

LAY PERCEPTIONS OF PSYCHOPATHY
AND THEIR EFFECT ON LEGAL
DECISION-MAKING

by

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ABSTRACT

Although prior studies have assessed lay perceptions of psychopathy, few studies have examined the effect of these perceptions on individuals' legal judgments and decisions. The purpose of the present study was to assess lay perceptions of psychopathy and determine how these perceptions affect expert witness credibility ratings and sentencing decisions in a capital murder trial. Mock jurors completed an assessment of their perception of psychopathy, and subsequently, reviewed a case vignette of a capital murder trial. Approximately half of the mock jurors also read an excerpt of expert witness testimony concerning the defendant's psychopathic traits. Mock jurors then sentenced the defendant, and if applicable, rated the expert witness's credibility. Their perceptions of psychopathy were also reassessed. Mock jurors' endorsement of psychopathy's interpersonal and affective characteristics (e.g., conning, egotistical, remorseless) predicted their perceptions of the expert witness, such that stronger endorsement of these traits was associated with increased beliefs the expert witness's testimony was credible and valid. Findings also indicated mock jurors whose stereotype of psychopathy included these traits were more likely to support a death penalty verdict. Additional findings, as well as implications for the inclusion of the psychopathy construct in the courtroom, are discussed.

LIST OF ABBREVIATIONS AND SYMBOLS

α	Chronbach's alpha coefficient (value of internal consistency)
β	Population value of regression coefficient
η^2	Measure of strength of relationship
ANOVA	Analysis of variance
CI	Confidence interval
d	Cohen's measure of sample effect size
F	Fisher's F ratio
M	Mean (arithmetic average)
ICC	Intraclass correlation (measure of reliability of measurements or ratings)
LL	Lower limit (as of a confidence interval)
p	Probability
r	Pearson's correlation (measure of association between variables)
R^2 change	Change in multiple correlation squared (measure of change in the strength of association between two statistical models)
SD	Standard deviation
t	Student's t distribution
UL	Upper limit (as of a confidence interval)
=	Equal to (symbol)

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CHAPTER 1

INTRODUCTION

Ted Bundy. Hannibal Lector. Jeffrey Dahmer. It is likely the average person has heard of at least one, if not all, of these individuals. It is just as likely the word *psychopath* comes to mind when these names are stated. In fact, Helfgott (1997) found that more than 60% of respondents identified Ted Bundy, Jeffrey Dahmer, or Charles Manson when asked to name a “typical psychopath.” Given the abundance of violent psychopaths in the media, both in the news and in popular movies and television shows, it is no surprise the general public has a stereotypic view of psychopathy. Supposed psychopaths are present in Ron Bozman’s *Silence of the Lambs*, Alfred Hitchcock’s *Psycho*, and Michael Hall’s *Dexter*. Furthermore, the news media makes no hesitation in labeling the world’s most prolific killers as psychopaths. However, these media portrayals are not always accurate. Oftentimes, these characters exhibit traits inconsistent with clinical definitions of psychopathy. The purpose of the present study was to assess lay perceptions of psychopathy and how these perceptions affect legal judgments and decisions.

Clinical Definitions of Psychopathy

Psychopathy is a personality disorder characterized by a constellation of interpersonal and affective traits, as well as externalizing behaviors (Hare & Neumann, 2009). Interpersonally, individuals with psychopathic traits are manipulative, deceptive, dominant, and superficial. They lie with no apparent anxiety and see others as pawns in their schemes. Affectively, they lack remorse, empathy, guilt, and an ability to form emotional bonds. People with psychopathic characteristics disregard the feelings of others and externalize blame. These interpersonal and

affective traits are associated with an impulsive and irresponsible lifestyle that lacks long-term goals (Hare & Neumann, 2009).

Historically, the construct of psychopathy included antisocial traits; researchers postulated psychopathic individuals frequently defy social norms and engage in violent, aggressive behavior (Hare & Neumann, 2009). However, debate has emerged in the field over the inclusion of antisocial characteristics within the psychopathy construct. Skeem & Cooke (2010) argue a psychopath's personality traits do not necessarily lend themselves to criminal behavior, and can instead, manifest in ways that do not conflict with the law. While the most commonly used clinical conceptualizations of psychopathy still incorporate these traits (Coid, 1993), other scholars (e.g., Cooke & Michie, 2001; Patrick, Fowles & Krueger, 2009) have proposed alternative conceptualizations of the disorder that do not include overtly criminal behavior.

Nevertheless, the construct of psychopathy is most commonly measured by the Psychopathy Checklist-Revised (PCL-R), which includes antisocial characteristics in its measurement of the disorder (Hare, 1980; Hare, 2003). The tool assesses psychopathy by measuring 20 characteristics associated with the disorder, including personality traits and specific behaviors. The measure yields a total score, two factor level scores, and four facet level scores. Factor 1 scores emphasize the affective and interpersonal features of the disorder and include items related to manipulateness, remorselessness, and an absence of emotion. Factor 2 scores relate to lifestyle and antisocial factors, such as impulsivity, irresponsibility, and criminal versatility (Hare & Neumann, 2009). The measure can also be separated into four facets, interpersonal, affective, lifestyle, and antisocial. The former combine to total the Factor 1 score, and the latter sum to equal the Factor 2 score (Hare, 2003).

Each characteristic on the PCL-R is rated on a scale from 0 to 2, resulting in total scores that range from 0 to 40. According to Hare (2003), a score greater than or equal to 30 is indicative of psychopathy (Hare, 2003; Hare & Neumann, 2009), although recent taxometric analyses have indicated this cut-off score is arbitrary (Edens, Marcus, Lilienfeld, & Poythress, 2006; Guay, Ruscio, Knight, & Hare, 2007; Marcus, John, & Edens, 2004).

The PCL-R in the Courtroom

The construct of psychopathy, as operationalized by the PCL-R (Hare, 1991, 2003), is increasingly introduced in court to aid in legal decision-making (DeMatteo et al., 2014; Edens & Cox, 2012). Offenders who exhibit psychopathic traits enter the criminal justice system at a significantly younger age than other offenders. They commit more crimes, commit a greater variety of crimes, and are more violent in the commission of their crimes (Hakkanen-Nyholm & Hare, 2009). Furthermore, approximately 15-25% of the incarcerated population consists of individuals with psychopathic traits, while only 1% of the general population includes people with these characteristics (Hare, 1996). Because of the strong correlation between psychopathy, recidivism, and violence, it has been used in capital murder trials to support the assertion the defendant will remain a “continuing threat to society” if not put to death (DeMatteo & Edens, 2006; DeMatteo et al., 2014)¹. In fact, in a survey of court officers, respondents indicated the prosecution presented evidence on psychopathy in nearly every case involving mental health testimony (Edens & Cox, 2012). Furthermore, in the cases in which it was used, respondents

¹The future dangerousness of defendants is an integral consideration in capital cases as it is statutorily defined as an aggravating factor by the United States federal government and by five individual states (Edens et al., 2005). Furthermore, future dangerousness has been found to be an important component of jurors’ decision-making in jurisdictions in which it is not listed as one of the aggravating factors jurors may consider (Blume, Garvey, & Johnson, 2001).

stated the evidence had a “considerable” or “extensive” impact on the outcome of the case and was rarely excluded by judges at trial (Edens & Cox, 2012).

Lay Perceptions of Psychopathy

A significant issue arises with the introduction of psychopathy and PCL-R testimony in court. While testifying, mental health experts relay the clinical definition of psychopathy to jurors. However, this may lead to miscommunication as the public has been found to have a misunderstanding of psychopathy and of mental disorders in general (Link, Phelan, Bresnahan, Stueve, & Pescosolido, 1999). Public perceptions of mental illness have been found to markedly differ from that of psychologists and other mental health professionals; this includes views on the characteristics, causes, risk factors, and treatability of mental disorders (Furnham, Daoud, & Swami, 2009). Laypeople and members of the clinical community have strikingly different definitions of psychopathy, in particular. When given diagnostically accurate case vignettes describing mental disorders, a sample of community members was only able to correctly identify psychopathy 39.1% of the time. These same participants were able to accurately identify depression 97.2% of the time and schizophrenia 61% of the time (Furnham, Daoud, & Swami, 2009). The public’s inability to recognize a clinically accurate case of psychopathy may be due to the formation of lay theories, or “informal, common-sense explanations” (Furnham, Daoud, & Swami, 2009, p. 464) of phenomenon that tend to significantly differ from the phenomenon’s academic theories.

Psychopathy’s lay theory overemphasizes certain personality traits and behaviors and deemphasizes others. While prior studies have found the majority of laypeople recognize several clinically accurate characteristics of psychopathy, they have also shown community members fail to incorporate key diagnostic characteristics in their theories of the disorder (Hoff, Rypdal,

Mykletun, & Cooke, 2012; Keesler, 2013; Smith, Edens, Clark, & Rulseh, 2014). Furthermore, research has found the public tends to find entirely unrelated characteristics, or merely associated attributes, as indicative of psychopathy (Edens, Clark, Smith, Cox, & Kelley, 2013; Keesler, 2013; Smith et al., 2014).

Generally, people believe psychopaths are highly intelligent, socially skilled individuals with clear criminal tendencies (Furnham, Daoud, & Swami, 2009). PCL-R Factor 1 traits, such as remorselessness, manipulateness, and shallow affect, are highly endorsed by laypeople. This finding is consistent whether the disorder is conceptualized by the commonly utilized PCL-R or the newly derived Comprehensive Assessment of Psychopathic Personality (CAPP; Cooke, Hart, Logan, & Michie, 2012; Keesler, 2013; Smith et al., 2014). Laypeople also tend to emphasize self-centeredness, self-justification, and domineering as integral Factor 1 traits (Smith et al., 2014). Factor 2 traits, particularly traits associated with the lifestyle facet of the disorder, are less frequently endorsed by community members. Meaning, people believe psychopaths to be responsible, planful, attentive, and persevering, contrary to the clinical definition of psychopathy provided by the PCL-R (Hoff et al., 2012; Keesler, 2013; Smith et al., 2014). The antisocial facet of the disorder, like in the clinical community, has received mixed support from the general public. While psychopathy's lay theory incorporates ideas of violence and criminality, laypeople tend to ignore other antisocial characteristics, such as juvenile delinquency and violations of conditional release (Keesler, 2013; Smith et al., 2014).

Other aspects of the general public's lay theory of psychopathy are not consistently included in the research community's characterization of the disorder. For instance, recent research has found lay people view psychopaths as highly intelligent (Keesler, 2013; Smith et al., 2014). Although some researchers argue intelligence is a trait of psychopathy (Babiak & Hare,

2006; Cleckley, 1955; Patrick, Fowles, & Krueger, 2009), intelligence scores do not correlate with overall PCL-R scores (Neumann & Hare, 2008). Furthermore, the public tends to associate psychopathy with a set of positively perceived traits not linked to the disorder, including perfectionism, secretiveness, and a skill at reading others (Hoff et al., 2012; Kessler, 2013; Smith et al., 2014)

Additionally, some characteristics have received mixed support from laypeople. Several studies have found laypeople endorse social adeptness as a characteristic of the lay theory of psychopathy (Edens et al., 2013; Furnham, Daoud, & Swami, 2009; Kessler, 2013), while another did not find an association (Smith et al., 2014). The same is true for ideas of “evilness.” Edens et al. (2013) found lay people characterize psychopaths as dangerous and “evil,” and Kessler (2013) found the majority of participants associated psychopathy with violence, murder, and torture. Smith et al. (2014), however, found no relationship between lay perceptions of psychopathy and “evilness,” or a lack of morality.

Media Conceptualizations of Psychopathy

Lay theories of psychopathy are thought to originate from the media’s conceptualization of the disorder (Hesse, 2009; Furnham, Daoud, & Swami, 2009; Kessler, 2013). Accordingly, when Smith et al. (2014) asked participants to identify the source of their knowledge on psychopathy, the large majority of individuals listed movies and television. This is not surprising, as for over the past century, the construct of psychopathy has been introduced to the layperson through media articles, television, and film, with psychopaths often taking the form of mass murderers and serial killers (Furnham, Daoud, & Swami, 2009; Kessler, 2013). Both past and current news articles have referred to murderers, serial killers, and con artists as psychopaths (Kessler, 2013). Similarly, films have traditionally intertwined the concepts of psychopathy and

serial killing (Keesler, 2013). For instance, both *American Psycho*'s Patrick Bateman and *Silence of the Lamb*'s Hannibal Lector engage in savagely violent and torturous murders. The typical psychopath in these films is also intelligent, calculated, and socially skilled with a keen sense of others' motives and emotions. Furthermore, the "movie psychopath" is generally domineering and manipulative with a clear plan for their violence (Hesse, 2009). Although inconsistent with the clinical definition of psychopathy, these movie conceptualizations are nearly identical to the lay theories of the disorder reported in recent studies (Furnham, 2009; Hoff et al., 2012; Keesler, 2013; Smith et al., 2014). For instance, psychopaths are thought to be perfectionistic and cautious by the lay public; psychopaths in movies tend to have intricate plans and motivations for their crimes. While similar conceptualizations, neither is consistent with the high degree of impulsivity in the clinical definition of the disorder. These sensationalized media portrayals have likely contributed to the disconnect between lay theory and expert opinions on what defines psychopathy (Furnham, Daoud, & Swami, 2009). In fact, Edens et al. (2013) and Smith et al. (2014) found that participants commonly identified infamous serial killers, mass murderers, and fictional killers when asked to give an example of a typical psychopath.

More current media presentations not only associate the concept of psychopathy with violent criminals, but with white-collar criminals as well (Keesler, 2013). News articles highlight the presence of psychopathic traits in stock brokers and corporate executives (Keesler, 2013). For instance, a popular article published on CNN was titled "Bad Bosses: The Psycho-path to Success?" (Voigt, 2012). Likewise, some television shows are beginning to depict psychopaths in a more positive light, portraying them as the story's protagonist, as in David Shore's Greg House in *House M.D.* and Michael Hall's Dexter Morgan in *Dexter*. These characters are

portrayed as attractive, intelligent individuals whose psychopathic behavior disguises their ultimately heroic motivations (Keesler, 2013).

Despite this growing trend, many people still refuse to associate psychopathy with “heroism” or “good.” Keesler (2013) presented participants with a list of television shows and movies that featured a protagonist with psychopathic traits (e.g. television’s Greg House and Dexter Morgan) or an antagonist with psychopathic traits (e.g. *American Psycho*’s Patrick Bateman and *Silence of the Lamb*’s Hannibal Lector). Participants were then asked whether these protagonists or antagonists were psychopaths. The target protagonists were not identified as psychopathic by participants, but the antagonists were characterized with the disorder. This is indicative of some reluctance to associate psychopathy with “good.”

The Psychopathy “Labeling Effect”

The negative connotation of the term psychopathy in the general public has harmful implications for any individual characterized with the disorder. When a label is assigned to a person, a risk for potential stigmatization arises, as all labels contain their inherent biases and connotations (Steinberg, 2002). Nowhere is a label more harmful than in the legal system; research has repeatedly shown labeling a defendant a psychopath, or associating characteristics of psychopathy with the defendant, leads to significant alterations in how the defendant is perceived by others (Edens et al., 2005; Edens, Desforjes, Fernandez, & Palac, 2004; Rendell, Huss, & Jensen, 2010). Edens et al. (2004) presented mock jurors with a case summary of a capital murder trial in which an expert witness testified about the defendant’s mental health diagnosis and risk for future violence. When a defendant was diagnosed with psychopathy by a mental health expert, jurors rated him as more likely to be dangerous in the future than the defendant who was described as having a mental disorder. There was not a marked difference

between dangerousness ratings of the defendant labeled a psychopath and the defendant labeled psychotic (Edens et al., 2004). However, in similar studies a difference in perceptions was found between defendants labeled as psychopaths and defendants labeled with other mental illnesses (Edens et al., 2005; Rendell, Huss, & Jenson, 2010). Edens et al. (2005) found mock jurors were twice as likely to support the death sentence when the defendant was described as psychopathic than when he was described as psychotic, suggesting a labeling effect specific to psychopathy that is not generalizable to all mental disorders.

In contrast to these prior studies, Cox, DeMatteo, and Foster (2010) found participants were significantly more influenced by the defendant's predicted level of future violence than by the defendant's label in determining a sentence. Mock jurors were more likely to award the death penalty when the defendant was said to be at a high risk for future violence, regardless of the diagnostic label attributed to him. It has been hypothesized this inconsistent finding is due to the use of the label alone, without the inclusion of descriptive, psychopathic characteristics (Cox, DeMatteo, & Foster, 2010).

However, testimony on psychopathy is not necessary for the construct to have an effect on jurors' judgments and decisions. Independent of expert testimony concerning psychopathy or mental health, when jurors perceive a defendant to be psychopathic, they are more likely to impose a death sentence (Cox, Clark, Edens, Smith, & Magyar, 2013; Edens, Davis, Fernandez Smith, & Guy, 2012; Edens et al., 2005). Edens et al. (2005) and Edens et al. (2012) found total scores on psychopathy, as measured by the PCL-R, were related to death sentence verdicts. Similarly, Cox et al. (2013) found interpersonal and affective traits, as measured by the PCL-R, are alone predictive of death penalty verdicts. In each of these studies, perceived remorseless, an affective trait, was found to have a particularly marked impact on sentencing decisions.

The Effect of Stereotypes on Legal Judgments and Decisions

The next query in this line of research is why psychopathy has such a marked impact on jurors' judgments and decisions. It may be mock jurors' beliefs, or stereotypes, about psychopathy are the mechanism through which the label psychopath influences their decisions. When faced with challenging tasks, humans tend to become cognitive "misers," implementing heuristics to efficiently process the information they encounter; stereotypes are one such heuristic (Bodenhausen & Lichtenstein, 1987; Tversky & Kahneman, 1973).

Consistent with this phenomenon, research has demonstrated jurors, rather than being the ideal "blank slate," allow preconceived stereotypes to guide their legal judgments and decisions (Stalans & Diamond, 1990). For instance, Stalans and Diamonds (1990) found mock jurors not only allow their generalized attitudes and sentencing preferences to affect their sentencing decisions, but their perceptions of what a typical criminal case looks like as well. These findings suggest stereotypes have the potential to bias legal judgments, their influence overshadowing other relevant information (Bodenhausen, 1988).

In an analysis of 26 sexually violent predator hearings, Boccaccini, Turner, Murrie, Henderson, and Chevalier (2013) found scores on violence risk measures, including those on the PCL-R, were not influential in jurors' decisions regarding civil commitment. While jurors differed in the extent to which they viewed defendants as likely to commit another act of violence, PCL-R scores did not explain these differences (Boccaccini et al., 2013). One possible explanation for this finding is jurors were relying on other information, such as their preexisting lay theory of psychopathy, to make their legal judgments. Similar research has shown jurors tend to rely more on their own subjective judgments and facts about the crime than they do on

experts' opinions when making judgments about a defendant's character and potential for violence (Krauss, McCabe, & Lieberman, 2012).

Furthermore, research has shown stereotypes can influence how strongly one attends to certain pieces of information (Bodenhausen, 1988; Bodenhausen & Wyer, 1985). Bodenhausen (1988) proposed humans tend to selectively process information. When a social stereotype, such as psychopathy, becomes activated, any information consistent with the stereotype is attended to more, and better recalled, than information inconsistent with the stereotype. Therefore, if an expert testifies a defendant is psychopathic, a form of stereotypic information processing may become activated in mock jurors, causing them to better attend to information consistent with their stereotype.

Thus, many researchers have expressed concern that testimony regarding psychopathy may be unduly biasing jurors' judgments of the defendant (DeMatteo & Edens, 2006; DeMatteo et al., 2014). It has been asserted the negative connotation associated with the term overshadows any additive value of such testimony (DeMatteo & Edens, 2006; DeMatteo et al., 2014). Supportive of this argument is the finding that even after jurors determined the defendant to be a "continuing threat to society," a qualification for the death sentence in some jurisdictions, mock jurors' perceptions of psychopathic traits were still predictive of the death sentence (Edens et al., 2005). This indicates a defendant may not be sentenced to death because of his "future dangerousness," the central focus of mental health testimony on psychopathy and violence risk, but because of his perceived level of psychopathic traits. Furthermore, Factor 1 traits are the strongest predictors of death sentences by mock jurors (Cox et al., 2013; Edens et al., 2005; Edens et al., 2012) but are poor predictors of recidivism in comparison to other characteristics of the disorder (Kennealy, Skeem, Walters, & Camp, 2010; Yang, Wong, & Coid, 2010). In

addition, Edens, Petrila, and Buffington-Vollum (2001) have argued the PCL-R is not a valid measure of the type of “dangerousness” that is of concern at a capital trial. Meaning, in these trials, the only two sentencing options are “death” or “life in prison without the possibility of a parole.” While a general link between psychopathy and community violence has been observed (Blais, Solodukhin, & Forth, 2014), research has not found this relationship in defendants who will spend the rest of their life in prison, that is, if they are not sentenced to death.

The Present Study

Due to the inconsistent findings in the literature and the current debate of the appropriateness of the use of the PCL-R in court proceedings, the current study investigated lay perceptions of psychopathy and whether these perceptions influence mock jurors’ legal judgments and decisions. More specifically, this study attempted to understand whether lay perceptions of psychopathy underlie the relationship between the label “psychopath,” expert witness credibility ratings, and sentencing in a capital murder trial.

It was hypothesized mock jurors who endorsed PCL-R items (i.e., diagnostically accurate conceptualizations of psychopathy) as central components of the prototypical psychopath would view expert witness testimony as significantly more credible, and attend to this testimony more when making their sentencing decisions, than jurors who did not endorse these items. As expert witness testimony would be more consistent with these mock jurors’ psychopathy stereotypes, the selective information processing hypothesis would predict these mock jurors would better attend to the expert witness testimony than mock jurors who hold inconsistent beliefs. It was also believed the expert witness testimony would have a greater influence on participants’ sentencing decisions than the other forms of evidence presented in the case summary.

Furthermore, it was hypothesized endorsement of Factor 1 traits would be associated with death penalty verdicts, as previously studies have shown defendants perceived to encompass these traits are more likely to receive the death penalty (Cox et al., 2013; Edens et al., 2005; Edens et al., 2012). When the expert witness confirms participants' psychopathy stereotypes by discussing Factor 1 traits in their testimony and then subsequently states the defendant has these traits, this information will likely be salient to mock jurors when making their sentencing decisions.

CHAPTER 2

METHODOLOGY

Participants

Participants included 325 undergraduate students from a large southeastern university. Research has indicated few significant differences in legal decision-making exist between undergraduate and community mock juror samples (Bornstein, 1999). Participation was voluntary, and undergraduates received partial course credit for their participation.

The results of 21 participants were excluded from analyses as they did not correctly answer one or more of three comprehension check questions. The remaining participants had a mean age of 19.11 years ($SD = 1.15$) and included 104 males (34.1%) and 201 females (65.9%). The majority of the sample was Caucasian (86.6%), followed by relatively smaller proportions of African-American (10.8%) and Asian-American students (1.0%). Additionally, most participants identified themselves as Christians (87.9%), with small proportions of participants identifying with Agnostic (4.6%), Atheist (3.3%), Jewish (2.0%), and “other” religious orientations (1.6%). Approximately half of the participants (52.1%) identified their political views as Republican, with another 15.1% not identifying with any political party. Participants also largely identified with Democrat (14.5%), Independent (11.2%), and Libertarian parties (5.9%).

Consistent with standard death qualification procedures (*Witherspoon v. Illinois, 1968*), participants were asked their opinion about the death sentence. Participants unwilling to impose the death sentence under any circumstance ($n = 25$) and participants who would impose the death

sentence regardless of the circumstances of the case ($n = 12$) were removed from all analyses evaluating sentencing decisions.

Materials

Case summary. Participants were provided with a relatively brief summary of a capital case (*U.S. v. Barnette, 2000*; see Appendix A) in which testimony regarding psychopathy was introduced during the trial's sentencing phase². In the case, the defendant was charged with and convicted of capital murder. The defendant was previously engaged in a serious, intimate relationship with one of the victims, whom he subsequently shot to death after she refused to resume their relationship. Prior to murdering his former girlfriend, the defendant carjacked another victim's vehicle and shot him to death, leaving his body in a ditch alongside the road. Evidence admitted during the trial's adjudication phase (e.g., Barnette's confession and the presence of eyewitnesses) was presented to participants, and participants were made aware the jury convicted him of these capital crimes. This case summary has been utilized in prior studies on psychopathy and jury decision-making (Cox, DeMatteo, & Foster, 2010; Cox et al., 2013; Edens et al., 2004; Edens et al., 2005; Edens et al., 2012).

Jury instruction form. Participants were provided with a simplified jury instruction form (Appendix B) describing the legal criteria that must be met for jurors to impose the death sentence in a federal death penalty case (18 U.S.C. § 3592). The instruction form was less complex than the instructions typically provided to jurors due to concerns regarding the comprehension of sentencing guidelines (Diamond, 1993; Frank & Applegate, 1998). Because this research was primarily concerned with the maximization of internal validity (i.e., the extent

² The year of the case was changed to 2014 to make the circumstances more relevant.

to which lay perceptions influence legal decisions in the absence of extraneous factors), this modification was considered appropriate.

Expert witness testimony. Approximately half of the participants were presented with an excerpt of expert witness testimony given during the sentencing phase (see Appendix C). The psychologist testified for the prosecution and presented evidence regarding the defendant's psychological condition (i.e., the presence of psychopathic characteristics) and of the defendant's high risk for future violence. The psychologist utilized the PCL-R in making these determinations and discussed the presence of both Factor 1 and Factor 2 traits.

Measures

Demographics form. Prior to reviewing the stimulus materials, participants completed a sociodemographic form addressing age, gender, racial background, and religious and political affiliations, if any (see Appendix D). This form also inquired about the participant's opinion of the death sentence. Consistent with standard death qualification procedures (*Witherspoon v. Illinois*, 1968), these questions were intended to identify participants who would be unwilling to impose the death sentence under any circumstance and participants who would support the death sentence regardless of the circumstances of the case. Participants who did not meet the death qualification criteria were removed from statistical analyses involving sentencing decisions.

Psychopathy traits questionnaire. Adapted from Kessler (2013), a psychopathy traits questionnaire (PTQ) assessed how participants defined psychopathy (see Appendix E) both before and after exposure to the stimulus materials. It included 20 target items from the PCL-R, as this is the most commonly used measure of psychopathy in the legal system (DeMatteo et al., 2014). Items were slightly altered to increase lay comprehensibility and to provide richer descriptive information for participants. For example, "shallow affect" was described as

“shallow emotions (e.g., cold or generally unemotional).” To complement the 20 revised PCL-R items, the questionnaire also contained 20 distractor items. The distractor items consisted of traits derived from earlier conceptualizations of psychopathy (e.g., Cleckley, 1988) and from media conceptualizations of the disorder. While these distractor traits may be correlated with psychopathy, their existence is not indicative of the disorder. For each trait, participants rated on a 6-point Likert scale the degree to which they believe that trait is characteristic of a psychopath.

Case evaluation form. A case evaluation form assessed participants’ sentencing decisions, perceptions of the defendant’s risk for future violence, and, if applicable, perceptions of the expert witness’s credibility (see Appendices F & G). Participants first imposed a sentence (e.g., a sentence of death or a sentence of life in prison without the possibility of parole). Consistent with approaches from similar studies, participants’ sentencing decisions were coded as a “1” if they chose to impose the death sentence and as a “-1” if they chose to impose a sentence of life in prison without the possibility of parole (Krauss, Lieberman, & Olson, 2004; Lieberman & Krauss, 2009; Krauss, McCabe, & Lieberman, 2012).

Given that participant level of confidence may have influenced sentencing decisions (Krauss, Lieberman & Olson, 2004), participants’ subjective confidence in their decision was measured on a 10-point Likert scale. Confidence ratings were then controlled for by multiplying this rating with the numeric sentence rating, thus creating endpoints on a sentencing index from -10 (extremely confident that the defendant should receive a life sentence) to 10 (extremely confident that the defendant should receive the death penalty). This methodology was consistent with similar studies (Krauss, Lieberman, & Olson, 2004; Lieberman & Krauss, 2009; Krauss, McCabe, & Lieberman, 2012).

Next, participants were asked their perception of the defendant's risk of committing future acts of violence if given a sentence of life in prison as opposed to the death penalty. Using a Likert Scale, participants rated the likelihood the defendant would commit an act of violence in the future and the likelihood the defendant would kill again in the future.

Participants who viewed the expert witness testimony then answered four questions regarding their perception of the expert witness's testimony. On a Likert Scale, participants rated the credibility and validity of the witness's testimony. Participants also indicated the amount of weight given to the testimony when making their sentencing decision. This question was in a Likert Scale format, as well as a ranking format in which participants rated the weight given to each piece of evidence provided in the case summary. Participants in the control condition did not view these questions.

Lastly, to determine what evidence participants encoded and recalled, participants answered a free response question asking they write all they could remember about the defendant, his crimes, and the evidence presented during the sentencing phase of his trial.

Comprehension check. Additional questions were posed at the completion of the case evaluation form to determine whether participants sufficiently attended to the materials presented (Appendix H & I). These questions addressed participants' understanding of the case summary (e.g. the type of crime the defendant committed), understanding of the expert witness testimony (e.g. the diagnosis of the defendant), and understanding of the guidelines used to determine an appropriate sentence in a capital case (e.g. the maximum sentence the jury may impose"). These were used to screen out participants who did not adequately attend to study stimuli. Participants who missed any of the questions were not included in statistical analyses.

Procedure

Participants signed up for the study on the University of Alabama Psychology Department's study recruitment website. The study appeared as a link posted on the website, and if participants chose to participate, they clicked on the link, which directed them to a Qualtrics survey. The survey first presented participants with an informed consent document, which was completed by participants online. Participants then completed the demographic questionnaire and PTQ. Next, approximately half of the participants were exposed to the study's stimulus materials, including the excerpt of expert witness testimony. The second half of participants only viewed the case summary and jury instruction form. After review of the stimulus materials, participants completed the appropriate case evaluation form and manipulation check questions. Finally, all participants were re-administered the PTQ. The study concluded with a debriefing form.

CHAPTER 3

RESULTS

Preliminary Analyses

Psychopathy Traits Questionnaire (PTQ) The Psychopathy Traits Questionnaire (PTQ) assessed participants' lay theory of psychopathy before and after their exposure to the study's materials. It contained items reflecting both the clinical and media-driven conceptualizations of the construct. The clinical conceptualization was defined by the PCL-R, as the PCL-R is the most commonly used measure of psychopathy in the legal system (DeMatteo et al., 2014). To analyze participants' endorsement of these clinically-derived traits, several total scores were created. PCL-R total endorsement scores were derived by summing the 20 items from the PCL-R (pre- $\alpha = .89$; post- $\alpha = .94$) and reflect participants' overall endorsement of diagnostically accurate characteristics of psychopathy.

Two factor scores were also created. PCL-R Factor 1 endorsement scores (pre- $\alpha = .84$; post $\alpha = .90$) were derived from the sum of eight PCL-R items shown to load onto this factor (Hare, 2003); the score reflects participants' endorsement of psychopathy's interpersonal and affective characteristics. PCL-R Factor 2 endorsement scores (pre- $\alpha = .80$; post $\alpha = .89$) represent endorsement of psychopathy's lifestyle and antisocial factors and were developed from the sum of ten items shown to load onto this factor (Hare, 2003).

To reflect participants' endorsement of media-driven conceptualizations of psychopathy, two additional total scores were derived from the PTQ, a Demonized Trait score and a

Romanticized Trait score. As in Keesler (2013), the Demonized Trait score reflects participants' endorsement of traditional media conceptualizations of psychopathy (e.g., "evil," violent) and was derived from the sum of nine PTQ items (pre- $\alpha = .84$; post $\alpha = .88$). The Romanticized Trait score reflects endorsement of more modern depictions of the construct in the media (e.g., socially skilled, misunderstood); it was created from ten PTQ items (pre- $\alpha = .68$; post $\alpha = .83$).

Case Evaluation Form The case evaluation form assessed participants' sentencing decisions, perceptions of the defendant's risk for future violence, and if applicable, perceptions of the expert witness. In analyses evaluating participants' perceptions of the expert witness, a single "witness perception score" was used. Participants' perceptions of the witness's credibility, validity, and utility were summed into a single witness perception score ($\alpha = .78$).

The case evaluation form also asked participants to list all they recalled about the defendant, his crimes, and the evidence presented during the sentencing phase of his trial. Responses were coded to assess participants' recollection of the expert witness's testimony on the defendant's psychopathic characteristics. One advanced undergraduate student and one advanced graduate student coded whether participants indicated the defendant was a psychopath or had been labeled a psychopath by the expert witness. A high degree of interrater reliability was found between coders (ICC average measure = .96).

Relationships between Psychopathy Beliefs and Legal Judgments and Decisions

To examine the relationships between participants' psychopathy beliefs and their legal judgments and decisions, a series of Pearson's r correlation coefficients were conducted. No significant relationships between participants' psychopathy beliefs and sentencing decisions were found (See Table 1). However, both PCL-R Factor 1 endorsement scores and PTQ Demonized trait scores were significantly related to perceptions of the defendant's likelihood to

commit another murder. There was a positive relationship between PCL-R Factor 1 endorsement scores and perceptions, such that higher endorsement of psychopathy's affective and interpersonal traits was associated with a stronger belief the defendant would commit another murder. Similar results were found for PTQ Demonized trait scores (See Table 1).

PCL-R total endorsement scores, PCL-R Factor 1 endorsement scores, PTQ Demonized trait scores, and PTQ Romanticized trait scores were significantly associated with perceptions of the defendant's likelihood to commit another violent crime. As demonstrated in Table 1, each score had a positive relationship with perceptions, such that higher scores were related to stronger perceptions of the defendant's likelihood to commit another violent crime.

In regard to perceptions of the expert witness testimony, only PCL-R Factor 1 endorsement scores were significantly related to perceptions (see Table 1). This association was positive, such that stronger endorsement of psychopathy's affective and interpersonal traits was related to higher ratings of the expert witness's credibility.

Influence of Psychopathy Beliefs on Sentencing Decisions

To determine whether participants' beliefs about psychopathy influenced their sentencing decisions, a series of regression analyses were performed. Preliminary analyses revealed no violation of the assumptions of normality, linearity, multicollinearity, or homoscedasticity. Although prior studies have found gender (Stack, 2000; Unnever, Cullen, & Roberts, 2005), race (Baker, Lambert, & Jenkins, 2005; Bobo & Johnson, 2004), political affiliation (Unnever, Cullen, & Roberts, 2005), and religious beliefs (Perl & McClintock, 2001; Unnever & Cullen, 2006) to be predictive of death penalty support, no such relationships were found in the study sample. Therefore, to maintain parsimony in the regression models, these variables were not included in analyses.

First, PCL-R total endorsement scores of death-qualified participants in the experimental condition were entered into a regression model to determine their effect on sentencing decisions. The analysis indicated PCL-R total endorsement scores only explained 1.9% (R^2 change = .019) of the variance in sentencing decisions. PCL-R total endorsement scores did not significantly predict whether participants would sentence the defendant to death or life without the possibility of parole, $F(1, 129) = 2.47, p = .118, \beta = .14$.

Next, to investigate the differential impact of clinical diagnostic criteria and media-driven conceptualizations on sentencing decisions, a hierarchical regression analysis was performed with PCL-R factor endorsement scores entered in the first block of the model and PTQ total Romanticized and Demonized scores entered in the model's second block. This analysis investigated whether traits typical of public perceptions contributed unique variance to sentencing decisions when the clinical criteria of psychopathy were controlled.

Hierarchical analyses revealed Model 1, containing only PCL-R factor endorsement scores, was not significant, $F(2, 129) = 1.49, p = .229$, accounting for 2.3% (R^2 change = .023) of the variance in sentencing decisions.

Model two, which included both PCL-R factor endorsement scores and PTQ total scores, was also non-significant, $F(3, 128) = 1.83, p = .146$, accounting for only an additional 1.8% (R^2 change = .018) of the variance. However, the specific relationship between PCL-R Factor 1 endorsement scores and sentencing decisions approached significance, $t = 1.89, p = .061$, such that higher PCL-R Factor 1 endorsement scores were associated with increased confidence in death sentence verdicts, $\beta = .24$. No other scores were individually predictive of sentencing decisions, including PCL-R Factor 2 and PTQ Demonized Trait endorsement scores. This was contrary to hypotheses. See Table 2.

Influence of Psychopathy Beliefs on Perceptions of the Defendant

Perceptions of Defendant's Likelihood to Commit another Murder To determine whether participants' beliefs about psychopathy influenced their perceptions of the defendant's likelihood of committing another murder, a series of regression analyses were performed. First, participants' PCL-R total endorsement scores were entered into a regression equation to determine whether they influenced perceptions of the defendant's likelihood to commit another murder. PCL-R total endorsement scores did not significantly influence perceptions of the defendant, $F(1, 280) = 2.81, p = .095$. Regression analyses indicated PCL-R total endorsement scores explained only 1.0% (R^2 change = .010) of the variance in beliefs the defendant would commit another murder, $\beta = .10$.

To examine the differential impact of clinical diagnostic criteria and those criteria generated by media influences, hierarchical regression analyses were performed. Entered in the first block were PCL-R factor endorsement scores and entered in the second block were total scores on PTQ Romanticized and Demonized traits. Model 1, which included only diagnostic PCL-R factor endorsement scores, was significant, $F(2, 279) = 6.93, p = .001$, accounting for 4.7% (R^2 change = .047) of the variance in perceptions of the defendant's likelihood to commit another murder. Specifically, PCL-R Factor 1 endorsement scores significantly influenced perceptions, $t = 3.72, p < .001$, such that higher PCL-R Factor 1 scores predicted stronger beliefs the defendant would commit another murder, $\beta = .28$. Factor 2 endorsement scores also predicted perceptions, $t = -2.26, p = .024$, such that higher Factor 2 endorsement scores were associated with weaker beliefs the defendant would commit another murder $\beta = -.17$.

Yet, the second model, which also included PTQ total Romanticized and Demonized Trait scores, accounted for an additional 1.9% (R^2 change = .019) of variance, and was also

significant, $F(4, 277) = 4.91, p = .001$. Within this model, PCL-R Factor 2 endorsement scores and PTQ total Demonized Trait scores significantly predicted perceptions of the defendant's likelihood to commit another murder as well. Higher PCL-R Factor 2 endorsement scores were associated with weaker perceptions of the defendant's likelihood to commit another murder.

However in a finding unique to this model, and consistent with study hypotheses, higher PTQ total Demonized Trait scores were associated with stronger perceptions of the defendant's likelihood to kill again. See Table 3.

Perceptions of the Defendant's Likelihood to Commit another Violent Crime. Three additional regression analyses were conducted to determine whether participants' perceptions of psychopathy influenced their belief the defendant would commit another violent crime.

PCL-R total endorsement scores significantly predicted perceptions of the defendant's likelihood to reoffend, $F(1, 274) = 8.16, p = .005$. PCL-R total endorsement scores accounted for 2.9% ($R^2 \text{ change} = .029$) of the variance in perceptions. Supportive of study hypotheses, higher scores were associated with stronger beliefs the defendant would reoffend, $\beta = .17$.

Consistent with prior analyses, both PCL-R factor endorsement scores and PTQ total Romanticized and Demonized scores were entered into a hierarchical regression analysis to determine the unique variance each contributed to participant perceptions of the defendant. PCL-R factor scores were entered in the first block of a hierarchical regression analysis and PTQ total Romanticized and Demonized Trait scores were entered in the second block. Analyses revealed Model 1 was significant, $F(2, 274) = 8.83, p < .001$, accounting for 6.1% ($R^2 \text{ change} = .061$) of the variance in perceptions of the defendant's likelihood to commit another violent crime.

Model 2 did not contribute a significant proportion of additional variance, only accounting for an additional .50% ($R^2 \text{ change} = .005$). The model was significant, however, $F(4,$

272) = 4.78, $p = .001$. Within the model, PCL-R Factor 1 endorsement scores significantly influenced perceptions. Higher PCL-R Factor 1 endorsement scores predicted stronger perceptions of the defendant's likelihood to commit another crime. However, the influence of PCL-R Factor 2 endorsement scores approached significance, such that higher PCL-R Factor 2 endorsement scores predicted weaker perceptions of the defendant's likelihood to reoffend. See Table 4.

Influence of Psychopathy Beliefs on Perceptions of Expert Testimony

To determine whether participants' beliefs about psychopathy influenced their perception of the expert testimony, a series of regression analyses were performed. They included data from participants in the study's experimental condition, which contained an excerpt of the expert witness's testimony.

PCL-R total endorsement scores explained 2.0% (R^2 change = .020) of the variance in perceptions of the expert testimony. Contrary to hypotheses, more accurate beliefs about psychopathy were not related to more favorable perceptions of the testimony, $F(1, 146) = 3.01$, $p = .085$, $\beta = .14$, although this finding approaches significance.

To examine whether clinical diagnostic criteria and stereotypical characteristics of psychopathy differentially influenced perceptions of expert testimony, a hierarchical regression analysis was performed. PCL-R factor endorsement scores were entered into the first block and PTQ total Romanticized and Demonized scores were entered in the second block. Model 1, which included only diagnostic PCL-R factor endorsement scores, was significant, $F(2, 145) = 5.05$, $p = .008$, accounting for 6.5% (R^2 change = .065) of the variance in perceptions of the expert testimony. Specifically, PCL-R Factor 1 endorsement scores significantly influenced

perceptions, such that higher PCL-R Factor 1 scores predicted more favorable perceptions of the expert testimony. Factor 2 endorsement scores were not predictive of perceptions. See Table 4.

Model 2 did not contribute a significant proportion of additional variance (R^2 change = .000). The model was significant, however, $F(4, 143) = 2.50, p = .045$. Within this model, only PCL-R Factor 1 endorsement scores significantly influenced perceptions. See Table 5.

Perceived Relative Influence of Expert Witness Testimony

To examine the influence of the expert witness testimony in comparison to the other pieces of evidence presented in the case summary, participants in the experimental condition were instructed to rank-order each piece of evidence by how influential they believed it to be in their sentencing decision. A series of paired-sample t-tests were then used to examine whether the expert witness testimony was significantly more, or less, influential than the other pieces of evidence. See Table 6. Overall, participants perceived the heinousness of the crime ($M = 5.02, SD = 1.31$) as the most influential piece of evidence. Participants viewed this evidence as significantly more influential than the expert witness testimony ($M = 4.28, SD = 1.21$), the piece of evidence participants rated, on average, to be the second most influential. However, consistent with hypotheses, participants viewed the expert witness testimony as significantly more influential than the unprovoked nature of the crime ($M = 3.96, SD = 1.41$), the defendant's history of abuse and neglect ($M = 3.40, SD = 1.39$), the defendant's history as a model inmate ($M = 2.23, SD = 1.46$), and the defendant's military history ($M = 2.11, SD = 1.29$).

Influence of Psychopathy Beliefs on the Relative Influence of Expert Testimony

A series of regression analyses examined whether participants' beliefs about psychopathy predicted the relative influence of expert witness testimony. Only participants in the experimental condition, and thus exposed to the testimony, were included in analyses. Although

it was predicted expert testimony would more strongly influence participants whose beliefs about psychopathy were consistent with the testimony (i.e., those who strongly endorsed clinical PCL-R traits), PCL-R total endorsement scores did not significantly predict the relative influence of expert testimony, $F(1, 139) = 2.76, p = .099, \beta = -.14$. PCL-R total endorsement scores only explained 1.9% ($R^2 \text{ change} = .019$) of the variance in the relative influence of expert testimony.

Results were consistent when PCL-R factor and PTQ endorsement scores were examined. PCL-R factor scores were entered into the first block of a hierarchical regression analysis while PTQ endorsement scores were included in the analysis's second block. Neither Model 1, $F(2, 138) = 1.33, p = .268$, nor Model 2, $F(4, 136) = .69, p = .598$, significantly predicted the relative influence of expert testimony. The first model, including only PCL-R facet endorsement scores, predicted 1.90% ($R^2 \text{ change} = .019$) of the variance in the relative influence of expert testimony. Model 2 did not contribute additional variance ($R^2 \text{ change} = .001$). No predictor within either model was significant. See Table 7.

Perceptions of Expert Testimony on Sentencing Decisions

To determine whether death-qualified participants' perceptions of the expert testimony influenced their sentencing decisions, sentencing decisions were regressed on perceptions of expert testimony. Perceptions of the expert witness accounted for 2.8% ($R^2 \text{ change} = .028$) of the variance in sentencing decisions. This relationship approached significance, $F(1, 130) = 3.77, p = .054$, with more favorable impression of the expert testimony predicting greater confidence in a sentence of death, $\beta = .17$.

It did not appear, however, that the relative influence of expert testimony significantly influenced sentencing decisions, $F(1, 122) = .46, p = .497, \beta = .06$. The relative influence of

expert testimony accounted for less than 1% (R^2 change = .004) of the variance in sentencing decisions.

Influence of Expert Testimony on Sentencing Decisions and Perceptions of the Defendant

To determine whether the presence of expert testimony influenced sentencing decisions, a one-way between-subjects ANOVA was conducted. Although both the assumptions of normality and independence were met, the assumption of homogeneity was violated. To correct for this violation, a Brown-Forsythe correction was used. Expert testimony significantly influenced sentencing decisions in death-qualified participants, $F(1, 259.77) = 5.09, p = .025, \eta^2 = .02$. Participants exposed to expert testimony were less confident in a sentence of life without parole, and more likely to impose the death sentence ($M = -18.16, SD = 70.47$), than participants who were not presented with such evidence ($M = -37.22, SD = 66.32$).

Expert witness testimony also significantly influenced perceptions of the defendant. A one-way between-subjects ANOVA examined the effect of expert testimony on perceptions of the defendant's likelihood to commit another murder. No assumptions of the analysis were violated. Expert testimony significantly influenced perceptions, $F(1, 259) = 9.70, p = .002, \eta^2 = .04$, such that participants in the expert witness condition ($M = 53.14, SD = 25.00$) rated the defendant's likelihood of committing another murder markedly higher than those participants in the control condition ($M = 43.29, SD = 26.11$).

A third one-way between-subjects ANOVA investigated the influence of expert testimony on perceptions of the defendant's likelihood to commit another violent crime. The assumption of homogeneity was violated and a Brown-Forsythe correction was used in the analysis. Similar to the aforementioned results, the expert testimony markedly influenced perceptions of the defendant's likelihood to reoffend, $F(1, 223.98) = 15.46, p < .001, \eta^2 = .06$.

Participants exposed to expert testimony perceived the defendant to be much more likely to commit another violent crime ($M = 63.26$, $SD = 20.97$) than participants unexposed to such evidence ($M = 51.49$, $SD = 26.06$).

Influence of Expert Testimony on Psychopathy Beliefs

To determine whether expert testimony significantly influenced perceptions of psychopathy, participants completed the Psychopathy Traits Questionnaire both before and after exposure to the study's stimulus materials.

A series of one-way between-subjects ANOVAs were conducted to examine whether the magnitude of change between pre- and post-scores was different among participants exposed to expert testimony and those participants not privy to such evidence. Participants who read expert testimony altered their views of psychopathy significantly more than participants in the control condition. This was true for both clinical criteria of psychopathy (i.e., PCL-R endorsement scores), as well as stereotypical characterizations (i.e., PTQ endorsement scores). See Table 8.

Influence of Psychopathy Beliefs on Evidence Recollection

To assess participants' recollection of the expert witness testimony, participants were asked to list all information they could recall about the defendant, his crimes, and the evidence presented in the sentencing phase of his trial. Responses indicating the defendant was a psychopath, or had been labeled a psychopath by the expert witness, were identified. A series of regression analyses were then performed to determine whether participants' beliefs about psychopathy influenced their recollection of the testimony. Only participants in the experimental condition, and therefore exposed to the testimony, were included in the analyses.

PCL-R total endorsement scores did not significantly predict recollection of expert testimony, $F(1, 147) = .85, p = .358, \beta = -.08$ and only explained only .60% (R^2 change = .006) of the variance in recall.

Results were consistent when PCL-R factor and PTQ endorsement scores were examined. PCL-R factor scores were entered into the first block of a hierarchical regression analysis while PTQ endorsement scores were included in the analysis's second block. Neither Model 1, $F(2, 145) = 1.60, p = .205$, nor Model 2, $F(3, 144) = 1.07, p = .366$, significantly predicted recollection of expert testimony. The first model, including only PCL-R factor endorsement scores, predicted 2.2% (R^2 change = .022) of the variance in recollection. Model 2 contributed no additional variance (R^2 change = .000). No predictor within either model was significant, however, the prediction of expert testimony recollection by PCL-R Factor 1 endorsement scores approached significance in the first model. See Table 9.

CHAPTER 4

DISCUSSION

Discussion of Primary Findings

A plethora of research has examined the influence of expert testimony regarding psychopathy on legal decision-making (Cox et al., 2013; Cox, DeMatteo, & Foster, 2010; Edens et al., 2005; Edens et al., 2012). A dense literature base on the lay theory of psychopathy also exists (Edens et al., 2013; Furnham, Daoud, & Swami, 2009; Hoff et al., 2012; Kessler, 2013; Smith et al., 2014). However, the literature on whether lay conceptualizations of psychopathy influence sentencing and perceptions of expert testimony is sparse. Therefore, the purpose of the present study was to assess lay perceptions of psychopathy and determine how these perceptions affect legal judgments and decisions.

First, it was hypothesized mock jurors who endorsed PCL-R items (i.e., diagnostically accurate conceptualizations of psychopathy) would view expert witness testimony as significantly more credible, and attend to this testimony more when making their sentencing decisions, than jurors who did not endorse these items. Results partially supported this hypothesis. Although PCL-R total endorsement scores did not predict perceptions of the expert witness testimony, participants who strongly endorsed PCL-R Factor 1 traits, such as remorseless, manipulateness, and an inflated sense of self-worth, were more likely to view the expert witness's testimony as valid and credible.

Agreement with the expert on Factor 1 traits may have been more important to mock jurors than their similarity on Factor 2 traits (e.g., violent, irresponsible, impulsive) as Factor 1 traits are more exclusive to psychopathic offenders. Aggression, impulsivity, and other Factor 2 traits are fairly common in offending populations (Lynam and Miller, 2004; Miller & Lynam, 2001) Remorseless, manipulateness, and other Factor 1 traits, on the other hand, are relatively less common (Hare, 2003). Thus, these traits may be more salient to jurors when they are perceived in a defendant. Yet, PCL-R endorsement scores were not predictive of the perceived relative influence of the expert testimony. In comparison to the other pieces of evidence presented in the sentencing phase of the trial (e.g., the defendant's military history, the unprovoked nature of the crime), the testimony on psychopathy was considered the second most influential in sentencing decisions, behind the heinousness of the crime. Therefore, it is possible mock juror's initial perceptions of psychopathy played no role in how they viewed the testimony in comparison to the other mitigating and aggravating factors. Although inconsistent with selective processing theory, the expert testimony may have been considered important regardless of whether jurors' initial perceptions of psychopathy were consistent with its content.

It was also predicted endorsement of Factor 1 traits would be associated with death penalty verdicts among participants in the experimental condition. Results partially supported this hypothesis. The relationship between PCL-R Factor 1 endorsement scores and sentencing decisions approached significance, such that higher endorsement was predictive of increased confidence in death sentence verdicts. This finding suggests participants whose preconceived notion of psychopathy included Factor 1 traits had their stereotypes confirmed by the expert witness's testimony. This evidence may have then been more salient when these mock jurors were making their sentencing decisions. In fact, previous studies have shown defendants

perceived to be high on Factor 1 traits are more likely to receive the death penalty (Cox et al., 2013; Edens et al., 2005; Edens et al., 2012).

Implications of Primary Findings

The results of this study provide further support for concerns on the appropriateness of expert testimony on psychopathy's affective and interpersonal traits in capital murder trials. It has been argued the negative connotation associated with psychopathy's Factor 1 characteristics overshadows the additive value of testimony on the subject (DeMatteo & Edens, 2006; DeMatteo et al., 2014). Testimony on psychopathy is typically introduced in capital murder trials to support the assertion the defendant will remain a "continuing threat to society" if not put to death (DeMatteo & Edens, 2006; DeMatteo et al., 2014). While testimony discusses the entirety of the psychopathy construct, with discussion of its interpersonal, affective, lifestyle and antisocial traits, research has shown it is the construct's antisocial characteristics that are the strongest predictors of recidivism (Kennealy et al., 2010; Yang, Wong, & Coid, 2010). The findings of this study are problematic in that it was only juror's initial perceptions of psychopathy's interpersonal and affective traits that predicted positive receptivity of the expert witness testimony. Similarly, mock jurors whose psychopathy stereotypes included clinically-derived affective and interpersonal traits were more likely to support the death penalty for the defendant. This suggests defendants may be sentenced to death for traits that are not predictive of their risk for future dangerousness.

Considering these data, it is suggested expert testimony on psychopathy be limited in capital murder trials. Not only is testimony likely to unduly influence defendants, but its validity in capital murder contexts is also questionable (See Edens et al., 2001). If it is to be included, experts should be cautious in how information on the construct is presented to jurors. More

specifically, experts should carefully delineate which psychopathic traits are the most important risk factors in assessing future dangerousness. Furthermore, experts should address how the clinical construct may differ from how jurors have perceived psychopathy in other contexts. This may dissuade jurors from using their psychopathy stereotypes to evaluate the testimony and its validity.

Additional Findings

Consistent with findings from previous studies (Edens et al., 2005; Edens et al., 2004; Rendell, Huss, & Jenson, 2010), mock jurors were more confident in a death penalty verdict when expert witness testimony asserted the defendant was a psychopath. Also similar to prior research, defendants labeled a psychopath were perceived as more likely to commit another murder or another violent crime than defendants not attributed psychopathic characteristics. These replications provide further evidence of the prejudicial nature of psychopathy testimony in capital trials.

Results also suggested mock jurors' perceptions of expert witness testimony were influential in their sentencing decisions. More favorable impressions of the expert testimony predicted greater confidence in a sentence of death. It is possible mock jurors who perceived the expert witness's testimony on psychopathy as valid were more likely to rely on that information to support their death sentence verdict. Given the expert witness testimony was rated the most influential piece of evidence, second to the crime's heinousness, this assertion is plausible. Nonetheless, this finding is problematic; given the abundance of research indicating psychopathic inmates are no more violent in prison than their non-psychopathic counterparts (Edens, Petrila, & Buffington-Vollum, 2001), these findings suggest expert testimony on psychopathy results in undue bias against the defendant.

Additionally, results suggest mock jurors generally did not rely upon their media-driven conceptualizations of psychopathy to make sentencing decisions or other legal judgments. Neither demonized nor romanticized psychopathic traits influenced sentencing decisions or perceptions of the expert witness. The exception to this trend was in perceptions of the defendant's likelihood to commit another murder. Mock jurors whose initial psychopathy stereotypes included a strong endorsement of demonized traits were more likely to believe the defendant would commit another murder. These findings may be viewed positively, as they suggest jurors are not using their media-driven stereotypes to make legal judgments. Rather, they may be relying upon the clinical conceptualization of the disorder discussed in the expert witness's testimony. However, strong correlations between mock juror endorsement of PCL-R Factor 2 traits and PTQ Demonized traits ($r = .66$) suggest future research is needed to support this conclusion.

Findings also indicate expert testimony on psychopathy significantly altered mock jurors' conceptualizations of the construct. After exposure to expert testimony, participants more strongly endorsed both clinically-derived characteristics of psychopathy and media-driven conceptualizations of psychopathy. It is thought participants' recent exposure to testimony on psychopathy drove these changes. When individuals are asked to make judgments and decisions, they tend to rely upon information that comes readily to mind; this phenomenon is known as the availability heuristic, and it has been suggested jurors use this mental shortcut when making legal judgments (Colwell, 2005). Because mock jurors had just read expert testimony on psychopathy and its associated traits, this information may have been readily available to them when their perceptions of psychopathy were reassessed. This readily available information may have, then, resulted in their stronger endorsement of psychopathic traits. Yet, the expert

testimony did not discuss media-driven traits of psychopathy, and these traits were more strongly endorsed by participants exposed to the testimony. While this may be due to the strong correlation between the endorsement of clinical and media-driven traits by participants, future research is necessary to better understand this finding.

Lastly, results suggest mock jurors' preconceived notions of psychopathy do not influence their recollection of expert witness testimony on the subject. When mock jurors were asked to recall any and all information about the defendant, his crimes, and the evidence presented at the sentencing phase of his trial, mock jurors whose initial stereotypes of psychopathy were consistent with the expert witness's testimony were no more likely to write about the testimony than jurors who held inconsistent beliefs. These findings contradict the selective information processing hypothesis, which predicts information consistent with an activated stereotype is more likely to be recalled than inconsistent information. However, this opposing finding may be due to relatively similar endorsement of clinically-derived and media-driven characteristics of psychopathy among participants (See section on study limitations and future directions).

Limitations and Future Directions

Although this study presents a number of important findings, these results should be considered in the context of the study's limitations. The most notable limitation lies within the sample. Although research has indicated few significant differences in legal decision-making exist between undergraduate and community mock juror samples (Bornstein, 1999), differences in media exposure may be present. Participants included undergraduate students recruited from a large, southeastern university, and the average participant was Caucasian, female, and 19 years of age. The lack of demographic diversity (e.g., participant age, race, gender) among participants

may have resulted in a lack of variability in perceptions of psychopathy within the sample. In fact, research has shown that both gender and age differences exist in television and film preferences. For instance, younger generations have stronger preferences for violent movies and television shows than their older counterparts (Fischhoff, Antonio, & Lewis, 1998). Similarly, men prefer more action-oriented films than women (Fischhoff, Antonio, & Lewis, 1998). Given the sample was largely young adult females, there may have been an overrepresentation of their media preferences. Accordingly, the majority of the sample may have had similar conceptualizations of psychopathy making differences in the implications of psychopathy stereotypes difficult to observe. Future studies should utilize a more diverse participant pool, particularly a study sample with a large age range and an equal proportion of males and females.

Additionally, participants in the study equally endorsed items reflecting the clinical and media-driven conceptualizations of psychopathy. Specifically, participants endorsed both sets of items, the clinically-derived traits ($M = 4.18$, $SD = .60$) and the media-derived traits ($M = 3.81$, $SD = .51$), to a moderate degree. The relative equality in endorsement may have prevented the effect of psychopathy stereotypes on perceptions of the expert witness from being observed. In future research, different survey methods, such as free response, may better assess participants' initial perceptions of psychopathy.

Another area of future research would be an investigation of how psychopathy stereotypes influence perceptions of non-violent defendants labeled psychopaths. The lay community tends to view psychopaths as violent and aggressive individuals (Keesler, 2013; Smith et al., 2014); the influence of psychopathy stereotypes in a court proceeding in which an expert witness labels a non-violent defendant a psychopath may differ from their influence in a case in which a violent offender is labeled a psychopath. Cox, Edens, Rulseh, and Clark (in

press) found mock jurors who believed a white collar defendant exhibited psychopathy's interpersonal and affective traits sentenced the defendant more harshly than mock jurors who did not attribute these Factor 1 traits to the offender. However, in this study, mock jurors were not exposed to testimony labelling the defendant a psychopath. It is unclear whether mock jurors' stereotypes of psychopathy were primed, and if so, how their initial perceptions influenced their sentencing decisions for the white collar defendant.

Further, research has supported the importance of deliberations in juror decision-making (Diamond, 1997; Sandys & Dillehay, 1995; Tanford & Penrod, 1986), and it is possible the lack of deliberation among participants impacted the ecological validity of the findings. Future research may explore the role of deliberations on the outcome of capital trials involving expert testimony on psychopathy. Investigating how the testimony is discussed during the deliberations process could provide valuable information on whether its inclusion in the trial is unduly biasing the defendant. It would also be of interest to determine whether jurors with differing perceptions of psychopathy discuss the testimony differently during the deliberations process.

Conclusion

The purpose of the present study was to investigate the role of lay conceptualizations of psychopathy in the courtroom. Data suggest lay conceptualizations not only influence perceptions of expert witnesses testifying on the subject, but the sentences for defendants labeled psychopaths in court. These results provide further evidence for the prejudicial nature of psychopathy evidence in the courtroom.

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Table 1

Correlations between Psychopathy Beliefs and Legal Judgments and Decisions

Psychopathy Belief	Sentencing	Likelihood of Murder	Likelihood of Violent Crime	Expert Witness Testimony
PCL-R Total	.08 ^a	.10	.17**	.14
PCL-R Factor 1	.11 ^a	.17**	.23**	.24**
PCL-R Factor 2	.03 ^a	.00	.08	.07
PTQ Demonized Traits	.04 ^a	.16**	.17**	.13
PTQ Romanticized Traits	.01 ^a	.10	.12*	.14

Note. ^aAnalyses only included participants who were death qualified.

* $p < .05$. ** $p < .01$.

Table 2

Influence of PCL-R Factor and PTQ Endorsement Scores on Sentencing Decisions

Predictor	β	t	p
Model 1			
PCL-R Factor 1	.14	1.84	.067
PCL-R Factor 2	-.06	-.79	.431
Model 2			
PCL-R Factor 1	.24	1.89	.061
PCL-R Factor 2	.01	.11	.917
PTQ Demonized Traits	-- ^a	-- ^a	-- ^a
PTQ Romanticized Traits	-.17	-1.57	.119

Note. ^aPTQ Demonized Traits total endorsement scores were not included in Model 2, as the tolerance criterion was not met.

Table 3.

Influence of PCL-R Factor and PTQ Endorsement Scores on Perceptions of the Defendant's Likelihood to Commit another Murder

Predictor	β	t	p
Model 1			
PCL-R Factor 1	.28	3.72	< .001***
PCL-R Factor 2	-.17	-2.27	.024*
Model 2			
PCL-R Factor 1	.21	2.37	.019*
PCL-R Factor 2	-.25	-3.08	.002**
PTQ Demonized Traits	.20	2.36	.019*
PTQ Romanticized Traits	-.04	-.47	.641

* $p < .05$. ** $p < .01$. *** $p < .001$.

Table 4.

Influence of PCL-R Factor and PTQ Endorsement Scores on Perceptions of the Defendant's Likelihood to Commit another Violent Crime

Predictor	β	t	p
Model 1			
PCL-R Factor 1	.30	3.99	< .001***
PCL-R Factor 2	-.11	-1.41	.159
Model 2			
PCL-R Factor 1	.28	3.09	.002**
PCL-R Factor 2	-.15	-1.78	.077
PTQ Demonized Traits	.10	1.15	.249
PTQ Romanticized Traits	-.04	-.58	.564

** $p < .01$. *** $p < .001$.

Table 5.

Influence of PCL-R Factor and PTQ Endorsement Scores on Perceptions of Expert Testimony

Predictor	β	<i>t</i>	<i>p</i>
Model 1			
PCL-R Factor 1	.31	3.07	.003**
PCL-R Factor 2	-.13	-1.25	.214
Model 2			
PCL-R Factor 1	.31	2.49	.014*
PCL-R Factor 2	-.13	-1.18	.240
PTQ Demonized Traits	.02	.14	.891
PTQ Romanticized Traits	-.01	-.13	.901

p* < .05. **p* < .001.

Table 6.

Perceived Relative Influence of Expert Witness Testimony

	Mean Difference	SD	<i>t</i> (141)	<i>p</i>	95% CI		Cohen's <i>d</i>
					LL	UL	
Crime Heinousness	.74	1.97	4.48	< .001***	.42	1.07	.38
Unprovoked Crime	-.32	2.08	-1.99	.049*	-.65	-.002	.17
Military History	2.17	1.92	13.46	< .001***	1.85	2.49	1.13
History of Abuse	.88	2.03	5.17	< .001***	.54	1.22	.43
History as Model Inmate	2.06	2.04	12.02	< .001***	1.72	2.39	1.01

p* < .05. **p* < .001.

Table 7.

Influence of PCL-R Factor and PTQ Endorsement Scores on the Relative Influence of Expert Testimony

Predictor	β	t	p
Model 1			
PCL-R Factor 1	-.02	-.23	.822
PCL-R Factor 2	-.12	-1.14	.258
Model 2			
PCL-R Factor 1	-.03	-.20	.846
PCL-R Factor 2	-.14	-1.17	.246
PTQ Demonized Traits	.04	.34	.735
PTQ Romanticized Traits	-.03	.23	.816

Table 8.

Influence of Expert Testimony on Perceptions of Psychopathy

Change Score	Expert Testimony		Control		<i>F</i>	<i>p</i>	η^2
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>			
PCL-R Total	9.23	12.35	1.17	8.59	41.82 ^a	< .001***	.13
PCL-R Factor 1	3.55	5.83	-.30	4.25	41.73 ^a	< .001***	.13
PCL-R Factor 2	4.39	6.51	1.11	4.79	24.31 ^a	< .001***	.08
PTQ Demonized Traits	3.61	5.81	1.06	4.61	16.53	< .001***	.06
PTQ R Romanticized Traits	2.35	4.68	.84	4.15	8.49	.004**	.03

Note. ^aAnalysis violated the assumption of homogeneity of variances, and Brown-Forsythe corrections were used to account for this violation.

p* < .01 *p* < .001

Table 9.

Influence of Psychopathy Beliefs on Recollection of Expert Witness Testimony

Predictor	β	t	p
Model 1			
PCL-R Factor 1	-.18	-1.71	.089
PCL-R Factor 2	.07	.67	.502
Model 2			
PCL-R Factor 1	-.17	-1.39	.166
PCL-R Factor 2	.07	.67	.507
PTQ Demonized Traits	-- ^a	-- ^a	-- ^a
PTQ Romanticized Traits	-.01	-.10	.920

Note. ^aPTQ Demonized Traits total endorsement scores were not included in Model 2, as the tolerance criterion was not met.

APPENDIX A

Case Summary: US v. Barnette

John Barnette and Julie Williams began dating in 2011. The two moved in together in Roanoke, Virginia in March 2012. A little over a year later, their relationship soured, and Miss Williams broke up with Barnette in April 2013. Barnette then left the apartment they shared and returned to Charlotte, North Carolina. The break-up was not amicable and Barnette continued to attempt to resume their relationship.

Miss Williams continued to live in the apartment she had shared with Barnette, but a friend, John Green, began staying with her because she was afraid to remain there alone. On April 30, 2013, Miss Williams woke Greene up, telling him "Barnette is here." Greene looked out of the window and saw Barnette smashing the windows of Greene's car with a baseball bat. Greene attempted to call the police, but the telephone and internet wires had been cut. Barnette saw Miss Williams in the apartment and began to strike at the windows with the bat. He then threw a fire bomb through a gap he had kicked open in the front door, setting the apartment on fire. Barnette fled the scene after Greene fired shots at him using a gun he kept for safety, and Miss Williams and Greene escaped the flames by jumping out of a rear window. Miss Williams identified Barnette to the Roanoke police, who issued a warrant for his arrest.

On May 20, 2013, Barnette purchased a 12-gauge shotgun in Charlotte using his brother's driver's license. He returned the gun the next day and exchanged it for a semiautomatic shotgun. On June 21, 2013, Barnette took the gun and walked from his mother's house to a nearby highway intersection. Darren Allen stopped his blue Honda Prelude at that intersection shortly after midnight. Barnette approached Allen's car with the shotgun and ordered Allen to get out of the car. Allen complied and also threw down his wallet after Barnette demanded it. Barnette

then forced Allen to walk at gunpoint to a drainage ditch across the road. After reaching the ditch, Barnette shot Allen three times in the back. Barnette took Allen's wallet and car and drove to Julie Williams' mother's house in Roanoke, Virginia where Miss Williams had been living since the firebombing incident.

After arriving at the house, Barnette went into the backyard and cut the home's telephone and internet wires. He then attempted to enter the home through the side kitchen door, but after finding that it was locked, he fired the shotgun into the door and kicked it in. Miss Williams ran out the front door. Barnette entered the house and followed Miss Williams out the front door, chasing her across the street.

Miss Williams fell down as she was running away from Barnette, and he caught up with her, grabbed her by the hair, and dragged her back to her mother's house. He told Miss Williams that he planned on killing her and himself. Miss Williams broke free from Barnette and ran towards her mother's house. Barnette then shot Miss Williams twice. He fired the first shot from 10 to 12 feet away, hitting Miss Williams in the side. The second shot, fired from four to five feet away, hit her in the back. Miss Williams died from these injuries.

Barnette left the scene of the murder in Allen's car, driving to Knoxville, Tennessee where he stole new license plates. He then drove to Charlotte, North Carolina where he abandoned the car in a shopping center parking lot on June 24, 2013. Police officers discovered the car that night and found the shotgun Barnette used in the murders in a nearby dumpster. Barnette turned himself in to the police on June 25, 2013 at his mother's house. After his arrest and Miranda warnings, Barnette took the police to the scene of Allen's murder and showed them where to find the body. Barnette later confessed to the two murders and the carjacking.

After Barnette's arrest, the United States asserted jurisdiction over the case and indicted him on 11 counts stemming from the murders and firebombing. The government served its notice of consideration for the death penalty on August 7, 2014, and the trial began on October 22nd, 2014. No witnesses at trial disputed the facts of the crimes, and the jury found Barnette guilty on all 11 counts of the indictment. The trial has now moved to the sentencing phase.

Background information

John Barnette was the third of four children born to an ill, depressed mother and raised by an alcoholic step-father. Court records indicate that Barnette was neglected and likely abused during his childhood. When he was five years-old, the State separated Barnette from his mother and siblings, and he entered foster care for the remainder of his youth. Barnette spent time in over 10 foster homes, all of which were in underprivileged neighborhoods. He never reconnected with his biological mother.

At the age of 18 Barnette left the foster care system, and enlisted in the United States Army. He served in the Army for four years, one of which was spent overseas in Afghanistan. While deployed, a roadside bomb hit an armored truck Barnette was driving; he suffered a broken leg and arm from the attack. Barnette was honorably discharged at the age of 22. Upon his discharge, Barnette worked as a salesman at a local car dealership.

Since being incarcerated for his crimes Barnette has received no disciplinary infractions and has begun to take college courses offered through the penitentiary. Guards have described Barnette as the “model inmate” who can talk sense into fellow inmates who are “acting up” at the jail. Barnette attributes his good behavior to his conversion to Christianity, and since his incarceration, he has begun to lead daily Bible study groups.

APPENDIX B

Jury Instructions

In a separate proceeding the defendant was found guilty of his capital offenses. In this proceeding, you will not concern yourself with the question of guilt but rather with punishment. The duty before you is to advise the court as to what punishment should be imposed upon the defendant for the crime of capital murder—either life imprisonment without the possibility of parole or death.

The punishment that should be imposed should depend on whether any aggravating circumstances outweigh any mitigating circumstances. An aggravating circumstance is a circumstance that indicates that the defendant should be sentenced to death. A mitigating circumstance is any circumstance that indicates the defendant should be sentenced to life without the possibility of parole.

APPENDIX C

Expert Witness Testimony

- **Prosecutor:** The United States would like to call Dr. Edward Williams to the stand. (*Dr. Williams is sworn in and sits in witness stand*). Dr. Williams, would you tell the jury how you are employed and of your background and training in the field?
- **Dr. Williams:** Certainly. I am the forensic psychology coordinator at the United States Penitentiary in Atlanta, Georgia, and I currently hold a doctorate of psychology degree. I have had a lot of specialty training, particularly in the area of forensic psychology. Forensic psychology is the application of psychological principles to the legal setting.
- **Prosecutor:** Thank you, Dr. Williams. Now, did you examine the defendant in this case?
- **Dr. Williams:** Yes, sir.
- **Prosecutor:** Did you arrive at a diagnosis for the defendant?
- **Dr. Williams:** Yes I did. Using the Psychopathy Checklist-Revised, also known as the PCL-R, I came to the conclusion that the defendant was a psychopath.
- **Prosecutor:** Alright, and can you describe for the jury what the PCL-R is?
- **Dr. Williams:** Of course. The PCL-R is an instrument that is designed to measure the theoretical concept called psychopathy; it has a rating scale of 0-2 for each of 20 categories, meaning, in each category the offender can score a zero, one, or two. The total score possible is 40 points; scores above 30 indicate psychopathy. The defendant scored a 36.
- **Prosecutor:** Thank you, Dr. Williams. Now, will you describe for the jury what a psychopath is?
- **Dr. Williams:** Certainly. In general, a psychopath is an individual who lacks the ability to feel at the same level as compared to nonpsychopathic individuals. Typically they are very callous, manipulative, calculating individuals that will often exploit other people. The psychopath is an individual that has little, if any, ability to feel remorse or guilt for the behavior they engage in.

- **Prosecutor:** Thank you Doctor. Now, you mentioned that you came to your conclusion that the defendant was a psychopath by using the PCL-R. Can you describe for the jury the 20 categories of that instrument that allowed you to reach that conclusion?
- **Dr. Williams:** Certainly. The first category is called “glibness and superficial charm.” The defendant scored a 2 in that category. The second category is a “grandiose sense of self-worth;” he scored a 1 in that category. “A need for stimulation” or a proneness to boredom is the third category. The defendant scored a 2 in that category.
- **Dr. Williams:** Category four is “pathological lying.” Five is “conning and manipulating.” Six is a “lack of remorse or guilt.” Category seven is “shallow affect.” “Callousness,” or a lack of empathy, is number eight. He scored a 2 on all of these categories as well.
- **Dr. Williams:** “A parasitic lifestyle,” or living off of others, is the ninth category. “Poor behavioral controls,” or a proneness for aggression, is the tenth category. “Promiscuous sexual behavior” is the eleventh category. In these categories, he scored a 2. The twelfth category is “early behavior problems” meaning problems with behavior when Mr. Barnette was a young child. He scored a 1 in that category.
- **Dr. Williams:** The thirteenth category is a “lack of realistic long-term goals.” “Impulsivity” is the fourteenth category and “irresponsibility” is the fifteenth category. A “failure to accept responsibility” for his actions is the sixteenth category. The seventeenth category concerns the number of short-term serious relationships. For all of these categories, he scored a 2.
- **Dr. Williams:** The eighteenth category is “juvenile delinquency.” Mr. Barnette scored a 0 for that category. The nineteenth category is “revocation conditional release, or parole violations, and the defendant scored a 2 in that category. The last category is criminal versatility, or committing many different types of crimes. The defendant scored a 2 on that as well.

- **Prosecutor:** Thank you, Dr. Williams. Now, in assessing someone as a psychopath, does it make you conclude that that person is somehow less accountable for the crimes he has committed than others?
- **Dr. Williams:** No sir. There is nothing about a person being a psychopath that would make them, in my opinion, at all less accountable for the behavior they engage in. They engage in their behavior with full knowledge of what they are doing; they just don't seem to care.
- **Prosecutor:** Your Honor, that's all I have of this witness at this time.

APPENDIX D

Demographics Questionnaire

Please answer the following questions:

- **Age:**

- **Gender**

Male _____ Female _____

- **Racial Background**

White/Caucasian _____ Black/African-American _____

Asian/Asian-American _____ Native American/Alaska Native _____

Native Hawaiian/Pacific Islander _____ Other _____

- **Religious Affiliation (*if any*)**

Christian _____ Jewish _____ Agnostic _____

Buddhist _____ Muslim _____ Hindu _____

Atheist _____ Other _____

- **Political Affiliation (*if any*)**

○ Democrat _____ Republican _____ Independent _____ Libertarian _____

○ Green Party _____ None _____ Other _____

- **Home State**

○ _____

- **If serving as a member of a jury in a criminal case where the prosecution is seeking the death penalty, would you be morally or ethically against sentencing the defendant to death under any circumstances?**

○ Strongly Disagree_____ Moderately Disagree_____ Slightly Disagree_____

Neither Agree nor Disagree_____ Slightly Agree_____

Moderately Agree_____ Strongly Agree_____

- **If you were to serve on a jury and you found the defendant guilty of capital murder, would you automatically vote to impose the death penalty, no matter what the facts of the case were?**

○ Strongly Disagree_____ Moderately Disagree_____ Slightly Disagree_____

Neither Agree nor Disagree_____ Slightly Agree_____

Moderately Agree_____ Strongly Agree_____

APPENDIX E

Psychopathy Traits Questionnaire

Please rate your level of agreement with the following statements.						
	1 Strongly Disagree	2 Disagree	3 Slightly Disagree	4 Slightly Agree	5 Agree	6 Strongly Agree
Psychopaths are superficially charming or glib.						
Psychopaths have an inflated sense of self-worth and are egotistical.						
Psychopaths are pathological liars.						
Psychopaths are conning and manipulative.						
Psychopaths lack remorse and guilt for their past bad acts.						
Psychopaths exhibit shallow emotions (for example, cold or generally unemotional).						
Psychopaths are callous and lack empathy for other people.						
Psychopaths fail to accept responsibility for their past bad actions.						
Psychopaths live a parasitic lifestyle (for example live off others even though capable of work).						
Psychopaths lack realistic long-term life goals (for example no plan or unrealistic plan).						
Psychopaths are impulsive (for example do things on the 'spur of the moment').						
Psychopaths engage in irresponsible behaviors (for example owe money, poor work history, drunk driving).						
Psychopaths have a high need for stimulation and are easily bored.						

Psychopaths exhibit poor behavioral controls (for example, prone to fighting & aggressive acts).						
Psychopaths exhibit early childhood behavior problems (for example, serious trouble in elementary school)						
Psychopaths have a history of juvenile delinquency (i.e., arrests before age 18).						
Psychopaths have a history of failure on parole or conditional release.						
Psychopaths are criminally versatile (i.e., commit many types of criminal behavior).						
Psychopaths engage in many short-term marital relationships.						
Psychopaths engage in promiscuous sexual behavior.						
Psychopaths are intelligent.						
Psychopaths are secretive.						
Psychopaths are skilled at reading people.						
Psychopaths are misunderstood by most people.						
Psychopaths are socially dominant and assertive.						
Psychopaths are socially skilled.						
Psychopaths are dark and mysterious.						
Psychopaths are conscientious and perfectionistic.						
Psychopaths are bold and fearless.						
Psychopaths are less likely to get caught for a crime than a typical criminal.						
Psychopaths are violent and aggressive.						
Psychopaths are prone to fits of rage.						
Psychopaths are likely to engage in criminal acts.						
Psychopaths are likely to commit murder.						
Psychopaths are likely to commit rape.						
Psychopaths are likely to torture people and/or animals.						
Psychopaths are likely to engage in cannibalism.						

Psychopaths are likely to engage in unusual sexual behaviors.						
Psychopaths are “evil.”						
Psychopaths are unable to have normal, healthy relationships.						

**On this version of the psychopathy traits questionnaire, the first twenty traits were derived from the PCL-R and the second twenty traits are the questionnaire’s distractor items. Items will be randomly ordered on the version participants receive.*

Please answer the following questions:

- **On a scale of 1-10, how much do you know about psychopaths? (1 = Know Nothing; 10 = Know Everything)?**

- _____

- **Indicate your level of confidence in your knowledge about psychopathy.**

- 1: Very Unconfident _____

- 2: Unconfident _____

- 3: Somewhat Unconfident _____

- 4: Somewhat Confident _____

- 5: Confident _____

- 6: Very Confident _____

- **From what sources has the majority of your knowledge on psychopathy come from? Check all that apply.**

- Movies/Television Shows _____

- Documentaries _____

- Books (Fictional) _____

- Books (Non-Fictional) _____

- Education (i.e. college classes/coursework) _____

- Rate the extent to which you agree with the following statement: *The expert witness’s testimony was valid (i.e. accurate, legitimate).*

Strongly Disagree	Disagree	Somewhat Disagree	Somewhat Agree	Agree	Strongly Agree
1	2	3	4	5	6

○

- Rate the extent to which you agree with the following statement: *I relied upon the expert witness’s testimony in making my sentencing decision.*

Strongly Disagree	Disagree	Somewhat Disagree	Somewhat Agree	Agree	Strongly Agree
1	2	3	4	5	6

○

- On a scale of 1-6, rank the following pieces of evidence in accordance with how much that piece of evidence influenced your sentencing decision. The piece of evidence ranked “1” should be the most important piece of evidence, and the piece of evidence ranked “6” should be the least important piece of evidence.

- _____ The heinousness of the crime
- _____ Mr. Barnette’s description as a “model inmate”
- _____ Mr. Barnette’s history of abuse and neglect as a child
- _____ Expert witness testimony on Mr. Barnette’s psychopathic traits
- _____ Evidence that Mr. Barnette was not provoked by any of his victims
- _____ Mr. Barnette’ prior military record

- Please write all that you can recall about the defendant, Mr. Barnette, his crimes, and the evidence presented during the sentencing phase of his trial.

○ _____

- Rate the extent to which you agree with the following statement: *The expert witness's testimony was valid (i.e. accurate, legitimate).*

Strongly Disagree	Disagree	Somewhat Disagree	Somewhat Agree	Agree	Strongly Agree
1	2	3	4	5	6

○

- Rate the extent to which you agree with the following statement: *I relied upon the expert witness's testimony in making my sentencing decision.*

Strongly Disagree	Disagree	Somewhat Disagree	Somewhat Agree	Agree	Strongly Agree
1	2	3	4	5	6

○

- Please write all that you can recall about the defendant, Mr. Barnette, his crimes, and the evidence presented during the sentencing phase of his trial.

○

APPENDIX H

Comprehension Check—Expert Witness Condition

- 1) Barnette was on trial for committing which of the following crimes?
 - a. Murder
 - b. Kidnapping
 - c. Forgery
 - d. Child Endangerment

- 2) According to the expert witness, Barnette:
 - a. Is Autistic
 - b. Has ADHD
 - c. Is a psychopath
 - d. Has depression

- 3) The most severe sentence that a jury can impose on Barnette is:
 - a. Probation
 - b. Death Penalty
 - c. Deportation
 - d. 25 Years in Jail

APPENDIX I

Comprehension Check—Control Condition

- 1) Barnette was on trial for committing which of the following crimes?
 - a. Murder
 - b. Kidnapping
 - c. Forgery
 - d. Child Endangerment

- 2) The most severe sentence that a jury can impose on Barnette is:
 - e. Probation
 - f. Death Penalty
 - g. Deportation

APPENDIX J

Institutional Review Board (IRB) Certification

Office for Research
Institutional Review Board for the
Protection of Human Subjects

THE UNIVERSITY OF
ALABAMA
R E S E A R C H

April 6, 2015

Megan Kopkin
Dept. of Psychology
College of Arts & Sciences
Box 870348

Re: IRB#: 15-OR-101 "The Role of Psychopathy in a Capital Murder Case"

Dear Ms. Kopkin:

The University of Alabama Institutional Review Board has granted approval for your proposed research.

Your application has been given expedited approval according to 45 CFR part 46. You have also been granted the requested waiver of informed consent. Approval has been given under expedited review category 7 as outlined below:

(7) Research on individual or group characteristics or behavior (including, but not limited to, research on perception, cognition, motivation, identity, language, communication, cultural beliefs or practices, and social behavior) or research employing survey, interview, oral history, focus group, program evaluation, human factors evaluation, or quality assurance methodologies

Your application will expire on April 1, 2016. If your research will continue beyond this date, complete the relevant portions of the IRB Renewal Application. If you wish to modify the application, complete the Modification of an Approved Protocol Form. Changes in this study cannot be initiated without IRB approval, except when necessary to eliminate apparent immediate hazards to participants. When the study closes, complete the appropriate portions of the IRB Request for Study Closure Form.

Please use reproductions of the IRB approved stamped information sheets to obtain consent from your participants.

Should you need to submit any further correspondence regarding this proposal, please include the above application number.

Good luck with your research.

Sincerely,


Carpantato T. Myles, MSM, CIM, CIP
Director & Research Compliance Officer



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