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# Does Distance Equal Length? : The Effect of Relational Closeness on Length of Sentencing in Child Sexual Abuse

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Does Distance Equal Length? :

The Effect of Relational Closeness on Length of Sentencing in Child Sexual Abuse

A Thesis Presented in Partial Fulfillment of the Requirements

For the Masters in Forensic Psychology

John Jay College of Criminal Justice

City University of New York

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**Abstract**

Expectations of how family and friends are supposed to treat children may influence decision-making in child sexual abuse cases. These expectations can be understood from a moral code and moral violation perspective, such that broken moral codes formed by society can elicit negative emotions resulting in moral hypervigilance. Moral hypervigilance is the need to mediate the negative emotions elicited by the moral code violations with action, such as deciding the length of sentencing for a person who the moral code. This study examined the impact of relational closeness and victim gender on the length of sentencing for child sexual abuse cases. Mock jurors ( $N=237$ ) read one of eight mock trial transcripts. The cases varied in the level of relational closeness to the victim (biological parent, aunt/uncle, a family friend, or stranger) and the gender of the victim/ perpetrator. Data revealed that cases with female victims elicited a longer sentence and more experienced negative emotions than the cases with male victims, and that relational closeness did not affect length of sentencing or experienced negative emotions. These findings will be discussed in light of the moral violation and how this impacts jury decision making in cases of child sexual abuse.

### **Literature Review**

The body of research on biases towards defendants and victims in many crimes is growing. Past research has focused on many areas of bias related to jury decision-making such as race (Sommers, 2007; Mitchell, Haw, Pfeifer, & Meissner, 2005; Williams, Demuth, & Holcomb, 2007), jury instructions (Elwork, Sales, & Alfini, 1982; Severance & Loftus, 1982), attractiveness of the defendant (Maeder, Yamamoto, & Saliba, 2015; Mazzella & Feingold, 1994), and gender of the defendant (Gerdes, Dammann, & Heilig, 1988, Elkins, Phillips, & Konopaske, 2002).

There has also been research conducted on the biases in child sexual abuses cases. This body of research has examined biases in areas related to defendant's sexual orientation (Wiley & Bottoms, 2009; Wiley & Bottoms, 2013), race of the victim and defendant (Bottoms, Davis, & Epstein, 2004), and believability/ credibility of victim and defendant (Bottoms, 1993; Quas, Bottoms, Haegerich, & Nysse-Carris, 2002). However, one area that has been understudied has been the relationship between the child and the perpetrator (relational closeness) and how this relates to bias in child sexual abuse cases.

Child sexual abuse crime rates are often underestimated by the society. Roughly 1 in 10 children will be sexually abused before their eighteenth birthday (Townsend & Rheingold, 2013). Approximately 60% of child sexual abuse victims never disclose the incidents (Ullman, 2007). Of the reported incidents of sexual assault, nearly 70% occur to child 17 and under (Snyder, 2000). The topic of jury decision-making in child sexual abuse cases is an important area to study because of the long-term effects that child sexual abuse may have on the victims. Some long-term effects may include mental health problems, substance use, academic problems,

sexual behavior problems, and delinquency problems (Girardet et al., 2009; Kilpatrick et al., 2003; Simpson & Miller, 2002; Wells et al., 1997).

Also, 90% of child sexual abuse victims know their abuser (Finkelhor, 2012). Relational closeness in child sexual abuse cases is an area of bias that needs to be investigated in more depth. McCoy and Gray found that relational closeness affects the percentage of guilty verdicts given by mock jurors in child sexual abuse cases with male defendants (2007). The factor of relational closeness of more than the biological parent versus stranger levels as it affects the length of sentencing needs more investigating. Furthermore, research on the relational closeness, as a bias in child sexual abuse cases, should not only be focused on perception of guilt, but varying lengths of sentencing.

### **Moral Violation Framework**

Moral psychology is a field of psychology that can be salient to jury decision-making processes. Moral psychology has developed terms called moral codes (Rozin, Lowery, Imada, & Haidt, 1999). Morals in this field are described as moral codes, code of ethics, values, and beliefs in what is acceptable and unacceptable behavior. These morals are developed in childhood and learned through social interactions in everyday life. These codes are society's perception of how people should morally function in society. During jury decision-making processes, the jury member is required to follow laws and instructions provided from the legal system in order to give a sentence to a person found guilty. Although research may not directly examine the use of morals in jury decision-making, it does examine the use of morals in the process of group decision-making (Carlson, Kacmar, & Wadsworth, 2002; Jones, 1991; Takezawa, Gummerum, & Keller, 2006; Trevino, 1986). This body of research suggests that in decision-making, morals such as autonomy, divinity, and community are taken into

consideration. Therefore, moral codes may be very important for other crimes processed through the justice system by juries.

Moral psychology has also developed moral code violations. These moral code violations can consist of any aspect of life that goes against society's perception of what is morally correct. Moral code violations can be described based on the moral aspect of life that is being violated. The three most commonly researched moral codes are community, autonomy, and divinity, also known as the CAD triad. The moral code of divinity is defined as society's perception of pureness and innocence, and violations of this code could consist of anything that pollutes society's perception of that pureness (Shweder, Much, Mahapatra, & Park, 1997). Research explains the moral code of community as society's perception of a person's duties to the community (Rozin et al., 1999). Therefore, a violator of this code would consist of any person whose actions or beliefs are in conflict with what society perceives as moral community responsibility. The moral code of autonomy is defined as society's perception of an individual's freedom and rights. Violations of this code could be present when a person does not have the rights the society thinks they should (Rozin et al., 1999).

Existing research suggests that the effects of moral code violations are elicited negative emotions (Rozin et al., 1999). Some research claims that the CAD (Community, Autonomy, and Divinity) triad is the best explanation for this increase in experienced negative emotions with the increase in moral code violations. The CAD triad relates negative emotions such as contempt, anger, and disgust to the violations of community, autonomy, and divinity, respectively (Rozin et al., 1999; La Rosa & Mir, 2013; Horberg, Oveis, Keltner, & Cohen, 2009).

### **How Child Sexual Abuse Cases Can Relate to Moral Code Violations**

When thinking about child sexual abuse, many moral code violations can be related to the

relationship between the victim and the perpetrator. For instance, the notion of children being completely innocent and free from any wrongdoing (Robinson, 2008) can create a moral conflict between children's innocence and sexuality. This could be related to child sexual abuse cases in that an adult is making a pure innocent child into a sexualized being by sexually assaulting the child. Furthermore, the act of sexualizing the child and removing its innocence could be seen as a violation of the moral code of divinity. The violation of the moral code of divinity generally results in the elicited negative emotion of disgust (Rozin et al., 1999).

The moral code violation of autonomy relates to child sexual abuse cases in a more abstract way. Although children may not be perceived by society as having their own legal rights, it seems logical that the child should have some say, or ability to help themselves, in situations that may harm them. For example, in child sexual abuse cases the psychological effects of being a victim can affect the child well into adulthood (Silverman, Reinherz, & Giaconia, 1996). Therefore, it is reasonable to expect that the rights of a child/ victim of child sexual abuse will be seen as violated when they are sexually abused. The moral code violation of autonomy elicits the negative emotion of anger (Rozin et al., 1999).

It may be argued that the most important moral code violation that could be related to child sexual abuse is the violation of community and trust. With varying levels of relational closeness between two people, society's perception of duties and responsibilities between those people should change. For example, the level of responsibility a stranger has to a child could be perceived very differently from the level of responsibility a parent has to their child. Graham and colleagues (2012) focus on a term called the care/harm foundation. This term is based on society's perception of the obligation a parent has to the child of providing care and preventing harm. It seems plausible that society should perceive a higher violation of the moral codes when



a parent harms or betrays the trust of his or her child, therefore violating the care/harm foundation, than when a stranger may do that (Graham et al., 2012).

Moral code violations of trust and community result in feelings of contempt (Rozin et al., 1999). These feelings may vary proportionately to the level of the perceived violation. Therefore, the more relationally close the perpetrator is to the victim, the more negative emotions of contempt the mock juror may feel. For example, based upon this theory, one would expect that a biological parent perpetrator would elicit more negative responses than a stranger perpetrator as a biological perpetrator has a stronger violation of moral codes.

An additional aspect of moral psychology that relates to the effects of moral code violations is moral hypervigilance. Moral hypervigilance is described as a desire for an action to balance the feelings of disgust and anger that occur after the violations occur (Jones & Fitness, 2008). Furthermore, these moral code violations not only elicit negative emotions at varying levels, but they also cause moral hypervigilance. Moral hypervigilance could result in longer sentencing for higher levels of relational closeness.

Therefore, with regards to the care/harm foundation and the moral code violation of community, varying levels of relational closeness between a victim and perpetrator in child sexual abuse cases may affect the level of moral code violation a juror will feel throughout the child sexual abuse case. The level of moral hypervigilance a juror could feel should be related to the amount of moral violation felt during the trial. Therefore, the jurors wanting to correct the moral violations and provide punishment to the defendant could explain the differing length of sentencing. The act of being morally hypervigilant, giving a longer sentence, may be the only way the juror could mediate the negative emotions experienced with the moral violations

throughout the child sexual abuse case.

### **Gender Biases of Defendants and Victims**

With the unique perspective of jurors becoming morally hypervigilant to mediate negative emotions stemming from moral code violations, this study also plans to examine the effects of victim gender on the length of sentencing and negative emotions throughout child sexual abuse cases. Research suggests that gender biases of defendants favor female defendants, compared to their male counterparts (Rodriguez, Curry, & Lee, 2006; Rye, Greatrix, & Enright, 2006). Rodriguez and colleagues also reported that male defendants received longer sentencing than females across varying types of criminal charges (2006). This could suggest that the criminal cases of child sexual abuse may result in the same biases in regards to gender. Therefore, length of sentencing for cases with female defendants may be shorter than for cases with male defendants.

Some research suggests that gender perceptions of female victims tend to show less blame for female victims compared to their male counterparts (Esnard & Dumas, 2013; Rye, Greatrix, & Enright, 2006). Esnard and Dumas found these results in child sexual abuse cases with 7-year old and 12-year old victims. This gender bias was also found in a study using a hypothetical adolescent rape case (Davies & Whiteleg, 2009). These findings also suggest that cases with female victims with result in longer sentencing than male victim cases.

These effects may be a reflection of gender stereotypes (Howard, 1984). Broverman and colleagues (1972) examined the sex role stereotypes between males and females. Furthermore, they suggest that it is stereotypical of women to be submissive, warm, less logical, and less independent compared to their male counterparts (Broverman et al., 1972). Broverman and

colleagues (1972) also state that female have negative attitudes about their self-concepts due to the fact that masculine traits are perceived as more desirable. These negative perceptions of feminine traits and submissiveness are learned from ages as early as three years of age (Thompson, 1975). The gender biases, mentioned above, might contribute to moral outrage experienced by mock jurors in child sexual abuse cases. For example, when a mock juror thinks about the victim of child sexual abuse, the juror may feel more moral outrage for child sexual abuse with female victims because of their submissiveness. This would be expected to be the opposite for male victims of child sexual abuse.

### **Jury Sentencing in Child Sexual Abuse Cases**

Bottoms and colleagues (2007) conducted a review of the literature examining factors that influence jury sentencing in child sexual abuse cases such as the gender of the defendant, victim, and juror; the race of the defendant, victim, and juror; other victim characteristics, and characteristics of abuse allegations among others (Bottoms et al., 2007). Based upon this review they concluded that effect of victim gender has varied across jury sentencing processes. Bottoms and colleagues suggest there is a lack of research of the gender of the defendant research based on society's perception that women do not commit sexual offenses. Furthermore, victim sex was concluded as a strong predictor of jury sentencing, victim believability, and victim trustworthiness.

### **Study Overview**

Given the research on negative emotions stemming from moral violations of trust and divinity, and the research on the effects of gender on jurors, possible factors that may influence jury decisions in sexual abuse cases could be juror perceptions of gender roles and relational

closeness. Child sexual abuse cases have yet to be examined within this moral violation framework or in the context of judgments about relational closeness.

The current study examined the effect of relational closeness and gender of the victim on juror's length of sentencing, an area suggested for research in a review by Bottoms and colleagues (2007). Also, this study extended the relational closeness literature by examining other relationships aside from parent and stranger (McCoy & Gray, 2007).

### **Hypotheses**

The previous research on juror perceptions of gender and moral code violations suggests that relational closeness, as well as victim gender/ perpetrator gender, will affect the lengths of sentencing determined by a mock jury member. Research also suggests that the number of negative experienced emotions will be affected by relational closeness and victim gender. Based on the discussion above, the study reported here investigated the following hypotheses:

H1. In a case description involving more relational-closeness between the victim and the offender will result in a longer sentence recommendation from a mock juror and more experienced negative emotions.

H2. Regardless of the relational-closeness, a female child sexual abuse victim will elicit a longer sentence and more experienced negative emotions than will male child sexual abuse victims.

H3. There will be a two-way interaction between relational closeness and gender of the victim/ perpetrator, where the longest and harshest sentences will occur when there is high relational-closeness with a female child sexual abuse victim.

## Methods

### Research Design

The current study employed a 2 (gender of the victim and perpetrator: male victim with female perpetrator, female victim with male perpetrator) x 4 (relational-closeness of the perpetrator to the victim: biological mother/father, close-relative such as aunt/uncle, a community member such as a family friend, and stranger) factorial design. Because this study focuses on heterosexual abuse, when the perpetrator is male, the victim will always be a female and vice versa. The participants were randomly assigned to one of the eight different conditions. In each of the different conditions, participants received mock trial transcripts and a survey. The use of mock trial transcripts and surveys provided a systematic method for measuring responses from a large population.

### Participants

Researchers recruited 73 undergraduates at urban commuter college (students) and 479 Mechanical Turk Users (MTurk). The participants were recruited through an Undergraduate Research website and Mechanical Turk (See Appendix 1). Participation was rewarded with extra credit points for undergraduate courses (students) or monetary compensation of 90 cents (MTurk). All of the participants fit the qualifications of being a member of a jury due to the demographic and screening questions (e.g., U.S. Citizen, 18 years of age or older, adequate English-speaking skills, and no previous felony convictions). The number of participants disqualified for incompleteness was 141, resulting in 411 participants remaining. After disqualification based on manipulation check answers and verdict questions (147 participants), 237 participants remained.

Participants' ages were 18-19 years,  $n=17$  (7.2%), 20-21 years,  $n=17$  (7.2%), 22-24  $n=31$  (13.1%), and 25 and above,  $n=172$  (72.6%). The participants were 130 males (54.9%) and 107 females (45.1%). Participants' identified race/ ethnicity as follows:  $n=14$  (5.9%) African American/ Black,  $n=20$  (8.4%) Asian/ Pacific Islander,  $n=28$  (11.8%) Hispanic/ Latino,  $n=6$  (2.5%) Multiracial,  $n=5$  (2.1%) Native American/ American Indian,  $n=161$  (67.9%) White, and  $n=3$  (1.3%) "Prefer not to respond".

### Measures

**Demographic/ screening questions.** The demographic and screening questions consisted of asking the criteria for a person to be eligible for jury duty in the United States. Therefore, some of the questions asked about their ability to be proficient in English, their citizenship, and their age. The purpose of those questions was to ensure the participants were closely generalizable to the juror member population. The other questions consisted of demographic questions like sex and identifying race/ethnicity.

**Mock trial transcript.** A mock trial transcript was based upon the transcript used in McCoy and Gray (2007; See Appendix 4). The adopted transcripts were roughly five pages each. Most aspects of the trial remain constant throughout the various conditions. Some differences between conditions were in the names of the defendants, perpetrators, careers of the defendant, and gender of the victim/perpetrator.

In all of the trial transcripts, the age of the victim was 10 years of age. In all of the cases with a female victim, the defendant was a male; and with a male victim, the defendant was a female. The eight versions of the transcript vary the relational closeness of the victim and defendant and the sex of the victim. The mother, the father, the aunt, the uncle, a male

community member, a female community member, a male stranger, and a female stranger were descriptors of the defendant.

The employment of the defendant changed as the relational closeness adjusted. Therefore, the biological parent and aunt/uncle cases were landscape designers, the community member was the regular landscape designer for the home, and the stranger was a professional painter. These adaptations in careers were included to make the trial transcripts more realistic.

A summary of the charge against the defendant comes at the beginning of each mock trial transcript. Then the transcript details the prosecution's arguments, including examinations of the victim, of a friend of the defendant, and of the school counselor. The abuse took place in the victim's bedroom after the child got wet paint on his/her shirt. The prosecution's case contained testimony from the alleged victim. The defendant insisted that the alleged abuse did not occur. The last page of the mock trial transcript was a summary of the law and sentencing instructions.

**Survey/ questionnaire.** The survey/question the participant completed after the mock trial transcript consisted of the manipulation check questions, the verdict and length of sentencing questions, and the experienced negative emotions questions. The format for the three manipulation check questions was multiple-choice questions. The questions specifically asked the participant the age of the victim, who was the defendant, and where did the abuse take place. The purpose of this measure was to insure the participant thoroughly read the mock trial transcripts.

The instructions for the verdict and length of sentencing were based upon the directions and questions used in McCoy and Gray (2007) (See Appendix 4). The verdict question consisted of a multiple choice question asking the participant if the defendant was guilty or not guilty. The length of sentencing question was a ranged question from 0 to 100 years. This was different

from typical sentencing because anchoring effects were trying to be avoided. The participants were asked to answer in the form of whole years. The purpose of the verdict question was to ensure that all mock jurors found the defendant guilty, and the purpose of the length of sentencing was to allow the mock juror to sentence the defendant.

The elicited emotion survey contains various common positive and negative emotions, and the participants will be able to check which emotions they felt during the reading of the trial (See Appendix 7). Some of the options for the participant to check consisted of: surprise, joy, anticipation, anger, contempt, and disgust. The purpose of this measure was to measure the amount of experienced negative emotions the participant felt, and compare the amounts with the varying levels of relational closeness.

### **Procedure**

Participants were recruited from both an undergraduate research system and Amazon Mechanical Turk. A recruitment posting was uploaded on SonaSystem and posted for one semester. The posting was viewable to psychology undergraduate students during the entire semester. SonaSystem assigned the students who decided to participate in the study a code.

On Mechanical Turk, a recruitment posting was published for three batches. The batches became unavailable when the desired amount of participants was achieved. Mechanical Turk also assigned participants a code. These codes were the only information that would be recorded as the identifier for the data collection. Responses were disqualified, if the same participant completed the study more than once.

Then the participants were given an online consent form and which was required to be signed electronically with the date (See Appendix 2). The demographic/screening questions (See



Appendix 3) then appeared. As long as the participants fell under the jury qualification inclusion and exclusion criteria, they proceeded to one of the randomly assigned mock trial transcripts.

After reading the mock trial transcript, the participant answered the manipulation check questions (See Appendix 5). If all of the answers to the manipulation check questions were correct, the participant then answered the verdict and length of sentencing questions (See Appendix 6). Then the participants completed a survey about elicited feelings (See Appendix 7). Finally, the participants were debriefed and notified by SonaSystems and Mechanical Turk when compensation was processed. The maximum time a participant was allowed to spend completing the survey was 45 minutes, although participation was estimated to require less than 30 minutes.

### Results

A two-way MANOVA was conducted with two independent variables- relational closeness and victim/perpetrator gender- and two dependent variables- length of sentencing and experienced negative emotions. (Table 1 illustrates the mean length of sentencing; Table 2 illustrates the mean number of elicited negative emotions). Length of sentencing was rated on a scale ranging from 0 (no years given to the defendant, due to not guilty verdict) to 100 (the maximum allowed length of sentencing a juror could give the defendant). The number of experienced negative emotions was rated on a scale from 0, when the mock juror did not experience any negative emotions during the reading of the mock trial transcript, to 4, when the mock juror indicated the most negative emotions.

The interaction effect between relational closeness and victim/perpetrator gender on the combined dependent variables was not statistically significant,  $F(6, 458) = .269, p = .951$ , Wilks'  $\Lambda = .993$ , partial  $\eta^2 = .004$ . The effect of relational closeness on the combined variables was not statistically significant,  $F(6, 456) = .945, p = .463$ , Wilks'  $\Lambda = .976$ , partial  $\eta^2 = .012$ . There was

a statistically significant victim/perpetrator gender effect on the combined dependent variables,  $F(2, 228) = 5.362, p = .005$ , Wilks'  $\Lambda = .955$ , partial  $\eta^2 = .045$ .

Subsequently, univariate two-way ANOVAs were run and the main effect of victim/perpetrator gender considered. There was statistically significant main effect of victim and defendant gender for length of sentencing,  $F(1, 229) = 4.463, p = .036$ , partial  $\eta^2 = .019$  and for experienced negative emotions,  $F(1, 229) = 6.687, p = .010$ , partial  $\eta^2 = .028$ . The means for length of sentencing were higher for female victims with male perpetrators ( $M = 28.150, SD = 27.350$ ), comparative to male victims with female perpetrators ( $M = 20.690, SD = 24.279$ ). The mean experienced negative emotion was also higher for female victims ( $M = 2.756, SD = .920$ ), than the male victim counterparts ( $M = 2.398, SD = 1.141$ ).

### Discussion

This study sought to examine the relationships between relational closeness and victim/perpetrator gender against the length of sentencing given and experienced negative emotions by mock jurors. The results showed that relational closeness variations did not have a significant effect on the length of sentencing and number of experienced negative emotions. The findings also showed that male perpetrators with female victims were given longer sentences and produced more experienced negative emotions among jurors than female perpetrators with male victims. No interaction effects between relational closeness and gender of the victim/perpetrator were found.

It was hypothesized that increasing levels of relational closeness would result in longer sentencing and more experienced negative emotions. The findings did not confirm this hypothesis. Theoretically, the increased amount of moral code violations with highest level of relational closeness should have resulted in more experienced negative emotions and a longer

sentence (Rozin, Lowery, & Haidt, 1999). This could be in part because relational closeness described in the vignettes was not as ambiguous as it would have been in a real-life case. For example in a real trial situation there may have been character testimony that would talk about the relational closeness between the victim and perpetrator in more detail. This was avoided to ensure there was no confounds. These findings suggest that the relational closeness between a victim and perpetrator do not effect the negative emotions and length of sentencing, if all other factors are the same.

As hypothesized, the male perpetrators with female victims received longer sentences than did female perpetrators with male victims. This is similar to the findings of Rodriguez and colleagues who found that female perpetrators received shorter sentences than male perpetrators (2006). Research suggests that jurors tend to attribute less blame to female victims as opposed to male victims (Rye, Greatrix, & Enright, 2006). This could be explained by the notion that jurors are more skeptical of male victim child sexual abuse cases, than female cases (Bottoms et al., 2007). Statistics show that child sexual abuse cases with male victims are less likely to occur than female victims cases (Townsend & Rheingold, 2013). This provides jurors with the perception that these cases happen less often, or do not occur at all (Bottoms et al., 2007). There were also more experienced negative emotions occurred in the cases with female victims as opposed to male victim cases. Although the literature did not exactly relate moral code violations to victim gender, the CAD triad could also explain this effect. The CAD triad offers a plausible explanation for the increase in experienced negative emotions with the differing victim gender. The CAD triad relates negative emotions such as contempt, anger, and disgust to the violations of moral codes (Rozin, Lowery, & Haidt, 1999). These moral codes could be perceived as more violated with a female victim due to society's perception of girls comparative

to boys. This perception is based on the gender stereotypes adopted by society (Esnard & Dumas, 2013; Rye, Greatrix, & Enright, 2006).

Contrary to our hypotheses, there was not an interaction effect between relational closeness and victim gender on negative emotions and length of sentencing. This could have not occurred due to the insignificant differences between relational closeness.

There are several limitations to this study that should be considered. First, this study was done on-line, and we were unable to control the environment in which the mock juror completed the survey. In a real jury, the jurors all receive the trial information at the same time in the same setting. This difference could result in evidence not being perceived the same way from juror to juror.

Further the external validity of the case is limited as the cases are not trial transcripts of real-life cases. One study found that many real-life cases that involve a parental figure have more severe abuse than cases with strangers (Fisher & McDonald, 1998). Therefore, cases with more relational closeness would naturally receive longer sentences because the severity of the crime was higher. The use of real cases was avoided to eliminate the possible confound of the severity of the cases systematically varying with the relational closeness variable. Even though the transcripts were not real-life cases, they were adapted from previous studies (McCoy & Gray, 2007).

This study focused on strictly heterosexual abuse cases because these occur more frequently than same sex abuse cases. The generalizability of these results is thus affected by the exclusion of same sex child abuse cases. Victim gender and perpetrator gender varied simultaneously making it difficult to decide which had produced the significant results found in this study. Further consideration of the effects on jury decision-making of cases involving same

sex abuse would be beneficial for further generalization of these results. Same sex child abuse cases were avoided because the public's perception of same sex abuse as more heinous than typical child sexual abuse (Wiley & Bottoms, 2009). Future research should examine the same sex child sexual abuse cases, as these occur more frequently.

Finally, the current study did not investigate the influence of the gender of the juror. The gender of the juror would be interesting to investigate because Kahn et al. (2011) shows that perception of the victim and offender depends on the gender of the person perceiving. Therefore in a homogeneously male jury with a male offender, the sentencing may be less harsh than with a homogeneously female jury. An only one sexed jury will not likely occur, but even if the jury has the majority of one sex the verdict may be biased. Future research should examine the juror's gender as an important factor in length of sentencing during child sexual abuse cases.

### **Implications and Future Directions**

This study contributes to a novel area in jury research. It provides insight into how predetermined factors in child sexual abuse cases could result in longer sentencing and experienced negative emotions. Knowledge of these results could increase awareness among defendants and lawyers about the biases faced in child sexual abuse cases. This increased awareness will hopefully lead to future changes in the practices of the lawyers of these defendants.

The expected results of jury sentencing and experienced negative emotions changing because of relational closeness was not supported. This should allow lawyers, defendants, and jury members to have knowledge that, regardless of other factors, relational closeness between the victim and perpetrator may not affect the length of sentencing. However these results should be interpreted in light of the limitations described above. Unlike relational closeness, the results

showed that the gender of the victim and perpetrator does play a role in the length of sentencing and the number of experienced negative emotions. These results should help lawyers prepare cases, defendants provide testimony, and juries to be aware of biases that are unrelated to the actual crime and may affect jury decision-making. The findings of this study also would help shed light on the moral dilemmas elicited by the jury decision-making process in child sexual abuse cases.

Future research should continue to investigate how relational closeness impacts outcome in child sex abuse cases – with a focus on other factors that may also impact this relationship such as the gender match between the perpetrator and defendant, the gender of the juror, jury deliberations, and the race of the victim, defendant and juror. Furthermore, more research should continue to examine the role of morality in jury decision-making and how this may impact the aforementioned factors. Finally, future research should examine the effects of relational closeness and victim gender/ perpetrator gender on jury deliberations because these factors may have more of an effect in a group decision-making process than the individual decision-making process.

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Table 1

*The Mean Length of Sentencing by Victim Gender and Defendant's Relationship to the Victim*

	Female Victim/ Male Perpetrator # of years (SD)	Male Victim/ Female Perpetrator # of years (SD)
Stranger	23.44 years ( <i>SD</i> = 22.392)	15.97 years ( <i>SD</i> = 21.285)
Community Member	27.63 years ( <i>SD</i> = 21.461)	19.87 years ( <i>SD</i> = 25.679)
Aunt / Uncle	24.68 years ( <i>SD</i> = 26.115)	21.66 years ( <i>SD</i> = 26.044)
Biological Parent	35.77 years ( <i>SD</i> = 33.551)	24.06 years ( <i>SD</i> = 24.489)

Table 2

*The Mean Number of Elicited Negative Emotions by Victim Gender and Defendant's Relationship to the Victim*

	Female Victim/ Male Perpetrator # of negative emotions (SD)	Male Victim/ Female Perpetrator # of negative emotions (SD)
Stranger	2.76 (SD= 1.091)	2.43 (SD= 1.165)
Community Member	2.89 (SD= .809)	2.40 (SD= 1.183)
Aunt / Uncle	2.73 (SD= .987)	2.29 (SD= 1.228)
Biological Parent	2.71 (SD= .789)	2.49 (SD= 1.040)

## Appendix

### 1. Online Recruitment Posting on Sona-Systems

Hello,

I am a graduate researcher at John Jay College of Criminal Justice conducting a study on jury decision-making processes. The purpose of this study is to obtain valuable information on this topic. This study is not expected to exceed 45 minutes. The results of this study are expected to provide insights on pre-determined factors in jury decision-making processes. If you have any questions, comments, or concerns about the research, you can talk to Dr. Elizabeth Jeglic, Phone , and email: [ejeglic@jjay.cuny.edu](mailto:ejeglic@jjay.cuny.edu); or myself, Brittney Peiffer, Phone: , and email: [brittney.peiffer@jjay.cuny.edu](mailto:brittney.peiffer@jjay.cuny.edu).

Thank you and have a great day!

### 2. Online Recruitment Posting on Mechanical Turk

If you are a native English speaker who is 18 or older and never been convicted of a felony, you are eligible to take part in a study examining the perceptions of sex offenders. This study will be entirely online and will include a mock trial transcript that you will answer a questionnaire/survey on. The study will take approximately 30 minutes and in exchange for your participation you will receive 90 cents.

2. Informed Consent Form

**THE CITY UNIVERSITY OF NEW YORK**  
John Jay College of Criminal Justice  
Forensic Psychology

**CONSENT TO PARTICIPATE IN A RESEARCH STUDY**

**Title of Research Study:** Jury Decision Making

**Principal Investigator:** Brittney Peiffer  
BA/MA Forensic Psychology Student

**Faculty Advisor:** Elizabeth Jeglic- PhD, M.A., B.A.  
Doctoral Professor

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You are being asked to participate in a research study because you are an undergraduate student or an adult who is signed up with Mechanical Turk who is a native English speaker who is 18 or older.

**Purpose:**

The purpose of this research study is to examine the process of jury decision-making. This study will also examine how individuals will determine a verdict and sentence crimes.

**Procedures:**

If you volunteer to participate in this research study, we will ask you to do the following:

- Sign up for the study on SonaSystems, where you will receive a numerical code.
  - Answer the demographic and screening questions, which will determine your eligibility to participate.
  - Read a trial transcript online.
  - Answer a few questions about the trial online.
  - Decide a verdict and sentencing, if found guilty online.
  - Answer a few more questions about the trial online.



- Sign up for the study on Amazon Mechanical Turk, where you will receive a numerical code.
  - Answer the demographic and screening questions, which will determine your eligibility to participate.
  - Read a trial transcript online.
  - Answer a few questions about the trial online.
  - Decide a verdict and sentencing, if found guilty online.
  - Answer a few more questions about the trial online.

If you are not eligible to participate, you will not be penalized in any way and any identifying information will immediately be destroyed.

**Time Commitment:**

Your participation in this research study is expected to last for a maximum of 30 minutes.

**Potential Risks or Discomforts:**

- The risks and discomforts in this study are projected to be minimal. Since this study deals with scenarios involving sex offenses with children, there may be some words that trigger negative feelings or memories for some participants. If a participant feels that they do not want to participate in this study, or cannot continue the study after agreeing to participate, they will not face any consequences.
- Participants can skip any questions they do not wish to answer.

**Potential Benefits:**

- You will not directly benefit from your participation in this research study.
- Participation in this study will expand the knowledge about process of jury decision-making and the outcomes of jury decisions.

**Alternatives to Participation:**

- Certain alternatives determined by your professor and the IRB may be available for credit.

- If you are a CUNY student, your willingness to participate in this research study or your request to withdraw will not affect your grades or academic standing with CUNY.

### **Costs**

There are no costs due to participation in this study.

### **Payment for Participation:**

- You will receive one study credit for a class of your choice upon your completion of the study if you are a student or 90 cents if you are a participant on Amazon Mechanical Turk.
- Participants who are ineligible to participate in the study will not receive credit or 90 cents.
- Participants who decide to withdraw from the study will receive credit.

### **New Information:**

You will be notified about any new information regarding this study that may affect your willingness to participate in a timely manner.

### **Confidentiality:**

We will make our best efforts to maintain confidentiality of any information that is collected during this research study, and that can identify you. We will disclose this information only with your permission or as required by law.

We will protect your confidentiality by giving you a numerical code once you sign up for the study that will replace your name. Your information will be stored in both an Excel and SPSS file with this same numerical code and will only be accessible to the principle investigator and the faculty advisor. Results will be presented in an aggregate form. Upon completion of the research, all of the data will be deleted.

The research team, authorized CUNY staff and government agencies that oversee this type of research may have access to research data and records in order to monitor the research. Research records provided to authorized, non-CUNY individuals will not contain identifiable information about you. Publications and/or presentations that result from this study will not identify you by name.

### **Participants' Rights:**

- Your participation in this research study is entirely voluntary. If you decide not to participate, there will be no penalty to you, and you will not lose any benefits to which you are otherwise entitled.

- You can decide to withdraw your consent and stop participating in the research at any time, without any penalty.

**Questions, Comments or Concerns:**

If you have any questions, comments or concerns about the research, you can talk to one of the following researchers:

Brittney Peiffer- BA/MA Student

Email: [brittney.peiffer@jjay.cuny.edu](mailto:brittney.peiffer@jjay.cuny.edu) Phone: --

Elizabeth Jeglic

Email: [ejeglic@jjay.cuny.edu](mailto:ejeglic@jjay.cuny.edu)

If you have questions about your rights as a research participant, or you have comments or concerns that you would like to discuss with someone other than the researchers, please call the CUNY Research Compliance Administrator at 646-664-8918. Alternately, you can write to:

CUNY Office of the Vice Chancellor for Research

Attn: Research Compliance Administrator

205 East 42<sup>nd</sup> Street

New York, NY 10017

3. Demographic/ screening Questions

Sex/ Gender:

Female

Male

Prefer not to respond

Race/Ethnicity:

African American/Black

Asian/Pacific Islander

Hispanic/Latino

Multiracial

Native American/American Indian

White

Not Listed (please specify)

Prefer not to respond

Age:

Under 18

18-19

20-21

22-24

25 and above

Are you a U.S. citizen?

Yes

No

Are you adequately proficient in English?

Yes

No

Have you ever been convicted of a felony?

Yes

No

4. Mock Trial Transcripts  
Mother's Case

IN THE MANHATTAN COURT  
FOR THE STATE OF NEW YORK

THE STATE OF NEW YORK

V.

PARTIAL TRANSCRIPTS OF  
TRIAL PROCEDURES\*

KATHY ANDERSON  
Defendant

This is a criminal trial for the alleged sexual assault of Edward Anderson by the defendant, Kathy Anderson. It is alleged that Edward was sexually assaulted in a single encounter by his mother, Kathy Anderson. At the time, Edward was 10 years old. The state is charging Mrs. Anderson with criminal sexual conduct in the first degree. The state will call three witnesses for the prosecution: Edward Anderson, Benjamin Cost, a friend of the defendant, and Barbara Jeffcoat, the school counselor at Edward's school.

Mrs. Anderson denies that she had any sexual contact or sexual feelings for the alleged victim. Mrs. Anderson pleads not guilty to the charge of criminal sexual conduct in the first degree. It will be argued that Mrs. Anderson is a responsible and law-abiding woman with no criminal record and that the criminal sexual conduct charge is a grave mistake. The defense will call two witnesses: Kathy Anderson and Robert Jones, Mrs. Anderson's employer.

The medical evidence for the case was inconclusive, so it will not be presented in this summary.

\*This trial summary is completely fictional.

**Prosecutor's Case**Witness No. 1: Edward

## Direct Examination:

Edward is a ten-year old boy. Six months ago, he was sexually assaulted by his mother. He was home alone with her after school while she was painting in the house. While home alone with her, he got paint on his clothes. His mother took him to his bedroom to change. She took his clothes off under the guise of helping him put clean clothes on, but began to fondle him sexually. She then threatened him into silence.

## Partial Transcript:

SB: Susan Bradford, Prosecuting Attorney

E: Edward

SB: So you got paint on your clothes?

E: Yes.

SB: Where was the paint?

E: On my shirt.

SB: What did you do?

E: In my room, my mom took off my shirt and jeans and underwear and put them in the hamper.

SB: What happened then?

E: She started touching me funny.

SB: Where did she touch you?

E: Here (touching chest) and here (touching between legs).

SB: How did that make you feel?

E: I was scared.

SB: Did you tell anyone about it?

E: No. She told me not to.

## Cross Examination:

Edward waited two months before telling his school counselor what had happened to him. Before meeting with the school counselor, he never made any comments about having been touched sexually by the defendant.

Witness No. 2: Barbara Jeffcoat, M.A., School counselor

## Direct Examination:

Edward's teacher referred him to Ms. Jeffcoat, the school counselor at Edward's school, because his grades were dropping and he was not turning in his

homework, which was uncharacteristic behavior for him. Edward met with Ms. Jeffcoat several times to talk about this problem. In the second session, Edward told Ms. Jeffcoat about the sexual abuse and described what happened to him. Ms. Jeffcoat also testified that in cases of sexual abuse, delayed disclosure is normal. Furthermore, Edward's account of the abuse has been consistent and believable.

Cross Examination:

Edward's grades have not improved since revealing to the counselor the sexual abuse. Ms. Jeffcoat has only limited amount of specialized training in treating and diagnosing sexual abuse in children.

Witness No. 3: Benjamin Cost, a friend of Kathy Anderson

Direct Examination:

Benjamin had been texting Kathy Anderson on a daily basis. It was discussed between the two over text messages that Kathy Anderson had sexually touched Edward. Kathy exposed details of the crime before Edward had told his school counselor of the event. Text messages were provided as evidence with dates and timestamps.

Cross Examination:

Benjamin admits that Kathy may have been joking because joking is something that happens regularly in their friendship.

## **Defendant's Case**

Witness No. 1: Kathy Anderson, Defendant

Partial Transcript:

DA: Defense Attorney, Janet Carlisle

KA: Defendant, Kathy Anderson

DA: What happened on the day in question?

KA: I had taken the day off from work to finish up painting some rooms in the house. I was just finishing up the hallway and started to paint his room when my son Edward came home from school. He had to come into his room while I was painting to get some schoolbooks, I think. His room was pretty wet with paint by that point and he must of brushed up against one of the walls, because when he was leaving, I saw he had some paint on his shirt. I know how badly paint stains, so I told him that he should probably change his shirt before the stain set in. So, he got a clean shirt out of his drawer and went out of the room to change.

DA: Have there ever been any complaints of misconduct with Edward before these allegations were made?

KA: No. Absolutely not.



DA: How was your relationship with your son before this?

KA: We have a close relationship. He's my only son. We love each other very much.

Cross Examination:

Mrs. Anderson was in fact alone with Edward on the afternoon in question while painting the child's room. She admits to asking Edward to remove his clothes after seeing paint on his shirt. She also admits to having to help him button up his shirt once he re-entered the room. That afternoon, Mrs. Anderson knew her husband would not be home until after 5:00 PM. She knew she and Edward would be home alone.

Witness No. 2: Robert Jones, Defendant's Employer

Direct Examination:

Mr. Jones is Kathy Anderson's employer at the landscape design company. He had been called to testify as a character witness. He reiterated the statement that Anderson comes highly recommended as a landscape designer. He also stated that Mrs. Anderson is a model employee who rarely takes sick days, most always arrived at jobs on time, and always completes the job to the customer's satisfaction.

Cross Examination:

Mr. Jones knew that Kathy would be at home during the day in question. Although Kathy had called to say she would not be in that day, her behavior was out-of-character. First, she normally gives more notice when she will be out and second, she usually checks in during the day and she did not on this occasion.

### **Instructions on the Law**

Now that you have heard all the evidence in case, it is the courts duty to instruct you on the law as it applies to this case. You are the sole judge of the credibility of the witnesses. You must decide what weight to give the testimony of each witness. It is your duty as a juror to consider the evidence before you with complete impartiality and must be based on the evidence or lack of evidence. All parties are entitled to equal consideration.

The defendant comes before you with the presumption of innocence. The burden is on the State in this case to prove each of the elements of the crime beyond a reasonable doubt, based on credible evidence and reasonable inferences drawn from credible evidence.

In order to return a guilty verdict in this case, you must be certain beyond a reasonable doubt of two things: 1) that Edward was the victim of sexual battery and 2) that Kathy Anderson was the woman who sexually battered him.

### **Definitions**

According to New York law sexual battery means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, except when such intrusion is accomplished for medically recognized treatment of diagnostic purposes.

A person is guilty of criminal sexual conduct in the first degree if the actor engages in sexual battery with the victim who is less than eleven years of age.

### **Length of Incarceration**

If you should find the defendant guilty of sexual battery, you must also determine the length of incarceration. In determining the length of incarceration you should take into account several factors: the amount of potential damage or suffering is experienced by the victim as a result of the crime and the likelihood the defendant can be rehabilitated. There is no exact standard for determining the length of incarceration. Any punishment should be fair and just in light of the evidence.

Father's Case

IN THE MANHATTAN COURT  
FOR THE STATE OF NEW YORK

THE STATE OF NEW YORK

V.

PARTIAL TRANSCRIPTS OF  
TRIAL PROCEDURES\*

KEVIN ANDERSON  
Defendant

This is a criminal trial for the alleged sexual assault of Emily Anderson by the defendant, Kevin Anderson. It is alleged that Emily was sexually assaulted in a single encounter by her father, Kevin Anderson. At the time, Emily was 10 years old. The state is charging Mr. Anderson with criminal sexual conduct in the first degree. The state will call three witnesses for the prosecution: Emily Anderson, Benjamin Cost, a friend of the defendant, and Barbara Jeffcoat, the school counselor at Emily's school.

Mr. Anderson denies that he had any sexual contact or sexual feelings for the alleged victim. Mr. Anderson pleads not guilty to the charge of criminal sexual conduct in the first degree. It will be argued that Mr. Anderson is a responsible and law-abiding man with no criminal record and that the criminal sexual conduct charge is a grave mistake. The defense will call two witnesses: Kevin Anderson and Robert Jones, Mr. Anderson's employer.

The medical evidence for the case was inconclusive, so it will not be presented in this summary.

\*This trial summary is completely fictional.

**Prosecutor's Case**Witness No. 1: Emily

## Direct Examination:

Emily is a ten-year old girl. Six months ago, she was sexually assaulted by her father. She was home alone with him after school while he was painting in the house. While home alone with him, she got paint on her clothes. Her father took her to her bedroom to change. He took her clothes off under the guise of helping her put clean clothes on, but began to fondle her sexually. He also penetrated her vaginally with his fingers. He then threatened her into silence.

## Partial Transcript:

SB: Susan Bradford, Prosecuting Attorney

E: Emily

SB: So you got paint on your clothes?

E: Yes.

SB: Where was the paint?

E: On my shirt.

SB: What did you do?

E: In my room, my dad took off my shirt and jeans and underwear and put them in the hamper.

SB: What happened then?

E: He started touching me funny.

SB: Where did he touch you?

E: Here (touching chest) and here (touching between legs).

SB: Then what did he do?

E: He put his finger in me down here (touching between her legs).

SB: How did that make you feel?

E: I was scared.

SB: Did you tell anyone about it?

E: No. He told me not to.

## Cross Examination:

Emily waited two months before telling her school counselor what had happened to her. Before meeting with the school counselor, she never made any comments about having been touched sexually by the defendant.

Witness No. 2: Barbara Jeffcoat, M.A., School counselor

## Direct Examination:

Emily's teacher referred her to Ms. Jeffcoat, the school counselor at Emily's school, because her grades were dropping and she was not turning in her homework, which was uncharacteristic behavior for her. Emily met with Ms. Jeffcoat several times to talk about this problem. In the second session, Emily told Ms. Jeffcoat about the sexual abuse and described what happened to her. Ms. Jeffcoat also testified that in cases of sexual abuse, delayed disclosure is normal. Furthermore, Emily's account of the abuse has been consistent and believable.

**Cross Examination:**

Emily's grades have not improved since revealing to the counselor the sexual abuse. Ms. Jeffcoat has only limited amount of specialized training in treating and diagnosing sexual abuse in children.

Witness No. 3: Benjamin Cost, a friend of Kevin Anderson

**Direct Examination:**

Benjamin had been texting Kevin Anderson on a daily basis. It was discussed between the two over text messages that Kevin Anderson had sexually touched Emily. Kevin exposed details of the crime before Emily had told her school counselor of the event. Text messages were provided as evidence with dates and timestamps.

**Cross Examination:**

Benjamin admits that Kevin may have been joking because joking is something that happens regularly in their friendship.

**Defendant's Case**

Witness No. 1: Kevin Anderson, Defendant

**Partial Transcript:**

DA: Defense Attorney, Janet Carlisle

KA: Defendant, Kevin Anderson

DA: What happened on the day in question?

KA: I had taken the day off from work to finish up painting some rooms in the house. I was just finishing up the hallway and started to paint her room when my daughter Emily came home from school. She had to come into her room while I was painting to get some schoolbooks, I think. Her room was pretty wet with paint by that point and she must of brushed up against one of the walls, because when she was leaving, I saw she had some paint on her blouse. I know how badly paint stains, so I told her that she should probably change her shirt before the stain set in. So, she got a clean shirt out of her drawer and went out of the room to change.

DA: Have there ever been any complaints of misconduct with Emily before these allegations were made?

KA: No. Absolutely not.

DA: How was your relationship with your daughter before this?

KA: We have a close relationship. She's my only daughter. We love each other very much.

Cross Examination:

Mr. Anderson was in fact alone with Emily on the afternoon in question while painting the child's room. He admits to asking Emily to remove her clothes after seeing paint on her blouse. He also admits to having to help her button up her blouse once she re-entered the room. That afternoon, Mr. Anderson knew his wife would not be home until after 5:00 PM. He knew he and Emily would be home alone.

Witness No. 2: Robert Jones, Defendant's Employer

Direct Examination:

Mr. Jones is Kevin Anderson's employer at the landscape design company. He had been called to testify as a character witness. He reiterated the statement that Anderson comes highly recommended as a landscape designer. He also stated that Mr. Anderson is a model employee who rarely takes sick days, most always arrived at jobs on time, and always completes the job to the customer's satisfaction.

Cross Examination:

Mr. Jones knew that Kevin would be at home during the day in question. Although Kevin had called to say he would not be in that day, his behavior was out-of-character. First, he normally gives more notice when he will be out and second, he usually checks in during the day and he did not on this occasion.

### **Instructions on the Law**

Now that you have heard all the evidence in case, it is the courts duty to instruct you on the law as it applies to this case. You are the sole judge of the credibility of the witnesses. You must decide what weight to give the testimony of each witness. It is your duty as a juror to consider the evidence before you with complete impartiality and must be based on the evidence or lack of evidence. All parties are entitled to equal consideration.

The defendant comes before you with the presumption of innocence. The burden is on the State in this case to prove each of the elements of the crime beyond a reasonable doubt, based on credible evidence and reasonable inferences drawn from credible evidence.

In order to return a guilty verdict in this case, you must be certain beyond a reasonable doubt of two things: 1) that Emily was the victim of sexual battery and 2) that Kevin Anderson was the man who sexually battered her.

### **Definitions**

According to New York law sexual battery means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, except when such intrusion is accomplished for medically recognized treatment of diagnostic purposes.

A person is guilty of criminal sexual conduct in the first degree if the actor engages in sexual battery with the victim who is less than eleven years of age.

### **Length of Incarceration**

If you should find the defendant guilty of sexual battery, you must also determine the length of incarceration. In determining the length of incarceration you should take into account several factors: the amount of potential damage or suffering is experienced by the victim as a result of the crime and the likelihood the defendant can be rehabilitated. There is no exact standard for determining the length of incarceration. Any punishment should be fair and just in light of the evidence.

Aunt's Case

IN THE MANHATTAN COURT  
FOR THE STATE OF NEW YORK

THE STATE OF NEW YORK

V.

PARTIAL TRANSCRIPTS OF  
TRIAL PROCEDURES\*

KATHY ANDERSON  
Defendant

This is a criminal trial for the alleged sexual assault of Edward Anderson by the defendant, Kathy Anderson. It is alleged that Edward was sexually assaulted in a single encounter by his aunt, Kathy Anderson. At the time, Edward was 10 years old. The state is charging Mrs. Anderson with criminal sexual conduct in the first degree. The state will call three witnesses for the prosecution: Edward Anderson, Benjamin Cost, a friend of the defendant, and Barbara Jeffcoat, the school counselor at Edward's school.

Mrs. Anderson denies that she had any sexual contact or sexual feelings for the alleged victim. Mrs. Anderson pleads not guilty to the charge of criminal sexual conduct in the first degree. It will be argued that Mrs. Anderson is a responsible and law-abiding woman with no criminal record and that the criminal sexual conduct charge is a grave mistake. The defense will call two witnesses: Kathy Anderson and Robert Jones, Mrs. Anderson's employer.

The medical evidence for the case was inconclusive, so it will not be presented in this summary.

\*This trial summary is completely fictional.



**Prosecutor's Case**Witness No. 1: Edward

## Direct Examination:

Edward is a ten-year old boy. Six months ago, he was sexually assaulted by his aunt. He was home alone with her after school while she was painting in the house. While home alone with her, he got paint on his clothes. His aunt took him to his bedroom to change. She took his clothes off under the guise of helping him put clean clothes on, but began to fondle him sexually. She then threatened him into silence.

## Partial Transcript:

SB: Susan Bradford, Prosecuting Attorney

E: Edward

SB: So you got paint on your clothes?

E: Yes.

SB: Where was the paint?

E: On my shirt.

SB: What did you do?

E: In my room, my uncle took off my shirt and jeans and underwear and put them in the hamper.

SB: What happened then?

E: She started touching me funny.

SB: Where did she touch you?

E: Here (touching chest) and here (touching between legs).

SB: How did that make you feel?

E: I was scared.

SB: Did you tell anyone about it?

E: No. She told me not to.

## Cross Examination:

Edward waited two months before telling his school counselor what had happened to him. Before meeting with the school counselor, he never made any comments about having been touched sexually by the defendant.

Witness No. 2: Barbara Jeffcoat, M.A., School counselor

## Direct Examination:

Edward's teacher referred him to Ms. Jeffcoat, the school counselor at Edward's school, because his grades were dropping and he was not turning in his homework, which was uncharacteristic behavior for him. Edward met with Ms.

Jeffcoat several times to talk about this problem. In the second session, Edward told Ms. Jeffcoat about the sexual abuse and described what happened to him. Ms. Jeffcoat also testified that in cases of sexual abuse, delayed disclosure is normal. Furthermore, Edward's account of the abuse has been consistent and believable.

Cross Examination:

Edward's grades have not improved since revealing to the counselor the sexual abuse. Ms. Jeffcoat has only limited amount of specialized training in treating and diagnosing sexual abuse in children.

Witness No. 3: Benjamin Cost, a friend of Kathy Anderson

Direct Examination:

Benjamin had been texting Kathy Anderson on a daily basis. It was discussed between the two over text messages that Kathy Anderson had sexually touched Edward. Kathy exposed details of the crime before Edward had told his school counselor of the event. Text messages were provided as evidence with dates and timestamps.

Cross Examination:

Benjamin admits that Kathy may have been joking because joking is something that happens regularly in their friendship.

## **Defendant's Case**

Witness No. 1: Kathy Anderson, Defendant

Partial Transcript:

DA: Defense Attorney, Janet Carlisle

KA: Defendant, Kathy Anderson

DA: What happened on the day in question?

KA: I had taken the day off from work to finish up painting some rooms in the house. I was just finishing up the hallway and started to paint his room when my son Edward came home from school. He had to come into his room while I was painting to get some schoolbooks, I think. His room was pretty wet with paint by that point and he must of brushed up against one of the walls, because when he was leaving, I saw he had some paint on his shirt. I know how badly paint stains, so I told him that he should probably change his shirt before the stain set in. So, he got a clean shirt out of his drawer and went out of the room to change.

DA: Have there ever been any complaints of misconduct with Edward before these allegations were made?

KA: No. Absolutely not.

DA: How was your relationship with your son before this?

KA: We have a close relationship. He's my only nephew. We love each other very much.

Cross Examination:

Mrs. Anderson was in fact alone with Edward on the afternoon in question while painting the child's room. She admits to asking Edward to remove his clothes after seeing paint on his shirt. She also admits to having to help him button up his shirt once he re-entered the room. That afternoon, Mrs. Anderson knew her brother and sister-in-law would not be home until after 5:00 PM. She knew she and Edward would be home alone.

Witness No. 2: Robert Jones, Defendant's Employer

Direct Examination:

Mr. Jones is Kathy Anderson's employer at the landscape design company. He had been called to testify as a character witness. He reiterated the statement that Anderson comes highly recommended as a landscape designer. He also stated that Mrs. Anderson is a model employee who rarely takes sick days, most always arrived at jobs on time, and always completes the job to the customer's satisfaction.

Cross Examination:

Mr. Jones knew that Kathy would be doing other work during the day in question. Although Kathy had called to say she would not be in that day, her behavior was out-of-character. First, she normally gives more notice when she will be out and second, she usually checks in during the day and she did not on this occasion.

### **Instructions on the Law**

Now that you have heard all the evidence in case, it is the courts duty to instruct you on the law as it applies to this case. You are the sole judge of the credibility of the witnesses. You must decide what weight to give the testimony of each witness. It is your duty as a juror to consider the evidence before you with complete impartiality and must be based on the evidence or lack of evidence. All parties are entitled to equal consideration.

The defendant comes before you with the presumption of innocence. The burden is on the State in this case to prove each of the elements of the crime beyond a reasonable doubt, based on credible evidence and reasonable inferences drawn from credible evidence.

In order to return a guilty verdict in this case, you must be certain beyond a reasonable doubt of two things: 1) that Edward was the victim of sexual battery and 2) that Kathy Anderson was the woman who sexually battered him.

### **Definitions**

According to New York law sexual battery means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, except when such intrusion is accomplished for medically recognized treatment of diagnostic purposes.

A person is guilty of criminal sexual conduct in the first degree if the actor engages in sexual battery with the victim who is less than eleven years of age.

### **Length of Incarceration**

If you should find the defendant guilty of sexual battery, you must also determine the length of incarceration. In determining the length of incarceration you should take into account several factors: the amount of potential damage or suffering is experienced by the victim as a result of the crime and the likelihood the defendant can be rehabilitated. There is no exact standard for determining the length of incarceration. Any punishment should be fair and just in light of the evidence.

Uncle's Case

IN THE MANHATTAN COURT  
FOR THE STATE OF NEW YORK

THE STATE OF NEW YORK

V.

PARTIAL TRANSCRIPTS OF  
TRIAL PROCEDURES\*

KEVIN ANDERSON  
Defendant

This is a criminal trial for the alleged sexual assault of Emily Anderson by the defendant, Kevin Anderson. It is alleged that Emily was sexually assaulted in a single encounter by her uncle, Kevin Anderson. At the time, Emily was 10 years old. The state is charging Mr. Anderson with criminal sexual conduct in the first degree. The state will call three witnesses for the prosecution: Emily Anderson, Benjamin Cost, a friend of the defendant, and Barbara Jeffcoat, the school counselor at Emily's school.

Mr. Anderson denies that he had any sexual contact or sexual feelings for the alleged victim. Mr. Anderson pleads not guilty to the charge of criminal sexual conduct in the first degree. It will be argued that Mr. Anderson is a responsible and law-abiding man with no criminal record and that the criminal sexual conduct charge is a grave mistake. The defense will call two witnesses: Kevin Anderson and Robert Jones, Mr. Anderson's employer.

The medical evidence for the case was inconclusive, so it will not be included in this summary.

\*This trial summary is completely fictional.

**Prosecutor's Case**Witness No. 1: Emily

## Direct Examination:

Emily is a ten-year old girl. Six months ago, she was sexually assaulted by her uncle. She was home alone with him after school while he was painting in the house. While home alone with him, she got paint on her clothes. Her uncle took her to her bedroom to change. He took her clothes off under the guise of helping her put clean clothes on, but began to fondle her sexually. He also penetrated her vaginally with his fingers. He then threatened her into silence.

## Partial Transcript:

SB: Susan Bradford, Prosecuting Attorney

E: Emily

SB: So you got paint on your clothes?

E: Yes.

SB: Where was the paint?

E: On my shirt.

SB: What did you do?

E: In my room, my uncle took off my shirt and jeans and underwear and put them in the hamper.

SB: What happened then?

E: He started touching me funny.

SB: Where did he touch you?

E: Here (touching chest) and here (touching between legs).

SB: What he did he do?

E: He put his finger in me down here (touching between her legs).

SB: How did that make you feel?

E: I was scared.

SB: Did you tell anyone about it?

E: No. He told me not to.

## Cross Examination:

Emily waited two months before telling her school counselor what had happened to her. Before meeting with the school counselor, she never made any comments about having been touched sexually by the defendant.

Witness No. 2: Barbara Jeffcoat, M.A., School counselor

## Direct Examination:

Emily's teacher referred her to Ms. Jeffcoat, the school counselor at Emily's school, because her grades were dropping and she was not turning in her homework, which was uncharacteristic behavior for her. Emily met with Ms. Jeffcoat several times to talk about this problem. In the second session, Emily told Ms. Jeffcoat about the sexual abuse and described what happened to her. Ms. Jeffcoat also testified that in cases of sexual abuse, delayed disclosure is normal. Furthermore, Emily's account of the abuse has been consistent and believable.

**Cross Examination:**

Emily's grades have not improved since revealing to the counselor the sexual abuse. Ms. Jeffcoat has only limited amount of specialized training in treating and diagnosing sexual abuse in children.

Witness No. 3: Benjamin Cost, a friend of Kevin Anderson

**Direct Examination:**

Benjamin had been texting Kevin Anderson on a daily basis. It was discussed between the two over text messages that Kevin Anderson had sexually touched Emily. Kevin exposed details of the crime before Emily had told her school counselor of the event. Text messages were provided as evidence with dates and timestamps.

**Cross Examination:**

Benjamin admits that Kevin may have been joking because joking is something that happens regularly in their friendship.

**Defendant's Case**

Witness No. 1: Kevin Anderson, Defendant

**Partial Transcript:**

DA: Defense Attorney, Janet Carlisle

KA: Defendant, Kevin Anderson

DA: What happened on the day in question?

KA: I had taken the day off from work to finish up painting some rooms in my brother's house. I was just finishing up the hallway and started to paint her room when my niece Emily came home from school. She had to come into her room while I was painting to get some schoolbooks, I think. Her room was pretty wet with paint by that point and she must of brushed up against one of the walls, because when she was leaving, I saw she had some paint on her blouse. I know how badly paint stains, so I told her that she should probably change her shirt before the stain set in. So, she got a clean shirt out of her drawer and went out of the room to change.

DA: Have there ever been any complaints of misconduct with Emily before these allegations were made?

KA: No. Absolutely not.

DA: How was your relationship with your niece before this?

KA: We have a close relationship. She's my only niece. We love each other very much.

Cross Examination:

Mr. Anderson was in fact alone with Emily on the afternoon in question while painting the child's room. He admits to asking Emily to remove her clothes after seeing paint on her blouse. He also admits to having to help her button up her blouse once she re-entered the room. That afternoon, Mr. Anderson knew his brother and sister-in-law would not be home until after 5:00 PM. He knew he and Emily would be home alone.

Witness No. 2: Robert Jones, Defendant's Employer

Direct Examination:

Mr. Jones is Kevin Anderson's employer at the landscape design company. He had been called to testify as a character witness. He reiterated the statement that Anderson comes highly recommended as a landscape designer. He also stated that Mr. Anderson is a model employee who rarely takes sick days, most always arrived at jobs on time, and always completes the job to the customer's satisfaction.

Cross Examination:

Mr. Jones knew that Kevin would be doing other work during the day in question. Although Kevin had called to say he would not be in that day, his behavior was out-of-character. First, he normally gives more notice when he will be out and second, he usually checks in during the day and he did not on this occasion.



### **Instructions on the Law**

Now that you have heard all the evidence in case, it is the courts duty to instruct you on the law as it applies to this case. You are the sole judge of the credibility of the witnesses. You must decide what weight to give the testimony of each witness. It is your duty as a juror to consider the evidence before you with complete impartiality and must be based on the evidence or lack of evidence. All parties are entitled to equal consideration.

The defendant comes before you with the presumption of innocence. The burden is on the State in this case to prove each of the elements of the crime beyond a reasonable doubt, based on credible evidence and reasonable inferences drawn from credible evidence.

In order to return a guilty verdict in this case, you must be certain beyond a reasonable doubt of two things: 1) that Emily was the victim of sexual battery and 2) that Kevin Anderson was the man who sexually battered her.

### **Definitions**

According to New York law sexual battery means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, except when such intrusion is accomplished for medically recognized treatment of diagnostic purposes.

A person is guilty of criminal sexual conduct in the first degree if the actor engages in sexual battery with the victim who is less than eleven years of age.

### **Length of Incarceration**

If you should find the defendant guilty of sexual battery, you must also determine the length of incarceration. In determining the length of incarceration you should take into account several factors: the amount of potential damage or suffering is experienced by the victim as a result of the crime and the likelihood the defendant can be rehabilitated. There is no exact standard for determining the length of incarceration. Any punishment should be fair and just in light of the evidence.

Community Member with Male Victim  
IN THE MANHATTAN COURT  
FOR THE STATE OF NEW YORK

THE STATE OF NEW YORK

V.

PARTIAL TRANSCRIPTS OF  
TRIAL PROCEDURES\*

KATHY ADLER  
Defendant

This is a criminal trial for the alleged sexual assault of Edward Anderson by the defendant, Kathy Adler. It is alleged that Edward was sexually assaulted in a single encounter by the landscaper of the Anderson House, Kathy Adler. At the time, Edward was 10 years old. The state is charging Mrs. Adler with criminal sexual conduct in the first degree. The state will call three witnesses for the prosecution: Edward Anderson, Benjamin Cost, a friend of the defendant, and Barbara Jeffcoat, the school counselor at Edward's school.

Mrs. Adler denies that she had any sexual contact or sexual feelings for the alleged victim. Mrs. Adler pleads not guilty to the charge of criminal sexual conduct in the first degree. It will be argued that Mrs. Adler is a responsible and law-abiding woman with no criminal record and that the criminal sexual conduct charge is a grave mistake. The defense will call two witnesses: Kathy Adler and Robert Jones, Mrs. Adler's employer.

The medical evidence for the case was inconclusive, so it will not be presented in this summary.

\*This trial summary is completely fictional.

**Prosecutor's Case**Witness No. 1: Edward

## Direct Examination:

Edward is a ten-year old boy. Six months ago, he was sexually assaulted by the landscaper. He was home alone with her after school while she was painting in the house. While home alone with her, he got paint on his clothes. She took him to his bedroom to change. She took his clothes off under the guise of helping him put clean clothes on, but began to fondle him sexually. She then threatened him into silence.

## Partial Transcript:

SB: Susan Bradford, Prosecuting Attorney

E: Edward

SB: So you got paint on your clothes?

E: Yes.

SB: Where was the paint?

E: On my shirt.

SB: What did you do?

E: She told me to go to my room, then took off my shirt and jeans and underwear and put them in the hamper.

SB: What happened then?

E: She started touching me funny.

SB: Where did she touch you?

E: Here (touching chest) and here (touching between legs).

SB: How did that make you feel?

E: I was scared.

SB: Did you tell anyone about it?

E: No. She told me not to.

## Cross Examination:

Edward waited two months before telling his school counselor what had happened to him. Before meeting with the school counselor, he never made any comments about having been touched sexually by the defendant.

Witness No. 2: Barbara Jeffcoat, M.A., School counselor

## Direct Examination:

Edward's teacher referred him to Ms. Jeffcoat, the school counselor at Edward's school, because his grades were dropping and he was not turning in his homework, which was uncharacteristic behavior for him. Edward met with Ms.

Jeffcoat several times to talk about this problem. In the second session, Edward told Ms. Jeffcoat about the sexual abuse and described what happened to him. Ms. Jeffcoat also testified that in cases of sexual abuse, delayed disclosure is normal. Furthermore, Edward's account of the abuse has been consistent and believable.

Cross Examination:

Edward's grades have not improved since revealing to the counselor the sexual abuse. Ms. Jeffcoat has only limited amount of specialized training in treating and diagnosing sexual abuse in children.

Witness No. 3: Benjamin Cost, a friend of Kathy Adler

Direct Examination:

Benjamin had been texting Kathy Adler on a daily basis. It was discussed between the two over text messages that Kathy Adler had sexually touched Edward. Kathy exposed details of the crime before Edward had told his school counselor of the event. Text messages were provided as evidence with dates and timestamps.

Cross Examination:

Benjamin admits that Kathy may have been joking because joking is something that happens regularly in their friendship.

## **Defendant's Case**

Witness No. 1: Kathy Adler, Defendant

Partial Transcript:

DA: Defense Attorney, Janet Carlisle

KA: Defendant, Kathy Adler

DA: What happened on the day in question?

KA: I had taken the day off from work to finish up painting some rooms in the house I usually landscape. I was just finishing up the hallway and started to paint Edward's room when Edward came home from school. He had to come into his room while I was painting to get some schoolbooks, I think. His room was pretty wet with paint by that point and he must of brushed up against one of the walls, because when he was leaving, I saw he had some paint on his shirt. I know how badly paint stains, so I told him that he should probably change his shirt before the stain set in. So, he got a clean shirt out of his drawer and went out of the room to change.

DA: Have there ever been any complaints of misconduct with Edward before these allegations were made?

KA: No. Absolutely not.

DA: How was your relationship with Edward before this?

KA: I saw him at the house every time I came to work on the lawn. But, we never spoke to each other.

Cross Examination:

Mrs. Adler was in fact alone with Edward on the afternoon in question while painting the child's room. She admits to asking Edward to remove his clothes after seeing paint on his shirt. She also admits to having to help him button up his shirt once he re-entered the room. That afternoon, Mrs. Adler knew her clients would not be home until after 5:00 PM. She knew she and Edward would be home alone.

Witness No. 2: Robert Jones, Defendant's Employer

Direct Examination:

Mr. Jones is Kathy Adler's employer at the landscape design company. He had been called to testify as a character witness. He reiterated the statement that Adler comes highly recommended as a landscape designer. He also stated that Mrs. Adler is a model employee who rarely takes sick days, most always arrived at jobs on time, and always completes the job to the customer's satisfaction.

Cross Examination:

Mr. Jones knew that Kathy would be at home during the day in question. Although Kathy had called to say she would not be in that day, her behavior was out-of-character. First, she normally gives more notice when she will be out and second, she usually checks in during the day and she did not on this occasion.

### **Instructions on the Law**

Now that you have heard all the evidence in case, it is the courts duty to instruct you on the law as it applies to this case. You are the sole judge of the credibility of the witnesses. You must decide what weight to give the testimony of each witness. It is your duty as a juror to consider the evidence before you with complete impartiality and must be based on the evidence or lack of evidence. All parties are entitled to equal consideration.

The defendant comes before you with the presumption of innocence. The burden is on the State in this case to prove each of the elements of the crime beyond a reasonable doubt, based on credible evidence and reasonable inferences drawn from credible evidence.

In order to return a guilty verdict in this case, you must be certain beyond a reasonable doubt of two things: 1) that Edward was the victim of sexual battery and 2) that Kathy Adler was the woman who sexually battered him.

### **Definitions**

According to New York law sexual battery means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, except when such intrusion is accomplished for medically recognized treatment of diagnostic purposes.

A person is guilty of criminal sexual conduct in the first degree if the actor engages in sexual battery with the victim who is less than eleven years of age.

### **Length of Incarceration**

If you should find the defendant guilty of sexual battery, you must also determine the length of incarceration. In determining the length of incarceration you should take into account several factors: the amount of potential damage or suffering is experienced by the victim as a result of the crime and the likelihood the defendant can be rehabilitated. There is no exact standard for determining the length of incarceration. Any punishment should be fair and just in light of the evidence.

Community Member with Female Victim  
IN THE MANHATTAN COURT  
FOR THE STATE OF NEW YORK

THE STATE OF NEW YORK

V.

PARTIAL TRANSCRIPTS OF  
TRIAL PROCEDURES\*

KEVIN ADLER  
Defendant

This is a criminal trial for the alleged sexual assault of Emily Anderson by the defendant, Kevin Adler. It is alleged that Emily was sexually assaulted in a single encounter by the landscaper of the Anderson House, Kevin Adler. At the time, Emily was 10 years old. The state is charging Mr. Adler with criminal sexual conduct in the first degree. The state will call three witnesses for the prosecution: Emily Anderson, Benjamin Cost, a friend of the defendant, and Barbara Jeffcoat, the school counselor at Emily's school.

Mr. Adler denies that he had any sexual contact or sexual feelings for the alleged victim. Mr. Adler pleads not guilty to the charge of criminal sexual conduct in the first degree. It will be argued that Mr. Adler is a responsible and law-abiding man with no criminal record and that the criminal sexual conduct charge is a grave mistake. The defense will call two witnesses: Kevin Adler and Robert Jones, Mr. Adler's employer.

The medical evidence for the case was inconclusive, so it will not be presented in this summary.

\*This trial summary is completely fictional.

**Prosecutor's Case**Witness No. 1: Emily

## Direct Examination:

Emily is a ten-year old girl. Six months ago, she was sexually assaulted by the landscaper. She was home alone with him after school while he was painting in the house. While home alone with him, she got paint on her clothes. He took her to her bedroom to change. He took her clothes off under the guise of helping her put clean clothes on, but began to fondle her sexually. He also penetrated her vaginally with his fingers. He then threatened her into silence.

## Partial Transcript:

SB: Susan Bradford, Prosecuting Attorney

E: Emily

SB: So you got paint on your clothes?

E: Yes.

SB: Where was the paint?

E: On my shirt.

SB: What did you do?

E: He told me to go to my room, then he took off my shirt and jeans and underwear and put them in the hamper.

SB: What happened then?

E: He started touching me funny.

SB: Where did he touch you?

E: Here (touching chest) and here (touching between legs).

SB: Then what did he do?

E: He put his finger in me down here (touching between her legs).

SB: How did that make you feel?

E: I was scared.

SB: Did you tell anyone about it?

E: No. He told me not to.

## Cross Examination:

Emily waited two months before telling her school counselor what had happened to her. Before meeting with the school counselor, she never made any comments about having been touched sexually by the defendant.

Witness No. 2: Barbara Jeffcoat, M.A., School counselor

## Direct Examination:



Emily's teacher referred her to Ms. Jeffcoat, the school counselor at Emily's school, because her grades were dropping and she was not turning in her homework, which was uncharacteristic behavior for her. Emily met with Ms. Jeffcoat several times to talk about this problem. In the second session, Emily told Ms. Jeffcoat about the sexual abuse and described what happened to her. Ms. Jeffcoat also testified that in cases of sexual abuse, delayed disclosure is normal. Furthermore, Emily's account of the abuse has been consistent and believable.

**Cross Examination:**

Emily's grades have not improved since revealing to the counselor the sexual abuse. Ms. Jeffcoat has only limited amount of specialized training in treating and diagnosing sexual abuse in children.

Witness No. 3: Benjamin Cost, a friend of Kevin Adler

**Direct Examination:**

Benjamin had been texting Kevin Adler on a daily basis. It was discussed between the two over text messages that Kevin Adler had sexually touched Emily. Kevin exposed details of the crime before Emily had told her school counselor of the event. Text messages were provided as evidence with dates and timestamps.

**Cross Examination:**

Benjamin admits that Kevin may have been joking because joking is something that happens regularly in their friendship.

**Defendant's Case**

Witness No. 1: Kevin Adler, Defendant

**Partial Transcript:**

DA: Defense Attorney, Janet Carlisle

KA: Defendant, Kevin Adler

DA: What happened on the day in question?

KA: I had taken the day off from work to finish up painting some rooms in the house I usually landscape. I was just finishing up the hallway and started to paint Emily's bedroom when Emily came home from school. She had to come into her room while I was painting to get some schoolbooks, I think. Her room was pretty wet with paint by that point and she must of brushed up against one of the walls, because when she was leaving, I saw she had some paint on her blouse. I know how badly paint stains, so I told her that she should probably change her shirt before the stain set in. So, she got a clean shirt out of her drawer and went out of the room to change.

DA: Have there ever been any complaints of misconduct with Emily before these allegations were made?

KA: No. Absolutely not.

DA: How was your relationship with Emily before this?

KA: I saw her at the house every time I came to work on the lawn. But, we never spoke to each other.

Cross Examination:

Mr. Adler was in fact alone with Emily on the afternoon in question while painting the child's room. He admits to asking Emily to remove her clothes after seeing paint on her blouse. He also admits to having to help her button up her blouse once she re-entered the room. That afternoon, Mr. Adler knew his clients would not be home until after 5:00 PM because he regularly does landscaping work for the Anderson house. He knew he and Emily would be home alone.

Witness No. 2: Robert Jones, Defendant's Employer

Direct Examination:

Mr. Jones is Kevin Adler's employer at the landscape design company. He had been called to testify as a character witness. He reiterated the statement that Adler comes highly recommended as a landscape designer. He also stated that Mr. Adler is a model employee who rarely takes sick days, most always arrived at jobs on time, and always completes the job to the customer's satisfaction.

Cross Examination:

Mr. Jones knew that Kevin would be doing personal work during the day in question. Although Kevin had called to say he would not be in that day, his behavior was out-of-character. First, he normally gives more notice when he will be out and second, he usually checks in during the day and he did not on this occasion.

### **Instructions on the Law**

Now that you have heard all the evidence in case, it is the courts duty to instruct you on the law as it applies to this case. You are the sole judge of the credibility of the witnesses. You must decide what weight to give the testimony of each witness. It is your duty as a juror to consider the evidence before you with complete impartiality and must be based on the evidence or lack of evidence. All parties are entitled to equal consideration.

The defendant comes before you with the presumption of innocence. The burden is on the State in this case to prove each of the elements of the crime beyond a reasonable doubt, based on credible evidence and reasonable inferences drawn from credible evidence.

In order to return a guilty verdict in this case, you must be certain beyond a reasonable doubt of two things: 1) that Emily was the victim of sexual battery and 2) that Kevin Adler was the man who sexually battered her.

### **Definitions**

According to New York law sexual battery means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, except when such intrusion is accomplished for medically recognized treatment of diagnostic purposes.

A person is guilty of criminal sexual conduct in the first degree if the actor engages in sexual battery with the victim who is less than eleven years of age.

### **Length of Incarceration**

If you should find the defendant guilty of sexual battery, you must also determine the length of incarceration. In determining the length of incarceration you should take into account several factors: the amount of potential damage or suffering is experienced by the victim as a result of the crime and the likelihood the defendant can be rehabilitated. There is no exact standard for determining the length of incarceration. Any punishment should be fair and just in light of the evidence.

Stranger with Male Victim

IN THE MANHATTAN COURT  
FOR THE STATE OF NEW YORK

THE STATE OF NEW YORK

V.

PARTIAL TRANSCRIPTS OF  
TRIAL PROCEDURES\*

KATHY ADLER  
Defendant

This is a criminal trial for the alleged sexual assault of Edward Anderson by the defendant, Kathy Adler. It is alleged that Edward was sexually assaulted in a single encounter by the hired painter of the Anderson House, Kathy Adler. At the time, Edward was 10 years old. The state is charging Mrs. Adler with criminal sexual conduct in the first degree. The state will call three witnesses for the prosecution: Edward Anderson, Benjamin Cost, a friend of the defendant, and Barbara Jeffcoat, the school counselor at Edward's school.

Mrs. Adler denies that she had any sexual contact or sexual feelings for the alleged victim. Mrs. Adler pleads not guilty to the charge of criminal sexual conduct in the first degree. It will be argued that Mrs. Adler is a responsible and law-abiding woman with no criminal record and that the criminal sexual conduct charge is a grave mistake. The defense will call two witnesses: Kathy Adler and Robert Jones, Mrs. Adler's employer.

The medical evidence for the case was inconclusive, so it will not be presented in this summary.

\*This trial summary is completely fictional.

**Prosecutor's Case**Witness No. 1: Edward

## Direct Examination:

Edward is a ten-year old boy. Six months ago, he was sexually assaulted by the hired painter. He was home alone with her after school while she was painting in the house. While home alone with her, he got paint on his clothes. She took him to his bedroom to change. She took his clothes off under the guise of helping him put clean clothes on, but began to fondle him sexually. She then threatened him into silence.

## Partial Transcript:

SB: Susan Bradford, Prosecuting Attorney

E: Edward

SB: So you got paint on your clothes?

E: Yes.

SB: Where was the paint?

E: On my shirt.

SB: What did you do?

E: She told me to go to my room, then took off my shirt and jeans and underwear and put them in the hamper.

SB: What happened then?

E: She started touching me funny.

SB: Where did she touch you?

E: Here (touching chest) and here (touching between legs).

SB: How did that make you feel?

E: I was scared.

SB: Did you tell anyone about it?

E: No. She told me not to.

## Cross Examination:

Edward waited two months before telling his school counselor what had happened to him. Before meeting with the school counselor, he never made any comments about having been touched sexually by the defendant.

Witness No. 2: Barbara Jeffcoat, M.A., School counselor

## Direct Examination:

Edward's teacher referred him to Ms. Jeffcoat, the school counselor at Edward's school, because his grades were dropping and he was not turning in his homework, which was uncharacteristic behavior for him. Edward met with Ms.

Jeffcoat several times to talk about this problem. In the second session, Edward told Ms. Jeffcoat about the sexual abuse and described what happened to him. Ms. Jeffcoat also testified that in cases of sexual abuse, delayed disclosure is normal. Furthermore, Edward's account of the abuse has been consistent and believable.

Cross Examination:

Edward's grades have not improved since revealing to the counselor the sexual abuse. Ms. Jeffcoat has only limited amount of specialized training in treating and diagnosing sexual abuse in children.

Witness No. 3: Benjamin Cost, a friend of Kathy Adler

Direct Examination:

Benjamin had been texting Kathy Adler on a daily basis. It was discussed between the two over text messages that Kathy Adler had sexually touched Edward. Kathy exposed details of the crime before Edward had told his school counselor of the event. Text messages were provided as evidence with dates and timestamps.

Cross Examination:

Benjamin admits that Kathy may have been joking because joking is something that happens regularly in their friendship.

## **Defendant's Case**

Witness No. 1: Kathy Adler, Defendant

Partial Transcript:

DA: Defense Attorney, Janet Carlisle

KA: Defendant, Kathy Adler

DA: What happened on the day in question?

KA: I was hired to finish up some rooms at the Anderson House. I was just finishing up the hallway and started to paint Edward's room when Edward came home from school. He had to come into his room while I was painting to get some schoolbooks, I think. His room was pretty wet with paint by that point and he must of brushed up against one of the walls, because when he was leaving, I saw he had some paint on his shirt. I know how badly paint stains, so I told him that he should probably change his shirt before the stain set in. So, he got a clean shirt out of his drawer and went out of the room to change.

DA: Have there ever been any complaints of misconduct with Edward before these allegations were made?

KA: No. Absolutely not.

DA: How was your relationship with Edward before this?

KA: We did not have a relationship. The first time I saw him was when he came home from school.

Cross Examination:

Mrs. Adler was in fact alone with Edward on the afternoon in question while painting the child's room. She admits to asking Edward to remove his clothes after seeing paint on his shirt. She also admits to having to help him button up his shirt once he re-entered the room. That afternoon, Mrs. Adler knew her clients would not be home until after 5:00 PM because she was told when the Anderson's wanted the job complete. She knew she and Edward would be home alone.

Witness No. 2: Robert Jones, Defendant's Employer

Direct Examination:

Mr. Jones is Kathy Adler's employer at the professional painting company. He had been called to testify as a character witness. He reiterated the statement that Adler comes highly recommended as a painter. He also stated that Mrs. Adler is a model employee who rarely takes sick days, most always arrived at jobs on time, and always completes the job to the customer's satisfaction.

Cross Examination:

Mr. Jones knew that Kathy would be doing work at the Anderson's house during the day in question. Although Kathy had called to say she would not be in that day, her behavior was out-of-character. First, she normally gives more notice when she will be out and second, she usually checks in during the day and she did not on this occasion.

### **Instructions on the Law**

Now that you have heard all the evidence in case, it is the courts duty to instruct you on the law as it applies to this case. You are the sole judge of the credibility of the witnesses. You must decide what weight to give the testimony of each witness. It is your duty as a juror to consider the evidence before you with complete impartiality and must be based on the evidence or lack of evidence. All parties are entitled to equal consideration.

The defendant comes before you with the presumption of innocence. The burden is on the State in this case to prove each of the elements of the crime beyond a reasonable doubt, based on credible evidence and reasonable inferences drawn from credible evidence.

In order to return a guilty verdict in this case, you must be certain beyond a reasonable doubt of two things: 1) that Edward was the victim of sexual battery and 2) that Kathy Adler was the woman who sexually battered him.

### **Definitions**

According to New York law sexual battery means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, except when such intrusion is accomplished for medically recognized treatment of diagnostic purposes.

A person is guilty of criminal sexual conduct in the first degree if the actor engages in sexual battery with the victim who is less than eleven years of age.

### **Length of Incarceration**

If you should find the defendant guilty of sexual battery, you must also determine the length of incarceration. In determining the length of incarceration you should take into account several factors: the amount of potential damage or suffering is experienced by the victim as a result of the crime and the likelihood the defendant can be rehabilitated. There is no exact standard for determining the length of incarceration. Any punishment should be fair and just in light of the evidence.



Stranger Case with Female Victim

IN THE MANHATTAN COURT  
FOR THE STATE OF NEW YORK

THE STATE OF NEW YORK

V.

PARTIAL TRANSCRIPTS OF  
TRIAL PROCEDURES\*

KEVIN ADLER  
Defendant

This is a criminal trial for the alleged sexual assault of Emily Anderson by the defendant, Kevin Adler. It is alleged that Emily was sexually assaulted in a single encounter by the hired painter of the Anderson House, Kevin Adler. At the time, Emily was 10 years old. The state is charging Mr. Adler with criminal sexual conduct in the first degree. The state will call three witnesses for the prosecution: Emily Anderson, Benjamin Cost, a friend of the defendant, and Barbara Jeffcoat, the school counselor at Emily's school.

Mr. Adler denies that he had any sexual contact or sexual feelings for the alleged victim. Mr. Adler pleads not guilty to the charge of criminal sexual conduct in the first degree. It will be argued that Mr. Adler is a responsible and law-abiding man with no criminal record and that the criminal sexual conduct charge is a grave mistake. The defense will call two witnesses: Kevin Adler and Robert Jones, Mr. Adler's employer.

The medical evidence for the case was inconclusive, so it will not be included in this summary.

\*This trial summary is completely fictional.

## **Prosecutor's Case**

Witness No. 1: Emily

Direct Examination:

Emily is a ten-year old girl. Six months ago, she was sexually assaulted by the hired painter. She was home alone with him after school while he was painting in the house. While home alone with him, she got paint on her clothes. He took her to her bedroom to change. He took her clothes off under the guise of helping her put clean clothes on, but began to fondle her sexually. He also penetrated her vaginally with his fingers. He then threatened her into silence.

Partial Transcript:

SB: Susan Bradford, Prosecuting Attorney

E: Emily

SB: So you got paint on your clothes?

E: Yes.

SB: Where was the paint?

E: On my shirt.

SB: What did you do?

E: He told me to go to my room, then he took off my shirt and jeans and underwear and put them in the hamper.

SB: What happened then?

E: He started touching me funny.

SB: Where did he touch you?

E: Here (touching chest) and here (touching between legs).

SB: What he did he do?

E: He put his finger in me down here (touching between her legs).

SB: How did that make you feel?

E: I was scared.

SB: Did you tell anyone about it?

E: No. He told me not to.

Cross Examination:

Emily waited two months before telling her school counselor what had happened to her. Before meeting with the school counselor, she never made any comments about having been touched sexually by the defendant.

Witness No. 2: Barbara Jeffcoat, M.A., School counselor

**Direct Examination:**

Emily's teacher referred her to Ms. Jeffcoat, the school counselor at Emily's school, because her grades were dropping and she was not turning in her homework, which was uncharacteristic behavior for her. Emily met with Ms. Jeffcoat several times to talk about this problem. In the second session, Emily told Ms. Jeffcoat about the sexual abuse and described what happened to her. Ms. Jeffcoat also testified that in cases of sexual abuse, delayed disclosure is normal. Furthermore, Emily's account of the abuse has been consistent and believable.

**Cross Examination:**

Emily's grades have not improved since revealing to the counselor the sexual abuse. Ms. Jeffcoat has only limited amount of specialized training in treating and diagnosing sexual abuse in children.

**Witness No. 3: Benjamin Cost, a friend of Kevin Adler****Direct Examination:**

Benjamin had been texting Kevin Adler on a daily basis. It was discussed between the two over text messages that Kevin Adler had sexually touched Emily. Kevin exposed details of the crime before Emily had told her school counselor of the event. Text messages were provided as evidence with dates and timestamps.

**Cross Examination:**

Benjamin admits that Kevin may have been joking because joking is something that happens regularly in their friendship.

**Defendant's Case****Witness No. 1: Kevin Adler, Defendant****Partial Transcript:**

DA: Defense Attorney, Janet Carlisle

KA: Defendant, Kevin Adler

DA: What happened on the day in question?

KA: I was hired to finish up some rooms at the Anderson House. I was just finishing up the hallway and started to paint Emily's bedroom when Emily came home from school. She had to come into her room while I was painting to get some schoolbooks, I think. Her room was pretty wet with paint by that point and she must of brushed up against one of the walls, because when she was leaving, I saw she had some paint on her blouse. I know how badly paint stains, so I told her that she should probably change her shirt before the stain set in. So, she got a clean shirt out of her drawer and went out of the room to change.

DA: Have there ever been any complaints of misconduct with Emily before these allegations were made?

KA: No. Absolutely not.

DA: How was your relationship with Emily before this?

KA: We did not have a relationship. The first time I saw her was when she came home from school.

Cross Examination:

Mr. Adler was in fact alone with Emily on the afternoon in question while painting the child's room. He admits to asking Emily to remove her clothes after seeing paint on her blouse. He also admits to having to help her button up her blouse once she re-entered the room. That afternoon, Mr. Adler knew his clients would not be home until after 5:00 PM because he was told when the Anderson's wanted the job complete. He knew he and Emily would be home alone.

Witness No. 2: Robert Jones, Defendant's Employer

Direct Examination:

Mr. Jones is Kevin Adler's employer at the professional painting company. He had been called to testify as a character witness. He reiterated the statement that Adler comes highly recommended as a painter. He also stated that Mr. Adler is a model employee who rarely takes sick days, most always arrived at jobs on time, and always completes the job to the customer's satisfaction.

Cross Examination:

Mr. Jones knew that Kevin would be doing work at the Anderson's house during the day in question. Although Kevin had called to say he would not be in that day, his behavior was out-of-character. First, he normally gives more notice when he will be out and second, he usually checks in during the day and he did not on this occasion.

### **Instructions on the Law**

Now that you have heard all the evidence in case, it is the courts duty to instruct you on the law as it applies to this case. You are the sole judge of the credibility of the witnesses. You must decide what weight to give the testimony of each witness. It is your duty as a juror to consider the evidence before you with complete impartiality and must be based on the evidence or lack of evidence. All parties are entitled to equal consideration.

The defendant comes before you with the presumption of innocence. The burden is on the State in this case to prove each of the elements of the crime beyond a reasonable doubt, based on credible evidence and reasonable inferences drawn from credible evidence.

In order to return a guilty verdict in this case, you must be certain beyond a reasonable doubt of two things: 1) that Emily was the victim of sexual battery and 2) that Kevin Adler was the man who sexually battered her.

### **Definitions**

According to New York law sexual battery means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, except when such intrusion is accomplished for medically recognized treatment of diagnostic purposes.

A person is guilty of criminal sexual conduct in the first degree if the actor engages in sexual battery with the victim who is less than eleven years of age.

### **Length of Incarceration**

If you should find the defendant guilty of sexual battery, you must also determine the length of incarceration. In determining the length of incarceration you should take into account several factors: the amount of potential damage or suffering is experienced by the victim as a result of the crime and the likelihood the defendant can be rehabilitated. There is no exact standard for determining the length of incarceration. Any punishment should be fair and just in light of the evidence.

5. Manipulation Check Questions

Q: Who was the defendant?

Answers: (If the question is not free response, these are the options for answering)

- A. A father/mother
- B. A community member
- C. A stranger
- D. An uncle/aunt

Q: How old was the victim?

Answers: (If the question is not free response, these are the options for answering)

- A. 12
- B. 6
- C. 15
- D. 10

Q: Where did the alleged abuse take place?

Answers: (If the question is not free response, these are the options for answering)

- A. A hallway
- B. A basement
- C. A bedroom
- D. A bathroom

6. Verdict and Length of Sentencing Questions

Do you find the defendant guilty or not guilty?

- a. Guilty
- b. Not guilty

What is the length of sentencing you have decided to give the defendant (if found guilty)?

Free Response: (Answer required in the form of number of years)

7. Experienced Emotions

Check all that apply: When reading this trial transcript what emotions did you experience?

anger     fear     sadness     joy     disgust  
 trust     surprise     anticipation     love



## 8. Debriefing Form

### **Jury Decision Making**

Thank you for agreeing to participate in this study! The general purpose of this research is to examine the relationship between length of sentencing in child sexual abuse cases with varying levels of relational closeness and victim gender.

We invited people who were an undergraduate student or a Mechanical Turk worker who is a native English speaker who is 18 or older. The experimenter does not know any identifying information. In this study, you were asked to read a mock trial transcript and answer a couple of survey questions afterwards. The results from this study will hopefully provide a new perspective on child sexual abuse.

If you feel especially concerned about thoughts or memories that occurred during the reading of the mock trial transcript, please feel free to phone Brittney Peiffer (---) about options for counseling.

Thank you for your participation in this study. If you have further questions about the study, please contact Brittney Peiffer, Email: [brittney.peiffer@jjay.cuny.edu](mailto:brittney.peiffer@jjay.cuny.edu), Phone: (---) - . In addition, if you have any concerns about any aspect of the study, you may contact Elizabeth Jeglic, Email: [ejeglic@jjay.cuny.edu](mailto:ejeglic@jjay.cuny.edu).