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ON THE POWER OF SECONDARY CONFESSIONS

by

STACY ANN WETMORE

A THESIS

**Submitted in partial fulfillment of the requirements
for the degree of Master in Arts
in
The Department of Psychology
to
The School of Graduate Studies
of
The University of Alabama in Huntsville**

HUNTSVILLE, ALABAMA

2011


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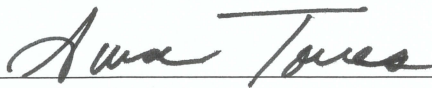
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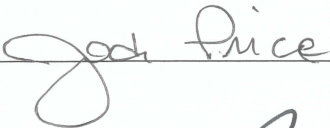
THESIS APPROVAL FORM

Submitted by Stacy Wetmore in partial fulfillment of the requirements for the degree of Master of Arts in Psychology and accepted on behalf of the Faculty of the School of Graduate Studies by the thesis committee.

We, the undersigned members of the Graduate Faculty of the University of Alabama in Huntsville, certify that we have advised and/or supervised the candidate on the work described in this thesis. We further certify that we have reviewed the thesis manuscript and approve it in partial fulfillment of the requirements for the degree of Master of Arts in Psychology.

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(Date)





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ABSTRACT
The School of Graduate Studies
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Degree: Master of Arts College/Dept. Liberal Arts/Psychology
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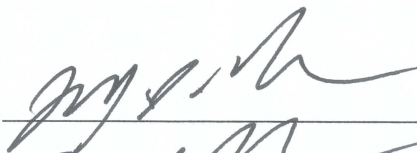

In two experiments, the current study examined the persuasive effect of secondary confession evidence on jury decision making compared to other forms of evidence.

Undergraduate participants from The University of Alabama in Huntsville read either an assault or murder trial summary containing a secondary confession, an eyewitness, and character testimony. Verdict decisions and online evaluations of the trial evidence were collected. The results indicated that the secondary confession evidence was the most incriminating piece of evidence. The implications of these findings for the broader criminal justice system, such as a reduction in wrongful convictions and increasing the safeguards against false secondary confessions from jailhouse informants, are discussed.

Abstract Approval: Committee Chair

Department Chair

Graduate Dean



Rhonda Kay Gaede

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LIST OF ABBREVIATIONS

<u>Abbreviation</u>	<u>Definition</u>
CCFAJ	California Commission on the Fair Administration of Justice
FAE	Fundamental Attribution Error

LIST OF SYMBOLS

<u>Symbol</u>	<u>Definition</u>
d	Effect size for t-test statistic
F	ANOVA statistic
M	Mean (Arithmetic average)
MS_e	Mean square error
N	Total sample size
p	Probability statistic
η_p^2	Effect Size for ANOVA
SD	Standard deviation
t	t-test statistic

CHAPTER 1

INTRODUCTION

1.1 Definitions

In recent years, psychological researchers have focused much of their attention on the causes of wrongful conviction (The Justice Project, 2007; CCFAJ, 2007). The results have revealed that false confessions are one of the leading causes of wrongful conviction (<http://www.innocenceproject.org>). There are two types of confessions: primary and secondary. A primary confession is an admission of guilt by the suspect to committing the crime, whereas secondary confessions, unlike primary confessions, are not direct admissions of guilt, but rather are statements about another person's admission of guilt. A secondary confession, therefore, is a report by a person who heard a suspect confess to committing a crime. Frequently, secondary confessions come from other inmates or jailhouse informants. A jailhouse informant refers to a person other than a co-defendant, percipient witness, accomplice, or co-conspirator whose testimony is based upon statements made by the defendant while both the defendant and the informant are held within a correctional institution (L.A. County Grand Jury, 1990). Jailhouse informants are incarcerated either because they have been convicted of a crime or because they are a suspect in an ongoing investigation. By definition, the jailhouse informant has had to have been in jail at the same time as the suspect (however, there are other types of informants). The focus of this paper will be on secondary confessions from jailhouse informants and the effect these confessions have on jury decision-making.

1.2 Prevalence

Secondary confessions are very common in criminal cases and have been identified as a leading cause of wrongful convictions in capital cases. In fact, the Center for Wrongful Conviction reviewed the cases of 111 people released from death row between 1973 and 2004. They found that 45.9% of the cases contained a false secondary confession from a jailhouse informant (Warden, 2004). According to the Innocence Project (2010), testimony from a jailhouse informant contributed to the wrongful conviction of at least 16% of the post-conviction DNA exonerations they investigated. This statistic almost certainly underestimates the true prevalence of false confessions from jailhouse informants for two reasons. First, the estimated prevalence calculations are based only on cases in which DNA evidence existed and was preserved. Secondly, no state currently keeps any records pertaining to the use of jailhouse informants. Thus, many additional cases probably exist in which false secondary testimony was utilized by the courts, but not identified by the aforementioned organizations. There is no way to identify the cases involving false secondary confessions without an individual examining each archived file.

In order to determine the prevalence of jailhouse informant testimony in criminal cases, Los Angeles County, California, convened a Grand Jury to investigate all criminal cases that used jailhouse informants from January 1980 through 1990. This investigation was prompted by a televised interview of a known jailhouse informant, Leslie Vernon White, who, during the interview, demonstrated the ease with which false secondary confession could be bartered for freedom. The Grand Jury confirmed White's conclusion – the use of jailhouse informants was rampant in the California Judicial System. The

Grand Jury reported that, over the 10 year period, approximately 250 murder or felony cases used a jailhouse informant. These numbers indicate that jailhouse informants are utilized very frequently. The report included testimony from 6 self-professed informants and 19 other informants both in and out of custody. The informants testified about how they obtained information, the incentives they received, and the close connections they had with the District Attorney's office. The informants also testified about how they became informants and how the police and district attorney's offices encouraged them to trade false confession for a variety of incentives ranging from extra servings of food to early release. The testimony given by these informants demonstrated why jailhouse informants are so successful at obtaining information and that the incentives they receive for their perjured testimony keeps them informing (L.A. County Grand Jury, 1990).

1.3 False Secondary Confessors

The first documented jailhouse informant case in America occurred in Manchester, Vermont, in 1819 (Warden, 2004). Two brothers, Jesse and Stephen Boorn, were accused of killing their brother-in-law, Russell Colvin. The Boorn brothers had made no secret of their distaste for Colvin, and when Colvin went missing, suspicion fell upon the brothers. Jesse Boorn shared a cell with Silas Merrill, a known and convicted forger. Merrill testified that Jesse confessed to him. Based on Merrill's testimony, Jesse and Stephen were sentenced to death; however, they were saved from the gallows when Colvin turned up alive in New Jersey. Since the Boorn case, there have been numerous cases that involve unreliable informant testimony.

More recently, Leslie Vernon White probably became the most well known jailhouse informant after an interview he did with *60 minutes* in 1990. Mr. White was

very well acquainted with the California judicial system because he had been in and out of jail since the age of eight. In his nationally televised interview, he demonstrated the methods that he utilized to secure plausible secondary confessions. White would obtain the correct factual profile of the case, including information that would be known only to the perpetrator, by calling official offices (e.g., police departments, coroner's office, district attorney's office, etc.) and posing as a police officer. He simply asked law enforcement officials for the information from a pay phone in the prison. Still posing as an officer, he then would arrange to be transported with the defendant to court so he could show that he and the defendant had the opportunity to talk. Armed with a secondary confession matching the fact pattern of the case, and having arranged to be near the suspect, White then would trade his testimony for his freedom. According to *The LA Times* (Rohrlich,1992), White once received a confession from two suspects who did not even speak English. At trial, White was a very believable witness because he was capable of providing information that only the true perpetrator would have known. For his convincing testimony, he received incentives including early release from jail and monetary compensation (Bloom, 2002).

Leslie Vernon White has not been the only prolific jailhouse informant to receive attention for his perjured testimony. In Long Beach, California, a well known and frequently utilized jailhouse informant was Edward "Eddie" Fink. Recently, a civil case was held in which Mr. Thomas Goldstein was suing the City of Long Beach for damages from his wrongful conviction. The original conviction was based on the false secondary confession of Eddie Fink. In the original case in 1980, Mr. Fink testified that Mr. Goldstein confessed to murdering John McGinest. Transcripts revealed that

Mr. Fink had lied under oath when testifying that he was not receiving any incentive for his testimony. Records from within the police department and prosecutor's office clearly indicated that Fink was given leniency in a pending case in exchange for his testimony. Mr. Fink, who was charged with Grand Theft and had a long history of convictions, received a sentence of summary probation with 58 days in jail and credit for time served. This sentence was extremely lenient considering the charge and Fink's criminal history. Mr. Fink had obviously learned how to use the system to his benefit. Goldstein served 24 years in jail before being released.

Regarding the use of informant testimony, prosecutors can be just as dishonest as informants. A recent case, *Thomas Thompson vs. The State of California*, is a prime example. In this particular case, a young woman, Ginger Fleischli, was raped and murdered. Thomas Thompson and David Leitch were suspected of committing the crime but were tried separately. During the Thompson trial, Mr. Fink, the same informant mentioned earlier, testified that Mr. Thompson had confessed to him about committing the murder in order to conceal the rape. Four other jailhouse informants also testified during the trial; three testified for the defense. Furthermore, the prosecution contended that Mr. Leitch had no part in the rape or murder but just helped his friend hide the body. Mr. Thompson was convicted solely based on the testimony given by Mr. Fink and the one other jailhouse informant used by the prosecution. Interestingly and unfortunately, the three informants who were used by the defense in Mr. Thompson's trial became prosecution witnesses in Mr. Leitch's trial. They testified that Mr. Leitch, not Mr. Thompson, was the murderer. It was the same prosecuting attorney in both trials. He

used the jailhouse informant testimony to tell separate stories about how one crime was committed, and he won two murder convictions.

The incentives given to these informants and others sustain the jailhouse informant system. These incentives are possible today because of the landmark case of *United States vs. Singleton*, which dramatically changed the management of informant testimony and incentive offers in the United States. Ms. Singleton was convicted of money laundering and conspiracy to distribute cocaine. An important piece of evidence against her was testimony from Napoleon Douglas, who was previously convicted as a co-conspirator, and was serving his sentence in Mississippi. In exchange for his testimony, the government attorneys promised that they would not prosecute him for other offenses and that they would notify the sentencing judge and the parole board. For his cooperation in the Singleton trial, Douglas's sentence was reduced from 15 years to 5 years, to be served concurrently with the time he had to serve in Mississippi. On appeal, Singleton's lawyer argued that Douglas' testimony should have been suppressed on the grounds that the presentation of incentives to Mr. Douglas violated Section 201(c)(2) of Title 18 of the United States Code, which appears to prohibit presenting incentives in exchange for testimony. This motion against the admissibility of Douglas' testimony led to two court decisions regarding the legality of presenting informants with incentives to testify (*United States vs. Singleton, 1998*).

In the summer of 1998, a three judge panel of the Tenth Circuit Court of Appeals ruled that testimony from a witness who had been offered a lower sentence in exchange for testimony against a codefendant violated the Federal Bribery statute and should not be admitted (*United States vs. Singleton, 1998*). This decision, however, was short-lived. In

January 1999, the full Tenth Circuit Court of Appeals rejected the three judge panel's ruling with a nine to three vote. In its decision, the Court said that the earlier ruling was "patently absurd." As a result of *Singleton 2*, offering incentives to informants remains legal in the United States, despite the original reservations that such incentives present inducements to lie.

1.4 Primary Confession Research

The goal of the present manuscript is to demonstrate that, like primary confessions, secondary confessions are more persuasive than other types of evidence. The primary confession literature has demonstrated three important findings about false primary confessions (Kassin & Kiechel, 1996; Kassin, Meissner, & Norwick, 2005; Kassin & Neumann, 1997). First, people will falsely confess if there is a minimal amount of social pressure. Secondly, jurors perceive confessions as extremely persuasive. Thirdly, jurors have difficulty discounting a primary confession even when they know the confession was given involuntarily and have even when they have been instructed to disregard the evidence.

With regard to false confessions, Kassin and Kiechel (1996) demonstrated that people will falsely confess with a minimal amount of social pressure using the computer crash paradigm. In this paradigm, participants performed a typing task in which they were read aloud a list of letters at either a fast or slow pace while a different participant typed in the letters. Both participants were warned not to hit the ALT key because hitting the ALT key would result in the computer crashing and the loss of all data. Unbeknownst to the participants, the computer program was designed to shut down automatically in the middle of the typing session regardless of whether the ALT key was actually hit.

Participants were led to believe that this malfunction occurred due to their accidentally pushing the ALT key. When questioned, almost 70% of the participants in the study signed a confession admitting to pressing the ALT key, even though they never actually hit the key. In addition, 28% of the participants internalized the confession. By internalizing the confession, participants actually believed that they must have hit the key. Furthermore, 9% of the participants confabulated details. Participant not only confessed to hitting the ALT key but also provided details of how they hit the ALT key and caused the computer to crash. This social pressure during the experiment was minimal compared to the enormous amount of pressure that suspects must endure during an interrogation. If participants are willing to confess under minimal pressures, then one can easily imagine falsely confessing in a real life interrogation.

Lassiter, Clark, Daniels and Soinski (2004) elaborated on the computer crash paradigm and investigated potential juror perceptions of the false confessions. Lassiter et al. videotaped both true and false confessions from the participants involved in the ALT key mishap. The videotaped confessions were then used as stimulus material for a second experiment in which a separate set of participants rated the authenticity of the confessions by indicating whether they were true or false. The results indicated that participants accurately classified these confessions only at chance levels. As expected, participants were unable to detect whether the confessions were true or false, just as potential jurors are incapable of identifying true and false confessions during criminal trials.

College students are not the only people who have difficulty differentiating between true and false confessions. Kassir, Meissner, and Norwick (2005) found that

police officers (i.e., trained lie detectors) were as poor as college students when it comes to detecting true and false confessions. Kassin et al. videotaped 10 prisoners giving both true and false confessions. The inmates confessed to the crime for which they were convicted (true confession) and for a crime that another inmate in the study committed (false confession). Participants, college students, and police officers were asked to watch the videotaped or audio-taped confessions and determine whether the confessions were true or false. Police officers were no more accurate than college students in identifying the confessions. In fact, both groups' accuracy rates were below chance (50%).

False confessions are not only easy to obtain and difficult to detect but are also extremely persuasive to jurors. Kassin and Neumann (1997) investigated the power that a primary confession can have on juror decision making. Specifically, they investigated whether the presence of a primary confession would produce higher guilty verdicts than other forms of evidence (e.g., character, eyewitness, or a circumstantial evidence only control). Participants received four trial transcripts of an actual criminal case (aggravated assault, first degree murder, aggravated rape, and an automobile theft), each trial containing one of the kinds of evidence. Guilty verdicts for trials containing primary confession evidence were significantly higher than guilty verdicts for trials containing the other forms of evidence for all cases except the theft. In a second experiment, the three types of evidence (confession, character, and eyewitness) were combined into the aggravated assault trial to investigate which evidence would be most persuasive. Consistent with Experiment 1, participants rated the primary confession evidence as the most incriminating. These two experiments demonstrate that potential jurors perceive primary confession evidence to be extremely persuasive.

Confession evidence holds persuasive power even when jurors indicate that the confession was coerced or given under duress. People continue to vote guilty at extremely high rates in such cases. Kassin and Sukel (1997) had participants evaluate trial transcripts that containing either a high-pressure confession (suspect was in pain and the officer was brandishing a gun), a low-pressure confession (suspect confessed during questioning while under mental and physical stress), or no confession. They found that when presented with a confession, mock jurors were more likely to deliver guilty verdicts relative to the no-confession control participants regardless of the level of coercion under which the confession was obtained. Furthermore, participants in the high-pressure condition indicated that the confession being involuntary did not affect their decision, and they still voted guilty more often than participants in the no-confession control group. Even when participants were able to detect that the confession was coerced, they were unable to make the correct legally proscribed decision and vote not guilty.

The influence of primary confessions on jurors is so powerful that the mere presence of a confession can make eyewitnesses change their identification. Hasel and Kassin (2009) had participants witness a laptop being stolen and then make an identification from a lineup. After making a choice from the lineup, each participant was dismissed and asked to return for a second session. During the second session, participants were given one of the following types of feedback regarding their previous identification: (a) the person identified by the participant had confessed, (b) all suspects had adamantly denied involvement, (c) the suspect identified by the participant adamantly denied involvement, or (d) a particular suspect – but not the one identified by the participant – had confessed. After this feedback participants were given the option of

changing their identification. The confession had a dramatic influence on participant identification responses. In fact, 60% of participants were willing to change their identification. Participants were most willing to change their identification when told that a particular suspect – but not the one identified by the participant – had confessed. They almost always changed to the person who they were told confessed. The fact that participants are willing to change their identification highlights the powerful influence of confessions on eyewitnesses and jurors.

The powerful influence of false secondary confessions on juror decision-making can be explained by the Fundamental Attribution Error (FAE or Correspondence Bias). According to the FAE (Ross, 1977), a person's behavior can be explained through reference to either dispositional or situational factors (or a combination of both). Disposition-based explanations attribute a person's behavior to traits unique to the individual's personality. Situation-based explanations, in contrast, attribute the behavior to the situation in which the person is involved. When judging the behavior of others, people tend to ignore situational constraints, attributing behavior entirely to the personality of the person in question. This is thereby exhibiting the FAE. Consider, for example, the experience of being trapped behind a slow driver on the freeway. One might assume that the slow driver is incompetent and inconsiderate when in fact the person's speed might be due to some mechanical error with the car. The FAE operates when one attributes the behavior (slow driving) to the driver's personality (inconsiderate) as opposed to the situation (mechanical error).

Gilbert (1994) notes several reasons why people commit the FAE: wanting dispositions, misunderstanding the situation, and minimizing situational constraints.

Wanting dispositions address the sense of control over life that the FAE provides to individuals. Attributing people's actions to their character rather than their situation allows one to think that such outcomes are unlikely to happen to oneself in similar situations due to the difference in character. Another reason people commit the FAE is that they underestimate the power of situations. People often do not realize that there are situational constraints influencing behavior (such as a mechanical error in the car). Unlike people's personality traits, such constraints are much more difficult to identify (it would be impossible to know about the mechanical error unless the problem is observable). Whether or not people are aware of the situational constraints, they tend to underestimate the situation's power to influence behavior. Finally, people commit the FAE by default and without conscience effort because the error has become an automatic response (Gilbert, 1994).

In summary, extant research demonstrates that people will confess falsely for very little incentive and under very little social pressure. Secondly, potential jurors are very poor at detecting the difference between true and false confessions. Not only are participants poor at detection, they also vote guilty when provided with a confession which they recognize as coerced and have been admonished to dismiss. Furthermore, primary confessions are a very persuasive form of evidence, so much so that participants are willing to change their own eyewitness accounts in the face of a primary confession. Given the prevalence of secondary confessions and the dire consequences associated with false secondary confessions, it is important to evaluate whether secondary confessions have the same pernicious effects as primary confessions.

1.5 Secondary Confession Research

The literature on secondary confessions is small in comparison to primary confessions, but it mirrors many of the findings that have been established in primary confession research. Specifically, it shows that with a small amount of social pressure, participants are quite willing to give false secondary confessions just as they were with false primary confessions. Swanner, Beike, and Cole (2010) manipulated the computer crash paradigm, discussed earlier, in order to ascertain whether false secondary confession could be obtained for a minimal incentive. In accord with Kassin and Keichel (1996), they assigned participants to the role of either reader or typist, where the reader read a string of numbers while the typist entered the read data into a computer program. Both the reader and the typist were cautioned that hitting the ALT key would crash the program. After 60 sec, the computer crashed. Some of the readers were provided with false evidence that the typist had confessed to hitting the ALT key, whereas others were provided with an incentive (extra experimental credit) to give evidence against the typist. Swanner et al. found that 79% of the readers were willing to sign a statement indicating that the typist had admitted to hitting the forbidden key and had caused the program to crash. The admission rate was significantly higher for readers than for typists, of whom only 52% confessed. Providing false evidence to participants increased the signing rate for readers' confessions to nearly 100%. Thus, giving a reader minimal incentive (not having to come back for the second session and still receiving full class credit) was sufficient motivation for information against the typist. As demonstrated in the original computer crash paradigm, false secondary confessions can easily be elicited with little incentive.

One issue that arose in Swanner et al.'s experiment was that the authors had no idea whether the secondary confessions were false because the typist, who was also a participant, could potentially have hit the ALT key. Swanner et al. (2010) corrected this in a second experiment by having a confederate as the typist so that they knew that the confederate was not hitting the forbidden key. They found the same results and were able to replicate their findings. More specifically, incentives increased the rate of secondary confessions only when the perpetrator denied hitting the ALT key. When the perpetrator confessed to hitting the ALT key, the rate of secondary confession was approximately 90% in both the incentive and no-incentive conditions. This suggests that the effect of an incentive is to increase false secondary confessions when the perpetrator denies committing the crime. This is the scenario in which a false secondary confession could be the most dangerous. When there is no primary confession or other concrete evidence, the prosecution is likely to rely on jailhouse informant testimony, regardless of whether it is true or false, in order to get a conviction.

There is a further similarity between research on primary and secondary confessions. Not only do participants give false secondary confessions for minimal incentives, but jurors also find these false secondary confessions believable even if the informant is motivated to fabricate the confession. For example, Neuschatz, Lawson, Swanner, Meissner, and Neuschatz (2008) investigated whether the source of the secondary confession or the incentive provided for the testimony would influence verdict rates. In their study, a secondary confession came from either a jailhouse informant, who was given the confession information while incarcerated with the defendant, or an accomplice witness, who was involved in the crime. The jailhouse informant or

accomplice witness either did or did not receive an incentive (5 year jail sentence reduction) for testifying. These conditions were compared to a no secondary confession, no incentive control condition. Overall, the secondary confession conditions provided significantly higher guilty verdicts (approximately 70%) whereas the control condition produced guilty verdicts of only (45%). The guilty verdicts did not differ as a function of whether an incentive was provided for the secondary confession testimony, but they all differed from the control group. The mere fact that there was a secondary confession led to extremely high guilty verdicts even when the informant was given an incentive.

The incentive provided to jailhouse informants is vital to their motivations for giving testimony. However, since jurors are unable to perceive a single incentive as motivation for falsely testifying, researchers have investigated whether testifying multiple times for numerous incentives can affect a juror's perception of the informant and testimony. Neuschatz, Wilkinson, Goodsell, Cling, and Quinlivan (under review) investigated whether providing information about the testimony history of jailhouse informants -- the number of times the witness had given testimony as an informant in other cases -- would affect juror verdicts or change juror perceptions of a jailhouse informants' credibility. Participants read a murder trial transcript in which a jailhouse informant testified that he heard the defendant confess. During cross-examination, the defense attorney asked the informant how many times he had testified in previous trials about confessions that he allegedly heard while in jail. The informant responded that he had given such testimony 0, 5, or 20 times in the past, each time for an incentive. Providing information about the testimony history of witnesses should have alerted jurors that the jailhouse informant had motives in providing testimony other than a desire to be

truthful, and this should have raised doubts about the informant's credibility. There were two important results from this study. First, and most surprisingly, guilty verdicts did not vary by testimony history. Participants voted guilty equally often, whether the informant had testified in 20 separate trials or had never testified previously. The only significant difference among experimental conditions was a decrease in guilty verdicts when there was no secondary confession. Secondly, testimony history did not significantly affect participants' ratings of the informant's credibility. Participants rated the informant as equally truthful and trustworthy regardless of the number of times he had testified in the past and regardless of whether he was receiving an incentive. Again, jurors are unable to register the testimony history and perceive the incentive that serves as motivation for the informant to testify. Participants continue to operate under the FAE and vote guilty. It is clear that the results from the secondary confession literature parallel the findings from primary confession literature. One aspect that has not yet been tested is whether secondary confessions will be more influential to jurors than other forms of evidence. To this end, in the current study we altered the Kassin and Neumann (1997) study to incorporate secondary confessions instead of primary confessions. As noted earlier, Kassin and Neumann compared primary confessions to eyewitness evidence, character witness evidence, and a control group and found that primary confessions were the most persuasive to jurors. In the current study, we were comparing the same forms of evidence but replacing the primary confession with a secondary confession. More specifically, participants read a trial online that contained the secondary confession, eyewitness evidence, and character testimony. They judged the persuasiveness of the evidence and made a verdict decision.

1.6 Hypotheses

Based on the results of Kassin and Neumann (1997), we predicted that secondary confessions would be most persuasive to jurors. Thus far, the research has shown that secondary confessions mirror primary confessions with regard to their influence on mock jurors. Since this is the case, we expected that secondary confessions would be more persuasive than other forms of evidence (i.e., eyewitness or character testimony), just as Kassin and Neumann found with primary confessions. In addition, we predicted that participants would find the evidence more persuasive when presented by the prosecution (i.e., direct examination) than when presented by the defense (i.e., cross-examination) also replicating Kassin and Neumann (1997). Furthermore, we predicted that participants would make the FAE as they did in Kassin and Sukel (1997) (primary confessions) and Neuschatz et al. (2008) (secondary confessions), and that they would underestimate the influences of the context in which the jailhouse informants gave their testimony. Thus, we predicted that they would rank the secondary confession as more persuasive than other forms of evidence (i.e., eyewitness identification and character witness testimony).

CHAPTER 2

METHOD AND PROCEDURE

2.1 Participants

Undergraduate students ($N = 120$) were recruited from introductory psychology courses at the University of Alabama in Huntsville. Volunteers received course credit in exchange for their participation. APA ethical guidelines were adhered to at all times (see Appendix A for IRB approval). Participants under the age of 19 were required to obtain parental/guardian consent prior to participation (see Appendix B).

2.2 Design

The design of this study was a 2 (Examination: Prosecution, Defense) x 3 (Evidence: Secondary Confession, Eyewitness, Character) within subjects design. A trial summary was manipulated for Evidence by using three different types of evidence and two different examinations by the lawyers during trial. Prosecution and defense were operationally defined by who was presenting the evidence, wherein the prosecution provided pro-conviction evidence while the defense provided pro-acquittal evidence. The main dependent variables were online evidence ratings, verdicts, and juror rankings. After each paragraph containing the key evidence, participants rated the evidence on a 0-100-point scale for the extent to which it led them to see the defendant as innocent or guilty. Verdict decisions were made by participants indicating either guilty or not guilty, and participants also provided confidence ratings of those verdict decisions on a scale from 1-10. Participants also provided juror rankings by indicating, in order, the pieces of

evidence that led them to their verdict. Participants also provided a likelihood rating in which they indicated whether they believed the defendant actually committed the crime on a scale of 0-100. Lastly, participants provided a standard of proof percentage to indicate how guilty an individual should be prior to voting guilty (see Appendix C).

2.3 Materials

All materials were presented by computer using the online service at “Survey Monkey” (www.surveymonkey.com) to ensure there was no experimenter influence. The trial summary was based on the aggravated assault case from Kassin and Neumann (1997) (see Appendix D). In the trial summary, the defendant, Samuel Adams, was tried for aggravated assault in the stabbing of Michael Zemp. Mr. Zemp owed Mr. Adams money. The two men decided to meet in a bar to discuss the issue and settle the debt. According to the prosecution, there was a heated discussion, a fight ensued, and several other customers joined the fight. Ultimately, Mr. Adams stabbed Mr. Zemp in the stomach with broken glass.

The trial summary consisted of three pages of text in 18 paragraphs. The evidence in the trial contained circumstantial evidence and three other key pieces of evidence: an eyewitness (i.e., someone who was at the scene of the crime), a character witness (i.e., someone who testified about the reputation of the defendant), and a jailhouse informant (i.e., an inmate who testified that the defendant confessed to him in jail). The eyewitness testimony was from a customer at the bar who indicated he saw the whole fight and soon after identified Adams in a lineup as the person who stabbed Zemp. When cross-examined, the eyewitness admitted that the bar was crowded that night and that he was not 100% certain of his identification. The character witness testified that

Adams was a regular at the bar and that Adams had a reputation for getting drunk and having an explosive temper. On cross-examination, this witness admitted that he never actually saw Adams “blow up.” The jailhouse informant stated that he was in custody with Adams for several hours and that Adams confessed to him.

The first key piece of evidence (secondary confession, eyewitness, and character testimony) presented was counterbalanced to eliminate order effects. In total, there were three different trial summaries, each representing a different ordering of the first piece of key evidence. After each key piece of evidence was read, participants rated how persuasive it was by starting at neutral (50, indicating the evidence did not sway their opinion at all) and deciding whether that piece of evidence persuaded them of the defendant’s guilt (increasing scores toward 100) or innocence (decreasing scores toward 0) moving in 10 point increments.

2.4 Procedure

Upon arrival at the experimental session, participants were seated at a laptop station. Participants then received instruction from the experimenter directing them to Survey Monkey where they were given access to the trial summaries. Before participants began the online portion of the experiment, they gave informed consent. Participants were randomly assigned to one of the three trial summary groups. Once participants accessed the online portion, they were asked to provide demographic information (i.e., name, date, time, professor, etc.). Following the instructions, participants read the trial summaries and completed the online evidence ratings. The participant made online judgments after each key piece of evidence for both the prosecution and defense. Once participants finished reading the trial summary, they completed a verdict decision page

and a manipulation check (e.g., verdict, confidence, likelihood the defendant committed the crime, and standard of proof percentage). A complete version of the verdict decision page and manipulation check can be found in Appendix C. Following the manipulation check questions, participants completed the debriefing form (see Appendix E).

CHAPTER 3

RESULTS

3.1 Verdicts

Overall, 32 participants voted guilty and 102 voted not-guilty for a conviction rate of 22.2%. The basis for the low conviction rate may be attributed to the fact that, on average, participants estimated that there was only a 45.22% chance that the defendant committed the crime. This was much lower than their mean standard of proof of 83.32%. The mean level of confidence in verdicts was 6.7, which was significantly greater than 5, the midway point of the scale, $t(132) = 1.79, p < .05$. Most participants felt confident in their verdict decision.

3.2 Online Ratings

3.2.1 Overall After each key piece of evidence, participants rated the extent to which it led them to believe the defendant was innocent or guilty on a 0-100 point scale (see Table 3.1 for M and SD). There was no main effect of evidence order for online ratings, so this variable was not included in any of the following analyses, $F(2,131) = .697, MS_e = 634.06, p = .50$. The online ratings were then analyzed within a 2 (Examination: Prosecution, Defense) x 3 (Evidence: Secondary Confession, Eyewitness, Character Testimony) repeated measures ANOVA. The results revealed a significant Examination x Evidence interaction, $F(2,266) = 12.79, MS_e = 119, p < .01, \eta_p^2 = .09$, as well as significant main effects for Examination, $F(1,133) = 193.58, MS_e = 377, p < .001, \eta_p^2 = .59$, and Evidence, $F(2,266) = 14.73, MS_e = 194, p < .001, \eta_p^2 = .01$, this supports of the

first hypothesis. The main effect of Examination indicates that the defendant was perceived as more guilty after direct examination of the prosecution witnesses than after cross-examination of those same witnesses by the defense ($MS = 71.52$, and 48.09 , respectively). To further investigate the main effect of evidence ratings, planned pair-wise contrasts were conducted comparing the three types of evidence. As also predicted in the first hypothesis, the secondary confession was rated as significantly more indicative of guilt than either eyewitness or character testimony, $F(1,133) = 27.84$, $MS_e = 133.20$, $p < .01$, $d = .28$, and $F(1,133) = 17.24$, $MS_e = 227.46$, $p < .01$, $d = .26$, respectively. There was no difference in the ratings of the eyewitness or character testimony, $F(1,133) = .02$, $MS_e = 157.49$, $p = .85$.

Table 3.1 Means and Standard Deviations of Assault Trial Online Evidence Ratings

	Not Guilty	Guilty
Prosecution		
Confession	70.00 (2.0)	85.94 (3.6)
Eyewitness	70.78 (1.8)	80.00 (3.2)
Character	66.18 (2.0)	72.81 (3.5)
Defense		
Confession	49.41 (1.6)	64.06 (2.9)
Eyewitness	38.63 (1.6)	57.81 (2.9)
Character	44.90 (1.6)	58.44 (2.9)

Note: Standard Deviation presented in parentheses.

3.2.2 Guilty Verdicts In addition to the overall verdicts, guilty verdicts were analyzed separately because this is the situation in which a false secondary confession could be most harmful. A 2 (Examination: Prosecution, Defense) x 3 (Evidence: Secondary Confession, Eyewitness, Character Testimony) repeated measures ANOVA conducted on the online rating for just guilty verdicts revealed a significant effect for Evidence, $F(2,62) = 8.14$, $MS_e = 162.9$, $p < .001$, $\eta_p^2 = .21$. Consistent with the overall verdict analysis, the confession evidence was rated as more persuasive than either the eyewitness or character testimony, $F(1,31) = 15.43$, $MS_e = 76.91$, $p < .01$, $d = .42$ and $F(1,31) = 9.92$, $MS_e = 283.46$, $p < .01$, $d = .42$, respectively. However, there was no significant difference between the persuasiveness of the eyewitness and character testimony, $F(1,31) = 1.99$, $MS_e = 173.56$, $p = .168$. There was also a significant main effect for Examination, $F(1,32) = 53.41$, $MS_e = 318.4$, $p < .01$, $\eta_p^2 = .63$, indicating that the defendant was perceived as more guilty after direct examination of the prosecution witnesses than after cross-examination of those same witnesses. There was no significant interaction, $F(2,62) = 2.01$, $MS_e = 132.4$, $p = .14$.

3.3 Juror Rankings

On the post-trial questionnaire, participants were asked to list, in order, the three factors that led them to their verdict. Using a 0-3 point scale, these data were coded for the order in which they appeared on the list. Therefore, an item that was listed first received a score of 3, a 2 if second, and a 1 if third. If a piece of evidence was not cited at all, it received a 0 (see Table 3.2 for M and SD for juror rankings). The ratings were analyzed with a 2 (Verdict: Guilty, Not Guilty) x 3 (Evidence: Secondary Confession,

Eyewitness, Character Testimony) mixed ANOVA. Verdict was treated as a between-participants variable because participants were only allowed to choose either guilty or not guilty. As expected for the second hypothesis, there was a significant main effect for Verdict, indicating that participants who voted guilty were more likely to cite the key items of evidence than were those who voted not guilty ($M = .87$ and $.54$, respectively), $F(1,132) = 6.71$, $MS_e = 1.09$, $p < .01$, $\eta_p^2 = .05$. Importantly, there was a significant main effect of Evidence, $F(2,264) = 13.1$, $p < .001$, $\eta_p^2 = .09$, also supporting the second hypothesis. To further examine the main effect for Evidence, planned pair-wise comparisons were conducted on Verdict. Participants who voted guilty rated both secondary confession and eyewitness testimony as more persuasive than character evidence, $F(1,132) = 20.9$, $MS_e = .718$, $p < .01$, $d = .63$, and $F(1,132) = 6.56$, $MS_e = 1.15$, $p < .01$, $d = .37$, respectively. However, the secondary confession and eyewitness testimony did not differ, $F(1,132) = .724$, $MS_e = 1.74$, $p = .396$. Participants who voted not guilty also rated the eyewitness testimony as more persuasive than the character, $F(1,132) = 37.58$, $MS_e = 1.15$, $p < .01$, $d = .64$, whereas the secondary confession were rated only marginally different from the character testimony, $F(1,132) = 3.01$, $MS_e = .718$, $p = .08$. Those who voted not guilty also rated the secondary confessions as more persuasive than the eyewitness testimony, $F(1,132) = 14.95$, $MS_e = 1.74$, $p < .01$, $d = .40$. In addition, there was a significant interaction, $F(2,264) = 5.49$, $MS_e = 1.21$, $p < .01$, $\eta_p^2 = .04$. As can be seen in Figure 3.1, the interaction is due to the fact that the confession was rated as significantly more important when participants voted guilty as opposed to when participants voted not guilty, $F(1,132) = 17.43$, $MS_e = 1.15$, $p < .01$. By contrast, participants' rankings of the eyewitness or character testimony did not vary by Verdict,

$F(1,132) = .09$, $MS_e = 1.93$, $p = .754$, and $F(1,132) = 1.12$, $MS_e = .462$, $p = .29$, respectively.

Table 3.2 Means and Standard Deviations of Assault and Murder Trial Juror Rankings

	Assault		Murder	
	Not Guilty	Guilty	Not Guilty	Guilty
Confession	.373 (.12)	1.28 (.19)	1.46 (.20)	2.31 (.21)
Eyewitness	1.09 (.14)	1.00 (.25)	1.93 (.18)	1.58 (.19)
Character	.167 (.07)	.313 (.12)	1.86 (.17)	.923 (.18)

Note: Standard Deviations presented in parentheses.

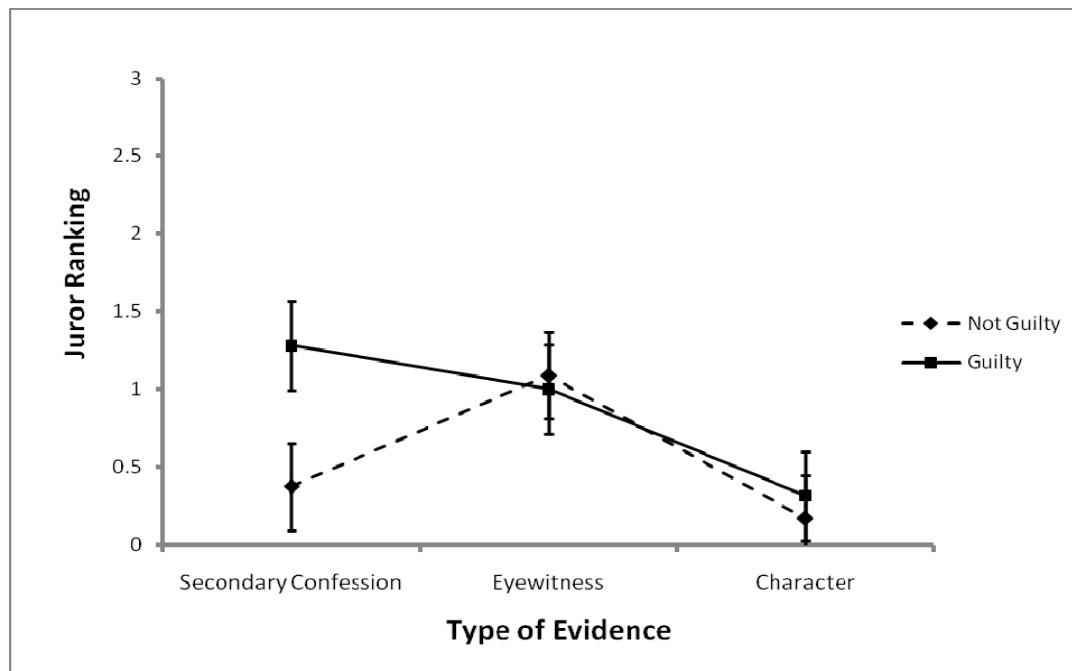


Figure 3.1 Juror rankings for the Assault Trial.

3.4 Manipulation Check

Participants were asked to answer seven manipulation check questions regarding important details of the assault trial summary. These questions included details

concerning the type of case, the names of the individuals involved in the case, and details specific to the case. The overall average number of correct responses was 91.2%. It is clear that participants read and remembered the facts of the trial.

CHAPTER 4

DISCUSSION

4.1 Findings

There were three major results from Experiment 1. First, as predicted, participants rated the secondary confession evidence as more persuasive than either the eyewitness or character evidence. As this was a conceptual replication of Kassin and Neumann (1997) this result confirms that confession evidence, whether it is primary or secondary, is the most persuasive form of evidence. Secondly, as expected, testimony given by prosecution, or direct examination, was perceived as more persuasive of the defendant's guilt, which corresponds with the result found by Kassin and Neumann (1997). Finally, in the juror rankings, participants rated the secondary confession as most influential in their verdict decisions when they voted guilty. Although juror rankings failed to achieve significance, they did fall in the predicted direction.

Although the secondary confession evidence was rated as the most persuasive in both the online ratings and the post-trial juror rankings, the post-trial juror rankings did not reach statistical significance. There are a couple of explanations for this null result. The open-ended nature of the juror rankings meant that responses were diffuse and difficult to interpret. On a few occasions, participants would give non-evidentiary responses such as, "beer was involved, what would you expect," or "why else did he go to the bar." Additionally, participants did not vote guilty very often in this trial. The overall conviction rate was 22.2% as opposed to the 39% conviction rate in Kassin and

Neumann (1997). This may explain the null effect of secondary confessions on juror rankings. If participants did not find the evidence very persuasive or at least persuasive enough to vote guilty, it stands to reason they would not cite the key pieces of evidence as leading to their verdict.

CHAPTER 5

INTRODUCTION

5.1 Experiment 2

In Experiment 2, we changed the assault trial to a murder trial in an effort to raise the conviction rate. Kassin and Neumann (1997) found the highest conviction in the murder trial summary when there was primary confession evidence. In addition, the pilot testing also revealed that the murder trial led to the highest conviction rate of the trial summaries used by Kassin and Neumann. Furthermore, the juror ranking question listed the three key pieces of evidence (i.e., Secondary confession, Eyewitness, Character, or Other) instead of having it open-ended as was the case in Experiment 1.

5.2 Hypotheses

The predictions for this experiment were the same as Experiment 1. Based on the results of Kassin and Neumann (1997) and Experiment 1, it was predicted that secondary confessions would be most persuasive to jurors. Furthermore, it was predicted that participants would rate the secondary confession as more persuasive than either the eyewitness or character testimony. In addition, it was predicted that participants would also rank the secondary confession as the most persuasive, committing the fundamental attribution error and not considering the context in which the jailhouse informant was giving testimony.

CHAPTER 6

METHOD AND PROCEDURE

6.1 Participants

Undergraduate students ($N = 54$) were recruited from the same source as Experiment 1. APA ethical guidelines were adhered to at all times. Participants under the age of 19 were required to obtain parental/guardian consent prior to participation.

6.2 Design

The design in Experiment 2 was virtually unchanged, maintaining the 2 (Examination: Prosecution, Defense) x 3 (Evidence: Eyewitness, Character, Secondary Confession) within subjects design. Prosecution and defense were operationally defined as which party offered the evidence. The prosecution was providing pro-conviction evidence whereas the defense was providing pro-acquittal evidence. All other dependent variables remained the same as in Experiment 1.

6.3 Materials

The materials and procedures were the same as Experiment 1 with two exceptions. First, the trial summary was changed from the aggravated assault to the murder trial utilized in Kassin and Neumann (1997) in order to increase guilty verdicts and generalizability (see Appendix F). The three key pieces of evidence were still the same (secondary confession, eyewitness, character); however, they were altered to fit the murder trial. The second difference was the addition of one question to the post-trial questionnaire (see Appendix G). This question more explicitly asked participants to rank

the order in which pieces of evidence led them to their verdict. This allowed for a clearer analysis of which pieces of evidence were utilized when participants made their verdict decisions.

6.4 Procedure

The procedure for Experiment 2 was the same as Experiment 1.

CHAPTER 7

RESULTS

7.1 Verdicts

Overall for the murder trial, 26 participants voted guilty and 28 voted not guilty for a conviction rate of 48%. This moderate conviction rate may be attributed to the fact that, on average, participants estimated that there was only a 56.2% chance that the defendant actually committed the crime. This was much lower than their mean standard of proof of 85.5%. The mean level of confidence in verdicts was 6.06 and showed no significant difference for verdict, $t(52) = -1.32, p = .13$.

7.2 Online Ratings

7.2.1 Overall As was the case in Experiment 1, each participant rated the evidence (on a 0-100 point scale) for the extent to which it led them to see the defendant as innocent or guilty (see Table 7.1 for *M and SD*). These online ratings were then analyzed within a 2 (Examination: Prosecution, Defense) x 3 (Evidence: Secondary Confession, Eyewitness, Character Testimony) repeated measures ANOVA. The results yielded a significant Examination by Evidence interaction, $F(2,106) = 4.18, p < .01, \eta_p^2 = .07$. In addition, there were significant main effects for Examination, $F(1,53) = 60.16, p < .01, \eta_p^2 = .53$, and Evidence, $F(1,106) = 47.78, p < .001, \eta_p^2 = .47$. The main effect of Examination indicates that the participants perceived the defendant to be more guilty after direct examination of the prosecution witnesses than after the cross examination of those same witnesses. To further investigate the main effect for Evidence,

planned pair-wise contrasts were conducted comparing the three types of evidence. As was the case in Experiment 1, the secondary confession was rated as significantly more indicative of guilt than either the eyewitness or character evidence, $F(1,53) = 33.93$, $MS_e = 245.04$, $p < .01$, $d = .64$, and $F(1,53) = 87.97$, $MS_e = 202.17$, $p < .01$, $d = .96$, respectively. Also, the eyewitness testimony was rated as more indicative of guilt than the character testimony, $F(1,53) = 13.06$, $MS_e = 136.23$, $p < .01$, $d = .39$.

Table 7.1 Means and Standard Deviations of Murder Trial Online Evidence Ratings

	Not Guilty	Guilty
Prosecution		
Confession	72.50(3.3)	78.85 (3.5)
Eyewitness	62.14 (3.4)	73.08 (3.6)
Character	53.93 (3.6)	66.54 (3.7)
Defense		
Confession	58.21 (2.8)	68.85 (2.9)
Eyewitness	40.71 (3.2)	53.08 (3.3)
Character	36.07 (3.7)	49.62 (3.8)

Note: Standard Deviation presented in parentheses.

7.2.2 Guilty Verdicts As was the case in Experiment 1, guilty verdicts were analyzed separately. A 2 (Examination: Prosecution, Defense) x 3 (Evidence: Secondary Confession, Eyewitness, Character Testimony) repeated measures ANOVA conducted on the online ratings for just guilty verdicts revealed a significant main effect for Evidence, $F(1,50) = 20.73$, $p < .01$, $\eta_p^2 = .45$.

Consistent with the overall results, jurors indicated that the secondary confession was perceived as most indicative of guilt compared to the eyewitness or character testimony, $F(1,25) = 16.09$, $MS_e = 187.39$, $p < .01$, $d = .59$, and $F(1,25) = 32.76$, $MS_e = 197.38$, $p < .01$, $d = .81$, respectively, and the eyewitness was perceived as more indicative of guilt than the character testimony, $F(1,25) = 6.25$, $MS_e = 104.00$, $p < .01$, $d = .36$. In addition, there was also a main effect for Examination, $F(1,25) = 29.97$, $p < .01$, $\eta_p^2 = .55$, indicating that the defendant was perceived as more guilty after direct examination of the prosecution witnesses than after the cross examination of those same witnesses. There was no significant Examination by Evidence interaction, $F(2,50) = 2.58$, $p = .09$.

7.3 Juror Rankings

7.3.1 List On the post-trial questionnaire, participants were asked to list in order the three factors that led them to their verdict. These data were coded in the same way as Experiment 1 (see Table 3.2 for M and SD). The evidence rankings were analyzed with a 2 (Verdict: Guilty, Not Guilty) x 3 (Evidence: Secondary Confession, Eyewitness, Character Testimony) mixed ANOVA. Once again verdict was treated as a between-participants variable because participants were only allowed to choose either guilty or not guilty. There was no significant main effect for Verdict (Not guilty, $M = 1.75$, Guilty, $M = 1.60$), $F(1, 52) = .81$, $MS_e = 1.09$, $p = .37$. Conversely, there was a significant main effect for Evidence, $F(2,106) = 4.03$, $p < .01$, $\eta_p^2 = .07$. To further examine the main effect for Evidence, planned pair-wise comparisons were conducted by verdict. Participants who voted guilty indicated that the secondary confession was the most persuasive,

more so than either the eyewitness or character testimony, $F(1, 52) = 7.67$, $MS_e = .904$, $p < .01$, $d = .35$, and $F(1, 52) = 22.97$, $MS_e = 1.08$, $p < .01$, $d = .45$, respectively. Eyewitness evidence was also considered to be more persuasive than character testimony, $F(1, 52) = 8.53$, $MS_e = .65$, $p < .01$, $d = .31$. The participants who voted not guilty indicated that the secondary confession evidence was marginally different from the eyewitness evidence, $F(1, 52) = 3.34$, $MS_e = .905$, $p = .073$. There was no significant difference between the secondary confession and character testimony or the eyewitness evidence and character testimony, $F(1, 52) = 1.99$, $MS_e = 1.08$, $p = .164$, and $F(1, 52) = 1.09$, $MS_e = .651$, $p = .74$, respectively. There was also a significant Verdict by Evidence interaction, $F(2,106) = 12.57$, $MS_e = .88$, $p < .01$, $\eta_p^2 = .19$. As Figure 7.1 illustrates, the interaction is due to the fact that the confession was rated as significantly more influential when participants voted guilty as opposed to when they voted innocent, $F(1, 52) = 170.49$, $MS_e = 1.13$, $p < .01$. Those who voted not guilty relied more heavily on the eyewitness and character testimony for their verdicts, $F(1, 52) = 186.45$, $MS_e = .89$, $p < .01$, and $F(1, 52) = 125.22$, $MS_e = .83$, $p < .01$, respectively.

7.3.2 Open-Ended The open-ended question for juror rankings was also analyzed. Similar to the list question the rankings were analyzed with a 2 (Verdict: Guilty, Not Guilty) x 3 (Evidence: Secondary Confession, Eyewitness, Character Testimony) mixed ANOVA. Once again verdict was treated as a between-participants variable. Similar to the list question, there was only a significant main effect for Evidence, $F(2,106) = 5.58$, $MS_e = 1.26$, $p < .05$, $\eta_p^2 =$

.09. Planned pair-wise comparisons revealed that the only significant effects were that the secondary confession evidence was rated as more persuasive than character witness regardless of whether participants voted guilty, $F(1, 52) = 6.02$, $MS_e = 1.27$, $p < .05$, $d = .42$ or not guilty $F(1, 52) = 5.05$, $MS_e = 1.27$, $p < .05$, $d = .48$. There were no other significant effects (see Figure 7.2).



Figure 7.1 List Juror Rankings for the Murder Trial.

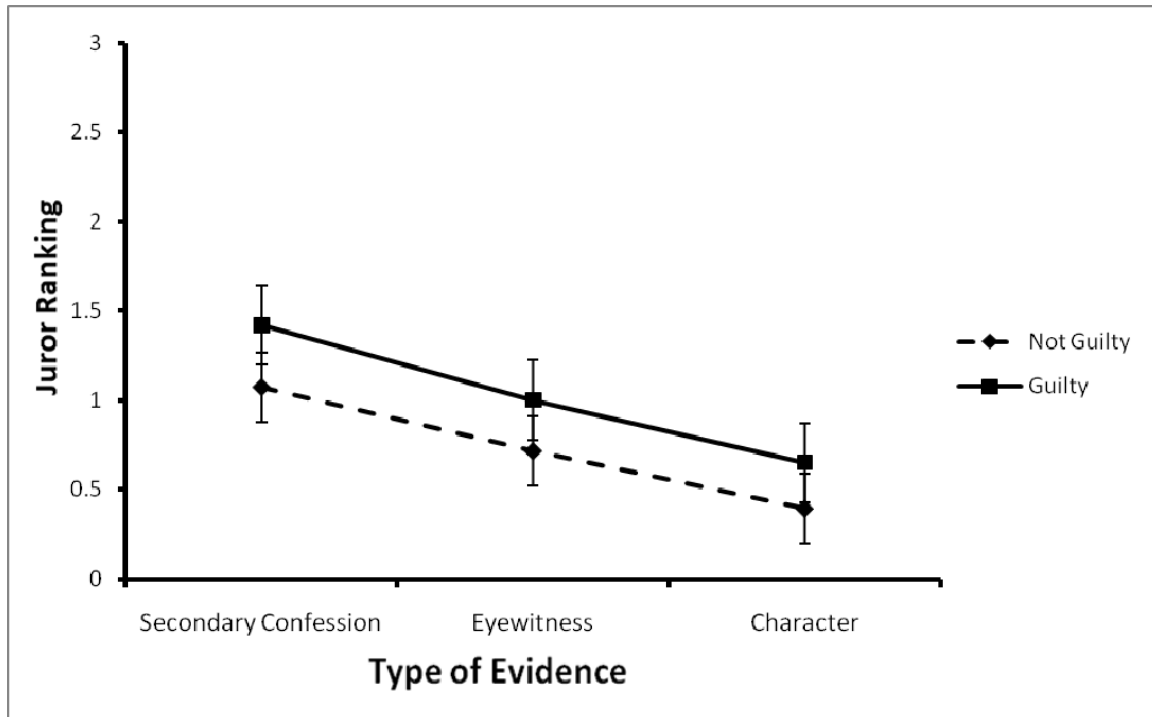


Figure 7.2 Open-ended Juror Rankings for the Murder Trial.

7.4 Manipulation Check

Participants were asked to respond to eight manipulation check questions regarding the details of the murder trial summary. These questions included details concerning the type of case, the names of the individuals involved in the case, and details specific to the case. The overall average number of correct responses was 88.1%. It is clear that the participants read, understood, and remembered the facts of the trial.

CHAPTER 8

DISCUSSION

8.1 Findings

There were several important findings in Experiment 2. First, consistent with the pilot data, changing from the assault trial to the murder trial increased guilty verdicts. The conviction rate in Experiment 1 was 32% whereas, for Experiment 2 it was 48%. Secondly, as was the case in Experiment 1, in participant's online ratings, there was a significant effect of the secondary confession. More importantly, the secondary confession was found to be more persuasive when jurors voted guilty. This is consistent with what Kassin and Neumann (1997) found for primary confessions. Thirdly, the juror rankings were consistent with the online ratings, in that when jurors voted guilty, they cited the secondary confession as the most persuasive piece of evidence. In addition, participants cited the eyewitness evidence as more persuasive than the character evidence. Once again, there is a clear and consistent pattern that when participants vote guilty they rate the secondary confession evidence as being the most persuasive piece of evidence; this is consistent with the primary confession evidence literature. Thus, the most persuasive piece of evidence in a trial is a confession, whether primary or secondary.

CHAPTER 9

GENERAL DISCUSSION

9.1 Overall Findings

Overall, there were several important results that arose from both experiments. Most importantly, participants indicated that the secondary confession evidence was the most persuasive piece of evidence presented during either the assault or murder trial. The secondary confession was rated more persuasive than either the eyewitness or character testimony consistent with our first prediction. Furthermore, juror rankings mirrored the online ratings, and the secondary confession was designated as most indicative of guilt, especially for those who voted guilty. The additions made to Experiment 2 provided the information that was previously not interpretable. With the clarified question, the secondary confession was ranked as the most powerful piece of evidence presented. Lastly, the evidence presented during direct examination by the prosecution was perceived to be more indicative of guilt than evidence that was presented during cross-examination. The results revealed that, as with primary confession evidence, secondary confession evidence has the greatest impact on jurors and is seen as being more persuasive than other types of evidence.

One explanation for why jurors may perceive secondary confessions as so persuasive may be the FAE. Even when jurors are presented with a number of different scenarios (i.e., incentive, expert testimony, or testimony history) and admonished to ignore such evidence, they still commit the (Kassin & Sukel, 1997). Jurors are unable to

see the influences for the jailhouse informant that come from the situation (i.e., incentive), but perceive what they believe are the dispositional attributes of the informant testifying before them (i.e., redeem him/herself for past discretions). Presenting a trial summary which neglected to inform the jurors of any of the potential harms of a jailhouse informant demonstrates that jurors are unable to identify the motivations that often encourage secondary confessions. The possibility that jurors are making the FAE is supported by their heavy reliance on secondary confessions, to the point where it becomes the key component for reasons to vote guilty.

Legal scholars and psychologists have long espoused the power of primary confession evidence (Hasel & Kassin, 2009; Kassin, Meissner, & Norwick, 2005; Kassin & Neumann, 1997; Kassin & Sukel, 1997; Kassin & Kiechel, 1996). The Supreme Court stated that erroneous admissions of forced confessions should not be treated as harmless (*Chapman v. California, 1967*). The results provided by the current study clearly support that secondary confessions, if false, could also be extremely harmful to a defendant. Therefore, any secondary confession should be treated cautiously by prosecutors, judges, and juries.

9.2 Primary and Secondary Confessions

Researchers have established primary confessions as a powerful and persuasive piece of evidence. In addition, it has been established that falsely confessing happens more frequently and with less incentive than one would logically assume. It is clear from the research that people will falsely confess for a minimal incentive (Kassin & Kiechel, 1996). Not only will people falsely confess but jurors are unable to tell the difference between a true or false confession (Lassiter et al., 2004; Kassin et al., 2005). These false

confessions, when presented at trial, are extremely persuasive compared to other forms of evidence, even if the confession was coerced (Kassin & Neumann, 1997; Kassin & Sukel, 1997).

Recently, researchers have identified many of the same trends in secondary confession research. For example, it has been established that people provide false secondary confessions for minimal incentive (Swanner et al., 2010). Furthermore, jurors provided with a lengthy testimony history of the jailhouse informant (i.e., the number of times an informant has testified) does not reduce guilty verdicts, even after the informant receives numerous incentives (Neuschatz et al., under review). As in primary confession research, secondary confessions are sufficiently persuasive for jurors to vote guilty. The current study reveals that secondary confession evidence can be just as powerful and persuasive as primary confessions overriding other common forms of evidence such as eyewitness and character testimony.

9.3 Limitations

The results from the current study may be limited in several ways. First, the participants were all college students which may not be representative of the entire population. However, past research utilizing college and community samples have generally found no difference in jury decision-making (Finkel & Duff, 1991; Fulero & Finkel, 1991). In the one study that examined jury decision-making and jailhouse informant testimony in college and community samples, there was no difference in the pattern of results (Neuschatz et al., 2008). Thus, it is unlikely that adding a community sample would alter the pattern of results. In fact, pilot data from a study which employed the murder trial with a community sample has yielded similar results to Experiment 2.

Secondly, participants provided responses individually rather than deliberating in groups. Research suggests that jury verdicts do not differ from individual votes (Bornstein) and that verdicts are predictable by individuals' pre-deliberation verdicts (Kalven & Zeisel, 1966; Kerr, 1981). It would still be interesting to know whether the results would be affected if participants had deliberated in groups. Lastly, participants read a case summary of the trials rather than reading a full trial transcript. Although this procedure may not be ecologically valid, it is important to note the Kassin and Sukel (1997) found that confessions were highly persuasive when embedded in a full trial transcript. It would be instructive to know if the same results would be obtained with secondary confession evidence.

9.4 Future Research

There are a number of areas in secondary confession research that need to be further explored. The current study focused on whether or not secondary confessions could be as persuasive as primary confessions. With this established, it becomes important to identify if secondary confessions are more powerful than primary confessions. Currently in progress is a study to examine whether a primary or secondary confession is more persuasive. Kassin and Neumann (1997) originally focused on primary confessions; however, adding the secondary confession to their Experiment 1 allows for a direct comparison between the two confession types.

The importance of research on jailhouse informant testimony and jury decision making is underscored by the recent settlement in the civil case of *Thomas Goldstein vs. the City of Long Beach County*. In August of 2010, Thomas Goldstein was awarded 7.95 million dollars for his wrongful conviction that led to 24 years of incarceration. The

basis of his conviction was the false secondary confession from career informant Edward “Eddie” Fink. Research in this area will help shed light on the pernicious effects that false jailhouse informant testimony can have on jury decision making, and is a step in bringing to light the dangers associated with jailhouse informant testimony.

9.5 Practical Implications

Since the use of jailhouse informants is so frequent and many wrongful convictions have contained false secondary confessions, a number of organizations have presented reforms to the current system (The Justice Project, 2007; CCFAJ, 2007; Sherrin, 1998a, 1998b). It is apparent that the safeguards which have been established thus far are inadequate because of the large number of wrongful convictions. The most obvious suggestion is to eliminate the use of jailhouse informants altogether; however, in a number of cases they do prove useful and their use may not always lead to a wrongful conviction. Thus, the following suggestions have been made for the practical solution to address the issue of jailhouse informant testimony.

The Justice Project (2007) is one of the organizations that reviewed policies regarding the use and handling of jailhouse informants. They suggested the following procedures in order to provide further safeguards: written pretrial disclosures, pretrial reliability hearings, corroboration, and cautionary jury instructions. Written pretrial disclosure requires that any information related to the snitch testimony, including any cooperation agreements (i.e., early release or monetary compensation) and any other information that might bear upon the credibility of the jailhouse informant be presented before the trial begins. Pretrial reliability hearings would ensure that the informant testimony is indeed reliable enough to present to the jury at trial and corroboration of the

testimony would further ensure that the testimony is truly reliable and linked to the facts of the case not just by the informant's testimony alone. Lastly, cautionary jury instructions are intended to allow the jury insight into some potential issues that may come from jailhouse informant testimony (e.g., incentives, prior criminal history, and 'career informants').

Currently, the California Commission for Fair Administration of Justice (CCFAJ) (2007) has suggested similar recommendations be adopted when jailhouse informants are utilized, and 17 other states have implemented the corroboration requirement for jailhouse informant testimony. The other recommendations that CCFAJ recommend include a) the testimony of an in-custody informant be reviewed and approved by supervisory personnel other than the deputy assigned to the trial of the case, b) the maintenance of a central file preserving all records relating to contacts with in-custody informants, whether they are used as witnesses or not, and c) the recording of all interviews of in-custody informants conducted by District Attorney personnel. Legal experts in Canada have made similar suggestions for the reform of jailhouse informant testimony (Sherrin, 1998a, 1998b).

It is clear from the research that any type of confession, whether it is primary or secondary, is extremely persuasive to jurors. This is true regardless if the confession is coerced or if the confessor is being paid for the testimony. The fact that several organizations in two different countries have suggested wholesale reforms of the informant system underscores the need for changes. The goal of research in the area of secondary confession should be to identify factors that will eliminate false secondary confessions and educate jurors on the consequences of these false confessions. As a first

step toward this goal, scientists should follow the suggestions of the legal commentators and start conducting experiments to test the efficacy of the suggested reforms.

APPENDICES

APPENDIX A

IRB Approval Letter



Nicholaos Jones
332B Morton Hall
Phone: 256.824 2338
Fax: 256.824 2387
Email: irb@uah.edu

Stacy Wetmore
c/o Jeffrey Neuschatz, Ph.D.
Department of Psychology
UAHuntsville
Huntsville, AL 35899

April 7, 2010

Dear Ms. Wetmore,

As chair of the IRB Human Subjects Committee, I have reviewed your proposal, *The Effects of Secondary Confession Evidence on Jury Decision Making*, and have found it meets the necessary criteria for expedited review according to 45 CFR 46. I have approved this proposal, and you may commence your research. Please note that this approval is good for one year from the date on this letter. If data collection continues past this period, a renewal application must be filed with the IRB.

Please contact me if you have any questions.

Sincerely,

Dr. Nicholas Jones
Chair, UHSC

OFFICE OF THE VICE PRESIDENT FOR RESEARCH
Von Braun Research Hall M-17 Huntsville, AL 35899

T 256.824.6100

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APPENDIX B

Consent Form

Juror Perceptions Consent Form

You are invited to participate in this research study. This study is about how individuals perceive and remember trial evidence. If you decide to participate in this experiment you will read a short trial summary. You will be asked to evaluate certain aspects of the trial summary. We hope that this research will help to inform us about memory, forming impressions, and jury decision making.

We do not expect this experiment to pose any risk to the volunteer participants. If you consent to participate in this experiment, the data you provide will be used only for the purposes of preparing scientific reports. Under no circumstances will we identify the individuals who participate in the study. We do not expect any of the experimental sessions to last longer than 20 minutes.

Your decision whether or not to participate will not prejudice your future relations with UAH or the department of psychology. Also, even though we do not see any potential risks to you, it is our duty to inform you that if at any point during the study you feel that you cannot or do not want to continue in the study you are free to withdraw your consent and discontinue the experiment without penalty. For participating in this study, you will receive 1 activity point. If you have any questions please ask the experimenter. If you are ***under the age of 19*** you **MUST** obtain parental consent in order to participate. A copy of this form is available upon request. If you have any further questions please contact Dr. Jeffrey Neuschatz at neuschaj@email.uah.edu or Nicholaos Jones at nick.jones@uah.edu.

I understand the above and agree to participate.

Name (Please Print Clearly)

Signature

Date

Parent or Guardian Signature

Date

APPENDIX C

Assault Verdict Decision Page

1. Please indicate your verdict decision below:

NOT GUILTY

GUILTY

2. How confident are you in your decision?
(1 = Not Very Confident 10 = Extremely Confident)

1 2 3 4 5 6 7 8 9 10

3. What do you think the likelihood is that the man on trial actually committed the crime? (Please use the entire scale and select *only* one number)

0 5 10 15 20 25 30 35 40 45 50
55 60 65 70 75 80 85 90 95 100

4. The defendant should be found guilty if there is at least _____ % chance that he committed the crime.

Trial Quiz

1. Please list in order of important the factors that led to your verdict?
 - a. _____
 - b. _____
 - c. _____
2. Who did the defendant allegedly confess to?
 - a. Zemp
 - b. Litt
 - c. Jackson
 - d. Simon
3. What was the charge?
 - a. Robbery
 - b. Murder
 - c. Aggravated Assault
 - d. Rape
4. Did the defendant admit to drinking on the night of the event?
 - a. Yes
 - b. No
5. Where did the victim get stabbed?
 - a. Leg
 - b. Arm
 - c. Neck
 - d. Stomach
6. What was the victim's name?
 - a. Simon
 - b. Jackson
 - c. Zemp
 - d. Peterson
7. Adams testified the victim was?
 - a. 5' 5" 340 lbs
 - b. 6' 1" 210 lbs
 - c. 6' 5" 200 lbs
 - d. 5' 8" 140 lbs
8. Adams testified that he went to the bar to?
 - a. Collect money from the defendant
 - b. Watch a basketball game with the defendant
 - c. Have drinks with the defendant
 - d. Meet his girlfriend before dinner

APPENDIX D

Assault Trial Summary

No. 100-1339

Dept. No. AZ-C

IN THE COOK COUNTY COURTHOUSE OF THE STATE OF ILLINOIS

THE HONORABLE JACKSON E. RISLING, DISTRICT JUDGE

--o0o--

STATE OF ILLINOIS,	>	PARTIAL TRANSCRIPT
	>	
Plaintiff,	>	OF PROCEEDINGS
	>	
vs.	>	November 9-12, 1981
	>	
SAMUEL ADAMS,	>	
Defendant.	>	
	>	

CHARGE: Aggravated Assault

APPEARANCES:

For the People: Marcia J. Stankiewicz
Assistant District Attorney

For the Defendant: Patrick D. Boyle
Public Defender's Office

Reported by: Sarah Martin-Conley, C.S. R. #4447

The Prosecution

The Defendant, Mr. Samuel Adams, was charged with the crime of aggravated assault for the stabbing of Michael Zemp. Zemp owed Adams money, so he set up a time and place to meet and talk about the debt. The two men sat at a corner table in the back of the Jackson tavern. During what became a heated discussion, Zemp accidentally pushed the table into Adams, who fell to the floor. At that point, a fight broke out. The State believes that Adams then stabbed Zemp in the stomach with a piece of broken glass, with intent to injure, and should be found guilty.

Testimony was received from Dr. Jeffrey Peterson, a resident at the local community hospital. Dr. Peterson testified that Zemp suffered from abdominal lacerations resulting from two stab wounds. At present, Zemp is weak and unable to physically exert himself.

Chris Randall was then called to testify as a character witness. Mr. Randall was to testify about the character of Mr. Adams. He stated that Adams, was a regular at the bar, had a reputation for getting drunk, and having an explosive temper.

Next an eyewitness was called to the stand: Michael Fox, a customer from the bar that night, testified that he saw the whole fight. Soon after the fight, Mr. Fox identified Adams in a police lineup as the person who stabbed Zemp.

Michael Zemp, the victim, also testified. Zemp explained that he and Adams met by pre-arrangement at the Jackson Tavern, and that he, Zemp, had insisted on a public meeting to prevent a fight from breaking out. Zemp said that, at one point, Zemp said he accidentally pushed the table forward with his knees, knocking it into Adams and forcing him to the ground. Adams was furious and screamed as he fell. At that point, several other customers in the bar came to see what all the commotion was about. A fight then broke out, others joined in, and there was a great deal of confusion. Before he knew it, Zemp was knocked to the ground, bleeding, with a sharp pain in his stomach. All he could remember from then on was waking up in a hospital bed.

The last witness was police officer James Thompson. When he arrived on the scene, Thompson saw Adams and others in the parking lot. Adams was looking shaken and disoriented. Hal Simon immediately pointed at Adams and yelled, "He just stabbed a guy in my bar!" When confronted with the charge, Adams flatly denied it, claiming that although he hit Zemp, he did not – could not – have stabbed him. Adams was very upset, and his right hand was bruised and cut.

The state closed its case by arguing that the evidence compelled the conclusion that Adams brutally stabbed Zemp in the heat of an argument because he was angry.

The Defense

The defense argued that Adams was not guilty. Zemp had pushed him to the ground, he said, and threatened to beat him, but he did not stab the man.

The first witness for the defense was Steven Jackson, proprietor of the Jackson Tavern. Jackson testified that Zemp is the one who called to make sure that there was a back table available on the night of the fight.

Mr. Adams was called to the stand to testify. Mr. Adams was first asked about his confession to Mr. Litt. He explained that he had been vulnerable and upset at the time and admitted to talking to Mr. Litt. Although he admitted talking to Litt about the bar fight he denied ever confessing.

In cross-examination of Chris Randall, the character witness, he admitted that he never actually saw Adams “blow up” before.

Michael Fox, the eyewitness, was cross-examined, he admitted that the bar was crowded that night and he did not have a clear view.

Mr. Adams also testified that he went to the bar because Zemp owed him money. The defendant said Zemp got angry and refused to pay the loan. According to Adams, Zemp shoved the table at him, knocked him to the ground, and challenged him to a fight. Adams said that he was scared because at 6’ 1” and 220 lbs, Zemp is bigger than him was in a state of rage. Before he knew it, others jumped in to break up the scuffle, but it got worse. According to Adams, someone in the crowd – not him – stabbed Zemp in the stomach. “I would never do such a thing,” he said. “I have never even been arrested before.”

Under cross-examination, Michael Zemp admitted to the defense that he had been drinking that night and had confronted Adams in a “direct manner.” The defense then cross-examined Officer Thompson. Thompson reported that the defendant did not resist arrest or try to escape. He also described Adams as “shaking” and “disoriented.”

Summarizing his case, the defense argued that Adams feared for his life and simply called for help to protect to himself. The two men were hidden in a back corner of the bar, and Zemp was in a state of rage and becoming physical. When the fight broke out, someone – not Adams – stabbed Zemp in the stomach. The defense concluded that the state had failed to prove its case.

Instructions to the Jury

Members of the jury. You have now heard all the relevant facts in this case. The defendant, Samuel Adams, is being tried for aggravated assault. However, he claims that he did not commit this crime. Bear in mind that he is presumed innocent and that the burden is on the State to prove his guilt beyond a reasonable doubt. You will now retire to deliberate and arrive at a verdict.

APPENDIX E

Subject Debriefing Form

This experiment was designed to examine jury decision making. In particular we were interested in how you could perceive and remember trial evidence. To evaluate this we asked you to make a verdict decision as well as give confidence ratings of your opinion.

We want you to know that we could not do our research without your help, so your participation is greatly appreciated. I also want to remind you that this experiment is part of an ongoing program of research if you have some concerns that were not addressed during the experiment, feel free to ask questions now or contact Dr. Jeffrey Neuschatz at (256) 824-2321.

Remember this is ongoing research and that your friends and classmates are potential volunteer participants. Sharing your knowledge of the experiment with future participants could be damaging the results so please refrain from discussing the experiment. If you have any questions please ask. A copy of this form is available upon request.

I understand the above and my questions have been answered to my satisfaction.

Name (Please Print Clearly)

Signature

Date

APPENDIX F

Murder Trial Summary

No. 500-1003

Dept. No. CW-C

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEW YORK

THE HONORABLE WILLIAM E. KEPPEL, DISTRICT JUDGE

--o0o--

STATE OF NEW YORK,	>	PARTIAL TRANSCRIPT
	>	
Plaintiff,	>	OF PROCEEDINGS
	>	
vs.	>	March 6-8, 1988
	>	
CHARLES M. WILSON,	>	
	>	
Defendant.	>	
	>	

CHARGE: Murder in the First Degree

APPEARANCES:

For the State: Tyler Yarbo
Assistant District Attorney

For the Defendant: Shannon Hayes
Attorney at Law

Reported by: Maureen P. Brooks, C.S.R. #1274

The Prosecution

The Defendant, Mr. Charles Wilson, is charged with two crimes of murder in the first degree for the deaths of Mary Lou Wilson, the defendant's wife, and Scott Maddox, her friend. According to the prosecution, Mary Lou had asked for a separation two weeks before the murder. After hearing the evidence, the State asks that you find Wilson guilty on both counts of murder in the first degree.

The evidence shows that Wilson, believing that his wife was having an affair, hired Robert Scholz, a private investigator, for ten days, to follow her. Scholz testified that he watched Mary Lou as agreed, but saw no signs of her having an affair. Wilson told Scholz to quit four days before the murder.

Officer Donald Heffling testified that Wilson called the police roughly 30 minutes after the murders were committed – and after calling his lawyer. Upon arrival, Heffling met Wilson in front of his home. When he entered, he found the dead bodies of Scott Maddox and Mary Lou Wilson. Heffling informed Charles Wilson that he was a suspect in the case and later that day placed him under arrest.

Dr. John Belmonte, of the state coroner's office, also testified for the prosecution. Dr. Belmonte testified that Maddox was stabbed with a hunting knife and Mary Lou Wilson was strangled. Because of the height and angle of Maddox's wound, Belmonte estimated the murderer to be about 6 feet tall, about the size of Charles Wilson.

The third witness for the prosecution, Paul Chastain, testified that Mr. Wilson confessed to the murder of his wife and Mr. Maddox while they were in custody at the police station. After spending several hours in jail together, Wilson confessed to Chastain. He said that when he saw Maddox and his wife together he "lost it". At that point, he said he stabbed Maddox 3 or 4 times in the stomach and strangled Mary Lou with his bare hands.

A neighbor of Mr. Wilson's, Chris Lopez, testified that he was parked outside the Wilson's and his own house the night of the murder. He testified that he heard yelling, saw someone run out with something in his hand, and identified the defendant in a line-up one week later.

Another neighbor of Mr. Wilson, David McCabe, testified that Wilson was very intense, that he and his wife were never seen in public, and that they were often heard fighting.

The prosecution cross-examined Arnold Feinstein, Charles Wilson's friend. Feinstein admitted that Wilson was angry at his wife, but not, he insisted, on the night of the murder. Feinstein and Wilson had eaten together that night, and Wilson left at 7:30 p.m., which meant that he would have arrived at home at the time of the murder.

In closing argument, the prosecution claimed that Charles Wilson, who was so jealous he had hired a private investigator, returned home to find his wife with Scott Maddox. In a fit of jealous rage, he accused Maddox of having an affair with his wife and stabbed him

repeatedly. He then strangled Mary Lou to death. Realizing what he had done, Wilson disposed of the weapon and did not call the police for thirty minutes. The State concludes that the evidence shows beyond a reasonable doubt that Charles Wilson had the motive and the opportunity, and was guilty of both murders.

The Defense

Charles Wilson had every reason to be upset about his separation with his wife. Yet despite the strain he was under, he was always in control of his emotions. Wilson was a double victim. First he lost his wife. Then he was caught in the wrong place at the wrong time. He got home after the murders only to find the dead bodies. In shock, he called his lawyer, and then the police. The defense believes that Wilson is innocent and should be found not guilty.

The first witness for the defense was Arnold Feinstein, a friend of Charles Wilson. Feinstein was with Wilson at a bar the night of the murder. Feinstein said Wilson believed that his wife was probably not having an affair. He described Wilson as “calm”. The two men parted when Wilson went home to pick up some bills.

Next the defense called the Defendant. Wilson conceded that he hired an investigator, but after a few days he called it off. Wilson said that on the night of the murder, he had dinner and “a couple of beers” with a friend, went home to get some bills, and found his wife and Maddox dead in the kitchen. He left, called his lawyer, and then the police. Wilson was grief-stricken by his wife’s death. “This isn’t me”, he said. “I’m not a violent person”. With regard to his confession to Mr. Chastain, Wilson testified that he was very upset and not thinking clearly while being interrogated. The next morning, he denied the confession and claimed his innocence.

On cross-examination, Robert Scholz testified that Wilson hired him to spy on his wife but then had doubts about it a few days into the investigation. Scholz said that Wilson seemed level-headed. Also on cross-examination, Officer Don Heffling testified that the murder weapon was never recovered, so the police have no idea what knife was used to kill Scott Maddox. He also said that Wilson was very upset, not at all like a “typical criminal.” Also on cross-examination, Dr. Belmonte conceded that the murderer’s height could range from 5’10” to 6’2”, and that he could not be more specific. The eyewitness, Mr. Lopez, upon cross-examination admitted it was dark at the time he was parked outside the house. The character witness, David McCabe, conceded that he did not know the Wilsons personally and had no first-hand knowledge of the couple.

Summarizing its case, the defense maintained that Charles Wilson is not guilty. His actions were not those of a guilty man. He returned to his home, the scene of the crime, to meet with Officer Heffling, and was clearly stricken with grief. The State has not proved its case beyond a reasonable doubt. In fact, the evidence shows that Wilson is innocent and should be acquitted.

Instructions to the Jury

Members of the jury. You have now heard all the relevant facts in this case. The defendant, Charles Wilson, is charged with two counts of first degree murder. Bear in mind that he is presumed innocent and that the burden is on the State to prove his guilt beyond a reasonable doubt. You will now retire to deliberate and arrive at a verdict.

APPENDIX G

Murder Verdict Decision Page

1. Please indicate your verdict decision below:

NOT GUILTY

GUILTY

2. How confident are you in your decision?
(1 = Not Very Confident 10 = Extremely Confident)

1 2 3 4 5 6 7 8 9 10

3. What do you think the likelihood is that the man on trial actually committed the crime?
(Please use the entire scale and select *only* one number)

0 5 10 15 20 25 30 35 40 45 50
55 60 65 70 75 80 85 90 95 100

4. The defendant should be found guilty if there is at least _____ % chance that he committed the crime.

Trial Quiz

1. Please list in order of important the factors that led to your verdict (Secondary Confession, Eyewitness, Character, Other)?
 - a. _____
 - b. _____
 - c. _____
2. Please list in order of important the factors that led to your verdict?
 - a. _____
 - b. _____
 - c. _____
3. Who did the defendant allegedly confess to?
 - a. Wilson
 - b. Heffling
 - c. Lopez
 - a. Chastain
4. What was the charge?
 - a. Robbery
 - b. Murder
 - c. Aggravated Assault
 - d. Rape
5. Did the defendant admit to drinking on the night of the event?
 - a. Yes
 - b. No
6. Where did the victim get stabbed?
 - a. Leg
 - b. Arm
 - c. Neck
 - d. Stomach
7. Which victim was stabbed?
 - a. Scott Maddox
 - b. Mary Lou Wilson
 - c. Chris Lopez
 - a. Paul Chastain
9. Where was the victim stabbed?
 - a. Arm
 - b. Leg
 - c. Stomach
 - d. Neck
10. According to the coroner, approximately how tall was the murderer?
 - a. 5'1" to 5'5"
 - b. 5'6" to 5'9"
 - c. 5'10" to 6'0"
 - d. 6'2" to 6'6"
11. Why did Wilson go home on the night of the murder, according to Feinstein?
 - a. To pick up his kids
 - b. To pick up some bills
 - c. To get dinner
 - d. To change clothes

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