



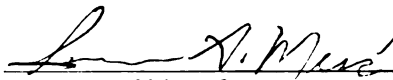
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**Effects of Perceptual Focus, Fate of  
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on Jurors' Decisions to Punish**

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EFFECTS OF PERCEPTUAL FOCUS, FATE OF THE  
ACCOMPLICE, AND SEVERITY OF CRIME ON  
JURORS DECISIONS TO PUNISH

By

James Edward Weathers, Jr.

A DISSERTATION

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## ABSTRACT

### EFFECTS OF PERCEPTUAL FOCUS, FATE OF THE ACCOMPLICE, AND SEVERITY OF CRIME ON JURORS DECISIONS TO PUNISH

By

James Edward Weathers, Jr.

The purpose of this research was to examine the influence on juror decisions of three related factors: (1) the severity of outcomes to the victim; (2) the prior legal fate incurred by the defendant's accomplice; and (3) inducing the jurors to focus their thoughts on either of the outcomes to the victim.

Based on the results of prior research, this study sought to obtain empirical evidence which demonstrated that a induced cognitive focus serves to guide jurors attributions of causality, responsibility, and equity-restoring responses. Within this framework, it was expected that the cognitive focus employed would mediate jurors' punishment recommendations. Subjects in the accomplice focus were expected to render more not guilty verdicts, whereas while subjects in the victim focus were expected to act the opposite and render more guilty verdicts. The severity of outcomes for the victim was expected to mediate decisions and result in more guilty verdicts in the victim focus than in the other focus conditions. However, the fate of the defendants' accomplice was expected

to have a greater influence when the cognitive focus was on the outcomes to the defendant (accomplice focus) and less in the victim focus.

Subjects were instructed to assume the role of a jurists in a criminal trial. In enacting this role they read a transcript of a trial in a group setting. The independent variables were manipulated by varying one of twelve trial transcripts subjects were exposed to. To reduce any potential confound, the testimony, evidence, amount of time and discussion of legal points were identical in each version. Only the attorney's opening and closing statements were varied as well as one line describing whether the defendant's accomplice had been released or convicted.

The results of the research revealed the following: (1) Subjects' verdicts were influenced by an induced cognitive focus. As expected, subjects in the victim focus rendered more guilty verdicts while those in the accomplice focus rendered less. (2) The severity of outcomes for the victim mediated subjects decisions in the victim focus. (3) The influence of the prior legal fate incurred by the defendants accomplice was not as strong as predicted but did occur, as expected, in the accomplice focus only.

## DEDICATION

Africans believed that although one physically dies, the spirit remains alive as long as conscious thoughts of the deceased remained. This work is dedicated to the living memories of my Grandmother Lille Nollie who supplied her children with so much drive and guidance through her love, and to my cousin Xavier.

The tragedies which befell my pastor Clarence LaVaughn Franklin and Arthur McDuffie inspired my interest in this area of research. I trust their spirits have found peace and that the Most Reverend Franklin shall recover or be lifted up.

---

To my parents, for all you  
have done and continue  
to do

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## ACKNOWLEDGEMENTS

I have been infinitely blessed with two loving parents who have continually placed my needs, wants and concerns before their own. My development has always been a major priority to you and your support, encouragement, and love shall always inspire and motivate me. Thank you so very much James E. Weathers, Sr. and Effie Jean Weathers for all you have done and continue to do.

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Terrie and Joe, thank you for being there whenever my well ran dry. Dearest sister, you are my rock and I am so fortunate to have had you with me every step along the way. Sandie, thank you for all your help, proofreading and concern. MiMi Penda WeWe (it shall not die).

Janet, thank you for helping me collect the data, for typing and being for me. I appreciate most deeply your encouragement and faith. Several people have stayed on my back (in addition to all of the above) to complete this project; Carl Taylor, Gerald Bridges, Amos Hewitt, Joe White, Alida Quick-Byrd, Malik Flemming, Shirley Shockley, Robert Green, Yvonne McKee and John Bolden. Thank you all for your love. Thank you Juanita Clark, if everyone believed in me as you do I would be a giant.

I have been strengthened, inspired, humbled and awed. These emotions are but a few of the gifts I have received from my God whose help and blessings I acknowledge above all others.

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## Chapter One

### Introduction

Arthur Lee McDuffie, 33, black, a former Marine, who at the time of his death was an associate manager with a large life insurance company in Miami. McDuffie was a hard working well liked member within the black community. In the early morning of December 17, 1979, a Dade County police sergeant observed McDuffie speeding on his motorcycle. Arthur McDuffie, who had just lost his operators license for paying off a ticket with a bad check, zoomed off at 100 m.p.h. running traffic lights, but finally slowed down as more than a dozen policemen closed in on him.

The policemen who caught up with McDuffie beat him unmercifully; as a result, he lapsed into a coma and died four days later of head injuries. A departmental inquiry resulted in eight policemen being dismissed from the Miami Police force, with five going to trial on charges that ranged from second degree murder to tampering with evidence. During these legal proceedings, lawyers for the police successfully challenged all potential black jurors. Two policemen testified for the prosecution in exchange for immunity, while a third was freed and forced to testify. Their accounts were the basis for the prosecutions case.

After seven weeks of testimony, the jury took 2 hours and 45 minutes to return a verdict of not guilty on all counts. The

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jurors seemed to feel that the prosecutions witnesses appeared just as responsible for the killing as the defendants. Jury Foreman David Fisher was quoted as saying "It wasn't fair to send one person to prison while others just as guilty were going free. There was no racial favoritism in the verdict but the black community won't look at it this way." He was right, upon the public release of the verdict the Miami riot commenced.

On the evening of April 22, 1979, the Reverend Clarence LaVaughn Franklin, a nationally respected Baptist minister and father of Aretha Franklin, was relaxing while watching television. He heard sounds from the rear of his house; suspecting burglars before proceeding to investigate the noise, he retrieved his pistol. Gunfire commenced and the Reverend Franklin was found unconscious having three gunshot wounds. After emergency surgery to save his life, the Reverend Franklin remains in a coma to this day.

Perhaps because of Reverend Franklin's prominence, a massive search for the culprits was undertaken. Five robbers were arrested in a citywide campaign to apprehend the culprits of this crime. One of the men accused received immunity from prosecution in exchange for his testimony. The two women passengers in the getaway car were released due to insufficient evidence. The defense attorney for the remaining accomplice meticulously probed the informant on his role in the crime. In doing so, the lawyer attempted to portray this person as the mastermind behind the crime and as the culprit who was responsible for the actual shooting. The jury returned a

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verdict of not guilty for attempted murder, but convicted the defendant and on a lesser count of attempted burglary.

The presiding judge was outraged at the verdict and publicly admonished and chastized the jury for making "a incomprehensible decision" based on both, his instructions to them and the rules of law. The jury foreman explained "It seemed as though the States witness was much more guilty of the crime than was the defendant, and it didn't seem fair for one guy to take all the weight." The jury's verdict caused a community uproar so strong that the perpetrators of the crime reportedly had to leave town for fear of retribution.

In each of the above cases, several common variables existed. First, each case involved multiple offenders--one or more defendants and one or more accomplices who were not on trial. Second, each case involved an accomplice who provided major testimony to the prosecution in exchange for criminal immunity. Third, each case involved offenders who were not charged, either because of a lack of sufficient evidence or because of some other technicality. Fourth, jurors from each case reported perceiving some inequity or dissonance regarding the degree of guilt attributable to defendant(s), given the fact of the untried offenders.

A 1979 report issued from the National Conference of Mayors revealed that the use of criminal immunity in exchange for evidence occurs in one-third of most felonies. Prosecutors argue that the use of immunity in exchange for testimony provides that State added testimony which is so essential that they would not have sufficient

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evidence to prosecute the guilty without it. Those who are opposed to this procedure point out the increased likelihood of hung juries due to feelings of inequity or dissonance over punishing some offenders while others go free or are punished less severely. The inability to prosecute suspected offenders due to technicalities or lack of probable cause, arresting procedures, and obtaining evidence occurs in more than one-third of all criminal cases (National Conference of Mayors, 1979). These figures are somewhat striking and certainly demonstrate the need to develop a clearer understanding of how concerns with inequity and unequal punishment operate on jury decision-making.

The cases involving Arthur McDuffie and the Reverend C. L. Franklin highlight the significance of equity considerations, the fate of a defendant's accomplice, and the effects of persuasive communication by attorneys on juror decisions. The McDuffie and Franklin cases are not unique. The conditions and variables in these cases are representative of a large number of criminal investigations that lead to similar legal proceedings. In fact in cases --involving multiple offenders or defendants, many jurors have reported tendencies to attempt to restore some balance in the form of punishment recommendations on basis of the participants involvement in the crime (Detroit Free Press, June 1981).

The present study examines the effects of three factors on jurors judgements: (1) the effects of the severity of crime; (2) the effects from inducing the jurors to focus their thoughts on one of the people; and (3) the legal fate of the defendant's accomplice.

Prior to presenting research relative to the independent variables examined in the present study, a brief review of mock jury research may help the reader to gain insight on the decision and findings currently representative of this literature. Research examining variables relative to jury decision making have focused on four major issues, which represent four explanations that are thought relevant to understanding that process.

### Personal Characteristics

First, several researchers have examined the effects on jury decision making relating to defendants' and victims' personal characteristics. Extra legal factors such as race, gender, attractiveness, attitude similarity, moral character and socioeconomic status have received experimental analysis. Gerbasi and Zuckerman (1977), Weiten and Diamond (1978) and Dane and Wrightsman (1981) have provided thorough reviews of research pertaining to the effects of these variables on jury decision-making. A brief summary of this area of research highlights the following results:

1. The effects of gender on sentencing decisions is inconclusive, due to a lack of data concerning women defendants across crimes (homicide of the spouse has been the primary criminal situation investigated).
2. The role of the defendant's gender differs according to the type of crime.
3. Lower socioeconomic subjects do not have equal access to capable defense attorneys and are perceived as more

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blameworthy. Lower socioeconomic subjects receive longer sentences.

4. Defendants with a prior record receive more harsh punishment. Those defendants described as remorseful receive shorter sentences than those who are not portrayed as remorseful.
5. Defendants who appear to have suffered severely receive less severe sentencing recommendations.
6. More attractive defendants are treated more leniently. However, when the victim is attractive the defendant receives more harsher punishment.
7. Same race crimes for blacks result in less punishment, whereas between race crimes with a black defendant result in more severe punishment.
8. Similarity of attitudes between jurors and the defendant severity of punishment. This effect is however, likely to be moderated by several others situational constraints.

### General Theories of Social Behavior

The second major focus of research has centered on the relevance of general social psychological theories to understanding jury decision making. Austin, Walster and Utne (1976), Izzett and Sales (1979), Kidd and Utne (1978) and Austin (1980) have extensively reviewed research relating Equity Theory and Attribution Theory as explanations of processes in jury deliberations.



According to Walster and Walster (1978), equity theory has four basic postulates: (1) Individuals will try to maximize their outcomes (outcomes are the equivalent of rewards minus costs incurred in a effort or relationship based on the participants inputs). (2) Groups can maximize collective rewards and costs among members. Therefore, members will evolve systems of equity and will attempt to induce members to accept and adhere to these systems. (3) When individuals believe they are participating in inequitable relationships, they become distressed. The more inequity is perceived, the more distress felt. (4) A person will attempt to eliminate their distress by restoring equity.

Several studies have examined the role that equity considerations play in jury decision making. Austin, Walster and Utne (1976) report two studies that provide strong support for the moderating effects that the suffering of the defendant has on assigned punishment. In each study, the more the defendant was portrayed as having suffered in the getaway, the smaller the assigned punishment subjects recommended.

Several researchers have attempted to explain sentencing decisions on the basis of equity theory. DeJong, Morris and Hastorf (1976), in a study on the effects of an escaped accomplice on the punishment assigned to a criminal defendant, indicate that the less severe outcome incurred by the accomplice led to lenient treatment of the defendant. Using social equity theory, they suggest, "this leniency effect occurs only to the extent that the jury focuses on the relationship between the criminals and the

victim." They suggest that the use of equity principles occurs regardless of the relationship on which jurors focus.

Specifically, DeJong et al. (1976) suggest that if equity theory is used in the types of relationship described above, then leniency occurs. If, on the other hand, equity is used when the jury focuses on the relationship between the criminals and the victim, the less severe outcomes incurred by the accomplice should lead the jurors to deal with the defendant more harshly.

As expected, subjects in the accomplice escape conditions of DeJong et al. research recommended less punishment than did subjects in their accomplice captured conditions. The overall results suggest that subjects were concerned about restoring inequities between the two criminals, themselves, and not between the victim and the criminals. However, when the crime was less severe and the defendant was less responsible for the success of the crime, subjects in the accomplice escape group recommended more severe punishment than the accomplice captured group. Furthermore, when subjects were asked directly to assign a percentage of total responsibility for the crime to the defendant, there was no difference due to crime severity.

DeJong, Morris, and Hastorf explain these intriguing results by suggesting that a "basement effect" is occurring. The "basement effect" implies that any kind of criminal involvement deserves a certain number of years punishment. This so called "basement effect" is really a judgement based on the value of retribution. A

multifaceted investigation by William Austin explored more directly the influence of equity and retribution on sentencing decisions.

In a series of three studies, Austin (1980) examined the influence of the individual balancing function of proportional punishment on sentencing decisions within the context of crimes of differing severity. He was interested in how the individual balancing function varies with different situations. In other words, he wanted to obtain an estimate of the extent to which observers feel compelled to establish an equilibrium between harm done and deserved punishment within offense categories under two separate conditions: (1) when no mitigating factors were present, and (2) when there are relevant extralegal factors present. The extralegal factor used in Austin's research was the amount of offender suffering.

The results of Austin's (1980) work, taken together, offer only marginal support for the idea that proportionality between harm done and amount of defendant suffering attenuates sentences. As expected, the sentencing data did approximate between offense proportional assumption. Penalties were a direct function of crime seriousness.

Austin suggests that two interpretations of the data seem plausible. First, that subjects' responses might reflect a generalized disposition to be sensitive to the symbolic aspects of punishment. His data showed that 14 of 36 subjects in one of his studies imposed some jail term on an offender convicted of purse

snatching, even though this individual had suffered permanent paralysis when attempting to avoid arrest. Austin interprets this as evidence that equal suffering between the victim and offender is not enough to attenuate sentencing recommendations. The second interpretation suggest that as crimes grow in seriousness, decision-makers become more retributivist in their orientation. Austin suggests that the quantitative differences in the crimes that he studied may have been large enough to cause retribution to supercede equity as the guiding value anchor.

#### Social Influence In Juries

The third major focus of research on jury deliberations involves the effects of the social influence process on participants' activities and decisions. Research in this area has involved such diverse phenomena as emergent leadership, leadership effects, verbal interaction patterns in jury deliberations, group polarization effects, individual versus group decision differences and voting procedures. A more detailed review of the research literature in this area is provided by Stasser, Kerr and Bray, 1981.

#### Factors in Trial Proceedings

The fourth major focus of jury decision research involves the exploration of process variables in courtroom proceedings. Oros and Elman (1979), for example, examined the effects of judge's instructions on jurors' decisions. Langhlin and Izzett (1973) assessed sentencing decisions and deliberations by attitudinally homogeneous juries. Kaplan and Kemmerick (1974) examined information

integration and the compilation of evidential and non-evidential information on jurors' judgements. Hoiberg and Stires (1973) explored the effects of pretrial publicity and Gerbasi and Zuckerman (1975) investigated jury biasing factors. Lawson (1968) examined order of evidential presentation as it may relate to trial outcome. Walder, Thibault and Andreoli (1972) also studied the order of presentation trial evidence. They examined the effect of gross order and internal order and found that the party (prosecution or defense) who presented second had a greater effect on the jury than the party who presented first. Gerbasi, Zuckerman and Reis (1978) provided a comprehensive review of these process variables as they have been found to relate to mock jury research.

These four major research areas in jury deliberation studies have provided a host of valuable information. The major criticism of the majority of this research focuses on the lack of methodological consistency and the low generalizability of this research to actual courtroom trials.

### The Present Study

The present study examined the effects that severity of crime, fate of the accomplice, and induced cognitive focus of the communication have on jurors decisions to punish. In examining these potential relationships, it was expected that insight would be gained regarding the effects of the intentions and credibility of the communicator, the effects of the intention and any discrepancies the communication has on jurors' values. Prior to

presenting the hypotheses, it should be useful to review research relative to the independent variables, as well as provide further justification for their selection for study.

### Severity of the Crime

Prior jury deliberation research has often utilized severity of the crime as an independent variable. The manipulation of the crime severity is a most useful means to induce both within and/or between group variation. DeJong, Morris and Hastorf (1976) report that subjects do perceive severity of crime variations and that more severe crimes are assigned more punishment. Similarly, McFadden (1978) examined punishment philosophy on sentencing decisions. Subjects were asked to follow one of three punishment philosophies (retribution, rehabilitation or deterrence) when sentencing criminals whose crimes ranged in their severity. Subjects using the deterrence philosophy rated and punished all crimes more severely. Interestingly, little variation in sentencing occurred in the remaining conditions, even though the seriousness of crime was highly correlated between experimental groups. Austin (1980) also reports that as the severity of a crime increases, there is a corresponding decrease in the "leniency effect" associated with defendant suffering.

In the present study, severity of crime is employed to provide insight on jurors' punishment decisions when persuasive communications are focused on the criminal act or the relationship between the defendant and the accomplice.

### Fate of the Accomplice

In their comprehensive review of the American jury, Kalven and Zeisel (1966) report that in many instances, judges disagreeing with a jury's verdict will attribute the disagreement to the jury's consideration of the fate of the defendant's accomplice. They report that less severe outcomes incurred by the accomplice led to more lenient treatment or acquittal of the defendant.

As noted earlier, DeJong, Morris, and Hastorf (1976) used social equity theory as a framework from which to view jury decision making. In this framework, an inequitable social exchange relationship produces distress which motivates a third party judge to intervene to restore balance to the relationship. In viewing these relationships in the context of a criminal trial, the social exchange relationship occurs between the defendant and the victim, with the jury being the third party observer. DeJong, Morris and Hastorf suggest that the existence of a criminal accomplice introduces another exchange relationship the jury may (or may not) consider. In their study, the severity of crime, responsibility of the defendant, and the fate of the accomplice were varied. The defendant's accomplice either escaped or was caught, while the defendant was portrayed as more or less responsible for a crime of varying severity. They report a main effect for accomplice fate, with subjects giving less punishment to the defendant when the accomplice had escaped. While relative responsibility for the crime

did influence subject decisions when the crime was more severe, this variable had less impact when the crime was less severe.

Feldman and Rosen (1978) examined the "diffusion of responsibility effect" in jury decision making. They predicted that a person committing a crime with others would receive a relatively lighter sentence than someone who committed a similar crime, but who did so alone. In addition, they expected the person acting alone to be judged as more responsible for the crime than a person who had an accomplice. Results indicated significant differences were obtained as a function of whether the defendant acted alone. Moreover, subjects rated the defendant as more responsible for the crime when he was alone, a finding that provides indirect support for the responsibility effect.

Feldman and Rosen (1978), in a archival study, also provide data indicating a diffusion of responsibility effect in actual sentencing records obtained for Richmond, Virginia. Criminals who committed a robbery by themselves were given heavier sentences than criminals who committed a similar crime with an accomplice.

In summary, fate of the accomplice studies as they relate to jury decisions have focused on the escape or capture of the accomplice, or variations in sentencing as a result of having an accomplice. As stated in the introduction, there are a number of outcomes that can occur for an accomplice, but only a few of those have been studied in experimental research. An accomplice can escape, be tried later, become the States or prosecution witness



in exchange for criminal leniency, be released due to a technical error or be convicted. As noted earlier, many controversial cases contain multiple offenders, with one or more turning informant, released or convicted. In examining jury decision making and the effects which the fate of the accomplice has on those decisions, there is a need to examine the impact of an accomplice becoming a witness for the prosecution, released or convicted. On the basis of actual jury decisions, it is strikingly clear that the fate of the untried accomplices in a trial--especially when he or she becomes a prosecutions witness or is released on a technicality, or is known to have been convicted--affects the judgements that jurors make. However, past work has not examined directly this potentially potent moderator of jury deliberations. The present study corrected this oversight by examining decision outcomes as they are affected by an accomplice either being released on a technicality or convicted.

#### Perceptual Focus of the Communication

There have been several attempts to assess experimentally the effects which induced anchored viewpoint, cognitive set or focus, have on jury decisions. For example, Utne (1974) asked subject jurors to "role play and respond as you think that person would respond, given the particular circumstances." Utne had subjects perceive themselves in one of three roles. These roles were a compensation condition, a justification condition, and a emotion condition. Utne's results indicate that as expected, subjects did respond according to the induced role. Utne's study examined the

affects which three functions of liking (e.g. compensation, justification, and emotionality) might have on jurors expressions of liking a criminal defendant. Utne's data supports the equity theory contention that expressions of liking can serve three different functions and that the amount of punishment given a defendant interacts with the subject's induced role (compensation, justification and emotion) in determining expressed liking for the defendant. Utne's study did not examine the effects between induced role, amount of liking and verdict. The affects of these relationships remain untested.

Pepitone and DiNubile (1975) examined both enhancing and depressing contrast effects in judgements of the seriousness of the second of two sequential crimes. The results indicated that a homicide was judged to be a more severe criminal violation when subjects judged an assault case just preceeding it that when the same homicide was preceeded by another homicide. The symmetrical effect was also obtained in that an assault was judged to be less serious when it was preceeded by a homicide rather than another assault. As predicted, these contract effects occurred only when judgements in the first crime of the sequence were publically admitted. Pepitone and DiNubile explain these results at a "anchoring effect". This so called "anchoring effect" supports the idea that the perception of the seriousness of a crime may be moderated by factors (e.g. a previously judged crime) which subjects have already focused on.

As noted earlier, McFatter (1978) also explored the effects of different cognitive focuses on sentencing decisions. Subjects were asked to follow one of three punishment strategies (retribution, rehabilitation, or deterrence). Other independent variables studied included the type of crime and the physical attractiveness of the offender. As predicted, deterrence group sentences were the most severe for all ten categories of crime. Interestingly, sentences recommended by subjects in the rehabilitation group were least severe for serious crimes only, and these respondents consistently blamed the victims of the crime more than did subjects in the other groups. These data provide additional indirect support for the significance of stimulus effects and cognitive focus on sentencing decisions.

Archer, Foushee and Davis (1976) had subjects either imagine themselves as the defendant (empathy-inducing appeal) or to pay close attention to evidence (nonempathy appeal). This manipulation occurred through the following verbal appeal by the defense attorney:

Imagine-self Appeal. As you concentrate upon the information contained in the facts for the defense, please imagine how you yourself would feel if you were subjected to the same experience. Try to reflect upon the way you would feel if you were attacked under these circumstances. In your mind's eye, perhaps you can visualize how it would feel for you to be Adams in this situation.

Listen-to-facts-Appeal. As we present the facts for the defense, please listen to them very closely. Try to concentrate

on the facts and consider them carefully. Give your attention to all the facts for the defense.

After making one of the two preceding appeals, the defense counsel read the first five of the ten defense facts. He reinforced his original appeal by addressing the appropriate one of the following remarks to the subject-jurors.

Imagine-self. Perhaps you can visualize how it would feel for you to be Adams, the defendant, in this situation.

Listen-to-facts. Please attend carefully to the facts for Adams, the defendant.

The results of the Archer et al. study indicate that subjects who were induced to imagine themselves as the defendant were less punitive in their punishment decisions than subjects induced to be unsympathetic (e.g. listen to the facts). These results offer strong support to the significance that a induced focus may have on the cognitions of jurors. These results suggest that the focus subjects operate from does moderate subsequent punishment decisions.

Unlike previous studies in this area, the Archer et al. study clearly demonstrates the affects that an induced empathy state can have on punishment decisions. Although the study reveals that induced empathy or non-empathy does moderate decisions, the study does provide data as to how this induced empathy operates when conflicting evoking attempts are made. In addition, the Archer et al. study does not provide data on verdicts as well as sentence recommendations rendered by subjects.

These examples illustrate the methodologies used to experimentally manipulate the cognitive focuses that subject-jurors attended to in forming and recommending punishment decisions. The results of these studies, taken together, indicate that the cognitive set or perceptual focus variable can be experimentally manipulated and that the focus or set used can in fact enhance or temper the length of punishment recommended.

Most jury decision research which has focused on equity considerations in those value judgements jurors make in deciding punishment, have made distinct indirect references to the role perceptions and attributions have on this process. Thus, Kidd and Utne (1978) have proposed a model for integrating equity theory with components of attribution theory. In this framework, attempts to restore equity and compensate an injustice are related to attributions concerning how responsible the victim and harmdoer are for causing or contributing to the inequitable situation. Observers judgements of responsibility stem from their causal attributions concerning the locus of causation, intentionality, stability and the controllability of the injustice. Kidd and Utne suggest these attributions may influence actors decisions about equity restoration in at least two ways: First the reasons provided by the inequitably treated parties may determine whether a equity-restoring response is pursued. Second, once an inequity has occurred, attributional explanations may determine the particular distress-reducing response enacted.

The model proposed by Kidd and Utne assumes that some form of cognitive processing occurs. It is only logical that this communication/interaction produces the criteria from which a person decides to pursue an equity restoring response. Furthermore, these responses are expected to be weighted according to one of two possible relationships on which jurors can focus; a relationship between the offenders or between the offenders and the victim. Thus, Kidd and Utne's model assumes that cognitive focus plays an important role in jurors' decisions.

The results reported by DeJong, Morris and Hastorf (1976) support this interpretation. The reader may recall, that they found that the less severe outcomes incurred by the accomplice in their study led to more lenient treatment of the defendant. Using equity theory they suggest "this leniency effect occurs only to the extent that the Jury focuses on the relationship between the two criminals rather than on the relationship between the criminals and the victim". It is quite obvious from such theoretical and empirical work that an important facet of jury deliberation research is the role which cognitive focus may play in the guidance of an individual in observing and interpreting events.

### Summary

As an independent variable, severity of crime has often been used to generate within and between group variation in sentencing strategies both as a main effect and interactions with other independent variables. Research clearly indicates that severity

of crime is a primary factor in explaining the range of variation in between group sentencing recommendations. Extra legal factors such as the defendants attraction, suffering, socioeconomic status and the fate of the accomplice have demonstrated varying effects which are tempered by the severity of crime.

Research examining the sentencing effects associated with varying the fate of the accomplice have exclusively focused on either the escape or capture of the accomplice. As indicated, this focus has excluded several conditions regarding the fate of an accomplice which are highly prevalent in actual trials, and which legal experts suggest account for disparity in verdicts. These conditions involve an accomplice who either becomes a witness for the prosecution, released due to technical errors, or is convicted. The effects which these conditions may have on the value configurations in jurors decisions is largely unknown.

Past research exploring the effects of cognitive tuning, philosophy or cognitive focus have been strongly influenced by equity theory. Results marginally support the view that some form of individual balancing, on the basis of equity, is used until the crime reaches a level of severity which provokes a retribution orientation. Under a retribution orientation jurors tend to punish others to a degree which exceeds the damage incurred by the victim; it is as if they derive some satisfaction from seeing the harmdoer suffer. Research also suggests that the use of equity in making punishment decisions is mediated by the relationship (defendant-accomplice; defendant-informant) on which the jurors focus.

Unfortunately, little research has attempted to directly explore the effects of cognitive focus.

Prior research on jury deliberations and decisions has largely ignored assessing verdict data and other salient conditions existing in many typical trials. Most notable has been the lack of research manipulating juror's cognitive focus, as well as dissonance arousing conditions involving multiple defendants who are either convicted, released on a technical flaw, or recipient of immunity from prosecution for incriminating testimony.

The present study sought to experimentally reproduce some of the major variables which appear to account for variations in verdict data. The study was designed to further explore the relationships between fate of the accomplice, severity of crime and equity restoring responses. In addition, this study attempted to empirically demonstrate the effects which cognitive focus has on jurors punishment decisions. In this study, a design was employed to explore three factors: three potential types of cognitive sets induced via the version of attorney's arguments (e.g. victim focus, accomplice focus or neutral focus); two outcomes incurred by the more responsible accomplice (e.g. released due to a technical procedure flaw or convicted); and two levels of the severity from the outcome of the crime (permanent paralysis to the victim or a broken leg).



### Hypotheses

Based on the results of prior research and the theoretical considerations presented earlier in this chapter, this study sought to obtain empirical evidence which demonstrates that a cognitive focus that is induced in jurors most likely serves to guide attributions of causality, responsibility and equity-restoring responses. Therefore, it was expected that the cognitive focus employed would mediate jurors' punishment recommendations.

More severe outcomes for the victim were expected to lead to less favorable decisions about the defendant. In contrast, a favorable outcome for the accomplice--e.g., being freed on a legal technicality--was expected to result in a more lenient decision. Moreover, these effects--concerning severity of outcomes for the victim and accomplice--should be moderated by the respective cognitive focus to which subjects were exposed.

More specifically, the predicted effects of severity of outcomes were hypothesized to be greater in the victim focus and less strong in the accomplice focus. The reverse pattern was expected to be true for the influence of information about the fate of the defendants' accomplice. An accomplice cognitive focus was expected to raise the salience of concerns with equity between the defendant and the accomplice. This increased salience, in turn, was expected to link decisions about the defendant with the known fate of the accomplice. Thus, it was hypothesized that more lenient judgements would occur most frequently when jurors who were induced to focus on the relationship between the defendant and the

accomplice knew that the accomplice was released. In contrast, information about the accomplice's fate was expected to have the smallest impact when jurors were induced to focus on the victim.

## Chapter Two

### Methodology

#### Subjects

Subjects were 180 female volunteers from several classes of introductory psychology and sociology courses taught at Wayne County Community College. All subjects were citizens of Wayne County and were legally eligible for jury duty. Although all participants were either freshmen or sophomores, the fact that they are community college students with an average age of 29.3 probably made them more similar to the typical real juror than were subjects in past experiments on juror decision making.

#### Design

A 3 x 2 x 2 factorial design was employed in the experiment to examine effects of three independent variables: (1) induced cognitive focus (orienting jurors toward the victim, the accomplice, or neither); (2) the fate of the accomplice (convicted in a separate trial or released due to a technical flaw); and (3) the severity of crime (more severe, less severe).

#### Manipulation of Variables

Subjects were instructed to assume the role of a jurist in a criminal trial. In enacting this role they first read a transcript of the trial in a group setting and then made a decision about the

guilt or innocence of the defendant. They also were asked to judge what would constitute appropriate punishment assuming that the defendant had been found guilty.

The severity of crime was manipulated by varying the amount of personal suffering incurred by the victim. In the more severe condition, subjects were informed that the victim was hit by an automobile and permanently paralyzed from the neck down. In the less severe condition, subjects were told that being hit by the car caused the victim to suffer only a temporary personal injury (a broken leg).

The fate of the accomplice was manipulated by providing the jurors with information that an alleged accomplice of the defendant either had been convicted in an earlier trial or had been released due to a technical error by the police.

The variable identified as cognitive focus was manipulated through the attorneys' opening and closing arguments. In the condition where the cognitive focus was oriented toward the victim, the opening and closing attorneys' arguments emphasized the senselessness of, and the damage resulting from the crime. When the cognitive focus was oriented towards the relationship between the defendant and his accomplice, the opening and closing attorneys' arguments emphasized the relative role and responsibilities of each criminal in perpetrating the crime. In the control condition, where there was no attempt to induce either type of cognitive focus, the attorneys' arguments merely emphasized that jurors should carefully consider the evidence that was presented.

The actual testimony in each version of the trial was identical. In each condition, the amount of time, discussion of legal points, verbal usage and legal techniques were held constant. As noted, the manipulation of cognitive focus was effected through the opening and closing attorneys' arguments. The neutral condition, where neither focus was emphasized, was included to permit exploration of any potential effects due to communications inherent in manipulating cognitive focus. In every focus condition, the defendant's attorney argued the same basic line of defense. These arguments focused on four primary areas:

- a. positive identification;
- b. credibility of the witnesses;
- c. reasonable doubt;
- d. actual intent;

Similarly, the prosecuting attorney always argued the same affirmative line. This argument focused on five primary areas:

- a. establishing that the crime occurred;
- b. establishing how the crime occurred;
- c. establishing the evidence suggesting the defendant committed the crime;
- d. establishing the motive;
- e. establishing that a conspiracy to commit the crime occurred and therefore, that imputing is a viable equity restoring response.

### Stimuli and Manipulation of Cognitive Focus

Subjects were exposed to one of twelve written versions of a trial in which the defendant was charged with assault and battery in the commission of a robbery. The following narrative summary represents the stimuli used in this case. In the following section the respective versions of each cognitive focus is presented. For each version included in this section, only the opening and closing arguments are presented (the manipulations). The additional evidence and testimony, which remained unchanged for each cognitive focus, is included in Appendix C.

The criminal case you are about to read is a summary from an actual trial. This summary contains excerpts from the actual testimony given during the trial. Redundant testimony such as the swearing in of witnesses, is not included, and some testimony is summarized. The names of the actual people involved have been changed in order to protect their privacy.

You are being asked to assume the role of a juror in deciding the case of the City of Detroit vs Carl Taylor. The following narrative is a summary transcript of the testimony and facts brought forth in the actual trial.

#### Judge Bridges:

Ladies and gentlemen of the jury, you are here to decide the guilt or innocence of the defendant, Carl Taylor, who is charged with assault in the commission of a robbery. You are to listen equally to both sides and not discuss

the case until your duties as a juror have been dismissed. If both attorneys are ready, the prosecution may present its opening statements.

Accomplice Focus Opening Arguments

Prosecution:

Your honor, ladies and gentlemen of the jury. The prosecution is convinced that the evidence we have clearly demonstrates that Carl Taylor, with his friend, Joe White, was involved in the robbery of Dixon's Jewelry Store. Furthermore, we intend to prove that Mr. Taylor did in fact, drive the get-away vehicle, which hit John Dixon resulting in a broken right leg (or paralysis in the more severe condition). In this case, the defense would have you believe that Mr. Taylor was an unknowing bystander to this crime--that he was unaware that a crime was being committed, and that the car he was driving, in fact, was the get-away car. That is certainly the most ridiculous story I've ever heard and we intend to prove that. They both, Carl Taylor and Joe White, are guilty of committing this crime, they were partners in crime and we shall prove this beyond any reasonable doubt.

Defense:

Your honor, ladies and gentlemen of the jury. The prosecution is supposed to provide you convincing evidence, beyond

a shadow of doubt, that my client did knowingly plan and participate in the robbery of Dixon's Jewelry Store and that he was negligent or intended to hurt Mr. Dixon in the unfortunate accident, resulting in Mr. Dixon's disability. The prosecution cannot prove that my client did not know that Mr. Joe White was planning a robbery as they sat as friends drinking at the Shadow Box Bar. We will prove that Mr. Taylor did not knowingly or willingly participate in the robbery and that the car he was driving was not under his control when Mr. Dixon was hit. Ladies and gentlemen, my client is innocent and should not be hurt because of the actions of another person. The only thing my client did was trust a friend whose misuse of this friendship put my client in the wrong place at the right time.

#### Accomplice Focus Closing Arguments

##### Prosecution:

Yes, your honor. Ladies and gentlemen of the jury, you must decide what justice is for this crime. Mr. Taylor was either a witness or participant in the assault and battery of Mr. Dixon during the commission of a robbery. Mr. Taylor's fingerprints were found on the steering wheel of the get-away car. If Mr. Taylor was duped into this circumstance, if he was just an innocent person who was in the wrong place at the right time why didn't he turn himself and Mr. White into police custody? Would not an honest



person do this? I imagine that he started thinking about those diamonds and that's why he didn't call the police. Some of you may feel that Mr. Taylor did not want to snitch on a friend, that maybe his loyalty affected his sense of duty as a citizen. However, in the eyes of the law, he withheld criminal evidence. And, if he was a friend to Mr. White and not his accomplice, what kind of friend was Mr. White to him? Would your friends use you like Mr. Taylor would have us believe he was used? I think not! Relationships between friends are based on honesty, affection, attachment, support and high personal regard. You don't maliciously use your friends and have them sent to jail. However, being partners in crime is different. You and your partner take whatever you can get. You connive, cheat, lie and do anything else to get out of trouble. Ladies and gentlemen of the jury, justice would have you find Mr. Taylor guilty as charged.

I thank you for your help in bringing justice here today.

Defense:

Ladies and gentlemen of the jury. The prosecution has said that you must decide what justice is for this crime and I agree. Would justice prevail if an innocent man was sent to jail? Would justice prevail if we punished Mr. Taylor for being a friend to a person who used and took advantage

of their friendship in the commission of a crime? Ladies and gentlemen, I think not. If you were in Mr. Taylor's shoes, I'm not sure that you or I would have immediately called the police to turn in a friend. Sure, Mr. Taylor was duped and taken advantage of. Some of my so-called friends have taken advantage of me and that is what we must remember, friends do use friends. If Mr. Taylor was a knowing accomplice in this crime, why wasn't he found with diamonds in his possession. You and I know that answer, it's because he was not an accomplice. He was unaware that the crime was being enacted by Mr. White. When he knew what was happening, it had already happened. Place yourself in Mr. Taylor's shoes. I'm sure we all would have responded the same way. My client did not deliberately not intentionally propel that car into Mr. Dixon, nor rob his store. Ladies and gentlemen of the jury, if justice is to prevail, you can only find Mr. Taylor innocent.

#### Victim Focus Opening Arguments

##### Prosecution:

Your honor, ladies and gentlemen of the jury. The prosecution is convinced that the evidence we have, clearly demonstrates that Carl Taylor was involved in the robbery of Dixon's Jewelry Store. Furthermore, we intend to prove that Mr. Taylor did, in fact, drive the get-away vehicle, which hit John Dixon, resulting in his broken right leg

or paralysis in the more severe condition). This malicious crime was terribly unnecessary and has resulted in the severe loss of money and goods to Mr. Dixon and will result in his long term disability. We shall prove that Mr. Taylor is a guilty partner in this crime. Mr. Dixon is an upstanding citizen, who has been victimized and has suffered unnecessary pain and discomfort. He shall be disabled for some time and we shall prove the guilt of Mr. Carl Taylor in this terrible crime.

Defense:

Your honor, ladies and gentlemen of the jury. The prosecution is supposed to provide you convincing evidence, beyond a shadow of a doubt, that my client did knowingly plan and participate in the robbery of Dixon's Jewelry Store, and that he was negligent or intended to hurt Mr. Dixon in the unfortunate accident, resulting in Mr. Dixon's disability. The prosecution cannot prove any of this because it is not true. Yes, Mr. Dixon was hit by an automobile while pursuing the robber. No, Mr. Taylor did not participate in the robbery. No, Mr. Taylor was not the least bit responsible for the accident which disabled Mr. Dixon. Ladies and gentlemen of the jury, Mr. Taylor is as innocent as we are in this matter.

Victim Focus Closing ArgumentsProsecution:

Yes, your honor. Ladies and gentlemen of the jury, you must decide what justice is for the crime. Mr. Taylor was either a witness or participant in the assault and battery of Mr. Dixon during the commission of a robbery. This was a real crime, not some story book fantasy as Mr. Taylor would have us believe. Mr. Taylor's fingerprints were found on the steering wheel of the getaway vehicle. He testified that he was behind the wheel of the car when they crashed into Mr. Dixon. Mr. Taylor drove the getaway car in the robbery and he drove the car deliberately into Mr. Dixon in an obvious attempt to kill him. Yet, Mr. Taylor wants us to believe that he didn't know that the deliberate robbery of diamonds and other valuables from Mr. Dixon's store were stolen while he sat in the car with the motor running. Imagine the frustration and pain Mr. Dixon suffered first by robbery and second through an attempt on his life. Ladies and gentlemen of the jury, if justice is to prevail, you must find Mr. Taylor guilty as charged. Put yourself in Mr. Dixon's shoes, justice is needed and only you can provide a just end to this crime.

Defense:

Ladies and gentlemen of the jury, the prosecution has said that you must decide what justice is for this crime, and I

agree. Would justice prevail if an innocent man was sent to jail? Would justice prevail if we punished Mr. Taylor for innocently being there when this unfortunate crime against Mr. Dixon was committed. Ladies and gentlemen, I think justice would not prevail if you convict Carl Taylor. Even though you witnessed a senseless crime of robbery and was placed in a circumstance where you saw another man brutally run down by a car you were in, I'm not sure that you or I, being confused and frightened, would have immediately called the police. I know that Carl Taylor is very saddened by the robbery of Mr. Dixon's jewelry store and his subsequent disability. It was a terrible crime that happened to Mr. Dixon, but to punish an innocent man, a man who was a victim also is not justice. Carl Taylor is not a criminal in this crime, and he is no more guilty than either you or I. Carl Taylor did not know about the robbery, and he did not deliberately nor intentionally propel that car into Mr. Dixon. Ladies and gentlemen of the jury, if justice is to prevail, you can only find Carl Taylor totally innocent.

#### Neutral Focus Control Opening Arguments

##### Prosecution:

Your honor, ladies and gentlemen of the jury. The prosecution is convinced that the evidence we have clearly demonstrates that Carl Taylor was involved in the robbery of

Dixon Jewelry Store. Furthermore, we intend to prove that Mr. Taylor did, in fact, drive the getaway vehicle which hit John Dixon resulting in his broken right leg (or paralysis). Crimes involving assault and battery in the commission of a crime have increased and this societal malady must stop. The prosecution shall prove the guilt of Carl Taylor in the crime beyond any reasonable doubt.

Defense:

Your honor, ladies and gentlemen of the jury. The prosecution is required by law to provide you convincing evidence beyond a shadow of a doubt, that Carl Taylor did knowingly plan and participate in the robbery of Dixon's Jewelry Store, and that he was negligent or intended to hurt Mr. Dixon in the unfortunate accident resulting in Mr. Dixon's disability. The prosecution cannot prove any of this because it is not true. The prosecution will attempt to twist events and sway your emotions because they have no evidence. If you render a decision based solely on the facts you can only find Carl Taylor innocent of this crime.

Neutral Focus Control Closing Arguments

Prosecution:

Yes, your honor. Ladies and gentlemen of the jury, you must decide what justice is for this crime. Mr. Taylor was either a witness or participant in the assault and batter

of Mr. Dixon during the commission of a robbery. The police have provided evidence that Carl Taylor's fingerprints were found on the steering wheel of the getaway vehicle. Mr. Taylor has, himself, testified that he was behind the wheel of the car when the car crashed into Mr. Dixon. Yet, he wants us to believe that he did not participate in this crime. Why didn't he call the police and report this terrible event, an assault and battery in the commission of a robbery? Ladies and gentlemen of the jury, the only way to reduce these types of crimes, is to punish the perpetrators. If justice is to prevail, ladies and gentlemen, you must provide it. You must, in full knowledge of the evidence presented to you, find Mr. Carl Taylor guilty as charged.

Defense:

Ladies and gentlemen of the jury, the prosecution has stated that you must decide what justice is for this crime, and I agree. Would justice prevail if an innocent man was sent to jail? Would justice prevail if we punished Carl Taylor for innocently being there. Ladies and gentlemen, if you convict an innocent man and send him to jail, justice would not prevail. The evidence the prosecution has provided does not justify a conviction. Yes, Mr. Taylor has testified that he was driving the car on that unfortunate evening. But he was driving at the request of someone who, unknowing

to Mr. Taylor, was planning to rob a jewelry store. Carl Taylor has testified also that it was this other person who was in control of the car, propelling the vehicle into Mr. Dixon. Yes, Carl Taylor is innocent. He did not knowingly or intentionally participate in any crime. If justice is to prevail, ladies and gentlemen, you must find Carl Taylor innocent of all charges.

### Dependent Measures

The dependent measures employed in this research included both direct and indirect manipulation checks, as well as verdict and sentencing measures. They are described below in greater detail.

Direct Measures. The primary method employed to measure subjects was verdicts. In addition to verdicts subjects were also required to assume guilt and (assuming a guilty verdict) render recommended sentences of one through ten years imprisonment. Subjects also were asked to rate on a ten point scale how confident they were of their respective verdict. These measures are provided in Appendix B.

Indirect Measures. An experimental review questionnaire was employed to assess subjects' feelings concerning the legal facts of the case, the values employed in decision-making, and their perceptions of responsibility in the commission of the crime. Appendix B also presents these materials.



### Procedure

Subjects were assembled in several groups of 20-50 persons. Since all materials presented to subjects were written and all the dependent measures were collected via questionnaire, the participants in a group session could be randomly assigned to each of the twelve experimental conditions. Subjects were told that the case they were to read was an actual reproduction of a criminal trial which had been tried previously. Subjects were requested to work privately in making a judgement of the case. After all subjects had completed their verdict forms and turned them in, they were requested to complete several post-experimental questionnaires. These questionnaires requested that subjects rate a number of relevant factors in the case: (1) the severity of the crime they had judged; (2) their understanding of the legal factors involved in their decisions; (3) their confidence in their punishment decision; and (4) the relative responsibility of the two criminals in the perpetration of the crime. In addition, they were asked to recommend a sentence to the judge, assuming that the defendant had been found guilty. After completing the measures, subjects received a full debriefing of the experiment.

## Chapter Three

### Results

This chapter presents the data relevant to the major hypotheses advanced in this study. Several statistical techniques were employed to assess the effects that the cognitive focus of attorneys' communications, the legal fate of the defendant's accomplice, and the severity of harm incurred by the victim during the crime had on subject-jurors' verdicts and punishment recommendations.

The major hypotheses were analyzed using a Multiple-Classification Chi-square. This type of analysis is described by Winer (1971) as a procedure that is similar to analysis of variance, but involving the partitioning of frequencies in contingency tables. A three-way analysis of variance was also performed on several questionnaires which served as manipulation checks.

The chapter is organized such that the results of the manipulation checks are presented first, followed by the presentation of data relevant to the major hypotheses and alternative explanations. Prior to presenting the results of the data, a review of the hypotheses should prove useful.

### Hypotheses

Based on prior research it was expected that both the severity of the outcome for the victim and the severity of the

outcome for the accomplice would mediate juror decisions. It was also expected that subjects' verdicts would be influenced by the induced cognitive focus. In other words, it was predicted that the equity considerations to which jurors' attentions are drawn will effect their judgements. More specifically, it was predicted that: (1) subjects in the accomplice cognitive focus would find the defendant not guilty more often than subjects in the other foci conditions, and (2) subjects in the victim focus would find the defendant guilty more often than subjects in the other focus conditions.

Moreover, it was predicted that the impact of severity of outcomes for the victim and accomplice should be moderated by the respective cognitive focus to which subjects were exposed. More specifically, the effects of severity of outcomes was predicted to be greater in the victim focus and less strong in the accomplice focus. The reverse was expected to be true for the influence of information relating to the outcome of the defendants' accomplice. In other words, the fate of the defendants' accomplice was expected to have a greater influence when the cognitive focus was on the outcomes for the defendant (accomplice focus) and less in the victim focus.

The present chapter first presents the data that are relevant to how effective were the manipulations of the independent variables. The chapter continues with the presentation of the data relevant to the tests of the hypotheses. In this section, results which pertain to the predicted main effects are presented prior to

the findings that are relevant to hypotheses which involve the interaction of the independent variables. Finally, data from the postsession questionnaires that are relevant to potential attributional considerations subjects may have used in reaching their verdicts are presented.

### Evidence of the Effectiveness of the Manipulations

During a post-experimental session, subjects were asked to respond to several questionnaire items. The various items on the questionnaires were constructed to measure the relationship of the subjects' responses as a function of the experimental group in which they participated.

#### Perception of how severe the outcomes were to the victim.

Two post-experimental questionnaire items were employed to measure to what extent, if any, subjects perceived differences in the severity of the outcomes (broken leg or paralysis) towards the victim. As a direct measure of severity, subjects were requested to rate, on a six point scale, how severe they felt the crime was in the case they had previously judged (see Rating Form, Appendix B). The overall mean indicated that subjects rated the crime as moderately severe ( $\bar{x} = 4.16$ ). Moreover, as expected the analysis of variance (see Table 22, Appendix A) revealed a main effect for severity of the crime ( $F = 47.94$ ,  $df; 1.167$ ;  $p < .001$ ). Table 1 which presents the means for this effect indicates that subjects in the high severity condition rated the crime as more severe than subjects in the low severity condition.

TABLE 1.--Means Scores on Subjects Perceptions of the Severity of Outcomes to the Victim

Item	Severity <sup>a</sup>		F (1.167)
	Paralysis	Broken leg	
How severe was the crime	4.81	3.50	47.94*
The victim suffered so much that it's only fair that an accomplice receive some punishment	3.73	2.70	15.29*

\*p < .001.

<sup>a</sup>note: Responses were scored (1-7) so that higher numbers reflect more severity.

Subjects were also requested to rate, on a six point scale, the fairness that an accomplice be punished due to the suffering of the victim. Item 9 on the Experimental Review Form (see Appendix B) stated, "Mr. Dixon suffered so much that it's only fair that either Joe White or Carl Taylor receive some punishment." The over-all mean on this item indicated that subjects felt this consideration to be only somewhat important ( $\bar{x} = 3.22$ ). An ANOVA (see Table 18, Appendix A) revealed a significant main effect for severity of the crime ( $F = 15.29$ ); df; 1.167;  $p < .001$ ). Table 1 which presents the mean scores relevant to this item, reveals that subjects in the more severe condition did indicate than an accomplice should be punished.

The data presented above clearly demonstrate that subjects did perceive the varying severity of the outcomes on the victim.

Perception of the differing legal fate incurred by the accomplice. Two questionnaire items (1 and 14) measured to what extent, if any, subjects responded as a function of whether or not they were led to believe the defendants' so-called accomplice had been either convicted or released due to a technical flaw in a separate trial for the same crime (see Appendix B). Analyses of variance of these questionnaire items did not produce any main effects for prior legal fate of the defendants' accomplice. Table 2 presents the mean scores and F ratios relevant to these items.

TABLE 2.--Means Scores on Subjects Perceptions of the Differing Legal Fate Incurred by the Defendant's Accomplice

Item	Fate of the Accomplice		F (1.167)
	Convicted	Released	
How important was providing justice to the defendant based on the results incurred by the accomplice	4.54	4.28	1.52
Given what happened to Joe White it's only fair that Carl Taylor (the defendant) be freed	3.56	3.42	.24

In a direct measure of subjects' perceptions of the prior fate of the defendant's accomplice, subjects were asked on item 1 to indicate how important justice to the defendant was, based on the results of the more responsible accomplice (e.g. Joe White). As previously stated, a main effect for prior fate of the defendants

accomplice was not obtained. Mean scores indicate that subjects felt this consideration was moderately important, however, the expectation that differences attributable to varying the fate incurred by the accomplice was not confirmed.

Item 14 from the Experimental Review Form (see Appendix B) asked subjects, "given what happened to Joe White, it is only fair that Carl Taylor be freed." Subjects indicated that this was only somewhat important in their decision making ( $\bar{x} = 3.4$ ). Further analysis revealed very little variation from the population mean on this item. Neither a main effect or expected mean score patterns demonstrated any differences on this item due to varying the legal fate by the defendant's accomplice.

Previous research has found that the prior legal fate incurred by the defendants' accomplice affects jurors decisions. In the present study, only one line was used to describe the legal fate incurred by the defendants' accomplice. Subjects were simply informed that Joe White (the accomplice) was either convicted or released due to a technical flaw occurring in the arresting procedures. This somewhat simple operationalization of the "fate of the accomplice" variable appears to have been inadequate.

Perceptions of the different cognitive focuses. Several questionnaire items measured if the attempt to manipulate subjects cognitive focus was, in fact, successful. Table 3 provides the overall mean scores for the main effects on the four items to measure the successfulness of the manipulation. The questions

were scored on a six point scale so higher numbers reflect stronger perceptions.

TABLE 3.--Mean Scores Subjects Focus of Attention

Item	Cognitive Focus			F(2.167)
	Victim	Neutral	Accomplice	
Provide justice to victim rather than defendant	4.09	3.77	3.66	1.07
Focus on victim rather than defendant	3.38	3.08	3.00	.94
Focus on defendant rather than victim	4.71	4.26	4.95	4.16*
Providing justice to the defendant is more important than the victim	4.04	3.59	4.61	5.46**

\*  $p < .01$

\*\* $p < .005$

As Table 3 indicates, subjects in the victim focus felt more strongly towards providing justice to the victim than subjects in either the neutral or accomplice focus. Likewise, subjects in the accomplice focus felt more strongly about providing justice to the defendant than subjects in either the neutral or accomplice focus. As expected, subjects in the neutral focus tended to feel more strongly about the victim than subjects in the accomplice focus, yet not as strong as subjects in the victim focus.

The data presented above indicate that subjects were affected by the induced cognitive focus they were exposed to. The



next section presents data relevant to whether or not the respective induced cognitive focus influenced verdicts. Prior to presenting data relevant to the tests of the hypotheses, perhaps a brief summary of the findings from the manipulation checks would prove useful.

### Summary

As expected, subjects responses were influenced by cognitive focus to which they were exposed. Similarly, as expected, subjects did report differences due to varying the severity of the outcome to the victim. However, varying the prior legal fate of the accomplice did not generate significant differences on relevant questionnaire items.

### Test of Hypotheses

As noted earlier, hypotheses were examined using a Multiple-Classification chi-square and through 3 (focus of argument; victim oriented, neutral, accomplice orientated) x 2 (legal fate incurred by the accomplice; convicted or released) x 2 (severity of injuries sustained by the victim; high or low) ANOVAS performed on relevant questions for the post experimental questionnaires.

### Main Effects

The effects of the treatments on the verdicts of subjects were examined via a 3 (cognitive focus: victim orientated, neutral, or accomplice orientated) x 2 (severity of outcomes to the victim: paralysis or broken leg) x 2 (prior legal fate of the defendants accomplice: convicted or released due to a technical error in the

arrest) multiple-classification chi-square analysis. Table 4, which presents a summary of this analysis, reveals two significant effects: (1) the main effect of cognitive focus, and (2) the main effect for severity of outcomes to the victim.

TABLE 4.--Summary of Multiple-Classification Chi-Square Analysis on Verdicts Rendered by Independent Variables

Source	df	$\chi^2$
A x D	2	52.60**
B x D	1	.08
C x D	1	10.76*
A x B x D	2	0
A x C x D	2	.9
B x C x D	1	.35
A x B x C x D	2	1.42

\*  $p < .01$

\*\* $p < .001$

A = Induced Cognitive Focus

B = Fate incurred by the defendants accomplice

C = Severity of harm incurred by the victim

D = Verdict rendered

A main effect was expected for each of the independent variables subjected to the analysis. As Table 4 reveals, two of the three variables produced significant results. More specific findings for each of the expected main effects are presented separately, below.

Induced cognitive focus. Given the significant main effect for cognitive focus additional chi-square analyses were performed to explore verdict differences in each focus condition compared to each of the others.

Subjects' who were exposed to a cognitive focus on the victim, generated verdicts that differed significantly from verdicts of subjects in both the neutral focus ( $\chi^2 = 6.56$   $p < .05$ ) and accomplice focus ( $\chi^2 = 50.82$   $p < .001$ ); moreover, the verdicts of subjects in the accomplice focus condition differed from those of subjects in the neutral focus condition ( $\chi^2 = 24.21$ ,  $p < .01$ ). Table 5 presents the frequency distributions relevant to subjects verdicts by induced focus. As Table 5 reveals, as predicted, more subjects exposed to the victim focus found the defendant guilty, whereas the opposite pattern typified the accomplice focus.

TABLE 5.--Frequency of Verdicts by Cognitive Focus

Perceptual Focus	Verdict	
	Guilty	Not Guilty
Victim	48	12
Neutral	35	35
Accomplice	9	51

These findings indicate that the hypothesis that induced cognitive focus would moderate verdicts was strongly supported.

Severity of outcomes to the victim. The severity of outcomes to the victim also was hypothesized to mediate verdicts. As noted, the multiple-classification chi-square revealed a main effect for severity of injuries to the victim. Table 6 presents the frequency distribution of verdicts rendered classified by the severity of injury to the victim. As Table 6 reveals, when the victim had suffered more severely from paralysis, subjects found the defendant guilty more often than when the victim had only suffered a broken leg. Thus, these data offer strong support for the hypothesis that severity of outcomes to the victim would mediate verdicts rendered.

TABLE 6.--Frequency of Verdicts According to the Severity of Injury to the Victim

Severity of Injury to Victim	Verdict	
	Guilty	Not Guilty
Broken Leg	35	55
Paralysis	57	33

Prior legal fate incurred by the defendant's accomplice.

As noted earlier, the prior fate of the defendant's accomplice was expected to have an influence on verdicts. Results from the multiple-classification chi-square failed to produce any significant effects for this variable. Table 7 provides the frequency distribution of verdicts classified by prior legal fate of the accomplice. As Table 7 indicates, subjects' verdicts were not influenced as a function of the legal fate incurred by the defendants accomplice.

TABLE 7.--Frequency of Verdicts According to the Prior Fate of the Accomplice

Fate of the Accomplice	Verdict	
	Guilty	Not Guilty
Convicted	45	45
Released	47	43

### Interactions

It was expected that the influence on verdicts of the severity of outcomes to the victim would operate most strongly in the victim focus and least strongly in the accomplice focus. Table 8 presents the cell frequencies of verdicts rendered and individual chi-squares based on cognitive focus. As Table 8 indicates, significant chi-square values were obtained for the victim focus by severity of injuries to the victim and the accomplice focus by severity of injuries. Inspection of the observed frequencies indicates that subjects in both focus conditions were more likely to find the defendant guilty when the victim suffered severely. Thus, the pattern of findings did not support the hypotheses. Of interest, however, was the nonpredicted tendency of subjects in the neutral focus condition to be least affected by severity of the victim's injury.

One of the more interesting predictions involving the interaction of the independent variables concerned the hypothesis that the legal fate incurred by the accomplice would be most influential

TABLE 8.--Observed Cell Frequencies of Verdicts and Chi-Square by Cognitive Focus on the Severity of Outcome to the Victim

Perceptual Focus	Severity of Injuries	Verdict		Chi-Square
		Guilty	Not Guilty	
Victim	Paralysis	28	2	$\chi^2 = 6.64^*$
Victim	Broken Leg	20	12	
Neutral	Paralysis	20	10	$\chi^2 = 1.7$
Neutral	Broken Leg	15	15	
Accomplice	Paralysis	9	21	$\chi^2 = 10.58^{**}$
Accomplice	Broken Leg	0	30	

\* p = .01  
 \*\* p = .05

in the accomplice focus but have the least effect under the victim focus. It was hypothesized that subjects, operating from an induced cognitive focus orientated toward the severity of outcomes to the defendant (e.g. accomplice focus) would be more receptive to information involving the relationship between the accomplice; and this information, in turn would be more likely to influence verdicts. Table 9 provides the relevant frequencies and chi-square values of verdicts classified by cognitive focus on the prior legal fate of the accomplice.

TABLE 9.--Frequencies of Verdicts and Chi-Square Values Involving Cognitive Focus and Fate Incurred by the Accomplice

Cognitive Focus	Fate of Accomplice	Verdict		$\chi^2$
		Guilty	Not Guilty	
Victim	Convicted	24	6	$\chi^2 = 0$
Victim	Released	24	6	
Neutral	Convicted	18	12	$\chi^2 = .55$
Neutral	Released	17	13	
Accomplice	Convicted	3	27	$\chi^2 = 1.16$
Accomplice	Released	6	24	

According to the chi-square values reported in Table 9, no significant differences occurred within any focus condition. However, as the frequency distributions reveal, subjects in the accomplice focus were somewhat more influenced by the prior legal

fate incurred by the defendant's accomplice than were subjects in the other focus conditions. When the defendant's accomplice has been previously tried for the same crime and convicted, only 3 of 30 subjects found the defendant guilty. On the other hand, 6 of 30 subjects informed that the accomplice had been released from all charges because of a technical error in the arresting procedure found the defendant guilty. Based on material presented in the introduction, one might have expected the opposite pattern--i.e., that knowing that his accomplice had been released would have induced jurors to be more lenient to the present defendant. As expected, however, verdicts rendered by subjects in both the neutral and victim focus were not influenced at all by the varying prior legal fate incurred by the defendants accomplice. Thus, these data offer only marginal support, at best, concerning the influence prior fate of the defendants' accomplice and cognitive focus had on verdicts.

#### Recommended Sentences

The second major dependent measure employed in the study was recommended sentences. Subjects were asked to assume that the defendant, Carl Taylor, was found guilty and to recommend the number of years (1-15) he should serve in prison. Comparing sentence recommendations with verdicts was believed to be useful for two reasons. First, these data would provide an alternate test of subjects' tendencies to be anchored by their verdicts. Second, to examine what effects, if any, assuming guilt would have in the



retribution or equity considerations that were assumed to be situational factors in certain of the experimental conditions

Conducting meaningful comparisons across experimental conditions was hampered by the lack of sufficient frequencies in every cell. Table 29 in Appendix A provides a summary of frequency distributions of verdicts by experimental conditions. As Table 29 indicates, 3 of the 12 experimental conditions resulted in unanimous verdicts, thereby leaving some cells void of respondents. Given these problems, specific inclusion of these data would not be appropriate.

#### Responses to Post-Session Questionnaire

In this section data relevant to subjects' causal ascriptions and confidence in verdicts rendered are reported. Causal ascriptions on two factors, who should get justice and who was responsible and therefore justifiably blamed, were examined. The questionnaire items were analyzed via a 3 x 2 x 2 analysis of variance. The questionnaire is presented in Appendix B.

Causal ascriptions of blame and responsibility. Subjects were asked to rate on a 6-point scale how responsible was the defendant, the accomplice or the victim for the events in the case they had previously judged. Table 10 provides a summary of these means.

TABLE 1

Item

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TABLE 10.--Mean Scores and F Tests for Level of Responsibility  
Attributed to Persons Involved in the Crime

Item	Mean Scores	F (1,167)
2. How responsible was the defendant	2.72	5.84*
3. How responsible was the accomplice	5.33	5.93*
4. How responsible was the victim	2.01	5.89*

\*p < .01

Note: The higher mean score indicates more attributed responsibility.

As Table 10 indicates, the defendant's accomplice was viewed as primarily responsible. As expected, the victim was viewed as least responsible, and the defendant was viewed as the next less responsible person. Surprisingly, subjects in several experimental conditions perceived the defendant as a type of victim. These perceptions primarily occurred when the severity of outcomes to the victim were low and subjects were exposed to both an induced neutral and accomplice cognitive focus.

A separate three-way analysis of variance was performed on each the scores for the victim and the alleged perpetrators. When this analysis was performed on Item 2, a main effect was found for perceptual focus ( $F = 5.84$ ,  $p < .01$ ). This affect reflected the tendency of subjects to indicate that the defendant's accomplice was more responsible than the defendant himself. When this analysis

was performed on Item 3, a main effect was revealed for severity of crime ( $F = 5.93, p < .01$ ). This effect indicated that when the crime was more severe the accomplice was viewed as more responsible.

In addition, a three-way analysis of variance was performed on Item 4. This analysis revealed two main effects, one for perceptual focus ( $F = 5.89, p < .01$ ) which indicated that subjects attributed more responsibility to accomplice than either the victim or defendant--and one for fate of the defendant's accomplice which indicated that the accomplice was judged as more responsible when he had been convicted.

More specific questions which examined responsibility for acts in the crime were also analyzed. A summary of these findings indicate that the defendants' accomplice (Joe White) was perceived to have robbed the store and caused the vehicle to injure the victim. The defendant (Carl Taylor) was viewed as having a slight responsibility because he was, in fact, actually sitting behind the steering wheel. When the severity of injuries to the victim were high (paralysis), the victim (John Dixon) was viewed as somewhat responsible because he chased the crook. Finally, subjects suggested that the defendant was extremely responsible for not calling the police immediately to report the crime.

Causal ascriptions of who should get justice. As noted earlier in this chapter, several questions were asked to measure on whom subjects focused their justice considerations. These results, presented in Table 3, indicated that subjects focused

their justice considerations consistently with the cognitive focus to which they were exposed, and that more severe outcomes to the victim increased sympathy toward him.

In addition to the questionnaire items previously discussed, subjects were also asked if they felt punishing Carl Taylor (the defendant) would be unfair because Joe White (the accomplice) was the sole crook. Overall, subjects felt this consideration was moderately important ( $\bar{x} = 4.2$ ) in their decision-making. A three way analysis of variance (see Table 16 Appendix A) revealed a main effect for perceptual focus ( $F = 5.21$ ,  $df\ 2,167$ ;  $p < .006$ ) and severity of the crime ( $F = 5.58$ ,  $df\ 1,167$ ;  $p < .01$ ).

Table 11 provides a summary of mean scores relevant to this item. (Higher scores reflect subjects agreeing that punishing the defendant was unfair and that this consideration was important in their decision making.)

TABLE 11.--Mean Scores on Fairness of Punishing the Defendant Because the Accomplice Was Totally Responsible

Fate of Accomplice	Severity of Injuries	Cognitive Focus		
		Victim	Neutral	Accomplice
Convicted	High	4.93	3.31	4.20
	Low	3.75	3.20	5.13
Released	High	4.00	3.80	3.47
	Low	5.21	4.40	5.47

As Table 11 indicates, subjects in the accomplice focus generally believed that punishing the defendant was not fair. However, when these subjects were informed that the severity of outcomes to the victim were not severe (broken leg), they indicated that this consideration was very important in their decision-making. Also, as Table 11 indicates, when subjects were informed that the victim had suffered a broken leg and that the defendant's accomplice had been released, the unfairness of punishing the defendant was very important, irrespective of induced cognitive focus.

Confidence Ratings. In a post experimental questionnaire, subjects were asked to rate the degree of confidence they had felt when reaching their verdict. Responses on this item could have ranged from 1 (not confident) through 10 (extremely confident). Results which were analyzed using a three way ANOVA, revealed that no significant effects of any of the independent variables. However, as the overall mean indicates, most subjects felt highly confident about their verdicts ( $\bar{x} = 8.54$ ).

## Chapter Four

### Discussion

In American jurisprudence, the jury symbolically represents the assurance of a fair trial in which the defendant's rights are protected as well as the social welfare of the greater society. A jury's verdict is also somewhat symbolic and representative of the community's views, conscience and opinions on crimes which occur in their boundaries.

Given the symbolic role that juries play in jurisprudence, how is it then, that based on jury's decision the larger community can become disturbed and outraged to the extent that violence will occur? What differences exist among the jurists in the cases cited and the larger community they represent? Is it possible that the trial process itself initiates some potential differences and discrepancies in judgements? Are there aspects of trial related information which is received and/or processed which are responsible for those differences in judgements?

The introduction of this dissertation discussed the dramatic reactions which large groups of people had to hearing verdicts rendered in criminal cases in which the defendants were not treated as harshly as observers deemed appropriate. Obviously, these observers empathized quite strongly with the victim in each of these cases, but their capacity for empathy would not, logically, be of

greater porportion than those twelve randomly selected jurors which were chosen to represent the communities views. It would, therefore, seem most appropriate to examine aspects of the trial process itself to obtain insight on those causal factors which may explain these differences.

The findings of the present study lead one to conclude that empathatic arousal is responsible for affecting jurors' verdicts. Moreover, these results suggest that empathic arousal in individual jurors is mediated by the manner in which the issue to be judged is presented--specifically the person whose just fate is made the focal concern.

Perhaps the most striking finding of the present study was the influence which induced cognitive focus had on subjects' verdicts. As expected, conviction rates of subjects in the neutral focus (35 of 60) were neither as high as subjects in the victim focus (48 of 60) nor as low as subjects in the accomplice focus (where only 9 of 60 subjects found the defendant guilty). It is quite clear that subject's verdicts were strongly influenced by an induced cognitive focus. Given this influence, a major concern of this study is to explain how, this induced cognitive focus operates to effect jurors' verdict judgements.

Results from the present study suggest that a cognitive focus serves to guide a juror's competing concerns (justice for whom?) as well as to reduce several competing equity considerations to the one or two on which the jurist focuses his or her empathy.



The cognitive focus helps jurors sort out and, to some extent, verify--via the points of relevancy and agreement in the opposing attorneys' arguments--what the important judgement issues are and what is or is not believable or reasonable. A cognitive focus serves this function by increasing the relevance of a subset of "facts" and making more salient the cognitive balance between inputs and outcomes as they relate to the focused issue. In other words, an induced cognitive focus helps to provide jurors with a framework to decide who should get their empathy.

More specifically, the present study reveals that the induced cognitive accomplice focus raised the salience of the relationship between the alleged perpetrators by linking decisions about the defendant to his accomplice. Likewise, an induced cognitive focus on the victim resulted in more guilty verdicts. For example, when the accomplice had been freed, more not guilty verdicts were rendered than when the accomplice had been convicted. In contrast, information about the accomplices' fate had much less impact when jurors were induced to focus on the outcomes to the victim. This pattern of results remained consistent when the induced cognitive focus was on the outcomes received by the victim. In this instance, it was found that more severe outcomes to the victim caused more guilty verdicts in the victim focus than in the accomplice focus.

Initially, one may be tempted to assume these results are due to a simple exposure effect. However, you may recall that

inducing the respective cognitive focuses in subjects was accomplished only through a variation of the opening and closing arguments of the prosecuting and defense attorneys. All facts in the case,--e.g., the testimony of each witness and the judges legal instructions to each jurist--was not varied across focus conditions. Therefore, it seems highly unlikely that "mere exposure" provides an explanation for the obtained pattern of results. The inability of mere exposure to explain the results is highlighted by the strong main effect obtained for cognitive focus ( $\chi^2 = 52.60$   $p < .001$ ) and the additional results from analyses performed to assess the focus conditions compared to one another. Recall that these additional comparisons revealed that significantly more subjects in the induced victim focus found the defendant guilty than either the neutral focus or accomplice focus in which only 9 of 60 subjects rendered guilty verdicts. These differences occurred despite the fact that, across focus conditions, subjects were exposed to the same information.

The present study also examined what interactive effects the severity of the crime might have on an induced cognitive focus. Examining this relationship was perceived to be important in that prior research had found that the severity of the crime was a very strong "empathy inducer."

For example, prior research by Austin (1980), which examined the effects of varying crime severity on assigned punishment, indicated that increasing the severity of the crime increased assigned

punishment, and the more serious crime, the less inclined subject-jurors were to allow other defendant empathy-inducing variables to moderate punishment recommendations. Unlike this and other prior research, the results of the present study suggest that the severity of the crime interacts quite strongly with whoever acquires the "focus of jurors attributional framework." Although in the present study, subjects were not asked to make judgements about the more responsible offender, it was assumed that considerations about the more responsible accomplice would affect verdicts. In the present study when crime severity and responsibility were sufficiently high, the influence from an induced cognitive focus remained strong.

For example, the current results of the study indicate that an induced victim focus operated to make the severity of outcomes to the victim more salient by linking decisions about these outcomes to attributions concerning to whom justice is due and who the "victim" is. The data indicate that this focus on the fate incurred by the innocent victim remained constant throughout the experimental and post-experimental sessions.

More specifically it was found that more severe outcomes to the victim led to less favorable decisions about the defendant. But, these effects, of the severity of outcomes for the victim, were moderated by the induced cognitive focus. Therefore, it was found that more severe outcomes to the victim caused more guilty verdicts in the victim focus than in the accomplice focus conditions.

As with severity of crime, prior research has found that the level of responsibility of the accomplice in a crime and the prior fate incurred by the accomplice have a strong effect on jurors' verdicts. These effects are explained by suggesting that jurors attempt to balance justice or provide equity in these potentially "unbalanced" situations.

In prior research by DeJong, Morris and Hastorf (1976), the fate of the defendants accomplice had a direct influence on recommended sentences. This influence was, however, not as strong as the influence due to the severity of the crime nor the responsibility level of the defendant in the crime. In the present research, the fate of the defendants accomplice was hypothesized to have a major influence on verdicts. Surprisingly, this variable had no main effect on verdicts rendered or recommended sentences. This lack of a direct influence on verdicts may be due to the brief and non-descript manner in which the fate of the defendant's accomplice was presented in the case. A second explanation, which the data supports, suggests that the target of subjects' attributional framework operates so deliberately as to mediate the influence which other variables potentially have on verdicts. As previously stated, the data from the present study confirmed the hypotheses that any potential influence on verdicts from varying the fate of the defendants accomplice was enhanced by an induced cognitive focus on the accomplice.

One of the most surprising findings of the present study involved the prior fate of the accomplice when the accomplice had been convicted. Although there was no direct relationship between fate of the accomplice and verdicts rendered, there was a tendency for subjects to indicate that the defendant should be punished and that the victims justice considerations were more important when the accomplice had been convicted. The opposite tended to be true when the accomplice had been released.

As previously stated, the sentence data was not appropriate for cross condition comparisons. However, some effects were both interesting and strong enough to warrant some mention. For example, when the crime was quite severe and the accomplice had been convicted, the severity of outcomes for the defendant were quite severe also. Thirteen of fifteen subjects in the victim focus rendered guilty verdicts and recommended an average of seven years imprisonment. Strikingly, three of fifteen subjects in the accomplice focus rendered guilty verdicts, and even when asked to assume the guilt of the defendant, recommended only 1.5 years imprisonment.

Some of the most important findings to emerge from this study are those involving subjects' attributions of responsibility, blame, weight of evidence and who should receive justice. Kidd and Utne (1978) suggested that an awareness of an inequity and attributional information seeking processes occur at the same time. In this view, both reactions to inequity and the engagement of attributional processes are the consequence of the violation of a norm.

They suggest that once this norm is violated, the amount of subsequent distress is primarily dependent on the outcome of the types of causal explanations that are formed regarding the counternormative act. They add that the discrepant and distressing nature of an inequitable situation provides the impetus and occasion for causal explanations aimed at understanding or dispelling the uncomfortableness aroused by the perceived injustice.

The present study indicates that this "distress" which arouses attributional interpretations and subsequent action is affected through an induced cognitive focus. More importantly, this "focus" does, in fact, mediate whether or not "distress" is sufficiently perceived, and, the direction in which "distress dispelling" responses occur.

For example, in the post-experimental questionnaire subjects operating within an induced accomplice focus emphasized the inequities resulting from the less responsible person being a defendant in the crime. Subjects perceived the defendant (Carl Taylor) as less responsible. He was not blamed for any key steps in the crime except failure to report the crime to the police. Subjects also reported that the weight of the evidence against the defendant was not convincing and that it was he, moreso than the victim, that their justice considerations should be geared towards. They felt that punishing the defendant was unfair because Joe White (the alleged accomplice) was the sole crook. When subjects in the accomplice focus were led to believe that the victim had suffered

a broken leg (low crime severity), this outcome to the victim increased empathy to the defendant to point where he was perceived as a victim also.

Subjects' attribution of who should receive justice was influenced by the respective cognitive focus and the legal fate incurred by the defendant's accomplice. When the accomplice had been convicted, providing justice to the victim was generally more important. This effect was enhanced in the induced victim focus. When the defendants' accomplice had been released due to a technical error, providing justice to the victim was not as important as providing justice to the defendant. This effect was particularly strong when the severity of outcomes to the victim was low.

These results from the post-experimental questionnaire suggest that when the party viewed as most responsible for the crime was released (due to a technical flaw), the justice process is disturbed, tainted and inequitable. When this outcome occurs, subjects report that the "inequitable relationship" between the defendant and the released accomplice is more significant, and furthermore, in some instances subjects indicated that the inequitably treated defendant deserves justice more so than does the victim. However, this concern for justice for the defendant vis a vis the accomplice did not overshadow the influence of the cognitive focus to which subjects were exposed.

These results support the interpretations of DeJong, Morris and Hastorf (1976) concerning the restoration of balance to the

exchange relationship between both the offenders and victim of a crime, as well as between the offenders themselves. DeJong, et al., report that in their study subjects were presented with two competing equity considerations, yet their data suggest that subjects attended to both. They suggest that the equity considerations between the two offenders compromised the subjects' ability to restore completely, the balance to the relationship between the two criminals and the victim. Data from the present study suggest that subjects handle these competing equity considerations by favoring the need to provide justice to the defendant. However they still tended to find the defendant guilty if the crime was severe enough. Moreover, irrespective of crime severity, if subjects were induced to focus on those outcomes to the victim, the issue of equity between defendant and accomplice became much less important.

In this study, equity restoration was related to which party (victim or defendant) with whom subjects seemed to sympathize. Austin (1980) suggested that judges use an individual balancing process where punishment is recommended to fit the criminal. Austin found that in low to moderately severe crimes, offender suffering illicit sympathy, which, in turn, was used to balance out a recommended punishment. The results of research by Archer, Foushee, Davis and Aderman (1979) further collaborate this "sympathy effect" in mediating equity responses. Their study demonstrated that those subjects asked to imagine themselves as the defendant (empathy-inducing appeal), as compared to subjects asked to pay close



attention to evidence (nonempathy appeal), rated the defendant's actions as more lawful and attributed less blame to the defendant. Archer et al., discuss their results on the basis of a "sympathy reduction" explanation.

The data from the present study are consistent with the above interpretations that equity restoration as a motivator does occur after empathies have been aroused. However, unlike prior research, the present study demonstrates that perceptions of inequity are mediated through an induced cognitive focus, and, moreover, the arousal of empathy is directly influenced by the respective cognitive focus to which subjects are exposed.

### Conclusion

If we are to obtain real insight on the effects that process and situational variables have in actual judicial proceedings, it is essential that we study and understand the effects that occur in jurors from the communications they receive from attorneys. The present study attempted to duplicate a central facet of actual trials. In actual trials, attorneys either agree on what interpretations of facts and evidence they differ on and then attempt to create a scenario to verify their arguments. Or they disagree on a particular interpretation of the law and provide legal arguments from that perspective. Regardless of the point at which opposing attorneys disagree the issue is that jurors are asked to make a judgment based on the scenario which is established to account for who is responsible for the crime as well as who should get justice.

This study verifies the significant role which attorneys' arguments have on focusing jurors evaluative judgements. Understanding the role which cognitive focus has on jury decision-making is important because this variable assists our understanding on how subjects attribute causality and how these causal attributions affect decision-making. The present study suggests that subjects' use of causal attributions of responsibility and blame are reflected in their verdicts and verdicts seem to be highly related to whom subjects focus these attributions on.

Future research should examine how, more precisely, cognitive focus affects group deliberation processes in mock (and real) jury contexts. In addition, research which more effectively operationalizes the legal fate incurred by the accomplice is needed. This future research should focus on the effects on jurors' verdicts which occur when the accomplice escapes, is released on technicalities, or provides testimony in exchange for immunity from prosecution. Clearly, the most significant contribution of the present research as well as the variable in most need of additional research is induced cognitive focus. It is important as well to study the potential interactions of cognitive focus on variables such as personal characteristics, order of evidence presented and other previously studied variables. These potential effects have been neglected but as the present research demonstrates, they are extremely important considerations which affect verdicts. In addition, more research is needed to uncover the cognitive factors

that jurors attend to in developing causal ascriptions of blame, responsibility and intentions. In the present research, the agreement of attorneys' arguments on those major decisional factors apparently worked to establish a cognitive focus which then guides subsequent attributions of causality and sympathetic-arousal. This sympathetic arousal in turn, illicited distress and distress-reducing responses towards the party who, as a result of the induced cognitive focus, was perceived by subjects to deserve more empathy considerations.

This effect of cognitive focus is noteworthy for criminal lawyers who can use focusing techniques in the preparation of their case and most certainly in their attestations before juries.

As the present results indicate cognitive focus can have a profound impact on the outcome of jurors' deliberations.

## APPENDICES

Appendix A  
Analysis of Variance Summary Tables

TABLE 12.--Analysis of Variance Relevant to Sentence Recommendations  
(Item A-3)

Source	df	MS	F
Perceptual Focus (A)	2	70.06	2.9**
Fate of Accomplice (B)	1	6.54	.27
Severity of Crime (C)	1	3.80	.15
A x B	2	202.81	8.39*
A x C	2	89.79	3.71**
B x C	1	72.87	3.01***
A x B x C	2	58.70	2.43***

TABLE 13.--Analysis of Variance Relevant to Providing Justice to  
the Defendant (Item B-2)

Source	df	MS	F
Perceptual Focus (A)	2	7.43	3.45**
Fate of Accomplice (B)	1	3.29	1.52
Severity of Crime (C)	1	19.50	9.05*****
A x B	2	3.78	1.75
A x C	2	10.49	4.87*****
B x C	1	14.98	6.95*****
A x B x C	2	.25	.11

\*p < .001  
 \*\*p < .05  
 \*\*\*p < .10  
 \*\*\*\*\*p < .009

TABLE 14.--Analysis of Variance Relevant to Providing Justice to the Victim (Item B-2).

Source	df	MS	F
Perceptual Focus (A)	2	2.81	1.06
Fate of Accomplice (B)	1	30.47	11.55*
Severity of Crime (C)	1	.02	.09
A x B	2	4.53	1.71
A x C	2	6.63	2.51**
B x C	1	4.46	1.76
A x B x C	2	6.22	2.36**

TABLE 15.--Analysis of Variance Relevant to Concern of Verdict on the Defendant Rather than Victim (Item B-5)

Source	df	MS	F
Perceptual Focus (A)	2	7.30	4.16**
Fate of Accomplice (B)	1	.57	.32
Severity of Crime (C)	1	4.26	2.43
A x B	2	.28	.16
A x C	2	11.01	6.28*
B x C	1	.02	.01
A x B x C	2	3.19	1.82

\*p &lt; .001

\*\*p &lt; .01

\*\*\*p &lt; .09

TABLE 16.--Analysis Variance Relevant to the Fairness of Punishing the Defendant (Item B-6)

Source	df	MS	F
Perceptual Focus (A)	2	16.66	5.21*
Fate of Accomplice (B)	1	4.0	1.25
Severity of Crime (C)	1	17.83	5.58**
A x B	2	5.05	1.58
A x C	2	8.31	2.60***
B x C	1	18.59	5.81**
A x B x C	2	3.33	1.04

TABLE 17.--Analysis of Variance Relevant to the Defendant's Involvement in the Crime (Item B-7)

Source	df	MS	F
Perceptual Focus (A)	2	6.74	2.60***
Fate of Accomplice (B)	1	8.07	3.12***
Severity of Crime (C)	1	20.33	7.86*
A x B	2	9.79	3.78***
A x C	2	17.69	6.84****
B x C	1	3.58	1.38***
A x B x C	2	6.17	2.38

\*p < .006  
 \*\*p < .01  
 \*\*\*p < .07  
 \*\*\*\*p < .001



TABLE 18.--Analysis of Variance Relevant to the Suffering of the Victim (Item B-9)

Source	df	MS	F
Perceptual Focus (A)	2	4.43	1.50
Fate of Accomplice (B)	1	40.65	13.81*
Severity of Crime (C)	1	45.02	15.29*
A x B	2	4.49	1.52
A x C	2	10.59	3.60**
B x C	1	2.15	.73
A x B x C	2	5.94	2.01

TABLE 19.--Analysis of Variance Relevant to Providing Justice to the Victim (Item B-12)

Source	df	MS	F
Perceptual Focus (A)	2	2.37	.94
Fate of Accomplice (B)	1	1.66	.66
Severity of Crime (C)	1	.03	.01
A x B	2	9.42	3.74**
A x C	2	33.61	13.36*
B x C	1	3.64	1.44
A x B x C	2	1.05	.41

\*p &lt; .001

\*\*p &lt; .05

TABLE 20.--Analysis of Variance Relevant to Providing Justice to the Defendant (Item B-13).

Source	df	MS	F
Perceptual Focus (A)	2	14.47	5.46**
Fate of Accomplice (B)	1	.43	.16
Severity of Crime (C)	1	17.94	6.77*
A x B	2	6.18	2.33
A x C	2	4.84	1.82
B x C	1	27.74	10.47**
A x B x C	2	4.11	1.55

TABLE 21.--Analysis of Variance Relevant to Releasing the Defendant Because of the Fate of His Accomplice (Item B-14)

Source	df	MS	F
Perceptual Focus (A)	2	5.39	1.50
Fate of Accomplice (B)	1	.86	.24
Severity of Crime (C)	1	12.13	3.37***
A x B	2	17.42	4.85****
A x C	2	.26	.07
B x C	1	4.09	1.14
A x B x C	2	7.18	2.0

\*p < .01  
 \*\*p < .008  
 \*\*\*p < .06  
 \*\*\*\*p < .009

TABLE 22.--Analysis of Variance Relevant to the Severity of the Crime (Item C-1)

Source	df	MS	F
Perceptual Focus (A)	2	3.78	2.38****
Fate of Accomplice (B)	1	42.53	26.79*
Severity of Crime (C)	1	76.09	47.94*
A x B	2	1.46	.92
A x C	2	4.97	3.13***
B x C	1	1.07	.67
A x B x C	2	1.07	.67

TABLE 23.--Analysis of Variance Relevant to the Amounts of Responsibility Joe White had in the Crime (Item C-2)

Source	df	MS	F
Perceptual Focus (A)	2	1.96	1.47
Fate of Accomplice (B)	1	.14	.10
Severity of Crime (C)	1	7.90	5.93**
A x B	2	1.24	.93
A x C	2	.99	.74
B x C	1	5.42	4.07***
A x B x C	2	1.67	1.26

\*p < .001  
 \*\*p < .01  
 \*\*\*p < .05  
 \*\*\*\*p < .09

TABLE 24.--Analysis of Variance Relevant to the Amount of Responsibility the Defendant had in the Crime (Item C-3)

Source	df	MS	F
Perceptual Focus (A)	2	12.13	5.84**
Fate of Accomplice (B)	1	1.08	.52
Severity of Crime (C)	1	2.69	1.29
A x B	2	3.83	1.85
A x C	2	18.54	8.94*
B x C	1	8.44	4.06***
A x B x C	2	1.06	.51

TABLE 25.--Analysis of Variance Relevant to the Amount of Responsibility the Victim had in the Crime (Item C-4)

Source	df	MS	F
Perceptual Focus (A)	2	10.91	5.89**
Fate of Accomplice (B)	1	11.81	6.37**
Severity of Crime (C)	1	.98	.53
A x B	2	1.25	.67
A x C	2	2.16	1.16
B x C	1	1.67	.90
A x B x C	2	6.25	3.37

\*p < .001  
 \*\*p < .01  
 \*\*\*p < .05

TABLE 26.--Analysis of Variance Relevant to the Amount of Responsibility Attributed to the Victim for his Injuries (Item D-4)

Source	df	MS	F
Perceptual Focus (A)	2	3.36	.95
Fate of Accomplice (B)	1	.63	.07
Severity of Crime (C)	1	40.29	11.40*
A x B	2	18.26	5.17**
A x C	2	17.71	5.01**
B x C	1	9.61	2.72
A x B x C	2	3.75	1.06

\*p < .001

\*\*p < .008

TABLE 27.--Analysis of Variance Relevant to the Responsibility Attributed to the Defendant for Injuring the Victim (Item D-6)

Source	df	MS	F
Perceptual Focus (A)	2	19.76	8.20*
Fate of Accomplice (B)	1	.15	.06
Severity of Crime (C)	1	.50	.20
A x B	2	8.20	3.40***
A x C	2	16.03	6.66**
B x C	1	7.14	2.98****
A x B x C	2	6.36	2.64****

\*p < .001

\*\*p < .002

\*\*\*p < .03

\*\*\*\*p < .08

TABLE 28.--Analysis of Variance Relevant to the Accomplice Injuring the Victim (Item D-7)

Source	df	MS	F
Perceptual Focus (A)	2	1.75	1.13
Fate of Accomplice (B)	1	3.33	2.14
Severity of Crime (C)	1	4.55	2.94**
A x B	2	1.16	.75
A x C	2	.15	.00
B x C	1	2.51	1.62
A x B x C	2	5.20	3.35*

\*p &lt; .03

\*\*p &lt; .08

TABLE 29.--Summary of Observed Cell Frequencies by Experimental Condition

Independent Variables			Verdict	
Perceptual Focus	Severity of Crime	Fate of Accomplice	Guilty	Not Guilty
Victim	Low	Released	9	6
		Convicted	11	4
	High	Released	15	0
		Convicted	13	2
Neutral	Low	Released	8	8
		Convicted	7	8
	High	Released	9	6
		Convicted	11	4
Accomplice	Low	Released	0	15
		Convicted	0	15
	High	Released	6	9
		Convicted	3	12

## Appendix B

### Dependent Measures and Questionnaire Items



VERDICT FORM

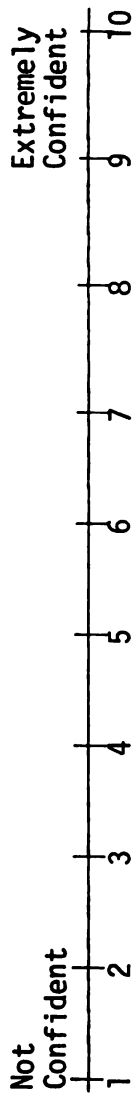
Based on the evidence presented in this case, I find the  
defendant (Carl Taylor).

\_\_\_\_\_ GUILTY

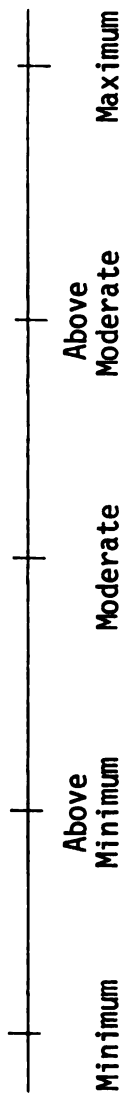
\_\_\_\_\_ NOT GUILTY

1. In reaching this verdict I felt the following degree of confidence.

(1 = Not confident; 10 = Extremely confident)



2. Assume the defendant, Mr. Carl Taylor, was found guilty. Please recommend his jail sentence under the following guidelines from the Michigan Penal Code.



3. Using the Michigan Penal Code, please recommend the numbers of years the defendant (assuming he is guilty) should receive.



## EXPERIMENTAL REVIEW FORM

In deciding this case please indicate how important the following factors were in your decision making.

1. The results of Joe White's case and on that basis providing justice to Carl Taylor.
 

Extremely Important	Very Important	Moderately Important	Somewhat Important	Slightly Important	Not Important
---------------------	----------------	----------------------	--------------------	--------------------	---------------
2. Providing justice to Mr. Dixon more so than Carl Taylor.
 

Extremely Important	Very Important	Moderately Important	Somewhat Important	Slightly Important	Not Important
---------------------	----------------	----------------------	--------------------	--------------------	---------------
3. The friendship between Joe White and Carl Taylor.
 

Extremely Important	Very Important	Moderately Important	Somewhat Important	Slightly Important	Not Important
---------------------	----------------	----------------------	--------------------	--------------------	---------------
4. The weight of the evidence against Carl Taylor more so than giving justice to Mr. Dixon.
 

Extremely Important	Very Important	Moderately Important	Somewhat Important	Slightly Important	Not Important
---------------------	----------------	----------------------	--------------------	--------------------	---------------
5. I was more concerned with the effects of my decision on Mr. Taylor rather than Mr. Dixon.
 

Extremely Important	Very Important	Moderately Important	Somewhat Important	Slightly Important	Not Important
---------------------	----------------	----------------------	--------------------	--------------------	---------------
6. I felt that punishing Carl Taylor would be unfair because Joe White was the sole crook.
 

Extremely Important	Very Important	Moderately Important	Somewhat Important	Slightly Important	Not Important
---------------------	----------------	----------------------	--------------------	--------------------	---------------
7. I found it hard to believe that Carl Taylor wasn't in on some part of this crime.
 

Extremely Important	Very Important	Moderately Important	Somewhat Important	Slightly Important	Not Important
---------------------	----------------	----------------------	--------------------	--------------------	---------------
8. I found it hard to believe that Carl Taylor could not have avoided hitting Mr. Dixon with the car.
 

Extremely Important	Very Important	Moderately Important	Somewhat Important	Slightly Important	Not Important
---------------------	----------------	----------------------	--------------------	--------------------	---------------
9. Mr. Dixon suffered so much that it's only fair that either Joe White or Carl Taylor receive some punishment.
 

Extremely Important	Very Important	Moderately Important	Somewhat Important	Slightly Important	Not Important
---------------------	----------------	----------------------	--------------------	--------------------	---------------
10. To make Carl Taylor suffer punishment for his role in this crime would be unfair.
 

Extremely Important	Very Important	Moderately Important	Somewhat Important	Slightly Important	Not Important
---------------------	----------------	----------------------	--------------------	--------------------	---------------
11. Both Joe White and Carl Taylor should be jailed for what happened to Mr. Dixon.
 

Extremely Important	Very Important	Moderately Important	Somewhat Important	Slightly Important	Not Important
---------------------	----------------	----------------------	--------------------	--------------------	---------------

## Experimental Review Form (Continued)

12. I thought giving justice to Mr. Dixon was more important than punishing Carl Taylor because even if Taylor wasn't in on the robbery, he did drive the car.

Extremely Important	Very Important	Moderately Important	Somewhat Important	Slightly Important	Not Important
------------------------	-------------------	-------------------------	-----------------------	-----------------------	------------------

13. I thought giving justice to Carl Taylor, because he was not an accomplice, was more important than issuing punishment for the crime to Mr. Dixon.

Extremely Important	Very Important	Moderately Important	Somewhat Important	Slightly Important	Not Important
------------------------	-------------------	-------------------------	-----------------------	-----------------------	------------------

14. Giving what happened to Joe White, it only fair that Carl Taylor be freed.

Extremely Important	Very Important	Moderately Important	Somewhat Important	Slightly Important	Not Important
------------------------	-------------------	-------------------------	-----------------------	-----------------------	------------------

# RATING FORM

1. Please rate how severe you felt the crime was in the case you just read.

Extremely Severe	Very Severe	Moderately Severe	Severe	Slightly Severe	Not Severe
------------------	-------------	-------------------	--------	-----------------	------------

2. Please rate how responsible you felt Joe White was for the events in the case you just read.

Totally Responsible	Primarily Responsible	Moderately Responsible	Slightly Responsible	Not Responsible	Was a Victim
---------------------	-----------------------	------------------------	----------------------	-----------------	--------------

3. Please rate how responsible you felt Carl Taylor was for the events in the case you just read.

Totally Responsible	Primarily Responsible	Moderately Responsible	Slightly Responsible	Not Responsible	Was a Victim
---------------------	-----------------------	------------------------	----------------------	-----------------	--------------

4. Please rate how responsible you felt Mr. Dixon was for the events in the case you just read.

Totally Responsible	Primarily Responsible	Moderately Responsible	Slightly Responsible	Not Responsible	Was a Victim
---------------------	-----------------------	------------------------	----------------------	-----------------	--------------

## RESPONSIBILITY MEASURE

For each of the following interactions please rate how responsible you feel each person is for the act.

1. Carl Taylor for the robbery of Dixon's Jewelry Store.

Extremely Responsible	Very Responsible	Moderately Responsible	Somewhat Responsible	Slightly Responsible	Not Responsible	Was a Victim
-----------------------	------------------	------------------------	----------------------	----------------------	-----------------	--------------

2. The police for a lack of effectiveness.

Extremely Responsible	Very Responsible	Moderately Responsible	Somewhat Responsible	Slightly Responsible	Not Responsible	Was a Victim
-----------------------	------------------	------------------------	----------------------	----------------------	-----------------	--------------

3. Joe White for the robbery of Dixon's Jewelry Store.

Extremely Responsible	Very Responsible	Moderately Responsible	Somewhat Responsible	Slightly Responsible	Not Responsible	Was a Victim
-----------------------	------------------	------------------------	----------------------	----------------------	-----------------	--------------

4. Mr. Dixon for chasing the crook and contributing to his accident.

Extremely Responsible	Very Responsible	Moderately Responsible	Somewhat Responsible	Slightly Responsible	Not Responsible	Was a Victim
-----------------------	------------------	------------------------	----------------------	----------------------	-----------------	--------------

5. The bartender who let Joe White drink too much.

Extremely Responsible	Very Responsible	Moderately Responsible	Somewhat Responsible	Slightly Responsible	Not Responsible	Was a Victim
-----------------------	------------------	------------------------	----------------------	----------------------	-----------------	--------------

6. Carl Taylor for hitting Mr. Dixon with the car he was driving.

Extremely Responsible	Very Responsible	Moderately Responsible	Somewhat Responsible	Slightly Responsible	Not Responsible	Was a Victim
-----------------------	------------------	------------------------	----------------------	----------------------	-----------------	--------------

7. Joe White for hitting Mr. Dixon because he slammed his foot down on the accelerator to get away from the robbery he had just committed.

Extremely Responsible	Very Responsible	Moderately Responsible	Somewhat Responsible	Slightly Responsible	Not Responsible	Was a Victim
-----------------------	------------------	------------------------	----------------------	----------------------	-----------------	--------------

8. Joe White for getting Carl Taylor involved in the first place.

Extremely Responsible	Very Responsible	Moderately Responsible	Somewhat Responsible	Slightly Responsible	Not Responsible	Was a Victim
-----------------------	------------------	------------------------	----------------------	----------------------	-----------------	--------------

9. Carl Taylor for not calling the police immediately to report the crime.

Extremely Responsible	Very Responsible	Moderately Responsible	Somewhat Responsible	Slightly Responsible	Not Responsible	Was a Victim
-----------------------	------------------	------------------------	----------------------	----------------------	-----------------	--------------

10. Carl Taylor for knowing what kind of guy Joe White is and getting involved with him any how.

Extremely Responsible	Very Responsible	Moderately Responsible	Somewhat Responsible	Slightly Responsible	Not Responsible	Was a Victim
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## Appendix C

### Summary of Case Testimony and Evidence

After each opening argument (depending on the version) the testimony for each case subjects were exposed to is as follows:

Judge:

The prosecution may call its first witness.

Prosecution:

Your honor, the prosecution would like to call as our first witness Cassandra Edmonson. Ms. Edmonson, please tell us where you work and the events you witnessed on May 28, 1981?

Ms. Edmonson:

I work as a sales clerk at Dixon's Jewelry Store. On the night of May 28, at 4:55 p.m., Mr. Dixon and I were preparing to close the store, when a medium sized black man came into the store seeking help in buying a diamond necklace with matching accessories. After bringing some merchandise out for him to inspect, he said he had a gun and demanded that we empty our display case merchandise into a brown paper bag, or he'd kill both me and Mr. Dixon. We did what he wanted but also triggered our electronic alarm to the Police Department. As the man ran from the store, Mr. Dixon ran out to see which direction he was heading towards. I saw Mr. Dixon running towards a blue Mustang. The car hit Mr. Dixon as it was speeding off. I saw the license



plate number of the car and that two men were inside and reported this information to the police.

Prosecution:

Did you see any struggle to gain control for the car?

Ms. Edmonson:

It was dark and I couldn't see anything.

Prosecution:

Thank you Ms. Edmonson. I have no further questions.

Defense:

Ms. Edmonson, can you identify my client, Mr. Carl Taylor, as either the robber or a person you saw in the car?

Ms. Edmonson:

No, he was not the man who robbed us, and I couldn't see the faces of the men driving the blue Mustang.

Defense:

Is this the man who robbed Dixon's Jewelry Store? (Showing her a picture of Mr. White).

Ms. Edmonson:

Yes.

Defense:

Let the records show that Exhibit A, has been identified as the robber of the store and that he is a Mr. Joe White. I have no further questions of this witness.

Prosecution:

Your honor, I would like to call Dr. Amos Hewitt as our next witness. Dr. Hewitt, would you please state where you work and the cause and diagnosis of Mr. Dixon's injuries.

Dr. Hewitt:

I am a staff physician at Sinai Hospital in Detroit. On May 28, a patient, Mr. John Dixon, was admitted through the emergency unit. After examining him, performing x-rays and other tests, we determined that Mr. Dixon had suffered three broken bones in his right leg. This injury occurred when Mr. Dixon was struck by an automobile. We also have physical evidence such as weight pressure on stress areas, which indicates he was struck by a car.

Prosecution:

Your honor, I'd like to introduce this Medical Report signed by Dr. Hewitt, as Exhibit B. I have no further questions of Dr. Hewitt.

Defense:

Your honor, I have no questions for Dr. Hewitt.

Prosecution:

Your honor, I would like to call as my next witness, Police Inspector Jalonne. Inspector Jalonne, would you please summarize the information contained in your final investigative report of the Dixon Jewelry Store robbery.

Mr. Jalonne:

Yes, we received an electronic alert for Dixon's Jewelry Store. Car 119 was assigned to that call and on their arrival, found Mr. Dixon lying in the street. They called EMS and radioed the automobile license number as well as a description of the robber. The car was traced to a Joe White, address 18111 Wildemere. An APB was issued and Mr. White was arrested at his home on Wildemere.

Upon questioning, he said he had been drinking at the Shadow Box Bar and Lounge on Livernois and when he left there, he went to Chung Li's Chinese Restaurant then home. We searched his home and found some diamond stones. When confronted with this and information about the girl in the store identifying him, he admitted to being drunk and foolishly ripping off Dixon's Jewelry Store. We got fingerprints off the steering wheel of his car which matched the defendant Carl Taylor. Mr. White was subsequently released and charges dismissed due to a technical error by the arresting officer who failed to read his rights before questioning.

Prosecution:

No further questions.

Defense:

Inspector Jalone, have the police determined if Mr. White or Mr. Taylor was responsible for hitting Mr. Dixon?

Mr. Jalone:

No, we have not established responsibility. Mr. White refuses further testimony on the grounds that it may incriminate him. As you know, Mr. Taylor claims that he was not responsible, even though his fingerprints and those of Mr. White's were found on the steering wheel of the car.

Defense:

I have no further questions.

Prosecution:

Your honor, the prosecution rests its case.

Judge:

Is the Defense ready?

Defense

Yes, your honor. Our only witness is my client, Mr. Taylor. Mr. Taylor, please describe the events which occurred on May 28th.

Mr. Taylor:

Yeah, Joe White called me about 3:30 and asked me to come over to his house and that we'd go to the Shadow Box and have a few. Well, we were drinking scotch and Joe was higher than me so he asked me to drive back to his house. On the way, he asked if I'd stop at Chung Li's so he could get some food. He says he'd be a second and to leave the engine running. A couple of minutes later, he came running out of Dixon's Jewelry Store, which is right next door to Chung Li's. Within a couple of seconds, a tall man came running after him. As Joe got in the car, he said, "let's get the hell out of here", and reached across, grabbed the steering wheel and with his foot, slammed the car accelerator to the floor. We shot off and hit the man who was running after Joe. I regained control of the car and being so scared, I sped straight to Joe's house, left him and the car and went home. The next day, the police came and arrested me.

Defense:

Did you know that Joe White was planning to rob Dixon's Jewelry Store?

Mr. Taylor:

No Sir.

Defense:

Did you knowingly participate in this crime?

Mr. Taylor:

No Sir.

Defense:

Would you describe the injury to Mr. Dixon as deliberate or as an accident.

Mr. Taylor:

It was certainly an accident. I was behind the wheel of the car when Joe hit the accelerator, but since he grabbed the steering wheel, I didn't have any control on the steering.

Defense:

I have no further questions.

Prosecution:

Mr. Taylor you knew a crime had occurred. Why didn't you call the police and turn yourself in if you were not an accomplice?

Mr. Taylor:

I was just too scared.

Prosecution:

Didn't you know that you were aiding and protecting a criminal?

Mr. Taylor:

I was very confused, the whole thing came out of nowhere.  
It just happened so fast I just wasn't thinking.

Prosecution:

I have no further questions of Mr. Taylor.

Judge:

Would the prosecution now present your closing arguments.

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