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The Role of Eyewitness Confidence and Prosecution/Defense Presentation in How Facial Composites Shape Juror Decision-Making

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The Role of Eyewitness Confidence and Prosecution/Defense Presentation in How Facial Composites Shape Juror Decision-Making

A Thesis Presented in Partial Fulfillment of the Requirements for the Masters in Forensic Psychology

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Table of Contents

Abstract ................................................................................................................................. 4

Introduction and Literature Review .................................................................................. 5

   The Fallibility of Eyewitness Memory ........................................................................... 6
   Facial Composites ........................................................................................................... 10
   Order of Proceedings ...................................................................................................... 12

Present Study ....................................................................................................................... 13

Methods ................................................................................................................................. 13

   Participants ....................................................................................................................... 13
   Design ................................................................................................................................. 14
   Materials ............................................................................................................................. 14
      Facial Composites ......................................................................................................... 14
      Trial Transcripts ............................................................................................................. 15
      Dependents Measures Questionnaire .............................................................................. 16
      Demographics Questionnaire ......................................................................................... 17

Procedure ............................................................................................................................... 17

Results .................................................................................................................................. 17

   Preliminary Analysis ....................................................................................................... 17
   Confidence and Evidence Presentation ............................................................................... 18

Discussion ............................................................................................................................. 19

   Eyewitness Confidence ................................................................................................. 19
   Facial Composites ............................................................................................................ 20
   Order of Proceedings ....................................................................................................... 21
Abstract

Eyewitness testimony has been found to be an unreliable form of evidence (Loftus, Miller & Burns, 1978; Oswald & Coleman, 2007; Wells & Hasel, 2007; Loftus & Greenspan, 2017; Jarross, 2018; Wade, Nash, & Lindsay, 2018; Wixted, Mickes, & Fisher, 2018). Yet, this evidence is still used in the courts today, and, in fact, is perceived by jurors as important and compelling in comparison to other case factors (e.g., character evidence, physical evidence; Topp-Manriquez, McQuiston, & Malpass, 2014; Kabzińska, 2015). Additionally, eyewitnesses are sometimes requested to help create a facial composite of the suspect and, critically, these composites are then used as evidence during the trial. In addition to the confidence of the eyewitness and the presentation of the evidence (i.e., defense or prosecution), the present research examines how facial composites influence the decision-making process on the part of jurors. Overall, the present results suggest that there is a significant difference in belief of guilt between mock jurors who are in the good composite match condition versus those who see a poor match or are exposed to no composite condition. There is no significant difference between those in the poor composite match and no composite conditions, nor are there any differences in terms of whether the witness is confident or not or whether the defense or prosecution presents the evidence. These results are discussed in terms of the importance of facial composites in shaping juror decision-making.

Keywords: confidence of the eyewitness, eyewitness memory, facial composites, jury decision making
The Role of Eyewitness Confidence and Prosecution/Defense Presentation in How Facial Composites Shape Juror Decision-Making

Eyewitness identification is one of the most important and compelling pieces of evidence influencing jury decision-making (Topp-Manriquez, McQuiston, & Malpass, 2014; Kabzińska, 2015). Indeed, research has shown that eyewitness identification evidence is even more compelling to jurors than physical evidence, character evidence, and other forms of evidence (Kabzińska, 2015). Critically, however, research has demonstrated the unreliable nature of eyewitness identification (Loftus, Miller & Burns, 1978; Oswald & Coleman, 2007; Wells & Hasel, 2007; Loftus & Greenspan, 2017; Jaross, 2018; Wade, Nash, & Lindsay, 2018; Wixted, Mickes, & Fisher, 2018). In fact, eyewitness misidentifications are the leading contributor to wrongful convictions (Innocence Project, 2019). Out of the 365 DNA exonerations completed by the Innocence Project, 69% involved eyewitness misidentifications. Despite the fallibility of eyewitness evidence, jurors are often tasked with deciding the veracity of the eyewitness evidence and/or any factors that may suggest the eyewitness’ memory is corrupt. One critical element jurors use to decide the veracity of eyewitness evidence is witness confidence, despite the evidence indicating that confidence does not equal a more accurate testimony (Brewer & Burke, 2002; Oswald & Coleman; Wells & Hasel).

However, in certain circumstances, an eyewitness may be asked to describe the suspect so that a facial composite can be created. A facial composite is “an image of a face of an unknown perpetrator produced from an eyewitness’ recall of a culprit’s appearance irrespective of the technique used to produce it” (Kabzińska, 2015, p. 715). In turn, this facial composite can be used as evidence in the subsequent trial. According to a study questioning 127 lawyers conducted by Jaross (2018), of a total 126,443 criminal defendant clients, only 0.3% were
charged in part or entirely because of the defendant’s similarity to a composite. However, according to the Innocence Project (2019), of the 69% of cases previously mentioned to involve eyewitness misidentifications, 29% of those cases involve the use of facial composite evidence. Because of the low usage of facial composite evidence in the courts system, the high representation of facial composite evidence in exonerated cases is surprising. Despite this, psychologists have only recently begun examining the diagnostic value of facial composites as evidence in a case (see, e.g., Charman, Douglas, & Mook, 2019; Gregory & Carlucci, 2009). However, there is research suggesting that the perceived confidence of the eyewitness can influence the juror’s decision making process (Brewer & Burke, 2002; Oswald & Coleman, 2007), but it remains unclear how such confidence influences the way facial composites are perceived by jurors. Furthermore, while some research suggests that the order of evidence being presented does affect a juror’s decision (Charman et al., 2019), there is currently no research examining whether the evidence is presented by the defense or the prosecution affects a juror’s decision-making processes.

The present study will address these gaps in the literature by examining whether the presentation of a facial composite (vs. no composite) influences juror decision-making and whether such influences are moderated by witness confidence and whether the evidence is presented by either the prosecution or the defense. Since jurors are key to an effective and just judicial system, it is crucial to have a better understanding of how facial composites may unduly bias jurors’ decision-making. In what follows, I will discuss the relevant research surrounding the a) fallibility of eyewitness memory, b) reliability of facial composites, and c) presentation of evidence. Finally, I will discuss the present study.

The Fallibility of Eyewitness Memory
When a crime occurs, sometimes a witness is present and these witnesses can then report to a police officer details of the crime and provide a description of the suspect who committed the crime. In court, having an eyewitness positively identify a suspect has been found to be highly persuasive evidence (Brewer & Burke, 2002; Kabzińska, 2015). Yet research examining eyewitness memory has consistently found it to be an unreliable form of evidence (Loftus et al., 1978; Oswald & Coleman, 2007; Wells & Hasel, 2007; Loftus & Greenspan, 2017; Jaross, 2018; Wade et al., 2018; Wixted et al., 2018).

Indeed, research has shown how easily it is to corrupt the memory of an eyewitness. For example, Loftus et al. (1978) conducted a study in which participants were shown a video of an event (e.g. a car speeding past a stop sign) and were then shown related information to the event sometimes depicting incorrect information (e.g. the sign said ‘yield’, not ‘stop’), leading many participants to mistakenly remember a yield sign. Furthermore, the participants who misremembered actually believed the misremembered memory to be true. When new information is presented, the old memory of the event is sometimes altered and reflects the newly presented information, regardless of whether or not the new information is correct (Wade, Nash, & Lindsay, 2018; Wixted, Micks, & Fisher, 2018; Garry & Wade, 2005). Thus, the presentation of post-event misinformation may then alter the memory of an eyewitness, change the story of the eyewitness, and/or lead the eyewitness to misremember the face of the original suspect (McIntyre et al., 2016; Murphy, Gray, & Cook, 2016; Oswald & Coleman, 2007; Topp-Manriquez et al., 2014; Wells & Hasel, 2007).

However, recent research has attempted to make a case defending eyewitness memory, stating that under “pristine conditions,” eyewitness memory is highly reliable (Loftus & Greenspan, 2017; Wixted et al., 2018; Wade et al., 2018). Pristine conditions are described as
(a) Witnesses were not previously exposed to distorting or contaminating information, (b) the witness’ memory is being probed for the first time, (c) witnesses are not ‘tricked’ into providing desired information […], (d) witness’s metacognitive monitoring guides his or her responding (either by withholding a response if uncertain or explicitly reporting his or her level of confidence), and (e) the investigator is sensitive to the witness’s level of confidence (i.e, relying on high confidence responses while attaching less weight to low-confidence responses). (Wixted et al., 2018, p. 333).

Wixted et al. argued that just like other forms of forensic evidence, eyewitness memory can be contaminated, but that eyewitness memory is not inherently unreliable. The authors argued that eyewitness memory is more reliable than given credit, and under ideal conditions and better practices, eyewitness memory can be accurate.

In a direct response to the Wixted et al. (2018) article, Wade et al. (2018) contested the idea that eyewitness memory can be highly accurate. While Wade et al. concede that under the pristine conditions highlighted by Wixted et al. eyewitness memory may be accurate, Wade et al. go into detail as to why pristine conditions are ideal but not do not represent real life situations. For example, in response to condition (b) above, Wade et al. argued that it is rare that the first instance of recall is made to the police in a recorded setting. The article adds that in some cases, witnesses often rehearse the crime with friends, family, and with others outside of the judicial system. As previously mentioned, this repeated recalling of the events can lead to adverse effects in terms of subsequent recollections (Loftus & Greenspan, 2017). Therefore, one of the conditions that is required to be met for a pristine condition for recall rarely occurs. Overall, the general consensus is that eyewitness recall can be unreliable (Kabzińska, 2015; Loftus & Greenspan; Wixted et al.).
Despite this general consensus, eyewitness testimony is still used as evidence in trials (Brewer & Burke, 2002). Due to the nuance of understanding eyewitness memory, sometimes eyewitness experts are called in order to help jurors better understand memory. Still, jurors are left to interpret the eyewitness and the eyewitness expert’s testimonies, and are expected to use the testimony in addition to the rest of the evidence presented in the case to come to an “objective” decision about whether the defendant is guilty or not (McQuiston-Surrett et al., 2008; Moore & Gump, 1995). However, research suggests that jurors are not very good at integrating eyewitness evidence with the remaining evidence of the case (Charman et al., 2019). Rather than integrating and adding evidence together, jurors often average judicial evidence (Moore & Gump). As a result, this averaging of evidence lead jurors to produce a higher estimate of eyewitness accuracy when considering the confidence of a witness relative to the strength of the physical evidence (Moore & Gump).

Additionally, jurors’ are also misled by a witness’s confidence (Brewer & Burke, 2002; Wixted et al., 2018). Even if the testimony of the eyewitness is inconsistent, a highly confident eyewitness can often persuade jurors to believe the eyewitness more than if the witness is not as confident (Brewer & Burke). However, being confidence does not equate with accuracy (Loftus & Greenspan, 2017; Oswald & Coleman, 2007; Wade et al., 2018). Indeed, research by Brewer and Burke found that participants were more likely to believe an eyewitness if they are seen as confident in their answers, regardless of any inconsistencies in the testimony. However, the same is not true if there are strong inconsistencies in the testimony and the eyewitness is perceived as not confident. Thus, it is generally accepted that a confident witness can be inaccurate, but still have a powerful influence over jurors’ decision-making.
Overall, psychologists generally agree that eyewitness testimony is a powerful piece of evidence that influences jury decision-making (Brewer & Burke, 2002), eyewitness memory is unreliable (Jaross, 2018; Wixted et al., 2019), and that a confident, but inaccurate eyewitness may unduly bias jury decision-making (Brewer & Burke). However, it is unclear whether this research extends to instances in which the eyewitness is asked to create a facial composite of the suspect and, in turn, have this composite used as evidence during a trial.

**Facial Composites**

Under certain circumstances (e.g., the suspect escaped and there was no other way of identification) eyewitnesses are asked to develop a facial composite with a police sketch artist. These composite sketches are created either by traditional sketches or through computer programs such as PhotoFit and FACES 4.0 (Kabzińska, 2015; Davies & Young, 2017). These facial composites are used in both an investigative (i.e., aimed at finding suspects) and diagnostic context (i.e., procedures aimed at determining the guilt or innocent of a suspect; Charman, Gregory, & Carlucci, 2009). Facial composites can be used in police offices, given to the eyewitness, shared by the media, and even be used in court as evidence against a suspect. The importance of a facial composite, then, rightfully puts facial composites as well as eyewitness memory under scrutiny (Wixted et al., 2018; Wade et al, 2018; Davies & Young; Davis & Valentine, 2007).

One critical factor surrounding the use of facial composites in the criminal justice system is how they are created. Indeed, while humans are “hardwired” to perceive human faces holistically (McIntyre, Hancock, & Frowd, 2016; Wells & Hasel, 2007; Zahradnikova et al., 2016), sketch artists ask an eyewitness to describe the suspect in terms of individual features (e.g., What did his nose look like?; Wells & Hasel, 2007; Zahradnikova et al., 2016). This
discrepancy between how humans naturally process human faces and the way sketch artists ask witnesses to retrieve the facial features from memory often lead to facial composites that look marginally like the suspect or, in a worst-case scenario, nothing like the suspect (McIntyre et al., 2016; Wells & Hasel, 2007; Zahradnikova et al., 2016).

That is, this composite then acts as an amalgam of post-event information (i.e., the composite becomes the post-event information) and, in turn, may cause the accuracy of the eyewitness’ memory to be negatively impacted (Wade et al., 2018; Davis, Thorniely, Gibson, & Solomon, 2016). As a result, the eyewitness might be prone to misidentify a suspect that looks similar to the composite rather than basing their identification on their actual memory (Wells & Hasel, 2007). Thus, if the eyewitness provides a poor description of the suspect and, in turn, leads to a poorly crafted facial composite, the poor composite can then be the sole evidence in a case indicting an innocent defendant (Jaross, 2018; McIntyre et al., 2016).

Similar to eyewitness testimony, confidence expressed by an eyewitness influences the extent to which facial composites influence jury decision-making. For example, research by McQuiston-Surrett et al. (2008) examined how eyewitness confidence and facial composites may impact the decision-making process on the part of the jurors. McQuiston-Surrett et al. found specific differences in the mock jurors’ rating of the composite when other case factors (i.e., alibi evidence) are also taken into account. In the two-experiment study, McQuiston-Surrett et al. presented participants with simulated trial transcripts reflecting the variables of facial composite similarity to the suspect, confidence of the eyewitness, and alibi evidence. Critical for our present purposes, McQuiston-Surrett et al. found that jurors were more likely to respond to the survey favorably towards the prosecution if there was a good match composite, regardless of eyewitness confidence and alibi evidence. In addition, they found that jurors were equally likely
to find the defendant guilty when there was no composite relative to a poor matching composite, Thus, in some cases, the composite evidence held more weight while in other cases, the composite evidence was discounted. That is, jurors considered the facial composite in relation to other pieces of evidence presented during a case (Feild, 1979; Charman et al., 2019; McQuiston-Surrett et al.). If the evidence presented by the prosecution, for example, coheres, jurors are more likely to believe all pieces of evidence more so than if contradictory evidence was presented (Charman et al., 2019). More evidence suggesting the defendant is guilty led to a higher rating of similarity between the composite and the defendant (Charman et al.). However, jurors were just as likely to lessen the diagnostic value of evidence should the evidence not fit the eyewitness’ account (McQuiston-Surrett et al.) or the prosecution’s given narrative of the crime (Charman et al.). Thus, it is possible that if the prosecution provides a poor composite as evidence, this may actually backfire whereas, if the defense provides a poor composite as evidence, it may strengthen the defense’s case. That is, who provides the evidence may influence how the facial composite influences jury decision-making.

Order of Proceedings

While there is limited research examining whether jurors are biased when the prosecution or defense presents facial composite evidence, there is some research suggesting proceedings of a case may bias jury decision-making. Notably, whether evidence is presented first or last matters (Charman et al., 2019). In a literature review, Charman and colleagues found that participants who were exposed to DNA evidence before or after fingerprint evidence did not influence a juror’s belief of guilt. However, Charman et al. did note that jurors were more influenced by a piece of evidence that was presented last rather than first. Thus, given the importance of providing jurors with a creating a cohesive narrative (Charman et al.), who
presents the facial composite may be better able to integrate it with their own narrative and better persuade the jurors (e.g., poor composite presented by the defense). Similarly, if they are unable to integrate it with their narrative (i.e., poor composite presented by the prosecution), it may hinder their ability to persuade the jurors.

**Present Study**

The present study extends the McQuiston-Surrett et al.’s (2008) study by examining whether an eyewitness’s confidence and facial composite (good match, poor match or none) presented by either the prosecution or defense will influence the extent to which facial composites shape mock juror decision-making processes. While there is limited research examining this particular question, it is tentatively hypothesized that when the defense presents a poor match composite with an unconfident eyewitness, jurors will be more likely to believe the defendant is not guilty (McQuiston-Surrett et al.). Alternatively, when the prosecution presents a good match composite with a confident eyewitness, jurors will be more likely to believe the defendant is guilty. The present study is similar to McQuiston-Surrett et al. study except that we did not include alibi evidence nor a level for the defense presenting a good match composite, as McQuiston-Surrett et al. (2008) found that a good match composite lead to higher rates of a guilty verdict regardless of the eyewitness confidence and, thus, it is unlikely that the defense would submit such evidence during a trial. However, one of the limitations of the McQuiston-Surrett et al. study included not allowing the defense to present the poor composite sketch. Thus, the present study includes conditions under which the defense and the prosecution present poor facial composites.

**Methods**

**Participants**
Fifty-four participants were recruited online. Thirty-nine completed the survey, and the remainder of the participants did not answer the dependent measures questionnaire and, thus, were not included in the present analyses. All participants were self-identified as qualified to be jurors in the United States: at least 18 years of age, resided in a judicial district for one year, adequately proficient in English, have no disqualifying mental or physical condition, not subjected to felony charges, and never been convicted of a felony (UScourts.gov). The majority of the sample was female (75.9%), 27% were self-identified as Hispanic, and the average age was 27.94 (SD=13.21).

**Design**

The present study was a 3x2x2 incomplete between subjects design, with the independent variables of facial composites (no composite, poor match composite, or good match composite), presenter of evidence (defense or prosecution), and perceived confidence (low confidence or high confidence). The dependent variable was a three or seven question questionnaire indicating the extent to which mock jurors believed the defendant to be guilty or not. The differences between the number of questions lie in whether the participant was presented with a composite condition (either good or poor match) or not. Additional questions in the seven-question questionnaire ask specifically about the facial composite.

**Materials**

**Facial composites.** The facial composites and suspect’s face were taken from McQuiston-Surrett et al. (2008). McQuiston and colleagues found significant differences between the good match and poor match composite in pilot testing as well as in their actual experiments. The differences were not polarizing, but the scores for the good match composite indicated a higher similarity score with the actual suspect than the poor match composite. In total, there were three
photographs: one picture of the fictitious defendant for the participant to compare to the one of the two composites, a good match and a poor match composite (see Appendix A).

**Trial transcript.** The trial transcript was, again, taken from the study conducted by McQuiston-Surrett et al. (2008). However, a few changes were necessary in order to examine the additional variable of who presents the facial composite evidence (see Appendix B).

The trial transcript procured from McQuiston-Surrett et al. (2008) is an eight-page trial depicting the case of a man accused of assaulting a woman in front of a shopping mall. The woman is the sole eyewitness of the case. The defendant was arrested the following day because he met the general description given by the eyewitness (or the facial composite, when applicable). The police found $750 with the suspect, which he claimed came from his job. The witness claimed she lost $950. At the police lineup, the witness picked out the defendant. The transcript included the opening and closing remarks, direct questioning, and cross-examination of all witnesses. We removed a section of the trial dedicated to the use of an alibi witness that McQuiston-Surrett et al. used. Any mention of the alibi or the witness was removed in the remaining sections of the trial to ensure coherency throughout the trial.

To test for differences in facial composites, two transcripts included no facial composite attached or referenced, two transcripts included a good match facial composite, and four transcripts included a poor match facial composite. No condition was created for defense presenting a good match composite. The differences between the dialogues referring to the composites remained consistent with McQuiston-Surrett et al. (2008). Differences within the scripts included references from the defense that the composite looks nothing like the defendant or statements from the prosecution that the composite looks similar to the defendant, consistent with the condition of the particular trial transcript (again, see Appendix B).
In order to manipulate whether the eyewitness was perceived as highly confident or not, the eyewitness declares in the script that she was either “positive” or “pretty sure” that the defendant was the one who robbed her (McQuiston-Surrett et al., 2008). Four transcripts depicted the eyewitness stating “positive” and four depicted the eyewitness stating “pretty sure.”

For the additional variable of who presents the facial composite evidence, we manipulated who presented the evidence during the trial, That is, either the defense or prosecution. Notably, the defense presented the facial composite only when it was a poor match. Therefore, there were only two transcripts in which the defense presented the facial composite evidence.

**Dependent measures questionnaire.** The dependent measures questionnaire was taken from McQuiston-Surrett et al. (2008). Adaptations to the questionnaires included the removal of a question pertaining to the alibi witness from the original study. All other questions have been included in this study (see Appendix C).

In all conditions, the dependent measures questionnaire consisted of three questions: “Do you think Mrs. Thomas, the eyewitness, made an accurate identification from the lineup?” (1=definitely not; 10=definitely yes), “How strong do you think the defendant’s case is?” (1=not strong; 10=very strong), and “Do you think Mrs. Thomas, the eyewitness, got a good look at the culprit from the information you received about the robbery?” (1=not a good look; 10=good look).

In the conditions consisting of facial composites, four additional questions were added: “How strong do you think the composite evidence in this case is against the defendant?” (1=not very strong at all; 10=very strong), “Do you think Mr. Robinson, the defendant, is guilty?” (1=definitely no; 10=definitely yes), “How well do you think the facial composite constructed by
Mrs. Thomas resembles the defendant?” (1=doesn’t resemble at all; 10=resembles extremely well), and “In general, do you think a composite that closely resembles a defendant can convince you of his/her guilt?” (1=definitely does not convince you; 10=definitely does convince you).

**Demographics questionnaire.** The demographics questionnaire consisted of asking participants their age, gender, and ethnicity (see Appendix D).

**Procedure**

The study was hosted on Qualtrics, an online survey platform. A link to the survey was then posted on SONA at an urban college in the Northeast of the United States, on Facebook, and Tumblr. A recruitment ad was used for both SONA and social media participants (Appendix E). Participants were asked where they found the link (i.e. social media or SONA) before being shown the appropriate consent form (Appendix F). Those who took the survey through SONA were given 2 points of class credit. Those who took the survey through social media were not given any compensation. Upon agreeing to participate, participants moved to the next page and completed a demographics questionnaire. Immediately after completing the demographic questionnaire, they read the eight-page trial transcript, shown a facial composite (if the participant had a corresponding transcript), and finally given the dependent measures questionnaire. Upon completion of the dependent measures questionnaire, participants were debriefed and thanked for their time (Appendix G).

**Results**

**Preliminary Analyses**

Before getting to our primary analyses, we also first ran a Cronbach’s alpha for the three/seven items comprising the dependent variable. The analysis revealed that the three/seven were highly correlated, with a Cronbach’s alpha of .87. As a result, we combined the items into
one composite score: average belief of the defendant’s guilt. All subsequent analyses use this new variable as the dependent measure.

Additionally, we also examined whether any of our demographics influenced our results. An independent $t$-test found no differences in average score between the genders, $t(39) = -1.57$, $p = .124$. Additionally, correlation between the belief in guilt score and age revealed no significant association ($r = .139$, $p = .387$). Finally, a univariate analysis of race and average belief of the defendants guilt found that the difference began to approach, but was not statistically significant, $F(6, 33) = 1.99$, $p = .09$. However, a follow up test to analyze where the difference lies within race is impossible due to the limited number of participants, as two groups only have one participant in each.

**Confidence and Evidence Presentation**

To examine the impact of presentation of evidence, confidence and facial composite, a 3 x 2 x 2 incomplete between subjects ANOVA was conducted. The analysis revealed a main effect for facial composite, $F(1,33) = 10.247$, $p < .05$, $\eta^2 = .237$. However, we found no other main effects for perceived confidence, $F(1,33) = .197$, $p = .66$, $\eta^2 = .006$ or presenter of evidence, $F(1,33) = 2.11$, $p = .15$, $\eta^2 = .060$. There were also no significant interactions, a result that may have been due to the low number of participants. This will be discussed further in the discussion.

To examine the main effect for facial composite, a series of planned $t$-tests were conducted. The analyses revealed no significant differences in the participants’ average belief of guilt between no composite and poor match (Table 1). However, there was a significant difference between good match composite and poor match composite and good match composite and no composite (again, see Table 1). In both cases, if the participant was presented with a good match composite, the participant was more likely to believe the defendant was guilty.
Discussion

The aim of the present study was to examine the effects of facial composite evidence, eyewitness confidence, and presentation of the facial composite evidence on jurors’ decision-making processes. It was hypothesized that when the defense presented a poor match composite with an unconfident eyewitness, participants would believe the defendant to be less guilty. Alternatively, when the prosecution presented a good match composite with a confident eyewitness, participants would believe the defendant to be more guilty.

The results of the present study partially support these hypotheses: a good composite led participants to believe the defendant to be guilty, regardless of the witnesses’ confidence. Similarly, a poor composite lead to less guilty ratings, but this was not different from the no composite condition and occurred regardless of the witnesses’ confidence and who presented the composite. That is, good composites lead to greater belief in guilt while poor composites lead to less belief in guilt. In what follows, I will discuss how these results fit within the relevant eyewitness confidence, facial composite, and order of proceedings literature.

Eyewitness confidence. Prior research has found that despite the malleability and inaccuracy of memory (Loftus et al., 1978; Oswald & Coleman, 2007; Wells & Hasel, 2007; Loftus & Greenspan, 2017; Jaross, 2018; Wade et al., 2018; Wixted et al., 2018), jurors tend to perceive eyewitness evidence as highly compelling (Brewer & Burke, 2002; Kabzińska, 2015). Prior research also found that when eyewitnesses are seen as more confident, jurors are more likely to believe the testimony, despite inconsistencies (Brewer & Burke). This confidence in eyewitnesses should then lead jurors to favor the prosecution when the eyewitness is deemed confident or less favorably if the eyewitness is deemed unconfident.

Eyewitness confidence did not affect the overall score between the conditions, an
inconsistent result relative to what Brewer & Burke (2002) found. Brewer & Burke conducted an experiment that found participants to be strongly influenced and persuaded by an eyewitness with high confidence regardless of whether the testimonies were consistent or inconsistent. That is, while the differences between the high confidence condition and low confidence condition included 60-65% of the same responses, the addition of minor hesitations (e.g. “ummm, I don’t think so” versus “No”; “Umm…Yes” versus “Yes”) in the rest of the transcript served as the unconfident condition. In contrast, the difference between the confidence conditions in the present study may have been too weak to lead to any statistical difference. That is, when comparing the confidence of the eyewitness, we only had two lines of text in the transcripts distinguishing the two conditions. The “confident” condition included the inclusion of the eyewitness stating that she was “positive” that the defendant was the one who robbed her. Alternatively, the “unconfident” condition had the eyewitness state that she was “pretty sure” at two separate occasions throughout the trial. It is possible that such a manipulation was too weak to produce any changes in terms of perceptions of the eyewitness’ confidence. Additionally, the lack of a manipulation check makes it impossible to know whether the participants noticed the difference between the confident and unconfident conditions. Future research should attempt to make the manipulation more explicit and include a manipulation check to ensure that the participants noticed that the eyewitness was either confident or not in their recall of the suspects face when creating a facial composite. (Brewer & Burke).

**Facial composites.** Similar to eyewitness memory, prior research also found facial composites to be inaccurate (Oswald & Coleman, 2007; McIntyre, Hancock, & Frowd, 2016; Topp-Manriquez et al., 2014). As facial composites are reliant on an individual’s memory (Wade et al., 2018; Davis, Thorniely, Gibson, & Solomon, 2016) and are typically created without the
use of holistic methods (McIntyre, Hancock, & Frowd; Wells & Hasel, 2007; Zahradnikova et al., 2016), facial composites are a fallible form of trial evidence (Jaross, 2018; Kabzińska, 2015). In fact, facial composites can actively alter the memory of the eyewitness (Garry & Wade, 2005; Topp-Manriquez et al.) or implicate innocent individuals who happen to look similarly to the composite (Kabzińska). Despite this, facial composite evidence are still used in cases today and influence juror decision making (Moore & Gump, 1995; McQuiston-Surrett et al., 2008).

In the current study, significant differences were found between the good match composite and the poor match composite conditions as well as the good match composite and the no composite conditions. No significant differences were found between poor match composite and no composite conditions, all of which is consistent with McQuiston-Surrett et al. (2008).

The good match composite condition’s significant difference between the poor match and no composite conditions can be explained by the jurors’ desire to fit the evidence with the prosecutions narrative of the event (Charman et al., 2019) and fit the evidence with the eyewitness’ account (McQuiston-Surrett et al., 2008). Since the good match composite agreed with the prosecution’s narrative, the participants were more likely to believe that the defendant is guilty, as the two pieces of evidence supported one another. However, there was no condition where the defense presented the good match facial composite, therefore, the full ramifications of what this means cannot be fully addressed here.

**Order of proceedings.** The only study to examine the order of proceedings in a court case found that while not all evidence requires a certain order to be more or less persuasive, whether the evidence is presented first or last matters (Charman et al., 2019). However, little is know about who presents the evidence, and whether or not the defense or prosecution presenting the evidence sways a juror’s decision. The results of the present study found no significant
difference between the prosecutions presenting the poor match composite verses the defense presenting the poor match composite.

The fact that the poor composite led to more belief in guilt against the defense regardless of whether the defense or prosecution presented the composite may be explained by the lack of differences between the defense presenting and prosecution presenting conditions. Aside from the judge acknowledging that the defense or the prosecution is presenting the evidence, no other indications of who presented the evidence were made. No manipulation check was done to ensure that the participations knew there was a change between conditions. Since little research has been done in this area, there is no way to know if the conditions were better defined whether or not the defense presenting would have a difference in guilt. Still, the desire to fit evidence with the prosecutions narrative (Charman et al., 2019) and with the eyewitness account (McQuiston-Surrett et al., 2008) may work against the defense in this condition, as the juror may actively deny or fit the defense’s evidence in favor of the prosecution’s narrative.

**Limitations and Future Directions**

This study built upon previous research in eyewitness confidence, facial composite usage, and the order of court proceedings. However, there are a few limitations. Unfortunately, due to time constraints, the number of participants the study procured were limited, reducing the statistical power to properly test for statistical differences, especially the interactions. For each transcription, there were small numbers of participants across the conditions, making any interpretations of the present results difficult. Indeed, there were seven participants in the no composite, confident eyewitness group. There were four participants who read the defense presenting the poor match composite with an unconfident eyewitness. In the remaining six
transcript conditions, there were six participants in each group. Future research should collect a larger sample size to ensure the statistical power to test for significant differences.

In terms of the actual transcription, the differences between the confidence conditions were minimal (i.e., the witness stating that she was “pretty sure” or “positive” that the defendant robbed her) and there were no manipulation tests to examine whether or not participants even knew there were differences in the witnesses’ confidence. Future research should include more explicit indications of the witnesses’ confidence and a manipulation check to ensure that confidence was adequately manipulated (see Brewer & Burke, 2002).

In addition, there were no conditions in which the defense presented a good match composite. This makes assessing whether the defense presenting a good match composite changed the outcome of the juror’s decision impossible. Thus, a complete analysis of any and all conditions cannot be assessed.

Furthermore, unlike an actual court case, this survey was hosted online. Participants read the trial at their own pace and were able to, potentially, leave the survey and return. As a result, there was no one to oversee the process or answer any questions the participant may have had. Thus, it remains unclear the extent to which participants took the study seriously and/or paid attention to the stimulus/manipulations.

Additionally, the facial composite and defendant’s picture were shown after the reading the trial transcript, and at no point was the participant able to return to the previous pages. Thus, this limits the ecological validity of the present study because it does not represent an authentic courtroom experience where jurors will likely have more time to encode the facial composite.

**Conclusion**

While the present study failed to find any significant differences in terms of presentation
of evidence and confidence of the eyewitness, our results surrounding facial composites do support prior research (McQuiston-Surrett et al., 2008). That is, good facial composites can be a powerful influence in shaping jurors decision-making and make jurors more likely to believe the defendant to be guilty. Clearly, further research is needed, but the present results add to the growing literature examining the different tactics lawyers can undertake to influence juror decision-making. Given the quite literal life or death decisions jurors can make, such research is necessary to better understand what influences jurors’ decision-making processes in an effort to ensure defendants have a fair and unbiased trial.
References


composite evidence depends on the presence of other case factors. *Legal and Criminological Psychology, 13*, 279-98. doi: 10.1348/135532507x214192


Table 1: Results of t-test and Descriptive Statistics for Average Belief of Defendant Guilt by Facial Composite Condition

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<th>Facial Composite</th>
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* p < .05.
Appendix A

Photo of defendant
General Characteristics: 6 ft.; 185 lbs; very short, dark hair (buzz cut?); small, light eyes

Good Match Composite

Poor Match composite
Appendix B

People v. Robinson

The following trial transcript concerns the case of Aaron Robinson who has been charged with robbery and assault. Mr. Robinson is charged with robbing a woman, Natalie Thomas, outside a shopping mall in San Diego, CA on July 3, 2002. The victim claims the defendant stole her purse and other belongings during a confrontation. The victim claims that during the robbery she was knocked down, suffering minor bruises, after which her purse and other belongings were stolen. There was little evidence found at the crime scene and there is only one eyewitness to the crime (the victim). The victim claims that her purse contained $800 in cash and the total estimated cost of the purse, cash, its contents, and other items equals about $950. The defendant was initially questioned by police the day after the incident because he matched the general description of the culprit as given by the victim and he was seen loitering with some friends outside of the shopping mall where the robbery took place. He had $750 in cash on his person. He was arrested and charged on the strength of the eyewitness identification. Mr. Robinson claims that the cash he was carrying was from his paycheck he had received a few days prior. He claims he had nothing to do with either the robbery or assault of Mrs. Thomas. Mr. Robinson, the defendant, had never been arrested prior to this event.

What you are about to read is the trial in its entirety which contains: the judge’s instructions; opening statements by the prosecuting attorney and defense attorney; testimony from the eyewitness, the police investigator who handled the case, closing statements from the prosecuting attorney and defense attorney; and instructions to the jury. After you have read the transcript, you will be asked to answer some questions concerning the trial.
Judge Mitchell: Please be seated. We’re here in the matter of the State vs. Aaron Robinson. Could I have an announcement of counsel?

Mr. Edwards (Prosecutor): Robert Edwards on behalf of the State. Ready to proceed.

Mr. Hart (Defense Counsel): Thank you, Your Honor. Paul Hart from the Public Defender’s Office for the Defense. We’re ready.

Judge Mitchell: Thank you. Members of the jury, I shall take a few moments to give you some initial instructions about this case and about your duties as jurors. At the end of the trial I shall give you further instructions.

This is a criminal case, brought against the defendant by the U.S. Government (prosecution). The government is represented at this trial by an assistant United States attorney. The defendant is represented by an attorney. The defendant is charged with robbery and assault. That charge is set forth in what is called an indictment which I will ask the government attorney to summarize for you in his opening statement. You should understand that an indictment is simply an accusation. It is not evidence of anything. The defendant has pleaded not guilty, and is presumed to be innocent unless and until proved guilty beyond a reasonable doubt.

It will be your duty to decide from the evidence whether the defendant is guilty or not guilty of the crime charged. From the evidence you will decide what the facts are. You are entitled to consider that evidence in the light of your own observations and experiences. You may use reason and common sense to draw deductions or conclusions from facts which have been established by the evidence. You will then apply those facts to the law which I give you in these and in my other instructions, and in that way reach your verdict. You are the sole judges of the facts; but you must follow the law as stated in my instructions, whether you agree with it or not.

Do not allow sympathy or prejudice to influence you. The law demands of you a just verdict, unaffected by anything except the evidence, your common sense, and the law as I give it to you.

You should not take anything I may say or do during the trial as indicating what I think of the evidence or what I think your verdict should be.

There are three basic rules about a criminal case which you should keep in mind. First, the defendant is presumed innocent until proven guilty. The indictment against the defendant brought by the government is only an accusation, nothing more. It is not proof of guilt or anything else. The defendant therefore starts out with a clean slate. Second, the burden of proof is on the government until the very end of the case. The defendant has no burden to prove his innocence, or to present any evidence, or to testify. Since the defendant has the right to remain silent, the law prohibits you in arriving at your verdict from considering that the defendant may not have testified. Third, the government must prove the defendant's guilt beyond a reasonable doubt. This burden of proof stays with the government throughout the case.

Today there will be evidence presented. On behalf of the prosecution, you will hear testimony from an eyewitness and a police officer. You are to decide whether the testimony
of each of the witnesses is truthful and accurate, in part, in whole, or not at all, as well as what weight, if any, you give to the testimony of each witness. It will be up to you to decide the credibility of the eyewitness, and how much of the eyewitness's testimony to accept or reject.

The defendant is charged with robbery and assault. I will give you detailed instructions on the law at the end of the case, and those instructions will control your deliberations and decision.

It is, of course, the government's burden to establish beyond a reasonable doubt each of the essential elements of the offense, including the involvement of the defendant; and if, after consideration of all the evidence in the case, you have a reasonable doubt as to whether the defendant was present at the time or place as alleged in the indictment, you must find the defendant not guilty. Please remember that only this defendant, not anyone else, is on trial here, and that this defendant is on trial only for the crimes charged, not for anything else. Thank you for your attention.

Does the prosecution have an opening statement?

Prosecutor Robert Edwards: Yes, Your Honor. Ladies and gentleman, you will hear testimony from an eyewitness today who was robbed and assaulted outside of a shopping mall. Her purse was stolen, her shopping bags were stolen, and she was physically assaulted during this robbery. She got a good look at the culprit, and she also was able to construct a facial composite of him. In addition to this identification evidence, Mr. Robinson was found to have a large sum of money on his person that is almost equivalent in amount to the sum of money stolen from Mrs. Thomas. Together, the evidence will no doubt sway you in the direction of returning a guilty verdict.

Judge Mitchell: Defense counsel, do you have an opening statement?

Defense Counsel Paul Hart: Thank you, Your Honor. Ladies and gentleman of the jury, today you will hear the testimony from only one eyewitness indicating that my client, the defendant in this case, committed robbery and assault. There is no solid evidence connecting my client to this case – only the evidence from a sole eyewitness. Not only is the reliability of the eyewitness testimony in general questionable, but you must question whether the victim in this case, Mrs. Thomas, was able to get a good enough look at the man who stole her belongings to create a facial composite and subsequently identify him in a lineup. In fact, you will see that the composite she created does not bear a good resemblance to my client. My client was nowhere near the scene of the crime on July 3. My client has no prior record and is a hard-working man with a good job, who therefore has no reason to steal money. The money found on his person was not the money belonging to Mrs. Thomas, but from his own paycheck he had just cashed. Based on what little circumstantial evidence you will hear today, I know that you will find my client, Mr. Robinson, not guilty.
Judge Mitchell: Thank you. State, please call your first witness.

Bailiff (to witness): Please state and spell your name for the Court.


Mr. Edwards: Mrs. Thomas, could you please explain, in your own words, what happened on the afternoon of July 3rd, 2002?

Mrs. Thomas: I had been shopping all afternoon at the mall on Lorelei Ave., and I was leaving the mall to go home.

Mr. Edwards: Around what time were you leaving the mall?

Mrs. Thomas: Well, I needed to get home to start dinner at 5:00 so it was probably around 4:45.

Mr. Edwards: Ok, what happened next?

Mrs. Thomas: Aaron Robinson came up from behind me and….

Defense Counsel Paul Hart: Objection, Your Honor. My client is innocent until proven guilty. I object to the witness describing him as the man who robbed and assaulted her.

Judge Mitchell: Objection sustained. Mrs. Thomas, please do not refer to the man who robbed you as Mr. Robinson. Continue.

Mr. Edwards: So, Mrs. Thomas, a man came up behind you?

Mrs. Thomas: Yes, he came up behind me and grabbed my purse with one hand and my shopping bag with the other. I resisted and asked him “What are you doing?”. He then pulled my purse and shopping bag and knocked me down, then ran in the opposite direction.

Mr. Edwards: What did you do then?

Mrs. Thomas: I walked back into the mall and asked the salesgirl to call the police.

Mr. Edwards: Can you tell me what the man who robbed you looked like?

Mrs. Thomas: Well, he was Anglo, maybe about 6 ft. tall, 185 pounds. He had dark hair, and was wearing a red sweatshirt and blue jeans.

Mr. Edwards: How long do you think you looked at him during the incident?

Mrs. Thomas: Umm… for a couple of seconds, I think.

Mr. Edwards: Do you think that was enough time to get a good look at him?
28 Mrs. Thomas: Yes, I do.

29 [Mr. Edwards: Were you asked to work with the police to produce a facial composite of the man who robbed and assaulted you following the crime?

30 Mrs. Thomas: Yes, I was.

31 Mr. Edwards. Your Honor, we ask that the facial composite be entered into evidence as Exhibit A. (See Appendix)

32 Mr. Hart: No objection to that, Your Honor.

33 Judge Mitchell. OK. Proceed.]

34 Mrs. Thomas, how confident are you that Aaron Robinson is the man who robbed you?

35 Mrs. Thomas: [I’m pretty sure. –or- I’m positive.]

36 Mr. Edwards: Thank you, Mrs. Thomas. I have no further questions, Your Honor.

37 Judge Mitchell: Mr. Hart, your witness.

38 CROSS-EXAMINATION BY MR. HART:

39 Mr. Hart: Mrs. Thomas, the man who robbed you came up from behind you?

40 Mrs. Thomas: Yes.

41 Mr. Hart: So you didn’t see him approach you?

42 Mrs. Thomas: No, I did not.

43 Mr. Hart: And then he ran in the opposite direction after grabbing your purse and other items?

44 Mrs. Thomas: Yes, that’s right.

45 Mr. Hart: So, overall, you didn’t look at the man for very long, did you?

46 Mrs. Thomas: Well,…

47 Mr. Hart: And yet you say that you are sure that the defendant robbed you?

48 Mrs. Thomas: Yes, [I’d say I’m pretty sure. –or- that’s right, I’m positive.]
[Mr. Hart: Mrs. Thomas, am I correct when I say that you identified my client from a police lineup some time after the crime?

Mrs. Thomas: Yes, I did.

Mr. Hart: And how long after the crime occurred did you make that identification?

Mrs. Thomas: It was two days later.

Mr. Hart: And prior to making that identification, am I correct in saying that you worked with the police to create a facial composite of the man who robbed you?

Mrs. Thomas: Yes, I did.

Mr. Hart: Your Honor, we ask that the facial composite be entered into evidence as Exhibit A. (See Appendix)

Mr. Edwards: No objection to that, Your Honor.

Judge Mitchell: OK. Proceed.

Mr. Hart: That must have been quite a difficult process – trying to remember the culprit’s facial features so specifically after only seeing him for a couple of seconds that you could actually recreate a visual representation of what the culprit looked like. Wouldn’t that be a difficult task for most people, Mrs. Thomas?

Prosecutor Mr. Edwards: Objection, Your Honor. The defense counsel is asking the witness to speculate on the behavior of others.

Mr. Hart: I withdraw the question, Your Honor. Mrs. Thomas, do you think the facial composite you worked with the police to create actually resembles my client?

Mrs. Thomas: Well, it’s pretty good, I think.

Mr. Hart: Mrs. Thomas, how can you think that the composite provides a good resemblance of the culprit when it doesn’t even match the defendant?

Mrs. Thomas: I’m not sure. But I know it was Aaron Robinson who robbed me!]

Mr. Hart: I have no further questions for this witness.

Judge Mitchell: OK. State, call your next witness.

Bailiff (to witness): Please state and spell your name for the Court.

Mr. Edwards: Lt. MacDowell, were you the officer who responded to the emergency call with respect to the assault and robbery of Mrs. Thomas on July 3rd, 2002?

Lt. MacDowell: Yes, I was.

Mr. Edwards: Could you please explain to the court what happened when you arrived at the scene?

Lt. MacDowell: I met with Mrs. Thomas who was extremely agitated about what had happened to her. She explained that a young man came up from behind her and attempted to snatch her belongings. She said a struggle ensued, as a result of which she was knocked down. The culprit then got away with her purse and other items. She got a brief look at the culprit’s face and was able to provide me with some physical details of his appearance.

Mr. Edwards: What happened next?

Lt. MacDowell: I took her to Precinct 17 located on N. Jackson St. so that she could file a police report regarding the incident. [After filing the paperwork, she worked with Officer Rich Hudson, the composite operator on duty at the time, to construct a facial composite of the culprit using computerized software. The composite was then distributed to precincts in the general area.]

Mr. Edwards: What were the circumstances of Mr. Robinson’s arrest and identification?

Lt. MacDowell: Well, in the weeks prior to Mrs. Thomas’ assault, several attempted robberies had been reported in and around the same general area as this incident. The day after the assault on Mrs. Thomas, I went back to the scene to get what additional information I could. In questioning a particular group of young men who appeared to be loitering around the area where Mrs. Thomas’ robbery took place, it turned out that one of them – Mr. Robinson – had a large sum of money on his person and matched the general description of the culprit given by Mrs. Thomas [as well as the composite she made]. I questioned him about his whereabouts the day prior. He was taken to the precinct for further questioning because of these circumstances.

Mr. Edwards: Thank you. No further questions.

Judge Mitchell: Mr. Hart, do you have any questions for this witness?

Mr. Hart: I have no questions, your honor.

Judge Mitchell: Okay. State, do you have any more witnesses?

Mr. Edwards: No further witnesses, your honor. The prosecution rests.

Judge Mitchell: Okay. Defense counsel, do you have any witnesses?
Mr. Edwards: No, Your Honor.

Judge Mitchell: Mr. Hart, does the defense have any further witnesses?

Mr. Hart: No, your honor. The defense rests.

Judge Mitchell: OK. Does the state wish to make a closing argument?

Mr. Edwards: Yes, thank you, Your Honor. Members of the jury, Mr. Robinson has been charged with the crime of robbery and assault. He has been identified by the victim in this case as being the person who perpetrated the crime on July 3, 2003. As you heard from Mrs. Thomas’ testimony today, she got a good look at the culprit and she was able to work with police to create a facial composite of the culprit [that matches the defendant] [and she is positive in her identification of the defendant as the person who robbed and assaulted her]. When the defendant was arrested he was in possession of $750 in cash – nearly the same amount that was stolen just a day earlier from Mrs. Thomas. Given this evidence, we have demonstrated today that the defendant, Aaron Robinson, is guilty of the crimes with which he is charged. Thank you.

Judge Mitchell: Defense counsel?

Mr. Hart. Thank you, Your Honor. Ladies and gentlemen, the burden of proof in this case is on the prosecution, and they have simply not proven the guilt of my client, Mr. Robinson. He has no prior record and the money found in his possession was from his paycheck just cashed. There was only one eyewitness to this crime, and given the distress she was under during the incident, do you think she could have gotten a good enough look at the culprit to identify him in a lineup and to create a facial composite of my client? Further, as you can see from reviewing the facial composite – which I encourage you to do during deliberations – the facial composite Mrs. Thomas created looks nothing like my client!

Please consider the lack of solid evidence put forth today by the State and return the correct verdict – a verdict of not guilty. Thank you.

Judge Mitchell: Members of the jury, you have seen and heard all the evidence and the arguments of the attorneys. Now I will instruct you on the law. You have two duties as a jury. Your first duty is to decide the facts from the evidence in the case. This is your job, and yours alone. Your second duty is to apply the law that I give you to the facts. You must follow these instructions, even if you disagree with them. Each of the instructions is important, and you must follow all of them. Perform these duties fairly and impartially. Do not allow sympathy, prejudice, fear, or public opinion to influence you. Nothing I say now, and nothing I said or did during the trial, is meant to indicate any opinion on my part about what the facts are or about what your verdict should be.

In any criminal case the government must prove not only the essential elements of the offense or offenses charged, as hereafter defined, but must also prove, of course, the identity of the defendant as the perpetrator of the alleged offense or offenses.
If, after examining all of the testimony and evidence in the case, you have a reasonable doubt as to the identity of the defendant as the perpetrator of the offense charged, you must find the defendant not guilty.

Note:

[ ] – indicates phrases that are inserted or removed from the transcript depending on the conditions

[OR] – indicates that phrase or section that will be swapped out depending on the conditions
Appendix C

These questions concern the trial of the “People v. Robinson” case. Please read each question carefully, and then circle your answer using the scale below each question.

1. Do you think Mrs. Thomas, the eyewitness, made an accurate identification from the lineup?
   1 2 3 4 5 6 7 8 9 10
definitely not
definitely yes

2. How strong do you think the defense’s case is?
   1 2 3 4 5 6 7 8 9 10
not very strong at all
very strong

3. Do you think Mrs. Thomas got a good look at the culprit from the information you received about the robbery?
   1 2 3 4 5 6 7 8 9 10
not a good look
very good look

4. How strong do you think the composite evidence in this case is against the defendant?
   1 2 3 4 5 6 7 8 9 10
not very strong at all
very strong

5. Do you think Mr. Robinson, the defendant, is guilty?
   1 2 3 4 5 6 7 8 9 10
definitely no
definitely yes

6. How well do you think the facial composite constructed by Mrs. Thomas resembles the defendant?
7. How believable is the defendant’s alibi, Mr. Robinson’s brother, in this case?

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8. In general, do you think a composite that closely resembles a defendant can convince you of his/her guilt?

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Appendix D

Please complete the following information. When you have finished, please proceed to the next page.

Age ______
Gender ______
Race _______
Appendix E

Are you a United States Juror Qualified person? Are you interested in reading jury trials? Do you want to help with a study? If yes, this study is completely online and will take 30 – 45 minutes to complete. If you decide to partake in this study, you will be required to read an 8 page transcript of a fictional trial, possibly view a photo of the defendant and a facial composite, and answer questions based on the information. If you fulfill these requirements and would willingly like to participate, please click on the link below:

[qualtrics link]
Appendix F

THE CITY UNIVERSITY OF NEW YORK
John Jay College of Criminal Justice, CUNY
Department of Psychology

CONSENT TO PARTICIPATE IN A RESEARCH STUDY

Title of Research Study: Factors that affect jury decision-making
Principal Investigator: Rebecca Singh
Student

Faculty Advisor: Charles B. Stone, Ph.D.
Assistant Professor

Research Sponsor: N/A

You are being asked to participate in a research study because you fulfill the United States juror qualifications of being at least 18 years of age, residing in a judicial district for one year, adequately proficient in English, having no disqualifying mental or physical condition, not subjected to felony charges, and never been convicted of a felony in fulfillment of the United States Juror Qualifications.

Purpose:
The purpose of this research study is to examine whether there are some factors in the course of a trial that influence the decision-making process of jurors more than others.

Procedures:
If you volunteer to participate in this research study, we will ask you to do the following:
1. Read and accept a consent form.
2. Read an eight-page transcript of a trial.
3. Answer questions based on the events of the trial and your own perceptions of the events.
4. Fill out a demographics questionnaire.

Time Commitment:
Your participation in this research study is expected to last for a total of 30 to 45 minutes.

Potential Risks or Discomforts:
There is a minimal and unlikely chance that the material covered in the transcript will cause emotional distress. However, in case you do experience any discomfort, please reach out to the resources available online such as:
National Suicide Prevention Lifeline
1 (800) 273-8255

CUNY John Jay Wellness & Resources
Potential Benefits:

You will not directly benefit from your participation in this research study.

Alternatives to Participation:
Participating in this study is not mandatory. You are allowed to exit this study at any time.  
-OR-  
There are other alternatives for obtaining course credit, such as completing other types of assignments.

Payment for Participation:
There is no payment for participation.  
-OR-  
You will gain 2 course credits from SONA in participating in this study.

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 using numbers to represent your data instead of names and allowing only the principle investigator and those assisting with data collection to have access to your data. No identifiable data will be stored.

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.

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.

If you have any questions, comments or concerns about the research, you can talk to one of the following researchers:
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 42nd Street
New York, NY 10017

Signature of Participant:
If you agree to participate in this research study, click next to proceed onto the next page.

Note: [OR] – indicates that phrase or section that will be swapped out depending on the conditions
Appendix G

Debriefing

Thank you for your participation in today’s experiment. Your time and efforts are greatly appreciated. The experiment you have just participated in is part of an ongoing research project examining individuals decisions regarding the use of different factors in a case.

The main purpose of this experiment was to examine how different components of a trial affect a juror’s decision. In particular, recent research has shown that facial composites and the reliability of the eyewitness can affect a juror’s decision-making process. In addition, we examined whether if the prosecution or the defense introduced the face composite influences jurors’ decision making. For example, might a facial composite presented by the defense rather than the prosecution, lead jurors to favor the defense more or the prosecution? The present study hopes to address these issues to the hopes of informing the criminal justice system about the ways in which different factors may have important consequences for how jurors make their decisions of guilty or not guilty.

If you have any questions or concerns about this experiment or about the research, please do not hesitate to contact either Rebecca Singh or Dr. Stone at your own convenience. Their contact information is below.

Thank you, once more, for your participation.

Best,

Rebecca Singh BA/MA Forensic Psychology Student
John Jay College of Criminal Justice
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