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Examining Witness Testimony in Domestic Homicides

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Abstract

The present study investigated the effects of varying witness testimony on mock jurors' perceptions of a case where a woman utilizes self-defense as a reason for killing her husband during a domestic dispute. A 3 (expert witness) x 3 (child witness) design was used to examine the effects of two different forms of expert testimony (Battered Woman Syndrome [BWS] & Social Agency [SA]) and its interaction with presence of child witness [age 5 & age 8]. Jury eligible participants (N = 245) were recruited from Amazon Mechanical Turk (MTurk). It was hypothesized that the presence of an expert witness would positively impact jurors' leniency verdict (e.g., manslaughter or not guilty in self-defense) compared to the control condition, however, the effect of a child witness (compared to the control and expert witness impact) on jurors' opinions was unknown (i.e., exploratory). Results revealed that jurors were most unforgiving towards the defendant when both SA expert and an 8-year-old child testified. However, for female participants the presence of a child witness, especially when paired with SA testimony, resulted in participants giving the harshest sentence to the defendant, suggesting the presence of a child witness may have created a "boomerang effect" whereby female jurors (who were mostly mothers themselves) found the defendant less sympathetic and more responsible for remaining in the dangerous situation.

Keywords: Domestic Homicide, Domestic Violence, Battered Woman Syndrome, Expert Testimony, Child Witness.

Examining Witness Testimony in Domestic Homicides

Cases of homicide are arguably the most serious within the justice system. Although many cases of homicide are convoluted and difficult, those where a defendant claims to have killed an abusive partner in self-defense are uniquely challenging. A claim of self-defense is an affirmative defense which means the defendant bears the burden of proof. In most jurisdictions, this requires proving the defendant had a "... reasonable belief that someone is threatening him or her with imminent death or serious bodily injury and that deadly force is necessary to avert the infliction of such harm" (Ewing, 1987, p. 47). Proving this state of mind can be a difficult task for a defendant in a case where the "threat of harm" took place continuously over many years of violence and abuse. A significant literature exists examining how juries decide cases of domestic homicide and the research suggests that jurors tend to render their decision based on relevant evidence rather than based on individual differences and biases (e.g., gender, history of domestic violence; Huss et al., 2006). The literature also has demonstrated that an expert witness can be needed to help the court attend to "relevant evidence" and understand why a defendant was unable to remove herself from the situation (Schneider, 1986).

Many studies have demonstrated the positive effects of expert testimony in cases of domestic homicide (Plumm & Terrance, 2009; Schuller, 1992; Schuller & Hastings, 1996; Schuller & Cripps, 1998; Schuller & Rzepa, 2002; Schuller, Mckimmie & Janz, 2004a; Schuller, Wells, Rzepa. & Klippenstine, 2004b). Overall, the findings tend to show that expert testimony is effective in assisting a defendant's claims of self-defense when the expert is able to communicate the characteristics of a "typical" victim to jurors. Russell and Melillo (2006) demonstrated that jurors are most likely to believe a defendant when they are attuned to the defendant's lack of social interaction, the obligation to her children, and financial dependence on

her partner. When these struggles are highlighted, jurors consider the defendant as a "typical" victim and tend to render not guilty verdicts and/or lenient sentences (Russell & Melillo, 2006). Additionally, jurors report being more sympathetic to the difficulty of "just leaving" the situation and are more likely to report understanding why lethal force may be the only option of escape (Russell & Melillo, 2006).

Although expert testimony in cases of domestic homicides tends to be beneficial (Plumm & Terrance, 2009; Schuller, 1992; Schuller & Hastings, 1996; Schuller & Cripps, 1998; Schuller & Rzepa, 2002; Schuller et al., 2004a; Schuller et al., 2004b), the strategy for introducing this evidence is not straightforward. There are notable obstacles that exist when a defendant attempts to use psychological explanations to bolster claims of self-defense. First, in the United States, there are rules of evidence that determine whether scientific evidence is admissible in court. For example, according to the Federal Rules of Evidence (i.e., rule 702, 2017), if an objection is made regarding the admissibility of expert witness testimony, judges are the gatekeepers and determine whether the testimony is allowed into evidence (using the Daubert standard for federal cases and Frye or Daubert for state cases depending on the state). In past domestic violence cases, judges have been inconsistent in their opinions on the admissibility of such evidence and unfortunately, many judges choose to exclude the evidence.

There are four main reasons that expert testimony tends to be excluded in these cases. First, some judges believe that expert testimony regarding past domestic violence goes to the "ultimate fact" and invades "the province of the jury" (e.g., People v. White, 1987 and State v. Griffiths, 1980 as cited in Ewing 1987, p 54). The second reason is that the testimony does not pass the "balancing test." When ruling on whether evidence is admissible, judges must determine if the prejudicial impact of the evidence substantially outweighs the probative value (e.g., rule

403 of the Federal Rules of Evidence; State v. Thomas, 1981 and Fielder v. State, 1981 as cited

in Ewing, 1987, p.54). Many judges feel that testimony regarding general past violence does not

provide strong proof regarding the singular act of homicide and may only serve to unduly

prejudice the jury against the deceased. Third, the expert's testimony may be excluded because

of the validity of science. Some critics have pointed out significant flaws in the methodology

(e.g., skewed samples, over categorization of symptoms) utilized in key studies examining

reactions to intimate partner violence and those limitations can be used to discredit the scientific

merits of the claims (e.g., Ibn-Tamas v. US, 1983; State v. Thomas, 1981 and Buhrle v. State,

1981 as cited in Ewing, 1987, p.54). Finally, judges sometimes do not admit expert testimony

simply because they deem the content of the testimony to be within the purview of laypersons. In

other words, they feel the expert is not providing information beyond what a reasonable juror

would already know, meaning the evidence is deemed inadmissible simply because it would be a

waste of time (e.g. Ibn-Tamas vs. US, 1979).

A second and a related obstacle to introducing psychological evidence is the strategy

regarding the "messenger" and focus. More specifically, the current research does not provide

clear guidelines as to the ideal form of testimony for explaining the circumstances under which

homicide may be a justifiable action in the face of prolonged domestic violence. There are

findings from the expert witness literature suggesting what key elements should be present

within the testimony (i.e., "typical" victim characteristics; Russell & Melillo, 2006). However,

little attention has been given to whether the strength of the evidence is impacted by who

delivers that information. For instance, what elements of the abusive history are most effective in

conveying a "typical" victim? Could a focus on psychological trauma (e.g., perceptions of

isolation) be more effective than a focus on factual elements of the relationship (e.g., the victim

had no family or friends in the area)? Since expert testimony is often excluded, could an alternative strategy of admitting the evidence through an eyewitness be equally effective? For instance, a child who has lived in the home could testify to the isolating, violent nature of his parent's relationship. Would that testimony be seen as credible and sympathetic by jurors? It is possible that it could be discounted as untrustworthy and tainted by suggestion. To date, no research has examined these important questions.

Dynamics of Domestic Violence

In the United States, 15% of violent crimes consist of domestic violence (Bureau of Justice Statistics, 2014) and more than a third of women report experiencing domestic violence (National Center for Injury Prevention and Control, 2011). Given these alarming statistics, many scholars have attempted to disentangle the complex dynamics surrounding domestic violence. One of the first and most well-known researchers who examined the psychology component of violent relations is Lenore Walker. Through her observations and assessments of women who had experienced prolonged domestic violence, Walker developed the theory of "Battered Woman syndrome (BWS)." According to Walker, "victims of domestic violence experience: (1) high levels of arousal and anxiety, (2) reexperiencing the trauma events intrusively, (3) high levels of avoidance and numbing of emotions, (4) cognitive difficulties, (5) disruption in interpersonal relationships, (6) physical health and body image problem, and (7) sexual and intimacy issues (1979, p. 3)."

Walker went beyond identifying "battered woman" as only an individual who is experiencing interpersonal violence, but rather she attempted to explain how an abusive relationship unfolds, and to provide answers to the instinctual question of why a victim would ever remain in a violent and dangerous relationship. More specifically, Walker's work identified

a unique dynamic of violence and manipulation that is known as the Cycle of Violence (Walker, 1979).

The Cycle of Violence consists of three main phases: "tension building", "acute battering incident", and "calm and loving respite" (Walker, 1979). In phase 1 ("tension building"), an abuser uses emotionally abusive tactics, such as insults and name calling, additionally minor aggressive or physical behavior can be present. The batterer communicates mild discontent and irritation towards the victim, often becoming angry or annoyed with little provocation. During phase 1, a woman often attempts to calm the abuser and will make explicit attempts to please her partner, so that the tension can be alleviated. Major abusive events (e.g., physical violence) occur during phase 2, or the "acute battering incident." After the acute battering event, the abuser tends to apologize for what he has done to his partner -- this is known as phase 3 or the period of "calm and loving respite." The batterer often treats the victim very nicely and demonstrates how much he regrets the incident. Additionally, during this phase, the batterer often promises he will not abuse the victim again and will change (Anderson et al., 2003). Often, the time between the phase 3 and the next phase can be a time of calm and loving behavior and is often described as the reason why many women remain in a dangerous relationship (Walker, 1979).

The nature of the cycle can create an environment that seems difficult or even impossible for some victims to leave. For women who experience all these three phases regularly, the repetition can lead them to become desensitized to fear or physical harm (Walker, 1979; 2017). Walker (1979) theorized that this occurs for some victims due to a psychological phenomenon known as "learned helplessness." That is, when people realize that their voluntary response consistently does little to affect anything, it is hard for them to believe that they can influence the outcome of a situation (Seligman, 1975 as cited in Walker, 1979). Learned helpless is not the

only reason victims of domestic violence may not leave a relationship. Some victims may hold

traditional gender roles (Walker, 2017) and believe they need to be a "good wife" and feel

obligated to take care of their family no matter what. Other victims would like to leave but do

not have a way out. Specifically, a victim may not have the financial means or social support

network needed to successfully extricate herself (Othman et al., 2014).

Taken together, a violent domestic relationship is a complex and dangerous situation

where often there is no easy "way out" or strategy to "just leave." Unfortunately, research has

shown that repeated exposure to violent events can potentially make victims of domestic

violence desensitized to the violence and severity of their situation (Walker, 1979; 2017). One

alternative solution (rather than escape) that some victims come to is a homicide. A surprising

number of victims end up killing their abusive partner out of fear (Browne, 1987). Although it

may be understandable in some situations why a victim of domestic homicide may kill her

abuser, murder is not an acceptable solution. Some situations are clear cases of self-defense

when a victim acts to protect herself or her children in the midst of a severe physical

confrontation. However, many cases are not cut and dry. Rather, there are gray areas where it

becomes unclear whether or not a victim was truly acting out of self-defense, or instead, out of

revenge or some unknown motive. In fact, there are numerous reported cases where a victim

claims self-defense when she killed her partner when he was defenseless (e.g., sleeping; Russell

& Melillo, 2006). It is in these cases where particular information is needed by factfinders in

order to understand whether or not a claim of "self- defense" is logical and justified (Schuller et

al., 2004b; Russell & Melillo, 2006). The psychological science regarding the complex dynamics

surrounding domestic violence is one strategy that courts have used to try and educate jurors.

Expert Testimony on Victims of Domestic Violence

Battered woman syndrome testimony.

State v. Kelly (1984) was a milestone trial where the first expert testimony on the psychological

effects of domestic violence was admitted. Clinical psychologist, Dr. Lois Veronen, testified

about the definition of BWS and how the trauma of long-term domestic violence impacts the

physical and psychological health of a victim. Dr. Veronen's testimony was used by the defense

to dispute popular myths regarding victims of domestic violence (i.e., "such women are

masochistic and enjoy the abuse they receive and that they are free to leave their husbands but

choose not to"). She described the psychological reasons why a victim of domestic violence does

not always leave an abusive relationship. The judicial decision, in this case, suggested that

evidence which explains the complicated dynamics underlying domestic violence could have an

important impact in legal cases. Consistent with this opinion, research examining the influence

of expert testimony about BWS on the jury's decision making demonstrates that presentation of

the psychological science can be helpful for a defendant. Overall, the literature suggests that

when exposed to BWS testimony, jurors are more likely to render lenient verdicts (i.e., not

guilty by the reason of self-defense or manslaughter) rather than murder in cases of domestic

homicide (Plumm & Terrance, 2009; Schuller, 1992; Schuller & Hastings, 1996; Schuller &

Cripps, 1998; Schuller & Rzepa, 2002; Schuller et al., 2004a; Schuller et al., 2004b).

Additionally, the science demonstrates that the testimony is most effective when an expert makes

the connection between the defendant and the information about BWS rather than just explain

general research findings on BWS (Schuller, 1992; Schuller & Rzepa, 2002). Expert testimony

seems to result in leniency because when exposed to it, jurors' perceptions of fault/blame shift.

More specifically, they attribute less responsibility to the defendant and more responsibility to

the abuser (Schuller, Smith & Olson, 1994). Additionally, mock jurors who have heard BWS

(unlike jurors in a control condition) report that they consider whether the defendant had limited

options to escape from the abusive relationship when considering their verdicts and sentencing

decisions.

Social/agency expert testimony.

Although BWS testimony is associated with leniency in many studies there are

limitations to the positive effects. More specifically, work by Schneider (1986) elucidates that

BWS testimony can sometimes harm the defendant by classifying her acts as irrational due to a

"syndrome." Additionally, the topic of the testimony tends to highlight the bad acts of the

defendant, rather than the violence perpetrated by the deceased.

More recently, research has begun to examine alternative forms of testimony for

communicating psychological science regarding domestic violence. Schuller and Hastings (1996)

were the first to explore what they called "social/agency" (SA) expert testimony. The SA

testimony emphasizes that the victim's behavior must be understood in terms of the abuser's

domination and coercion. It also focuses on the victim's agency and action explaining that the

victim is far from helpless. Instead, this theory frames the victim as engaged in a dynamically

evolving processes in which she makes active and conscious decisions based on her

circumstances. The testimony focuses on the various obstacles that victims face such as the

inadequacies of various social agencies (e.g., police response, availability of social services), and

explain how those variables often lead to inaction on the part of the victim (Schuller & Hastings,

1996).

The limited research on SA testimony has demonstrated a stronger positive effect on

jurors decision making compared to BWS testimony. In two separate examinations, mock jurors

were more likely to find in favor of the defendant when exposed to SA testimony compared to

BWS testimony or no expert testimony (Plumm & Terrance, 2009; Schuller et al., 2004a). It is

theorized that SA testimony may be more effective than BWS testimony because it does not

focus only on mental health or trauma which labels the defendant as "ill" or "irrational," but

rather, it helps juries understand the overall social context in an abusive home (Dutton, 1993). In

fact, mock jurors in SA conditions perceived more information about the social reality (e.g., lack

of community support, limited social connections and limited support) for victims of domestic

violence than jurors in a BWS testimony condition. Additionally, they are more likely to explain

the defendant's actions as reasonable and justifiable because the defendant did not have any

other options (e.g., divorce), but to kill her husband to escape from the violence.

Child Witness Testimony

Research examining the mechanisms by which expert testimony influences jurors'

judgments have uncovered that jurors' leniency is associated with framing jurors' thinking, so

they are able to judge the defendant's behavior within the context of domination and coercion.

However, this information may not need to be explained only by scientific evidence. It is

possible that this information could be introduced through an eyewitness who has knowledge of

the years and events leading up to the crime. One option that is available in some cases is the

testimony of a child who lived in the home. In fact, nearly 1 in every 4 children in the US

witness domestic violence at some time in their life (Bureau of Justice Statistics, 2009).

Although those children might not exactly know why their parents are fighting, they are acutely

aware of the tension and the violence happening at home (Gorin, 2004; Mullender, Hague &

Imam, 2003; Ver Steegh, 2000). Additionally, children are capable of reliably recounting

detailed accounts of the dynamics of the abuse in the house (Gorin, 2004; Mullender et al.,

2003).

Although children are, under certain conditions (e.g., ideal questioning, lack of suggestive influences), capable of providing accurate eyewitness reports, great care must be given when considering whether or not a child should be called to testify in a legal case. Legal professionals must weigh the benefit of the information the child can provide with the significant costs that may result from the child's experience of testifying. The benefit of a child's testimony can be hard to determine. There is inconsistent evidence regarding how jurors perceive the information provided by child witnesses. Some studies have found that jurors evaluate children's testimony as less credible and more prone to suggestion than adults' (Brigham, 1998; Gordon & Follmer, 1994; Goodman, Golding, Helgeson, Haith, & Michelli, 1987; Ross, Dunning, Toglia & Ceci, 1990; Bottoms & Goodman, 1994; McCauley & Parker, 2000). However, others have found that, when testifying about certain information (e.g., sexual abuse), younger children are rated as more credible than older children or adults (Nightingale, 1993; Regan & Baker, 1998). These findings tend to be driven by adults' beliefs that children are unlikely to be knowledgeable about certain topics and therefore, unable to create convincing lies (Ross et al., 1990; Bottoms & Goodman, 1994; McCauley & Parker, 2000). Consistent with this theory, it is possible that jurors may find certain types of child testimony regarding domestic violence to be credible, for instance, testimony that provides anecdotal proof of a complex violent relationship (rather than a clear picture of one parent as "good" or "bad").

In cases with children, it is always important to consider ethics and the long-term impact the legal process may have on a child. Child witnesses are vulnerable to re-traumatization from the experience of recounting upsetting information in a criminal court (Goodman et al., 1992; Whitcomb et al., 1991). However, some literature has reported positive outcomes associated with testifying. Specifically, there is evidence to suggest that legal involvement does help children

overcome emotional distress in the long-term. For instance, children who have testified in legal cases have reported the experience allowed them to have a voice and they are more likely to report a feeling that justice has been served (Mullender et al., 2003; Paternoster et al., 1997). Furthermore, Quas and Goodman (2012) noted that children are more likely to benefit from their involvement in the legal system when suitable safeguards are put in place (e.g., indirect forms of testimony).

Present Study

The present study aimed to investigate the effects of varying witness testimony (expert witness and child witness testimony) on mock jurors' perceptions in cases of domestic homicide. Our main goal was to investigate whether child testimony and expert testimony are equally effective in shaping how mock jurors perceived the defendant and her actions and in reducing guilty verdicts and harsh sentencing decisions in cases of domestic homicides. Based on the previous research, several hypotheses were developed for this study.

Hypotheses

Expert testimony.

Verdict, sentencing decision and jurors' perceptions of the defendant's claim.
Consistent with previous research (Plumm & Terrance, 2009; Schuller, 1992; Schuller & Hastings, 1996; Schuller & Cripps, 1998; Schuller & Rzepa, 2002; Schuller et al., 2004a; Schuller et al., 2004b), we predicted the expert testimony would be associated with fewer guilty verdicts and more lenient sentencing decision, more belief of the defendant's claim (e.g., defendant's perceptions of fear, danger), and defendant's culpability, and low rates of the defendant's responsibility (Schuller et al., 1994).

Child testimony.

Verdict, Sentencing Decision & Jurors' Perceptions of the Defendant's Claim. We predicted that the child testimony would have significant positive impacts on verdict and sentence compared to the control condition. Specifically, the information conveyed in children's testimony (i.e., intimate relationship details and contextual facts) would be associated with jurors perceiving the defendant as a "typical" domestic violence victim, which would lead to lenient verdicts and sentences as well as more belief in the defendant's claim (Schuller et al., 2004b; Russell & Melillo, 2006). Additionally, based on the findings that perceive sensitive testimony from younger children more credible than older children, we expected testimony from the 5-year-old witness to be more effective than testimony from the 8-year-old witness.

Jurors' evaluations. Overall, we believed that because of the lack of obvious "suggestive influence" and neutrality of the child's testimony (i.e., the child reported negative information about both parents, as well as testimony that he loved both parents) jurors would find the child witness credible. But, we did predict an effect of child age, such that jurors who read testimony from a 5-year-old witness would rate the child as more credible than jurors who read the testimony from an 8-year-old witness.

Finally, we conducted exploratory analyses regarding the compounded effect of child witness testimony paired with expert witness testimony. Given the novel approach, the literature did not give any clear information on how the combination of a child witness and an expert witness would influence the jury.

Method

The research design was a 3 (expert witness: BWS expert, SA expert, no expert) x 3 (child witness: age 5, age 8, no child). All participants completed the study independently online. After giving informed consent, participants were instructed to read approximately 17 pages of trial information (adapted from Schuller & Hastings, 1996). After reading the trial transcript, participants were asked to complete several online questionnaires assessing the dependent variables. All participants provided verdicts, sentencing judgments, and evaluated expert witness and child witness, such as credibility. Lastly, participants provided the case summary in their own words. Participants completed the survey in a $M = 52.84$ minutes, SD = 24.69, with substantial variation (Range$_{duration\_in\_minutes}$ 13.95 - 146.03) due to condition.

Participant

Participants ($N = 245$, $M_{age} = 37.92$, SD = 9.45, 42.5% female) were recruited from an online subject pool, Amazon Mechanical Turk (MTurk). Only jury-eligible participants were eligible. Therefore, exclusion criteria included non-fluency in English (99% English as the first language), having a felony conviction, or lacking American citizenship. The samples were not ethnically diverse: 80.8% of White, 6.3% of Asian, 5.8% of Black, 3.8% of Hispanic, and 3% of others.

Sixty-three percent of females reported having their own children while 25 % of males in our sample have children. Forty-eight percent of participants reported interacting with 5- to 8-year-old children on a daily or weekly basis. Additionally, the majority (76%) of participants reported no personal experience (i.e., themselves or someone they know) with domestic violence.

Stimulus Materials

Stimulus materials were obtained from the first author of Schuller and Hastings (1996). The materials were then adapted to fit the current project goals. Similar to Schuller and Hastings (1996), Lavallee v. Regina (1990; see Schuller, 1990) was used as a model and adapted to be consistent with the goals of the present study. Specifically, the majority of elements of Schuller and Hastings (1996) remained intact, however, the case details were changed to include a child within the family and the main character within the family's history of domestic violence. Additionally, trial testimony was adapted to include a child witness testifying about the history of violence in the home.

The child testimony was created using developmentally-appropriate language and themes. These were created using excerpts from trial transcripts from domestic violence trials that took place in Los Angeles County, CA between 2001- 2007. Question/answer pairs were pulled from trials that fit the study criteria (e.g., child witnesses of age 5 or 8) and were adapted to fit the case facts from Lavallee v. Regina (1990).

The age of child witness (both age 5 and 8) was selected based on the child credibility research. Specifically, age 5 and age 8 were selected as mock jurors perceived age 8 children as least honest and age 5 as most honest (Brigham, 1998; Bottoms & Goodman, 1994). The trial information will be provided to all participants, including judicial opening instructions, attorneys' opening arguments, direct and cross-examination of witnesses (4 for the prosecution, and 1-2 for the defense depending on the experimental condition), attorneys' closing arguments, and the judicial charge. In total, the transcript is approximately 17 (primarily single spaced) pages in length (see Schuller & Hastings, 1996 for a full summary of case details and trial content).

Dependent Measures

Demographic information. All participants responded to 11 demographic questions including age, sex, ethnicity, exposure to children and personal experience with domestic violence.

Verdicts (Schuller & Hastings, 1996). All participants were asked to provide their verdict for the trial. Participants were given the options of second-degree murder, first-degree manslaughter or not guilty by self-defense. Participants were given the legal definitions of each charge based on the descriptions found in the New York State penal code.

Sentencing. Following their verdict decisions, participants made a sentencing decision. Sentencing options reflect the ranges that encompassed the low (i.e., no sentence needed) and high (i.e., 25 years) end for the sentencing guidelines based on New York State penal code (see Appendix A).

Juror judgments of defendant's state of mind (Schuller, Smith & Olson, 1994). Participants were asked to complete a juror judgments questionnaire on a 9-point Likert scale (i.e., [1] "least" and [9] "completely") which assessed their feelings about the defendant. Specifically, the scale assessed juror's perception of defendant fear, the danger of the situation, blame towards the defendant, the defendant's responsibility, and the defendant's ability to leave the situation.

Evaluation of child witness credibility (Ross, Jurden, Lindsay, & Keeney, 2003). For participants in the child witness condition, they were asked to rate the child witness on overall credibility, as well as individual factors related to credibility: intelligence, accuracy, believability, truthfulness, consistency, honesty, suggestibility, attentiveness, likability, ability to

understand the process/events, and confidence (Ross et al., 2003). Participants had 6-point Likert

scale questions ((i.e., [1] "not at all" and [6] "completely").

Manipulation check (Schuller & Hastings, 1996). The 9-point Likert Scale regarding

witness testimony was obtained to ensure that participants extracted and comprehended the

testimony of interest. For all participants, a rating of the extent to which the defendant fought

back against her husband's treatment was obtained. For those participants exposed to expert

testimony, the extent to which the testimony focused on psychological versus social explanations

were assessed. Finally, for participants in the child witness condition, ratings regarding the

degree to which the child observed domestic violence in the home were obtained. All ratings

served as manipulation checks.

Results

Preliminary Analyses

First, we conducted analyses to assess participants' attention to the stimuli and adherence

to the study protocol. We examined the length of time; it took participants to complete the survey

and participants answers to the "manipulation check" questions regarding the content of the

expert and/or child testimony. Results revealed five outliers who either completed the survey in

an abnormally fast rate (i.e., a time more than one standard deviation below the mean for their

experimental condition) and/or failed the manipulation check. All five participants were removed

from the sample; remaining analyses reflect the sample of 240 participants.

Next, we examined whether the experimental conditions differed by gender, ethnicity,

SES (i.e., education level, household income), previous experience with children and previous

experience with domestic violence. No significant differences were observed. We also assessed

the influence of the above demographics on all dependent measures (i.e., verdict, sentencing,

jurors perceptions of defendant & child credibility assessment). Consistent with previous

research (Schuller 1992; Schuller & Hastings, 1996; Schuller et al., 2004a), results revealed that

gender influenced both verdict (X^2 (2, $N = 239$) = 11.40, p = .003) and sentencing (X^2 (4, $N =$

239) = 21.50, p < .001). Therefore, gender is controlled in all analyses. No other significant

effects emerged.

Finally, we examined whether there were significant differences between our two "guilt"

ratings based on any variables of interest. Previous research has operationalized defendant guilt

in cases of domestic homicide using both dichotomous (e.g., not guilty/guilty) and ordinal ratings

of guilt (e.g., not guilty, manslaughter, murder). We found no significant differences when

examining predictors of manslaughter compared to murder in our data, and thus have combined

these outcomes into one "guilty" verdict for ease of interpretation.

Verdict

Our first aim was to examine the influence of witness condition on participants'

judgments of guilt (Table 1). To examine whether child witness condition or expert witness

condition influenced jurors' verdicts we conducted a binary logistic regression with child witness

condition (no child, child age 5, child age 8), expert condition (no expert, BWS expert, SA

expert) and gender entered as predictors and the dichotomous variables for verdict (not guilty,

guilty) entered as the dependent variable. A customized model was created utilizing the "forced-

entry" method to test the main effects of the child witness, expert, and gender as well as the two-

way interactions of gender and the experimenta conditions and the child and expert conditions. .

The overall model for verdict was significant, X^2(9) = 19.53, p = .021. Only gender

(Wald = 7.54, p = .006, OR = .45 [95% CI: .26, .80]) emerged as a significant predictor.

Consistent with previous literature (Schuller et al., 1996), men were more likely to vote guilty

(64%, $n = 103$) than women (37%, $n = 59$). There was no main effects of child witness testimony

or expert testimony on verdict. However, there was a surprising interaction of Child X Expert

condition (*child age 8, SA condition*: Wald = 5.43, $p = .020$, OR = .11 [95% CI: .02, .71]),

whereby participants who were exposed to both child witness (*age 8*) testimony and the SA

testimony were significantly more likely (89%, $n = 24$) guilty, no other significant interactions

emerged.

Sentencing

Our second aim was to examine the influence of witness condition on participants'

sentencing decisions (Table 2).To examine the influence of our experimental conditions on

jurors' sentencing decisions we conducted a univariate Generalized Linear Model (GLM) on the

average sentencing decision with gender, child witness condition and expert witness condition

entered as categorical fixed factors. The full model was tested and gender emerged as the only

significant predictor ($F(1, 239) = 18.04$, $p < .001$, $\eta\rho^2 = .08$). Male participants ($M = 2.77$, SD =

1.40) gave significantly harsher sentences than female participants ($M = 2.04$, SD = 1.13).

Jurors' Perceptions of Defendant's State of Mind

Our third aim was to assess whether or not a child and/or expert testimony influenced

jurors' perceptions of the defendant's state of mind. In order to accomplish this goal, we

examined jurors' perceptions of defendant fear, the danger of the situation, blame towards the

defendant, defendant's responsibility, and the defendant's ability to leave the situation. We

conducted a series of univariate GLMs with participants mean rating for each element entered as

dependent variables and gender, child witness condition, and expert witness condition entered as

fixed factors. The full model was tested.

Judgments of fear. For perceptions of defendant's fear at the time of the crime there was a significant main effect of gender (F (1, 238) = 28.17, p = .001, $\eta\rho^2$ = .05) such that women (M = 7.69, SD = 1.51) rated the defendant as more fearful than men (M = 6.94, SD = 1.79). A significant two-way interaction of Gender x Child emerged (F (2, 237) = 9.640, p = .025, $\eta\rho^2$ = .03), which was fully subsumed by a three-way interaction of Gender x Child x Expert, (F (4, 235) = 8.27, p = .014, $\eta\rho^2$ = .06. Tests of simple effects revealed that for female jurors there was a significant effect of Child X Expert witness, F (4, 97) = 5.19, p = .001, $\eta\rho^2$ = .18, whereby the presence of a child witness only had a significant impact when paired with SA testimony. When a SA expert testified paired with a 5-year-old child's testimony, the female participants rated the defendant as significantly less fearful all other conditions (Figure 1).

Judgments of danger. For perceptions of danger there was a significant main effect of gender, F (1, 238) = 43.39, p < .001, $\eta\rho^2$ = .06, such that women (M = 7.61, SD = 1.52) rated the defendant as perceiving more danger than men (M = 6.70, SD = 2.06). Additionally, a significant two-way interaction of Gender x Child emerged (F (2, 237) = 19.59, p = .003, $\eta\rho^2$ = .05). Again, male jurors' ratings were not influenced by child testimony. However, female participants rated the defendant as perceiving significantly less danger when a 5-year-old child testified (M = 6.90, SD = 2.05; F (2, 99) = 6.33, p = .003, $\eta\rho^2$ = .37) compared to an 8 year-old child (M = 7.59, SD = 1.27) or no child (M = 8.21, SD = .93).

For blame towards the defendant and the defendant's ability to leave the situation, only gender emerged as a significant predictor. Women, compared to men, were less likely to blame the defendant and more likely to rate that defendant as less able to leave. Finally, no significant effects emerged regarding ratings of defendant responsibility (see Table 3 for means and standard deviations of jurors' perceptions).

Jurors' Perceptions of Child Witness Testimony

Our fourth aim was to evaluate jurors' perceptions of child witness credibility and suggestibility. Two survey questions were used for these analyses (i.e., overall credibility, suggestibility). We conducted univariate GLMs with participants mean rating for each question entered as dependent variables and gender, child witness condition, and expert witness condition entered as fixed factors. The full model was tested.

Child credibility. Perceptions of child witness credibility did not have any main effects as the participants perceived the child witness as equally credible across conditions (See Table 4 for means and standard deviations).

Child suggestibility. For perceptions of the child suggestibility, a significant two-way interaction of Gender x Child emerged ($F (2, 159) = 6.38$, $p = .013$, $\eta\rho^2 = .04$). Tests of simple effects revealed that female jurors' perceptions of child suggestibility were not significantly different between the two child witnesses (i.e., age 5 and age 8). However, male participants rated the potential for suggestive influence higher when a 5 year-old child testified ($M = 4.13$, $SD = 1.38$) than when an 8 year-old child testified ($M = 3.50$, $SD = 1.37$; $F (1, 90) = 4.74$, $p = .032$, $\eta\rho^2 = .50$).

Discussion

The aim of the current study was to investigate the effects of various types of testimony on mock jurors' perceptions and decisions in a case of domestic homicide. We examined the effects of two forms of expert testimony (BWS & SA) and child testimony (age 5 & 8) on jurors' verdicts, sentencing decisions, and perceptions of the defendant in a case where a woman killed her spouse. Based on previous research we had several hypotheses. Some of our findings were consistent with those predictions, however, some results were surprising.

First, we did not make a prediction regarding gender, however, as has been demonstrated previously (Schuller, 1992; Schuller & Hastings, 1996; Schuller et al., 2004a; Plumm & Terrance, 2009), we did find significant gender differences for the majority of our dependent variables. Women were more likely to find the defendant not guilty compared to men, and when they did convict the defendant, women more likely to suggest lenient sentences. Additionally, women provided more "defendant-friendly" ratings on all juror perception scales (except responsibility) than men. Given the gender themes within the narrative (i.e., a male/husband victim and a female/wife defendant), it is not surprising that participants would identify more with the "character" that most closely resembled themselves. In fact, jury decision-making research has found reliable gender differences when it comes to cases involving families and children (Penrod, 1990).

We did predict the effect of expert testimony. We predicted that both forms of expert testimony would result in leniency compared to the control condition and that SA expert testimony would result in significantly more not guilty verdicts/lighter sentences when compared to BWS testimony (Schuller & Hastings, 1996). However, our results did not support these hypotheses. Instead, we found no significant main effect of expert testimony. It is unclear why there was no effect of an expert as the majority of materials were taken directly from previous studies, meaning it is unlikely that the case details or the content alone could have driven this effect. One possibility could be the sample, ours was a community sample (as opposed to a college sample) which may react to expert testimony differently. However, our sample was highly educated and likely similar (albeit older) than the samples of Canadian college students used in the majority of Schuller's work. Another possibility could be the timing of the research and the cultural zeitgeist regarding domestic violence. Many of the previous studies regarding

expert testimony in domestic cases were conducted in the 1990s and a significant amount of

knowledge has been gained and disseminated regarding domestic violence since that time.

Laypeople know much more about the dynamics of domestic violence, and the dangers have

been highlighted through high profile murders such as that of Nicole Brown Simpson, Laci

Peterson, and many more. It is possible that the exposure participants have had to the

information presented in our expert testimony weakened the impact of the testimony.

This weakening could have drawn attention to some "surface" explanations of why the defendant

did not attempt to leave. Specifically, the expert talked about obstacles faced by victims of

domestic violence, however, the victim in our case never even attempted to leave. Through all of

the witness testimony, it was never indicated that she ever contacted any agency in order to

extricate herself. Given increased awareness, and arguably improvements in social agencies that

are available for victims, perhaps the expert's information actually highlighted to jurors the steps

the defendant did not take prior to the homicide.

As with expert testimony, the testimony of the child had no significant main effect on

verdict or sentencing. The information being presented by the child did not seem to make jurors

any more sympathetic to the defendant's position. This does not seem to be due to child

credibility, as jurors rated the child testimony (both age 5 and age 8) as highly credible, which is

consistent with other findings (Nightingale, 1993; Regan & Baker, 1998). We did find a gender

difference in jurors' ratings of suggestibility, such that mock jurors perceived the younger child

as more susceptible by questions than the older child, which is also a replication of previous

research (Antrobus et al, 2012; Goodman & Reed, 1986; Leippe & Romanczyk, 1989; Quas et

al., 2005). However, even with this taken into account, credibility ratings remained high,

suggesting that a lack of belief was not accounting for the lack of impact on jurors' decisions.

Instead, we believe it is possible that the lack of effect was more likely due to the content of the

testimony. Care was taken when developing the testimony to stick to elements that would portray

the social context of the situation (i.e., information that would be comparable to the experts'

testimony). The child's testimony provided anecdotal evidence of violence and elements that

would be admissible in an American criminal court (e.g., no options or speculation).

Additionally, the child's testimony was not particularly biased towards one parent or the other.

He explained instances of violence with vague attributions of fault; if his testimony was

believed, it was clear violence had occurred in the home, but it was not a "cut-and-dried" story of

a "good" parent and a "bad" parent. It is possible that the child's testimony may have had an

impact if it was a passionate defense of the defendant, whereby the child clearly describes the

deceased as the aggressor who held all the blame. However, this type of child testimony would

open up questions regarding jurors' perceptions of coaching, suggestion, and misinformation,

which we attempted to keep at a minimum for this study. Future research should examine the

complex interplay between these variables.

  Although we did not find main effects of either witness condition, we did find some

interesting interactions between child testimony, expert testimony, and jurors' gender.

Specifically, jurors had an interesting reaction when the SA testimony was paired with the child

testimony. When the SA testimony was paired with the 8-year-old child testimony jurors were

most likely to vote guilty. They seemed to not like the pairing of an older child and testimony

about the "social agency" of domestic violence. Additionally, when the SA condition was paired

with a 5-year-old child, female jurors rated the defendant's perceptions at the time of the crime

as a lower degree of danger and the lowest level of fear compared to all other conditions.

Initially, we found this counterintuitive. We assumed that the testimony of the young child would

make the defendant seem the most sympathetic. With a 5-year-old child being introduced to the jury, we believed the jurors would think that the defendant feared for both herself and the safety of her young child. However, it was the opposite effect for female jurors. When we looked at the demographics of the sample we realized that the majority of the female participants were mothers. We believe it is possible that this could be partially driving the observed effect. The SA expert condition outlined the social obstacles faced by victims of domestic violence, highlighting how difficult it can be to escape the situation. However, this testimony does not talk much about the psychological trauma, nor the psychological phenomena that may paralyze a victim such that she does not even try to leave. Since the case, details, in this case, do not mention any attempts to leave prior to the night in question and the SA condition does provide an explanation for why this would happen, female jurors may be turning on the defendant for not making any effort to protect her young child. Consistent with this theory, jury research examining the "similarity-leniency" hypothesis has found that even though jurors are sometimes easier on defendants that are "like" them, there can be a situation where jurors will turn on "similar" defendants. This phenomenon has been called the "black sheep effect" (Marques et al., 1988) or the "boomerang effect" (Brehm & Brehm, 1981) and it is often explained as an attempt by jurors to distance themselves from the bad acts of the defendants. It is possible that this effect may be occurring for the female participants in our sample. Future research will need to examine the mechanisms by which this may occur within the context of child-involved domestic violence.

Limitations & Future Directions

This present study has some limitations. The ethnicity of the sample was skewed as 81% was Caucasian. Thus, even though there was no effect of ethnicity in the present study, there is still a concern whether these findings are generalizable across the full jury pool. Furthermore,

since this was an online study, we did not have any control over the test-taking environment and some participants could take a break and return to the experiment while others took the survey in one sitting. Participants read a court transcript to answer questions. However, they could have perceived the case differently than they would when they are watching a video or in-person mock trial or when they serve on a jury in real life.

Qualitative data analysis on juror reasoning would be the next step following the present study. The child testimony was neutral, such that the child did not show any favoritism. However, this would not necessarily be true in real life cases. Thus, in further research, we can try to account for more dynamics similar to such real-life cases. In addition, there is still a need to investigate mock jury-decision making when a child is involved in a case of domestic homicide as this study was unable to examine interactions of jurors and a child's legal participation in a domestic homicide. Furthermore, the effectiveness of expert witnesses still needs to be examined more as all research about the expert testimony in a case of domestic homicide was back in the 1990s and in early 2000s. This study can be a guideline for future researchers and legal professionals who are considering the issues of expert testimony and child witnesses to domestic homicides.

Reference

Anderson, M. A., Gillig, P. M., Sitaker, M., McCloskey, K., Malloy, K., & Grigsby, N. (2003). "Why Doesn't She Just Leave?": A Descriptive Study of Victim Reported Impediments to Her Safety. *Journal of Family Violence*, 18(3), 151–155. doi:10.1023/A:1023564404773

Brigham, J. (1998). Adults' Evaluations of Characteristics of Children's Memory. *Journal of Applied Developmental Psychology*, 19(1), 15-39.

Brehm, S. & Brehm, J.W. (1981). *Psychological reactance: a theory of freedom and control.* New York: Academic Press.

Browne, A. (1987). *When Battered Women Kill* (1st ed.). New York: The Free Press.

Bottoms, B., & Goodman, G. (1994). Perceptions of Children's Credibility in Sexual Assault Cases. *Journal of Applied Social Psychology*, 24(8), 702-732.

Bureau of Justice Statistics (2014). Nonfatal Domestic Violence, 2003 - 2012 (NCJ 244697). Retrieved from https://www.bjs.gov/content/pub/pdf/ndv0312.pdf on April 7, 2019

Bureau of Justice Statistics (2009*). Profile of Intimate Partner Violence Cases in Large Urban Counties* (NCJ 228193). Retrieved from https://www.bjs.gov/content/pub/pdf/pipvcluc.pdf on April 7, 2019

Dutton, M. A. (1993). Understanding Women's Response to Domestic Violence: A Redefinition of Battered Woman Syndrome. *Hofstar Law Review,* 9, 1191 – 1242.

Ewing, C. P. (1987). *Battered Women Who Killed.* Massachusetts: D.C. Heath and Company.

Federal Rules of Evidence, 34v C.F.R. (2017)

Frye v. United State, 293 F. 1013 (D.C.. Cir 1923)

Goodman, G. S., Golding, J. M., Helgeson, V. S., Haith, M. M., & Michelli, J. (1987). When a Child Takes the Stand: Jurors' Perceptions of Children's Eyewitness Testimony. *Law and Human Behavior*, 11(1), 27-40.

Goodman, G., Taub, E., Jones, D., England, P., Port, L., Rudy, L., . . . Melton, Gary. (1992). Testifying in Criminal Court: Emotional Effects on Child Sexual Assault Victims. *Monographs of the Society for Research in Child Development*, 57, 1-142.

Gorin, S. (2004). Understanding What Children Say: Children's Experiences of Domestic Violence, *Parental Substance Misuse and Parental Health Problems*. London: Jessica Kingsley.

Gordon, B., & Follmer, A. (1994). Developmental Issues in Judging the Credibility of Children's Testimony. *Journal of Clinical Child Psychology*, 23(3), 283-294.

Huss, M. T., Tomkins, A. J., Garbin, C. P., Schopp, R. F., & Killian, A. (2006). Battered Women Who Kill Their Abusers: An Examination of Commonsense Notions, Cognitions, and Judgements. *Journal of Interpersonal Violence*, 21(8), 1063–1080.

Ibn-Tamas v. United States, 407 A. 2d 626 (DC. App. 1979)

Ibn-Tamas v. United States, 455 A. 2d 893 (DC App. 1983)

Jaffe, P., & Juodis, M. (2006). Children as Victims and Witnesses of Domestic Homicide: Lessons Learned from Domestic Violence Death Review Committees. *Juvenile and Family Court Journal*, 57(3), 13-28.

Leippe, M., & Romanczyk, A. (1989). Reactions to Child (Versus Adult) Eyewitnesses: The Influence of Jurors' Preconceptions and Witness Behavior. *Law and Human Behavior*, 13(2), 103-132.

Martinson, D., M. MacCrimmon, I. Grant, & C. Boyle (1991). A Forum on Lavallee v. R: Women and Self-Defence. *U.B.C. Law Review*, 23 – 68.

Marques, J. M., Yzerbyt, V. Y., & Leyens, J.-P. (1988). The "Black Sheep Effect": Extremity of judgments towards ingroup members as a function of group identification. European Journal of Social Psychology, 18(1), 1–16. https://doi-org.ez.lib.jjay.cuny.edu/10.1002/ejsp.2420180102

McCauley, M. R., & Parker, J. F. (2001). When Will a Child be Believed? The Impact of the Victim's Age and Juror's Gender on Children's Credibility and Verdict in a Sexual-Abuse Case. *Child Abuse & Neglect*, 25(4), 523-539.

Mullender, A., Hague, G., & Imam, U. F. (2003). Children's perspectives on domestic violence. Retrieved from http://ebookcentral.proquest.com Created from johnjay-ebooks on 2019-04-22 21:20:13.

National Center for Injury Prevention and Control: Division of Violence Prevention. (2011). *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report*. Atlanta, GA: Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M.

Nightingale, N. N. (1993). Juror Reactions to Child Victim Witnesses: Factors Affecting Trial Outcome. *Law and Human Behavior*, 17(6), 679-694.

NYS Unified Court System (n.d.). Penal Law Article 125. Retrieved April 10, 2018, from http://www.nycourts.gov/judges/cji/2-PenalLaw/125/art125hp.shtml.

Othman, S., Goddard, C., & Piterman, L. (2014). Victims' Barriers to Discussing Domestic Violence in Clinical Consultations: A Qualitative Enquiry. *Journal of Interpersonal Violence,* 29(8), 1497-1513.

Paternoster, R., Brame, R., Bachman, R. & Sherman, L. W. (1997). Do Fair Rrocedures Matter? The Effect of Procedural Justice on Spouse Assault. *Law & Society Review*, 31(1), 163-204.

Penrod, S. D. (1990). Predictors of jury decision making in criminal and civil cases: A field experiment. *Forensic reports*

Plumm, K. M., & Terrance, C. A. (2009). Battered Women Who Kill: The Impact of Expert Testimony and Empathy Induction in the Courtroom. *Violence against Women*, 15(2), 186–205. doi:10.1177/1077801208329145

Quas, J., & Goodman, G. (2012). Consequences of Criminal Court Involvement for Child Victims. Psychology, *Public Policy, and Law*, 18(3), 392-414.

Regan, P. C., & Baker, S. J. (1998). The Impact of Child Witness Demeanor on Perceived Credibility and Trial Outcome in Sexual Abuse Cases. *Journal of Family Violence*, 13(2), 187-195.

Ross, D., Dunning, D., Toglia, M., & Ceci, S. J. (1990). The Child in the Eyes of the Jury: Assessing Mock Jurors' Perceptions of the Child Witness. *Law and Human Behavior*,14(1), 5-23.

Ross, D. F, Jurden, F. H., Lindsay, R. C. L., & Keeney, J. M. (2003). Replications and Limitations of a Two-Factor Model of Child Witness Credibility. *Journal of Applied Social Psychology*, 33(2), 418-431.

Russell, B. L., & Melillo, L. S. (2006). Attitudes toward Battered Women Who Kill: Defendant Typicality and Judgments of Culpability. *Criminal Justice and Behavior*, 33(2), 219–241. doi:10.1177/0093854805284412

Schuller, R. A. (1992). The Impact of Battered Woman Syndrome Evidence on Jury Decision
    Processes. *Law and Human Behavior*, 16(6), 597–620. doi:10.1007/BF01884018

Schuller, R. A., & Cripps, J. (1998). Expert Evidence Pertaining to Battered Women: The Impact
    of Gender of Expert and Timing of Testimony. *Law and Human Behavior*, 22(1), 17–31.
    doi:10.1023/A:1025772604721

Schuller, R. A., & Hastings, P. A. (1996). Trials of Battered Women Who Kill: The Impact of
    Alternative Forms of Expert Evidence. *Law and Behavior*, 20(2), 167-187.

Schuller, R. A., Mckimmie, B. M., & Janz, T. (2004a). The Impact of Expert Testimony in Trials
    of Battered Women Who Kill. *Psychiatry, Psychology and Law*, 11(1), 1–12.
    doi:10.1375/pplt.2004.11.1.1

Schuller, R. A., & Rzepa, S. (2002). Expert Testimony Pertaining to Battered Woman Syndrome:
    Its Impact on Jurors' Decisions. *Law and Human Behavior*, 26(6), 655–673.

Schuller, R. A., Smith, V. L., & Olson, J. M. (1994). Jurors' Decisions in Trials of Battered
    Women Who Kill: The Role of Prior Beliefs and Expert Testimony. *Journal of Applied
    Social Psychology*, 24(4), 316–337. doi:10.1111/j.1559-1816.1994.tb00585.x

Schuller, R. A., Wells, E., Rzepa, S., & Klippenstine, M. A. (2004b). Rethinking Battered
    Woman Syndrome Evidence: The Impact of Alternative Forms of Expert Testimony on
    Mock Jurors' Decisions. *Canadian Journal of Behavioral Science*, 36(2), 127–136.

Schneider, E. M. (1986). Describing and Changing: Women's Self-Defense Work and the
    Problem of Expert Testimony on Battering. *Women's Rights Law Reporter*, 9, 195 – 222.

State v. Kelly, 478 A. 2d 364 (N.J. 1984)

Ver Steegh, Nancy. (2000). The Silent Victims: Children and Domestic Violence. *William
    Mitchell Law Review*, 26(3), 775-809.

Walker, L. (1979). *The Battered Woman* (1st ed.). New York: Harper Perennial.

Walker, L. (2017). *The Battered Woman Syndrome* (4th ed.). New York: Springer Publishing
    Company.

Whitcomb, D., et al. *The Child Victim as a Witness: Research Report*. U.S. Dept. of Justice,
    Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 1994.

Table 1

Verdict Percentages by Experimental Condition

Condition	Not Guilty	Guilty	TOTAL
Control ($n = 25$)	36.0%	64.0%	100.0%
BWS Expert ($n = 28$)	35.7%	64.3%	100.0%
SA Expert ($n = 26$)	38.5%	61.5%	100.0%
Age 5 ($n = 26$)	26.9%	73.1%	100.0%
Age 8 ($n = 30$)	46.7%	53.3%	100.0%
BWS & Age 5 ($n = 29$)	37.9%	62.1%	100.0%
BWS & Age 8 ($n = 26$)	23.1%	76.9%	100.0%
SA & Age 5 ($n = 23$)	34.8%	65.2%	100.0%
SA & Age 8 ($n = 27$)	11.1%	88.9%	100.0%

Table 2

Jurors Sentencing Decisions by Condition

Condition	Mean (SD)
Control (*n* = 25)	2.56 (1.39)
BWS Expert (*n* = 28)	2.32 (1.31)
SA Expert (*n* = 26)	2.23 (1.28)
BWS, Age 5 (*n* = 29)	2.31 (1.42)
BWS, Age 8 (*n* = 26)	2.73 (1.37)
SA, Age 5 (*n* = 23)	2.48 (1.41)
SA, Age 8 (*n* = 27)	2.74 (1.20)
Age 5 (*n* = 26)	2.65 (1.33)
Age 8 (*n* = 30)	2.17 (1.37)
Total (*n* = 240)	2.46 (1.33)

Note. 0 = no sentence needed, 3 = 16-25 years

Table 3

Perceptions of Juror Judgements (M (SDs)) by Gender - "Typical" battered victims (Russell and Melillo, 2006)

	Defendant Fear*	Defendant Danger**	Defendant's Ability to Leave**	Defendant Felt Trapped	General DV*	DV Severity*	Defedandant Action Justified**	Defendant's Responsibility	Defedant Blame*	Defendant Suffered**
Male	6.93 (1.78)	6.67 (2.05)	5.62 (2.40)	6.01 (2.45)	8.10 (1.51)	7.41 (1.51)	4.46 (2.52)	5.45 (2.22)	5.32 (2.18)	7.19 (1.96)
Female	7.66 (1.53)	7.60 (1.55)	4.48 (2.47)	6.68 (2.12)	8.51 (1.30)	8.04 (1.30)	5.73 (2.31)	4.86 (2.22)	4.40 (2.25)	8.02 (1.34)

*Note. * = significant level < .05; ** = significant level <= .001*
   Male = 134, Female = 96

Table 4

Jurors' Perception of Child Credibility

	Age 5	Age 8
No Expert	4.81 (.80)	5.13 (.97)
BWS	4.86 (.86)	4.62 (1.24)
SA	4.74 (1.05)	4.67 (1.11)
Total	4.81 (.90)	4.82 (1.11)

Figure 1. Female Jurors' Perception of Defendant Fear