: (Witness shakes her head from side to side)

ATTORNEY: Let's go back to—not the day of the bathroom, but the night in the bedroom. Do you remember that night?

CHILD: (Nods head up and down)

ATTORNEY: Is that yes?

CHILD: Yes.

ATTORNEY: Now, you said that [defendant's name] came into your bedroom?

CHILD: Yes.

ATTORNEY: And that he got on top of you while you were in bed?

CHILD: Yes.

ATTORNEY: And that he touched your breast area?

CHILD: Yes.

ATTORNEY: And that he licked your breast area?

CHILD: Yes.

ATTORNEY: And that he touched your private part?

CHILD: Yes.

ATTORNEY: Now, did he take his private part and put it inside your private part?

CHILD: Yes.

ATTORNEY: You remember that, is that correct?

CHILD: Yes.

ATTORNEY: Do you remember telling the detective that [defendant's name] tried to put his private part in your private part? Do you remember that?

CHILD: No.

ATTORNEY: Do you remember telling the detective that you said that [defendant's name] tried to put his private part inside your private part, but that you told him to get out, and he left the bedroom? Do you remember saying that?

CHILD: No.

ATTORNEY: Now, in the morning when you went to school—what time did you go to school?

CHILD: 7:30.

ATTORNEY: Okay. And do you normally just get up and you get dressed by yourself?

CHILD: I get dressed by myself.

ATTORNEY: Okay. And do you eat breakfast by yourself?

CHILD: Yes.

ATTORNEY: And normally—or let’s go back to that day. Do you recall, where was your lunch ticket that day? Do you remember?

CHILD: On the table.

ATTORNEY: And the table, is that in the living room?

CHILD: Yes.

ATTORNEY: Now, after that night, going back to the night when [defendant’s name] came into your bedroom, the next morning did you tell anybody what had happened?

CHILD: No.

ATTORNEY: Why didn’t you tell anybody?

CHILD: Because I was scared.

ATTORNEY: And when you went to school, did you try to tell anybody at school?

CHILD: No.

ATTORNEY: And why was that?

CHILD: Because I was afraid.

ATTORNEY: Are you okay?

CHILD: (Nods head up and down)

ATTORNEY: Now, when you came home that afternoon, you saw your mother, is that right?

CHILD: Yes.

ATTORNEY: Did you tell your mother what had happened?

CHILD: No, because she was leaving.

ATTORNEY: But you saw her, isn’t that right?

CHILD: Yes.

ATTORNEY: Okay. How close did you get to your mom?

CHILD: Not that close.

ATTORNEY: Well, how close?

CHILD: A little bit.

ATTORNEY: Well, in terms of how far away. As far away as you are right now from your mom?

CHILD: Yes.

DEFENSE ATTORNEY: I have nothing further.

THE COURT: Do you have anything further?

PROSECUTION ATTORNEY: Yes, Your Honor.

REDIRECT EXAMINATION BY THE PROSECUTION ATTORNEY:

ATTORNEY: [child’s name], you just told [defense attorney’s name] that you didn’t like [defendant’s name] staying at your apartment when he would stay over, right?

CHILD: Yes.

ATTORNEY: Why didn’t you like him?

CHILD: (No response)

ATTORNEY: Why didn’t you like him?

CHILD: Because I didn’t know him that very well.

ATTORNEY: Did you ever tell your mother how you felt about [defendant’s name]?

CHILD: No.

ATTORNEY: Now, [child's name], have you spoken to a lot of different people about what happened to you with [defendant's name]?

CHILD: Yes.

ATTORNEY: And when you would talk about it with different people, did you like talking about it?

CHILD: No.

ATTORNEY: When different people, different police officers and different attorneys, were asking you questions, how did you feel?

CHILD: Sad.

ATTORNEY: Did you ever feel that this was your fault?

CHILD: Yes.

ATTORNEY: Did you feel that you did enough to stop him from doing this to you?

CHILD: Yes.

ATTORNEY: Did you feel that you did everything that you could do?

CHILD: Yes.

ATTORNEY: Why did you feel like it was your fault?

CHILD: Because—because I didn't tell nobody.

ATTORNEY: And if you had told somebody the first time, what do you think would have happened?

CHILD: (No response)

ATTORNEY: Would it have happened again?

CHILD: No.

ATTORNEY: Is that why you think it's your fault?

CHILD: Yes.

ATTORNEY: It's not your fault, [child's name]. No further questions, Your Honor.

End of Transcript

APPENDIX G
MEMORY QUESTIONNAIRE (STUDY 1)

Free/Prompted Recall Questions:

Please try to recall as much as you can about the excerpt and please try not to leave anything out

Where did the alleged abuse take place? If there was more than one location, please include them all:

Multiple Choice Questions (correct answers are bolded):

1. Did the child testify that the alleged abuse involved touching OVER clothing?
 - a. No
 - b. Yes**
 - c. I don't remember
2. Did the child testify that the alleged abuse involved touching UNDER clothing?
 - a. No
 - b. Yes**
 - c. I don't remember
3. Did the child testify that the alleged abuse involved genital penetration?
 - a. No
 - b. Yes**
 - c. I don't remember
4. Did the child testify that the alleged abuse involved kissing?
 - a. No
 - b. Yes**
 - c. I don't remember
5. Did the child testify that the alleged abuse involved production of pornography?
 - a. No
 - b. Yes**
 - c. I don't remember
6. The child testified that the alleged abuse took place:
 - a. One time
 - b. Two times**
 - c. Three or more times
7. Who was the alleged abuser in relation to the child?
 - a. Uncle
 - b. Mother's boyfriend**
 - c. Neighbor
 - d. Stranger
 - e. Grandfather
 - f. I don't remember

8. Was there more than one victim who was abused?
 - a. **No**
 - b. Yes
 - c. I don't know
9. Did the defendant use force during the alleged abuse?
 - a. No
 - b. **Yes**
 - c. I don't remember
10. Did the child tell anybody at school about the alleged abuse?
 - a. **No**
 - b. Yes
 - c. I don't remember

APPENDIX H

ADOLESCENT/WEAK EVIDENCE TRANSCRIPT (STUDY 2)

DIRECT EXAMINATION BY THE PROSECUTION ATTORNEY:

ATTORNEY: Good morning.

WITNESS: Good morning.

ATTORNEY: In late July of last year, where were you living?

WITNESS: On 104th street.

ATTORNEY: And what street?

WITNESS: Main.

ATTORNEY: And were you living in an apartment?

WITNESS: Yes.

ATTORNEY: And were you living with your mom?

WITNESS: Yes.

ATTORNEY: Was there someone who used to come over and visit your mother during that time?

WITNESS: Yes.

ATTORNEY: Who was that?

WITNESS: the defendant.

ATTORNEY: Do you see the defendant in the courtroom?

WITNESS: Yes.

ATTORNEY: Can you tell us where he's sitting and what he's wearing?

WITNESS: A white shirt.

ATTORNEY: And where is he sitting?

WITNESS: Next to the attorney.

ATTORNEY: I want to talk to you about some things that happened the night of July 22nd of last year. Do you remember that night?

WITNESS: Yes.

ATTORNEY: Where were you that — did you go to sleep that night?

WITNESS: Yes.

ATTORNEY: Where did you go to sleep?

WITNESS: In my room.

ATTORNEY: Do you share your room with anyone?

WITNESS: Yes.

ATTORNEY: Who do you share it with?

WITNESS: My little sister.

ATTORNEY: On that night, did something wake you up?

WITNESS: Yes.

ATTORNEY: What woke you up?

WITNESS: the defendant.

ATTORNEY: How did he wake you up?

WITNESS: When he came into my room.

ATTORNEY: When he came into your room, was it just him coming in that woke you up, or were you awakened by something else?

WITNESS: Awakened by something else.

ATTORNEY: And what was that?

WITNESS: When the defendant molested me.

ATTORNEY: All right, we're going to need you to tell us what happened in detail. Okay?

WITNESS: (No audible response).

ATTORNEY: So what was the first thing that woke you up?

WITNESS: When he came into my room.

ATTORNEY: And what happened when he first came into your room?

WITNESS: He—he came in and—and he laid down on me.

ATTORNEY: And were you underneath your blanket?

WITNESS: Yes.

ATTORNEY: What did you have on?

WITNESS: A gown.

ATTORNEY: And when you go to sleep, do you wear underwear?

WITNESS: Yes.

ATTORNEY: You had on panties?

WITNESS: Yes.

ATTORNEY: What did the defendant have on?

WITNESS: Boxers.

ATTORNEY: Did he have anything else on?

WITNESS: No.

ATTORNEY: When he laid down, what did he do?

WITNESS: He lifted up my pajamas.

ATTORNEY: What did you do?

WITNESS: I tried to get him off me.

ATTORNEY: What happened after you tried to get him off of you?

WITNESS: He—he wouldn't let me go.

ATTORNEY: And what was he doing to stop you from going?

WITNESS: He was pushing me down.

ATTORNEY: And after he had pushed you down, did he do anything else?

WITNESS: Yes.

ATTORNEY: What did he do?

WITNESS: He started touching on me.

ATTORNEY: And where did he touch you?

WITNESS: On my private part, my vagina.

WITNESS:

ATTORNEY: Now, when he touched you on your vagina, what was he touching you with?

WITNESS: His hands.

ATTORNEY: And was this over your clothing or under your clothing?

WITNESS: Under my clothing.

ATTORNEY: And how was he touching you? What was he doing?

WITNESS: He was rubbing.

ATTORNEY: And did it hurt?

WITNESS: Yes.

ATTORNEY: What were you doing as he was doing this to you?

WITNESS: I was—I was crying, trying to push him off.

ATTORNEY: What else—did he do anything else?

WITNESS: Yes.

ATTORNEY: What was that?

WITNESS: He touched my breasts

ATTORNEY: And was that over your clothing or under your clothing?

WITNESS: Under.

ATTORNEY: And what did he touch you with?

WITNESS: His hands.

ATTORNEY: Did he do anything else?

WITNESS: Yes.

ATTORNEY: Can you tell us what that was?

WITNESS: He—he licked my breasts

ATTORNEY: When he was licking you, where were his hands?

WITNESS: Trying to hold me down so I won't get up.

ATTORNEY: Were you trying to get up?

WITNESS: Yes.

ATTORNEY: And what else happened?

WITNESS: And he touched me on my butt.

ATTORNEY: What did he touch your butt with?

WITNESS: His hands.

ATTORNEY: And what was he doing as he touched your butt?

WITNESS: And then he—he was trying to hold me down, and then he left the room.

ATTORNEY: He left the room?

WITNESS: Yes.

ATTORNEY: Now, before he left the room, did he do anything else to you?

WITNESS: Yes, he told me if I tell anybody, he was going to kill me.

ATTORNEY: And before he told you that, did he do—did you see any part of his body?

WITNESS: Yes.

ATTORNEY: What part did you see?

WITNESS: His penis.

ATTORNEY: And when you saw his penis, how did you see it? What was he doing with it?

WITNESS: He was rubbing it.

ATTORNEY: What was he rubbing it with?

WITNESS: His hands.

ATTORNEY: And was it—where were his boxers?

WITNESS: They were—they were down.

ATTORNEY: How long did that last?

WITNESS: A few minutes.

ATTORNEY: When he was rubbing his penis with his hand, did he do anything else with it?

WITNESS: No. He left the room.

ATTORNEY: Now, did he come back to the room that night?

WITNESS: No.

ATTORNEY: Was he saying anything to you?

WITNESS: No, he only told me one thing, that he'll kill me.

ATTORNEY: When he told you that he would kill you, how did you feel?

WITNESS: Sad.

ATTORNEY: And did his telling you that make you not want to tell?

WITNESS: Yes.

ATTORNEY: Did you try to tell?

WITNESS: Yes.

ATTORNEY: When did you try to tell?

WITNESS: After that night, before I was going to school.

ATTORNEY: What happened?

WITNESS: I tried to fake like I was going to get my lunch ticket so I could go in there and tell my mom.

ATTORNEY: And what happened? You went to your mother's bedroom door?

WITNESS: Yes.

ATTORNEY: And then what happened?

WITNESS: the defendant wouldn't let me in.

ATTORNEY: So, you knocked on the door?

WITNESS: Yes.

ATTORNEY: And the defendant, did he open the door or talk to you through it?

WITNESS: He opened it.

ATTORNEY: And what did he say to you?

WITNESS: He said, "Go away."

ATTORNEY: And what did you do?

WITNESS: I kept on knocking.

ATTORNEY: And then what happened?

WITNESS: And then when—and then—and then when—then my—then the next day when my—then my mom came. When she came back, she found the defendant.

ATTORNEY: Okay. Wait. Wait. Let's back up. I'm going to take you step by step, okay? Did you ever get your lunch ticket?

WITNESS: Yes.

ATTORNEY: How did you get it?

WITNESS: I got it before. I was faking so I can go tell my mom.

ATTORNEY: Did he ever give you your lunch ticket?

WITNESS: No. My mom usually gave me my lunch ticket.

ATTORNEY: And do you usually go into the room to get your lunch ticket?

WITNESS: No. It be on the table.

ATTORNEY: Is that—Where?—In the living room or the dining room?

WITNESS: In the living room.

ATTORNEY: That night—Excuse me. That morning, did you get a chance to talk to your mom?

WITNESS: No.

ATTORNEY: Did you go off to school?

WITNESS: Yes.

ATTORNEY: Now, before you went to school, had you talked to your sisters?

WITNESS: No.

ATTORNEY: Were your sisters awake?

WITNESS: No.

ATTORNEY: When you got to school, did you talk to anybody about what happened the night before?

WITNESS: No.

ATTORNEY: Why not?

WITNESS: Because I was scared.

ATTORNEY: What were you scared of?

WITNESS: That the defendant was going to kill me.

ATTORNEY: After he did that in your room the night before, did you still talk to him?

WITNESS: Yes, I still talked to him.

ATTORNEY: Why did you continue talking to him?

WITNESS: I don't know.

ATTORNEY: Did he ever - do you remember talking to the police?

WITNESS: Yes.

ATTORNEY: And do you remember telling the police that he did something with his penis?

WITNESS: Yes.

ATTORNEY: Was that that night?

WITNESS: No.

ATTORNEY: When was that?

WITNESS: When - when my mom was gone to my grandpa house.

ATTORNEY: Now, when you came home from school the next day, who was at home?

WITNESS: My mom.

ATTORNEY: Was there anyone else at home?

WITNESS: And the defendant.

ATTORNEY: Were any of your sisters at home?

WITNESS: My little sister.

ATTORNEY: Where was she?

WITNESS: Up in her bed sleeping.

ATTORNEY: And when you came home from school, did you talk to your mom?

WITNESS: No.

ATTORNEY: And why not?

WITNESS: Because she was about to leave and go to my grandpa house.

ATTORNEY: And after—Did your mother—then did she leave?

WITNESS: Yes.

ATTORNEY: And was the defendant still there?

WITNESS: Yes.

ATTORNEY: Did you speak to the defendant then?

WITNESS: Yes, I talked to him.

ATTORNEY: Then what did you do?

WITNESS: I was about to go and—I was about to go outside.

ATTORNEY: And did you leave the apartment?

WITNESS: No.

ATTORNEY: Where did you go?

WITNESS: In the back—I was—I did not go outside because I couldn't.

ATTORNEY: So while you were inside, did you ever go to any particular room?

WITNESS: Yes, to the bathroom.

ATTORNEY: And when you went into the bathroom, did you shut the door?

WITNESS: Yes.

ATTORNEY: Is there a lock on the door?

WITNESS: Yes.

ATTORNEY: Did you lock the door?

WITNESS: No.

ATTORNEY: Do you ever lock the door?

WITNESS: No.

ATTORNEY: And when you go into the bathroom, what did you do?

WITNESS: I was using the restroom.

ATTORNEY: You were on the toilet?

WITNESS: Um-hmm.

ATTORNEY: Is that yes?

WITNESS: Yes.

ATTORNEY: And while you were in there, did something happen?

WITNESS: Yes.

ATTORNEY: What happened?

WITNESS: the defendant came in.

ATTORNEY: Okay. And is that—when the defendant came in, were you still sitting on the toilet?

WITNESS: Yes.

ATTORNEY: And what happened when he came in?

WITNESS: He pushed me down.

ATTORNEY: Did he say anything to you first?

WITNESS: No. He just pushed me.

ATTORNEY: Okay. And did—as he pushed you, what were you doing?

WITNESS: I was trying to pull up my pants and go out.

ATTORNEY: And when he pushed you down, where did he push you to?

WITNESS: The floor.

ATTORNEY: And were you holding on to anything as he pushed you down? Do you remember?

WITNESS: Yes.

ATTORNEY: What were you holding on to?

WITNESS: The sink.

ATTORNEY: Now, as you were holding on to that, obviously he got you down to the floor; and then what happened?

WITNESS: He got on top of me.

ATTORNEY: And what did he do once he got on top of you?

WITNESS: Pulled down his pants.

ATTORNEY: And your panties were where?

WITNESS: Up, but he pulled them down. I was trying to pull them back up.

ATTORNEY: What did he do?

WITNESS: He started licking me.

ATTORNEY: Where did he lick you?

WITNESS: My breasts and my vagina.

ATTORNEY: And what were you doing as he was doing this?

WITNESS: Pushing him off.

ATTORNEY: How did you feel?

WITNESS: Sad.

ATTORNEY: And why did you feel sad?

WITNESS: Because that—I didn't like what he was doing to me.

ATTORNEY: Before he did this to you, did you trust him?

WITNESS: Yes.

ATTORNEY: Were you crying this time, also?

WITNESS: Yes.

ATTORNEY: And how did that feel?

WITNESS: Not so good.

ATTORNEY: And how long did this last?

WITNESS: A few minutes.

ATTORNEY: Now, this might be—this might be too hard a question, but if you can answer it, answer it. Do you know how long the defendant was touching and licking your private parts?

WITNESS: No.

ATTORNEY: Now, while you were there on the floor with the defendant touching and licking you, did you hear anything?

WITNESS: Yes.

ATTORNEY: What did you hear?

WITNESS: My mom coming.

ATTORNEY: What was it that you heard?

WITNESS: When she opened the door.

ATTORNEY: What door are you referring to?

WITNESS: The front door.

ATTORNEY: When you heard this sound, what happened?

WITNESS: the defendant ran out the bathroom.

ATTORNEY: When he knocked you to the floor off of the toilet, did you get hurt at all?

WITNESS: Yes.

ATTORNEY: What part of you?

WITNESS: My leg.

ATTORNEY: Any other part of your body, if you remember?

WITNESS: No.

PROSECUTION ATTORNEY: Thank you. I have no further questions, Your Honor.

CROSS EXAMINATION BY THE DEFENSE ATTORNEY:

ATTORNEY: Good morning.

WITNESS: Good morning.

ATTORNEY: I'm going to ask you a few questions. Okay?

WITNESS: Yes.

ATTORNEY: And if you don't understand, just tell me you don't understand. Okay?

WITNESS: Yes.

ATTORNEY: Now, you don't like the defendant, do you?

WITNESS: No.

ATTORNEY: And you didn't like the fact that the defendant stayed with your mother in the apartment, isn't that correct?

WITNESS: He didn't—he didn't stay with us.

ATTORNEY: But when he did stay, you didn't like the fact that he was staying there, isn't that right?

WITNESS: Yes.

ATTORNEY: After all that happened, did you begin to act different around the defendant?

WITNESS: No, I continued talking to him.

ATTORNEY: So you did not change your behavior after he did that to you?

WITNESS: No, I talked to him before and after that night.

ATTORNEY: Now, do you remember going and being interviewed by the detective?

WITNESS: Yes.

ATTORNEY: And let's go back to the part—remember about the bathroom part?

WITNESS: Yes.

ATTORNEY: At some point in time, did you ever go out of the bathroom and make a phone call?

WITNESS: No.

ATTORNEY: Did you ever tell the detective that you told the defendant that you're going to call a friend and then you went to the kitchen and you called your grandmother? Do you remember?

WITNESS: (No response)

ATTORNEY: Do you remember telling the detective that when you called your mother over the telephone, that you told your mother that the defendant was touching you?

WITNESS: I don't remember.

ATTORNEY: Are you okay?

WITNESS: (Nods head up and down)

ATTORNEY: Do you want to take a break?

WITNESS: (Witness shakes her head from side to side)

ATTORNEY: Let's go back to—not the day of the bathroom, but the night in the bedroom. Do you remember that night?

WITNESS: (Nods head up and down)

ATTORNEY: Is that yes?

WITNESS: Yes.

ATTORNEY: Now, you said that the defendant came into your bedroom?

WITNESS: Yes.

ATTORNEY: And that he got on top of you while you were in bed?

WITNESS: Yes.

ATTORNEY: And that he touched your breast area?

WITNESS: Yes.

ATTORNEY: And that he licked your breast area?

WITNESS: Yes.

ATTORNEY: And that he touched your vagina?

WITNESS: Yes.

ATTORNEY: You remember that, is that correct?

WITNESS: Yes.

ATTORNEY: Do you remember telling the detective that the defendant licked your vagina? Do you remember that?

WITNESS: No.

ATTORNEY: Do you remember telling the detective that you said to the defendant to get out after he tried to lick your vagina, and he left the bedroom? Do you remember saying that?

WITNESS: No.

ATTORNEY: Now, in the morning when you went to school—what time did you go to school?

WITNESS: 7:30.

ATTORNEY: And normally—or let’s go back to that day. Do you recall, where was your lunch ticket that day? Do you remember?

WITNESS: On the table.

ATTORNEY: And the table, is that in the living room?

WITNESS: Yes.

ATTORNEY: Now, after that night, going back to the night when the defendant came into your bedroom, the next morning did you tell anybody what had happened?

WITNESS: No.

ATTORNEY: Why didn’t you tell anybody?

WITNESS: Because I was scared.

ATTORNEY: And when you went to school, did you try to tell anybody at school?

WITNESS: No.

ATTORNEY: And why was that?

WITNESS: Because I was afraid.

ATTORNEY: But you did not change your behavior around him?

WITNESS: No.

ATTORNEY: Are you okay?

WITNESS: (Nods head up and down)

ATTORNEY: Now, when you came home that afternoon, you saw your mother, is that right?

WITNESS: Yes.

ATTORNEY: Did you tell your mother what had happened?

WITNESS: No, because she was leaving.

ATTORNEY: But you saw her, isn’t that right?

WITNESS: Yes.

ATTORNEY: Okay. How close did you get to your mom?

WITNESS: Not that close.

ATTORNEY: Well, how close?

WITNESS: A little bit.

ATTORNEY: Well, in terms of how far away. As far away as you are right now from your mom?

WITNESS: Yes.

ATTORNEY: Now, let’s go back to the first time the police came to your house. The police reports indicate that you told the police it wasn’t true and that he never touched you. Why did you tell the police the abuse did not happen?

WITNESS: I don’t know.

ATTORNEY: So, at first you told the police it wasn’t true? That the abuse did not happen?

WITNESS: Yes.

ATTORNEY: What did your mother say when you first told her about this?

WITNESS: My mom said that—that it wasn’t true and she called me a liar.

DEFENSE ATTORNEY: I have nothing further.

THE COURT: Do you have anything further?

PROSECUTION ATTORNEY: Yes, Your Honor.

REDIRECT EXAMINATION BY THE PROSECUTION ATTORNEY:

ATTORNEY: You just told the other attorney that you didn't like the defendant staying at your apartment when he would stay over, right?

WITNESS: Yes.

ATTORNEY: Why didn't you like him?

WITNESS: (No response)

ATTORNEY: Why didn't you like him?

WITNESS: Because I didn't know him very well.

ATTORNEY: Did you ever tell your mother how you felt about the defendant?

WITNESS: No.

ATTORNEY: Now, have you spoken to a lot of different people about what happened to you with the defendant?

WITNESS: Yes.

ATTORNEY: And when you talked about it with different people, did you like talking about it?

WITNESS: No.

ATTORNEY: When the police first came to your house, why didn't you say anything about the abuse?

WITNESS: Because I was scared.

ATTORNEY: When different people, different police officers and different attorneys, were asking you questions, how did you feel?

WITNESS: Sad.

ATTORNEY: Did you ever feel that this was your fault?

WITNESS: Yes.

ATTORNEY: Did you feel that you did enough to stop him from doing this to you?

WITNESS: Yes.

ATTORNEY: Did you feel that you did everything that you could do?

WITNESS: Yes.

ATTORNEY: Why did you feel like it was your fault?

WITNESS: Because—because I didn't tell nobody.

ATTORNEY: And if you had told somebody the first time, what do you think would have happened?

WITNESS: (No response)

ATTORNEY: Would it have happened again?

WITNESS: No.

ATTORNEY: Is that why you think it's your fault?

WITNESS: Yes.

ATTORNEY: It's not your fault. No further questions, Your Honor.

End of Transcript

APPENDIX I
TRIAL SKETCHES (STUDY 2 AND STUDY 3)



CHILD WITNESS



ADOLESCENT WITNESS



PROSECUTION ATTORNEY



DEFENSE ATTORNEY

APPENDIX J

TRANSCRIPT (STUDY 3)

DIRECT EXAMINATION BY THE PROSECUTION ATTORNEY:

ATTORNEY: [Child's name], I want to talk to you about some things that happened the night of July 22nd of last year. Do you remember that night?

WITNESS: Yes.

ATTORNEY: Where were you that — did you go to sleep that night?

WITNESS: Yes.

ATTORNEY: Where did you go to sleep?

WITNESS: In my room.

ATTORNEY: Do you share your room with anyone?

WITNESS: Yes.

ATTORNEY: Who do you share it with?

WITNESS: My little sister.

ATTORNEY: And that's [sister's name]?

WITNESS: Yes.

ATTORNEY: On that night, did something wake you up?

WITNESS: Yes.

ATTORNEY: What woke you up?

CHILD: [defendant's name].

ATTORNEY: How did he wake you up?

WITNESS: When he came into my room.

ATTORNEY: When he came into your room, was it just him coming in that woke you up, or were you awakened by something else?

WITNESS: Awakened by something else.

ATTORNEY: And what was that?

WITNESS: When [defendant's name] molested me.

ATTORNEY: All right [child's name], we're going to need you to tell us what happened in detail. Okay?

WITNESS: (No audible response).

ATTORNEY: So what was the first thing that woke you up?

WITNESS: When he came into my room.

ATTORNEY: And what happened when he first came into your room?

WITNESS: He—he came in and—and he laid down on me.

ATTORNEY: And were you underneath your blanket?

WITNESS: Yes.

ATTORNEY: What did you have on?

WITNESS: A gown.

ATTORNEY: And when you go to sleep, do you wear underwear?

WITNESS: Yes.

ATTORNEY: You had on panties?

WITNESS: Yes.

ATTORNEY: What did [defendant's name] have on?

WITNESS: Boxers.

ATTORNEY: Did he have anything else on?

WITNESS: No.

ATTORNEY: When he laid down, what did he do?

WITNESS: He lifted up my pajamas.

ATTORNEY: What did you do?

WITNESS: I tried to get him off me.

ATTORNEY: What happened after you tried to get him off of you?

WITNESS: He—he wouldn't let me go.

ATTORNEY: And what was he doing to stop you from going?

WITNESS: He was pushing me down.

ATTORNEY: And after he had pushed you down, did he do anything else?

WITNESS: Yes.

ATTORNEY: What did he do?

WITNESS: He started touching on me.

ATTORNEY: And where did he touch you?

WITNESS: On my private part, my vagina.

ATTORNEY: Now, [child's name], when he touched you on your vagina, what was he touching you with?

WITNESS: His hands.

ATTORNEY: And was this over your clothing or under your clothing?

WITNESS: Under my clothing.

ATTORNEY: And how was he touching you? What was he doing?

WITNESS: He was rubbing.

ATTORNEY: And did it hurt?

WITNESS: Yes.

ATTORNEY: What were you doing as he was doing this to you?

WITNESS: I was—I was crying, trying to push him off.

ATTORNEY: What else—did he do anything else?

WITNESS: Yes.

ATTORNEY: What was that?

WITNESS: He touched my breasts

ATTORNEY: And was that over your clothing or under your clothing?

WITNESS: Under.

ATTORNEY: And what did he touch you with?

WITNESS: His hands.

ATTORNEY: Did he do anything else?

WITNESS: Yes.

ATTORNEY: Can you tell us what that was?

WITNESS: He—he licked my breasts

ATTORNEY: When he was licking you, where were his hands?

WITNESS: Trying to hold me down so I won't get up.

ATTORNEY: Were you trying to get up?

WITNESS: Yes.

ATTORNEY: And what else happened?

WITNESS: And he touched me on my butt.

ATTORNEY: What did he touch your butt with?

WITNESS: His hands.

ATTORNEY: And what was he doing as he touched your butt?

WITNESS: And then he—he was trying to hold me down, and then he left the room.

ATTORNEY: He left the room?

WITNESS: Yes.

ATTORNEY: Now, before he left the room, did he do anything else to you?

WITNESS: Yes, he told me if I tell anybody, he was going to kill me.

ATTORNEY: And did his telling you that make you not want to tell?

WITNESS: Yes.

ATTORNEY: Did you try to tell?

WITNESS: Yes.

ATTORNEY: When did you try to tell?

WITNESS: After the night, before I was going to school.

ATTORNEY: What happened?

WITNESS: I tried to fake like I was going to get my lunch ticket so I could go in there and tell my mom.

ATTORNEY: And what happened? You went to your mother's bedroom door?

WITNESS: Yes.

ATTORNEY: And then what happened?

WITNESS: [defendant's name] wouldn't let me in.

ATTORNEY: So, you knocked on the door?

WITNESS: Yes.

ATTORNEY: And [defendant's name], did he open the door or talk to you through it?

WITNESS: He opened it.

ATTORNEY: And what did he say to you?

WITNESS: He said, "Go away."

ATTORNEY: And what did you do?

WITNESS: I kept on knocking.

ATTORNEY: And then what happened?

WITNESS: And then when—and then—and then when—then my—then the next day when my—then my mom came. When she came back, she found [defendant's name].

ATTORNEY: Okay. Wait. Wait. Let's back up. I'm going to take you step by step, okay? Did you ever get your lunch ticket?

WITNESS: Yes.

ATTORNEY: How did you get it?

WITNESS: I got it before. I was faking so I can go tell my mom.

ATTORNEY: Did you go off to school?

WITNESS: Yes.

ATTORNEY: Now, before you went to school, had you talked to your sisters?

WITNESS: No.

ATTORNEY: Were your sisters awake?

WITNESS: No.

ATTORNEY: When you got to school, did you talk to anybody about what happened the night before?

WITNESS: No.

ATTORNEY: Why not?

WITNESS: Because I was scared.

ATTORNEY: What were you scared of?

CHILD: That [defendant's name] was going to kill me.

ATTORNEY: After he did that in your room the night before, did you still talk to him?

CHILD: Yes, I still talked to him.

ATTORNEY: Why did you continue talking to him?

CHILD: I don't know.

ATTORNEY: Did he ever - do you remember talking to the police?

WITNESS: Yes.

ATTORNEY: And do you remember telling the police that he did something with his penis?

WITNESS: Yes.

ATTORNEY: Was that that night?

WITNESS: No.

ATTORNEY: When was that?

WITNESS: When - when my mom was gone to my grandpa house.

ATTORNEY: And when you came home from school, did you talk to your mom?

WITNESS: No.

ATTORNEY: And why not?

WITNESS: Because she was about to leave and go to my grandpa house.

ATTORNEY: So while you were inside, did you ever go to any particular room?

WITNESS: Yes, to the bathroom.

ATTORNEY: And while you were in there, did something happen?

WITNESS: Yes.

ATTORNEY: What happened?

WITNESS: [defendant's name] came in.

ATTORNEY: Okay. And is that—when [defendant's name] came in, were you still sitting on the toilet?

WITNESS: Yes.

ATTORNEY: And what happened when he came in?

WITNESS: He pushed me down.

ATTORNEY: Did he say anything to you first?

WITNESS: No. He just pushed me.

ATTORNEY: Okay. And did—as he pushed you, what were you doing?

WITNESS: I was trying to pull up my pants and go out.

ATTORNEY: And what did he do once he got on top of you?

CHILD: Pulled down his pants.

ATTORNEY: And your panties were where?

CHILD: Up, but he pulled them down. I was trying to pull them back up.

ATTORNEY: What did he do?

WITNESS: He started licking me.

ATTORNEY: Where did he lick you?

WITNESS: My breasts and my vagina.

ATTORNEY: And what were you doing as he was doing this, [child's name]?

WITNESS: Pushing him off.

ATTORNEY: How did you feel?

WITNESS: Sad.

ATTORNEY: And why did you feel sad?

WITNESS: Because that—I didn't like what he was doing to me.

PROSECUTION ATTORNEY: Thank you. I have no further questions, Your Honor.

CROSS EXAMINATION BY THE DEFENSE ATTORNEY:

ATTORNEY: Good morning, [child's name].

CHILD: Good morning.

ATTORNEY: I'm [attorney's name] and I'm going to ask you a few questions. Okay?

CHILD: Yes.

ATTORNEY: And if you don't understand, just tell me you don't understand. Okay?

CHILD: Yes.

ATTORNEY: Now, you don't like [defendant's name], do you?

CHILD: No.

ATTORNEY: And you didn't like the fact that [defendant's name] stayed with your mother in the apartment, isn't that correct?

CHILD: He didn't—he didn't stay with us.

ATTORNEY: But when he did stay, you didn't like the fact that he was staying there, isn't that right?

CHILD: Yes.

ATTORNEY: After all that happened, did you begin to act different around [defendant's name]?

CHILD: No, I continued talking to him.

ATTORNEY: So you did not change your behavior after he did that to you?

CHILD: No, I talked to him before and after that night.

ATTORNEY: Now, do you remember going and being interviewed by the detective?

CHILD: Yes.

ATTORNEY: And let's go back to the part—remember about the bathroom part?

CHILD: Yes.

ATTORNEY: At some point in time, did you ever go out of the bathroom and make a phone call?

CHILD: No.

ATTORNEY: Did you ever tell the detective that you told [defendant's name] that you're going to call a friend and then you went to the kitchen and you called your grandmother? Do you remember?

CHILD: (No response)

ATTORNEY: Do you remember telling the detective that when you called your mother over the telephone, that you told your mother that [defendant's name] was touching you?

CHILD: I don't remember.

ATTORNEY: Are you okay?

CHILD: (Nods head up and down)

ATTORNEY: Do you want to take a break?

CHILD: (Witness shakes her head from side to side)

ATTORNEY: Let's go back to—not the day of the bathroom, but the night in the bedroom. Do you remember that night?

CHILD: (Nods head up and down)

ATTORNEY: Is that yes?

CHILD: Yes.

ATTORNEY: Now, you said that [defendant's name] came into your bedroom?

CHILD: Yes.

ATTORNEY: Do you remember telling the detective that [defendant's name] licked your vagina? Do you remember that?

CHILD: No.

ATTORNEY: Do you remember telling the detective that you said to [defendant's name] to get out after he tried to lick your vagina, and he left the bedroom? Do you remember saying that?

CHILD: No.

ATTORNEY: Now, in the morning when you went to school—what time did you go to school?

CHILD: 7:30.

ATTORNEY: And normally—or let's go back to that day. Do you recall, where was your lunch ticket that day? Do you remember?

CHILD: On the table.

ATTORNEY: And the table, is that in the living room?

CHILD: Yes.

ATTORNEY: Now, after that night, going back to the night when [defendant's name] came into your bedroom, the next morning did you tell anybody what had happened?

CHILD: No.

ATTORNEY: Why didn't you tell anybody?

CHILD: Because I was scared.

ATTORNEY: And when you went to school, did you try to tell anybody at school?

CHILD: No.

ATTORNEY: And why was that?

CHILD: Because I was afraid.

ATTORNEY: But you did not change your behavior around him?

CHILD: No.

ATTORNEY: Are you okay?

CHILD: (Nods head up and down)

ATTORNEY: Now, when you came home that afternoon, you saw your mother, is that right?

CHILD: Yes.

ATTORNEY: Did you tell your mother what had happened?

CHILD: No, because she was leaving.

ATTORNEY: But you saw her, isn't that right?

CHILD: Yes.

ATTORNEY: Okay. How close did you get to your mom?

CHILD: Not that close.

ATTORNEY: Well, how close?

CHILD: A little bit.

ATTORNEY: Well, in terms of how far away. As far away as you are right now from your mom?

CHILD: Yes.

ATTORNEY: Now, let's go back to the first time the police came to your house. The police reports indicate that you told the police it wasn't true and that he never touched you. Why did you tell the police the abuse did not happen?

CHILD: I don't know.

ATTORNEY: So, at first you told the police it wasn't true? That the abuse did not happen?

CHILD: Yes.

ATTORNEY: What did your mother say when you first told her about this?

CHILD: My mom said that—that it wasn't true and she called me a liar.

DEFENSE ATTORNEY: I have nothing further.

End of Transcript