

The Effects of Perspective Taking and Victim Impact Statements on Courtroom Decisions

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The Effects of Perspective Taking and Victim Impact Statements on Courtroom Decisions

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Abstract

This research utilizes two studies to examine the influence of perspective taking with a defendant and emotionality of victim impact statements on courtroom decisions. We hypothesize that perspective taking with the defendant will limit the effects of emotionality within victim impact statements. In Study 1 the defense attorney's statement prompted participants to perspective take with a defendant in a murder trial. Participants also viewed either flat or high emotionality victim impact statements. Study 2 replicated study one, but instead primed participants to perspective take with the defendant using a sentence unscrambling task. The results of Study 1 were inconclusive. Study 2 found that perspective taking with the defendant diminished the influence of the emotionality of the victim impact statements on sentencing as well as empathy felt towards the victim and victim's significant others. We compare our results to past research regarding perspective taking and victim impact statements in the courtroom.

The Effects of Perspective Taking and Victim Impact Statements on Courtroom Decisions

By the guarantee of the Seventh Amendment in the United States Constitution, if accused of a crime, any United States citizen has the right to a jury trial. That is, if the value of controversy exceeds twenty dollars. Thus, a defendant faced with the reality of a criminal trial may choose to have their case judged by a group of their peers – namely twelve other citizens. Recently, the annual frequency of jury trials in the United States has been about 150,000 in state courts, and 5,000 in federal courts per year (Barkan & Bryjak, 2011). In the 33 states that currently allow the death penalty, jurors may not only determine the trial's verdict, but also in extreme cases they may determine whether a convicted criminal will receive either the death penalty, or life in prison without the possibility of parole (Death Penalty Information Center, 2013). With such responsibility and power yielded to the jurors, determining which factors may influence juror decisions is extremely important.

Previous research shows that several factors can influence courtroom decisions. One such factor is whether the juror takes the defendant's perspective (Skorinko, Laurent, Bountress, Nyein & Kuckuck, in press). This research shows that taking the perspective of a defendant leads to more favorability towards the defendant. Another factor shown to influence juror decisions is the presence and emotionality of victim impact statements, or victim testimony regarding how a crime has influenced their lives. This research shows that victim impact statements lead to harsher punishment on the defendant, and more favorable views toward the victim (Greene, Koehring & Quiat, 1998; Luginbuhl & Burkhead, 1995; Myers & Arbuthnot, 1999; Myers & Green, 2004; Myers, Lynn & Arbuthnot, 2002). However, previous research has yet to determine what happens when jurors are taking the perspective of the defendant, while also being presented

with varying levels of emotional victim impact statements. The current research addresses this question.

Perspective Taking

Perspective taking may be broadly defined as the act of seeing a situation through someone else's viewpoint. This mechanism has been researched in different contexts and has several dimensions to its definition (see Kurdek, 1978). Yet, perspective taking often refers more specifically to the act of placing oneself in the mindset of another (e.g. I would have done the same thing had I been in her situation). Developmental psychologist, Jean Piaget, argued that children between the ages of three and five become less egocentric and begin to develop the ability to recognize perspectives other than their own, known as a theory of mind (Piaget, 1926). Other researchers have since examined this mechanism further, determining just how the act of perspective taking may influence the way in which we perceive and interact with the world around us.

Perspective taking, in general, increases positive perceptions (Batson, Eklund, Chermok, Hoyt & Ortiz, 2007) and compassionate emotions (Batson, 1987, 1991; Batson, Early, & Salvarani, 1997; Cialdini, Brown, Lewis, Luce & Neuberg, 1997; Oswald, 1996). In addition to perceptions and emotions, perspective taking also can influence social behavior. For instance, some research suggests that perspective takers are more likely to act in a prosocial or helpful manner, such as acting to relieve another's burden or distress, than non-perspective takers (Batson, Batson & Griffitt, 1989; Batson et al., 1997; Cialdini, et al., 1997; Coke, Batson, & McDavis, 1978; Davis, 1983; Dovidio, Allen, & Schroeder, 1990; Oswald, 1996). Moreover, Cialdini and colleagues (1997) also determined that when perspective taking was taken into account, the effect of empathy on willingness to help was eliminated. Thus, this research

highlights the differences between perspective taking and empathy and showcases the important effects perspective taking can have—at least in terms of one’s willingness to help others. All of these findings may be related to research suggesting that perspective taking leads individuals to merge their view of themselves and their own traits with those of the perspective taking target, or immerse themselves within the target, often referred to as self-other overlap, which may in turn lead to more helping behavior towards the target (Cialdini, et al., 1997; Davis, 1980; Davis, Conklin, Smith, & Luce, 1996; Galinsky, Ku, & Wang, 2005).

However, the effects that perspective taking may have in the courtroom is an area that is less explored empirically. In one study, researchers found that taking the perspective of either the defendant or victim (via role playing) shifted the way in which counterfactual thinking about the events of the crime occurred (Catellani & Milesi, 2001). More directly related to the current research, Skorinko and colleagues (in press) conducted four experiments that examined whether perspective taking with a defendant would lead to increased empathy, and in turn, increased leniency. Path analyses determined that perspective taking led participants to perceive less culpability in the defendant, leading to less guilty verdicts and the perception that the defendant was less likely to recidivate. This research also found that perspective taking with a defendant increased empathy, favorability, and also served as a cue for leniency. Thus, the current set of studies wishes to extend these findings by examining how perspective taking with the defendant in combination victim impact statements that vary in emotionality influence favorability and empathy felt towards the defendant and victim.

Victim Impact Statements

There are often other individuals, other than the defendant, involved in a criminal trial. Specifically, victims or those affected by the crime may also play a role in the trial procedure.

Victim impact statements serve as a way for victims of a crime, or the family of the victims, to explain how a crime has influenced their lives. The Supreme Court case of *Payne v. Tennessee* officially deemed victim impact statements admissible in capital sentencing jury trials (Bloom, 2002). When Pervis Tyrone Payne was convicted of murdering Charisse Christopher, and her two-year-old daughter, Charisse's mother was allowed to testify to the impact the crime had made on her life, as well as the life of Charisse's son. In this testimony, Charisse's mother explained,

He cries for his mom. He doesn't seem to understand why she doesn't come home. And he cries for his sister, Lacie. He comes to me many times during the week and asks me, Grandmama, do you miss my Lacie? And I tell yes [sic]. He says, I'm worried about my Lacie (in Payne v. Tennessee, 111 S. Ct. 2597 [1991]).

Payne v. Tennessee determined that victim statements indicate the defendant's blameworthiness by expressing the harm imposed on the victim, overturning previous rulings (Bloom, 2002). The *Payne v. Tennessee* ruling has certain restrictions, and jurisdictions hold different rules regarding the use of victim impact statements. For example, while some jurisdictions only allow for medical reports to be presented in order to express harm to the victim, others allow the victim to explain how the crime has affected their future and aspirations. Some jurisdictions even permit victims to include personal suggestions of how to sentence the defendant during their statement (Hill, 2005). Thus, the presence of victim impact statements and the level of emotional content in these statements can differ greatly and it is important to understand the effects these statements and their content may have on jurors.

Research shows that the presence of victim impact statements leads to harsher judgments of the defendant (Greene et al., 1998; Luginbuhl et al., 1995; Myers et al., 1999; Myers et al., 2002). For example, some studies found that when mock jurors believed the defendant was

guilty, they were much more likely to impose the death penalty when they had seen victim impact statements than when they had not seen these statements (Luginbuhl et al., 1995; Myers, et al., 1999). Another study, conducted by Myers and colleagues (2002) asked participants to view a video of a murder trial. Some participants saw victim impact statements, while others did not. These statements varied in the severity of the harm done to the victim. What researchers found was that the mock jurors were influenced by the severity of the harm imposed on the victim, in that they reported harsher judgments of the defendant when they were presented with victim impact statements expressing that indicated harm.

Additional research on victim impact statements demonstrated that variations in victim impact statements influenced favorability towards the victim. For instance, one study found that participants who viewed victim impact statements which included personal qualities of the victim, harmful effects of the crime (i.e. physical, psychological and financial), and relatives' opinions of the crime viewed the victim more favorably than when the victim impact statements did not include these factors (Myers & Green, 2004). Previous research on empathy demonstrated that strong emotions expressed by an actor could lead to empathetic changes in the participant (Batson & Coke, 1981). Based on these findings, researchers have suggested that stronger emotional content in victim impact statements could elicit feelings of empathy towards the victim in members of the jury (Myers et al., 2002). However, to our knowledge, this has yet to be tested empirically. Therefore, in the current research we set out to examine the effects that the emotional content of victim impact statements will have on juror decisions and the amount of empathy felt towards the defendant and victim.

The Present Research

The current research aims to determine the effects of perspective taking with a defendant and the emotional content of victim impact statements on juror decisions and empathetic feelings. We predict that there will be an interaction between perspective taking and victim impact statements on sentencing and amount of empathy felt. Consistent with the research that shows that the emotional content of victim impact statements plays an important role in the perceptions of the defendant and victim in a trial (Greene et al., 1998; Luginbuhl et al., 1995; Myers et al., 1999; Myers et al., 2002; Myers & Green, 2004), we predict that non-perspective taking participants who are presented with high emotionality victim impact statements will impose harsher sentences upon the defendant (e.g., higher percentages of death penalty) and will express more empathy towards the victim(s) than non-perspective takers who see flat emotionality victim impact statements. However, based on the past research examining the effects of perspective taking with the defendant in the courtroom (Skorinko, et al., in press), we anticipate that perspective taking with the defendant will limit the effects that the emotional content of the victim impact statements will have. In other words, we anticipate that perspective takers will see the defendant just as favorably and express similar levels of empathy towards the victim(s) regardless if they see high or flat victim impact statements. Moreover, we predict that perspective takers who see the high emotionality victim impact statements will see the defendant more favorably and express less empathy towards the victim(s) than non-perspective takers who see high emotionality victim impact statements. Thus, we hypothesize that perspective taking with the defendant will limit the effects of emotionality within victim impact statements.

Study 1

With this research, we aimed to determine how juror decisions would be influenced both by perspective taking with the defendant in a criminal trial, and the emotionality of the victim impact statements. In order to create a scenario as close to a real criminal trial as possible, we utilized the written transcript from an actual murder trial. Adapting from past research (Skorinko, et al., in press), we manipulated perspective taking through the defense attorney's statement—such that half the participants were prompted by the defense attorney's statement to take the perspective of the defendant. We also adapted the victim impact statements presented in this case to vary in their level of emotional content.

Method

Participants

A total of 96 participants (43 males, 51 females; 2 unreported) were recruited from an online database (SocialSci). All participants were compensated \$2.00 for their time. The data from six participants that reported being Non-United States citizens was removed. Thus, the results were based on the data from 90 participants (40 male, 48 female; 2 unreported). The mean age was 27.3 years, and most participants identified as Caucasian/White (75%). The remaining participants identified with a mix of racial backgrounds (9% Latino/Hispanic, 6% Asian/Pacific Islander/South Asian, 6% African American, 4% Biracial/Mixed Race). All participants provided informed consent.

Design and Materials

Participants believed they were taking part in a study investigating lay perceptions of legal issues. The present study is a 2 (Perspective Taking Prompt: Perspective taking with the defendant vs. No perspective taking) x 2 (Victim Impact Statements: High emotionality vs. Flat

emotionality) design. Participants read a trial transcript about a murder case where the defendant was found guilty. The trial transcript came from a real court case.

Perspective Taking Prime. In order to manipulate perspective taking with the defendant, all participants read a trial transcript. Half read the original trial transcript (see Appendix A), and the other half read the same trial transcript containing two perspective taking prompts within the defense testimony (see Appendix B). Participants in the no perspective taking condition read:

“The defense has offered evidence for you to consider when deciding the penalty for George Taylor. All of the things the defense attorney is presenting are considered "mitigating circumstances." A mitigator is a reason to consider life in prison without the possibility of parole as opposed to the death penalty.”

Those in the perspective taking condition read:

“The defense has offered evidence for you to consider when deciding the penalty for George Taylor. The defense also asks you to imagine yourself in the defendant, George Taylor's, shoes, especially when considering the mitigating circumstances involved in this case. All of the things the defense attorney is presenting are considered "mitigating circumstances." A mitigator is a reason to consider life in prison without the possibility of parole as opposed to the death penalty.”

Towards the end of the defense testimony, participants in the perspective taking condition also read the following prompt:

“As you are considering this case, the defense would like to remind you to consider the viewpoint of the defendant, George Taylor.”

Victim Impact Statements. The trial transcript also contained the direct examination of both the murder victim's fiancé, and the murder victim's father. These represent the victim impact statements. In one condition (High Emotionality), both victim impact statements are highly emotional, and describe the profound impact the murder has had on their lives in detail (see Appendix E). In the second condition (Flat Emotionality), the same transcript is used, but the highly emotional dialogue has been removed, creating more neutral, or flat, victim impact statements (see Appendix F).

Sentencing. After reading the trial transcript, participants select one of two possible sentences for the defendant: the death penalty or life in prison without the possibility of parole (see Appendix G).

Responsibility. In addition to sentencing decisions, we were also interested in perceptions of responsibility of the defendant and victim for the crime. To measure this, participants rated a set of statements regarding how much responsibility they believed the defendant, or the victim held for the crime (e.g. "How responsible was the defendant, George Taylor, for Matthew Dunning's death?"), on a 5-point Likert-Type scale from 1 (Not at all) to 5 (A great deal). See Appendix H.

Empathy. In order to determine the effects of perspective taking and emotionality in victim impact statements on empathy, participants completed a survey derived from the Batson Empathy Scale (1991). Participants rated a series of 7 statements regarding how much empathy, sympathy, compassion, soft-heartedness, warmth, and tenderness they felt for the defendant, the victim, and the victim's significant others. In addition, participants indicated how moved they

were by these individuals. The items were on a 5-point Likert-Type scale from 1 (None at all) to 5 (A great deal). See Appendix I for items.

Demographic Information. We also collected demographic information that would enable us to examine what, if any effects, different demographic factors may have had on the decisions made and amount of empathy felt. In particular, we were interested in attitudes towards the death penalty, political preferences, and gender. We also collected information on participants' citizenship and age to determine if they were jury-eligible. See Appendix J for all the demographic information collected.

Procedure

Study 1 was conducted through an online experiment testing system called SocialSci. After giving informed consent, participants read a trial transcript to determine whether the defendant should receive capital punishment (the death penalty) or life in prison without the possibility of parole. Prior to reading the trial transcript, half the participants were randomly assigned to read a trial that included a prompt to perspective take with the defendant and the remaining have did not read a trial with this prompt (Perspective Taking Manipulation). The trial transcript contained a summary of the testimony including the guilt phase, where participants learn the defendant has been convicted guilty of first-degree murder and a trial transcript of the penalty phases of the trial. In addition, participants also read two victim impact statements. Half the participants were randomly assigned to read high emotionality victim impact statements; whereas, the other half of participants read flat emotionality victim impact statements. After reading all the trial materials (including the victim impact statements), participants rendered a sentence of either the death penalty or life in prison for the defendant. Participants then completed a series of questionnaires that assessed perceived responsibility, empathy, attitudes

towards the death penalty, and political attitudes. Demographic information, such as gender, was also collected. After completing the surveys, participants were thanked and debriefed online.

Results and Discussion

The data were assessed for statistical significance at $\alpha = .05$. Sentencing decisions were analyzed using a chi-square analysis. The remainder of the analyses used an Analysis of Variance (ANOVA). Perspective taking and the Victim Impact Statements were the between-participants factors. We predicted that perspective taking would limit the effects that the emotional content of the victim impact statements would have on sentencing and empathy felt towards the defendant and victims.

Sentencing

We found that perspective taking and the victim impact statements did not influence the sentence participants gave to the defendant. When participants were not prompted to perspective take with the defendant, we found no significant difference in the percentage of death penalty sentences between those who viewed flat emotionality and high emotionality victim impact statements (32%_{Flat Emotionality} vs. 30%_{High Emotionality}), $\chi^2(1, N = 96) = .06, p = .80$. Similarly, participants who were prompted to perspective with the defendant, we found no significant difference between those who viewed flat emotionality and high emotionality victim impact statements (48%_{Flat Emotionality} vs. 33%_{High Emotionality}), $\chi^2(1, N = 96) = 2.78, p = .10$. Thus, the findings of are inconclusive in regards to perspective taking and victim impact statements on sentencing.

Responsibility

We also examined whether perspective taking and victim impact statements influenced participant's perceptions of how responsible the defendant and the victim were for the crime.

Responsibility of Defendant. We found no main effects of perspective taking or victim impact statements on participant's perceived responsibility of the defendant, $ps > .58$. There was also no significant interaction between perspective taking and victim impact statements on perceived responsibility of the defendant, $p > .58$.

Responsibility of Victim. We found no main effects of perspective taking or victim impact statements on perceived responsibility of the victim, $ps > .93$. There was no significant interaction between perspective taking and victim impact statements on perceived responsibility of the defendant, $p > .10$.

Overall, neither perspective taking nor victim impact statements influenced perceptions of responsibility for the defendant or the victim. However, the trial did state that the defendant was found guilty; therefore, this may be a contributing factor to the lack of significant findings.

Empathy

We also examined the amount of empathy participants expressed towards the defendant, the victim, and the victim's significant others (who made the Victim Impact Statements).

Empathy for the Defendant. We found no main effect for perspective taking or victim impact statements on the empathy felt towards the defendant, $p > .31$. There was also no interaction between perspective taking and victim impact statements on the empathy felt towards the defendant, $p > .60$.

Empathy for the Victim. We found no main effect for perspective taking on empathy felt towards the victim, $p > .30$. However, there was a main effect for victim impact statements

on the empathy felt towards the victim such that those who viewed flat emotionality victim impact statements ($M = 5.16, SD = 1.21$) showed more empathy towards the victim than those who viewed high emotionality victim impact statements ($M = 4.51, SD = 1.32$), $F(1,96) = 6.29, p = .01$. This is contrary to our hypothesis predicting higher levels of empathy when participants viewed high emotionality victim impact statements. There was no a significant interaction between perspective taking and victim impact statements on the empathy felt towards the victim, $p > .80$.

Empathy with the Victim's Significant Others. For empathy with the victim's significant others, we found no main effect for perspective taking or victim impact statements on empathy towards the victim's significant others, $p > .13$. There was no interaction between perspective taking and victim impact statements on empathy felt towards the victim's significant others, $p > .95$.

Exploratory Analyses: Attitudes towards the Death Penalty, Gender, and Political Affiliation

For exploratory purposes we examined the effects of the participants attitude towards the death penalty, gender, and political attitudes. For each factor, we ran two analyses, one where the factor was treated as a covariate and one analysis where the variable was treated as a third independent variable (after conducting a median split, when necessary). Overall, none of these factors influenced the results. In other words, those who were more favorable towards the death penalty did not react differently on sentencing, responsibility, or empathy than those who were less favorable towards the death penalty. In addition, covarying out this variable did not influence or change the original findings. Likewise, males and females reacted similarly in terms

of sentencing, perceptions of responsibility, and empathy. And, political affiliation (liberal or conservative) did not influence sentencing, perceptions of responsibility, or empathy.

Study 2

While Study 1 was modeled after past research that manipulated perspective taking within a trial transcript (Skorinko, et al., in press) and also provided participants with a more realistic scenario, there may have been several issues with this manipulation. First, the trial transcript used in Study 1 was significantly longer than the transcripts used in past research. Second, the defendant in Study 1 was already found guilty; whereas, in past research the mock jurors had to determine guilt. Thus, we designed Study 2 to account for the potential limitations of Study 1. Given that perspective taking is considered a cognitive process (Lamm, Batson, & Decety, 2007) and that past research has been able to prime individuals to engage in perspective taking (Skorinko, Sinclair, & Conklin, 2012), we aimed in Study 2 to prime participants into the mindset to perspective take with the defendant using a sentence unscrambling task. By priming participants to perspective take with the defendant instead of prompting them, we hoped to evoke a stronger perspective taking manipulation.

Method

Participants

A total of 81 participants (36 male, 45 female) were recruited from the same online database used in Study 1 (SocialSci). All participants were compensated \$2.00 for their time. The data from three participants that reported being Non-United States citizens was removed. Thus, the results were based on the data from 78 participants (33 male, 45 female). The mean age was 27.4 years, and most participants identified as Caucasian/White (72%). The remaining

participants identified with a mix of racial backgrounds (13% Asian/Pacific Islander/South Asian, 5% Latino/Hispanic, 4% African American, 3% Biracial/Mixed Race, 1% Native American/Alaska Native, 2% Other). All participants provided informed consent.

Design, Materials, and Procedure

Study 2 is also a 2 (Perspective Taking Prime: Perspective taking with the defendant vs. No perspective taking) x 2 (Victim Impact Statements: High emotionality vs. Flat emotionality) design. The materials and procedure were the same as in Study 1, except for the Perspective Taking manipulation.

As in Study 1, Study 2 was conducted online through SocialSci. After giving informed consent, participants believed they were taking part in a study investigating lay perceptions of legal issues. Participants then learned they needed to complete a cognitive task prior to reading the trial materials. This cognitive task served as our perspective taking prime and consisted of a sentence unscrambling task. Half the participants were randomly assigned to unscramble 15 sentences that dealt with perspective taking with a defendant (e.g., “I see where the defendant is coming from”), and the other half unscrambled 15 sentences that were neutral in context and not related to perspective taking (e.g., “Toss the ball silently”). Participants then read a trial transcript that included the victim impact statements. Half the participants were randomly assigned to view high emotionality victim impact statements, and half viewed flat emotionality victim impact statements. After considering the trial and victim impact statements, participants rendered a sentence (death penalty or life in prison) and answered the questionnaires used as in Study 1 assessing perceived responsibility, empathy, attitudes towards the death penalty, and political attitudes. Participants were debriefed and thanked.

Perspective Taking Prime. Participants completed a sentence-unscrambling task adapted from the Chartrand and Bargh (1996) impression formation task and the Skorinko et al. (2012) perspective taking priming procedure. In this sentence-unscrambling task, participants viewed a series of words in random order, and were asked to unscramble the words to form an appropriate sentence. There was always one word that did not belong. In one condition, participants unscrambled 15 neutral sentences (taken from Chartrand & Bargh, 1996; See Appendix C). In a second condition, participants unscrambled 15 sentences regarding perspective taking with the defendant (i.e. “I see where the defendant is coming from”), as well as several neutral sentences regarding perspective taking (i.e. “Adam can see himself in Alex’s shoes) to comprise a total of 15 sentences to unscramble (See Appendix D). This is designed to prime the participant to perspective take with, or put themselves in the shoes of the defendant of the trial later presented. Sentences were pretested in order to determine that they were yielding the intended perspective taking priming effect. All participants in the pretesting indicated being more likely to perspective take with a defendant than those who unscrambled the neutral sentences.

Results and Discussion

Sentencing

After reading the trial information, participants administered a sentence by choosing one of two options: Life in Prison or Death Penalty. Unlike Study 1, we found that perspective taking and the emotionality of victim impact statements influenced sentencing. As predicted, of participants who were not primed to perspective take with the defendant, those who viewed high emotionality victim impact statements showed a significantly higher percentage of death penalty sentences than those who viewed flat emotionality victim impact statements (61%^{High Emotionality}

vs. 15%_{Flat Emotionality}), $\chi^2(1, N = 96) = 27.8, p < .001$. However, also as predicted, when participants were primed to perspective with the defendant, we found no significant difference between those who viewed flat emotionality and high emotionality victim impact statements (30%_{Flat Emotionality} vs. 37%_{High Emotionality}), $\chi^2(1, N = 96) = .73, p = .39$. This suggests that perspective taking is lessening the effects of emotionality within victim impact statements.

Responsibility

We also examined whether perspective taking and victim impact statements influence participant's perceptions of how responsible the defendant and the victim were for the crime.

Responsibility of Defendant. There were no main effects of perspective taking or victim impact statements on participant's perceived responsibility of the defendant, $ps > .78$. There was also no significant interaction between perspective taking and victim impact statements on perceived responsibility of the defendant, $p > .17$.

Responsibility of Victim. We also found no main effects of perspective taking or victim impact statements on perceived responsibility of the victim, $ps > .44$. There was no significant interaction between perspective taking and victim impact statements on perceived responsibility of the defendant, $p > .64$.

Overall, as seen in Study 1, neither perspective taking nor victim impact statements influenced perceptions of responsibility for the defendant or the victim. One key difference between the current studies and past research is that the defendant was already determined to be guilty in the current work. Thus, this may be influencing perceptions of responsibility more so than perspective taking and victim impact statements.

Empathy

We also examined the amount of empathy participants expressed towards the defendant, the victim, and the victim's significant others (who made the Victim Impact Statements).

Empathy for the Defendant. As in Study 1, we found no main effects for perspective taking or victim impact statements on the empathy felt towards the defendant, $ps > .5$. There was also no interaction between perspective taking and victim impact statements on the empathy felt towards the defendant, $p > .7$.

Empathy for the Victim. We found no main effects for perspective taking or victim impact statements on empathy felt towards the victim, $ps > .3$. However, there was a significant interaction between perspective taking and victim impact statements on the empathy felt towards the victim, $F(1,74) = 4.13, p = .05$. After conducting a simple effects analysis, we found that when participants were not perspective taking and viewed high emotionality victim impact statements ($M = 5.02, SD = 1.41$) they reported feeling more empathy towards the victim than the participants who were not perspective taking and viewed flat emotionality victim impact statements ($M = 4.08, SD = 1.34$), $F(1, 74) = 4.97, p = .03$. However, participants who were primed to perspective take felt the same amount of empathy towards the victim whether they saw high emotionality or flat emotionality victim impact statements, $p > .52$. For those who viewed the high emotionality victim impact statements, perspective takers and non-perspective takers reported the same amount of empathy felt towards the victim, $p > .2$. For those who viewed the flat emotionality victim impact statements, perspective takers and non-perspective takers also reported the same amount of empathy towards the victim, $p > .09$.

Empathy with Victim's Significant Others. We also wanted to investigate if perspective taking or the victim impact statements influenced the empathy felt towards the

victim's significant others—the father and fiancée. For empathy with the victim's significant others, there was no main effect for perspective taking on empathy towards the victim's significant others, $p > .33$. There was, however, a main effect for victim impact statements on the empathy with the victim's significant others such that those who viewed high emotionality victim impact statements ($M = 3.66, SD = .94$) showed significantly more empathy towards the victim's significant others than those who viewed flat emotionality victim impact statements ($M = 3.27, SD = .88$), $F(1, 74) = .95, p = .05$. There was also a significant interaction between perspective taking and victim impact statements on empathy felt towards the victim's significant others, $F(1,74) = 5.97, p = .02$. After conducting a simple effects analysis, we found that when participants were not perspective taking and viewed high emotionality victim impact statements ($M = 3.81, SD = .95$) they reported feeling more empathy towards the victim's significant others than the participants who were not perspective taking and viewed flat emotionality victim impact statements ($M = 2.93, SD = .86$), $F(1, 74) = 9.70, p = .003$. Contrary to our predictions, we also found that when perspective takers viewed flat emotionality victim impact statements ($M = 3.61, SD = .77$) they showed more empathy towards the victim's significant others than non-perspective takers who viewed flat emotionality victim impact statements ($M = 2.93, SD = .86$), $F(1, 74) = 5.99, p = .02$. For those who viewed the high emotionality victim impact statements, perspective takers and non-perspective takers reported the same amount of empathy felt towards the victim, $p > .31$. For those who were perspective taking, there was no significant difference in empathy towards the victim's significant others between those who viewed flat or high emotionality victim impact statements, $p > .73$.

Exploratory Analyses: Attitudes towards the Death Penalty, Gender, and Political Affiliation

As in Study 1, we examined the effects of the participant's attitude towards the death penalty, gender, and political attitudes. For each factor, we ran two analyses, one where the factor was treated as a covariate and one analysis where the variable was treated as a third independent variable (after conducting a median split when necessary). Overall, as in Study 1, none of these factors influenced the results.

General Discussion

The present research aimed to determine the effects of perspective taking with the defendant, and emotionality of victim impact statements on juror decisions. In Study 1, we found no differences in sentencing decisions, perceived responsibility (of the defendant or the victim), or empathy felt towards the defendant or towards the victim's significant others based on perspective taking or the emotionality of the victim impact statements. We did find, contrary to our hypothesis, that those who viewed flat emotionality victim statements felt more empathy towards the victim than those who viewed high emotionality victim impact statements. This unexpected finding, along with the inconclusive results of Study 1 served as a reason behind conducting Study 2, in which these findings were not replicated.

In Study 2, where participants were primed to perspective take with the defendant using a sentence unscrambling task, we found that both perspective taking and the emotionality of the victim impact statements influenced sentencing decisions, empathy felt towards the victim, and empathy felt towards the victim's significant others. Previous research on victim impact statements suggests that the emotionality of victim impact statements will lead to harsher

punishments of the defendant (Greene et al., 1998; Luginbuhl et al., 1995; Myers et al., 1999; Myers et al., 2002), as well as favorability towards the victim (Myers & Greene 2004). Our research demonstrated that, consistent with past research on victim impact statements (Greene et al., 1998; Luginbuhl et al., 1995; Myers et al., 1999; Myers et al., 2002), of participants who were not perspective taking with the defendant, those who viewed high emotionality victim impact statements showed significantly harsher punishments towards the defendant (i.e. significantly higher percentage of death penalty sentences).

Furthermore, Study 2 demonstrated, consistent with our hypothesis regarding empathy, that of participants who were not perspective taking with the defendant, those who viewed high emotionality victim impact statements expressed more empathy towards the victim and the victim's significant others than those who viewed flat emotionality victim impact statements. However, when participants were primed to perspective take with the defendant, they showed the same percentage of death penalty sentences of the defendant, as well as the same amount of empathy towards the victim and the victim's significant others, whether they viewed flat or high emotionality victim impact statements. These findings suggest that perspective taking with the defendant may limit the influence of emotionality in victim impact statements. In addition, this research supports previous research on perspective taking suggesting that defendants are typically seen more favorably when jurors take their perspective (Skorinko et al., in press).

One possible explanation for the lack of significant findings in Study 1 could be the way that perspective taking was manipulated. We manipulated perspective taking within the prompt given by the defense attorney. While pretesting of this trial transcript with the perspective taking prompt showed that individuals were more likely to perspective take than those who saw the trial transcript without the prompt, participants in our actual study seemed less influenced by this

perspective taking manipulation. In addition, the trial transcript used in this study differed from past research by being longer in nature and having a defendant that was already found guilty. Thus, future research may consider different formatting for the perspective taking manipulation, possibly shortening the transcript, or making the prompt more obvious. This research should further examine the effects of perspective taking and victim impact statements on courtroom decisions using a perspective taking manipulation that more closely resembles a realistic courtroom scenario.

One other factor that future research may consider in relation the perspective taking manipulation is the focus or orientation of the perspective taking directions. Past research shows that when perspective takers think about how they would personally feel in a situation (or are self-focused), then they tend to feel more self-awareness, experience more personal distress, and may even have an increased sense of morality (Batson, et al., 1997; Batson, et al., 2003). However, perspective takers may not focus solely on themselves. Rather, when perspective takers think about the other person's thoughts and/or feelings (or are other-focused), they tend to feel more compassion and concern (Batson, Eklund, Chermok, Hoyt, & Ortiz, 2007; Batson, et al., 1997). In Study 1, the prompts given to participants encouraged both an imagine-self and imagine-other approach, as participants were asked initially to imagine themselves as the defendant and then later to consider the viewpoint of the defendant. In Study 2, the orientation in the sentence unscrambling position was more other-focused (I understand the defendant's perspective). Given the lack of findings in Study 1 compared to Study 2, future research should consider investigating taking a self or other focus during perspective taking influences the effects that perspective taking and victim impact statements have on courtroom decisions and empathy felt.

Another avenue for future research may be to examine the effects of status in victim impact statements. Previous research has shown that the status of the victim may influence the sentencing towards a defendant. For example, some research has shown that when the victim is of higher status (e.g., a medical doctor), this may increase the likelihood of a death penalty sentence on the defendant (Baldus, Woodworth, Zuckerman, Weiner, & Broffitt, 1998; Beck & Shumsky, 1997). Thus, research could examine how victim status influences how jurors react to victim impact statements, as well as how it may interact with perspective taking in the courtroom.

Somewhat related to victim status, another possibility for future research is to examine the effects of perspective taking and victim impact statements may have on stereotyping in the courtroom. Previous research on perspective taking and stereotypes shows that stereotyping can be either diminished (Galinsky & Ku, 2004; Galinsky, & Moskowitz, 2000) or heightened (Skorinko & Sinclair, 2012) by perspective taking. Thus, it is important to understand how jurors who perspective take with a stereotypic target (defendant or victim) react—do they increase or decrease their stereotyping and does this influence their courtroom decisions. Similarly, past research shows that the stereotypicality of the crime can influence decisions made in the courtroom (Gordon, 1990). Thus, future research could also assess how a race or gender stereotypic crime could influence the effects of perspective taking and victim impact statements on courtroom decisions.

In conclusion, the findings from Study 2 suggest that perspective taking with the defendant may limit the effects of emotionality in victim impact statements in the courtroom. Understanding the interaction between these factors may allow defense attorneys to lead jurors to perspective take with their defendant, thus diminishing the possible effects of high emotionality

victim impact statements of a trial. Consequently, in any capital punishment case, both perspective taking with the defendant and victim impact statements could be the difference between life and death for a defendant.

References

- Baldus, D., Woodworth, G., Zuckerman, D., Weiner, N. A., & Broffitt, B. (1998). Race discrimination and the death penalty in the post-Furman era: An empirical and legal overview with recent findings from Philadelphia. *Cornell Law Review*, 83, 1638–1770
- Barkan, S. E., & Bryjak, G. J. (2011). *Fundamentals of Criminal Justice: A Sociological View*. Jones & Bartlett Learning.
- Batson, C. D. (1987). Prosocial motivation: Is it ever truly altruistic? In L. Berkowitz (Ed.), *Advances in Experimental Social Psychology* (Vol. 20, pp. 65–122). New York: Academic Press.
- Batson, C. D. (1991). *The altruism question: Toward a social-psychological answer*. Hillsdale, NJ: Erlbaum.
- Batson, C. D., Batson, J. G., Griffitt, C. A., Barrientos, S., Brandt, J. R., Sprenelmeyer, P., & Bayly, M. J. (1989). Negative-state relief and the empathy—altruism hypothesis. *Journal of Personality and Social Psychology*, 56, 922-933.
- Batson, C. D., & Coke, J. S. (1981). Empathy: A source of altruistic motivation for helping. *Altruism and helping behavior: Social, personality, and developmental perspectives*, 167-187.
- Batson, C. D., Early, S., & Salvarani, G. (1997). Perspective taking: Imagining how another feels versus imaging how you would feel. *Personality and social psychology bulletin*, 23, 751-758.

- Batson, C. D., Eklund, J. H., Chermok, V. L., Hoyt, J. L., & Ortiz, B. G. (2007). An additional antecedent of empathic concern: Valuing the welfare of the person in need. *Journal of Personality and Social Psychology, 93*, 65.
- Batson, C. D., Lishner, D. A., Carpenter, A., Dulin, L., Harjusola-Webb, S., Stocks, E. L., Gale, S., Hassan, O., & Sampat, B. (2003). “. . . As you would have them do unto you”: Does imagining yourself in the other’s place stimulate moral action? *Personality and Social Psychology Bulletin, 29*, 1190-1201.
- Beck, J., & Shumsky, R. (1997). A comparison of retained and appointed counsel in cases of capital murder. *Law and Human Behavior, 21*, 525–538.
- Blume, J. H. (2002). Ten years of Payne: Victim impact evidence in capital cases. *Cornell L. Rev., 88*, 257-281.
- Catellani, P., & Milesi, P. (2001). Counterfactuals and roles: mock victims' and perpetrators' accounts of judicial cases. *European Journal of Social Psychology, 31*(3), 247-264.
- Coke, J. S., Batson, C. D., & McDavis, K. (1978). Empathic mediation of helping: A two-stage model. *Journal of Personality and Social Psychology, 36*, 752.
- Davis, M. H. (1983). Measuring individual differences in empathy: Evidence for a multidimensional approach. *Journal of Personality and Social Psychology, 44*, 113-126.
- Davis, M., Conklin, L., Smith, A., & Luce, C. (1996). Effect of perspective-taking on the cognitive representation of persons: a merging of self and other. *Journal of Personality and Social Psychology, 70*, 713-726.
- Death Penalty Information Center. (2013). Retrieved from <http://www.deathpenaltyinfo.org>

- Dovidio, J. F., Allen, J. L., & Schroeder, D. A. (1990). The specificity of empathy-induced altruism: Evidence of altruistic motivation. *Journal of Personality and Social Psychology, 59*, 249-260.
- Galinsky, A. D., & Ku, G. (2004). The effects of perspective-taking on prejudice: The moderating role of self-evaluation. *Personality and Social Psychology Bulletin, 30*(5), 594-604.
- Galinsky, A., Ku, G., & Wang, C. (2005). Perspective-taking and self-other overlap: Fostering social bonds and facilitating coordination. *Group Processes & Intergroup Relations, 8*, 109-124.
- Galinsky, A. D., & Moskowitz, G. B. (2000). Perspective-taking: Decreasing stereotype expression, stereotype accessibility, and in-group favoritism. *Journal of Personality and Social Psychology, 78*, 708-724.
- Gordon, R. A. (1990). Attributions for Blue-Collar and White-Collar Crime: The Effects of Subject and Defendant Race on Simulated Juror Decisions¹. *Journal of Applied Social Psychology, 20*, 971-983.
- Greene, E., Koehring, H., & Quiat, M. (1998). Victim impact evidence in capital cases: Does the victim's character matter? *Journal of Applied Social Psychology, 28*, 145-156.
- Hill, T. (2005). Victim impact statements: A modified perspective. *Law & Psychology Review, 29*, 211-221.

- Kurdek, L. A. (1978). Perspective taking as the cognitive basis of children's moral development: A review of the literature. *Merrill-Palmer Quarterly: Journal of Developmental Psychology, 24*, 3-28.
- Lamm, C., Batson, C. D., & Decety, J. (2007). The neural substrate of human empathy: effects of perspective-taking and cognitive appraisal. *Journal of Cognitive Neuroscience, 19*, 42-58.
- Luginbuhl, J., & Burkhead, M. (1995). Victim impact evidence in a capital trial: Encouraging votes for death. *American Journal of Criminal Justice, 20*, 1 - 16.
- McCullough, M. E., Worthington, E. L., Jr., Rachal, K. C. (1997). Interpersonal forgiving in close relationships, *Journal of Personality and Social Psychology, 73*, 321-336.
- Myers, B., & Arbuthnot, J. (1999). The effects of victim impact evidence on the verdicts and sentencing judgments of mock jurors. *Journal of Offender Rehabilitation, 29*, 95-112.
- Myers, B., & Greene, E. (2004). The prejudicial nature of victim impact statements: Implications for capital sentencing policy. *Psych. Pub. Pol. and L., 10*, 492-577.
- Myers, B., Lynn, S. J., & Arbuthnot, J. (2002). Victim Impact Testimony and Juror Judgments: The Effects of Harm Information and Witness Demeanor. *Journal of Applied Social Psychology, 32*, 2393-2412.
- Oswald, P. A. (1996). The effects of cognitive and affective perspective taking on empathetic concern and altruistic helping. *The Journal of Social Psychology, 136*, 613-623.
- Piaget, J. (2001). *Language and thought of the child*. Routledge.

Skorinko, J. L., Laurent, S., Bountress, K. E., Kuckuck, D. G., & Nyein, K.P. (in press). Effects of perspective taking on courtroom decisions. *Journal of Applied Social Psychology*.

Skorinko, J. L., Sinclair, S., & Conklin, L. (2012). Perspective Taking Shapes the Impact of Significant-other Representations. *Self and Identity*, 11, 170-184.

Skorinko, J. L., & Sinclair, S. A. (2012). Perspective taking can increase stereotyping: The role of apparent stereotype confirmation. *Journal of Experimental Social Psychology*, 49, 10-18.

Payne v. Tennessee, 111 S. Ct. 2597 (1991).

Zahn-Waxler, C., Radke-Yarrow, M. & Brady-Smith, J. (1977). Perspective-taking and prosocial behavior. *Developmental Psychology*, 13, 87.

Figures

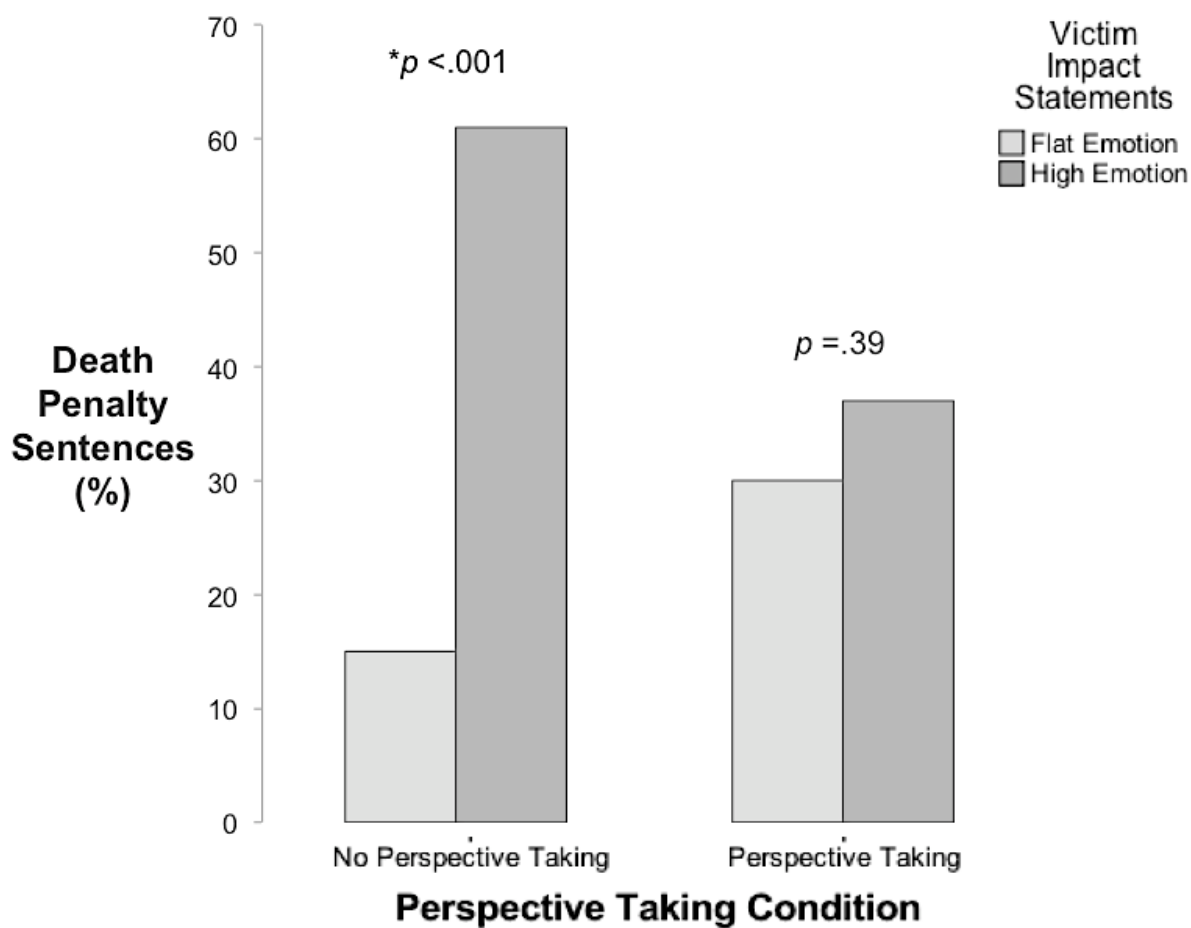


Figure 1. The effects of perspective taking and victim impact statements on the percentage of death penalty sentences administered in Study 2.

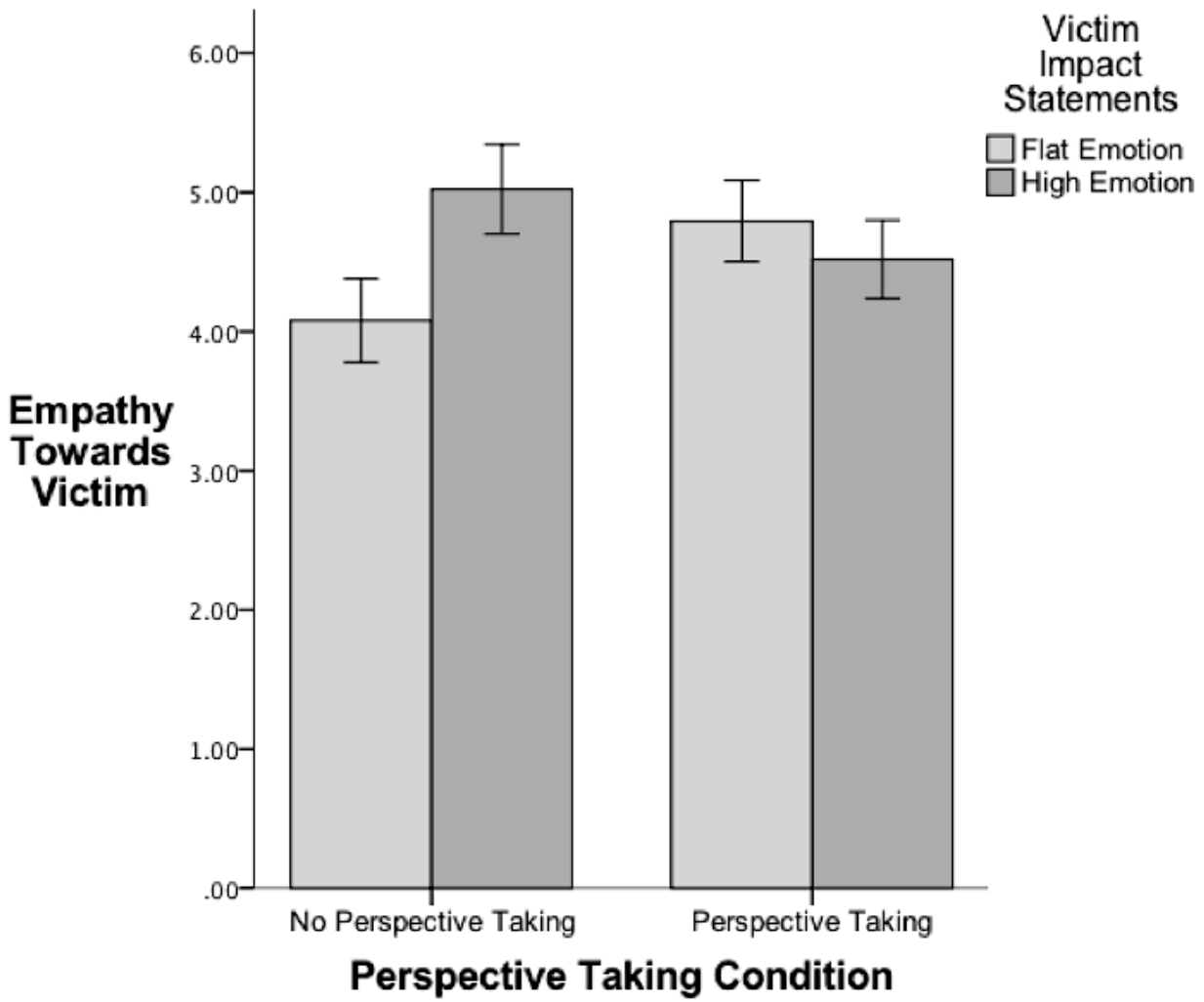


Figure 2. The effects of perspective taking and victim impact statements on empathy towards the victim in Study 2.

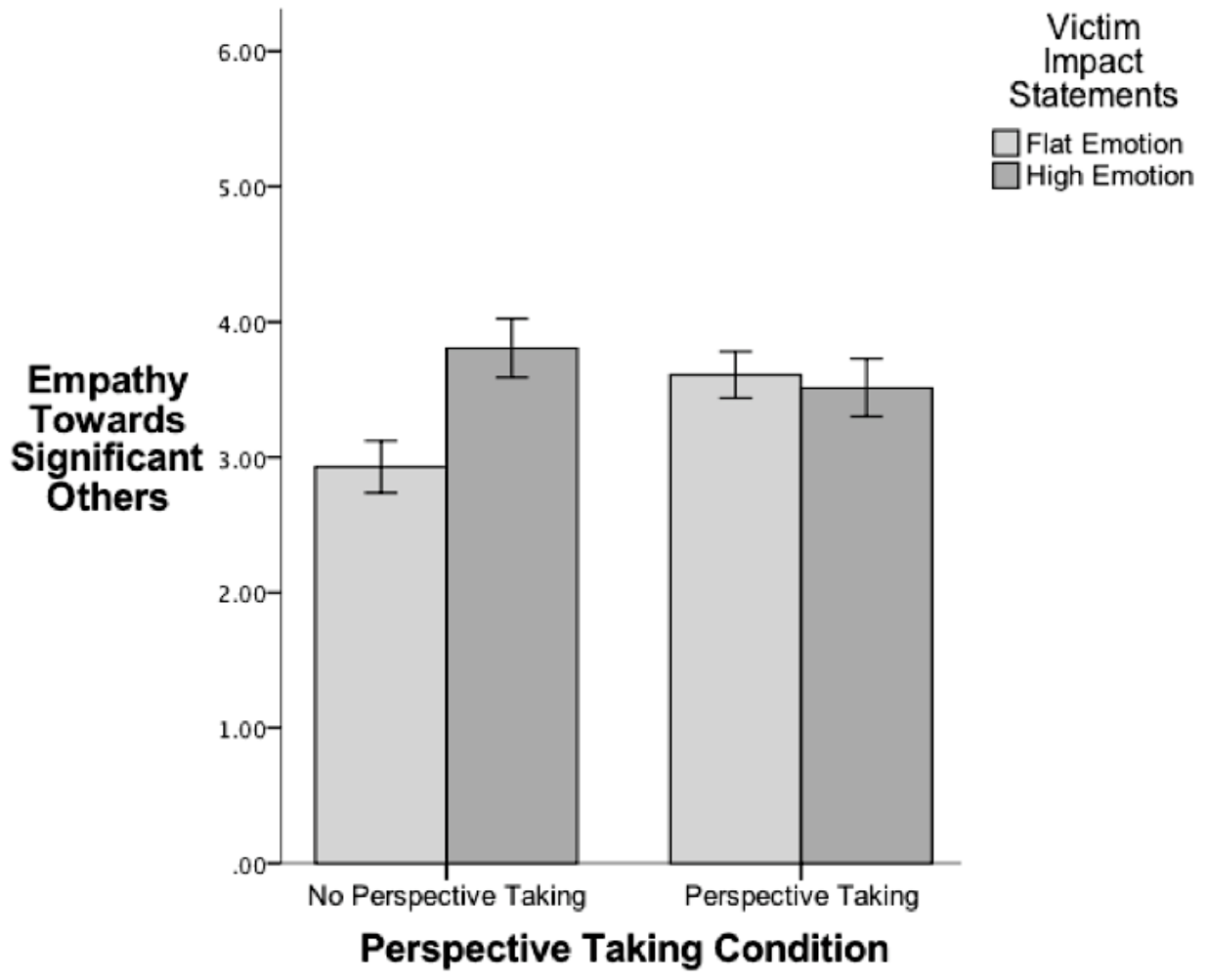


Figure 3. The effects of perspective taking and victim impact statements on empathy towards the victim's significant others in Study 2.

Appendix A

Study 1 Defense Testimony with no Perspective Taking Prompt

Summary of Defense Testimony Presented During the Penalty Phase

The defense has offered evidence for you to consider when deciding the penalty for George Taylor. All of the things the defense attorney is presenting are considered "mitigating circumstances." A mitigator is a reason to consider life in prison without the possibility of parole as opposed to the death penalty.

The defense attorney argues that Mr. Taylor was a brother, father, and friend. His mother testified that George did not have an easy childhood. His father physically battered her and her three children. George Taylor's mother said that she divorced his father after she caught him trying to molest one of their daughters. One of Mr. Taylor's two sisters said, "George always tried to protect my mom, my sister, and me from Dad's wrath. Dad was so big, and George was so little ... but he tried. Unfortunately, George only got beaten more."

Although he had proudly served in the Gulf War, he came back to find his life in shambles. His wife had left him, taking his newborn son with her. His friends said George was a kind person, " ... someone that would do anything for anyone." They said that his life was never the same after the woman he called "the love of his life ... his soul mate" filed for divorce.

To ease his pain, George Taylor turned to alcohol, and, later, marijuana and cocaine. He lost his job due to his alcoholism and drug use and went on welfare for about a year. It was during this time that he was tried and convicted of assault with a deadly weapon during a barroom fight.

Determined to turn his life around, he took correspondence classes when he was in prison and, upon release, was hired as a construction worker. He stopped using alcohol and drugs. He started attending Alcoholics' Anonymous meetings regularly. He began seeing a psychiatrist, who prescribed Luvox and Trazadone for Mr. Taylor's depression. The psychiatrist testified that these medications are not for everyone. They can have grave side effects, such as erratic behavior and mood changes, especially when used with alcohol or other drugs. However, George Taylor seemed to respond well to the medication and his depression seemed to be lifting.

One month before the murder, Mr. Taylor life took a turn for the worse. He learned that his ex-wife was in town. He contacted her to arrange a visit with his son. She refused. George became distraught and started drinking and using drugs again while he was on the antidepressants his doctor had prescribed. He would show up for work sporadically, and his boss told him that he was in danger of being fired.

For the reasons mentioned above, the defense feels that mitigating circumstances outweigh aggravating circumstances and, therefore, the appropriate sentence would be life in prison without the possibility of parole. As additional evidence, the prosecution called the witnesses whose testimony appears below.

You may consider anything in mitigation. You may also give both aggravators and mitigators whatever weight seems appropriate to you. The ultimate decision as to the balance of the aggravating and mitigating circumstances is entirely up to you.

Appendix B

Study 1 Defense Testimony with Perspective Taking Prompt

Summary of Defense Testimony Presented During the Penalty Phase

The defense has offered evidence for you to consider when deciding the penalty for George Taylor. The defense also asks you to imagine yourself in the defendant, George Taylor's shoes, especially when considering the mitigating circumstances involved in this case. All of the things the defense attorney is presenting are considered "mitigating circumstances." A mitigator is a reason to consider life in prison without the possibility of parole as opposed to the death penalty.

The defense attorney argues that Mr. Taylor was a brother, father, and friend. His mother testified that George did not have an easy childhood. His father physically battered her and her three children. George Taylor's mother said that she divorced his father after she caught him trying to molest one of their daughters. One of Mr. Taylor's two sisters said, "George always tried to protect my mom, my sister, and me from Dad's wrath. Dad was so big, and George was so little ... but he tried. Unfortunately, George only got beaten more."

Although he had proudly served in the Gulf War, he came back to find his life in shambles. His wife had left him, taking his newborn son with her. His friends said George was a kind person, " ... someone that would do anything for anyone." They said that his life was never the same after the woman he called "the love of his life ... his soul mate" filed for divorce.

To ease his pain, George Taylor turned to alcohol, and, later, marijuana and cocaine. He lost his job due to his alcoholism and drug use and went on welfare for about a year. It was during this time that he was tried and convicted of assault with a deadly weapon during a barroom fight.

Determined to turn his life around, he took correspondence classes when he was in prison and, upon release, was hired as a construction worker. He stopped using alcohol and drugs. He started attending Alcoholics' Anonymous meetings regularly. He began seeing a psychiatrist, who prescribed Luvox and Trazadone for Mr. Taylor's depression. The psychiatrist testified that these medications are not for everyone. They can have grave side effects, such as erratic behavior and mood changes, especially when used with alcohol or other drugs. However, George Taylor seemed to respond well to the medication and his depression seemed to be lifting.

One month before the murder, Mr. Taylor's life took a turn for the worse. He learned that his ex-wife was in town. He contacted her to arrange a visit with his son. She refused. George became distraught and started drinking and using drugs again while he was on the antidepressants his doctor had prescribed. He would show up for work sporadically, and his boss told him that he was in danger of being fired.

For the reasons mentioned above, the defense feels that mitigating circumstances outweigh aggravating circumstances and, therefore, the appropriate sentence would be life in prison without the possibility of parole. As additional evidence, the prosecution called the witnesses whose testimony appears below.

As you are considering this case, the defense would like to remind you to consider the viewpoint of the defendant, George Taylor.

You may consider anything in mitigation. You may also give both aggravators and mitigators whatever weight seems appropriate to you. The ultimate decision as to the balance of the aggravating and mitigating circumstances is entirely up to you.

Appendix C

Study 2 Sample Neutral Sentence Unscrambling Task

1. ball throw toss silently the
2. somewhat prepared I was refer
3. picked throw apples hardly the
4. they obedient him often meet
5. helpless it hides there over
6. send I mail it over
7. a smile what parrot great
8. ball the hoop toss normally
9. saw hammer the train he
10. maintain she to composure try
11. sky the seamless red is
12. a have June holiday wedding

Appendix D

Study 2 Sample Perspective Taking Sentence Unscrambling Task

1. empathize I him take with
2. understand perspective he the I defendant's
3. can to took relate defendant I the
4. I defendant's picked considered the situation
6. understand I mother defendant's mindset the
7. from see the where defendant I him is coming
8. with view I the empathize defendant
9. story the hear side him I defendant's of
10. perspective I understand Jeremy's picture
11. myself I in shoes the can pants imagine defendant's
12. he Sally sympathizes Harry with

Appendix E

Sample High Emotionality Victim Impact Statement

Q. You live in Hampshire, correct?

A. Hampshire, yes.

Q. And who do you live there with?

A. I live with Caroline Dunning, my wife.

Q. Does your wife work?

A. Caroline worked full time very productively prior to Matthew's death. She's a licensed social worker with an MSW. With Matthew's death, she has not been able to work full time. She's had a couple of brief part-time jobs, also, in social work but has really been markedly disabled with depression as well.

Q. And did you go to work on September 18, 2000?

A. Yes, I did.

Q. And how was it, sir, that you found out about the death of your youngest son?

A. The police called my office. I was in the clinic, though, so my secretary then passed the word along that there was a problem with Matthew . . . and I was told to return to my office. I went back up there. There was nobody there, so at that point I called. I called Caroline to find out what the problem was and, at that point, she was barely able to tell me over the phone that Matthew had been shot.

Q. Doctor Dunning, can you tell the members of the jury what the impact of this crime has been on you?

A. Devastating. . . . I lost a considerable amount of work. I have had difficulty keeping up subsequent to that. My wife has been disabled not only from the depression and grief but the few months later that she developed an attack of multiple sclerosis; we had to arrange for treatment with her at the hospital and . . . I know that my oldest son also was just very upset. We had numerous conversations. I don't know if I answered your question.

Q. You did. You did. And the impact that it has had on you, the impact that it has had on your wife, how has that affected your family life?

A. There's almost no words to describe the pain. It's hard to lose a child. For a child to precede you in death is the most horrible thing I can think to happen to a parent. And for it to happen in this way, for him to be so brutally murdered and to know the horror he went through before he died is - I can never - I'll never get over it. Never. You know, you raise a child up to be right with God, right with your family and right with their community, and Matthew was a shining example of all of that. We were so proud of him and so proud of all that he had done and all that he had accomplished and what kind of person he was. We came to rely on him for the kind of a person that he was, though he was just a boy, just a young boy, and to have that hole and have that not there Our lives will never be the same. There's emptiness that nothing or no one can fill.

Q. Thank you, Doctor Dunning.

THE COURT: You may step down, sir.

MS. BENNETT: Your Honor, at this time the State rests.

Appendix F

Sample Flat Emotionality Victim Impact Statement

MS. BENNETT: The State calls Doctor Gregory Dunning.

GREGORY DUNNING, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MS. BENNETT:

Q. Could you please state your full name for the jury?

A. I'm Gregory S. Dunning.

Q. And how are you employed?

A. I'm a physician, a neurologist with the University Health Care System. I'm also an associate professor at the University Medical School.

Q. You live in Hampshire, correct?

A. Hampshire, yes.

Q. And who do you live there with?

A. I live with Caroline Dunning, my wife.

Q. Does your wife work?

A. Caroline worked full time very productively prior to Matthew's death. She's a licensed social worker with an MSW. With Matthew's death, she has not been able to work full time. She's had a couple of brief part-time jobs, also, in social work.

Q. And did you go to work on September 18, 2000?

A. Yes, I did.

Q. And how was it, sir, that you found out about the death of your youngest son?

A. The police called my office. I was in the clinic, though, so my secretary then passed the word along that there was a problem with Matthew . . . and I was told to return to my office. I went back up there. There was nobody there, so at that point I called. I called Caroline to find out what the problem was and, at that point, she told me over the phone that Matthew had been shot.

Q. Doctor Dunning, can you tell the members of the jury what the impact of this crime has been on you?

A. Devastating. I lost a considerable amount of work. I have had difficulty keeping up subsequent to that. I don't know if I answered your question.

Q. You did. You did. Thank you, Doctor Dunning.

THE COURT: You may step down, sir.

MS. BENNETT: Your Honor, at this time the State rests.

Appendix G

Sentencing Question

Sentence

You have read the summaries of the guilt and penalty phases, as well as the additional testimony. It is now your responsibility to determine the punishment for George Taylor. Please remember: If the aggravators outweigh the mitigators, you must impose the death penalty. If the mitigators outweigh the aggravators, you must sentence him to life.

FOR THE CRIME OF FIRST-DEGREE MURDER, GEORGE TAYLOR SHOULD BE SENTENCED TO:

- LIFE IN PRISON WITHOUT THE POSSIBILITY OF PAROLE
- THE DEATH PENALTY

Appendix J

Demographic Questions

Gender

- Male
- Female

Ethnicity

- African American/Black
- Asian/Pacific Islander/South Asian (please specify)
- Caucasian/White
- Latino/Hispanic (please specify)
- Middle Eastern (please specify)
- Native American/Alaska Native
- Biracial/Mixed Race (please specify)
- Other (please specify)

Age**Are you currently a student?**

- Yes
- No

If yes, what year in school are you?

- 1st
- 2nd
- 3rd
- 4th-5th
- Graduate Student

Are you a United States Citizen?

- Yes
- No

If you are not a citizen, how many years have you resided in the United States?