Evaluating Mock Jurors’ Judgements on Eyewitness Age, Inconsistencies and Crime Type

by

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Abstract

Victim testimony is a persuasive form of evidence presented in criminal trials that plays an essential role in influencing verdict outcomes despite eyewitnesses' making inconsistent statements (Innocence, 2022). The current study examined the influence of victim age (12 vs. 42 vs. 72), number of inconsistencies in testimony (4 vs. 9), and crime type (hit vs. threatened with a weapon) in a home invasion case. Mock jurors read a mock trial transcript and were asked to deliver a verdict (guilty/not guilty), provide a continuous guilt rating (0 – definitely not guilty, 100 – definitely guilty), provide a sentence recommendation (if found guilty), and rate their perceptions of the victim. While neither the independent variables in isolation, nor the two-way interactions, influenced verdict or sentencing decisions, a three-way interaction emerged for victim perceptions. Overall, the results suggest that there are certain contexts in which older victims may be perceived as more credible than younger victims in the criminal justice system. Implications and future directions are discussed.
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Evaluating Mock Jurors’ Judgements on Eyewitness Age, Inconsistencies and Crime Type

On Saturday, July 5, 2002, the decision to attend a nightclub changed the lives of Leighton Hay and Colin Moore forever. That evening, Colin Moore was shot and killed, and due to flawed eyewitness testimony, 19-year-old student Leighton Hay was wrongfully convicted (Innocence Canada, 2022). Hay’s case highlights the potential dangers of relying solely on eyewitness testimony in criminal proceedings.

Unfortunately, eyewitness testimony is persuasive and is sometimes the only evidence presented in a criminal case (O'Neil Shermer et al., 2011; Wells & Olson, 2003, 2011).

Hay's unjust conviction was primarily based on inconsistent eyewitness testimony, emphasizing the need for examining perceptions of such evidence when making decisions of guilt. Eyewitness testimony, while often compelling, can be prone to errors, biases, and misinterpretations, which can cause jurors to find an inconsistent eyewitness credible, even when they are not (Innocence Canada, 2022; Loftus, 2005; Puddifoot, 2020). Given these concerns, exploring the various factors that may interact with eyewitness inconsistencies is essential so that researchers and practitioners can understand their impact on decision-making. The current study will explore the impact of three factors (i.e., number of inconsistencies, victim age, crime type) on outcomes (i.e., verdicts, sentencing decisions, perceptions of victims) in a hypothetical home invasion case.

Models of Juror Decision-Making

Numerous models of juror decision-making have been proposed to explain how jurors reach their verdicts. Some of these models use math or probabilities to explain
jurors' decisions, while others use a narrative approach (i.e., storytelling; Devine, 2012; Devine & Caughlin, 2014; Sprottwood, 2014). The Bayesian Model, for example, uses a math-based approach to predict probabilities of various verdicts from jurors' initial thoughts of guilt and updates the probability of guilt as jurors receive new evidence. A juror will use each critical piece of evidence introduced into a case to either increase or decrease their beliefs regarding each fact in question and may update their probability of guilt based on new facts so that each fact varies between zero (i.e., proven false beyond a reasonable doubt) and one (i.e., proven true beyond a reasonable doubt). It is posited that jurors will then apply these probabilities to weigh the evidence and reach a verdict (Devine, 2012; Devine & Caughlin, 2014; Sprottwood, 2014).

Despite the initial popularity of mathematical models, research has found that people do not think in probabilities (Devine, 2012; Devine & Caughlin, 2014). For example, the Bayesian Model is inconsistent with how jurors process information. As such, mathematical models are no longer the leading approach to understanding juror decision-making (Devine, 2012). Instead, most research has shifted to a narrative approach, often considered a multi-level narrative model (Devine, 2012). Multi-level narrative models suggest that juror decision-making can occur at two levels: an individual juror and a group of jurors. The most widely accepted model of juror decision-making is the Story Model (Devine, 2012).

**Story Model of Juror Decision Making.** The Story Model of Juror Decision Making posits that jurors must do three things – first, jurors must process evidence present at trial to construct one, or multiple, stories to explain the information received at trial. Second, jurors must learn about the legal requirements for each verdict decision.
Finally, jurors must match their preferred story with a verdict (Devine, 2012). The process of using stories to organize information received during trial is called a narrative approach (Devine, 2012; Devine & Caughlin, 2014).

To help build the narrative used in their decision-making, jurors may also use case-specific information and outside knowledge and beliefs (i.e., stereotypes). In juror decision-making, stereotypes are person-centered cognitive structures that use a label to apply characteristics to an individual (i.e., eyewitness, defendant, victim) based on what they observe at trial (Devine, 2012). A "script" or schema is a person-centered cognitive structure used to create the causal sequence of events that a juror may see or hear at trial (Devine, 2012). People tend to remember information consistent with their script (cf. inconsistent) and will use the consistent information to mentally represent the events at trial and eventually build their final narrative. Therefore, jurors will use multiple sources of information and may pick and choose information relative to their script to create the narrative (Devine, 2012; Devine & Caughlin, 2014). To decide which narrative to choose to help guide their decisions, jurors will evaluate information based on coverage (i.e., how many facts can be covered by the story), coherence (i.e., does the story make sense logistically), and uniqueness (i.e., does the story provide good coverage and coherence; Devine, 2012).

Once jurors decide on a script for their narrative, they may employ different deliberation styles to reach a final verdict (i.e., verdict-driven style and evidence-driven style; Devine, 2012). The verdict-driven style aims to reach a consensus for a correct decision, while the evidence-driven style involves reviewing the facts to determine what happened. While the Story Model suggests that jurors make their final verdict decision
based on normative (i.e., decisions arise from group perceptions of the case) and informational influence (i.e., decisions based on the content of the deliberation such as fact-based discussions and how the narrative is described), the Story Model does not account for individual juror characteristics, such as gender, authoritarianism, or trust in the legal system. To address the gap in the Story Model, Devine (2012) developed the Director's Cut Model as an extension of the Story Model, focusing on how individual juror characteristics may influence verdict decisions. Since my thesis examines individual decision-making, the Director's Cut Model will guide the hypotheses.

**Director's Cut Model of Juror Decision Making.** The model adopts a metaphor in which a juror assumes the role of a film director, shaping the narrative from trial evidence, akin to selecting scenes for a movie (Devine, 2012; Devine & Caughlin, 2014). Jurors selectively incorporate evidence into their script to form their initial representation of the case and parties involved. The information presented at trial further refines the juror’s mental representation of the case, suggesting they are forming opinions before the trial begins. The model’s approach focuses on highlighting legal factors (i.e., characteristics specifically related to the crime, such as crime type or inconsistencies) and extralegal factors (i.e., characteristics outside the scope of the legal context, such as eyewitness/victim/suspect race, age, gender, or trust in the legal system) which may influence the development of a jurors' narrative. While extralegal factors should not influence juror decision-making, it is widely known that these elements influence legal outcomes (Devine, 2012; Devine & Caughlin, 2014).

The Director's Cut Model proposes four fundamental propositions which influence individual decision-making. **Proposition one** suggests that a juror may be more
likely to convict a defendant when they have high trust in the legal system, exhibit high authoritarianism (i.e., obedience to authority), demonstrate a low need for cognition (i.e., need to think), and the defendant is of a different race. *Proposition two* states that defendants are more likely to be convicted when they are of low socioeconomic status, unattractive, male, and have a criminal record. Assumptions of the defendant typically trigger certain stereotypes regarding culpability, such as being poor, homeless, or unemployed.

Proposition two may rely more on *proposition three*, which suggests that verdict decisions may vary based on the crime type. For instance, a meta-analysis by Devine and Caughlin (2014) found that a defendant with a criminal record (proposition two) significantly influenced verdict decisions but found that guilty verdicts were higher when the defendant was previously convicted of the same crime (proposition three). A more direct example describing the relationship of crime type on verdict decisions is in cases of child neglect. A juror may be more inclined to convict a woman compared to a man based on the assumption that women are more nurturing. Therefore, the influence of specific characteristics on verdict decisions may depend on the crime (Devine, 2012; Devine & Caughlin, 2014). *Proposition four* of the Director's Cut Model suggests that juror judgements may differ based on their own characteristics, such as their gender, race, or cognitive state. Jurors can fall into one of four cognitive states at the end of the trial, prior to deliberation: believer (i.e., favours the prosecution), doubter (i.e., favours the defence), muller (i.e., sees plausibility in both prosecution and defence), or puzzler (i.e., unable to form a narrative based on the evidence; Devine, 2012; Devine & Caughlin, 2014).
Many juror decision-making studies have relied upon the Director's Cut Model to provide a framework for hypotheses and understanding results (Devine & Caughlin, 2014). The Director’s Cut Model is relevant to the current thesis as the model considers the use of legal and extralegal characteristics, such as eyewitness age, inconsistencies, and crime type. The model also allows jurors to make their own inferences based on their existing knowledge (Devine, 2012; Devine & Caughlin, 2014). Devine and Caughlin (2014) examined several Director's Cut Model components in a meta-analysis. They found that different characteristics (i.e., characteristics proposed in propositions one through four) of the defendant, eyewitness, or victim could increase preference for conviction by up to 20%, suggesting that juror perceptions of the defendant and eyewitness can influence the verdict outcomes.

Using a Director's Cut lens, the current thesis will assess whether specific legal and extralegal characteristics influence mock jurors' decision-making outcomes regarding the verdict, victim credibility perceptions, and sentencing decisions.

**Juror Perceptions of the Eyewitness**

Trials often involve several eyewitnesses providing testimony (Wells & Olson, 2003, 2011). It is important to note that victims can also serve as the sole eyewitness to a crime. Therefore, some research on eyewitness credibility may focus on a victim, whereas other research may focus on a bystander (Goodman et al., 1987; Pozzulo & Dempsey, 2009; Pozzulo et al., 2011). The current study will explore the role of eyewitnesses as victims, while clearly defining the literature surrounding eyewitnesses as both victims and bystanders. The subsequent section delves into the research regarding eyewitness credibility perceptions.
**Eyewitness Credibility.** Research based on juror decision-making has found that eyewitness evidence is sometimes the only evidence present in a criminal trial. Therefore, jurors may rely heavily on the perceived credibility of the eyewitness in making a verdict (Devine, 2012; O’Neill Shermer et al., 2011; Wells & Olson, 2003). Eyewitness credibility is based on cognitive awareness (i.e., memory and the ability to answer lawyers' questions) and honesty (i.e., truthfulness and perceived accuracy of their story). When assessing credibility, jurors typically rely on one or both components, depending on the crime type. Therefore, research on credibility perceptions recommends assessing credibility as a multi-dimensional construct, where scores on items are combined into one overall credibility rating (i.e., Devine, 2012; Devine & Caughlin, 2014; Kwong See et al., 2011; Nunez et al., 2011; Puddifoot, 2020; Ross et al., 1990, 2003). Based on similar studies assessing eyewitness credibility, the current study examined credibility across seven items (i.e., reliability, truthfulness, accuracy, credibility, believability, honesty, and cognitive awareness, e.g., Fraser et al., 2021; Pica et al., 2019).

**Eyewitness Inconsistencies**

Eyewitnesses may be interviewed multiple times throughout a criminal investigation, which can lead to inconsistencies between statements. Research on inconsistent testimony suggests that an inconsistent eyewitness is typically perceived as less credible than a consistent eyewitness (e.g., Brewer et al., 1999; Fisher & Cutler, 1995). Researchers have explored and defined inconsistencies in eyewitness testimony in numerous ways. For instance, early work by Lindsay and colleagues (1986) focused on inconsistencies as conflicting statements, while Leippe and Romancyzk (1989) considered inconsistencies as statements introduced during the trial but not reported
during the initial investigation. Additionally, other research has examined the type of inconsistency or the number of inconsistencies (e.g., Berman et al., 1995; Bruer & Pozzulo, 2014). Before examining the inconsistency literature in more detail, it is important to understand the relationship between inconsistencies and accuracy as they relate to eyewitness credibility.

**Perceptions of Eyewitness Inconsistencies and Accuracy.** Similar to the case of Leighton Hay, a juror could perceive an eyewitness as credible, even though they are not accurate (Berman et al., 1996; Bruer & Pozzulo, 2014; Fisher & Cutler, 1995; Goodman et al., 1987; Ross et al., 1990; O'Neill Shermer et al., 2011). Alternatively, an inconsistent eyewitness could be perceived as not credible (e.g., Leippe & Romancyzk, 1989). When eyewitnesses are inconsistent, they are often seen as not credible, however credibility does not necessarily imply inaccuracy; accuracy refers to the overall correctness of the eyewitness's statement. For instance, if an eyewitness claims to have been attacked by a man wearing a blue shirt and a beard and then correctly identifies an attacker, despite the attacker selected not fitting the initial description, the eyewitness can still be considered accurate. However, studies on jurors, lawyers, and judges indicate a consensus that inconsistencies lead to inaccurate statements, which leads the courtroom participants to believe that the eyewitness is not credible. The findings are in contrast to extensive research on eyewitness accuracy, which suggests that eyewitnesses often make inconsistencies that do not typically affect their overall accuracy (Berman et al., 1996; Bruer & Pozzulo, 2014; Fisher & Cutler, 1995; Goodman et al., 1987; Ross et al., 1990; O'Neill Shermer et al., 2011).
Fisher and Cutler (1995) conducted a multi-part study to elucidate the connection between inconsistencies in eyewitness accounts, the accuracy of those accounts, and how legal professionals perceive such inconsistencies. They found that participants who had to select and describe a person they saw stealing an item from a lineup often made inconsistencies in their descriptions. However, despite these inconsistencies, they could still accurately identify the right person. Interestingly, when videos of these participants were shown to judges and lawyers, they perceived them as less credible due to the inconsistencies, suggesting that even critical players in the legal system may view eyewitnesses as less credible, even when their conclusions are accurate (Fisher & Cutler, 1995).

In another study, Brewer and colleagues (1999) asked potential jurors to rate what factors would negatively influence their perceptions of an eyewitness. Their findings indicated that mock jurors viewed eyewitnesses more negatively when inconsistent. More recently, Puddifoot (2020) reviewed the literature on juror credibility perceptions and misinformation resulting from inconsistencies in testimony. Her findings suggest eyewitnesses can be of excellent character and accurately remember the event, but they may still be considered less credible due to inconsistencies in their testimony.

Three key findings emerge from this body of research. First, eyewitnesses are expected to exhibit inconsistencies (Brewer et al., 1999; Fisher & Cutler, 1995; Puddifoot, 2020). Second, despite these inconsistencies, eyewitnesses may still provide accurate statements (Fisher & Cutler, 1995). Finally, jurors may make incorrect judgments about eyewitness credibility based on inconsistencies, as they may be unaware that inconsistencies are typical. This misconception is also observed among lawyers and
judges. Therefore, to maintain ecological validity, inconsistencies will be operationalized in the current study as either four or nine, aiming to assess whether inconsistencies can predict mock jurors' decision-making outcomes in a home invasion case.

**Types of Eyewitness Inconsistencies.** Researchers have examined inconsistent testimony in various contexts. Some researchers were interested in the type of inconsistent testimony or descriptor error (e.g., Berman et al., 1999). For example, Berman and colleagues (1999) defined the type of inconsistencies as central inconsistencies (i.e., characteristics directly related to the perpetrator of the crime) or peripheral inconsistencies (i.e., objects in the environment unrelated to the perpetrator's appearance). The participants viewed a video of a cross and direct examination of a bank robbery case which represented one of four conditions: 1) a control condition with no peripheral or central inconsistencies, 2) a condition where only central inconsistencies were present, 3) a condition where only peripheral inconsistencies were present, and 4) a condition containing both central and peripheral inconsistencies (Berman et al., 1999). The eyewitness was inconsistent based on an earlier interview (e.g., police report, deposition). The attorney asked the eyewitness which statement was correct (i.e., the previous statement from a police report or deposition or the one stated in their recent testimony), and the eyewitness would always reply with the most current statement. The researchers assessed the type of inconsistency on mock jurors' verdict decisions and perceptions of the victim and defendant (Berman et al., 1999). They found that eyewitnesses were perceived the same when inconsistent, regardless of the type of inconsistency. The researchers suggested that the differences between inconsistency types may be less relevant than inconsistency itself (Berman et al., 1999).
The results of Berman et al.’s (1999) study have led to other examinations of the number of inconsistencies. For instance, Bruer and Pozzulo (2014) examined eyewitness age (i.e., bystander; 4- vs. 12- vs. 20-year-old) and eyewitness inconsistencies (0 vs. 3 vs. 6) in testimony. In this mock trial study, the female eyewitness wakes up in the middle of the night to her mom getting hit with a baseball bat by a stranger. The researchers found verdict differences based on inconsistencies, suggesting that mock jurors were more likely to render a guilty verdict when the eyewitness made zero inconsistencies, compared to six inconsistencies, regardless of victim age. These differences were not found when comparing three to zero or six inconsistencies. There was also no interaction between eyewitness age and inconsistencies on verdicts or credibility perceptions. It is possible that eyewitness age did not influence mock juror evaluations due to the eyewitness being a bystander, not a victim (Bruer & Pozzulo, 2014; Pozzulo & Dempsey, 2009).

Similar findings by Iida and Itsukushima (2021; Experiment 1) suggest that consistencies may influence credibility perceptions and verdict decisions in a convenience store robbery where a kitchen knife was present. Consistent with Bruer and Pozzulo (2014), eyewitness age (i.e., victim; 21- vs. 74-year-old), as well as the interaction between eyewitness age and consistency, did not influence these outcomes. Notably, consistency was examined through the confidence level of their original statement before the trial. For example, a consistent eyewitness would confirm they were 100% confident their prior statement was correct, compared to 50% confident their original statement was correct. They found the consistent eyewitness was perceived as more credible, leading to more guilty verdicts, compared to the eyewitness who was only
50% confident in their prior statement, suggesting that inconsistencies influenced juror decision-making outcomes (Iida & Itsukushima, 2021).

Contrary to research that has found differences in credibility or verdict decisions based on inconsistencies, earlier research from Lindsay and colleagues (1986) assessed eyewitness (i.e., victim) consistency in a purse-snatching case and found no differences based on inconsistent testimony. Participants listened to an audiotaped trial where the victim was either entirely consistent or had one inconsistency. They found mock jurors did not rely on the one inconsistency for verdict decisions. It is possible no difference was found because the one inconsistency (i.e., a different hair colour) is an easily changeable feature. Mock jurors, therefore, may have dismissed the colour of the hair feature as unimportant to the remainder of the testimony (Lindsay et al., 1986).

Another study assessed the type and the number of inconsistencies (e.g., Pica & Pozzulo, 2017). Pica and Pozzulo (2017, Study 1) examined descriptor errors (zero vs. three vs. six), eyewitness age (15- vs. 25-year-old), and familiarity (familiar vs. unfamiliar) to the crime scene in an armed robbery scenario across two experiments. Although descriptor errors are considered different from inconsistent statements, they are similar. A descriptor error refers to an error in the description provided by the eyewitness, whereas an inconsistency refers to a difference in a statement from pretrial and on the stand. Therefore, an eyewitness can make a descriptor error as an inconsistency. Similar to previous studies, the researchers found significant differences in verdict decisions based on the number of descriptor errors. Specifically, mock jurors rendered fewer guilty verdicts when the eyewitness was inconsistent six times compared to consistent. However, there were no differences across inconsistencies when comparing three to six
or three to no inconsistencies. These results extended to continuous guilt and perceptions of the victim and defendant. Moreover, when assessing continuous guilt ratings, mock jurors were less likely to render a guilty verdict when the eyewitness made three descriptor errors compared to when the eyewitness was completely consistent. Notably, no differences were found when comparing three errors to six errors. Age did not influence guilty verdicts or interact with descriptor errors (Pica & Pozzulo, 2017, Study 1).

A follow-up study was completed assessing the type of descriptor errors (i.e., perpetrator vs. environment), the number of descriptor errors (i.e., zero vs. three vs. six), and eyewitness familiarity (familiar vs. unfamiliar) to the crime scene. Notably, the researchers did find that the type of error influenced verdict outcomes based on the number of inconsistencies and familiarity with the crime scene. Important to the current study, the consistent eyewitness (cf. inconsistent: three or six inconsistencies) received more guilty verdicts and more credible perceptions, resulting in a less credible defendant, depending on the type of inconsistencies when the crime scene was familiar (Pica & Pozzulo, 2017).

The current study will focus on examining inconsistencies as a number. Much of the current literature examining the number of eyewitness inconsistencies has included a baseline or control condition where an eyewitness is entirely consistent (e.g., zero inconsistencies; Brewer & Burke, 2002; Brewer & Hupfeld, 2004; Bruer & Pozzulo, 2014; Iida & Itsukushima, 2021; Lindsay et al., 1986; Pica & Pozzulo, 2017). However, a fully consistent witness is not likely to happen in the real world (e.g., Brewer et al., 1999; Fisher & Cutler, 1995). The current thesis will not include a zero-inconsistency condition.
in keeping with ecological validity. Instead, the number of inconsistencies examined will be four or nine. Based on the findings of the inconsistency literature, the current study anticipates that the victim will be perceived as more credible, leading to more guilty verdicts and longer sentences for the defendant, when the victim makes four inconsistencies, compared to nine.

**Eyewitness Age**

Eyewitness age is a common variable examined in eyewitness studies. The credibility of an eyewitness may be influenced by the intersection between their age and crime (e.g., Ross et al., 2003). Although recent research examining eyewitness age and inconsistencies has found that they do not influence each other (Bruer & Pozzulo, 2014; Pica & Pozzulo, 2019), an earlier study found the opposite (Leippe & Romandyzk, 1989). Few studies have examined eyewitness age and inconsistencies. The current study will address the gap in the literature by assessing eyewitness age and inconsistencies in combination with the crime type in a home invasion case. Before discussing the relevant age literature, it is important to understand the broad trends of eyewitness age research and identify what is considered a child, adult, and older adult.

**Broad Trends Regarding Eyewitness Age.** Various studies have examined the impact of eyewitness age on mock jurors' perceptions of the victim and verdict decisions. Generally, research has found that eyewitness age affects credibility perceptions but not always verdict decisions. These studies aim to establish a threshold at which a child or older adult may be viewed differently than an adult.

Some studies compare child eyewitness testimony (i.e., 6- to 13-year-olds) to adult testimony (i.e., 21- to 54-year-old; Bruer & Pozzulo, 2014; Goodman et al., 1987;
Leippe & Romancyzk, 1989; Pozzulo et al., 2006; Pozzulo & Dempsey, 2009), while others compare adult testimony (i.e., 21- to 54-year-olds) to older adult testimony (i.e., >55-year-olds; Brimacombe et al., 1997; Fraser et al., 2021; Iida & Itsukushima, 2021; Kite et al., 2005; Kwong See, et al., 2002; Mueller-Johnson et al., 2007; Thompson et al., 2019). Additionally, two studies have examined age across the lifespan, including child, adult, and older adult testimony (Neal et al., 2012; Ross et al., 1990).

Researchers have identified distinctions in credibility perceptions based on eyewitness age and case type (e.g., Bottoms & Goodman, 1994; Ross et al., 1990). These studies suggest different constructs (i.e., cognitive awareness, and honesty) may increase or decrease credibility perceptions based on what a juror may perceive as a more important feature in a case. The consensus found that honesty is more salient in sexual assault cases (i.e., cases where trust is the more important feature), but cognitive awareness is more salient in non-sexual assault cases (i.e., cases where the memory is a more important feature). Children under the age of 12 or 13 are perceived as more honest, leading to higher credibility in sexual assault cases but lower credibility in non-sexual assault cases (e.g., Bottoms & Goodman, 1994; Ross et al., 1990). For instance, adults (21- to 54-year-olds) are generally seen as more cognitively aware (cf. children and older adults), resulting in higher credibility perceptions in non-sexual assault cases but lower credibility in sexual assault cases (Kite et al., 2005; Ross et al., 1990). Whereas older adults, typically identified as over 55 years old, are viewed similarly to children (i.e., more honest than adults; Kite et al., 2005). Thus, the influence of eyewitness age may influence credibility differently, dependent on the case type. Some research further divides the older adult category into young-old (i.e., 55- to 64-year-olds), middle-old
(i.e., 65- to 74-year-olds), and old-old (i.e., >75-year-olds; Kite et al., 2005). Overall, children and older adults are generally perceived as less credible compared to adults in non-sexual assault cases (Kite et al., 2005; Neal et al., 2012; Ross et al., 1990). Given these findings, the current study will compare mock jurors’ perceptions of a 12-year-old, 42-year-old, and 72-year-old victim in a home invasion case.

**Research Examining Children and Adults.** Much of the research examining age differences in eyewitness testimony focuses on sexual assault cases, where child credibility is typically higher than adult credibility (e.g., Molinaro & Malloy, 2016; Ross et al., 2003). However, there are also studies that have examined differences in other crime types. Goodman and colleagues (1987) conducted a study investigating the impact of eyewitness age (i.e., bystander; 6- vs. 10- vs. 30-year-old) on juror perceptions in pedestrian car accidents and murder cases. They found eyewitness age influenced eyewitness credibility perceptions, but not verdict decisions. The 6-year-old eyewitness was perceived as less credible than the 10- and 30-year-old eyewitnesses and the 10-year-old eyewitness was also considered less credible than the 30-year-old eyewitness. This study suggests age differences may exist between children and adults, but older children (i.e., 10-year-olds) may be perceived similarly to adults depending on the crime type (i.e., murder; Goodman et al., 1987).

Following the research by Goodman and colleagues (1987) study, Leippe and Romancyzk (1989) conducted a five-part study examining eyewitness age and inconsistencies to understand their impact on verdict decisions and credibility perceptions. In experiment 1, participants read a description of a child or college student being approached by an “angry man” and were asked to recall information about the man.
The eyewitness age ranged from 5 to 6 years old, 8 to 9 years old, 12 to 13 years old, or 18 to 22 years old. The researchers found that children (i.e., ages 5 to 9) were perceived as having worse recall than adults. Children under 12 were perceived as less believable than adults (Leippe & Romancyzk, 1989, Experiment 1). In Experiments 2 and 3, 6-year-old eyewitnesses were perceived as less credible than the 10- and 30-year-old eyewitnesses. However, the 10-year-old eyewitness was considered equally credible to the adult eyewitness (Leippe & Romancyzk, 1989; Experiment 2). In Experiment 3, consistency in testimony (i.e., consistent vs. inconsistent) was also manipulated to assess whether inconsistent testimony interacted with victim age. Inconsistencies influenced the victim’s age. The 6-year-old was found more credible when they were consistent compared to inconsistent. Differences in credibility were not found when assessing the 10- and 30-year-old eyewitnesses (Leippe & Romancyzk, 1989, Experiment 3). These findings suggest that inconsistencies have a more significant impact when the eyewitness is a young child in a non-sexual assault case. It is possible the effects of inconsistent testimony diminish as an eyewitness ages.

In contrast to Leippe and Romancyzk (1989), Pozzulo and colleagues (2006) examined eyewitness age (bystander; 9- vs. 42-year-old) and lineup identification in a car theft case which led to a robbery where a teller was killed. Eyewitness age had no impact on verdict decisions but influenced credibility perceptions. The 42-year-old was perceived as more credible than the 9-year-old (Pozzulo et al., 2006). This study supports previous research indicating that cognitive ability is critical in determining credibility in robbery cases, suggesting that adult witnesses are generally perceived as more credible.
Ross and colleagues (1990, Experiment 1) were the first to measure credibility as a multidimensional construct across different victim ages. In a mock-court trial transcript, they examined credibility perceptions of an 8-, 21-, or 74-year-old eyewitness (i.e., bystander) in a cocaine possession case. Surprisingly, the younger (8-year-old) and older (74-year-old) eyewitnesses were rated more positively on various credibility components compared to the adult eyewitnesses (21-year-old). Subsequent studies by Ross and colleagues (2003) confirmed that honesty was more influential than cognitive awareness, but only in sexual assault cases. These findings led to more positive credibility perceptions of the 8- and 74-year-old eyewitnesses. Jurors tend to view honesty and cognitive awareness as separate dimensions, impacting credibility differently depending on the nature of the crime. Overall, these studies highlight eyewitness age's complex relationship with credibility perceptions and verdict decisions.

**Research Examining Adults and Older Adults.** Typically, research has indicated that mock jurors find adults more credible than older adults (i.e., >55-year-olds; Brimacombe et al., 1997; Kwong See et al., 2001). Older eyewitnesses are also typically more honest than adults (Brimacombe et al., 1997; Kwong See et al., 2001; Ross et al., 1990). Additionally, some research has found that the quality of evidence also influences older eyewitness credibility. For example, Brimacombe and colleagues (1997) examined the differences between a 20- or 70-year-old eyewitness. The quality of the evidence was either low, medium, or high. The 20-year-old eyewitness was seen as equally credible across the low and medium-quality conditions, with the 70-year-old eyewitness being seen as equally credible when the evidence was high or medium quality, compared to low quality. Other research has found that perceptions of competency may influence the
relationship between eyewitness age and inconsistent testimony (Kwong See et al., 2001). Inconsistent testimony did not influence the believability of the eyewitness, who was more competent. However, when the older eyewitness was not perceived as competent, they were also not considered believable when the eyewitness made an inconsistent statement. These studies have highlighted the complexities in the literature on older adult eyewitnesses. Overall, these studies indicate that it may be more difficult for mock jurors to perceive the older eyewitnesses as credible. Credibility may be a function of other features attributed to the older adult (i.e., competency, honesty) or the trial (i.e., quality of evidence).

Some research contradicts the findings that older eyewitnesses are perceived as more honest. For example, Brimacombe and colleagues (1997, Experiment 3) found a 70-year-old eyewitness less honest than the 20-year-old eyewitness. However, one explanation for the contradictory findings is that Brimacombe and colleagues (1997, Experiment 3) used actual people instead of a written transcript in those age groups. Thompson and colleagues (2019) also contradicted research on older eyewitnesses. They found no eyewitness age group differences in a convenience store robbery where the eyewitness was somewhat familiar with the perpetrator. It is suggested that familiarity may have a more considerable influence over credibility, therefore acting as a nullifier of the effects of eyewitness age (Thompson et al., 2019). This research suggests that many factors may change the perceptions of the credibility of older adult eyewitnesses.

Research Examining Children, Adults, and Older Adults. In addition to Ross and colleagues (1990), Neal and colleagues (2012, Experiment 1) were the only other researchers, to my knowledge, to examine eyewitness age across the lifespan from
children to older adults. They conducted two experiments, with one assessing eyewitness age (bystander: 6-, 11-, 42-, or 74-year-olds) in a robbery case. The younger eyewitnesses (6- and 11-year-olds) and the older adult eyewitnesses (74-year-olds) led to fewer guilty verdicts than the adult eyewitnesses (42-year-olds). The 42-year-old eyewitness also received higher credibility ratings and produced higher culpability ratings for the defendant (Neal et al., 2012, Experiment 1).

Some consistent findings have emerged when considering all the research on eyewitness age and jurors' perceptions of their credibility. In non-sexual assault cases, it is commonly found that child eyewitnesses (i.e., 6- to 13-year-olds) and older adult eyewitnesses (i.e., >55-year-olds) are perceived as less credible than adult eyewitnesses (i.e., 21- to 54-year-olds). However, in cases such as home invasions, the current literature is unclear if certain age groups may be perceived more credibly. Therefore, the current study aims to fill the gap in the literature by examining children, adults, and older adults across credibility perceptions, verdict decisions and sentencing recommendations. It is anticipated that children and older adults will be viewed similarly (i.e., less credible), leading to less guilty verdicts and shorter sentences compared to adults.

**Crime Type**

The existing body of research suggests that perceptions of eyewitness credibility may depend on the crime type (Devine, 2012; Ross et al., 1990; 2003). Crime type can be examined in various contexts. For example, some studies are interested in examining the degree of violence employed in a similar crime (i.e., robbery/break and enter) on mock jurors' perceptions and judgements (Fraser et al., 2021; Martschuk & Sporer, 2022; Pozzulo et al., 2011). Conversely, other researchers are interested in comparing personal
to property crimes on mock jurors' perceptions and judgements (e.g., Pica et al., 2019; Walker & Woody, 2011).

**Personal vs. Property Crimes.** Walker and Woody (2011) examined the influence of crime type on conviction rates and defendant perceptions. Their findings suggest that mock jurors were more likely to find the defendant guilty and responsible, recommending longer sentences when the crime was against a person compared to a property. Mock jurors may have a predisposition to perceive the defendant negatively in personal crimes (cf. property crimes), potentially leading to an increase in guilty verdict decisions (Walker & Woody, 2011).

Similarly, Pica and colleagues (2019) examined crime type (i.e., personal, victim: abduction vs. impersonal, bystander: theft) and eyewitness age (i.e., 5- vs. 10- vs. 15-year-olds) on verdict decisions and perceptions of the eyewitness and defendant. The researchers found that eyewitness age and crime type influenced verdict decisions; however, they did not interact with each other. More guilty verdicts were found when the crime was personal compared to impersonal. Additionally, the 15-year-old eyewitness condition resulted in more guilty verdicts than the 10-year-old eyewitness. The results suggest that personal crimes enhance positive perceptions of eyewitnesses, which could contribute to finding more guilty verdicts in this scenario (Pica et al., 2019).

**Degree of Violence.** Pozzulo and colleagues (2011) examined eyewitness age (bystander: 10- vs. 25-year-olds) and crime type (drug deal: non-violent vs. physical assault: violent) on verdict decisions and credibility perceptions. In contrast to previous research, the bystander did not witness the more serious crime but witnessed a crime that took place before a murder. No effect for eyewitness age or crime type emerged on
credibility perceptions or verdict decisions. The absence of such effects is attributed to the detachment of the eyewitness from the murder and the role of the eyewitness (i.e., bystander vs. victim; Pozzulo et al., 2011; Pozzulo & Dempsey, 2009). The absence of an effect is also consistent with other studies that found that victims are more credible than bystanders (e.g., Pozzulo & Dempsey, 2009).

Martschuk and Sporer (2022) more recently examined the relationship between crime severity (injured vs. not injured during a robbery) and victim age (25- vs. 75-year-olds) on credibility perceptions and verdict decisions. The victim's age and crime severity interacted with perceptions of the victim. Notably, when the robbery resulted in an injury, mock jurors were more likely to believe the victim and perceive them as more credible when they were 25-year-olds compared to 75-year-olds. There were no differences in victim age when the crime was less severe on credibility perceptions or verdict decisions. This interaction implies that crime severity and victim age may influence victim credibility perceptions (Martschuk & Sporer, 2022).

Based on these findings, it is anticipated that mock jurors will perceive the victim as more credible when the crime is more violent (i.e., hit with a weapon, cf. less violent: threatened with a weapon), leading to more guilty verdicts and longer sentences.

**Eyewitness Age, Number of Inconsistencies, and Crime Type**

There is a gap in the literature assessing the impact of eyewitness age, number of inconsistencies, and crime type on verdict decisions and credibility perceptions. To my knowledge, only one study has reviewed all three variables via two separate studies (Fraser et al., 2021). The first study examined eyewitness age (45-, 65- or 85-year-olds) and inconsistencies (zero vs. three vs. six) in a home invasion on verdict decisions and
credibility perceptions. Eyewitness age displayed no effect on verdicts or credibility perceptions. Instead, inconsistencies emerged as a crucial factor in perceived credibility and verdict decisions; more inconsistencies correlated with less credibility and fewer guilty verdicts (Fraser et al., 2021).

The second study examined inconsistencies (zero vs. three vs. six) and crime (break and enter vs. violent home invasion; Fraser et al., 2021, Study 2). Like the original study, the fewer inconsistencies the eyewitness made, the more likely the jury was to believe the victim and convict the defendant. Contrary to prior studies, crime type did not elicit differences in credibility perceptions or verdict decisions among mock jurors. The study suggests that the overwhelming influence of inconsistencies overshadowed other predictor variables (i.e., age) in influencing credibility and verdicts.

Given the existing literature inconsistencies surrounding victim age (12- vs. 42- vs. 72-year-olds), the number of inconsistencies (4 vs. 9), and crime type (hit vs. threatened with a weapon), my thesis set to explore the two- and three-way interactions between these variables on credibility perceptions, verdict decisions, and sentencing. It should be noted that the hypotheses are mostly exploratory but rely on some previous findings as discussed below.

First, I anticipate an interaction between eyewitness age and crime type; with the adult eyewitness (cf. child or older adult) receiving more positive perceptions, leading to more guilty verdicts and longer sentences when the crime type is more violent. No changes based on age are anticipated when the crime type is threatened with a weapon. The hypothesized effect is based largely on research from Marschuk and Sporer (2022) who found age differences, but only in a more severe crime scenario (cf. not severe). As
their findings suggest that older adults are perceived less credibly compared to adult victims, the current thesis hypothesized a similar finding. However, because other studies suggest older adults and children may be viewed similarly, it is expected that the older adult in the current study will be viewed similar to the child, but different than the adult victim.

Second, I predict an interaction between the number of inconsistencies on credibility perceptions, guilty verdicts, and sentencing decisions. More positive credibility perceptions, more guilty verdicts, and longer sentences are expected when the victim is an adult, compared to a child or older adult. The interaction draws on previous inconsistency literature, suggesting that when an eyewitness is very inconsistent, it may overshadow other variables, influencing decision-making outcomes (e.g., Fraser et al., 2021).

Third, I hypothesize an interaction between number of inconsistencies and crime type. Mock jurors are expected to have more positive perceptions of the victim, more guilty verdicts, and longer sentences when the victim is hit with a weapon and makes four inconsistencies (cf. nine inconsistencies). No differences are anticipated when the victim is threatened with a weapon across the number of inconsistencies. Although the hypothesized effect has not been consistently shown in prior research, I predict a more violent crime may lead to differences across inconsistencies because previous research has shown crime type differences, noting violent crimes resulting in better legal outcomes (e.g., Marschuk & Sporer, 2022). Additionally, inconsistency research suggests that less inconsistent (cf. more inconsistent) victims typically lead to more favourable legal outcomes (e.g., Fraser et al., 2021). Taken together, it is predicted that combining the
more favourable conditions, will lead to more favourable outcomes when viewing that level.

Finally, a three-way interaction is hypothesized between victim age, number of inconsistencies, and crime type on credibility perceptions, guilty verdicts, and sentencing decisions. Specifically, the 42-year-old victim is expected to have more positive credibility perceptions, leading to more guilty verdicts, and longer sentences when presenting four inconsistencies and was hit with a weapon, compared to a 12- or 72-year-old victim in a similar scenario. These hypotheses are derived from the findings that more inconsistencies may overshadow other variables (e.g., Fraser et al., 2021) and that more severe crimes may produce age differences (cf. less violent crimes, e.g., Martschuk & Sporer, 2022).

**The Current Study**

The goal of the current study is to examine jury-eligible participants’ (i.e., mock-jurors) perceptions of the victim in a home invasion case, as well as defendant verdict and sentencing decisions. Each mock juror is presented a mock-trial transcript where the victim’s age (12 vs. 42 vs. 72), number of inconsistencies (4 vs. 9), and crime type (hit, vs. threatened) are varied. The decision to explore different levels of inconsistencies, specifically four or nine, stems from research recognizing that eyewitnesses are typically not completely consistent, making a zero-inconsistency category inappropriate (e.g., Brewer et al., 1999; Puddifoot, 2020). In contrast to Fraser and colleagues (2021), who focused on age differences in older victims, the current study will examine age disparities across the lifespan. The chosen ages, 12, 42, and 72, are strategic to encompass likely scenarios where the victim may be home alone (Edwards, 2018). Additionally, previous
research on crime type has generally compared a violent to a non-violent scenario (Fraser et al., 2021; Martschuk & Sporer, 2022; Pozzulo et al., 2011). To address the increase in violent crimes in Canada (Statistics Canada, 2023), the current study expands on previous crime type research to examine two violent crime scenarios (i.e., being threatened with a weapon or hit with a weapon) in the context of a home invasion. The potential findings aim to identify legal (e.g., crime type, victim inconsistencies) and extralegal (e.g., victim age) factors that may influence courtroom outcomes.

Table 1 presents the hypotheses of the current study. The study hypotheses were pre-registered (https://osf.io/59ck4/?view_only=4dd790de95fc4c969db47e8115ee238d). The original study design included a moderation analysis based on age-related stereotypes. Due to the complex nature of the study, and on recommendation from my thesis committee, the moderations have been removed, and the hypotheses have been revised.
### Hypotheses

<table>
<thead>
<tr>
<th>Hypotheses</th>
<th>Dependent Variables</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(a) Perceptions of the Victim</td>
</tr>
<tr>
<td>Hypothesis 1: Main Effect of Age</td>
<td>The perception ratings will be higher for the 42-year-old victim compared to the 12-year-old and 72-year-old victims.</td>
</tr>
<tr>
<td></td>
<td>Mock jurors are expected to render more guilty verdicts and assign higher guilt ratings to the defendant when the victim was 42 years old compared to when the victim was 12 years old and 72 years old.</td>
</tr>
<tr>
<td></td>
<td>Mock jurors are expected to give longer sentences when the victim was 42 years old compared to the 12-year-old and 72-year-old victims.</td>
</tr>
<tr>
<td>Hypothesis 2: Main Effect of Crime Type</td>
<td>The perception ratings will be higher for the victim who was hit with a weapon compared to the victim who was threatened with a weapon.</td>
</tr>
<tr>
<td></td>
<td>Mock jurors are expected to render more guilty verdicts and assign higher guilt ratings to the defendant when the victim was hit with a weapon compared to when the victim was threatened with a weapon.</td>
</tr>
<tr>
<td></td>
<td>Mock jurors are expected to give longer sentences when the victim is hit with a weapon compared to when the victim is threatened with a weapon.</td>
</tr>
</tbody>
</table>
Hypothesis 3: Main Effect of Number of Inconsistencies
The perception ratings will be higher for the victim who made relatively few inconsistencies (4) compared to the victim who made a higher number of inconsistencies (9).
Mock jurors are expected to render more guilty verdicts and assign higher guilt ratings to the defendant when the victim made relatively few inconsistencies (4) compared to those who made a higher number of inconsistencies (9).
Mock jurors are expected to give longer sentences when the victim made relatively few inconsistencies (4) compared to those who made a higher number of inconsistencies (9).

Hypothesis 4: Two-Way Interaction between Age and Crime Type
The perception ratings will be higher for the 42-year-old victim who was hit with a weapon compared to the 12-year-old or the 72-year-old victim in the same scenario, but such age differences are not expected when the victim was threatened with a weapon.
Mock jurors are expected to render more guilty verdicts and assign higher guilt ratings to the defendant when the 42-year-old victim was hit with a weapon compared to the 12-year-old or 72-year-old victims in the same scenario, but such age differences are not expected when the victim was threatened with a weapon.
Mock jurors are expected to give longer sentences when the 42-year-old victim was hit with a weapon compared to the 12-year-old or 72-year-old victim in the same scenario, but such age differences are not expected when the victim was threatened with a weapon.

Hypothesis 5: Two-Way Interaction between Age and Number of Inconsistencies
The perception ratings will be higher for the 42-year-old victim who made relatively few inconsistencies (4) compared to the 12-year-old and 72-year-old victims who made the same number of inconsistencies, but such age differences are not expected when the victim made more inconsistencies (9).
Mock jurors are expected to render more guilty verdicts and assign higher guilt ratings to the defendant when the 42-year-old victim made relatively few inconsistencies (4) compared to the 12-year-old and 72-year-old victims who made the same number of inconsistencies, but such age differences are not expected when the victim made more inconsistencies (9).
Mock jurors are expected to give the defendant longer sentences when the 42-year-old victim made relatively few inconsistencies (4) compared to when the 12-year-old and 72-year-old victims made the same number of inconsistencies, but such age differences are not expected when the victim made more inconsistencies (9).
Hypothesis 6: Two-Way Interaction between Crime Type and Number of Inconsistencies

The perception ratings will be higher for victims who made relatively few inconsistencies (4) compared to more inconsistencies (9) when they were hit with a weapon, but such inconsistency differences are not expected when the victim was threatened with a weapon.

Mock jurors are expected to render more guilty verdicts and assign higher guilt ratings when victims made relatively few inconsistencies (4) compared to more inconsistencies (9) when they were hit with a weapon, but such inconsistency differences are not expected when the victim was threatened with a weapon.

Mock jurors are expected to give longer sentences to the defendant when victims made relatively few inconsistencies (4) compared to more inconsistencies (9) when they were hit with a weapon, but such inconsistency differences are not expected when the victim was threatened with a weapon.

Hypothesis 7: Three-Way Interaction between Age, Number of Inconsistencies and Crime Type

The perception ratings will be higher for the 42-year-old victim when the crime type is hit with a weapon compared to the 12- or 72-year-old victim who made relatively few (4) inconsistencies, but no age differences are expected when victims are hit with a weapon and made more inconsistencies (9). No age differences are predicted when the victim is threatened with a weapon and made 4 or 9 inconsistencies.

Mock jurors are expected to render more guilty verdicts and assign higher guilt ratings to the defendant when the crime type is hit with a weapon (cf. threatened with a weapon) and the victim is 42 years old compared to when the 12- or 72-year-old victim who made relatively few (4) inconsistencies, but no age differences are expected when victims are hit with a weapon and made more inconsistencies (9). No age differences are predicted when the victim is threatened with a weapon and made 4 or 9 inconsistencies.

Mock jurors are expected to give longer sentences when the crime type is hit with a weapon (cf. threatened with a weapon) and the victim is 42 years old compared to when the 12- or 72-year-old victim who made relatively few (4) inconsistencies, but no age differences are expected when victims are hit with a weapon and made more inconsistencies (9). No age differences are predicted when the victim is threatened with a weapon and made 4 or 9 inconsistencies.
Method

Participants

Before collecting data, a statistical software package called G*Power was used to analyze the sample size required (Faul et al., 2007; 2009). An a priori analysis was conducted to determine sample size for each group based on a moderate effect size of .15 and a power of .8; this effect size was based on research from Devine and Caughlin (2014), who established the moderate effect size standard for jury decision-making research. Based on these projections, 432 participants were needed. However, this sample size was not achieved due to recruitment difficulties.

The sample consisted of first- and second-year undergraduate students at Carleton University (N = 418). Participants were recruited via an online participant pool, SONA (see Appendix A). Those who signed up were eligible to receive a partial course credit and, upon study completion, could enter a draw for a $100 gift card to Indigo (Appendix K). Data were stored in Qualtrics via a unique identifier to ensure anonymity. Participants needed to be jury-eligible to participate in the study (i.e., Canadian citizens over 18 with no criminal record). Of the total sample, 42 participants were screened out based on jury eligibility. Participants were also screened out based on the manipulation check questions presented at the end of the study (Appendix I). These questions indicated that participants understood the trial transcript and ensured the data were high-quality. Questions were based on the three independent variables (i.e., victim age: "What is the age of the victim?", inconsistencies: "How many inconsistencies did the eyewitness make?" and crime type: "Was the victim assaulted?"). Participants were more likely to correctly answer the manipulation check question related to inconsistencies (85.30%, n = 291) and victim age (79.20%, n = 270) compared to crime type (73.00%, n = 249). Participants
may have perceived the less violent condition, where the victim was threatened with a weapon, as an assault; therefore, this question was removed from the analysis.

The final sample consisted of 254 participants who correctly completed both manipulation check questions related to victim age and number of inconsistencies (74.50% of the sample who completed the study). Table 2 shows a breakdown of participants in each condition.

**Table 2**

*Number of Participants per Condition*

<table>
<thead>
<tr>
<th>Victim Age</th>
<th>Victim Inconsistencies</th>
<th>Crime Type</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Hit</td>
</tr>
<tr>
<td>12-year-old</td>
<td>4 inconsistencies</td>
<td>27</td>
</tr>
<tr>
<td></td>
<td>9 inconsistencies</td>
<td>19</td>
</tr>
<tr>
<td>42-year-old</td>
<td>4 inconsistencies</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>9 inconsistencies</td>
<td>18</td>
</tr>
<tr>
<td>72-year-old</td>
<td>4 inconsistencies</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>9 inconsistencies</td>
<td>15</td>
</tr>
</tbody>
</table>

In the final sample, participants' ages ranged from 18 to 61 ($M = 20.99$, $SD = 5.7$). Most participants were White (58.27%, $n = 148$), with fewer non-White participants 41.74%, $n = 106$, see Table 3 for demographic characteristics). Additionally, most participants were women (61.42%, $n = 156$) compared to men (35.43%, $n = 90$) or other gender identifications (1.17%, $n = 3$).
Table 3

Self-Reported Demographics: Race and Gender

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>n</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ethnicity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>148</td>
<td>58.27</td>
</tr>
<tr>
<td>Black</td>
<td>31</td>
<td>12.21</td>
</tr>
<tr>
<td>East Asian</td>
<td>10</td>
<td>3.94</td>
</tr>
<tr>
<td>South Asian</td>
<td>28</td>
<td>11.02</td>
</tr>
<tr>
<td>Southeast Asian</td>
<td>4</td>
<td>1.58</td>
</tr>
<tr>
<td>West Asian</td>
<td>16</td>
<td>6.30</td>
</tr>
<tr>
<td>Latin American</td>
<td>4</td>
<td>1.58</td>
</tr>
<tr>
<td>Indigenous</td>
<td>3</td>
<td>1.18</td>
</tr>
<tr>
<td>Mixed Origin</td>
<td>9</td>
<td>3.54</td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
<td>0.39</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gender</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Women</td>
<td>156</td>
<td>61.42</td>
</tr>
<tr>
<td>Men</td>
<td>90</td>
<td>35.43</td>
</tr>
<tr>
<td>Other</td>
<td>3</td>
<td>1.17</td>
</tr>
<tr>
<td>Information not provided</td>
<td>5</td>
<td>1.97</td>
</tr>
</tbody>
</table>

Design

The participants were randomly assigned to one of 12 conditions, using a 3 (Victim age: 12-year-old vs. 42-year-old vs. 72-year-old) x 2 (Number of Inconsistencies: 4 vs. 9) x 2 (Crime Type: Hit vs. Threatened) between-subjects factorial design. The dependent variables were mock jurors' continuous guilt ratings (0 [definitely not guilty] to 100 [definitely guilty]), dichotomous (guilty, not guilty) verdict decisions, and perceptions of the victim.

Deviations from Original Study Design

The original study design included two moderators for age-related stereotypes and covariates (i.e., age, gender, and race). The design was simplified to remove these analyses due to the small sample size and the complex nature of the design. Additionally,
the study initially intended to examine the perceptions of the defendant. However, due to human error, the question relating to this aspect of the study was inadvertently removed before data collection, and as a result, questions about victim perceptions were accidentally presented to participants twice. Scores from the first set of victim perceptions were used for all analyses.

Materials

*SONA Recruitment Notice*

Students were recruited via an online participant pool (i.e., SONA; Appendix A). The notice indicated eligibility requirements and other important information about the study. Specifically, participants were notified that they must be jury-eligible to participate in the study (i.e., Canadian citizens, no criminal record, over 18). The study information included duration (45 minutes), compensation (.5% course credit and the optional draw for a $100 Indigo gift card), and the researchers' emails if participants had any questions or concerns.

*Informed Consent Form*

The participants were presented with an informed consent form that required consent to read and answer questions regarding a home invasion mock-trial transcript (Appendix B). They were informed that participation was entirely voluntary and were not obligated to complete the study if they felt uncomfortable at any point.

*Demographics Questionnaire*

Participants were asked questions regarding their demographics (see Appendix C). These questions included age, gender, and ethnicity. Questions regarding age and
gender were open responses and coded as male, female, no response, and other.\(^1\) Self-report juror ethnicity was a multi-select question with an open text "other" option.

**Trial Transcript**

Participants who agreed to participate in the study read one of twelve mock-trial transcripts about a home invasion (see Appendix D). Each transcript opens with a brief statement from the judge about the defendant's charges and the opening statements from the prosecution and defence. The transcripts then described a trial scenario where the victim, who was asleep on their couch, was woken when an intruder entered their home and either threatened them with a gun or hit them with a gun. All information is held constant except for the three manipulations (i.e., victim age, number of inconsistencies, and crime type).

The prosecution and defence each present three direct and cross-examined witnesses. The prosecution attempts to prove that the victim was traumatized from the robbery and that he is an honest individual through the testimony of three witnesses: the victim, the police officer, and the victim's sibling. The defence attempts to prove the victim may have memory issues or is too traumatized to remember the details correctly and, therefore, incorrectly identified the defendant through three witnesses: the defendant, the defendant's employer, and the defendant's girlfriend—both the prosecution and defence present closing arguments. The transcript concludes with the judge explaining the charges.

\(^{1}\) An additional category, “other,” was created given the diverse gender identities of participants.
**Pilot Testing of Trial Transcript**

The trial transcript was piloted as previous research has indicated that a transcript which overly favours the defendant or victim could impact mock jurors' perceptions (e.g., Hassan, 2006; see Appendix E). Undergraduate students \((N = 30)\) who met the jury-eligibility criteria (i.e., Canadian citizen, no criminal record, over 18) read the trial transcript with the 12 manipulations removed. The pilot participants were requested to provide a dichotomous verdict (guilty or not guilty), continuous verdict ratings (0 [definitely not guilty] to 100 [definitely guilty]), and a verdict explanation (open text). Dichotomous ratings demonstrated a "fair" split between the verdicts (i.e., +/- 10; guilty 53.30\%, \(n = 16\), not guilty 46.70\%, \(n = 14\)). Similarly, continuous verdict guilt ratings also reflected a "fair" split (53.13\%, \(SD = 22.89\)).

**Verdict Form**

After the trial transcript was read, participants were asked to render a dichotomous verdict (guilty, not guilty), to rate the defendant's guilt on a 101-point scale (0 [definitely not guilty] to 100 [definitely guilty]), and to provide an open text verdict explanation (see Appendix F).

**Verdict Sentencing Form**

Participants who found the defendant guilty were asked to recommend a sentence based on the charge (i.e., minimum five years to maximum life in prison; see Appendix G). Additionally, participants were given the option to give an alternative sentence based on a list of available sentences in Canada; this question was provided for exploratory purposes.
**Perceptions of Victim**

All participants were asked questions regarding victim perceptions (Appendix H). Questions were based on reliability, truthfulness, accuracy, credibility, responsibility, awareness, and honesty. Questions were presented with a Likert-Scale of 1 (strongly disagree) to 5 (Strongly-Agree). A higher score indicated more credible perceptions of the victim.

**Manipulation Check**

All participants completed three questions regarding manipulating the independent variables (i.e., victim age, number of inconsistencies, and crime type; see Appendix I). Failure of either the question regarding victim age or the number of inconsistencies resulted in their removal from further analyses. The final sample consisted of 254 participants.

**Draw Form**

After answering the manipulation check questions, participants in the summer 2023 term were asked if they wanted to enter a draw for a $100 Indigo gift card (see Appendix K). Participants had to provide their email and name for the draw purposes. This information was analyzed separately from the data once participation closed and removed once the winner was selected.

**Debriefing Form**

Following participation in the study, participants received a debriefing form, which provided additional details regarding the true purpose and hypotheses of the study (see Appendix M). The debriefing form also included the contact information should the participants have questions or concerns.
Procedure

Once approval was received from ethics, the recruitment notice was uploaded onto SONA, where participants were made aware of the study when logging into their SONA account (Appendix A). Participants could consent to participation by reading an informed consent form (Appendix B). If students chose to participate, they were directed to Qualtrics, a secure data collection website. Following this page, participants were asked to self-report their demographics (Appendix C). Participants then read one of twelve trial transcripts (Appendix D). They were then directed to the verdict form, where they provided a dichotomous and continuous verdict (Appendix F) and sentencing recommendation (Appendix G). Afterwards, all participants completed questions regarding victim perceptions (Appendix H). This questionnaire was followed by the three manipulation check questions (Appendix I). Participants in the summer 2023 term were then directed to indicate whether they would like to participate in a draw for a $100 Indigo gift card (Appendix K). Finally, participants were directed to the debriefing form and were compensated via course credit for completing the study (Appendix J).

Results

SPSS version 28 was used to analyze all data. Assumption tests were conducted for all regressions and ANOVAs. It was determined that the independent variables were not correlated (i.e., no multi-collinearity; \( ps > .161 \)). Q-Q plots were constructed to test the normality of the dependent variables: continuous guilt and victim credibility perceptions. All Q-Q plots were normally distributed. Homogeneity of variance was examined using Levene's test and is listed with each analysis. Significant findings in ANOVAs were examined through a Bonferroni correction with pairwise comparisons in
SPSS. SPSS uses a mathematical equivalent approach to a Bonferroni correction, which involves multiplying the observed p-value by the number of comparisons made. Should the resulting p-value be less than .05, it remains statistically significant (IBM, n.d.). The following analyses are based on $N = 254$.

**Perceptions of the Victim**

Mock jurors were asked seven questions regarding their credibility perceptions of the victim (i.e., reliability, truthfulness, accuracy, credibility, believability, honesty, and cognitive awareness; Appendix H). All perceptions were significantly correlated ($ps < .001$; see Table 4 for the correlation matrix). Given the strong correlation, all seven items were combined and averaged to form a composite score to represent credibility perceptions ($\alpha = .92$). Each variable was scored from zero to six, with six indicating more credible perceptions of the victim. Mock jurors had fair overall credibility perceptions of the victim ($M = 4.09$, $SD = 0.96$).

**Table 4**

*Correlations between Mock juror’s Perceptions of the Victim*

<table>
<thead>
<tr>
<th></th>
<th>Reliability</th>
<th>Truthfulness</th>
<th>Accuracy</th>
<th>Credibility</th>
<th>Believability</th>
<th>Honesty</th>
<th>Cognitive Awareness</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reliability</td>
<td>.68*</td>
<td>.73*</td>
<td>.77*</td>
<td>.65*</td>
<td>.53*</td>
<td>.54*</td>
<td></td>
</tr>
<tr>
<td>Truthfulness</td>
<td>.61*</td>
<td>.61*</td>
<td>.70*</td>
<td>.69*</td>
<td>.51*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accuracy</td>
<td></td>
<td>.80*</td>
<td>.62*</td>
<td>.55*</td>
<td>.53*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Credibility</td>
<td></td>
<td></td>
<td>.68*</td>
<td>.54*</td>
<td>.54*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Believability</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>.71*</td>
<td>.56*</td>
</tr>
<tr>
<td>Honesty</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cognitive</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>.64*</td>
</tr>
<tr>
<td>Awareness</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Note.* *Correlation is significant at the $p < .001$ level (2-tailed).

A 3 (Victim Age: 12- vs. 42- vs. 72-year-old) x 2 (Victim Inconsistencies: 4 vs. 9) x 2 (Crime: Hit with a weapon vs. Threatened with a weapon) between-subjects ANOVA
was conducted to examine the effects of the independent variables on perceived victim credibility (see Table 5 for ANOVA results; Hypotheses 1a, 2a, 3a, 4a, 5a, 6a, and 7a). Levine's test was non-significant, and therefore, the assumption of homogeneity of variance was assumed, $F(11, 235) = 1.41, p = .167$. The main effects of victim age (Hypothesis 1a: $F(2, 235) = 1.88, p = .155, \eta_p^2 = .02$), victim inconsistencies (Hypothesis 2a: $F(1, 235) = 0.01, p = .932, \eta_p^2 = .00$), and crime type (Hypothesis 3a: $F(1, 235) = 0.56, p = .455, \eta_p^2 = .00$) were non-significant.

Table 5

ANOVA Table for Victim Age, Number of Inconsistencies, and Crime Type on Victim Credibility Perceptions

<table>
<thead>
<tr>
<th>Main Effects and Interactions</th>
<th>df</th>
<th>MS</th>
<th>$F$</th>
<th>$p$</th>
<th>$\eta_p^2$</th>
<th>$1-\beta$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>2</td>
<td>1.70</td>
<td>1.88</td>
<td>.155</td>
<td>.02</td>
<td>.39</td>
</tr>
<tr>
<td>Inconsistencies</td>
<td>1</td>
<td>0.01</td>
<td>0.01</td>
<td>.932</td>
<td>.00</td>
<td>.05</td>
</tr>
<tr>
<td>Crime Type</td>
<td>1</td>
<td>0.51</td>
<td>0.56</td>
<td>.455</td>
<td>.00</td>
<td>.12</td>
</tr>
<tr>
<td>Age * Crime Type</td>
<td>2</td>
<td>0.32</td>
<td>0.35</td>
<td>.704</td>
<td>.00</td>
<td>.11</td>
</tr>
<tr>
<td>Age * Inconsistencies</td>
<td>2</td>
<td>0.58</td>
<td>0.64</td>
<td>.529</td>
<td>.01</td>
<td>.16</td>
</tr>
<tr>
<td>Inconsistencies * Crime Type</td>
<td>1</td>
<td>3.06</td>
<td>3.37</td>
<td>.068</td>
<td>.01</td>
<td>.45</td>
</tr>
<tr>
<td>Age * Inconsistencies * Crime Type</td>
<td>2</td>
<td>3.68</td>
<td>4.05</td>
<td>.019</td>
<td>.03</td>
<td>.72</td>
</tr>
</tbody>
</table>

Hypothesis 4a predicted an interaction between victim age and crime type on credibility perceptions however this interaction was non-significant, $F(2, 235) = 0.35, p = .704, \eta_p^2 = .00$. Likewise, the interaction between victim age and inconsistencies (Hypothesis 5a) was non-significant for victim credibility perceptions, $F(2, 235) = 0.64, p = .529, \eta_p^2 = .00$. The two-way interaction between inconsistencies and crime type
(Hypothesis 6a) was also non-significant for victim perceptions, $F(2, 235) = 3.37, p = .068, \eta^2_p = .01$.

However, the interaction between victim age, victim inconsistencies, and crime type was significant, $F(2, 235) = 4.05, p = .019, \eta^2_p = .033$ (Hypothesis 7). The small effect size indicates that the interaction accounts for approximately 3.3% of the variance in perceived victim credibility. The observed power for the three-way interaction was .72, suggesting a moderate chance of detecting an effect if there is one.

Further analysis of the interaction effect with pairwise comparisons indicated the nature of the interaction. No differences across age groups were found when the victim was hit with a weapon; this was the case for victims who made four inconsistencies (all $ps > .05$) and victims who made nine inconsistencies (all $ps > .05$). No difference across age groups was found when the victim was threatened with a weapon, but only in the scenario where the victim made nine inconsistencies (all $ps > .05$); when the victim was threatened with a weapon and made four inconsistencies, a significant difference in perceived victim credibility ratings was found between 72-year-old victims ($M = 4.61, SD = 0.88$) and 12-year-old victims ($M = 3.83, SD = 1.10$), with 72-year-old victims providing significantly higher credibility ratings ($p = .039$); the size of the effect was medium-to-large ($d = 0.77, 95\%CI [0.14, 1.46]$).
**Figure 1**

*Estimated Marginal Means for Victim Credibility Perceptions for Crime Type: Hit with a Weapon*

![Graph showing estimated means for victim credibility perceptions for different ages and number of inconsistencies.](image)

*Note.* Error bars represent 95% confidence intervals.

**Figure 2**

*Estimated Marginal Means for Victim Credibility Perceptions for Crime Type: Threatened with a Weapon*

![Graph showing estimated means for victim credibility perceptions for different ages and number of inconsistencies.](image)

*Note.* Error bars represent 95% confidence intervals.
Verdict Decisions

Dichotomous Guilt. A hierarchical binary logistic regression was conducted to examine the influence of victim age (12 vs. 42 vs. 72), number of inconsistencies (4 vs. 9), crime type (Hit with a weapon vs. Threatened with a weapon), and their two- and three-way interaction terms on dichotomous verdict decisions (i.e., guilty, not guilty). Of note, age 42 was the reference group for all regression analyses. To test Hypotheses 1b, 2b, and 3b, model 1 included all main effects. To test Hypotheses 4b, 5b, and 6b, model 2 included the two-way interaction terms. To test Hypothesis 7b, model 3 included the three-way interaction term. Models 1, 2, and 3 were all non-significant, $\chi^2 (4) = 1.08, p = .898$, $\chi^2 (9) = 4.25, p = .894$, and $\chi^2 (11) = 5.56, p = .901$, respectively.

Post hoc power analyses were conducted for each model using G*Power based on 254 participants and the effect sizes from each model (i.e., model 1 Nagelkerke's $R^2 = .006$, model 2 Nagelkerke's $R^2 = .022$, and model 3 used Nagelkerke's $R^2 = .029$). Model 1 resulted in a power of .15, suggesting a small chance of detecting an effect if there was one. Similarly, model 2 resulted in a power of .48, suggesting a small chance of detecting an effect if there was one. Model 3 resulted in a power of .61, suggesting a moderate chance of detecting an effect if there is one. Thus, Hypotheses 1b, 2b, 3b, 4b, 5b, 6b, and 7b were not supported. See Table 6 for the percentages of guilty verdicts based on victim age, number of inconsistencies, and crime type.
Table 6

Percentages of Dichotomous Guilt Verdicts (n) based on Victim Age, Number of Inconsistencies, and Crime Type

<table>
<thead>
<tr>
<th>Victim Age</th>
<th>Number of Inconsistencies</th>
<th>Crime Type</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Hit</td>
</tr>
<tr>
<td>12-year-old</td>
<td>Four Inconsistencies</td>
<td>61.54 (16)</td>
</tr>
<tr>
<td></td>
<td>Nine Inconsistencies</td>
<td>50.0 (10)</td>
</tr>
<tr>
<td>42-year-old</td>
<td>Four Inconsistencies</td>
<td>47.62 (10)</td>
</tr>
<tr>
<td></td>
<td>Nine Inconsistencies</td>
<td>41.18 (7)</td>
</tr>
<tr>
<td>72-year-old</td>
<td>Four Inconsistencies</td>
<td>52.63 (10)</td>
</tr>
<tr>
<td></td>
<td>Nine Inconsistencies</td>
<td>47.62 (10)</td>
</tr>
</tbody>
</table>

Continuous Verdict Ratings. A 3 (Victim Age: 12 vs. 42 vs. 72) x 2 (Victim Inconsistencies: 4 vs. 9) x 2 (Crime: Hit with a weapon vs. Threatened with a weapon) between-subjects ANOVA was conducted to examine the effects of the independent variables on continuous verdict ratings (see ANOVA Table 7; Hypotheses 1b, 2b, 3b, 4b, 5b, 6b, and 7b). Levine's test was non-significant; therefore, the assumption of homogeneity of variance was assumed, $F(11, 238) = 1.13, p = .340$. The main effects of victim age (Hypothesis 1b: $F(2, 238) = 0.33, p = .721, \eta_p^2 = .00$), victim inconsistencies (Hypothesis 2b: $F(1, 238) = 0.82, p = .365, \eta_p^2 = .00$), and crime type (Hypothesis 3b: $F(1, 238) = .019, p = .662, \eta_p^2 = .00$) were non-significant for continuous verdict ratings.
Table 7

ANOVA Table for Victim Age, Number of Inconsistencies and Crime Type on Continuous Verdict

<table>
<thead>
<tr>
<th>Main Effects and Interactions</th>
<th>df</th>
<th>MS</th>
<th>F</th>
<th>p</th>
<th>(\eta_p^2)</th>
<th>1−β</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>2</td>
<td>223.35</td>
<td>0.33</td>
<td>.721</td>
<td>.00</td>
<td>.10</td>
</tr>
<tr>
<td>Inconsistencies</td>
<td>1</td>
<td>560.85</td>
<td>0.82</td>
<td>.365</td>
<td>.00</td>
<td>.15</td>
</tr>
<tr>
<td>Crime Type</td>
<td>1</td>
<td>130.53</td>
<td>0.19</td>
<td>.662</td>
<td>.00</td>
<td>.07</td>
</tr>
<tr>
<td>Age * Crime Type</td>
<td>2</td>
<td>66.85</td>
<td>0.10</td>
<td>.907</td>
<td>.00</td>
<td>.07</td>
</tr>
<tr>
<td>Age * Inconsistencies</td>
<td>2</td>
<td>14.39</td>
<td>0.02</td>
<td>.979</td>
<td>.00</td>
<td>.05</td>
</tr>
<tr>
<td>Inconsistencies * Crime Type</td>
<td>1</td>
<td>33.67</td>
<td>0.05</td>
<td>.824</td>
<td>.00</td>
<td>.06</td>
</tr>
<tr>
<td>Age * Inconsistencies * Crime Type</td>
<td>2</td>
<td>383.52</td>
<td>0.56</td>
<td>.571</td>
<td>.01</td>
<td>.14</td>
</tr>
</tbody>
</table>

Hypothesis 4b anticipated a two-way interaction between victim age and crime type for continuous verdict ratings. However, the interaction was non-significant, \(F(1, 238) = 0.10, p = .907, \eta_p^2 = .00\). Hypothesis 5b predicted a two-way interaction between victim age and the number of inconsistencies for continuous verdict ratings. However, the interaction was also non-significant, \(F(1, 238) = 0.02, p = .979, \eta_p^2 = .00\). Hypothesis 6b predicted there would be a two-way interaction between the number of inconsistencies and crime type for continuous verdict ratings; however, the interaction was non-significant, \(F(1, 238) = 0.05, p = .82, \eta_p^2 = .00\). Hypothesis 7a predicted there would be a three-way interaction between victim age, number of inconsistencies and crime type on continuous verdict ratings, however the interaction was also non-significant, \(F(1, 238) = 0.56, p = .571, \eta_p^2 = .01\). Thus, Hypotheses 1b, 2b, 3b, 4b, 5b, 6b and 7b were not supported. See Table 8 for descriptive statistics for the means of the independent variables on continuous guilt.
Table 8

*Descriptive Statistics of Continuous Guilt Ratings (n) as a function of Victim Age, Number of Inconsistencies, and Crime Type

<table>
<thead>
<tr>
<th>Victim Age</th>
<th>Number of Inconsistencies</th>
<th>Crime Type</th>
<th>Hit</th>
<th>Threatened</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>M</td>
</tr>
<tr>
<td>12-year-old</td>
<td>Four Inconsistencies</td>
<td>56.19(26)</td>
<td>24.24</td>
<td>51.79(23)</td>
</tr>
<tr>
<td></td>
<td>Nine Inconsistencies</td>
<td>53.79(19)</td>
<td>22.28</td>
<td>57.91(22)</td>
</tr>
<tr>
<td>42-year-old</td>
<td>Four Inconsistencies</td>
<td>54.95(22)</td>
<td>21.49</td>
<td>54.65(23)</td>
</tr>
<tr>
<td></td>
<td>Nine Inconsistencies</td>
<td>56.65(17)</td>
<td>26.98</td>
<td>59.95(20)</td>
</tr>
<tr>
<td>72-year-old</td>
<td>Four Inconsistencies</td>
<td>52.70(23)</td>
<td>28.38</td>
<td>60.00(18)</td>
</tr>
<tr>
<td></td>
<td>Nine Inconsistencies</td>
<td>60.27(15)</td>
<td>29.25</td>
<td>59.45(22)</td>
</tr>
</tbody>
</table>

**Sentencing Decisions**

Only mock jurors who found the defendant guilty were asked to recommend a sentence (n = 123). Mock jurors could recommend 5-7 years, 8-10 years, 11-13 years, 14-17 years, 18-20 years, 21-24 years, or life in prison. I was interested in examining whether mock jurors may give the defendant less punitive compared to more punitive sentences based on the three independent variables. Mock jurors who indicated they would give the defendant 5-7 years, 8-10 years, or 11-13 years were combined into less punitive sentences. As none of the mock jurors indicated they would give the defendant 21-24 years, categories 14-17 years, 18-20 years, and life in prison were combined into more punitive sentencing. The division was separated this way to have even categories.

Most mock jurors gave less punitive sentences (93.5%, n = 115) compared to more punitive sentences (6.5%, n = 8). To test Hypotheses 1c, 2c, 3c, 4c, 5c, 6c, and 7c, a
binary logistic regression was conducted to examine whether victim age, number of inconsistencies, and crime type influenced mock jurors' sentencing decisions. Model 1 included all main effects, model 2 included the two-way interaction terms, and model 3 included the three-way interaction term. Models 1 (Hypotheses 1c, 2c, and 3c), 2 (Hypotheses 4c, 5c, and 6c), and 3 (Hypothesis 7c) were non-significant, $\chi^2 (5) = 0.93, p = .97$, $\chi^2 (10) = 6.51, p = .77$, and $\chi^2 (12) = 6.51, p = .89$, respectively. Thus, Hypotheses 1c, 2c, 3c, 4c, 5c, 6c, and 7c were not supported.

**Discussion**

The Supreme Court of Canada has recognized that "[a] fair trial does not always mean a safe verdict" (United States v. Burns, 2001). Leighton Hay’s case, that was highlighted at the beginning of my thesis, represents one of many instances where defendants have been wrongfully convicted due to erroneous eyewitness identification. Extensive research has shown that eyewitness characteristics can influence mock jurors' judgements in cases like Hay’s (Brewer & Wells, 2011). Therefore, my goal was to assess factors that could contribute to an inconsistent victim being perceived as credible in the juror decision-making paradigm and to examine how various factors influence verdicts and sentencing decisions.

More specifically, the focus of this study was to explore the impact of juror decision-making through the relationship between three factors in a hypothetical home invasion case: (1) the victim's age, (2) the number of inconsistencies, and (3) the crime type. The results demonstrate the unique effect (or lack of effect) of victim age, number of inconsistencies, and crime type on verdicts, sentencing decisions, and victim credibility perceptions, along with their interactions.
Victim Age

Contrary to Hypothesis 1, the victim's age did not significantly influence credibility perceptions, verdict outcomes, or sentencing decisions. Specifically, victim perceptions, verdicts, and sentencing decisions did not vary based on the 12-year-old, 42-year-old, or 72-year-old victim in trial transcripts. The lack of a significant effect of victim age suggests that age was not a crucial factor related to the decision-making outcomes of mock jurors in this study.

Previous research on eyewitness age aimed to determine the threshold at which eyewitnesses are perceived differently. The current findings align with previous research that found no effect of age on verdict decisions and credibility perceptions (Iida & Itsukushima, 2022; Pica & Pozzulo, 2017; Study 1). However, these findings contradict research suggesting that age does influence verdict decisions (e.g., Bruer & Pozzulo, 2014; Goodman et al., 1987; Lieppe & Romancyzk, 1989;) or that age influences perceptions of victim credibility (Goodman et al., 1987; Lieppe & Romancyzk, 1989; Martschuk & Sporer, 2022; Molinaro & Malloy, 2016; Pozzulo et al., 2006; Ross et al., 1990; 2003).

The findings from the current study suggest that individuals who are 12, 42, and 72 may be perceived as equally credible, indicating that these ages do not meet the threshold for victims to be viewed differently by participants. My findings are similar to previous studies that have shown, for example, that child/adolescent victims (ages 9 to 12) are perceived to be as credible as adults in similar cases to that examined in the current study (i.e., Goodman et al., 1987; Leippe & Romancyzk, 1989; Pica & Pozzulo, 2017; Study 1; Pozzulo et al., 2006). Likewise, other studies have found that older
victims (i.e., >55 years old) can also be seen as equally credible as adults (i.e., Brimbacombe et al., 1997; Thompson et al., 2019). Therefore, it is possible that the age of the victim in the current study did not influence verdicts, perceptions of credibility, or sentencing because all victims were viewed similarly to adult victims.

In future studies, researchers may want to focus on more extreme age differences (i.e., under ten and over 72 compared to adults) to help determine whether eyewitness age influences outcomes in these types of cases. Other research on eyewitness age has found such differences when the eyewitness was much younger (i.e., 6-year-olds; Leippe & Romancyzk, 1989) or much older (i.e., 80-year-olds; Brimacombe et al., 1997) compared to adults; therefore, it may be useful in future research to assess these ages in a similar scenario to the current study.

**Number of Inconsistencies**

Despite numerous studies that have found a consistent influence of inconsistencies on verdicts and victim perceptions, the current study found no significant effect of inconsistencies on the dependent variables (Hypothesis 2). This unexpected finding challenges the prevailing notion that inconsistencies in witness testimony have a significant impact on decision-making outcomes. Specifically, the decision-making outcomes of mock jurors did not change regardless of whether the victim made four or nine inconsistent statements. It appears that mock jurors perceived these varying levels of inconsistencies similarly suggesting that the number of inconsistencies tested in the current study were not different enough to factor into their decision-making processes.

Previous studies that have examined different levels of inconsistencies have typically found differences between inconsistent and consistent conditions on verdict
decisions and credibility perceptions (Bruer & Pozzulo, 2014; Fraser et al., 2021; Iida & Itsukushima, 2021; Pica & Pozzulo, 2017). However, in line with the current findings, these studies also suggest no significant differences in credibility perceptions or verdict decisions when comparing two inconsistent conditions with varying numbers of inconsistencies (i.e., three to six). Significant differences are typically found when a zero-inconsistency comparison condition is included (Brewer et al., 1999; Fisher & Cutler, 1995; Puddifoot, 2020). It is possible that inconsistencies may only exert a noticeable influence on the juror decision-making process when entirely consistent victims are compared to an inconsistent victim (Bruer & Pozzulo, 2014; Fraser et al., 2021; Iida & Itsukushima, 2021; Pica & Pozzulo, 2017).

Therefore, the current findings suggest that in real-world criminal cases, where an entirely consistent victim is highly improbable, the number of inconsistencies that are exhibited by witnesses may not significantly influence decision-making outcomes (e.g., when comparing victims who exhibit a few inconsistencies [i.e., 4] versus several inconsistencies [i.e., 9]). The lack of effect challenges the prevailing assumption that inconsistencies in witness testimony are inherently detrimental to the victim's credibility. It is also possible that mock jurors, often exposed to inconsistencies in witness testimony during trials, have developed a level of tolerance for such inconsistencies and do not perceive them as strongly indicative of the victim's overall credibility.

**Crime Type**

As crimes can vary in degree of violence, I was interested in examining whether two similarly violent crimes would result in differences with respect to credibility perceptions, verdict outcomes, and sentencing decisions. Contrary to Hypothesis 3, the
effect of crime type did not significantly influence the dependent variables. Specifically, mock jurors' decision-making outcomes did not differ when the victim was hit or threatened with a weapon. The current finding is in contrast to some research that has found an influence of crime type, where more violent and personal crimes appear to influence mock juror outcomes to a greater degree (cf. less violent or non-personal crime; Pica et al., 2019; Walker & Woody, 2011).

Because the current study examined a violent, personal crime (i.e., hit with a weapon) compared to a less violent, personal crime (i.e., threatened with a weapon), it was predicted that mock jurors would favour the victim who was hit with a weapon. However, no differences were found across crime type. Instead, the findings were similar to those of Pozzulo and colleagues (2011), who found that crime type did not influence verdicts or credibility perceptions in a less personal crime. It is possible that when a crime is violent (i.e., involving a weapon), the spectrum of violence may not matter to a juror, as they may perceive all victims of personal and violent crimes similarly. A future study, designed to test this assumption specifically, would be valuable.

**Victim Age and Crime Type**

The interaction between victim age and crime type was not significant in the current study for credibility perceptions, verdict outcomes, or sentencing decisions (Hypothesis 4). It was hypothesized that when the victim was hit with a weapon (cf. threatened with a weapon), there would be a significant difference found between victim ages, with the 42-year-old victim receiving more favourable outcomes on the dependent variables compared to the 12- or 72-year-old victims. Differences between ages were not expected when the victim was threatened with a weapon because previous
research suggests victims in a less violent scenario (cf. more violent) are viewed less favourably on legal outcomes which may minimize differences across all age groups.

Contrary to the hypotheses, the current findings suggest that all victims were viewed similarly, resulting in similar verdicts and sentencing decisions, regardless of their age and crime type. The present findings are similar to other research, which found that victim age and crime type did not interact (Pica et al., 2019; Pozzulo et al., 2011). Studies have previously suggested that the null effect for the age by crime type interaction is due to the eyewitness being a bystander who was not close enough to the crime (i.e., witnesses a drug deal or assault on a stranger). However, the results of the current study, which was based on victim testimony, suggests that there may be another reason why these variables do not interact to influence verdicts, sentences, or credibility perceptions.

Contrary to the current findings, research by Martschuk and Sporer (2022) found that when a crime resulted in an injury (cf. no injury), mock jurors perceived the victim as more credible when they were 25 compared to 75. It was thought the current findings would replicate this sort of result. It is unclear why there are differences between the two studies. It is possible that the interaction wasn’t significant in the current study because both conditions involved a weapon, which could be perceived as involving similar levels of severity, regardless of whether the victim was injured. Therefore, in the future, researcher may want to consider having participants view more extreme crime types (i.e., no violence vs. more violent) using victim ages that were used in the current study. Alternatively, researchers may want to consider more extreme ages using the crime types examined in the current study.
Victim Age and Number of Inconsistencies

In the current study, the interaction between victim age and the number of inconsistencies also did not achieve statistical significance for credibility perceptions, verdict outcomes, or sentencing decisions (Hypothesis 5). It was hypothesized that when the victim made four inconsistencies (cf. nine inconsistencies), there would be differences found across the victim age condition, resulting in the 42-year-old victim receiving more guilty verdicts, longer sentences, and higher credibility perceptions than the 12- or 72-year-old victims. However, when the victim made nine inconsistencies, it was expected that there would be no age differences found.

Contrary to the hypotheses, the current findings revealed no interaction between the victim's age and the number of inconsistencies on the dependent variables. Previous research on victim age and the number of inconsistencies has also found no interaction when examining verdicts or credibility perceptions when comparing younger victims to adult victims (Bruer & Pozzulo, 2014; Pica & Pozzulo, 2017) or adults to older adults (i.e., Iida & Itsukushima, 2021). However, the current findings are inconsistent with research from Leippe and Romancyzk (1989), who found that inconsistencies influenced the perceptions of a younger victim’s testimony (age 6) and research from Kwong See and colleagues (2001), who found inconsistencies influenced credibility perceptions of older eyewitnesses (age 80). While previous research suggests the lack of interaction may be due to the eyewitness being a bystander instead of a victim, this is inconsistent with the current study, which found that victim age did not influence mock juror decision-making outcomes. As previous research has suggested, age is more influential in sexual assault trials; it may be that the age of the victim is not an essential factor in home
invasion cases. Alternatively, as suggested previously, perhaps the eyewitness examined was not young or old enough to exhibit significant differences compared to the adult victim.

**Number of Inconsistencies and Crime Type**

Similar to Fraser and colleagues’ (2021) findings, there was no interaction between the number of inconsistencies and the crime type when examining credibility perceptions, verdict outcomes, or sentencing decisions. It was hypothesized that when the victim was hit with a weapon (cf. threatened with a weapon), differences would be observed between four and nine inconsistencies, with more favourable outcomes for the victim who made four inconsistencies. In contrast, it was expected that when the victim was threatened with a weapon, decision-making outcomes would be similar across inconsistencies.

Contrary to hypotheses, no interaction was found between the number of inconsistencies and crime type. To date, one study has examined the possible interaction between inconsistencies and crime type and found no interaction between the predictor variables for credibility perceptions or verdict decisions (Fraser et al., 2021). It was thought that the current study would differ from Fraser et al. (2021) because the inconsistency condition did not include a completely consistent condition, which has been found to overshadow other variables in previous studies (Bruer & Pozzulo, 2014; Iida & Itsukushima, 2021; Pica & Pozzulo, 2017). However, this was not the case. To understand the true relationship between inconsistencies and crime type, researchers may want to consider examining more extreme differences on these variables (e.g., 4 inconsistencies vs. 12 inconsistencies; non-violent crime type vs. violent crime type).
However, researchers should continue to operationalize inconsistencies to mirror the real world (i.e., not include a zero inconsistencies condition) to account for a more accurate relationship between inconsistencies and other factors (i.e., crime type) on the evaluation of verdicts and victim credibility.

Victim Age, Number of Inconsistencies, and Crime Type

The current study hypothesized a three-way interaction between victim age, number of inconsistencies, and crime type for verdict decisions, credibility perceptions and sentencing recommendations. Although the independent variables did not interact when focusing on verdict decisions or sentencing recommendations, they did influence victim credibility. However, the findings were unexpected.

It was predicted that when the victim was hit with a weapon (cf. threatened with a weapon), the 42-year-old victim would be perceived as more credible when they made four inconsistencies, compared to the 12-year-old or 72-year-old who made the same number of inconsistencies. No age differences were predicted when the victim was hit with a weapon and made nine inconsistencies. Similarly, no age differences in credibility perceptions were expected when the victim was threatened with a weapon and made four or nine inconsistencies. Contrary to these hypotheses, no age differences were found across inconsistencies when the victim was hit with a weapon. Additionally, there were no age differences found when the victim was threatened with a weapon and made nine inconsistencies. However, when the victim was threatened with a weapon, the 72-year-old victim was perceived as significantly more credible than the 12-year-old victim when they made four inconsistencies.
The current study is the first to examine the influence of victim age, inconsistencies, and crime type on credibility perceptions. Previous research has focused on the two-way interactions between these variables. The finding that the older victim was perceived as more credible than the younger victim when making four inconsistencies when threatened with a weapon, but not the adult victim, is surprising. Typically, research has viewed children and older adults somewhat similarly, with both being less credible than adults (Kite et al., 2005; Neal et al., 2012; Experiment 1; Ross et al., 1990). The result that the 72-year-old was perceived similarly to the adult, but not like the child, suggests a different relationship. The age differences found demonstrate that perhaps there are situations where mock jurors value or sympathize with the testimony of an older victim but have a lack of sympathy for a younger victim.

When looking at the breakdown of each level of the interaction, differences were observed when the victim was threatened with a weapon compared to hit with a weapon. It is possible that victim differences were not found when the victim was hit with a weapon because the crime was so violent that it overpowered the influence of any of the other variables. However, mock jurors may have considered the other factors involved when the crime was less violent.

Regarding the influence of inconsistencies across victim age, it was predicted that differences would occur across four inconsistencies when looking at victim age, and no age differences would occur when the victim made more inconsistencies (nine). The hypothesis was partially supported, as differences did not occur at higher levels of inconsistencies when victims were threatened with a weapon. The finding is likely due to
the number of inconsistencies overpowering the other variables, as suggested in previous research (Bruer & Pozzulo, 2014; Iida & Itsukushima, 2021; Pica & Pozzulo, 2017).

**Limitations and Future Directions**

Several limitations warrant consideration. First, it is likely that the manipulation check question for the crime type did not effectively measure the intended difference in crime type conditions because the question was based on whether the victim was assaulted. Given that participants had more incorrect responses compared to the other manipulation check questions, it is possible that participants viewed both conditions as an assault. As a result, this manipulation check was not considered, which could mean that participants included in the study did not accurately perceive or encode this manipulation. The interaction occurring when the victim was threatened with a weapon should be interpreted with particular caution due to the potentially flawed measurement of this manipulation check question.

Second, this study is further limited by its small sample size, which may lessen the likelihood of detecting significant effects (i.e., Type II error). Other effects may have been observed if the sample had achieved sufficient power (Field, 2013). Additionally, having proper power would likely have narrowed the confidence intervals and increased the generalizability of the results.

A third significant limitation is the lack of information on defendant perceptions. As previously stated, these questions were removed prior to data collection due to human error. Characteristics about the defendant play a crucial role in understanding a juror's script, and their absence in this study creates a gap in interpreting the results (Devine, 2012; Devine & Caughlin, 2014). Future research should consider including and
analyzing perceptions of the defendant to better understand the relationships between victim age, inconsistencies, and crime type.

Despite these limitations, the current study enhances the literature on credibility perceptions of victims of violent home invasions. Moreover, this research provides information on additional factors that may influence the credibility of older victims compared to younger victims, which should be further tested. Future research should also address the problems related to ecological validity and methodology.

**Conclusions and Implications**

This study found no main effects for victim age, number of inconsistencies, or crime type on credibility perceptions, verdict decisions, and sentencing recommendations. Likewise, there were no two-way interactions between any of the variables. There may have been no differences in victim age because the ages examined did not meet the threshold for being perceived differently from adults. Additionally, crime type may have been associated with no significant findings because the crimes examined could both be considered violent. It is possible differences are only found when comparing more severe differences in crime type, such as no violence compared to violent. The lack of effect when examining inconsistencies is likely because inconsistencies may not be viewed as important when comparing two inconsistent victims, compared to a consistent versus inconsistent victim. It is also possible the lack of effects and their interactions are due to the severe limitations of the study, such as a small sample size.

Taken as a whole, the current study provides some support for a relationship between victim age, the number of inconsistencies in witness testimony, and crime type.
on mock jurors' perceptions of victim credibility. The findings offer insight into how mock jurors may perceive credibility for older victims compared to younger victims, specifically when they were threatened with a weapon and make four inconsistencies. While previous research suggests that older victims are typically viewed similarly to younger victims, this may not always be the case (Kite et al., 2005; Neal et al., 2012; Experiment 1; Ross et al., 1990).

As no study has examined the interaction of these variables to date, it would be beneficial for future research to replicate the findings while addressing the limitations. Other research suggests that younger or older victims should be examined as they are frequently viewed differently from adults (e.g., Brimacombe et al., 1997; Kite et al., 2005). Future research replications with sufficient power may find additional differences when examining other dependent variables, such as defendant perceptions. Additionally, controlling juror characteristics (e.g., gender, race) in future studies could help minimize their potential influence on legal outcomes (e.g., Devine & Caughlin, 2014).

Examining the predictor variables while addressing the limitations presented is essential to understand the generalizability of the current study's findings. If these results are upheld in future research, lawyers and judges may need to consider how victim age can influence jurors, particularly in less violent home invasion cases where the victim makes some inconsistencies. Providing jury instructions on how legal and extralegal factors may indirectly influence decision-making outcomes could be beneficial. Further research is required to fully understand the complexities of the relationship between the number of inconsistencies, victim age, and crime type in violent crimes.
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Appendix A: SONA Recruitment Notice

Study Name: You be the Juror in a Home Robbery Case

Description: In this study you will be required to read a trial transcript regarding a home invasion where the victim was robbed. You will be asked to reach a guilty or not guilty verdict and answer some questions about what you read and your thoughts about the case. At any point during your participation, you are free to withdraw from the study and still receive credit.

Eligibility Requirement: Must be jury-eligible (i.e., 18 years or older and a Canadian citizen).

Duration: 45 minutes

Location: Online, via Qualtrics

Compensation: 0.5% in PSYC 1001, PSYC 1002, PSYC 2001, or PSYC 2002

Primary Investigator: Laura Fraser, Psychology Department, MA Student

Email: LauraEFraser@cmail.carleton.ca

Faculty Advisor: Dr. Joanna Pozzulo

This study has received clearance by the Carleton University Research Ethics Board-B (118865) on January 31, 2023.
Appendix B: Informed Consent Form

The purpose of informed consent is to ensure that you understand the purpose of the study and the nature of your involvement. Informed consent must provide sufficient information such that you have the opportunity to determine whether or not you wish to participate in the study.

Present study: You be the Juror in a Home Robbery Case

Purpose: This study is intended to assess mock-jurors’ perceptions of eyewitnesses based on information provided in a trial summary.

Task requirements: You will be asked to read a trial transcript of a home invasion case. You will be asked to provide basic demographic information, as well as your thoughts and opinions and verdict decisions regarding the case you read. You can refuse to answer any question without academic penalty or withdraw from the study at any time, while still receiving your full participation credit.

Note. The trial transcript used in this study is completely fictional and created solely for the purpose of this study.

Eligibility requirements: To participate in this study you must be jury-eligible (i.e., 18 years or older, a Canadian citizen, no criminal record).

Duration and locale: This study will be completed online in one testing session that will last approximately 45 minutes.

Compensation: You will receive a .5% increase in your final grade of PSYC 1001, PSYC 1002, PSYC 2001, or PSYC 2002 for participating in this study.

Research personnel: The following people will be involved in this research project and may be contacted at any time: Laura Fraser (MA Student, Principal Investigator, LauraEFraser@e-mail.carleton.ca) or Dr. Joanna Pozzulo (Department of Psychology, Joanna.Pozzulo@carleton.ca; 613-520-2600 ext. 1412) from the Department of Psychology.

Ethical concerns: Should you have any ethical concerns with the study, please contact the REB Chair, Carleton University Research Ethics Board-B (by phone: 613-520-2600 ext. 4085 or by email: ethics@carleton.ca). For all other questions about the study, please contact the researcher.

Potential risk/discomfort: There are no physical risks involved in this experiment. There are mild psychological risks involved in this experiment. You will be reading about a home invasion where a weapon is present, and the victim is threatened which may create feelings of unease. Should you experience any unease or anxiety at any point, you have the right to withdraw from the study without penalty, at any time, and you will still receive the .5% credit. You may withdraw prior to reading the case (i.e., now) if the idea...
of doing so makes you feel upset. Further, you will be able to withdraw from the study at any time until the end of the term by contacting the researcher(s). In the case of withdrawal, please note that data will be destroyed.

Please see the contact information for resources in dealing with some of these issues: Carleton University Health and Counseling Services (telephone: 613-520-6674) or the Distress Centre of Ottawa and Region at 613-238-3311 (http://www.dcottawa.on.ca)

**Anonymity/Confidentiality:** The data collected in this experiment are strictly confidential. All data are coded such that your name is not associated with the responses you provide. Any identifying information associated with your code will be confined to a single page that will be separated from your questionnaire, and kept in a separate, secured file by the researchers, who will keep this information confidential. Data is collected through the software Qualtrics, which uses servers with multiple layers of security to protect the privacy of the data (e.g., encrypted websites and password protected storage). Your data will be stored and protected by Qualtrics servers located in Toronto, Ontario, but may be disclosed via a court order or data breach. Your data will also be downloaded and stored on a password-protected secure computer. All the information you provide will be strictly confidential. These data will be used for research at Carleton University and has the potential to be shared with trusted colleagues outside of Carleton. Data will be published in aggregate form and may be used in presentations, future research, teaching, or shared online.

**Right to withdraw:** You may refrain from answering any questions on the questionnaire if you are uncomfortable or otherwise do not want to. In addition, you have the right to withdraw from the study at any time and still receive course credit. If you wish to withdraw, you may do so by clicking on the arrows at the bottom of the screen until you reach the Debriefing Form. If you wish to withdraw your data after you have completed the study, please email Laura Fraser (LauraEFraser@cmail.carleton.ca). Withdrawal from the study is permitted until the end of the term. If you choose to withdraw from the study, your data will be deleted and will not be used for data analysis.

Credit is automatically granted through SONA once you complete the study (i.e., after clicking the arrows at the bottom of the Debriefing Form). However, if you wish to withdraw early, you may do so by closing the browser window and your .5% credit will be manually granted.

This study has received clearance by the Carleton University Research Ethics Board-B (CUREB-B Clearance ****).

*I have read the above form and hereby consent to participate in this study. By checking the ‘Yes’ box I confirm that I am 18 years or older, a Canadian citizen, and do not have a criminal conviction.*

O Yes
O No
Appendix C: Demographics Form

What is your age? __________

Are you a Canadian Citizen?

☐ Yes
☐ No

What is your gender?_______

Ethnicity: Please indicate which ethnic group you would consider yourself to belong to by checking the appropriate box (Optional).

☐ White (e.g., European)
☐ Black (e.g., African, African American, African Canadian, Caribbean)
☐ East Asian (e.g., Chinese, Japanese, Korean, Polynesian)
☐ South Asian (e.g., Burmese, Cambodian, Filipino, Laotian, Malaysian, Thai, Vietnamese)
☐ West Asian (e.g., Arabian, Armenian, Iranian, Israeli, Lebanese, Palestinian, Syrian, Turkish)
☐ Latin American (e.g., Mexican, Indigenous Central and South America)
☐ Indigenous Canadian (e.g., First Nations, Metis, Inuit)
☐ Other - please specify: ____________________________
☐ Prefer not to say.

Criminal conviction: Please indicate whether you have had a criminal conviction?

☐ Yes, I have had a criminal conviction.
☐ No, I have not had a criminal conviction.
Appendix D: Trial Transcript

Please read the following carefully as you will be asked questions based on the following transcript.

This is an excerpt from a trial concerning a robbery/robbery and assault. The transcript below includes the testimony of several witnesses. Please read the transcripts as though you are a juror. You will be asked to determine a verdict and answer some follow-up questions about the case once you are finished. Please read carefully as you will not be able to refer back to the transcript when responding to the questions.

**Judge:** Samuel Winters has been charged with section 343 of the Criminal Code: robbery/robbery and assault. Under Canadian law, the Crown has the burden of proving the defendant guilty of this charge beyond a reasonable doubt.

It is your responsibility to listen to all of the evidence presented, decide the facts, and apply the law that I will give you at the end of this trial. The case will begin with the Crown and Defence presenting their opening statements. These statements are summaries of what will be presented throughout the trial and are not evidence. Each attorney will present and question witnesses who will then be cross-examined. Following the testimonies, you will be asked to make a decision as to whether the defendant, Samuel Winters, is guilty or not guilty.

_The Crown makes their opening statement._

**Crown:** Today you will hear testimony from several witnesses describing the events that took place on December 15, 2021. On an evening at home alone, 12/42/72-year-old Michael was woken up in the middle of the night by a stranger holding a gun in his face. Mr. Anderson was robbed/robbed and attacked. The Defence will try to argue that Mr. Anderson does not have a good memory of the crime or did not positively identify Mr. Winters because he made 4/9 inconsistencies between his statements. However, we will speak to this being normal in witnesses of traumatizing events. After hearing the testimony from these three witnesses I am positive you will find Mr. Winters guilty of robbery/robbery and assault.

_The Defence makes their opening statement._

**Defence:** Good day Judge and members of the jury. Today, you have heard from the Crown, stating that my client, Mr. Samuel Winters, robbed/robbed and attacked Mr. Anderson, a 12-/42-/72-year-old. The short truth is that this is simply not true. Mr. Anderson is an unreliable eyewitness and did not correctly identify Mr. Winters. As the Crown stated, Mr. Anderson made 4/9 inconsistent statements. Today you will hear from three eyewitnesses that will prove Mr. Winters is an outstanding citizen, who has no reason to rob/rob and attack Mr. Anderson. I trust that you will consider all of the information accordingly and will find that my client is not guilty.
The Crown calls their first witness, Rachel Stanton, to the stand.

Crown: Good morning. Please state your name and your role in the events that took place on December 15, 2021.

Witness: My name is Rachel Stanton, and I was the first officer on the scene that night.

Crown: What did Mr. Anderson tell you happened that evening?

Witness: Mr. Anderson told me he had been home alone the night of December 15th, 2021. He was in the living room watching TV on his tablet when he had fallen asleep. He woke up to a man holding a gun at him.

Crown: How many times did you interview Mr. Anderson?

Witness: Twice, once when the crime occurred and second when we had Mr. Anderson identify Mr. Winters in a photo lineup.

Crown: Did Mr. Anderson make any inconsistencies in the two statements?

Witness: He made 4/9 inconsistent statements between interview one and two. But he was shown a lineup of multiple suspects and picked out Mr. Winters. He was advised not to pick anyone out of the lineup, if he was not certain it was the person that robbed him.

Crown: In your professional opinion, is it common for an eyewitness to have inconsistent statements?

Witness: Yes, they often make a few inconsistencies. But this does not mean they are not accurate.

Crown: Ms. Stanton, was there any other evidence found at the scene?

Witness: Yes, a footprint that does not match anyone living in the house.

Crown: Have you found a match to this footprint?

Witness: Yes, Mr. Winters shoes were tested against the shoeprint found at the crime scene and they match.

Crown: Thank you Mrs. Stanton. No further questions.

The Defence cross-examines the witness.

Defence: Aside from the footprint, Officer Stanton were there any fingerprints or DNA evidence left at the crime scene?
Witness: No.

Defence: What type of shoe was it?

Witness: Nike Air Force sneakers, size 12.

Defence: Are these a common shoe?

Witness: Well, I believe they are fairly common.

Defence: You told the prosecution that Mr. Anderson made 4/9 inconsistent statements, correct?

Witness: Yes.

Defence: If he made 4/9 inconsistencies, how can you be so sure that he correctly identified my client as the defendant?

Witness: Well, he identified him as the criminal in a lineup with 5 others.

Defence: No further questions Your Honour.

The Crown calls their second witness, the victim, Mr. Michael Anderson to the stand.

Crown: Hi Mr. Anderson, can you please state your full name and age for the court?

Witness: Yes, my full name is Michael William Anderson, and I am 12/42/72 years old.

Crown: Can you please describe the robbery on December 15th, 2021?

Witness: Well, I had fallen asleep watching TV and woke up when I heard a noise. I at first thought it was my TV show. Then I heard a man’s voice telling me to get up. I was shocked and did what he told me. Once I got up, he threatened me with his gun/hit me over the head with his gun.

Crown: Is the person that threatened/attacked you in the courtroom today?

Witness: Yes, he is sitting over there.
   - Points to Mr. Winters –

Crown: No further questions Your Honour.

The Defence cross-examines Mr. Michael Anderson.

Defence: Mr. Anderson, did you call the police right after the robbery?
Witness: Yes.

Defence: Mr. Anderson, how long did you see the robber’s face before he left/hit you on the head with the gun?

Witness: Maybe 5 or 10 minutes.

Defence: And would you say you got an accurate description of him after seeing him for such a short time.

Witness: Yes, it was one of the most shocking things that has happened to me. I know I would remember details from something like that.

Defence: How can you be so certain when you made 4/9 inconsistent statements?

Witness: I know who I saw!

Defence: Do you have any memory issues Mr. Anderson? Perhaps from the trauma/injury you sustained –

Crown: Objection –

Defence: That’s okay, question withdrawn. No further questions Your Honour.

The Crown calls their final witness, Tara Anderson, to the stand.

Crown: Hi Tara, can you please state your name for the court and your role in this case?

Witness: My name is Tara Anderson I am Mike’s sister. He called me after he was robbed, and I came home immediately.

Crown: Thank you Tara. Can you tell me your whereabouts that evening?

Witness: Yes, I was out with family.

Crown: When you arrived home did you see anyone?

Witness: No, Mike said the person who threatened/assaulted him had been gone for some time.

Crown: Do you know Mr. Anderson to be a credible and honest person?

Witness: Yes, of course.

Crown: Thank you. No further questions.
The Defence cross-examines the witness.

**Defence:** Tara, are you aware that Mike had 4/9 inconsistencies in his testimony?
**Witness:** Yes, I think so.

**Defence:** So not completely accurate.
**Witness:** I guess so.

**Defence:** No further questions Your Honour.

The Defence calls their first witness, Ms. Veronica Clearwater, to the stand.

**Defence:** Hello Ms. Clearwater, can you please state your name and relation to the defendant?

**Witness:** Hi. My name is Veronica Clearwater, and I am Sam’s girlfriend.

**Defence:** Where were you on the night of December 15\(^{th}\), 2021?

**Witness:** I was with Sam for most of the night. He came over and we had some drinks.

**Defence:** Did Sam leave that night?

**Witness:** Yes, he left around 8pm. He said he had to catch an early bus the next morning to go see his mom, so he needed to be home.

**Defence:** Do you think there is any possibility that Sam could have threatened/attacked Mr. Anderson?

**Witness:** No, there is no way he could have done this. He is not a violent man!

**Defence:** Why do you think Mr. Anderson said he committed this crime?

**Witness:** He must have just picked him randomly out of a line up. Mr. Anderson is 12/42/72-years-old maybe he has a memory problem.

**Defence:** Thank you, nothing further Your Honour.

The Crown cross-examines the witness.

**Crown:** Ms. Clearwater, you said previously that you were with Mr. Winters on the night in question, but you were not with him the full night?

**Witness:** Yes, that’s correct.
Crown: How many drinks did you and Mr. Winters have on December 15th, 2021?

Witness: Maybe 3 each?

Crown: Since you don’t fully remember the number of drinks you had, how are you so sure Mr. Winters left at 8pm?

Witness: I am sure I remember the time.

Crown: Is it possible that since you had 3 or more drinks, you are the one misremembering some details.

Witness: No, I don’t think so.

Crown: Ms. Clearwater, is it true that you had recently been laid off and were having money issues around December 15th, 2021.

Witness: Yes, I was laid off. Money is tight for everyone these days.

Crown: No further questions.

The Defence calls their second witness, the defendant, Mr. Samuel Winters, to the stand.

Defence: Please state your full name for the court.

Witness: My name is Samuel Jason Winters.

Defence: Can you please state why you are here today.

Witness: I’m here because someone I have never met before, has accused me of robbing his home and threatening him/hitting him with a gun.

Defence: Where were you on December 15th, 2021?

Witness: I was at work that morning. Then I went to my girlfriend, Veronica’s house after work until about 8 pm. I was taking an early bus to see my mother the next day.

Defence: Why do you think Mr. Anderson said you robbed/you robbed and attacked him December 15th, 2021?

Witness: I am not sure, perhaps it is because he does not have good memory. He is 12/42/72 years old and that could affect his memory.

Defence: So, you have never robbed/attacked and robbed someone?

Witness: No, I could never do something like that!
Defence: Thank you, Mr. Winters. No further questions Your Honour.

The Crown cross-examines the witness.
Crown: And how long had you known Ms. Clearwater on December 15th, 2021?
Witness: About 6 months.

Crown: Would you consider your relationship with Ms. Clearwater serious?
Witness: Yes, I love her.

Crown: Do you believe in the saying; a person will do anything for those they love?
Witness: Well, yes, but -

Crown: Are you aware your girlfriend was laid off and going through financial difficulties?
Witness: That doesn’t mean threaten/attack a 12/42/72-year-old!

Crown: No further questions Your Honour.

The Defence calls their final witness, Mrs. Mackay to the stand.

Defence: Hello Mrs. Mackay. Can you state your name and why you are here today?
Witness: Hello. Yes, my name is Grace Mackay, and I am a co-owner of a custom window company. I am here today because I am the employer for Mr. Winters.

Defence: How long has Mr. Winters been working for you?
Witness: Oh about 5 years now. He is a very good employee with no customer complaints.

Defence: Do you believe there is any reasonable explanation as to why Mr. Winters would threaten/attack Mr. Anderson?
Witness: No. There is just no way he could hurt someone who is 12/42/72 years old!

Defence: Thank you. No further questions Your Honour.

The Crown cross-examines the witness.
Crown: Hello Mrs. Mackay. Are you on the job site daily with Mr. Winters?
Witness: No, I am usually in the office.
Crown: So, you are not sure what Mr. Winters does while he is on the job?

Witness: Well, if you are insinuating that he would steal, I think a client would have called me about it.
Crown: But you have no way to track what he does or doesn’t do on the job site?

Witness: No, I do not.

Crown: No further questions Your Honour.

The Crown makes their closing statement.

Crown: All of the evidence you heard today proves that Mr. Winters threatened/ hit and robbed Mr. Anderson on December 15th, 2021. Mr. Winters does not care that Mr. Anderson is 12/42/72 years old. He is a violent criminal and is not afraid to hurt someone if necessary. Yes, Mr. Anderson misremembered 4/9 parts of the day of December 15th, but what he is clear on is that Mr. Winters is the man that broke into his home. I ask that you trust the evidence presented to you and find the defendant, Samuel Winters, guilty of robbery.

The Defence makes their closing statement.

Defence: It is clear Samuel Winters did not rob Mr. Anderson. Although, Mr. Anderson was threatened attacked and robbed, it was not by Mr. Winters. It is clear from Mr. Anderson’s testimony that he has made 4/9 inconsistencies in the past. This indicates that Mr. Anderson probably has memory problems. It is hard to expect a 12/42/72-year-old to clearly remember a robbery. The only evidence they have is a footprint that matches a very common shoe. Do not let the prosecution fool you, Mr. Winters had no reason to commit a crime and has never done anything like this before. I trust that you will weigh the evidence and come to the decision that Samuel Winters is not guilty of robbery.

Instructions to the jury

Judge: It is your duty to decide whether the Crown has proved Mr. Samuel Winters’ guilt beyond a reasonable doubt. You have now heard all the evidence that will be presented in this case. You must make your decision based on all the evidence presented to you in this courtroom and only on that evidence. You must consider the evidence and make your decision without sympathy, prejudice, or fear, and without influence from public opinion. Your duty as a juror is to assess the evidence impartially.

Judge: Mr. Samuel Winters is charged with robbery/ robbery and assault (Section 343 of the Criminal Code). You must find Mr. Samuel Winters not guilty of robbery/ robbery and assault unless the Crown has proved beyond a reasonable doubt that Mr. Samuel Winters is the person who committed and is responsible the offence. Specifically, the Crown must prove the following essential element beyond a reasonable doubt:
Every one commits robbery who steals, and for the purpose of extorting whatever is stolen or to prevent or overcome resistance to the stealing, uses violence or threats of violence to a person or property; steals from any person and, at the time he steals or immediately before or immediately thereafter, wounds, beats, strikes or uses any personal violence to that person; assaults any person with intent to steal from him; or steals from any person while armed with an offensive weapon or imitation thereof.

If you are not satisfied beyond a reasonable doubt that the Crown has proved these essential elements, you must find Mr. Samuel Winters not guilty of robbery/robbery and assault.

If you are satisfied beyond a reasonable doubt of these essential elements, you must find Mr. Samuel Winters guilty of robbery/robbery and assault.

Please proceed to the next section and answer the questions based on what you have read.
Appendix E: Pilot of Trial Transcript

Please read the following carefully as you will be asked questions based on the following transcript.

This is an excerpt from a trial concerning a robbery. The transcript below includes the testimony of several witnesses. Please read the transcripts as though you are a juror. You will be asked to determine a verdict and answer some follow-up questions about the case once you are finished. Please read carefully as you will not be able to refer back to the transcript when responding to the questions.

**Judge**: Samuel Winters has been charged with section 343 of the Criminal Code: robbery. Under Canadian law, the Crown has the burden of proving the defendant guilty of this charge beyond a reasonable doubt.

It is your responsibility to listen to all of the evidence presented, decide the facts, and apply the law that I will give you at the end of this trial. The case will begin with the Crown and Defence presenting their opening statements. These statements are summaries of what will be presented throughout the trial and are not evidence. Each attorney will present and question witnesses who will then be cross-examined. Following the testimonies, you will be asked to make a decision as to whether the defendant, Samuel Winters, is guilty or not guilty.

The Crown makes their opening statement.

**Crown**: Today you will hear testimony from several witnesses describing the events that took place on December 15, 2021. On an evening at home alone, Michael was woken up in the middle of the night by a stranger holding a gun in his face. Mr. Anderson was robbed. The Defence will try to argue that Mr. Anderson does not have a good memory of the crime or did not positively identify Mr. Winters. However, we will speak to this being normal in witnesses of traumatizing events. After hearing the testimony from these three witnesses I am positive you will find Mr. Winters guilty of robbery.

The Defence makes their opening statement.

**Defence**: Good day Judge and members of the jury. Today, you have heard from the Crown, stating that my client, Mr. Samuel Winters, robbed Mr. Anderson. The short truth is that this is simply not true. Mr. Anderson is an unreliable eyewitness and did not correctly identify Mr. Winters. Today you will hear from three eyewitnesses that will prove Mr. Winters is an outstanding citizen, who has no reason to rob Mr. Anderson. I trust that you will consider all of the information accordingly and will find that my client is not guilty.

The Crown calls their first witness, Rachel Stanton, to the stand.

**Crown**: Good morning. Please state your name and your role in the events that took place on December 15, 2021.
**Witness:** My name is Rachel Stanton, and I was the first officer on the scene that night. **Crown:** What did Mr. Anderson tell you happened that evening?

**Witness:** Mr. Anderson told me he had been home alone the night of December 15th, 2021. He was in the living room watching TV on his tablet when he had fallen asleep. He woke up to a man holding a gun at him.

**Crown:** How many times did you interview Mr. Anderson?

**Witness:** Twice, once when the crime occurred and second when we had Mr. Anderson identify Mr. Winters in a photo lineup.

**Crown:** Ms. Stanton, was there any other evidence found at the scene?

**Witness:** Yes, a footprint that does not match anyone living in the house.

**Crown:** Have you found a match to this footprint?

**Witness:** Yes, Mr. Winters shoes were tested against the shoeprint found at the crime scene and they match.

**Crown:** Thank you Mrs. Stanton. No further questions.

*The Defence cross-examines the witness.*

**Defence:** Aside from the footprint, Officer Stanton were there any fingerprints or DNA evidence left at the crime scene?

**Witness:** No.

**Defence:** What type of shoe was it?

**Witness:** Nike Air Force sneakers, size 12.

**Defence:** Are these a common shoe?

**Witness:** Well, I believe they are fairly common.

**Defence:** No further questions Your Honour.

*The Crown calls their second witness, the victim, Mr. Michael Anderson to the stand.*

**Crown:** Hi Mr. Anderson, can you please state your full name for the court?

**Witness:** Yes, my full name is Michael William Anderson.
Crown: Can you please describe the robbery on December 15th, 2021?
Witness: Well, I had fallen asleep watching TV and woke up when I heard a noise. I at first thought it was my TV show. Then I heard a man’s voice telling me to get up. I was shocked and did what he told me.

Crown: Is that person in the courtroom today?
Witness: Yes, he is sitting over there.
- Points to Mr. Winters –

Crown: No further questions Your Honour.

The Defence cross-examines Mr. Michael Anderson.

Defence: Mr. Anderson, did you call the police right after the robbery?
Witness: Yes.

Defence: Mr. Anderson, how long did you see the robber’s face?
Witness: Maybe 5 or 10 minutes.

Defence: And would you say you got an accurate description of him after seeing him for such a short time.

Witness: Yes, it was one of the most shocking things that has happened to me. I know I would remember details from something like that.

Defence: That’s okay, question withdrawn. No further questions Your Honour.

The Crown calls their final witness, Tara Anderson, to the stand.

Crown: Hi Tara, can you please state your name for the court and your role in this case?
Witness: My name is Tara Anderson I am Mike’s sister. He called me after he was robbed, and I came home immediately.

Crown: Thank you Tara. Can you tell me your whereabouts that evening?
Witness: Yes, I was out with family.

Crown: When you arrived home did you see anyone?
**Witness**: No.

**Crown**: Do you know Mr. Anderson to be a credible and honest person?

**Witness**: Yes, of course.

**Crown**: Thank you. No further questions.

*The Defence cross-examines the witness.*

**Defence**: No questions Your Honour.

*The Defence calls their first witness, Ms. Veronica Clearwater, to the stand.*

**Defence**: Hello Ms. Clearwater, can you please state your name and relation to the defendant?

**Witness**: Hi. My name is Veronica Clearwater, and I am Sam’s girlfriend.

**Defence**: Where were you on the night of December 15\textsuperscript{th}, 2021?

**Witness**: I was with Sam for most of the night. He came over and we had some drinks.

**Defence**: Did Sam leave that night?

**Witness**: Yes, he left around 8pm. He said he had to catch an early bus the next morning to go see his mom, so he needed to be home.

**Defence**: Do you think there is any possibility that Sam could have robbed Mr. Anderson?

**Witness**: No, there is no way he could have done this. He is not a violent man!

**Defence**: Why do you think Mr. Anderson said he committed this crime?

**Witness**: He must have just picked him randomly out of a line up.

**Defence**: Thank you, nothing further Your Honour.

*The Crown cross-examines the witness.*

**Crown**: Ms. Clearwater, you said previously that you were with Mr. Winters on the night in question, but you were not with him the full night?
Witness: Yes, that’s correct.

Crown: How many drinks did you and Mr. Winters have on December 15th, 2021?

Witness: Maybe 3 each?

Crown: Since you don’t fully remember the number of drinks you had, how are you so sure Mr. Winters left at 8pm?

Witness: I am sure I remember the time.

Crown: Is it possible that since you had 3 or more drinks, you are the one misremembering some details.

Witness: No, I don’t think so.

Crown: Ms. Clearwater, is it true that you had recently been laid off and were having money issues around December 15th, 2021.

Witness: Yes, I was laid off. Money is tight for everyone these days.

Crown: No further questions.

The Defence calls their second witness, the defendant, Mr. Samuel Winters, to the stand.

Defence: Please state your full name for the court.

Witness: My name is Samuel Jason Winters.

Defence: Can you please state why you are here today.

Witness: I’m here because someone I have never met before, has accused me of robbing his home.

Defence: Where were you on December 15th, 2021?

Witness: I was at work that morning. Then I went to my girlfriend, Veronica’s house after work until about 8 pm. I was taking an early bus to see my mother the next day.

Defence: Why do you think Mr. Anderson said you robbed him December 15th, 2021?

Witness: I am not sure, perhaps it is because he does not have good memory.

Defence: So, you have never robbed someone?
**Witness:** No, I could never do something like that!

**Defence:** Thank you, Mr. Winters. No further questions Your Honour.

*The Crown cross-examines the witness.*

**Crown:** And how long had you known Ms. Clearwater on December 15th, 2021?

**Witness:** About 6 months.

**Crown:** Would you consider your relationship with Ms. Clearwater serious?

**Witness:** Yes, I love her.

**Crown:** Do you believe in the saying; a person will do anything for those they love?

**Witness:** Well, yes, but -

**Crown:** Are you aware your girlfriend was laid off and going through financial difficulties?

**Witness:** That doesn’t mean I would do this!

**Crown:** No further questions Your Honour.

*The Defence calls their final witness, Mrs. Mackay to the stand.*

**Defence:** Hello Mrs. Mackay. Can you state your name and why you are here today?

**Witness:** Hello. Yes, my name is Grace Mackay, and I am a co-owner of a custom window company. I am here today because I am the employer for Mr. Winters.

**Defence:** How long has Mr. Winters been working for you?

**Witness:** Oh about 5 years now. He is a very good employee with no customer complaints.

**Defence:** Do you believe there is any reasonable explanation as to why Mr. Winters would rob Mr. Anderson?

**Witness:** No. There is just no way he could hurt someone!

**Defence:** Thank you. No further questions Your Honour.

*The Crown cross-examines the witness.*
**Crown:** Hello Mrs. Mackay. Are you on the job site daily with Mr. Winters?

**Witness:** No, I am usually in the office.

**Crown:** So, you are not sure what Mr. Winters does while he is on the job?

**Witness:** Well, if you are insinuating that he would steal, I think a client would have called me about it.

**Crown:** But you have no way to track what he does or doesn’t do on the job site?

**Witness:** No, I do not.

**Crown:** No further questions Your Honour.

*The Crown makes their closing statement.*

**Crown:** All of the evidence you heard today proves that Mr. Winters robbed Mr. Anderson on December 15th, 2021. Mr. Winters is a violent criminal and is not afraid to hurt someone if necessary. I ask that you trust the evidence presented to you and find the defendant, Samuel Winters, guilty of robbery.

*The Defence makes their closing statement.*

**Defence:** It is clear Samuel Winters did not rob Mr. Anderson. Although, Mr. Anderson was robbed, it was not by Mr. Winters. The only evidence they have is a footprint that matches a very common shoe. Do not let the prosecution fool you, Mr. Winters had no reason to commit a crime and has never done anything like this before. I trust that you will weigh the evidence and come to the decision that Samuel Winters is not guilty of robbery.

*Instructions to the jury*

**Judge:** It is your duty to decide whether the Crown has proved Mr. Samuel Winters’ guilt beyond a reasonable doubt. You have now heard all the evidence that will be presented in this case. You must make your decision based on all the evidence presented to you in this courtroom and only on that evidence. You must consider the evidence and make your decision without sympathy, prejudice, or fear, and without influence from public opinion. Your duty as a juror is to assess the evidence impartially.

**Judge:** Mr. Samuel Winters is charged with robbery (Section 343 of the Criminal Code). You must find Mr. Samuel Winters not guilty of robbery unless the Crown has proved beyond a reasonable doubt that Mr. Samuel Winters is the person who committed and is responsible the offence. Specifically, the Crown must prove the following essential element beyond a reasonable doubt:
Every one commits robbery who steals, and for the purpose of extorting whatever is stolen or to prevent or overcome resistance to the stealing, uses violence or threats of violence to a person or property; steals from any person and, at the time he steals or immediately before or immediately thereafter, wounds, beats, strikes or uses any personal violence to that person; assaul ts any person with intent to steal from him; or steals from any person while armed with an offensive weapon or imitation thereof.

If you are not satisfied beyond a reasonable doubt that the Crown has proved these essential elements, you must find Mr. Samuel Winters not guilty of robbery.

If you are satisfied beyond a reasonable doubt of these essential elements, you must find Mr. Samuel Winters guilty of robbery.

Please proceed to the next section and answer the questions based on what you have read.
Pilot Verdict Form

Please answer the following questions based on the trial transcript you have just read. Please check your answers.

1. On a scale of 0-100, rate the degree to which you feel the defendant is not guilty or guilty (0-definitely not guilty; 100-definitely guilty).

   Your rating: __________

2. Would you find the defendant guilty or not guilty based on the testimony you just read? Please check your answer.

   Guilty  [ ] Not Guilty  [ ]

3. Please explain what factors went into your verdict decision below:
Appendix F: Verdict Form

Please answer the following questions based on the trial transcript you have just read. Please check your answers.

1. On a scale of 0-100, rate the degree to which you feel the defendant is not guilty or guilty (0-definitely not guilty; 100-definitely guilty).

   Your rating: __________

2. Would you find the defendant guilty or not guilty based on the testimony you just read? Please check your answer.

   Guilty [ ] Not Guilty [ ]

3. Please explain what factors went into your verdict decision below:
Appendix G: Verdict Sentencing

Please answer the questions below with regards to sentence recommendations for the robbery.

As per the Criminal Code of Canada s. 344(1)(a) (i), the minimum sentence for a first-time offence is 5-years and the maximum is life in prison.

Please check one of the following lengths for the defendant’s sentence:

- 5 to 7 years
- 8 to 10 years
- 11 to 13 years
- 14 to 17 years
- 18 to 20 years
- 21 to 24 years
- Life in prison (25 years)

If you could ignore the Criminal Code, what do you think would be the appropriate sentence and duration of time, if any, for the defendant? (*You may refer to the list of sentences available in Canada below to assist you in your answer*).

Sentence: _________________________________________

Duration: _________________________________________

Amount (if imposing a fine): _________________________

**Absolute Discharge:** A sentence that releases him or her into the community with no conditions, and no criminal record.

**Conditional Discharge:** A sentence that releases him or her into the community with a set of conditions, and no criminal record.

**Conditional Sentence of Imprisonment:** A prison sentence served in the community, under the watch of a supervisor. Conditions can be punitive, and usually involve house arrest.

Will only be presented to those who vote guilty for the defendant.
**Probation:** Offender is released on conditions prescribed in a probation order. Conditions are rehabilitative, not punitive, and directly relate to the offenders needs. Can be combined with imprisonment.

**Fine:** A fee made payable to Her Majesty, the province in which the crime is committed. Can be combined with imprisonment.

**Imprisonment:** A sentence served in an institution. Two years less a day is served in a provincial jail, two years or more is served in a federal penitentiary.
## Appendix H: Perceptions of the Victim

In relation to the victim, Michael Anderson, please answer the following questions/rate your agreement with the following statements:

1. **His testimony was **reliable.**

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2. **His testimony was** truthful.**

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3. **His testimony was** accurate.**

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4. **His testimony was** credible.**

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5. **His testimony was** believable.**

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7. **Do you believe the eyewitness was** honest.**

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8. **Do you believe the eyewitness was cognitively aware?**

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Appendix I: Manipulation Check

1. How many inconsistencies did the eyewitness make in their testimony?
   a. 0
   b. 4
   c. 9
   d. 7

2. What was the age of the eyewitness?
   a. 8 years
   b. 12 years
   c. 42 years
   d. 72 years

3. Was the victim assaulted?
   a. Yes
   b. No
Appendix J: Debriefing Form

Name and Contact Information of Researchers:

Laura Fraser, MA student, Carleton University, Department of Psychology
Email: lauraefraser@cmail.carleton.ca

Supervisor and Contact Information:

Dr. Joanna Pozzulo, Professor, Carleton University, Department of Psychology
Tel: 613-520-6200 x1412
Email: Joanna.Pozzulo@carleton.ca

Project Title: You be the Juror in a Home Robbery Case

Carleton University Project Clearance

Clearance #: 118865 Date of Clearance: May 5, 2023

What are we trying to learn in this research?

This research examines how mock jurors are influenced by an eyewitness’s age, number of inconsistencies in their testimony, based on the type of crime (violent versus non-violent). As mock jurors you were presented with a case summary that varied these factors and were asked to render a verdict and rate your perceptions of the victim and defendant.

Note. The trial transcript used in this study was completely fictional and created solely for the purpose of this study.

Why is this important to scientists or to the general public?

To date, there is limited research informing the Canadian court system of how jurors would feel and react to a case of this kind. This research is important because it can help the legal system in knowing how potential jurors may respond to a case involving child trafficking.

What are our hypotheses and predictions?

We predict that there will be less guilty verdicts for the defendant when the eyewitness makes more inconsistencies and is either a child or older adult in a non-violent home invasion.

Where can I learn more?

**What if I have questions later?**

If you wish to discuss this research any further feel free to contact any one of the following people: Laura Fraser (Principal Investigator, lauracfraser@cmail.carleton.ca) or Dr. Joanna Pozzulo (Professor, Dept. of Psychology, joanna.pozzulo@carleton.ca; 613-520-2600 ext. 1412) from the Department of Psychology.

**What if I have ethical concerns?**

If you have any ethical concerns with the study, please contact Dr. Bernadette Campbell, Chair, Carleton University Research Ethics Board-B (by phone at 613-520-2600 ext. 4085 or via email at ethics@carleton.ca).

This study has received clearance by the Carleton University Research Ethics Board-B (CUREB-B Clearance #118865)

At this time, we would like to thank you for taking the time to take part in this study.

Your participation has been greatly appreciated!
Appendix K: Draw Form

1. Would you like to be entered into the draw for the $100 Indigo gift card?
   a. Yes
   b. No

2. Please enter your first and last name:

3. Please enter your email address where you will be contacted if you win the gift card: