

THE CSI EFFECT: JURORS' PERCEPTIONS AND TRIAL DECISIONS

By

REBECCA HAYES-SMITH

A DISSERTATION PRESENTED TO THE GRADUATE SCHOOL
OF THE UNIVERSITY OF FLORIDA IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

UNIVERSITY OF FLORIDA

2009

© 2009 Rebecca M. Hayes

To Justin Smith, Melanie Dodge and the late Olive Hayes

ACKNOWLEDGMENTS

I first would like to thank the wonderful individuals at the Alachua County courthouse, The Honorable Judge Fredrick Smith and The Honorable Buddy Irby Clerk of Court, without their willingness to help study two would have not been conducted so quickly. In addition, a big thank you to Elizabeth Curry from the Alachua County public library for allowing me to recruit participants from the local libraries. These individuals were genuinely interested in my research and here along I thought it would be only me. My rapid progression through this project is owed to them and to my chair, Dr. Lora Levett. I, for once in my life, am without words in my attempt to express how much I truly appreciate Lora's guidance and friendship, a thank you somehow seems not to be enough. Also, thank you to my committee members Drs. Richard Hollinger, Lonn Lanza-Kaduce and Katheryn Russell-Brown their guidance has provided me with a project that I can be proud of and the tools with which to continue in what I hope to be a long and successful career.

I also need to thank my friends for their unwavering support. Thank you to the old ones that have at one time or another pushed me Melanie Dodge, Jessica Harper, and Imre Kaufmann-Vianney, and Heather Rospierski. Without them I would have never had the motivation to continue with school. To my newer friends, without their being available to bounce ideas off of I would have been stuck on numerous occasions. Two or three heads are definitely better than one. So thanks to; Melissa Garmo, Angela Moe, Ludmila Mendonca Lopes Ribierio, Zahra Shekakar, Kate Fox, Stacy Burweger, Ashley Kolnes, Travis Gerke, Sven Smith and Katie Nutter they have taught me the importance of collaboration. If I have left anyone off this list it is unintentional and I am sure I have because so many people have been helped along the way it is difficult to name them all.

I also need to thank my research assistants, Chelsey Thorp, Kristen Hamilton, and Yasmin Valenzuela without their help there is no way I could have gotten done as quickly as I did. My lofty and farfetched goal became theirs as well, and they did all they could– such as working more hours than required and on weekends– to make sure I finished on time. That sort of selfless behavior is rare and I am blessed to have had the opportunity to work with them.

I am grateful for my friends at Alachua County Victim Services. They are some of the most amazing women and I only hope to do as much for my community as they do. They have kept me grounded throughout the course of my Ph.D and without them I would have gone crazy.

I, of course, need to also thank the woman that brought me into this world my mother, Joan Harris, and my second mother who is the kindest most giving person I know, Lori Smith. Last, but certainly not least a special and heartfelt thanks goes to Justin Hayes-Smith; without the kind of support he has provided me I do not know how anyone can get through graduate school.

TABLE OF CONTENTS

	<u>page</u>
ACKNOWLEDGMENTS.....	4
LIST OF TABLES.....	12
ABSTRACT	15
CHAPTER	
1 INTRODUCTION.....	16
2 LITERATURE REVIEW	19
The Media’s Social Construction of the CSI Effect	19
The Beginning of CSI Opinion Research	23
Research on the CSI Effect on Jurors’ Decisions	27
Cultivation Theory Concepts & Research	33
Criticisms of Cultivation and Research on Crime.....	39
Pre-trial Publicity Research	44
3 STUDY ONE DESCRIPTION	51
Study One: Do Community Members Believe There is a CSI Effect?.....	51
Method.....	53
Participants	53
Procedure.....	54
Questionnaire	55
Television and crime viewing behavior.....	55
Accuracy of crime shows.....	57
Knowledge of the CSI Effect	57
Prior contact.....	58
Demographic information.....	58
Perceptions of CSI Effect	59
4 STUDY ONE RESULTS	61
Descriptive Statistics.....	61
Television and Crime Viewing Behavior.....	61
Ratings of the Accuracy of Crime Shows	63
Perceptions of the CSI Effect.....	64
Bivariate Associations	67
Participants ratings of the Accuracy of Crime Shows.....	68
Television Viewing Behavior and Ratings of the Accuracy of Crime Shows.....	68
Television Viewing Behaviors and Perceptions of the CSI Effect.....	70
Participants’ daily/weekly television viewing and perceptions of the CSI Effect ...	70

	Participants' daily/weekly crime show viewing and perceptions of the CSI Effect	70
	Participants' crime genre viewing and perceptions of the CSI Effect	71
	Exploring Perceptions of Accuracy and Perceptions of the CSI Effect	72
	Exploring Socio-demographics and Perceptions of the CSI Effect.....	73
5	DISCUSSION STUDY ONE	79
	Views on the CSI Effect	80
	Conclusion	81
	Limitations.....	81
6	STUDY 2 METHODS.....	85
	Research Questions and Hypotheses.....	85
	Hypothesis 1	88
	Hypothesis 2.....	89
	Hypothesis 3.....	90
	Pilot Study	90
	Participants.....	91
	Procedure.....	92
	Trial Vignettes	92
	Murder case	92
	Drug possession case	93
	Sexual assault case	94
	Felony assault case.....	95
	Arson case.....	96
	Measures of Crime Viewing Behavior.....	96
	Crime viewing 1	96
	Crime viewing 2	97
	Dependent Measures.....	98
	Verdict.....	98
	Manipulation checks	98
	Competency of attorneys	98
	Pilot Study Results.....	98
	Arson	99
	Sexual assault	100
	Drug possession.....	101
	Murder.....	102
	Felony assault	103
	Felony assault results.....	105
	Verdict and crime show viewing 1.....	106
	Verdict and crime show viewing 2.....	107
	Actual Juror Study Methodology	107
	Participants	108
	Procedure.....	109
	Trial Vignette	110

Forensic Evidence Conditions	111
Measures.....	111
Crime show viewing behavior.....	111
Legal authoritarian attitudes	113
Demographic information.....	114
Dependent Measures.....	115
Trial decisions	115
Evidence strength	115
Ratings of the witnesses.....	116
Attorney competence	116
Manipulation checks	117
Additional items	117
7 STUDY TWO: RESULTS AND DISCUSSION.....	123
Manipulation Checks	123
Descriptives & Bivariate Analyses	125
Crime Viewing.....	125
Television Viewing.....	127
Recent News Coverage	127
Legal Authoritarian Scale.....	127
Verdict	128
Strength of Evidence	128
Strength of evidence in all conditions.....	128
Strength of evidence available in conditions 2 & 3	129
Strength of evidence available in condition 3	130
Witness Helpfulness	131
Attorney Competence.....	131
Tests for OLS Assumptions	131
Results.....	132
Preliminary Analysis	132
Hypothesis One.....	133
Verdict and crime daily viewing	133
Verdict and crime weekly viewing	134
Verdict and crime drama weekly viewing.....	134
Confidence in decision and crime daily.....	135
Confidence in decision and crime weekly viewing.....	136
Confidence in decision and crime drama weekly.....	137
Confidence the defendant committed the crime and crime daily viewing	137
Confidence the defendant committed the crime and crime weekly	138
Confidence the defendant committed the crime and crime drama weekly.....	138
Hypothesis one summary.....	139
Hypothesis Two	140
Strength of evidence.....	140
Strength of staff sergeant testimony and daily crime viewing	141
Strength of staff sergeant testimony and weekly crime viewing	141
Strength of staff sergeant testimony and crime drama weekly viewing	142

Strength of officer testimony and daily crime viewing	143
Strength of officer testimony and weekly crime viewing.....	143
Strength of officer testimony and crime drama weekly viewing	144
Strength of victim testimony and daily crime viewing.....	145
Strength of victim testimony and weekly crime viewing	145
Strength of victim testimony and crime drama weekly viewing.....	145
Strength of defendant testimony and daily crime viewing.....	146
Strength of defendant testimony and weekly crime viewing	146
Strength of defendant testimony and weekly crime drama viewing	146
Strength of gun evidence and daily crime viewing.....	147
Strength of gun evidence and weekly crime viewing	147
Strength of gun evidence and weekly crime drama viewing.....	147
Witness helpfulness.....	148
Staff sergeant testimony and daily crime viewing	148
Staff sergeant testimony and weekly crime viewing	148
Staff sergeant testimony and crime drama weekly viewing	150
Officer testimony and daily crime viewing	150
Officer testimony and weekly crime viewing	150
Officer testimony and crime drama weekly viewing.....	151
Victim testimony and daily crime viewing.....	151
Victim testimony and weekly crime viewing.....	152
Victim testimony and weekly crime drama viewing	152
Defendant testimony and daily crime viewing.....	152
Defendant testimony and weekly crime viewing	152
Defendant testimony and weekly crime drama viewing.....	153
Attorney competence	153
Prosecutor competence and daily crime viewing.....	153
Prosecutor competence and weekly crime viewing	154
Prosecutor competence and crime drama weekly viewing.....	154
Defense attorney competence and daily crime viewing	155
Defense attorney competence and weekly crime viewing.....	155
Defense attorney competence and crime drama weekly viewing	156
Hypothesis two summary	156
Hypothesis Three	158
Verdict RLAQ and crime daily viewing.....	158
Verdict RLAQ and crime weekly.....	159
Verdict RLAQ and crime drama viewing.....	160
Hypothesis three summary	160
8 DISCUSSION STUDY TWO	188
Implications for Theory	188
CSI Effect.....	188
Cultivation Theory.....	190
Pre-trial Publicity	191
Implications for Methods.....	193
RLAQ Issues.....	193

Sample Issues.....	193
Effect Size	195
Limitations.....	195
Social desirability	195
Time Ordering.....	196
Generalizability.....	197
Rival Explanations.....	197
Issues of Power	198
9 CONCLUSION	200
Future Research from Study 1	200
Do heavy viewers of crime shows perceive the CSI Effect differently than heavy general television viewers?	200
Are the scaled items measuring the CSI Effect construct valid?	201
Future Research from Study 2	202
How are crime shows constructing race/gender, forensic evidence, and are these shows presenting a more conservative, liberal, or moderate political ideology?	202
Does the CSI Effect differ by type of trial?	203
CSI Effect Redefined	203
Is the CSI Effect similar to case specific PTP?.....	204
Does crime show viewing influence students to major in criminal justice?	204
What are the reasons behind the backlog of crime laboratories?	205
Conclusion	205
APPENDIX	
A STUDY ONE SURVEY	206
B MURDER VIGNETTE.....	223
C DRUG POSSESSION VIGNETTE.....	233
D SEXUAL ASSAULT VIGNETTE	240
E FELONY ASSAULT VIGNETTE	248
F ARSON VIGNETTE	255
G PILOT STUDY SURVEY.....	262
H STUDY 2: VOIR DIRE QUESTIONNAIRE	272
I FELONY ASSAULT VIGNETTE: STUDY 2	274
J STUDY TWO SURVEY	281

LIST OF REFERENCES	293
BIOGRAPHICAL SKETCH	300

LIST OF TABLES

<u>Table</u>	<u>page</u>
3-1 Descriptive statistics for participants’ television and crime viewing behaviors	74
3-2 Descriptive statistics for participants’ crime genre viewing behavior with outliers included.....	75
3-3 Descriptive statistics for participants’ ratings of the accuracy of crime shows and CSI Effect scales.....	76
3-4 Participants’ daily television viewing behavior and their perceptions of crime show accuracy.	76
3-6 Participants daily crime show viewing and perceptions of crime show accuracy.	77
6-1 Students ratings of availability of evidence in the arson trial.	119
6-2 Students ratings of availability of evidence in the sexual assault trial.	119
6-3 Students ratings of availability of evidence in the felony assault trial.	120
6-4 Students ratings of availability of evidence in the drug possession trial.	120
6-5 Students ratings of availability of evidence in the murder trial.	121
6-6 Logistic regression of students verdicts with crime show viewing 1 (crime genre scale).	122
6-7 Logistic regression of students verdicts with crime show viewing 2 (crime drama weekly).....	122
7-1 Participants’ ratings of the availability of different pieces of evidence in their trial condition.	162
7-2 Descriptive Statistics for variables in major analyses.....	163
7-3 Descriptive Statistics for variables in major analyses.....	163
7-4 Descriptive statistics of each crime genre viewing scale for daily and weekly viewing.....	164
7-5 Participants’ mean ratings of the strength of evidence in all conditions.	165
7-6 Participants’ mean ratings of the strength of fingerprint evidence.	165
7-7 Participants’ mean ratings of the strength of forensic evidence (condition 3) compared with all available evidence	166

7-8	Participants' mean ratings of the witness helpfulness measures.....	167
7-9	Participants' verdict decisions as a function of crime drama viewing and forensic evidence condition.	168
7-10	Participants' ratings of confidence in decision as function of crime daily viewing and forensic evidence condition.	169
7-11	Participants' ratings of confidence in decision as a function of crime weekly viewing and forensic evidence condition.	170
7-13	Participants' ratings of strength of staff sergeant evidence as a function of crime genre daily viewing and forensic evidence condition.	172
7-14	Participants' ratings of the strength of the Staff Sergeants testimony as a function of crime weekly viewing and forensic evidence condition.	173
7-15	Participants' ratings of the strength of the staff sergeants testimony as a function of crime drama viewing and forensic evidence condition.	174
7-16	Participants' ratings of the strength of the officer's testimony as a function of daily crime viewing and forensic evidence condition.	175
7-17	Participants' ratings of the strength of the officer's testimony as a function of crime weekly viewing and forensic evidence condition.	176
7-18	Participants' ratings of the helpfulness of the Staff Sergeant's testimony as a function of daily crime viewing and forensic evidence condition.	177
7-19	Participants' ratings of the helpfulness of the staff sergeant's testimony as a function of weekly crime viewing and forensic evidence condition.	178
7-20	Participants' ratings of the helpfulness of the officer's testimony as a function of daily crime viewing and forensic evidence condition.....	179
7-21	Participants' ratings of the prosecutor's competence as a function of crime drama viewing and forensic evidence condition.	180
7-22	Participants' ratings of the competency of the defense attorney as a function of daily crime viewing and forensic evidence condition.	181
7-23	Participants' ratings of the competency of the defense attorney as a function of weekly crime viewing and forensic evidence condition.	182
7-24	Participants' verdict and the interaction between RLAQ and daily crime viewing.....	183
7-25	Participants' verdict and the interaction between RLAQ and crime weekly viewing.	184
7-25	Hypothesis 1 summary table.	185

7-26 Hypothesis 2 summary table. 186

7-27 Hypothesis 3 summary table..... 187

Abstract of Dissertation Presented to the Graduate School
of the University of Florida in Partial Fulfillment of the
Requirements for the Degree of Doctor of Philosophy

THE CSI EFFECT: JURORS' PERCEPTIONS AND TRIAL DECISIONS

By

Rebecca M. Hayes-Smith

August 2009

Chair: Lora M. Levett

Major: Criminology, Law and Society

The CSI Effect is the perceived influence of television crime show viewing on peoples' perceptions of forensic evidence and criminal trial decisions. This is a new topic of interest with very little research examining whether crime shows do indeed influence people. Study one builds on the opinion research on perceptions about whether or not the CSI Effect exists. Results from study one indicate that people who watch crime shows perceive those shows to be more accurate and educational than non crime show viewers. Study two builds upon prior research by examining the influence between crime show viewing and level of forensic evidence available in a trial on peoples' ratings of evidence and also trial decisions. Results for study two indicate a small but interesting influence between a trials level of forensic evidence and crime show viewing. People who are heavier crime show viewers do appear to expect more evidence in trial.

CHAPTER 1 INTRODUCTION

According to the media, attorneys, and other actors in the legal system, the “CSI Effect” is a purported phenomenon in which jurors who view television crime shows like “CSI” require forensic evidence in every trial. This requirement, created as a result of watching fictional crime dramas, may ultimately affect jurors’ verdicts (Tyler, 2006). Specifically, if forensic evidence is absent, the absence causes the jury to be skeptical of testimony or other common trial evidence. When forensic evidence is present, the jury’s attention focuses on the forensic evidence (Tyler, 2006). There are two possibilities for how the CSI Effect may affect jurors’ trial judgments. First, the pro-defense argument states that if forensic evidence is absent, the jury will be more likely to find the defendant not guilty, regardless of other evidence. Second, the pro-prosecution argument states that if forensic evidence is present this increases the likelihood that jurors will find the defendant guilty, regardless of other evidence (Tyler, 2006). Indeed, the CSI Effect is reported to cause jurors to believe that they are experts on forensic evidence. This project examined two aspects of the CSI Effect. First, to add to the literature on opinions of the CSI Effect I assessed community members’ perceptions and opinions of the CSI Effect. Second, I examined how television shows, like CSI, affect (or do not affect) juror decision making with consideration that both the pro-prosecution argument and the pro-defense argument could be possible.

Fictional television representations can affect people’s perceptions of reality, which in turn can affect their behaviors (Shanahan & Morgan, 1999). The CSI Effect proposes that crime television programs have a real world effect on jurors’ decisions (including verdict) within the context of a trial. Research and legal comment in this area has indicated that legal professionals believe there is a “CSI Effect” (Watkins, 2004; Maricopa County, 2005; Tyler, 2006). Watkins

(2004) and Maricopa County (2005) surveyed attorneys regarding their perceptions of the CSI Effect. In Maricopa County (2005) they found that the majority of prosecuting attorneys surveyed believed that shows like CSI affected jurors' judgments. Prosecutors and defense attorneys have reported changing types of questions they ask jurors during *voir dire* based on their belief that a CSI Effect exists (Watkins, 2004). Depending on attorneys' perceptions and the use of *voir dire* questions, certain jurors may be excluded based on their viewing behavior; this occurs without research that shows that there is an effect of watching CSI on juror decision making. In addition, attorneys may change the way they interact with jurors based on their perception of the CSI Effect, which then may change the way jurors respond to the attorney or evidence. For example, research has examined effect of an anti-CSI warning on jurors' decisions. This warning decreased jurors' beliefs/confidences in the prosecutor's case (York, O'Neil, Evans, 2006). According to York et al. (2006), this yielded a backfire effect. Part of this project extended the research examining legal professionals' beliefs about the CSI Effect and explored community members' beliefs in a CSI Effect.

Despite the perception that there is a CSI Effect, few studies have directly assessed whether the CSI Effect is a factor in juror decision making, and those that have produced conflicting findings. One study found no evidence of a CSI Effect. In this study, researchers tested whether viewers of CSI held specific beliefs about forensic evidence that influenced verdict in a rape case scenario with no forensic evidence (Podlas, 2006). Conversely, Patry, Stinson, and Smith (in press) found that students who had viewed four or eight episodes of CSI or Law & Order rated the reliability of forensic evidence higher than those that viewed no shows. This study indicated that viewing these shows has an effect on people's perceptions of forensic evidence but they did not examine how jurors would use this information in actual trial.

This project drew from research that points to the importance of media in affecting individuals' perceptions of social reality and therefore decisions made by individuals based on these perceptions. Specifically, I examined whether the "CSI Effect" exists in jurors' perceptions and trial decisions. The first study examined whether community members perceived a CSI Effect and assessed the community members' perceptions of crime drama shows. The second study explored jurors' perceptions about forensic evidence to assess whether those perceptions are related to heavy viewing of crime shows (not limited to CSI), crime infotainment (a mixture of information and fiction), news programs, or television viewing in general. Community members who reported for jury duty and were not impaneled on a jury were presented with a trial vignette of one of three levels of forensic evidence. After reading the trial vignette, participants rendered a verdict and gave their perceptions of the different pieces of evidence. Also, a short series of questions assessed jurors' crime show viewing habits. These two studies are adding to the literature by examining the effect of television on people's perceptions of reality and subsequent trial decisions.

The next section outlines the theoretical underpinnings and findings of prior research that contributed to the formulation of the current project. First, I provide an explanation of how the CSI Effect was constructed, followed by a discussion of the past research on CSI. Second, I discuss cultivation theory (a theory that argues that television influences peoples perceptions of reality). Third, I explain how past research examining jurors' decisions and pretrial publicity (PTP) suggests that the media influences jurors' decisions.

CHAPTER 2 LITERATURE REVIEW

The Media's Social Construction of the CSI Effect

According to Houck (2006), the CSI Effect started to appear in the press in 2003 as well as in anecdotal evidence from attorneys and judges. For example, the vice president of the National District Attorneys Association reported to CBS News that jurors were expecting DNA tests for almost all cases (Houck, 2006). Patry, Stinson & Smith (in press) conducted a content analysis of newspaper headlines to assess how the CSI Effect was described in the media. The results of this study indicated that the news media characterized the CSI Effect as a phenomenon that negatively influences jury decision making. Specifically, they found that the media reported juries were entering the courtroom with unrealistic expectations about forensic evidence because of what they had seen on various crime dramas and that those unrealistic expectations were ultimately affecting jurors' verdicts.

The proposed effect of crime programs on jury decisions is not a new topic. Shows like Perry Mason were also argued to cause "Perry Mason Syndrome" in which jurors were thought to expect defense attorneys to coerce an admission from the prosecution's star witness during cross examination (Mann, 2006). Likewise, the popular show Oprah has been purported to cause "Oprahization", in which jurors will not hold a defendant responsible because of viewing Oprah shows that had convicts on describing their lives (Mann, 2006). There has been support for the Oprahization effect in a study that examined jurors' reported punitiveness towards criminal offenders (Hill & Zillman, 1999). In this study, researchers asked participants to view a series of talk show programs (Oprah) on crime and other issues. The shows differed by either including criminal cases with mitigating information, criminal cases no mitigating information, or shows that were unrelated to crime. Then, in a supposedly unrelated study, the participants

were asked to recommend punishments for offenders. Those that viewed the criminal case shows with the mitigating information were significantly more likely than those that viewed shows unrelated to crime to report lower punitive sanctions for offenders (Hill & Zillman, 1999). So, much like the proposed CSI Effect, viewing shows with information related to later decisions affected the sentencing decisions made by the viewer.

The media has highly publicized the existence of a CSI Effect. Both Surette (2007) and Barak (1994) have discussed how the media socially constructs what is known about crime and justice issues. The media can help create the public's general knowledge regarding crime and justice in part because so little is known by the average individual about such issues (Surette, 2007). The media's construction of the CSI Effect is supported by examining the headlines present in the news media (Patry et al., in press) and is consistent with an underlying assumption of cultivation theory that proposes that the elite of society constructs social reality for the remaining general population (Shanahan & Morgan, 1999). For example, one *USA Today* headline read 'CSI Effect has juries wanting more evidence' (Willing, 2004; also see Lovgren, 2004). Willing (2004) reported on the highly publicized Robert Durst case in which the jury consultant said he purposely placed people on the jury who were viewers of shows such as CSI because he believed they would find the defendant not guilty due to lack of forensic evidence. Durst was eventually found not guilty and, according to the media, this finding was partially attributed to the way that the jury was stacked with CSI viewers. Willing also included a discussion of prosecutors' and defense attorneys' views of the CSI Effect and their fears about the effect of jurors watching CSI type shows on their cases. The last section of the article explained the definition of the CSI Effect and asserted that it directly affects juries and causes them to acquit when DNA evidence is not present. Lead attorneys, such as prosecutors,

recognized the potential of the CSI Effect and reported changing their trial strategy to account for this effect. Lawyers reported adding more witnesses (Houck, 2003) or discussing the CSI Effect in *voir dire* (Watkins, 2004). Attorneys were buying into the notion of a CSI Effect and changing their behavior to account for the CSI Effect, but the research investigating whether the effect existed had yet to be conducted. Thus, the question remained whether the CSI Effect was in favor of prosecutors or defense attorneys.

Tyler (2006) speculates that it is unclear whether the CSI Effect is: 1) pro-prosecution, 2) pro-defense, or 3) an effect at all. The majority of research has speculated that the CSI Effect is pro-defense in that if there is a lack of forensic evidence, the jury will be more likely to find the defendant not guilty (e.g., Podlas, 2006; Patry, et al., 2004). This view is consistent with the effect of general pre-trial publicity (PTP) on jurors' decisions. That is, viewing general PTP (news or stories on similar, yet unrelated cases) can cause jurors to be more likely to acquit or convict than those who view no PTP (e.g., Kovera, 2002). Conversely, it could be that if there is forensic evidence (reliable or not), those jurors who watch CSI type shows may be more likely than those who do not view such shows to convict. That is, affected jurors may exaggerate the value of forensic evidence and if it is present, they may be more likely than non-affected jurors to convict. Thus, the CSI Effect could have both or either pro-prosecution and pro-defense effects, depending on the evidence available at trial.

The pro-prosecution CSI Effect assumes that when forensic evidence is presented at trial, those who view shows such as CSI will view this form of evidence as the most important. The fear is the forensic evidence will be the only evidence they will consider when deciding the case. If this evidence is present, the decision will be to find the defendant guilty regardless of other evidence that is presented.

Conversely, the pro-defense CSI Effect assumes that jurors will always expect forensic evidence to be presented at trial. If forensic evidence is not present, they will find the defendant not guilty. The fear is that jurors who watch shows such as CSI always expect that forensic evidence will be presented at all criminal trials. If forensic evidence is not present, jurors will not consider other evidence because they have the expectation of forensic evidence as being readily available, scientific, and unbiased (and therefore the most important).

These two effects share one theme: jurors who watch CSI may be more likely than those who do not to place undue importance on forensic evidence. These two possibilities assume there is a CSI Effect but, arguably, the CSI Effect could be non-existent (Tyler, 2006). If there is an incidence of increased acquittals versus convictions in juror decisions overall, it may be due to factors other than exposure to crime shows, such as juror sympathy for the defendant, differing thresholds for conviction between prosecutors and jury members, and the jury's declining trust in legal authorities (Tyler, 2006). However, these factors could also be attributed to a broader CSI Effect. First, jurors' sympathies for defendants could be activated by jurors viewing or reading news stories (see Kovera, 2002). Specifically, according to the CSI Effect, viewing certain television shows could create sympathy for the defendant. Second, the differing thresholds for conviction between prosecutors and jury members could be due to juror members watching crime dramas. Part of the CSI hypothesis argues jurors may require DNA evidence for a conviction, whereas a prosecutor has to make do with what evidence is made available and costly forensic evidence is not necessary in all cases. Lastly, the jury's declining trust in legal authorities also could be related to the crime drama shows. Individuals who view crime drama shows choose to view these shows, and individuals with certain legal attitudes may be more

likely to elect to view these shows. Viewing these shows then could have an effect on juror decision making.

The Beginning of CSI Opinion Research

Research on legal comment concerning the CSI Effect has primarily indicated that legal professionals believe it exists (Watkins, 2004; Maricopa County, 2005; Tyler, 2006; Houke, 2006; Stinson, Patry & Smith, 2007; Stevens, 2008). As a result of the perception that forensic evidence will be an evidentiary requirement for a defendant's guilt, there has been an increase in the amount of evidence collected from crime scenes; for example, in scenes where a police officer would have previously collected 50 pieces of evidence, police officers may attempt to collect up to 400 (Houck, 2006). Forensic labs are then affected by backlogs because of the increase in the amount of evidence submitted for analysis. This increased demand creates more strain on the entire process and those involved. As reported by Steadman (2002), a report by the Bureau of Justice Statistics stated that as of January 2001, 81% of DNA crime laboratories reported DNA analyses backlogs. This survey of forensic labs was conducted on a sample size of 124 laboratories out of the 135 that were originally contacted, and it displayed the trend that forensic cases were also increasing, exacerbating the backlog. With science advancing, much of the increase in the trend may be attributed to more available science. However, it may also be important to recognize that the increase could also be due to a greater demand by criminal justice professionals for this type of evidence.

The Bureau of Justice Statistics (BJS; 2008) reported that in reality, crime rates are experiencing a downward trend. In the most recent submission of information available on the BJS website, it was stated that violent crime and property crime rates in 2005 were at their lowest recorded levels since 1973. Homicide rates were also decreasing, and homicide investigations are the cases in which forensic-type evidence is most often utilized (BJS, 2008).

With crime rates down and the demand for forensics going up, there is a possibility that criminal justice actors are collecting more evidence for examination due to increased pressure to do so. Stevens (2006) argues that is the so-called CSI Effect may be a trickle-down effect in which jurors demand more evidence from attorneys. Then, prosecutors require more evidence from investigators, and investigators collect all available evidence. This results in labs which are overwhelmed with the evidence collected. This alludes to an empirical question that remains unexplored: Who is starting the demand for extra evidence? It could be prosecutors, police officers, defense attorneys, jurors, or some combination of these groups.

In one of the first assessments of the CSI Effect, 53 prosecuting and defense attorneys were questioned about their perceptions of how viewing crime dramas affect the jury. The attorneys were also questioned about their personal pretrial preparations and whether their interactions with the jury were affected by their belief in the CSI Effect (Watkins, 2004). All of the prosecutors and most defense attorneys believed that crime dramas created unrealistic expectations in potential jurors concerning forensic evidence. However, only nine attorneys said that they had a direct experience with a juror who had this type of unrealistic expectation (Watkins, 2004). Conversely, almost half (49%) of the participants responded that they believed between one and five acquittals had occurred because of a lack of forensic evidence (Watkins, 2004). Nevertheless, approximately half of the attorneys reported asking jurors during *voir dire* whether they watched crime dramas. Attorneys also responded that other changes in their preparation for court had occurred (e.g., asking for more forensic evidence, emphasizing police officers non-request for forensic evidence, and emphasizing forensic testing of irrelevant information). This study was one of the first conducted but was limited by a small sample size, and should be interpreted with caution in that it has not been peer reviewed.

Another study that builds on this research found corresponding results. In this open-ended survey of trial attorneys, Robbers (2008) sought to address the social construction of criminal investigations as they were depicted through the media. Three themes were found: 1) attorneys expressed specific instances of cases where they felt forensic evidence influenced case outcomes and attributed this to jurors viewing crime dramas, 2) attorneys expressed changes in their job execution because of crime drama shows, and 3) attorneys expressed they believed that jurors' constructions of the criminal justice system were shaped by viewing crime dramas.

Researchers also surveyed all 102 prosecutors in one office to assess beliefs about the CSI Effect (Maricopa County, 2005). These prosecutors had more trial experience and were more likely to speak with jurors after the trial compared to attorneys in the Watkins (2004) study. In addition, these attorneys reported having seen at least a few episodes of one of the crime dramas. This study demonstrated that the prosecutors believed there was a CSI Effect. Specifically, 45% of prosecutors believed that jurors rely too much on scientific evidence, 72% contended that jurors perceive themselves to have forensic expertise from viewing those shows, and 80% felt that defense attorneys play on jurors' perceptions created by watching crime dramas to help their case (Maricopa County, 2005).

In a similar study, Patry and his colleagues surveyed legal professionals about their perceptions of the CSI Effect utilizing a web based survey (in press). Findings in this study contradicted and supported previous findings. First, lawyers did not report perceiving the CSI Effect as a problem, but they were reporting that their clients had distorted views of the legal process because of crime dramas. Expanding beyond the opinions of lawyers, Stinson et al. (2007) and Patry et al. (in press) also surveyed police investigators, medical examiners, fire/arson examiners and other legal professionals who investigate various causes of death. In

this study, 94% of these respondents indicated that they believed that television crime dramas have altered the public's perception of their profession. Thus, several different legal actors perceive that crime dramas alter the public's perception of forensic evidence, and attorneys generally believe that the CSI Effect exists.

It is not only criminal justice actors who have strong opinions on whether jurors will require forensic evidence. Other research supports the notion that there is an increase in popularity of forensic evidence. First, Patry et al. (in press) conducted content analyses of the first seasons of *CSI* and *CSI: Miami* to document the procedures utilized on the shows and the sentiments of the characters concerning forensic evidence. Then, they surveyed community members' opinions regarding different types of evidence (see also Smith, Patry & Stinson, 2007). The content analysis indicated that DNA evidence and fingerprint evidence were the most common types of evidence presented on these shows. The sentiments of the characters reflected the belief that forensic "science is the only truth", (Patry et al., in press, p. 7). The community members' sentiments seemed to mirror those proffered by the characters on the show. Survey results indicated the community members preferred forensic evidence over other common types of evidence. Community members' two major preferences were for DNA and fingerprint evidence, which mirrored the findings of the previous content analysis. However, they did not examine whether participants' preferences for scientific evidence were linked to watching crime dramas (Patry et al., in press).

A second survey in the same series of studies revealed a significant relationship between participants' crime drama viewing habits and perceptions of forensic evidence. Those participants who reported watching more crime dramas were more likely than those who watched less crime dramas to view some forms of forensic evidence (DNA, arson, compositional

and handwriting analysis) as being more reliable. However, this relationship did not hold for other forms of evidence (i.e., fingerprints, toxicology, confessions, and eyewitness testimony; Patry et al., in press; Smith et al., 2007). Even though these studies collectively demonstrate that legal actors, attorneys, and the media believe that the CSI Effect exists and that individuals tend to prefer the types of evidence used on the shows, these studies do not directly assess jurors' decisions within the context of a trial to determine whether the watching shows such as CSI directly affects jurors' decisions.

Research on the CSI Effect on Jurors' Decisions

To directly assess the existence of the CSI Effect, a few studies have examined whether juror decisions vary based on viewing shows such as CSI and the existence of forensic evidence presented in a case. First, Podlas (2006) assessed the pro-defense CSI Effect in a rape case presented to undergraduates acting as mock jurors. The rape case included witness testimony and no forensic evidence. After reading the scenario, participants rendered a verdict and gave reasons to justify their verdicts. The participants who watched CSI rendered the same verdicts as the participants who did not view CSI. Most participants who found the defendant not guilty reported the lack of forensic evidence as the main reason behind their decision. However, participants who were frequent viewers of CSI were not significantly more likely than infrequent viewers to have chosen the lack of forensic evidence as their reason for a not guilty verdict. Podlas (2006) concluded that the results did not support the existence of the CSI Effect because jurors who watched CSI did not give different reasons for rendering their given verdict compared to participants who did not watch CSI. This could be due to the participants' expectations of corroboration of witness testimony, but this was not examined in the study.

Another study showed similar results (Reardon, O'Neil & Lawson, 2007). In this web-based study, researchers utilized two short case summaries of an armed robbery or a murder and

asked how many hours a week they view crime shows such as CSI or Law & Order. It was found that there was no direct CSI Effect. That is, the hours of exposure to crime dramas had no direct effect on verdict or likelihood of guilt. However, the researchers did find that the jurors who believed forensic evidence was more accurate were also more likely to find the defendant guilty compared to those jurors who believed forensic evidence was less accurate. The researchers found some support for the CSI Effect in that jurors who viewed a case with strong non-forensic evidence and weak forensic evidence were less likely to find guilt if they were exposed to more crime dramas than jurors exposed to less crime dramas. They concluded that a new definition of the CSI Effect may be necessary. Specifically, this new definition needs to explain how exposure to crime dramas appears to sensitize individuals to the quality of forensic evidence and assist them in recognizing poor quality evidence (Reardon et al., 2007).

Further web-based research expanding on previous research utilized a sample of 380 undergraduates from a southern college (O'Neil, 2007). The researcher assigned each participant to read one of four different types of case summaries (a politician accused of murdering an aide, a battered woman and the question of self defense, a child sexual assault case, and an acquaintance rape). In each of these cases there was no DNA or fingerprint evidence. They concluded that there was no significant relationship between crime-drama viewing (CSI and Law & Order) and expressions of guilty verdicts. However, there was the exception of viewing more hours of CSI being related to viewing the prosecution as having a stronger case compared to those that had low amount of hours viewing. The significant effects indicated a potential prosecution effect (O'Neil, 2007).

Conversely, another study attempting to assess the causal relationship between viewing CSI's effect and jurors' perceptions of forensic evidence found support for the existence of a CSI

Effect (Patry et al., in press; Smith et al., 2007). Unlike the studies above, they did not ask participants to become jurors and submit a verdict on a particular case. Instead, they focused on whether participants viewed forensic evidence differently because of viewing CSI. Using 190 undergraduate students, the authors randomly assigned participants to watch zero, four or eight episodes of CSI and then asked them questions about the reliability and accuracy of forensic evidence. Their findings supported the existence of a CSI Effect in that those students who watched four to eight episodes rated the reliability of forensic evidence higher than the students who had watched zero episodes. In addition, the students who watched four to eight episodes had inferred more confidence in their personal judgments about the reliability of this evidence than their non-viewing counterparts (Patry et al., in press; Smith et al., 2007). This suggests a causal relationship between watching crime dramas and participants' perceptions of forensic evidence, but does not address whether this means that individuals would be more likely to convict or acquit based on these perceptions during a trial.

So far only one study has used actual jurors who were summoned for jury duty to study the effect of CSI viewing on juror decisions, creating a sizable sample of over a thousand people (Shelton, Kin & Barak, 2006). This study had three parts: First, the researchers asked participants how frequent they viewed each of many different crime shows. Second, participants responded to a series of questions about what evidence they would expect to find at different trials (every criminal case, murder, physical assault, rape, breaking and entering, theft, and a crime involving a gun). Third, participants indicated the likelihood that they would find a defendant guilty based on the types of evidence, such as witness testimony or DNA evidence, presented by either the prosecution or defense. Findings indicated that jurors who were frequent viewers of the crime drama programs were more likely to perceive those programs as accurately

portraying the criminal justice system than less frequent viewers of crime drama programs.

However, there was not much of a CSI Effect on verdicts. Specifically, watching CSI and related programs was related to a slight increase in the expectation of scientific evidence, but the result depended on the type of case. CSI viewers were slightly more likely than non-viewers to expect scientific evidence in cases that charged for murder, attempted murder, rape or other criminal sexual conduct, breaking and entering, and cases involving a gun.

Shelton et al. (2006) has been the only study conducted thus far that examines the CSI Effect with actual jurors; however, it has many other limitations. First, the scenarios simply delineated for the juror what evidence was available in the case they were to decide on but had no further explanation about the other details of the case. Second, the statistical analyses only focused on the effect of CSI watching on jurors' decisions without controlling for rival factors. More nuanced and expanded analyses could have examined whether other crime shows influence views and expectations of forensic evidence. Last, the third shortcoming of this study is that it is not an experiment. They did not manipulate the levels of evidence, thus it is impossible to account for the possible rival explanations of the CSI Effect.

Each of these studies has contributed to the body of literature examining whether the CSI Effect is a factor in juror decisions. However, there still are several questions that remain unanswered. First, is the effect pro-prosecution, pro-defense or an effect at all? Podlas (2006) concluded that there was no CSI Effect yet they utilized only one case of sexual assault. Conversely, Shelton et al. (2006) looked at more cases and found some effect. They concluded that their study confirmed anecdotal claims that jurors now expect the prosecution to present some scientific evidence, which indicates more of a pro-defense argument (Shelton, et al. 2006). Contrasting, O'Neil (2007) demonstrated that the only significant effects they found were related

to a pro-prosecution effect of watching CSI on jurors' decisions. Thus, it is possible that both proposed CSI Effects exist.

Second, most of these initial studies utilized college student samples as opposed to a more ecologically valid sample. This is potentially problematic as college student samples are not necessarily a sample representative of an actual jury pool. College samples tend to have fewer minorities, hold a higher socioeconomic status, have more education, and a median age much younger than the general population. In addition, Shelton et al. (2006) found that females, participants with less education, and participants with a moderate political view are significantly more likely to view CSI than males, participants with more education, and a political view of conservative or liberal. Because demographics differ between a student sample and the general population, the general viewing pattern and how influential this is on a person could be different for these groups. Particularly, crime television viewing could be a younger person trend. This, in turn, could affect the relationship between crime drama viewing and expectations of forensic evidence. However, other jury research has been conducted comparing college student sample findings with juror sample findings and they found similar results between the two samples. They concluded that it is not an issue to use students in psych-legal research (Zickafoose & Bornstein, 1999).

Third, one reason for the discrepant results in previous studies could be that the CSI Effect may differ across different types of cases (Shelton et al., 2006). Podlas (2006) used a rape case scenario and did not find evidence of a CSI Effect. It may be that there was something unique about the rape case compared to other cases reporting different results that lead to the discrepant results. In fact, Shelton et al. (2006) found that rape cases were viewed differently than the other cases. In their study, only 14% of participants responded that they would find the

defendant guilty if only the victim's testimony was used in trial without scientific evidence, whereas 21% would find the defendant guilty in any criminal case, 32% would find the defendant guilty in a murder case and 42% would find the defendant guilty in a physical assault case. 26% responded that without scientific evidence they would find the defendant not guilty versus if they had scientific evidence.

Fourth, no published study used a trial vignette with detailed case information; they used short scenarios. By utilizing a longer more detailed trial vignette, mock jurors will be exposed to judge's opening and closing instructions along with the presentation of evidence by both the prosecution and defense. This exposure gives them more realistic trial information from which to base their decisions. In fact, jury researchers have been calling for more realistic studies as these studies generally include findings of larger effects (Brushke & Loges, 1999). An experiment with increased ecological validity is especially important in studying the CSI Effect as the amount of the forensic evidence in the trial is the manipulating factor in whether watching crime shows influences individuals decisions. The more realistic the trial information the more likely I will be to capture the CSI Effect as an influence of crime viewing interacting with amounts of forensic evidence available in each trial vignette.

The following discussion will add the theoretical basis for continuing to study the CSI Effect. The first theoretical perspective, called cultivation theory, is research that examined and found evidence of televisions influence on people's perceptions of reality (Shanahan & Morgan, 1999). The second perspective will examine psychological research investigating the effect of pre-trial publicity (PTP) on jurors' decisions. This research has demonstrated that the media can affect juror decision making, and will provide a paradigm in which to study the CSI Effect.

Cultivation Theory Concepts & Research

Cultivation theory can help provide a theoretical basis for examining the CSI Effect in that it accounts for the importance of examining the influence that television plays in shaping individuals' perceptions of social reality (Gerbner & Gross, 1976). As evidenced by numerous years of research, heavy television viewing has seemed to influence individuals' views of social reality to resemble more of a television reality on issues such as sex roles (Signorielli, 1989), age (Gerbner et al., 1980), politics (Carlson, 1985), violence, and the fear of violence (Gerbner & Gross, 1976). The proposed CSI Effect can be defined in terms of the television medium cultivating and shaping people's perceptions of social reality, specifically, their perceptions of forensic evidence. The following review of cultivation theory will provide the basic tenants of the theory and the research supporting the major concepts. Then, I will review the controversies in the theory and discuss how the theory informs the current project.

Cultivation theory was created from a collection of research findings demonstrating that television is fundamentally different and unique in its effects on people's perceptions of reality compared to other forms of media (Gerbner & Gross, 1976). At first glance, the cultivation approach may seem to be a simple hypothesis asserting that individuals who watch heavy amounts of television will be more likely to have different conceptions of reality than those who view television less frequently (Gerbner & Gross, 1976; Gerbner, Gross, Jackson-Beeck, Jeffries-Fox, & Signorielli, 1978; Shanahan & Morgan, 1999). However, over the years, the theory has reformulated concepts and propositions to suit the changing landscape of society's obsession with the television.

The key proposition in cultivation theory is that individuals who view television heavily will be more likely than those who do not view heavy amounts of television to internalize and accept the messages that the media promotes and then apply them to their social reality

(Shanahan & Morgan, 1999). Often times the messages portrayed on television are sensationalized for entertainment purposes and are not adequate representations of what occurs in real life. Gerbner and Gross (1976) have termed this the “television world” in which heavy viewers will apply what they see on television to the “real world” more so than light viewers. This notion resembles the CSI Effect where viewers of these programs are believed to apply the “television world” presented to them to the real world. In this case, the television world portrays infinite amounts of forensic evidence available to criminal justice actors; in the “real world” there are finite amounts of forensic evidence available and often none at all.

Early work done by Gerbner and associates (see Gerbner & Gross, 1976) mainly focused on the amount of exposure to television violence as a predictor of a person’s outlook on society. The Cultural Indicators project began as an analysis of images that are displayed in television shows. This project included a three prong approach to studying cultivation (Gerbner, Gross, Morgan & Signorielli, 1994). First, the researchers investigated the formation of processes, pressures and policies that are behind the production of mass media (see Gerbner, 1972; Shanahan & Morgan, 1999). Second, they recorded week long television samples and subjected them to content analysis to examine themes that television portrays to its viewer, termed message system analysis (Gerbner et al., 1980). Third, they examined individual responses on television viewing and perceptions of social reality (Gerbner et al., 1994). The third prong is termed the cultivation analysis (Gerbner et al., 1980). The third prong of analysis most closely resembles what is needed to study the CSI Effect as it assesses individuals’ viewing habits and how those viewing habits affect individuals’ decisions.

Cultivation analysis is used to describe how a television viewer gleans conceptions about the world from television viewing and applies these to their social reality. Gerbner and associates

constructed surveys inquiring about peoples' perceptions of reality and used the surveys to examine the extent to which heavy viewers of television gleaned lessons from the television world and applied them to the real world. Individuals responded to surveys inquiring about their views of the real world and asking them questions about their viewing habits. Simply stated, cultivation analysis examines television's independent contribution to individuals' conceptions/perceptions of reality and has received support from extant research (Gerbner et al., 1994).

The first study investigating cultivation theory was a national probability survey of adults in the 1970's (Gerbner & Gross, 1976). This early study suggested that heavy viewers were more likely than light viewers to give the "television answer" than the "real answer" when asked about crime, danger and law enforcement. The "television answer" is the unrealistic fictional 'fact' that is portrayed on TV, while the "real answer" is closer to reality. Heavy viewers tended to overestimate their likelihood of involvement in violence compared to light viewers, supporting the cultivation hypothesis (Gerbner & Gross, 1976). The television answers were created from previous content analyses examining what messages television were giving to its viewers. As an example, the survey questions included "During any given week, what are your chances of being involved in some type of violence? One in ten (the "television answer") or one in a hundred (the "realistic answer")?" (Gerbner & Gross, 1976: 192). From cultivation research, the idea emerged that heavy viewers are more likely than light viewers to believe that the world is not a safe place and that others cannot be trusted called the 'mean world' hypothesis (Signorielli, 1990).

The cultivation hypothesis explains more than the straightforward relationship between viewing television and constructions of social perceptions. Arguably, socio-demographic

characteristics should contribute to how an individual such as a black female would have a different perspective than a white male. That is to say, maybe television viewing helps define what it means to be included in a socio-demographic group and help direct the learning process even from infancy (Gerbner et al., 1994). There are many social and personal factors that can shape our experiences with television and in turn how we relate to certain concepts (Shanahan & Morgan, 1999). Gerbner proposed the concept of mainstreaming in cultivation analysis to explain the similar viewpoints of social groups. Mainstreaming means that heavy viewing could potentially override differences in perspectives which normally would have occurred due to social factors or other demographics (Shanahan & Morgan, 1999). That is, “mainstreaming” is the sharing of common beliefs among heavy television viewers (despite socio-demographic group membership) when generally their socio-demographic groups would hold differing views (Shanahan & Morgan, 1997).

Mainstreaming is an updated argument for the cultivation hypothesis that was argued to have been included in the original conceptions. The “mainstream” is the dominant structure’s or society’s elite’ common outlooks that are cultivated by television (Gerbner et al., 1980; 1994). The idea of mainstreaming means that heavy viewers who may have already held beliefs and then are exposed to alternate ideologies will tend to override their original beliefs and ideologies with television’s mainstream ideologies because of their exposure to television viewing.

The concept of mainstreaming brought about a change in the analyses of cultivation by examining whether socio-demographic groups’ views may differ based on the amount of television consumed. Examples of this shift are present in the research of political views (Gerbner, Gross, Morgan, & Signorielli, 1982). Many heavy viewers from this study reported that they were moderate on the political scale as opposed to conservative or liberal. The political

label of moderate was higher among heavy viewers than light viewers. However, when examining their actual political positions of heavy viewers, they did not report middle of the road responses. Those who reported themselves as moderates were more likely than those who reported conservative or liberal to reflect more of a conservative ideology, or mainstream position. Light viewers were more likely than heavy viewers to reflect both liberal and conservative ideals and less likely to be closer to each other on opinions of political issues such as racial segregation, homosexuality, and abortion (Gerbner et al., 1982).

Mainstreaming research has also continued to examine perceptions of crime and violence. By examining different subgroups, this research reveals a more complicated picture, showing that heavy viewers are significantly more likely than light viewers to give the television-influenced response that they feel they are very likely to experience crime or violence overall. Nearly 84% of both light and heavy viewers who were of *low income* gave a one in ten response of experiencing crime or violence (that is, they perceived a high likelihood that they would experience crime or violence overall). Conversely, middle or high income respondents only perceived a high risk of violence if they were heavy viewers as opposed to light viewers (Gerbner & Gross, 1976). While this research exposes an effect of television watching on perceptions of crime and violence, it highlights that effects can be more or less pronounced for people of different demographic groups; this could be attributed to the different social reality that different social groups experience. Low income respondents may more likely be exposed to crime and violence overall, which may make them more likely than middle or high income respondents to report the television response of believing they will more likely experience crime and violence. This relates to the next concept of resonance.

Resonance occurs when one's real life experiences do relate to the conceptions of reality that one views on television (Shanahan & Morgan, 1997). Individuals may view television that is congruent with their perceived social reality, and this combination can result in a double dose of both the perceived reality and the television message creating a boost of cultivation (Gerbner et al. 1980). For example, some people live in high crime neighborhoods if they then watch television that shows large amounts of crime occurring; this can give them the idea that a lot of crime occurs everywhere.

Resonance supports the notion that television affects perceptions of crime and violence. Doob & Macdonald (1979) examined fear of crime in high crime areas and found that associations between high versus low levels of television viewing (measured by amount of television viewing in past week) and residing in a high crime area were significant in predicting fear of crime. For those living in low crime neighborhoods, the relationship between heavy television viewing and fear of crime was not statistically significant, which would indicate non-support for the cultivation hypothesis. The authors speculated that the results could be attributed to the content of crime shows. That is, crime shows depict crime being committed in urban inner-cities, similar to the high crime neighborhoods in the study. They believed the individuals in low crime neighborhoods were not fearful because crime shows do not show crime in their area (Doob & Macdonald, 1979). However, according to Gerbner et al. (1980) these findings support the resonance hypothesis because those individuals who heavily view television and are living in a high crime neighborhood are more likely to view crime as a prevalent problem than those heavily viewing television and living in a low crime neighborhood. Thus, television reinforces their fear of crime.

As Gerbner et al. (1980) assert, those who live in high crime areas may be receiving a “double dose” of the concept that the world is violent. Gerbner et al. also attempted to examine the relationship between residing in a high crime or low crime area within the same city. They started with the assumption that participants with low incomes who reside in the city will live in higher crime regions than those with high income whom also live in the city. In their large national sample they found a significant relationship between the amount of television viewing hours per week and perceptions of danger for low-income suburban and urban residents as well as high-income suburban residents, but not for high-income urban residents. They further asserted that the strongest relationship for low-income residents was characterized by resonance. This assertion was based on the assumption that low-income individuals were already living in areas where crime levels were high (Gerbner et al., 1980). However, the level of crime in the area was not directly measured; rather, it was assumed based on income-level. While there is a correlation between low income and crime, this relationship is not a direct indicator of crime rate. The measure may be invalid because not all low income areas are going to have high crime rates and the variability of crime in different low income areas can be different. Another study focused directly on heavy television news exposure and found a relationship between fear of crime and heavy news viewing regardless of neighborhood differences, such as crime rate (Romer, Jamieson, & Aday, 2003). However, this study was conducted in a city where they are known for a crime problem and the measure of fear of crime was the question—what is the most important problem facing the city?—which does not address whether people were afraid of crime in their specific neighborhood.

Criticisms of Cultivation and Research on Crime

The research on cultivation theory is varied, and the critics of mainstreaming and resonance have argued that the concepts serve as a way for cultivation to statistically fix

otherwise not significant findings (Hirsch, 1980). Specifically, Hirsch (1980) argued that the idea of mainstreaming is simply a statistical artifact, commonly known as regression to the mean. Regression to the mean occurs when someone is chosen for study because of their extreme scores, but when tested again they naturally regress closer to the mean (Shadish, Cook & Campbell, 2002). Conversely, Gerbner would argue that individuals who watch a lot of television will likely hold similar political beliefs because of the influence of television mainstreaming their social reality, whereas Hirsch would argue this is a natural occurrence of regressing closer to the mean and not an “effect”. According to Bulck (2003) however, mainstreaming is still a pertinent concept because all of the random effects have an equal opportunity to affect outcomes and therefore cannot simply be a regression to the mean.

Another criticism is that the research does not explain much variance as evidenced by small effect sizes. Indeed even in Shanahan & Morgan’s (1997) meta-analysis across more than 20 years of research, a modest correlation of .10 was found for the effect of television viewing on individuals’ perceptions of social reality. Even though they argue that this result still attests to the theory’s importance (because Gerbner would argue that the effect should be small), others argue that controls are the culprit for small effect sizes (Shanahan & Morgan, 1997; Hirsch, 1981). However, existing research has introduced controls, such as living in an area with a high crime rate, into the relationship between heavy television news viewing and the expression of a fear of crime and found no reduction for the television exposure relationship (Romer, Jamieson & Aday, 2003).

Another criticism relating to small effect sizes is based in how television viewing is measured (Cohen & Weimann, 2000). The overall television viewing may include too much variability as television is quite common and/or this measure could be confounding a more

pronounced effect of a specific sub-genre of shows. However, Gerbner has maintained that cultivation theory should be studied using a global viewing measure (Potter, 1991c). A global viewing measure asks about individuals' overall viewing patterns and is not program or genre specific compared to only asking about television news viewing. Purportedly, this is because the theory is proposed to study the implications of patterns of television content selection as a system. In cultivation analyses, the television is seen as an overall system of messages that remain stable and repetitive over time and as such, these analyses are not interested in specific issues, programs, or controversies (Shanahan & Morgan, 1997). Recent researchers of cultivation theory do not agree with this global approach, however, and argue that this type of limited research is flawed (Potter, 1991c; Cohen & Weimann, 2000). These researchers argue that the cultivation effect may actually be program specific (Gunter, 1994). Hawkins and Pingree (1980; 1981) revealed evidence that a cultivation effect is more noticeable when television exposure is broken into different show categories. Specifically, they found that viewing crime/adventure and cartoon shows were related to different beliefs about violence. The findings that a cultivation effect is program specific can further be tested by studying the proposed CSI Effect which is a genre specific effect of viewing crime drama type, expanded in this study to include all crime type shows.

Another study examined genre specific television viewing effects on attitudes about crime and justice and found some support that individuals with violent program preferences compared with overall television viewers with no preferences tended toward criminophobia (cynicism of the courts) favoring more punitive punishment (Barrile, 1984). Related research by Berman & Stookey (1980) continued the argument in showing that individuals' perceptions of social reality differed based on the type of programs viewed. While heavy viewing of television

correlated with negative feelings about the government overall, those who viewed adult entertainment, news shows, and cartoons in particular, did not support the government compared to other viewers. Those who viewed juvenile entertainment, however, did support government and those who viewed public affair and police shows fell into the no-impact group. In accordance with the above findings, individuals with crime show (CSI) preferences could be more cynical towards the court than general television viewers. However, individuals' opinions may not be impacted at all by viewing crime shows (CSI), as those who viewed police shows in Berman and Stookey (1980) did not have negative opinions of the government compared to those who watched adult entertainment, news shows and cartoons.

Television viewing research also has examined the relationship between news viewing and perceptions of crime. When Lowry, Nio & Leitner (2003) examined why perceptions of crime were the most important reported societal problem (evidenced in the *Sourcebook of Criminal Justice Statistics 1997*) and how this trend had risen from not being considered such an important problem in the early 1990s. They found that network news and not the actual crime rates were significantly associated with the rise. In a random sample of 2,250 adults in Florida, fear of crime was reported most correlated with the amount of television crime news stories broadcasted in that area compared to the length of the crime stories and the rank of the crime news story in the telecast. Similarly, Chiricos, Padgett, and Gertz (2000) found that the amount of local and national news consumption was significantly related to perceptions of fear of crime. Furthermore, this relationship has continued to hold through controls of index crime rates of the participants' cities of residence and victim experiences. They also found that the relationship between the news and the fear of crime was mediated by participants' perceptions of the perceived realism of television news (Chiricos et al., 2000). This is an aspect to consider when

examining the CSI Effect because there are shows that are based not solely on fiction (termed infotainment), and television content that is believed to be more real will influence viewers more than content perceived to be fiction (Potter 1986). Chiricos et al. (2000) did not include other television viewing such as network television, but did include newspaper reading. Newspapers did not have an effect on perceptions of fear of crime.

Crime show viewing has been researched from a cultivation perspective and has shown to affect people's perceptions of the criminal justice system. Carlson (1985) conducted a survey of adolescents and found that heavy crime show viewing was associated with lower levels of legal knowledge. Earlier research found that heavy viewing of crime shows was associated with high knowledge of arrest rights, but incorrect recall of the law often left out of television portrayals of the criminal justice system. For example, in one study, participants who viewed heavy amounts of television were more likely to answer 'true' to the true-false statement "The amendment that says a person does not have to testify is the 6th amendment" (Dominick, 1974). This could be attributed to the portrayal of law enforcement authorities' reading of rights on crime shows, but lack of portrayal of other procedural details (Dominick, 1974). However, heavy crime show viewing was also associated with more support for the legal system and the norm of compliance.

The next question, then, is whether perceptions of the criminal justice system altered by crime show viewing affect legal decision-making. Does the media play a role in influencing individuals' decisions in jury trials? Specifically, are people who view certain genres of television shows (such as CSI) influenced by what they view? Meaning, do they then base their legal decisions on what they viewed? While cultivation research examines televisions' affect on peoples' perceptions of social reality, pre-trial publicity research examines the media's effect on jurors' pretrial attitudes, which ultimately influence jurors' decisions (Greene & Loftus, 1984).

According to pre-trial publicity (PTP) research, the media affects jury decision making by placing biasing information about trials in news media. This relates to cultivation research in that what people view on television media influences their perceptions of social reality. PTP research expands this concept and examines how the media affects juror decision making.

Pre-trial Publicity Research

PTP research stemmed from the conflict between the right to a fair trial and freedom of the press. On the former side, all defendants are constitutionally guaranteed the right to a fair trial, and information that reaches the jury by way of news story could contaminate the jury with preconceived notions about the defendant's guilt. On the latter side, people have the constitutional right to express themselves in writing or any other way within in reason. Imparting information is a freedom and while some information is private and protected, it is the right of the press to inform citizens of the news.

Television news is short and sensationalized to be entertaining. Within all news, crime stories are prevalent (Surette, 2007). Crime shows tend to focus on law enforcement and give the perception that the good guys will always prevail; these shows do not necessarily focus on courtroom proceedings (Hans & Dee, 1991; Bortner, 1984). The story model of juror decision making may help inform how the media can ultimately influence jurors' trial decisions (Hope, Memon, & McGeorge, 2004). The story model proposes that jurors will formulate a story of the crime while listening to the evidence and then arrive at a verdict that is consistent with that story (Hope et al., 2004). The media gives a base from which jurors can create stories or glean information to 'fill in the blanks' in trial evidence. That is, the media influences peoples' perceptions of how a trial should proceed because the public tends to know little about how the criminal justice system works. What individuals do know is often extracted from television and other media (Hans & Dee, 1991).

PTP research shows that jurors who view or read media coverage before a trial may come to jury duty with already extensive, albeit biased knowledge concerning the victim, the defendant, and/or the proceedings of the crime (Minnow & Cate, 1990). Armed with this biased information, jurors use it for their decision making (Minnow & Cate, 1990). That is, jurors could find a defendant guilty or not guilty because of the biasing information learned before the trial. Much like the proposed CSI Effect, it is argued to bias jurors' decisions to be either pro-prosecution or pro-defense. Most research on case specific PTP has found evidence for a pro-prosecution effect since most of the trial specific information available in news media seems to demonize the defendant.

In early studies of the effects of PTP on juror verdicts, researchers examined a range of effects, from how PTP affects pre-trial judgments of the defendant's guilt to how it influences evaluations of the final verdict. Overall, these studies have shown that PTP affects juror and jury decision making. Steblay et al. (1999) conducted a meta-analysis of PTP research using 44 tests of the pretrial publicity, representing 5,755 participants. This study suggested that the laboratory studies might underestimate the real-world effects of PTP (Steblay et al., 1999). The smaller effect sizes that were characteristic within the simulation studies would not have been statistically significant if not for the large sample size of participants. The larger effect sizes were found in the studies that most closely related to the experiences of real jurors. For example, by using real PTP, multiple points of PTP, as well as having a greater interval of time between the initial exposure to the PTP and the final verdict for the defendant, a stronger effect was found (Steblay et al., 2000).

The majority of studies involved in the meta-analysis were studies of case-specific PTP, but general PTP is a burgeoning topic which more closely relates to the notion of the CSI Effect.

Case-specific PTP refers to information that jurors are exposed to through the media about the trial within which they will decide the outcome. More simply, case-specific would include reading or viewing information on a “specific” trial and then being a juror for that same trial. General PTP refers to general information in the news media that is not directly related to the case that the jurors will be adjudicating, but still may have a biasing effect on jurors’ decisions or perceptions of evidence (Greene & Wade, 1988). An example of general PTP would be reading or viewing information on a trial or general phenomenon and then participating in an unrelated case in which the information affects the juror’s decision. The proposed CSI Effect fits under the umbrella of general PTP in that the general genre of crime television shows may affect jurors’ perceptions of evidence (and ultimately, verdict).

The expanded area of general versus case-specific PTP is of particular interest to this project because general PTP is similar to the CSI Effect in that the shows do not need to be *directly* related to the trial with which jurors will be deciding. However, general PTP still remains understudied (Kovera, 2002). General PTP emerged as a topic partially on accident. Greene & Loftus (1984) were conducting a mock jury trial and noticed a drop in conviction rates among respondents during data collection. When examining the possible reasons for this sudden change, they found that a convict in the area had been exonerated because of mistaken eyewitness identification, and this was a widely covered story. Interestingly, this media-flooded case had influenced respondents who participated in the study after the news story to become more lenient in the mock jury study in which eyewitness testimony was utilized. Respondents who participated in the study after the news story died down were unaffected. This led to Greene and Loftus (1984) to speculate that any high publicity news story related to crime could potentially affect jury decision making.

Later, Greene and Wade (1988) expanded the notion of general PTP and conducted two experiments. The first experiment used the following types of stories: improper verdict by misidentification, a heinous crime story, and a control. After reading the PTP, jurors read a murder and robbery case. Mock jurors who read the misidentification story were significantly more likely to find the defendant not guilty than jurors in the control condition, but jurors who read the correct conviction story were not significantly more likely to find the defendant guilty than jurors in the control condition. This experiment supports the notion of a pro-defense effect of general PTP, but not a pro-prosecution effect. Next, researchers examined whether the pro-defense effect would happen only when the media story was similar to the jurors' trial or if it would occur when they were exposed to a dissimilar case.

In the second experiment, researchers varied content of the general PTP articles. Two versions of the articles were similar to the case that jurors would decide and presented a robbery-murder case with an eyewitness who was mistaken or correct in his/her identification. The other two articles used a hit and run case that was different than the case that jurors later decided (murder-robbery). The two versions of the hit and run either involved a case with a correct verdict in which the defendant confessed or a case with an incorrect verdict, revealed by another man later admitting to the crime. Again, researchers found evidence for the pro-defense effect of general PTP on jurors' judgments in those conditions in which the PTP included an incorrect verdict or mistaken identity. However, the effect was somewhat stronger when the case resembled the case on which they had to decide. Overall, the findings of both of these experiments showed that general PTP caused student-jurors to render more lenient decisions, but not more hardened decisions (Greene & Wade, 1988).

The other two studies of general PTP were conducted with a focus on juror decision making in rape cases. Mullin, Imrich, and Linz (1996) conducted the first of these studies using a story on acquaintance rape taken from a popular women's magazine. Participants either read the story or did not read the story and then all participants viewed a sexual assault trial. They found that men who read the story prior to viewing the video were more pro-defendant than those who did not read the story. Women did not differ in their judgments based on the independent variable. Kovera (2002) extended this study by using both pro-defense and pro-prosecution stories to test for moderating and mediating effects of general PTP and by using a television news story as opposed to written news story. The latter extension moves in the direction of the proposed CSI Effect and cultivation research of viewing television as the medium (compared to written stories) that could affect individuals' social realities, and in turn their decisions.

In Kovera's (2002) study, undergraduates viewed a news story about a rape case that was videotaped and then edited in either a pro-prosecution or pro-defense format. Later, participants were asked to list the evidence they would need to convict the rape suspect. Participants who were exposed to the pro-defense rape story were significantly more likely than those who were exposed to the pro-prosecution rape story to require more evidence from the witnesses, be more inquisitive about consent, and expect more physical evidence.

In the second study, participants watched a news story that was either pro-defense, pro-prosecution, or a neutral control story. Each story was nested within several non-crime news stories (Kovera, 2002). Afterwards, in a supposedly unrelated study, participants were asked to watch a rape trial and provide trial strength and witness ratings. In corroboration with the previous studies, the pro-defense and pro-prosecution news media stories had a greater effect on jurors' subsequent views of evidence compared to the neutral control story. However, the

relationship was moderated by participants' attitudes toward rape. Specifically, the participants with neutral attitudes towards rape (meaning not pro-victim or pro-defendant) were influenced by rape media exposure, while those with either pro-victim or pro-defendant attitudes were unaffected by the news story. Overall, both of these studies indicated that media affected participant's views of evidence, even physical evidence, and in turn jurors' trial judgments.

The study of general PTP should be expanded further with the use of different and actual news stories. There has been a focus on strictly experimental studies in most PTP research and scholars have called for increased realism within these studies (Brushke & Loges, 1999). In addition, general PTP does not need to only include news stories. Under the PTP paradigm, the CSI Effect (measured by crime drama viewing behavior) can be examined by assessing whether viewing these shows affects jury decision making. Another expansion includes the use of different trial types as most studies have used rape or murder trials. Even Greene & Wade (1988) used a rape case in which the victim made a possible mistaken identification. Rape trials are substantively different than other types of trials, as evidenced by the difficulty in convicting in these cases (Frazier & Borgida, 1988). For example, recall that in the CSI research, Shelton et al. (2006) found that for the rape case it was harder to attain a guilty verdict than for any of the other cases.

The effects of PTP on jury decision-making mirror the proposed CSI Effect in jury decision-making. That is, watching media, whether news reports or crime dramas, influenced jurors' attitudes about the case. Watching different news reports influenced individuals' propensities to require certain evidence (e.g. Kovera 2002). Similarly, viewing a crime drama with strong forensic evidence could influence individuals to think that this type of evidence is necessary to convict. In research on cultivation theory, researchers have demonstrated that

viewing television news and crime-dramas can change peoples' perceptions of social reality. This proposal seeks to utilize these theoretical paradigms to explore the CSI Effect.

Overall, CSI research is newer and the findings are mixed with attorneys reporting that they believe there is an effect (e.g. Maricopa County, 2005; Watkins, 2004) some research showing an effect (e.g. Patry et al., 2004), other research showing no effect (e.g. Podlas, 2006; Shelton et al., 2006), and still other research revealing that it is more complicated than simply an effect or not an effect (e.g. O'Neil, 2007; Reardon et al., 2007). The cultivation and PTP frameworks provide the theoretical backing to continue to explore whether a CSI Effect does indeed exist. Cultivation theory would argue that heavy viewers of crime dramas would be significantly more likely to have a distorted view of the evidence that would be presented at trial compared to light viewers of crime dramas, creating unrealistic expectations about what evidence will be presented and how it will be presented. Second, PTP research, specifically general PTP research, indicates that the crime drama viewing may influence jurors' decisions in a trial. Taking in concert this research suggests that more research could be conducted on exploring the meaning of the CSI Effect and more research needs to be conducted experimentally to assess whether the effect is perceived or actual. In the next chapter, I describe the first study in this dissertation. This project explored community members' perceptions of the CSI Effect.

CHAPTER 3 STUDY ONE DESCRIPTION

Study One: Do Community Members Believe There is a CSI Effect?

Research has assessed whether defense attorneys, prosecutors and forensic scientists believe in the existence of the CSI Effect. However, until now, no one has asked jurors whether they perceive a CSI Effect (see Watkins, 2004; Maricopa County, 2005; Patry et al., in press). In this study, I explored whether community members perceived that individuals who view crime shows have a different perspective of forensic evidence and make different trial decisions compared to those who do not view crime dramas. I also inquired about their television viewing behavior.

In the Maricopa county (2005) and Watkins (2004) studies, researchers showed that attorneys believed there was a CSI Effect. The belief was stronger in the Maricopa county study where the attorneys met with jurors after the verdict to ask them questions about how they came to their verdict (Maricopa County, 2005). While the attorneys' perception was based on speaking with jurors, the effect they perceived could still be partly attributed to their work in the field. This also could be true of the Canadian death investigators who also perceived a CSI Effect on juries (Patry et al., in press; Stinson et al., 2007). They first confirmed that they were familiar with crime drama shows and believed they were less than accurate. Then, they reported changing the way they investigate and work because of the shows.

Many people do not have direct contact with the legal system, which may mean they have not been exposed to the idea of the CSI Effect. However, the media did publicize the CSI Effect, and this publicity could mean jurors have been exposed to this idea by reading newspapers or watching television. If individuals were exposed to the CSI Effect idea through this medium, it may be likely that they would perceive that the effect exists. In turn, this awareness could mean

that if they were called to jury duty they would take this proposed effect into consideration in their decision making.

It is possible that participants who believe that CSI and other crime shows portray accurate information may be less likely than those who believe crime shows portray inaccurate information to believe that there is a CSI Effect. Specifically, in Watkins (2004), five out of six attorneys who viewed CSI frequently reported they believed the show was educational; none of the attorneys who had never viewed an episode believed the show was educational. Thus, there is potential that individuals who view the show will be more likely to view it as being more accurate (and thus less likely to believe there is a CSI Effect).

This study was conducted with a convenient sample of community members recruited either through flyers at the local library or through an online posting on Craigslist.com. Potential participants were directed to the online survey which was posted on survey monkey and there they were asked to enter in a password and proceed to the informed consent. The exact procedures of recruitment are described below.

Overall, this study was exploratory so there were no formal hypotheses. The overarching goal was to investigate whether community members perceived a CSI Effect. I also explored possible relationships between television viewing behavior, perceptions of accuracy of crime dramas, socio-demographic variables and participants' perceptions of the CSI Effect. I was interested in exploring the following questions: (a) Do heavy viewers of crime shows perceive the accuracy of crime shows and the CSI Effect differently than those who are lighter viewers? (b) Do those who rate crime shows as accurate/realistic differ in their perceptions of the CSI Effect than those who rate crime shows as inaccurate/unrealistic? It is important to note that because this sample is convenient and the study exploratory, all statistical tests are exploring

associations and not attempting to establish causality or infer a truly significant difference between variables.

Method

Participants

Participants were 259 community members solicited through a snowball sampling technique. The number of participants who completed the survey was 191. There were two recruiting procedures (explained below) used until the adequate sample size was reached. The time frame for recruiting and data collection was from January 15, 2009 to April 01, 2009.

The overall sample was 65% female, 35% male, and 83% non-student for those that responded to these socio-demographic questions (N=188). Participants identified their racial/ethnic background as White/Non-Hispanic (83%), Black, Non-Hispanic (6.3%), Asian (2.1%), Hispanic (2.6%), American Indian (2.1%) and Other (2.6%); 2.6% participants responded that they did not wish to answer and 26% skipped the question. Participants also reported their marital status. 33% reported being single, 52% reported being married, 13% reported being divorced and, 2% reported being widowed. Total household income of 46% of the participants was less than 50,000 dollars a year, 45% of the participants were between 50,000-150,000 dollars a year and 9% of the participants were more than 150,000 dollars a year with 29% choosing not to respond to the income inquiry. Participants also reported their education status and of those that chose to respond (74%): 1% reported below a 12th grade education, 6% reported completing 12th grade, 52% reported between some college-bachelor, 38% reported between some graduate school-Ph.D., and 4% reported other college degree. Participants also ranged in their political beliefs 6% were liberal democrat, 42% were democrats, 2% were moderate democrats, 18% were independent, 4% were moderate republican, 18% were

republican, 6% were conservative republican and 5% either choose not to reply or did not fit into the general political categories.

Because the CSI Effect is argued to influence jurors' decisions, we asked participants if they had ever been called for jury duty. 59% responded they had and 39% responded they had not. Of those who had been called only 21% of them had decided on a trial. When asked what kind of trial 76% responded criminal 6% responded civil, 1 responded family and 1 left the question blank.

Procedure

The following sampling procedures were used: First, I posted a link and request for participation on craigslist.com in Gainesville, and 16% of the sample reported being solicited from this method. Second, my research assistants and I canvassed the Alachua County Public libraries to recruit participants with flyers, and 73% of the sample was solicited with this method and 11% chose not to respond. We used these recruiting techniques because there is not a readily available sampling frame of the population of Web users, and so non-probability sampling was an appropriate technique to solicit participants (Kaye & Johnson, 1999). The instructions were simple and the questions were clear and concise in an attempt to not confuse participants. The survey was pre-tested with students and a few willing community members of various ages and backgrounds to assess the questions clarity, logical ordering, biased wording and whether instructions provided the desired information in order to properly fill out the survey (Evans & Mathur, 2005). To increase response rate, a flyer was used and the survey was relatively short (Evans & Mathur, 2005).

The survey (Appendix A) was posted on www.surveymonkey.com. And after signing in, participants were asked to read the informed consent. Participants indicated consent by clicking on the 'agree' button to start the survey. Participants then filled out the questionnaire with the

ability to skip any questions they did not wish to answer. The response rate for those who started the survey and finished was 75%. On the final screen, participants were thanked for their participation.

Questionnaire

Television and crime viewing behavior

Participants were asked whether they watch several popular crime shows separated by genre category. These shows were categorized according to Shelton et al. (2006). The *forensic dramas* were Body of Evidence, Bones, Cold Case, Criminal Minds, Crossing Jordan, CSI, CSI Miami, CSI New York, In Justice, NCIS, Numb3rs, and The Evidence. The *forensic documentaries* were Cold Case Files, Forensic Files, The First 48 Hours, The New Detectives, Trace Evidence, 48 Hours Mystery. The *general crime documentaries* were American Justice, America's Most Wanted, COPS, The FBI Files, The Investigators, and The System. The *general crime/courtroom dramas* were Law & Order, Law & Order: Criminal Intent, Law & Order: SVU, Medium, Prison Break, and Without a Trace. The *general news/crime news shows* were Boston Legal, Conviction, 60 Minutes, Dateline, Catherin Crier, Nancy Grace and The Abrams Report. Each battery of shows was listed with two questions: 'how many hours do you view any of the following (insert category) in a week and in a day'. The open ended viewing measures for each genre were summed together to create a scale. In addition, the items for each genre were also coded 0 if participants responded to not having seen one of these shows and 1 if they had seen one of these shows.

Participants were then asked to list any crime show that they currently view which was not listed and how many hours a week they viewed the listed show. Participants were also asked to type in an open-ended response to following questions: (a) please indicate how long you have been watching crime shows (in weeks, months and years); (b) which crime show listed is your

favorite?; (c) what is your favorite program on television (any type of show)?; (d) what is your favorite channel/station on television?; (e) what current specific/program show do you dislike the most? Participants were also asked to respond to the following questions by clicking in the appropriate response (i.e., news, music, sitcoms, reality shows, sports, crime shows, other): (a) what type of programs/shows do you watch the most? (b) what type of programs/shows do you dislike the most.

Consistent with prior research on cultivation theory, participants were asked the following open-ended questions and each of these were used separately as a general television viewing measure: ‘On an average day how many hours do you watch television’, and ‘Of these hours a day how many are spent watching crime drama shows’; ‘how many hours, in general, do you watch television every week’ and, ‘of these hours how many are spent watching crime drama shows’ and ‘please indicate approximately how many hours a week that you view any of these (from the list above) crime dramas’ (Gerbner et al. 1976). Each of these measures is reported below as a count but, they were also recoded into median splits and three splits in order to be used in analyses.

For any of the open ended questions, participants sometimes responded with a range of viewing and these were all conservatively coded as the average of the two numbers. For example, if participants wrote in 1 to 2 hours, this would be coded as 1.5. A few participants also wrote in a response, such as “sometimes”, and this was coded as 1, if they wrote in “rarely” this was coded as 0. Because skewness from outliers can be problematic when using count data, items were standardized with z-scores and any item shown to be over or under the 3.0 threshold were decidedly outliers and were coded to the next highest/lowest value (Tabachnick & Fidell, 1983). This is arguably similar to truncating ones data for analysis.

Accuracy of crime shows

Participants responded to the following questions on a Likert type scale of 1 ‘strongly disagree’ to 7 ‘strongly agree’. Items that were reverse coded were recoded so that a higher rating indicated stronger perceptions of the accuracy of crime shows, and reverse coded items are indicated by an (R). To assess their perceptions of the accuracy of each of the categories of crime shows (forensic dramas, forensic documentaries, general crime documentaries, crime/courtroom drama, and general crime news shows) the following statements were used: (a) [These types of shows] accurately describe what happens in the criminal justice system, (b) I believe [these types of shows] are very realistic, (c) I think [these types of shows] are highly inaccurate (R). The three items for each category of crime shows — forensic dramas ($\alpha=.84$), forensic documentaries ($\alpha=.89$), general crime documentaries ($\alpha=.88$), crime/courtroom drama ($\alpha=.87$), and general crime news shows ($\alpha=.87$) — were averaged together to create five subscales. An overall accuracy scale was also created averaging all items together ($\alpha=.94$). A factor analysis was conducted on all scales and results show that items loaded on the expected constructs all with at least 40% variance explained by the first component and all factor loadings above .50 (Allison, 1999). Also, in the descriptive section percentages of agree and disagree were computed for each category of shows and sub-items to provide a more descriptive picture of participants responses to the accuracy items.

Knowledge of the CSI Effect

The participants were asked if they had heard of the CSI Effect. If they responded positively, they responded to a question asking where they received their information on the CSI Effect. Participants responded to: (a) Have you heard of the phenomenon termed the CSI Effect

on juror decisions? (yes or no)¹; (b) If yes, do you know what it means? (yes or no) (c) If yes, briefly describe what you think the CSI Effect is. Participants responses to this last open ended item were examined for themes and then the themes were coded using two independent coders with a high overall agreement rate ($\kappa = .72$). Next, participants responded to: (a) do you think that the CSI Effect as you defined it occurs in real life? (yes or no). Participants who responded that they heard of the CSI Effect then indicated *where* they had heard about the CSI Effect by responding to the following open-ended items: (a) where did you hear about the CSI Effect; (b) what did this person/source say about the CSI Effect. Both of these items were also examined for themes. The first question had a 100% agreement rating between the two independent coders and the second response also had a high overall agreement rate ($\kappa = .87, p < .01$).

Prior contact

Participants responded to whether they had been a juror or had contact with the criminal justice system. Participants answered: (a) Have you ever been called for jury duty? (yes or no); (b) Did you decide on a trial? (yes or no); (c) What kind of trial? (open-ended); (d) Have you ever been in a courtroom in a capacity other than to serve as a juror? (yes or no); (e) What was the reason? (open-ended). The open-ended response questions were coded for themes with a 100% agreement rating between the two independent coders.

Demographic information

At the end of the survey the following demographic information was assessed: gender, age, educational background, race, income level, political background, citizenship status, marital status, city of residence, state of residence, and where they heard about the study. The age

¹ If they responded 'no' they were directed to a new page which did not have the questions about describing the CSI Effect.

measure was not used because of trouble with that response item collection through www.surveymonkey.com.

Perceptions of CSI Effect

Participants also responded to a series of statements designed to assess whether once they were given a definition of the CSI Effect they perceived an effect. Each statement was measured by a 7-point Likert-type scale ranging from 'strongly disagree' to 'strongly agree'. Items that were reverse coded were recoded so that a higher rating indicated stronger perceptions of the CSI Effect, and reverse coded items are indicated by an (R). All items were proposed to measure the same construct. However, I tested the scale using exploratory factor analyses and found three constructs. Results of these factor analyses reveal that at least 40% variance was explained by the constructs and all loadings are above the .50 threshold (Allison, 1999). The trial outcome scale was composed by averaging the following items ($\alpha = .72$): (a) jurors who watch crime drama shows will make decisions about a case differently than those who do not watch crime drama shows; (b) I don't think watching crime drama shows influences a juror's decision in a trial (R); (c) I don't believe that watching crime drama shows affects trial outcomes (R). The education scale ($\alpha = .99$): (a) I believe that people who watch crime drama shows have increased knowledge about investigation (R); (b) I don't think that people who watch crime drama shows have more expectations of staff at crime scenes (R); (c) I feel that people who watch crime drama shows have increased faith in science; (d) I think that people who watch crime drama shows have increased interest in crime investigation; (e) I think that shows such as CSI give people more faith in the criminal justice system. The Expectation of Evidence Scale ($\alpha = .99$): (a) jurors who watch crime drama shows will expect more forensic evidence; (b) jurors who watch crime drama shows, will not convict without forensic evidence; (c) I think that people who watch crime drama

shows have unrealistic expectation about criminal investigation; (d) I believe that all jurors expect more forensic evidence, regardless of what television shows they regularly watch (R).

CHAPTER 4 STUDY ONE RESULTS

Descriptive Statistics

Television and Crime Viewing Behavior

Participants' television viewing habits (both of crime shows and general television viewing) are described in table 3-1. Participants responded to the questions of how often they view television weekly and daily and how many of these hours were spent viewing crime shows. The items described here are the values for viewing measures after outliers were removed. For weekly television viewing the average amount of hours was 17.86 with a range of 0-61 and of these hours spent watching crime shows the average was 4.60 with a range of 0-32. For daily television viewing participants averaged 2.99 with a range of 0-15 and of these hours an average of .86 was spent viewing crime shows with a range of 0-6. When asked how many hours a week that they view any crime show, participants' responses averaged 5.13 hours with a range of 0-29. The distributions for all of these measures were highly skewed (all *skew's* > 7.53) with the values closely surrounding the mean (all *kurtosis* > 6.44).

Participants also responded how many hours they viewed each specific genre of crime shows (again the values reported are for outliers removed): Forensic Dramas weekly $M = 2.53$, daily $M = .60$; Forensic Documentaries weekly $M = .76$ and daily $M = .23$; Crime Documentaries weekly $M = .92$ and daily $M = .27$; Crime Dramas weekly $M = 1.80$ and daily $M = .54$; and Crime News weekly $M = 1.28$ and daily $M = .37$. Descriptives for all genre measures including outliers is available in Table 3-2. The distributions were all highly skewed (all *skew's* > 11.70) with many zero responses and with values close to the mean (all *kurtosis* > 11.89). To get a better picture of how many participants were viewing each of these genres of shows each category was recoded into zeros if participants indicated not viewing any of the shows and ones if they indicated

viewing at least one hour a week. More participants reported viewing forensic documentaries and crime documentaries (70%) followed by forensic dramas (59%), and crime news (58%) with crime dramas (50%) being the viewed by the least amount of participants.

Participants were also asked to respond to write-in questions about any crime shows not addressed in the survey. There were 22% participants who responded that they watch an additional crime show, with 17% of participants responding they watch at least an hour a week. 11% of participants also responded watching two additional shows not listed and 6% responded that there were three additional shows not listed. 9% watched an additional two shows and 4% watched an additional three shows at least an hour a week. Some of the shows listed were: Lie to Me, Monk, The Mentalist, True Lies, and Unsolved Mysteries.

Participants indicated if they had ever viewed crime shows and 32% responded yes that they have in the past watched crime shows, but are not currently watching them whereas only 6% responded they had never watched crime shows and 60% indicated that they currently watch these shows. Of those who responded yes to having watched crime shows in the past, they were asked how often they viewed these shows and responses ranged from 0-15 with an average of 2.94. When asked how long they have watched crime shows, participants responses ranged from 0-10,000 weeks, 0-100,000 months, and 0-52 years. Most participants (75%) skipped the question regarding how long they have been viewing crime shows, thus these responses are not representative of the entire sample.

The last battery of questions on television viewing examines participants' television viewing preferences. 77% of participants responded to which category of shows they viewed the most. Of those who responded 23% responded news, 16% responded movies, 14% responded crime shows, 11% responded sitcoms, 9% responded reality shows, 4.5% responded sports, 1%

responded music, and 24% responded that their most watched shows would be in another category. 73% of participants indicated which program on television was their favorite; of those who responded 19% chose a type of drama, 17% chose a crime show, 14% chose a news show, 12% chose a sitcom and, the remaining 38% ranged in their responses. Specific favorite shows included: Lost (11%), Grey's Anatomy (4%), CSI (3%), House (3%), Bones (2%), The Office (2%), and 24 (2%). Participants (75%) also indicated which crime show was their favorite and of those who responded 19% indicated CSI, 14% indicated Law & Order, 8% indicated NCIS, 8% indicated Bones, and 15% indicated they had no preference and, the remaining 46% chose a variety of crime shows.

When participants were asked about the category of shows they dislike 59% chose the category of reality television, followed by sitcoms (25%) and sports (25%) with crime shows (16%), music (15%) and news (14%). Participants responded about specific shows they dislike and these results supported the strong view of reality shows being disliked with many top listed shows being reality shows: American Idol (11%), Survivor (6%), The Bachelor (5%), Wife Swap (2%), The Apprentice (1%), 18 Kids and Counting (1%), and Biggest Loser (1%). However, a few specific crime shows were listed as disliked: CSI (5%) and Nancy Grace (4%).

Generally, people in this sample watch a lot of television and quite a few watch various crime shows. Almost the entire sample at some point has watched crime shows. News is the type of program that people view the most followed by movies and crime shows; whereas reality shows are the shows individuals hate the most. The next section of results indicate how accurate participants view crime shows.

Ratings of the Accuracy of Crime Shows

Participants' perceptions of the accuracy of crime shows were split into five sub-scales and one overall scale. Each sub-scale measured participants' views of the accuracy of the

different genres of crime shows (forensic drama accuracy, crime drama accuracy, forensic documentary accuracy, general crime documentaries accuracy, and crime news accuracy). Descriptives for each of these scales is available in Table 3-3. The forensic drama and crime drama subscales distributions were not skewed (*skew*= .78 and .5, respectively), but were slightly dispersed from the mean (*kurtosis*= -1.83 and -2.19). Forensic documentary, crime documentaries, and crime news subscales were all slightly negatively skewed distributions (all *skews* > -2.00). The forensic documentary, crime documentaries and crime news subscales peaks were close to normal (all *kurtosis* < -1.32). The accuracy scores of all shows were also scaled together (all shows accuracy) and this distribution was approximately normal (*skew* = -1.55 and *kurtosis* = .58).

Perceptions of the CSI Effect

The overall goal of study one was to examine whether community members perceived a CSI Effect. Participants responded to whether they had heard of the CSI Effect with the majority (70%) indicating that they had not heard of the CSI Effect. Only 29% indicated that they had heard of this effect. Of the 29% of participants who indicated that they had heard of the CSI Effect, 68% indicated they knew what the CSI Effect meant. Nevertheless, 88% of the 58 participants described the open ended question regarding their description of the CSI Effect. Participants gave varying lengths of definitions and at times more than one theme was found in the longer explanations of the CSI Effect.

Participants indicated that the CSI Effect meant that people have unrealistic expectations of evidence (67%). For example: “people expect a lot of crime scene evidence. They think there is always some defining evidence left at the scene that will lead to the guilty party”. Individuals also reported believing forensic science is conducted in the real world similarly to how it is conducted on these shows (26%). For example, one respondent explained “when people think

real life crime and justice is the same as what they see on TV”. Participants also believed that CSI-type shows are educating criminals (18%). For example: “criminals change their behavior when committing crimes because they feel they know....or criminals also are getting better at trying to puzzle forensic scientists and crimes can have less evidence to lead scientists to them”. Last, people think they know how to solve crimes because of these shows (8%) Example: “it creates people who believe that they can solve crime and know more”.

Within the general unrealistic expectations of evidence theme, participants also indicated more specific definitions of the CSI Effect. They expressed that the CSI Effect means that people expect that to solve a crime, criminal justice actors need forensics (10%). For example: “people expect a lot of crime scene evidence. They think there is always some defining evidence left at the scene that will lead to the guilty party”. Others believed that the impact of forensic evidence is only on jurors’ expectations of forensic evidence (37%). For example: “juries tend to expect too much from forensic testimony”. Another theme was that the influence of these shows could be that they are educating people about forensic science (6%). For example: “it means that though somewhat inaccurate, crime drama shows educate people about the various ways forensic and detectives can figure out who did a crime”. In addition, people expressed that the expectations from these shows makes it more difficult for state attorneys/prosecutors to win a case (8%). For example: “as a juror you expect the presentation of convincing evidence (fingerprints, etc.) to be part of the case for conviction”. Last, people expressed that the influence is on both criminal justice actors and not only juries (16%). For example: “the police officers, forensic teams and the legal system are expected to be able to gather, process and use high tech means to supply evidence in court”. There were a few answers (6%) that did not neatly fit into any theme, For example: “it is when the crime is copied from a movie script”. When asked

whether they think the CSI Effect occurs in real life, 85% of the participants answered yes compared with 15% who responded no.

Participants indicated where they had heard about the CSI Effect. Most participants responded that they had heard about the CSI Effect through some form of media (41%), such as the television (31%) or the newspaper (12%). Many participants responded that they did not remember where they had heard about the CSI Effect (24%). Others indicated it was from a friend, acquaintance or family member (12%).

Participants responded to what they had heard about the CSI Effect from their reported source. Participants reported learning from their source that the CSI Effect affects juries (31%). For example: “that it effects jury decisions”. They also reported that they did not remember what the source said (29%). For example: “I don’t remember”. Another theme was that participants had high expectations of evidence (20%). For example: “that juries and criminals and defendants expect more evidence”. Participants also reported that the CSI Effect was pro-defense (14%). For example: “I think they said it is becoming more difficult for prosecutors because it is unrealistic to produce that much forensic evidence”. Another theme was that participants believed the shows are not reality (14%). For example: “real police work isn’t like those Crime Scene shows on TV”. Participants learned that that CSI type shows help or educate criminals (6%). For example: “more criminals were committing crimes and trying to avoid being caught by forensics”. Participants reported learning that forensic evidence makes cases easier to convict (4%). For example: “it might be easier to convict the right person”. More of the explanations in this category did not fit into a general theme (25%). Example one participant reported learning that the CSI Effect was “personal opinions formed over time.” Overall, the themes described here were similar to the above themes with less specific information. In addition, many people

indicated not remembering what they had heard which could be influencing what they stated as the definition above.

Participants who reported hearing about the CSI Effect significantly differed from those who had not heard about the CSI Effect regarding their crime drama viewing behavior ($\chi^2(2, 193) = 7.27, p = .03, \eta = .19$). Specifically, participants who reported having heard of the CSI effect were heavy viewers 65% of the time and light viewers 35% of the time. In addition, participants who reported not having heard of the CSI effect were heavy viewers 45% of the time compared with 55% who were light viewers. Thus it appears that participants who reported having heard of the CSI effect were more likely to be heavy viewers of crime shows than those who reported not having heard of the CSI effect.

Participants were given a definition of the CSI Effect and then asked to agree or disagree with statements considering this definition. The perceptions of CSI Effect measures were split into three sub-scales: education scale, trial outcome scale and evidence scale (descriptives available in Table 3-3). The education scale had a positively skewed distribution (skew = -2.72 and kurtosis = 1.51) as did the trial outcome scale (skew = -2.17 and kurtosis = 1.86). The expectation of evidence had a highly positively skewed (skew = -4.20) distribution with values dispersed from the mean (kurtosis = 6.97). Participants did vary on their perceptions of the CSI Effect I explored relationships between these and crime viewing behaviors, perceptions of accuracy of crime shows and socio-demographic variables.

Bivariate Associations

I found adequate variability in the descriptive analyses and so the following exploratory tests were meant to examine potential relationships between variables. First, do participants significantly differ on their ratings of the accuracy of crime genres shows? That is are certain genres of shows viewed more accurately than other genres. Second, do heavy viewers of crime

shows perceive the accuracy of crime shows and the CSI Effect differently than those who are lighter viewers? And, do those who rate crime shows as accurate/realistic differ in their perceptions of the CSI Effect than those who rate crime shows as inaccurate/unrealistic?

Participants ratings of the Accuracy of Crime Shows

First, to examine whether participants rated these crime genres accuracy significantly different from each other I conducted paired samples t-test comparing participants' ratings for each category. Participants significantly differed on their ratings of the accuracy of crime/courtroom drama shows compared with forensic dramas ($M = -.18, t(180) = -2.28, p < .05$), forensic documentaries ($M = -1.10, t(159) = -9.50, p < .01$), general crime shows ($M = -1.06, t(171) = -8.26, p < .01$) and crime news shows ($M = -.97, t(181) = p < .01$). Also, participants significantly differed on their ratings of the accuracy of forensic dramas compared with forensic documentaries ($M = -.89, t(165) = -8.27, p < .01$), general crime documentaries ($M = -.85, t(170) = -7.21, p < .01$), crime/courtroom dramas ($M = .18, t(180) = 2.28, p = .02$) and crime news shows ($M = -.80, t(176) = -6.93, p < .01$). That is results show that participants view the forensic dramas and crime/courtroom dramas slightly less realistic or accurate than they view the forensic documentaries, general crime documentaries and crime news shows. In addition, participants view the crime drama slightly less realistic/accurate than they do the forensic dramas. Participants rated the genres forensic documentaries, general crime documentaries, and crime news programs similarly in regards to accuracy. The question then becomes whether viewing crime shows is related to participants perceptions of the accuracy of crime shows as it was in the study with attorneys (Watkins, 2004).

Television Viewing Behavior and Ratings of the Accuracy of Crime Shows

I ran ANOVA's with participants' television and crime viewing behavior (television daily viewing, television weekly viewing, crime show weekly viewing, and crime daily viewing)

and participants ratings of the accuracy of crime show genre scales (forensic dramas, forensic documentaries, crime documentaries, crime/courtroom dramas, crime news shows and all crime shows) . Results indicated that all television and crime viewing measures were significantly associated with participants ratings of the accuracy of all crime show genre scales (all F 's > 4.21, all p 's < .04) with the exception of the relationship between daily crime viewing and participants ratings of the accuracy of news shows ($F(1,166) = 2.58, p = .11$).

The relationships between television/crime viewing and the accuracy scales are substantively similar, and so I will only describe in detail the relationship between participants' weekly crime show viewing and their subsequent ratings of the accuracy of crime show genres. It is important to note that effect sizes were larger between participants' crime show viewing and their ratings of the accuracy of crime shows compared with participants' general television viewing. Results for each measure of participants' television/crime viewing behavior and their rating of crime shows accuracy refer to Tables 3-4, 3-5, 3-6, and 3-7. Participants who were heavier weekly crime show viewers were more likely to rate the accuracy of all crime shows higher ($M = 4.56$) compared with participants who were lighter weekly viewers of crime shows ($M = 3.51$); $F(1, 152) = 35.31, p < .01, \eta^2 = .19$. In addition, heavy weekly viewers of crime shows rated the accuracy of each the genres of crime shows (for example: forensic documentaries) significantly higher than light weekly viewers of crime shows (all F 's > 10.31, all p 's < .01). Participants who were heavy weekly viewers of crime shows rated forensic documentaries as more accurate/realistic ($M = 5.11$) than those who were light weekly crime shows viewers ($M = 3.72$); $F(1, 157) = 42.24, p < .01$. The strongest effect of participants weekly crime show viewing on ratings of the accuracy of crime genres was on their ratings of

forensic documentaries ($\eta^2 = .21$) followed by general crime documentaries ($\eta^2 = .12$), forensic dramas ($\eta^2 = .10$), crime/courtroom dramas ($\eta^2 = .07$) and crime news ($\eta^2 = .05$).

Overall, participants who watch more television, especially crime shows, are more likely to view crime shows as portraying accurate information. Crime shows in particular had stronger effect sizes for the increase of the mean accuracy rating compared with general television viewing. In addition, forensic documentaries receive the highest increase in perceptions of accuracy between heavy television viewers and light television viewers; whereas crime news shows receive the smallest increase on perceptions of accuracy between heavy and light viewers.

Television Viewing Behaviors and Perceptions of the CSI Effect

Participants' daily/weekly television viewing and perceptions of the CSI Effect

I ran ANOVA's comparing the means between heavy television viewers and light television viewers with participants' perceptions of the CSI Effect (education scale, trial outcome scale, and expectation of evidence scale). I found no significant relationship between television viewing weekly or daily and participants' perceptions of the CSI Effect (all F 's < .53, p 's > .47).

Next, I ran bivariate correlations between participants' general television viewing behavior and perceptions of the CSI Effect. Results revealed a positive significant relationship between participants television weekly viewing and the education scale ($r(182) = .16, p < .05$). Specifically, participants who view more television weekly rated crime shows as educating people on investigation and evidence issues compared with those who view television weekly less often. The other relationships between viewing measures and perceptions of the CSI Effect scales were not significant (all r 's < .13, all p 's > .07).

Participants' daily/weekly crime show viewing and perceptions of the CSI Effect

I also compared means of heavy viewers versus light viewers for weekly and daily crime show viewing with participants' perceptions of the CSI Effect. Heavy weekly viewers of crime

shows significantly differed than light weekly viewers on the education scale $F(1,176) = 6.27; p < .01$. That is, heavy weekly viewers of crime shows ($M = 4.68$) rated crime shows as more educational compared with light weekly viewers of crime shows ($M = 4.36$). All other crime show viewing measures and perceptions scales were not significant (all F 's < 3.32 , all p 's $> .07$).

I then ran ANOVA's with these same crime show viewing measures and the CSI Effect scales, but the viewing measures were separated into three as opposed to two levels of viewing. Participants weekly crime show viewing and both the CSI Effect education scale and trial outcome scale were significant; $F(2,174) = 3.12; p < .05$; $F(2,175) = 2.97; p = .05$, respectively. Similar to the above results, medium and heavy crime viewers reported the CSI Effect was educational/positive ($M_2 = 4.64, M_3 = 4.65$), compared with light viewers ($M = 4.31$). Results also indicated that heavier viewer of crime shows ($M = 4.39$) were less likely to report that watching CSI affected trial outcomes than medium ($M = 4.78$) and light viewers ($M = 4.84$). All other relationships between weekly/daily crime and television viewing measures and perceptions of the CSI Effect scales were not significant (all F 's < 1.35 , all p 's $> .25$).

I ran bivariate correlations between crime viewing measures and perceptions of the CSI Effect scales. Again, participants crime show viewing weekly behavior revealed a positive significant relationship with the education scale ($r(181) = .18, p < .01$). Specifically, participants who are heavier viewers of crime shows weekly also agreed that the shows are educating people on investigation and evidence issues compared with those who are lighter viewers of crime shows weekly. The other relationships between viewing measures and perceptions of the CSI Effect scales were not significant (all r 's $< .13$, all p 's $> .07$).

Participants' crime genre viewing and perceptions of the CSI Effect

I also wanted to examine if there was a relationship between each of the crime genre viewing measures (forensic drama, forensic documentaries, general crime documentaries,

crime/courtroom dramas, and crime news) and perceptions of the CSI Effect scales. I ran ANOVAS to test these relationships. There was a significant relationship between forensic drama viewing on perceptions of trial outcomes ($F(1,180) = 6.56; p < .01$). Participants who view forensic dramas are less likely to agree that viewing crime shows influences trial outcomes ($M = 4.52$) compared with those who do not view forensic dramas ($M = 4.92$). All other relationships between crime genre viewing and perceptions of the CSI Effect were not significant (all F 's < 1.56 , all p 's $> .22$).

Next, I ran bivariate correlations with the genre viewing measure scales and perceptions of the CSI Effect scales. Results indicate that both forensic drama daily viewing and general crime/courtroom drama daily viewing held a negative significant correlation with the expectation of evidence scale ($r(172) = -.23, p < .01; r(184) = -.23, p < .01$, respectively). Participants who viewed more forensic dramas or general crime/courtroom dramas daily reported lower scores on the scale indicating that shows such as CSI cause viewers to have different view of evidence compared with viewers who watch these shows less often daily. Results also indicated that general crime/courtroom drama weekly viewing was positively significantly correlated to the education scale ($r(177) = .15, p < .05$). Specifically, all other relationships are not significantly correlated (all r 's $< .10$). I also ran Kendall's $\tau(b)$ and none of the relationships were significant.

Exploring Perceptions of Accuracy and Perceptions of the CSI Effect

I also ran bivariate correlations between perceptions of the accuracy of crime shows and perceptions of the CSI Effect scales. There were positive significant relationships between the education scale and all of the accuracy of crime shows scales (all r 's $> .264$, all p 's $< .01$). This means that participants who responded that each of these genres of shows were more accurate

were also agreeing that the shows are educating people compared with those who do not agree that these shows are accurate and disagree that they educate people.

Exploring Socio-demographics and Perceptions of the CSI Effect

Lastly, I ran tests of sociodemographic variables and perceptions of the CSI Effect scales. I ran one-way ANOVA's between each CSI Effect scale and female, white, marriage, income level and whether they had experienced jury duty. A significant relationship between being white and the education scale $F(1,169) = 5.20; p < .05$ and the evidence scale $F(1,171) = 4.12; p < .05$ was found. Participants who were white were more likely to agree that crime shows educate people ($M = 4.59$) compared with other races ($M = 4.18$). In addition, participants who were white ($M = 4.61$) were more likely to agree that people who watch crime shows expect more forensic evidence compared with participants of other races ($M = 4.27$). No other relationship between socio-demographic variables and the CSI Effects scales were significant (all F 's < 2.56 , all p 's $> .08$).

I then ran bivariate correlations between the perceptions of the CSI Effect scales and participants level of education and political beliefs. A significant relationship between the trial outcome scale and level of education was revealed ($r(175) = -.153, p < .05$). No other bivariate relationships between perceptions of CSI Effect scales and socio-demographic variables were significant (all r 's $< .11$, all p 's $> .13$).

Table 3-1. Descriptive statistics for participants' television and crime viewing behaviors

Variable	Mean	SD	Min	Max
Television Weekly	18.47	15.82	0	100
(w/out outliers)	17.86	13.25	0	61
Crime Weekly	4.86	7.82	0	50
(w/out outliers)	4.60	6.53	0	32
Television Daily	3.10	2.88	0	25
(w/out outliers)	2.99	2.34	0	11
Crime Daily	.92	1.59	0	15
(w/out outliers)	.86	1.23	0	6
Crime Dramas Weekly	5.42	8.00	0	50
(w/out outliers)	5.13	6.76	0	29

Note: The first line of each variable is prior to outlier removal.

Table 3-2. Descriptive statistics for participants' crime genre viewing behavior with outliers included.

Variable	Mean	SD	Min	Max
Genre Viewing				
Forensic Dramas				
Weekly	2.79	5.06	0	45
Daily	.75	2.37	0	30
Forensic Documentaries				
Weekly	.87	2.62	0	30
Daily	.26	.71	0	5
General Crime Docs				
Weekly	.95	2.04	0	10
Daily	.35	1.12	0	9
General Dramas				
Weekly	1.97	4.26	0	45
Daily	.90	5.92	0	80
General & Crime News				
Weekly	1.32	2.55	0	15
Daily	.39	.87	0	6

Table 3-3. Descriptive statistics for participants' ratings of the accuracy of crime shows and CSI Effect scales.

Variable	Mean	SD	Min	Max
Accuracy of Shows				
Forensic Dramas	3.55	1.50	1	7
Forensic Documentaries	4.41	1.50	1	7
General Crime Docs	4.39	1.52	1	7
General Dramas	3.37	1.42	1	7
General & Crime News	4.34	1.43	1	7
CSI Effect Scales				
Education Scale	4.51	.87	2	6.6
Trial Outcome	4.68	1.06	1.3	7
Evidence Scale	4.57	.80	1	7

Table 3-4. Participants' daily television viewing behavior and their perceptions of crime show accuracy.

Measures	Mean (SE)		F	Univariate ANOVA		
	Light	Heavy		df	p	η^2
Forensic Dram	3.07(.14)	4.00(.15)	20.34	1,189	>.01	.10
Forensic Doc	4.04(.16)	4.74(.14)	9.36	1,164	>.01	.05
Crime Doc	4.06(.17)	4.72(.15)	8.38	1,171	>.01	.05
Crime Drama	3.03(.14)	3.70 (.15)	10.52	1,181	>.01	.06
Crime News	4.03(.16)	4.63 (.14)	7.96	1,175	>.01	.04
All Shows	3.61(.13)	4.44(.13)	20.53	1,153	>.01	.12

Table 3-5. Participants' weekly television viewing and their perceptions of crime show accuracy.

Measures	Mean (SE)		Univariate ANOVA			
	Light	Heavy	F	df	p	η^2
Forensic Dram	3.18(.14)	3.97(.16)	14.24	1,188	>.01	.07
Forensic Doc	3.97(.16)	4.86(.16)	15.87	1,164	>.01	.09
Crime Doc	4.00(.16)	4.83(.16)	13.34	1,170	>.01	.07
Crime Drama	3.07(.13)	3.70 (.16)	9.26	1,180	>.01	.05
Crime News	4.15(.15)	4.59 (.15)	4.21	1,174	.04	.02
All Shows	3.62(.13)	4.47(.13)	21.71	1,153	>.01	.12

Table 3-6. Participants daily crime show viewing and perceptions of crime show accuracy.

Measures	Mean (SE)		Univariate ANOVA			
	Light	Heavy	F	df	p	η^2
Forensic Dram	3.15(.15)	4.00(.16)	15.31	1,179	>.01	.08
Forensic Doc	3.97(.17)	4.89(.15)	16.47	1,157	>.01	.010
Crime Doc	4.06(.17)	4.84(.15)	11.47	1,161	>.01	.07
Crime Drama	2.93(.14)	3.80 (.15)	17.13	1,171	>.01	.09
Crime News	4.19(.15)	4.54 (.16)	2.58	1,166	.11	.02
All Shows	3.63(.13)	4.50(.13)	22.87	1,147	>.01	.14

Table 3-7. Participants weekly crime show viewing and their perceptions of crime show accuracy.

Measures	Mean (SE)		Univariate ANOVA			
	Light		F	df	p	η^2
Forensic Dram	3.07(.14)	4.03(.15)	21.33	1,187	>.01	.10
Forensic Doc	3.73(.16)	5.11(.13)	43.86	1,163	>.01	.21
Crime Doc	3.92(.16)	4.96(.14)	22.14	1,169	>.01	.12
Crime Drama	3.00(.13)	3.73 (.16)	12.84	1,179	>.01	.07
Crime News	4.04(.15)	4.69 (.15)	9.21	1,173	>.01	.05
All Shows	3.51(.13)	4.56(.12)	35.31	1,152	>.01	.19

CHAPTER 5 DISCUSSION STUDY ONE

This exploratory study shed some light on how community members view crime shows and their influences on the jury decision making process. In terms of viewing crime shows, more people tended to view the forensic/crime documentaries than the forensic/crime dramas, but more overall hours were spent watching the forensic/crime dramas. In addition, many participants indicated shows that were not included on the original list which means there are a quite a lot of crime shows available to watch on television. It does seem that CSI is one of the most popular shows, which is most likely why the supposed influence of viewing these shows was termed the CSI Effect.

Expectedly, participants did view the forensic/crime dramas as less realistic than the forensic/crime documentaries and crime news. The documentaries are accounts from actual crime investigations and the news is the news, which is supposed to be portraying accurate information whereas, the drama shows are meant to be fictional representations. However, participants who are heavier viewers of television are likely to view all of these genres of crime shows as portraying accurate information more so than lighter viewers. This is similar to previous research that also found that more frequent viewers of crime shows perceived programs as accurate (Shelton, 2006). Perceptions of the accuracy/realistic nature of crime shows being related to crime show viewing was also recognized in one of the study's on attorneys perceptions of the CSI Effect (see Watkins, 2004).

Unique to the current study was the finding that *both* heavy television and crime show viewing influenced participants' perceptions of crime show accuracy. This result supports cultivation theory which argues that the television is a system and heavy viewing of any program will influence an individual's perceptions. However, the influence of crime shows was more

pronounced (larger effect sizes) than general television viewing which also supports cultivation theory, but not as Gerbner intended (Cohen & Weimann, 2000; Potter, 1991). As stated above, watching excessive television of *any* sort is supposed to be related to people's perceptions of social reality, but research has found that splitting television programming into genres is more influential on people's perceptions (Hawkins and Pingree 1980; 1981). Of course, the questions of accuracy in this study were focused on crime show genres specifically, so those who watch these shows rate also them as more accurate is not surprising. However, the CSI Effect perceptions and television viewing relationships explained below also support the notion of using genres as television viewing measures.

Views on the CSI Effect

Overall, people do think crime shows influence jurors, but seemingly not as strongly as lawyers perceive it (Watkins, 2004 & Maricopa County, 2005). For starters, few people in the sample reported having heard of the CSI Effect, but those who did defined it as an unrealistic expectation of evidence. Interestingly, when participants described the influence on attorneys it was only defined as a pro-defense effect which could mean that the media and others are only portraying it as a hindrance on the prosecution. The news articles I examined which mentioned the CSI Effect described it as an effect of defendants being found not guilty due to lack of forensic evidence (see Willing, 2004). Furthermore, most participants replied that their information about the CSI Effect came from the media, specifically television, which is consistent with cultivation perspectives of television being the most important medium constructing peoples' social reality.

After giving participants the constructed CSI definition, the scaled statements did not all fit together neatly into one construct. Participants varied on how the shows might be influencing jurors and trial outcomes. Participants who watched crime shows more often perceived the CSI

Effect as educational, and therefore a positive influence on people compared with general television viewing which did not influence views of the CSI Effect. This finding is consistent with Watkins (2004) findings on attorneys' perceptions of CSI if they reported being a viewer they were more likely to view the show as educational. In addition, participants who watched crime shows more often were also less likely to think that watching these shows influences trial outcomes negatively compared with general television viewing where no significant relationship was found. These relationships lend further support to researchers who argue that splitting television viewing into show or genre categories may assist research in finding stronger associations between peoples' television viewing behavior and their perceptions of social reality (Potter, 1991; Cohen & Weimann, 2000 and Hawkins and Pingree, 1980; 1981).

Conclusion

Crime shows appear everywhere on television one could likely find at least one crime show most hours of the day. It is clear that this sample of community members were watching crime shows, but only a modest amount of people had heard of the CSI Effect. When given the definition, participants vary on whether they believe the CSI Effect exists. The people who are watching crime shows think crime shows are accurate and educational. Viewing the forensic and crime dramas, specifically, appear to be influencing people's views of social reality. There may be more to studying the overall cultivation influence of heavy crime television viewing affect on actual decisions which was explored in Study two.

Limitations

The limitations for this web-based survey surround the usual survey error concerns of: sampling, coverage, measurement and non-response (Dillman & Bowker, 1999). However, the web-based nature of this survey poses special concerns which also need to be addressed. According to Dillman and Bowker (1999) the explosion of the use of web surveys has not often

been conducted with attention to the reduction of survey error. While some of the issues posed by Dillman (2008) cannot be avoided each issue is discussed below along with partial remedies to certain issues.

For this study, the sample will not be representative of the general population due to the non-probability sampling procedure. Therefore it is unjustified to make statistical inferences to the general population (Dillman, Tortora, Conradt & Bowker, 1998). However, this study is exploratory and reaches a larger and more diverse population than if I were to sample undergraduates. The findings from this study can inform future research which utilizes a non-probability sampling procedure.

Along with sampling, coverage is also an issue as older community members may not have access or experience using computers. The requirement of access to and proficiency of using a computer makes it likely to bias the sample towards younger participants. O'Neil et al's (2003) sample characteristics for their web-based survey tended to be younger with only 18.2% being over 42 years old. While the requirement of access to a computer cannot be changed the method of a simple design could increase the likelihood of individuals with limited proficiency participating and not dropping out. This was a further problem with my study because I was not able to examine age distribution of this sample due to a technical issue with the collection of the data through the www.surveymonkey.com site.

Dropout rate is a potential confounding factor in this analysis as research has shown non-students compared to undergraduates tend to have a higher dropout rate (O'Neil, Penrod, & Bornstein, 2003). This could lead to problems with measurement error and attitudinal differences among participants increasing the likelihood of issues with external validity (O'Neil et al., 2003). Some variables that have shown to influence early dropout include: placing personal information

at the beginning compared to the end of the survey, “fancy” compared to “plain” designs of the survey, and the method of obtaining informed consent (O’Neil et al., 2003; Dillman et al., 1998). In order to reduce dropout rate personal information was asked at the end of the survey and the design of the survey was kept simple and plain. The simple design method is not utilizing fancy colors and designs which could take longer to upload on slower, older computers. The survey monkey website allows for a simpler design and uses simpler language as opposed to the more complicated java language (Dillman et al., 1998).

To reduce dropout rate, Dillman (2007) also suggests using a password, giving more specific computer instructions, and not forcing respondents to answer each question before continuing on to other questions. The password requirement protects from web surfers participating. Research has shown that web surfers may stumble on a web link and fill out the survey if it interests them (Dillman, 2007). The use of more specific computer instructions allows users who are less proficient in computer usage to complete the survey with more explicit instructions. Finally, web survey researchers have been in debate as to whether requiring an answer to every question is a good method. It has been argued that using pop up text boxes with a reminder of filling out the question is the best method (DeRouvray & Couper, 2002). However, this method is not possible in the survey monkey program. In general researchers suggest not to “force” participants to fill out any question as this could be frustrating to participants and cause early withdrawal from the survey (Dillman, 2007; DeRouvray & Couper, 2002). Based on these suggestions, this survey required a password for continuing, gave specific computer instructions per question, and did not force respondents to answer a question prior to continuing on to other questions. Future research could randomly assign participants to either a survey which requires

an answer compared to a survey which does not and measure whether responses and completion rates differ based on the manipulation.

A final limitation is the incapability of measuring non- response rate. The extent of difference between non-respondents and respondents cannot be evaluated due to the methods of passing out flyers and posting the survey online. This limitation in concert with the main limitation of a convenience sample makes it impossible to generalize to a population. However, the exploratory nature of the study will allow for future studies to improve on the methods employed in this study.

The next section describes the methodology of study two which examines juror decisions in relation to the CSI Effect. Then, the next chapter covers results of study two followed by the discussion. The final chapter provides an overall discussion of both studies with prospects for future research.

CHAPTER 6 STUDY 2 METHODS

Research Questions and Hypotheses

Does viewing crime shows affect jurors' expectations of forensic evidence, and therefore also affect verdict? To determine whether viewing different genres of crime shows affect jurors' beliefs about the importance of forensic evidence availability at trial (and ultimately affect verdict), I tested whether viewing these types of shows influences participants' trial judgments and assessments of trial evidence. In addition, I tested whether legal attitudes affect the relationship between crime show viewing and rendering of verdicts. That is, it is possible that because of the self selective nature of viewing crime programs that individuals who view crime shows will have strongly held beliefs in regards to the legal system and evidentiary requirements (McGowen & King, 1982). Viewing these shows could also influence participants' perceptions and beliefs in regards to the legal system and evidentiary requirements. While a causal relationship between legal beliefs and crime show viewing cannot be established, I can examine the relationship between these two variables, which if significant, may illustrate the importance of controlling for these beliefs, similar to what is established in cultivation research on the concept of mainstreaming. Recall that mainstreaming is where heavy television viewing influences people with different socio-demographic backgrounds to state similar beliefs even though their background would suggest they would hold different beliefs (Shanahan & Morgan, 1999). Specifically, heavy crime show viewers' legal beliefs will be mainstreamed to be similar whereas light viewers are not as influenced by crime shows and their legal beliefs will be more likely to range. The legal belief measure will also moderate the relationship between crime viewing and verdict.

In this study, I presented participants with a felony assault case in which I varied the amount of forensic evidence. I examined whether individuals' verdicts and perceptions of the evidence differed based on their crime show viewing habits and the amount of forensic evidence. This study was designed to test whether jurors who watch a heavy amount of crime shows render different verdicts and rate evidence differently across evidentiary levels than those who do not watch crime shows or view them less often. Thus, this study tested for both pro-prosecution and pro-defense CSI Effects. For this study, I recruited community members from a courthouse jury pool to act as mock jurors. After reading the trial (with one of the three variations of evidence level) and rendering a verdict, jurors rated the different types of evidence (both forensic and other types).

Overall, I expected there to be a main effect of strength of forensic evidence in that convictions will increase with amount of forensic evidence. However, I predicted the magnitude of the increase would differ based on participants' crime show viewing behavior. Specifically, heavy crime show viewers would differ in their expectations of forensic evidence than light or non-viewers of crime shows. This expectation is consistent with prior cultivation research that found that heavy crime show viewing was significantly related to more support for the legal system, yet lower levels of legal knowledge (Carlson, 1985). The current study expected that participants who view crime shows may expect forensic type of evidence when forensic evidence was not available in their trial condition. It was hypothesized that either the lack of forensic evidence in low forensic conditions may increase acquittals or the presence of this evidence in high forensic conditions may increase convictions for those participants who watch crime dramas compared to those who do not. These hypotheses were based on Tyler's (2006) assertions that the CSI Effect could be *either* pro-defense or pro-prosecution and indeed it could be both.

In the no forensic evidence condition, I predicted that those participants with a higher rate of crime show viewing would more likely than those with a lower rate of crime show viewing to acquit and view available evidence as not efficient enough to convict. This is based on prior research that assumes a pro-defense argument for the CSI Effect; e.g., without forensic evidence the jury will be more likely to acquit (O'Neil, 2007). I predicted that participants in the low forensic evidence conditions with a higher rate of crime show viewing will be more likely than those with a lower rate of crime show viewing to acquit the defendant.

Last, in the high forensic evidence condition, I predicted that those participants who had a higher rate of crime show viewing would be more likely than those in the lower rate of crime show viewing to convict and view available evidence more efficient enough to convict, but I predicted both of the groups would have higher conviction rates than the weak forensic evidence condition. This is consistent more with a pro-prosecution argument which states that as long as forensic evidence is present, crime show viewers will be more likely than non-crime show viewers to convict (Tyler, 2004). The pro-prosecution argument is less studied, but in one study, researchers found that participants who viewed crime shows inferred more confidence in their judgments about forensic evidence mirroring more of a pro-prosecution argument (Patry et al., in press). However, it is also possible to find a ceiling effect in the strong forensic evidence condition in those conditions with strong forensic evidence it may be so strong that everyone convicts, which would mask any potential differences between the high rate of crime show viewing and the low rate of crime show viewing.

I also tested whether legal authoritarianism moderated the influence in the effect of crime show viewing on verdict (Kravitz, Cutler, & Brock, 1993). Specifically, those who are high in legal authoritarianism and who are also heavy crime show viewers may be more likely to find the

defendant guilty compared to those who were low in legal authoritarianism and heavy crime show viewers. Further, those low in legal authoritarianism who were low crime show viewers may be less likely than those who were high in legal authoritarianism and low crime show viewers to find the defendant guilty. Conversely, we could find a mainstreaming effect which would be where participants high in crime show viewing are mainstreamed into similar legal authoritarian beliefs whereas those low in crime show viewing may vary more in their legal authoritarian beliefs. Gerbner's concept of mainstreaming would argue that all heavy viewers would be mainstreamed as conservative, but it would still support mainstreaming as long as heavy viewers held similar beliefs.

The following are the exact hypotheses I tested:

Hypothesis 1

I predicted that crime show viewing and forensic evidence conditions (no, low and high) would have a main effect on verdict and ratings of verdict strength. However, I predicted these main effects would be qualified by an interaction between crime show viewing and forensic evidence conditions.

(a) I predicted that participants with a high rate of crime show viewing in conditions in which there was no forensic evidence would be more likely than those with a lower rate of crime show viewing to acquit the defendant, would be more confident in that decision, and would be less confident that the defendant committed the crime.

(b) I predicted that participants with a high rate of crime show viewing in conditions with low forensic evidence conditions would be more likely than those with a lower rate of crime show viewing to acquit, would be more confident in that decision, and less confident that the defendant committed the crime.

(c) I predicted that participants with a high rate of crime show viewing in the high forensic evidence condition would be more likely than those in the low rate of crime show viewing to convict, more confident in that decision, and more confident that the defendant committed the crime.

Hypothesis 2

I predicted that crime show viewing and forensic evidence conditions (no, low and high) would have a main effect on views on strength of evidence, helpfulness/credibility of witnesses and attorney competence. However, I predicted these main effects would be qualified by an interaction between crime show viewing and forensic evidence condition.

(a) I predicted that participants with a high rate of crime show viewing in the no forensic evidence condition would be more likely than those with a lower rate of crime show viewing to view evidence as weak, witnesses as less credible/helpful, and defense attorneys as more competent. I also predicted that participants with a high rate of crime show viewing in the no forensic conditions would be less likely than those with a lower rate of crime show viewing to rate the prosecuting attorney as competent.

(b) I predicted that participants with a high rate of crime show viewing in the low forensic evidence conditions would be more likely than those with a lower rate of crime show viewing to view evidence as weak, witnesses less credible/helpful, and defense attorneys as more competent. I also predicted that participants with a high rate of crime show viewing in the low forensic conditions would be less likely than those with a lower rate of crime show viewing to rate the prosecuting attorney as competent.

(c) I predicted that participants with a high rate of crime show viewing, in the high forensic evidence condition would be more likely than those in the lower rate of crime show viewing to view the evidence as strong, witnesses as credible/helpful and the prosecutor as more competent.

I also predicted that participants with a high rate of crime show viewing, in the high forensic evidence condition would be less likely than those with a lower rate of crime show viewing to rate the defense attorney competent.

Hypothesis 3

Based on research on the relationship of legal authoritarianism and verdict, I examined whether this variable moderated the relationship between crime show viewing and verdict. This relationship could be in one of two directions:

(a) First, participants higher in crime show viewing and higher on the legal authoritarian scale may be more likely than participants lower in crime show viewing and lower on the legal authoritarian scale to convict.

(b) Conversely, participants higher in crime show viewing and may be mainstreamed to hold similar beliefs on the legal authoritarian scale and may be more likely than participants lower in crime show viewing and anywhere on the legal authoritarian scale to convict.

Pilot Study

The pilot study was designed to test whether the amount of forensic evidence in each vignette was being perceived correctly by participants (students)². From this study, one trial was chosen for the juror study. The pilot study included 5 trial types (murder, drug possession, rape, aggravated assault, and arson) each with three forensic evidence conditions. The no forensic evidence condition included: witness testimony & physical evidence. The low forensic evidence condition included: witness testimony, physical evidence & fingerprints. The high forensic evidence condition included: witness testimony, physical evidence, fingerprints and forensic evidence.

² For the rest of the pilot study, I will refer to participants as students.

Participants

326 students participated in the study in exchange for class credit. The overall sample was made up of 34% males and 66% females. They ranged in age from 18 - 62 with a mean age of 21 ($SD = 3.00$). 95% of the students indicated United States citizenship, 4% indicated non-citizenship and 1% refused to answer. 56% of the students identified their racial/ethnic background as “White/Non-Hispanic”, 19% identified as “Black, Non-Hispanic”, 4% identified as “Asian”, 14% identified as “Hispanic”, 3% identified as “Cuban”, 1% identified as “American Indian” and, 3% identified as “Other” and 2% withheld response.

10% of students identified political party affiliation as “Strong Republican”, 11% “Not very strong Republican”, 11% identified as “Independent leaning Republican”, 12% identified as “Independent”, 18% identified as “Independent leaning Democrat”, 12% identified as “Not Very Strong Democrat”, and 27% identified as “Strong Democrat” and 1% withheld response to this query. 97% of the students indicated their relationship status was “Single”, 2% were married and 1% was either divorced or widowed. 2% of students did not indicate their relationship status. The majority of students (46%) who indicated their income identified it as “less than \$20,000”, 3% identified it as “\$20,000 to \$30,000”, 9% identified it as “\$30,000 to \$45,000”, 5% identified it as “\$45,000 to \$60,000”, 6% identified it as “\$60,000 to \$75,000”, 9% identified it as “\$75,000 to \$100,000”, 6% identified it as “\$100,000 to 125,000”, 6% identified it as “\$125,000 to \$150,000”, 4% identified it as “\$150,000 to \$200,000” and 6% identified it as “more than \$200,000” with 2% of students withholding response to this query. It is unusual for this age group to report such a large income and it is speculated that many students may have reported their household income (including their parents’ income).

Procedure

Students were solicited through the Department of Criminology, Law & Society's participant pool. They were awarded either extra credit or course credit for their participation. They signed up for a time slot when the study was being conducted and arrived at that time where they received the informed consent. If they agreed to participate they were randomly assigned to one of fifteen trial conditions. Students then read the vignette and filled out the corresponding survey, were thanked, debriefed, and awarded credit. An alternative assignment was available for students who did not wish to participate in research, and all participants were treated in accordance with APA ethical guidelines.

Trial Vignettes

The pilot study trial vignettes were adapted from actual cases. All of the vignettes include opening and closing instructions from the judge, opening and closing statements from the prosecutor and defense attorney and testimony for both the prosecution's and the defense attorney's cases. The judges opening and closing instructions for all vignettes were adapted from *Michigan's Criminal Jury Instructions*. All of the names of the cases and any other identifying information were changed. For all five cases, the defense witnesses were fabricated to balance each side of the case. The case summaries that the cases were adapted from only included explanation of the prosecution's evidence. The five vignettes are briefly described below. Full vignettes with all three manipulations delineated are available in Appendix B through G. In addition, the pilot study survey is available in Appendix G.

Murder case

In the murder case, the defendant was originally charged with two first degree murders and the robbery of items belonging to the victims (*Frances v. State of Florida, 2007*). This case was renamed *Arkansas v. Matthews*. For the purposes of this study, only one of the murder

charges was used to simplify the case facts. For the prosecution, an eyewitness (the victim's son) testified that he spoke with the defendant, at the residence of the victim on the morning of the murder. The eyewitness testified that he told the defendant when his mother would be home and provided negative testimony about the defendant's character. The other witnesses for the prosecution included the officer that pulled the defendant over in another city in the victim's car and the detective that described the physical evidence retrieved from the car. The defense refuted the charges by explaining that he bought the car from the victim, and a friend testified on the defendant's behalf. The defendant's mother also testified that she saw another car over at the victim's home that she did not recognize the day of the murder. All of the evidence described was included in all conditions. A fingerprint on the murder weapon (an electrical cord) was also included in the low forensic evidence condition. Fingerprints and DNA evidence that was found under the victim's fingernails were evidence that were included in the high forensic evidence condition. I did not create any additional evidence for this case as fingerprints and DNA evidence were already available in the original trial. However, the DNA evidence was explained by an expert and the explanation was partly retrieved from a training disc for officers of the court (U.S. Department of Justice (USDOJ), 2006). All DNA explanations in the vignettes were created using this training disk.

Drug possession case

In the drug possession case, the defendant was charged with possession with intent to deliver less than fifty grams of cocaine and maintaining a drug house (*People of the State of Michigan v. Murray, 1999*). This case was renamed *Michigan v. Davis*. The prosecutor's case included testimony from the two officers that entered the house of the defendant's girlfriend. The defendant was found inside the house and when the officers entered he attempted to run and jump out an upstairs window. The officers testified that he threw a bag full of drugs out the

window which they later retrieved. Then they explained the rest of the physical evidence retrieved from the house that indicated the defendant not only had drugs in his possession but intended to sell. The defense counters this testimony with the defendant's girlfriend argued that she knew the drugs were not his and that the officers often harassed the defendant. All of this witness testimony evidence and the bagged drugs were included in all conditions. The low forensic evidence condition included the addition of fingerprints on the plastic baggie (not included in the original case). The high forensic evidence condition included both the fingerprints and testimony by an expert of the DNA saliva evidence found on the plastic baggie (also not included in the original case). Similar to the original case, in the vignette, I dropped the drug house charge. A major change I made was the type of drug was changed from cocaine to marijuana to make it easier to include DNA evidence. To elaborate, a common technique when cocaine is bagged is to heat seal the corner of the baggie. Conversely, a common technique for marijuana to be bagged is rolling the bag and then licking the top to seal it. The evidence for this case included plastic baggies, so changing the drug type made it easier to include the justification for DNA evidence in the high forensic evidence condition (U.S. Department of Justice (USDOJ), 2006).

Sexual assault case

In the rape case, the defendant was accused of sexually assaulting the victim while she was impaired by alcohol at a friend's party (*State of Ohio v. Fritz, 2008*). This case was renamed *Ohio v. Smith*. In this case, the victims' friend threw a party with alcohol and when the victim felt impaired she went up to the bedroom to go to sleep. The prosecution had three witnesses placing the defendant in the bedroom with the victim. The first two witnesses were friends that testified seeing the defendant having intercourse with the victim. Both argued that they believed the victim was unconscious. The third witness was the victim who asserted that she was too

impaired to have consented. The defense's case included the defendant testifying on his own behalf that the sex was consensual. All of the above witness testimony was included in all conditions. In the low forensic evidence condition, I included the defendant's fingerprints found in the room of the incident. In the high forensic evidence condition, the fingerprints were included along with an expert witness who testified about the forensic rape kit (including a positive DNA match) that was conducted on the victim. Both the fingerprints and the DNA evidence were not available in the original trial (U.S. Department of Justice (USDOJ), 2006).

Felony assault case

In the fourth vignette, the defendant was convicted of aggravated assault (*Ryan v. State of Arkansas, 2007*). The case was renamed *State of Arkansas v. Marcs*. In this case for the prosecution, the defendant's ex-girlfriend testified that the defendant threatened to kill her in a confrontation at her apartment parking lot with a loaded gun. This loaded gun went off and no one was hurt. The defendant then went to the nearby airbase to visit his brother and the gun was located and confiscated because guns were not allowed on the airbase. A Staff Sergeant of the U.S Air Force testified that he asked the defendant if he had any weapons at the gate. The defendant said that he did not have any weapons, but the Sergeant retrieved a weapon from the defendant's vehicle. An officer was called on scene and this officer testified that he found more bullets, confiscated the gun, and arrested the defendant. For the defense, the defendant testified on his own behalf that he did not threaten the victim that instead she had threatened him. He argued his side of the story and refuted her claims that he pulled out the gun in order to shoot her. All of the above described testimony is included in all conditions. The low forensic evidence condition also included fingerprints on the gun, and the high forensic evidence condition included the fingerprints and ballistics of the bullet found in the victim's driveway along with forensic testimony which describes the ballistics. Both the fingerprint evidence and ballistics

were additional evidence not included in the original case. The ballistics evidence was created using a website on forensic ballistics testing (Athena Research & Consulting, LLC, 2008).

Arson case

In the arson case, the defendant was accused and convicted of setting fire to his own home (*State of Montana v. Lewis, 2007*). The case was renamed *State of Montana v. Wagner*. The case for the prosecution began with the neighbor who testified that she saw the defendant leave and then shortly after saw the fire and called 911. An officer testified that when called to the scene of the fire, he entered the house and saw devices that appeared to have started the fire. The officer took pictures of the devices, and then returned to the house after the fire was extinguished to gather evidence for fingerprinting. The defense presented the defendant's boss as a character witness. He testified that the defendant was on time to work that day and did not appear any different. He also testified that the defendant was distraught for weeks after the incident because he was going to have to replace all of his belongings. All of the above evidence was included in all conditions. The low forensic evidence condition included fingerprints found on the ignition devices. The high forensic evidence condition included the fingerprints and a forensic arson examination with the testimony of a forensic arson expert. The fingerprints were used in the original trial but the forensic arson examination was adapted from a forensic arson book (O'Connor, 1987).

Measures of Crime Viewing Behavior

Crime viewing 1

After reading the vignette and completing the majority of dependent measures, students were asked whether they watch several popular television shows categorized by sub-genre on a scale including 'regularly', 'often', 'on occasion', 'almost never', 'never', or 'I do not wish to answer'. These shows were categorized together according to Shelton et al. (2006). The

forensic dramas were: Body of Evidence, Bones, Cold Case, Criminal Minds, Crossing Jordan, CSI, CSI Miami, CSI New York, In Justice, NCIS, Numb3rs, The Evidence. The *forensic documentaries* were: Cold Case Files, Forensic Files, The First 48 Hours, The New Detectives, Trace Evidence, 48 Hours Mystery. The *general crime documentaries* were: American Justice, America's Most Wanted, COPS, The FBI Files, The Investigators, The System. The *general crime/courtroom dramas* were: Law & Order, Law & Order: Criminal Intent, Law & Order: SVU, Medium, Prison Break, and Without a Trace. The *general news/crime news shows* were: Boston Legal, Conviction, 60 Minutes, Dateline, Catherine Crier, Nancy Grace and The Abrams Report.

All items were summed together and averaged to create an overall crime show viewing measure. This measure was examined for outliers and none existed. Crime viewing 1 values averaged .67 ($SD = .45$) and ranged from 0 to 4.08. The distribution of crime viewing 1 was approximately normally distributed ($skew = .82$, $kurtosis = 1.75$).

Crime viewing 2

In addition, students were asked how many hours a week they view any crime drama show. If participants entered in a range of 1 to 2 hours the item was averaged and entered in as 1.5. This measure had two potential problematic values with z-score items exceeding the 3.0 threshold, and analyses were run with and without these outliers and coefficients were not substantially changed. Crime Viewing 2 averaged 3.44 ($SD = 3.69$) and ranged from 0 to 15 hours of viewing. The distribution of this variable was severely positively skewed with values that surround the mean ($skew = 18.90$; $kurtosis = 3.74$). Therefore, I logged the variable and the distribution approached normality ($skew = .98$; $kurtosis = -.76$). Both of the crime viewing measures were centered on their mean for analyses to ease interpretation of the coefficients.

Dependent Measures

Verdict

After reading the vignettes they rendered a verdict.

Manipulation checks

I asked the students to respond ‘yes’ or ‘no’ to the following questions: (a) was there physical evidence presented at the trial you read, (b) was there witness testimony for the defense’s case, (c) was there witness testimony for the prosecution’s case, (d) was there fingerprint evidence for the trial you read, and (e) was there forensic evidence presented for the trial you read.

Competency of attorneys

Students also rated the competency of both attorneys on a few items with a 7-point Likert-type scale ranging from ‘strongly disagree’ to ‘strongly agree’. The competency of attorneys was measured by creating a score from averaging responses to the following statements for both the prosecution ($\alpha = .69$) and defense ($\alpha = .89$); the reverse coded statements are indicated by (R): (a) the [attorney’s] case was very strong; (b) the [attorney’s] case was moderately strong; (c) the [attorney] appeared very experienced in presenting his/her case; (d) the [attorney] presented his/her case better than the other [attorney]; (e) the [attorney] did an extremely good job presenting his/her case; (f) the [attorney] could have done a better job presenting his/her case (R); (g) the [attorney’s] case was weak (R).

Pilot Study Results

To assess whether students noticed the different levels of forensic evidence, I conducted cross tabulations with chi-square analysis to test whether the students answered each question referring to evidence correctly for each condition. Each of the three conditions (no forensic, low forensic and high forensic) were compared to each other in a 2 x 3 table. Students should not

significantly differ on the manipulation check questions regarding physical evidence, witness testimony for the prosecution, and witness testimony for the defense in any of the forensic evidence conditions. Students in the no forensic evidence condition should significantly differ from the low/high forensic evidence conditions in their responses to noticing fingerprint evidence. Students in the no forensic and high forensic evidence conditions should significantly differ on the fingerprint and forensic manipulation check questions. Lastly, students in the low and high forensic evidence conditions should significantly differ on the forensic manipulation check question. Results for all trials are available in Tables 6-1 through 6-5.

Arson

Students properly identified evidence which was available in all conditions. Students in all three forensic evidence conditions noticed the physical evidence and witness testimony for both the prosecutor and defense attorney. Specifically, for the question regarding physical evidence 69% answered yes in the no forensic evidence condition 82% answered yes in the low forensic evidence condition and 79% answered yes in the high forensic evidence condition. For the question regarding witness testimony for the prosecutor 100% answered yes in the all forensic evidence conditions. For witness testimony for the defense 88% answered yes in the no forensic evidence condition 71% answered yes in the low forensic evidence condition and 79% answered yes in the high forensic evidence condition.

Students noticed the differences between the no forensic condition and the low and high forensic conditions in regards to whether the conditions contained fingerprint evidence. Specifically, when students were asked whether there was fingerprint evidence in the trial they read they responded yes 0% of the time in the no forensic condition, whereas they responded yes 100% of the time in the low and 95% of the time in the high forensic conditions. The low and

high forensic conditions did not significantly differ on whether students noticed fingerprint evidence.

Students noticed the difference between the conditions in regards to whether forensic evidence was present in their condition. Students in the no forensic condition significantly differed from the low and high forensic condition in regards to whether they noticed forensic evidence. Specifically, when asked the question about forensic evidence being presented in their trial 0% responded yes in the no forensic condition and 35% responded yes in the low whereas 83% responded yes in the high forensic condition. These responses also showed that the low and high forensic conditions yielded significantly different responses. Overall, these results indicate that students noticed the differences between the three forensic evidence conditions for the arson trial.

Sexual assault

Students did not successfully notice physical evidence in all three forensic evidence conditions as this evidence was not available in any of the forensic evidence conditions. Students successfully identified the witness testimony for the prosecution in all three forensic conditions; however they did not notice the witness testimony for the defense. Specifically, for the question as to whether there was witness testimony for the prosecution all conditions responded yes (100%). Regarding the question asking about whether students noticed witness testimony for the defense only 37% responded yes in the no forensic condition, 41% in the low forensic condition, and 56% in the high forensic condition.

Students noticed the differences between the no forensic condition and the low and high forensic conditions regarding fingerprint evidence. Specifically, when students were asked whether there was fingerprint evidence in the trial they read they responded yes 0% of the time in the no forensic condition, whereas they responded yes 94% of the time in the low and 89% of

the time in the high forensic conditions. The low and high forensic conditions did not significantly differ on whether students noticed fingerprint evidence.

Students in the no and low forensic evidence conditions significantly differed from the high forensic evidence condition regarding whether they noticed forensic evidence. Specifically, when asked the question of whether forensic evidence was presented 6% responded yes in the no forensic condition and 24% responded yes in the low forensic evidence condition and 100% in the high forensic evidence condition. Students did not significantly differ on noticing forensic evidence between the no forensic evidence condition and low forensic evidence condition. These results indicate that students did not successfully notice all three forensic evidence conditions for the sexual assault case; specifically, they did not all notice the witness for the defense. The defense witness was the defendant himself; perhaps students expected someone in addition to the defendant to speak on his behalf.

Drug possession

Students identified the evidence that was available in all three conditions with one exception. Students in the low forensic condition approached a significant difference from the high forensic condition on physical evidence, which was not in accordance with expectations. When students were asked whether physical evidence was presented 57% responded yes in the no forensic evidence condition, 71% responded yes in the low forensic condition and 85% responded yes in the high forensic condition. When students were asked whether witness testimony for the prosecution was presented 86%, 91% and 95% responded yes and when asked whether witness testimony for the defense was presented 91%, 91% and 100% responded yes in the no, low, and high forensic evidence conditions, respectively.

Students noticed the fingerprint evidence in the low and high forensic evidence conditions compared to the no forensic evidence condition. Specifically, when students were

asked whether there was fingerprint evidence in the trial they read they responded yes 0% of the time in the no forensic condition, whereas they responded yes 91% of the time in the low and 95% of the time in the high forensic evidence conditions. The low and high forensic conditions did not significantly differ on whether students noticed fingerprint evidence.

Students in the no and low forensic condition significantly differed from the high forensic condition regarding whether they noticed forensic evidence. However, students did significantly differ on noticing forensic evidence between the no forensic evidence condition and low forensic evidence condition. More specifically, when asked the question about whether forensic evidence was presented 43% responded yes in the no forensic condition and 19% responded yes in the low forensic evidence condition, whereas 95% responded yes in the high forensic condition. Students indicated noticing forensic evidence in the no forensic condition and this is potentially problematic. Overall, the results indicate that participants did not successfully identify the pieces of evidence in all forensic evidence conditions.

Murder

Students in all three forensic evidence conditions noticed the physical evidence and witness testimony for both the prosecutor and defense attorney. Specifically, for the question regarding physical evidence 50%, 77%, and 88% answered yes in the no, low and high forensic evidence conditions, respectively. For the question regarding witness testimony for the witness testimony for the prosecution 77% answered yes in the no forensic, 96% answered yes in the low forensic and 91% answered yes in the high forensic evidence conditions. For the question regarding witness testimony for the defense 96% answered yes in the no forensic evidence condition, 100% answered yes in the low forensic evidence condition and 82% answered yes in the high forensic evidence condition.

The fingerprint evidence available in two of the conditions was successfully identified by students. Students noticed the differences between the no forensic evidence condition and the low and high forensic evidence conditions regarding fingerprint evidence. When students were asked whether there was fingerprint evidence in the trial they read they responded yes 5% of the time in the no forensic condition, whereas they responded yes 100% of the time in the low and high forensic conditions.

Students noticed the difference between the forensic conditions regarding the availability of forensic evidence. Students in the no forensic condition significantly differed from high forensic condition regarding whether they noticed forensic evidence, but did not significantly differ from the low forensic condition. Specifically, when forensic evidence was presented 4% of participants responded yes in the no forensic evidence condition and 36% responded yes in the low condition whereas 91% responded yes in the high forensic evidence condition. These responses also showed that the low and high forensic evidence conditions yielded significantly different responses. Overall, these results indicate that students partially noticed all three forensic evidence conditions for the murder trial. Participants' percentages on noticing the physical evidence were quite low. They were higher in forensic evidence conditions, low and high, as more evidence was indeed added and could be considered by students as physical evidence. In addition, this trial was somewhat complicated and would need further clarification to make it clearer to the reader.

Felony assault

Students noticed witness testimony for the prosecution, but did not successfully notice the physical evidence or the witness testimony for the defense. Students significantly differed in noticing physical evidence between the no and high forensic conditions. When students were asked about physical evidence availability they responded yes 27% of the time in the no forensic,

64% of the time in the low forensic and 91% of the time in the high forensic condition. Students did not significantly differ on whether they noticed witness testimony among all three conditions. Particularly, when asked whether they noticed witness testimony for the defense they responded yes 36% of the time in the no forensic, 64% of the time in the low forensic, and 50 % of the time in the high forensic conditions. When asked whether they noticed witness testimony for the prosecutor they responded yes 60% of the time in the no forensic, 77% of the time in the low forensic and 82% of the time in the high forensic conditions.

Students noticed the differences between the no forensic evidence condition and the low and high forensic conditions regarding fingerprint evidence. Specifically, when students were asked whether there was fingerprint evidence in the trial they read they responded yes 0% of the time in the no forensic condition and they responded yes 100% of the time in both the low and high forensic conditions. The low and high forensic conditions did not significantly differ on whether students noticed fingerprint evidence.

Students marginally noticed the differences between the forensic conditions in those conditions containing forensic evidence compared to those conditions excluding forensic evidence. Students in the high forensic evidence condition significantly differed from the no forensic evidence condition, but they did not significantly differ from the low forensic condition. Specifically, when respondents were questioned as to whether they noticed forensic evidence they responded yes 0% of the time in the no forensic, 36% of the time in the low and 64% of the time in the high forensic condition. Overall, whether students noticed physical evidence was problematic as was students noticing witness testimony for the defense. Similar to the Sexual Assault case, students may have expected more than the defendant to speak on his own behalf to count it as a witness for the defense. In addition, the percentages of physical evidence go up

slightly among conditions as the fingerprint and forensic evidence is added. Also, forensic ballistics was not clearly seen as forensic evidence in the high forensic condition. This may mean that I need to be more explicit in my questions of what constitutes as evidence.

Manipulation checks were mostly successful. Students were most successful in noticing the evidence in the Arson case. The next section describes further tests which were run with the Felony Assault case which was chosen as the ideal case for the juror study. Even though the Arson case was most successful in the manipulation checks the Felony Assault case evidenced significant findings (described below) for the CSI Effect.

Felony assault results

Because students did not successfully notice all evidence in all trials further tests were ran. I conducted one-way ANOVA's for both the prosecutor and defense competency scales. The analysis revealed a significant difference between forensic evidence condition and prosecutor scale $F(2, 62) = 9.93, p < .01$ and defense scale $F(2, 62) = 10.26, p < .01$. Participants rated the prosecutor higher in the high forensic evidence condition ($M = 4.78$) than the low forensic ($M = 3.83$) evidence and no forensic evidence conditions ($M = 3.65$). Participants rated the defense attorney lower in the high forensic evidence condition ($M = 3.88$) than participants in the low and no forensic evidence conditions ($M = 4.28; M = 4.17$, respectively). These results indicate that the experimental treatments do have an effect on students' views of the attorneys which could indicate students are likely noticing a difference between the conditions.

I also conducted a chi-square analysis of forensic evidence on verdict which revealed a significant difference, $\chi^2(2, 66) = 11.20, p < .01, \phi = .41$. Students in the no forensic condition reported a guilty verdict 27% of the time and 32% in the low forensic condition compared with 73% in the high forensic condition. Overall, these results indicate that students noticed evidence in the different forensic conditions. However, it could be simply that more evidence is important

for a guilty verdict and students are not obviously noticing that the higher conditions include “forensic” evidence.

Verdict and crime show viewing 1

To predict the probability of individuals finding the defendant guilty in the felony assault case, the dummy coded verdict variable was regressed on the variables level of forensic evidence and crime show viewing 1. Results are available in Table 6-6. The beginning step of the model, I entered in the forensic evidence conditions and crime viewing variables. The likelihood ratio indicated that the predictor model does fit significantly better than the empty model and the classification rate increased from 51% in the model with no predictors to 70% with predictors. The results indicated that the high forensic evidence condition had a significant influence upon the likelihood of choosing a guilty verdict ($exp B = 9.64; p < .01$). Specifically, students in the high forensic evidence condition increased the odds of choosing a guilty verdict by 864% compared with the no forensic evidence condition controlling for crime viewing and the low forensic evidence condition.

The second step entered in the interaction terms between crime show viewing 1 and forensic evidence condition. The likelihood ratio indicated that the interaction predictor model did fit better as the classification rate increased to 72%. The interaction between the low forensic evidence condition and crime viewing was significant ($exp B = .002, p < .01$). The likelihood of predicting guilt decreases in each forensic evidence condition for students who view crime shows more often. In the no forensic evidence condition as crime viewing increases by 1 odds of a guilty verdict decreases by 1.47, in the low forensic evidence condition as crime viewing increases by 1 odds decrease by 5.17, and in the high forensic evidence condition as crime viewing increases by 1 odds decrease by 1.50. Results indicated that in the low forensic evidence condition crime viewing is more influential on verdict compared to other conditions.

Verdict and crime show viewing 2

Again, to predict the probability of individuals finding the defendant guilty in the felony assault case, the dummy coded verdict variable was regressed on the variables level of forensic evidence and crime show viewing 2 (Results available in Table 6-7). Results indicated that the predictor model increased the classification rate from 55% to 73% and the model chi-square was not significant and therefore I proceeded with interpretation. Again, the high forensic evidence condition resulted in a significant influence on prediction of guilty verdict ($exp B = .11, p < .01$). Specifically, students in the high forensic evidence condition decreased the odds of a guilty verdict by 88% compared with the no forensic evidence condition controlling for crime viewing and the low forensic evidence condition. The second step entered in interaction predictors and they were not significant (all p 's $> .49$).

To conclude, the results of the first logistic regression indicated that the felony assault vignette was evidencing a CSI Effect. First, even though the manipulation checks were only partially successful, results indicated that students were choosing different verdicts in different forensic evidence conditions. Second, one of the crime viewing measures along with forensic evidence condition revealed a significant effect on prediction of verdict which is evidence of a CSI Effect. However, it could be that the CSI Effect is not only an expectation of forensic evidence, but more evidence in general. I can explore this notion in the next study. The remainder of this chapter goes into detail about the Actual Juror Study or Study 2.

Actual Juror Study Methodology

The study again used random assignment of participants to the felony assault trial containing one of three amounts of forensic evidence. Heretofore, they will be referred to as no forensic, low forensic and high forensic evidence conditions.

Participants

The 104 participants were jury eligible members summoned to jury duty in the Circuit Court of Alachua County. The time frame for recruiting and data collection began on January 26, 2009 and ended March 9, 2009. Participants were screened for jury eligibility by using a *voir dire* initial questionnaire (Appendix H), and they vary in age and ethnic diversity resembling what would be expected from a jury pool. Participants were randomly assigned to read one of three trial conditions; no forensic evidence condition ($N = 35$), low forensic evidence condition ($N = 35$) and high forensic evidence condition ($N = 34$).

The overall sample was made up of 53 males (51%) and 51 females (49%). They ranged in age from 18-79 with a mean age of 42.39 ($SD = 14.92$). All of the study participants indicated United States citizenship. 75% of the participants identified their racial/ethnic background as “White/Non-Hispanic”, 14% identified as “Black, Non-Hispanic”, 3% identified as “Asian”, 3.8% identified as “Hispanic”, 1% identified as “American Indian” and, 2% identified as “Other”.

Thirty-three percent reported being single, 53% reported being married, 13% reported being divorced and, 2% reported being widowed. Total household income of 41% of the participants was less than 50,000 dollars a year, 45% of the participants were between 50,000-150,000 dollars a year, and 10% of the participants was more than 150,000 dollars a year with 4% of participants choosing not to respond to the income inquiry. All participants reported their education status as 12th grade or higher. 11% reported completing 12th grade, 51% reported between some college-bachelor, 36% reported between some graduate school-Ph.D., and 3% reported other college degree. Participants also ranged in their political beliefs on a seven-point scale from “Strong Democrat” to “Strong Republican”; this scale was borrowed from research that suggests using three open-ended questions to measure political identification (Franklin,

1992). 27% were identified as “Strong Democrats”, 18% were identified as “Weak Democrats”, 11% were identified as “Independent Democrat”, 3% were identified as “Independent Independent”, 14% were identified as “Independent Republican”, 15% were identified as “Weak Republican”, and 11% were identified as “Strong Republican”. 3% chose not to report their political beliefs.

Procedure

Participants were solicited via the Alachua County Circuit Court by requesting participation after they were dismissed from jury duty. An announcement was made about the study each Monday (the only day in Alachua County when jury selection occurs) by the Clerk of Courts about the study and how to participate. They were told that once they were dismissed for the day, as long as they were not selected for jury duty, they could complete the survey. Those released were asked to read the informed consent and decided whether to participate. If they consented, they were randomly assigned to one of the three conditions. They first filled out the *voir dire* (included in Appendix D) questionnaire assessing demographic and political identification information. Then, participants read the trial vignette (included in Appendix I). After reading the vignette corresponding to their assigned condition, participants were asked to render a verdict and complete the other dependent measures (listed below). After completing the dependent and television viewing measures, participants were thanked for their participation. The survey took between 25 minutes to an hour to complete. The full survey is available in Appendix J noting all questions that will be asked for each witness and piece of evidence.

The data collection procedure continued on subsequent Mondays until the adequate sample size was received for each condition. Based on cultivation research that has consistently resulted in small effect sizes, I increased the sample size for each manipulation from the standard

rule of thumb of 20 to 30 participants per condition. I ultimately ended up with over 30 in each condition. There were no incentives to participate.

Trial Vignette

The trial vignette was described above but it is recapped again below. All three vignettes included opening and closing instructions from the judge, opening and closing statements from the prosecutor and defense attorney and testimony for both the prosecution and the defense cases. The judges' opening and closing instructions for the vignettes were adapted from *Michigan's Criminal Jury Instructions*. All of the names of the cases and any other identifying information were changed.

Again, to recap the brief description of the vignette adapted from the case found through Lexis-Nexis is as follows: The defendant was convicted of aggravated assault (*Ryan v. State of Arkansas, 2007*). The case was renamed *State of Arkansas v. Marcs*. In this case, the defendant's ex-girlfriend (heretofore referred to as the victim) testified that the defendant threatened to kill her with a loaded gun in a confrontation at her apartment parking lot. This loaded gun went off and no one was hurt. The defendant then went to the nearby airbase to visit his brother and the gun was located and confiscated by a Staff Sergeant because guns are not allowed on an airbase. For the prosecution, a Staff Sergeant of the U.S Air Force testified that he had asked the defendant if he had any weapons at the gate. The defendant said that he did not have any weapons, but the Sergeant retrieved a weapon from the defendant's vehicle. An officer was called on scene and this officer testified that he found more bullets, confiscated the gun, and arrested the defendant. The defendant testified on his own behalf that he did not threaten the victim that instead she had threatened him. He argued his side of the story and refuted her claims that he pulled out the gun in order to shoot her. I included the following evidence; fingerprints and the testimony of Officer Brookshire explaining how he had dusted for fingerprints. I also

included the ballistics evidence which included an expert witness describing the ballistics and the officer who collected the ballistic evidence.

Forensic Evidence Conditions

The first condition included no forensic evidence, but included witness testimony and physical evidence of the gun from the alleged perpetrator found on the scene. The low forensic evidence condition included everything in the no forensic evidence condition and fingerprints on the gun. The high forensic evidence condition included everything in the low level and case-specific forensic evidence that places the perpetrator on the scene. Fingerprints and DNA were found to be the most sought after evidence in Patry et al. (in press). Consistent with this study, I included fingerprints in the trial, however, due to the different nature of a felony assault trial DNA would not be pertinent evidence. Therefore I used, forensic ballistics testing.

Measures

Crime show viewing behavior

After reading the vignette and completing the majority of dependent measures, participants were asked how many hours per week and day they watch each of these genres of crime shows. This changed from the pilot study where I asked participants to respond a scale and for the juror study I asked for exact hours spent viewing each of these genres of shows. Again these shows were categorized according to Shelton et al. (2006). The forensic dramas were: Body of Evidence, Bones, Cold Case, Criminal Minds, Crossing Jordan, CSI, CSI Miami, CSI New York, In Justice, NCIS, Numb3rs, The Evidence. The forensic documentaries were: Cold Case Files, Forensic Files, The First 48 Hours, The New Detectives, Trace Evidence, 48 Hours Mystery. The general crime documentaries were: American Justice, America's Most Wanted, COPS, The FBI Files, The Investigators, The System. The general crime/courtroom dramas were: Law & Order, Law & Order: Criminal Intent, Law & Order: SVU, Medium, Prison Break,

and Without a Trace. The general news/crime news shows were: Boston Legal, Conviction, 60 Minutes, Dateline, Catherine Crier, Nancy Grace and The Abrams Report.

For each genre of show, participants were asked to write in the number of times weekly and daily they viewed each group of crime shows. Responses from each of these categories were summed and averaged, representing the overall weekly and daily crime viewing (*crime daily* and *crime weekly*). Participants also indicated how many hours per week that they viewed any crime dramas (*crime drama weekly*).

Participants also responded to the following questions designed to capture a more global viewing measure similar to cultivation research (Shanahan & Morgan, 1999): ‘please indicate how long you have been watching crime drama type shows in months, weeks and years’. General television viewing was assessed with the following questions: ‘on an average day, how many hours do you watch television’; and ‘how many hours, in general, do you watch television every week’. They were also asked: ‘if you do not watch these shows have you ever watched the above shows’ responses were ‘yes or no’ and an open ended question of ‘how often a week’.

For the open ended questions on television and crime viewing, participants sometimes indicated a range of viewing for any of the above questions and these were conservatively coded as the average of the two numbers. For example, if participants wrote in 1 to 2 hours, this was coded as 1.5. A few participants also wrote in a response, such as “sometimes”, and this was coded as 1, if they wrote in “rarely” this was coded as 0. The skewness from outliers can be especially problematic when using count data. Each count measure was converted to standardized z-scores to assess outliers and if they exceeded the threshold of 3.0 they items were re-coded to the next highest/lowest value (Tabachnick & Fidell, 1996).

The three scales; *crime daily*, *crime weekly*, and *crime drama weekly* are in the final analyses and were centered around the mean score to make coefficients easier to interpret and to assist with issues of multicollinearity. The final *crime weekly viewing* distributions was positively skewed (*skew* = 9.61) and the values close to the mean (*kurtosis* = 11.89). Transforming (log, square root, inverse log, log-lin) this variable did not assist with issues of normality. Thus, the original scale was used. The *crime daily viewing* distribution was also positively skewed and values are located close to the mean (*skew* = 8.53, *kurtosis* = 7.36). Transforming this variable using square root or log dichotomizes the variable which reduces variability and decreases power. Other transformations would likely not be used for this variable due to the limited amount of variation in the measure itself. The only possible transformation for this variable would be to dichotomize it using a median split. Thus, the original variable was used for analyses. The average value for *crime drama viewing* was .004 and is positively skewed distribution (*skew* = 6.38) with values clustered around the mean (*kurtosis* = 4.02). Transforming the variable with the log function improves the distribution to be closer to normal (*skew* = 2.58, *kurtosis* = -1.88). Transforming the variable using the square-root did not improve normality. Due to the distribution as positively skewed the log transformation would be most suitable. However, it could be over correcting the distribution as the kurtosis statistic went in the opposite direction. Both the original variable and the log variable were used in analyses to examine if there were differences in coefficients.

Legal authoritarian attitudes

As previously mentioned, it is possible that participants who are heavy viewers of crime shows are different than light viewers of crime shows in their legal beliefs. It is also possible that participants who watch shows such as CSI already tend to have pro-prosecution beliefs (McGowen & King, 1982). In the real world, individuals self select to view these shows and this

self selection could be based on differing beliefs they have compared to those individuals who do not view those shows. To test for this individual difference, I used the revised legal authoritarian scale questionnaire (RLAQ) to ascertain whether the viewers of crime shows hold more legal authoritarian attitudes (Kravitz, Cutler & Moran, 1993). In addition, I used this scale to assess whether legal attitudes moderates the relationship between crime viewing and verdict.

Authoritarianism has been shown to predict jurors' verdicts (Kravitz, Cutler, & Brock, 1993). This revised scale was tested for reliability and validity with both a student sample and a non-student, jury eligible sample and was found both internally consistent and construct valid (Kravitz et al., 1993). For this study, the items were tested for internal structure validity by using a principal components factor analysis with varimax rotation. Results show that items did not load on the expected three constructs (23 components) with only 14% variance explained by the first component and only two items loading on the first construct (all factor loadings lower than .632). In addition, to further test the psychometric properties of the scale a Chronbach's alpha reliability test was conducted ($\alpha = .65$) and indicated the scale was internally consistent. Next, I examined whether the three separate constructs would load together and this was also unsuccessful with explained variance only reaching 32% and the reliability did not reach over $\alpha = .58$ for any of the subscales. Even though the scale did not factor together I did go forward with analyses. The RLAQ scale was tested for potential outliers and the distribution was tested for normality. The standardized scores ($z = 3.13$) revealed only one extreme outlier, but when subjected to a multivariate examination this outlier is not influencing the outcomes. In addition, the distribution was approximately normal (*skew* = 1.39 and *kurtosis* = .90).

Demographic information

In a *voir dire* survey prior to reading the vignette the following demographic information was asked: gender, age, educational background, race, income level, and political background.

Dependent Measures

Trial decisions

After reading their assigned trial vignette, participants rendered a verdict. Then, they responded to two questions with a percentage scale ranging from 0-100% for (a) how confident they were with their decision of 'guilty' or 'not guilty' and (b) how sure they were that the defendant committed the crime. The item measuring participants' confidence in decision had outliers (z 's > 3.0). However, the values were retained because of the small sample size and the measure was transformed. The *Confidence in Decision* measure was negatively skewed (-3.25) with a normal kurtosis (1.05). As a result, log transformations were performed to create a more normal distribution. The distribution of the square root of this variable resulted in a more normal distribution, as the skewness (.5) and kurtosis (-.91) were noticeably reduced. I will proceed with analyses with the squared root transformed variable. Participants also responded to how sure they were that the defendant committed the crime on a scale from 0 to 20. In this *Confidence the defendant committed the crime* variable, the distribution was not skewed (.41) yet, somewhat distributed across the range of values (*kurtosis* = -2.42). Transforming (log-lin, square root, and inverse) the *Confidence the defendant committed the crime* variable did not make the distribution normal and as a result the original variable was used.

Evidence strength

Participants rank ordered the evidence that was presented to them in the trial vignette starting with most important to least important. Then participants rated the strength of each piece of evidence (Testimony of Victim, Testimony of Staff Sergeant, Testimony of Officer, Testimony of Defendant, Physical Evidence of Gun, Fingerprints, Testimony of Forensic Expert, and Forensic Evidence) independently on a 7 point scale of 'extremely weak' to 'extremely

strong'. Remember that the amount of evidence presented in each version of the trial varied and therefore the final three pieces of evidence listed above were not available to all participants.

Ratings of the witnesses

Participants rated the helpfulness of each witness on numerous items all using a 7-point Likert-type scale of 'strongly disagree' to 'strongly agree'. Some items were reversed coded. All of these items were proposed to measure the same construct. However, I tested the scale by conducting an exploratory factor analysis that tested whether items loaded on the same construct for each witness. All items loaded on the same construct for each witness scale with more than 44% explained variance for all scales (with factor loadings $> .56$). I then created a scale score for each witness (Victim $\alpha = .75$; Staff Sergeant $\alpha = .76$; Officer $\alpha = .73$; and Defendant $\alpha = .55$) by averaging participants responses to the following statements (reverse coded statements are indicated by (R)): (a) [Witness name] was extremely helpful in making my decision; (b) [Witness name] did not give very relevant testimony (R); (c) Without [witness name] testimony I would not have come to the same conclusion; (d) [Witness name] testimony was very persuasive.

The *Victim Scale* was close to being normally distributed (*skew* = .46 and *kurtosis* = .28, respectively). Both *Staff Sergeant Scale* and *Officer Scale* approached normality and were not highly skewed (-.50 and .78, respectively) with normally distributed values from the mean (*kurtosis* = .077 and .28). The *Defendant Scale* was normally distributed (*skew* = -.11 and *kurtosis* = .23). All original scales were used for subsequent analyses.

Attorney competence

Participants rated the competency of both attorneys on a few items with a 7-point Likert-type scale ranging from 'strongly disagree' to 'strongly agree'. Again, an exploratory analysis was conducted to assess whether they load on the same construct. All items loaded on the same construct (with factor loadings $> .54$) and the competency of attorneys was measured by creating

a score (*Prosecution* $\alpha = .91$; *Defense* $\alpha = .84$) from averaging responses to the following statements (reverse coded statements are indicated by (R)): (a) the attorney's case was weak (R); (b) the attorney appeared very experienced in presenting his/her case; (c) the attorney's case did not need more evidence to make it stronger; (d) the attorney presented his/her case better than the other attorney; (e) the attorney did an extremely good job presenting his/her case; (f) the attorney could have done a better job presenting his/her case (R).

Outliers were not an issue with these scales. The distribution for *Prosecution Scale* was not skewed (.65) but with values that spread slightly away from the mean (kurtosis=-1.55). Transforming the *Prosecution Scale* does not make the distribution more normal, therefore the original variable will be used. The *Defense Scale* values averaged 4.02 and was normally distributed (skew=-.31 and kurtosis=.016). The original scales were used for all analyses.

Manipulation checks

To check manipulations, I asked the participants to respond 'yes' or 'no' to the following questions: (a) was there witness testimony, meaning a witness or the victim speaking on their behalf, for the prosecution's case; (b) was there witness testimony, meaning a witness or the defendant speaking on their own behalf, for the defense's case; (c) was there physical evidence, an actual item used as evidence of the crime, presented by either side for the trial you read; (d) was there fingerprint evidence for the trial you read; (e) was there forensic evidence, such as ballistics, presented for the trial you read; (f) was there forensic evidence, such as DNA, presented for the trial you read; and (g) was there forensic evidence, such as toxicology, presented for the trial you read.

Additional items

The helpfulness of the gun evidence was also measured by numerous items on 7-point Likert-type scales ranging from 'strongly disagree' to 'strongly agree'. Some items were

reversed coded. To measure how helpful the gun evidence was in making their decision, I averaged participants' responses ($\alpha = .54$) to the following statements (reverse coded statements are indicated by (R)): (a) The retrieval of [evidence] convinced me that the defendant was guilty; (b) Without the [evidence] being part of the evidence I would not have made the decision I made; (c) Physical evidence is not very important for this type of case; (R) (e) The presentation of the [evidence] was not necessary for me to make my decision. I did not proceed with this scale in analyses because it was not loading and because I meant to have strength of evidence measures to create scales for the other pieces of evidence and these were overlooked in creating the survey. The next chapter will include all results beginning with the manipulation checks. Then, I will cover the descriptive/bivariate statistics for all measures. I will conclude with the multiple regressions analyses. The next chapter covers a discussion for study two concluding with a final chapter covering a discussion for both studies.

Table 6-1. Students ratings of availability of evidence in the arson trial.

Forensic Cond.	Physical Ev	Wit Test Pros	Chi-Square Analysis χ^2 (<i>df</i> , <i>N</i>)		
			Wit Test Def	Fingerprint	Forensic
No versus Low	1.47 (2, 33)	No χ^2	1.41 (1, 33)	33** (2, 33)	7.92** (2, 33)
No versus High	1.37 (2, 35)	No χ^2	.45 (1, 35)	31** (2, 35)	24.26** (2, 34)
Low versus High	.06 (2, 36)	No χ^2	.33 (1, 36)	.92 (1, 36)	9.00** (2, 35)

Notes: No chi-square statistic was computed in places where all participants noticed evidence. * .05, **.01

Table 6-2. Students ratings of availability of evidence in the sexual assault trial.

Forensic Cond.	Physical Evid.	Wit Test Pros	Wit Test Def	Chi-Square Analysis χ^2 (<i>df</i> , <i>N</i>)	
				Fingerprint	Forensic
No versus Low	15.83**(2, 44)	1.02 (1, 44)	.09 (1, 44)	44.00** (2, 44)	6.80* (2, 44)
No versus High	23.58* *(2, 44)	No χ^2	1.04 (2, 44)	38.18** (2, 44)	40.17** (2, 44)
Low versus High	4.21 (2, 44)	1.02 (1, 44)	1.22 (2, 44)	2.10 (2, 44)	27.70** (2, 44)

Notes: No chi-square statistic was computed in places where all participants noticed evidence. * .05, **.01

Table 6-3. Students ratings of availability of evidence in the felony assault trial.

Forensic Cond.	Chi-Square Analysis χ^2 (<i>df</i> , <i>N</i>)				
	Physical Ev.	Wit Test Pros	Wit Test Def	Fingerprint	Forensic
No versus Low	6.11* (2, 44)	2.87 (2, 44)	4.44 (2, 44)	38.18** (2, 44)	14.67** (2, 44)
No versus High	18.48* *(2, 44)	2.74 (2, 44)	2.52 (2, 44)	44.00** (2, 44)	27.70** (2, 44)
Low versus High	4.84 (2, 44)	1.53 (2, 44)	.83 (1, 44)	2.10 (2, 44)	3.89 (2, 44)

Notes: No chi-square statistic was computed in places where all participants noticed evidence. * .05, **.01

Table 6-4. Students ratings of availability of evidence in the drug possession trial.

Forensic Cond.	Chi-Square Analysis χ^2 (<i>df</i> , <i>N</i>)				
	Physical Evid.	Wit Test Pros	Wit Test Def	Fingerprint	Forensic
No versus Low	3.33 (2, 42)	.23 (1, 42)	1.33 (2, 42)	38.18** (2, 42)	7.57* (2, 42)
No versus High	4.61 (2, 41)	1.11 (1, 42)	2.00 (2, 41)	38.18** (1, 42)	17.17** (3, 42)
Low versus High	5.68 (2, 41)	.36 (1, 42)	2.00 (1, 41)	1.03 (2, 42)	28.67** (3, 42)

Notes: No chi-square statistic was computed in places where all participants noticed evidence. * .05, **.01

Table 6-5. Students ratings of availability of evidence in the murder trial.

Chi-Square Analysis χ^2 (<i>df</i> , <i>N</i>)					
Forensic Cond.	Physical Evid.	Wit Test Pros	Wit Test Def	Fingerprint	Forensic
No versus Low	3.95 (2, 44)	3.22 (2, 44)	1.02 (1, 44)	40.17** (1, 44)	4.40 (2, 44)
No versus High	4.84 (2, 43)	1.91 (2, 44)	2.56 (2, 44)	40.17** (1, 44)	28.83** (2, 43)
Low versus High	.09 (1, 43)	.36 (1, 44)	4.40 (2, 44)	No χ^2	14.75** (2, 43)

Notes: No chi-square statistic was computed in places where all participants noticed evidence. * .05, **.01

Table 6-6 Logistic regression of students verdicts with crime show viewing 1 (crime genre scale).

Variables	Model 1	Model 2
Intercept	-1.14 (.74)	-2.09 (1.09)*
Low Forensic	.81 (.79)	4.52 (5.71)**
High Forensic	2.27 (.82)**	2.58 (1.60)
Crime Viewing 1	.07 (.76)	1.47 (1.24)
Low Forensic X Crime Viewing		-6.14(1.09)**
High Forensic X Crime Viewing		-.53 (1.96)
Model χ^2	10.68	9.67
Pseudo-R ²	.24	.40
Correct Classification rate	70%	72%
-2 Log Likelihood	55.66	48.29

Notes: Unstandardized coefficients reported with SE's in parentheses. * $p < .05$, ** $p < .01$

Table 6-7 Logistic regression of students verdicts with crime show viewing 2 (crime drama weekly).

Variables	Model 1	Model 2
Intercept	1.25 (.89)	1.04 (.93)
Low Forensic	.10 (.69)	.253 (.74)
High Forensic	-2.19 (.75)**	-2.14(.75)**
Crime Viewing 2	-.35 (.94)	-.12 (1.78)
Low Forensic X Crime Viewing		-1.71 (2.45)
High Forensic X Crime Viewing		1.22 (2.48)
Model χ^2	5.39	4.33
Pseudo-R ²	.27	.30
Correct Classification rate	73.3%	73.3%
-2 Log Likelihood	68.98	67.36

Notes: Unstandardized coefficients reported with SE's in parentheses. * $p < .05$, ** $p < .01$

CHAPTER 7
STUDY TWO: RESULTS AND DISCUSSION

Manipulation Checks

This study assessed whether crime show viewing influenced verdict as a function of level of forensic evidence that was available in trial. Before I proceeded with analyses, manipulation checks were computed to assess whether participants observed the varying levels of forensic evidence in the three conditions. Cross tabulations were run with chi-square analysis testing participants' responses to each question that inquired about available evidence in the assigned condition. The following relationships should result: (a) Participants' responses for physical evidence and witness evidence should not significantly differ based on condition; (b) Participants' responses for fingerprint evidence should significantly differ between the no forensic and low/high forensic evidence conditions; (c) Participants' responses for forensic ballistics evidence should differ between the high forensic evidence condition and the no/low forensic evidence conditions; and (d) All participants' responses for forensic DNA and Toxicology should not significantly differ for all three forensic evidence conditions. Results for the manipulation checks are available in Table 7-1.

Regarding evidence available in all conditions, participants successfully noticed the witness testimony for the prosecution and defense but not the physical evidence (gun). Participants in the no forensic evidence condition and low forensic condition significantly differed in noticing the physical evidence, as did the participants in the no forensic and high forensic conditions. In the no forensic condition, 63% of participants reported noticing the physical evidence whereas in the low and high forensic evidence condition participants reported noticing physical evidence 91% of the time, respectively. Participants did not significantly differ on whether they noticed witness testimony. Specifically, for the question regarding witness

testimony for the prosecution 80% of participants answered yes in the no forensic evidence condition, 69% answered yes in the low forensic evidence condition and 76% answered yes in the high forensic evidence condition. Participants noticed the witness testimony for the defense 74% of the time in the no forensic evidence condition, 80% of the time in the low forensic evidence condition, and 76% of the time in the high forensic evidence condition.

Participants in all three conditions were successful at noticing the availability of fingerprints in their trial condition. Participants in the no forensic condition significantly differed from the low/high forensic evidence conditions on noticing the fingerprint evidence was available in the latter two conditions. Specifically, when participants were asked whether there was fingerprint evidence in the trial they read they responded yes 6% of the time in the no forensic condition, whereas they responded yes 100% of the time in the low and 91% of the time in the high forensic evidence conditions. The low and high forensic evidence conditions did not significantly differ on whether participants noticed fingerprint evidence.

Participants successfully identified the forensic evidence available in their condition. Participants significantly differed in the high forensic evidence condition from the no and low forensic evidence conditions on noticing ballistics which was only available in the high forensic condition. When participants were asked whether there was forensic evidence (ballistics) in the trial they read they responded yes 88% of the time in the high forensic evidence condition, whereas they responded yes 0% of the time in the no forensic and 3% of the time in the low forensic evidence conditions. Participants did not significantly differ from each other in the no and low forensic evidence conditions. Participants in all three conditions did not significantly notice the forensic evidence of DNA or Toxicology. 3% of participants responded noticing

forensic evidence of DNA in all conditions and less than 3% noticed forensic evidence of toxicology all forensic evidence conditions.

The manipulation checks were largely successful with the exception of the physical evidence (i.e. gun). It could be that the physical evidence of the gun is viewed weakly and participants noticed other physical evidence (e.g. fingerprints) in the low and high forensic evidence conditions which explains the change in percent noticing physical evidence in those conditions. In addition, this evidence was not noticed in the pilot study and I changed the wording of the question to capture this evidence more exclusively (adding in the description of physical evidence as a gun) and this tactic did not seem to improve response to this item. However, the manipulation checks were supportive enough to continue with subsequent analyses.

Descriptives & Bivariate Analyses

Descriptive statistics (measures of central tendency, skewness, kurtosis, normality, and outliers) were run on all collected variables to test for sufficient variation in responses. The variables in major analyses are presented in Table 7-2 and 7-3³. The experimental manipulation of forensic evidence condition were dummy coded and 35 participants were in the no forensic evidence condition, 35 participants were in the low forensic evidence condition and 34 participants were in the high forensic evidence condition. All subsequent regression analyses use the no forensic evidence condition category as the reference group.

Crime Viewing

The viewing measures asked inquired about crime and general television viewing. For weekly television viewing, participants reported the average amount of hours was 13.52 with a

³ Each variable that is in the final analyses is italicized throughout the text.

range of 0-50 and daily viewing averaged 2.28 with a range of 0-6. Participants responded that 34% had viewed crime shows 32% responded they had never viewed crime shows, and 65% chose not to respond. When asked which crime show was their favorite, 19% responded CSI, 9% responded Law & Order, 12% responded NCIS, 13% chose another crime show and 18% responded that this question was not applicable.

Participants responded separately to each genre of shows and descriptives are available in Table 7-4. Most participants indicated viewing at least one of the genres of crime shows at least one hour a week (73%) with fewer indicating viewing at least one hour a day (32%). More participants reported viewing forensic dramas (54%) and general crime dramas (42%) followed by forensic documentaries (25%), general crime documentaries (26%), and general crime news (28%) at least one hour weekly. Fewer participants reported viewing each of these genres of shows daily. Again, more participants reported viewing forensic dramas (26%) and general crime dramas (20%) followed by general crime documentaries (12%), forensic documentaries (11%), and general crime news (7%) at least one hour a day.

Only 11 participants reported they had viewed a crime show not included in the survey. Few participants (32%) responded that they have watched crime shows in the past and those that did few (17%) reported that they viewed a crime show at least one hour a week. When participants were asked how long they have been viewing crime drama shows 60% reported at least one year or more and 41% reported 10 years or more. Participants reported their favorite crime shows as CSI (28%), Law & Order (14%), NCIS (15%), and various others (19%).

Many participants reported at least some crime show viewing behavior. CSI was the most popular crime show, which explains the high amount of viewing reported for the genre forensic dramas. This category encompasses CSI and other forensic type shows. However, when

participants were asked about their long term crime show viewing behavior, several participants reported having viewed crime shows for years. Examining the effects of different types of crime shows influences on juror decisions may reveal more than a simple CSI Effect.

Television Viewing

In addition to crime viewing, most participants reported watching television more generally. Participants reported watching between: 1-10 hours (45%), 11-20 hours (34%), and more than 20 hours (18%) weekly. 89% of participants reported watching at least one hour of television daily. The favorite shows and channels participants reported generally varied. Roughly half (50%) of the participants reported more than one category of shows was their favorite News (45%), sports (29%) and movies (28%) were the most popular categories of shows listed. The most common genre of show that participants disliked was reality (15%) with the exact show varying.

Recent News Coverage

Participants responded to whether recent news coverage had covered forensic evidence, and 41%) responded 'yes' with the Casey Anthony case in Orlando, FL (49%), reported as the most common case. The remaining 41% varied in their reports with no underlying theme. When asked whether any recent news coverage was similar to the case they read participants responded no (97%).

Legal Authoritarian Scale

Participants responded to the revised *RLAQ* which was designed to measure legal authoritarian attitudes (Kravitz et al., 1993). This scale was centered on the mean for ease of interpretation. As previously discussed, a factor analysis was conducted on this scale and the items did not score together as expected. However, the scale was reliable ($\alpha = .65$) and so I will continue with analyses as planned. I conducted a one-way ANOVA with *RLAQ* as the dependent

measure and political scale as the factor to test the convergent validity of the measure (Kravitz et al., 1993). There was a main effect of political scale on the *RLAQ* $F(6, 88) = 5.65, p < .01$. In examining the mean scores, the direction of the relationship was not as expected with strong democrats and Independents rating highest on the scale where higher scores meant more authoritarian attitudes toward the legal system.

Verdict

Twenty-five percent of participants responded they would find the defendant ‘guilty’ and 75% responded they would find the defendant ‘not guilty’. Some participants were confident in their decision of guilt or innocence with 43% of the sample responding an 85% or higher confidence level whereas the remaining 57% responded below 85% with many clustering around 70 and 75% (26%,). Results revealed that roughly half of the participants (49%) were at or below a 50% confidence level as to whether they were sure the defendant committed the crime.

Strength of Evidence

Participants rated the strength of evidence presented to them in their trial vignette. When participants rank ordered the evidence presented to them, 27% rated the Victim, 19% rated the Gun, 16% rated the Officer, 16% rated the Defendant, 12% rated the Staff Sergeant, 8% rated the Fingerprint evidence, 3% rated the Ballistics, and 3% rated Forensics expert as the most important piece of evidence for their decision of verdict. They were then asked to rate each piece of evidence on a 7-point scale from ‘extremely weak’ to ‘extremely strong’. Descriptives of these scales are available in Table 7-2. I then compared participants’ ratings of the strength of each piece of evidence using a t-test.

Strength of evidence in all conditions

Evidence that was available in all conditions were subjected to t-tests to examine variation in these dependent measures. Results are available in Table 7-5. Participants’ mean

ratings of the strength of the victim's testimony was significantly lower than participants mean ratings of strength of the testimony of the staff sergeant, the officer, and the physical evidence (gun). Participants did not significantly differ on their ratings between the strength of the victim's testimony and the defendant. However, participants mean ratings of the staff sergeant and the officer did significantly differ from the participants mean ratings of the defendant. In particular participants rated the staff sergeant's and the officer's testimony higher than they rated the testimony of the defendant. Participants rated the staff sergeant and the officer very similarly ($M = 5.00$, $M = 4.98$, respectively). The only other significant difference in participant's ratings of strength of evidence that was available in all conditions is between the defendant and the gun. Participants rated the gun evidence more strongly than they rated the defendant. Overall, it appears the strongest rated evidence is the testimony of the staff sergeant, followed by the testimony of the officer, and the physical evidence of the gun. Participants mean ratings of the victim ($M = 4.17$) and the defendant ($M = 4.14$) are much lower. No other significant differences between means were found (all p 's $> .12$).

Strength of evidence available in conditions 2 & 3

Next, I examined whether participants mean ratings of the fingerprint evidence significantly differed from the evidence available in all conditions. Results are available in Table 7-6. Participants rated the strength of the fingerprint evidence ($M = 4.76$) higher than they rated the witness testimony of the victim ($M = 4.22$). In addition, participants also significantly differed on their ratings of the strength of the fingerprint evidence and their ratings of the defendant ($M = 4.04$). Participants rated the strength of the fingerprint evidence higher than they rated the testimony of the defendant. No other relationships between the fingerprint evidence and witness testimony/physical evidence were significant (all $p > .26$).

Strength of evidence available in condition 3

I then examined differences in participants' ratings between the forensic evidence available in the high forensic evidence condition and both other conditions. Results are available in Table 7-7. Participants rated the strength of the ballistics evidence ($M = 5.19$) significantly higher than the testimony of the victim ($M = 4.16$). Also, participants rated the strength of the ballistics evidence ($M = 5.19$) significantly higher than the testimony of the defendant ($M = 3.76$) and the testimony of the staff sergeant ($M = 4.58$). Participants also rated the strength of the forensic witness testimony ($M = 4.56$) significantly higher than the witness testimony of the defendant ($M = 3.75$). No other significant difference between mean ratings of strength of forensic evidence and other evidence were found (all p 's > .08).

I then ran one-way ANOVA's to assess whether participants' ratings of each piece of evidence significantly varied across forensic evidence conditions (no, low and high). Only participants' ratings of the strength of the officer's testimony $F(2, 98) = 4.04, p < .05$ and the staff sergeant's testimony $F(2, 99) = 7.30, p < .01$ significantly differed across forensic evidence conditions. Where forensic evidence was added, participants' mean ratings of the strength of the officer's testimony in the no forensic evidence condition was higher ($M = 5.37$) than the low forensic ($M = 5.00$) and high forensic ($M = 4.62$) evidence conditions. Participants also rated the strength of the staff sergeant's testimony higher in the no forensic evidence condition ($M = 5.55$) than the low forensic ($M = 4.88$) and high forensic ($M = 4.57$) evidence conditions. No other strength of evidence measures significantly differed by trial condition (all p 's > .21).

Even though participants ranked the testimony of the victim as being the most important piece of evidence, they rated her testimony regarding the strength of evidence lower. The ratings of the strength of the testimony of the officer and the staff sergeant were highest in all

conditions; yet mean ratings were significantly lower in conditions in which more evidence was introduced.

Witness Helpfulness

Participants rated the helpfulness of each witness and these items were scaled together for each witness separately. Descriptives are available in Table 7-2. I again ran t-tests to examine variation in participants' responses to the helpfulness of the witnesses. The findings were substantively similar to the t-tests examining participants ratings of the strength of evidence and can be found in Table 7-8. Participants again rated the helpfulness of the staff sergeant and officer stronger than they rated the defendant and the victim. Participants did not significantly differ on their ratings of the forensic expert and the other witnesses (all p 's > .49).

Attorney Competence

The final dependent measures include participants' ratings of the competency of the prosecuting and defense attorneys. The items were scaled together and I conducted a paired samples t-test to test whether participants perceived differences in the competency of the attorneys. Participants rated the defense attorney as more competent ($M = 4.03$) than the prosecutor ($M = 3.43$; $t(98) = -3.39$, $p < .01$).

Tests for OLS Assumptions

Multivariate statistics (outliers, heteroskedasticity, multivariate normality, and multicollinearity) were tested for each model. There were no indications of extreme outliers using Mahalanobis distance after recoding the crime viewing values (all p 's > .40).

Homoscedasticity was examined for each model and a visual examination of the scatterplots indicates that the residuals are reasonably distributed. No further tests were computed. Also, multivariate normality was examined for each model and there were a few places where the residuals were not normally distributed. The Shapiro-Wilk's test of normality indicates that for

the witness helpfulness scale of the *Victim* (.980), for the strength of evidence measure testimony of *the Officer* (.966), and for the strength of evidence of the *Gun* (.939) the residuals significantly depart from normality below the .05 level. However, the majority of the models did not show departure from multivariate normality and studies do show that OLS results are robust as long as the departures are not due to outliers. Multicollinearity statistics were computed along with each regression model, and as expected, some values were near the threshold of .40 for the tolerance and higher than 1.58 for the variance inflation factors. However, this is expected in models using interactions and this will be further explained in the limitations section.

Results

Preliminary Analysis

I wanted to examine if forensic evidence condition had a significant effect on verdict decisions. First, I conducted a chi-square analysis to determine whether participants' verdicts differed as a function of forensic condition. Whether participants found the defendant guilty did not significantly differ by forensic evidence condition $\chi^2(2, 98) = 2.541, p = .281$. In the no forensic condition 19% of the participants rendered a guilty verdict, 21% of participants rendered a guilty verdict in the low and, 25% of participants rendered a guilty verdict in the high forensic condition.

I also conducted a one way ANOVA's to examine whether the forensic evidence conditions significantly affected verdict measures. This indicated that participants did not significantly differ based on forensic evidence conditions on their *confidence in decision* $F(1,102) = .10, p = .91$. However, participants moderately differed in their *confidence that the defendant committed the crime* based on forensic evidence conditions $F(2, 93) = 2.72, p = .071$. Specifically, participants in the no forensic evidence condition ($M = 8.53$) were less sure in their ratings of confidence that the defendant committed the crime compared with the low and high

forensic evidence conditions ($M = 10.67$ and $M = 11.10$, respectively). Simply because there is not a significant direct effect of forensic condition on verdict decisions does not mean that there are not effects as the effect could be conditioned by crime show viewing. The tests examined the hypotheses surrounding the interaction of crime show viewing and forensic evidence conditions influence on verdict decisions and ratings of evidence.

Hypothesis One

Hypothesis one predicted a main effect of forensic evidence condition and crime show viewing and an interactive effect between crime show viewing and forensic evidence on verdict and other trial judgments. To test whether forensic evidence condition interacted with crime show viewing, I conducted separate regressions for each of the continuous dependent verdict measures and a logistic regression for the dichotomous verdict measure. To predict the probability of participants to choose guilty, verdict was regressed on the continuous predictors crime genre viewing and categorical forensic evidence condition were in step one and the interactions between crime genre viewing and forensic evidence condition in step two. Given the exploratory nature of this study the significant threshold was set at $p > .10$.

Verdict and crime daily viewing

Logistic regression was used to predict guilty verdict and the beginning step of the model entered in the forensic evidence conditions and daily crime viewing variables. The likelihood ratio indicated that the model fit significantly better than the empty model ($\chi^2 = 6.49, p = .26$) with the pseudo $R^2 = .06$. However, the classification table did not improve from the original 75% indicating that entering in the predictors did not increase the success rate of classifying verdict. The results indicated that forensic evidence condition and daily crime viewing were not significant predictors of the likelihood of choosing a guilty verdict (all p 's $> .21$). The second step entered in the interaction terms between daily crime viewing and forensic evidence condition,

and was not significant (all p 's > .18). This indicated that the interaction between daily crime show viewing and the forensic evidence condition did not increase the likelihood of predicting guilt.

Verdict and crime weekly viewing

Logistic regression was used to predict guilty verdict and the forensic evidence conditions and crime weekly viewing variables were entered into the beginning step of the model. The likelihood ratio indicated that the model including predictors fit significantly better than the model without predictors, $\chi^2(3, 96) = 4.62, p = .79$, and the pseudo $R^2 = .06$. However, the classification table did not improve from the original 76% indicating that entering in the predictors did not increase success rate of classifying verdict. The results indicate that forensic evidence condition and crime weekly viewing were not significant predictors of the likelihood of choosing a guilty verdict (all $exp B < .419$, all p 's > .171). The second step, which entered in the interaction terms between crime weekly viewing and forensic evidence condition, was also not significant (all $exp B < .861$, all p 's > .118).

Verdict and crime drama weekly viewing

Another logistic regression was used to predict guilty verdicts from crime drama viewing and forensic evidence conditions. The model chi-square indicated that the predictors entered into the model increased the fit of the model $\chi^2(3, 82) = 5.66, p = .46$ and the pseudo $R^2 = .07$. However, the classification (70%) did not increase the success rate of predicting the likelihood of a guilty verdict. No main effects were revealed for forensic evidence condition or crime drama weekly viewing (all $exp B < .419$, all p 's > .171). In the second step, the interaction terms were entered into the model and the classification of the model (74%) indicated an increase in success rate of predicting the likelihood of a guilty conviction. An interaction between high forensic evidence condition and crime drama viewing was significant ($exp B = .607, p = .06$). Separate

regressions were run for each forensic evidence condition. As participants increased in the amount of hours viewing crime dramas, the odds of them selecting a guilty verdict decreased by 8% in the no forensic evidence condition ($exp B = .20, p < .01$) and by 17% ($exp B = .83, p < .05$) in the low forensic condition and the effect was not significant in the high forensic evidence condition. These results indicate a pro-defense CSI Effect in which heavy crime viewers in the lower forensic evidence conditions may have expected more forensic evidence in order to choose a guilty verdict. Results for these models are available in Table 7-9.

The next step examined participants' trial decisions. I regressed *confidence in decision* and *confidence that the defendant committed the crime* on each of the three crime viewing variables and the forensic evidence conditions..

Confidence in decision and crime daily

The direct main effects of the crime daily viewing and forensic evidence condition variables on confidence in decision also did not produce a significant model and an adjusted R^2 of $-.02, F(3, 91) = .31, p = .82$. Results for this model are available in Table 7-10. There were no significant main effects of forensic evidence or daily crime viewing on participants confidence in decision (all β 's $< -.08$, all p 's $> .44$). However, in the second step I entered in the interaction terms between daily crime viewing by forensic evidence condition, and this revealed a significant F change ($p = .04$) and an adjusted R^2 of $.03, F(5, 89) = 1.50, p = .19$ for confidence in decision. The interaction between daily crime viewing and low forensic evidence condition had a significant effect on confidence in decision ($\beta = .29, t(94) = 2.25, p = .03$) and between daily crime viewing and high forensic evidence conditions approached significance ($\beta = .28, t(94) = 1.87, p = .06$). I ran separate regressions for each forensic evidence condition regressing daily crime viewing on confidence in decision. Participants higher in daily crime viewing indicated less confidence in decisions in the no forensic evidence condition compared with those

who were lower daily crime viewers ($\beta = -.35$, $t(94) = -2.06$, $p = .05$), whereas in the low and high forensic condition this relationship was not significant (all β 's $< .260$, all p 's $> .16$). I examined the standardized coefficients in the interaction model and this corroborates what I found in the separate regressions. Participants who watched crime shows daily were only less confident in their decision in the condition in which there was no forensic evidence condition present compared with those participants who view crime shows less daily. Participants' confidence in decisions of guilt or innocence was not affected by daily crime viewing in the low and high forensic evidence conditions.

Confidence in decision and crime weekly viewing

The direct main effects of the crime weekly viewing and forensic evidence condition variables did not produce significant models with an adjusted R^2 of $-.01$ ($F(3, 96) = .64$, $p = .59$) for the confidence in decision. Results for this model are available in Table 7-11. The negative R square indicated that predictors were worsening the ability to predict confidence in decision. This means that no main effects were significant for the model (all β 's $> -.14$, all p 's $< .19$). The second step of models entered in the interaction effects for confidence in decision and were not significant $F(5, 94) = 1.09$, $p = .37$ and the adjusted R^2 increased to $.01$. This indicated that the interaction terms were improving the predictability of the model. However, the F change was not significant $p = .17$. The interaction between high forensic evidence and crime weekly viewing for confidence in decisions approached significance ($\beta = .27$, $p = .06$). I do not go further into analyses, but I examined the coefficients. Results indicated that in the no forensic evidence condition when crime weekly viewing increased confidence in decision decreased, whereas in the low and high forensic evidence conditions when crime weekly viewing increased confidence in decision also increased.

Confidence in decision and crime drama weekly

The direct main effects of the crime drama weekly viewing and forensic evidence condition variables on confidence in decision did not produce a significant model with an adjusted R^2 of .02 ($F(3, 82) = 1.68, p = .18$). However, the crime drama weekly scale significantly predicted confidence in decision ($\beta = -.24, t(82) = -2.14, p = .01$); light crime show viewers were more likely than heavy crime show viewers to have confidence in their verdict. No other main effects of crime drama weekly viewing or forensic evidence condition were significant all (β 's < .12, all p 's > .35). The second step of the model entered the interaction effects between forensic evidence conditions and crime drama weekly viewing on confidence in decision and this model was not significant $F(5, 80) = 1.28, p = .28$.⁴ Results of this model are available in Table 7-12.

Confidence the defendant committed the crime and crime daily viewing

The main effects model of crime daily viewing and forensic evidence conditions on confidence that the defendant committed the crime was not significant R^2 of -.00 $F(3, 85) = .93, p = .43$. There were no significant main effects of forensic evidence conditions or daily crime viewing on participants' ratings of confidence that the defendant committed the crime (all β 's < -.13, all p 's > .26). The interaction model between crime daily viewing and forensic evidence condition was also not significant R^2 of -.01 $F(5, 85) = .77, p = .58$. There were no significant interactions between forensic evidence condition and daily crime viewing on participants ratings of confidence that the defendant committed the crime (all β 's < -.14, all p 's > .31).

⁴ Using the logged crime drama weekly variable rendered the main effect of crime viewing not significant $\beta = .09, t(82) = .82, p = .42$. Also, the overall model was not significant $F(3, 82) = .69, p = .56$

Confidence the defendant committed the crime and crime weekly

I ran a generalized regression model for the crime weekly viewing scale and forensic evidence conditions on the confidence that the defendant committed the crime and the likelihood ratio indicated that the model fit significantly better than the model without predictors ($\chi^2(5, 85) = 4.79, p = .44$). The main effects of crime weekly viewing and forensic evidence conditions on participants ratings of confidence that the defendant committed the crime were not significant (all B 's $< -.25$, all p 's $> .12$). The next step of the model entered in the interactions between forensic evidence condition and crime weekly viewing. The interaction term between the low forensic evidence condition and crime weekly viewing was significant ($B = .04, \chi^2(1, 85) = 4.80, p = .03$). Participants who were heavy weekly viewers of crime shows in the low forensic evidence conditions rated higher confidence that the defendant committed the crime than those who were light viewers of crime shows. Participants' confidence that the defendant committed the crime was not affected by crime show viewing in the no/high forensic evidence condition.

Confidence the defendant committed the crime and crime drama weekly

I again ran a generalized regression model for the crime weekly viewing scale and forensic evidence conditions on the confidence that the defendant committed the crime, and the likelihood ratio indicated that the model with predictors fit significantly better than the model without predictors ($\chi^2(5, 73) = 6.84, p = .23$). The main effect of crime drama weekly viewing on participants ratings of confidence that the defendant committed the crime was significant ($B = -.06, \chi^2(1, 77) = 4.49, p = .03$). Participants higher in crime viewing were less confident than those who view crime shows less frequently that the defendant committed the crime. The interaction terms between the no forensic evidence condition and crime weekly viewing and the low forensic evidence condition and crime weekly viewing were significant ($B = .11, \chi^2(1, 77) = 8.53, p < .01, B = .10, \chi^2(1, 77) = 4.58, p = .03$, respectively). Participants who were heavy

weekly viewers of crime shows in the no/low forensic evidence conditions rated higher confidence that the defendant committed the crime than those who were light viewers of crime shows. Participants' confidence that the defendant committed the crime was not affected by crime show viewing in the high forensic evidence condition.

Hypothesis one summary

I predicted an interactive effect of forensic evidence and crime show viewing on verdict and verdict decisions and this was partially supported. These results indicate an extremely modest pro-defense CSI Effect when examining crime drama viewing, but not when examining crime weekly viewing or crime daily viewing. Participants in the lower forensic evidence conditions (no and low) who were heavy viewers of crime dramas were less likely than participants who were light viewers of crime shows to find the defendant guilty. This could mean that participants who view crime shows expect more evidence to convict. A pro-prosecution effect was not found within these results.

For trial decisions, participants who were heavy daily crime show viewers were less confident than light daily crime show viewers in their decision in the no forensic evidence condition. This interaction approached significance for the other crime viewing indicators of crime weekly and crime drama viewing in relation to confidence in decision. Both crime weekly and crime drama viewing influenced participants' ratings of confidence that the defendant committed the crime. Specifically, those who watched more crime shows were more confident that the defendant committed the crime in the no/low forensic evidence condition compared with light viewers. Given that so few guilty verdicts were rendered it could be that heavy crime viewers felt that the defendant committed the crime, but did not have sufficient evidence to convict.

Because I found a significant interaction effect between the amount of daily crime show consumption and low forensic evidence condition on confidence in decision, it is possible that the influence of crime shows is more pronounced when there is a higher saturation of viewing. Daily viewing as opposed to weekly viewing may mean they are viewing crime shows more often. Crime shows are available on television most of the day everyday it could be that those who watch these shows a lot are the ones more likely influenced by what they view. However, thus far crime drama viewing in particular has been more influential in participants' decisions. Nevertheless, these findings indicate that a crime show viewer's decisions are influenced by the absence of forensic evidence.

Hypothesis Two

In hypothesis two, I proposed a main effect of crime show viewing and forensic evidence conditions that is qualified by the interaction between crime show viewing and forensic evidence conditions on participants' views of the strength of evidence, helpfulness of witnesses and attorney competence. For each of the dependent variables, I conducted stepwise multiple regressions regressing crime show viewing measures and forensic evidence conditions on each of the dependent variables (strength of evidence, helpfulness of witnesses and attorney competence). Again, due to the exploratory nature the significance threshold was set at $p < .10$.

Strength of evidence

I regressed each of the strength of evidence measures (staff sergeant, officer, victim, defendant testimony, and gun evidence) on the forensic evidence condition measures, crime viewing measures and interactions between these two variables. The order in which they are described starts with evidence that resulted in significant effects. The strength of evidence measures of the Staff Sergeant's testimony and the Officer's testimony revealed some significant models followed by the victim's testimony. All models including the strength of evidence

measures of the defendant's testimony and the gun evidence were not significant and summary statistics for all these models are reported below.

Strength of staff sergeant testimony and daily crime viewing

The direct main effects of daily crime viewing and the forensic evidence conditions produced an adjusted R^2 of .12, $F(3, 88) = 5.09$, $p = .01$ on the strength of the testimony of the staff sergeant. This indicated that these predictors explained 12% of the variation in participants' views in the strength of the testimony of Staff Sergeant. Participants rated the staff sergeants testimony significantly lower in the low forensic ($\beta = -.29$, $t(91) = -2.47$, $p = .02$) and high forensic evidence conditions ($\beta = -.39$, $t(91) = -3.45$, $p < .01$) compared with the no forensic evidence condition. The next step of the regression entered in interaction terms between daily crime viewing and forensic evidence conditions. The interaction terms did not significantly improve prediction of participants' ratings of the strength of the staff sergeants testimony ($p > .21$). In fact, the interactions worsened the predictive ability of the model by decreasing the amount of variance explained from an adjusted R^2 of .12 to .10. Results of these models are available in Table 7-13.

Strength of staff sergeant testimony and weekly crime viewing

The direct main effects of the crime genre viewing and forensic condition variables produced an adjusted R^2 of .15, $F(3, 93) = 6.72$, $p = .01$ for the Testimony of the staff sergeant. This indicated that these predictors explained 15% of the variation in participants' views in the strength of the testimony of staff sergeant. In predicting participants' views of strength of evidence, analyses indicate effects of crime genre viewing ($\beta = .22$, $t(96) = 2.19$, $p < .05$), low forensic ($\beta = -.224$, $t(96) = -1.99$, $p < .05$) and high forensic ($\beta = -.397$, $t(96) = -3.67$, $p < .01$) for the testimony of the staff sergeant. Specifically, participants who were higher on the weekly crime viewing scale rated the strength of the testimony of the staff sergeant higher than

participants lower on the weekly crime viewing scale. Also, participants in the low and high forensic evidence condition rated the strength of the staff sergeants testimony lower than participants in the no forensic evidence condition. Next, I entered in the interaction terms between the forensic evidence conditions and weekly crime viewing and the model was significant $F(5, 91) = 4.29, p = .01$, but there were no significant interactions. Results for these models are available in Table 7-14.

Strength of staff sergeant testimony and crime drama weekly viewing

The direct main effects of the crime drama weekly viewing and forensic evidence condition variables produced an adjusted R^2 of .08 $F(3, 79) = 3.40, p = .02$ on the strength of the testimony of the Staff Sergeant. This indicated that these predictors explained 8% of the variation in participants' views in the strength of the testimony of the staff sergeant. Regarding predicting participants' views of the strength of the evidence, analyses indicated significant effects of the high forensic evidence condition on the testimony of staff sergeant ($\beta = -.36, t(82) = -2.9, p < .01$). Participants in the high forensic evidence condition rated the staff sergeants' testimony lower than those in the no forensic evidence condition. The second model which included the interaction terms between forensic evidence condition and crime drama weekly viewing was significant and an adjusted R^2 of .09 $F(5, 77) = 2.70, p < .05$. However, the incremental F test indicated that adding the interaction terms did not significantly increase the variance explained by the model ($p = .21$). The interaction between the high forensic evidence condition and crime drama scale was significant on participants' ratings of the strength of staff sergeant's testimony ($\beta = -.26, t(82) = -1.78, p = .08$). Participants who were heavy weekly viewers of crime dramas in the no forensic evidence condition rated the staff sergeant's testimony higher than those who were light viewers of crime dramas ($\beta = .37, t(27) = 2.05, p = .05$). Participants' ratings of the strength of the staff sergeant's testimony were not affected by crime drama viewing in the low

and high forensic evidence conditions (all β 's $< -.11$, p 's $> .57$). Results for these models are available in Table 7-15.

Strength of officer testimony and daily crime viewing

The main effects model of daily crime viewing and forensic evidence conditions on the ratings of the strength of the officers testimony approached significance $F(3, 88) = 2.40$, $p = .07$ and an adjusted R^2 of .04. This indicated that these predictors explained 4% of the variation in participants views in the strength of the testimony of the officer. Regarding predicting participants' views of strength of evidence, analyses indicated effects of the high forensic evidence condition on the testimony of the officer ($\beta = -.27$, $t(91) = -2.28$, $p = .02$). Participants in the high forensic evidence condition rated the officer's testimony lower than participants in the no forensic evidence condition. The next step entered interaction terms between forensic evidence conditions and daily crime viewing on the ratings of the officers testimony and yielded a not significant model $F(5, 86) = 2.10$, $p = .07$. The interaction between the high forensic evidence condition and daily crime viewing was significant on participants' ratings of the strength of the officer's testimony ($\beta = .25$, $t(91) = 1.75$, $p = .09$). I then ran separate regressions with crime daily viewing regressing on participants' ratings of the officer's testimony for each forensic evidence condition. In the high forensic evidence condition, participants who were heavy daily viewers of crime shows rated the testimony of the officer higher than light daily crime show viewers ($\beta = .37$, $t(30) = 1.75$, $p = .04$). In the no and low forensic evidence conditions, participants ratings of the officer's testimony were not affected by daily crime viewing (all β 's $< -.04$, p 's $> .82$). Results of these models is available in Table 7-16.

Strength of officer testimony and weekly crime viewing

The direct main effects of weekly crime viewing and forensic evidence conditions produced an adjusted R^2 of .10, $F(3, 93) = 4.47$, $p = .01$ for the officer's testimony. This

indicated that these predictors explained 10% of the variation in participants' views in the strength of the officer's testimony. Results indicated significant main effect of weekly crime viewing ($\beta = .23, t(96) = 2.25, p < .05$) and the high forensic evidence condition ($\beta = -.31, t(96) = -2.76, p < .01$) for the strength of the officer's testimony. Participants in the high forensic evidence condition rated the testimony of the officer lower compared to those in the no forensic evidence condition controlling for crime weekly viewing. In addition, participants higher on the crime weekly viewing scale rated the testimony of the officer higher than participants who were lower on the crime weekly viewing scale controlling for forensic evidence condition. The next step which entered in the interactions between forensic evidence conditions and weekly crime viewing revealed a significant model $F(5, 91) = 2.90, p = .01$ but, there were no significant interactions. However, adding in the interactions rendered the weekly crime viewing variable not significant which indicated that the main effect was predicated by the effects of the interactions even if they are not significant. Results for these models are available in Table 7-17.

Strength of officer testimony and crime drama weekly viewing

The main effect model of forensic evidence conditions and crime drama weekly viewing on the strength of the officer's testimony was not significant and an adjusted R^2 of .01, $F(3, 86) = 1.24, p = .30$. Results indicated that the high forensic evidence condition was significant for the testimony of the officer ($\beta = -.223, t(89) = -1.74, p = .08$). Participants who were in the high forensic evidence condition rated the testimony of the officer lower than participants in the no forensic evidence condition. The model including the interaction between forensic evidence condition and crime drama viewing did not significantly predict participants' ratings of the strength of the officer's testimony and decreased the predictability of the overall model to an adjusted R^2 of -.00 $F(5, 84) = .73, p = .61$. No significant interactions were revealed (all β 's $< .01, p$'s $> .93$).

Strength of victim testimony and daily crime viewing

The main effect model of daily crime viewing and forensic evidence condition on the strength of the victim's testimony was not significant ($F < .47, p = .71$). No main effects were significant (all β 's $< .11$, all p 's $> .30$). The interaction terms between daily crime viewing and forensic evidence condition did not significantly improve the model (F change $p = .60$). No interaction terms were significant (all β 's $< -.15$, all p 's $> .31$).

Strength of victim testimony and weekly crime viewing

The main effect model of forensic evidence conditions and weekly crime viewing on the strength of the victim's testimony was not significant $F(3, 94) = .10, p = .97$ and no main effects were significant (all β 's $< .06$, all p 's $> .64$). Entering in the interaction terms between weekly crime viewing and forensic evidence condition did not yield a significant model $F(5, 92) = .57, p = .73$ and no interaction terms were significant (all β 's $< -.09$, all p 's $> .12$).

Strength of victim testimony and crime drama weekly viewing

The main effect model of crime drama viewing and forensic evidence conditions on participants' ratings of the strength of the victim's testimony was not significant $F(3, 80) = .015, p = .99$ and none of the main effects were significant. In the next step of the regression, I entered in the interaction terms between forensic evidence condition and crime drama weekly viewing and this model was also not significant $F(5, 78) = 1.36, p = .25$. However, the incremental F test indicated a significant change ($p < .01$) between the two models amount of variance explained. The interaction model explained 2% (adjusted $R^2 = .02$) of the variance in participants ratings of the strength of the victim's testimony. An interaction between crime drama weekly viewing and the high forensic evidence condition was significant for participants' ratings of the strength of the victim's testimony ($\beta = -.386, t(83) = -2.56$). As participants' weekly crime viewing went up by 1, their rating of the strength of the victim's testimony significantly goes down by .16 in the

high forensic evidence condition compared to the no/low forensic evidence conditions.

Participants who were heavier in crime drama weekly viewing and in the high forensic evidence conditions rated the strength of the victim's testimony lower than participants lighter in crime drama viewing. Participants' ratings of the strength of victim's testimony were not affected by weekly crime drama viewing in the no and low forensic evidence conditions.

Strength of defendant testimony and daily crime viewing

The main effect model of forensic evidence conditions and daily crime viewing on defendant testimony was not significant $F(3, 89) = 1.63, p = .19$ and no main effects were significant (all β 's $< -.17$, all p 's $> .17$). Entering in the interaction terms between daily crime viewing and forensic evidence conditions did not yield a significant model $F(5, 87) = 1.06, p = .39$ and no interaction terms were significant (all β 's $< -.17$, all p 's $> .16$).

Strength of defendant testimony and weekly crime viewing

The main effect model of forensic evidence conditions and weekly crime viewing on participants ratings of the strength of the defendant's testimony was not significant $F(3, 94) = 1.27, p = .29$ and no main effects were significant (all β 's $< -.18$, all p 's $> .13$). Entering in the interaction terms between weekly crime viewing and forensic evidence conditions did not yield a significant model $F(5, 92) = 2.33, p = .23$ and no interaction terms were significant (all β 's $< .21$, all p 's $> .14$).

Strength of defendant testimony and weekly crime drama viewing

The main effect model including forensic evidence conditions and weekly crime drama viewing on participants ratings of the strength of the strength of the defendant's testimony was not significant $F(3, 80) = 1.57, p = .20$. Results indicated that the high forensic evidence condition was significant for the ratings of the strength of the defendant's testimony ($\beta = -.238, t(83) = -1.88, p = .06$). Participants in the high forensic evidence condition rated the strength of

the defendant's testimony lower than those in the no forensic evidence condition. Entering in the interaction terms between forensic evidence conditions and weekly crime drama viewing did not yield a significant model $F(5, 78) = 1.12, p = .36$ and no interaction terms were significant (all β 's $< .11$, all p 's $> .75$).

Strength of gun evidence and daily crime viewing

The main effect model including forensic evidence conditions and daily crime viewing on the strength of gun evidence was not significant $F(3, 87) = .80, p = .50$ and no main effects were significant (all β 's $< .16$, all p 's $> .18$). Entering in the interaction terms between forensic evidence conditions and daily crime viewing did not yield a significant model $F(5, 85) = .50, p = .78$ and no interaction terms were significant (all β 's $< .06$, all p 's $> .77$).

Strength of gun evidence and weekly crime viewing

The main effect model of forensic evidence conditions and weekly crime viewing on participants ratings of the strength of the gun evidence was not significant $F(3, 92) = 1.41, p = .24$ and no main effects were significant (all β 's $< .18$, all p 's $> .14$). Entering in the interaction terms between weekly crime viewing and forensic evidence conditions did not yield a significant model $F(5, 90) = 1.03, p = .40$ and no interaction terms were significant (all β 's $< -.18$, all p 's $> .26$).

Strength of gun evidence and weekly crime drama viewing

The main effect model including forensic evidence conditions and weekly crime drama viewing on participants ratings of the strength of the gun evidence was not significant $F(5, 79) = 1.18, p = .33$ with no significant main effects (all β 's $< .22$, all p 's $> .10$). Entering in the interaction terms between weekly crime drama viewing and forensic evidence conditions did not yield a significant model $F(5, 77) = 1.40, p = .23$ and no interaction terms were significant (all β 's $< -.18$, all p 's $> .23$).

Witness helpfulness

I also regressed the witness helpfulness measures (staff sergeant, officer, victim and defendant testimony) on the forensic evidence condition measures, crime show viewing measures and interactions between these two variables.. Again, interactions between forensic evidence conditions and crime viewing were significant for the testimonies of the staff sergeant and the officer. Results and summary statistics are described below for each crime viewing variable and each witness helpfulness measure.

Staff sergeant testimony and daily crime viewing

The direct main effects model of the staff sergeant approached significance $F(3, 85) = 2.52, p = .06$ and an adjusted R^2 of .05. This model explained 5% of participants' variation in the responses regarding the helpfulness of the staff sergeant. The direct main effects of the high forensic evidence condition ($\beta = -.23, t(87) = -1.90, p = .06$) and daily crime viewing ($\beta = .09, t(87) = 1.67, p = .09$) both were significant. Participants in the high forensic evidence condition rated the staff sergeant's testimony as less helpful than the participants in the no forensic evidence condition. In addition, participants who were heavier daily crime viewers rated the Staff Sergeant's testimony as more helpful compared to those who lighter daily crime show viewers, controlling for forensic evidence condition. The next step entered in the interaction terms between the forensic evidence conditions and daily crime viewing and this model was not significant and an adjusted R^2 of .08, $F(5, 83) = 1.53, p = .19$. Entering in the interaction terms decreased the predictive ability of this model on ratings of the staff sergeant's testimony. There were no significant interactions. Results for these models are available in Table 7-18.

Staff sergeant testimony and weekly crime viewing

The direct main effects of the weekly crime viewing and forensic evidence condition variables produced an adjusted R^2 of .08, $F(3, 92) = 3.72, p = .01$ for the staff sergeant's

testimony. These predictors explain 8% of the variation in participants' views of the helpfulness of the staff sergeant's testimony. The indicators of high forensic evidence condition ($\beta = -.24, t(95) = -2.09, p = .04$) and weekly crime viewing ($\beta = -.23, t(95) = 2.23, p = .03$) demonstrated an effect on participants' ratings of helpfulness of the Staff Sergeant's testimony. Specifically, participants in the high forensic evidence condition rated the helpfulness of the Staff Sergeant's testimony lower than participants in the no forensic evidence condition, controlling for weekly crime viewing. Also, participants higher on the weekly crime viewing scale rated the helpfulness of the staff sergeant's testimony higher compared with those lower on the weekly crime viewing scale, controlling for forensic evidence condition. The next step entered in interaction terms between forensic evidence conditions and weekly crime viewing and this produced a significant model and an adjusted R^2 of .11 $F(5, 90) = 3.34, p < .01$. The effect of the interaction between the low forensic evidence condition and weekly crime viewing was significant ($\beta = .24, t(95) = 1.79, p = .08$) for the helpfulness of the Staff Sergeant's testimony, and the incremental F test indicated that adding the interaction terms significantly ($p = .08$) increased the variance explained in the model with the R^2 increasing from 11% of variation explained to 16%. Separate models for each forensic evidence condition indicated a significant effect of weekly crime viewing in the no forensic ($\beta = .37, t(31) = .36, p = .04$) and the low forensic ($\beta = .41, t(31) = 2.48, p = .02$) evidence conditions. Specifically, those in the no and low forensic evidence conditions who heavily viewed crime shows weekly rated the staff sergeant's testimony more helpful compared to those who were light weekly viewers of crime shows. Participants' ratings of the staff sergeant's testimony were not affected by viewing weekly crime shows in the high forensic evidence condition. Results are available for these models in Table 7-19.

Staff sergeant testimony and crime drama weekly viewing

The main effect model including forensic evidence conditions and crime drama weekly viewing on the helpfulness of the staff sergeant's testimony was significant $F(3, 83) = 2.47, p = .07$ but no main effects were significant (all β 's < -.23, all p 's > .08). Entering in the interaction terms between forensic evidence conditions and crime drama weekly viewing did not yield a significant model $F(5, 83) = 1.68, p = .15$ and no interaction terms were significant (all β 's < -.14, all p 's > .37).

Officer testimony and daily crime viewing

The main effects model of forensic evidence conditions and daily crime viewing on ratings of the helpfulness of the officer's testimony approached significance and an adjusted R^2 of .04, $F(3, 89) = 2.20, p = .09$. This means that this model explained approximately 4% of the variation in ratings of the helpfulness of the officer's testimony. Results indicated a significant main effect of high forensic evidence condition ($\beta = -.44, t(92) = -2.01, p = .05$). Participants in the high forensic evidence condition rated the helpfulness of the officer's testimony lower than participants in the no forensic evidence condition controlling for daily crime viewing. The next step included interaction terms between forensic evidence conditions and daily crime viewing and this model was not significant $F(3, 87) = 1.39, p = .24$ with no significant interactions. Results for these models are available in Table 7-20.

Officer testimony and weekly crime viewing

The direct main effects of the weekly crime viewing and forensic evidence conditions approached a significant model and produced an adjusted R^2 of .04, $F(3, 94) = 2.36, p = .07$ for participants' ratings of the helpfulness of the officer's testimony. This means these indicators explain 4% of the variance for the helpfulness of the officer's testimony. A main effect of high forensic evidence ($\beta = -.25, t(97) = -2.17, p = .03$) was found to significantly affect participant's

views of the helpfulness of the Officer's testimony. Participants in the high forensic evidence condition rated the helpfulness of the officer's testimony lower than participants in the no forensic evidence condition controlling for weekly crime viewing. Step two entered in the interactions between forensic evidence condition and weekly crime viewing and this model was not significant $F(5, 92) = 1.83, p = .12$, with no significant interactions (all β 's < .17, all p 's > .27). The effect of high forensic evidence was slightly reduced by entering in the interactions, but remained significant.

Officer testimony and crime drama weekly viewing

The main effects model including forensic evidence conditions and crime drama weekly viewing on the helpfulness of the officer's testimony were not significant $F(3, 82) = 1.35, p = .26$ and no main effects were significant (all β 's < -.21, all p 's > .10). Entering in the interaction terms between forensic evidence conditions and crime drama weekly viewing did not yield a significant model $F(5, 80) = .98, p = .44$ and no interaction terms were significant (all β 's < -.10, all p 's > .52).

Victim testimony and daily crime viewing

The main effect model including forensic evidence conditions and daily crime viewing on the helpfulness of the victim's testimony was not significant $F(3, 89) = .16, p = .92$ and no main effects were significant (all β 's < -.04, all p 's > .73). Entering in the interaction terms between forensic evidence conditions and daily crime viewing did not yield a significant model $F(5, 87) = .12, p = .99$ and no interaction terms were significant (all β 's < .07, all p 's > .75).

Victim testimony and weekly crime viewing

The main effects model including forensic evidence conditions and weekly crime viewing on the helpfulness of the victim's testimony was not significant $F(3, 80) = .43, p = .73$ and no main effects were significant (all β 's $< -.43$, all p 's $> .70$). Entering in the interaction terms between forensic evidence conditions and weekly crime viewing did not yield a significant model $F(5, 78) = .35, p = .88$ and no interaction terms were significant (all β 's $< -.47$, all p 's $> .51$).

Victim testimony and weekly crime drama viewing

The main effects model including forensic evidence conditions and weekly crime drama viewing on the helpfulness of the victim's testimony was not significant $F(3, 93) = .22, p = .88$ and no main effects were significant (all β 's $< .07$, all p 's $> .57$). Entering in the interaction terms between forensic evidence conditions and weekly crime drama viewing did not yield a significant model $F(5, 91) = .26, p = .94$ and no interaction terms were significant (all β 's $< -.68$, all p 's $> .50$).

Defendant testimony and daily crime viewing

The main effects model including forensic evidence conditions and daily crime viewing on the helpfulness of the defendant's testimony was not significant $F(3, 89) = .36, p = .78$ and no main effects were significant (all β 's $< .09$, all p 's $> .42$). Entering in the interaction terms between forensic evidence conditions and daily crime viewing did not yield a significant model $F(5, 87) = .43, p = .83$ and no interaction terms were significant (all β 's $< -.14$, all p 's $> .31$).

Defendant testimony and weekly crime viewing

The main effects model including forensic evidence conditions and weekly crime viewing on the helpfulness of the defendant's testimony was not significant $F(3, 94) = .23, p = .88$ and no main effects were significant (all β 's $< .08$, all p 's $> .54$). Entering in the interaction

terms between forensic evidence conditions and weekly crime viewing did not yield a significant model $F(5, 92) = .29, p = .92$ and no interaction terms were significant (all β 's $< -.11$, all p 's $> .49$).

Defendant testimony and weekly crime drama viewing

The main effects model including forensic evidence conditions and weekly crime drama viewing on the helpfulness of the defendant's testimony was not significant $F(3, 82) = .72, p = .54$ and no main effects were significant (all β 's $< -.12$, all p 's $> .28$). Entering in the interaction terms between forensic evidence conditions and weekly crime drama viewing did not yield a significant model $F(5, 80) = .74, p = .60$ and no interaction terms were significant (all β 's $< .16$, all p 's $> .25$).

Attorney competence

I also ran regressions for each attorney competence variable (prosecution and defense) with the crime viewing measures and forensic evidence condition measures as predictors. A few significant main effects were revealed in these models, but very few interactions between forensic evidence conditions and crime show viewing were found. Summary statistics for each model is presented below.

Prosecutor competence and daily crime viewing

The main effects model including forensic evidence conditions and daily crime viewing on the competence of the prosecutor was not significant $F(3, 89) = .94, p = .43$ and no main effects were significant (all β 's $< .18$, all p 's $> .15$). Entering in the interaction terms between forensic evidence conditions and daily crime viewing did not yield a significant model $F(5, 87) = .91, p = .47$ and no interaction terms were significant (all β 's $< -.20$, all p 's $> .20$).

Prosecutor competence and weekly crime viewing

The main effects model including forensic evidence conditions and weekly crime viewing on the participants' ratings of the prosecutor's competence was not significant $F(3, 93) = 1.17, p = .33$ and no main effects were significant (all β 's $< .08$, all p 's $> .54$). Entering in the interaction terms between forensic evidence conditions and daily crime viewing did not yield a significant model $F(5, 91) = 1.23, p = .30$ and no interaction terms were significant (all β 's $< .11$, all p 's $> .49$).

Prosecutor competence and crime drama weekly viewing

The direct main effects model of the crime drama weekly viewing and forensic condition variables did not produce a significant model on participants ratings of the prosecutor's competence, adjusted R^2 's = .01, $F(3, 80) = 1.18, p = .32$. As a result, there were no significant main effects of forensic evidence condition and crime drama weekly viewing on ratings of the prosecutor (all β 's $< .11$, all p 's $> .34$). However, the interaction model approached significance and an adjusted R^2 of .07, $F(5, 78) = 2.23, p = .06$. This model explained 7% of the variance regarding predicting participants' ratings of the prosecutor's competence. An interaction between high forensic evidence condition and crime drama weekly viewing was significant ($\beta = -.35, t(83) = 2.40, p = .01$) for the prosecutor scale. This model revealed a significant F change ($p = .03$) and so I continued with describing the interactive effect. Models with prosecution scale regressed on crime drama weekly viewing were run for each forensic evidence condition. The high forensic evidence condition model revealed an adjusted $R^2 = .18$ (18%) for the effect of crime drama weekly viewing on participants ratings of the prosecutor's competence ($\beta = -.46, t(27) = -2.67, p = .01$). That is, participants in the high forensic evidence condition with heavy crime drama weekly viewing rated the prosecution as less competent compared with light crime drama weekly viewers. Participants' ratings of the prosecutor's competence were not influenced

by crime drama viewing in the no and low forensic evidence conditions. Results for these models are available in Table 7-21.

Defense attorney competence and daily crime viewing

The main effects model of daily crime viewing and forensic evidence conditions on the defense attorney's competence was significant $F(3, 89) = 2.59, p = .05$ with 5% (adjusted $R^2 = .05$) variation in participants' ratings of the defense attorney being explained by this model. There was a direct main effect of daily crime viewing on participants ratings of the defense attorney's competence controlling for forensic evidence condition ($\beta = .29, t(92) = 2.77, p < .01$). Participants who were heavy daily crime show viewers rated the defense attorney as more competent compared with participants who were light daily crime show viewers. The next step entered in the interaction terms between forensic evidence condition and daily crime viewing and this model was not significant $F(5, 87) = 2.02, p = .09$. No significant interaction terms were located (all β 's $< .14$, all p 's $> .50$). Entering in the interaction terms rendered the relationship between crime viewing and ratings of the defense attorney's competence not significant. This means that the relationship was a condition of the interaction. Results for these models are available in Table 7-22.

Defense attorney competence and weekly crime viewing

The direct main effects of the crime weekly viewing and forensic condition variables did not produce a significant model on the defense attorney's competence and an adjusted $R^2 = .02$; $F(3, 94) = 1.69, p = .17$. However, there was a significant main effect of the weekly crime viewing scale ($\beta = .24, t(97) = 2.24, p = .03$) on participants' ratings of the defense attorney's competence. Participants who viewed more crime shows weekly rated the defense attorney competence higher than those who viewed less crime shows weekly. The interaction model between forensic evidence condition and weekly crime viewing was not significant. Entering in

the interactions rendered the weekly crime viewing scale not significant (all β 's < .25, all p 's > .40). This means entering in the interactions conditioned the effect of the crime viewing scale on participants' ratings of the defense attorney's competence. Results of these models are available in Table 7-23.

Defense attorney competence and crime drama weekly viewing

The direct main effects of the crime drama weekly viewing and forensic evidence condition variables did not produce significant models for participants' ratings of the defense attorney's competence, adjusted R^2 's of -.02, $F(3, 81) = .43, p = .22$). As a result, there were no significant main effects of forensic evidence condition and crime drama weekly viewing on participants' ratings of the defense attorney's competence (all β 's < .11, all p 's > .34). Entering in the interaction terms between forensic evidence conditions and crime drama weekly viewing did not yield a significant model $F(5, 79) = .88, p = .50$ and no interaction terms were significant (all β 's < .21, all p 's > .17). Entering in the interaction terms did improve the predictive ability of the model, but not enough to make a significant effect.

Hypothesis two summary

Hypothesis two called for an interaction between forensic evidence conditions and crime viewing measures on participants' ratings of the strength of evidence, witness helpfulness, and attorney competence. These hypotheses were marginally supported. Overall interactions were mainly significant for crime drama weekly viewing as opposed to the general crime show viewing measures (weekly and daily). The strength of evidence measures revealed some interactions between crime viewing and forensic evidence condition. Witness helpfulness measures were substantively similar to the strength of evidence measures. Finally, attorney competence measures revealed some significant interactions supportive of a pro-defense effect.

Regarding strength of evidence measures, there were main effects of crime viewing and forensic evidence condition on participants' ratings of staff sergeant's and the officer's testimony. Participants' rated the staff sergeant's and officer's testimony as less helpful in the higher forensic evidence conditions regardless of crime viewing. Also, heavier crime show viewers rated the staff sergeant and the officer testimony more strongly than light crime show viewers. Two interactions regarding strength of evidence were significant in all these models. Participants viewed the staff sergeants testimony more strongly if they were heavy crime drama viewers compared to light crime drama viewers, but only in the no forensic evidence condition. Likewise, the influence of crime drama viewing on the rating of the victim's testimony was less strong in the high forensic evidence condition. These two findings support the notion of professional witnesses as more influential in ratings of strength of evidence. I predicted that heavy crime viewers would rate witnesses less helpful in the no forensic evidence condition compared with light crime viewers and found the opposite effect.

Participants' ratings of the helpfulness of witness testimony mirrored some of the above findings, as those in the no and low forensic evidence conditions who heavily viewed crime drama shows were more likely to find the Staff Sergeant's testimony helpful than light crime drama viewers. Overall the witness testimony of the officer and the staff sergeant appear to be stronger pieces of evidence more than any of the witnesses. It also appears that heavy crime viewers are likely to be influenced by the professional witnesses of the officer and the staff sergeant only when the forensic evidence was not available. It is not entirely surprising that heavy crime viewers rated the staff sergeant more strongly than light crime viewers given the content of crime shows relates to the success of the criminal justice system. This could garner more support for government actors, such as officers and military personnel.

Overall, participants rated the defense attorney as more competent, especially if they were a heavy crime show viewer compared with a light show crime viewer. There were no main effects of crime show viewing or forensic evidence condition on participants' ratings of the prosecutor's competence. However, participants in the high forensic evidence condition who were heavy crime drama viewers rated the prosecutor as less competent compared to light viewers. I predicted that heavy crime show viewers would rate the prosecutor more highly in the high forensic evidence condition compared with light crime show viewers. The direction of this relationship is reverse as this is the condition in which there is more forensic evidence thus making the prosecution's case stronger. It could be that heavy crime viewers in the high forensic evidence condition are skeptical still of the forensic evidence compared with light crime viewers.

Hypothesis Three

Hypothesis three is based on research on the relationship between legal authoritarianism and verdict and the idea of mainstreaming with the cultivation perspective. The following models examined whether the RLAQ scale moderated the relationship between crime show viewing and verdict.

Verdict RLAQ and crime daily viewing

Again, logistic regression was used to predict guilty verdict with crime daily viewing and the RLAQ controlling for forensic evidence condition. The model chi-square indicated that the predictors entered into the model increased the fit of the model, $\chi^2(7, 86) = 9.18, p = .33$, and the pseudo $R^2 = .11$. However, the classification did not increase success rate of predicting the likelihood of a verdict of guilt 75.6% in block 0 and 74.9% in block 1. The RLAQ scale was significant ($exp B = .44, p = .08$) as was the high forensic evidence condition ($exp B = .34, p = .10$). The odds that participants in the high forensic evidence condition would select a guilty verdict were higher than participants in the no forensic evidence condition. As participants

increased in the rating of legal authoritarianism, the odds of them selecting a guilty verdict decreased. No other main effects were significant (all p 's > .64). In the second step, the interaction term between daily crime show viewing and the RLAQ were entered into the model and the classification of the model did indicate an increase in success rate of predicting the likelihood of a guilty conviction 79%. The interaction between the RLAQ and daily crime show viewing was significant ($exp B = 1.38, p = .05$). I computed changes in the coefficients when the standard deviation of the scales is higher and lower than the mean. Participants low in daily crime show viewing and low in legal authoritarian attitudes have an increased likelihood to render a guilty verdict and participants low in crime viewing and high in legal authoritative attitudes are the least likely to render a guilty verdict. Results for these models are available in Table 7-24.

Verdict RLAQ and crime weekly

A logistic regression was used to predict guilty verdict with weekly crime show viewing and the RLAQ controlling for forensic evidence condition as predictors. The model chi-square indicated that the predictors entered into the model increased the fit of the model ($\chi^2 = 4.62, p = .80$) and the pseudo $R^2 = .23$. However, the classification did not increase the success rate of predicting the likelihood of a verdict of guilt. The RLAQ scale was significant ($exp B = .42, p = .06$) as was the high forensic evidence condition ($exp B = 2.98, p = .09$). Similarly to the above findings, the odds participants would select a guilty verdict were higher in the high forensic evidence condition compared with the no forensic evidence condition. Also, participants who were higher on the RLAQ scale had a decreased likelihood of selecting a guilty verdict. No other main effects were significant (all p 's > .39). In the second step, the interaction term between weekly crime show viewing and the RLAQ was entered into the model and the classification of the model did not indicate an increase in success rate of predicting the likelihood of a guilty

conviction. The interaction between the RLAQ and crime show weekly viewing was significant ($exp B = 1.38, p = .01$). Participants who were light weekly crime show viewers and low on the RLAQ scale had an increased likelihood to render a guilty verdict compared with those who were light weekly crime show viewers high on the RLAQ scale who were the least likely to render a guilty verdict. Participants' verdicts were not affected by heavy crime show viewing and the RLAQ, but for those who do not watch crime shows RLAQ does affect verdict. Results for these models are available in Table 7-25.

Verdict RLAQ and crime drama viewing

Another logistic regression was used to predict guilty verdict with crime drama viewing, the RLAQ and controlling for forensic evidence condition. The model chi-square indicated that the predictors entered into the model increased the fit of the model ($\chi^2 = 5.9, p = .66$). However, the classification did not increase the success rate of predicting the likelihood of a verdict of guilt (75%). The high forensic evidence condition was significant ($exp B = 3.19, p = .10$). Participants in the high forensic evidence conditions had an increased likelihood of selecting a guilty verdict compared with participants in the no forensic evidence condition. No other main effects were significant (all p 's $> .13$). In the second step, the interaction term between crime drama viewing and the RLAQ was entered into the model and the classification of the model did not indicate an increase in success rate of predicting the likelihood of a guilty conviction. The interaction between the RLAQ and crime viewing was not significant ($exp B = .01, p = .38$).

Hypothesis three summary

Hypothesis three purports that the legal authoritarian questionnaire is a moderator of the relationship of crime viewing and verdict. This hypothesis is partially supported by the models including crime weekly viewing and crime daily viewing. Both significant models support the idea of mainstreaming as participants who are low crime viewers and their legal beliefs

interacted to influence their verdicts, but heavy crime viewers were not as influenced by the RLAQ as watching too much television may mainstream their views to be similar.

Individuals with low crime viewing and with strongly conservative ideals on the one end or strongly liberal ideals on the other end showed an effect on verdict. Conversely, participants higher in crime viewing and with strongly conservative ideals on the one end or strongly liberal ideals on the other end are not influenced by their personal legal beliefs. This relationship is indicative of a potential mainstreaming effect where heavy viewers are no longer influenced by their personal beliefs or their personal beliefs have changed because the messages they receive from crime show viewing mainstreams their views affecting their decisions.

Table 7-1. Participants' ratings of the availability of different pieces of evidence in their trial condition.

Chi-Square Analysis χ^2 (df, N)							
Condition	Gun	Pros. Test	Def. Test.	Fingerprints	Ballistics	DNA	Toxicology
No versus Low	1.32 (2, 70)	.41 (2, 70)	7.81*(2, 68)	62.43* (2, 70)	5.15 (2, 70)	1.06 (2, 70)	2.02 (2, 70)
No versus High	7.48* (2, 67)	.20 (2, 68)	2.03 (2, 68)	50.51** (2, 69)	54.69 ** (2, 68)	1.20 (2, 68)	.16 (1, 68)
Low versus High	.00 (1, 69)	.71 (2, 68)	2.81 (2, 68)	3.23 (1, 69)	49.86** (2, 68)	3.34 (2, 68)	1.34 (2, 68)

Notes: No chi-square statistic was computed in places where all participants noticed evidence. * .05, **.01

Table 7-2. Descriptive Statistics for variables in major analyses.

Variable	Mean	SD	Min	Max
Dependent Measures				
Verdict				
Confidence in Decision	2.35	.82	1	4.24
Defendant Commit Crime	11.11	5.96	1	19
Evidence Strength.				
Strength of Evidence Liz	4.42	1.33	2	7
Strength of Evidence Staff	4.69	1.16	1	7
Strength of Evidence Office	4.77	1.07	1	7
Strength of Evidence Marcs	4.11	1.31	1	7
Strength of Evidence Gun	4.74	1.64	1	7
Witness Helpfulness				
Liz Temp Witness Scale	4.26	1.14	1	7
Staff Sergeant Scale	4.72	1.01	1.75	7
Officer Scale	4.39	.84	2	6
Marcs Scale	4.11	1.31	1	7
Attorney Competence				
Prosecution Scale	3.43	1.18	1.14	6
Defense Scale	4.02	.90	1.86	6.14

Table 7-3. Descriptive Statistics for variables in major analyses.

Variable	Mean	SD	Min	Max
Independent Measures				
Crime Drama Viewing	1.83	3.19	0	13
Crime Weekly Viewing	5.6	8.61	0	30
Crime Daily Viewing	1.15	2.45	0	15
RLAQ	3.97	.60	2.22	5.83

Table 7-4. Descriptive statistics of each crime genre viewing scale for daily and weekly viewing.

Variable	Mean	SD	Min	Max
Television Viewing				
Forensic Dramas				
Weekly	1.95	3.33	0	20
Daily	.37	.76	0	4
Forensic Documentaries				
Weekly	.61	1.46	0	7
Daily	.13	.40	0	2
General Crime Docs				
Weekly	.55	1.42	0	10
Daily	.26	1.53	0	3
General Dramas				
Weekly	1.36	2.51	0	11
Daily	.29	.64	0	3
General & Crime News				
Weekly	.42	1.08	0	7
Daily	.08	.28	0	1.5

Table 7-5. Participants' mean ratings of the strength of evidence in all conditions.

Evidence Types	Means	N	T-Value	P-Value
Victim versus Staff Sergeant	4.17 vs. 5.00	99	-4.63	> .01
Victim/ Officer	4.17 vs. 5.00	99	-4.53	>.01
Victim/Defendant	4.20 vs. 4.11	100	.43	.67
Victim/Gun	4.21 vs. 4.74	98	-2.74	>.01
Staff Sergeant/Officer	4.98 vs. 5.00	98	-.25	.80
Staff Sergeant/Defendant	5.00 vs. 4.12	100	5.09	>.01
Staff Sergeant/Gun	5.02 vs. 4.72	97	1.50	.14
Officer/Defendant	5.00 vs. 4.14	99	5.13	>.01
Officer/Gun	5.03 vs. 4.72	97	1.56	.12
Defendant/ Gun	4.09 vs. 4.75	98	-2.78	>.01

Table 7-6. Participants' mean ratings of the strength of fingerprint evidence.

Evidence Types (Conditions 2&3)	Means	N	T-Value	P-Value
Fingerprint Evidence				
Victim/Fingerprint	4.22 vs. 4.76	66	-2.33	.02
Staff Sergeant/Fingerprint	4.73 vs. 4.75	67	-.06	.95
Officer/Fingerprints	4.82 vs. 4.76	67	.26	.79
Defendant/Fingerprints	4.04 vs. 4.78	68	-2.63	>.01
Gun/ Fingerprints	4.95 vs. 4.78	65	1.13	.26

Table 7-7. Participants' mean ratings of the strength of forensic evidence (condition 3) compared with all available evidence .

Evidence Types	Means	N	T-Value	P-Value
Forensic Evidence				
Victim/Ballistics	4.16 vs. 5.19	31	-3.86	>.01
Victim/Forensic Testimony	4.16 vs. 4.56	31	-1.34	.19
Staff Sergeant/Ballistics	4.58 vs. 5.19	33	-1.93	.06
Staff Sergeant/Forensic Testimony	4.56 vs. 4.56	33	.000	1.00
Officer/Ballistics	4.62 vs. 5.19	32	-1.79	.08
Officer/Forensic Testimony	4.62 vs. 4.56	32	.24	.82
Defendant/Ballistics	3.76 vs. 5.18	33	-3.68	>.01
Defendant/Forensic Testimony	3.75 vs. 4.56	32	-2.19	.03
Gun/Ballistics	4.97 vs. 5.19	32	-1.23	.23
Gun/Forensic Testimony	4.97 vs. 4.56	32	1.35	.19
Fingerprint/Ballistics	4.97 vs.5.18	32	-1.19	.24
Fingerprint/Forensic Testimony	4.94 vs. 4.56	32	1.18	.25

Table 7-8. Participants' mean ratings of the witness helpfulness measures.

Evidence Types	Means	N	T-Value	P-Value
Victim/ Staff Sergeant	4.24 vs. 4.72	98	-3.12	>.01
Victim/ Officer	4.29 vs. 4.75	98	-3.27	>.01
Victim/Defendant	4.26 vs. 4.55	99	-1.99	.05
Victim/Forensic Testimony	4.21 vs. 4.74	33	-.70	.49
Staff Sergeant/Officer	4.71 vs. 4.76	98	-.54	.59
Staff Sergeant/Defendant	5.71 vs. 4.56	97	1.20	.23
Staff Sergeant/Forensic Testimony	4.55 vs. 4.60	32	-.30	.77
Officer/Defendant	4.74 vs. 4.52	101	1.93	.06
Officer/ Forensic Testimony	4.47 vs. 4.61	98	-.70	.50
Defendant/ Forensic Testimony	4.55 vs. 4.61	33	-.21	.84

7-9. Participants' verdict decisions as a function of crime drama viewing and forensic evidence condition.

Variables	Model 1		Model 2	
	Exp (B)	B	Exp (B)	B
Intercept	.25	-1.39 (.50)**	.200	-1.61 (.56)**
Low Forensic	1.20	.18 (.64)	1.31	.27 (.81)
High Forensic	2.39	.87 (.64)	2.25	.81 (.78)
Drama Crime Viewing	.91	-.10 (.09)	1.13	.12 (.12)
Low X Viewing			.73	-.31 (.28)
High X Viewing			.61	-.50 (.27)a
Model χ^2		5.67		5.46
Pseudo-R ²		.07		.15
Correct Classification		72.3%		74.7%
-2 Log Likelihood		94.14		88.69

Notes: * $p < .05$, ** $p < .01$, a $p < .10$. The model N = 83.

Table 7-10. Participants' ratings of confidence in decision as function of crime daily viewing and forensic evidence condition.

Variable	Model 1			Model 2		
	β	B	SE	β	B	SE
Step 1						
Intercept		2.41**	.15		2.45**	.15
Low Forensic	-.06	-.11	.22	-.00	-.00	.23
High Forensic	-.07	-.12	.21	-.10	-.18	.21
Daily Viewing	-.08	-.04	.05	-.36	-.15*	.07
Step 2						
Low X Viewing				.29	.34*	.15
High X Viewing				.28	.17a	.09
R ²		.01				.03
F Statistic		.31				1.50
ΔR^2		.01				.07*

Notes: * $p < .05$, ** $p < .01$, a $p < .10$. The model N = 94.

Table 7-11. Participants' ratings of confidence in decision as a function of crime weekly viewing and forensic evidence condition.

Variable	Model 1			Model 2		
	β	B	SE	B	B	SE
Step 1						
Intercept		2.42**	.15		2.47**	.15
Low Forensic	-.06	-.10	.21	-.09	-.16	.26
High Forensic	-.05	-.09	.21	-.10	-.17	.21
Weekly Viewing	-.14	-.02	.01	-.34	-.04*	.02
Step 2						
Low X Viewing				.04	.02	.07
High X Viewing				.27	.05a	.03
R ²		.02				.05
F Statistic		.64				1.09
ΔR^2		.02				.04

Notes: * $p < .05$, ** $p < .01$, a $p < .10$. The model N = 99.

Table 7-12. Participants' ratings of confidence in decision as a function of crime drama weekly viewing and forensic evidence condition.

Variable	Model 1			Model 2		
	β	B	SE	β	B	SE
Step 1						
Intercept		2.58**	.15		2.61**	.15
Low Forensic	-.12	-.20	.22	-.14	-.23	.22
High Forensic	-.12	-.20	.21	-.13	-.23	.21
Drama Viewing	-.24	-.06*	.03	-.38	-.09*	.04
Step 2						
Low X Viewing				.07	.04	.07
High X Viewing				.18	.07	.06
R ²		.06			.07	
F Statistic		1.68			1.23	
ΔR^2		.06			.02	

Notes: * $p < .05$, ** $p < .01$, a $p < .10$. The model N = 85.

Table 7-13. Participants' ratings of strength of staff sergeant evidence as a function of crime genre daily viewing and forensic evidence condition.

Variable	Model 1			Model 2		
	β	B	SE	β	B	SE
Step 1						
Intercept		5.52**	.19		5.54**	.19
Low Forensic	-.29	-.67*	.28	-.30	-.70**	.30
High Forensic	-.39	-.92**	.27	-.40	-.94**	.27
Daily Viewing	.12	.07	.06	.05	.03	.09
Step 2						
Low X Viewing				.02	.04	.19
High X Viewing				.10	.09	.12
R ²		.15			.15	
F Statistic		5.09**			3.10	
ΔR^2		.15			.01	

Notes: * $p < .05$, ** $p < .01$, a $p < .10$. The model N = 91.

Table 7-14. Participants' ratings of the strength of the Staff Sergeants testimony as a function of crime weekly viewing and forensic evidence condition.

Variable	Model 1			Model 2		
	β	B	SE	β	B	SE
Step 1						
Intercept		5.47**	.19		5.42**	.19
Low Forensic	-.22	-.54*	.27	-.23	-.54	.33
High Forensic	-.40	-.95**	.26	-.37	-.88**	.27
Daily Viewing	.22	.04*	.02	.34	.05*	.02
Step 2						
Low X Viewing				-.06	-.08	.09
High X Viewing				-.16	-.14	.03
R ²		.18			.19	
F Statistic		6.72**			4.29**	
ΔR^2		.18			.01	

Notes: * $p < .05$, ** $p < .01$, a $p < .10$. The model N = 96.

Table 7-15. Participants' ratings of the strength of the staff sergeants testimony as a function of crime drama viewing and forensic evidence condition.

Variable	Model 1			Model 2		
	β	B	SE	β	B	SE
Step 1						
Intercept		5.40**	.20		5.32**	.21
Low Forensic	-.20	-.47	.30	-.18	-.41	.32
High Forensic	-.36	-.83**	.28	-.33	-.75**	.29
Daily Viewing	.09	.03	.04	.29	.10a	.05
Step 2						
Low X Viewing				-.09	-.08	.12
High X Viewing				-.26	-.14a	.07
R ²		.11				.15
F Statistic		3.40*				2.71*
ΔR^2		.11				.04

Notes: * $p < .05$, ** $p < .01$, a $p < .10$. The model N = 82.

Table 7-16. Participants' ratings of the strength of the officer's testimony as a function of daily crime viewing and forensic evidence condition.

Variable	Model 1			Model 2		
	β	B	SE	β	B	SE
Step 1						
Intercept		5.28**	.19		2.45**	.19
Low Forensic	-.11	-.25	.27	-.15	-.33	.29
High Forensic	-.27	-.61*	.27	-.29	-.66*	.27
Daily Viewing	.14	.08	.06	-.04	-.02	.09
Step 2						
Low X Viewing				.02	.03	.19
High X Viewing				.25	.21a	.12
R ²		.08				.11
F Statistic		2.40a				2.10a
ΔR^2		.08				.03

Notes: * $p < .05$, ** $p < .01$, a $p < .10$. The model N = 91.

Table 7-17. Participants' ratings of the strength of the officer's testimony as a function of crime weekly viewing and forensic evidence condition.

Variable	Model 1			Model 2		
	β	B	SE	β	B	SE
Step 1						
Intercept		5.30**	.19		5.33**	.19
Low Forensic	-.10	-.24	.27	-.13	-.31	.33
High Forensic	-.31	-.72**	.26	-.34	-.78**	.27
Daily Viewing	.23	.04*	.02	.12	.02	.02
Step 2						
Low X Viewing				.01	.00	.09
High X Viewing				.15	.04	.03
R ²		.13			.14	
F Statistic		4.47**			2.90**	
ΔR^2		.13			.01	

Notes: * $p < .05$, ** $p < .01$, a $p < .10$. The model N = 96.

Table 7-18. Participants' ratings of the helpfulness of the Staff Sergeant's testimony as a function of daily crime viewing and forensic evidence condition.

Variable	Model 1			Model 2		
	β	B	SE	β	B	SE
Step 1						
Intercept		5.03**	.19		5.04**	.19
Low Forensic	-.18	-.38	.27	-.18	-.40	.29
High Forensic	-.23	-.49a	.26	-.24	-.51*	.27
Daily Viewing	.18	.09a	.05	.12	-.06	.09
Step 2						
Low X Viewing				.01	.02	.19
High X Viewing				.07	.05	.12
R ²		.08			.08	
F Statistic		2.53a			1.53	
ΔR^2		.08			.89	

Notes: * $p < .05$, ** $p < .01$, a $p < .10$. The model N = 90.

Table 7-19. Participants' ratings of the helpfulness of the staff sergeant's testimony as a function of weekly crime viewing and forensic evidence condition.

Variable	Model 1			Model 2		
	β	B	SE	β	B	SE
Step 1						
Intercept		5.01**	.18		4.99**	.18
Low Forensic	-.17	-.36	.26	.04	.09	.33
High Forensic	-.24	-.52*	.25	-.21	-.47a	.25
Daily Viewing	.23	.03**	.02	.29	.04*	.02
Step 2						
Low X Viewing				.26	.14a	.08
High X Viewing				-.14	-.03	.03
R ²		.11			.16	
F Statistic		2.40**			2.10**	
ΔR^2		.11			.05	

Notes: * $p < .05$, ** $p < .01$, a $p < .10$. The model N = 95.

Table 7-20. Participants' ratings of the helpfulness of the officer's testimony as a function of daily crime viewing and forensic evidence condition.

Variable	Model 1			Model 2		
	β	B	SE	β	B	SE
Step 1						
Intercept		4.91**	.15		4.92**	.16
Low Forensic	-.04	-.07	.22	-.06	-.12	.24
High Forensic	-.24	-.44*	.22	-.24	-.45*	.22
Daily Viewing	.16	.07	.05	.12	-.05	.07
Step 2						
Low X Viewing				-.04	-.04	.16
High X Viewing				.07	.05	.10
R ²		.07			.07	
F Statistic		2.20a			1.39	
ΔR^2		.07			.01	

Notes: * $p < .05$, ** $p < .01$, a $p < .10$. The model N = 92.

Table 7-21. Participants' ratings of the prosecutor's competence as a function of crime drama viewing and forensic evidence condition.

Variable	Model 1			Model 2		
	β	B	SE	β	B	SE
Step 1						
Intercept		3.18**	.24		3.10**	.24
Low Forensic	.09	.53	.04	.16	.41	.34
High Forensic	.21	.23	.34	.24	-.61a	.33
Daily Viewing	-.09	-.03	.33	.13	.05	
Step 2						
Low X Viewing				.03	.03	.11
High X Viewing				-.35	-.21a	.09
R ²		.04				.13
F Statistic		1.18				2.22a
ΔR^2		.04				.08

Notes: * $p < .05$, ** $p < .01$, a $p < .10$. The model N = 83.

Table 7-22. Participants' ratings of the competency of the defense attorney as a function of daily crime viewing and forensic evidence condition.

Variable	Model 1			Model 2		
	β	B	SE	β	B	SE
Step 1						
Intercept		4.02**	.16		4.05**	.16
Low Forensic	.06	.12	.23	.08	.16	.38
High Forensic	-.03	-.06	.22	-.06	-.11	.22
Daily Viewing	.29	.13**	.05	.12	.06	.07
Step 2						
Low X Viewing				.09	.16	.37
High X Viewing				.22	.15	.10
R ²		.08			.10	
F Statistic		2.59*			2.02a	
ΔR^2		.08			.02	

Notes: * $p < .05$, ** $p < .01$, a $p < .10$. The model N = 92.

Table 7-23. Participants' ratings of the competency of the defense attorney as a function of weekly crime viewing and forensic evidence condition.

Variable	Model 1			Model 2		
	β	B	SE	β	B	SE
Step 1						
Intercept		3.97**	.16		4.01**	.16
Low Forensic	.08	.16	.23	.16	.31	.38
High Forensic	-.00	.03	.22	-.03	-.07	.22
Daily Viewing	.24	.03**	.01	.05	.01	.07
Step 2						
Low X Viewing				.18	.09	.07
High X Viewing				.22	.04	.03
R ²		.05			.08	
F Statistic		1.69			1.69	
ΔR^2		.05			.03	

Notes: * $p < .05$, ** $p < .01$, a $p < .10$. The model N = 97.

Table 7-24. Participants' verdict and the interaction between RLAQ and daily crime viewing.

Variables	Model 1		Model 2	
	Exp (B)	B	Exp (B)	B
Intercept	.69	-.37 (.81)*	.63	-.46 (.84)
Low Forensic	.81	-.21(.70)	.82	-.20 (.72)
High Forensic	.34	1.09 (.66)a	.34	1.09 (.68)
Daily Crime Viewing	.91	-.10 (.14)	.93	-.08 (.18)
RLAQ	.43	-.85 (.46)a	.56	-.58 (.62)
RLAQ X Crime Viewing			2.43	.89 (.45) *
Model χ^2		9.18		6.44
Pseudo-R ²		.11		.22
Correct Classification rate		74.4%		79.1
-2 Log Likelihood		-89.22		82.09

Notes: * $p < .05$, ** $p < .01$, a $p < .10$. The model N = 86.

Table 7-25. Participants' verdict and the interaction between RLAQ and crime weekly viewing.

Variables	Model 1		Model 2	
	Exp (B)	B	Exp (B)	B
Intercept	.18	-1.71 (.52)	.15	-1.92 (.56)**
Low Forensic	1.15	.136 (.71)	.99	-.01 (.74)
High Forensic	2.98	1.09 (.65)a	3.79	1.33 (.69)*
Daily Crime Viewing	.96	-.04 (.04)	.95	-.06 (.05)
RLAQ	.42	-.88 (.48)a	.55	-.59 (.59)
RLAQ X Crime Viewing			1.38	.32 (.13)*
Model χ^2		4.62		11.69
Pseudo-R ²		.11		.23
Correct Classification rate		76.9%		76.9%
-2 Log Likelihood		91.48		83.02

Notes: * $p < .05$, ** $p < .01$, a $p < .10$. The model N = 91.

Table 7-25. Hypothesis 1 summary table.

Dependent Measures	Viewing	Result
Verdict		
Verdict	Daily	Nothing significant
	Weekly	Nothing significant
	Drama	I) Pro-defense interaction in the no forensic evidence condition
Verdict Decisions		
Confidence in Decision	Daily	I) Pro-defense interaction in the no forensic evidence condition
	Weekly	I) Pro-defense interaction in the no forensic evidence condition
	Drama	Nothing significant
Crime Committal	Daily	Nothing significant
	Weekly	I) Pro-defense interaction in the no and low forensic evidence conditions
	Drama	M) Pro-defense main effect I) Pro-defense interaction

Notes: M = Main effect and I = interaction. I did not discuss main effects of forensic evidence conditions.

Table 7-26. Hypothesis 2 summary table.

Dependent Measures	Viewing	Result
Evidence Strength		
Staff Sergeant	Daily	Nothing Significant
	Weekly	M) Pro-prosecution main effect
	Drama	I) In the no forensic evidence condition, heavy viewers rated the staff sergeant higher than light viewers.*
Officer	Daily	I) In the high forensic evidence condition, heavy viewers rate the officer higher than light viewers.*
	Weekly	M) Pro-prosecution main effect
	Drama	Nothing significant
Victim	Daily	Nothing significant
	Weekly	Nothing significant
	Drama	I) In the high forensic evidence condition, heavy viewers rated the victim lower than light viewers.*
Defendant	All	Nothing significant
Gun	All	Nothing significant
Witness Helpfulness		
Staff Sergeant	Daily	M) Pro-prosecution main effect
	Weekly	M) Pro-prosecution main effect I) in the no and low forensic evidence conditions, heavy crime viewers rated the testimony of the staff sergeant more helpful compared with light viewers.*
	Drama	Nothing significant
Officer	All	Nothing significant
Victim	All	Nothing significant
Defendant	All	Nothing significant
Attorney Competence		
Prosecutor	Daily	Nothing significant
	Weekly	I) In the high forensic evidence condition, heavy viewers rated the prosecution as less competent than light viewers.*
	Drama	Nothing Significant
Defense	Daily	M) Pro-defense main effect
	Weekly	M) Pro-defense main effect
	Drama	Nothing significant

Notes: M = Main effect and I = interaction. I did not discuss main effects of forensic evidence conditions. * These interactions could be indicative of a pro-defense effect.

Table 7-27. Hypothesis 3 summary table

Dependent Measure	Viewing	Result
Verdict	Daily	M) Higher on the RLAQ I) Mainstream Interaction
	Weekly	M) Higher on the RLAQ I) Mainstream Interaction
	Drama	M) High forensic evidence.

Notes: M = Main effect and I = interaction. I did not discuss main effects of forensic evidence conditions.

CHAPTER 8 DISCUSSION STUDY TWO

The main crux of this study examined how the interaction between the amount of forensic evidence available at trial and crime show viewing influenced individuals' verdict decisions and perceptions of evidence (i.e. the CSI Effect). While participants mostly noticed the different levels of forensic evidence in manipulation checks, the forensic evidence conditions coupled with crime show viewing had little influence on participants' trial decisions, opinions of evidence, and opinions of attorneys. However, there was some evidence of the CSI Effect, and I will explain these results in detail below along with their implications for theory and their implications for methods. I will conclude this chapter by discussing the limitations of this study.

Implications for Theory

CSI Effect

It could be that crime dramas are causing the influence of television on individuals' decisions. Participants' crime *drama* weekly viewing behavior (as opposed to all crime show weekly and daily viewing behavior) more often interacted with forensic evidence conditions to influence jurors' trial decisions. The CSI Effect is argued to be an influence of the show, CSI, but with an abundance of crime type shows on television, I examined whether any of these crime shows influenced juror decision making. Most of the interactions between crime viewing and forensic evidence conditions were the result of heavy crime *drama* viewing. The exception to this trend was that daily crime show viewing influenced participants' ratings of confidence in their verdict decision. Interestingly, Smith et al., (2007) found in their experiment that participants who viewed many (4-8) episodes of CSI rated evidence differently than non-viewers, but did not find this effect for viewers of a few (1-3) episodes. The daily crime viewing finding aligned with the crime drama results as the significant effect of viewing behavior on

jurors' ratings was in the no forensic evidence condition (which is where the majority of the findings occurred).

Overall, these findings support the pro-defense argument, not the pro-prosecution argument of the CSI Effect. Recall that the pro-defense argument states that if forensic evidence is absent, the jury will be less likely to convict. The pro-prosecution argument states that if forensic evidence is present, the jury is more likely to convict (Tyler, 2004). Heavy crime drama viewers were less likely than light crime drama viewers to select a guilty verdict in the lower forensic evidence conditions. Heavy crime daily viewers were also less confident than light daily viewers in their decision of guilt or innocence in the no forensic evidence condition. In addition, heavy crime drama viewers were more confident than light crime drama viewers that the defendant committed the crime in the no forensic evidence condition. All of these findings lead to the speculation that crime show viewers expected more evidence in these conditions to convict.

Forensic evidence was viewed more strongly over witness testimonies for heavy crime viewers compared with light viewers. This could mean that jurors trust scientific evidence more than other types of evidence. Part of the proposed CSI Effect is that through watching these types of shows, jurors may begin to think they are "experts" in forensic evidence (Tyler, 2004). Heavy crime show viewers more than light crime show viewers rated the testimonies of the officer and staff sergeant lower when forensic ballistics evidence was entered into the trial. Victim testimony was also rated less strongly in the high forensic evidence condition by heavy crime show viewers. Heavy crime show viewers rated the defense attorney more competent across all trial conditions and, the prosecutor was seen as less competent in the high forensic evidence condition. The finding of heavy crime show viewers rating the prosecutor less competent than light crime

show viewers in the high forensic evidence condition leads me to speculate that not any forensic evidence will do. Indeed, Reardon et al. (2007) argued that CSI viewers may be skeptical of forensic evidence because they may think they themselves are experts. Interestingly, the rating of the defendant remained statistically unchanged over all three trial conditions.

I also found support for my third hypothesis which involved a cultivation perspective. The RLAQ scale measured ones legal authoritarian attitude and this moderated the crime shows and verdict relationship. This finding will be explained in more detail under the cultivation perspective.

Cultivation Theory

The moderated analysis of the RLAQ is similar to the concept of mainstreaming within cultivation theory (Shanahan & Morgan, 1999). Recall that mainstreaming is the sharing of common beliefs among heavy television viewers (despite socio-demographic group membership) when generally their socio-demo groups would hold different views. This study explored this notion with the RLAQ and found that participants who were low crime show viewers and low on the RLAQ scale were more likely to choose a guilty verdict than high crime viewers.

Participants who were heavy crime viewers remain largely unaffected by the RLAQ as their views may have been mainstreamed due to heavy crime show viewing (e.g., heavy crime viewers were more likely to not choose a guilty a verdict on the low end of the RLAQ scale and when high on the RLAQ scale they were only slightly more likely to choose a guilty verdict). The question then becomes what message are heavy viewers receiving from these crime shows?

It is argued that so little is known by the average individual about the criminal justice process and the media constructs these realities for individuals (Surette, 2004). A recent study examined constructions of gender in shows such as Law & Order, and argued that these shows are reinforcing traditional stereotypes of hegemonic masculinity and emphasized femininity

when characterizing victims and offenders (Humphries, 2009). I attempted to go beyond the traditionally used trials in Pretrial publicity (PTP) jury research (sexual assault and murder), but the type of case I used (felony assault) could be viewed similarly to sexual assault as it was a he said/she said domestic incident. Only recently (the late 70's) has domestic violence come to be viewed as a crime. There may still be some underlying issues surrounding the social construction of gender and violence that influenced participants' verdicts to side with the defendant, which may explain why I found so few guilty verdicts in the population of jurors (students in the pilot study, who were arguably a more liberal group of participants, rendered more evenly split verdicts). However, even though all participants in study two viewed the case weakly I did find an influence for those who watch more crime television shows. However, it is Gerbner's conception that all television viewing constructs individuals' social realities, and all mainstream media is likely reinforcing the traditional notions of femininity and masculinity. These pro-defense findings could be attributed to pre-conceived notions, as reinforced by television viewing, of a domestic incident being an area where the criminal justice system is not supposed to intervene. Another potential argument regarding the pro-defense findings is explained below using pretrial publicity research.

Pre-trial Publicity

Results that indicated a pro-defense CSI Effect was also not surprising given the findings of past general PTP research. Recall that general pre-trial publicity research examined the influence of the news media on jurors trial decisions. The CSI effect can be perceived as an expansion on this notion to include crime shows in addition to news shows effects on individuals' trial decisions. Greene and Wade (1988) found a pro-defense influence of general PTP. Recall that in this study, a news story regarding mistaken eyewitness identification caused participants to be less likely to convict. Likewise, in Kovera's study (2002), participants who

were exposed to the pro-defense rape story were significantly more likely than those who were exposed to the pro-prosecution rape story to require more evidence from the witnesses, be more inquisitive about consent, and expect more physical evidence. Conversely, it would seem that shows like CSI are demonizing the defendant as the show surrounds the notion of the criminal justice system as always 'getting the guy' and winning the case. However, it could provide a humanistic nature to some defendants, indicating empathy for criminals or as mentioned above reinforce stereotypes about victims and offenders. Specific to Kovera's (2002) study was the use of a rape scenario where introducing the pro-defense story simply reinforced underlying beliefs about rape as being the fault of the victim. In addition, the types of forensic evidence used in these shows may lead jurors to believe that such evidence should always be presented in a case. Thus, jurors who watch crime dramas may be using more stringent standards of guilt.

According to the story model for juror decisions, in this study, jurors may have entered the trial with expectations for what type of evidence should be available in the trial. If the expected evidence was not available, jurors did not convict. The story model proposes that jurors will formulate a story of the crime while listening to the evidence and then arrive at a verdict that is consistent with that story (Hope, Memon, & McGeorge, 2004). Many participants approached me and said they would have convicted the defendant but because no other witness heard the gunshot they decided they would not. Obviously, whether this resulted in the low conviction rates in this study is an empirical question. However, it is worth noting that several participants had an expectation for evidence (e.g., another witness hearing the gunshot) that was not met; therefore, they did not convict. Future research could address this and I will explain this further in the conclusion which explains future research. First, I will discuss implications of this study for methods.

Implications for Methods

RLAQ Issues

When subjected to factor analysis, the RLAQ scale did not factor on the proposed constructs set up by the creators of the scale (Kravitz et al., 1993). Past studies called for a construct validity test of comparing an individual's political identification with the RLAQ scale, which measures real legal attitudes, by statements like "unfair treatment of underprivileged groups and classes is the chief cause of crime" (Kravitz et al., 1993). It was quite unexpected that the RLAQ did not match up with political identification. However, in cultivation research, researchers have found that an individual's self identification does not always align with one's beliefs, especially if television viewing is involved (Gerbner et al. 1982). They found that many heavy viewers reported that they were moderate on the political scale, but when examining their actual political positions they were more likely to report conservative responses. Light viewers were more likely than heavy viewers to reflect both liberal and conservative ideals (Gerbner et al., 1982). I found that heavy crime viewers no matter how they reported on the RLAQ scale were likely to be similar in their selection of guilt or innocence where light crime viewers were influenced by where they landed on the RLAQ scale. My findings suggest that crime show viewing is the moderator between RLAQ and verdict not the other way around. Political identification may not always be a true test of one's political ideology, and there may be an influence of television viewing which needs to be taken into account. Then again, this could be an unusual sample as the CSI Effect findings were different from the pilot study including students.

Sample Issues

This study appears to be yet another study indicating a mostly null finding of the proposed CSI Effect. However, the issue of conducting studies with students versus actual jurors

takes center stage. Past research has argued that using a student sample will yield similar results as using a more general population sample in jury research (Zickafoose & Bernstein, 1999) Maybe the CSI Effect is the new subsection of cultivation theory for the younger generation. Crime shows were much more popular among my student sample; however, they were criminology undergraduates. One difference in results to consider is the age distribution of the two samples. The younger, criminology student sample was more likely to convict than the older juror sample. This again could be potentially attributed to the trial scenario, which could be viewed as a domestic dispute. Domestic violence is a hot button issue, and students (especially criminology students) are exposed to this type of crime differently through course work than the average individual. Specifically, classes offered in victimology and gender, race and crime point to the importance of violence against women as a social problem. In addition, many criminology courses cover topics, such as “victim blaming”, which is an issue with the criminal justice system. It could be that students were more likely to believe the victim than a non-student sample.

Another issue is that the manipulation checks in the pilot study indicated that the student sample was not as clear on the presence of the forensic evidence as the actual juror sample. I changed the wording of the manipulation check questions to be more specific in the juror study, and this could be the reason for this difference. Yet when it came to examining the proposed CSI Effect, it appeared that the student sample was more likely affected by crime viewing than the actual juror sample. Overall, I found that students watch more crime shows. Therefore, the CSI Effect or the cultivation concepts might apply more to students or heavy viewers, as I did have a larger sample of crime show viewers in the student sample. This discussion of sample size leads to the next topic of effect size.

Effect Size

The crime viewing behaviors of the juror study indicated that many people reported that they did not watch *any* crime shows. This study then demonstrated that there is a small effect (if any) of watching crime shows on influencing juror decisions in a trial, as evidenced by the amount of effects which were close to significance. However, small effect sizes have been characteristic of some PTP studies and large sample sizes have helped with this issue (Steblay et al., 1999). This also lends support to cultivation theory where small effect sizes are a major criticism because these effects were argued to be rendered not significant if other controls were entered into the model (Hirsch, 1981). The current study utilized an experimental design and effectively controlled for rival hypothesis garnering further support for the cultivation model. The effect size discussion brings us to the point where I need to discuss limitations of the current study.

Limitations

There are limitations to the research design that need to be mentioned. Social desirability, time ordering, and generalizability are all methodological concerns of this research design. Each one of these is discussed in detail below and each concern was carefully weighed when designing the study to attempt to account for as many issues as possible. Of course, when conducting research new problems arise during the course of a project. Issues surrounding power are also addressed in this section. It is also important to briefly mention that Boston Legal was listed as a Crime News show consistent with prior research (see Shelton et al., 2006) and this show should have been located in one of the other genres.

Social desirability

First, the use of self reports of behavior may not be entirely accurate and can raise questions about the validity and reliability of the findings. For example, social desirability or

memory recall problems tend to occur with self reports (Singleton & Straits, 2004). However, self reports are considered quite valid even with the associated issues and are commonly used in criminological research (see Thornberry & Krohn, 2000). In addition, while memory is an issue in all self reporting of behavior, this study is not asking questions that are sensitive in nature, such as the participant's prevalence of drug use, making it less likely that they would lie about their viewing activity. The next limitation is the validity of the self reporting of the activity of crime "watching". It could be argued that participants may check that they watch crime dramas often, but in reality they may not be paying attention to these shows. That is, it is impossible to tell from these measures how much participants are attending to the show (e.g., we did not ask whether participants are doing other activities and not truly viewing the show while it is on). The limitation is lessened by an instruction in the questionnaire in which "watch" is defined to the participant, "as attentively viewing the program". In addition Hetstroni & Tukachinsky (2007) argue that measuring television viewing through a survey is the best possible way to measure television viewing because the goal of the project was to examine the long term influence of media consumption and not particular text within programs.

Time Ordering

In this study I was interested in examining whether there was a relationship between viewing crime shows and perceptions of forensic evidence. The influence of viewing on perceptions of evidence and trial decisions was established because of the experimental design. However, it is impossible to know for sure if a persons' attitudes/beliefs are changed due to the television viewing or if they self select to view those shows because they already have certain attitudes/beliefs. it is.

Generalizability

The sample was non-probability and there could be differences between my sample and the general population or even those impaneled on the jury. First, questions remain as to how the demographics, especially crime show viewing, of the current sample match up to the general population. It could be that individuals in Gainesville are generally light viewers of crime shows. A potential remedy and area for future research would be to check the distributions of crime show viewers among the Nielson Ratings to find an area with more viewership. Also, there could be differences between those sent home after *voir dire* and those chosen during jury selection. However, many jurors were released because the trial they were called for was cancelled; thus, these potential jurors were not even subjected to *voir dire*. My sample is clearly not generalizable to the entire population, but it is more ecologically valid than an undergraduate student sample which is more commonly used. A probability sample of jurors would be almost impossible to obtain for numerous reasons: First, I do not have access to a complete sampling frame. Second, there are concerns of juror bias if I gain access to the venire prior to *voir dire*. Third, I did not have funding for this project, and projected response rate was quite low based on the amount of time a person had to commit based on the length of the survey. There was the potential for a high dropout rate, incomplete surveys, and a difficult time getting permission from people to participate. Based on all these reasons, it would not have been cost or time efficient to attempt to gain a probability sample.

Rival Explanations

There could be some confounding factors and possible rival explanations for the results in this study that remain unexplored. It is possible that individuals could be influenced by other media sources or other television programs aside from crime drama shows. Cultivation theory argues that television is the most important medium. According to cultivation theory, sources of

information elsewhere, such as newspapers and magazines, should not have as much of an influence as television viewing. Other programs, such as the news, could influence verdicts and perceptions of evidence. I did ask about a wide range of viewing and exposure to news stories which also could be related and these measures will be explored in later studies. In addition, I only used one type of case and the effect may be different for certain type of cases. It is plausible that viewing a particular show with particular evidence could resonate in the mind of the viewer when rendering a verdict, causing an exaggeration of the CSI Effect in certain cases.

Issues of Power

Power is a major concern for any study and it was carefully considered when designing this experiment. It was known that previous cultivation and PTP studies have found small effects indicating the need for a large sample. That is why the sample was increased from 20 participants per cell to 30. Also, I was mainly examining interactions, and there is a known issue of multi-collinearity with interactions, which means that hypothesis tests may have low power and became an issue with this study. However, critics of null hypothesis testing argue that there is a difference between analytical significance and statistical significance and the former is too often ignored in social science research (Bushway, Sweeten, & Wilson, 2006). Analytical significance refers to the effect being analytically interesting yet statistically not significant. Conversely, effects can be analytically uninteresting and yet statistically significant (Bushway et al., 2006). Research examined how criminologists report findings in regards to null hypothesis testing and they found that in criminal justice evaluations the trend was to describe statistically not significant findings as no results, impacts, effects, etcetera (Weisburd et al., 2003). They argue for an approach of describing effect sizes when explaining findings and not only focusing on statistical significance (Weisburd et al., 2003; Bushway et al., 2006). So even with my lack of power the findings are still modestly interesting. This led me to lower the threshold for statistical

significance to $p < .10$ as opposed to the more common $p < .05$. This way I could explain findings which were analytically interesting, but would have been regarded not significant by most social science standards.

It is possible that the distribution of the measures caused issues with the regression models. Despite thoroughly pilot testing the vignette to ensure a 50/50 verdict split, the logistic model was an 80/20 split (likely due to the differences between the student and community member samples). This influences significance tests by affecting power. So for a case with more of a 50/50 split I could find more of an influence of crime show viewing. Even with the 80/20 split, I still found that an effect approached significance between crime viewing and forensic level which indicates the effect may even be more pronounced in a different trial. The crime viewing measures were not normally distributed and were extremely skewed making it difficult to test hypotheses. Random assignment also did not work perfectly with more heavy crime viewers being located in the high forensic condition which could have skewed results.

These limitations do not eradicate the scientific contribution of testing the CSI Effect in this manner and substantial knowledge can be gained. To this point, only one other study examining the CSI Effect on jurors' decisions has utilized a community sample. No published study has examined the interaction of forensic evidence and crime drama viewing on verdict. In addition, cultivation theory has added to the strength of the argument and hypotheses proposed including the importance of considering different genres as well as an overall television viewing measure. The next chapter will give ideas for future research based on the two studies along with a final concluding statement.

CHAPTER 9 CONCLUSION

I conducted two studies designed to examine the relatively new concept called the CSI Effect. Concisely defined, the CSI Effect is reported to be an effect of watching crime shows on jury decision making. A more broad definition of the CSI Effect could include other reactions (such as an increase in students in criminology programs) by individuals who view crime shows. As in all research, I found more new questions than answers. In this section, I will discuss some ideas for future research from both studies as well as new research questions created from redefining the CSI Effect.

Future Research from Study 1

A major consideration for future research on the CSI Effect from the finding in study one is to examine the CSI Effect using a probability sample. Results from study one indicated that sampled participants were viewing a lot of the crime shows on television, specifically forensic documentaries. The general public, as evidenced by the actual juror sample, may not be viewing crime shows as often as I found in this study. Indeed all findings are subject to a level of scrutiny because of the convenient sampling technique.

Do heavy viewers of crime shows perceive the CSI Effect differently than heavy general television viewers?

In study one, heavy viewers of television and crime shows thought crime shows were more accurate than light viewers. Likewise, both heavy viewers of crime shows and heavy viewers of television rated the CSI Effect as more educational than light viewers of crime shows and television. When I broke down the crime show viewing into sub-genres, only the viewers of forensic dramas revealed a significant difference for their ratings on the effects of viewing on trial outcomes. Particularly, forensic drama viewers were less likely than non-viewers to agree that viewing crime shows influences trial outcomes. The creators of cultivation theory argue that

television viewing does not need to be broken into sub-genres to find an influence of viewing on people's perceptions of social realities (Potter, 1991c; Shanahan & Morgan, 1997). Other researchers disagree and assert that if we break down the viewing measure into sub-categories, a much stronger effect of television viewing on peoples' perceptions of reality will be revealed (Potter, 1991c; Cohen & Weimann, 2000). However, it could be that television viewing does not need to be separated out into sub-genres due to the popularity of forensics in all forms of programming. For example, the news often covers forensics. Also, the convenient sample technique used for this study could be exaggerating the amount of crime show viewers there are in the general population and the influence these shows have on people's perceptions of the CSI Effect. It is likely that people who participated in my study did so because they were crime show viewers the second study revealed a much lower amount of crime viewing by participants. Indeed many people responded to me, when asked to participate, as "I don't watch those shows". Future research could use probability sampling techniques to examine whether my findings can be replicated with a more generalizable sample. This topic leads into the next question about the validity of the scale I used in this study.

Are the scaled items measuring the CSI Effect construct valid?

The CSI scales were measures created from opinions of criminal justice actors on their perceptions of how the CSI Effect is influencing individuals; such as, jurors who watch crime drama shows will expect more forensic evidence (Watkins, 2004; Maricopa County, 2005; Stinson et al., 2007). I hypothesized that the CSI Effect items would scale together and instead there were three constructs (effects on jurors, effects on trial outcomes and educational effects). Participants were similar on their perceptions of how crime shows influence juries and trials. However, participants who were heavier viewers of crime shows rated the CSI Effect as more educational than non-viewers. Future research could further examine the reliability and

construct validity of these three scales measuring perceptions of the CSI Effect with a more generalizable sample.

Future Research from Study 2

A major consideration for future research on the CSI Effect from the results in study two is to increase sample size. Many of the interaction effects between crime show viewing and forensic evidence condition were only marginally significant or approached significance. Recall that I previously argued for an explanation of effect sizes if they are analytically interesting even if they are not statistically significant (see Bushway et al., 2006); however, increasing sample size could remedy the concern with statistical significance as well.

How are crime shows constructing race/gender, forensic evidence, and are these shows presenting a more conservative, liberal, or moderate political ideology?

Results from study two suggested a pro-defense influence of crime show viewing on verdict in cases with low levels of forensic evidence. This finding led me to speculate about the influence of the gender of the victim and the defendant on participants' ratings of these key pieces of evidence. Then, the results of the RLAQ and crime viewing moderated analyses suggested a mainstreaming influence of watching crime dramas on verdict. This led to further speculation as to what sort of political ideology crime shows are portraying. Only one study thus far has examined the content of a crime show (Law & Order) in regards to how it constructs gender, but no studies have examined the construction of race in crime shows (see Humphries, 2009). In addition, only one study has conducted an evaluation of how these shows are portraying forensic evidence (see Patry et al., in press). I am not aware of any research which examines the political tone of crime shows. Future research could content analyze crime shows, such as CSI, constructions of gender *and* race, forensic evidence, and political ideology. Next, then examine how these constructions are influencing peoples' trial decisions.

Does the CSI Effect differ by type of trial?

Results indicated a pro-defense effect of the felony assault trial, and one of the only general PTP studies used a sexual assault trial and also found a pro-defense effect (see Kovera et al. 2002). These findings may also be attributed to commonly held stereotypes of gender and the media reinforcing these stereotypes. Sexual assault and domestic violence trials are arguably different from robbery, murder, drug possession, or aggravated assault; an expansion with research using different types of trials could give a more realistic picture to trial attorneys of the existence of the CSI Effect. It seems more realistic for juries to expect forensic evidence in certain types of trials (e.g., murder) and the CSI Effect is predicated on the unrealistic expectation of forensic evidence. Future research could examine if there are differences across trial types by using both trials where there is a reasonable expectation of forensic evidence and using trials where it would be unreasonable to expect forensic evidence. It also would be helpful for future research on the CSI Effect to use the more realistic mock juries, as opposed to mock jurors, in order to examine the group dynamics of the jury decision making process.

CSI Effect Redefined

The CSI Effect, whether or not it is an influence on juror decision making, is indeed having an effect on society as a whole. It is difficult to ignore the popularity of crime shows on television with new ones seemingly introduced every season. The definition of the CSI Effect could be broadened a few ways. Perhaps the CSI Effect is synonymous with PTP research in which news media and its focus on DNA evidence are affecting juror decision making. It could be partially conceptualized as an effect on young people to matriculate into criminal justice programs with expectations of being involved in forensics. It could be the effect of the popularity of crime shows on criminal justice actors, such as police officers/detectives, who will in turn

collect more evidence based on the perception that they need it to win a case. In this section, I will explore each of these possibilities.

Is the CSI Effect similar to case specific PTP?

Perhaps the real CSI Effect is exemplified by a media reaction to DNA evidence, such as in the Kaylee Anthony case in Florida (Orlando Sentinel, 2009). This case has received extensive media coverage and I have anecdotally noticed the amount of time spent on describing forensic evidence that pinpoints the defendant, Casey Anthony (the victim's mother). Whether this media frenzy surrounding forensic evidence might be a new chapter on the content of the pre-trial publicity on specific cases could be explored. Specifically, has media coverage of high profile cases changed over the years to focus on forensic evidence? Does pretrial publicity that surrounds DNA or forensic evidence bias the jury in favor of the prosecution, or if the evidence is absent, will we see a pro-defense effect? So far, case specific PTP research has not found a large amount of support for a pro-defense effect; changes in the content of PTP may also change this general finding.

Does crime show viewing influence students to major in criminal justice?

To my knowledge research has yet to document the reasons behind the influx of undergraduate students into criminal justice programs across the country. Personal conversations with professors have led me to speculate that part of the reason for more students in criminal justice is due to the popularity of crime shows, particularly of the forensic nature. Again, this is an empirical question. Research could address this phenomenon by surveying criminal justice majors for the reasons why entered the major. In addition, a comparison group consisting of students in the more traditional disciplines that feed into the forensic sciences (e.g., chemistry or biology) could show differences/similarities in reasons for choosing to focus in forensics.

What are the reasons behind the backlog of crime laboratories?

To my knowledge, research has yet to be conducted with police officers to assess their reasons behind the increased collection of “forensic” evidence, but there is research showing the backlog of crime laboratories (Steadman 2002). I can speculate that the backlog is occurring because police officers/detectives are collecting more because attorneys are demanding it (possibly because of the perception that jurors will demand it). It could also be that police officers/detectives themselves have unrealistic expectations of forensic evidence. Conversely, it might simply be that laboratory resources (such as staff or equipment) cannot keep up with the demand.

Conclusion

The research on the CSI Effect is incomplete and much can be done to further understand how the CSI Effect may actually be defined. The CSI Effect could be described many different ways, but at its core, the effect is proposing an influence of crime drama shows on peoples’ perceptions of reality and jury decisions. Cultivation research for years has been examining televisions influence on peoples’ perceptions of reality. Pre-trial publicity for years has been examining the media’s influence on jury decision making. Whatever the CSI Effect is, it appears to be a new name for an old concept.

APPENDIX A STUDY ONE SURVEY

Community Members Perceptions of Crime Drama Shows

1. Default Section

Informed Consent

Protocol Title: COMMUNITY MEMBERS PERCEPTIONS OF CRIME DRAMA SHOWS

Please read this consent document carefully before you decide to participate in this study.
Purpose of the research study: To study your perceptions of television crime shows.

What you will be asked to do in the study: You will be asked about your television viewing behavior and your opinions about crime shows.

Time required: 20-30 minutes maximum. There about 60 questions on 7 different screens. The first screen holds the most questions.

Risks and Benefits: There are only minor risks anticipated. That is, participating will be no different from reading a newspaper article or watching a news program. You do not need to answer any questions that you do not want to answer and you can stop the survey at any time with no penalty. There are no benefits to participating except helping a graduate student finish their research and advancing knowledge.

Compensation: There is no compensation for this study.

Confidentiality/Anonymity: Your identity will be kept confidential to the extent provided by law. Your information will be completely anonymous and not linked with your name in any way. Your anonymity is ensured because no identifying information is ever collected. The information obtained from the questionnaire will not be available to anyone outside the research project. The survey is being administered through a website but it has SSL encryption and this keeps your responses confidential. Once all surveys are completed, they will be downloaded from the secure website onto a jump/flash drive and no identifying information will connect you to the data.

Voluntary participation: Your participation in this study is completely voluntary. There is no penalty for not participating and you may end participation at any time without penalty.

Right to withdraw from the study: You have the right to not answer any questions that you do not want to and to withdraw from the study with no penalty.

Whom to contact if you have questions about the study: You may contact me: Rebecca Hayes, 201 Walker Hall, PO Box 115950, Gainesville, FL 32611-5950; email: mshayes@ufl.edu or my advisor: Lora M. Levett, Ph.D. at: 201 Walker Hall, PO Box 115950, Gainesville, FL 32611-5950; email: llevett@ufl.edu; Phone: 352-392-1025.

Whom to contact about your rights as a research participant in the study: UFIRB Office, Box 112250, University of Florida, Gainesville, FL 32611-2250; ph 392-0433.

*** 1. I have read the procedure described above. I voluntarily agree to participate in the procedure and I have received a copy of this description.**

Please click Yes below I agree to participate or click No I refuse to participate.

Afterwards click the next button below.

Yes

No

Community Members Perceptions of Crime Drama Shows

2. Crime Drama Viewing

Follow the instructions for each category of questions and answer to the best of your ability. When finished click the next button at the bottom of the page.
(To scroll click and drag the bar to your right.)

1. Are you a college student?

(Please check only one answer. To change your answer click on another choice.)

Yes

No

2. How many hours do you view any of the following Forensic Dramas: Body of Evidence, Bones, Cold Case, Criminal Minds, Crossing Jordan, CSI, CSI Miami, CSI New York, In Justice, NCIS, Numb3rs, or The Evidence. (Click in each of the boxes and enter in the number of hours. Please Write in a Whole Number if 0 enter in 0)

By view, I mean attentively viewing the program not having the show on for background noise or to have on while participating in other activities.

On average, how many
hours in a week?

On average, how many
hours in a day?

3. How many hours do you view any of the following Forensic Documentaries: Cold Case Files, Forensic Files, The First 48 Hours, The New Detectives, and Trace Evidence.

(Click in each of the boxes and enter in the number of hours. Please Write in a Whole Number if 0 enter in 0.)

By view, I mean attentively viewing the program not having the show on for background noise or to have on while participating in other activities.

On average, how many
hours in a week?

On average, how many
hours in a day?

Community Members Perceptions of Crime Drama Shows

4. How many hours do you view any of the following General Crime Documentaries: 48 Hours Mystery, American Justice, America's Most Wanted, COPS, The FBI Files, The Investigators, The System. (Click in each of the boxes and enter in the number of hours. Please Write in a Whole Number if 0 enter in 0)

By view, I mean attentively viewing the program not having the show on for background noise or to have on while participating in other activities.

On average, how many
hours in a week?

On average, how many
hours in a day?

5. How many hours do you view of the following General Crime or Courtroom Dramas: Law & Order, Law & Order: Criminal Intent, Law & Order: SVU, Medium, Prison Break, Without a Trace, Boston Legal, Conviction. (Click in each of the boxes and enter in the number of hours. Please Write in a Whole Number if 0 enter in 0)

By view, I mean attentively viewing the program not having the show on for background noise or to have on while participating in other activities.

On average, how many
hours in a week?

On average, how many
hours in a day?

6. How many hours do you view any of the following General News & Crime News Shows: 60 Minutes, Dateline, Catherine Crier, Nancy Grace, The Abrams Report. (Click in each of the boxes and enter in the number of hours. Please Write in a Whole Number if 0 enter in 0)

By view, I mean attentively viewing the program not having the show on for background noise or to have on while participating in other activities.

On average, how many
hours in a week?

On average, how many
hours in a day?

Community Members Perceptions of Crime Drama Shows

7. Please list any crime show that I have missed that you view? (Please indicate both the name of the show and how many hours, on average, in a week you watched each of the shows. If there are no shows of this type that you watch which I missed then skip to the next question.)

Show Number 1:

How many hours in a week?

Show Number 2:

How many hours in a week?

Show Number 3:

How many hours in a week?

8. If you DO NOT currently watch these types of shows have you ever watched any of the above listed shows in the past?

(If you do currently watch these shows click the 'I do currently watch these shows option'. To change answer click on other choice.)

- Yes
- No
- I do currently watch these shows

If yes, how often a week did you watch these shows:

9. Please indicate how many TOTAL hours a week that you CURRENTLY view ANY of the crime shows discussed in the previous questions?

(Please write in a whole number if 0 enter in 0. If you do not watch any of these shows write that in the space provided.)

10. Please indicate how long you have been watching crime shows?

(Please indicate in whole numbers if 0 enter in 0. If you do not watch these shows enter in 99.)

Weeks?

Months?

Years?

11. Which one of the crime shows listed above is your favorite show?

(Please write in answer or write 'blank' if it is not applicable.)

12. What is your favorite program on television (any type of show)?

(Please write in answer or write 'blank' if it is not applicable.)

Community Members Perceptions of Crime Drama Shows

13. What is your favorite channel/station on television?

(Please write in answer or write 'blank' if it is not applicable.)

14. On an average day, how much do you watch television?

(Please write in a whole number if 0 enter in 0.)

How many hours?

Of these hours how many
of them are watching
crime shows?

15. In an average week, how much do you watch television? (Please enter in a whole number if 0 enter in 0.)

How many hours a week?

Of these hours how many
are watching crime shows?

16. What type of programs/shows do you watch the most?

(Please check only one answer. To change answer click on another choice.)

News

Music

Movies

Sitcoms

Reality Shows

Sports

Crime Shows

Other (please specify)

17. What type of programs/shows do you dislike the most? (Please check all that apply. To uncheck a box simply click on it.)

News

Music

Movies

Sitcoms

Reality Shows

Sports

Crime Shows

Other (please specify)

Community Members Perceptions of Crime Drama Shows

18. What current specific program/show do you dislike the most? (Please type in answer.)

All of the following categories are from the questions you answered about your television viewing behavior. Next, I want you to indicate how much you agree with the following statements for each of the categories. I have listed again which shows go with each category for you to review.

Forensic Dramas: Body of Evidence, Bones, Cold Case, Criminal Minds, Crossing Jordan, CSI, In Justice, NCIS, Numb3rs, and The Evidence.

Forensic Documentaries: Cold Case Files, Forensic Files, The First 48 Hours, The New Detectives, and Trace Evidence.

General Crime Documentaries: 48 Hours Mystery, American Justice, America's Most Wanted, COPS, The FBI Files, The Investigators, and The System.

General Crime or Courtroom Dramas: Law & Order, Medium, Prison Break, Without a Trace, Boston Legal and Conviction.

General News/Crime News Shows: 60 minutes, Dateline, Catherine Crier, Nancy Grace, The Abrams Report.

19. For Forensic Drama shows, please respond to the following statements: (Please check only one response for each statement.)

	Strongly Disagree	Disagree	Somewhat Disagree	Neither nor Disagree	Agree	Somewhat Agree	Agree	Strongly Agree	I do not wish to answer
Forensic Drama shows accurately describe what happens in the criminal justice system.	<input type="radio"/>								
I believe Forensic Dramas are very realistic.	<input type="radio"/>								
I think Forensic Dramas are highly inaccurate.	<input type="radio"/>								

20. For Forensic Documentaries, please respond to the following statements: (Please check only one response for each statement.)

	Strongly Disagree	Disagree	Somewhat Disagree	Neither nor Disagree	Agree	Somewhat Agree	Agree	Strongly Agree	I do not wish to answer
Forensic Documentaries accurately describe what happens in the criminal justice system.	<input type="radio"/>								
I believe Forensic Documentaries are very realistic.	<input type="radio"/>								
I think Forensic Documentaries are highly inaccurate.	<input type="radio"/>								

Community Members Perceptions of Crime Drama Shows

**21. For General Crime Documentaries, please respond to the following statements:
(Please check only one response for each statement.)**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither nor Disagree	Agree	Somewhat Agree	Agree	Strongly Agree	I do not wish to answer
General Crime Documentaries accurately describe what happens in the criminal justice system.	<input type="radio"/>								
I believe General Crime Documentaries are very realistic.	<input type="radio"/>								
I think General Crime Documentaries are highly inaccurate.	<input type="radio"/>								

**22. For Crime/Courtroom Dramas, please respond to the following statements:
(Please check only one response for each statement.)**

	Strongly Disagree	Disagree	Somewhat Disagree	Neither nor Disagree	Agree	Somewhat Agree	Agree	Strongly Agree	I do not wish to answer
Crime/Courtroom Dramas accurately describe what happens in the criminal justice system.	<input type="radio"/>								
I believe Crime/Courtroom Dramas are very realistic.	<input type="radio"/>								
I think Crime/Courtroom Dramas are highly inaccurate.	<input type="radio"/>								

23. For Crime News Shows please respond to the following statements: (Please check only one response for each statement.)

THIS IS THE LAST QUESTION ON THE PAGE. PLEASE HIT NEXT WHEN YOU ARE FINISHED WITH THIS QUESTION.

	Strongly Disagree	Disagree	Somewhat Disagree	Neither nor Disagree	Agree	Somewhat Agree	Agree	Strongly Agree	I do not wish to answer
Crime News Shows accurately describe what happens in the criminal justice system.	<input type="radio"/>								
I believe Crime News Shows are very realistic.	<input type="radio"/>								
I think Crime News Shows are highly inaccurate	<input type="radio"/>								

Community Members Perceptions of Crime Drama Shows

3. CSI Effect

*** 1. Have you heard of the phenomenon termed the "CSI effect"? (Please Check One Answer. To change answer click on other choice.)**

THIS IS THE ONLY QUESTION ON THIS PAGE. PLEASE HIT NEXT WHEN YOU ARE FINISHED WITH THIS QUESTION.

Yes

No

I do not wish to answer

Community Members Perceptions of Crime Drama Shows

4. CSI Effect Definitions

1. Do you know what the CSI Effect means?

(Please check only one answer. To change answer click on other choice.)

- Yes
 No
 Maybe

2. Briefly describe what you think the CSI effect is. (Please type in your answer in the space provided.)

3. Do you think that the CSI effect as you defined it occurs in real life?

(Please check only one answer. To change answer click on another choice.)

- Yes
 No
 Not Applicable

4. Where did you hear about the CSI effect?

(Please type in answer in the textbox below. If you do not remember please type this response.)

5. From the previous question, what did this person/source say about the CSI effect?

(Please type in answer in the textbox below. If you do not remember please type this response.)

THIS IS THE LAST QUESTION ON THE PAGE. PLEASE HIT NEXT WHEN YOU ARE FINISHED WITH THIS QUESTION.

Community Members Perceptions of Crime Drama Shows

5. CSI Effect Part 2

The following questions will be addressing the CSI Effect. The CSI Effect was proposed by the media around 2004. The CSI effect can be defined as an influence on people's decisions in trials because they have a tendency to watch crime shows and view them as real. Keep in mind that for these questions crime shows includes any crime type show that is not a news show.

For the following statements, please check the option that best reflects your opinion on each statement.

Please click the next button at the bottom of the page when you are finished.

1. For the following statements, please click the option that best reflects your opinion on each statement.

(Please check only one option for each statement. To uncheck a box simply click on it)

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Agree nor Disagree	Somewhat Agree	Agree	Strongly Agree	I do not wish to answer
Jurors who watch crime shows will make decisions about a case differently than those who do not watch crime drama shows.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Jurors who watch crime shows will expect more forensic evidence, such as DNA.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2. For the following statements, please click the option that best reflects your opinion on each statement.

(Please check only one option for each statement. To uncheck a box simply click on it)

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree nor Agree	Somewhat Agree	Agree	Strongly Agree	I do not wish to answer
Jurors who watch crime shows will not convict without forensic evidence.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I don't think watching crime shows influences a juror's decision in a trial.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I think that people who watch crime shows have unrealistic expectations about criminal investigation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Community Members Perceptions of Crime Drama Shows

3. For the following statements, please click the option that best reflects your opinion on each statement.

(Please check only one option for each statement. To uncheck a box simply click on it)

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree nor Agree	Somewhat Agree	Agree	Strongly Agree	I do not wish to answer
I believe that people who watch crime shows have increased knowledge about criminal investigation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I don't think that people who watch crime shows have more expectations of staff at crime scenes.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I feel that people who watch crime shows have increased faith in science.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

4. For the following statements, please click the option that best reflects your opinion on each statement.

(Please check only one option for each statement. To uncheck a box simply click on it)

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Disagree nor Agree	Somewhat Agree	Agree	Strongly Agree	I do not wish to answer
I think that people who watch crime shows have an increased interest in crime investigation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I don't believe that watching crime shows affects trial outcomes.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I believe that all jurors expect more forensic evidence regardless of what shows they watch.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I think that crime shows give people more faith in the criminal justice system.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

*** 5. Have you ever been called to jury duty?**

(Please click only one. To change answer click on another choice.)

THIS IS THE LAST QUESTION ON THE PAGE. PLEASE HIT NEXT WHEN YOU ARE FINISHED WITH THIS QUESTION.

- Yes
- No
- I do not wish to answer

Community Members Perceptions of Crime Drama Shows

6. Jury Duty

*** 1. Did you decide on a trial when you were called for jury duty the last time?**

- Yes
- No
- I do not wish to answer

Community Members Perceptions of Crime Drama Shows

7. Jury Duty 2

1. For the most recent time, what type of trial did you decide? (If you can not remember write in 'blank')

Community Members Perceptions of Crime Drama Shows

8. Demographic Information

Finally, the following questions are to get more information on your background.
When finished please press next at the bottom of the page.

**1. Have you ever been in a courtroom in a capacity other than to be a juror?
(Please check only one response. To change answer simply click on another choice)**

- Yes
- No

**2. If you answered yes to the question above, can you briefly describe the situation?
(If you answered no skip to the next question.)**

**3. How did you hear about the study?
(Please check only one response. You can change your answer by checking another circle.)**

- Craigslist.com
- Facebook.com
- MySpace.com
- Other (please specify)
- Flyer at Publix
- Flyer at Winn-Dixie
- Flyer at Wards
- Surfing the Web
- A Friend told me

4. If you recieved a flyer, what was the name listed on it? If you did not recieve a flyer skip to the next question.

(Please check only one response. To change answer click on another choice.)

- Becky
- Kristen
- Chelsey

Other (please specify)

**5. What is your gender?
(Please check only one response. You can change your answer by checking another circle.)**

- Male
- Female

Community Members Perceptions of Crime Drama Shows

6. What is your birthdate (mm/dd/yyyy)?

(Please enter month, day and year.)

7. Are you a U.S. citizen?

(Please check only one response. To change your answer click on another choice.)

Yes

No

8. What is your current occupation?

(Please write in your response.)

9. What is your racial/ethnic background?

(Check all that apply. To uncheck a response simply unclick the box.)

White, Non-Hispanic

Black, Non-Hispanic

Asian

Hispanic

American Indian

I do not wish to answer

Other (please specify)

10. What do you identify as your political affiliation?

(Please write in answer in the space provided.)

11. What is your current marital status?

(Please check only one response. To change answer click on another choice.)

Single

Divorced

Married

Widowed

Community Members Perceptions of Crime Drama Shows

12. Which of the following represents your education?

(Please use the drop down menu by clicking on the arrow to the right of the box to find the appropriate response.)

13. Which of the following best describes your total household income for 2007 before taxes?

(Please check only one response. To change your response click on another choice.)

Less Than 50,000

50,000-150,000

More than 150,000

14. What city and state do you currently live in now?

(Please write in answer.)

Community Members Perceptions of Crime Drama Shows

9. Finished

Thank you for participating in my study. The study you participated in was meant to assess people's perceptions of the "CSI effect". I am researching this topic because lawyers, judges, and other criminal justice workers believe there is a "CSI effect". They believe that people, who watch shows such as CSI, have a distorted view of forensic evidence. For example, they believe that people may always expect forensic evidence in trial even when it is not always easy to collect or even available. This is study one of my dissertation and I appreciate you participating. If you know anyone else who would be interested in participating please pass along the sign in information. However, do not tell them what the study is about until after they have completed it because it could ruin my results. Again, Thank You for participating and have a wonderful day!

APPENDIX B
MURDER VIGNETTE

State of Arkansas)	
v.)	
Jeff Matthews	)	SUMMARY OF
Defendant	)	TRIAL PROCEEDINGS FROM

Judges Opening Instructions

Ladies and Gentleman of the jury, I will first explain some of the legal principles you will need to know and the procedure we will follow in this trial. A trial follows this procedure: First, the prosecutor makes an opening statement, where he gives his theories about the case. The defendant's lawyer does not have to makes an opening statement after the prosecutor makes his or he may wait until later. These statements are not evidence. They are only meant to help you understand how each side views the case. Next, the prosecutor presents his evidence. The prosecutor may call witnesses to testify and may show you exhibits such as documents or objects. The defendant's lawyer has the right to cross-examine the prosecutor's witnesses.

After the prosecutor has presented all his evidence, the defendant's attorney may also offer evidence, but does not have to prove his innocence or produce any evidence. If the defense does call any witnesses, the prosecutor has the right to cross-examine them. The prosecutor may also call witnesses to contradict the testimony of the defense witnesses. After all the evidence has been presented, the prosecutor and the defendant's lawyer will make their closing arguments. Like the opening statements, these are not evidence. They are only meant to help you understand the evidence the way each side sees the case. You must base your verdict only on the evidence.

My responsibilities as the judge in this trial are to make sure that the trial is run fairly and efficiently, to make decisions about evidence and to instruct you about the law that applies to this case. You must take the law as I give it. As jurors you are the ones who decide this case. Your responsibility is to decide what the facts of the case are. This is your job and no one else's. You must think about all the evidence and then decide what each piece of evidence means and how important you think it is. This includes how much you believe what each of the witnesses said. What you decide about any fact in this case is final.

You must decide which witnesses you believe and how important you think their testimony is. You do not have to accept or reject everything a witness says. You are free to believe all, none, or part of any person's testimony. In deciding which testimony you believe, you should rely on your own common sense and everyday experience. However, in deciding whether you believe a witness's testimony, you must set aside any bias or prejudice you have based on the race, gender, or national origin of the witness.

Opening Statement from Prosecutor

The defendant, Jeff Matthews, is a murderer. Early the morning of September 2nd, 2007 Mr. Matthews dropped by the Mills' home (Matthews' mother, Theodora Matthews, is close friends with Emily Mills). He spoke to David Mills, Emily Mills' son, briefly. David told Mr. Matthews that Ms. Mills was not home, but would return later that day. Mr. Matthews then departed and shortly thereafter the son left for school. It was later that day that the defendant, Jeff Matthews, returned to the home to rob the place assuming no one was home. Ms. Mills unfortunately stumbled onto this crime and paid for it with her life. He took a few items stole the Mills' vehicle and took off. When David Mills returned home, he found his mother strangled and immediately dialed 911. A few days later, the defendant was pulled over in Ms. Mills' car in Little Rock three hours away. During the course of this trial you will first hear from David, Ms. Mills' son. He will place Mr. Matthews at the scene of the crime earlier that day. Next, Detective Davis, from the Stanton police department, who was the investigator on this case, will describe the evidence retrieved from the scene. Officer Trefoil and another officer, who pulled Mr. Matthews over in the victims' car, will describe the physical evidence that was retrieved from the car. < Insert Manipulations 2/3> In sum, the evidence clearly points to Jeff Matthews as the murderer of Ms. Mills.

<Manipulation 2> You will also hear about Mr. Matthews fingerprints being found at the scene on the murder weapon.

< Manipulation 3> Finally, a forensic medical examiner will show you that the DNA that was found under Ms. Mills' fingernails matched the sample from Mr. Matthews.

Opening Statement from Defendant's Attorney

Ladies and Gentleman of the jury, Jeff Matthews is not a murderer. He is a friend of the family that happened to stop by that day to say hello and inquire about purchasing a car from Ms. Mills. He was planning on going back to Little Rock where the job opportunities were better. The defense will show that Mr. Matthews was not doing anything out of the ordinary and came by later and bought the vehicle from Ms. Mills. Whatever happened to Ms. Mills after Mr. Matthews' departure is saddening and tragic but had nothing to do with Mr. Matthews being there that day. You will hear testimony from Theodora Matthews, Ms. Mills' neighbor and friend, that she saw a car pull up to the curb by Ms. Mills' home that day. You will also hear testimony from Scott Baio, a close friend of Mr. Matthews that he was with the defendant during the afternoon of the day of the murder. <Insert Manipulation 3>. In short, the evidence will refute the state's case and we will show that Mr. Matthews did not murder Ms. Mills.

<Manipulation 3> You will also hear that the DNA evidence found is not conclusive.

THE STATES CASE

Testimony of Mr. David Mills, the victim's son

On direct examination, Mr. Mills stated that he had spoken with the defendant earlier that morning at his residence prior to leaving for school. He testified that the defendant was looking for Ms. Mills and did not mention anything about purchasing Ms. Mills' vehicle. Mr. Mills said they talked about sports for a minute and that he specifically stated that he would come back later. The defendant and Mr. Mills chatted for another minute and then the defendant left. Mr. Mills reported he went back inside the house and grabbed his backpack and left for school.

Upon returning from school that afternoon, he saw no vehicle in the driveway and assumed his mother was not home from work yet. He went into his mothers' room to watch TV and found his mothers' body lying naked strangled with a phone cord. He panicked and immediately dialed 911. He stated that the police and ambulance were there within 10 minutes and his mother was transferred to the hospital to be viewed by the medical examiner. The prosecution asked him about his relationship with Mr. Matthews and he stated that he was uncomfortable around him and that he thought that Mr. Matthews always acted oddly around his mother. He then added that later he found that several valuable items were missing and that he later reported this to the police. Mr. Mills spoke very softly towards the end of his testimony, appearing sad and distraught.

On cross-examination, the defense attorney asked Mr. Mills if he knew of any indication that the defendant did indeed return to the home. He said he did not, but that Mr. Matthews had told him earlier that day that he would stop by later and that Mr. Matthews came over often. Mr. Mills was also asked about the items that he reported missing a few days after the crime. He testified that he did not notice anything other than the car missing initially because he was too distraught. The defense attorney also asked how long he knew the defendant. He stated not long, only a month; he has known the defendant's mother for a few years since she and his mother were close friends. The defense then asked that since he had not known the defendant long, how many times he had been around the defendant. Mr. Mills said probably only about 3 or 4 times. When asked if he knew the defendant very well, since he had only known him for a short time, he stated that "he did not know him very well".

Testimony of Officer Davis, Stanton Police Department

During direct examination, Officer Davis reported that she was the first officer on the scene after the 911 call from David, Ms. Mills' son. She testified that upon arrival David was clearly hysterical and pointed to the bedroom where he found the body of Ms. Mills. She corroborated David's testimony of how Ms. Mills' body was laying naked and apparently strangled from a phone cord. Officer Davis reported that she proceeded to secure the scene and the paramedics had already arrived. The paramedics transported Ms. Mills to the hospital where she was pronounced dead by means of strangulation. A rape kit was also conducted and it was confirmed that she had not been sexually assaulted.

Officer Davis reported that there was no indication of a forced entry into the condominium, the absence of which would correspond with the victim having known the assailant. <Enter Manipulation 1, 2, or 3>

<Manipulation 1> She stated that it was obvious that there was a struggle but even though there were scrapings underneath Ms. Mills' fingernails, the forensic lab told them it was not enough to conduct a DNA analysis. Also, no fingerprints other than the son's and Ms. Mills' were found in the bedroom.

< Manipulation 2>Detective Davis reported that they dusted many areas of the bedroom where the body was found for fingerprints. She stated that this is standard operating procedure in a murder case since many offenders leave behind prints. She explained that when fingers touch any smooth type of surface the oil from the finger can leave behind a print. By using the fingerprint dust, the oil is dried leaving behind a more noticeable print that can be lifted with a sticky surface such as tape. Upon dusting the end of the electrical cord for latent fingerprints, two partial prints and one full print resulted. No DNA testing was conducted on the electrical cord because the chemical combination resulting from the initial fingerprinting process would have destroyed any DNA that might have been left. Conversely, if the cord was tested for DNA the prints would have been sacrificed.

<Manipulation 3> Detective Davis then explained that they also took scrapings from Ms. Mills' fingernails and sent it to the lab for testing. The DNA that was returned from the lab had yielded a match for Mr. Matthews' DNA code.

On cross examination, the defense attorney inquired about other suspects in the murder. Detective Davis testified that other suspects were identified and quickly excluded and the main suspect had always been Mr. Matthews. She testified that she waited until the evidence came in from the car to have him prosecuted. He asked why she would wait if she was so certain that it was Mr. Matthews. She testified that they needed more evidence on Mr. Matthews in order to arrest him. <Insert Manipulation 1> <Insert Manipulation 2 and/or 3>

<Manipulation 1> The defense then asked why, in her opinion, there were no fingerprints found on the scene. Detective Davis testified that the perpetrator most likely cleaned up or used gloves while in the house. The defense attorney also asked why no other places were checked for DNA since the victim was found laying naked. Detective Davis stated that the medical examiner conducted a rape kit but found no reason to believe a sexual assault occurred.

<Manipulation 2> The defense inquired about why they would choose to test for fingerprints instead of DNA. Officer Davis stated that it was a judgment call and they believed from past experience that the fingerprints were more likely to be on the cord than DNA since the perpetrator would have had to use his hands to strangle the woman with the cord and there might not have been enough DNA to support a test. The defense inquired as to why there were no other fingerprints found anywhere else in the room. Detective Davis testified that the perpetrator may have been more careful elsewhere.

<Manipulation 3> Detective Davis was further questioned about the DNA evidence and she testified that the forensic examiner would be able to go into more detail. She stated that she collected the DNA properly, but that she is not an expert in explaining this type of evidence.

Testimony of Officer Trefoil, Little Rock Police Department

During direct examination, Officer Trefoil stated that he had been with the Little Rock Police Department for almost 10 years. He stated that he pulled the defendant over on the outskirts of Little Rock on the evening of September 4th, 2007. Officer Trefoil stated that at first when he pulled over Mr. Matthews, it seemed to be a routine traffic citation as Mr. Matthews had run a stop sign. He testified that when he approached the car, Mr. Matthews appeared extremely nervous, and the officer thought that Matthews was acting strangely.

Officer Trefoil stated that he then went back to his squad car to run the defendant's license and plate. The vehicle came up stolen from two days prior in Carter County. Officer Trefoil stated that he then called for back-up for the arrest of Mr. Matthews. Officer Trefoil was informed that Mr. Matthews was wanted for questioning in the murder of Ms. Mills in Carter County. Then, Officer Trefoil reported returning to the vehicle to ask Mr. Matthews to please step out of the vehicle. Mr. Matthews complied but according to Officer Trefoil, he had an 'attitude'. Officer Trefoil then told him that the car had been reported stolen and then read the defendant his rights. He informed Mr. Matthews that he was to be transported back to Carter County for questioning in a murder in the city of Stanton. Back-up officers came to search the vehicle, and Mr. Matthews was escorted to the police station to await transport back to the city of Stanton, which was a few hours away.

On cross-examination, Officer Trefoil stated that the defendant did not put up a fight during arrest and that, usually, suspects being arrested engage in more of an altercation. He also testified that Mr. Matthews did not incriminate himself at any time during their exchange. Even though initially Mr. Matthews had an attitude with him, after he read him his rights the defendant was visibly upset but also very compliant. The defense asked if Mr. Matthews had said anything about the vehicle, and Officer Trefoil said that he did mention a few times that he had purchased the vehicle, but did not have the title with him.

Testimony of Officer Lewis, Little Rock Police Department

During direct examination, Officer Lewis stated that he was called to the arrest site by Officer Trefoil to search and impound the vehicle of the defendant. While searching the vehicle, he found ladies jewelry, an X-Box 360, and a television. The X-Box and video games were consistent with items reported being stolen from the Mills home. The other items were not on the stolen item list, but were still retrieved for evidence. The items were two suitcases full of clothes, some X-Box video games, an X-Box controller, and a cooler of food and beer.

On cross-examination, the defense attorney asked Officer Lewis if it were possible that the defendant was simply moving. He stated yes that it was possible, but some of the items retrieved were on the stolen item list from the Mills' home. He also testified that it was suspicious that ladies jewelry was found in the vehicle. The defense attorney asked if it were

possible that the jewelry could belong to the defendant's girlfriend. Officer Lewis stated that yes it is possible but all those items together made it look suspicious. The defense asked if those items could have been placed in the car by the victim prior to the defendant having the vehicle. Officer Lewis testified that this was also possible, but he believed unlikely.

<Manipulation 3>Testimony of Shannon Noe, Head Crime Laboratory Analyst

Shannon Noe holds a bachelor degree in chemistry from the University of Michigan and a Masters degree in Forensic Science from Michigan State University. Upon receiving his Masters degree in 1990, he worked for the Michigan Crime Lab for 5 years and then moved to Arkansas in 1995 to head the states crime laboratory. The states crime laboratory adheres to the Quality Assurance Standards for Forensic DNA Testing put forth by the DNA advisory Board July 1998. He has testified in over 100 cases regarding forensic evidence and was qualified by the court in the area of forensic DNA testing.

He testified that the scrapings under the nails were sent to him by the Stanton police department and that he deemed it adequate for DNA testing. He was also sent a sample of Mr. Matthews DNA for comparison. He then testified the process. DNA is a genetic marker and is very unique to each individual. The regions of interests are called variable number of tandem repeats (VNTRs) and except for identical twins people differ in the number of copies they have of a particular DNA sequence. They then use a process called restriction fragment length polymorphism (RFLP) to examine the VNTRs. This is more commonly called "DNA fingerprinting" where the analyses of the lengths of the fragments reveal that no two people have the same assortment of lengths. This method is common and has been utilized the most.

The sample retrieved was a small single source sample, but was enough to be tested along with Mr. Matthews' DNA to see if it was a match. First, he extracted of the material from the sample that needs to be amplified in order to detect the exact coding of the DNA. DNA extraction occurs when they separate out DNA from other cell material. When the DNA molecules are separated, the different types called alleles are then detected. They detect these alleles by using a laser that scans then out. They then make it larger and more readable. Using this method he examined and profiled the fraction of DNA material and match is made when the same allele designations at every loci.

After examining the two samples he did find a match by reaching the threshold value. This value level must be exceeded to make an allele call. Next, he explained that in DNA evidence they use a random match probability to interpret the evidence and estimate how often a random unrelated person would be found with that particular profile. He testified that the probability that he would find this sample in an unrelated person is 1 out of 800,000. He concludes that based on this finding the DNA underneath Ms. Mills' fingernails was Mr. Matthews.

On cross examination, the defense attorney asked if the police had them compare that sample with any other suspect's sample. Mr. Noe testified that he received only the two samples to compare. The defense then asked if it were possible that another person could also have matched that DNA sample. Mr. Noe testified that it is possible for more than one person to match the same sample, but in his professional opinion this is highly unlikely in this geographic region.

After this testimony, the state rested its case.

THE DEFENDANT'S CASE

Testimony of Mrs. Theodora Matthews, defendant's mother

During direct examination, Mrs. Matthews testified that her son had moved in with her in Stanton about a month ago to find a job. She stated that Mr. Matthews was planning to move back to Little Rock because a friend of his had an opening for him. She testified that she gave Mr. Matthews money for a bus ticket, but it is possible that he decided to purchase a vehicle instead. She testified that her son's vehicle had broken down a few months ago and he had been planning on buying another used car. She had spoken to him the morning of September 2nd and he had told her he was leaving that afternoon for Little Rock. He took all of his belongings, gave her a hug and then left.

She then testified that she was home all day, and when she looked across the street at Ms. Mills' house in the afternoon there was a car that she did not recognize parked out front. She said she did not think anything of it at the time but now knowing what happened it seems more important. When asked if she told the police about the car, she testified that she had but she does not know whether they followed up with this evidence.

During cross examination, the state asked Ms. Matthews if she saw anyone get in or out of the car that she saw parked. She stated that she had not seen anyone. The state then asked if it was possible that the car parked in front of Ms. Mills' home could have been a guest's, from one of the other houses. She testified that this was possible, but the car was parked directly in front of Ms. Mills' house and no other neighbors were usually home at that time.

Testimony of Scott Baio, Mr. Matthews Friend

Mr. Baio started his testimony by explaining the day of September 2nd activities. He said that he received a phone call in the morning from the defendant, Mr. Matthews to meet up with him for lunch and a beer. They usually did this a few times a week and so this was nothing out of the ordinary and he knew that Mr. Matthews was planning on leaving town that day.

He testified that he and Mr. Matthews got to the Lighthouse Grille about 1:00pm and stayed there for a long time. Mr. Matthews had said that he put a down payment on a friend's car and was heading out to Little Rock to start work the next day. He then testified that the defendant mentioned that he had gotten some money from his mom for a bus ticket, but that he bought the car instead. He further testified that after they left the restaurant that afternoon Mr. Matthews said goodbye and was leaving town. Mr. Baio stated that since Mr. Matthews was with him all afternoon he does not see how he would have had time to hurt someone. In addition, Mr. Baio testified that Mr. Matthews was a quiet and laid back guy and he could not see him hurting anyone. They have been friends for years and he said that Jeff has never even been in a fight.

On cross examination, the state asked Mr. Matthews if he has ever been convicted of a felony or a crime of dishonesty. Mr. Baio testified that he had not. The defense then asked if Mr. Baio ever got a chance to see the car that Mr. Matthews reportedly purchased. Mr. Baio stated that no, he had not because they were parked down the street from each other, but that he also had no reason not to believe Mr. Matthews.

After this testimony, the defendant rested its case.

The State attorney's summation

During closing arguments, the state attorney concluded that it is apparent that Jeff Matthews murdered Ms. Mills and stole her vehicle. Ms. Mills' son, David, placed him on the scene earlier that morning looking for Ms. Mills. He speculated that if the defendant were to buy the vehicle as his friend claims, that he came back and was the last one to see her alive. In addition, it is odd that the defendant would claim to be buying the vehicle when he had no job and his mother gave him money for a bus ticket to Little Rock. Why would he need the car? He also reminded the jury that Officer Trefoil pulled him over in Ms. Mills' vehicle and found items that were reported stolen by David Mills. <Enter Manipulation 2 and/or 3> The State asserted that murder is a heinous crime and obviously never to be tolerated. The defendant's defense that he bought the car still places him on the scene. There are still questions that remain unanswered about the defendant's whereabouts after the crime, but it seems clear that he was the one that murdered Ms. Mills. The evidence clearly pinpoints him as the perpetrator.

<Manipulation 2> He reminded the jury that Officer Davis dusted and found his fingerprints on the electrical cord, the murder weapon.

<Manipulation 3> Lastly, he reminded the jury that the Detective found DNA under Ms. Mills' fingernails and the crime scene analyst made a strong match between that sample and that of Mr. Matthews.

Defense attorney's summation

During closing arguments, the defense attorney argued that the evidence presented by the state leaves room for reasonable doubt. Although Mr. Matthews was at Ms. Mills' house he was a friend and had been there plenty of times before and this alone did not indicate him as the perpetrator. It is definitely tragic that this woman was murdered but the real murderer is still on the loose. He argued that they found the defendant in the victim's vehicle because he had purchased it earlier that day. The items retrieved from the vehicle were mostly Mr. Matthews'. Specifically, not all items retrieved from the car were items listed stolen. It is logical to assert that maybe the items that "later" were listed as stolen were placed in the vehicle by Ms. Mills. It is not unreasonable to think that a mother could have taken away her sons videogames. <Enter in Manipulation 2 and/or 3>

In closing, the defense attorney argued that the state failed to provide sufficient evidence for the jury to conclude that Mr. Matthews is indeed the murderer. He stated that murder is a serious offense with serious consequences and convicting the wrong man is not only wrong but allows the real killer to go free. He also asserts that that the state's case did put Mr. Matthews on the scene and there is no contesting this, but the evidence shows that it was to purchase a car from a family friend. To conclude, the defense argued that the evidence presented by the prosecution does not place Mr. Matthews as the murderer but, rather, simply as a friend who was in the wrong place in the wrong time.

<Manipulation 2> The defense argued that fingerprints found on the murder weapon, which was a cord, seems to be pretty strong evidence, but may have been from Mr. Matthews plugging something in before as a frequent guest of Ms. Mills home. He argued that it is interesting that the officers stated that they dusted everywhere and yet they did not find Mr. Matthews fingerprints anywhere else. The defense speculated that maybe the fingerprints found had been there from a previous visit and others fingerprints were wiped away because they were in more common areas.

<Manipulation 3> Lastly, the defense argued that the DNA is not conclusive evidence. He argued that much like the fingerprint evidence it can be argued against in order to raise reasonable doubt. He stated that there were no other suspects that were tested in this case and the expert, herself, agreed that someone else could have potentially matched that sample.

Judge's Closing Instructions

Members of the jury, the evidence and arguments in this case are finished, and I will now instruct you on the law. That is. I will explain the law that applies to this case. Remember you have taken an oath to return a true and just verdict, based only on the evidence and my instructions on the law. You must not let sympathy or prejudice influence your decision.

The defendant is charged with first degree felony murder. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(1) First, that the defendant caused the death of Emily Mills; that is, that Emily Mills died as a result of Jeff Matthews.

(2) Second, that the defendant had one of these three states of mind: he intended to kill, or he intended to do great bodily harm to Emily Mills, or he knowingly created a very high risk of death or great bodily harm knowing that death or such harm would be the likely result of his actions.

(3) Third, that when he did the act caused the death of Emily Mills, the defendant was committing (or) attempting to commit the crime of Robbery. For the crime of Robbery, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(1) First, the defendant used force and violence against Emily Mills.

(2) Second, the defendant did so while he was in the course of committing a larceny. A "larceny" is the taking and movement of someone else's property or money with the intent to take it away from that person permanently. "In the course of a larceny" includes acts that occur in an attempt to commit the larceny, or during the commission, of the larceny, or in flight after the commission of the larceny, or in an attempt to retain possession of the property or money.

(3) Third, Emily Mills was present while defendant was in the course of committing the larceny.

A person accused of a crime is presumed to be innocent. This means that you must start with the presumption that the defendant is innocent. This presumption continues throughout the trial and entitles the defendant to a verdict of not guilty unless you are satisfied beyond a reasonable doubt that he is guilty. Every crime is made up of parts called elements. The prosecutor must prove each element of the crime beyond a reasonable doubt. The defendant is not required to prove his innocence or to do anything. If you find that the prosecutor has not proven every element beyond a reasonable doubt, then you must find the defendant not guilty. A reasonable doubt is a fair, honest growing doubt out of the evidence or lack of evidence. It is not merely an imaginary or possible doubt, but a doubt based on reason and common sense. A reasonable doubt is just that---a doubt that is reasonable, after a careful and considered examination of the facts and circumstances of this case.

When you discuss the case and decide on your verdict, you may consider the evidence that has been properly admitted in this case. Therefore, it is important for you to understand what is evidence and what is not evidence. Evidence includes only the sworn testimony of witnesses, the exhibits admitted into evidence, and anything else you were told to consider. Many things are not evidence, and you must be careful not to consider them as such. I will now describe some of the things that are not evidence. The fact that the defendant is charged with a crime and is on trial is not evidence. The lawyer's statements and arguments are not evidence. They are only meant to help you understand each side's legal theories. As was said in the opening statement, it is your job to decide what the facts of the case are and you must decide which witnesses you believe. Every defendant has the absolute right not to testify. When you decide the case, you must not consider the fact that he did not testify. It must not affect your verdict in any way.

<Manipulation Two & Three> The prosecutor has introduced evidence about fingerprints. You may consider this evidence when you decide whether the prosecutor has proved beyond a reasonable doubt that the defendant was the person who committed the alleged crime. However, fingerprints matching the defendant's must have been found in the place that crime was committed under such circumstances that they could only have been put there when the crime was committed.

<Manipulation Three> You have heard from a witness, Dr. Shannon Noe, who has given you his opinion as an expert in the field of forensic science. Experts are allowed to give opinions about matters they are experts on. However, you do not have to believe an expert's opinion. Instead, you should decide whether you believe it and how important you think it is. When you decide whether you believe an expert's opinion, think carefully about the reasons and facts he gave for his opinion, think carefully about the reasons and facts he gave for his opinion, and whether those facts are true. You should also think about the expert's qualifications, and whether his opinion makes sense when you think about the other evidence in this case.

APPENDIX C
DRUG POSSESSION VIGNETTE

State of Michigan)	
v.)	
)	
Terrell Davis	)	SUMMARY OF
Defendant	)	TRIAL PROCEEDINGS FROM

Judges Opening Instructions

Ladies and Gentleman of the jury, I will first explain some of the legal principles you will need to know and the procedure we will follow in this trial. A trial follows this procedure: First, the prosecutor makes an opening statement, where he gives his theories about the case. The defendant's lawyer does not have to make an opening statement after the prosecutor makes his or he may wait until later. These statements are not evidence. They are only meant to help you understand how each side views the case. Next, the prosecutor presents his evidence. The prosecutor may call witnesses to testify and may show you exhibits such as documents or objects. The defendant's lawyer has the right to cross-examine the prosecutor's witnesses.

After the prosecutor has presented all his evidence, the defendant's attorney may also offer evidence, but does not have to prove his innocence or produce any evidence. If the defense does call any witnesses, the prosecutor has the right to cross-examine them. The prosecutor may also call witnesses to contradict the testimony of the defense witnesses. After all the evidence has been presented, the prosecutor and the defendant's lawyer will make their closing arguments. Like the opening statements, these are not evidence. They are only meant to help you understand the evidence the way each side sees the case. You must base your verdict only on the evidence.

My responsibilities as the judge in this trial are to make sure that the trial is run fairly and efficiently, to make decisions about evidence, and to instruct you about the law that applies to this case. You must take the law as I give it. As jurors you are the ones who decide this case. Your responsibility is to decide what the facts of the case are. This is your job and no one else's. You must think about all the evidence and then decide what each piece of evidence means and how important you think it is. This includes how much you believe what each of the witnesses said. What you decide about any fact in this case is final.

You do not have to accept or reject everything a witness says. You are free to believe all, none, or part of any person's testimony. In deciding which testimony you believe, you should rely on your own common sense and everyday experience. However, in deciding whether you believe a witness's testimony, you must set aside any bias or prejudice you have based on the race, gender, or national origin of the witness.

Opening Statement from Prosecuting Attorney

Throughout the course of this trial you will hear Officer Kurtis Maxwell's description of the entry of Davis' girlfriend's house, Tanya Jackson, and the retrieval of drugs and plastic baggies from this home. He will also describe the scene inside of the house as indicating the intent to sell. He will also describe the actions of Terrell Davis as resistant and the money that was found on Mr. Davis's person. The house was being watched weeks prior to the forced entry with a warrant by Officer Maxwell and other assisting officers because of the large amount of traffic coming in and out of the house. Upon entering the house, Mr. Davis attempted to run and Officer Maxwell saw him throw items out the window that later was found to be plastic bags of marijuana. Another officer will corroborate Officer Maxwell's testimony and then testify that he saw marijuana on the window sill and two papers on the floor in one of the bedrooms, which the defendant later said that this is the bedroom he normally sleeps in. <Enter in Manipulation 2 and/ or 3>

<Manipulation 2>Then an officer will discuss the fingerprints that were lifted off of the bags retrieved from outside the window that matched Mr. Davis' fingerprints.

<Manipulation 3> Lastly, a state forensic examiner will testify that the saliva found on one of the baggies was Mr. Davis's saliva.

Opening Statement from Defendant's Attorney

Terrell Davis is not a drug dealer. The state uses officer testimony of drug profiling to make their case. This type of testimony is inherently discriminatory and the defendant was a target. Mr. Davis's girlfriend will testify on his behalf that he is not a drug dealer and that the drugs found on the property were not his. <Enter Manipulation 2 and/or 3> The officers appear to have targeted Mr. Davis and by the end of this trial you will realize that the defendant is not guilty.

<Manipulation 2> In addition, it is argued that the states use of fingerprints on a plastic baggie is not conclusive evidence.

<Manipulation 3> In addition, it is argued that the states use of fingerprints and saliva are not conclusive evidence.

THE PLAINTIFF'S CASE

Testimony of Officer Kurtis Maxwell

At trial, Officer Maxwell testified that they had been watching Ms. Jackson's home for about a week and noticed a high amount of traffic going in and out of the house. He also stated that this area is a known high drug trafficking neighborhood. He testified that upon entering the house with a battering ram Mr. Davis fled up the stairs. Officer Maxwell asked him to stop and place his hands behind his head, but the defendant did not comply; instead he ran into a bedroom and threw objects out the window along with attempting to escape through the window. The object they found on the ground outside of the window was a plastic baggie with an eighth of marijuana inside.

He then discussed the physical evidence that he retrieved from the house. First, he found many plastic baggies on the kitchen table along with a scale. There were tracings of marijuana on the table and a credit card that when sprayed with THC finder showed that it had been used for scraping marijuana. Underneath the couch in the living room he found a half pound of marijuana. He testified that all of this physical evidence pointed to the intent to not only use marijuana but distribute. <Enter in Manipulation 2>

<Manipulation 2> Officer Maxwell also stated that they conducted fingerprinting on the plastic baggies in the home and many of them had Mr. Davis' fingerprints on them. He explained that when fingers touch any smooth type of surface the oil from the finger can leave behind a print. By using this fingerprint dust it dries the oil leaving behind a more noticeable print that can be lifted with a sticky surface such as tape. By using this method they found four full prints and two partial prints on six of the baggies.

On cross-examination, the defense attorney asked Officer Maxwell how many "busts" that he had made that were similar to this one. Officer Maxwell stated that he had probably seen half of a dozen of these drug houses. The defense attorney then asked if this was the first drug bust that he had led himself. Officer Maxwell stated "yes" but he accompanied and assisted the other times and felt that qualified him well enough. The defense then inquired about the baggie found outside the window and asked since this was a known drug area, if the baggie found outside of the window could have been already there. The defense asked if he saw the actual item that was tossed out the window by Mr. Davis. Officer Maxwell said that he did not see the exact object, but that they did not find any other object in that area and it was consistent with what they also retrieved inside the house. This led him to be sure that the baggie of marijuana was indeed the object that Mr. Davis threw out the window. <Enter Manipulation 2>

<Manipulation 2 > The defense then inquired about the fingerprints found on the plastic baggies and whether they could be sure that the fingerprints were there before the drugs were placed inside the bags. Officer Maxwell stated that he could not be sure that the fingerprints that were found on the bags were there prior to the drugs that were found within them but it was feasible that the fingerprints got there because Mr. Davis was placing drugs in the baggie. The defense asked that since the defendant lived within the home it is reasonable that his fingerprints could be found on the plastic baggies because he had used them for something else. Officer Maxwell testified that yes this is possible, but they did not find anyone else's fingerprints on the bags.

Testimony of Sergeant Kinley

Sergeant Kinley has been with the drug task force for 5 years and was the officer that authorized the bust. He started out by stating, like Officer Maxwell, that the area that Ms. Jackson's house is located is a well-known drug area in Jackson. He corroborated Officer Maxwell's account of the physical evidence being retrieved from the house as consistent with intent to sell. Sergeant Kinley also stated that the evidence retrieved from the bedroom (pagers) is consistent with drug dealers as well as the amount of money that was found on Mr. Davis. They found 200 dollars in small bills on Mr. Davis's person. When Mr. Davis was asked where he had received the money he responded that he did not remember.

On cross examination, the defense asked Sergeant Kinley if "drug profiling" was an often used tactic to conduct drug busts. Sergeant Kinley stated that they do generally watch that area because it is a well known area and he would not call it drug profiling. The defense asked if it

was also normal to drug profile the individual as this seems to be potentially discriminatory. Sergeant Kinley stated that they notice certain commonalities during the drug busts that help them recognize evidence. The defense also inquired about the amount of officers that are generally patrolling this area since it is a drug area and whether there are a lot of arrests made. Sergeant Kinley stated that yes arrests are high in this area and that there is an expectation of arrests because it is a known drug neighborhood. The defense was also curious about the pagers and the money found and if it were possible that these had nothing to do with drugs. He asked if all people that carry around cash and pagers are drug dealers. Sergeant Kinley said “of course not,” but all the evidence simultaneously that they retrieved indicated that Mr. Davis was in possession of marijuana with an apparent intent to sell.

<Manipulation 3>Testimony of Dr. Anne Stanaway, a Forensic Examiner for the State

Ms. Anne Stanaway holds a Masters in Forensic Psychology from University of Denver and a Ph.D. in Forensic Chemistry from the University of Michigan. She has worked at the Michigan State forensic lab for five years. Ms. Stanaway was qualified by the court as a forensic expert and has testified in court cases over 30 times.

Ms. Stanaway began her testimony by explaining the process of testing DNA (deoxyribonucleic acid). DNA is a genetic marker and is very unique to each individual. The regions of interests are called variable number of tandem repeats (VNTRs) and except for identical twins people differ in the number of copies they have of a particular DNA sequence. They then use a process called restriction fragment length polymorphism (RFLP) to examine the VNTRs. This is more commonly called “DNA fingerprinting” where the analyses of the lengths of the fragments reveal that no two people have the same assortment of lengths. This method is common and has been utilized the most.

The sample retrieved was a small single source saliva sample, but was enough to be tested along with Mr. Davis’ DNA to see if it was a match. First, she extracted of the material from the sample that needs to be amplified in order to detect the exact coding of the DNA. DNA extraction occurs when they separate out DNA from other cell material. When the DNA molecules are separated, the different types called alleles are then detected. They detect these alleles by using a laser that scans then out. They then make it larger and more readable. Using this method she examined and profiled the fraction of DNA material and match is made when the same allele designations at every loci.

After examining the two samples she did find a match by reaching the threshold value. This value level must be exceeded to make an allele call. Next, she explained that in DNA evidence they use a random match probability to interpret the evidence and estimate how often a random unrelated person would be found with that particular profile. Upon comparing these samples she concluded that indeed their appeared to be a match. She testified that the probability that she would find this sample in an unrelated person is 1 out of 800,000.

On cross examination, Ms. Stanaway admitted that not all forensic examiners agree on which procedure is best, but overall the procedure she performed is the most widely accepted and utilized of the all DNA testing procedures. However, she explained that the disagreement of which procedure to use is common of all forensic testing and she has been trained properly, has long time on the job experience, and keeps abreast of the research in this area. She was firm that she conducted the procedure according to scientific standards. He then asked if the girlfriends

DNA was also tested along with Mr. Davis'. Ms. Stanaway testified that no she only received the two samples so no other comparisons were made. The defense than asked whether the bag could have been previously used for something else other than drugs in which Mr. Davis' saliva was placed on it. She testified that yes that could be true.

After this testimony, the prosecution rested their case.

THE DEFENDANT'S CASE

Testimony of Ms. Tanya Jackson

On direct examination, Ms. Jackson explained that she and the defendant had been dating for about six months and he moved in with her only about a week before the drug bust. She stated that he had recently lost his job and was babysitting her two kids while she was at work. He was in the process of getting a night job so that they could always have someone home with the children. When the defense inquired about the number of people coming and going at her house, she explained that she usually had a lot of family and friends at the house because she liked to spend time with them. She also stated that she did not know who the drugs belonged to, but that she did not think that they were Mr. Davis'. She said that she and Mr. Davis were in the kitchen when the cops busted in and that the drugs were found in the living room. She went on to say that she thinks the cops planted them there and outside of the window.

She thought that the police unfairly targeted her house and that they were discriminating against Mr. Davis. She said that earlier that month they had been harassing him outside her house when he was trying to come over and had not been doing anything wrong. She went on to say that she often saw police officers sitting outside her house and that she did not think that living in a bad neighborhood is a crime. She stated that she sees the police harass citizens in that neighborhood all the time and so a lot of people are not trusting of the police. She also asserted that she thinks it is normal in that neighborhood to run from police.

On cross-examination, the state asked whether she has ever been convicted of a felony or a crime of dishonesty. She stated no she has not been convicted of these types of offenses. He asked if running from the police could make a person appear guiltier in the eyes of police. She said maybe but the police should know that they harass people and could cause this.

After this testimony, the defendant rested its case.

State attorney's summation

During closing arguments, the state asserted that it is clear that with the testimonies of both officers on the scene that Mr. Davis was the possessor of the marijuana and had intended to sell it. Both officers corroborated each others testimony and a lot of physical evidence was retrieved from the house indicating intent to sell. Marijuana would have been found on Mr. Davis' person if he had not run and thrown it out the window. Interestingly, an unemployed man had two hundred dollars on his person but he did not know where that money had come from.

<Enter in Manipulation 2 and/or 3> It is no surprise that his girlfriend defended on his behalf because she would lose a free babysitter and her boyfriend. In sum, there is enough evidence to find the defendant guilty.

<Manipulation 2> The fingerprints analysis makes it clear that Mr. Davis was the one placing the drugs inside the plastic baggies.

<Manipulation 3> With his saliva on a plastic bag that had drugs in it clearly indicates that those were his drugs.

Defense attorney's summation

During his closing arguments, the defense attorney argued that Mr. Davis was living in a bad neighborhood with his girlfriend and thus got pinpointed by the police to be arrested. The majority of the evidence presented by the state is anecdotal and discriminatory. Racial profiling is illegal and so should be drug profiling. The questions surround why they targeted the defendant for arrest when there were plenty of other people that were in the house at the time of the bust. There is no question that there were drugs in that house, but there is question as to whether or not those drugs were that of the defendant. <Enter Manipulation 2 and/or 3>

In closing, the defense attorney argued that the state failed to provide sufficient evidence for the jury to conclude that the defendant possessed the drugs that were found at Ms. Jackson's home. He argued that the lack of evidence and the potential discriminating procedure of drug profiling suggest that the jury should find the defendant not guilty.

<Manipulation 2> Simply because Mr. Davis had his fingerprints on a baggie does not mean he was the one that placed the drugs there. He lives in that house and could have touched those baggies for other reasons.

<Manipulation 3> First of all in regards to the DNA evidence, no other individuals were tested along side of Mr. Davis for the saliva. Second, he could have used that bag for a sandwich which makes sense of why, if the saliva is his, was present on the bag.

Judge's instructions

Members of the jury, the evidence and arguments in this case are finished, and I will now instruct you on the law. That is, I will explain the law that applies to this case. Remember you have taken an oath to return a true and just verdict, based only on the evidence and my instructions on the law. You must not let sympathy or prejudice influence your decision.

The defendant is charged with the crime of illegally possessing with intent to deliver half of a pound of a controlled substance, marijuana. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

- (1) First, that the defendant knowingly possessed a controlled substance.
- (2) Second, that the defendant intended to deliver this substance to someone else.
- (3) Third, that the substance possessed was marijuana and the defendant knew it was.
- (4) Fourth, that the substance was in a mixture that weighed half of a pound.

(5) Fifth, that the defendant was not legally authorized to possess this substance.

A person accused of a crime is presumed to be innocent. This means that you must start with the presumption that the defendant is innocent. This presumption continues throughout the trial and entitles the defendant to a verdict of not guilty unless you are satisfied beyond a reasonable doubt that he is guilty. Every crime is made up of parts called elements. The prosecutor must prove each element of the crime beyond a reasonable doubt. The defendant is not required to prove his innocence or to do anything. If you find that the prosecutor has not proven every element beyond a reasonable doubt, then you must find the defendant not guilty. A reasonable doubt is a fair, honest growing doubt of the evidence or lack of evidence. It is not merely an imaginary or possible doubt, but a doubt based on reason and common sense. A reasonable doubt is just that---a doubt that is reasonable, after a careful and considered examination of the facts and circumstances of this case.

Every defendant has the absolute right not to testify. When you decide the case, you must not consider the fact that he did not testify. It must not affect your verdict in anyway. When you discuss the case and decide on your verdict, you may consider the evidence that has been properly admitted in this case. Therefore, it is important for you to understand what is evidence and what is not evidence. Evidence includes only the sworn testimony of witnesses, the exhibits admitted into evidence, and anything else you were told to consider. Many things are not evidence, and you must be careful not to consider them as such. I will now describe some of the things that are not evidence. The fact that the defendant is charged with a crime and is on trial is not evidence. The lawyer's statements and arguments are not evidence. They are only meant to help you understand each side's legal theories. As was said in the opening statement, it is your job to decide what the facts of the case are and you must decide which witnesses you believe.

<Manipulation Two & Three> The prosecutor has introduced evidence about fingerprints. You may consider this evidence when you decide whether the prosecutor has proved beyond a reasonable doubt that the defendant was the person who committed the alleged crime. However, fingerprints matching the defendant's must have been found in the place that crime was committed under such circumstances that they could only have been put there when the crime was committed.

<Manipulation Three> You have heard from an expert witness, Dr. Anne Stanaway, who has given you her opinion as an expert in the field of forensic science. Experts are allowed to give opinions about matters they are experts on. However, you do not have to believe an expert's opinion. Instead, you should decide whether you believe it and how important you think it is. When you decide whether you believe an expert's opinion, think carefully about the reasons and facts she gave for her opinion, think carefully about the reasons and facts she gave for her opinion, and whether those facts are true. You should also think about the expert's qualifications, and whether her opinion makes sense when you think about the other evidence in this case.

APPENDIX D
SEXUAL ASSAULT VIGNETTE

State of Ohio)	
)	
v.)	
)	
Matthew Smith	)	SUMMARY OF
Defendant	)	TRIAL PROCEEDINGS FROM

Judges Opening Instructions

Ladies and Gentleman of the jury, I will first explain some of the legal principles you will need to know and the procedure we will follow in this trial. A trial follows this procedure: First, the prosecutor makes an opening statement, where he gives his theories about the case. The defendant's lawyer does not have to make an opening statement after the prosecutor makes his or he may wait until later. These statements are not evidence. They are only meant to help you understand how each side views the case. Next, the prosecutor presents his evidence. The prosecutor may call witnesses to testify and may show you exhibits such as documents or objects. The defendant's lawyer has the right to cross-examine the prosecutor's witnesses.

After the prosecutor has presented all his evidence, the defendant's attorney may also offer evidence, but does not have to prove his innocence or produce any evidence. If the defense does call any witnesses, the prosecutor has the right to cross-examine them. The prosecutor may also call witnesses to contradict the testimony of the defense witnesses. After all the evidence has been presented, the prosecutor and the defendant's lawyer will make their closing arguments. Like the opening statements, these are not evidence. They are only meant to help you understand the evidence the way each side sees the case. You must base your verdict only on the evidence.

My responsibilities as the judge in this trial are to make sure that the trial is run fairly and efficiently, to make decisions about evidence, and to instruct you about the law that applies to this case. You must take the law as I give it. As jurors you are the ones who decide this case. Your responsibility is to decide what the facts of the case are. This is your job and no one else's. You must think about all the evidence and then decide what each piece of evidence means and how important you think it is. This includes how much you believe what each of the witnesses said. What you decide about any fact in this case is final.

You do not have to accept or reject everything a witness says. You are free to believe all, none, or part of any person's testimony. In deciding which testimony you believe, you should rely on your own common sense and everyday experience. However, in deciding whether you believe a witness's testimony, you must set aside any bias or prejudice you have based on the race, gender, or national origin of the witness.

Opening Statement from Prosecuting Attorney

Ladies and gentleman of the jury, the facts of this case clearly point to the defendant, Matthew Smith as committing the crime of rape against Ms. Kylie Black. On the night of April 5th, 2007, Ms. Olivia Burns threw a birthday party for Mr. Chris Klein. Both the defendant, Mr. Smith, and the victim, Ms. Black, were in attendance. A large amount of alcohol was being consumed at the party and when Ms. Black felt that she had hit her limit she went upstairs to go to sleep in Ms. Burns' bedroom. During the course of the trial, you will hear from two witnesses and the victim herself that Mr. Smith entered the bedroom shortly after Ms. Black went upstairs to go to sleep and without her consent he raped her. <Enter in Manipulation 2 and/or 3> After the presentation of all of this evidence it will be clear that a guilty verdict needs to be returned.

<Manipulation 2> You will also hear from Detective Wyndham about the fingerprints that were retrieved from the bedroom where the crime took place.

<Manipulation 3> You will also hear from Dr. Joanna Katz, who is an expert in DNA profiling and conducted the DNA testing for this case. She will testify that the DNA evidence found inside the victim matched that of the defendant, Matthew Smith.

Opening Statement from Defendant's Attorney

Ladies and gentleman of the jury this is a case of he said and she said and the evidence is far from conclusive. My client, Matthew Smith, did indeed have sex with Ms. Black on the night in question but it was consensual. He will testify on his own behalf that the sexual intercourse that night was consensual <enter in Manipulation 2 or 3> After this information is presented it will be clear that there is reasonable doubt to believe that Matthew Smith committed this crime.

<Manipulation 2> The fingerprints that the prosecution is presenting does not matter for this case because the sex was consensual.

<Manipulation 3> The fingerprints and the DNA evidence that the prosecution is presenting does not matter in this case because the sex was consensual.

THE STATES CASE

Testimony of Olivia Burns, victim's friend

Olivia Burns testified that she arranged a party for her friend, Chris Klein, on April 5th at her home. There were about 30 people at the party, including both Matthew Smith and Kylie Black. She testified that there was alcohol at the party and that most people seemed to be partaking. She testified that she noticed Ms. Black getting tipsy and shortly after this Ms. Black came and asked if she could use her bedroom to fall asleep. She testified that she said it would be alright and that Ms. Black then retired up to the bedroom at around 1:00 am.

She then testified about a half hour later she went upstairs to get something out of her room, but when she opened the door someone yelled "get out". She then shut the door and went downstairs. A few minutes later, she went back upstairs and opened the door again and saw the victim lying on her side facing away from the door. Mr. Smith was "over top of her" and Ms.

Black's pants were down by her knees. She then testified that Ms. Black was not moving and half of her face was covered by a pillow. Mr. Smith was on his knees next to her up against her behind. Ms. Burns then testified that she ran down stairs to tell Mr. Klein because it looked to her like Ms. Black was getting raped.

After Ms. Burns told Mr. Klein, he ran upstairs and told Mr. Smith to leave and a few minutes later Ms. Black came down looking confused. Ms. Burns testified that she talked to Ms. Black and that Ms. Black told her that she did not remember really what just happened and that she did not feel well. Ms. Burns then testified that she accompanied Ms. Black to the hospital to get checked.

On cross examination, the defense asked Ms. Burns if she saw Ms. Black's face to know if she was awake. Ms. Burns testified that she never saw the Ms. Black's face, she just noticed that she was not moving and this alarmed her. She also testified that she was only in the room for about a minute, so the victim could have moved afterwards. The defense also asked Ms. Burns if she spoke to Mr. Smith after he was told to leave, and she stated that she only spoke to Ms. Black and never heard Mr. Smith's side of the story.

Testimony of Chris Klein, Victim's Friend

On direct examination, Mr. Klein testified that Olivia Burns came running down the stairs and told him that Ms. Black was upstairs passed out and there was a man in there raping her. He ran up the stairs, threw the door open and turned the light on. He then saw the defendant get off the bed and he noticed that Ms. Black was lying on her side with her pants partially off.

Mr. Klein also testified that he never saw the victim move during this commotion and he thought that was pretty unusual. He stated that he told the defendant to "get the hell out of there" and the defendant complied. He concluded by stating that during the course of the party that Ms. Black appeared intoxicated, even more so than other people that were drinking at the party.

On cross examination, the defense asked Mr. Klein if he had been drinking at that party. Mr. Klein testified that the party was thrown for him so of course he was drinking. The defense then asked if he would consider himself drunk that evening. Mr. Klein testified that yes he was feeling pretty buzzed, but no more so than anyone else. He finished by saying that his vision was not impaired and he was pretty sure that what he saw in that room was Ms. Black being sexually assaulted by the defendant, Mr. Smith.

Testimony of Ms. Kylie Black, the victim

On direct examination Ms. Black testified that she knew the defendant, Mr. Smith. She stated that he was an acquaintance from their military service. She stated that she had drank one beer early in the evening and had talked to the defendant shortly after he had arrived at the party. She then played a couple of drinking games and consumed some more beer. She stated that after that she had another beer and a couple of mixed drinks. She testified that at this point she realized that she was pretty intoxicated and that is when she asked Ms. Burns if she could go and lay down in her room.

Ms. Black then testified that she went upstairs, laid down and that the last thing she recalled was saying, "I don't want to talk to anyone" and turning and facing the wall. She said she did not know who she made the comment to. She said the next thing she recalled was rolling over and seeing some people in the room and that she felt really surprised and confused. She said

that she had absolutely no recollection of having sex with the defendant that night. She stated that when she went downstairs and started talking to Ms. Burns that was when her friends told her what they thought happened. They then asked her if she wanted to go the hospital and she said yes. Upon entering the ER a sexual assault nurse examiner asked if she wanted to call the police. <Enter in Manipulation 1&2 or 3>

<Manipulation 1&2> She then testified that the nurse asked if she wanted a rape kit to be taken and she refused.

<Manipulation 3> The nurse then collected evidence for a sexual assault kit.

On cross examination, the defense asked Ms. Black if she considered Mr. Smith a friend or if she had ever had personal interest in him. She stated that she only knew him from the time they served in the military and she had never thought of him romantically. The defense then asked why she drank so much at the party that she had to go lie down. Ms. Black had no reply for this question. The defense also asked Ms. Black if she was afraid of Mr. Smith for any reason or had had any prior problems with him. To this question, she testified that she had never had any prior issue with Mr. Smith. <Enter in Manipulation 1>

<Manipulation 1> The defense then asked why she refused the rape kit, to which she replied that she was sore, not feeling well, and afraid.

Detective Carter Wyndham

On direct examination, detective Wyndham testified that he was assigned to go to the hospital to take Ms. Black's statement of the incident. He corroborated Ms. Black's story as it was told to the court as the same story he was told the night of the rape. He testified that she appeared very disheveled and out of it. In his opinion, she was acting like other rape victims that he has dealt with in the past. <Enter in Manipulation 2> He then testified that they went to Mr. Smith's home the next day and brought him down for questioning and he was arrested later that day, after Ms. Black came down and identified him as her assailant.

<Manipulation 2> He stated that another officer had returned to the scene of the crime and dusted for Mr. Smith's fingerprints in the bedroom where the alleged crime took place. He explained that when fingers touch any smooth type of surface the oil from the finger can leave behind a print. By using this fingerprint dust it dries the oil leaving behind a more noticeable print that can be lifted with a sticky surface such as tape. He testified that they found Mr. Smith's prints on the edge of the bed and on the door jamb.

On cross examination, the defense asked if during questioning Mr. Smith ever confessed to sexually assaulting Ms. Black. Detective Wyndham testified that the defendant always maintained that the relations were consensual and never admitted to anything different.

<Manipulation 3>Dr. Joanna Katz, Forensic Scientist

Dr. Katz holds an M.S. in forensic biology from Michigan State University and a Ph.D. in biology also from this university. Upon graduating in 2000, she took the position at the Bureau

of Criminal Identification and Investigation and has remained there. Dr. Katz has testified in over 50 cases regarding forensic DNA testing, specifically from rape kits.

She testified that she examined the physical evidence that was submitted to the Bureau of Criminal Identification and Investigation in this case. She testified that she examined the physical evidence that was submitted to the Bureau of Criminal Identification and Investigation in this case. She began by discussing that in cases with sexual assault evidence a procedure called differential extraction is utilized to separate sperm cells from all other cells present. If the extraction goes correctly, then the sperm cells will end up in one tube alone for testing. All other material will be in a separate tube. These two tubes are called fractions. First, she extracted of the material from the sample that needs to be amplified in order to detect the exact coding of the DNA. DNA extraction occurs when they separate out DNA from other cell material.

When the DNA molecules are separated, the different types called alleles are then detected. They detect these alleles by using a laser that scans then out. They then make it larger and more readable. The method used to analyze the amplified product to determine the DNA profile is a gel based method using a machine called a Hitachi FM Bio. This machine is common and often used in this type of analysis. When using this gel based method she examined and profiled the fraction of semen retrieved from Ms. Black. Upon comparing the sample from the crime scene to Mr. Smith she concluded that indeed their appeared to be a match. A match is made when the same allele matches up at the particular points called loci. Next, she explained that in DNA evidence they use a random match probability to interpret the evidence and estimate how often a random unrelated person would be found with that particular profile. She testified that the probability that she would find this sample in an unrelated person is 1 out of 800,000. She said that this means that she can be relatively confident that Mr. Smith is a match.

On cross examination, the defense asked if finding semen in Ms. Black and matching it to Mr. Smith was reliable evidence if the sex was consensual. Dr. Katz testified that of course not, but she also testified that in the 50 cases she has tested sperm, the defense is usually stating that the sex was consensual.

After this testimony, the state rested its case.

THE DEFENDANT'S CASE

Testimony of Mr. Matthew Smith, the defendant

On direct examination, Mr. Smith testified that he did know Ms. Black when they both served in the Army National Guard and they also served a tour in Kuwait together. He testified that he had not had a physical relationship prior to the night in question. He recalled talking to Ms. Black early in the evening and he remembered asking her where her beer was. He testified that she has said she was not drinking because she was on medication. He stated that she did not appear intoxicated.

He then testified that when he went upstairs to use the bathroom, he saw Ms. Black lying in one of the bedrooms and started talking to her. He testified that they talked for a while and that he eventually got up and shut the door. He stated he asked her if he could lie down with her and that she responded that she did not care. They then kissed and eventually partially removed their

clothes. He also recalled that after a few minutes, he heard the door open and shut quickly. He stated that at that point he asked Ms. Black if they should be in that bedroom and that she said it was fine. He testified that at this point the door opened a second time and they continued to have intercourse. He stated that when the door opened the third time, he was yelled at to leave. He got up, got dressed and left the party because he did not want to start any trouble. He concluded by stating that Ms. Black was awake the entire time he was with her and that at no time did she say that she wanted to stop having sex.

On cross examination, the state asked him if he remembers yelling get out when someone tried to come in the room. He testified that he did not recall that. The state then inquired that if he did not remember, than maybe there are other things he forgot about the encounter. The state asked if, during the sex he had with Ms. Black, she was facing him or facing the wall. He testified that she was facing the wall. The state asked if he could see her face the entire time. He stated that the lights were out and since she was facing the wall he could not see her face. The state asked him if it could have been possible that she had fallen asleep during the encounter since he could not see her face. He stated that she was moving the whole time so that it was not possible.

After this testimony, the defendant rested its case.

Prosecuting attorney's summation

Ladies and Gentlemen of the jury, the evidence in this case has been presented clearly. Ms. Black went to her friend's house on the night of April 5th, 2007 for a party and left as a sexual assault victim. Two witnesses saw Ms. Black being sexually assaulted and testified on her behalf. Ms. Black herself was extremely intoxicated and thus, could not conceivably consent to a sexual act. The defense's case is weak and does not raise reasonable doubt that Mr. Smith did not sexually assault Ms. Black. He did assault her that night and therefore should be punished for his crime. <enter in manipulation 2 and/or 3> I am sure that you will come out of your deliberations with a guilty verdict for the defendant so that justice is served.

<Manipulation 2> His fingerprints were found all over the bedroom where Ms. Black had retired to go and fall asleep. With his fingerprints and three witnesses placing him on the scene he had to argue that the sex was consensual.

<Manipulation 3> In addition with his sperm being found inside the victim makes it impossible for him to defend himself any other way. However, ladies and gentlemen I find this defense a little too convenient.

Defense attorney's summation

Ladies and Gentlemen of the jury, throughout the course of this trial you were presented with testimony from the alleged victims friends. There was a party that night and many people were drinking, including the two witnesses. By the time Ms. Black and Mr. Smith had sex it was

late, dark and people were drunk. It would be very difficult to conclude for a fact that the sex was not consensual. Mr. Smith testified as did Ms. Black that they knew each other and had not had previous problems in the past. They were friends that had too much to drink and made the decision to have sex. Mr. Smith had no way of knowing that Ms. Black was so intoxicated. In fact, he was drinking as well. <Enter in Manipulation 2 and/or 3> The state has the burden of proof and they did not fare well. The facts of this case are unclear and this leaves enough room for reasonable doubt.

<Manipulation 2> Of course, Mr. Smith's fingerprints were found in the bedroom, he had a conversation with Ms. Black and then they had consensual sex.

<Manipulation 3> This is also why Mr. Smith's semen was found inside of Ms. Black. Had he intended to rape her, he would have decided to use a condom.

Judge's instructions

Members of the jury, the evidence and arguments in this case are finished, and I will now instruct you on the law. That is, I will explain the law that applies to this case. Remember you have taken an oath to return a true and just verdict, based only on the evidence and my instructions on the law. You must not let sympathy or prejudice influence your decision.

The defendant is charged with Criminal Sexual Conduct in the First Degree. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

- (1) First, that defendant engaged in a sexual act that involved:
 - a. Entry into Kylie Black's genital opening by the defendant's penis. Any entry no matter how slight is enough. It does not matter whether the sexual act was completed or whether semen was ejaculated.
- (2) Second, that Ms. Black's was physically helpless at the time of the alleged act. Physically helpless means that Ms. Black was unconscious, asleep, or physically unable to communicate that that she did not want to take part in the alleged act.
- (3) Third, that the defendant knew or should have known that Ms. Black was physically helpless at the time of the alleged act.

There has been evidence in this case about the defense of consent. A person consents to a sexual act by agreeing to it freely and willingly, without being forced or coerced. It is not necessary to show that Ms. Black resisted the defendant to prove that this crime was committed. Nor is it necessary to show that Ms. Black did anything to lessen the danger to herself. In deciding whether or not Ms. Black consented to the act, you should consider all of the evidence. If you find the evidence raises a reasonable doubt as to whether Ms. Black consented to the act freely and willingly, then you must find the defendant not guilty.

A person accused of a crime is presumed to be innocent. This means that you must start with the presumption that the defendant is innocent. This presumption continues throughout the trial and entitles the defendant to a verdict of not guilty unless you are satisfied beyond a reasonable doubt that he is guilty. Every crime is made up of parts called elements. The prosecutor must prove each element of the crime beyond a reasonable doubt. The defendant is

not required to prove his innocence or to do anything. If you find that the prosecutor has not proven every element beyond a reasonable doubt, then you must find the defendant not guilty. A reasonable doubt is a fair, honest growing doubt out of the evidence or lack of evidence. It is not merely an imaginary or possible doubt, but a doubt based on reason and common sense. A reasonable doubt is just that---a doubt that is reasonable, after a careful and considered examination of the facts and circumstances of this case.

When you discuss the case and decide on your verdict, you may consider the evidence that has been properly admitted in this case. Therefore, it is important for you to understand what is evidence and what is not evidence. Evidence includes only the sworn testimony of witnesses, the exhibits admitted into evidence and anything else you were told to consider. Many things are not evidence, and you must be careful not to consider them as such. I will now describe some of the things that are not evidence. The fact that the defendant is charged with a crime and is on trial is not evidence. The lawyer's statements and arguments are not evidence. They are only meant to help you understand each side's legal theories. As was said in the opening statement, it is your job to decide what the facts of the case are and you must decide which witnesses you believe.

<Manipulation Two & Three> The prosecutor has introduced evidence about fingerprints. You may consider this evidence when you decide whether the prosecutor has proved beyond a reasonable doubt that the defendant was the person who committed the alleged crime. However, fingerprints matching the defendant's must have been found in the place that crime was committed under such circumstances that they could only have been put there when the crime was committed.

<Manipulation Three> You have heard from a witness, Dr. Joanna Katz, who has given you her opinion as an expert in the field of forensic science. Experts are allowed to give opinions about matters they are experts on. However, you do not have to believe an expert's opinion. Instead, you should decide whether you believe it and how important you think it is. When you decide whether you believe an expert's opinion, think carefully about the reasons and facts she gave for her opinion, think carefully about the reason and facts she gave for her opinion, and whether those facts are true. You should also think about the expert's qualifications, and whether her opinion makes sense when you think about the other evidence in this case.

APPENDIX E
FELONY ASSAULT VIGNETTE

State of Arkansas)	
)	
v.)	
)	
Carl Marcs	)	SUMMARY OF
Defendant	)	TRIAL PROCEEDINGS FROM

Judges Opening Instructions

Ladies and Gentleman of the jury, I will first explain some of the legal principles you will need to know and the procedure we will follow in this trial. A trial follows this procedure: First, the prosecutor makes an opening statement, where he gives his theories about the case. The defendant's lawyer may, but does not have to, make an opening statement, either after the prosecutor makes his or at a later time. These statements are not evidence. They are only meant to help you understand how each side views the case. Next, the prosecutor presents his evidence. The prosecutor may call witnesses to testify and may show you exhibits such as documents or objects. The defendant's lawyer has the right to cross-examine the prosecutor's witnesses.

After the prosecutor has presented all his evidence, the defendant's attorney may also offer evidence, but does not have to prove his innocence or produce any evidence. If the defense does call any witnesses, the prosecutor has the right to cross-examine them. The prosecutor may also call witnesses to contradict the testimony of the defense witnesses. After all the evidence has been presented, the prosecutor and the defendant's lawyer will make their closing arguments. Like the opening statements, these are not evidence. They are only meant to help you understand the evidence the way each side sees the case. You must base your verdict only on the evidence.

My responsibilities as the judge in this trial are to make sure that the trial is run fairly and efficiently, to make decisions about evidence, and to instruct you about the law that applies to this case. You must take the law as I give it. As jurors you are the ones who decide this case. Your responsibility is to decide what the facts of the case are. This is your job and no one else's. You must think about all the evidence and then decide what each piece of evidence means and how important you think it is. This includes how much you believe what each of the witnesses said. What you decide about any fact in this case is final.

You do not have to accept or reject everything a witness says. You are free to believe all, none, or part of any person's testimony. In deciding which testimony you believe, you should rely on your own common sense and everyday experience. However, in deciding whether you believe a witness's testimony, you must set aside any bias or prejudice you have based on the race, gender, or national origin of the witness.

Opening Statement from the State

Ladies and Gentlemen of the jury, the facts that will be presented in this case will clearly point to the guilt of Carl Marcs. He drove to the apartment of his ex-girlfriend, Liz Temp, on August 5th, 2007 and threatened to harm her by pointing a firearm in her face. He also threatened to shoot her new boyfriend, Ryan Pulaski. The gun went off and luckily no one was hurt. During the course of this trial you will hear from Liz Temp about being threatened and afraid for her life.

You will also hear from Staff Sergeant Jonathon Card of the U.S. Army who retrieved the gun from Mr. Marcs' vehicle when Mr. Marcs returned to the base that day. An officer will also testify about what occurred at the scene of Mr. Marcs arrest. <Enter in Manipulation 2 and/or 3>

<Manipulation 2> You will also hear about the fingerprints that were lifted from the gun that matched Mr. Marcs' fingerprints.

<Manipulation 3> Lastly, you will hear testimony from a crime lab analyst about the ballistics test that matched the bullet that was shot at the apartment to the profile of Mr. Marcs' gun.

Opening Statement from Defendant's Attorney

In contrast, the defense will show that indeed Mr. Marcs and Ms. Temp had an argument that day. Mr. Marcs will testify that he did have a gun in his vehicle but did not even remember it was there until it was found at the Army base. He will argue that he was afraid for his life because he had been threatened by Ms. Temp during their argument. <Enter in Manipulation 2 and/or 3> In short, the evidence presented by the state is insufficient for a charge of aggravated assault and the facts are not as clear cut as the state reports them to be.

<Manipulation 2> He will also testify that of course the fingerprints found on the gun were his as it is his gun and he has a permit for it.

<Manipulation 3> He does not deny that the gun went off accidentally but asserts that no one was hurt because he was never pointing it any person.

THE STATES CASE

Testimony of Ms. Liz Temp, the victim

On direct examination, Ms. Temp testified that she and the defendant, Mr. Marcs recently broke up, around two months ago, and that Mr. Marcs came over on August 5th, 2007 to her apartment. She testified that Mr. Marcs' phoned that day about some items he had left at her apartment. She then had told him to wait until her boyfriend got home to come over. Mr. Marcs' did not heed her request and came over and she and him starting arguing. She stated that the argument initially started in the apartment and then, because her daughter was napping, progressed downstairs and out into the parking lot. She testified that he went to the car and pulled out a pistol, cocked it and pointed at her. She claimed that he said he was going to kill her, her brothers and her boyfriend. She further testified that he said that he would be watching her. She also said that when he pointed the gun at her that she raised her hands and asked if he was going to shoot her in broad daylight, stating that there was a man down the street watching them. She testified that the gun went off and she screamed loudly. Ms. Temp then testified that she absolutely believed that the defendant was going to shoot her.

After Ms. Temp had screamed, her 7 year old daughter came running out with a cell phone screaming that she had called the police. Mr. Marcs abruptly jumped into his vehicle and drove off fast, screeching his tires as he did so. Afterwards, the police arrived and Ms. Temp gave them a description of Mr. Marcs' vehicle and she told them that he had pointed a gun at her and threatened her life.

On cross examination, the defense inquired as to whether she had ever threatened Mr. Marcs during this argument or in the past. She said that they argued often when they were dating, but she does not remember ever threatening his life. She stated that she had told him to stay away from her and that her new boyfriend was willing to protect her if Mr. Marcs tried to hurt her. The defense asked if her daughter had seen anything. She testified that her daughter had only heard the screaming.

Testimony of Staff Sergeant, Jonathon Card

On direct examination, Staff Sergeant Card testified that, as a gate guard, he had stopped Mr. Marcs when he was coming onto base on August 5th, 2007. He stated that it is his duty to inquire about any weapons that people may have on them when entering the base. When he asked Mr. Marcs if he had any weapons in the vehicle, Mr. Marcs said that there were no weapons and gave consent to the vehicle being searched. Upon searching the vehicle he located the loaded handgun underneath the driver's seat. He told Mr. Marcs that no field weapons are allowed on base and that there is a sign posted at the front of the gate stating this prohibition. He then testified that he immediately called the police and had Mr. Marcs placed under arrest.

On cross examination, the defense asked if Mr. Marcs resisted search or arrest at any time. Staff Sergeant Card stated that, no, Mr. Marcs had been very cooperative. The defense then asked if it were at all possible that maybe Mr. Marcs had forgotten about the gun and that is why he was cooperative and allowed the vehicle to be searched. Staff Sergeant Card testified that, yes that could have been possible.

Testimony of Officer Brookshire

On direct examination, Officer Brookshire testified that he was the officer dispatched to the base and was the officer who placed Mr. Marcs under arrest. Arriving on the scene, he testified that he saw Mr. Marcs calmly seated, under the custody of Staff Sergeant Card. He stated that he retrieved the handgun from Staff Sergeant Card for evidentiary purposes. He also conducted another inspection of the vehicle and found another magazine of ammunition under the driver's seat in addition to the one that was still loaded inside the gun. He confiscated the spare magazine as additional evidence and then had the vehicle impounded. <Enter in Manipulation 2>

Officer Brookshire testified that he then read the defendant his Miranda Rights, which Mr. Marcs waived. Mr. Marcs told Officer Brookshire that he had went to his ex-girlfriend's apartment to retrieve his lawn chair where she confronted him about various issues and then followed him to his car, where she threatened to have her brother and boyfriend go over to his house and harm him. Mr. Marcs was stated to have told Officer Brookshire that the gun was indeed his but that he had forgotten it was there when he went to enter the base. Mr. Marcs was said to have further stated that, while he knew he was in trouble for having the gun, he hoped he was not in trouble due to his ex-girlfriend having called the police when they had been arguing an hour ago. <Enter in Manipulation 3>

<Manipulation 2> Officer Brookshire testified that he dusted the gun for fingerprints to see if it had been used by Mr. Marcs. He explained that when fingers touch any smooth type of surface the oil from the finger can leave behind a print. By using fingerprint dust, the oil is dried, leaving a noticeable print pattern that can be lifted with a sticky surface such as tape. Upon dusting the handle of the gun for latent fingerprints, he found three full prints. These prints matched Mr.

Marcus and it was determined, in his opinion, that these fingerprints appeared relatively fresh as they were all full prints. Since the gun was lying loose under the seat it was considered that it would be easy for fingerprints to be partially rubbed off as the gun shifted. Therefore, he stated, it was his opinion that the fingerprints were fairly new.

<Manipulation 3> Officer Brookshire also testified that he drove back to the apartment to get Ms. Temp's statement and, when sweeping the area, found a bullet. He retrieved this bullet as evidence and handed it over to the forensic lab for ballistics analysis to test whether the bullet had been discharged from Mr. Marcus' gun.

On cross examination, the defense attorney asked Officer Brookshire if Mr. Marcus' story ever changed when he spoke with him. Officer Brookshire testified that Mr. Marcus' story always remained consistent and that he was always cooperative and forthcoming with information. The defense attorney asked if Mr. Marcus had a permit for the gun and the officer testified that, yes, he had. <Enter in Manipulation 2> Officer Brookshire further stated that he had not had any trouble obtaining compliance from Mr. Marcus.

<Manipulation 2> The defense attorney then asked whether, because the officer thought the prints were fresh, he could give an exact estimation of the timeframe in which the prints could have been created. Officer Brookshire stated that no, he could not give an exact timeframe. The defense also asked if the prints could have been from the day before, or even a few days before the day the gun was taken into evidence. Officer Brookshire stated that it would be more likely that the fingerprints had occurred the day before than a few days ago, but claimed he still believed them to be more recent than that.

Testimony of Dr. Willard Scott, Forensic Ballistics Analyst <Manipulation 3>

Dr. Scott began his testimony by explaining the process of ballistic fingerprinting. He testified that firearms tend to have manufacturing imperfections that leave unique marks, called striations when a bullet goes through the barrel. When his team has the firearm that they believe to be the weapon that fired a particular bullet, they will fire off another bullet and through the use of a comparison microscope they will compare the striations of the two bullets.

The firearm that was retrieved from Mr. Marcus' vehicle was fired again at the lab and compared with the bullet that was retrieved from Ms. Temps' apartment complex parking lot. Dr. Scott testified that after careful comparison, he was able to determine that the two bullets matched. He then testified that in his expert opinion the gun fired at the apartment was indeed Mr. Marcus'.

On cross examination, the defense attorney inquired if they had done any testing of trajectory from where the bullet was shot and later found. Dr. Scott stated that they did not conduct this type of analysis. The defense then asked in finding the match between the two bullets would mean that the gun was pointed at someone or shot off accidentally. Dr. Scott stated that he could not testify as to where the gun was located when it had been shot, only that the bullets matched and that Mr. Marcus' gun was in fact shot at Ms. Temp's apartment parking lot.

THE DEFENDANT'S CASE

Testimony of Mr. Carl Marcs, Defendant

On direct examination, the defendant testified that he had gone to the home of his ex-girlfriend, Liz Temp, to retrieve a lawn chair from her. They had broken up a couple of months ago and some of his things were still at her apartment. He admits that when he got to the apartment they had first started arguing inside the apartment. He stated that he was trying to leave and that she followed him down to the parking lot where she threatened him. He testified that she was screaming she was going to have her boyfriend and brother come over and beat him up. He testified that he never pulled out the gun, let alone shot it. He admitted saying threatening things, but did so only because Ms. Temp stated that her new boyfriend was going to hurt him. He testified that he did say that if anyone came over to his house he would protect himself. He then stated that he left because Ms. Temp's daughter came running out during the screaming to say she had called the police at which time he thought it better if he just left.

After leaving Ms. Temp's apartment he went to the Army base to visit his brother who was stationed there and stated that he had forgotten about the gun. He stated that earlier that week he had gone out in the woods for a little target practice and had left it under the seat at that time. He testified that he would have told the Staff Sergeant had he remembered it was there but that he was still a little frustrated about the argument that had just taken place at Ms. Temp's. <Manipulation 3>

<Manipulation 3> He explained that the spent bullet that was found at Ms. Temp's must have fallen out of his vehicle during his visit. He testified that always after target practice he retrieves his old bullet casings.

On cross examination, he was asked if he has ever been convicted of a felony or a crime of dishonesty. He testified that he had not. The prosecution asked why Ms. Temp would bring up the gun if he never mentioned it, showed it to her, or shot it during the argument. Mr. Marcs testified that she knew he had a gun. The prosecution also asked if he usually carried around a gun in his vehicle. He testified that usually he did not and had it there only when he was going practice shooting, but he had forgotten to take it out after going shooting the last time.

After this, the defense rested its case.

Prosecution Closing Arguments

The prosecution concluded that while Mr. Marcs appeared to be calm here in court, that on the day in question, he was screaming and arguing with Ms. Temp. Ms. Temp, was obviously scared that day, so much so, that even her 7 year old daughter heeded her cry and called the police. The defense's attempt to argue that Mr. Marcs' was afraid of Ms. Temp seems unfeasible because he had a gun. Ms. Temp had told him not to come over until her boyfriend was home and Mr. Marcs came over anyway. He pulled out the gun and shot at Ms. Temp. Ms. Temp's fear is noted throughout their interaction, whereas Mr. Marcs being fearful is questionable. He even fled the scene when the police were called indicating that he knew he was in trouble.

<Manipulation 2&/or3> Ladies and Gentlemen, of the jury it is clear that Mr. Carl Marcs threatened the life of Ms. Temp that day and so there is nothing else to do except find him guilty.

<Manipulation 2> His fingerprints were on the gun and they were fresh.

<Manipulation 3> The ballistics further prove that he not only knew about the gun, but shot it at or around Ms. Temp.

Defense Attorney's Closing Argument

Ladies and Gentlemen of the jury, this case was not as clear cut as the prosecution would like to believe. It is based on his word against hers. Mr. Marcs did go over there the day in question and argue with Ms. Temp. He never denied that he had said some threatening remarks because she had said some to him. She obviously is angry with Mr. Marcs still as evidenced by the argument that both sides agree occurred. What is not clear is whether Mr. Marcs pulled out a gun. He admitted that it was his gun and she knew he had one. He would sometimes go shooting and so it was in his vehicle. When he left Ms. Temp's residence he went to the base and was caught with it there because he had forgotten that it was still in the vehicle. If he had just pulled it out earlier, then why would he have forgotten it so soon after? <Enter in Manipulation 2 &/or3> In conclusion, there is certainly enough reasonable doubt in this case to find the defendant not guilty.

<Manipulation 2> The fingerprints were there from when he went practice shooting but they do not prove that he pulled out the gun on the day in question.

<Manipulation 3> The bullet found fell out of his car. He had the gun and ammunition under his seat so it is entirely feasible for a used bullet to have fallen out onto the ground.

Judges Closing Instructions

Members of the jury, the evidence and arguments in this case are finished, and I will now instruct you on the law. That is, I will explain the law that applies to this case. Remember you have taken an oath to return a true and just verdict, based only on the evidence and my instructions on the law. You must not let sympathy or prejudice influence your decision.

The defendant is charged with Assault with a Dangerous Weapon. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

- (1) First, the defendant either attempted to commit a battery on Ms. Temp or did an illegal act that caused Ms. Temp to reasonably fear an immediate battery. A battery is a forceful or violent touching of the person or something closely connected with the person.
- (2) Second, that the defendant intended either to injure Ms. Temp or to make Ms. Temp reasonably fear an immediate battery.
- (3) Third, that at the time, the defendant had the ability to commit a battery, or appeared to have the ability.
- (4) Fourth, that the defendant committed the assault with a firearm. A gun revolver/pistol is a firearm. A firearm includes any weapon from which a dangerous object can be shot or propelled by the use of explosives, gas or air. It does not matter whether the gun/pistol was loaded.

A person accused of a crime is presumed to be innocent. This means that you must start with the presumption that the defendant is innocent. This presumption continues throughout the trial and entitles the defendant to a verdict of not guilty unless you are satisfied beyond a reasonable doubt that he is guilty. Every crime is made up of parts called elements. The prosecutor must prove each element of the crime beyond a reasonable doubt. The defendant is not required to prove his innocence or to do anything. If you find that the prosecutor has not proven every element beyond a reasonable doubt, then you must find the defendant not guilty. A reasonable doubt is a fair, honest growing doubt out of the evidence or lack of evidence. It is not merely an imaginary or possible doubt, but a doubt based on reason and common sense. A reasonable doubt is just that---a doubt that is reasonable, after a careful and considered examination of the facts and circumstances of this case.

When you discuss the case and decide on your verdict, you may consider the evidence that has been properly admitted in this case. Therefore, it is important for you to understand what is evidence and what is not evidence. Evidence includes only the sworn testimony of witnesses, the exhibits admitted into evidence, and anything else you were told to consider. Many things are not evidence, and you must be careful not to consider them as such. I will now describe some of the things that are not evidence. The fact that the defendant is charged with a crime and is on trial is not evidence. The lawyer's statements and arguments are not evidence. They are only meant to help you understand each side's legal theories. As was said in the opening statement, it is your job to decide what the facts of the case are and you must decide which witnesses you believe.

<Manipulation Two & Three> The prosecutor has introduced evidence about fingerprints. You may consider this evidence when you decide whether the prosecutor has proved beyond a reasonable doubt that the defendant was the person who committed the alleged crime. However, fingerprints matching the defendant's must have been found in the place that crime was committed under such circumstances that they could only have been put there when the crime was committed.

<Manipulation Three> You have heard from a witness, Dr. Willard Scott who has given you his opinion as an expert in the field of ballistics. Experts are allowed to give opinions about matters they are experts on. However, you do not have to believe an expert's opinion. Instead, you should decide whether you believe it and how important you think it is. When you decide whether you believe an expert's opinion, think carefully about the reasons and facts he gave for his opinion, and whether those facts are true. You should also think about the expert's qualifications and whether his opinion makes sense when you think about the other evidence in this case.

APPENDIX F
ARSON VIGNETTE

State of Montana)	
)	
v.)	
)	
Ben Wagner	)	SUMMARY OF
Defendant	)	TRIAL PROCEEDINGS FROM

Judges Opening Instructions

Ladies and Gentleman of the jury, I will first explain some of the legal principles you will need to know and the procedure we will follow in this trial. A trial follows this procedure: First, the prosecutor makes an opening statement, where he gives his theories about the case. The defendant's lawyer does not have to, but may, make an opening statement, either after the prosecutor makes his or at a later time. These statements are not evidence. They are only meant to help you understand how each side views the case. Next, the prosecutor presents his evidence. The prosecutor may call witnesses to testify and may show you exhibits such as documents or objects. The defendant's lawyer has the right to cross-examine the prosecutor's witnesses.

After the prosecutor has presented all his evidence, the defendant's attorney may also offer evidence, but does not have to prove his innocence or produce any evidence. If the defense does call any witnesses, the prosecutor has the right to cross-examine them. The prosecutor may also call witnesses to contradict the testimony of the defense witnesses. After all the evidence has been presented, the prosecutor and the defendant's lawyer will make their closing arguments. Like the opening statements, these are not evidence. They are only meant to help you understand the evidence the way each side sees the case. You must base your verdict only on the evidence.

My responsibilities as the judge in this trial are to make sure that the trial is run fairly and efficiently, to make decisions about evidence, and to instruct you about the law that applies to this case. You must take the law as I give it. As jurors you are the ones who decide this case. Your responsibility is to decide what the facts of the case are. This is your job and no one else's. You must think about all the evidence and then decide what each piece of evidence means and how important you think it is. This includes how much you believe what each of the witnesses said. What you decide about any fact in this case is final.

You do not have to accept or reject everything a witness says. You are free to believe all, none, or part of any person's testimony. In deciding which testimony you believe, you should rely on your own common sense and everyday experience. However, in deciding whether you believe a witness's testimony, you must set aside any bias or prejudice you have based on the race, gender, or national origin of the witness.

Opening Statement from the Prosecutor

Ladies and Gentlemen of the jury, the facts that will be presented in this case will clearly point to the guilt of Mr. Ben Wagner. On November 26, 2004 Deputy Sheriff McFly was dispatched to the defendant's apartment because of neighbor complaints of seeing smoke. You will first hear from the defendant's neighbor, Mrs. Betty White, the neighbor who called in, who will state that she had seen the defendant leave the apartment only an hour before she noticed the

flames. Deputy McFly will testify that he observed the flames through the window of the defendant's apartment and then entered the house. You will hear his testimony that he entered in the apartment attempting to extinguish the flames, he will then testify that he observed and retrieved physical evidence that evidenced that the fire was set on purpose. <Enter in Manipulation 2 and/or 3>

<Manipulation 2> He will also testify that he fingerprinted the physical evidence and that these fingerprints were matched to the defendant.

<Manipulation 3> Lastly, you will hear from the forensic arson analyst who tested the physical evidence that was believed to have started the fire. The analyst will argue that this was indeed a device that would start a fire and that, considering all other indications, this fire was arson.

Opening Statement from Defendant's Attorney

Ladies and Gentleman of the jury, this is not a clear cut case as the state would like to argue. Mr. Wagner did not know his house was on fire because he had left for work which coincides with the neighbor's story of seeing him leave. His boss, Mr. Casey Morales, will testify that Mr. Wagner was at work and on time on the day in question and did his job as well as any other day. He will argue that Mr. Wagner has always had good character and it does not seem likely that he would have set a fire on purpose. It is quite possible that in the hour after Mr. Wagner left for work someone else could have been inside his apartment to have set the fire. <Enter in Manipulation 2 and/or 3> It seems that the state's case is reaching.

<Manipulation 2&3> The testimony about the fingerprints on the physical evidence is not conclusive evidence. Mr. Wagner could have touched any number of items in the apartment because he resided in that apartment.

THE STATES CASE

Testimony of Ms. Betty White

On direct examination, Mrs. White testified that she was at home in her apartment which was next door to Mr. Wagner's at about 9:30pm when she started smelling smoke. She had seen Mr. Wagner leave at about 8:30pm. When she started smelling smoke she and her daughter started sniffing around the apartment trying to locate the source of the smell. When they could not find the source inside, Mrs. White stepped outside and saw smoke coming out of Mr. Wagner's apartment. She testified that she immediately ran inside and dialed 911. She then waited outside for someone to arrive in order to show them where the fire was located. She testified that Deputy McFly arrived shortly after she called and that she showed him the fire. She stated that Deputy McFly broke the window and started using a fire extinguisher while she ran inside her apartment to get her own. She gave the deputy her fire extinguisher and he used this one after the other was empty. A man holding keys arrived and let Deputy McFly inside the building. Soon afterwards, the fire department arrived. She testified that then Deputy McFly thanked her and instructed her to return to her home. After a short while, Deputy McFly came over to take her statement. Her statement included what was just stated.

On cross examination, the defense asked if she had actually seen the defendant set the fire. She stated that, no, she had not. The defense asked Mrs. White if she had been watching Mr.

Wagner's apartment after he left to notice if anyone else could have gone in. She stated that after she saw Mr. Wagner leave she was not looking out her window because she was doing laundry. She testified that it could have been possible that someone else went into Mr. Wagner's apartment because she was not looking out the window.

Testimony of Deputy McFly

On direct examination, Deputy McFly testified that he received the dispatch to Mr. Wagner's home at about 9:40 pm on the night of November 26, 2004. He said that when he responded, he smelled smoke and went around back where he saw flames. He immediately called the fire department and they were already on their way. He then broke the window to reach through it in order to discharge the fire extinguisher onto the flames that were near the stove. After he had used the entire extinguisher, the neighbor, Mrs. White, who was also present, brought over her own fire extinguisher. He testified that he attempted to suppress the blaze until the fire department arrived. The owner of the apartment structure then arrived to let Deputy McFly inside. Deputy McFly testified that upon entering the structure he saw a kind of "fuse" near the wood stove. These "fuses" were described as match books with cigarettes in them. He said one of them had burned and caught the matches on fire and the other had not. He also observed what appeared to be a toilet paper "fuse". He collected all of these "fuses" as physical evidence and then stepped back when the fire department arrived to let them finish putting out the fire. After the fire was extinguished he decided to take one more look around the inside and he did not find any additional evidence that indicated that the fire was set on purpose. He concluded with testifying that he did not find any forced entry into the apartment other than himself. <Enter in Manipulation 2>

On cross examination, the defense asked Deputy McFly if he is a qualified fire investigator. He stated that he was not. He testified that he had only dealt with a couple of other arson type cases in his 17-year career as a police officer. The defense asked him if he had any special training in arson investigation. Deputy McFly testified that he had not received any special training in arson.

<Manipulation 2> He also testified that he dusted one of the fuses for fingerprints. He explained that when fingers touch a smooth type of surface the oil from the finger can leave behind a print. By using this fingerprint dust, the oil is dried, leaving behind a more noticeable print that can be lifted with a sticky surface such as tape. Upon dusting the fuse he found two full prints that matched Mr. Wagner's fingerprints.

<Manipulation 3> Testimony of Mark Lester, PhD

Dr. Lester holds a PhD in fire science/forensic science from the University of New Haven in Connecticut. He is a certified fire investigator (CFI) and has maintained certification through the International Association of Arson Investigators. He is also a member of this association and regularly teaches classes for them. He is currently the chief fire investigator and inspector for the Helena Fire Department where he has worked for 20 years. He has participated in over 150 investigations to determine the causes of fires and has testified in court 20 times as an expert witness.

On direct examination, Dr. Lester discussed how he typically investigates a fire. First, to establish the cause of the fire, debris is examined, physical evidence is collected and all witness

statements are taken. Then, the fire is either decided to be one of three types: incendiary, accidental or undetermined. The first, incendiary, is determined when it is believed to be arson. He discussed that in order to rule a fire to be arson they investigate to see if the fire triangle has been manipulated. The fire triangle is comprised of three factors, oxygen, a fuel source and heat. If one more of these factors are found to have been tampered with then the fire is ruled an arson. For example, an arsonist may increase the oxygen flow of a structure by opening windows and punching holes in the ceiling. This fire would be ruled an arson because the factor oxygen had been obviously tampered with.

Dr. Lester testified that he was called to the scene on the night of November 26th, to investigate the fire. He started out by taking photographs to observe the burn patterns. He was then led by Deputy McFly to the devices that he believed caused the fire. Dr. Lester testified that he collected the physical evidence that Deputy McFly had pointed out with some others. He further testified that he examined the area with a hydrocarbon detector to see if any accelerants were used, such as gasoline. The detector indicated the presence of an accelerating liquid and he took a sample of the floor for lab analysis. He then testified that liquid when pored on a carpet will soak in and then create a char type pattern. Samples of the carpet and floor were taken and then sent to the lab for analysis. The last forensic evidence collected was soil samples underneath the floor under the foundation to test for seepage of a fire accelerant. When all the evidence was collected and sent to the lab, it was ruled to be consistent with arson. First, the “fuses” that Deputy McFly found were, in his opinion, consistent with known fire starting devices. Next, the area where the hydrocarbon sample was taken was found to contain kerosene. Third, the carpet and floor samples revealed a char pattern that evidenced a purposeful fire. Lastly, the soil underneath the foundation tested positive for kerosene as well. This means that a large amount of kerosene had been dumped inside of the residence.

On cross examination, the defense inquired about the undetermined type of fire and how often this happens. Dr. Lester testified that during his career this type of fire has been determined to occur about a quarter of the time. The defense asked about the time between when Mr. Wagner was seen leaving and when Deputy McFly was dispatched, asking if that would have left time for someone else to have entered inside the residence. Dr. Lester stated that in his expert opinion the time from when Mr. Wagner left and the time that the fire was called in did not leave much time for someone else to have come in and committed the offense. However, if they did so very soon after Mr. Wagner had left, it could have been possible.

After this testimony, the prosecution rested its case.

THE DEFENSE’S CASE

Testimony of Casey Morales, Defendants Boss

On direct examination, Mr. Morales stated that the defendant had worked for him for about 15 years. He testified that the defendant was punctual, a hard worker, and one of the best men on his team. He stated that the day of the fire was no different as Mr. Wagner had come in at his usual time and in good spirits. When Mr. Wagner received the call that his apartment was on fire, he wanted to stay and finish his shift out because he was concerned about how he was going to pay for replacing his stuff. Mr. Wagner’s good spirits shifted and he finished the rest of the day with a sort of melancholy.

Mr. Morales testified that he tried to give Mr. Wagner a few days and that some of the guys had been helping Mr. Wagner with a place to stay. He stated that it was obvious that Mr. Wagner was worried about money and that is why Mr. Wagner was coming to work after the fire. He said that in numerous conversations with Mr. Wagner following the incident, that he had explicitly stated that he wanted extra hours so that he could save up to rent another apartment and replace his lost items. It never appeared at any time that he could have been the person who started the fire.

On cross examination, the prosecution asked Mr. Morales if he has ever been convicted of a felony or a crime of dishonesty. Mr. Morales stated no. He also asked if he knew that Mr. Wagner had an insurance policy. Mr. Morales said that he did not know that because Mr. Wagner never mentioned it. The prosecution also asked him if Mr. Wagner always had money problems and asked for extra shifts. Mr. Morales stated that occasionally he would ask for extra shifts, but he had never mentioned having money problems.

After this testimony, the defendant rested its case.

State attorney's summation

During closing arguments, the state attorney concluded that it is apparent that Ben Wagner set fire to his apartment the night in question. Mr. Wagner set the fire and then went to work and acted like nothing happened. Mr. Wagner had renter's insurance and so much of his stuff would be replaced, so the defense's story that Mr. Wagner was distraught about money seems odd. Mrs. White testified that she saw the defendant leave and then soon after that there was a fire in his apartment. With no forced entry it appears unlikely that anyone could have set the fire, other than the defendant himself. No other witnesses came forward and none of the witnesses stated that they had seen someone in or around Mr. Wagner's apartment the night of the fire. There is the physical evidence of "fuses" that highlights that the fire was intentional and the defense is not even disputing that point. <Manipulation 2/3> Ladies and Gentlemen of the jury, it is clear that when you go into the room to deliberate you will conclude that Mr. Ben Wagner knowingly burned down his apartment on November 26th, 2004.

<Manipulation 2> Mr. Wagner's fingerprints were found on the makeshift "fuses" which clearly points that he had made them.

<Manipulation 3> Dr. Mark Lester testified that the fire was indeed arson and examined forensic evidence that assisted this conclusion. The forensic evidence is compelling with fuses, burn patterns, and lab samples acknowledging the use of kerosene. Dr. Lester also thought that it was improbable given the timeline that anyone else could have set the fire.

Defense attorney's summation

The defense concluded that there is much room for reasonable doubt within this case to find Mr. Ben Wagner not guilty of arson. The prosecution failed to rule out other suspects by only focusing on Mr. Wagner. Someone else could have been in Mr. Wagner's apartment on November 26th, 2004. The reason that the defense did not argue about the fire being arson is because there is no reason to. The argument is that someone else must have entered into the apartment after Mr. Wagner left for work like he always did at the same time. Anyone who watched Mr. Wagner would notice his routine of leaving the house at the same time every night. This individual could have easily entered into the home during the hour and set the fire using items (matches) that Mr. Wagner, being a smoker, naturally kept in his apartment. <enter in manipulation 2/3> Ladies and Gentleman, this case is not clear and there is obvious room for question and doubt.

<Manipulation 2> The defendant's fingerprints found on the matches do not mean that he set the fire because they were his matches that were lying around the apartment.

<Manipulation 3> Dr. Lester's ruling that the fire was arson does not place Mr. Wagner as the setter of the fire.

Judge's instructions

Members of the jury, the evidence and arguments in this case are finished, and I will now instruct you on the law. That is, I will explain the law that applies to this case. Remember you have taken an oath to return a true and just verdict, based only on the evidence and my instructions on the law. You must not let sympathy or prejudice influence your decision.

The defendant is charged with Arson/Burning Dwelling House. When there is fire, the law assumes that it had natural or accidental causes. The prosecutor must overcome this assumption and prove beyond a reasonable doubt that the fire was intentionally set.

The prosecutor must also prove beyond a reasonable doubt that:

(1) First, the defendant burned his apartment. The term "burn" in this case means setting fire to or doing anything that results in the starting of a fire, or helping or persuading someone else to set a fire. If any part of his apartment is burned, that is all that is necessary to count as burning; the property does not have to be destroyed.

(2) Second, at the time of the burning, the building was a dwelling house. A dwelling house is a structure that was actually being lived in or that reasonably could have been lived in at the time of fire.

(3) Third, when the defendant burned the dwelling or any of its content, he intended to burn the dwelling or contents intentionally or else committed an act that created a very high risk of burning the dwelling or contents and, while committing the act, knew of that risk and yet disregarded it.

A person accused of a crime is presumed to be innocent. This means that you must start with the presumption that the defendant is innocent. This presumption continues throughout the trial and entitles the defendant to a verdict of not guilty unless you are satisfied beyond a reasonable doubt that he is guilty. Every crime is made up of parts called elements. The prosecutor must prove each element of the crime beyond a reasonable doubt. The defendant is not required to prove his innocence or to do anything. If you find that the prosecutor has not

proven every element beyond a reasonable doubt, then you must find the defendant not guilty. A reasonable doubt is a fair, honest growing doubt out of the evidence or lack of evidence. It is not merely an imaginary or possible doubt, but a doubt based on reason and common sense. A reasonable doubt is just that---a doubt that is reasonable, after a careful and considered examination of the facts and circumstances of this case.

When you discuss the case and decide on your verdict, you may consider the evidence that has been properly admitted in this case. Therefore, it is important for you to understand what is evidence and what is not evidence. Evidence includes only the sworn testimony of witnesses, the exhibits admitted into evidence, and anything else you were told to consider. Many things are not evidence, and you must be careful not to consider them as such. I will now describe some of the things that are not evidence. The fact that the defendant is charged with a crime and is on trial is not evidence. The lawyer's statements and arguments are not evidence. They are only meant to help you understand each side's legal theories. As was said in the opening statement, it is your job to decide what the facts of the case are and you must decide which witnesses you believe. Every defendant has the absolute right not to testify. When you decide the case, you must not consider the fact that he did not testify. It must not affect your verdict in any way.

<Manipulation Two & Three> The prosecutor has introduced evidence about fingerprints. You may consider this evidence when you decide whether the prosecutor has proved beyond a reasonable doubt that the defendant was the person who committed the alleged crime. However, fingerprints matching the defendant's must have been found in the place that crime was committed under such circumstances that they could only have been put there when the crime was committed.

<Manipulation Three> You have heard from a witness, Dr. Mark Lester, who has given you his opinion as an expert in the field of forensic science. Experts are allowed to give opinions about matters they are experts on. However, you do not have to believe an expert's opinion. Instead, you should decide whether you believe it and how important you think it is. When you decide whether you believe an expert's opinion, think carefully about the reasons and facts he gave for his opinion, and whether those facts are true. You should also think about the expert's qualifications and whether his opinion makes sense when you think about the other evidence in this case.

APPENDIX G
PILOT STUDY SURVEY

Now that you have read the trial we are going to ask you a series of questions in relation to the trial you just read. Please circle the number corresponding to your answer to each question, and respond as honestly as possible and to the best of your memory.

1. Based on the facts of the case that you read and the judge's instructions, how do you find the defendant guilty or not guilty of arson/burning dwelling house?

1. I find the defendant guilty
2. I find the defendant not guilty

[1. Based on the facts of the case that you read and the judge's instructions, how do you find the defendant guilty or not guilty of assault with a dangerous weapon?

1. I find the defendant guilty
2. I find the defendant not guilty]

[1. Based on the facts of the case that you read and the judge's instructions, how do you find the defendant guilty or not guilty of murder in the first degree?

1. I find the defendant guilty
2. I find the defendant not guilty]

[1. Based on the facts of the case that you read and the judge's instructions, how do you find the defendant guilty or not guilty of the crime of illegally possessing with intent to deliver half of a pound of a controlled substance, marijuana?

1. I find the defendant guilty
2. I find the defendant not guilty]

[1. Based on the facts of the case that you read and the judge's instructions, how do you find the defendant guilty or not guilty of criminal sexual conduct in the first degree?

1. I find the defendant guilty
2. I find the defendant not guilty]

2. Was there physical evidence presented at the trial you read?

1. Yes
2. No
3. I do not know

3. Was there witness testimony for the prosecution's case?

1. Yes
2. No
3. I do not know

4. Was there witness testimony for the defense's case?
1. Yes
 2. No
 3. I do not know
5. Was there fingerprint evidence presented at the trial you read?
1. Yes
 2. No
 3. I do not know
6. Was there forensic evidence presented at the trial you read?
1. Yes
 2. No
 3. I do not know

For the following statements, please circle the number that most closely reflects your opinion for that statement.

7. The prosecution's case was very strong.
- | | | | | | | |
|----------------------|----------|----------------------|----------------------------------|-------------------|-------|-------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Strongly
Disagree | Disagree | Somewhat
Disagree | Neither
agree nor
disagree | Somewhat
Agree | Agree | Strongly
Agree |

8. I do not want to answer this question

8. The prosecution's case was moderately strong.
- | | | | | | | |
|----------------------|----------|----------------------|----------------------------------|-------------------|-------|-------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Strongly
Disagree | Disagree | Somewhat
Disagree | Neither
agree nor
disagree | Somewhat
Agree | Agree | Strongly
Agree |

8. I do not want to answer this question

9. The prosecution's case could have been stronger.
- | | | | | | | |
|----------------------|----------|----------------------|----------------------------------|-------------------|-------|-------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Strongly
Disagree | Disagree | Somewhat
Disagree | Neither
agree nor
disagree | Somewhat
Agree | Agree | Strongly
Agree |

8. I do not want to answer this question

10. The prosecutor's case was weak.
- | | | | | | | |
|----------------------|----------|----------------------|----------------------------------|-------------------|-------|-------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Strongly
Disagree | Disagree | Somewhat
Disagree | Neither
agree nor
disagree | Somewhat
Agree | Agree | Strongly
Agree |

8. I do not want to answer this question

11. The prosecution's case would have been stronger if more evidence would have been presented.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

8. I do not want to answer this question

12. The prosecution's case would have been stronger if more witness testimony would have been included.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

8. I do not want to answer this question

13. The prosecutor's case did not need more evidence to make it stronger.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

8. I do not want to answer this question

14. The prosecutor presented his/her case better than the defense attorney.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

8. I do not want to answer this question

15. The prosecutor did an extremely good job of presenting his case.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

8. I do not want to answer this question

16. The prosecutor appeared very experienced in presenting the State's case.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

8. I do not want to answer this question

17. The prosecutor could have done a better job presenting the States case.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

8. I do not want to answer this question

18. The prosecutor appeared competent in presenting the States case.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

8. I do not want to answer this question

19. The prosecutor did not appear very knowledgeable during the presentation of the States case.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

8. I do not want to answer this question

20. The defense's case was very strong.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

8. I do not want to answer this question

21. The defense's case was moderately strong.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

8. I do not want to answer this question

22. The defense's case could have been stronger.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

8. I do not want to answer this question

23. The defense's case was weak.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

8. I do not want to answer this question

24. The defense's case would have been stronger if more evidence would have been presented.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

8. I do not want to answer this question

25. The defense's case would have been stronger if more witness testimony would have been included.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

8. I do not want to answer this question

26. The defense's case did not need more evidence to make it stronger.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

8. I do not want to answer this question

27. The defense attorney presented his/her case better than the prosecutor.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

8. I do not want to answer this question

28. The defense attorney did an extremely good job presenting the case.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

8. I do not want to answer this question

29. The defense attorney appeared very experienced in presenting his/her case.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

8. I do not want to answer this question

30. The defense attorney could have done a better job presenting their case.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

8. I do not want to answer this question

31. The defense attorney appeared competent in presenting their case.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

8. I do not want to answer this question

32. The defense attorney did not appear very knowledgeable during the presentation of their case.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

8. I do not want to answer this question

48. Generally speaking, do you usually think of yourself as a Republican, a Democrat, or an Independent?

1	2	3	4	5	6	7
STRONG REPUBLICAN	NOT VERY STRONG REPUBLICAN	INDEPENDENT LEANING REPUBLICAN	INDEPENDENT	INDEPENDENT LEANING DEMOCRAT	NOT VERY STRONG DEMOCRAT	DEMOCRAT

49. Which of these opinions best represents your views?

1	2	3	4	5	6	7
EXTREMELY LIBERAL	LIBERAL	SLIGHTLY LIBERAL	MODERATE/MIDDLE OF THE ROAD	SLIGHTLY CONSERVATIVE	CONSERVATIVE	EXTREMELY CONSERVATIVE

50. What is/are your major(s)?

51. What is your current marital status?

SINGLE	MARRIED
DIVORCED	WIDOWED

52. Which of the following best describes your total household income for 2007 before taxes?

_____	Less than 20,000	_____	20,000 to 30,000
_____	30,000 to 45,000	_____	45,000 to 60,000
_____	60,000 to 75,000	_____	75,000 to 100,000
_____	100,000 to 125,000	_____	125,000 to 150,000
_____	150,000 to 200,000	_____	More than 200,000

APPENDIX H
STUDY 2: VOIR DIRE QUESTIONNAIRE

1. What is your gender? MALE FEMALE
2. What is your current age in years? _____
3. Are you a U. S. citizen? YES NO
4. What is your racial/ethnic background? (Circle all that apply)
 White, Non-Hispanic Black, Non-Hispanic Asian
 Hispanic American Indian Other _____
5. What is your current marital status?
 SINGLE MARRIED
 DIVORCED WIDOWED
6. Which of the following best describes your total household income for 2007 before taxes?
 _____ Less than 50,000 _____ 50,000 to 150,000
 _____ More than 150,000
7. Which of the following represents your education?
 _____ Under 5th Grade _____ 6th Grade
 _____ 7th Grade _____ 8th Grade
 _____ 9th Grade _____ 10th Grade
 _____ 11th Grade _____ 12th Grade
 _____ Some College _____ Associates Degree
 _____ More than Two years of college and did not receive Bachelors
 _____ Bachelors _____ Some Graduate School
 _____ Master's Degree _____ Some PhD Work
 _____ Ph.D. _____ J.D.
 _____ M.D. _____ Other College Degree
8. Generally speaking, do you usually think of yourself as a Republican, a Democrat, an independent or what?

9. If Republican or Democrat, would you call yourself a strong Republican/Democrat or a not very strong Republican/Democrat? _____

10. If Independent, other or no preference; do you consider yourself as closer to the Republican or Democratic party?

11. Have you been the victim of a crime? YES NO

12. Have you ever known someone who was the victim of a crime? YES NO

13. Have you ever been convicted of a crime? YES NO

14. Have you ever been called to jury duty? YES NO

33b. If Yes, did you decide on a trial? YES NO

33c. If Yes, what kind of trial? _____

15. Have you ever been in a courtroom in a capacity other than to be a juror? Yes No

If Yes, what was the reason?

APPENDIX I
FELONY ASSAULT VIGNETTE: STUDY 2

State of Arkansas)	
)	
v.)	
)	
Carl Marcs	)	SUMMARY OF
Defendant	)	TRIAL PROCEEDINGS FROM

Judges Opening Instructions

Ladies and Gentleman of the jury, the defendant in this case is charged with Assault with a Dangerous Weapon. I will first explain some of the legal principles you will need to know and the procedure we will follow in this trial. A trial follows this procedure: First, the prosecutor makes an opening statement, where he gives his theories about the case. The defendant's lawyer may, but does not have to, make an opening statement, either after the prosecutor makes his or at a later time. These statements are not evidence. They are only meant to help you understand how each side views the case. Next, the prosecutor presents his evidence. The prosecutor may call witnesses to testify and may show you exhibits such as documents or objects. The defendant's lawyer has the right to cross-examine the prosecutor's witnesses.

After the prosecutor has presented all his evidence, the defendant's attorney may also offer evidence, but does not have to prove his innocence or produce any evidence. If the defense does call any witnesses, the prosecutor has the right to cross-examine them. The prosecutor may also call witnesses to contradict the testimony of the defense witnesses. After all the evidence has been presented, the prosecutor and the defendant's lawyer will make their closing arguments. Like the opening statements, these are not evidence. They are only meant to help you understand the evidence the way each side sees the case. You must base your verdict only on the evidence.

My responsibilities as the judge in this trial are to make sure that the trial is run fairly and efficiently, to make decisions about evidence, and to instruct you about the law that applies to this case. You must take the law as I give it. As jurors you are the ones who decide this case. Your responsibility is to decide what the facts of the case are. This is your job and no one else's. You must think about all the evidence and then decide what each piece of evidence means and how important you think it is. This includes how much you believe what each of the witnesses said. What you decide about any fact in this case is final.

You do not have to accept or reject everything a witness says. You are free to believe all, none, or part of any person's testimony. In deciding which testimony you believe, you should rely on your own common sense and everyday experience. However, in deciding whether you believe a witness's testimony, you must set aside any bias or prejudice you have based on the race, gender, or national origin of the witness.

Opening Statement from the State

Ladies and Gentlemen of the jury, the facts that will be presented in this case will clearly point to the guilt of Carl Marcs. He drove to the apartment of his ex-girlfriend, Liz Temp, on August 5th, 2007 and threatened to harm her by pointing a firearm in her face. He also threatened to shoot her new boyfriend, Ryan Pulaski. The gun went off and luckily no one was hurt. During the course of this trial you will hear from Liz Temp about being threatened and afraid for her life. You will also hear from Staff Sergeant Jonathon Card of the U.S. Army who retrieved the gun from Mr. Marcs' vehicle when Mr. Marcs returned to the base that day. An officer will also testify about what occurred at the scene of Mr. Marcs' arrest. <Enter in Manipulation 2 and/or 3>

<Manipulation 2> You will also hear about the fingerprints that were lifted from the gun that matched Mr. Marcs' fingerprints.

<Manipulation 3> Lastly, you will hear testimony from a crime lab analyst about the ballistics test that matched the bullet that was shot at the apartment to the profile of Mr. Marcs' gun.

Opening Statement from Defendant's Attorney

In contrast, the defense will show that indeed Mr. Marcs and Ms. Temp had an argument that day. Mr. Marcs will testify that he did have a gun in his vehicle but did not even remember it was there until it was found at the Army base. He will argue that he was afraid for his life because he had been threatened by Ms. Temp during their argument. <Enter in Manipulation 2 and/or 3> In short, the evidence presented by the state is insufficient for a charge of aggravated assault and the facts are not as clear cut as the state reports them to be.

<Manipulation 2> He will also testify that of course the fingerprints found on the gun were his as it is his gun and he has a permit for it.

<Manipulation 3> He denies that the gun went off. The bullet was because he goes shooting sometimes and he keeps the spent bullet casings in his car.

THE STATES CASE

Testimony of Ms. Liz Temp, the victim

On direct examination, Ms. Temp testified that she and the defendant, Mr. Marcs recently broke up, around two months ago, and that Mr. Marcs came over on August 5th, 2007 to her apartment. She testified that Mr. Marcs' phoned that day about some items he had left at her apartment. She then had told him to wait until her boyfriend got home to come over. Mr. Marcs' did not heed her request and came over and she and he starting arguing. She stated that the argument initially started in the apartment and then, because her daughter was napping, progressed downstairs and out into the parking lot. She testified that he went to the car and pulled out a pistol, cocked it and pointed at her. She claimed that he said he was going to kill her, her brothers and her boyfriend. She further testified that he said that he would be watching her. She also said that when he pointed the gun at her that she raised her hands and asked if he was going to shoot her in broad daylight, stating that there was a man down the street watching them.

She testified that the gun went off and she screamed loudly. Ms. Temp then testified that she absolutely believed that the defendant was going to shoot her.

After Ms. Temp had screamed, her 7 year old daughter came running out with a cell phone screaming that she had called the police. Mr. Marcs abruptly jumped into his vehicle and drove off fast, screeching his tires as he did so. Afterwards, the police arrived and Ms. Temp gave them a description of Mr. Marcs' vehicle and she told them that he had pointed a gun at her and threatened her life.

On cross examination, the defense inquired as to whether she had ever threatened Mr. Marcs during this argument or in the past. She said that they argued often when they were dating, but she does not remember ever threatening his life. She stated that she had told him to stay away from her and that her new boyfriend was willing to protect her if Mr. Marcs tried to hurt her. The defense asked if her daughter had seen anything. She testified that her daughter had only heard the screaming.

Testimony of Staff Sergeant, Jonathon Card

On direct examination, Staff Sergeant Card testified that, as a gate guard, he had stopped Mr. Marcs when he was coming onto base on August 5th, 2007. He stated that it is his duty to inquire about any weapons that people may have on them when entering the base. When he asked Mr. Marcs if he had any weapons in the vehicle, Mr. Marcs said that there were no weapons and gave consent to the vehicle being searched. Upon searching the vehicle he located the loaded handgun underneath the driver's seat. He told Mr. Marcs that no field weapons are allowed on base and that there is a sign posted at the front of the gate stating this prohibition. He then testified that he immediately called the police and had Mr. Marcs placed under arrest.

On cross examination, the defense asked if Mr. Marcs resisted search or arrest at any time. Staff Sergeant Card stated that, no, Mr. Marcs had been very cooperative. The defense then asked if it were at all possible that maybe Mr. Marcs had forgotten about the gun and that is why he was cooperative and allowed the vehicle to be searched. Staff Sergeant Card testified that, yes that could have been possible.

Testimony of Officer Brookshire

On direct examination, Officer Brookshire testified that he was the officer dispatched to the base and was the officer who placed Mr. Marcs under arrest. Arriving on the scene, he testified that he saw Mr. Marcs calmly seated, under the custody of Staff Sergeant Card. He stated that he retrieved the handgun from Staff Sergeant Card for evidentiary purposes. He also conducted another inspection of the vehicle and found another magazine of ammunition under the driver's seat in addition to the one that was still loaded inside the gun. He confiscated the spare magazine as additional evidence and then had the vehicle impounded. <Enter in Manipulation 2>

Officer Brookshire testified that he then read the defendant his Miranda Rights, which Mr. Marcs waived. Mr. Marcs told Officer Brookshire that he had went to his ex-girlfriend's apartment to retrieve his lawn chair where she confronted him about various issues and then followed him to his car, where she threatened to have her brother and boyfriend go over to his house and harm him. Mr. Marcs was stated to have told Officer Brookshire that the gun was indeed his but that he had forgotten it was there when he went to enter the base. Mr. Marcs was said to have further stated that, while he knew he was in trouble for having the gun, he hoped he

was not in trouble due to his ex-girlfriend having called the police when they had been arguing an hour ago. <Enter in Manipulation 3>

<Manipulation 2> Officer Brookshire testified that he dusted the gun for fingerprints to see if it had been used by Mr. Marcs. He explained that when fingers touch any smooth type of surface the oil from the finger can leave behind a print. By using fingerprint dust, the oil is dried, leaving a noticeable print pattern that can be lifted with a sticky surface such as tape. Upon dusting the handle of the gun for latent fingerprints, he found three full prints. These prints matched Mr. Marcs and it was determined, in his opinion, that these fingerprints appeared relatively fresh as they were all full prints. Since the gun was lying loose under the seat it was considered that it would be easy for fingerprints to be partially rubbed off as the gun shifted. Therefore, he stated, it was his opinion that the fingerprints were fairly new.

<Manipulation 3> Officer Brookshire also testified that he drove back to the apartment to get Ms. Temp's statement and, when sweeping the area, found a bullet. He retrieved this bullet as evidence and handed it over to the forensic lab for ballistics analysis to test whether the bullet had been discharged from Mr. Marcs' gun.

On cross examination, the defense attorney asked Officer Brookshire if Mr. Marcs' story ever changed when he spoke with him. Officer Brookshire testified that Mr. Marcs' story always remained consistent and that he was always cooperative and forthcoming with information. The defense attorney asked if Mr. Marcs had a permit for the gun and the officer testified that, yes, he had. <Enter in Manipulation 2 and/or 3> Officer Brookshire further stated that he had not had any trouble obtaining compliance from Mr. Marcs.

<Manipulation 2> The defense attorney then asked whether, because the officer thought the prints were fresh, he could give an exact estimation of the timeframe in which the prints could have been created. Officer Brookshire stated that no, he could not give an exact timeframe. The defense also asked if the prints could have been from the day before, or even a few days before the day the gun was taken into evidence. Officer Brookshire stated that it would be more likely that the fingerprints had occurred the day before than a few days ago, but claimed he still believed them to be more recent than that.

<Manipulation 3> The defense also inquired about the bullet. He asked Officer Brookshire if proving the bullet was from Mr. Marcs gun proves that he shot the gun at the apartment. Officer Brookshire said that it does not. The defense then asked if it could have fallen out of Mr. Marcs vehicle and Officer Brookshire said this was a possibility.

Testimony of Dr. Willard Scott, Forensic Ballistics Analyst <Manipulation 3>

Dr. Scott began his testimony by explaining the process of ballistic fingerprinting. He testified that firearms tend to have manufacturing imperfections that leave unique marks, called striations when a bullet goes through the barrel. When his team has the firearm that they believe to be the weapon that fired a particular bullet, they will fire off another bullet and through the use of a comparison microscope they will compare the striations of the two bullets.

The firearm that was retrieved from Mr. Marcs' vehicle was fired again at the lab and compared with the bullet that was retrieved from Ms. Temps' apartment complex parking lot. Dr.

Scott testified that after careful comparison, he was able to determine that the two bullets matched. He then testified that in his expert opinion the bullet found at the apartment was indeed Mr. Marcs'.

On cross examination, the defense attorney inquired if they had done any testing of trajectory from where the bullet was shot and later found. Dr. Scott stated that they did not conduct this type of analysis. The defense then asked if finding the match between the two bullets would mean that the gun was pointed at someone or shot off accidentally. Dr Scott stated that he could not testify as to where the gun was located when it had been shot, only that the bullets matched that of Mr. Marcs' gun.

THE DEFENDANT'S CASE

Testimony of Mr. Carl Marcs, Defendant

On direct examination, the defendant testified that he had gone to the home of his ex-girlfriend, Liz Temp, to retrieve a lawn chair from her. They had broken up a couple of months ago and some of his things were still at her apartment. He admits that when he got to the apartment they had first started arguing inside the apartment. He stated that he was trying to leave and that she followed him down to the parking lot where she threatened him. He testified that she was screaming she was going to have her boyfriend and brother come over and beat him up. He testified that he never pulled out the gun, let alone shot it. He admitted saying threatening things, but did so only because Ms. Temp stated that her new boyfriend was going to hurt him. He testified that he did say that if anyone came over to his house he would protect himself. He then stated that he left because Ms. Temp's daughter came running out during the screaming to say she had called the police at which time he thought it better if he just left.

After leaving Ms. Temp's apartment he went to the Army base to visit his brother who was stationed there and stated that he had forgotten about the gun. He stated that earlier that week he had gone out in the woods for a little target practice and had left it under the seat at that time. He testified that he would have told the Staff Sergeant had he remembered it was there but that he was still a little frustrated about the argument that had just taken place at Ms. Temp's.
<Manipulation 2 and/or 3>

<Manipulation 2> He testified that he is not denying that he had a gun, so of course, his fingerprints were on it.

<Manipulation 3> He explained that the spent bullet that was found at Ms. Temp's must have fallen out of his vehicle during his visit. He testified that always after target practice he retrieves his old bullet casings.

On cross examination, he was asked if he has ever been convicted of a felony or a crime of dishonesty. He testified that he had not. The prosecution asked why Ms. Temp would bring up the gun if he never mentioned it, showed it to her, or shot it during the argument. Mr. Marcs testified that she knew he had a gun. The prosecution also asked if he usually carried around a gun in his vehicle. He testified that usually he did not and had it there only when he was going practice shooting, but he had forgotten to take it out after going shooting the last time.

After this, the defense rested its case.

Prosecution Closing Arguments

The prosecution concluded that while Mr. Marcs appeared to be calm here in court, that on the day in question, he was screaming and arguing with Ms. Temp. Ms. Temp, was obviously scared that day, so much so, that even her 7 year old daughter heeded her cry and called the police. The defense's attempt to argue that Mr. Marcs was afraid of Ms. Temp seems unfeasible because he had a gun. Ms. Temp had told him not to come over until her boyfriend was home and Mr. Marcs came over anyway. He pulled out the gun and shot at Ms. Temp. Ms. Temp's fear is noted throughout their interaction, whereas Mr. Marcs being fearful is questionable. He even fled the scene when the police were called indicating that he knew he was in trouble.

<Manipulation 2&/or3> Ladies and Gentlemen, of the jury it is clear that Mr. Carl Marcs threatened the life of Ms. Temp that day and so there is nothing else to do except find him guilty.

<Manipulation 2> His fingerprints were on the gun and they were fresh.

<Manipulation 3> The ballistics further prove that he not only knew about the gun, but shot it at or around Ms. Temp.

Defense Attorney's Closing Argument

Ladies and Gentlemen of the jury, this case was not as clear cut as the prosecution would like to believe. It is based on his word against hers. Mr. Marcs did go over there the day in question and argue with Ms. Temp. He never denied that he had said some threatening remarks because she had said some to him. She obviously is angry with Mr. Marcs still as evidenced by the argument that both sides agree occurred. What is not clear is whether Mr. Marcs pulled out a gun. He admitted that it was his gun and she knew he had one. He would sometimes go shooting and so it was in his vehicle. When he left Ms. Temp's residence he went to the base and was caught with it there because he had forgotten that it was still in the vehicle. If he had just pulled it out earlier, then why would he have forgotten it so soon after? <Enter in Manipulation 2 &/or3> In conclusion, there is certainly enough reasonable doubt in this case to find the defendant not guilty.

<Manipulation 2> The fingerprints were there from when he went practice shooting but they do not prove that he pulled out the gun on the day in question.

<Manipulation 3> The bullet found fell out of his car. He had the gun and ammunition under his seat so it is entirely feasible for a used bullet to have fallen out onto the ground.

Judges Closing Instructions

Members of the jury, the evidence and arguments in this case are finished, and I will now instruct you on the law. That is, I will explain the law that applies to this case. Remember you have taken an oath to return a true and just verdict, based only on the evidence and my instructions on the law. You must not let sympathy or prejudice influence your decision.

The defendant is charged with Assault with a Dangerous Weapon. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(1) First, the defendant either attempted to commit a battery on Ms. Temp or did an illegal act that caused Ms. Temp to reasonably fear an immediate battery. A battery is a forceful or violent touching of the person or something closely connected with the person.

(2) Second that the defendant intended either to injure Ms. Temp or to make Ms. Temp reasonably fear an immediate battery.

(3) Third, that at the time, the defendant had the ability to commit a battery, or appeared to have the ability.

(4) Fourth, that the defendant committed the assault with a firearm. A gun revolver/pistol is a firearm. A firearm includes any weapon from which a dangerous object can be shot or propelled by the use of explosives, gas or air. It does not matter whether the gun/pistol was loaded.

A person accused of a crime is presumed to be innocent. This means that you must start with the presumption that the defendant is innocent. This presumption continues throughout the trial and entitles the defendant to a verdict of not guilty unless you are satisfied beyond a reasonable doubt that he is guilty. Every crime is made up of parts called elements. The prosecutor must prove each element of the crime beyond a reasonable doubt. The defendant is not required to prove his innocence or to do anything. If you find that the prosecutor has not proven every element beyond a reasonable doubt, then you must find the defendant not guilty. A reasonable doubt is a fair, honest growing doubt out of the evidence or lack of evidence. It is not merely an imaginary or possible doubt, but a doubt based on reason and common sense. A reasonable doubt is just that---a doubt that is reasonable, after a careful and considered examination of the facts and circumstances of this case.

When you discuss the case and decide on your verdict, you may consider the evidence that has been properly admitted in this case. Therefore, it is important for you to understand what is evidence and what is not evidence. Evidence includes only the sworn testimony of witnesses, the exhibits admitted into evidence, and anything else you were told to consider. Many things are not evidence, and you must be careful not to consider them as such. I will now describe some of the things that are not evidence. The fact that the defendant is charged with a crime and is on trial is not evidence. The lawyer's statements and arguments are not evidence. They are only meant to help you understand each side's legal theories. As was said in the opening statement, it is your job to decide what the facts of the case are and you must decide which witnesses you believe.

<Manipulation Two & Three> The prosecutor has introduced evidence about fingerprints. You may consider this evidence when you decide whether the prosecutor has proved beyond a reasonable doubt that the defendant was the person who committed the alleged crime. However, fingerprints matching the defendant's must have been found in the place that crime was committed under such circumstances that they could only have been put there when the crime was committed.

<Manipulation Three> You have heard from a witness, Dr. Willard Scott, who has given you his opinion as an expert in the field of ballistics. Experts are allowed to give opinions about matters they are experts on. However, you do not have to believe an expert's opinion. Instead, you should decide whether you believe it and how important you think it is. When you decide whether you believe an expert's opinion, think carefully about the reasons and facts he gave for his opinion, and whether those facts are true. You should also think about the expert's qualifications and whether his opinion makes sense when you think about the other evidence in this case.

**APPENDIX J
STUDY TWO SURVEY**

Now that you have read the trial of the State of Arkansas v. Carl Marcs we are going to ask you a series of questions in relation to the trial. Please answer the questions as if you were a juror in this case.

1. Based on the facts of the case that you read and the judge's instructions, do you find the defendant guilty or not guilty of assault with a dangerous weapon?
1. I find the defendant guilty
 2. I find the defendant not guilty

2. How confident you are with your decision of guilt or innocence? Mark the percentage with an 'X' that corresponds to your confidence level.																				
0%	5%	10%	15%	20%	25%	30%	35%	40%	45%	50%	55%	60%	65%	70%	75%	85%	90%	95%	100%	NA

3. Based on the facts, how sure are you that the defendant committed the crime? Mark the percentage with an 'X' that corresponds to how sure you are that the defendant committed the crime.																				
0%	5%	10%	15%	20%	25%	30%	35%	40%	45%	50%	55%	60%	65%	70%	75%	85%	90%	95%	100%	NA

4. Was there witness testimony, meaning a witness or the victim speaking on their behalf, for the prosecution's case?
1. Yes
 2. No
 3. I do not know

5. Was there witness testimony, meaning a witness or the defendant speaking on their own behalf, for the defense's case?
1. Yes
 2. No
 3. I do not know

6. Was there physical evidence, such as a weapon, presented by either side for the trial you read?
1. Yes
 2. No
 3. I do not know

7. Was there fingerprint evidence presented for the trial you read?
1. Yes
 2. No
 3. I do not know

8. Was there forensic evidence, such as ballistics, presented for the trial you read?
1. Yes
 2. No
 3. I do not know

9. Was there forensic evidence, such as DNA, presented for the trial you read?
1. Yes
 2. No
 3. I do not know

10. Was there forensic evidence, such as toxicology, presented for the trial you read?
1. Yes
 2. No
 3. I do not know

11. Now based on the verdict you gave, rank order the evidence in order of importance which helped you in making your decision. The most important piece of evidence should be ranked '1'; the least important piece of evidence should be marked '8'. Please write a number by each piece of evidence. <Depending on the version the final number will be different>

- _____ Testimony of Liz Temp
- _____ Testimony of Staff Sergeant Jonathon Card
- _____ Testimony of Officer Brookshire
- _____ Testimony of Carl Marcs
- _____ Physical Evidence of the Gun
- _____ Fingerprints <manipulation 2 and 3>
- _____ Forensic Evidence (ballistics) <manipulation 3>
- _____ Testimony of Dr. Willard Scott

Please Rate the Strength of Each Piece of Evidence that was presented to you at the trial.

12.	Extremely Weak	Weak	Somewhat Weak	Neither weak nor	Somewhat Strong	Strong	Extremely Strong
Testimony of Liz Temp							
Testimony of Staff Sergeant Jonathon Card							
Testimony of Officer Brookshire							
Testimony of Carl Marcs							
Physical Evidence of the Gun							
Fingerprints <Manipulation 2 and 3>							
Forensic evidence-- Ballistics<Manipulation 3>							
Testimony of Dr. Willard Scott							

The next series of statements are asking about your perceptions of the testimony of each of the witnesses. Please circle the option that best reflects your opinion on each statement given below. (The same questions will be asked for all witnesses.)

13. Liz Temp's testimony was extremely helpful in making my decision.

- 1
Strongly
Disagree
- 2
Disagree
- 3
Somewhat
Disagree
- 4
Neither agree
nor disagree
- 5
Somewhat
Agree
- 6
Agree
- 7
Strongly
Agree

14. Liz Temp did not give a very relevant testimony.

- 1
Strongly
Disagree
- 2
Disagree
- 3
Somewhat
Disagree
- 4
Neither agree
nor disagree
- 5
Somewhat
Agree
- 6
Agree
- 7
Strongly
Agree

15. Without Liz Temp's testimony, I would not have come to the same verdict.

- 1
Strongly
Disagree
- 2
Disagree
- 3
Somewhat
Disagree
- 4
Neither agree
nor disagree
- 5
Somewhat
Agree
- 6
Agree
- 7
Strongly
Agree

16. Liz Temp's testimony was very persuasive.
- | | | | | | | |
|-------------------|----------|-------------------|----------------------------|----------------|-------|----------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Strongly Disagree | Disagree | Somewhat Disagree | Neither agree nor disagree | Somewhat Agree | Agree | Strongly Agree |
17. Staff Sergeant Jonathon Card's testimony was extremely helpful in making my decision.
- | | | | | | | |
|-------------------|----------|-------------------|----------------------------|----------------|-------|----------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Strongly Disagree | Disagree | Somewhat Disagree | Neither agree nor disagree | Somewhat Agree | Agree | Strongly Agree |
18. Staff Sergeant Jonathon Card did not give a very relevant testimony.
- | | | | | | | |
|-------------------|----------|-------------------|----------------------------|----------------|-------|----------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Strongly Disagree | Disagree | Somewhat Disagree | Neither agree nor disagree | Somewhat Agree | Agree | Strongly Agree |
19. Without Staff Sergeant Jonathon Card's testimony, I would not have come to the same verdict.
- | | | | | | | |
|-------------------|----------|-------------------|----------------------------|----------------|-------|----------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Strongly Disagree | Disagree | Somewhat Disagree | Neither agree nor disagree | Somewhat Agree | Agree | Strongly Agree |
20. Staff Sergeant Jonathon Card's testimony was very persuasive.
- | | | | | | | |
|-------------------|----------|-------------------|----------------------------|----------------|-------|----------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Strongly Disagree | Disagree | Somewhat Disagree | Neither agree nor disagree | Somewhat Agree | Agree | Strongly Agree |
21. Officer Brookshire's testimony was extremely helpful in making my decision.
- | | | | | | | |
|-------------------|----------|-------------------|----------------------------|----------------|-------|----------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Strongly Disagree | Disagree | Somewhat Disagree | Neither agree nor disagree | Somewhat Agree | Agree | Strongly Agree |
22. Officer Brookshire did not give a very relevant testimony.
- | | | | | | | |
|-------------------|----------|-------------------|----------------------------|----------------|-------|----------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Strongly Disagree | Disagree | Somewhat Disagree | Neither agree nor disagree | Somewhat Agree | Agree | Strongly Agree |
23. Without Officer Brookshire's testimony, I would not have come to the same verdict.
- | | | | | | | |
|-------------------|----------|-------------------|----------------------------|----------------|-------|----------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Strongly Disagree | Disagree | Somewhat Disagree | Neither agree nor disagree | Somewhat Agree | Agree | Strongly Agree |
24. Officer Brookshire's testimony was very persuasive.
- | | | | | | | |
|-------------------|----------|-------------------|----------------------------|----------------|-------|----------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Strongly Disagree | Disagree | Somewhat Disagree | Neither agree nor disagree | Somewhat Agree | Agree | Strongly Agree |
25. Carl Marcs' testimony was extremely helpful in making my decision.
- | | | | | | | |
|-------------------|----------|-------------------|----------------------------|----------------|-------|----------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Strongly Disagree | Disagree | Somewhat Disagree | Neither agree nor disagree | Somewhat Agree | Agree | Strongly Agree |
26. Carl Marcs did not give a very relevant testimony.
- | | | | | | | |
|-------------------|----------|-------------------|----------------------------|----------------|-------|----------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Strongly Disagree | Disagree | Somewhat Disagree | Neither agree nor disagree | Somewhat Agree | Agree | Strongly Agree |

27. Without Carl Marc's testimony, I would not have come to the same verdict.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

28. Carl Marc's testimony was very persuasive.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

29. Dr. Willard Scott's testimony was extremely helpful in making my decision.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

30. Dr. Willard Scott did not give a very relevant testimony.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

31. Without Dr. Willard Scott's testimony, I would not have come to the same verdict.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

32. Dr. Willard Scott's testimony was very persuasive.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

The next few statements are assessing your opinion regarding the evidence. Again, please circle the option that best reflects your opinion about each statement.

33. The gun convinced me that the defendant was guilty.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

34. Without the gun I would not have made the decision that I made.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

35. The gun was the most helpful piece of evidence presented during this trial.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

36. The gun was not very important for this type of case.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

37. The presentation of the gun was not necessary for me to make my decision.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

Disagree		Disagree	nor disagree	Agree		Agree
48. The defense attorney presented his/her case better than the prosecutor.						
1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree
49. The defense attorney did an extremely good job presenting his/her case.						
1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree
50. The defense attorney appeared very experienced in presenting his/her case.						
1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree
51. The defense attorney could have done a better job presenting the defense's case.						
1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

52.	Strongly Agree	Agree	Somewhat Agree	Neutral	Somewhat Disagree	Disagree	Strongly Disagree
Unfair treatment of underprivileged groups and classes is the chief cause of crime.	1	2	3	4	5	6	7
Too many obviously guilty persons escape punishment because of legal technicalities.	1	2	3	4	5	6	7
Evidence illegally obtained should be admissible in court if such evidence is the only way of obtaining a conviction.	1	2	3	4	5	6	7
Search warrants should clearly specify the person or things to be seized.	1	2	3	4	5	6	7
No one should be convicted of a crime on the basis of circumstantial evidence, no matter how strong such evidence is.	1	2	3	4	5	6	7
There is no need in a criminal case for the accused to prove his innocence beyond a reasonable doubt.	1	2	3	4	5	6	7
Any person who resists arrest commits a crime.	1	2	3	4	5	6	7
When determining a person's guilt or innocence, the existence of a prior arrest record should not be considered.	1	2	3	4	5	6	7
Wiretapping by anyone and for any reason should be completely illegal.	1	2	3	4	5	6	7
Defendants in a criminal case should be required to take the witness stand.	1	2	3	4	5	6	7

	Strongly Agree	Agree	Somewhat Agree	Neutral	Somewhat Disagree	Disagree	Strongly Disagree
All too often, minority group members do not get fair trials.	1	2	3	4	5	6	7
Because of the oppression and persecution minority group members suffer, they deserve leniency and special treatment in courts.	1	2	3	4	5	6	7
Citizens need to be protected against excess police power as well as against criminals.	1	2	3	4	5	6	7
It is better for society that several guilty men be free than one innocent one wrongfully imprisoned.	1	2	3	4	5	6	7
An accused person should be required to take lie-detector tests.	1	2	3	4	5	6	7
When there is a "hung" jury in a criminal case, the defendant should always be freed and the indictment dismissed.	1	2	3	4	5	6	7
A society with true freedom and equality for <i>all</i> would have very little crime.	1	2	3	4	5	6	7
It is moral and ethical for a lawyer to represent a defendant in a criminal case even when he believes his client is guilty.	1	2	3	4	5	6	7
Police should be allowed to arrest and question suspicious looking persons to determine whether they have been up to something illegal.	1	2	3	4	5	6	7
The law coddles criminals to the detriment of society.	1	2	3	4	5	6	7
The freedom of society is endangered as much by overzealous law enforcement as by acts of individual criminals.	1	2	3	4	5	6	7
In the long run, liberty is more important than order.	1	2	3	4	5	6	7
Understanding citizens have nothing to fear from police.	1	2	3	4	5	6	7

For the following questions please indicate how often you view the types of shows by writing on the line. By view, I mean attentively viewing the program (not having the show on for background noise or having it on while participating in other activities).

53. How many hours do you view any of the following Forensic Dramas:

Body of Evidence	Bones	Cold Case	Criminal Minds
Crossing Jordan	CSI	CSI Miami	CSI New York
In Justice	NCIS	Num3rs	The Evidence

In a week? _____

In a day? _____

54. How many hours do you view any of the following Forensic Documentaries:

Cold Case Files	Forensic Files	The First 48 Hours
The New Detectives	Trace Evidence	

In a week? _____

In a day? _____

55. How many hours do you view any of the following General Crime Documentaries:

48 Hours Mystery	American Justice	America's Most Wanted
COPS	The FBI Files	The Investigators
The System		

In a week? _____

In a day? _____

56. How many hours do you view any of the following General Crime or Courtroom Dramas:

Law & Order	Law & Order: Criminal Intent
Law & Order: SVU	Medium
Prison Break	Without a Trace
Boston Legal	Conviction

In a week? _____

In a day? _____

57. How many hours do you view any of the following General News & Crime News Shows:

60 Minutes	Dateline
Catherine Crier	Nancy Grace
The Abrams Report	

In a week? _____

In a day? _____

58. Please list any crime show that I have missed that you view? _____

If so, how often? _____

59. If you do not watch these types of shows now, have you ever watched the above shows? **YES** **NO**

56a. If yes, how often a week? _____

56b. Please list which shows? _____

60. Please indicate approximately how many hours per week that you view any of these crime dramas? (Please write in a whole number) _____

61. Please indicate how long you have been watching crime drama type shows? (**Months**) _____
(**Weeks**) _____
(**Years**) _____

62. Which one of the crime shows is your favorite? (please write in answer) _____

63. What is your favorite program on television? _____

64. What is your favorite channel/station on television? _____

65. On an average day, how many hours do you watch television? _____

66. How many hours, in general, do you watch television every week? _____
Of these hours how many are spent watching crime drama shows?

67. What type of programs/shows do you watch the most (circle the most appropriate response)?

News	Music Videos
Sitcoms	Reality Shows
Sports	Movies

68. What type of programs/shows do you hate? _____

69. What specific program/show do you hate the most? _____

70. Was there any recent news coverage that talked about forensic evidence, such as DNA? **YES** **NO**

If yes, briefly describe what you remember about this coverage?

71. Was there any recent news coverage you read or viewed which included issues similar to the case you just read?

YES NO

If yes, briefly describe what you remember about this coverage?

All of the following categories are from the questions you answered about your television viewing behavior. Next, I want you to indicate how much you agree with the following statements for each of the categories of crime shows. I have listed which shows go with each category for you to review.

Forensic Dramas: Body of Evidence, Bones, Cold Case, Criminal Minds, Crossing Jordan, CSI, In Justice, NCIS, Numb3rs, and The Evidence.

Forensic Documentaries: Cold Case Files, Forensic Files, The First 48 Hours, The New Detectives, and Trace Evidence.

General Crime Documentaries: 48 Hours Mystery, American Justice, America's Most Wanted, COPS, The FBI Files, The Investigators, and The System.

General Crime or Courtroom Dramas: Law & Order, Medium, Prison Break, Without a Trace, Boston Legal and Conviction.

General News/Crime News Shows: 60 minutes, Dateline, Catherine Crier, Nancy Grace, The Abrams Report.

72. Forensic Drama shows accurately describe what happens in the criminal justice system.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

73. I believe Forensic Dramas are very realistic.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

74. I think Forensic Dramas are highly inaccurate.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

75. Forensic Documentaries accurately describe what happens in the criminal justice system.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

76. I believe Forensic Documentaries are very realistic.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

77. I think Forensic Documentaries shows are highly inaccurate.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

78. General Crime Documentaries accurately describe what happens in the criminal justice system.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

79. I believe General Crime Documentaries are very realistic.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

80. I think General Crime Documentaries are highly inaccurate.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

81. Crime/courtroom Dramas accurately describe what happens in the criminal justice system.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

82. I believe Crime/Courtroom Dramas are very realistic.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

83. I think Crime/Courtroom Dramas are highly inaccurate.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

84. Crime News Shows accurately describe what happens in the criminal justice system.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

85. I believe Crime News Shows are very realistic.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

86. I think Crime News Shows are highly inaccurate.

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Agree	Strongly Agree

LIST OF REFERENCES

- Allison, P. D. (1999). *Multiple Regression: A Primer*. CA: Sage.
- Athena Research & Consulting, LLC. (2008). Retrieved April 14, 2008, from <http://www.ballistics-experts.com/Forensic%20ballistics/Ballistic.htm>
- Barak, G. (1994). Media, process, and the social construction of crime: Studies in newsmaking criminology. London: Taylor & Francis
- Barrile, L. (1984). Television and attitudes about crime: Do heavy viewers distort criminality and support retributive justice? In R. Surette (Ed.), *Justice and the media* (pp. 141-158). Springfield, IL: Thomas.
- Baron, R. M. & Kenny, D. A. (1986). The moderator-mediator variable distinction in social psychological research: Conceptual, strategic and statistical considerations. *Journal of Personality and Social Psychology*, 51, 1173-1182.
- Berman, D. R., & Stookey, J. A. (1980). Adolescents, television, and support for government. *Public Opinion Quarterly*, 44(3), 330-340.
- Bortner, M. A. (1984). Media images and the public attitudes toward crime and justice: In R. Surette (Ed.), *Justice and the media: Issues and research* (pp. 15-30). Springfield, IL: Thomas Books.
- Brushke, J., & Loges, W. E. (1999). Relationship between pretrial publicity and trial outcomes. *Journal of Communication*, 49(4), 104-120.
- Bushway, S. D., Sweeten, G., & Wilson, D. B. (2006). Size matters: standard errors in the application of null hypothesis significance testing in criminology and criminal justice. *Journal of Experimental Criminology*, 2, 1-22.
- Bureau of Justice Statistics (2008). *Crime and Victims Statistics*. Retrieved April 17, 2008, from <http://www.ojp.gov/bjs/cvict.htm>
- Carlson, J. (1985). *Prime time law enforcement: Crime show viewing and attitudes toward the criminal justice system*. New York: Praeger.
- Chiricos, T., Padgett, K., & Gertz, M. (2000). Fear, tv news, and the reality of crime. *Criminology*, 38(3), 755-785.
- Cohen, J., & Weimann, G. (2000). Cultivation revisited: Some genres have some effects on some viewers. *Communication Reports*, 13(2), 99-114.
- Cronbach, L.J., & Snow, R. E. (1977). *Aptitudes and Instructional Methods: A Handbook for Research on Interactions*. New York: Irvington Publishers.

- DeRouvray, C., & Couper, M.P. (2002). Designing a strategy for reducing “No Opinion” response in web-based surveys. *Social Science Computer Review*, 20(3). CA: Sage.
- Dillman, D. A. (2007). *Mail and internet surveys: The tailored design method*. Hoboken, NJ: Wiley.
- Dillman, D. A., & Bowker, D. K. (2001). The web questionnaire challenge to survey methodologists. *Dimensions of Internet Science*. Lengerich, Germany. www.pabstpublishers.com
- Dillman, D. A., Tortora, R. D., & Bowker, D. (1998). *Principles for constructing web surveys: An initial statement*. Technical Report 98-50, Social and Economic Sciences Research Center. Washington State University, Pullman, WA.
- Dillman, D. A., Tortora, R.D., Conradt, J., & Bowker, D. (1998). *Influence of plan versus fancy design on response rates for web surveys*. Unpublished paper presented at annual meeting of the American Statistical Association, Dallas, TX.
- Dominick, J. R. (1974). Children's viewing of crime shows and attitudes on law enforcement. *Journalism Quarterly*, 51(1), 5-11.
- Doob, A., & Macdonald, G. (1979). Television viewing and fear of victimization: Is the relationship causal? *Journal of Personality and Social Psychology*, 32(2), 170-179.
- Evans, J. R. & Mathur, A. (2005). The value of online surveys. *Internet Research*, 15(2), 195-219.
- Frances v. State of Florida, Super. Ct. No. SC05-892 (2007).
- Franklin, C. H. (1992). Measurement and the dynamics of party identification. *Political Behavior*, 14(3), 297-309.
- Frazier, P., & Borgida, E. (1992). Rape trauma syndrome: A review of case law and psychological research. *Law and Human Behavior*, 16(3), 293-311.
- Frazier, P., Candell, S., Arikian, N., & Tofteland, A. (1994). Rape survivors and the legal system. In Claremont Symposium on Social Psychology (Ed.), *Violence and the law* (7th ed., pp. 135-158). Thousand Oaks, CA: Sage Publications.
- Gerbner, G. (1972). Communication and social environment. *Scientific American*, 227(3), 152-160.
- Gerbner, G., & Gross, L. (1976). Living with television: The violence profile. *Journal of Communication*, 26(2), 172-194.
- Gerbner, G., Gross, L., Jackson-Beeck, M., Jeffries-Fox, S., & Signorielli, N. (1978). Cultural indicators: Violence profile no. 9. *Journal of Communication*, 28(3), 176-207.

- Gerbner, G., Gross, L., Morgan, M., & Signorielli, N. (1982). Charting the mainstream: Television's contributions to political orientations. *Journal of Communication*, 32(2), 100-127.
- Gerbner, G., Gross, L., Morgan, M., & Signorielli, N. (1994). Growing up with television: The dynamics of the cultivation perspective. In J. Bryant, & D. Zillman (Eds.), *Perspectives of media effects* (pp. 17-40). New Jersey: Lawrence Erlbaum.
- Gerbner, G., & Signorielli, N. (1978). The world of television news. In W. Adams, & N. Schriebman (Eds.), *Television news archives: Issues in content research* (pp. 189-196). Washington, D.C.: George Washington University.
- Gerbner, G., Gross, L., Signorielli, N., & Morgan, M. (1980). Television violence, victimization, and power. *American Behavioral Scientist*, 23(5), 705.
- Greene, E., & Loftus, E. F. (1984). What's new in the news? the influence of well-publicized news events on psychological research and courtroom trials. *Basic and Applied Social Psychology*, 5(3), 211-221.
- Greene, E., & Wade, R. (1988). Of private talk and public print: General pretrial publicity and juror decision-making. *Applied Cognitive Psychology*, 2, 123-135.
- Gunter, B. (1994). The question of media violence. In J. Bryant and D. Zillmann (Eds.) *Media effects: Advances in Theory and Research*. (pp.163-211) Hillsdale, NJ: Erlbaum.
- Hans, V. P., & Dee, J. L. (1991). Media coverage of the law. *American Behavioral Scientist*,5(2), 136.
- Hawkins, R., & Pingree, S. (1980). Some processes in the cultivation effect. *Communication Research*, 7(193), 226.
- Hawkins, R., & Pingree, S. (1981). Uniform content and habitual viewing: Unnecessary assumptions in social reality effects. *Human Communication Research*, 7, 291-301.
- Hetsroni, A., & Tukachinsky, R. H. (2006). TV world estimates and real world estimates: A new scheme for cultivation. *Journal of Communication*, 56(1), 133-156.
- Hill, J. R., & Zillman, D. (1999). The oprahization of america: Sympathetic crime talk and leniency. *Journal of Broadcasting & Electronic Media*, 43(1), 67-82.
- Hirsch, P. (1980). The 'scary world' of the nonviewer and other anomalies: A reanalysis of Gerbner et al.'s findings on cultivation analysis. *Communication Research*, 7, 403-456.
- Hope, L., Memon, A., & McGeorge, P. (2004). Understanding pretrial publicity: Pre-decisional distortion of evidence by mock jurors. *Journal of Experimental Psychology: Applied*, 10(2), 111-119.
- Houck, M. M. (2006). CSI: Reality. *Scientific American*, 295, 84-89.

- Humphries, D. (2009). Constructing murderers: Female killers of Law and Order. In D. Humphries (Ed.), *Women Violence and the Media* (pp. 57-74). Lebanon, NH: Northeastern University Press.
- Kaye, B. K., & Johnson, T. J. (1999). Taming the cyber frontier: Techniques for improving online surveys. *Social Science Computer Review*, 17(3), 323-337.
- Kravitz, D. A., Cutler, B. L., & Brock, P. (1993). Reliability and Validity of the Original and Revised Legal Attitudes Questionnaire. *Law and Human Behavior*, 17(6), 661-677.
- Kovera, M. B. (2002). The effects of general pretrial publicity on juror decision: An examination of moderators and mediating mechanisms. *Law & Human Behavior*, 26(1), 43-72.
- Kravitz, D. A., Cutler, B. L., & Brock, P. (1993). Reliability and validity of the original and revised legal attitudes questionnaire. *Law & Human Behavior*, 17(6), 661-677.
- Levett, L. M. (2005). *Evaluating and improving the opposing expert safeguard against junk science*. Unpublished Ph.D., Florida International University, Miami, FL.
- Lewis, R. J. (2000). Power analysis and sample size determination: Concepts and software tools. *Annual Meeting of the Society for Academic Emergency Medicine*, San Francisco, CA. 2-12.
- Lovgren, S. (2004, September). "CSI Effect" Is mixed blessing for real crime labs. *National Geographic News*. Retrieved on March 2nd, 2008 from http://news.nationalgeographic.com/news/2004/09/0923_040923_csi.html.
- Lowry, D. T., Nio, T. C. J., & Leitner, D. W. (2003). Setting the public fear agenda: A longitudinal analysis of network TV crime reporting, public perceptions of crime, and FBI crime statistics. *Journal of Communication*, 53(1), 61-73.
- Mann, M. (2006). The "CSI Effect": Better jurors through television and science? *The Buffalo Public Interest Law Journal*, 24, 211-237.
- Maricopa County (2005). *The CSI Effect and its Real-Life Impact on Justice: A Study by the Maricopa County Attorney's Office* (June 30, 2005). Retrieved on September 20, 2005 from <http://www.maricopacountyattorney.org/Press/PDF/CSIRreport.pdf>
- McGowen, R., & King, G. D. (1982). Effects of authoritarian, anti-authoritarian, and egalitarian legal attitudes on mock juror and jury decisions. *Psychological Reports*, 51(3), 1067-1074.
- Michigan Criminal Jury Instructions*. (2008). Institute of continuing legal education: MI.
- Minnow, N. N., & Cate, F. H. (1990). Who is an impartial juror in an age of mass media? *The American University of Law Review*, 40, 631-664.

- Mullin, C., Imrich, D. J., & Linz, D. (1996). The impact of acquaintance rape stories and case-specific pretrial publicity on juror decision making. *Communication Research*, 23, 100-135.
- Mullin, C., Imrich, D., J., & Linz, D. (1996). The impact of acquaintance rape stories and case-specific pretrial publicity on juror decision making. *Communication Research*, 23(1), 100-135.
- O'Connor, J. J. (1987). *Practical Fire and Arson Investigation*. New York: Elsevier.
- Oliver, M. B. (1994). Portrayals of crime, race and aggression in "reality based" police shows: A content analysis. *Journal of Broadcasting & Electronic Media*, 38, 179-194.
- O'Neil, K. M. (2007). Exploring the CSI Effect" preliminary evidence for a pro-prosecution effect. *Off the Witness Stand*, New York, New York.
- O'Neil, K. M., Penrod, S. D., & Bornstein, B. H. (2003). Web-Based Research: Methodological Variables' Effects on Dropout and Sample Characteristics. *Behavior Research Methods, Instruments, & Computers*, 35(2), 217-226.
- Orlando Sentinel (2009, June). Retrieved June 11, 2009 from <http://www.orlandosentinel.com/news/nationworld/orl-caylee-anthony-case,0,3157747.htmlpage>
- Patry, M. W., Stinson, V., & Smith, S. M. (in press). The reality of the CSI Effect. In J. Greenberg, & C. Elliott (Eds.), *Communications in question: Canadian perspectives on controversial issues in communication studies*. Ontario: Thompson-Nelson.
- Podlas, K. (2006). "The CSI Effect": Exposing the media myth. *Fordham Intellectual Property, Media & Entertainment Law Journal*, 16(429), 465.
- People of the State of Michigan v Murray, 593 NW2d 690 (1999).
- Potter, J. (1991). Examining cultivation from a psychological perspective: Component sub-processes. *Communication Research*, 18, 77-102.
- Potter, J. (1991a). The linearity assumption in cultivation research. *Human Communication Research*, 17, 562-83.
- Potter, J. (1991b). The relationship between first- and second- order measures of cultivation. *Human Communication Research*, 18, 92-113.
- Potter, J. (1991c). Examining cultivation from a psychological perspective: Component sub-processes. *Communication Research*, 18, 77-102.
- Potter, W. J. (1986). Perceived reality and the cultivation hypothesis. *Journal of Broadcasting & Electronic Media*, 30(2), 159-174.

- Reardon, M. C., O'Neil, K. M., & Lawson, K. (2007). A new definition of the CSI Effect. *Annual Meeting for the Association for Psychological Science*,
- Robbers, M. (2008). Blinded by science: The social construction of reality in forensic television shows and its effect on criminal jury trials. *Criminal Justice Policy Review*, 19, 84-102.
- Romer, D., Jamieson, K. H., & Aday, S. (2003). Television news and the cultivation of fear of crime. *Journal of Communication*, 53(1), 88-104.
- Ryan v. State of Arkansas, CACR06-198 (2007).
- Shanahan, J., & Morgan, M. (1999). *Television and its viewers: Cultivation theory and research*. United Kingdom: Cambridge University Press.
- Shelton, D. E., Kim, Y. S., & Barak, G. (2006). A study of juror expectations and demands concerning scientific evidence: Does the "CSI Effect" exist? *Vanderbilt Journal of Entertainment and Technology Law*, 9, 331-368.
- Signorielli, N. (1989). Television and conceptions about sex-roles: Maintaining conventionality and the status quo. *Sex Roles*, 21(5/6), 337-356.
- Signorielli, N. (1990). Television's mean and dangerous world: A continuation of the cultural indicators perspective. In N. Signorielli, & M. Morgan (Eds.), *Cultivation analysis: New directions in media effects research* (pp. 85-106). Sage: Newbury Park.
- Shadish, W. R., Cook, T. D., & Campbell, D. T. (2002). *Experimental and quasi-experimental designs for generalized causal inference*. Boston, MA: Houghton Mifflin Company.
- Smith, S. M., Patry, M. W., & Stinson, V. (2007). But what is the CSI Effect? how crime dramas influence people's beliefs about forensic evidence. *The Canadian Journal of Police & Security Services*, 5, 1-8.
- Singleton, R. A. & Straits, B. C. (2004). *Approaches to Social Research*. Oxford University Press: PN.
- State of Montana v. Lewis, (2007).
- State of Ohio v. Fritz, 178 Ohio App.2d 65 (2008).
- Steadman, G. W. (2002). *Survey of DNA crime laboratories, 2001* (NCJ 191191). Washington, DC: Bureau of Justice Statistics.
- Stebly, N. M., Besirevic, J., Fulero, S. M., & Lorente, B. J. (1999). The effects of pretrial publicity on juror verdicts: A meta-analytic review. *Law & Human Behavior*, 23(2), 219-235.
- Stevens, D. J. (2008). Forensic science, wrongful convictions, and American prosecutor discretion. *The Howard Journal of Criminal Justice*, 47(1), 31-51.

- Stinson, V., Patry, M. W., & Smith, S. M. (2007). The CSI Effect: reflections from police and forensic investigators. *The Canadian Journal of Police and Security Services*, 5(3), 1-9.
- Studebaker, C. A., Robbennolt, J. K., Sharma, M. K. P., & Penrod, S. D. (2000). Assessing pretrial publicity effects: Integrating content analytic results. *Law & Human Behavior*, 24(3), 317-336.
- Surette, R. (2007). *Media, crime and criminal justice: Images and realities* (2nd ed.). Belmont, CA: West Wadsworth.
- Tabachnick, B. G., & Fidell, L. S. (1983). *Using multivariate statistics*. New York, NY: Harper & Row.
- Tyler, T. R. (2006). Viewing CSI and the threshold of guilt: Managing truth and justice in reality and fiction. *The Yale Law Journal*, 115, 1050-1085.
- United States Department of Justice. (2006). *Principles of forensic DNA for officers of the court*. Washington, D.C.: U.S. Dept. of Justice, National Institute of Justice, Office of Justice Programs.
- Van den Bulck, Jan. (2003). Is the mainstreaming effect of cultivation an artifact of regression to the mean? *Journal of Broadcasting & Electronic Media*, 47(2), 289-295.
- Walker, S. (2004). *Sense and nonsense about crime and drugs*. California: Wadsworth Thomson Learning.
- Watkins, M. (2004). *Forensics in the media: Have attorneys reacted to the growing popularity of forensic crime dramas?* Unpublished M.A., Florida State University, Tallahassee, FL.
- Weisburd, D., Lum, C. M., & Yang, S. M. (2003). Whe can we conclude that treatments or programs don't work. *The Annals of the American Academy*, 587 (pp. 31-48). CA: Sage.
- Willing, R. (2004, August 5). 'CSI Effect' has juries wanting more evidence. *USA Today*.
- York, O'Neil, Evans. (2006). The CSI Effect: Presentation style, evidence quality and a possible remedy. *Presented at the Annual meetings of the American Psychology and Law and Society Conference*,
- Zickafoose, D. T., Bornstein, B. J. (1999). Double discounting: The effects of comparative negligence on mock juror decision making. *Law and Human Behavior*, 23(5), 577-596.

BIOGRAPHICAL SKETCH

Rebecca M. Hayes-Smith earned her Bachelor of Arts from Western Michigan University in 2001 and her Master of Science from Michigan State University in 2005. Her main research interests surround gender and racial inequalities in the criminal justice system.