



Juror Decision Making Regarding Intellectual Disability

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Introduction

Background

- Since the rulings of *Atkins v. Virginia* (2002), *GA v. Patillo* (1992), and *Hall v. FL* (2014), research has yet to explore how knowing the consequences of their decision in a *Fleming trial* (vacating a defendant's death sentence) influences jurors' decisions regarding intellectual disability.
- For individuals to be deemed intellectually disabled, they must be assessed by court-appointed experts and evaluated under three criteria: (a) significant limitations in general intellectual functioning, (b) significant limitations in adaptive functioning, and (c) age of onset (*Hall v. Florida*, 2014).
- Since *Atkins v. Virginia* (2002) the intellectually disabled cannot be sentenced to death.

Study Objectives and Hypotheses

Examine the influences of pretrial publicity (PTP) and juror biases (i.e. Attitudes Toward Intellectually Disabled and the Death Penalty) on jurors' judgments of a defendant's mental capacity in a "Fleming" trial.

- H1.** Mock-jurors exposed to PTP (sentencing consequences of a Fleming Trial) would be *less* likely to find the defendant intellectually disabled, indicate lower credibility ratings for the defense witnesses, higher credibility ratings for the prosecution witnesses than those not exposed to PTP.
- H2.** Mock-jurors' scores on the Benevolence scale will be associated with their decisions of intellectual disability, their perceptions of the defendant's intellectual capacity, and of expert witnesses.
- H3.** Mock-jurors' scores on the Attitudes Toward the Death Penalty scale are expected to be significantly associated with their judgment ratings of intellectual disability.

Methods

A Qualtrics survey was used to collect data and randomly assign participants to PTP conditions (PTP and no-PTP). Manipulation and attention checks were utilized.

Participants. N=87: women = 71 and men=16, are ranged 18 to 57 ($M = 22.14$).

Design. Between-subjects design with a single independent variable (PTP) having 2 levels:

- PTP (n = 43): mentions conversion of death sentence to life in prison without parole
- no-PTP (n = 44): general case information only

Trial Stimuli. The trial was adapted from a case to determine if the defendant is intellectually disabled (Fleming trial) involving a defendant seeking an appeal of his death sentence conviction of two counts of capital murder.

PTP Stimuli.

- General information about the case was provided in the media story (e.g. crime description and where committed).
- Participants in the PTP condition also received information not presented at trial (i.e., that the defendant was sentenced to death and was seeking a judgment of intellectual disability to save his life).

Measures.

Judgment on Intellectual Disability & Judgment Ratings.

- 1 = the juror found the defendant not intellectually disabled and was completely confident
- 14 = the juror found the defendant intellectually disabled and was completely confident

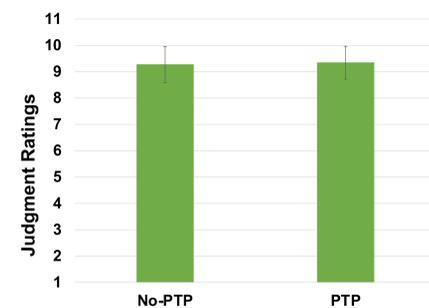
Defendant Intellectual Capacity. Possible scores of 6 to 42 with higher scores indicating greater intellectual capacity

Prosecution and Defense Witness Credibility Scales. Possible scores of 7 to 52, with higher scores indicating greater credibility.

Intellectually Disabled Benevolence Scale. Perceptions of how intellectually disabled people should be treated (adapted from Taylor & Dear, 1981). Example item: More tax money should be spent on the care and treatment of the intellectually disabled."

Attitudes Toward the Death Penalty. Possible scores ranged from 6 to 42 with higher scores indicating greater endorsement of the death penalty.

Figure 1. Jurors' Judgment Rating of Intellectual Disability



Note. Judgment ratings ranged from 1 indicating the juror found the defendant not intellectually disabled and was completely confident in this decision and 14 indicating the juror found the defendant intellectually disabled and was completely confident.

Table 1. Judgement Frequencies and Percentages for Intellectual Disability Decisions and Means for Defendant Intellectual Capacity.

Condition	N	Intellectual Disability Judgment		Defendant Intellectual Capacity
		Intellectually Disabled	Not Intellectually Disabled	
PTP	43	30 (69.77%)	13 (30.23%)	30.61 (5.24)
No-PTP	44	31 (70.45%)	13 (29.55%)	29.49 (5.37)
Totals	87	61 (70.11%)	26 (29.89%)	

Table 2. Prosecution and Defense Witness Credibility Descriptive Statistics

Credibility of Defense Witnesses			
PTP CONDITION	N	Mean	Std Dev
No-PTP	44	39.84	7.28
PTP	43	37.93	6.62
Credibility of Prosecution Witnesses			
No-PTP	44	34.98	7.83
PTP	43	33.74	6.26

Table 3. Correlations of Judgement Ratings with Measures of Defendant, Witness and Participant Characteristics

	Judgment Ratings	Defendant IC	Cred Def Witness	Cred Pros Witness	Benevolence	Death Penalty Att
Judgment Ratings	--					
Defendant IC	0.76**	--				
Cred Def Witness	0.50**	0.50**	--			
Cred Pros Witness	-0.30**	-0.12	-0.01	--		
Benevolence	0.26*	0.20	0.26**	0.18	--	
Death Penalty Att	-0.11	-0.24*	-0.07	-0.01	-0.29**	--

Note. * $p < .05$; ** $p < .01$

Results

H1. Contrary to our predictions PTP did not significantly affect intellectual disability judgments (see Table 1), judgment ratings (see Figure 1), credibility ratings of defense and prosecution witnesses (see Table 2), or ratings of defendant intellectual capacity (see Table 1), $\chi^2(3, N = 21) = 0.005, p = .94, F_s(1,85) = 0.01, 1.64, 0.66,$ and $0.98, p = .93, .20, .42,$ and $.33$.

H2 – H3: That said, there were significant associations among the following variables (see Table 3): intellectual disability judgment ratings, attitudes of the mentally disabled, death penalty attitudes, and credibility ratings. The findings may aid the courts and social scientists in evaluating potential juror biases towards intellectually disabled defendants and how these biases may impact judgements.

Future Directions

I am unaware of any jury deliberation studies that have explored the effects of the deliberation process on Fleming trial judgments. Therefore, there is still a lot of work needed in this area. For example, researchers should examine whether the differences indicated in this study could be replicated when (a) different trial stimuli are used; (b) PTP stimuli is more antidefendant and emotional; (c) the defendant's race, age, and gender were altered; (d) when the ecological validity is increased by using a video-taped trial and having a delay between PTP and trial exposure; (e) the trial stimuli is ambiguous or has a prosecution bias.

Final Conclusions

The study presented provides an examination of juror decision making, but specifically towards a marginalized and understudied population—intellectually disabled criminal defendants. By carefully examining the influences of PTP on jurors' judgments toward a defendant's competency during a Fleming trial, the courts may be better equipped to provide more effective remedies in these cases. It is hoped that by exploring the influences of PTP on marginalized defendants the courts and psychologists will gain a better understanding of the role that media plays in the decisions of death-sentence conversions.

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