

What Drives a Jury's Deliberation? The Influence of Pretrial Publicity and Jury Composition on Deliberation Slant and Content

Christine L. Ruva, Stephanie E. Diaz Ortega, and Kathleen A. O'Grady

Department of Psychology, University of South Florida Sarasota-Manatee

This study explored how pretrial publicity (PTP) exposure and jury composition affect the slant and content of jury deliberations. It compares jury deliberations ($N = 63$) composed of jurors ($N = 333$) who are exposed to the same type of PTP (pure juries: all exposed to negative-victim [NV], negative-defendant [ND], or no PTP) with juries composed of jurors exposed to different types of PTP (mixed juries, e.g., half exposed to ND PTP and half to no PTP). Jury composition was found to bias the slant of trial evidence discussion, with pure-NV juries demonstrating a prodefense bias and pure-ND juries a prosecution bias. This bias was also evident on mixed juries consisting of PTP-exposed jurors and no-PTP jurors. Importantly, biased evidence discussion mediated the effect jury composition on postdeliberation guilt assessments and was responsible for the spread of PTP bias from ND-PTP jurors to no-PTP jurors during deliberations. In addition, the deliberations of pure-NV juries showed evidence of being verdict driven by spending less time discussing trial evidence and taking more frequent straw polls than pure no-PTP juries. Finally, jury composition influenced the frequency of PTP discussion (pure ND-PTP juries discussed more frequently than pure NV-PTP juries) but not the frequency of PTP correction nor its effectiveness. Implications include that jury deliberations are not wholly effective at reducing PTP bias, regardless of jury composition. This is thought to be attributable to jurors' biased encoding of trial evidence and source misattributions, resulting in biased trial evidence discussion and PTP discussion during deliberations.

Keywords: bias correction, juror bias, jury decision making, jury deliberation, pretrial publicity

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Sensational publicity that presents extreme views of crime and defendants often surrounds high profile cases making their way to trial. Such publicity has been found to bias jurors' decisions (see Steblay et al., 1999 for review), their interpretation of trial evidence (Hope et al., 2004; Ruva et al., 2011), and their views of defendants and victims (Kerr et al., 1999; Otto et al., 1994; Ruva & Guenther, 2017). Although a good amount of research has explored the effects of pretrial publicity (PTP) on jurors' decisions and impressions, far less research has explored its effects on juries' decisions and has rarely explored the content of jury deliberations (Daftary-Kapur et al., 2010; Ruva & Guenther, 2015). Exploring the content of PTP-

exposed jurors' deliberations is important because it has the potential to reveal why judicial instructions (Steblay et al., 2006) and jury deliberations (Kramer et al., 1990; Studebaker & Penrod, 1997; Ruva & Coy, 2020) are often ineffective in combatting PTP bias. Exploring deliberation content can also reveal mechanisms responsible for deliberations increasing juror bias (group polarization; Kerr et al., 1999; Kramer et al., 1990) and spreading bias from PTP-exposed jurors to those not exposed to PTP (Ruva & Guenther, 2017; Ruva & Coy, 2020).

The small amount of PTP research that has examined deliberation content, has focused on juries consisting of jurors exposed to the same PTP (e.g., Kramer et al., 1990; Ruva & Guenther, 2015; Ruva & LeVasseur, 2012). These studies have found that juries exposed to PTP discuss ambiguous trial evidence in a biased manner, discuss PTP during deliberations, often fail to correct PTP discussion, and spend less time discussing judicial instructions than no-PTP controls (Ruva & Guenther, 2015; Ruva & LeVasseur, 2012). Therefore, juror exposure to PTP has been found to influence the deliberation process. The present study extends previous research by exploring how the deliberations of juries consisting of jurors exposed to the same pretrial information (pure juries) differ from juries composed of jurors who are exposed to different types of pretrial information (mixed juries—e.g., half of the jurors exposed to negative-defendant PTP and half to no PTP) and exploring how negative-victim PTP influences the deliberation process. The inclusion of mixed juries presents the unique opportunity to observe juries whose members have different biases

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Christine L. Ruva  <https://orcid.org/0000-0001-8911-786X>

Stephanie E. Diaz Ortega  <https://orcid.org/0000-0003-4469-8423>

Kathleen A. O'Grady  <https://orcid.org/0000-0002-3738-2837>

Analyses involving the slant of trial evidence discussion, the frequency and slant of pretrial publicity discussion, and pretrial publicity correction were presented in a talk at the 2020 American Psychology Law Society (AP-LS) conference.

OFS Project Link: https://osf.io/qd5h7/?view_only=43d881d0d5604b15b7e0ff747e02228e.

Correspondence concerning this article should be addressed to Christine L. Ruva, Department of Psychology, University of South Florida Sarasota-Manatee, Sarasota, FL 34243, United States. Email: ruva@usf.edu

before the trial and explore how this affects the deliberation process and the bias associated with PTP exposure.

The present study explores the effects of two types of PTP on the jury deliberation process: (a) negative-defendant PTP (ND PTP) and (b) negative-victim PTP (NV PTP). Given that ND PTP is most prevalent (Bakhshay & Haney, 2018; Imrich et al., 1995) and has the potential of impeding a defendant's Sixth Amendment right to a fair trial by an impartial jury (U.S. Const., amend. VI), it is not surprising that researchers have focused their attention on it. That said, NV PTP is prevalent for certain types of crime (e.g., rape, sexual assault, and domestic violence) and influences jurors' verdicts by making them more likely, than no-PTP controls, to render not guilty verdicts (Franiuk et al., 2008; Ruva & Guenther, 2017; Ruva & Coy, 2020). Hence, NV PTP can challenge the prosecution's ability to prove guilt. Therefore, more research is needed to understand NV PTP's influence on jurors' decisions. It is also important to understand how deliberations impact the biasing effects of different types of PTP and whether deliberating with differently biased others (mixed PTP juries) results in the reduction or spread of these different types of PTP bias. Below we review research and theory that explores the following: (a) PTP's influence on jurors' interpretation of trial evidence and (b) the influence of jury deliberations on juror bias—specifically, whether bias is reduced, increased, or spread during deliberations.

Pretrial Publicity's Influence on Jurors' Interpretation of Trial Evidence

Predecisional Distortion Theory

Importantly, both ND PTP and NV PTP have been found to influence jurors' interpretation of trial evidence. Specifically, when compared with no-PTP controls, jurors exposed to ND PTP have been found to rate trial evidence as more supportive of the prosecution (Hope et al., 2004; Ruva et al., 2011), whereas those exposed to NV PTP rate trial evidence as more supportive of the defense, regardless of the side (defense or prosecution) the evidence actually supports (Ruva & Coy, 2020; Ruva & Guenther, 2017). Predecisional distortion theory has been used to explain jurors' biased evidence interpretations. This theory suggests that jurors will distort trial evidence in the direction of the side (defense or prosecution) they support, instead of evaluating the evidence for its true probative value, which results in biased decision making (Carlson & Russo, 2001; Russo et al., 1998). Past research has found that when jurors are exposed to PTP they come to trial supporting the side favored in the PTP (e.g., ND PTP = favor prosecution). Jurors are then likely to distort ensuing evidence to support their favored side, which ultimately results in biased verdicts (Hope et al., 2004; Ruva et al., 2011).

Story Model

Biased interpretation of trial evidence, and the biased verdicts that follow, can also be explained by Pennington and Hastie's (1988, 1993) story model. The story model indicates that a juror's decision-making process is initiated by an assembly of mental schemas consisting of information conveyed during the trial, as well as information jurors attained before trial (e.g., PTP, prior beliefs, and attitudes). These schemas are used as an outline to understand ensuing information and create a complete and plausible story. Evidence that does not

fit the juror's story may be forgotten, devalued, or reinterpreted to fit the story (Pennington & Hastie, 1986). If jurors have been exposed to PTP their trial story may be formed before the trial begins (e.g., ND PTP = the defendant is guilty). Thus, jurors' perceptions of the truthfulness of witnesses and their interpretation and memory of trial evidence may be influenced by PTP exposure (Ruva & Guenther, 2017). The story model also provides the possibility that to complete their understanding of the case, jurors exposed to PTP will use information provided in the PTP to fill in missing trial information (Pennington & Hastie, 1986; 1993). Therefore, jurors' exposure to PTP may influence their decision-making process through the creation of a pretrial story that biases their interpretation and memory of trial evidence.

As noted above, both ND PTP and NV PTP have been found to influence jurors' interpretation of trial evidence (Hope et al., 2004; Ruva & Coy, 2020; Ruva & Guenther, 2017). Importantly, research has found that mock-jurors' discussion and evaluation of trial evidence during deliberations is influenced by PTP exposure (Ruva & Guenther, 2015; Ruva & LeVasseur, 2012). In the present study, we explore how jurors' individual stories and biases (i.e., those contained in the PTP they are exposed to) influence deliberation content and slant (prodefense vs. prosecution). We also explore how deliberating with similarly versus dissimilarly biased others influence the content and slant of these jury deliberations.

Jury Deliberations' Influence on Juror Bias

Group Polarization

Jurors are expected to be objective and make decisions based solely on the evidence presented at trial—ignoring PTP, heuristics, and other biases. Unfortunately, this expectation is problematic because such biases are formed through an individual's experiences and often are unconscious (Kramer et al., 1990; Wilson & Brekke, 1994; Wilson et al., 2002). Although these individual biases exist, the courts often assume that the deliberation process will mitigate bias through juries correcting individual jurors' biased positions and memory errors (Studebaker & Penrod, 1997). Contrary to these assumptions, research suggests that bias correction is unlikely. Instead, when there is a majority favoring a particular verdict deliberations often lead to an increase in bias, which has been labeled group polarization (Kramer et al., 1990; Moscovici & Zavalloni, 1969; Otto et al., 1994; Ruva & Coy, 2020).

Persuasive argument theory suggests that group polarization may occur when group members, such as jurors, hold the same predecisional bias (e.g., all exposed to ND PTP) and make more and better arguments favoring their side (prosecution) than the other side (defense; Vinokur & Burstein, 1974). This biased discussion will result in jury members' opinions becoming more extreme in the direction of their original position (Ruva & LeVasseur, 2012). This is because group members actively seek out information that confirms their bias and discard information that does not (Jonas et al., 2001). Therefore, during deliberations pure PTP-exposed juries will not equally consider or discuss information provided by the side not supported in the PTP, which will ultimately result in biased verdicts.

Correction or Spread of Bias During Deliberations

Contrary to the persuasive argument theory, the bias restriction hypothesis states that jurors will make an effort to be unbiased if

they are open minded and believe that a balanced (unbiased) discussion of the information is more useful when determining guilt than an unbalanced discussion (Jonas et al., 2001). Bias mitigation can only occur if the overview of information provided during deliberations supports both sides of the case. Such a balanced search of information is only possible when jurors accurately interpret and remember the evidence supporting both sides of the case (Ruva & LeVasseur, 2012). Research suggests this may be difficult to do given the sequential nature of trial evidence presentation (Jonas et al., 2001) and jurors' biased interpretation of this evidence (Carlson & Russo, 2001; Hope et al., 2004; Ruva et al., 2011). That said, if jurors are exposed to different pretrial information (e.g., some to ND PTP and others to no PTP) a balanced evidence search may occur. Below we explore the importance of examining mixed jury compositions (e.g., half exposed to ND PTP and the other half to no PTP) when exploring whether bias is reduced, increased, or spread during jury deliberations.

Mixed-PTP-exposed juries (e.g., some jurors exposed to PTP and some not exposed) are important when exploring the corrective function of juries. This is because they provide an opportunity for jurors who are not exposed to PTP to correct those who are exposed to PTP. Unfortunately, mixed-PTP juries also provide an opportunity for PTP-exposed jurors to transfer their bias to no-PTP jurors during deliberations (Ruva & Coy, 2020; Ruva & Guenther, 2017). It should be noted that even if correction occurs during deliberations, jurors' biased interpretations of trial evidence (caused by misinformation presented prior to trial in the form of PTP; Rantzen & Markham, 1992; Ruva et al., 2007) may continue to have an influence on jurors' judgments (continued influence effect; Lewandowsky et al., 2012; Rich & Zaragoza, 2016).

Also of importance, misinformation presented socially through discussion has been shown to increase memory errors to a greater degree than when presented in a written format (Cuc et al., 2006; Echterhoff et al., 2007). This is important because jury members often discuss inaccurate/inadmissible evidence, such as PTP, and are unlikely to correct such discussion (Ruva & Guenther, 2015; Ruva & LeVasseur, 2012). In addition, exposure to PTP has been found to result in biased discussion of ambiguous trial evidence (in the direction of the PTP bias) during deliberations (Ruva & LeVasseur, 2012). Hence, social contagion is likely during the deliberation process and may be a means of spreading PTP bias—but this process has yet to be explored through content analyzing deliberating juries. That said, Ruva and Guenther (2017) and Ruva and Coy (2020) found that deliberating on mixed juries resulted in a spread of PTP bias from PTP-exposed jurors to no-PTP jurors during deliberations.

Deliberation Style and Bias

Jury deliberations can take on two different styles: evidence-driven or verdict-driven (Hastie & Pennington, 1991; Pennington & Hastie, 1990). The evidence-driven deliberation style involves jurors discussing/sharing all pertinent trial information before making a decision about guilt. In contrast, a verdict-driven style involves early and frequent straw polls that are surrounded by discussions focused on verdict preferences (verdict related discussions) rather than trial evidence. An evidence-driven deliberation style can affect individual jurors' cognitive representations (e.g., trial stories), but a verdict-driven style cannot (Takada & Murata,

2014). Also, deliberation style has been found to interact with other case-related variables to affect verdict outcome (Kameda, 1991). In the present study we expected that juries with high-levels of predeliberation verdict consensus (i.e., pure PTP-exposed juries) would use a verdict-driven style. This is because their focus would be on getting to their favored verdict as quick as possible. Therefore, frequent polling and discussions focused on verdict preferences would be most prevalent, with a relative neglect of fully discussing the trial evidence.

In summary, evidence presented at trial requires a great deal of comprehension and interpretation by jurors. Evidence interpretation is complicated by pretrial information jurors are exposed to and the content and pressures of jury deliberations (Fein et al., 1997). If trial evidence is inconclusive, the jury will rely on other less reliable sources of information, such as PTP, individual biases, heuristics, and discussions with other jurors (who may or may not have been exposed to the same prejudicial pretrial information), when attempting to interpret trial evidence and make decisions. Finally, exposure to PTP can influence the slant of a jury's deliberations and may influence deliberation style, which ultimately results in biased decisions.

The Present Study

The present study involves a content analysis of a subsample of data from Ruva and Guenther (2017). Ruva and Guenther found that ND PTP and NV PTP had the expected effects on both juror- and jury-level verdicts (i.e., when compared with no-PTP controls, ND-PTP exposure resulted in a greater likelihood of a guilty verdict and NV-PTP exposure a greater likelihood of a not guilty verdict). The purpose of the present study is to expand upon this research by examining whether the PTP bias was evident in the slant (defense, prosecution, or ambiguous), content, and style (verdict driven vs. evidence driven) of the jury deliberations and, if so, whether this bias was greatest on pure-PTP exposed juries. Mixed-PTP juries are important to explore in that they provide an opportunity for unbiased jurors (no-PTP jurors) to correct biased jurors, but they also provide an opportunity for the spread of bias. This spread of bias was observed in Ruva and Guenther (2017). The present study examines how bias transfer occurred.

Hypotheses

Hypothesis 1

The pure PTP-exposed juries (i.e., pure NV and pure ND) were expected to be verdict driven as opposed to evidence driven. Verdict driven deliberations would consist of the following: (a) greater number of straw polls, (b) greater percentage of deliberation time focused on discussing the verdict (general verdict discussion), and (c) smaller percentage of deliberation time focused on the discussion of trial evidence than the pure no-PTP and mixed jury composition conditions.

Hypothesis 2

Jury composition would have a significant effect on the slant or valence (defense or prosecution) of the trial fact discussion, with pure PTP-exposed juries (i.e., pure NV and pure ND) showing the greatest bias. Specifically, pure NV juries were expected to devote a greater percentage of their trial fact time to discussing trial

evidence in a manner supportive of the defense than all other jury composition conditions. In contrast, pure ND juries were expected to devote a greater percentage of their trial fact time to discussing trial evidence in a manner supportive of the prosecution than all other jury composition conditions.

Hypothesis 3

Jury composition would have a significant effect on the discussion and correction of PTP. Pure PTP-exposed juries (i.e., pure NV and pure ND) were expected to discuss PTP more frequently and be less likely to correct PTP discussion than all other jury composition conditions.

Hypothesis 4

The slant (defense and prosecution) of juries' trial fact discussions would mediate the effect of jury composition on jurors' postdeliberation guilt ratings. Greater defense side discussion would result in lower guilt ratings and greater prosecution side discussion in higher guilt ratings. Additionally, a spread of bias from ND-PTP jurors to no-PTP jurors was expected (similar to Ruva & Guenther, 2017), with no-PTP jurors who deliberated on ND-no juries having significantly higher postdeliberation guilt ratings than no-PTP jurors deliberating on pure juries. This effect of jury composition would be mediated by the slant trial fact discussion—greater prosecution side discussion on mixed ND-no juries was expected to result in higher guilt ratings.

Method

The Office of Research Integrity and Compliance at the University manages all aspects of the Institutional Review Board and approved all procedures performed in this study (Pro00009414).

Power Analyses/Rational for Sample Size

We took a similar approach to that of Ruva and Coy (2020) when conducting a priori power analyses—that is, we used a two-step approach. First, we conducted a power analysis for jury-level effects using G*Power (Faul et al., 2007), and the mean effect size ($f = .50$) from Ruva and Guenther (2015; $\omega^2 = .14$) and Ruva and LeVasseur (2012; $\omega^2 = .25$) for trial fact side discussion, with $df = 5$, six groups (jury composition conditions), power of .80, and alpha of .05, a sample size of 60 juries is needed. For the postdeliberation guilt rating analyses we conducted a power analysis for individual-level effects using G*Power and the effect size ($f = .40$) from Ruva and Guenther (2017; $\omega^2 = .14$; guilt ratings), with $df = 5$, six groups (jury composition conditions), power of .80, and alpha of .05, a sample size of 132 jurors is needed.

Participants

The present study used a subsample of juries from Ruva and Guenther (2017). It included 333 University students who were awarded course credit for their participation in the study. Participants were required to be United States citizens between the ages of 18 and 65, have a valid driver's license or state ID card, and without any felony convictions. Of the 333 participants, 249 were women and 84 were men. Their ages ranged from 18 to 52 ($M = 21.34$, $SD = 5.34$). There were 178 participants (53%) who were

White, 59 (18%) who were Hispanic, 52 (16%) who were Black/African American, 24 (7%) who were Asian or Pacific Islander, 3 (1%) who were American Indian or Native Alaskan, 5 (1%) who were Arab, and 12 (4%) who identified in the "other" category.

Design

The original study (Ruva & Guenther, 2017) employed a 3 (PTP exposure: ND, NV, or no PTP) \times 2 (Jury Type: Pure vs. Mixed) hierarchical design. Participants were randomly assigned to PTP and Jury type conditions during the PTP exposure phase of the study. For all jury level analyses (which are the focus of the present study) the PTP and jury type conditions were collapsed to create a single jury composition variable having three pure jury conditions (all jurors on the jury received the same type of PTP) and three mixed jury conditions (e.g., approximately half of the jurors exposed to NV PTP and half exposed to ND PTP).

This content analysis utilized a random sample of 63 juries (four to six jurors each) from the original study. The cell sizes for the six jury composition conditions were as follows: pure NV = 59 jurors/11 juries, pure no = 55 jurors/10 juries, pure ND = 47 jurors/10 juries, mixed NV-no = 59 jurors/11 juries, mixed NV-ND = 60 jurors/11 juries, and mixed ND-no = 53 jurors/10 juries.

Stimuli

Trial

The trial stimulus entailed video footage of an actual criminal trial (New Mexico v. Gilbert, 1998) that was modified to run 21 minutes (see Appendix A for the judicial instructions and Appendix B for the trial summary). The video depicts the case of a woman who is on trial for the murder of her estranged husband. The defendant asserts that she shot her husband in self-defense as she believed him to be an intruder breaking into her home. The trial video included opening and closing statements of the defense and prosecution attorneys, as well the testimony from the defendant and the following witnesses: two detectives, the victim's daughter, and a defense visibility expert. The trial video also included jury instructions consisting of the following: how a criminal trial is carried out, explanation of the first-degree murder charges, and the definition for reasonable doubt. Finally, prior to each verdict decision jurors were instructed as follows: "During the first phase of the study you may have read crime stories related to the trial that you just viewed. Like actual jurors you are NOT to use any of this prior information when making decisions about the defendant's guilt. For this decision you must only use the evidence presented at trial."

Pretrial Publicity

Participants in the ND-PTP condition were exposed to actual media stories surrounding the NM v. Gilbert trial that they later viewed. These stories suggested that the defendant was guilty of planning and carrying out the murder of her estranged husband (see Appendix C). Participants in the NV-PTP condition were exposed to media stories created by the authors by editing the actual media stories (ND PTP) surrounding the NM v. Gilbert trial. These stories focused on the victim (the defendant's husband) and suggested that he had broken into the defendant's home

to hurt or kill her (see [Appendix C](#)). Participants in the no-PTP condition read six news stories unrelated to the trial that involved embezzlement, financial fraud, mischief for graffiti, and bid rigging.

Procedure

The original study ([Ruva & Guenther, 2017](#)) was divided into two experimental sessions. During the first session, random assignment was used to place participants into PTP and jury composition conditions. Participants were informed that throughout the experiment they would read crime stories and provide their impressions of these stories (cover story). Participants then signed the consent form, read the crime stories, and completed a recall test requiring them to write down as much information from the crime stories as they could remember in the span of 10 minutes. Before the conclusion of this session, participants were instructed not to discuss what they did during the session with anyone.

The second session took place about 1 week after the first session. During this session participants watched the trial video and then provided individual verdicts. Prior to each verdict, jurors were instructed not to use information from the crime stories (PTP) when making decisions. Prior to deliberations participants were informed that deliberations would be videotaped. Participants were then instructed not to use the information they had read during session 1 in their discussions. They were told that they would have 25 minutes to deliberate and come to a unanimous verdict decision and would receive a five-minute warning prior to the end of the deliberation period. After deliberations jurors provided individual verdicts.

Content Analysis of Jury Deliberations

Video Equipment and Content Analysis Software

All 63 mock-jury deliberations were recorded using a high resolution digital video camera and content analyzed using the Observer XT-14 software ([Noldus Information Technology, 2018](#)). The Observer software is a sophisticated behavioral analysis program that allows for creating intricate and well-organized coding schemes. It is capable of more accurate event timing than procedures with less advanced tools for analysis, such as transcribed deliberations or video observations.

Coding Scheme, Coding Manual, and Coder Training

Researchers developed a hierarchical coding scheme to analyze deliberations based on the research questions and theory. A coding manual and tutorial were also developed containing step-by-step instructions on how to code a videotaped deliberation. The manual included trial transcripts, PTP articles, instructions on how to code for each behavior, and examples of how jurors could use the behaviors, such as trial Facts or PTP Facts, to support each side (i.e., prosecution, defense or ambiguous). Research assistants were trained over the course of several weeks as to the correct method of coding all elements of the jury deliberations. A practice jury deliberation video was selected and coded by all of the research assistants and the trainer, and interrater reliability was analyzed. The actual coding began once suitable reliability (Cohen's

kappas of at least .60) had been established between each assistant and the trainer.

The coding scheme (see [Appendix S1](#) in the online supplemental materials) contains a set of coding hierarchies used to categorize and code the following: Discussion Topic (e.g., trial Evidence, PTP, and Jury Instructions-Law), Straw Polls, and Verdicts. The trial Evidence category included 20 facts or modifiers, with eight supporting the defense, seven supporting the prosecution, and five ambiguous as to side supported. The side each trial fact supported was determined by two pilot studies ($N_s = 31$ and 39 ; see [Ruva & Guenther, 2017](#) for a detailed discussion). When coding for PTP, coders chose from 11 NV-PTP facts/modifiers and 16 ND-PTP facts/modifiers (see [Appendix S2](#) in the online supplemental materials for a description of PTP facts discussed during deliberations). PTP facts were additionally coded for instances of correction. If correction took place during deliberations, it was coded as working (stopped discussion of PTP) or not working (continued discussion of PTP). The Jury Instructions-Law category included three modifier codes: (a) guilt beyond a reasonable doubt/lack of evidence, (b) premeditation/self-defense/intent, and (c) general legal discussion. General Verdict category was coded anytime the jurors discussed their verdicts, including straw polls. The New Fact code was chosen if the information was relevant to the task at hand (deliberating to come to a verdict) but was not used to support the discussion of trial evidence, jury instructions, or PTP. If the new information was used to support a fact presented at trial or in the PTP, it was coded as part of that fact's discussion and was not coded as new. The Unrelated code was used when the jury discussed information that was unrelated to deliberating to come to a verdict. Such discussions were coded as juror "no talks" and were not included in the deliberation time. Finally, in addition to coding for Discussion Topic, coders also coded for jury verdicts, straw polls, and the beginning and ending of deliberations.

Trained coders began coding each video by selecting a Discussion Topic (e.g., trial evidence or PTP; see [Appendix S1](#) in the online supplemental materials). Then within that category coders indicated what was being discussed (e.g., which trial fact—journal entry, feet never checked for blood, or fear of gun in house) and which side the jury was supporting while discussing this information (i.e., defense, prosecution, or ambiguous—not clearly supporting either side). Sixty-three juries were content analyzed, each by two trained coders (a total of nine research assistants were trained and coded for this project) using the Observer XT 14 software program ([Noldus Information Technology, 2018](#)). These coders were blind to the hypotheses and conditions assigned to each jury. Each jury deliberation took approximately 5 hr for a coder to code. All disagreements of the two original coders were resolved by a third coder.

Interrater Reliability

Cohen's kappas were obtained for each of the behavioral and modifier categories, which is known as category by category reliability ([Cissna et al., 1990](#)). The mean Cohen's $\kappa = .73$ and the range = .42 to .95, with 74% of kappa being above .75 (or excellent kappa) and 92% being above .60 (or good kappa). According to [Fleiss \(1981\)](#) Cohen's kappas of .40 to .60 are fair, .60 to .75 are good, and above .75 are excellent. Again, all coder disagreements were resolved by a third coder.

Analyses

Loglinear ANOVA was used for predeliberation juror verdicts, which uses chi square as a test statistic. Chi-square was used for the initial straw poll outcomes, as well as the frequency of straw polls, and due to the small cell sizes Fisher's Exact test for significance was used. GLM ANOVA was used for the remaining analyses when homogeneity of variance was met. Levene's (1960) test was used to assess homogeneity. When there was evidence of a lack of homoscedasticity, Welch's (1947) ANOVA was used to correct for unequal group variances. This was required for only three sets of analyses: time to first straw poll, percentage of deliberation time devoted to trial fact discussion, and valence of PTP discussion. Effect sizes for chi square are Cramer's V . Effect sizes for ANOVA are ω^2 for main effects and d for the comparison of two conditions. To minimize the likelihood of false effects attributable to multiple tests the Benjamini-Hochberg (B-H) procedure was used (Benjamini & Hochberg, 1995). The procedure was applied to all follow-up tests examining jury composition effects. Most of the inferential statistics are presented in tables in the [online supplemental materials](#).

Results

Predeliberation Verdicts

Given that the main purpose of this study is to explore how jury composition influences the content of jury deliberations, and that the guilt measures for the entire sample were presented in Ruva and Guenther (2017), we only provide juror-level guilt assessments (predeliberation and postdeliberation) for the murder charge here as they are important for establishing predeliberation PTP bias and examining the effect of jury composition on this bias. We do not include findings for the tampering charge in this paper, because they did not differ from those included in Ruva and Guenther (2017) nor did they add to our understanding of the influence of jury composition on jurors' or juries' decisions.

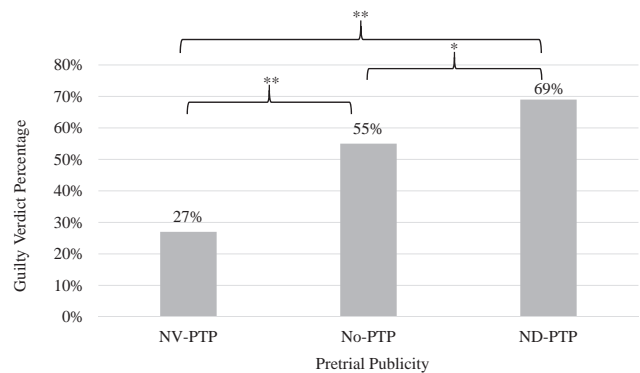
Consistent with Ruva and Guenther (2017) findings, PTP had the expected effects on jurors' predeliberation verdicts for the subsample used in the present study. Specifically, ND-PTP jurors were more likely to render a guilty verdict than no-PTP and NV-PTP jurors, and NV-PTP jurors were less likely to render a guilty verdict than no-PTP jurors (see Figure 1), $\chi^2(1, N = 322) = 5.10, 24.18, \text{ and } 9.63, ps < .05, Vs = .14, .42, \text{ and } .29$, respectively.

H1: Straw Polls

Jury composition condition did not significantly affect time to first straw poll nor its outcome (most were hung; see Table 1), $F(5, 20) = 1.03, p = .43$, and $\chi^2(10, N = 52) = 8.95, p = .54$, respectively (11 of the 63 juries did not conduct any straw polls). However, the number of straw polls (range = 0 to 4 polls) was significantly associated with jury composition, $\chi^2(10, N = 63) = 31.59, p = .04, V = .34$. As expected, the pure NV juries were significantly more likely to conduct two or more straw polls than pure no-PTP juries (see Table 1), $\chi^2(3, N = 21) = 10.88, p = .028, V = .62$. The mixed ND-no and mixed NV-ND juries were also significantly more likely to conduct two or more straw polls than pure no-PTP juries, $\chi^2(3, N = 20 \text{ and } 21) = 14.71 \text{ and } 9.29, ps =$

Figure 1

The Likelihood of Jurors Rendering a Guilty Verdict Prior to Jury Deliberations



Note. PTP = pretrial publicity; NV = negative-victim; ND = negative-defendant; No = unrelated to trial PTP. Two of the 63 juries did not provide predeliberation verdicts. Therefore, $N = 322$ for predeliberation guilt measures and $N = 333$ for postdeliberation guilt measures.

* $p < .05$. ** $p < .01$.

.002 and .026, $Vs = .76$, and .59, respectively. Contrary to our expectations, the mixed ND-no juries conducted a greater number of straw polls than pure ND juries and mixed NV-no juries (see Table 1), $\chi^2(3, N = 20 \text{ and } 21) = 9.02 \text{ and } 9.31, ps = .03 \text{ and } .03, Vs = .64 \text{ and } .64$.

In sum, the pure NV juries, along with the two mixed-jury compositions conditions including ND jurors, conducted more frequent straw polls than the pure no-PTP juries (unbiased juries), whereas the pure ND juries conducted fewer straw polls than their mixed ND-no counterparts. Importantly, a greater frequency of straw polls is suggestive of a verdict-driven deliberation style (Kameda, 1991; Pennington & Hastie, 1990). Therefore, these findings suggest that any presence of PTP on a jury is likely to promote a trend toward verdict-driven decisions.

H1: Duration of Trial Fact Discussion

For a detailed summary of how the jury composition conditions spent their deliberation time see Table 2. This table does not include the slant of these discussions—only the percentage of deliberation time devoted to each type of case information. Importantly, the jury composition conditions did not significantly differ in the duration of their deliberations nor the percentage of deliberation time devoted to the discussion of jury instructions (see Table 2), $F(1, 57) = 1.45 \text{ and } .72, MSEs = 32.89 \text{ and } .01, ps = .22 \text{ and } .61$.

As predicted in H1 (deliberation style), jury composition conditions significantly differed in the total deliberation time devoted to trial fact discussion, $F(1, 26) = 5.34, MSE = 0.02, p = .002, \omega^2 = .09, 95\% \text{ CI } [.01, .27]$. Pure NV juries spent significantly less of their deliberation time discussing trial facts than pure no-PTP, mixed NV-no, and mixed NV-ND (see Table 2, panel 1), $F(1, 13, 19, \text{ and } 20) = 7.70, 22.05, \text{ and } 11.74, MSEs = .01, .01, \text{ and } .02, ps = .02, .001, \text{ and } .003, ds = -1.31, -2.06, \text{ and } -1.47, 95\% \text{ CI } [-2.25, -.36], [-3.60, -.53], \text{ and } [-2.44, -.51]$, respectively. Interestingly, and consistent with H1 (verdict-driven), this time was partially made up by pure

Table 1*Timing and Outcome of First Straw Poll and Frequencies of Straw Polls*

Jury composition	<i>n</i>	First straw poll outcome				<i>n</i>	Frequency of straw polls		
		Time to straw poll in minutes	Not Guilty	Hung	Guilty		No straw polls	One straw poll	Two or more straw polls
Pure NV	9	1.89 (1.96)	2 (22%)	6 (67%)	1 (11%)	11	2 (18%)	3 (27%)	6 (55%) ^{ac}
Pure No	7	2.71 (2.36)	1 (14%)	4 (57%)	2 (29%)	10	3 (30%)	6 (60%)	1 (10%) ^b
Pure ND	9	5.00 (6.89)	0 (0%)	5 (56%)	4 (44%)	10	1 (10%)	5 (50%)	4 (40%) ^{ab}
Mixed NV-ND	10	4.70 (6.04)	1 (10%)	7 (70%)	2 (20%)	11	1 (9%)	3 (27%)	7 (64%) ^{ac}
Mixed NV-No	8	5.00 (5.50)	1 (13%)	7 (87%)	0 (0%)	11	3 (27%)	5 (45%)	3 (27%) ^{ab}
Mixed ND-No	9	4.50 (5.58)	0 (30%)	7 (78%)	2 (22%)	10	1 (10%)	1 (10%)	8 (80%) ^c
Totals	52		5 (10%)	36 (69%)	11 (21%)	63	11 (17%)	23 (36%)	19 (46%)

Note. Eleven of the 63 juries did not conduct any straw polls (see the No Straw Polls column). The first *n* column = number of juries conducting at least one straw poll. Straw poll percentages appear in parentheses following their respective frequencies. *SDs* appear in parentheses following their respective means. NV = negative-victim PTP; ND = negative-defendant PTP; No = unrelated to trial PTP; Pure = all jurors exposed to the same PTP; Mixed = approximately half of the jurors exposed to one type of PTP and the other half exposed to another type of PTP. Cells in columns having different superscript letters significantly differ—Benjamini-Hochberg Procedure.

NV juries spending a significantly greater percentage of their deliberation time discussing the verdict in general than mixed NV-no, mixed NV-ND, and mixed ND-no conditions (see [Table 2](#), third panel), $F_s(1, 57) = 7.94, 6.05, \text{ and } 5.19, MSE = .01, p_s = .01, .02, \text{ and } .03, d_s = -1.90, -1.30, \text{ and } -1.32, 95\% \text{ CI } [-3.31, -.47], [-2.60, -.001], \text{ and } [-2.23, -.37],$ respectively. These findings, along with those for straw polls above, suggest that the pure NV juries were verdict driven.

H2: Slant of Trial Fact Discussion

As predicted in H2, jury composition significantly affected the slant of trial fact discussion (see [Figure 2](#) and [Table A](#) in the online supplemental materials), with pure NV juries spending a greater percentage of their trial fact time discussing facts as

supporting the defense than pure no-PTP, pure ND, and mixed ND-no juries. Also, and not surprising given their interdependence, pure NV juries spent a significantly smaller percentage of their trial fact time discussing facts in a manner supportive of the prosecution than pure ND and mixed ND-no juries. Finally, the mixed NV-no juries spent a significantly greater percentage of their trial fact time discussing facts to support the defense than pure ND juries.

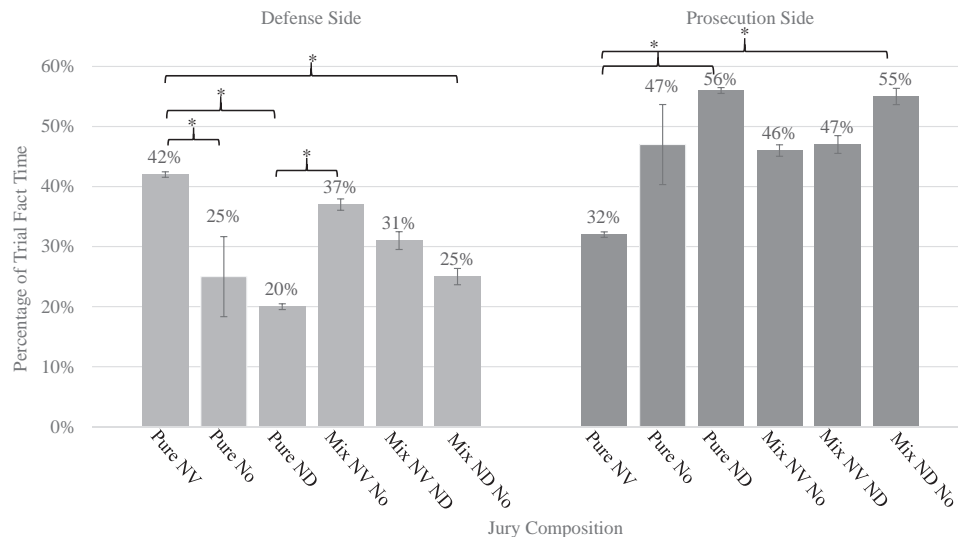
Two pilot studies were conducted ($N_s = 31$ and 39 ; see [Ruva & Guenther, 2017](#) for a detailed discussion) to determine the side each trial fact supported (defense, prosecution, or ambiguous). Although the jury composition conditions did not significantly differ in the percentage of trial fact time devoted to the discussion of prosecution trial facts (range = 50% to 62%; see [Table B](#) in the online supplemental materials), $F(1, 57) = 1.27, MSE = .02,$

Table 2*Summary of How Juries Spent Their Deliberation Time and Deliberation Duration as a Function of Jury Composition*

Discussion topic	Jury composition condition					
	Pure NV	Pure No	Pure ND	Mix NV-No	Mix NV-ND	Mix ND-No
Trial fact discussion						
Defense trial facts	11% (3%)	14% (4%)	13% (7%)	16% (5%)	10% (4%)	15% (7%)
Ambiguous trial facts	8% (4%)	12% (6%)	9% (5%)	12% (5%)	12% (6%)	12% (6%)
Prosecution trial facts	24% (6%)	30% (8%)	30% (12%)	32% (10%)	34% (9%)	26% (7%)
Total trial facts	43% (6%)	56% (13%)	51% (18%)	60% (10%)	55% (10%)	53% (15%)
Pretrial publicity discussion						
Negative-victim PTP	4% (3%)	0% (0%)	0% (0%)	4% (7%)	2% (3%)	0% (0%)
Negative-defense PTP	0% (0%)	0% (0%)	8% (6%)	0% (0%)	3% (2%)	6% (6%)
Total PTP	4% (3%)	0% (0%)	8% (6%)	4% (7%)	5% (4%)	6% (6%)
Other topics coded						
Jury instructions	16% (8%)	13% (7%)	11% (6%)	14% (8%)	16% (9%)	16% (11%)
Verdict in general	35% (10%)	28% (14%)	27% (19%)	20% (5%)	22% (10%)	23% (8%)
Defendant behavior	1% (1%)	2% (2%)	2% (2%)	1% (1%)	1% (3%)	2% (2%)
Attorney & new	2% (2%)	1% (2%)	1% (2%)	1% (2%)	0% (0%)	1% (1%)
Total other topics	53% (4%)	44% (13%)	41% (14%)	36% (11%)	40% (12%)	41% (12%)
Deliberation Duration (Min.)	15.41 (4.37)	21.54 (6.53)	18.93 (7.28)	20.04 (4.08)	19.98 (6.24)	20.21 (5.44)

Note. NV = negative-victim PTP; ND = negative-defendant PTP; No = unrelated to trial PTP; Pure = all jurors exposed to the same type of PTP; Mixed = approximately half of the jurors exposed to one type of PTP and the other half exposed to another type of PTP. Attorney and New discussion was combined because on average the jury conditions spent less than 1% of their deliberation time discussing each. Total percentages may be greater or less than 100% because of rounding error. Standard deviations are in parentheses next to their respective mean percentages.

Figure 2
Valence of Trial Fact Discussion as a Function of Jury Composition Condition

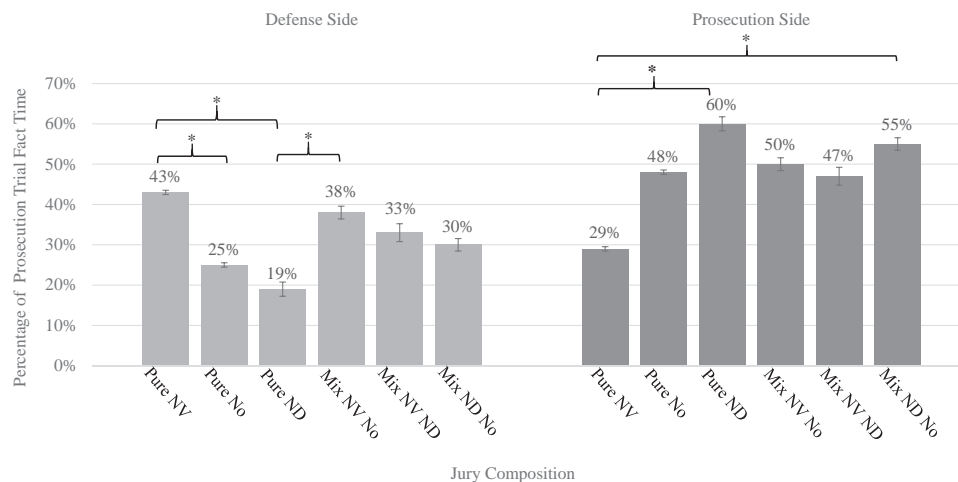


Note. Pure indicates that all jurors on a jury were exposed to the same type of pretrial publicity (PTP). Mix indicates that half of the jurors on a jury were exposed to one type of PTP and the other half another type. PTP exposure conditions: NV = negative-victim; ND = negative-defendant; and No = unrelated to trial PTP. Inferential statistics are provided in Table A in the online supplemental materials. Contrasts that are significant using the Benjamini-Hochberg Procedure are indicated with an *.

$p = .29$, the biased discussion of trial facts by the pure NV juries can be explained by how (slant) they discussed prosecution facts (see Figure 3 and Table C in the online supplemental materials). Specifically, the pure NV juries were significantly less likely to discuss prosecution facts as supporting the prosecution than pure

ND and mixed ND-no. Also, these pure NV juries were more likely to discuss prosecution facts as supporting the defense than pure no-PTP and pure ND juries. Finally, the mixed NV-no juries were more likely to discuss prosecution facts as supportive of defense than pure ND juries.

Figure 3
Valence of Prosecution Trial Fact Discussion as a Function of Jury Composition Condition



Note. The percentage of prosecution fact time (time discussing prosecution trial facts) that these facts were discussed in a manner supportive of the defense and prosecution. Pure indicates that all jurors on a jury were exposed to the same type of pretrial publicity (PTP). Mix indicates that half of the jurors on a jury were exposed to one type of PTP and the other half another type. PTP exposure conditions: NV = negative-victim; ND = negative-defendant; and No = unrelated to trial PTP. Inferential statistics are provided in Table C in the online supplemental materials. Contrasts that are significant using the Benjamini-Hochberg Procedure are indicated with an *.

Taken together, the findings above suggest that the makeup of the jury influenced the interpretation of trial evidence and how it was discussed during deliberations. This finding is consistent with past research measuring jurors' interpretation of trial evidence as a function of PTP exposure (Ruva & Coy, 2020; Ruva & Guenther, 2017), as well as research examining predecisional distortion (Hope et al., 2004; Ruva et al., 2011). Specifically, pure NV juries had a bias toward discussing trial facts with a prodefense slant, whereas pure ND juries had a bias toward discussing trial facts with a prosecution slant. This bias was not ameliorated when PTP-exposed jurors deliberated with jurors not exposed to PTP, as evidenced by the percentage of trial fact time mixed NV-no juries spent discussing trial facts with a defense slant and the percentage of trial fact time mixed ND-no juries discussed them with a prosecution slant (see Figure 2). Such biased discussion of trial evidence on mixed juries may be responsible for the transfer of bias from ND-PTP jurors to no-PTP jurors that Ruva and Guenther (2017) observed. We explore this question below when testing H4.

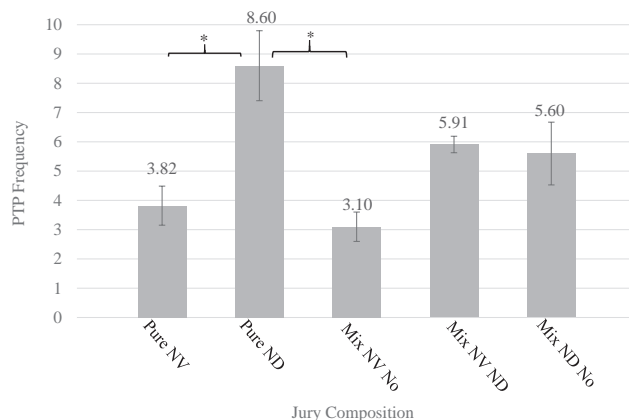
H3: Frequency of Pretrial Publicity Discussion

First, it should be noted that none of the pure no-PTP juries discussed PTP. Therefore, they are not included in the discussion below. Second, all but five of the 53 PTP-exposed juries discussed PTP. Third, although almost every jury mentioned PTP the percentage of deliberation time spent on its discussion was small (see Table 2). Fourth, 100% of the time that pure NV and mixed NV-no juries discussed PTP they discussed NV PTP, whereas 100% of the time that pure ND and mixed ND-no juries discussed PTP they discussed ND PTP. In contrast, the mixed NV-ND juries' discussion of PTP was mixed, with 46% being NV PTP and 54% being ND PTP. Fourth, jury composition significantly affected the frequency of PTP discussion, with pure ND juries discussing PTP more frequently than pure NV-PTP and mixed NV-no juries (see Figure 4 and Table D in the online supplemental materials), which provides partial support for H3. Although the majority of pure NV and mixed NV-no juries discussed PTP during deliberations (all but three of 21 juries did so), these juries did not discuss PTP as often as pure ND juries. This could be attributable to the ND PTP fitting the trial story better than the NV PTP. Importantly, deliberating with unbiased jurors did not significantly reduce the discussion of PTP (see Figure 4 and Table D in the online supplemental materials). Therefore, like the biased discussion of trial evidence discussed above, discussion of PTP on mixed may be responsible for the transfer of bias observed by Ruva and Guenther (2017).

Valence of pretrial publicity discussion. As expected, the valence of the PTP discussion significantly differed (see Figure 5 and Table E in the online supplemental materials). Juries having ND-PTP jurors on them (that is, pure ND, mixed ND-NV, and mixed ND-no) had a greater percentage of their PTP discussion in support of the prosecution than pure NV juries. Also, pure ND juries had a greater percentage of their PTP discussion in support of the prosecution than mixed NV-no juries. Although the difference between pure ND juries and mixed ND juries (that is, ND-no and NV-ND) did not reach statistical significance, the valence of these mixed juries' PTP discussions appeared less bias (lower percent supporting the prosecution; see Figure 5). Interestingly, the PTP discussions of pure NV juries was significantly more likely to

Figure 4

Frequency of PTP Discussion During Jury Deliberations as a Function of Jury Composition Condition



Note. Pure indicates that all jurors on a jury were exposed to the same type of pretrial publicity (PTP). Mix indicates that half of the jurors on a jury were exposed to one type of PTP and the other half another type. PTP exposure conditions: NV = negative-victim; ND = negative-defendant; and No = unrelated to trial PTP. Inferential statistics are provided in Table D in the online supplemental materials.

* indicates contrasts that are significant using the Benjamini-Hochberg Procedure. B-H critical values for ranked p values with 10 tests are .015, .030, .045, and .060, with an assumed false discovery rate of 0.15.

support neither side (ambiguously discussed) than those of pure ND juries. Therefore, not only did pure NV juries spend less time discussing PTP than pure ND juries, when they did discuss PTP they were more likely to do so in an ambiguous fashion.

H3: Correction of Pretrial Publicity Discussion

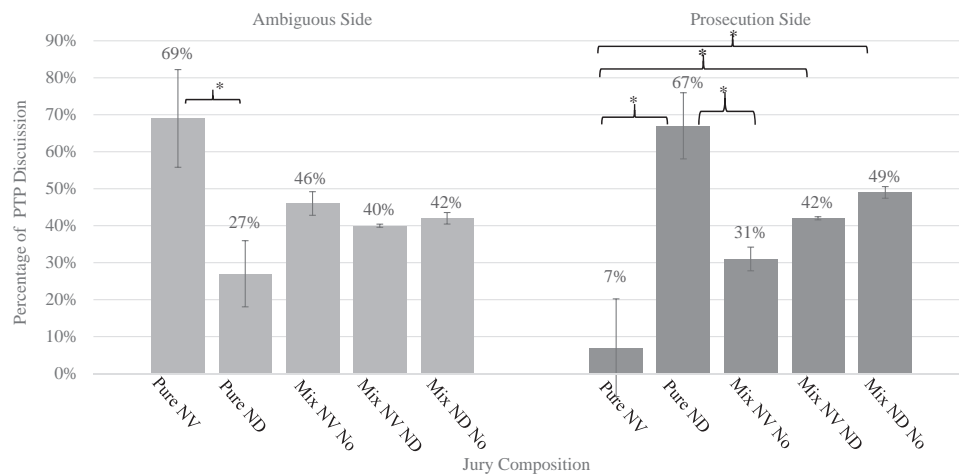
Contrary to H3, jury composition did not have a significant effect on the percentage of PTP discussion that was corrected, nor the percentage that the correction worked (stopped PTP discussion), $F_s(1, 43) = .70$ and $.21$, $p_s = .60$ and $.93$. The average rate of correction ranged from 34% (pure NV) to 60% (mixed ND-NV; see Figure A in the online supplemental materials). The mean percentage that correction worked, out of times corrected, ranged from 27% (pure ND) to 39% (mixed NV-ND; see Figure B in the online supplemental materials). Across juries, the percentage of PTP discussion that was corrected ranged from 0% to 100%, and the percentage that this correction worked also ranged from 0% to 100%. Therefore, there is a lot of variance both within and between conditions. That said, it is noteworthy the mixed NV-ND juries correction rates and the effectiveness of correction look very different from the other jury composition conditions (see Figures A and B in the online supplemental materials), suggesting that having contradictory information could result in greater PTP correction.

Exploratory Analyses of PTP Discussion and Juror Reaction

Although there are no hypotheses regarding which PTP facts would be discussed most frequently, the manner and frequency each fact would be corrected, or what the jury would discuss

Figure 5

Valence of Pretrial Publicity (PTP) Discussion During Deliberations as a Function of Jury Composition Condition



Note. Ambiguous Side indicates that the PTP discussion supported neither the defense nor prosecution. The Defense Side is not shown and made up the smallest percentage of PTP discussion. Pure indicates that all jurors on a jury were exposed to the same type of PTP. Mix indicates that half of the jurors on a jury were exposed to one type of PTP and the other half another type. PTP exposure conditions: NV = negative-victim; ND = negative-defendant; and No = unrelated to trial PTP. Inferential statistics are provided in Table E in the online supplemental materials.

* indicates contrasts that are significant using the Benjamini-Hochberg Procedure. B-H critical values for ranked p values with 10 tests are .015, .030, .045, and .060, with an assumed false discovery rate of 0.15.

immediately following PTP discussion, we explore these questions in the [online supplemental materials](#) and provide only a brief summary here. Given the small cell sizes for individual PTP fact discussion (most facts receiving five or fewer mentions) and correction, only descriptive statistics are presented, and caution is warranted in the interpretation of these data. That said, the frequency that PTP facts were discussed varied considerably (see [Tables H and I, section 1](#), in the online supplemental materials). Information indicating that the defendant (ND PTP) or victim (NV PTP) had a “bad character” was most frequently discussed (37% and 44% of PTP discussion, respectively). The second most frequently discussed facts were that the defendant killed her previous husband (ND PTP = 18%) and the victim severed the defendant’s phone line (NV PTP = 16%). Finishing out the top three most discussed PTP facts was information regarding money conflicts between the couple (that is, the loan, debt, and inheritance; ND = 10% and NV = 13%).

Some PTP facts were corrected more often than others (see [Tables H and I, section 2](#), in the online supplemental materials), but given the infrequency that most facts were discussed not much should be inferred by this. That said, for both types of PTP self-correction was the most common form of correction. Most often the reason given by correcting juror was “Cannot use—Not in trial” (see [Tables H and I, section 2](#), in the online supplemental materials). Finally, of 90 times that PTP was mentioned on mixed ND-no and mixed NV-no juries it was corrected only once by a no-PTP juror (see [Tables H and I, section 2](#), in the online supplemental materials). This is most likely attributable to no-PTP jurors having no knowledge of the information presented in the PTP.

Therefore, no-PTP jurors could only correct by stating that the fact was not in the trial.

As to differences in jurors’ reactions to ND PTP versus NV PTP, it is noteworthy that the most common reaction to the discussion/correction of ND-PTP was to bring up more PTP, whereas the most common response to NV-PTP discussion/correction was to move the deliberation on to the discussion of a trial fact (see [Tables H and I, section 3](#), in the online supplemental materials). This could partially explain the greater discussion of PTP on pure ND and mixed ND-no juries than on Pure NV and mixed NV-no juries. Another interesting difference in the reaction to ND PTP versus NV PTP discussion is that jurors were more likely to question the source of ND-PTP than NV-PTP. This could be because discriminating between information presented at trial and information read in the ND-PTP was a more difficult source-discrimination task than discriminating between the trial and the NV PTP.

H4: Mediation Analyses

Table 3 provides the descriptive statistics for jurors’ postdeliberation guilt assessments as a function of jury composition condition, which are used in the mediation analyses below. It also presents these statistics for each PTP condition as a function of jury composition. Jury-level verdict outcomes are provided in the [online supplemental materials](#) (see Table F), and consistent with Ruva and Gunther some conditions have a high proportion of hung juries (that is, Pure No and Pure ND).

Process model 4 (Hayes, 2018) was used to explore whether the slant (defense side and prosecution side) of trial fact discussions would mediate the effect of jury composition on postdeliberation

Table 3
Postdeliberation Individual Juror Verdicts and Guilt Ratings

Jury type	<i>n</i>	Guilty verdicts	Guilt ratings
All Jurors			
Pure NV	59	10 (17%)	3.05 (1.42)
Pure No	55	26 (47%)	4.20 (1.88)
Pure ND	47	29 (62%)	5.21 (1.50)
Mix NV-No	59	24 (41%)	3.90 (1.87)
Mix NV-ND	60	26 (43%)	4.17 (1.53)
Mix ND-No	53	35 (66%)	5.34 (1.91)
Totals	333	150 (45%)	4.26 (1.86)
NV-PTP jurors			
Pure NV	59	10 (17%)	3.05 (1.42)
Mix NV-No	31	11 (36%)	3.52 (1.88)
Mix NV-ND	31	9 (29%)	3.77 (1.48)
Totals	121	30 (25%)	3.36 (1.58)
No-PTP jurors			
Pure No	55	26 (47%)	4.20 (1.88)
Mix NV-No	28	13 (46%)	4.32 (1.81)
Mix ND-No	28	19 (68%)	5.43 (1.91)
Totals	111	58 (52%)	4.54 (1.93)
ND-PTP jurors			
Pure ND	47	29 (62%)	5.21 (1.50)
Mix NV-ND	29	17 (59%)	4.59 (1.50)
Mix ND-No	25	16 (64%)	5.24 (1.94)
Totals	101	62 (61%)	5.04 (1.63)

Note. Pure = all jurors exposed to the same type of PTP; Mixed = approximately half of the jurors exposed to one type of PTP and the other half exposed to another type of PTP; NV = negative-victim PTP; ND = negative-defendant PTP; No = unrelated to trial PTP. Guilt ratings ranged from 1 = *not guilty and completely confident* to 7 = *guilty and completely confident*. Verdict percentages appear in parentheses following their respective frequencies, and SDs for guilt ratings appear in parentheses following their respective means.

Table 4
Mediation Model Examining the Direct and Indirect Effects of Jury Composition on Postdeliberation Guilt Ratings

Variable	Effect	SE	<i>t</i>	<i>p</i>	LL	UL	Total Effect (<i>c</i>)	SE	<i>t</i>	<i>p</i>
Pure no (<i>c'</i>)	0.37	0.29	1.30	.19	-0.19	0.93	1.15	0.32	3.61	<.001
Pure ND (<i>c'</i>)	0.97	0.31	3.15	.002	0.36	1.58	2.16	0.33	6.51	<.001
Mix NV-no (<i>c'</i>)	0.52	0.28	1.85	.07	-0.03	1.07	0.85	0.31	2.71	.01
Mix NV-ND (<i>c'</i>)	0.50	0.27	1.79	.07	-0.050	1.04	1.12	0.31	3.58	<.001
Mix ND-no (<i>c'</i>)	1.35	0.30	4.58	<.001	0.77	1.93	2.29	0.32	7.12	<.001
Defense Side (<i>b</i> ₁)	-3.19	0.71	-4.46	<.001	-4.60	-1.78	—	—	—	—
Prosecution Side (<i>b</i> ₂)	2.01	0.66	3.06	.002	0.72	3.30	—	—	—	—
Effect of jury composition on mediators							Indirect effect on guilt ratings			
Mediators	Effect	SE	<i>t</i>	<i>p</i>	LL	UL	Effect	SE	LL	UL
Defense side**										
Pure no (<i>a</i> ₁)	-0.15	0.03	-4.61	<.001	-0.21	-0.08	0.47	0.14	0.22	0.76
Pure ND (<i>a</i> ₂)	-0.22	0.03	-6.53	<.001	-0.28	-0.15	0.69	0.18	0.37	1.05
Mix NV-no (<i>a</i> ₃)	-0.02	0.03	-0.77	.44	-0.09	0.04	0.08	0.13	-0.18	0.36
Mix NV-ND (<i>a</i> ₄)	-0.10	0.03	-3.22	.001	-0.16	-0.04	0.32	0.13	0.11	0.60
Mix ND-no (<i>a</i> ₅)	-0.16	0.03	-4.83	<.001	-0.22	-0.09	0.49	0.14	0.24	0.80
Prosecution side**										
Pure no (<i>a</i> ₁)	0.15	0.03	4.46	<.001	0.09	0.22	0.31	0.10	0.12	0.51
Pure ND (<i>a</i> ₂)	0.25	0.04	6.83	<.001	0.18	0.32	0.50	0.16	0.19	0.84
Mix NV-no (<i>a</i> ₃)	0.13	0.03	3.71	<.001	0.06	0.19	0.25	0.12	0.06	0.51
Mix NV-ND (<i>a</i> ₄)	0.15	0.03	4.39	<.001	0.08	0.22	0.30	0.11	0.11	0.54
Mix ND-no (<i>a</i> ₅)	0.22	0.04	6.29	<.001	0.15	0.29	0.44	0.15	0.16	0.76

Note. LL = lower limit of the confidence interval; UL = upper limit of the confidence interval. The table presents the simple mediation model (Process model 4; Hayes, 2018) for the direct and indirect effects of jury prosecution side, and (3) defendant credibility ratings. The bootstrapping method with bias corrected 95% confidence intervals (based on 5,000 bootstrap samples) was used. Jury Composition was coded as follows: 1 = Pure NV, 2 = Pure No, 3 = Pure ND, 4 = Mix NV-no, 5 = Mix NV-ND, and 6 = Mix ND-no. The pure NV condition was treated as the comparison group because of our expectations (and confirmation) that juries in this condition would be the most likely to discuss trial evidence in a prodefense manner, the least likely to discuss trial evidence in a prosecution manner, and have the lowest postdeliberation guilt ratings.

* *p* < .05. ** *p* < .01.

guilt ratings. The specific model tested was jury composition (X) → trial fact discussion slant defense and prosecution side (M) → postdeliberation juror guilt ratings (Y). The two mediators were entered simultaneously into the model and the bootstrapping method with bias corrected confidence intervals (based on 5,000 bootstrap samples) was used (Hayes, 2018). For these analyses jury composition was coded as follows: 1 = Pure NV, 2 = Pure no, 3 = Pure ND, 4 = Mixed NV-no, 5 = Mixed NV-ND, and 6 = Mixed ND-no. Pure NV was the comparison group because we expected it to have the lowest guilt ratings and greatest defense-side discussion. Also, it was found to reliably differ from most jury composition conditions on jury verdicts and the slant of trial fact discussions.

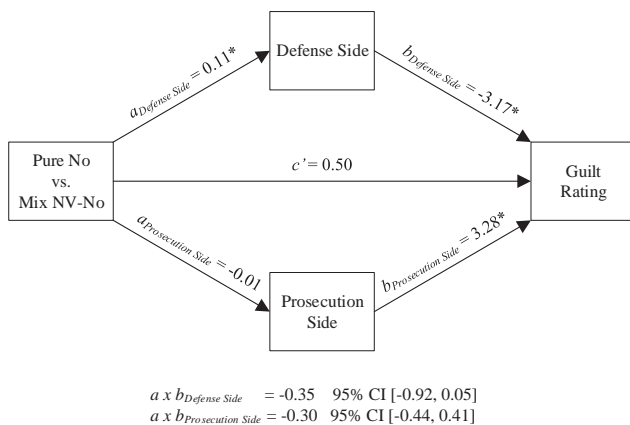
The effects of jury composition on the mediators (a) were consistent with those described previously in this paper (see Table 4), with all contrast reaching significance except the Pure NV versus Mix NV-no for defense side. In addition, the mediators had a significant effect on guilt ratings (b), with greater defense side discussion resulting in lower guilt ratings and greater prosecution side discussion resulting in higher guilt ratings (see Table 4). Prior to entering the mediators into the model, the guilt ratings of the pure NV-PTP jurors significantly differed from all other jury composition conditions in the expected direction (see Table 4, Total Effect). With the mediators in the model, the effect of jury composition on guilt ratings (c') remained significant for the contrasts between pure NV and the pure ND and mixed ND-no conditions only (see Table 4). That said, each jury composition condition indirectly predicted guilt ratings via the mediators each predicted (see Table 4 – Indirect Effect). Fundamentally, this means that

the effect of jury composition on guilt ratings is attributable to jury composition's influence on the slant of trial evidence discussion. Through biasing the slant of the deliberations, the distribution of PTP on a jury (that is, jury composition) influences guilt ratings and, possibly, the outcome of trials.

Although the mediation analyses above can explain the direct and indirect effects of jury composition on postdeliberation guilt ratings, they do not explore these effects at a specific level of PTP (that is, NV-PTP, no-PTP, and ND-PTP). Therefore, three additional mediation analyses were run (one for each PTP type) using Process model 4 (Hayes, 2018) and the same model specifications noted above, with the pure jury condition as the comparison group. These analyses found significant indirect effects of trial fact discussion slant on the guilt ratings of no-PTP and NV-PTP jurors, but not those of ND-PTP jurors. Therefore, only the no PTP and NV PTP analyses are presented below.

For the no-PTP jurors the effect of jury composition on the mediators (a) was dependent on jury composition condition (see Figures 6 and 7). Specifically, for the contrast between pure no versus mixed NV-no, jury composition only had a significant effect, in the expected direction, on defense side discussion, $a = .11$, $t(108) = 2.78$, $p = .006$, 95% CI [.03, .19]. For the contrast between pure no versus mixed ND-no, jury composition only had a significant effect, in the expected direction, on prosecution side discussion, $a = .08$, $t(108) = 1.98$, $p = .049$, 95% CI [.03, .19]. Consistent with the mediation analyses above, the mediators had a significant effect on guilt ratings, with greater defense side discussion resulting in lower guilt ratings and greater prosecution side discussion resulting in higher guilt ratings (see Figures 6 and 7), $b = -3.17$ and 3.28 , $ts(108) = -2.12$ and 2.23 , $ps = .04$ and $.03$, 95% CIs [-6.14, -.21] and [.36, 6.19]. With the mediators in the

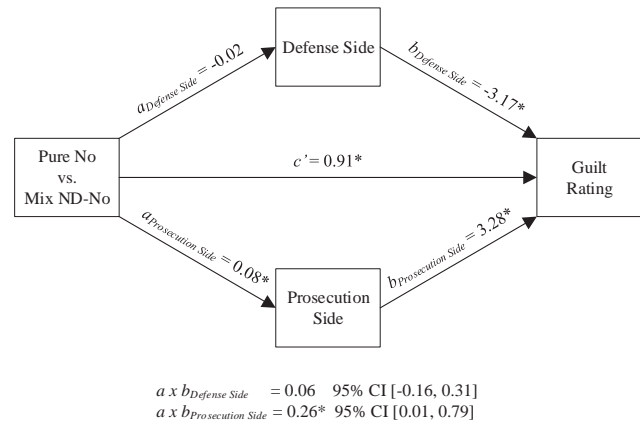
Figure 6
No-PTP Jurors (Pure No vs. Mix NV-No): Mediation Model Examining the Direct and Indirect Effects of Jury Composition on Postdeliberation Guilt Ratings



Note. The simple mediation model (Process Model 4, Hayes, 2018) for the direct and indirect effects of Jury Composition (Pure No vs. Mix NV-No) on the guilt ratings of No-PTP jurors, with the following mediators entered simultaneously: (a) percentage of trial fact time supporting defense side and (b) percentage of trial fact time supporting prosecution side. The bootstrapping method with bias corrected confidence intervals (based on 5,000 bootstrap samples) was used.

* $p < .05$.

Figure 7
No-PTP Jurors (Pure No vs. Mix ND-No): Mediation Model Examining the Direct and Indirect Effects of Jury Composition on Postdeliberation Guilt Ratings



Note. The simple mediation model (Process Model 4, Hayes, 2018) for the direct and indirect effects of Jury Composition (Pure No vs. Mix NV-No) on the guilt ratings of No-PTP jurors, with the following mediators entered simultaneously: (a) percentage of trial fact time supporting defense side and (b) percentage of trial fact time supporting prosecution side. The bootstrapping method with bias corrected confidence intervals (based on 5,000 bootstrap samples) was used.

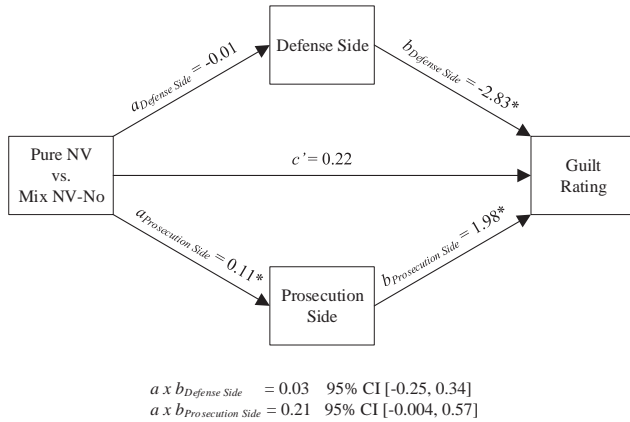
* $p < .05$.

model (and prior to entering them), the effect of jury composition on guilt ratings was only significant for the pure no versus mixed ND-no contrast, $c' = .91$, $t(108) = 2.42$, $p = .02$, 95% CI [.16, 1.65]. Importantly, only prosecution side had a significant indirect effect on guilt ratings, and only for the contrast between the pure no versus mixed ND-no, $ab = .26$, 95% CI [.01, .79]. Therefore, consistent with the model above, the effect of jury composition on the no-PTP jurors' postdeliberation guilt ratings is due to jury composition's influence on the slant of trial evidence discussion. When the no-PTP jurors deliberated with ND-PTP jurors the slant of juries' trial fact discussions was biased toward the prosecution, which ultimately influenced these jurors' guilt ratings—resulting in higher guilt ratings than their pure no-PTP counterparts.

For the NV-PTP jurors the effect of jury composition on the mediators (a) was dependent on the jury composition condition (see Figures 8 and 9). Specifically, for the defense side mediator only the contrast between pure NV versus mixed NV-ND juries was significant, $a = -.09$, $t(118) = -2.08$, $p = .03$, 95% CI [-.18, -.01]. For the prosecution side mediator both contrasts were significant, $a = .11$ and $.14$, $ts(118) = 2.51$ and 3.22 , $ps = .01$ and $.002$, 95% CIs [.02, .19] and [.05, .22]. Once again, the mediators had a significant effect on guilt ratings, with greater defense side discussion resulting in lower guilt ratings and greater prosecution side discussion resulting in higher guilt ratings, $b = -2.83$ and 1.98 , $ts(118) = -2.99$ and 2.12 , $ps = .003$ and $.04$, 95% CIs [-4.70, -.95] and [.13, 3.83]. Prior to entering the mediators into the model, the effect of jury composition on guilt ratings was significant only for the pure NV versus mixed NV-ND contrast, $c = .72$, $t(118) = 2.09$, $p = .04$, 95% CI [.04, 1.41]. With the mediators in the model (c'), the effect of jury composition on guilt

Figure 8

NV-PTP Jurors (Pure NV vs. Mixed NV-No): Mediation Model Examining the Direct and Indirect Effects of Jury Composition on the Postdeliberation Guilt Ratings



Note. The simple mediation model (Process Model 4, Hayes, 2018) for the direct and indirect effects of Jury Composition (Pure NV vs. Mixed NV-No) on the Postdeliberation Guilt Ratings of NV-PTP Jurors, with the following mediators entered simultaneously: (a) percentage of trial fact time supporting defense side and (b) percentage of trial fact time supporting prosecution side. The bootstrapping method with bias corrected confidence intervals (based on 5,000 bootstrap samples) was used.

* $p < .05$.

ratings was not significant for either contrast, $ts(118) = .71$ and $.61$, $ps = .48$ and $.54$. Both mediators had a significant indirect effect on the guilt ratings, but only in the model contrasting pure NV and mixed NV-ND jurors, $ab = .26$ and $.28$, 95% CI [.05, .55] and [.01, .62]. Therefore, the effect of jury composition on the NV-PTP jurors' guilt ratings is due to jury composition's influence on the slant of trial evidence discussion. When NV-PTP jurors deliberated on pure juries their deliberations had a greater prodefense slant than their ND-NV counterparts, whose jury deliberations had a greater proprosecution slant, which ultimately influenced their postdeliberation guilt ratings.

Effect of Time of Test and Jury Composition on Guilt Ratings

Using SAS Proc Mixed, we conducted three 2 (Time: predeliberation vs. postdeliberation guilt ratings) \times 3 (jury composition) mixed ANOVAs to further explore the following: (a) transfer of bias from PTP-exposed jurors to no-PTP jurors and (b) reduction in bias on mixed juries. First, for the ND-PTP jurors the effects of jury composition, time, and jury composition \times time were not significant, $F_s < .70$, $ps > .51$. Second, for the no-PTP jurors only the time \times jury composition interaction had a significant effect on guilt ratings, $F(2, 108) = 4.34$, $p = .015$, $\omega^2 = .07$. Only the guilt ratings of no-PTP jurors who deliberated on ND-no juries significantly differed across time—increasing from predeliberation to postdeliberation (see Figure C and Table G in the online supplemental materials), $t(108) = -2.44$, $p = .02$, 95% CI [-1.17, -.12]. Also, after deliberations only the guilt ratings of pure-no jurors and ND-no jurors significantly differed, with ND-no jurors having higher ratings, $t(108) = -2.03$, $p = .045$, 95% CI [-1.52, -.02].

These findings suggest bias transfer from ND-PTP jurors to no-PTP jurors during deliberations.

For the NV-PTP jurors, once again only the Time \times Jury Composition interaction was significant, $F(2, 109) = 5.69$, $p = .005$, $\omega^2 = .11$. Time of test had a significant effect on the guilt ratings of pure NV jurors and mixed NV-ND jurors, with the direction of this effect differing (see Figure D and Table G in the online supplemental materials), $ts(109) = 2.67$ and -2.25 , $ps = .01$ and $.03$, 95% CI [.13, .91] and [-1.19, -.07], respectively. Specifically, from pre- to postdeliberations the pure NV jurors' guilt ratings significantly decreased (in the direction of their prodefense bias) and the mixed NV-ND jurors' guilt ratings increased (suggesting a reduction in bias). This resulted in the guilt ratings of pure NV and mixed NV-ND jurors being significantly different after deliberations, with pure NV jurors having lower guilt ratings, $t(109) = 2.02$, $p = .046$, 95% CI [.01, 1.43].

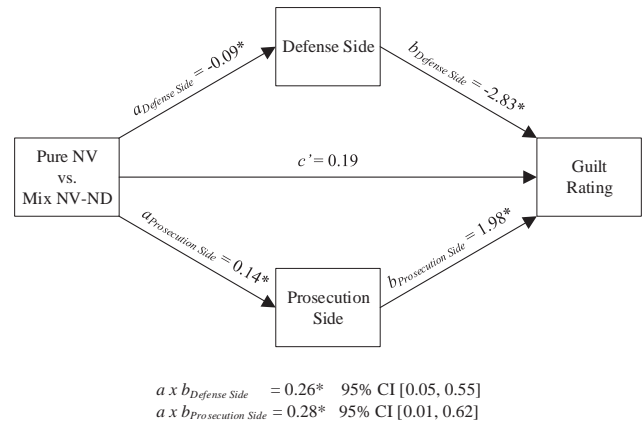
Taken together these findings suggest an increase in bias for the pure NV jurors (polarization effect), a decrease in bias for NV-PTP jurors who deliberated with ND-PTP jurors, and a spread of bias from ND-PTP jurors to no-PTP jurors during deliberations. Interestingly, the guilt ratings of both the no-PTP and NV-PTP jurors increased from pre- to postdeliberations when they deliberated with ND-PTP jurors. The above findings can be explained by the mediation analyses that preceded them—the PTP composition on the jury influenced the slant of trial fact discussion, which ultimately influenced postdeliberation guilt assessments.

Discussion

The present study demonstrates that regardless of PTP type (ND or NV), it biases jurors' verdicts. Importantly, this is the first study to

Figure 9

NV-PTP Jurors (Pure NV vs. Mixed NV-ND): Mediation Model Examining the Direct and Indirect Effects of Jury Composition on the Postdeliberation Guilt Ratings



Note. The simple mediation model (Process Model 4, Hayes, 2018) for the direct and indirect effects of Jury Composition (Pure NV vs. Mixed NV-ND) on the Post-deliberation Guilt Ratings of NV-PTP Jurors, with the following mediators entered simultaneously: (a) percentage of trial fact time supporting defense side and (b) percentage of trial fact time supporting prosecution side. The bootstrapping method with bias corrected confidence intervals (based on 5,000 bootstrap samples) was used.

* $p < .05$.

demonstrate that jury composition (i.e., distribution of PTP bias on a jury) influences the valence and content of jury deliberations, as well as the deliberation style (i.e., verdict or evidence driven). Notably, the valence of trial fact discussion was found to mediate the effect of jury composition on postdeliberation guilt assessments and to be a source of PTP bias transfer. In addition, jury composition was found to affect the frequency and slant of PTP discussion. These findings highlight the threat that PTP poses to cases garnering considerable media exposure, with ND PTP threatening a defendant's Sixth Amendment right to a fair trial, and NV PTP threatening the prosecution's ability to prove guilt. It also suggests that jury deliberations are not wholly effective at reducing PTP bias. In fact, deliberations can actually be a means through which PTP bias—via the slant of evidence discussion—is transferred from PTP-exposed jurors to jurors not previously exposed to PTP.

Valence of Trial Fact Discussion

PTP influenced jurors' predeliberation verdicts in the expected direction (i.e., NV PTP = lower likelihood of guilty verdict; ND PTP = greater likelihood of guilty verdict). This allowed us to explore whether jury composition (distribution of PTP bias) affected deliberation slant and content (i.e., was bias reduced or spread on mixed juries). Consistent with predecisional distortion theory (Carlson & Russo, 2001; Russo et al., 1998) and the story model (Pennington & Hastie, 1988, 1993), jury composition influenced the valence of evidence discussion, suggesting biased encoding of trial evidence by PTP-exposed jurors. This finding is also consistent with the persuasive argument theory (Vinokur & Burstein, 1974) and suggests that jury members actively sought out information that confirmed their bias and discarded information that did not (Jonas et al., 2001). This bias was most evident for the pure NV juries whose trial fact discussions strongly favored the defense and was also evident for the pure ND juries whose deliberation slant favored the prosecution. Consistent with their pure jury counterparts, PTP bias was also evident in the deliberations of mixed NV-no and mixed ND-no juries—thus deliberating with nonexposed jurors did not result in a significant reduction of bias. Importantly, the slant of the trial fact discussion was found to affect postdeliberation guilt assessments (e.g., prosecution side discussion resulted in higher guilt ratings) and mediated the effect of jury compositions on these guilt assessments.

The more evident bias of the pure NV juries could be attributable to the reasonable doubt standard and the associated defendant protection norm. This norm is thought to be responsible for the leniency shift in which jurors are less likely to render guilty verdicts after deliberations than before them (Kerr, 1993; Waters & Hans, 2009). A leniency shift was found for the pure NV jurors (see Figure D in the online supplemental materials), which could also be interpreted as group polarization given these jurors' prodefense bias. Therefore, it may be acceptable for jurors to openly show bias that favors the defendant (reasonable doubt) but not bias that is antidefense or proprosecution (violation of the reasonable doubt standard). Because the bias restriction hypothesis suggests the ND-PTP jurors may have attempted to appear unbiased (Jonas et al., 2001), but owing to biased encoding of trial evidence (Carlson & Russo, 2001; Hope et al., 2004; Ruva et al., 2011), a balanced discussion of trial evidence was not possible. Hence, the pure ND and mixed ND-no juries' trial fact discussions favored

the prosecution (see Figures 2 and 3). Importantly, all jury composition conditions spent a good percentage of their deliberation time discussing judicial instructions (range = 11% to 16%), which highlighted the reasonable doubt standard.

Taken together the above findings suggest that individual biases can be remarkably resilient even when presented with evidence to the contrary (deliberating on mixed NV-ND juries), which has been termed belief perseverance (Ross et al., 1975). In fact, a person who feels strongly may strengthen their belief when presented with evidence that opposes their initial impression (Ross et al., 1975). However, when people with moderate views (no-PTP jurors), who are motivated to be accurate, are presented with clear evidence that is contrary to their beliefs, they will shift their beliefs because they cannot justify them (Anglin, 2019). This could explain why PTP bias was evident in the mixed ND-no juries (no-PTP jurors with moderate views shifted their beliefs to align with those of the ND-PTP jurors) and why the guilt ratings of no-PTP jurors who deliberated on these juries increased from predeliberations to postdeliberations (see Figure C in the online supplemental materials). In support of this conclusion, the mediation analyses suggest that PTP bias was transferred from ND-PTP jurors to no-PTP jurors during deliberation via biased evidence discussion, which resulted in no-PTP jurors who deliberated on ND-no juries having higher postdeliberation guilt ratings than their pure counterparts (see Figure 7).

Deliberation Style

Not only did jury composition influence the slant of the jury's deliberation, but it also influenced the jury's deliberation style (i.e., evidence vs. verdict driven). Based on research and theory we defined verdict-driven deliberations as those consisting of a higher rate of straw polls, greater discussion of verdict in general, and less discussion of trial evidence (Hastie & Pennington, 1991; Pennington & Hastie, 1990; Takada & Murata, 2014). According to this definition only the pure NV juries showed evidence of being verdict driven. This may be attributable to NV-PTP jurors' high rate of predeliberation verdict agreement (73% voting not guilty), and thus the focus of their deliberations was to convince the minority of jurors who believed the defendant was guilty to change their verdicts. Therefore, the focus of deliberations was on polling, discussion of verdict preferences, and evidence supporting a not guilty verdict. Also, as noted above, biases favoring the defendant may be seen as more acceptable than those favoring the prosecution (defendant protection norm and reasonable doubt)—allowing for a verdict-driven style of deliberations on pure NV juries.

PTP Discussion and Correction

Although juries were admonished not to discuss PTP, most of the PTP-exposed juries (48 of 53) discussed PTP during deliberations, with a majority of this discussion going uncorrected. Importantly, jury composition significantly influenced the amount and slant of PTP discussion but not PTP correction. Pure ND juries discussed PTP more often during deliberations than pure NV and mixed NV-no juries. The more frequent discussion of PTP on pure ND juries could be attributable to the ND PTP fitting the trial story better than NV PTP, allowing jurors to fill in trial story gaps and

for the greater likelihood of source misattributions (discussed below). Surprisingly, not only did pure NV juries spend less time discussing PTP than pure ND juries, when they did discuss PTP they were more likely to do so in an ambiguous fashion (69% of the time). This could be attributable to NV PTP being easier to differentiate from trial evidence than ND PTP—thus NV jurors were more cautious when discussing PTP during deliberations and less likely to confuse it with trial evidence (source misattributions). Finally, the deliberations of mixed juries did not result in a significant reduction of PTP discussion or increase in PTP correction. Therefore, contrary to the courts' belief that unbiased jurors will correct biased jurors (Bourgeois et al., 1995; Studebaker & Penrod, 1997), deliberating with unbiased or differently biased others did not significantly increase correction nor reduce PTP discussion. In fact, the no-PTP jurors on mixed PTP juries were unlikely to correct PTP discussion and did so only once out of the 90 instances of PTP discussion. This lack of correction by no-PTP jurors is likely a result of them being unaware of the information contained in the PTP, and so they were only able to correct PTP discussion by stating that it was not in the trial. Importantly, the majority of PTP correction was self-correction. This can also explain why significant increases in PTP correction were not found on mixed juries—one would not expect mixed juries to affect the frequency of self-corrections. Finally, it is noteworthy that the mixed NV-ND juries rate of correction and its effectiveness appear different than the other jury composition conditions (see Figures A and B in the online supplemental materials), suggesting that having contradictory information could result in greater PTP correction.

Why might jurors discuss PTP when being admonished not to and fail to correct others who discuss PTP? Possible explanations include that jurors are unaware that they are discussing PTP (source memory errors) and jurors knowingly discuss PTP (disregard judicial instructions). The reverse suggestibility paradigm (Rantzen & Markham, 1992) and source monitoring (Johnson et al., 1993) have been used by researchers to explain how PTP can influence jurors' memory of trial information (Ruva & McEvoy, 2008; Ruva et al., 2007). Specifically, jurors often misattribute information presented only in the PTP (misinformation) to the trial (or to-be-remembered event). When such source memory errors occur, jurors would not disregard the information presented in PTP, even when striving to follow judicial instruction, and would be likely to discuss this information during deliberations (Ruva & Guenther, 2015; Ruva & LeVasseur, 2012). In the present study, jurors often discussed PTP without any indication of its source (see Supplemental Materials Tables H and I). Of course, this does not mean that jurors were unaware of the PTP's source—only that they did not mention it. Even when such source memory errors are corrected during deliberations, the Continued Influence Effects suggests that they can continue influencing the beliefs of jurors (see Lewandowsky et al., 2012, for a review).

Of course, PTP discussion, and failure to correct it, could have resulted from jurors' knowingly discussing PTP (or allowing its discussion), which appears to be the case for the majority of PTP discussion in the present study (see Tables H and I in the online supplemental materials). Sommers and Kassin (2001) suggest that jurors may selectively comply with judicial instructions to arrive at a "just" verdict (e.g., defendant either deserves punishment or acquittal). Past research suggests that jurors' views of "just"

verdicts will be influenced by PTP exposure (Ruva & Guenther, 2015). In the present study, the ambiguous trial (did not strongly favor either verdict) may have resulted in PTP-exposed jurors—especially those exposed to ND-PTP—believing that discussion of PTP was necessary to arrive at a "just" verdict. In support of this, the most common reaction to the discussion/correction of ND PTP was to discuss more ND PTP; whereas the most common reaction to the discussion/correction of NV PTP was to discuss trial evidence (see Tables H and I in the online supplemental materials).

Applications and Recommendations

The present findings provide evidence that courts' reliance on judicial instructions and deliberations to correct juror bias associated PTP exposure is problematic, and in high-profile cases will likely result in the violation of a defendant's Sixth Amendment right to an impartial jury as well as jeopardize the prosecution's ability to prove guilt. When juries were composed of a mixture of PTP-exposed and no-PTP jurors, bias correction was not observed—although evidence of bias transfer was observed. Importantly, not only did juries having PTP-exposed jurors on them discuss PTP, these juries demonstrated bias in how they discussed trial evidence. Their biased trial evidence discussions are likely due to biased encoding of this evidence, whereas some PTP discussion could result from source misattributions. Therefore, PTP-exposed jurors are likely unaware of their bias, and thus it is unlikely to be remedied by deliberations or judicial instructions. The courts have other remedies at their disposal to combat PTP bias. Unfortunately, those that appear most promising suffer from some of the same limitations as jury instructions and deliberations (e.g., voir dire)—assume that jurors can assess and correct their own bias (Dexter et al., 1992; Kerr et al., 1991; Ruva, 2018), whereas others are infrequently granted because of legal standards that are difficult to attain (e.g., change of venue; Moran & Cutler, 1991; *Mu'Min v. Virginia*, 1991; *Murphy v. Florida*, 1975).

To further complicate the discussion of bias correction, the courts and social scientists have vastly different definitions of what constitutes bias. The courts consider prospective jurors free from PTP bias if they abstain from stating that they were prejudiced by the PTP (*Mu'Min v. Virginia*, 1991). This definition assumes that jurors can assess and correct their own bias. Importantly, social science research suggests such bias identification and correction is difficult, if not impossible, to achieve (Ruva, 2018; Wilson & Brekke, 1994; Wilson et al., 2002). For example, even if PTP-exposed jurors believe that they can put aside bias and judge the defendant solely on the evidence presented at trial, they may be unable to do so given source confusions (misattribute PTP to trial; Ruva & Guenther, 2015; Ruva et al., 2007) and predecisional distortion (bias encoding of trial evidence in the direction of the PTP bias; Hope et al., 2004; Ruva et al., 2011) that are outside of conscious control. Therefore, to effectively remedy PTP bias in high-profile cases, the courts must understand how it influences jurors and explore remedies that can effectively combat it (e.g., those that effectively challenge or remove bias).

Limitations

This study suffers from similar limitations of other jury simulation research, which relate to ecological and external validity. Although the participants deliberated in circumstances much like

an actual trial, the participants were shown a 21-minute trial and were limited to 25 minutes of deliberations, both of which were much shorter in duration than actual trials. The time limit imposed on the deliberations was necessary to ensure an adequate sample size (time and logistics) and allow for the content analysis of a large number of these deliberations ($N = 63$). Another limitation is that jurors in the present study did not go through the voir dire process to assess their potential bias against the defendant. That said, research suggests that voir dire is an ineffective remedy for PTP bias because potential jurors are unable to accurately assess or report on their own bias (Kerr et al., 1991; Ruva, 2018; Sue et al., 1975). In addition, research suggests that attorneys and judges are unable to accurately assess potential juror bias caused by PTP (Kramer et al., 1990). Although there are limitations in the ability of jurors, judges, and attorneys to assess juror bias, voir dire can be useful to reveal what jurors have heard about a case. This information can be used by attorneys to strike jurors who report knowing a lot of information from one side of the case (e.g., ND PTP). An additional limitation was that 49% of our juries had fewer than six jurors on them. Not only does this limit ecological validity, but it also limits the possible influence of group polarization—a minority faction of one or two jurors on a four- or five-person jury would be stronger than if on a six- or 12-person jury. Additionally, given that a large percentage of pure no and pure ND juries failed to reach a verdict (40% were hung), we cannot know for sure whether PTP would have affected jury verdicts. Finally, participants were aware of being videotaped, which would not be allowed during the deliberations of an actual criminal trial. Although videotaping deliberations may have impacted ecological validity, it was vital because it allowed for the precise measurement of deliberation content, slant, and duration.

External validity may have been compromised because the participants were limited to students from one Southeastern university. This was mitigated by using students from two campuses (miles apart). These campuses have different demographics: the first has a traditional younger resident population, and the second, a nonresidential campus, has a population of older students who are generally employed and have families. Finally, such detailed PTP as we present in *New Mexico v. Gilbert* (which was derived from actual PTP surrounding the case) may be uncommon in cases that garnish little media attention, but high-profile cases such as those of Casey Anthony or George Zimmermann, as well as Curtis Reeves, dubbed the “movie theater killer,” and Travis and Gregory McMichael have a similar (or even greater) amounts of antidefendant and/or prodefendant detail. Some are very much like a soap opera. The family and friends of the defendants are interviewed by the media, as are those of the victims. Details from their private lives are exploited by the media and used to support or elaborate upon facts surrounding their case.

Future Directions

This is the first study, that we are aware of, to compare the slant and content of jury deliberations having varying PTP compositions (pure vs. mixed)—therefore more exploration is needed. Also, this study is only one of four studies (Bruschke et al., 2016; Ruva & Coy, 2020; Ruva & Guenther, 2017) to explore how the distribution of PTP bias on juries affects postdeliberation guilt assessments. In the current study, and in all but one of the prior studies,

the distribution of PTP bias was roughly equal on the mixed juries (e.g., half exposed to ND PTP and half to no PTP). Therefore, exploring PTP bias on juries having a clear majority/minority is needed. Also missing from the present study and prior research is an examination of how individual difference variables (e.g., need for cognition, emotionality, and internal-external control) interact with PTP and jury composition to influence verdicts and deliberation behaviors. Finally, although difficult and time consuming to perform, important information can be gained from following individual jurors' deliberation behaviors and verdicts from predeliberation through postdeliberation to explore the impact of PTP and jury composition on them.

Conclusions

This study contributes to field of jury decision-making by drawing back the jury room curtains and observing the conversations within. These conversations were found to be affected by the distribution of PTP bias on a jury. Specifically, jury composition influenced what juries spent their deliberation time discussing (e.g., trial facts and PTP) and the valence of their deliberations (i.e., prodefense vs. prosecution). Importantly, the valence of evidence discussion was found to be a mechanism through which jury composition influenced jurors' postdeliberation guilt assessments. Unfortunately, neither a reduction in the biased slant of these discussions nor a decrease in PTP discussion (or an increase in correction) was observed on juries consisting of PTP-exposed jurors and jurors not exposed to PTP. Instead, bias transfer from ND-PTP jurors to no-PTP jurors was evident. These findings are concerning given that the courts depend on deliberations to correct individual juror bias. This study suggests that such dependence is unjustified and will likely result in violations of defendant's Sixth Amendment right to fair trial, as well as challenge the prosecution's ability to prove guilt. Some courts are beginning to recognize the influence of implicit or unconscious bias on jurors (e.g., *United States District Court, Western District of Washington*, 2017) when it comes to race, gender, or age but appear unwilling to do the same for biases that result from sensationalized media coverage. Until the courts are willing to do so, effective remedies for PTP bias will not be found.

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(Appendices follow)

Appendix A

Judicial Instructions: New Mexico v. Gilbert Trial

Preliminary Judicial Instructions

The honorable judge Frank Allen Jr. is the presiding judge for this trial:

Ladies and gentlemen of the jury: You have been selected and sworn as the jury to try the case of state of New Mexico v. Gilbert. This is a criminal case in which Terri Gilbert is charged with first degree murder.

The defendant has entered a plea of not guilty. This means you must presume or believe the defendant is innocent. The presumption stays with the defendant as to each material allegation in the indictment through each stage of the trial unless it has been overcome by the evidence to the exclusion of and beyond a reasonable doubt. To overcome the defendant's presumption of innocence, the state has the burden of proving the crime with which the defendant is charged was committed and the defendant is the person who committed the crime.

A reasonable doubt is not a mere possible doubt, a speculative, imaginary, or forced doubt. Such a doubt must not influence you to return a verdict of not guilty if you have an abiding conviction of guilt. On the other hand, if, after carefully considering, comparing, and weighing all the evidence, there is not an abiding conviction of guilt, or, if, having a conviction, it is one which is not stable but one which wavers and vacillates, then the charge is not proved beyond every reasonable doubt and you must find the defendant not guilty because the doubt is reasonable.

A reasonable doubt as to the guilt of the defendant may arise from the evidence, conflict in the evidence, or the lack of evidence. If you have a reasonable doubt, you should find the

defendant not guilty. If you have no reasonable doubt, you should find the defendant guilty. Your verdict must be based solely on the evidence, or lack of evidence, and the law introduced in this trial.

Posttrial Instructions

Murder—First Degree

To prove the crime of first degree premeditated murder, the state must prove the following three elements beyond a reasonable doubt:

1. Eugene Gilbert is dead.
2. the death was caused by the criminal act of Terri Gilbert.
3. there was a premeditated killing of Eugene Gilbert.

An act includes a series of related actions arising from and performed pursuant to a single design or purpose.

Killing with premeditation is killing after consciously deciding to do so. The decision must be present in the mind at the time of the killing. The law does not fix the exact period of time that must pass between the formation of the premeditated intent to kill and the killing.

The period of time must be long enough to allow reflection by the defendant. The premeditated intent to kill must be formed before the killing.

The question of premeditation is a question of fact to be determined by you from the evidence. It will be sufficient proof of premeditation if the circumstances of the killing and the conduct of the accused convince you beyond a reasonable doubt of the existence of premeditation at the time of the killing.

Appendix B

Trial Summary

Summary of Case Provided by Narrator

"This is the trial of Terri Gilbert, a woman accused of murdering her husband, Gene Gilbert, and tampering with evidence at the scene. Gene Gilbert died while in the home of his wife Terri Gilbert. Ms. Gilbert was home alone at the time of his arrival. She is being charged with first degree murder and one count of tampering with evidence."

Prosecution Case

The prosecution leads off their case discussing the victim, Gene Gilbert, and the fact that he was a lawyer who chose public service (county commissioner) above money. The prosecution then lets the jury know that the defendant, Terri Gilbert, has shot a handgun before in self-defense, and that the victim, Gene Gilbert, knew she had shot a handgun before in self-defense. Given this information, no reasonable person would advance in a dark basement against a person they knew had shot a handgun before in self-defense. Therefore, the defendant's claim that the victim walked down the darkened basement stairs looking for his estranged wife is not reasonable. Instead, what is reasonable is that the lights were on in the basement and the defendant ambushed the victim as he walked down the stairs. Consistent with this claim, Detective Ortiz testified that Gene Gilbert's wounds were almost straight, vertically across his chest. That is, they were close to one another as if the defendant could see exactly what she was shooting. This is counter to the defendant's claim that the basement lights were off and therefore she could not see who was on the stairs. According to Detective Ortiz even if the lights were off the defendant should have been able to see that it was her husband on the stairs. Detective Ortiz's support for this was that when she had detectives walk down the darkened basement stairs she was able to determine who was coming down the stairs (i.e., their clothing and features).

The victim's daughter, Lauren Gilbert, provided information regarding the gun found by the victim's body. The prosecution claims the gun was planted by the defendant to make it look like the victim had brought a gun with him. Lauren indicated that she saw the gun in the defendant's belongings prior to the night her father was killed. Lauren was concerned when she saw the gun because she recalled an ominous remark her stepmother, the defendant, previously made to her. The defendant told Lauren that she could not keep a gun in the house because she was afraid that if she did she would shoot Gene (the victim) and herself. Consistent with Lauren's statements indicating that the defendant had possession of the gun found by the victim's body, Detective Foster explained how the way a handkerchief was positioned over the gun, found near Gene's hand, indicated the gun and handkerchief were planted.

The prosecution further suggested that the defendant's claim of being downstairs doing laundry in the dark (without any light source) when the victim entered the home is questionable because some light would be needed to perform this task. Further, the clothing in the dryer made up a strange load (towel, jeans, white shirt). The prosecution, via Detective Foster, also questioned what time the defendant started the dryer in relation to the time that she made the 911 call. The prosecution inferred that the defendant had not been in the basement doing laundry when the victim entered her house. Instead, the defendant was lying in wait for the victim in the basement and ambushed the victim when he walked down the stairs.

Finally, the prosecution questioned how the defendant could have gotten out of the basement without getting her husband's blood on her feet. Detective Foster stated that the victim's body was right in the center of the doorway. Therefore, the defendant would have to go over the victim's body, which was surrounded by blood.

Defense Case

The defense claims that the defendant acted out of fear—she was defending herself from who she believed was an intruder. Therefore, she was not guilty by reason of self-defense.

The defense claims that the victim entered the defendant's home while the defendant was in the basement doing laundry with the lights off. When the defendant heard the victim walk across the floor, she was "scared to death." Prompting her to hide in the basement from who she believed was an intruder in her home. Contrary to the detective Ortiz's testimony, Terri Gilbert claimed that she could not make out the clothing or features of the person coming down the stairs. The defendant's claim was supported by the visibility expert, Dr. Ginsburg, who stated that there was no way to identify a person coming down the stairs under the lighting conditions (basement lights off) and with the defendant's poor vision. The defendant would only see a silhouette at the top of the stairs. The expert testified that the closer the object, the worse the defendant's vision. Couple that with the defendant not wearing glasses in the basement that night and low contrast sensitivity, any features one might normally be able to see the defendant would not see. The expert also stated that the defendant's "near vision was good, but her far vision was gone, and so when she worked on her computer she wouldn't need any glasses or contacts, because she could see that far, but once it got beyond this distance (motioning), umm, everything became blurry."

The defense countered the prosecution's claims that it was unlikely that the defendant was doing laundry without any lighting by indicating that the defendant knew the machines so

(Appendices continue)

well she did not need a light source. Also, the odd load of laundry was not odd to the defendant—it was her work uniform, and she would just throw it all in the wash together.

The defense indicated that the defendant had reason to be afraid of an intruder in her home. This was because the defendant's neighborhood was probably one of the highest crime neighborhoods in the city. The defense also emphasized that the defendant had a very short-time period to react (48 seconds) from the time she heard a noise, until the time shots were fired. During this time all she knew was that there was someone in her home, and they would not say who they were. The defendant stated that she called out "I've got a gun." The victim then took another step toward her without identifying himself, and so she shot him.

The defense questioned the victim's motives for coming to the defendant's home that night. They suggest that he may have come there to threaten or kill the defendant. They state that the victim "was up to no good, and he had a loaded gun and a prison arc handkerchief" on him when he entered the defendant's home. These statements are supported by the defendant's claim that she did not know that victim would be coming over at that time (after 9:30 p.m.), and he had never come into the house without identifying himself right away. Also, the door to her home was locked and she did not believe that the victim had a key. Finally, a gun found by Gene's hand (the second gun) belonged to Gene, who had inherited the gun from his father several months before he was killed.

Appendix C

Pretrial Publicity: Excerpts From News Stories

Crime stories Negative-defendant PTP (ND-PTP)		Crime stories Negative-victim PTP (NV-PTP)	
Story title	ND-PTP excerpts	Story title	NV-PTP excerpts
Vengeful wife lures husband to his death.	On August 18th of last year, Gene went to his wife's home. Terri Gilbert had called Gene Gilbert the night he was killed, inviting him to come over.	Detective questions Gene Gilbert's actions prior to shooting.	That night before making that final surprise visit, Terri's estranged husband . . . made a phone call inquiring where Terri was and what she was doing. Not only did Gene Gilbert call to see where his estranged wife Terri was that evening, he also thoroughly planned his surprise visit to Terri's home.
Vengeful wife lures husband to his death.	Prior to the shooting Terri recorded in her journal that she had finally thought of a way to rid herself of Gene's problems even telling her friends she had a plan to take care of the situation.	Detective questions Gene Gilbert's actions prior to shooting.	Additionally, letters were found between Gene and his mistress that spoke of a plan to rid himself of Terri. Gene had been seeing his mistress, Mary Sager, for years at this point.
Detective questioned Terri Gilbert's actions shortly after shooting.	Ten years ago, Terri shot and killed her previous husband. They were estranged at the time and Terri claimed self-defense back then as well.	Defense tells of unstable ex-husband.	Gene Gilbert's first wife, Jane Dotson, said that toward the end of their marriage she was forced to file a restraining order on Gene due to his outbursts of violent behavior. She stated "I can't believe she's being tried for Gene's murder. If anyone is at fault it's Gene. I know how he treated her, it was similar to the way he treated me with threats and bullying . . ."
Premeditated calculation? Jury to decide Gilbert's motive.	Terri was searching New Mexico's castle laws—the right to defend yourself and your home with any means possible if someone breaks in.	Defense claims a money-desperate Eugene Gilbert went after his wife.	Gene was also reported to have been seen regularly at the shooting range months before his death.
Terri Gilbert backed out of loan intended to help out her husband.	Lauren Gilbert (the victim's daughter) reported to investigators that she overheard a conversation between Terri and a "male friend" about going on a cruise together after she handled her "husband situation."	Inconsistencies in the Prosecution's case against Terri Gilbert.	The defense notes that Gene purchased a life insurance policy on Terri without her knowledge and named himself the beneficiary.

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