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Abused Women Who Kill: Juror Perspectives on Self-Defense Theories

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CLAREMONT McKENNA COLLEGE

ABUSED WOMEN WHO KILL: JUROR PERSPECTIVES ON SELF-DEFENSE
THEORIES

SUBMITTED TO

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FOR

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Abstract

In self-defense cases of battered women who kill their abusive husbands, defendants have used Battered Woman Syndrome (BWS) expert testimony to help justify their acts of self-defense. However, past research demonstrates that BWS is ineffective in persuading jurors because it pathologizes the defendant rather than rationalizing her behavior.

Additionally, BWS highlights passive (i.e., stereotypical) features of a battered woman, and such testimony may not apply to a defendant with active (i.e., atypical) features of a battered woman. The current study hypothesized that another type of expert testimony, Social-Agency Framework (SAF), will persuade jurors to render more lenient verdicts, and that the defendant's passive or active response history will affect verdict decisions. Additionally, a mediational model predicted that the effect of mock jurors' gender on verdict decisions will be mediated by their attitudes toward battered women. In a 3(expert testimony: BWS vs. SAF vs. control) x 2(response history: passive vs. active) x 2(gender: male vs. female) model, jury-eligible participants (expected $N = 510$) recruited from the website mTurk answered a survey measuring their attitudes toward battered women, read a mock trial transcript, and rendered a verdict. The results indicated non-significant findings for the effects of expert testimony and response history on verdict outcomes. A full mediation was found, indicating that gender acted as a proxy for jurors' attitudes, influencing their verdict decisions. This study has strong legal implications that highlight the prevailing effect of attitudes and how those attitudes may override the effects of expert testimony and defendant response history.

Abused Women who Kill: Juror Perspectives on Self-Defense Theories

Domestic violence pervades the lives many woman, far greater than those of men. Of the total homicides that occurred in the United States between the years of 1976 and 2005, 35% of the victims were killed by an intimate partner. Of that 35%, 30% of the victims were women. Between 1993 and 2007, intimate partner homicides amounted to 14% of all recorded homicides with 70% of the victims being female. Considering the gender disparity in domestic homicide victims, the law needs to specifically address whether to penalize women who defend themselves against domestic violence (Bureau of Justice Statistics, 2009). Should the law view a woman who kills her abusive spouse in self-defense in the same manner as it does a woman who kills a stranger in self-defense?

Self-defense

Connecticut jury instructions for self-defense, from which the current study adapted its stimulus material, defines self-defense as: “[1] a person is justified in using reasonable physical force upon another person to defend [herself] [2] from what [she] reasonably believes to be the use or imminent use of physical force, and [3] [she] may use such degree of force which [she] reasonably believes to be necessary for such purpose” (Conn. Criminal Jury Instructions ch. 2.8-1, § 53a-19, 2010). Self-defense consists of two reasonable belief determinations made by the trier of fact: that the harm was imminent and that the use of deadly force was necessary to defend from harm. The Court requires a subjective-objective test, meaning that in order to determine if self-defense occurred, the jury must both subjectively and objectively apply the law. The subjective aspect refers to considering the perspective of the defendant (e.g., what the defendant sincerely believed). The objective part evaluates whether the defendant’s

actions were reasonable, and not irrational, under the circumstances. In other words, would a reasonable person share similar beliefs as the defendant given the defendant's circumstances? Taken from the Connecticut Judicial Branch, self-defense consists of the following four elements:

1. The defendant actually believed that someone else was using or about to use physical force against [her]. If you have found that the force used by the defendant was deadly physical force, then this element requires that the defendant actually believed that the other person 1) was using or about to use deadly physical force against [her], or 2) was inflicting or about to inflict great bodily harm upon [her].
2. That belief was reasonable because a reasonable person in the defendant's circumstances, viewing those circumstances from the defendant's perspective, would have shared that belief.
3. The defendant actually believed that the degree of force [she] used was necessary to repel the attack. Again, if you have found that the force used by the defendant was deadly physical force, then this element requires that the defendant actually believed that deadly physical force was necessary to repel the attack.
4. That belief was reasonable because a reasonable person in the defendant's circumstances, viewing those circumstances from the defendant's perspective, would have shared that belief (Conn. Criminal Jury Instructions ch. 2.8-1, § 53a-19, 2010).

The state of Connecticut places the burden of proof solely on the prosecution to prove beyond a reasonable doubt that the defendant did not act in self-defense. The

defense need only raise the issue of self-defense during trial. The prosecution may meet its burden by disproving at least one of the aforementioned elements of self-defense.

The subjective-objective test arose from a history of legal modification of the defense. Before the subjective test was suggested, the jury was instructed to view battered women in the same manner as the average person, and thus apply the same definition of “reasonable beliefs” to both categories of people. Some states have transitioned from a solely objective test to a subjective-objective test. For example, in *State v. Kelly* (1984), the New Jersey Superior Court, Appellate Division held that the “reasonableness” clause in self-defense cases, in which the defendant must have defended herself as any reasonable person would have, applies to women suffering from Battered Woman Syndrome (BWS) differently than it does to the general population. In this case, the defendant Kelly claimed violent beatings from her husband over a period of seven years. One day her husband continuously assaulted and chased her. The defendant believed that he intended to kill her, so she withdrew a pair of scissors from her purse and fatally stabbed him. At trial, defense proffered a self-defense case and requested that an expert witness testify about the defendant having suffered from BWS. The trial court ruled the expert testimony as inadmissible because it was irrelevant. On appeal, the judge reversed the admissibility ruling, stating that the “reasonableness” test applied in self-defenses must conform to the limited psychological perspective of the afflicted defendant at the time of the charged act, and imposed a subjective standard of self-defense based on the defendant’s viewpoint. Thus, in the state of New Jersey, expert testimony on BWS should be admissible in self-defense cases in order to address the defendant’s perspective, which lies outside the ken of the jury.

In 1996, the issue of BWS expert testimony similarly appeared in the California Court of Appeals in *People v. Humphrey*. The defendant, Humphrey, had undergone frequent beatings by her live-in boyfriend. The boyfriend had shot at her, and missed, the night before the self-defense incident. The next day Humphrey fatally shot him and claimed self-defense. An expert witness testified to her psychological state at the time of the killing and stated that the defendant suffered from BWS. The trial court instructed the jury that although it may consider expert testimony to determine if the defendant genuinely believed deadly force was necessary, the jury could not use the expert testimony as evidence in determining whether that belief was reasonable. The California Court of Appeals affirmed the ruling, but the Supreme Court of California reversed the judgment, holding that BWS expert testimony provides relevant evidence regarding reasonableness and the subjectiveness of a defendant's belief to defend herself. Therefore, a California jury may consider the expert testimony when deciding both questions of genuine belief of imminent harm and reasonableness of that belief. California courts hold that the expert testimony is relevant to the defendant's credibility because it dispels common misconceptions that a battered woman may choose to leave her abuser at any point. The cases of New Jersey and California demonstrate that some states have legitimized the use of expert testimony in self-defense cases to shed light on the subjective component of "reasonableness."

History of BWS

Lenore Walker developed the idea of Battered Woman Syndrome in an effort to increase awareness of intimate partner violence against women (Walker, 1979). The theory consists of two characteristics of an abusive relationship: the cycle of violence

theory and learned helplessness. Walker's cycle of violence breaks down a battered woman's intimate relationship into three stages: tension-building, acute battering, and loving contrition. The tension-building stage manifests when the couple bickers and the tension between the two partners gradually increases along with the frequency of verbal arguments. The acute-battering stage is an incident in which the batterer reaches the zenith of his aggression and violently attacks his partner in an uncontrollable rage. The final stage of the cycle, loving contrition, is characterized by the batterer apologizing to his partner and promising to never hurt her again.

Walker derived the concept of learned helplessness from Seligman and Maier's (1967) study. The researchers placed dogs in an apparatus designed to induce electric shocks. In the escapable condition, the dogs could terminate the shock by pressing a panel, and in the inescapable condition, the dogs could not terminate the shock. The dogs in the escapable condition learned to press the panel whereas the dogs in the inescapable one learned to be helpless. Learned helplessness was corroborated by the second phase of the study, in which the inescapable dogs were placed in escapable apparatuses. Even though the dogs had the option to terminate the shock by pressing a panel, they did not react in any way to the shock. Seligman and Maier (1967) suggested that the dogs failed to react because they had been conditioned to resign to the pain of the shock. Walker applied the theory of learned helplessness to battered women. She explained that battered women's failed attempts to curb the abuse over time condition them to believe that the violence is inescapable and thus out of their control. Battered women become more passive in their response to violence, and, given the cyclical nature of the intimate partner violence, the women come to view themselves as constantly threatened by imminent

danger of death or serious bodily harm. BWS expert witnesses testifying in defense of battered women who kill their abusers submit that the battered woman's use of deadly force was reasonable given her constant fear of death or serious harm. BWS expert testimony also serves to explain why she believed she had no other options than to kill her abuser (Walker, 1984).

Expert testimony

Legal precedent highlights the significant role expert testimony plays in providing mitigating evidence in domestic violence cases that the jury otherwise would not have considered. Maguigan (1991) reviewed 239 appellate cases of women in the U.S. who killed their abusive partners in self-defense and found that appellate judges had overturned 40% of those cases based on expert testimony on battering and its effects on the defendant. Consequently, appellate courts appear to more frequently allow the inclusion of psychological expert testimony in battered women self-defense cases.

In states that abide by the subjective-objective standard, defense lawyers possess an advantage in including expert testimony in their cases. Studies show that expert testimony more effectively persuades jurors to vote in favor of the defendant compared to providing no expert testimony. Expert testimony aids jurors in contextualizing the defendant's killing in a frame of self-defense given her limited psychological and social state. Otherwise, jurors may inappropriately apply a form of "reasonableness" to psychologically and socially limited women when it more suitably applies to mentally and socially stable people (Schuller & Rzepa, 2002). Schuller and Hastings (1996), in their foundational research for the subject of psycholegal self-defense cases of battered women, confirmed the advantages of the defense offering some form of expert testimony

as opposed to none at all. In the condition with no expert testimony, participants rendered “Guilty” verdicts more often than those in the expert testimony condition. Schuller, McKimmie, and Janz’s (2004) conducted a similar study that corroborated Schuller and Hastings’ (1996) findings, suggesting that mock jurors who did not hear any expert witness testimony were more punitive in rendering their verdict whereas mock jurors who listened to expert testimony were more likely to render a “Not Guilty” verdict. Schuller et al. (2004) proposed that defense expert witnesses aid the juror in understanding the defendant’s limited options in responding to her husband’s abuses. Without explanation from an authority figure (i.e., the expert witness), jurors may have more difficulty placing themselves in the shoes of the defendant and thus be unable to empathize with her.

Although defense attorneys should prefer BWS expert testimony over no expert testimony, researchers have warned against its use. The term itself, Battered Woman Syndrome, implies an illness or disorder, which may encourage jurors to look for “symptoms” of BWS in the defendant’s behavior (Schneider, 1986; Browne, 1987). Thus, BWS directs jurors to interpret the defendant’s actions within the framework of dysfunction instead of as an outcome of her environment and mental state (Raitt & Zeedyk, 2000). For example, BWS expert testimony may focus more on the defendant suffering from learned helplessness, a psychological dysfunction, as opposed to discussing how her abuser may have prevented her from obtaining a job, talking to her friends or family, or seeking help from a community outreach program.

Response history

BWS invokes the stereotype of a battered woman – passive, irrational, and “emotionally damaged” (Schuller & Rzepa, 2002). If the defendant did not exhibit the stereotypical characteristics of a battered woman, then jurors may doubt the credibility of BWS expert testimony. Many domestically abusive relationships do not exhibit cyclical violence and Walker’s (1986) own study reveals that only two-thirds of women allegedly suffering from BWS reported experiencing cyclical violence (Plumm & Terrance, 2009). Gondolf and Fisher (1988) proposed that rather than developing learned helplessness, some battered women become more active in attempting to end the violence. Jurors may consider the BWS expert testimony as irrelevant if the defendant deviated from the prototypical model of a battered woman (Plumm & Terrance, 2009). Schuller and Rzepa (2002) examined whether mock jurors rendered punitive verdicts to an “active” defendant, one who strayed from the prototype of a battered woman, while other mock jurors rendered lenient verdict to a “passive” defendant, one who conformed to the battered woman stereotype. They also gave half of the mock jurors nullification instructions, which suggest that their verdict may be based on their conscience if they felt that the law as applied to the case would produce an unjust verdict. The researchers found that when not given the nullification instructions, compared to when given nullification instructions, mock jurors gave more punitive verdicts when the defendant was active. The active defendant also received harsher verdicts overall than in the passive condition. With nullification instructions, the active defendant, compared to the passive one, received more manslaughter and fewer self-defense verdicts, and without nullification instructions, the active defendant received more murder verdicts. This finding demonstrates that battered women defendants will have a difficult time

convincing the jury of their self-defense claims when they have a response history incongruent to the jurors' stereotypical view of battered woman's behavior.

In these cases, past research has shown that male jurors in general render more punitive verdicts than female jurors. Russell and Melillo (2006) evaluated the verdicts of 610 undergraduate students and manipulated whether the defendant conformed to the battered woman prototype (atypical vs. typical) and the defendant's response history to the abusive relationship (active vs. passive). The active response history described the defendant as having fought back to her abusive husband, and the passive response history indicated a submissive woman who tried to placate her husband. Women assigned significantly fewer "Guilty" verdicts than men across conditions. Overall, male jurors believed that the defendant had more options available to her than killing, did not believe she fit the typology of a battered women, and assumed that the defendant was more in control of her behavior and emotions at the time of the homicide than did female jurors.

Prototype theory and attitudes toward battered women

Russell and Melillo (2006) expanded upon prototype theory, which argues that jurors view defendants based on prevailing stereotypes. *Typicality* describes the degree of conformance, and it consists of prototypical features. The greater the prototypical characteristics of a battered woman the defendant possesses, the greater the perceived fit to a battered woman (Smith, 1991). Mock jurors in the atypical/active defendant condition rendered more punitive verdicts than in the typical/passive condition, and as a result, mock jurors perceived greater options available to killing. Respondents believed that the typical/passive defendant's story seemed more plausible and that the defendant's actions better met the self-defense requirements than did those of the atypical/active

defendant. These results suggest that jurors enter the courtroom with preconceived notions of the characteristics of battered women and selectively search for evidence confirming or disconfirming that prototype. Therefore, predispositional attitudes may act as a filter through which jurors evaluate the defendant's culpability (Terrance & Matheson, 2003). Russell and Melillo propose that juror decision-making occurs in a graded structure, in which jurors compare the defendant's characteristics to that of the prototypical battered woman, and if sufficient overlap of characteristics exists, then jurors will find a "Not Guilty" verdict.

Social-agency framework

Past research thus suggests that BWS does not help all abused women who have killed in self-defense, and its characterization of the defendant may ineffectively persuade jurors that the law excuses her actions. Recently, researchers have investigated an alternative type of expert testimony, social-agency framework (SAF). Unlike BWS, which focuses solely on the woman's psychological state, SAF emphasizes the social reality of women in abusive relationships. This type of testimony explains, for example, the woman's economic dependency on her abuser, the limitations of the criminal justice system in restraining the abuser from her, lacking social support in the workplace and medical, religious, and residential community, fear of child services taking away her children, and inadequate aid from the police (Barnett, 2001). Additionally, SAF examines the consequences of the defendant trying to seek help. An abuser may retaliate against his victim even after she leaves the relationship. Mahoney (1991) described this event as *separation assault*, and it occurs so often that a significant number of battered women killed by their abusive partner were no longer living together at the time of her

death (Dutton, 1993). SAF explains the lack of options available (or perceivable) to the abused woman and how she may genuinely fear that her abuser would kill her. This type of expert testimony directly addresses the reasonableness of fatal self-defense, whereas BWS focuses on the defendant's psychological pathology.

Plumm and Terrance (2009) examined the persuasiveness of SAF expert testimony as compared to BWS expert testimony and no expert testimony. Participants rendered the most favorable verdicts for the defense in the SAF condition than any other condition. They also rated the defendant in the SAF condition as having the fewest alternatives to killing her abuser and as the least typical of a battered woman than in other conditions.

Plumm and Terrance (2009) also noted gender differences in juror differences between the SAF and BWS expert conditions. While women overall rated the defendant as reasonable and justified in her actions, men only rated her actions as reasonable and justified after hearing the SAF expert testimony. SAF more effectively than BWS aided men to contextualize the woman's behavior given her constrained socioeconomic environment, and hence make male jurors better able to appreciate the reasonableness of her self-defense. In their study, Schuller, McKimme, and Janz (2004) found that Canadian male participants rendered a significantly greater number of punitive verdicts in the condition of no expert testimony than in the expert testimony condition, whereas female participants' verdicts displayed no difference between the two conditions. Defense expert testimony may favorably affect male jurors more than female jurors because it appears to educate men about the circumstances of domestically abused women.

The existing literature on jury decision-making in cases of domestic violence and self-defense, however, remains small and underdeveloped. Schuller and Hastings (1996) provided the foundational work from which other researchers have based their expert testimony and other case materials. However, in many studies, BWS and SAF expert testimony were not clearly distinct from one another, which may explain why few studies, excluding that of Schuller and Hastings (1996), were able to find a significant difference between verdicts in the BWS and SAF expert testimony conditions. In past studies, SAF expert testimony often included more psychological than social factors, which make it resemble BWS expert testimony. Consequently, verdicts may have been confounded with the overlap between the two types of expert testimonies. Furthermore, no research as of yet has manipulated both the response history (passive vs. active) and expert testimony type (SAF vs. BWS) in the same experiment. Therefore, the current study presents a 3x2x2 design: expert testimony (BWS vs. SAF vs. control/none), response history (passive vs. active), and jurors' gender (male vs. female).

Hypothesis 1

It is hypothesized that there will be a main effect of gender on verdict decisions, with female participants rendering more lenient verdicts across all conditions. The reason is because past studies have shown women to better empathize with battered women defendants and consistently across conditions (BWS vs. SAF vs. no expert testimony) render more lenient verdicts.

Hypothesis 2

The second hypothesis predicts a main effect of expert testimony type on verdict confidence, specifically that participants will render the most punitive verdicts in the

control condition and the most lenient verdicts in the SAF condition. The control condition should produce the most “Guilty” verdicts because no psychological or social explanation is given for the defendant’s actions, which reduces the likelihood of jurors finding the defendant’s actions as reasonable, a requirement of self-defense. SAF expert testimony should induce the most “Not Guilty” verdicts because it does not typify a battered woman as passive, like BWS expert testimony does, and thus readily applies to both passive and active defendants. Moreover, SAF more effectively explains the social circumstances of the battered women, which may facilitate men’s understanding of the battered woman’s actions.

Hypothesis 3

The third hypothesis suggests an interaction between gender and expert testimony, in which the decrease in “Guilty” verdicts from BWS to SAF expert testimony condition will be greatest among male jurors than female jurors. Male participants should be most persuaded by the SAF expert testimony to render “Not Guilty” verdicts. Women’s verdicts should remain more constant relative to those of men. This interaction should occur because SAF, as mentioned in the second hypothesis, offers a social-based explanation of the defendant’s actions instead of a psychologically based one. Previous studies have shown that BWS pathologizes battered women and reduces the credibility of a reasonable self-defense. Schuller and Rzepa (2002) demonstrated that jurors overall do not believe that BWS expert testimony helps to rationalize the defendant’s behavior, but female jurors remain relatively favorable toward the defendant in both BWS and SAF expert testimony conditions. Male jurors, on the other hand, tended to believe that SAF is more suitable to the requirements of self-defense. Thus, the change from “Guilty”

verdicts in the BWS condition to “Not Guilty” verdicts in the SAF condition should be largest among men. Women being more victim empathetic, they will have more “Not Guilty” verdicts in the BWS condition and as a result have less contrasts compared to the SAF condition in their verdict decisions.

Hypothesis 4

The fourth hypothesis proposes an interaction between expert testimony type and response history. According to prototype theory, participants in the BWS expert testimony, passive condition should perceive a greater fit in the defendant’s typicality to that of a battered woman, and participants in the BWS, active condition should perceive fewer overlaps between the defendant’s typicality and the prototypical model of a battered woman. Therefore, participants should render more lenient verdicts in the BWS, passive condition and more punitive verdicts in the BWS expert testimony, active condition.

Hypothesis 5

The fifth hypothesis presents a mediational model (see Model 1 in Appendix Q). The interaction between response history and expert testimony and its effect on verdict confidence should be mediated by the defendant’s typicality (i.e., degree of perceived fit to a prototypical battered woman). The interaction between response history and expert testimony should reflect participants’ positive or negative reactions toward expert testimony depending on how well the expert testimony explains the defendant’s actions given her response history. The effect on verdict decisions, though, is not direct, but rather is mediated by defendant typicality. Mock jurors should interpret the defendant’s action, as explained by the expert testimony and contextualized by her response history,

according to how well the defendant's characteristics fit those of a stereotypical battered woman. The stronger the perceived fit, the more likely participants will render a lenient verdict compared to a weak perceived fit.

Hypothesis 6

The sixth hypothesis also proposes a mediational model (see Model 2 in Appendix Q). The interaction between response history and expert testimony and its effect on verdict confidence should be mediated by the juror's perception of expert witness credibility. Jurors will evaluate the expert witness's credibility based on the perceived fit of the defendant's response history and the expert witness's explanation of that response history. If the response history and expert testimony contradict each other, such as in the case of the BWS expert testimony, active condition, then jurors will find the expert witness less credible. The expert witness's perceived credibility should influence the direction of the verdict because credibility determines the weight of that testimony as evidence. The lower the credibility, the less likely the expert testimony will be used as evidence in favor of the defendant. The higher the credibility, the more likely the expert testimony will be used as evidence in favor the defendant.

Hypothesis 7

Finally, the seventh hypothesis puts forth a third mediational model (see Model 3 in Appendix Q). The effect of the participant's gender on verdict confidence should be mediated by their attitudes toward spousal abuse. Attitudes toward spousal abuse are measured in the context of how much blame the participants assigns to the victim of domestic violence, how well they empathize with the victim, and the degree of control the victim has over the abusive relationship. The current research predicts that women

will share more empathetic attitudes toward battered women and that men will hold harsher attitudes toward battered women. This effect should occur because women tend to better empathize with battered women defendants, and such empathy should influence women's attitudes toward battered women to be more understanding of the defendant's inability to control her partner's violence. On the other hand, male jurors' relative lack of empathy contributes to a negative attitude toward battered women in which they are more likely to assign blame to the defendant for her actions. Consequently, women with their more positive attitudes and men with their negative attitudes will lead each gender to render lenient and punitive verdicts, respectively.

Method

Participants

Participants ($N = 593$) were recruited from the online survey Mechanical Turk (mTurk). Completion rate was 86% as a result of 83 participants failing to complete the survey. After excluding the incomplete responses, the sample size was 510 participants. Participants, who all have accounts on mTurk, chose to take the survey in return for monetary compensation. The first 150 responders received twenty cents. In order to collect more participants at a higher rate, monetary compensation was increased to fifty cents. There was no statistical significance between verdict confidence scores for the groups that were paid 20 cents ($M = 1.29$, $SD = 5.41$) and 50 cents ($M = .43$, $SD = 5.50$), $t(508) = 1.54$, $p = .73$. All participants received a questionnaire asking if they met all the requirements for jury-eligibility, and 100% were eligible jurors. The high eligibility percentage is due to several reasons: (1) because of mTurk's restrictions, only participants from within the United States and over the age of 18 could access the survey,

and (2) before accepting to participate, the survey description informed them that only jury-eligible people may continue. Participants' age ranged between 18 and 79 years old ($M = 35.89$). Participants who were below the age of 30 composed 44.9% of the entire sample and those 55 and older formed 11.6% of the group. Males totaled 203 participants (39.8%), and women accounted for 307 (60.2%) of the participants. Approximately 81% of participants were White ($N = 413$), 5.9% were Black ($N = 30$), 5.5% were Asian ($N = 28$), 3.3% were Hispanic ($N = 17$), and the rest were Other ($N = 22$).

Procedure

Participants randomly chose a number from one to six and the selected number directed them to the corresponding condition. Each participant received a written transcript of the imaginary trial of Ann Hudson, an abused woman who killed her husband and is claiming self-defense. All were asked to pretend to serve as real jurors. The participants read the judge's instructions, both counsels' opening statements, direct and cross examinations of prosecution and defense witnesses, and closing statements. They were then asked a series of questions pertaining to their verdict, perception of the defendant's typicality as a battered woman, credibility of the expert witness and testimony, and their leniency toward battered women. Finally, they answered a demographics questionnaire.

Expert testimony

The content of the participants' written transcripts varied according to condition. In the BWS expert testimony condition, the expert witness says that the defendant suffered from BWS and explains the psychological characteristics that led the defendant

to kill her husband (see Appendices E and F). In the SAF expert testimony condition, the expert witness describes SAF and explains how the defendant's social circumstances led her to kill her husband (see Appendices G and H). The opening and closing statements in each condition make reference to the type of expert testimony presented. The third testimony condition is a control, in which there is no expert witness testimony, and the opening and closing statements make no reference to such testimony (see Appendices C and D).

Response history

The written transcripts also differ in the types of response histories described in the witness examinations. The defendant's past history of abuse is depicted as either passive or active. In the passive condition, the prosecution witness and defendant provide details of the defendant's submission to her husband, her willingness to please, self-blame, and poor attempts at seeking help (see Appendices C, E, and G). In the active condition, the prosecution witness and defendant offer the opposite impression of the defendant. They indicate she was more active in seeking help, blamed her husband instead of herself, and sometimes fought back (see Appendix D, F, and H). The opening and closing statements do not reference response histories in either condition.

The current study examines the following between-subjects factors in a factorial design: 3(expert testimony: battered woman syndrome vs. social-agency framework vs. no expert testimony) x 2(response history: passive vs. active) x 2(jurors' gender: male vs. female).

Measures

Verdict

Jurors offered a verdict (Guilty: -1, Not Guilty: 1), which was multiplied by their confidence in that verdict, ranging from 1 to 7, to produce their verdict composite score (range: confidently “Guilty” (-7) to confidently “Not Guilty” (7); see Appendix N).

Attitudes toward spousal abuse and battered women

Adapted from Kirsten Nilsen and Lawrence Wrightsman’s (2003) scale for Attitudes toward Spouse Abuse and Battered Women, this scale contains 21 items, each using a 7-point Likert scale (see Appendix I). Participants rated the agreeableness of each statement, such as, “Women can leave abusive relationships if they really want to.” Twelve of the items were reverse coded and the scores were averaged. Lower scores suggested conservative views of domestic violence, such as the participant blaming the woman for staying in the abusive relationship. Higher scores displayed more sympathetic views toward the abused woman and did not hold her as accountable for her predicament. Although this scale has not been published, it is the only scale created yet that measures jurors’ views on battered women who kill. The attitudes scale in the current study produced a good internal reliability, with Cronbach’s $\alpha = .793$.

Typicality

Participants answered two questions measuring their perception of whether the defendant resembled a typical battered woman. This scale aims to investigate prototype theory, in which jurors compare the defendant’s behavior to that of a prototypical battered woman. The first item asked a binary (Yes: 0, No: 1) question and the second provided a Likert scale ranging from 1 to 7 (see Appendix K). The Likert scale item asked, “Does the defendant’s behavior fit with the behavior of a typical battered woman?” The Likert score was used as a measure of perceived typicality while the

binary item was used as a check against the Likert scale. Participants who answered “Yes” on the binary item indicated that they believed the defendant resembled a normal battered woman, and those who answered “No” did not hold such a belief. Lower scores on the Likert scale indicate no perceived fit with a stereotypical battered woman and higher scores suggested a perfect fit. Thus, positive responses on the first question should positively correlate with the second question’s scored responses higher than 4, and the inverse should occur with negative responses on the first question.

Self-defense manipulation check

Five questions using a 7-point Likert scale were asked to assess whether participants applied reasonableness to their verdict decision (see Appendix M). For example, one question asked participants to rate how much they agree or disagree with the following statement: “The defendant's belief in imminent harm was reasonable.” One question was reverse coded, and all the ratings were averaged together to create a self-defense check averaged score. The significance of this is to see how well the participants understood the definition of self-defense as it related to their verdict. Lower scores suggest that the defendant was not reasonable in her action and higher scores indicate more reasonableness. Therefore, lower scores should correlate with “Guilty” verdicts and higher scores with “Not Guilty” verdicts. The self-defense scale demonstrated good internal consistency with $\alpha = .874$

Response history scale

This 7-item scale measured whether the participant believed the defendant was active or passive (see Appendix J). To illustrate, one question read, “The defendant had low self-esteem,” and another read, “The defendant was confrontational.” The statements

referring to active behaviors (three total) were reverse coded and all seven scores were combined to form one averaged score. The range of scores was between 1 and 7, lower scores indicating an active response history and the higher scores indicating a passive response history. The response history scale produced an acceptable internal consistency, $\alpha = .698$.

Expert witness credibility

This scale was adapted from the Witness Credibility Scale (Brodsky, Griffin, & Cramer, 2010), which previously had been found to be reliable ($\alpha = .95$). It measures the participants' perceived credibility of the expert by asking question such as, "Was Dr. Baxter trustworthy?" The scale was adapted to the current study and shortened from 20 questions to 11 questions and used a 7-point Likert scale (see Appendix L). The Witness Credibility Scale in the current study similarly produced a high Cronbach's $\alpha = .958$, an excellent internal reliability score.

Results

Typicality scale

A t-test found a significant main effect of the perceived typicality of a battered woman on response history. Participants in the passive condition believed the defendant was more typical of a battered woman ($M = 5.29, SD = 1.20$) than participants in the active condition ($M = 4.74, SD = 1.06$), $t(508) = 14.59, p < .001$.

Self-defense manipulation check

A t-test was conducted to determine the main effect of participants' perception of the defendant's reasonableness on the dependent variable of verdict confidence.

Participants who voted “Not Guilty” scored significantly higher on the reasonableness of self-defense ($M = 5.57, SD = .89$) than those who voted “Guilty” ($M = 3.53, SD = 1.17$), $t(500) = 22.16, p < .001$.

Response history check

The response history check assessed whether participants discriminated between the active and passive conditions. Participants in the active condition perceived the active defendant ($M = 4.31, SD = 1.09$) differently from the passive condition ($M = 5.13, SD = 1.01$). The participants rated the defendant as more active in the active condition and more passive in the passive condition, $t(496) = -8.72, p < .001$.

Hypothesis 1

The first hypothesis suggested a main effect of jurors’ gender on verdict decisions, with female participants rendering more lenient verdicts across all conditions. The results support this hypothesis. A 3(expert testimony: BWS vs. SAF vs. none) x 2(response history: passive vs. active) x 2(jurors’ gender: male vs. female) ANOVA revealed a significant main effect for gender on verdict decisions. Men rendered more “Guilty” verdicts ($M = -.13, SD = .42$) and women more “Not Guilty” verdicts ($M = 1.30, SD = .32$), $F(1, 508) = 7.44, p = .007$.

Hypothesis 2

The second hypothesis predicted a main effect of expert testimony type on verdict outcomes, specifically that participants will render the most punitive verdicts in the control condition and the most lenient verdicts in the SAF condition. This hypothesis was unsupported by the data. The 3x2x2 ANOVA showed no main effect for the control

expert testimony ($M = .42$, $SD = 5.48$), BWS ($M = .44$, $SD = 5.70$), and SAF conditions ($M = 1.17$, $SD = 5.42$) on verdict decisions.

Hypothesis 3

The third hypothesis suggested an interaction between jurors' gender and expert testimony, in which male jurors, more so than women, will render more "Not Guilty" verdicts in the SAF than BWS condition. The data did not support this hypothesis; no interaction was found between gender and expert testimony.

Hypothesis 4

The fourth hypothesis proposed an interaction between expert testimony type and response history, which produced non-significance. Passive ($M = .85$, $SD = 5.48$) and active conditions ($M = .47$, $SD = 5.43$) also produced non-significant main effects on verdict outcomes.

Hypothesis 5

The fifth hypothesis predicted a mediational model, specifically that the interaction between expert testimony and response history and its effect on verdict outcome should be mediated by the defendant's typicality. As stated in the fourth hypothesis, the interaction between expert testimony and response history was not significant, and as a result, the mediational model was not supported.

Hypothesis 6

The sixth hypothesis similarly suggested a mediational model, in which the interaction between expert testimony and response history and its effect on verdict outcome should be mediated by the juror's perception of expert witness credibility.

Because the interaction between expert testimony and response history was not significant, the mediational model was not supported.

Hypothesis 7

The seventh hypothesis presented another mediational model; the effect of the participant's gender on verdict decision should be mediated by their attitudes toward spousal abuse and battered women. Unlike in the 3x2x2 ANOVA, in which the main effect of gender on verdict outcome was significant, the main effect produced non-significance in a 3x2x2 ANCOVA, with pretested juror attitudes being the covariate. Only the participants' attitudes toward spousal abuse was significant, $F(1, 508) = 35.71$, $p < .001$.

In order to test for attitudes as a mediating factor for verdict outcomes, a regression analysis was first used to determine the correlation between gender and verdict confidence. Jurors' gender significantly predicted verdict outcomes, $\beta = .14$, $t(509) = 3.23$, $p < .01$, and gender also accounted for 2.0% of verdict confidence outcomes, $R^2 = .020$, $F(1, 509) = 10.44$, $p < .01$.

A second regression analysis measured the correlation between attitudes toward spousal abuse and verdict confidence. Participants' pretested attitudes significantly predicted verdict outcomes, $\beta = .29$, $t(509) = 6.70$, $p < .001$, and their attitudes accounted for 8.1% of verdict confidence outcomes, $R^2 = .081$, $F(1, 509) = 44.89$, $p < .001$.

A third regression analysis determined if the pretested attitudes, when taken into consideration, would remove the significant correlation between gender and verdict confidence. As predicted, when taking into account participants' attitudes toward spousal abuse, the attitudes were a significant predictor of verdict confidence, $\beta = .27$, $t(508) =$

5.98, $p < .001$, and gender was no longer a significant predictor, $\beta = .06$, $t(508) = 1.38$, $p > .10$. This model of attitudes and gender explained for 8.4% of verdict confidence outcomes, $R^2 = .084$, $F(2, 508) = 23.43$, $p < .001$.

In the last step to verify full mediation, a fourth regression analysis was conducted to find the correlation between gender and attitudes toward spousal abuse. Participants' gender was a significant predictor of their attitudes, $\beta = .30$, $t(509) = 7.16$, $p < .001$, and their gender explained 9.1% of the variance in attitudes they held, $R^2 = .091$, $F(1, 509) = 51.19$, $p < .001$.

Given these four regression analyses, there was full mediation, in which gender's effect on verdict confidence was mediated by participants' attitudes toward spousal abuse and battered women (see Appendix R).

Exploratory analyses

The results have yielded no significance for a main effect of response history on verdict outcomes. Past research suggests, though, that an active response history tends to be incongruent to the juror's perception of stereotypical characteristics of a battered woman. Jurors also interpret expert testimony based on how well it applies to the defendant. Schuller and Rzepa's (2002) study revealed that when the expert testimony did not compliment the prototypical model of a battered woman, jurors believed that the expert testimony did not help the defendant meet the requirements for self-defense, and the jurors viewed the expert witness as less credible. A post-hoc hypothesis predicted an interaction between response history and expert witness credibility; that if the response history is active, participants should view the BWS expert witness as less credible because expert witness describes the defendant's behavior according to passive

characteristics, which directly contradicts the active response history. If the response history is active, then the BWS expert witness should be viewed as more credible because the testimony and passive response history describe the defendant's characteristics in the same manner. The SAF expert witness should be viewed as more credible than the BWS one in both the active and passive response history conditions because it does not rely on response history as evidence, but rather explains why the defendant's given social circumstances led her to behave in self-defense, which jurors, according to past research, have found more convincing than BWS expert testimony.

To investigate whether response history and perceived expert witness credibility interacted to affect verdict confidence, a regression analysis was conducted. First, because of multicollinearity concerns, the Expert Credibility Scale scores along with the response history scores were centered by subtracting the mean from each of the independent variables. A regression analysis of the centered variables revealed no significance for the interaction of response history and expert witness credibility on verdict confidence. However, significance appeared for expert witness credibility on verdict confidence. Thus, participants' perceived expert witness credibility significantly predicted verdict confidence, $\beta = .37$, $t(349) = 7.12$, $p < .001$, and credibility accounted for 13.4% of verdict confidence outcomes, $R^2 = .134$, $F(3, 349) = 18.07$, $p < .001$.

In an effort to further understand jurors' perception of expert witness credibility, a regression analysis was conducted to determine if the jurors' attitudes predicted how they would rate expert witness credibility. The theory behind this analysis is that attitudes may act as an information filtering mechanism, through which participants select and interpret evidence that are parallel to their preexisting attitudes. If jurors' attitudes favor

the expert testimony, then they should view the expert witness as more credible, and when their attitudes bias them against the testimony, jurors should view the expert witness as less credible. The regression analysis revealed that jurors' attitudes toward spousal abuse significantly predicted how they rated the expert witness' credibility, $\beta = .43$, $t(350) = 8.84$, $p < .001$. Jurors' attitudes accounted for 18.3% of their perception of expert witness credibility, $R^2 = .183$, $F(1, 350) = 78.17$, $p < .001$.

Another regression analysis investigated whether age predicted verdict decisions. This analysis was conducted because the demographics data revealed a highly varied age group, ranging from 18 to 79 years old. The mean age was 35.89 years old with a standard deviation of 13.79 years. Given this range, there was a large enough sample size to compare younger and older adults' attitudinal differences based on their age. Age may act as a proxy for attitudes toward spousal abuse because as a person grows older, he or she may gain more experience with domestic violence, and as a result, be more likely to hold attitudes empathetic toward the defendant.

Age was split into two groups: people under the age of 30 and those who are age 30 and above. The split in age aimed to categorize people into categories of young adult and older adult. In order to determine if age acted as a predictor for one's attitudes toward spousal abuse and battered women, a regression analysis was run. Age significantly predicted participants' attitudes, $\beta = .17$, $t(509) = 3.82$, $p < .01$. Specifically, age accounted for 2.8% of participants' attitudes, $R^2 = .028$, $F(1, 509) = 14.57$, $p < .01$. People under the age of 30 ($M = 5.10$, $SD = .79$) held more biased attitudes against battered women than people over the age of 30 ($M = 5.24$, $SD = .82$).

Discussion

Manipulation checks

The self-defense scale showed that participants who voted “Not Guilty” more likely believed that the defendant beliefs’ and behavior were reasonable and met the standards of self-defense. Participants who voted “Guilty” were less likely to believe in the defendant’s reasonableness. This finding suggests that participants understood the requirements of self-defense and corresponded their verdict decisions to those requirements. Additionally, the self-defense scale includes both subjective and objective components of self-defense, indicating that mock jurors noticed the subjective and objective aspects of self-defense and may have considered both of them in rendering their verdict.

The response history scale measured whether participants discriminated between a passive and active defendant. The results suggest that participants perceived a difference between them, associating more passive characteristics with the passive defendant, and more active characteristics with the active defendant. This finding shows that the participants successfully noticed the response history manipulation, but this scale did not assess whether participants’ decision-making process were differently affected by the defendant’s response history.

Hypothesis 1

The first hypothesis predicted a main effect of jurors’ gender on verdict outcomes. The results support this hypothesis, demonstrating that, across all conditions, female participants rendered more lenient verdicts, and male participants rendered more punitive verdicts. While this finding links gender with verdict decisions, it should not be assumed

that gender on its own causes certain verdict outcomes. Rather, the main effect may suggest that gender possess different experiences in memory that lead them to interpret the same information differently. Past research has consistently shown that jurors tend to better empathize with victims of the same sex. In cases of abuse directed toward women, female jurors are more victim empathetic than male jurors (Sinclair & Bourne, 1998). The current study shows that women offer lenient verdicts compared to men who offer punitive ones. Men and women's contrasting personal experiences may explain the gender differences. The statistics presented in the introduction of this paper display the magnitude of female victims of domestic violence, and the number of male victims is significantly lower. Women are more likely to be adversely affected by domestic abuse, and in addition to this increased probability for women than men, women may be more likely to hear from other women their experiences with domestic violence. Whether in the form of a statistic, personal experience, or anecdotes from other women, domestic violence is more accessible in memory for women than in men. The availability heuristic proffers that easily accessed pieces of memory serve as the immediate, main sources of information on which to base one's judgment. Therefore, women, more often than men, may immediately find in memory a more personal relationship to the battered woman's predicament.

Hypothesis 2

The second hypothesis presented a main effect of expert testimony on verdict confidence, specifying that participants should render the most punitive verdicts in the control condition and the most lenient verdicts in the SAF condition. The null hypothesis was supported. Non-significance may suggest that, in actuality, no difference exists

between BWS and SAF expert testimony. Whether or not BWS seems to pathologize the defendant, this type of expert testimony has no more negative impact on verdict outcomes than SAF has.

The subjective-objective standard may also have contributed to the non-significance. Mock jurors may have followed the subjective requirements by effortfully placing themselves in the defendant's shoes, whether or not they heard any expert testimony. Consequently, expert testimony may have offered nothing new for the mock jurors to consider, because participants were already attempting to understand the defendant's point of view.

Furthermore, the participants may have been pooled from a high need for cognition (NFC) population. The website mTurk may attract participants who possess high NFC, which is defined as an innate motivation and joy for thinking (Shestowsky & Horowitz, 2004). MTurk requires a noticeable effort on the part of visitors to learn how to navigate and understand the website. MTurk is not user-friendly because it requires people to understand its language, which is idiosyncratic to that website (e.g., an "HIT, Human Intelligence Task, refers to a task with monetary compensation). Furthermore, although no knowledge of HTML is required to use the website as a participant, researchers must know basic HTML in order to post their surveys online. It may be the case that some mTurk participants have also used the website as researchers and have studied HTML. Thus, mTurk participants are likely to be of a group of people who are able to learn new terminologies, use technology with some basic HTML, and are willing to partake in surveys for little money. It can be surmised that mTurk participants are genuinely motivated to engage in cognitive effort and enjoy the task. Shestowsky and

Horowitz (2004) examined how high NFC and low NFC mock jurors evaluate the quality of an argument during deliberations. The researchers found that low NFC participants are more likely to accurately discriminate between strong and weak arguments, whereas high NFC participants failed to discriminate between the two. Shestowsky and Horowitz (2004) reasoned that low NFCs were sensitive to modifying their attitudes on a particular issue if they believed the argument was stronger than their own beliefs. High NFC participants, on the other hand, were more likely to believe that their own attitudes were more compelling than the argument posed to them, whether or not the argument was strong or weak. Relating these findings to the current study, mTurk participants of high NFC may have believed that their preexisting attitudes outweighed the value of the expert testimony, and thus eliminated such testimony for the factors they considered for rendering a verdict.

Hypothesis 3

The third hypothesis predicted an interaction between jurors' gender and expert testimony on verdict outcomes; comparing the BWS to SAF condition, male participants should have rendered more "Not Guilty" verdicts in the SAF condition, whereas the change in verdicts from the BWS to SAF condition should not have been as large for female participants. The results did not support this hypothesis. There was no difference in verdict decisions across expert testimony conditions. The first hypothesis demonstrated a difference in female and male verdict decisions, in which men rendered more punitive verdicts. However, within each gender group, expert testimony type failed to influence a change in verdict. The lack of significance may indicate that, in reality, SAF expert testimony does not affect jurors' decisions differently from BWS expert

testimony. As mentioned before, the subjective-objective standard may have contributed to non-significance by substituting for the effect that any expert testimony would have on jury decision-making. Particularly, mock jurors may have already been primed to attempt to empathize with the defendant's psychosocial circumstances (e.g., the defendant's genuine fear for her life) at the time of the crime. Potential high NFC or tendency to believe in one's own beliefs over external information may have also contributed to the lack of an interaction between gender and expert testimony type on verdict decisions.

Hypothesis 4

The fourth hypothesis proposed an interaction between response history and expert testimony type on verdict decisions, which was unsupported by the data. Hypotheses two and three already demonstrated non-significance across expert testimony types. Passive and active response histories produced no main effects on verdict decisions. Participants, however, did compare the defendant to the prototypical model of a battered woman. The typicality scale revealed a significant main effect of defendant typicality on response history. The main effect revealed that participants in the passive condition believed the defendant fit the stereotypical image of a battered woman more so than the participants in the active condition. The results demonstrate that the response history manipulation successfully affected participants' perception of the defendant as a typical battered woman. The passive condition invoked the stereotype of a battered woman because it drew from the characteristics that BWS claims should manifest in battered women (e.g., helpless, weak, blaming herself, making excuses for her batterer's actions, and fearful). An active response history included behaviors that diverged from

BWS's claims, such as fighting back against her abuser, assigning all the blame to him, trying to make him feel guilty for his actions, trying to leave the house, telling other people about the abuse, and refusing to quit her job for him. The representativeness heuristic may account for jurors' perceptions of typicality. Jurors' preconceived notions of a battered woman serves as a subjective representation of all battered women. The representativeness heuristic enables jurors to quickly categorize the passive defendant as a battered woman and exclude the active defendant from that category (Tversky & Kahneman, 1974). Prototype theory further explains that not only do jurors categorize or exclude defendants under the label of a battered woman, but also jurors evaluate the defendant's typicality on a gradient. The more prototypical features that are present in the defendant, the greater a perceived fit with the prototype (Smith, 1991). Therefore, the results support the prototype theory.

Yet, the results failed to support an interaction between response history and expert testimony type on verdict outcomes. Such non-significance may indicate that the defendant's response history has no bearing on the verdict itself. Response history's lack of influence on verdict may be demonstrated by the participants' failure to react to contradictory evidence pertaining to response history. In particular, the BWS expert witness's credibility remained unaffected by response history. In the active condition, the defendant fought back against her batterer, tried to leave the house, and blamed her batterer and attempted to make him feel guilty for the abuse. The BWS expert witness stated nearly the opposite of those behaviors: "Dr. Baxter stated that battered women typically believe that they can change their batterer's behavior, and Ann believed David's promises of change...Ann displayed signs of "learned helplessness," meaning that over

time in her relationship with David, Ann learned that resistance to the abuse was futile and may backfire by provoking further abuse. She was resigned to staying in the relationship and was submissive to her husband.” Unfortunately, the current study did not ask participants if they noticed any contradictions between the expert testimony and the defendant’s past behaviors. The lack of significant findings may be explained by the prevailing effect of gender and the mediating effect of attitudes toward spousal abuse on verdict decisions. Perhaps the participants, guided by their preexisting attitudes toward spousal abuse, unconsciously neglected the contradictory information provided by the BWS expert witness in order to form a stable image of the defendant. Consequently, response history may have been filtered out during jurors’ decision-making process.

Hypothesis 5

The fifth hypothesis suggested a mediational model involving an interaction between response history and expert testimony on verdict decisions, mediated by the defendant’s typicality. As stated for the fourth hypothesis, there was no significance found for an interaction between response history and expert testimony. Therefore, no mediational model could be examined.

Hypothesis 6

The sixth hypothesis predicted a similar mediational model that involved the interaction between response history and expert testimony on verdict decisions, mediated by the juror’s perception of expert witness credibility. Again, no significant interaction was found, and consequently, the proposed mediational model could not be demonstrated.

Hypothesis 7

The first hypothesis predicated a main effect of gender on verdict decisions. The outcome was consistent with this expectation, but the main effect ceased to have a direct impact on verdict decisions once participants' predispositional attitudes were considered. The seventh hypothesis explains this phenomenon. The effect of participants' gender on verdict decisions was mediated by their attitudes toward spousal abuse and battered women.

As explained before, women may hold different memories of domestic violence than men that are easily accessible because women have a higher probability than men of experiencing domestic violence to some degree (Bureau of Justice Statistics, 2009). As a result, each gender may form divergent attitudes toward spousal abuse. Attitudes in general affect verdict outcomes, as demonstrated by past research conducted on death-qualified juries. Death-qualified jurors are potential jurors who are willing to impose the death penalty with sufficient evidence, and excludable jurors are those who would never vote in favor of the death penalty. Cowan, Thompson, and Ellsworth (1984) studied the differences in conviction proneness between excludable jurors and death-qualified jurors, and they found that the latter group is more likely to convict the defendant. This research touches upon the predispositional attitudes that people hold when they first walk into the courtroom. Cowan et al.'s (1984) study also revealed that death-qualified jurors are less likely to stringently apply the reasonable doubt standard and interpret the weight of evidence differently from excludable jurors. Extending this research to the current study, women and men (like excludable versus death-qualified jurors) tend to hold different attitudes toward spousal abuse and battered women. Male and female mock jurors'

contrasting attitudes may then act as a filter through which they select and interpret evidence and apply it to the self-defense standard of reasonableness.

Attitudes help shape jurors' schemas in which they form their expectations for how spousal abuse occurs and how victims react. Attitudes consist of a person's dispositional stance in favor of or against a class of issues or people, in this case a battered woman. Bem (1981) proposed the gender schema, which explains two different schematic processing by males and females. A schema is a cognitive network of associations that organizes and integrates information to form an individual's perception. Schemas offer an evolutionary advantage by integrating information efficiently, excluding irrelevant pieces and highlighting the most relevant ones, into a comprehensive story. Expanding upon the definition of a schema, Bem (1981) explains a gender schema as a cognitive "readiness to process information on the basis of sex-linked associations." She argues that men and women learn to encode information based on their gendered experiences. Therefore, male and female jurors, given their respective experiences with domestic violence, have different cognitive availability of schemas – schemas that are easily accessed – which leads each gender to hold divergent attitudes toward spousal abuse. These attitudes serve as an information filter to select (or exclude) evidence from trial and jurors' cognitive schemas integrate the selected evidence into a cohesive whole. Such information filtering results in men and women rendering different verdicts. The seventh hypothesis thus reiterates the theory that jurors' attitudes mediate the effect of other factors, particularly gender, on verdict decisions.

Post-hoc analysis

A post-hoc exploratory analysis examined whether the juror's perception of expert witness credibility affected verdict outcomes, and indeed, a significant main effect was found. Because the expert witness testified for the defense, the more that jurors assigned credibility to the expert witness, the more likely the jurors voted in favor of the defense. The less credible the jurors perceived the expert witness, the more likely jurors were to render a "Guilty" verdict. This main effect, unfortunately, does not shed light on how expert testimony affects verdict decisions. Rather, it may reiterate the theory that jurors hold preexisting attitudes about the case, and if the expert witness's testimony was in line with those attitudes, then participants may view that witness as more credible than if the testimony contradicted their attitudes.

In another exploratory analysis, the current results demonstrated that participants viewed the expert witness as more credible if that witness's testimony complimented jurors' attitudes toward spousal abuse. In fact, mock jurors' attitudes accounted for 18.3% of their perception of expert witness credibility. When the expert witness testimony contradicted jurors' attitudes, participants viewed the expert witness as less credible. This finding supports the theory that attitudes act as an information biasing mechanism, which interprets information according to jurors' predispositional beliefs.

Age also served as a proxy for jurors' attitudes. The results revealed that people under the age of 30 held more biased attitudes against battered women than people over the age of 30. This finding poses a conundrum because past research reported the opposite effect: older people tend to hold biased attitudes against battered women than younger people. For example, Worden and Carlson (2005) surveyed people on their beliefs about battered women and found that older respondents, more so than younger

people, accused domestic violence victims of masochism. Curiously, though, that same study found that younger respondents, more often than older people, believed that domestic violence victims had more options of escape from abusive relationships. It is uncertain how to interpret the current findings relating to age and juror attitudes. Perhaps the mTurk sample included older adults who had more personal experiences with domestic violence, which contributed to them empathizing more with battered women. If this were the case, then past research may be correct in that both younger and older respondents each hold mixed attitudes toward battered women, but an individual's personal experience with domestic violence may polarize his or her attitudes, despite age. Therefore, if the older participants in the current mTurk sample had more of a relationship to domestic violence, then their attitudes may be more favorable toward battered women. Unfortunately, because this study did not include a scale measuring participants' exposure to domestic violence, the effect of mock jurors' age on attitudes remains unexplained.

Limitations and suggestions for future research

The current study instructs participants to render their verdict according to the burden of proof of the prosecution proving its case beyond a reasonable doubt. Burden of proof is the minimum level of persuasion that the prosecution or defense (in this case only the prosecution) must meet in order to win the verdict. A prosecution's burden of proof of persuading the jury beyond a reasonable doubt means that the jury can only find a "Guilty" verdict if the evidence presented removes all reasonable doubt from the jurors' minds. Some states, such as Connecticut, Oklahoma, and Virginia, require the prosecution to exclusively bear the burden of proof of beyond a reasonable doubt

(Oklahoma Court of Criminal Appeals, 2010; Elkins, 2006). Other states, such as Maryland, also require the prosecution to prove beyond a reasonable doubt that self-defense is inappropriate, if and only if the defense raised the issue of self-defense first. Most states, however, consider self-defense to be an affirmative defense, and consequently, both the defense and prosecution assume a burden of proof. The burden of proof is often lower for affirmative defenses, either using clear and convincing evidence (the evidence must be substantially and more probable to be true than not) or a preponderance of evidence (the evidence is more likely than not to be true). The current study adopted Connecticut's burden of proof, in which the prosecution bears the sole burden of proving its case beyond a reasonable doubt. The reason the current study used the Connecticut burden of proof is because that state provided to the public actual, verbatim jury instructions, and in an effort to remain ecologically valid, the study incorporated those publicly available jury instructions. The high burden of proof may account for the lack of difference between the expert testimony conditions and the control condition. It may be the case that whether expert testimony was present, mock jurors may have conceived of at least one reasonable doubt that would invalidate the prosecution's case.

In addition, not all states use the subjective-objective standard. Some legal jurisdictions abide by the objective standard, in which jurors are instructed to determine whether a reasonable person would have acted in the same way as the battered woman defendant. Legal scholars have noted judicial responses to the objective test and how some judges have moved to issuing the subjective-objective standard (Crocker, 1985). However, no studies have examined whether jurors' decision-making processes are

affected by which standard is used. In the current study, expert testimony did not influence jurors' verdict decisions, perhaps because they were already primed to attempt to think from the defendant's point of view. This priming may have arisen from the subjective-objective standard, in which jurors were instructed to consider how the defendant perceived reasonableness and whether that was legitimate given her circumstances. As a result, the subjective-objective standard may have eliminated any effects of expert testimony on verdicts decisions that otherwise may have been found if using the objective standard.

The current study also failed to measure participants' past exposures to spousal abuse. In order to more deeply investigate the mediational model involving gender, attitudes, and verdict outcomes, future research should measure participants' prior exposure to domestic violence. This may tap into mock jurors' cognitive availability of domestic violence and allow for researchers to find a potential difference between men and women's cognitive availability, and also support for the availability heuristic as an underlying mechanism for this finding.

Furthermore, a scale should have been used to identify how participants weight the evidence that influenced their verdict. Weighting of evidence is important in understanding how attitudes affect the value participants assign to each piece of information. Anderson's (1971) integration theory describes information processing as the product of the information's weight and scale value. The weight is personal significance the individual assigns to the piece of information, and the scale value measures the subjective probability that the expected outcome will occur. Attitudes toward spousal abuse may affect the weight component of the integration model and

change the jurors' perception of what evidence most suitably, if at all, applies to the standard of reasonableness. The current results suggest that participants' attitudes predicated their perception of expert witness credibility. Based on this finding, future studies should test the hypothesis that mock jurors with empathetic attitudes toward battered women place greater weight on the expert witness testifying for the defendant, whereas participants with attitudes attributing blame to the battered woman may be more likely to discount the expert testimony when rendering a verdict. The current study provides evidence linking attitudes toward perception of credible evidence. The non-significant findings for the main effects of expert testimony and response history on verdict decisions may be reflective of this integration theory; participants' attitudes may have served as the overriding influence in weighting evidence. Perhaps jurors' preexisting attitudes help to strengthen or discredit evidence, regardless of the type of evidence (e.g., BWS vs. SAF vs. no expert testimony), in order to support their attitudes toward battered women.

Legal implications

During the process of voir dire, lawyers attempt to remove potential jurors exhibiting biases that might impede their objective judgment, with particular focus on jurors that lawyers suspect may render an unfavorable verdict. The current study demonstrates that gender and attitudes may induce a biasing effect, in which jurors do not begin trial with predetermined verdicts, but rather with predetermined gender-related attitudes that filter out certain evidence incongruent to that schema. Lawyers should be aware of the meditational process of a jurors' decision-making and use that knowledge to develop a mechanism, such as a questionnaire, enabling them to identify jurors with

certain attitudes during voir dire. Identifying attitudes beforehand may lead to balanced juries, in which there is an equal distribution of attitudes toward battered women in each jury. Ideally, a more nuanced voir dire process would lead to a fairer trial, further reducing the possibility of the entire jury being composed of like-minded individuals.

Although no significance was found between the different expert testimony conditions, any form of expert testimony plays an invaluable role in the courtroom. Jurors are not as well informed as experts in matters of victims' responses to domestic violence. Misinformation about battered women may render jurors unable to find the defense case reasonable, even when the evidence would suggest the defendant did act reasonably. For example, Dodge and Greene (1991) compared the knowledge of jurors and researchers specializing in domestic violence. Their study showed that jurors were less knowledgeable than experts about characteristics of abusive relationships. For example, jurors were less informed than researchers about how abusers persuade the battered woman to stay in a relationship with him (e.g., the abuser promises to never hurt her again or she feels dependent on him). The same study revealed that jurors were less likely to believe in the battered woman's fear of her batterer killing her and in the necessity of using deadly force to prevent her batterer from killing her. Moreover, jurors were less able than experts on domestic violence to understand why a battered woman would blame herself for the abuse and how anxiety and depression may affect the woman's ability to effectively cope with the abuse. Given this informational gap between researchers and jurors, expert testimony is necessary to fill this informational gap and should thus be included during the defense's case. The current study suggests that whether BWS or SAF expert testimony affect jurors' verdict decisions, lawyers will

need to utilize some persuasive tool, such as expert testimony, to inhibit (or augment) jurors' attitudes toward the defendant. Otherwise, the evidence on its own, without any interpretation by an expert, may leave jurors to interpret the evidence according to their own individual attitudinal biases.

The current study used a subjective-objective standard for jurors to evaluate the reasonableness of self-defense. Not all states use this standard, and the current non-significant findings might indicate significant implications for the subjective-objective self-defense standard. One study demonstrated that the subjective definition of reasonableness has led jurors to render more "Not Guilty" verdicts compared to when the objective definition was used (i.e., judges instructed jurors to evaluate the defendant's actions in the perspective of the average reasonable person) (Follingstad, Shillinglaw, DeHart, & Kleinfelter, 1997). Although little research has been conducted on the effects of subjective versus objective definitions of self-defense on verdict outcomes, it may be the case that when jurors are instructed by the judge to evaluate the defendant's actions from the defendant's point of view, then jurors may be more likely to empathize with the defendant and render a lenient verdict. If the current study, then, had used an objective standard without the subjective component, then perhaps participants would have been more punitive. Consequently, lawyers should be aware of the standards of their local jurisdictions, and if the self-defense case occurs in an objective standard jurisdiction, lawyers should attempt to induce an effortful attempt on the part of the jurors to attempt to understand from the defendant's perspectives. Such empathy induction might be encouraged through expert testimony, for example.

Battered women face a unique dilemma when being evaluated by a jury. They must present a case that facilitates understanding between the jury and her rendition of events and enable the jury to empathize with her mental state. Not enough research has yet been conducted to provide sufficient advice to defense attorneys representing battered women, but the current research highlights the mediating role of jurors' preexisting attitudes and encourages attorneys to pay attention to those attitudes during the jury selection process.

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Appendix A Consent Form

I have been invited to take part in a research study to learn more about jury-decision making. This study has been approved by the Claremont McKenna College Institutional Review Board (IRB). This research study will be conducted by Shahrzad Nikoo as part of her Bachelor's thesis work. Her faculty advisor is Dr. Daniel Krauss, a professor of Psychology at Claremont McKenna College.

I agree to be in this research study and I acknowledge that my participation will include the following:

1. Completing a questionnaire about my background (age, gender, education, etc.);
2. Reading a trial case transcript concerning a battered women charged with first-degree homicide;
3. Completing another questionnaire relating to the case transcript, including rendering my verdict.

This survey will require about one hour of my time. The following information informs me of the risks of participating: I may find the nature of the topic of battered women upsetting, and if I do, I will be provided with information on counselors I may contact. I understand, however, that this is not a real life case and, instead, is a fictional case that is supposed to reflect true events.

I acknowledge that I may benefit educationally from this study on court cases involving battered women. It may contribute to scientific knowledge by providing my answers that may serve to reveal new scientific findings.

[For mTurk participants] I will be paid \$.50 for reading the case transcript and completing the survey. I understand that by receiving payment, my name may be recorded by Amazon, since it acts as a proxy; however, I also understand that my name will not be associated with my survey answers, that it will not be used for any purpose, and that only the researcher can have access to it. In order to receive the payment, I must be jury-eligible (at least 18 years old, a U.S. citizen, and not have been convicted of a felony). If I wish, I may print a copy of this consent form for my personal records.

[For Sona Systems participants] I will be compensated for my time with 1 course credit. In order to receive course credit, I must be jury-eligible (at least 18 years old, a U.S. citizen, and not have been convicted of a felony).

Confidentiality of my records will be strictly maintained by keeping my name separate from my answers. Answers will be stored in a password protected website.

I am voluntarily participating in this study. I may refuse to participate, skip any question, or withdraw at any time without penalty.

If I have any additional questions or wish to report a research-related problem, I may contact the researcher at (925) 989-0289; snikoo12@cmc.edu; Claremont McKenna College, 742 N. Amherst Ave, Claremont, CA 91711, or I may contact the supervisor at (909) 607-8504; dkrauss@cmc.edu; Claremont McKenna College 742 N. Amherst Ave, Seaman Hall 231, Claremont, CA 91711. For questions about your rights as a research participant, you may contact the chair of Claremont McKenna College's Institutional Review Board, Michael O'Neill at (909) 607-8336, or via email at moneill@cmc.edu.

My checkmark in the box below indicates that I have read and understood all of the above.

- By checking this box, I agree that I have read this form and consent to participate in this survey.

Appendix B
Jury Eligibility

Please read the following criteria for jury-eligibility:

- At least 18 years old
- A United States citizen
- Have never been convicted of a felony
- Proficient English speaker

Do you meet all these requirements?

Yes No

If you selected “No” please do not continue with the survey.

Appendix C

Please pretend you are a juror. The following pages include a court transcript with preliminary jury instructions, opening statements, summaries of witness testimonies, closing statements, and jury instructions.

Please read the following pages carefully as if you were an actual juror in the case.

Control, Passive Condition
Preliminary Jury Instructions

Ladies and gentleman of the jury:

You have been selected and sworn as the jury to try the case of *State v. Ann Hudson*. This is a criminal case. Ms. Hudson is charged with murder in the first degree. The definition of the elements of first-degree murder will be explained to you later.

It is your solemn responsibility to determine if the State has proved its accusation beyond a reasonable doubt against Ann Hudson. Your verdict must be based solely on the evidence, or lack of evidence, and the law.

It is the judge's responsibility to decide which laws apply to this case and to explain those laws to you. It is your responsibility to decide what the facts of this case may be, and to apply the law to those facts. Thus, the province of the jury and the province of the court are well defined, and they do not overlap. This is one of the fundamental principles of our system of justice.

Before proceeding further, it will be helpful if you understand how a trial is conducted. At the beginning of the trial, the attorneys will have an opportunity, if they wish, to make an opening statement. The opening statement gives the attorneys a chance to tell you what evidence they believe will be presented during the trial. What the lawyers say is not evidence, and you are not to consider it as such. Following the opening statements, witnesses will be called to testify under oath. They will be examined and cross-examined by the attorneys. After the evidence has been presented, the attorneys will have the opportunity to make their final argument.

Following the arguments by the attorneys, the court will instruct you on the law applicable to the case. After the instructions are given, you will then consider your verdict. You should not form any definite or fixed opinion on the merits of the case until you have heard all the evidence, the argument of the lawyers, and the instructions on the law by the judge. Until that time, you should not discuss the case amongst yourselves. The case must be tried by you only on the evidence presented during the trial in your presence and in the presence of the defendant, the attorneys, and the judge. Jurors must not conduct any investigation of their own. In this age of electronic communication, I want to stress again that just as you must not talk about this case face-to-face, you must not talk about this case by using an electronic device. Do not discuss this case or ask for advice by any means at all, including posting information on an Internet website, chat room, or blog.

Jury instructions have finished and the Court is now ready to hear opening statements.

Prosecution Opening Statement

Hello, ladies and gentlemen of the jury. My name is Frederick Jones and I represent the State in this case. On the night of October 17, 2011, David Hudson invited his sister and two friends to his house for a casual party. His wife, the defendant Ann Hudson, got into an argument with her sister-in-law. David became involved in the argument and he and his wife were yelling at each other. The defendant, enraged, ran up the stairs and slammed the door to her bedroom. Everyone downstairs could hear her yelling and banging against the wall. David went upstairs to the bedroom. Then, two shots were fired. David Hudson was dead. Today, you will hear from Morgan Johnson, the deceased's sister who was at the party. She will tell you how the defendant was yelling in her bedroom for ten whole minutes before David went upstairs. She will tell you that David looked calm – and not angry – when he was walking upstairs. She will also tell you that she heard the two shots fired within thirty seconds after David reached upstairs, one of those bullets having killed David. After presenting this evidence, the Prosecution will have proven its case that the defendant is guilty beyond a reasonable doubt of first-degree murder.

Defense Opening Statement

Ladies and gentlemen of the jury. This is not a story of an angry wife killing her husband in a fit of rage. This is a story of an abused woman acting in self-defense. You will hear from Ann Hudson herself, who will reveal to you the abuse she has suffered at the hands of her husband during the five years of their marriage. She will tell you that on numerous occasions, the abuse was so severe that she required medical attention. Ann will explain to you how she was too afraid to leave her marriage out of fear that her husband would track her down and kill her. From her testimony, you will understand that she had no recourse on the night of October 17, 2011 than to defend herself against her husband whom she believed wanted to kill her. At the end of this trial, you will see that the defendant's action was justified by self-defense and that Ann Hudson is not guilty of first-degree murder. Thank you.

The following are summaries of witnesses' testimonies during direct and cross-examinations. These summaries include all facts that were presented during trial.

Prosecution Case Direct Examination of Morgan Johnson

Morgan Johnson is David's sister. She testified that she knew Ann Hudson for about 10 years even before Ann started dating David. Morgan was invited by David to his party at his house on the night of October 17, 2011. Morgan arrived at his house around 10:00PM with three of her friends. She testified that while they were eating dinner, Morgan told Ann that her cooking was "not up to par and then Ann got really upset." Ann yelled at Morgan. Morgan said that she got upset too and they began yelling at each other.

Morgan further testified that David got involved in the argument. He told Ann that she should "take my [Morgan's] criticism constructively" so that she could "do a better job of cooking dinner in the future. Ann didn't take too well to that." Morgan said that she heard Ann screaming at David that she had tried her best and that David did not appreciate her effort. Morgan also heard David yell back to Ann that "she takes everything too personally."

Morgan saw Ann run upstairs and heard Ann slam a door shut. Morgan testified to hearing Ann's muffled yelling through the door. After ten minutes of Ann's shouting, David went upstairs. Morgan said that David appeared to have calmed down by that point and that he said to Morgan, "I guess I should go see her." Morgan said that at that point, David appeared calm and collected. David walked upstairs and Morgan heard him open a door. She did not hear anything for the next few seconds. Morgan said that thirty seconds later, she heard a gunshot and then another shot. Morgan ran upstairs, went through the bedroom door, and saw David lying on the ground, face up, in a pool of blood. Morgan saw Ann in the opposite corner of the room holding a gun, and then Morgan called the police. Morgan said that David died that night.

Defense Cross Examination of Morgan Johnson

Morgan used to go out socially with Ann before her marriage to David. After the wedding, Ann refused to engage in social outings and preferred instead to stay at home. Morgan testified that she never saw Ann with a bruise until after her marriage to David Johnson. Morgan saw Ann with a new bruise approximately once every two months. Morgan asked Ann about her bruises, but Ann never told Morgan how she got them. Morgan said that she "got the feeling that Ann was covering up for someone." Morgan said that she has rarely seen Ann and David get into a fight, but the few times that she did see them argue, Ann always quickly apologized and tried to calm him down. In these situations, Morgan heard the defendant say, "I'm so stupid. Why do I always do things that make him angry?" Morgan has never heard Ann yell at David until the night of his death.

Defense Case
Direct Examination of Ann Hudson

Ann testified that during the five years of her marriage to David Johnson, David had abused her. Ann said that their relationship began without violence for the first few months, but then David became increasingly more aggressive toward her. He frequently grew upset when she asked him if she could go out with her friends or family, if she did not cook the way he liked, or if she did not want to have sexual intercourse with him. During their verbal arguments he called Ann a “bitch” and “whore.” Ann testified that during physical altercations, David punched Ann in her stomach and chest, slapped her across the face, and grabbed her by the arms and shook her vigorously. Ann said that during one incident in 2010, David pinned her against the wall and choked her, and then he threw her onto the couch. Ann went to the hospital the next day complaining of dizziness and an intense headache. She said that the doctor told her she had a concussion. Ann did not tell David that she had a concussion because she “did not want to make him feel bad.”

Ann testified that there were times when David told her, “You make me want to kill you.” Ann said that she feared for her life when David was angry, but believed that he had no control over his anger and that she should not provoke him. Ann said that she has been feeling depressed during the majority of their marriage and was “overwhelmed with guilt” for every time she had caused a fight. In the year 2009, she told her mother about the abuse, and her mother convinced Ann to move out of the house. However, Ann testified that, in the end, she did not move out of the house because when David found out about her plans, he became enraged and threatened Ann, saying that if she left, he would “hunt her down and kill her and then come after her mother.” Ann testified that she was too afraid of provoking David to leave the relationship.

Ann said that David was her only friend since she never went out socially with other people. Ann said that David grew jealous whenever she would leave with other people, so she stopped. Ann also testified that she did not get herself a job because David insisted that she stay at home and leave the finances up to David.

Ann said that on the night of October 17, 2011, Ann had become angry with Morgan Johnson because Morgan had criticized her cooking. Ann and Morgan got into a verbal fight. David intervened and told Ann to not “take everything so personally.” Ann ran upstairs, upset, into her bedroom and slammed the door shut. Through the closed door, Ann continued to shout about how she had tried her best but no one appreciated her efforts. Eventually, David opened the bedroom door. Ann testified that David had “the same look on his face as when he had choked [her]” in 2010. Ann believed that he was about to violently attack and kill her, so she pulled out David’s gun that she knew he kept in the bedroom closet. David took a few quick steps toward Ann and then Ann shot the gun once, missing David. He lunged toward her but she shot him in the head and he fell to the ground. Ann testified that she was terrified and ran to the corner of the room. Morgan Johnson entered the room and called the police.

Prosecution Cross Examination of Ann Hudson

Ann admitted that after David had choked her in 2010, she did not leave her husband. Ann testified that she did not see leaving the relationship as an option of escape, and so she never did successfully leave.

Ann testified that on the night of David's death, David never threatened that he was going to kill her. Ann admitted that when David was in the bedroom with her, she did not scream even though she knew there were other people in the house. Ann said that for a few years now she knew that David kept a gun in the bedroom closet. Ann admitted that she was angry when she was in the bedroom and that she had been shouting for ten minutes before David entered. She had been yelling before then as well while Morgan and David were downstairs. Ann admitted that, on the night of October 17, 2011, David did not raise his hand to hit her, he did not have a weapon in his hand, and he did not have his hands formed into fists. Ann stated that when she saw the look on David's face, she "knew [she] had to shoot him to stop him."

Defense Closing Statement

Ladies and gentlemen of the jury. This case is not a case of malicious murder. This is a case of self-defense. First, you heard from the prosecution witness, Morgan Johnson. During cross-examination, you learned that during the five years of their marriage, David would punch, shake, choke, and throw around his wife. Ann Hudson did not know what to do. She told you herself that she talked to her mother and tried to leave, but David threatened to kill her and to hurt her mother. She was too afraid to leave. So, she did the only thing she knew she could do within those few seconds, when David was walking toward her with the look that indicated he was going to kill her. Without thinking, she grabbed the gun that was in the closet nearby and shot him out of self-defense. When you deliberate today, remember that an act of self-defense is defined as a reasonable response to an imminent harm and that the response used proportional force to that imminent harm. Ann Hudson had no alternative she knew of. She acted to save her own life. Thank you.

Prosecution Closing Argument

Ladies and gentlemen of the jury. This is not merely a case of malicious murder. It is a case of premeditated murder. You heard from Morgan Johnson, who was present at David Johnson's house on the night of October 17, 2011, say that the defendant was irritable. She was yelling at her sister-in-law, then at her husband David, then stormed upstairs, slammed her door shut, and continued to shout in the bedroom. For ten whole minutes she was in that room. For ten whole minutes she had time to think of her next move, and she did. She told you that she thought of shooting him before she pulled that trigger. When David Johnson walked up the stairs and reached the bedroom door, it took only thirty seconds for Ann Hudson to fire the gun. Twice. During cross-examination of the defendant, she told you that she knew there were other people in the house. If she were truly afraid of her husband, a more reasonable response than shooting David would have been to call out for help. She had other options than to killing David. As the

prosecution, we bear the burden in the case. It is up to us to prove to you beyond a reasonable doubt that Ann Hudson deliberately and with premeditation shot and killed her husband. Self-defense is defined as a reasonable person's response, with proportional force, to an imminent harm. You must ask yourself if the defendant acted reasonably and used proportionate force. When you do, I am sure you will come back with a guilty verdict. Thank you.

Jury Instructions

First Degree Murder

To prove the crime of First Degree Murder, the State must prove the following three elements beyond a reasonable doubt:

1. David Johnson is dead.
2. The death was caused by the criminal act of Ann Hudson.
3. There was a premeditated killing of Ann Hudson.

Definitions.

"Killing with premeditation" is killing after consciously deciding to do so. The decision must be present in the mind at the time of the killing. The law does not fix the exact period of time that must pass between the formation of the premeditated intent to kill and the killing. The premeditated intent to kill must be formed before the killing.

The question of premeditation is a question of fact to be determined by you from the evidence. It will be sufficient proof of premeditation if the circumstances of the killing and the conduct of the accused convince you beyond a reasonable doubt of the existence of premeditation at the time of the killing.

Self-Defense

After you have considered all of the evidence in this case, if you find that the state has proved beyond a reasonable doubt each element of first degree murder, you must go on to consider whether or not the defendant acted in self-defense.

A person is justified in the use of force against another person that would otherwise be illegal if she is acting in self-defense. It is a complete defense to first degree murder.

There is a statute that defines self-defense and you are to apply that definition in reviewing evidence in this case. The statute defining self-defense reads as follows: a person is justified in using reasonable physical force upon another person to defend herself from what she reasonably believes to be the use of imminent use of physical force, and she may use such degree of force which she reasonably believes to be necessary for such purpose.

Reasonable Beliefs.

You must consider whether the defendant justifiably acted in self-defense. The test you are to apply is a subjective-objective test, meaning that it has some subjective aspects and some objective aspects. You must first consider the situation from the perspective of the defendant; that is, what did the defendant actually believe as best as can be inferred from the evidence. This is the subjective aspect of the test. The statute requires, however, that the defendant's belief be reasonable, and not irrational or unreasonable under the circumstances; that is, would a reasonable person in the

defendant's circumstances have reached that belief. This is the objective aspect of the test.

Self-defense has four elements:

1. The defendant actually believed that the other person (1) was using or about to use deadly physical force against her, or (2) was inflicting or about to inflict great bodily harm upon her.
2. That belief was reasonable because a reasonable person in the defendant's circumstances, viewing those circumstances from the defendant's perspective, would have shared that belief.
3. The defendant actually believed that deadly physical force was necessary to repel the attack.
4. That belief was reasonable because a reasonable person in the defendant's circumstances, viewing those circumstances from the defendant's perspective, would have shared that belief.

Verdict

The defendant has no burden of proof regarding any of these elements. Instead, the State bears the sole and exclusive burden of proving beyond a reasonable doubt that the defendant did not act in self-defense, a burden it can meet by disproving at least one of these elements beyond a reasonable doubt.

If you find that the State has failed to prove beyond a reasonable doubt any of the elements of first-degree murder, you shall then find the defendant not guilty and not consider the defense.

If you find that all the elements of first-degree murder have been proved beyond a reasonable doubt, you shall then consider the defense. If you find that the State has disproved beyond a reasonable doubt at least one of the elements of the defense, you must reject that defense and find the defendant guilty.

If, on the other hand, you find that the State has not disproved beyond a reasonable doubt at least one of the elements of the defense, then on the strength of that defense alone you must find the defendant not guilty despite the fact that you have found the elements of the crime proved beyond a reasonable doubt.

You are now released to deliberate and render your verdict.

Appendix D
Control, Active Condition

Everything is the same as the “Control, Passive” condition except for the cross-examination of Morgan Johnson, the direct examination of Ann Hudson, and the Defense and Prosecution closing statements. The changes are underlined:

Defense Cross Examination of Morgan Johnson

Morgan went out socially with Ann both before and during her marriage to David. During her marriage, Ann told Morgan that Ann had to “sneak out of the house without David knowing” to be able to go see her friends. Morgan testified that she never saw Ann with a bruise until after her marriage to David Johnson. Morgan saw Ann with a new bruise approximately once every two months. Morgan asked Ann about her bruises and Ann told her that David hit her. Morgan said that she “figured Ann could take care of herself.” Morgan said that she had rarely seen Ann and David get into a fight, but the few times that she did see them argue, Ann and David would always yell and push each other. In these situations, Morgan heard the defendant yell, “You’re always causing these fights! I don’t deserve this!” Morgan stated that Ann “seemed like a prideful woman.”

**Defense Case
Direct Examination of Ann Hudson**

Ann testified that during the five years of her marriage to David Johnson, David had abused her. Ann said that their relationship began without violence for the first few months, but then David became increasingly more aggressive toward her. He frequently grew upset when she asked him if she could go out with her friends or family, if she did not cook the way he liked, or if she did not want to have sexual intercourse with him. During their verbal arguments he called Ann a “bitch” and “whore.” Ann testified that during physical altercations, David punched Ann in her stomach and chest, slapped her across the face, and grabbed her by the arms and shook her vigorously. Ann said that during one incident in 2010, David pinned her against the wall and choked her, and then he threw her onto the couch. Ann went to the hospital the next day complaining of dizziness and an intense headache. She said that the doctor told her she had a concussion. Ann told David about the concussion and told him that it was “all his fault” and that “he should feel guilty” for what he did.

Ann testified that there were times when David told her, “You make me want to kill you.” Ann said that she feared for her life when David was angry, and that he deliberately wanted to intimidate and threaten her. Ann said that she has been feeling frustrated during the majority of their marriage and felt trapped. In the year 2009, she told her mother about the abuse, and her mother tried to help Ann to move out of the house. However, Ann testified that, in the end, she did not move out of the house because when David found out about her plans, he became enraged and threatened Ann, saying that if she left, he would “hunt her down and kill her and then come after her mother.” Ann also tried calling the police on several occasions in the years 2009 and 2010, but again, David threatened her, saying, “If you get me thrown in jail, I’ll be free

eventually and that's when I'll get you." Ann testified that she was too afraid of what David might do to her if she left the relationship.

Ann said that David grew jealous whenever she would leave with other people, so she started "sneaking out the house without David knowing." Ann also testified that David insisted that she quit her job as a bank teller so that she could stay at home, but Ann resisted.

Ann said that on the night of October 17, 2011, Ann had become angry with Morgan Johnson because Morgan had criticized her cooking. Ann and Morgan got into a verbal fight. David intervened and told Ann to not "take everything so personally." Ann ran upstairs, upset, into her bedroom and slammed the door shut. Through the closed door, Ann continued to shout about how she had tried her best but no one appreciated her efforts. Eventually, David opened the bedroom door. Ann testified that David had "the same look on his face as when he had choked [her]" in 2010. Ann believed that he was about to violently attack and kill her, so she pulled out David's gun that she knew he kept in the bedroom closet. David took a few quick steps toward Ann and then Ann shot the gun once, missing David. He lunged toward her but she shot him in the head and he fell to the ground. Ann testified that she was terrified and ran to the corner of the room. Morgan Johnson entered the room and called the police.

Defense Closing Statement

Ladies and gentlemen of the jury. This case is not a case of malicious murder. This is a case of self-defense. First, you heard from the prosecution witness, Morgan Johnson. During cross-examination, you learned that during the five years of their marriage, David would punch, shake, choke, and throw around his wife. Ann Hudson did not know what to do. She told you herself that she talked to her mother and tried to leave, but David threatened to kill her and to hurt her mother. Ann also tried calling the police, but David threatened her that eventually when he would have gotten out of prison, he would have come after Ann. She was too afraid to leave. So, she did the only thing she knew she could do within those few seconds, when David was walking toward her with the look that indicated he was going to kill her. Without thinking, she grabbed the gun that was in the closet nearby and shot him out of self-defense. When you deliberate today, remember that an act of self-defense is defined as a reasonable response to an imminent harm and that the response used proportional force to that imminent harm. Ann Hudson had no alternative she knew of. She acted to save her own life. Thank you.

Prosecution Closing Argument

Ladies and gentlemen of the jury. This is not merely a case of malicious murder. It is a case of premeditated murder. You heard from Morgan Johnson, who was present at David Johnson's house on the night of October 17, 2011, say that the defendant was irritable and aggressive. She was yelling at her sister-in-law, then at her husband David, then stormed upstairs, slammed her door shut, and continued to shout in the bedroom. For ten whole minutes she was in that room. For ten whole minutes she had time to think of her next move, and she did. She told you that she thought of shooting him before she

pulled that trigger. When David Johnson walked up the stairs and reached the bedroom door, it took only thirty seconds for Ann Hudson to fire the gun. Twice. During cross-examination of the defendant, she told you that she knew there were other people in the house. If she were truly afraid of her husband, a more reasonable response than shooting David would have been to call out for help. She had other options than to killing David. As the prosecution, we bear the burden in the case. It is up to us to prove to you beyond a reasonable doubt that Ann Hudson deliberately and with premeditation shot and killed her husband. Self-defense is defined as a reasonable person's response, with proportional force, to an imminent harm. You must ask yourself if the defendant acted reasonably and used proportionate force. When you do, I am sure you will come back with a guilty verdict. Thank you.

Appendix E
Passive, BWS Condition

Everything is the same as the “Control, Passive” condition except for the Defense opening statement, direct and cross-examination of the expert witness, and the Defense closing statement. The changes are underlined:

Defense Opening Statement

Ladies and gentlemen of the jury. This is not a story of an angry wife killing her husband in a fit of rage. This is a story of an abused woman acting in self-defense. You will hear from Ann Hudson herself, who will reveal to you the abuse she has suffered at the hands of her husband during the five years of their marriage. She will tell you that on numerous occasions, the abuse was so severe that she required medical attention. Ann will explain to you how she was too afraid to leave her marriage out of fear that her husband would track her down and kill her. You will then hear from Dr. Baxter, a specialized psychologist, who will tell you that Ann’s behavior suggested she suffered from Battered Woman Syndrome. Dr. Baxter will testify that Ann could not have believed she could escape from her relationship with David. From the doctor’s and Ann’s testimonies, you will understand that she had no recourse on the night of October 17, 2011 than to defend herself against her husband whom she believed wanted to kill her. At the end of this trial, you will see that the defendant’s action was justified by self-defense and that Ann Hudson is not guilty of first-degree murder. Thank you.

Defense Direct Examination of Dr. Baxter

Dr. Baxter is a psychologist specializing in the counseling and treatment of battered women with publications in numerous journals and presentations at several conferences. Dr. Baxter has been working with victims of domestic violence for the past 20 years. The doctor has conducted extensive research on the dynamics of battering and its impact on women. In the present case, Dr. Baxter has interviewed Ann Hudson for a period of three hours and reviewed Ann’s medical history. The psychologist testified that Ann’s behavior leading up to the shooting was consistent with Battered Woman Syndrome. Ann experienced the “cycle of abuse” like most battered women. The cycle consists of three stages: tension-building, acute battering, and loving and remorse. First, as Dr. Baxter testified, there was the “tension-building” phase, in which Ann’s husband David committed multiple minor incidents of abuse against her. Second, the “acute battering” phase followed, which was when David choked Ann and threw her. Third, the “loving and remorse” phase occurred when David apologized to Ann and promised to never hurt her again. Dr. Baxter stated that battered women typically believe that they can change their batterer’s behavior, and Ann believed David’s promises of change. The cycle of abuse repeats itself until the relationship ends. Dr. Baxter testified that Ann displayed signs of “learned helplessness,” meaning that Ann believed that resistance to the abuse was futile. She was resigned to staying in the relationship and was submissive to her husband.

Dr. Baxter stated that the battered woman, such as Ann, is always in a state of fear. The violence does not need to be constant since the threat is always there. Battered women believe that their batterer can be dangerous at any time. For Ann, trying to leave the relationship is anxiety-provoking because of David's threats on her life if she were to leave. Ann, in accordance with Battered Woman Syndrome, had developed a heightened sensitivity to her husband's violence. Battered women can typically predict the onset of an attack before a blow is ever struck.

Prosecution Cross-Examination of Dr. Baxter

Dr. Baxter conceded that different people respond differently to similar situations. The psychologist stated that battered women respond in a variety of ways. Most battered women do not kill their abusers and some women escape their abusive relationships successfully.

Defense Closing Statement

Ladies and gentlemen of the jury. This case is not a case of malicious murder. This is a case of self-defense. First, you heard from the prosecution witness, Morgan Johnson. During cross-examination, you learned that during the five years of their marriage, David would punch, shake, choke, and throw around his wife. Ann Hudson did not know what to do. She told you herself that she talked to her mother and tried to leave, but David threatened to kill her and to hurt her mother. She was too afraid to leave. According to Dr. Baxter, Ann's behavior indicated that she suffered from Battered Woman's Syndrome. She was conditioned to be helpless and was put through the misery of enduring a long cycle of violence. She became sensitive to predicting when her husband would explode with rage. Ann knew what to expect on the night of October 17, 2011. So, she did the only thing she knew she could do within those few seconds, when David was walking toward her with the look that indicated he was going to kill her. Without thinking, she grabbed the gun that was in the closet nearby and shot him out of self-defense. When you deliberate today, remember that an act of self-defense is defined as a reasonable response to an imminent harm and that the response used proportional force to that imminent harm. Ann Hudson had no alternative she knew of. She acted to save her own life. Thank you.

Appendix F
Active, BWS Condition

This condition is the same as the “Control, Active” condition, except also with the changes presented in the “Passive, BWS” condition.

Appendix G
Passive, SAF Condition

Everything is the same as the “Control, Passive” condition except for the Defense opening statement, direct and cross-examination of the expert witness, and the Defense closing statement:

Defense Opening Statement

Ladies and gentlemen of the jury. This is not a story of an angry wife killing her husband in a fit of rage. This is a story of an abused woman acting in self-defense. You will hear from Ann Hudson herself, who will reveal to you the abuse she has suffered at the hands of her husband during the five years of their marriage. She will tell you that on numerous occasions, the abuse was so severe that she required medical attention. Ann will explain to you how she was too afraid to leave her marriage out of fear that her husband would track her down and kill her. You will then hear from Dr. Baxter, a specialized psychologist, who will tell you that Ann did not have the social agency to find options of escape. Dr. Baxter will testify that Ann could not have seen any immediate options of escape from her relationship with David. From the psychologist’s and Ann’s testimonies, you will understand that she had no recourse on the night of October 17, 2011 than to defend herself against her husband whom she believed wanted to kill her. At the end of this trial, you will see that the defendant’s action was justified by self-defense and that Ann Hudson is not guilty of first-degree murder. Thank you.

Defense Direct Examination of Dr. Baxter

Dr. Baxter is a psychologist specializing in the counseling and treatment of abused women with publications in numerous journals and presentations at several conferences. Dr. Baxter has been working with victims of domestic violence for the past 20 years. The doctor has conducted extensive research on the dynamics of battering and its impact on women. In the present case, Dr. Baxter has interviewed Ann Hudson for a period of three hours and reviewed Ann’s medical history. The psychologist testified that due to Ann’s limited resources, she was unable to perceive any options of escape before the shooting. Dr. Baxter called this the “social-agency framework,” which explores the abused woman’s social and financial circumstances to determine her ability to leave her husband. In Ann’s case, Dr. Baxter stated that her husband David regulated the household’s financial income through their shared bank account. He gave Ann a monthly allowance that only large enough for her to buy groceries and run other errands. David also persuaded Ann to not attend college, which prevented her from attaining a higher-level job with a larger income. Dr. Baxter noted that in terms of social limitations, David refused to allow Ann to see her friends and family. David would become jealous whenever Ann went out, accusing her of cheating. Dr. Baxter testified that to Ann, the police were of no help either, because she was afraid that if she did call the police, then her husband would kill her.

Dr. Baxter stated that due to her limited social and financial resources, Ann believed she was trapped in the relationship and was always in a state of fear. The violence does not need to be constant since the threat is always there.

Prosecution Cross-Examination of Dr. Baxter

Dr. Baxter conceded that different people respond differently to similar situations. The psychologist stated that abused women respond in a variety of ways. Most abused women do not kill their husbands and some women escape their abusive relationships successfully.

Defense Closing Statement

Ladies and gentlemen of the jury. This case is not a case of malicious murder. This is a case of self-defense. First, you heard from the prosecution witness, Morgan Johnson. During cross-examination, you learned that during the five years of their marriage, David would punch, shake, choke, and throw around his wife. Ann Hudson did not know what to do. She told you herself that she talked to her mother and tried to leave, but David threatened to kill her and to hurt her mother. She was too afraid to leave. According to Dr. Baxter, Ann was trapped in her abusive relationship because she lacked the social and financial resources to escape. She could not support herself financially since David controlled the household's finances and prevented her from furthering her education. David also threatened her to stay away from her friends, family, and the police. She was stuck in a house of reoccurring violence. So, she did the only thing she knew she could do within those few seconds, when David was walking toward her with the look that indicated he was going to kill her. Without thinking, she grabbed the gun that was in the closet nearby and shot him out of self-defense. When you deliberate today, remember that an act of self-defense is defined as a reasonable response to an imminent harm and that the response used proportional force to that imminent harm. Ann Hudson had no alternative she knew of. She acted to save her own life. Thank you.

Appendix H
Active, SAF Condition

This condition is the same as the “Control, Active” condition, except also with the changes presented in the “Passive, SAF” condition.

Appendix I

Attitudes toward Spousal Abuse and Battered Women Scale

Instructions: This is a questionnaire to determine your attitudes and beliefs on a legal issue. Please answer each statement by giving as true a picture of your own position as possible. Please complete the survey by using the following options:

Women can leave abusive relationships if they really wanted to.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

Battered women are masochists; they like to be hit.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

Women often provoke attacks in abusive relationships.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

Successful women can be targets of abuse by their husbands.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

Battered women get what they deserve.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

Battering only occurs in lower-class families.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

Strong religious beliefs will prevent abuse from occurring.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

If a battered woman called the police, she would not have a problem anymore.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

If women would stand up for themselves, they would not be abused.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

A man should be able to run his household as he pleases.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

Battered women are usually uneducated and have few job skills.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

The police do not care about domestic violence.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

It is okay for a man to hit his wife if he has a good reason.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

If violence has been used once in a relationship, there is a potential that it will be used again.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

Trying to leave her husband may bring about further abuse to the woman.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

Abused women stay with their husbands because they are dependent on them.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

Women in abusive relationships can tell when further abuse will occur.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

Abused women have good reason to believe their husbands may eventually kill them.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

Women who kill their husbands have exhausted all other possibilities.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

In any situation, there are alternatives to murder.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

Self-defense is justification for use of deadly force.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

There are times when defendants charged with murder should be found not guilty.

Appendix J

Response History Scale

The defendant has low self-esteem.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

The defendant was confrontational.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

The defendant blames herself for the abuse.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

The defendant is a passive woman.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

The defendant told other people about her husband abusing her.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

The defendant was submissive to her husband.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

The defendant often fought back against her husband.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

Appendix K

Typicality Scale

Did you find that the defendant, in any way, resembled a normal battered woman?

Yes No

Does the defendant's behavior fit with the behavior of a typical battered woman?

1 2 3 4 5 6 7

No fit at all

Somewhat a fit

Perfect fit

Appendix L

Witness Credibility Scale

Instructions: Please rate the expert witness for the following items on the scale provided:

Not at all trustworthy Very Trustworthy

1 2 3 4 5 6 7

Not at all truthful Very Truthful

1 2 3 4 5 6 7

Not at all dependable Very Dependable

1 2 3 4 5 6 7

Not at all honest Very Honest

1 2 3 4 5 6 7

Not at all reliable Very Reliable

1 2 3 4 5 6 7

Not at all informed Very Informed

1 2 3 4 5 6 7

Not at all logical Very Logical

1 2 3 4 5 6 7

Not at all educated

Very Educated

1 2 3 4 5 6 7

Not at all credible

Very Credible

1 2 3 4 5 6 7

Not at all wise

Very Wise

1 2 3 4 5 6 7

Not at all scientific

Very Scientific

1 2 3 4 5 6 7

Appendix M

Self-defense scale

The defendant believed that her husband was about to inflict great bodily harm or kill her.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

The defendant's belief in imminent harm was reasonable.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

The defendant believed that deadly force was necessary to repel her husband's attack.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

The defendant's belief in deadly force being necessary was reasonable.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

The defendant had more reasonable options than killing her husband.

1 2 3 4 5 6 7

Strongly Disagree

Strongly Agree

Appendix N

Verdict Confidence Scale

Select which verdict you would give to Ann Hudson:

Guilty

Not Guilty

How confident are you in your verdict?

1

2

3

4

5

6

7

Not Confident

Very Confident

Appendix O

Demographics questionnaire

Was there an expert witness in this case scenario?

Yes No

If so, did the expert witness say that Ann Hudson's behavior was consistent with Battered Woman Syndrome?

Yes No

Please select your sex: Male Female

What is your ethnicity? _____

Are you married? Yes No

What is your age? _____

Have you ever been called for jury duty before? Yes No

If so, did you serve on a jury? Yes No

If so, was it a criminal or civil trial? Criminal Civil

Appendix P
Debriefing Form

Thank you for your participation. This study analyzes the effectiveness of certain kinds of self-defense cases for battered women who kill their husbands. This information will lead to the development of effective methods to help jurors understand the unique predicament that battered women face.

If you feel uncomfortable with the information that was presented in the case transcript, you may seek counseling services to help minimize your discomfort. In the Claremont colleges, you may call the Monsour Counseling and Psychological Services at (909) 621-8202. For elsewhere, please look up your local counseling centers, or if you need help in finding such services, you may contact the research at snikoo12@cmc.edu. In the event that you wish to express concern about this study, please contact one of the following:

Dr. Daniel Krauss (dkrauss@cmc.edu);

Dr. Shana Levin (slevin@cmc.edu)

If you are interested in learning about the results of the study, feel free to email the researcher at snikoo12@cmc.edu. If you would like to learn more about self-defense cases for battered women, you may refer to the book *Forensic and Legal Psychology* by Mark Costanzo and Daniel Krauss.

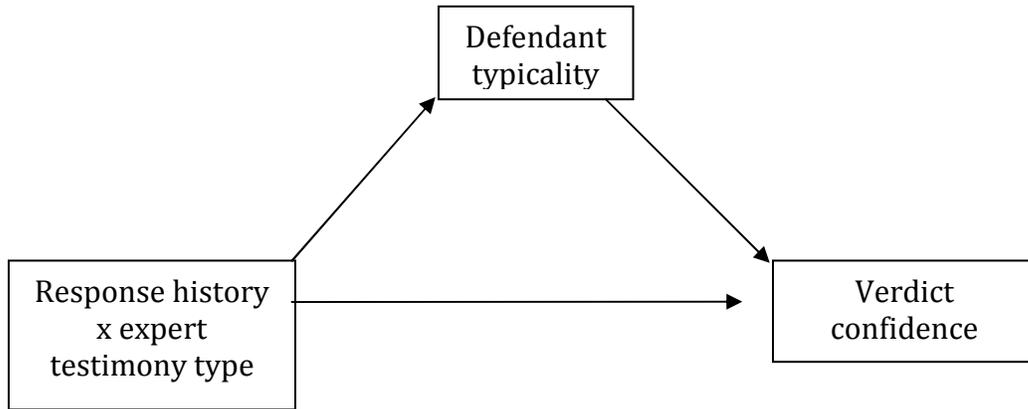
Please refrain from discussing this survey and the case transcript with anyone until after April of 2011. It is vital for participants to not be aware of the information in this study before they take the survey. By not knowing about the study's materials before hand, participants' answers will more likely reflect their true, and not biased, responses.

Your participation is much appreciated!

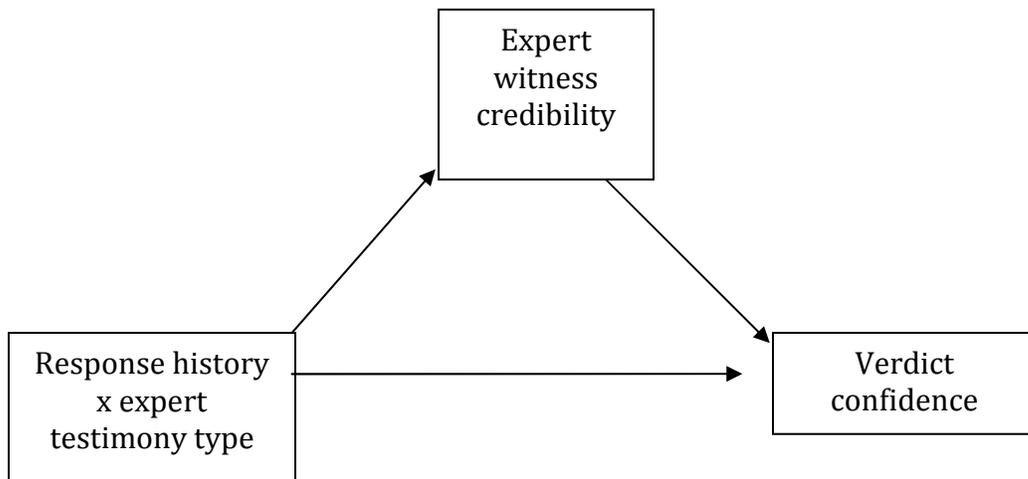
APPENDIX Q

Mediational models

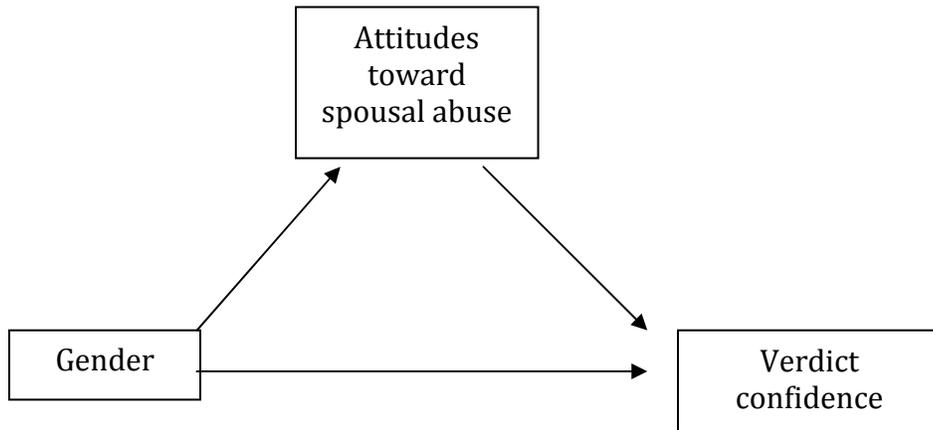
Model 1:



Model 2:



Model 3:



Appendix R

Full mediation model

