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The Influence of Case-Specific Expert Testimony on Juror Sensitivity to Confession Evidence

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THE INFLUENCE OF CASE-SPECIFIC EXPERT TESTIMONY ON JUROR SENSITIVITY TO CONFESSION EVIDENCE

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Dedication

To my mentors, Drs. Doug Woody and Chris Meissner. To Doug, for inspiring a love of science.

To Chris, for picking up where Doug left off.
THE INFLUENCE OF CASE-SPECIFIC EXPERT TESTIMONY ON
JUROR SENSITIVITY TO CONFESSION EVIDENCE

by

SKYE A. WOESTEHOFF, B.A.

THESIS

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Abstract

Research on the effect of expert testimony has resulted in incongruent findings. Expert testimony has been shown to lead to sensitivity, by educating participants about the evidence and facilitating the application of this knowledge, and skepticism, by causing jurors to distrust the evidence regardless of its quality. The current study explored the role of expert testimony in improving participants’ evaluation of confession evidence. Data were collected from 352 students and 281 community members. Participants read a trial transcript that included a low-pressure, medium-pressure, or high-pressure interrogation. Participants also read expert testimony that was general, case-specific, or no testimony at all. The remaining participants read a transcript without an interrogation or expert testimony. Although both general and case-specific expert testimony educated participants about false confession risk factors, neither type of expert testimony had an effect on participants’ verdicts. However, participants were sensitive to false confession risk factors in the absence of expert testimony. Contrary to what previous studies found, participants discounted the confession when the confession was elicited during an interrogation that included false confession risk factors (the medium- and high-pressure interrogations).
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Chapter 1: Introduction

Miller and Boster (1977) described the purpose of a trial as a search for the ground truth concerning the matter under question. To determine the reality of what occurred, jurors should consider the evidence and the reliability of the evidence in a fair and unbiased manner and then arrive at a carefully reasoned decision regarding the defendant’s guilt or innocence (Miller & Boster, 1977). However, the search for truth may be inhibited by flawed evidence. It has come to light with the advent of DNA testing that jurors have convicted innocent individuals in numerous cases that involved factors such as mistaken eyewitness identifications, faulty forensic evidence, and confessions from innocent suspects (Garrett, 2011).

Although some scholars argue that the issue is more complex (see Martire & Kemp, 2011), a lack of sensitivity about the evidence presented at trial could contribute, at least in part, to wrongful convictions. There are two aspects to sensitivity: knowledge and integration (Cutler, Penrod, & Dexter, 1989; Leippe, 1995; Leippe & Eisenstadt, 2009). Sensitivity can be defined as a juror’s capability to discern differences in the quality of the evidence presented at trial (knowledge) and the juror’s ability to rely on this knowledge when deciding whether to convict the defendant (integration; Cutler, Penrod, & Dexter, 1989). If jurors are sensitive, they would be able to recognize when the quality of the evidence is poor and jurors’ verdicts would reflect this awareness. Conversely, if jurors are not sensitive, they may unquestionably accept poor quality evidence as proof of the defendant’s guilt; thus, sensitivity may improve jurors’ decisions (Cutler, Dexter, & Penrod, 1989).

Some have proposed that expert testimony may increase sensitivity to evidence (Cutler, Penrod, & Dexter, 1989). However, there are concerns that expert testimony would instead be prejudicial and lead to a skepticism effect, causing jurors to devalue the evidence regardless its
quality (McCloskey & Egeth, 1983; see also Leippe, 1995 for a review of arguments against expert testimony). Jurors who are skeptical of the evidence would doubt the probative value of even high quality evidence (Cutler, Dexter, & Penrod, 1989); this unjustified skepticism could lead jurors to erroneously acquit guilty defendants (McCloskey & Egeth, 1983).

Research has failed to reach consensus concerning the effect of expert testimony that is general in nature. General expert testimony has led to sensitivity (e.g., Cutler, Penrod, & Dexter, 1989) and skepticism (e.g., Wells, Lindsay, & Tousignant, 1980), and other studies have shown that general expert testimony had no effect at all (e.g., Devenport & Cutler, 2004). However, scholars have suggested case-specific expert testimony could better improve juror sensitivity (Geiselman, Putman, Korte, Shahriary, Jachimowicz, & Irzhevsky, 2002). According to the base rate fallacy, expert testimony that speaks directly to the case at hand could facilitate jurors’ use of the expert’s testimony by highlighting the relevance of the research to the trial (Bar-Hillel, 1980; Brekke & Borgida, 1988).

One type of evidence that jurors are asked to evaluate is a confession. False confessions and false admissions, where someone confesses to a crime he or she did not commit or makes otherwise incriminating statements, contributed to approximately 25% of wrongful convictions that were overturned by the Innocence Project through DNA evidence (http://www.innocenceproject.org/). Jurors may not realize why an innocent suspect would confess to a crime (Leo & Liu, 2009); expert testimony could serve to educate jurors and potentially increase sensitivity to confession evidence (Blandon-Gitlin, Sperry, & Leo, 2011; Chojnacki, Cicchini, & White, 2008; Forrest, Woody, Brady, Batterman, Stastny, & Bruns, 2012; Woody & Forrest, 2009; Woody, Forrest, & Stewart, 2011).
The contradictory research on the effect of expert testimony will be reviewed below. Following this review will be an examination of whether jurors are sensitive to confession evidence in the absence of expert testimony. The current research suggests that potential jurors lack sensitivity to confession evidence on their own; jurors are generally unknowledgeable about factors that can lead an innocent person to confess and jurors often do not apply the limited knowledge they do have.

The research on expert testimony about false confessions will also be discussed. There is a stark gap in the literature concerning false confession expert testimony, particularly whether expert testimony could increase juror sensitivity to confession evidence and if the type of testimony would differentially impact sensitivity. The majority of studies on false confession expert testimony were not designed to test for a sensitivity effect and none evaluated whether the nature of the expert’s testimony (general or case-specific) influenced jurors’ decisions. Some studies found that expert testimony is influential and leads jurors to acquit the defendant more often; however, more research is needed to determine whether false confession expert testimony could lead to a sensitivity effect and whether the type of expert influences sensitivity. The present study sought to fill this gap in the literature.

1.1 Sensitivity, Skepticism, and Expert Testimony

1.1.1 Sensitivity

         Jurors must be knowledgeable about the evidence and able to integrate their knowledge to be considered sensitive to the evidence (Cutler, Penrod, & Dexter, 1989). Sensitivity is optimal; sensitivity could allow jurors to recognize when the quality of the evidence is poor and allow jurors to make better decisions (Cutler, Penrod, & Dexter, 1989).
Knowledge. The first component of sensitivity is knowledge. Decades of research has shown that jurors may lack the necessary knowledge to be able to evaluate eyewitness evidence (see Leippe & Eisenstadt, 2009). Although jurors are informed about some factors, jurors may not realize that accurate eyewitness identification can be encumbered by other factors such as whether the perpetrator was of a different race than the suspect (Deffenbacher & Loftus, 1982), wearing a disguise (Cutler, Penrod, & Dexter, 1990; Cutler, Penrod, & Stuve, 1988), or carrying a weapon (Cutler, Penrod, & Dexter, 1989; Cutler et al., 1988; Read & Desmarais, 2009); the time delay between the crime and the eyewitness’s identification (Cutler et al., 1988; Cutler, Penrod, & Dexter, 1990; Deffenbacher & Loftus, 1982); and certain lineup procedures during an identification (Cutler et al., 1988; Cutler, Penrod, & Dexter, 1990; Devenport, Stinson, Cutler, & Kravitz, 2002; Lindsay, 1994; Read & Desmarais, 2009). Jurors’ knowledge about factors that can influence accurate eyewitness identification has improved over time, though some deficits still exist (Desmarais & Read, 2011).

Scholars have also noted concerns that jurors may over believe forensic evidence (Lieberman, Carrell, Miethe, & Krauss, 2008). When jurors are told that forensic evidence is consistent with a sample taken from the defendant, jurors tend to infer erroneously that such statements indicate an irrefutable match (Barry & Ytuarte, 2009). People believe that forensic evidence is nearly infallible (Lieberman et al., 2008) when in actuality forensic evidence can be widely unreliable and subjective (Barry & Ytuarte, 2009; Thompson & Cole, 2007). In fact, flawed or fabricated forensic evidence has contributed to over half of the wrongful convictions overturned by the Innocence Project (http://www.innocenceproject.org/). Furthermore, jurors do not appear to be able to recognize conditions within a laboratory that could negatively impact the reliability of DNA evidence (Lieberman et al., 2008).
Jurors may also be uninformed about matters concerning child sexual abuse (see Cossins, 2008 for a review). Jurors understand that children’s true reports of sexual abuse may be retracted or contain inconsistencies, that children can be persuaded by an adult into giving a false report, and that certain interview techniques can elicit false reports (Quas, Thompson, & Clarke-Stewart, 2005). However, jurors may be unaware that nonabused children can internalize the false belief that they were sexually abused, that open-ended questions are not likely to lead to false reports, and that medical examinations often do not reveal whether abuse occurred (Quas et al., 2005).

**Integration.** The second component of sensitivity is integration. When jurors are knowledgeable about evidence, do they apply this knowledge when making decisions at trial (Cutler, Penrod, & Dexter, 1989)? Unfortunately, while jurors may realize that certain factors can lead to mistaken eyewitness identifications they may not subsequently use this knowledge. Even though jurors in some studies recognized bias in lineup instructions and lineup composition (Cutler et al., 1988; Devenport et al., 2002; Devenport & Cutler, 2004), realized that the eyewitness’s level of confidence may not correlate with accuracy (Fox & Walters, 1986), and indicated that factors such as the delay between the crime and identification could influence eyewitness accuracy (Lindsay, 1994), jurors frequently failed to apply that knowledge when convicting the defendant or making judgments about the likelihood that the eyewitness made a correct identification.

1.1.2 Skepticism

If jurors are not sensitive, it is possible that they may instead be skeptical about the evidence presented at trial. Skepticism is evident when jurors are suspicious of the probative value of the evidence regardless of whether the evidence is of high or low quality (McCloskey &
Egeth, 1983). Some researchers suggested that inducing a skepticism effect is an ideal outcome when jurors would otherwise over-belong questionabce evidence and when the additional incriminating evidence in the trial is sparse (Leippe, 1995; Leippe & Eisenstadt, 2009). However, others argued that skepticism is undesirable because jurors do not typically over-belong evidence and that skepticism could result in the wrongful acquittals of guilty individuals (McCloskey & Egeth, 1983).

1.1.3 Expert Testimony

One potential method to improve sensitivity is expert testimony (Cutler, Penrod, & Dexter, 1989). Over the past century there have been many reforms to ensure the quality of expert testimony in court. Admissibility of expert testimony has been based on the general acceptance of the expert’s testimony, a determination of whether the testimony would be helpful to the jury, or an evaluation of the scientific rigor of the expert’s testimony (see Golan, 2008 for a review). Expert psychological testimony has been presented in courts concerning a variety of factors, including eyewitness identification, sexual assault, domestic violence, false confessions, and the likelihood that the criminal would offend again in the future (see Costanzo, Krauss, & Pezdek, 2007).

Does expert testimony result in a sensitivity effect by educating jurors about variations in the quality of the evidence presented at trial and help jurors to appropriately apply that information, or does expert testimony make jurors more skeptical of the evidence overall? If expert testimony does provide a sensitization effect, expert testimony should increase jurors’ knowledge about factors that impact the reliability of the evidence and facilitate the integration of this knowledge during a trial situation.
To determine what type of effect expert testimony has, the experiment must be designed to test for a sensitivity effect. A test for sensitivity is possible if there are at least two versions of the evidence presented: one condition where the evidence is of higher quality and one condition where the evidence is of lower quality (Cutler, Penrod, & Dexter, 1989). Evidence quality can be determined by the presence or absence of risk factors that could undermine the credibility of the evidence (Martire & Kemp, 2011). For example, many experts on eyewitness memory agree that it is more difficult for an eyewitness to correctly identify a perpetrator if the perpetrator was carrying a weapon or was of a different race than the eyewitness (Kassin, Tubb, Hosch, & Memon, 2001). To allow a test for sensitivity, the experiment would need to vary the presence or absence of these risk factors such as by including a condition where the eyewitness identification is of higher quality (no weapon present; same-race identification) and another condition where the eyewitness identification is of lower quality (weapon present; cross-race identification). These conditions must both be present to ensure that jurors do not misapply the expert’s testimony in a case where there are no factors to cast doubt on the eyewitness identification. If jurors do misapply the expert’s testimony and there is a main effect of expert testimony, regardless of the presence or absence of these risk factors, a determination of skepticism would be made. However, if the presence of an expert interacts with the presence of these risk factors in the hypothesized direction, a determination of sensitivity could be made (Cutler, Penrod, & Dexter 1989; Devenport et al., 2002).

1.2 Empirical Effect of Expert Testimony

Expert testimony can improve knowledge for some factors related to eyewitness accuracy (Cutler, Penrod, & Dexter, 1989; Fox & Walters, 1986), knowledge about child sexual abuse (Gabora, Spanos, & Joab, 1993; Goodman-Delahunty, Cossins, & O’Brien, 2011), and
knowledge about interview procedures concerning child sexual abuse (Buck, London, & Wright, 2011). However, knowledge is only one component of sensitivity; jurors must subsequently integrate their knowledge as well. When an attorney highlighted the unreliable nature of a laboratory that analyzed DNA evidence, jurors used that information when rendering their verdicts (Lieberman et al., 2008). Expert testimony could have a similar benefit for integration, leading to a full sensitivity effect. However, there are concerns that expert testimony could instead create a skepticism effect by making jurors more suspicious of the evidence presented at trial even if this suspicion is unwarranted (e.g., believing the evidence is unreliable even if there is no reason to doubt the evidence; Cutler, Penrod, & Dexter, 1989; Leippe, 1995; McCloskey & Egeth, 1983).

The effect of expert testimony was evaluated in a recent meta-analysis (Kwartner, 2007). Overall, expert testimony had a small but significant effect on jurors’ verdicts and perceptions of the defendant’s guilt, relative to no expert testimony. Expert testimony was more influential when the expert testified about a disputed issue (average effect size\(^1 = .15\)) than when testimony was purely educative (average effect size = .01; Kwartner, 2007). However, this meta-analysis did not assess whether expert testimony led to sensitivity or skepticism by examining the interaction between expert testimony and the quality of evidence.

Two narrative reviews examined the influence of expert testimony on sensitivity and skepticism (Leippe, 1995; Leippe & Eisenstadt, 2009). Both reviews concluded that expert testimony is likely to lead to skepticism effects; however, these reviews did not consider experimental design when determining sensitivity or skepticism. The effect of expert testimony was classified as skepticism if expert testimony led jurors to acquit the defendant more often,

\(^1\) The effect size for continuous data was standardized mean difference and the effect size for dichotomous data was proportion difference. The proportion differences were arcsine transformed.
even if the experiment was not designed to test for a possible sensitivity effect (i.e., the experiment only included a poor quality evidence condition without a corresponding high quality evidence condition). It is impossible to discern what type of effect expert testimony has when the experimental design does not allow for a test of sensitivity (Cutler, Penrod, & Dexter, 1989).

A vote count analysis was conducted to clarify the effect of expert testimony on individual jurors’ verdicts in criminal trials (see Table 1). Studies were identified through reviews of expert testimony (Leippe, 1995; Leippe & Eisenstadt, 2009), a meta-analysis on expert testimony (Kwartner, 2007), reference lists in other articles, and online database searches. Online database searches were conducted through January 2013 in Academic Search Complete, PsycARTICLES, Psychology and Behavioral Sciences Collection, and PsycINFO using the search terms “expert testimony” OR “expert witness.” Studies were excluded if pre-deliberation verdicts for individual jurors were not reported (Blonstein & Geiselman, 1990; Hosch, Beck, & McIntyre, 1980; Loftus, 1980, Exp. 2; Maass, Brigham, & West, 1985; Pezdek, Avila-Mora, & Sperry, 2010; Plumm & Terrance, 2009; Schuller, 1992, Exp. 2; Terrance & Matheson, 2003), if the presence of judicial instructions was manipulated instead of expert testimony (Greene, 1988; Katzev & Wishart, 1985; Ramirez, Zemba, & Geiselman, 1996), if a no-expert control group was not included (Brekke & Borgida, 1988, Exp. 2; Hinkle, Smeltzer, Allen, & King, 1983; Klettke & Powell, 2011; Klettke, Graesser, & Powell, 2010; Lemieux, 2007; Rudy, 1996), if data for two types of expert testimony were not reported separately (Cutler, Dexter, & Penrod, 1989), or if sufficient data were not reported (Moffa & Platania, 2009; Schnopp-Wyatt, 1999). Experiments were also excluded if the expert did not testify about the factors that influenced evidence quality (i.e., the expert did not testify about a child’s demeanor in a child sexual abuse case, Narensky, 2008, or the expert did not testify about the role of an incentive for an informant’s testimony,
Neuschatz, Wilkinson, Goodsell, Wetmore, Quinlivan, & Jones, 2012). Dichotomous questions concerning the accuracy of the evidence were included in the table when verdict was not assessed. Marginally significant effects were treated as non-significant. When statistical tests were not reported by the authors, I calculated an effect size derived from means and standard deviations and considered a medium effect statistically significant (Brekke, Enko, Clavet, & Seelaut, 1991). Experiments that manipulated variables beyond the scope of this table (e.g., timing of expert testimony) were classified based on the effect of expert testimony collapsed across those variables or, when possible, in the absence of those variables.

There were two goals for the vote count analysis: to identify what type of effect expert testimony has on individual jurors’ verdicts and to determine if the type of expert testimony was differentially influential. For studies that were designed to allow for a test of sensitivity (a sensitivity design), the possible effects of expert testimony included sensitivity, skepticism, and no effect/desensitization. Sensitivity was coded when the presence of expert testimony interacted with conditions that varied the quality of the evidence in the hypothesized direction. Generally the interaction term was further assessed by comparing jurors’ verdicts between high and low quality evidence conditions when an expert was present versus absent. In one case the interaction term was assessed by comparing jurors’ verdicts for high and low quality evidence when one type of expert was present versus a second type of expert, instead of comparing to a condition without expert testimony. However, a table that included means for the no-expert condition indicated whether the difference between evidence conditions for no expert testimony was statistically significant (Kovera, Gresham, Borgida, Gray, & Regan, 1997). Skepticism was coded when there was a main effect of expert testimony: compared to no expert testimony, expert testimony increased acquittals regardless evidence quality. A study was classified as no
effect if the effect of expert testimony failed to reach statistical significance. In three cases desensitization occurred: participants misapplied the expert’s testimony to the wrong experimental condition (Kovera et al., 1997; Lindsay, 1994, Exp. 2 & 5). These experiments were coded as no effect. When the experiment had an influential design and did not allow for a test of sensitivity (i.e., the experiment did not include both low and high quality evidence), the possible effects of expert testimony were coded as either influential or no effect.

The type of expert testimony was classified as general, case-specific, or opinion. Expert testimony was considered general if the expert discussed relevant psychological theories or research related to the evidence under consideration, such as a broad discussion of the research on eyewitness memory. Expert testimony was classified as case-specific if the expert explicitly connected his or her testimony to the case at hand, such as by noting the presence of factors that could influence the reliability of the evidence, by responding to a hypothetical case presented by the attorney, or by presenting information gleaned from a clinical interview with the defendant. Expert testimony was classified as opinion if the expert presented an opinion concerning the case, such as a psychiatric diagnosis or an opinion on the reliability of the evidence.

An expert who discussed research on factors pertinent to the evidence absent an overt link to the case was considered general expert testimony. In the case where more than one type of general expert testimony was presented, I classified the effect based on the expert who discussed pertinent research without an explicit link to the case, instead of the expert who broadly discussed research less central to the case. When one type of expert testimony could not be chosen over the other, I conducted a chi-square analysis and classified the effect of the expert based on statistical significance (Goodman-Delahunty et al., 2011).
Forty-two articles consisting of forty-five experiments were included in the vote count analysis. For experiments that had sensitivity designs, there were thirteen comparisons for general expert testimony, seven comparisons for case-specific expert testimony, and two comparisons for opinion expert testimony. For experiments that had influential designs, there were fifteen comparisons for general expert testimony, three comparisons for case-specific expert testimony, and fourteen comparisons for opinion expert testimony.

1.2.1 General Expert Testimony

Thirteen sensitivity design comparisons evaluated the effect of general expert testimony; only four demonstrated that expert testimony led to a sensitivity effect for individual jurors’ verdicts (see Table 1). The general expert testified about factors known to influence eyewitness memory (Devenport et al., 2002; Laub, 2010; Wells & Wright, 1983 as cited in Wells, 1986) or factors known to influence a child’s accuracy during an interview concerning sexual abuse (Buck et al., 2011). General expert testimony sensitized jurors to witnessing and identification conditions for an eyewitness (Cutler, Penrod, & Dexter, 1989; Devenport et al., 2002; Laub, 2010), eyewitness accuracy (Wells & Wright, 1983 as cited in Wells, 1986), and interview quality (Buck et al., 2011).

However, general expert testimony resulted in skepticism effects in two of the thirteen sensitivity design comparisons (Cutler, Dexter, & Penrod, 1990; Geiselman et al., 2002, Exp. 2; Wells et al., 1980). Jurors exposed to general expert testimony about eyewitness testimony acquitted the defendant more often than did participants not exposed to expert testimony, regardless of the quality of the evidence (Geiselman et al., 2002, Exp. 2; Wells et al., 1980).

Seven of the thirteen sensitivity design comparisons found that general expert testimony led to no effect or to desensitization. General expert testimony did not influence jurors’ decisions
in cases involving different conditions for an eyewitness (Devenport & Cutler, 2004; Geiselman et al., 2002, Exp. 1), in a case where the accuracy of an actual eyewitness was manipulated (Martire & Kemp, 2009), or in a case involving different interview techniques for child witnesses (Laimon, 2005, Exp. 2). In three cases, general expert testimony desensitized jurors. Jurors exposed to general expert testimony were more likely apply the expert’s testimony when it was inappropriate to do so: jurors were more likely to acquit the defendant when an alleged child victim’s behavior did not reflect abuse (Kovera et al., 1997) and jurors were more likely to convict the defendant when the eyewitness made an identification under poorer conditions (Lindsay, 1994, Exp. 2 & 5).

Fifteen comparisons of general expert testimony did not manipulate the quality of the evidence. These comparisons had influential designs and were therefore unable to test for sensitivity or skepticism. Although Woody and Forrest (2009) manipulated the presence of a false confession risk factor, it appears the condition that did not contain this factor still included other risk factors; consequently, this study was classified as an influential design experiment. Of the fifteen comparisons, six found that general expert testimony was influential and led to more acquittals in cases involving eyewitness identification (Fox & Walters, 1986; Leippe, Eisenstadt, Rauch, & Seib, 2004), the defendant’s confession (Woody & Forrest, 2009), or repressed memory of child sexual abuse (Buck & Warren, 2010), and expert testimony led to more convictions in cases involving rape (Branca, 2003; Jenkins & Schuller, 2007). However, nine additional comparisons found that general expert testimony concerning child sexual abuse (Crowley, O’Callaghan, & Ball, 1994; Goodman-Delahunty, Cossins, & O’Brien, 2010; Gabora et al., 1993), rape (Brekke & Borgida, 1988, Exp. 1; Spanos, Dubreuil, & Gwynn, 1991), or abusive relationships (Follingstad, Polek, Hause, Deaton, Bulger, & Conway, 1989; Russell,
Ragatz, & Kraus, 2010; Schuller, 1992, Exp. 1; Schuller & Cripps, 1998) did not influence jurors’ verdicts.

1.2.2 Case-Specific Expert Testimony

Ten comparisons of case-specific expert testimony were coded (see Table 1). Seven of the ten case-specific expert testimony comparisons had sensitivity designs; five of those found that case-specific expert testimony led to sensitivity effects (Cutler, Penrod, & Dexter, 1989; Geiselman et al., 2002, Exp. 1; Geiselman & Mendez, 2005; Kovera et al., 1997; Phillips, 2001). The case-specific expert connected his or her testimony to the case by responding to a hypothetical case (Kovera et al., 1997) or by discussing how factors in the case could influence the specific eyewitness’s memory (Cutler, Penrod, & Dexter, 1989; Geiselman et al., 2002, Exp. 1; Geiselman & Mendez, 2005; Phillips, 2001). Case-specific expert testimony led jurors to apply the expert’s testimony when it was appropriate to do so. Jurors exposed to case-specific expert testimony were better able to identify when a victim’s behavior was consistent with abuse (Kovera et al., 1997) and differentiate between witnessing or identification conditions for an eyewitness (Cutler, Penrod, & Dexter, 1989; Geiselman et al., 2002, Exp. 1; Geiselman & Mendez, 2005; Phillips, 2001) than jurors not exposed to expert testimony.

However, case-specific expert testimony led to skepticism in two comparisons (Cutler, Dexter, & Penrod, 1990; Geiselman et al., 2002, Exp. 2). Case-specific expert testimony led jurors to acquit the defendant more often, regardless of the viewing conditions for the eyewitness, in a case with a court-appointed expert (Cutler, Dexter, & Penrod, 1990) and when closing arguments from the attorneys were added (Geiselman et al., 2002, Exp. 2).

Three comparisons using case-specific expert testimony had influential designs; all found that case-specific expert testimony was influential (Blandon-Gitlin et al., 2011; Brekke &
Borgida, 1998, Exp. 1; Loftus, 1980, Exp. 1). The case-specific expert connected the research to
the case at hand by responding to a hypothetical scenario (Brekke & Borgida, 1988, Exp. 1), by
noting the presence of factors that could impact the particular eyewitness’s memory (Loftus,
1980, Exp. 1), or by identifying the presence of factors that could lead to false confessions
during the defendant’s interrogation (Blandon-Gitlin et al., 2011). Case-specific expert testimony
increased convictions in a rape trial (Brekke & Borgida, 1998, Exp. 1) and reduced convictions
in cases involving an eyewitness (Loftus, 1980, Exp. 1) or the defendant’s confession (Blandon-
Gitlin et al., 2011).

1.2.3 Opinion Expert Testimony

Sixteen comparisons assessed the influence of the expert’s opinion on juror verdicts (see
Table 1). Only two comparisons used sensitivity designs (Cutler, Penrod, & Dexter, 1989;
Lindsay, 1994, Exp. 6). The sensitivity design experiment conducted by Cutler and colleagues
(1989) varied the conditions for the eyewitness. The expert gave testimony that was general in
nature and then gave an opinion as to the likelihood that the eyewitness had accurately identified
the defendant. The opinion expert increased juror sensitivity to the witnessing conditions the
eyewitness had endured (Cutler, Penrod, & Dexter, 1989). However, when Lindsay (1994, Exp.
6) varied the lineup conditions during an identification, an expert who offered an opinion about
the eyewitness’s reliability instead resulted in a skepticism effect.

Of the fourteen influential design comparisons, eight found that opinion expert testimony
was influential. When exposed to expert testimony that included an opinion, jurors were more
likely to convict the defendant in child sexual abuse cases (Gabora et al., 1993; Goodman-
Delahunty et al., 2011; Kovera, Levy, Borgida, & Penrod, 1994) or a rape case (Branca, 2003),
and jurors were more likely to acquit the defendant in cases involving battered women who
killed their abusers (Schuller, 1992, Exp. 1; Schuller & Hastings, 1996; Schuller, McKimmie, & Janz, 2004; Schuller & Rzepa, 2002). There were no differences between the type of opinion expert testimony (i.e., whether the opinion expert also testified about research vs. testified purely about an interview and no research; Kovera et al., 1994). However, six influential design comparisons found that opinion expert testimony had no effect on jurors’ verdicts in rape cases (Brekke et al., 1991; Burnstein, 1995), a child sexual assault case (Goodman-Delahuntty et al., 2010), a case involving battered woman syndrome (Schuller, Wells, Rzepa, & Klippenstine, 2004), an insanity case (Fulero & Finkel, 1991), or a case involving an eyewitness who had an intellectual disability (Stobbs & Kebbell, 2003).

1.2.4 Summary of Empirical Effect of Expert Testimony

The available studies have not come to a clear consensus about the effect general expert testimony has on individual juror verdicts, even in studies with very similar methodology (e.g., Cutler, Dexter, & Penrod, 1989; Cutler, Dexter, & Penrod, 1990; Cutler, Penrod, & Dexter, 1989). In studies designed to test for sensitivity, general expert testimony led to sensitivity, skepticism, and, predominately, no effect at all. Similarly, experiments with influential designs found that general expert testimony was influential or, predominately, had no effect.

It is not possible at this point to conclude whether opinion expert testimony is likely to lead to sensitivity or skepticism. Only two sensitivity design experiments evaluated the influence of an expert’s opinion; one study found a sensitivity effect and the other found a skepticism effect. In influential design experiments, opinion expert testimony was influential or had no effect.

The effect case-specific expert testimony is more consistent than the effect of general or opinion expert testimony. The available research suggests that case-specific expert testimony is
more likely to lead to a sensitivity effect than is general or opinion expert testimony. Five of the seven sensitivity design comparisons found that case-specific expert testimony led to sensitivity. One skepticism effect appears to be due to the introduction of the attorney’s closing arguments and not the case-specific expert testimony itself (Geiselman et al., 2002, Exp. 2). A subsequent experiment found that the addition of the judge’s reminder that closing arguments were not evidence again led to a sensitivity effect (Geiselman & Mendez, 2005). The second skepticism effect involved a court-appointed expert instead of an adversarial expert (Cutler, Dexter, & Penrod, 1990). Case-specific expert testimony is also more consistent in experiments with influential designs. Each comparison demonstrated that expert testimony was influential; none of the comparisons found that case-specific expert testimony had no effect.

1.3 Expert Testimony and the Base Rate Fallacy

Leippe and Eisenstadt (2009) noted that jurors often fail to use the expert’s testimony when making decisions at trial, which appears to be the case with the general expert testimony experiments in the vote count analysis. Although expert testimony may increase jurors’ knowledge about factors that could impact the reliability of the evidence, a full sensitivity effect cannot be achieved if jurors do not then apply their knowledge (Cutler, Penrod, & Dexter, 1989).

One explanation for why people do not use an expert’s testimony is the base rate fallacy. The base rate fallacy is the propensity for people to ignore general information about a population and instead rely on (potentially irrelevant) information concerning an individual when making a judgment (see Borgida & Brekke, 1981 for a review). For example, participants in one study relied more on the personality characteristics of an individual when determining what career the individual had instead of using information about the percentage of individuals in the sample who held each career (Kahneman & Tversky, 1973). However, one way to encourage
people to use generalized information about a population is to make the information relevant to
the decision at hand (Bar-Hillel, 1980; see also Borgida & Brekke, 1981). If information about a
population is seen as less relevant than information about an individual, the base rates will be
ignored. However, individual information and population information will both be used if the
information is perceived as equally relevant (Bar-Hillel, 1980).

The relative relevance theory of the base rate fallacy (Bar-Hillel, 1980) suggests that
jurors may find it difficult to evaluate the evidence in light of the generalized research findings
presented by an expert (i.e., base rates) unless the expert’s testimony is viewed as relevant. If the
expert’s testimony is perceived as irrelevant, jurors may not adjust their decisions to account for
the possibility that the evidence is flawed (Bar-Hillel, 1980). Clearly establishing the relevance
of an expert’s testimony may encourage jurors to use the information presented by the expert
(Bar-Hillel, 1980; Borgida & Brekke, 1981; Brekke & Borgida, 1988; Kwartner, 2007; Leippe &
Eisenstadt, 2009).

One way expert testimony could be made more relevant is by connecting the expert’s
testimony to the case, such as with a hypothetical example (Brekke & Borgida, 1988; Kovera et
al., 1997). Highlighting the importance of base rates (i.e., the expert’s testimony about
generalized research findings) to one individual seems to facilitate the use of this base rate
information. However, when the relevance of the research to the case is not apparent, jurors may
ignore the expert’s testimony (Borgida & Brekke, 1981; Brekke & Borgida, 1988).

It appears that case-specific expert testimony is more likely to increase jurors’ use of the
expert’s testimony and thus lead to a sensitivity effect. Case-specific expert testimony led to
sensitivity in 71% of the comparisons in the vote count analysis whereas general expert
testimony only led to sensitivity in 31% of the comparisons. The influence of case-specific
expert testimony appears to be due to the explicit link between the research and the case being tried. General expert testimony that is lengthened to equate case-specific expert testimony does not have the same effect (Brekke & Borgida, 1988; Kovera et al., 1997). Furthermore, the difference between general and case-specific testimony does not seem to be due to improved memory for case facts or for the information presented by the case-specific expert (Brekke & Borgida, 1988).

1.4 False Confessions

One type of evidence about which expert testimony may be useful is a confession. There are many institutional safeguards designed to ensure that innocent suspects do not confess and to preclude false confessions from appearing in court; however, these safeguards may not adequately prevent false confessions from occurring or from being entered into evidence at trial (see Kassin, Drizin, Grisso, Gudjonsson, Leo, & Redlich, 2010). Innocent suspects do confess to crimes and these false confessions can appear in court (Drizin & Leo, 2004). The jury is the last line of defense against a wrongful conviction when those institutional protections fail and a false confession is presented at trial (Woody et al., 2011).

The costs of wrongful convictions are numerous both to the person wrongfully convicted and society as a whole (see Woody et al., 2011). Innocent people who are wrongfully convicted lose years – if not decades – of their lives and may never be compensated for their time behind bars. Wrongful convictions may also lead people to lose faith in the effectiveness of the legal system; when a person is convicted of a crime he or she did not commit, the actual perpetrator remains free and able to offend again. Finally, the process to convict and then exonerate an innocent individual is expensive, requiring both time and money (Woody et al., 2011).
Expert testimony could assist jurors’ evaluation of confession evidence. However, one reason expert testimony has been disallowed is because some courts have argued that jurors are already cognizant of the information the expert would present (see Fulero, 2010; Quintieri & Weiss, 2005). The belief that expert testimony would not be useful to jurors suggests that some judges believe jurors are already sensitive to confession evidence in the absence of expert testimony. Can jurors actually recognize when a confession is the product of a questionable interrogation and use this information when deciding whether to convict the defendant?

1.4.1 False Confession Sensitivity: Knowledge

One aspect of sensitivity is knowledge about factors that can influence the reliability of the evidence presented at trial (Cutler, Penrod, & Dexter, 1989). Scholars have expressed concerns that jurors lack sufficient knowledge about interrogations and factors that contribute to false confessions (Leo, 2008). Potential jurors may indeed be uninformed about interrogations and confessions; Henkel, Coffman, and Dailey (2008) found that participants believed it likely that interrogators would use tactics that are disallowed, such as explicit threats and promises (see also Chojnacki et al., 2008).

In addition to being uneducated about what is commonplace during an interrogation, jurors may also be uninformed about factors that contribute to false confessions. Studies using interrogation paradigms in the lab have found that innocent suspects are more apt to confess when the interrogator offers an explicit promise of leniency or uses minimization techniques by downplaying the seriousness of what happened (Russano, Meissner, Narchet, & Kassin, 2005). An innocent suspect may confess in response to minimization techniques because he or she infers that leniency will follow a confession (Horgan, Russano, Meissner, & Evans, 2012; Kassin & McNall, 1991). Similarly, an innocent suspect may confess in response to maximization
tactics (whereby the interrogator exaggerates the strength of the evidence) because these tactics imply the consequences will be more severe if the suspect does not confess (Horgan et al., 2012; Kassin & McNall, 1991).

Research on whether jurors understand that these tactics can induce an innocent suspect to confess is mixed. Although participants who read an interrogation scenario correctly believed that a false confession was likely to occur in response to implied promises and threats conferred via some minimization and maximization techniques (Horgan et al., 2012), participants in a separate study, when openly asked about the influence of implied and explicit promises and threats, indicated that although those tactics were coercive they were unlikely to lead to false confessions (Leo & Liu, 2009). This difference in responses may be because participants evaluate interrogation tactics differently when these tactics are presented in a scenario than in a list (Forrest et al., 2012; see also Alonzo & Lane, 2010). However, Kassin and McNall (1991) found in a scenario-based experiment that while participants realized an explicit promise of leniency could induce a suspect to confess, participants did not understand that leniency implied via minimization tactics would have a similar influence.

False confessions may also occur in response to false-evidence ploys and bluff techniques. A false-evidence ploy is an explicit claim by an interrogator to have evidence that does not actually exist (Leo, 2008); a bluff technique, also known as a baiting technique, is where the interrogator implies that evidence implicating the suspect may exist (Inbau, Reid, Buckley, & Jayne, 2001). Interrogation paradigms have shown that innocent suspects confess in response to both false-evidence ploys (Kassin & Keichel, 1996; Perillo & Kassin, 2012) and bluff techniques (Perillo & Kassin, 2012). An innocent suspect may confess as a result of these techniques because the suspect comes to believe he or she actually committed the crime or
because he or she assumes the evidence will be tested and subsequently prove his or her innocence (Kassin & Keichel, 1996; Perillo & Kassin, 2012). Although potential jurors recognize that false-evidence ploys are somewhat coercive (Forrest et al., 2012; Leo & Liu, 2009; Woody & Forrest, 2009), jurors may not realize that false-evidence ploys and bluff techniques can contribute to false confessions. When explicitly asked whether the presentation of false evidence could influence a false confession, potential jurors indicated that it was unlikely to do so (Leo & Liu, 2009).

Jurors also seem unknowledgeable about the influence of other situational and dispositional false confession risk factors. Archival studies have shown that lengthy interrogations can contribute to false confessions (Drizin & Leo, 2004), although laypeople do not seem aware of that fact. Potential jurors believed that lengthy interrogations are routine and even essential to elicit confessions (Henkel et al., 2008; Leo & Liu, 2009). Contrary to the literature on false confession risk factors (see Kassin et al., 2010), jurors also do not realize that an innocent suspect could confess because of the stress of an interrogation, faulty memory, to obtain leniency, or to become famous for committing the crime (Henkel et al., 2008).

However, jurors are aware that other factors can elicit false confessions. Consistent with research on interrogations (see Kassin et al., 2010), potential jurors correctly recognized some dispositional factors as related to false confessions (i.e., mental illness, youth, low IQ, and suggestibility; Henkel et al., 2008). Jurors are also aware that torture or the threat of torture can lead to a false confession (Henkel et al., 2008; Leo & Liu, 2009).

In sum, the concern that potential jurors do not know what takes place during an interrogation and do not realize why false confessions occur seems justified. Potential jurors may be unaware of the tactics police officers use to obtain confessions (Chojnacki et al., 2008;
Henkel et al., 2008). Although jurors are aware that some dispositional factors and physical coercion can lead to false confessions, jurors may not realize that other dispositional factors and interrogation tactics are related to false confessions (Henkel et al., 2008; Leo & Liu, 2009). Potential jurors are even cognizant of their lack of knowledge and believe they cannot appropriately evaluate a confession at trial (Chojnacki et al., 2008).

1.4.2 False Confession Sensitivity: Integration

The second component of sensitivity is integration. Can jurors appropriately apply their knowledge of factors that influence the reliability of the evidence presented at trial (Cutler, Penrod, & Dexter, 1989)? Research on the impact of confessions suggests that jurors may not apply their understanding of factors that influence the reliability of a confession. One example is the experiment conducted by Kassin and Sukel (1997). In the high-pressure interrogation, the suspect was physically uncomfortable and confessed after the police officer brandished a gun. In the low-pressure interrogation, the suspect confessed immediately and in the absence of police coercion. Participants in the high-pressure condition viewed the confession as less voluntary and thought the suspect had been placed under more pressure to confess than did participants in the low-pressure condition; however, convictions were high irrespective of the type of interrogation (Kassin & Sukel, 1997).

People understand that implicit and explicit threats and promises are coercive (Leo & Liu, 2009) and that these tactics could influence an innocent suspect’s decision to confess (Horgan et al., 2012; Kassin & McNall, 1991; but see Leo & Liu, 2009). Mirroring these beliefs, participants appropriately viewed a confession as involuntary if it was given following an explicit promise, an explicit threat, or an implied promise (Kassin & McNall, 1991; Kassin & Wrightsman, 1980, 1981). However, participants’ verdicts did not reflect their judgments of
confession voluntariness. While participants did discount a confession elicited via a threat of harsher punishment, participants did not discount confessions elicited via implied or explicit promises (Kassin & McNall, 1991; Kassin & Wrightsman, 1980, 1981).

Although participants realized that lying about evidence is coercive, they underestimate the potential of this technique to elicit a false confession (Leo & Liu, 2009). Jurors’ decisions in cases involving false-evidence ploys parallel this lack of knowledge. Participants who read about an interrogation involving a false-evidence ploy believed the defendant to be similarly guilty and convicted the defendant at a comparable rate to participants who do not read about a false-evidence ploy (Woody & Forrest, 2009).

Researchers have also examined secondary confessions, where one person claims another confessed to the crime (Neuschatz, Lawson, Swanner, Meissner, & Neuschatz, 2008). An informant is more likely to lie about another’s confession if there is an incentive to do so; however, the presence of an incentive does not increase the likelihood that an informant will tell the truth (Swanner, Beike, & Cole, 2010). Neuschatz and colleagues (2008, 2012) investigated jurors’ perceptions of secondary confessions while manipulating the informant’s incentive to testify and the number of times the informant had testified in the past. Jurors who read that the informant received an incentive recognized that the informant was compensated for his testimony and saw him as more self-serving. Nonetheless, the presence of an incentive did not influence jurors’ verdicts or judgments about the likelihood that the defendant committed the crime (Neuschatz et al., 2008, 2012). Even though an incentive to provide a secondary confession can induce an informant to lie (Swanner et al., 2010) and participants in a pilot study believed the veracity of a secondary confession should be questioned if the informant had
previously testified for an incentive (Neuschatz et al., 2012), mock jurors seemed to believe an informant was telling the truth nonetheless (Neuschatz et al., 2008, 2012).

Previous research found that jurors are aware that mental illness can contribute to false confessions (Henkel et al., 2008). Even so, jurors did not apply this knowledge in a trial context. Although jurors discounted a confession when the defendant confessed due to concerns about his medical disorder, jurors who read that the defendant confessed because of a psychological disorder still convicted him at a higher rate than did jurors who did not read about a confession (Henkel, 2008).

In sum, jurors may not apply their knowledge of false confession risk factors when evaluating a confession in a trial context. Although people may discount confessions obtained via an explicit threat of harsher punishment (Kassin & Wrightsman, 1980, 1981) or in response to concerns about a medical disorder (Henkel, 2008), research suggests that jurors may ignore other situational and dispositional factors when deciding a case that involves a confession (Henkel, 2008; Kassin & McNall, 1991; Kassin & Sukel, 1997; Neuschatz et al., 2008, 2012; Woody & Forrest, 2009). Even though people may view the amount of pressure to confess as different between interrogations (Kassin & Sukel, 1997), view certain interrogation tactics as coercive (Leo & Liu, 2009; Woody & Forrest, 2009), and view some confessions obtained via these and other tactics as involuntary (Kassin & McNall, 1991; Kassin & Sukel, 1997; Kassin & Wrightsman, 1980, 1981), participants typically convict the suspect regardless of the circumstances surrounding the confession.

1.4.3 False Confession Sensitivity and the Correspondence Bias

The available research suggests that, contrary to the expectations some jurists hold, jurors may not be sensitive to false confession risk factors on their own. Jurors are generally
unknowable about why a suspect might falsely confess and when jurors do recognize coercion in interrogations, they tend to discount the risk factors and rely on the confession when rendering a verdict. Research on jurors’ responses to confessions is not confined to simulated trials; archival research has shown that false confessors who brought their cases to trial were convicted 73 to 81% of the time (Drizin & Leo, 2004; Leo & Ofshe, 1998) and approximately 25% of those who were wrongfully convicted and later exonerated by DNA evidence were implicated by a false confession or admission (http://www.innocenceproject.org/).

One explanation for why jurors seem to be unable to apply their knowledge of false confession risk factors is the correspondence bias, which is the tendency for people to believe that a person’s behavior reflects an internal, dispositional state even when situational factors may have influenced the behavior (Gawronski, 2004; Gilbert & Malone, 1995). The observer engages in three processes when attempting to determine why an actor is behaving in a certain manner: categorization, characterization, and correction (Gilbert, Pelham, & Krull, 1988). First, the observer determines what the actor is doing (categorization). The perceiver then attempts to explain the actor’s behavior by assuming the behavior reflects a disposition (characterization). Finally, the observer integrates information about situational influences to adjust the initial dispositional attribution (correction; Gilbert et al., 1988). Categorization and characterization are hypothesized to be effortless, automatic processes; however, correction is hypothesized to be a conscious and cognitively demanding process (Gilbert et al., 1988). The correspondence bias is said to occur if the observer fails to correct his or her initial dispositional attribution to account for the influence of situational factors (Gilbert & Malone, 1995).

Lieberman and colleagues (2002) propose a social cognitive neuroscience approach to the process of attribution that involves the reflexive and reflective systems. The reflexive system is
responsible for our perception of the world while the reflective system is responsible for reasoning about our perceptions. The reflective system may integrate information about the situation to reason about the underlying cause of behavior; however, a dispositional attribution may be reached if the reflective system is not engaged or if the perceiver is distracted (Lieberman, Gaunt, Gilbert, & Trope, 2002).

Gilbert and Malone (1995) and Gawronski (2004) reviewed several reasons for why the correspondence bias may occur. First, people may not be aware that situations influence behavior in the first place (Gawronski, 2004; Gilbert & Malone, 1995). Situational influences can constrain an actor’s behavior in two ways: behaviorally, where the actor’s behavioral responses are limited, or psychologically, where the actor’s beliefs about his or her behavioral responses are limited. Psychological constraint may be particularly difficult for observers to identify (Gilbert & Malone, 1995). However, given that people do respond to situational influences under some circumstances, lack of awareness of the impact of situational factors does not sufficiently explain the correspondence bias (Gawronski, 2004).

A second reason the correspondence bias may occur is unrealistic expectations (Gilbert & Malone, 1995) or the deliberate neglect of situational factors (Gawronski, 2004), where observers believe situational factors do not influence behavior. Part of the difficulty recognizing the influence of situational factors is that people often assume others will behave as they do, a phenomenon called the false consensus effect (Ross, Greene, & House, 1977). Thus, the observer is likely to attribute someone’s behavior to a disposition when that person behaves counter to ones’ expectations (Gilbert & Malone, 1995; Ross et al., 1977). Another complication is the perceived diagnosticity of the behavior (Gawronski, 2004). A behavior is considered diagnostic of a disposition if someone with that disposition were likely to perform the behavior and if
someone without the disposition were unlikely to perform the behavior (Trope & Liberman, 1993); in other words, the behavior would not occur without the presence of the corresponding disposition (Gawronski, 2004). For example, moral behavior is not diagnostic of a moral disposition because both moral and immoral people behave morally. Conversely, immoral behavior is considered diagnostic of an immoral disposition because people assume that only immoral people behave immorally. Situational pressures to behave immorally are deemed irrelevant and discounted because people presume that situational pressures would only affect those with the disposition (i.e., immorality); thus, a dispositional inference is made, regardless of the presence or absence of situational pressures (Gawronski, 2004; Reeder, 1993; Reeder & Brewer, 1979).

A third reason the correspondence bias may occur is inflated categorizations of behavior (Gilbert & Malone, 1995) or a biased application of situational factors (Gawronski, 2004). In this instance, the observer over-uses information about the situation to draw dispositional inferences from ambiguous behaviors (Gilbert & Malone, 1995; Gawronski, 2004). For instance, participants who watched a silent interview purportedly about sex thought the interviewee was more dispositionally anxious than participants who learned about the topic after watching the video. Even though the interviewee’s behavior was actually ambiguous, participants who were informed of the topic beforehand expected the interviewee to be anxious and participants’ perceptions matched their expectations (Snyder & Frankel, 1976).

The final reason the correspondence may occur is incomplete corrections of dispositional inferences (Gilbert & Malone, 1995) or the failure to apply situational theory (Gawronski, 2004). Correcting a dispositional attribution is effortful and is unlikely to occur if the observer does not
have the cognitive resources available to devote to the task; if the observer is distracted, it is likely he or she will not correct a dispositional attribution (Gilbert et al., 1988).

Lack of awareness of situational factors and unrealistic expectations could elucidate why jurors are influenced by a confession regardless of how it was elicited. Jurors may struggle to recognize the psychological constraint the defendant felt during an interrogation (Gilbert & Malone, 1995). While the interrogator may not physically force the suspect to confess, the defendant may believe that the only way to end the interrogation is to falsely admit his or her guilt (Leo, 2008). Additionally, jurors may not know that certain interrogation tactics can induce an innocent person to confess (Leo & Liu, 2009) and thus jurors who are presented with a confession would understandably believe that the confession was indicative of guilt even if the defendant confessed in response to those interrogation techniques.

It may not be the case that jurors are completely unaware of the situational influences on a confession, however. Instead, jurors may have unrealistic expectations about behavior and acknowledge, but discount, the influence of the situational pressures within an interrogation because a confession is perceived as diagnostic of guilt (e.g., Henkel et al., 2008). For example, participants indicated that an informant’s testimony should be disbelieved if the informant was compensated for testifying (Neuschatz et al., 2012); however, jurors did not actually discount the testimony, perhaps because they believed the informant testified for personal reasons such as feelings of guilt rather than to obtain a tangible reward such as money or a more lenient sentence (Neuschatz et al., 2012; 2008). Furthermore, jurors tend to convict a confessor at a high rate despite having recognized the situational pressures to confess (e.g., Kassin & Sukel, 1997). Although people believe some interrogation tactics are unlikely to elicit false confessions, they do acknowledge that these tactics are coercive (Leo, 2008), which suggests they appreciate, but
discount, the influence of the situation. Even in the rare instance when jurors do discount a confession, they may still believe the confessor to be guilty (Henkel, 2008). In line with the false consensus effect (Ross et al., 1977), jurors may believe they would never falsely confess to a crime and thus believe no one else would, either (Leo, 2008). Jurors seem to believe a confession is the product of an internal drive (i.e., guilt) rather than external pressure from an interrogator even if the interrogation includes situational pressures to confess and jurors recognize the presence of these situational pressures.

1.5 Expert Testimony and Confession Evidence

Leo (2008) proposed that people disbelieve in false confessions because they do not know what interrogators do to elicit confessions. Indeed, jurors may not know enough about interrogations and confessions to evaluate confession evidence on their own (Chojnacki et al., 2008; Henkel et al., 2008; Leo & Liu, 2009) and potential jurors and scholars concur that expert testimony would be beneficial in court (Blandon-Gitlin et al., 2011; Chojnacki et al., 2008; Forrest et al., 2012; Woody et al., 2011; Woody & Forrest, 2009). People may ignore situational risk factors because they are not aware these factors can influence a confession (Leo & Liu, 2009); it is possible that expert testimony could improve the knowledge component of sensitivity to confession evidence.

However, there is another facet to the correspondence bias that expert testimony may influence: perceived relevance. Although people do recognize some factors can contribute to a false confession, a confession may be perceived as a strong enough indicator of guilt (i.e., diagnostic) that these factors may be perceived as irrelevant, hence explaining why jurors’ knowledge tends not to factor in to their decisions (e.g., Kassin & Sukel, 1997). When jurors do not apply their knowledge there is a failure in the integration stage of sensitivity (Cutler, Penrod,
& Dexter, 1989). Simply educating jurors about why a coerced confession is unreliable may not be enough to influence the outcome of a trial (Kassin & Wrightsman, 1981). According to the base rate fallacy, jurors may ignore an expert’s testimony if the testimony is perceived as irrelevant (Bar-Hillel, 1980); testimony may be seen as irrelevant if the expert only testifies about generalized research findings (see also Borgida & Brekke, 1981). However, jurors may respond to the expert’s testimony if it is linked to the evidence in the trial and thus seen as relevant (Bar-Hillel, 1980; Brekke & Borgida, 1988).

There have been few studies on expert testimony and false confessions, the majority of which were not designed to determine whether expert testimony leads to sensitivity or skepticism, and none evaluated the type of expert testimony. Nonetheless, it appears expert testimony could address the knowledge component of sensitivity by informing jurors about factors that contribute to false confessions. Potential jurors view certain interrogation tactics differently when told that these tactics can lead to false confessions (Blandon-Gitlin et al., 2011; Forrest et al., 2012; Woody & Forrest, 2009), which suggests that expert testimony may be able to teach jurors about the persuasive impact of interrogation techniques, and potential jurors who had been exposed to false confessions via the media were more accepting of the idea that someone could falsely confess to a crime (Henkel et al., 2008). Thus, it is possible that knowledge about false confession risk factors could influence decisions at trial (Blandon-Gitlin et al., 2011).

Whether expert testimony on false confessions can facilitate the integration of this knowledge at trial is unclear. Only one study on false confession expert testimony was designed to test for sensitivity. In this context general expert testimony did not influence jurors’ decisions concerning a secondary confession provided by an informant (Neuschatz et al., 2012), perhaps
because the informant did not testify about the false confession risk factor (incentive to testify). Three other studies on false confession expert testimony had influential designs. General expert testimony (Woody & Forrest, 2009) and case-specific expert testimony (Blandon-Gitlin et al., 2011) led jurors to acquit the defendant more often. Moffa and Platania (2009) did not report data concerning the influence of expert testimony on jurors’ verdicts.

1.6 Overview of the Current Study

Research thus far has suggested that jurors lack knowledge about false confession risk factors and do not apply the knowledge they do have. Although expert testimony may be able to improve knowledge about false confession risk factors, expert testimony that discusses research in general may not facilitate the integration of this knowledge at trial. If the expert connects the research to the case at hand, however, jurors may view the expert’s testimony as more relevant and use the expert’s information when making a decision.

There is a paucity of research on false confession expert testimony, particularly concerning the effect of expert testimony and the type of expert testimony. The current study investigated whether expert testimony leads to sensitivity or skepticism and whether the type of expert testimony was differentially influential. The vote count analysis suggests that case-specific expert testimony is more likely to lead to sensitivity than is general expert testimony. According to the base rate fallacy (Bar-Hillel, 1980), jurors may ignore expert testimony if they believe it does not apply to the case at hand; however, testimony that makes a connection to the current trial could be perceived as more relevant. If jurors believe the expert’s testimony is pertinent to the case they may be more likely to consider the expert’s information when rendering a verdict.
Data were collected from both students and community members. Participants read one of ten trial scenarios concerning two murders, adapted from the trial transcript used by Kassin and Sukel (1997). Participants were presented with one of three confessions: one in which the defendant had confessed after the interrogator urged him to tell the truth (low-pressure interrogation), one in which the confession was elicited via encouragement to tell the truth, minimization techniques, and a false-evidence ploy (medium-pressure interrogation), and one in which the confession was elicited via encouragement to tell the truth, minimization techniques, a false-evidence ploy, explicit threats, and intimidation during a 7 hour interrogation (high-pressure interrogation). Participants also read one of two types of expert testimony: general, where the expert discussed the incidence of and research on false confessions, or case-specific, where the expert discussed the general expert’s testimony and then connected the testimony to the case at hand via a hypothetical example posed by the defense attorney. Other participants did not receive expert testimony. Participants in a tenth control condition read the same trial scenario without a confession or expert testimony. Finally, participants answered questions about the case and their knowledge of false confession risk factors.

**Hypothesis 1**: Both general and case-specific expert testimony will increase participants’ knowledge about false confession risk factors, relative to participants who do not receive expert testimony.

**Hypothesis 2**: Case-specific expert testimony will sensitize participants to false confession risk factors, evidenced by an interaction between the presence or absence of case-specific expert testimony and the type of interrogation for participants’ verdicts. Specifically, participants who receive case-specific expert testimony will be more likely to convict the

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2 Based on the results of a previous study, some minor changes were made to reduce the baseline conviction rate in the control condition. The following testimony was removed: that the murderer and the defendant were left-handed and that the defendant called his lawyer before calling the police when he found the bodies.
defendant when the interrogation does not contain false confession risk factors (the low-pressure interrogation) and more likely to acquit the defendant when the interrogation does contain false confession risk factors (the medium- and high-pressure interrogations), compared to participants who do not receive expert testimony.

*Hypothesis 3:* General expert testimony will result either in a skepticism effect, where there is a main effect for general expert testimony (e.g., participants exposed to general expert testimony will acquit the defendant more often regardless of the type of interrogation, compared to no expert testimony), or general expert testimony will not influence participants’ verdicts.
Chapter 2: Methods

2.1 Participants

Six hundred and ninety-eight participants completed the experiment. Thirty-three participants were excluded for taking longer than 2 hours to complete the experiment ($M = 4.5$ hours, $SD = 3.78$). Five additional participants were excluded for failing at least one of the attention check questions. Twenty-seven additional participants were excluded because they were not citizens of the United States. Excluding these participants did not meaningfully alter the results. The final sample size was 633.

2.1.1 Student Sample

Three hundred and fifty-two students at the University of Texas at El Paso completed the experiment in exchange for course credit in their psychology classes. Participants were 65.34% female, ages 18 to 50 ($M = 21.07$, $SD = 5.06$; see Table 2). The majority of participants self-identified as Hispanic/Latino (83.24%), with other ethnicities including: White/Caucasian (8.24%), African-American (3.41%), multiracial (1.71%), Asian (1.14%), Native American or Aleut (0.57%), Pacific Islander (0.28%), and other (1.42%). Participants’ completed level of education was: less than high school (0.29%), high school or GED (18.23%), some college (65.81%), a two-year college degree (11.68%), a four-year college degree (3.13%), a professional degree (0.29%), or a Master’s degree (0.57%). The majority of participants had never served on a jury (91.16%).

2.1.2 Community Sample

Two hundred and eighty-one community participants recruited via Mechanical Turk were compensated for their time. Participants were 69.04% female, ages 18 to 72 ($M = 36.98$, $SD = 12.75$; see Table 2). Participants predominately self-identified as White/Caucasian (75.45%),
with other ethnicities including: African-American (9.96%), Hispanic/Latino (4.98%), multiracial (3.56%), Asian (2.49%), Native American or Aleut (1.78%), Pacific Islander (0.36%), and other (1.42%). Participants’ completed level of education was: less than high school (0.36%), high school or GED (12.10%), some college (33.10%), a two-year college degree (14.59%), a four-year college degree (28.83%), a professional degree (3.56%), a Master’s degree (6.05%), or a doctoral degree (1.42%). The majority of participants had never served on a jury (76.87%).

2.2 Design

The current study used a 3 (interrogation: low-pressure vs. medium-pressure vs. high-pressure) x 3 (expert testimony: general vs. case-specific vs. none) between-participants design with a hanging no confession control condition. The effect of sample (student vs. community) was also assessed.

2.3 Materials

2.3.1 Trial Scenario

Participants were randomly assigned to read one of ten murder trial scenarios (see Appendix A). Participants read that the defendant confessed to the crime under low, medium, or high pressure during an interrogation. Participants also read expert testimony that was general, case-specific, or no testimony at all. The tenth condition contained only circumstantial evidence and did not include a confession or expert testimony (no confession control). To ensure that participants attended to the trial scenario, an audio version of the trial played while participants read the transcript; participants could not continue on to the next portion of the trial until the audio had finished. Completion time for the trial took 25 minutes (no confession control) to 45 minutes (high-pressure interrogation, case-specific expert).
Opening arguments established that two victims, the defendant’s wife and the defendant’s neighbor, had been killed in the defendant’s house.

Three witnesses testified for the prosecution. A private investigator, hired by the defendant, testified that he found no proof the defendant’s wife had been having an affair and that he had stopped his investigation several days before the murders. A police officer testified that the defendant admitted to finding the bodies and that the defendant’s fingerprints were found in the house and on the victims. There was no evidence of forced entry, the murder weapon was not recovered, and the defendant was tremendously upset. The coroner then testified about how the victims were killed.

Two witnesses testified for the defense. The defendant’s friend testified that the defendant went home to retrieve some papers from his desk on the night of the murders. The defendant testified that he attempted to help the victims when he discovered the bodies, but they were already dead. He denied committing the murders.

Finally, participants read closing arguments presented by the attorneys.

2.3.2 Interrogation

Participants read that the defendant confessed to the crime under low, medium, or high pressure during an interrogation (see Appendix A). The participants in the control condition did not read about a confession.

**Low-pressure interrogation.** The police officer testified that he encouraged the defendant to tell the truth. The defendant confessed and said he was sorry for what he had done. On cross-examination the interrogator testified that the defendant did not reveal the location of the murder weapon or divulge any information that only the perpetrator would know. The suspect had been emotionally distraught and later retracted his confession.
The defendant testified that he had been upset and in shock. He did not know why he confessed. He denied committing the murders. On cross-examination he testified that he never stopped the interrogation, asked for a lawyer, or left the interrogation room.

**Medium-pressure interrogation.** The medium-pressure interrogation elaborated on the testimony presented in the low-pressure interrogation condition. After testifying about the low-pressure interrogation tactics, the interrogator testified that he minimized the suspect’s culpability for the crime by blaming the victims. Then the interrogator claimed to have DNA evidence that did not exist. The defendant confessed in the same manner as the low-pressure interrogation.

The defendant added that he wanted to go home but the interrogator kept questioning him non-stop. He further testified that he thought he would not be able to leave until he confessed and that he believed he would be able to go home if he confessed.

**High-pressure interrogation.** The high-pressure interrogation expanded on the testimony presented in both the low- and medium-pressure interrogation conditions. The interrogator added that he told the defendant he would receive the death penalty if he did not confess. The defendant confessed after 7 hours of interrogation. On cross-examination the interrogator testified that he had waved his gun around, interrogated the defendant all night, and denied the defendant breaks on multiple occasions.

The defendant added that he was exhausted and that he believed he would die unless he confessed to the crime.

### 2.3.3 Expert Testimony

Two-thirds of participants who read about a confession also read expert testimony about false confessions (see Appendix A). Expert testimony was general or case-specific. The final
third of participants did not receive expert testimony; participants in the control condition also did not receive expert testimony.

**General.** The general expert testified about false confessions, their prevalence, and the research on false confessions. The expert explained that an innocent suspect is more likely to confess if the interrogator implies leniency, threatens the suspect, or lies about evidence; if the interrogation is lengthy; or if the suspect is sleep-deprived, under stress, or depressed. The expert noted that it is difficult to determine the veracity of a confession because false confessions may include details about the crime or statements of remorse; however, one marker of a true confession is if the confession leads to the discovery of new evidence.

On cross-examination the expert admitted that some innocent people would not confess in response to the aforementioned factors and that a confession that does not lead to the discovery of new evidence is not necessarily a false confession. Research on false confessions uses college students as participants and as interrogators and participants are not accused of actual crimes. The expert has only testified for the defense and was being paid $200 per hour.

**Case-specific.** The case-specific expert’s testimony included the general expert’s testimony as well as the expert’s response to a hypothetical scenario similar to the confession presented in the trial. The case-specific expert’s testimony did not include new information.

When the hypothetical interrogation reflected the low-pressure interrogation, the expert testified that the hypothetical suspect’s psychological state could make the suspect more susceptible to pressure from the interrogator. The expert pointed out that the confession did not contain new details about the crime. When the hypothetical interrogation reflected the medium-pressure interrogation, the expert added that the hypothetical suspect would be more likely to falsely confess because the interrogator implied leniency and lied about evidence. When the
hypothetical interrogation reflected the high-pressure interrogation, the expert added that the hypothetical suspect might falsely confess to avoid the death penalty and that a lengthy interrogation increases the likelihood of a false confession.

On cross-examination the expert testified about the risk factors that were not present during the hypothetical interrogation (e.g., in the low-pressure interrogation the hypothetical interrogator did not imply leniency, lie about evidence, or threaten the suspect with harsher punishment, and the interrogation did not appear to be extraordinarily long).

2.3.4 Questionnaire

Participants completed a questionnaire that included factual and perceptual questions about the case (see Appendix B). The majority of the factual questions were interspersed throughout the trial; questions regarding the presence or absence of a confession or expert testimony were presented after participants made decisions about the defendant’s guilt and case strength. Participants read the definition for first degree felony murder and reasonable doubt and then rendered a verdict, guilty or not guilty. Participants who convicted the defendant recommended a sentence between 5 and 99 years. All participants rated the likelihood that the defendant committed the crime by choosing a number between 0 and 100% (i.e., likelihood of commission) and then rated the likelihood of commission necessary in order to convict the defendant (i.e., participants’ standard of proof).

Next, participants rated their perceptions of the evidence. Participants rated the strength of the prosecution’s and the defense’s case on 7-point scales (1 = not at all strong, 7 = extremely strong). When a confession was presented, participants answered several questions about their perceptions of the interrogation and the confession on 7-point scales: the pressure placed on the defendant to confess, the likelihood the defendant falsely confessed, the voluntariness of the
defendant’s confession, how incriminating the confession was, how much the confession influenced participants’ verdicts, and how justified the interrogator’s actions were. Finally, when expert testimony was presented, participants answered several questions about their perceptions of the expert on 7-point scales: the relevance of the testimony, the helpfulness of the testimony, how much the testimony influenced participants’ verdicts, how much participants learned from the expert, how persuasive the testimony was, and how exonerating the testimony was.

Participants’ knowledge about false confessions was assessed by asking participants to list reasons for why an innocent suspect might confess to a crime. False confession reasons were coded and then summed to create one knowledge score for each participant. A higher score indicated that the participant mentioned a greater number of false confession risk factors.

Participants also answered three questions on 7-point scales about their familiarity with false confessions, wrongful convictions, and interrogations. Additionally, included throughout the questionnaire were attention check questions to determine whether participants were answering randomly (e.g., one question was “What do you breathe?” where the correct answer was “C. Air”). Finally, participants answered a series of demographics questions.

2.3.5 Coding

Participants generated free response reasons for why a suspect would falsely confess. False confession reasons were coded using a coding sheet that was adapted from a previous study (see Appendix C). The coding sheet included 21 reasons (see Appendix D for examples of each reason).

In addition to summing participants’ responses to create one score, I also clustered responses into four categories to further explore participants’ knowledge. The motive category focused on the suspect’s perceptions of the interrogation and his or her motivation to confess.
The motive category included the following reasons: to end the interrogation, leniency, feelings of guilt, physical needs, and belief in innocence. The interrogation technique category focused on the interrogator’s actions and included: pressure, deception, maximization, minimization, physical torture, threats, and promises. The disposition category focused on the suspect’s state and included: cognitive state, emotional state, age, IQ, mental illness, alcohol/drugs, and faulty memory. The type of false confession category included: internalized false confession and voluntary false confession.

Two trained researchers who were blind to condition coded the data independently. Coder 1 coded all the data and Coder 2 coded a random sample of the data (20%; n = 128) to verify inter-rater reliability. Reasons were coded as present or absent. Inter-rater reliability was acceptable for all but one reason (κ = 0.82 to 1.00). The remaining reason, “promises”, did not have acceptable inter-rater reliability (κ = 0.32) and was therefore excluded from all analyses.

2.4 Procedure

Student participants were recruited from the psychology participant pool at the University of Texas at El Paso. Community participants were recruited via Mechanical Turk. All participants completed the experiment online using Qualtrics. Participants read and electronically signed the informed consent document. Next, participants read one of the ten trial scenarios and completed the questionnaire. Participants were then thoroughly debriefed and thanked for their time.
Chapter 3: Results

3.1 Manipulation Check

Participants answered several factual questions about the case, including whether the defendant confessed and whether a psychologist testified about interrogations and confessions. Overall, participants correctly answered 96.74% of the questions (SD = 8.90%). Fifty-one participants incorrectly classified the presence or absence of the confession or expert testimony. Of those 51 participants, the majority (n = 41) believed a psychologist had testified about interrogations and confessions when there was no psychologist in the case. Excluding these participants did not meaningfully alter the results; therefore, these participants were included in the analyses.

3.2 Sample Differences

I conducted independent samples t-tests and chi-square analyses to compare demographics across the two participant samples (students vs. community members; see Table 2). Students were younger than community members (Ms = 21.07 and 36.98, SDs = 5.06 and 12.75), t(631) = 21.39, p < .001, d = 1.64. Additionally, participants’ race differed between samples. Students were predominately Hispanic/Latino (83.24%) whereas community members were predominately White/Caucasian (75.45%), χ² (7, N = 633) = 399.17, p < .001, V = .79. Students’ highest level of education was primarily some college (65.81%) whereas community members’ highest level of education was more diverse; only 33.10% reported their highest level of education to be some college, χ² (7, N = 632) = 138.37, p < .001, V = .47. Fewer students had served on a jury (2.84%) than community members (23.13%), χ² (1, N = 633) = 61.60, p < .001, V = .31. Finally, sex did not differ between samples; both students (65.34%) and community members (69.04%) were mostly female, χ² (1, N = 633) = 0.97, p = .326, V = .04.
I also assessed the effect of sample on the dependent variables. A 3 (interrogation: low-pressure, medium-pressure, high-pressure) x 3 (expert testimony: general, case-specific, none) x 2 (sample: student vs. community) hierarchical log-linear analysis on participants’ verdicts revealed a main effect for sample. Students were more likely to convict the defendant (50%) compared to community members (30.24%), $\chi^2 (1, N = 633) = 17.62, p < .001, \nu = .17$. All interactions between sample and the independent variables were non-significant, $\chi^2$s = 0.54 to 2.18, $ps = .703$ to .765.

I conducted several 3 (interrogation: low-pressure, medium-pressure, high-pressure) x 3 (expert testimony: general, case-specific, none) x 2 (sample: student vs. community) between-subjects factorial ANOVAs on additional dependent variables (false confession knowledge, likelihood of commission, standard of proof, sentence). Some main effects of sample and all interactions between sample and the independent variables were non-significant, $Fs = 0.03$ to 2.33, $ps = .098$ to .998. However, there were main effects of sample for knowledge of false confession risk factors, standard of proof, and sentence. Students mentioned fewer false confession risk factors than community members ($Ms = 2.58$ and 3.36, $SDs = 1.39$ and 1.65), $F(1, 550) = 40.02, p < .001, \eta^2_p = .07$. Students also had a lower standard of proof than did community members ($Ms = 75.34\%$ and 83.86%, $SDs = 25.38\%$ and 22.74%), $F(1, 550) = 17.26, p < .001, \eta^2_p = .03$. Additionally, students who convicted the defendant were less punitive than community members when recommending a sentence ($Ms = 48.94$ and 59.34 years, $SDs = 30.41$ and 31.84), $F(1, 221) = 4.86, p = .028, \eta^2_p = .02$.

As noted previously, students mentioned fewer false confession risk factors than did community members. To determine about what students were less knowledgeable, I conducted a 3 (interrogation: low-pressure, medium-pressure, high-pressure) x 3 (expert testimony: general,
case-specific, none) \times 2 \text{ (sample: student vs. community)} \text{ between-subjects factorial MANOVA on participants’ knowledge for specific categories of false confession risk factors (motive, interrogation technique, disposition, and type of false confession). All interactions were non-significant, } F_s = 1.00 \text{ to } 1.78, \ p_s = .076 \text{ to } .451, \text{ but there was a significant multivariate effect of sample, Wilks’ } \Lambda = .91, \ F(4, 547) = 13.14, \ p < .001, \ \eta^2_p = .09. \text{ Univariate analyses indicated students mentioned fewer reasons in the motive category than did community members (} \text{M}_s = \text{ 0.60 and 0.94, } \text{SD}_s = \text{ 0.73 and 0.84}), \ F(1, 550) = 28.85, \ p < .001, \ \eta^2_p = .05. \text{ Additionally, students mentioned fewer reasons in the disposition category than did community members (} \text{M}_s = \text{ 0.92 and 1.30, } \text{SD}_s = \text{ 0.85 and 0.98}), \ F(1, 550) = 25.30, \ p < .001, \ \eta^2_p = .04. \text{ The effects of interrogation technique and type of false confession were not significant, } F(1, 550) = 0.73, \ p = .393, \ \eta^2_p = .001 \text{ and } F(1, 550) = 0.06, \ p = .802, \ \eta^2_p = .00, \text{ respectively.}

I also conducted separate 3 (interrogation: low-pressure, medium-pressure, high-pressure) \times 3 \text{ (expert testimony: general, case-specific, none)} \times 2 \text{ (sample: student vs. community)} \text{ between-subjects factorial MANOVAs with items concerning case strength, perceptions of the interrogation, and perceptions of the expert as the dependent variables, respectively. All interactions between sample and the independent variables were not significant, } F_s = 0.76 \text{ to } 1.58, \ p_s = .090 \text{ to } .794. \text{ However, there were multivariate main effects of sample for case strength, Wilks’ } \Lambda = .89, \ F(2, 549) = 33.13, \ p < .001, \ \eta^2_p = .11, \text{ perceptions of the interrogation, Wilks’ } \Lambda = .93, \ F(6, 545) = 6.55, \ p < .001, \ \eta^2_p = .07, \text{ and perceptions of the expert, Wilks’ } \Lambda = .93, \ F(6, 360) = 4.53, \ p < .001, \ \eta^2_p = .07. \text{ Univariate analyses indicated that students thought the prosecution had a stronger case than did community members (} \text{M}_s = 4.78 \text{ and 3.78, } \text{SD}_s = 1.62 \text{ and 1.82}), \ F(1, 550) = 50.81, \ p < .001, \ \eta^2_p = .08. \text{ Additionally, students thought the confession was more voluntary (} M = 4.36, \ SD
and influential \((M = 4.78, SD = 1.81)\), and that the interrogator’s actions were more justified \((M = 4.19, SD = 1.90)\), than did community members \((Ms = 3.94, 3.92, \text{and } 3.69; SDs = 2.09, 1.99, \text{and } 2.15)\), \(F(1, 550) = 9.18, p = .003, \eta^2_p = .02\), \(F(1, 550) = 31.00, p < .001, \eta^2_p = .05\), and \(F(1, 550) = 12.85, p < .001, \eta^2_p = .02\), respectively. Finally, students reported that they learned more from the expert than did community members \((Ms = 5.35 \text{ and } 4.80, SDs = 1.50 \text{ and } 1.76)\), \(F(1, 365) = 10.67, p = .001, \eta^2_p = .03\). All other univariate analyses were not significant, \(Fs = 0.004 \text{ to } 3.38, p = .107 \text{ to } .947\).

Finally, participants rated their familiarity with police or military interrogations and rated how much they have learned about false confessions and wrongful convictions through the media on 7-point scales; I analyzed these data using independent samples \(t\)-tests. Students and community members did not differ with respect to their self-reported familiarity with interrogations \((\text{overall } M = 3.68, SD = 1.79)\), media exposure to false confessions \((M = 4.21, SD = 1.78)\), or media exposure to wrongful convictions \((M = 4.92, SD = 1.53)\), \(t(631) = 0.68, p = .496, d = 0.06, t(630) = 1.23, p = .220, d = 0.10, \text{and } t(631) = 0.85, p = .397, d = 0.07\), respectively.

Overall, students convicted the defendant more often than did community members, perhaps because students had a lower standard of proof than community members, and students recommended a shorter sentence than did community members. Students were also less knowledgeable about false confessions and evaluated case strength, the interrogation, and the expert differently than did community members.

There were no significant interactions between sample and the independent variables (interrogation pressure and expert testimony). Therefore, subsequent analyses collapse across sample type.
3.3 Sensitivity: Knowledge

Participants listed reasons for why an innocent person would confess to a crime; these reasons were coded and then summed to create one knowledge score for each participant. A higher score indicates the participant mentioned a greater number of false confession risk factors. I hypothesized there would be a main effect of expert testimony; regardless of the type of expert testimony, participants who received expert testimony would have a higher knowledge score than participants who did not receive expert testimony. To determine whether expert testimony influenced knowledge about false confessions, I conducted a 3 (interrogation: low-pressure, medium-pressure, high-pressure) x 3 (expert testimony: general, case-specific, none) between-subjects factorial ANOVA with participants’ summed knowledge score as the dependent variable. There were main effects of interrogation, $F(2, 559) = 6.68, p = .001, \eta_p^2 = .02$, and expert testimony, $F(2, 559) = 10.57, p < .001, \eta_p^2 = .04$. However, the interaction between interrogation and expert testimony was non-significant, $F(4, 559) = 0.23, p = .922, \eta_p^2 = .002$ (see Table 3).

I conducted independent samples $t$-tests to evaluate the main effect of interrogation. Knowledge did not differ between the low-pressure ($M = 2.68, SD = 1.55$) and medium-pressure ($M = 2.86, SD = 1.58$) interrogations, $t(380) = 1.13, p = .260, d = 0.12$; however, participants in the high-pressure interrogation ($M = 3.24, SD = 1.51$) mentioned more false confession risk factors than participants in either the low-pressure or medium-pressure interrogations, $t(374) = 3.57, p < .001, d = 0.37$ and $t(376) = 2.41, p = .017, d = 0.25$, respectively. Additional independent samples $t$-tests compared the interrogation conditions to the no-confession control. Knowledge did not differ between the no-confession control ($M = 2.37, SD = 1.77$) and the low-pressure interrogation, $t(253) = 1.34, p = .181, d = 0.19$. However, participants in both the
medium- and high-pressure interrogations mentioned more false confession risk factors than participants in the no-confession control, \( t(255) = 2.10, p = .037, d = 0.29 \) and \( t(249) = 3.83, p < .001, d = 0.53 \), respectively.

I also conducted independent samples \( t \)-tests to evaluate the main effect of expert testimony. Participants who did not receive expert testimony mentioned fewer false confession risk factors (\( M = 2.52, SD = 1.44 \)) than participants who received general (\( M = 3.04, SD = 1.54 \)) or case-specific (\( M = 3.22, SD = 1.62 \)) expert testimony, \( t(381) = 3.57, p < .001, d = 0.35 \) and \( t(374) = 4.41, p < .001, d = 0.46 \), respectively. Knowledge did not differ between general and case-specific expert testimony, \( t(375) = 1.14, p = .256, d = 0.11 \).

In summary, participants in the medium- and high-pressure interrogations mentioned more false confessions risk factors relative to the no confession control. Participants in the high-pressure interrogation also mentioned more false confession risk factors than did participants in the low-pressure interrogation. Additionally, participants exposed to general and case-specific expert testimony also demonstrated greater knowledge about false confession risk factors compared to the no expert testimony condition.

### 3.3.1 Knowledge: Categories

In addition to summing participants’ false confession reasons to create an overall knowledge score, I also summed participants’ reasons within four categories: motive, which included 5 reasons; interrogation technique, which included 6 reasons; disposition, which included 7 reasons; and type of false confession, which included 2 reasons. A higher score indicates the participant mentioned more false confession risk factors within that category.

I conducted a 3 (interrogation: low-pressure, medium-pressure, high-pressure) x 3 (expert testimony: general, case-specific, none) between-subjects factorial MANOVA with participants’
summed knowledge scores for each of the four categories as the dependent variables. The interaction between interrogation and expert testimony was not significant, Wilks’ $\Lambda = .98$, $F(16, 1699.25) = .64$, $p = .852$, $\eta^2_p = .01$. However, there were significant multivariate main effects of interrogation, Wilks’ $\Lambda = .93$, $F(8, 1112) = 5.13$, $p < .001$, $\eta^2_p = .04$, and expert testimony, Wilks’ $\Lambda = .90$, $F(8, 1112) = 7.60$, $p < .001$, $\eta^2_p = .05$ (see Table 4).

Univariate analyses for interrogation indicated there were significant effects of motive, $F(2, 559) = 11.46$, $p < .001$, $\eta_p^2 = .04$, disposition, $F(2, 559) = 3.09$, $p = .028$, $\eta_p^2 = .01$, and type of false confession, $F(2, 559) = 3.57$, $p = .029$, $\eta_p^2 = .01$. The effect of interrogation technique was not significant, $F(2, 559) = 1.93$, $p = .146$, $\eta_p^2 = .01$. Follow-up independent samples t-tests demonstrated that participants in the medium-pressure ($M = 0.78$, $SD = 0.80$) and high-pressure ($M = 0.94$, $SD = 0.89$) interrogations mentioned more reasons in the motive category than participants in the low-pressure interrogation ($M = 0.56$, $SD = 0.65$), $t(380) = 2.92$, $p = .004$, $d = 0.30$ and $t(374) = 4.69$, $p < .001$, $d = 0.49$, respectively. The medium- and high-pressure interrogations did not differ, $t(376) = 1.83$, $p = .068$, $d = 0.19$. Additionally, participants in the high-pressure interrogation ($M = 1.22$, $SD = 0.90$) mentioned more reasons in the disposition category than participants in the medium-pressure interrogation ($M = 0.96$, $SD = 0.90$), $t(376) = 2.77$, $p = .006$, $d = 0.29$. The low-pressure interrogation ($M = 1.08$, $SD = 0.97$) did not differ from the medium- or high-pressure interrogations, $t(380) = 1.21$, $p = .229$, $d = 0.13$ and $t(374) = 1.47$, $p = .144$, $d = 0.15$, respectively. Finally, participants in the low-pressure interrogation ($M = 0.23$, $SD = 0.44$) mentioned more types of false confessions than participants in the medium-pressure ($M = 0.14$, $SD = 0.35$) or high-pressure ($M = 0.14$, $SD = 0.38$) interrogations, $t(380) = 2.26$, $p = .025$, $d = 0.23$ and $t(374) = 2.18$, $p = .030$, $d = 0.22$, respectively. The medium- and high-pressure interrogations did not differ, $t(376) = 0.02$, $p = .982$, $d = 0.0$. 

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Univariate analyses for expert testimony indicated there were significant effects of motive, $F(2, 559) = 11.50$, $p < .001$, $\eta^2_p = .04$, interrogation technique, $F(2, 559) = 11.49$, $p < .001$, $\eta^2_p = .04$, and type of false confession, $F(2, 559) = 8.24$, $p < .001$, $\eta^2_p = .03$. The effect of disposition was not significant, $F(2, 559) = 0.16$, $p = .855$, $\eta^2_p = .001$. Follow-up independent samples $t$-tests indicated participants who did not receive expert testimony ($M = 0.55$, $SD = 0.69$) mentioned fewer reasons in the motive category than participants who received general ($M = 0.82$, $SD = 0.86$) or case-specific ($M = 0.91$, $SD = 0.80$) expert testimony, $t(381) = 3.43$, $p = .001$, $d = 0.35$ and $t(374) = 4.74$, $p < .001$, $d = 0.48$, respectively. The general and case-specific expert conditions did not differ, $t(375) = 1.05$, $p = .293$, $d = 0.11$. The pattern for interrogation technique followed the same trend. Participants who did not receive expert testimony ($M = 0.66$, $SD = 0.69$) mentioned fewer interrogation techniques than participants who received general ($M = 1.01$, $SD = 1.01$) or case-specific ($M = 1.08$, $SD = 0.98$) expert testimony, $t(381) = 3.92$, $p < .001$, $d = 0.41$ and $t(374) = 4.77$, $p < .001$, $d = 0.50$, respectively. The general and case-specific experts did not differ, $t(375) = 0.69$, $p = .491$, $d = 0.07$. Conversely, participants who did not receive expert testimony ($M = 0.26$, $SD = 0.45$) mentioned more types of false confessions than participants who received general ($M = 0.13$, $SD = 0.36$) or case-specific ($M = 0.12$, $SD = 0.33$) expert testimony, $t(381) = 3.27$, $p = .001$, $d = 0.32$ and $t(374) = 3.35$, $p = .001$, $d = 0.36$, respectively. The general and case-specific experts did not differ, $t(375) = 0.02$, $p = .985$, $d = 0.03$.

There were significant main effects of interrogation and expert testimony on participants’ categorized knowledge about false confessions. Specifically, participants who read interrogations that included false confession risk factors mentioned more reasons in the motivation category (the medium- and high-pressure interrogations) and the disposition category (the high-pressure
interrogation) than participants who read an interrogation without false confession risk factors (the low-pressure interrogations). When false confession risk factors were absent, participants mentioned more types of false confessions.\(^3\)

The presence of expert testimony also affected participants’ categorized knowledge. Expert testimony educated participants about the suspect’s motivations to falsely confess as well as the influence of interrogation techniques on false confessions. Participants who did not read expert testimony mentioned more types of false confessions.\(^4\)

### 3.4 Sensitivity: Integration

#### 3.4.1 Verdict

Participants rendered a dichotomous verdict of guilty or not guilty. I expected case-specific expert testimony would result in an expert-induced sensitivity effect, demonstrated by an interaction between case-specific expert testimony and the type of interrogation. I hypothesized participants exposed to case-specific expert testimony would be more likely to convict the defendant in the low-pressure interrogation condition and more likely to acquit the defendant in both the medium- and high-pressure interrogations, compared to participants who did not receive expert testimony. In contrast, I hypothesized general expert testimony would result in either a skepticism effect (participants would acquit the defendant more often in each interrogation) or no effect at all, compared to no expert testimony.

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\(^3\) Analysis of individual reasons within the categories revealed participants in the medium- and high-pressure interrogations were more aware that an innocent suspect would confess to end the interrogation and because of physical needs, compared to participants in the low-pressure interrogation. Additionally, participants in the high-pressure interrogation were more aware that the suspect’s cognitive state could lead him or her to falsely confess than participants in other interrogation conditions.

\(^4\) Analysis of individual reasons within the categories suggested participants who received expert testimony were more aware that a suspect would confess to gain leniency, because of a belief in innocence, or because of certain interrogative techniques (deception, maximization, and minimization). Participants who did not receive expert testimony indicated an innocent suspect would falsely confess voluntarily.
To evaluate the effect of expert testimony, I conducted a 3 (interrogation: low-pressure, medium-pressure, high-pressure) x 3 (expert testimony: general, case-specific, none) hierarchical log-linear analysis on participants’ verdicts. The interaction between interrogation and expert testimony was not significant, $\chi^2 (4, N = 568) = 1.13, p = .890, V = .05$. Expert testimony did not improve sensitivity to false confession risk factors within an interrogation. The main effect of expert testimony was also not significant, $\chi^2 (2, N = 568) = 1.19, p = .552, V = .05$. Expert testimony did not lead to a skepticism effect. Convictions did not differ between the no expert (43.98%), general expert (43.23%), and case-specific expert (38.92%) conditions (see Table 5).

There was a main effect of interrogation, however, $\chi^2 (2, N = 568) = 10.82, p = .004, V = .14$. Follow-up analyses indicated participants convicted the defendant more often in the low-pressure interrogation (51.58%), compared to the medium-pressure (38.54%) and high-pressure (36.02%) interrogations, $\chi^2 (1, N = 382) = 6.56, p = .010, V = .13$ and $\chi^2 (1, N = 376) = 9.24, p = .002, V = .16$, respectively. The medium- and high-pressure interrogations did not differ, $\chi^2 (1, N = 378) = 0.26, p = .612, V = .03$.

I conducted additional follow-up analyses to compare the no confession control to the interrogation conditions to determine whether the presence of a confession influenced verdicts. Participants convicted the defendant more often in the low-pressure interrogation (51.58%) than participants in the no confession control (33.85%), $\chi^2 (1, N = 255) = 6.11, p = .013, V = .16$. Convictions did not differ between the no confession control (33.85%) and the medium-pressure (38.54%) or high-pressure (36.02%) interrogations, $\chi^2 (1, N = 257) = 0.46, p = .499, V = .04$ and $\chi^2 (1, N = 251) = 0.10, p = .752, V = .02$, respectively (see Figure 1).

Taken together, the data failed to demonstrate a significant effect of expert testimony. Expert testimony did not lead to sensitivity or skepticism. Contrasting with previous studies...
(e.g., Kassin & Sukel, 1997), there was a main effect of interrogation. Convictions were higher in the low-pressure interrogation than the medium- and high-pressure interrogations. Participants appropriately responded to interrogation pressure by convicting the defendant when false confession risk factors were not present (the low-pressure interrogation) and acquitting the defendant when false confession risk factors were present (the medium- and high-pressure interrogations); this suggests participants were already sensitive to false confession risk factors, regardless of expert testimony. Additionally, convictions were higher in the low-pressure interrogation than the no confession control, while convictions did not differ between the medium-pressure interrogation, high-pressure interrogation, and no confession control. Participants discounted the confession when it was appropriate to do so (i.e., when false confession risk factors were present).

3.4.2 Likelihood of Commission

All participants rated the percentage likelihood that the defendant had committed the crime. I conducted a 3 (interrogation: low-pressure, medium-pressure, high-pressure) x 3 (expert testimony: general, case-specific, none) between-subjects factorial ANOVA with likelihood of commission as the dependent variable. The main effect of expert testimony and the interaction between interrogation and expert testimony were not significant, $F(2, 559) = 1.58, p = .207, \eta^2_p = .01$ and $F(4, 559) = 1.25, p = .289, \eta^2_p = .01$, respectively. However, consistent with the results for verdict, the main effect of interrogation was significant, $F(2, 550) = 12.27, p < .001, \eta^2_p = .04$ (see Table 6). Follow-up independent samples $t$-tests revealed that participants believed it was more likely that the defendant had committed the crime in the low-pressure interrogation ($M = 68.72\%$ likelihood of commission, $SD = 29.45\%$), compared to the medium-pressure ($M = 56.78\%, SD = 34.30\%$) and high-pressure ($M = 53.14\%, SD = 32.38\%$) interrogations, $t(380) =$
3.65, \( p < .001 \), \( d = .37 \) and \( t(374) = 4.87, p < .001, d = .50 \), respectively. Likelihood of commission estimates did not differ between the medium- and high-pressure interrogations, \( t(376) = 1.06, p = .290, d = 0.11 \).

Additional independent samples \( t \)-tests compared the interrogation conditions to the no confession control. Participants in the low-pressure interrogation believed it more likely that the defendant had committed the crime than did participants not exposed to a confession (\( M = 55.49\%, SD = 31.73\% \)), \( t(253) = 3.06, p = .002, d = 0.43 \). However, likelihood of commission did not differ between the no confession control and medium- or high-pressure interrogations, \( t(255) = 0.27, p = .791, d = 0.04 \) and \( t(249) = 0.51, p = .612, d = 0.07 \), respectively.

Similar to verdict, participants’ likelihood of commission estimates were unaffected by expert testimony but varied significantly as a function of interrogation pressure. Participants thought it more likely that the defendant had committed the crime in the low-pressure interrogation, while likelihood of commission did not differ between the medium-pressure, high-pressure, and no confession conditions.

### 3.4.3 Standard of Proof

Participants reported their standard of proof by indicating the likelihood of commission necessary to convict the defendant. I conducted a 3 (interrogation: low-pressure, medium-pressure, high-pressure) \( \times \) 3 (expert testimony: general, case-specific, none) between-subjects factorial ANOVA with standard of proof as the dependent variable. Participants reported a mean standard of proof of 79.12\% (\( SD = 24.59\% \)). The main effect of interrogation, the main effect of expert testimony, and the interaction between interrogation and expert testimony were all non-significant, \( F(2, 559) = 0.35, p = .707, \eta_p^2 = .001 \), \( F(2, 559) = 0.30, p = .739, \eta_p^2 = .001 \), and \( F(4, \)
559) = 2.37, \( p = .052, \eta_p^2 = .02 \), respectively (see Table 7). Standard of proof was not influenced by the type of interrogation or expert testimony.

### 3.4.4 Sentence

Participants who convicted the defendant recommended a sentence between 5 and 99 years. I conducted a 3 (interrogation: low-pressure, medium-pressure, high-pressure) x 3 (expert testimony: general, case-specific, none) between-subjects factorial ANOVA with sentence as the dependent variable. Participants recommended a mean sentence of 52.51 years (SD = 31.24). The main effect of interrogation, the main effect of expert testimony, and the interaction between interrogation and expert testimony were all non-significant, \( F(2, 230) = 0.73, p = .485, \eta_p^2 = .01 \), \( F(2, 230) = 1.56, p = .212, \eta_p^2 = .01 \), and \( F(4, 230) = 0.89, p = .474, \eta_p^2 = .02 \), respectively (see Table 8). Sentence was not influenced by the type of interrogation or expert testimony.

### 3.5 Evaluations of the Evidence

#### 3.5.1 Case Strength

Participants rated the strength of the prosecution’s and the defense’s case on 7-point scales (1 = not at all strong, 7 = extremely strong). A bivariate correlation showed participants’ responses were negatively correlated, \( r(631) = -.30, p < .001 \). I conducted a 3 (interrogation: low-pressure, medium-pressure, high-pressure) x 3 (expert testimony: general, case-specific, none) between-subjects factorial MANOVA with prosecution case strength and defense case strength as the dependent variables. The multivariate effect of expert testimony and the interaction between expert testimony and interrogation were not significant, Wilks’ \( \Lambda = .99, F(4, 1098) = 0.72, p = .578, \eta_p^2 = .003 \) and Wilks’ \( \Lambda = .98, F(8, 1098) = 1.53, p = .114, \eta_p^2 = .01 \), respectively. However, there was a significant multivariate main effect of interrogation, Wilks’ \( \Lambda = .94, F(4, 1098) = 8.59, p < .01, \eta_p^2 = .03 \). Univariate analyses indicated significant effects for
both prosecution and defense case strength, $F(2, 550) = 11.59, p < .001, \eta^2_p = .04$ and $F(2, 550) = 11.10, p < .001, \eta^2_p = .04$, respectively. Follow-up independent samples t-tests indicated participants believed the prosecution had a stronger case in the low-pressure ($M = 4.70, SD = 1.64$) and medium-pressure ($M = 4.39, SD = 1.78$) interrogations than the high-pressure interrogation ($M = 3.91, SD = 1.84$), $t(374) = 4.39, p < .001, d = 0.45$ and $t(376) = 2.54, p = .012, d = 0.27$, respectively. The low- and medium-pressure interrogations did not differ, $t(380) = 1.80, p = .073, d = 0.18$. Additionally, participants thought the defense had a weaker case in the low-pressure interrogation ($M = 4.38, SD = 1.38$) than the medium-pressure ($M = 4.82, SD = 1.50$) and high-pressure ($M = 5.04, SD = 1.40$) interrogations, $t(380) = 2.94, p = .004, d = 0.31$ and $t(374) = 4.59, p < .001, d = 0.48$, respectively. The medium- and high-pressure interrogations did not differ, $t(376) = 1.51, p = .133, d = 0.15$.

Participants’ perception of prosecution and defense case strength were influenced by interrogation pressure. Participants in the low- and medium-pressure interrogations believed the prosecution had a stronger case than participants in the high-pressure interrogation. Additionally, participants in the low-pressure interrogation believed the defense had a weaker case than participants in the medium- and high-pressure interrogations.

### 3.5.2 Perceptions of the Interrogation

Participants rated the interrogation and the confession on the following 7-point scales (1 = not at all, 7 = extremely): pressure to confess, likelihood that the confession was false, voluntariness of the confession, how incriminating the confession was, influence of the confession on participants’ verdicts, and how justified the interrogator’s actions were. Participants’ responses were significantly correlated, $|r_{s(566)}| = .21$ to .61, $ps < .001$ (see Table 9). I conducted a 3 (interrogation: low-pressure, medium-pressure, high-pressure) x 3 (expert
testimony: general, case-specific, none) between-subjects factorial MANOVA with the interrogation items as dependent variables. The interaction between interrogation and expert testimony was not significant, Wilks’ $A = .94$, $F(24, 1902.48) = 1.51$, $p = .055$, $\eta_p^2 = .02$, although there were significant multivariate main effects of interrogation and expert testimony, Wilks’ $A = .37$, $F(12, 1090) = 58.26$, $p < .001$, $\eta_p^2 = .39$ and Wilks’ $A = .95$, $F(12, 1090) = 2.21$, $p = .010$, $\eta_p^2 = .02$, respectively.

Univariate analyses for interrogation indicated significant effects for all items, $F_s = 7.58$ to 410.38, $ps \leq .001$, $\eta_p^2s = .03$ to .60. Follow-up independent samples $t$-tests demonstrated significant differences between the low-, medium-, and high-pressure interrogations for pressure to confess ($Ms = 3.39, 6.29,$ and $6.82; SDs = 1.84, 1.09,$ and $0.58$), likelihood that the confession was false, ($Ms = 3.55, 4.52,$ and $5.01; SDs = 1.66, 1.88,$ and $1.68$), voluntariness ($Ms = 5.43, 4.01,$ and $3.06; SDs = 1.48, 1.86,$ and $1.93$), how incriminating the confession was ($Ms = 5.24, 4.63,$ and $4.22; SDs = 1.64, 1.86,$ and $1.87$), and how justified the interrogator’s actions were ($Ms = 5.35, 3.66,$ and $2.86; SDs = 1.42, 1.92,$ and $1.86$), $ts = 2.67$ to $24.32$, $ps \leq .033$, $ds = 0.22$ to $2.51$. There was also a significant difference for the influence of the confession on participants’ verdicts between the high-pressure interrogation ($M = 3.99, SD = 1.87$) compared to the low-pressure ($M = 4.68, SD = 1.91$) and medium-pressure ($M = 4.52, SD = 1.98$) interrogations, $t(374) = 3.54$, $p < .001$, $d = 0.37$ and $t(376) = 2.66$, $p = .008$, $d = 0.28$, respectively. The low- and medium-pressure interrogations did not differ, $t(380) = 0.82$, $p = .412$, $d = 0.08$.

Univariate analyses for expert testimony indicated a significant main effect for pressure to confess, $F(2, 550) = 7.81$, $p < .001$, $\eta_p^2 = .03$. Follow-up independent samples $t$-tests indicated that participants thought the defendant had been placed under more pressure to confess when they received general expert testimony ($M = 5.76, SD = 1.76$) compared to case-specific expert
testimony ($M = 5.28, SD = 2.10$), $t(375) = 2.41, p = .016, d = 0.25$. There were no differences between the no expert testimony condition ($M = 5.45, SD = 2.04$) when compared to general or case-specific expert testimony, $t(381) = 1.57, p = .118, d = 0.16$ and $t(374) = 0.82, p = .414, d = 0.08$, respectively.

Interrogation pressure and expert testimony influenced participants’ perceptions of the interrogation. Participants perceived the interrogation and the confession more negatively as interrogation pressure increased. From the low- to medium- to high-pressure interrogation, participants believed that the defendant had been placed under more pressure to confess, that it was more likely he had falsely confessed, that his confession was less voluntary and less incriminating, and that the interrogator’s actions were less justified. Additionally, participants reported that the confession was less influential in the high-pressure interrogation than the low- or medium-pressure interrogations. Finally, participants who received general expert testimony thought the defendant had been placed under more pressure to confess than participants who received case-specific expert testimony.

3.5.3 Perceptions of the Expert

Participants evaluated the expert on the following 7-point scales (1 = not at all, 7 = extremely): relevance, helpfulness, influence of testimony on verdicts, how much participants learned, persuasiveness, and how exonerating the testimony was. Participants’ responses were positively correlated, $rs(375) = .48$ to $.82, ps < .001$ (see Table 10). I conducted a 3 (interrogation: low-pressure, medium-pressure, high-pressure) x 2 (expert testimony: general, case-specific) between-subjects factorial MANOVA with the items about the expert as dependent variables. The multivariate main effect of expert testimony and the interaction between expert testimony and interrogation were not significant, Wilks’ $\lambda = .98, F(6, 360) =$
1.04, \( p = .400, \eta^2_p = .02 \) and Wilks’ \( A = .98, F(12, 720) = 0.53, p = .896, \eta^2_p = .009 \), respectively. However, there was a multivariate main effect for interrogation, Wilks’ \( A = .92, F(12, 720) = 2.73, p = .001, \eta^2_p = .04 \). Univariate analyses indicated significant effects of interrogation for relevance, helpfulness, persuasiveness, and how exonerating the testimony was, \( F_s = 4.16 \) to \( 11.22, ps \leq .016, \eta^2_p s = .02 \) to .06. Follow-up independent samples \( t \)-tests demonstrated significant differences of the low-pressure interrogation vs. the medium- and high-pressure interrogations for relevance (\( M_s = 4.69, 5.18, \) and \( 5.23; SDs = 1.47, 1.62, \) and \( 1.63 \)), helpfulness (\( M_s = 4.32, 4.90, \) and \( 4.81; SDs = 1.63, 1.74, \) and \( 1.73 \)), and persuasiveness (\( M_s = 4.13, 4.63, \) and \( 4.69; SDs = 1.67, 1.77, \) and \( 1.67 \)), \( ts = 2.27 \) to \( 2.75, ps \leq .024, ds = 0.29 \) to \( 0.35 \). There were no differences between the medium- and high-pressure interrogations, \( ts = 0.21 \) to \( 0.41, ps \leq .833, ds = 0.03 \) to \( 0.05 \). Additionally, participants saw the expert’s testimony as more exonerating in the high-pressure interrogation (\( M = 5.10, SD = 1.57 \)) compared to the low- and medium-pressure interrogations (\( M = 4.13 \) and \( 4.54; SD = 1.63 \) and \( 1.73 \)), \( t(249) = 4.81, p < .001, d = 0.61 \) and \( t(248) = 2.70, p = .007, d = 0.34 \), respectively. The low- and medium-pressure interrogations did not differ, \( t(251) = 1.92, p = .056, d = 0.24 \).

Compared to participants in the low-pressure interrogation, participants in both the medium- and high-pressure interrogations believed that the expert’s testimony was more relevant, helpful, and persuasive. Furthermore, participants saw the expert’s testimony as more exonerating in the high-pressure interrogation. Perceptions of the expert did not differ as a function of the type of testimony (general or case-specific).
Chapter 4: Discussion

4.1 Sensitivity to False Confession Risk Factors

I sought to determine whether expert testimony would lead to sensitivity or skepticism and whether the type of expert testimony would lead to different effects. I hypothesized that both general and case-specific expert testimony would improve knowledge about false confession risk factors, relative to a no confession control. I further hypothesized that only case-specific expert testimony would lead to a full sensitivity effect while I expected that general expert testimony would lead to skepticism or no effect. Both types of expert testimony educated participants about false confession risk factors; however, participants’ verdicts were not influenced by expert testimony.

In the end, expert testimony was not necessary to produce a sensitivity effect. Participants were sensitive to false confession risk factors in the absence of expert testimony; participants convicted the defendant more often when false confession risk factors were absent (the low-pressure interrogation) and acquitted the defendant more often false confession risk factors were present (the medium- and high-pressure interrogations). Verdicts did not differ between the medium-pressure interrogation, the high-pressure interrogation, and the no confession control, suggesting that participants were not influenced by the confession when it had been elicited via false confession risk factors. Furthermore, participants also believed the defendant to be less guilty when he confessed during a medium- or high-pressure interrogation, and participants perceived the interrogation more negatively as interrogation pressure increased. Participants recognized the differences between interrogations and responded to these differences when making decisions about the defendant’s guilt.
Participants in prior studies were generally unwilling to discount a confession. Typically, the presence of a confession increased convictions relative to a no-confession control and participants rarely adjusted their verdicts to account for how the confession had been elicited (Henkel, 2008; Kassin & McNall, 1991; Kassin & Sukel, 1997; Kassin & Wrightsman, 1980, 1981; Neuschatz et al., 2008, 2012). Participants only discounted the confession if it had been elicited via an explicit threat (Kassin & Wrightsman, 1980, 1981) or if the suspect confessed due to concerns about his medial disorder (Henkel, 2008). Although participants in Henkel’s (2008) experiment discounted one type of confession, estimates of the likelihood that the defendant committed the crime were still higher in the medical disorder condition compared to the no-confession control, suggesting that participants still thought the defendant was guilty even though they were more likely to acquit him.

The results of the present experiment are inconsistent with prior findings even though the current experiment used the same trial transcript, with some variations, as previous studies (Henkel, 2008; Kassin & Sukel, 1997). In the current experiment, participants discounted a confession when the interrogator minimized the suspect’s responsibility for the crime and presented false evidence (the medium- and high-pressure interrogations), and when the interrogator behaved aggressively, threatened the suspect with the death penalty, and interrogated him throughout night without breaks (the high-pressure interrogation). Unlike Henkel’s (2008) study, participants who discounted the confession in the present study also believed it was less likely the defendant had committed the crime.

Based on research on the correspondence bias (see Gawronski, 2004), I proposed that a confession would be seen as diagnostic of guilt. I expected that participants would recognize the influence of situational factors but that participants would not take these situational factors into
account when deciding whether to convict the defendant. Participants did evaluate the
interrogation more negatively as interrogation pressure increased; however, contrary to my
expectations, participants also responded to differences in interrogation pressure by acquitting
the defendant more often when interrogation pressure was higher. In this instance, participants’
awareness of differences in the interrogations influenced their decisions about whether the
defendant was guilty.

One reason participants may have avoided the correspondence bias in the current
experiment is the perceived motivation of the confessor. People are less likely to demonstrate the
correspondence bias when alternate motivations for a behavior exist (Fein, Hilton, & Miller,
1990). For example, people are less likely to believe a writer endorses the stance about which he
or she wrote when told that the writer chose the stance to impress a professor. Conversely,
people who are told that the writer’s stance was chosen for him or her are likely to infer that the
writer endorses the stance in the essay (Fein et al., 1990). Previously, scholars proposed a
confession would be trusted because the confessor would appear to have no motivation to lie
(Levine, Kim, & Blair, 2010). Participants in the current experiment may have believed the
defendant did have a motive to lie in the medium- and high-pressure interrogations. Participants
only trusted the confession when there were no situational factors to cast doubt on the
confession’s reliability (the low-pressure interrogation) and participants discounted the
confession when situational factors could have influenced the confession’s reliability.
Participants’ ability to distinguish between different interrogations suggests that participants in
the medium- and high-pressure interrogations believed the defendant’s confession was motivated
by factors other than guilt. Participants in the medium- and high-pressure interrogations listed
more reasons for why an innocent suspect would confess, and participants’ likelihood of
commission estimates in these conditions were not different from the no-confession control. A content analysis of participants’ knowledge revealed that participants in higher pressure interrogations believed an innocent suspect would confess to end the interrogation, because of physical needs (e.g., hunger), and because of his or her cognitive state (e.g., exhaustion). It may the case that participants in the medium- and high-pressure interrogations critically evaluated the defendant’s motivation to confess because the effects of situational factors provided a plausible explanation other than guilt for why he confessed. For example, participants may have thought it plausible that the defendant confessed to end the interrogation when false confession risk factors were present (e.g., a lengthy interrogation); however, participants may have viewed this explanation as implausible when false confession risk factors were absent and instead believed the defendant confessed because he was guilty.

Improved knowledge about interrogations and false confessions may be the reason participants in the present study successfully discounted a confession when participants in previous studies did not. Although lay knowledge may not be equivalent to expert knowledge (Read & Desmarais, 2009), knowledge about factors that influence eyewitness identification has improved over time (Desmarais & Read, 2011). It is possible that a similar gain in knowledge about false confessions has occurred. Although participants without expert testimony did not mention specific interrogation techniques as related to false confessions, participants did recognize some of the effects these techniques can have on a suspect and on his or her perceptions of the interrogation.

Increased media coverage may be related to gains in knowledge about factors that contribute to wrongful convictions (Read & Desmarais, 2009). Participants in a previous study had some media exposure to cases of false confessions and wrongful convictions ($M = 3.62, SD$
I asked participants about their media exposure to false confessions ($M = 4.21, SD = 1.78$) and wrongful convictions ($M = 4.92, SD = 1.53$) in two question. In order to compare media exposure to Henkel and colleagues’ (2008) study, I calculated each participant’s average for the two questions. Participants in the current study had greater media exposure ($M = 4.56, SD = 1.45$) than participants in Henkel and colleagues’ (2008) study, $t(747) = 6.31, p < .001, d = 0.60$.

Although media exposure may have increased over the years, the present experiment cannot address whether knowledge about interrogations has similarly increased. Participants in Leo and Liu’s (2009) study recognized that certain interrogation techniques are coercive, but disbelieved that these tactics could be related to false confessions. Participants in the current experiment did not gain knowledge about interrogation techniques from the interrogations; however, participants responded differently to interrogations that included false confession risk factors. This suggests that participants may have recognized that factors within an interrogation can influence an innocent suspect’s decision to confess. It is possible that participants, when asked directly, may acknowledge certain interrogation techniques are related to false confessions. I am currently conducting a follow-up study using questions from surveys created by Leo and Liu (2009) and Henkel and colleagues (2008) to examine whether responses have changed over time.

Even if knowledge has improved, it is currently unknown whether lay knowledge about interrogations and false confessions is sufficient because there is no expert standard of comparison. Experts have been surveyed about their knowledge of factors that can influence eyewitness identifications (Kassin et al., 2001). A similar survey should be conducted for experts
on interrogations. The results could then be compared to a lay sample to assess the potential knowledge gap between lay persons and experts.

However, it is important to note that participants’ knowledge, assessed via a survey, may not correspond to their evaluations of a confessor in a trial situation. A recent study found that participants’ knowledge about factors that can influence eyewitness accuracy was not related to their evaluations of eyewitnesses exposed to these factors. However, participants were nonetheless sensitive to risk factors for inaccurate eyewitness identification when participants evaluated the eyewitness in a trial context (Alonzo & Lane, 2010). It is possible that participants could similarly demonstrate sensitivity to false confession risk factors without also showing greater knowledge.

Future research should also aim to replicate participants’ ability to discount a confession when false confession risk factors are present in an interrogation. I encourage scholars to use sensitivity designs in future studies even when expert testimony is not being investigated. Including both high and low quality evidence allows the researcher to verify whether participants recognize and respond to differences in evidence quality. I also encourage scholars to include a control condition without the evidence under consideration (e.g., a no-confession control) to enable researchers to determine if participants are not influenced by low quality evidence, as was the case in the current experiment.

It may be beneficial to extend the current research from individual jurors to deliberating juries to improve ecological validity (see Diamond, 1997). However, although the current experiment focused on individual mock jurors instead of deliberating juries, research on individual jurors may inform the likely outcome of jury verdicts. Jury verdicts may follow the opinion of the majority of individual jurors within the jury (e.g., Schmersal, 2011). Thus, if the
majority of jurors within a jury are sensitive to the evidence, it is likely that the jury as a whole will also be sensitive.

Another topic future researchers could investigate is whether participants are sensitive to actual true and false confessions. Participants in the current experiment were sensitive to false confession risk factors, but it is not known whether these participants could have accurately distinguished true from false confessions. Discrimination accuracy is important to investigate because it directly tests whether participants would convict guilty suspects and acquit innocent ones (Martire & Kemp, 2011). The results of the current experiment can only suggest whether participants would make accurate decisions by assuming that the absence or presence of false confession risk factors perfectly correlates with true and false confessions when this may not always be the case (Martire & Kemp, 2011).

It might be difficult for participants to discriminate between true and false confessions (Kassin, Meissner, & Norwick, 2005; Levine et al., 2010). False confessions may appear credible because they often contain details about the crime and statements of motive (Appleby, Hasel, & Kassin, 2013) and some false confessions may occur in the absence of risk factors, although it is less likely than when risk factors are present (e.g., Russano et al., 2005). Kassin and colleagues (2005) and Levine and colleagues (2010) found that student participants were more likely to believe that a confession was true, regardless of whether or not this was actually the case. Participants demonstrated fair to excellent accuracy for identifying true confessions, ranging from 53.3 – 63.3% (Kassin et al., 2005) to 86.6 – 94.8% (Levine et al., 2010). However, participants struggled to correctly identify when a confession was false; accuracy was 53.9 – 54.3% (Kassin et al., 2005) to 11.6 – 26.3% (Levine et al., 2010).
Research on discrimination accuracy could be extended by using confessions that were elicited during an interrogation. Kassin and colleagues (2005) asked prison inmates to voluntarily provide true and false confessions while Levine and colleagues (2010) had their participants undergo a variant on the cheating paradigm (Russano et al., 2005). However, participants were not actually interrogated and no participants falsely confessed, so Levine and colleagues (2010) obtained false confessions by directly asking participants to lie. These voluntary and experimenter-endorsed false confessions may be different than false confessions elicit via interrogation techniques.

It would be beneficial to manipulate both confession veracity and the presence or absence of false confession risk factors. True and false confessions could be obtained using an experimental interrogation paradigm (e.g., Russano et al., 2005) to allow researchers to examine participants’ responses to different interrogation techniques and to be certain of confession veracity. Researchers could then determine if participants would discriminate between true and false confessions regardless of the interrogation techniques used, if participants are sensitive to false confession risk factors without being influenced by confession veracity, or if participants have a tendency to believe a confession is true regardless of veracity and situational factors.

Finally, I urge scholars to continue evaluating the potential differences between general and case-specific expert testimony. Building on the base rate fallacy (Bar-Hillel, 1980; Borgida & Brekke, 1981), I proposed that case-specific expert testimony would be seen as more relevant than general expert testimony and that this relevance would help participants to distinguish between high and low quality evidence conditions, leading to a sensitivity effect. Contrary to my expectations, I did not find an effect of type of expert testimony on participants’ evaluation of the expert (i.e., relevance, helpfulness, influential, amount learned, persuasiveness, and how
exonerating the testimony was) and I did not find an expert-induced sensitivity effect for participants’ verdicts. Although participants evaluated the expert more positively as interrogation pressure increased, participants did not need expert testimony to improve their sensitivity to interrogation pressure. Future research should evaluate the potential differences between general and case-specific expert testimony using evidence to which participants are not already sensitive. If participants are sensitive to the evidence without expert testimony, as was the case in the current experiment, it is likely that expert testimony would not be needed and would thus not affect verdicts.

4.2 Sample Differences

There were several significant differences between the student and the community samples. Students were more likely to convict the defendant but were less knowledgeable about false confession risk factors, had a lower standard of proof, and recommended a shorter sentence than did community members. A higher standard of proof suggests that the participant required greater certainty in the defendant’s guilt before deciding to convict. Community members’ standard of proof was higher and therefore more difficult to exceed than the student sample, which could explain why community members were less likely to convict.

The effect sample type may have on verdicts in the literature is unclear. Students may be more likely than community members to convict the defendant (Neuschatz et al., 2008), community members may be more likely than students to convict (Schuller & Hastings, 1996), or there may be no differences between students and community members (Cutler, Dexter, & Penrod, 1989; Fulero & Finkel, 1991). A review found that sample type rarely affected verdicts and when differences between samples did exist, community members were more likely to convict than were students (Bornstein, 1999). The results of the current experiment demonstrate
the opposite tendency; however, Bornstein’s review was limited to studies published in a specific journal and focused on classifying the reported statistical significance instead of testing the effect of sample across studies. It would be interesting to see whether differences between samples would emerge in a full scale meta-analysis that included experiments published in other journals and unpublished experiments.

The overall effect sample type may have on knowledge is also unclear. Previously, beliefs about child sexual abuse did not differ between students and community members (Quas et al., 2005) and a meta-analysis found that, overall, students and community members did not differ in their knowledge about eyewitness risk factors, though some differences in knowledge did emerge for specific risk factors (Desmarais & Read, 2011). Although several studies investigated jurors’ perceptions of interrogations and confessions, differences between students and community members were either not assessed (Blandon-Gitlin et al., 2011; Chojnacki et al., 2008; Leo & Liu, 2009) or not reported (Henkel et al., 2008). I plan to extend my knowledge questionnaire to both student and community samples to further investigate knowledge differences.

4.3 Conclusions

Overall, neither general nor case-specific expert testimony influenced participants’ verdicts in the present study. It is likely that expert testimony did not have an effect because expert testimony was not needed to assist participants in differentiating between interrogations that included or did not include false confession risk factors. Participants were able to differentiate between interrogations without the assistance of expert testimony, which suggests that participants may be better at evaluating an interrogation and the resulting confession than
previously thought. However, the results of the current study should be taken with caution until the findings have been replicated.

Although the current findings are in opposition to what the previous literature has demonstrated, the results of this experiment are robust. A large dataset was collected from a student and a community sample to increase generalizability. Although the study was conducted online, several steps were taken to ensure data quality. To prevent participants from skipping to the questionnaire without reading the trial, an audio version of the testimony played as participants read the transcript and participants could not progress to the next part of the trial until the audio had finished. Additionally, participants were excluded if they failed an attention check question or took longer than 2 hours to complete the experiment. Excessive time to completion suggests participants did not complete the experiment all at once; the longest trial transcript only took 45 minutes and the questionnaire was not overly long. Finally, participants demonstrated high accuracy (96.74%) for the factual manipulation check questions about the trial, indicating participants who remained in the final sample attended to the testimony.

I sought to examine the effect of expert testimony on participants’ decisions concerning a confession. Ultimately, expert testimony was not effective, but an important note is that expert testimony was not needed in this case. Researchers have expressed concerns about participants’ inability to respond to variations in interrogations (e.g., Kassin & Sukel, 1997); however, participants in the current experiment did not demonstrate this inability. Future research should seek to replicate and extend the findings of the current experiment.
References

References with an asterisk indicate experiments included in the vote count analysis.


Table 1

*The Effect of Expert Testimony on Individual Jurors’ Verdicts: Percentage and Number of Experiments that Observed Each Effect, Classified by Type of Expert Testimony and Design of Study*

<table>
<thead>
<tr>
<th>Study Design</th>
<th>Effect of Expert Testimony</th>
<th>Type of Expert Testimony</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>General</td>
</tr>
<tr>
<td>Sensitivity</td>
<td>Sensitivity</td>
<td>30.77% (4)</td>
</tr>
<tr>
<td></td>
<td>Skepticism</td>
<td>15.38% (2)</td>
</tr>
<tr>
<td></td>
<td>No Effect / Desensitization</td>
<td>53.85% (7)</td>
</tr>
<tr>
<td>Influential</td>
<td>Influential</td>
<td>40% (6)</td>
</tr>
<tr>
<td></td>
<td>No Effect</td>
<td>60% (9)</td>
</tr>
</tbody>
</table>

*Note.* Individual studies are cited in-text.
Table 2

**Demographic Information for Students and Community Members**

<table>
<thead>
<tr>
<th>Demographic Information</th>
<th>Students (n)</th>
<th>Community members (n)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sex</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>34.66% (122)</td>
<td>31% (87)</td>
</tr>
<tr>
<td>Female</td>
<td>65.34% (230)</td>
<td>69% (194)</td>
</tr>
<tr>
<td><strong>Age (mean)</strong></td>
<td>21.07 (352; SD = 5.06)</td>
<td>36.98 (281; SD = 12.75)</td>
</tr>
<tr>
<td><strong>Race/Ethnicity</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>African-American</td>
<td>3.41% (12)</td>
<td>9.96% (28)</td>
</tr>
<tr>
<td>Asian</td>
<td>1.14% (4)</td>
<td>2.49% (7)</td>
</tr>
<tr>
<td>Hispanic/Latino</td>
<td>83.24% (293)</td>
<td>4.98% (14)</td>
</tr>
<tr>
<td>Native American or Aleut</td>
<td>0.57% (2)</td>
<td>1.78% (5)</td>
</tr>
<tr>
<td>Pacific Islander</td>
<td>0.28% (1)</td>
<td>0.36% (1)</td>
</tr>
<tr>
<td>White/Caucasian</td>
<td>8.24% (29)</td>
<td>75.45% (212)</td>
</tr>
<tr>
<td>Multiracial</td>
<td>1.71% (6)</td>
<td>3.56% (10)</td>
</tr>
<tr>
<td>Other</td>
<td>1.42% (5)</td>
<td>1.42% (4)</td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than high school</td>
<td>0.29% (1)</td>
<td>0.36% (1)</td>
</tr>
<tr>
<td>High school or GED</td>
<td>18.23% (64)</td>
<td>12.10% (34)</td>
</tr>
<tr>
<td>Some college</td>
<td>65.81% (231)</td>
<td>33.10% (93)</td>
</tr>
<tr>
<td>2-year college degree</td>
<td>11.68% (41)</td>
<td>14.59% (41)</td>
</tr>
<tr>
<td>4-year college degree</td>
<td>3.13% (11)</td>
<td>28.83% (81)</td>
</tr>
<tr>
<td>Professional degree</td>
<td>0.29% (1)</td>
<td>3.56% (10)</td>
</tr>
<tr>
<td>Master’s degree</td>
<td>0.57% (2)</td>
<td>6.05% (17)</td>
</tr>
<tr>
<td>Doctoral degree</td>
<td>0% (0)</td>
<td>1.42% (4)</td>
</tr>
<tr>
<td><strong>Jury experience</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Never</td>
<td>97.16% (342)</td>
<td>76.87% (216)</td>
</tr>
<tr>
<td>Once</td>
<td>2.84% (10)</td>
<td>16.73% (47)</td>
</tr>
<tr>
<td>Twice</td>
<td>0% (0)</td>
<td>3.21% (9)</td>
</tr>
<tr>
<td>Three times</td>
<td>0% (0)</td>
<td>1.78% (5)</td>
</tr>
<tr>
<td>Four times</td>
<td>0% (0)</td>
<td>0.71% (2)</td>
</tr>
<tr>
<td>Five times</td>
<td>0% (0)</td>
<td>0.36% (1)</td>
</tr>
<tr>
<td>Six or more times</td>
<td>0% (0)</td>
<td>0.36% (1)</td>
</tr>
</tbody>
</table>
Table 3

Knowledge about False Confession Risk Factors as a Function of Sample Type, Interrogation Pressure, and Expert Testimony

<table>
<thead>
<tr>
<th>Interrogation</th>
<th>Expert testimony</th>
<th>Full sample (SD)</th>
<th>Students (SD)</th>
<th>Community members (SD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>None</td>
<td>2.37 (1.77)</td>
<td>1.89 (1.09)</td>
<td>2.97 (2.24)</td>
</tr>
<tr>
<td>Low-pressure</td>
<td>None</td>
<td>2.32 (1.27)</td>
<td>1.79 (0.98)</td>
<td>2.93 (1.31)</td>
</tr>
<tr>
<td></td>
<td>General</td>
<td>2.78 (1.67)</td>
<td>2.25 (1.13)</td>
<td>3.45 (1.99)</td>
</tr>
<tr>
<td></td>
<td>Case-specific</td>
<td>2.94 (1.62)</td>
<td>2.83 (1.51)</td>
<td>3.07 (1.77)</td>
</tr>
<tr>
<td>Medium-pressure</td>
<td>None</td>
<td>2.35 (1.35)</td>
<td>2.19 (1.18)</td>
<td>2.55 (1.55)</td>
</tr>
<tr>
<td></td>
<td>General</td>
<td>3.02 (1.53)</td>
<td>2.49 (1.29)</td>
<td>3.68 (1.57)</td>
</tr>
<tr>
<td></td>
<td>Case-specific</td>
<td>3.24 (1.72)</td>
<td>2.76 (1.44)</td>
<td>3.79 (1.88)</td>
</tr>
<tr>
<td>High-pressure</td>
<td>None</td>
<td>2.92 (1.63)</td>
<td>2.54 (1.34)</td>
<td>3.41 (1.87)</td>
</tr>
<tr>
<td></td>
<td>General</td>
<td>3.31 (1.37)</td>
<td>2.89 (1.28)</td>
<td>3.86 (1.30)</td>
</tr>
<tr>
<td></td>
<td>Case-specific</td>
<td>3.50 (1.49)</td>
<td>3.47 (1.71)</td>
<td>3.54 (1.17)</td>
</tr>
</tbody>
</table>
### Table 4

Knowledge about Categories of False Confession Risk Factors as a Function of Sample Type, Interrogation Pressure, and Expert Testimony

<table>
<thead>
<tr>
<th></th>
<th>Motive (SD)</th>
<th>Interrogation technique (SD)</th>
<th>Disposition (SD)</th>
<th>Type of false confession (SD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students</td>
<td>0.60 (0.73)</td>
<td>0.88 (0.90)</td>
<td>0.92 (0.85)</td>
<td>0.17 (0.39)</td>
</tr>
<tr>
<td>Community members</td>
<td>0.94 (0.84)</td>
<td>0.95 (0.94)</td>
<td>1.30 (0.98)</td>
<td>0.17 (0.39)</td>
</tr>
<tr>
<td>Low-pressure interrogation</td>
<td>0.56 (0.65)</td>
<td>0.81 (0.84)</td>
<td>1.08 (0.97)</td>
<td>0.23 (0.44)</td>
</tr>
<tr>
<td>Medium-pressure interrogation</td>
<td>0.78 (0.80)</td>
<td>0.98 (1.03)</td>
<td>0.96 (0.90)</td>
<td>0.14 (0.35)</td>
</tr>
<tr>
<td>High-pressure interrogation</td>
<td>0.94 (0.89)</td>
<td>0.95 (0.87)</td>
<td>1.22 (0.90)</td>
<td>0.14 (0.38)</td>
</tr>
<tr>
<td>No expert</td>
<td>0.55 (0.69)</td>
<td>0.66 (0.69)</td>
<td>1.06 (0.92)</td>
<td>0.26 (0.45)</td>
</tr>
<tr>
<td>General expert</td>
<td>0.82 (0.86)</td>
<td>1.01 (1.01)</td>
<td>1.09 (0.94)</td>
<td>0.13 (0.36)</td>
</tr>
<tr>
<td>Case-specific expert</td>
<td>0.91 (0.80)</td>
<td>1.08 (0.98)</td>
<td>1.11 (0.92)</td>
<td>0.12 (0.33)</td>
</tr>
</tbody>
</table>
Table 5

*Percentage of Convictions as a Function of Sample Type, Interrogation Pressure, and Expert Testimony*

<table>
<thead>
<tr>
<th>Interrogation</th>
<th>Expert testimony</th>
<th>Full sample (n)</th>
<th>Students (n)</th>
<th>Community members (n)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>None</td>
<td>33.85% (65)</td>
<td>52.78% (36)</td>
<td>10.35% (29)</td>
</tr>
<tr>
<td>Low-pressure</td>
<td>None</td>
<td>57.14% (63)</td>
<td>70.59% (34)</td>
<td>41.38% (29)</td>
</tr>
<tr>
<td></td>
<td>General</td>
<td>49.23% (65)</td>
<td>55.55% (36)</td>
<td>41.38% (29)</td>
</tr>
<tr>
<td></td>
<td>Case-specific</td>
<td>48.38% (62)</td>
<td>57.14% (35)</td>
<td>37.04% (27)</td>
</tr>
<tr>
<td>Medium-pressure</td>
<td>None</td>
<td>37.88% (66)</td>
<td>40.54% (37)</td>
<td>34.48% (29)</td>
</tr>
<tr>
<td></td>
<td>General</td>
<td>42.86% (63)</td>
<td>54.29% (35)</td>
<td>28.57% (28)</td>
</tr>
<tr>
<td></td>
<td>Case-specific</td>
<td>34.92% (63)</td>
<td>38.24% (34)</td>
<td>31.04% (29)</td>
</tr>
<tr>
<td>High-pressure</td>
<td>None</td>
<td>37.10% (62)</td>
<td>45.71% (35)</td>
<td>25.93% (27)</td>
</tr>
<tr>
<td></td>
<td>General</td>
<td>37.50% (64)</td>
<td>47.22% (36)</td>
<td>25.00% (28)</td>
</tr>
<tr>
<td></td>
<td>Case-specific</td>
<td>33.33% (60)</td>
<td>38.24% (34)</td>
<td>26.92% (26)</td>
</tr>
</tbody>
</table>

*Note.* The numbers in parentheses indicate the total number of people in each condition.
Table 6

Likelihood of Commission as a Function of Sample Type, Interrogation Pressure, and Expert Testimony

<table>
<thead>
<tr>
<th>Interrogation</th>
<th>Expert testimony</th>
<th>Full sample (SD)</th>
<th>Students (SD)</th>
<th>Community members (SD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>None</td>
<td>55.49% (31.73%)</td>
<td>60.78% (31.10%)</td>
<td>48.93% (31.81%)</td>
</tr>
<tr>
<td>Low-pressure</td>
<td>None</td>
<td>76.62% (27.24%)</td>
<td>78.50% (27.60%)</td>
<td>74.41% (27.14%)</td>
</tr>
<tr>
<td></td>
<td>General</td>
<td>63.40% (31.69%)</td>
<td>66.53% (30.52%)</td>
<td>59.52% (33.22%)</td>
</tr>
<tr>
<td></td>
<td>Case-specific</td>
<td>66.27% (27.90%)</td>
<td>67.65% (25.63%)</td>
<td>64.48% (31.01%)</td>
</tr>
<tr>
<td>Medium-pressure</td>
<td>None</td>
<td>54.71% (36.24%)</td>
<td>54.78% (33.88%)</td>
<td>54.62% (39.67%)</td>
</tr>
<tr>
<td></td>
<td>General</td>
<td>55.60% (35.04%)</td>
<td>57.31% (35.52%)</td>
<td>53.46% (34.96%)</td>
</tr>
<tr>
<td></td>
<td>Case-specific</td>
<td>60.11% (31.65%)</td>
<td>59.47% (31.70%)</td>
<td>60.86% (32.13%)</td>
</tr>
<tr>
<td>High-pressure</td>
<td>None</td>
<td>56.56% (32.41%)</td>
<td>59.03% (33.67%)</td>
<td>53.37% (31.04%)</td>
</tr>
<tr>
<td></td>
<td>General</td>
<td>51.51% (32.42%)</td>
<td>53.89% (31.92%)</td>
<td>48.46% (33.37%)</td>
</tr>
<tr>
<td></td>
<td>Case-specific</td>
<td>51.33% (32.53%)</td>
<td>53.58% (32.50%)</td>
<td>48.38% (32.98%)</td>
</tr>
</tbody>
</table>
Table 7

*Standard of Proof as a Function of Sample Type, Interrogation Pressure, and Expert Testimony*

<table>
<thead>
<tr>
<th>Interrogation</th>
<th>Expert testimony</th>
<th>Full sample (SD)</th>
<th>Students (SD)</th>
<th>Community members (SD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>None</td>
<td>79.78% (23.31%)</td>
<td>78.03% (17.27%)</td>
<td>81.97% (29.34%)</td>
</tr>
<tr>
<td>Low-pressure</td>
<td>None</td>
<td>84.68% (21.37%)</td>
<td>80.23% (24.54%)</td>
<td>89.90% (15.79%)</td>
</tr>
<tr>
<td></td>
<td>General</td>
<td>76.95% (25.07%)</td>
<td>74.22% (27.08%)</td>
<td>80.34% (22.33%)</td>
</tr>
<tr>
<td></td>
<td>Case-specific</td>
<td>77.14% (24.17%)</td>
<td>74.22% (23.27%)</td>
<td>80.93% (25.22%)</td>
</tr>
<tr>
<td>Medium-pressure</td>
<td>None</td>
<td>77.23% (28.76%)</td>
<td>77.70% (24.82%)</td>
<td>76.62% (33.57%)</td>
</tr>
<tr>
<td></td>
<td>General</td>
<td>79.46% (23.26%)</td>
<td>74.03% (24.49%)</td>
<td>86.25% (20.03%)</td>
</tr>
<tr>
<td></td>
<td>Case-specific</td>
<td>82.92% (20.20%)</td>
<td>82.09% (19.82%)</td>
<td>83.90% (20.94%)</td>
</tr>
<tr>
<td>High-pressure</td>
<td>None</td>
<td>72.69% (28.41%)</td>
<td>63.77% (29.71%)</td>
<td>84.26% (22.22%)</td>
</tr>
<tr>
<td></td>
<td>General</td>
<td>80.65% (22.53%)</td>
<td>74.08% (24.13%)</td>
<td>89.10% (17.27%)</td>
</tr>
<tr>
<td></td>
<td>Case-specific</td>
<td>80.42% (25.50%)</td>
<td>78.09% (27.69%)</td>
<td>83.46% (22.50%)</td>
</tr>
</tbody>
</table>
## Table 8

*Recommended Sentence as a Function of Sample Type, Interrogation Pressure, and Expert Testimony*

<table>
<thead>
<tr>
<th>Interrogation</th>
<th>Expert testimony</th>
<th>Full sample (SD)</th>
<th>Students (SD)</th>
<th>Community members (SD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>None</td>
<td>45.82 (30.37)</td>
<td>39.47 (26.61)</td>
<td>86.00 (22.52)</td>
</tr>
<tr>
<td>Low-pressure</td>
<td>None</td>
<td>51.25 (30.51)</td>
<td>43.75 (26.90)</td>
<td>66.25 (32.87)</td>
</tr>
<tr>
<td></td>
<td>General</td>
<td>58.94 (31.64)</td>
<td>53.55 (31.10)</td>
<td>67.92 (31.77)</td>
</tr>
<tr>
<td></td>
<td>Case-specific</td>
<td>55.60 (29.62)</td>
<td>49.10 (27.92)</td>
<td>68.60 (29.99)</td>
</tr>
<tr>
<td>Medium-pressure</td>
<td>None</td>
<td>52.96 (33.92)</td>
<td>44.47 (32.89)</td>
<td>65.70 (32.95)</td>
</tr>
<tr>
<td></td>
<td>General</td>
<td>51.85 (30.09)</td>
<td>50.32 (30.82)</td>
<td>55.50 (29.96)</td>
</tr>
<tr>
<td></td>
<td>Case-specific</td>
<td>45.09 (30.86)</td>
<td>51.31 (33.58)</td>
<td>36.11 (25.60)</td>
</tr>
<tr>
<td>High-pressure</td>
<td>None</td>
<td>57.70 (31.46)</td>
<td>52.56 (30.63)</td>
<td>69.43 (32.44)</td>
</tr>
<tr>
<td></td>
<td>General</td>
<td>54.83 (34.28)</td>
<td>58.94 (34.55)</td>
<td>44.86 (34.01)</td>
</tr>
<tr>
<td></td>
<td>Case-specific</td>
<td>39.60 (29.23)</td>
<td>34.46 (27.97)</td>
<td>49.14 (31.28)</td>
</tr>
</tbody>
</table>
Table 9

**Intercorrelations for Perceptions of the Interrogation**

<table>
<thead>
<tr>
<th>Item</th>
<th>Pressure</th>
<th>False confession</th>
<th>Voluntariness</th>
<th>Incriminating</th>
<th>Influence</th>
<th>Justified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pressure</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>False confession</td>
<td>.43</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Voluntariness</td>
<td>-.53</td>
<td>-.52</td>
<td>-</td>
<td>-</td>
<td>-</td>
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*Note. All correlations are significant at $p < .001$. 
Table 10

*Intercorrelations for Perceptions of the Expert*

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*Note.* All correlations are significant at $p < .001$. 
Figure 1. Percentage of convictions as a function of interrogation pressure.
Appendix A: Trial Scenarios

THE PEOPLE OF THE STATE OF TEXAS
    Plaintiff,

    vs.

BRADLEY M. MARTIN
    Defendant.

CHARGE: Two Counts of First Degree Felony Murder

For the People: D. James Turner
    Assistant District Attorney

For the Defendant: John D. Gibson, Esq.
    Attorney at Law
“Does the State wish to make an opening statement?” the judge asked.

“Yes, your Honor, if it may please the court. Thank you,” said the prosecuting attorney, Mr. Turner. “I would like to remind the members of the jury that what I am about to present to you, and what the Defense will subsequently present in its opening statement, is not to be interpreted as fact, and is not yet evidence. This statement is designed only to give you an overview of the case that will allow you to better understand the context of the evidence when it is presented to you.

“Ladies and gentlemen of the jury,” Mr. Turner continued, “two people are dead, brutally and senselessly murdered. One was stabbed, the other strangled. Now it is very difficult for anyone to say with any degree of certainty what actually happened on the night that Mrs. Martin and Mr. Rodriguez were murdered, as there were only three people present when the crime was committed. Two of them are dead, and the third is the person responsible for their murders. We believe that this third person is Bradley Martin. We must use the available evidence to piece together what actually happened. As I am confident you will see, here is the most plausible scenario.”

Mr. Turner gestured to the defendant. “Bradley Martin was a jealous man. When Mary Lou, his wife, asked for a separation just two weeks prior to the murder, he immediately assumed that she was engaged in some type of extramarital affair. The real reason was that she had simply fallen out of love. Once the last of their children had left home, there was nothing left to hold the two together, and Mrs. Martin knew that they would be happier apart. Bradley Martin could not accept this explanation and hired a private investigator to watch his wife to determine whether or not she was having an affair.

“On the night of the dual murder, Mr. Martin returned home to respond to his wife’s accusations that she was being harassed by a private investigator. Upon entering the home, he found his neighbor, a man by the name of Scott Rodriguez, visiting his wife, and accused him of being the other man. In his rage, Martin interpreted Mr. Rodriguez’s denials as proof of his guilt. He attacked Mr. Rodriguez, and in the struggle that followed he stabbed him in the chest and killed him. Mary Lou Martin became hysterical and frantic with fear and disbelief. She ran to the neighbor’s aid. Mr. Martin responded to the compassion that his wife showed for the dying man by accusing her of infidelity. His rage fueled by her tears, he strangled her.

“Mr. Martin realized the magnitude of what he had done, and fled to his apartment where he composed himself and disposed of the murder weapon,” Mr. Turner continued. “He created the story that he had returned home to collect some personal belongings from his desk and had just happened to discover the murder scene. He admits that a full 30 minutes passed before he contacted the police department.

“The State will prove that Bradley Martin had the motivation and the opportunity to commit this dreadful crime. Indeed, we will present conclusive fingerprint evidence indicating that Mr. Martin was at the scene of the crime and had physical contact with the victims. [Confession manipulated]. We will challenge Mr. Martin’s incredible story and provide overwhelming evidence to convince you that it was he who killed his wife and neighbor in a
jealous rage. [Expert testimony manipulated]. After a fair consideration of the evidence, ladies and gentlemen, we ask that you convict Bradley Martin of two counts of first degree felony murder. Thank you,” Mr. Turner finished.

“Does the Defense wish to make its opening statement now?” the judge asked.

“Yes, we do. Thank you, your Honor,” Mr. Gibson, the defense attorney, said. “I would also like to begin by reminding the jury in light of opposing counsel’s most imaginative recreation that nothing presented in opening statements should be interpreted as fact in this case. “This being true, I think that the Prosecution is going to have a difficult time convincing anyone of Bradley Martin’s guilt. The State will produce a substantial amount of indirect circumstantial evidence, but circumstantial evidence proves nothing and should not lead you to vote for a conviction. The State can produce no eyewitness and no murder weapon, but rather will rely on evaluations of my client’s emotional state, which we contend are inaccurate evaluations. [Confession manipulated].

“You cannot convict a man for having the human emotion of jealousy,” Mr. Gibson argued. “This is not a crime. Bradley Martin has every right to be upset about the breakdown of his marriage. We will produce evidence that proves he was in control of his emotions and that he had begun to rebuild his life.

“You should not convict a man for being at the wrong place at the wrong time. Mr. Martin arrived at his house after the murders had taken place. He admits to being at the scene of the crime. He admits to grabbing his wife to see how badly she was wounded and to attempting to revive her. Would a guilty man have created a story to cover his criminal actions that placed him at the scene? I don’t think so. He had simply returned to get some checks and bank statements from his desk drawer,” Mr. Gibson said.

“You should also not convict a man for the very human reaction to a frightening and threatening situation of running from the house. Bradley Martin’s ability to think rationally was overwhelmed by horror and fear. My client, obviously correctly, assumed he would be suspected of the crime and fled. He then composed himself and called the police. He returned to the house to wait for the police to arrive. This is not typical of a guilty man. [Confession manipulated; expert testimony manipulated].

“Once you have heard the facts in this case and have examined them carefully, it will be impossible for you to believe beyond a reasonable doubt that my client killed Mary Lou Martin and Scott Rodriguez. And that, ladies and gentlemen, is exactly what must happen for you to find a defendant guilty. Thank you,” Mr. Gibson finished.

“The Prosecution may call its first witness,” the judge said.

“Thank you, your Honor. The State would like to call Mr. Robert Berg,” said Mr. Turner.

“Mr. Berg will you please step up. I would like to remind you that you have been sworn in previously,” the judge said.

“Yes, your Honor. I understand,” Mr. Berg responded.

“You may proceed.”
“Thank you,” Mr. Turner said, turning to Mr. Berg. “Would you please state your name and occupation to the court.”

“My name is Robert Berg and I am a private investigator.”

“Mr. Berg, were you employed by Mr. Martin to follow his wife?”

“I was hired to observe her, and to attempt to determine if she was having an affair,” Mr. Berg answered.

“Did Mr. Martin tell you that his wife was having an affair?”

“Yes, he was convinced of it. I thought that my job was going to be a fairly easy one when I took the case.”

“How long were you retained by the defendant?” Mr. Turner asked.

“For ten days.”

“And did you find any evidence that Mrs. Martin was having an affair?”

“Absolutely none,” Mr. Berg responded. “I trailed her 24 hours a day for ten days and saw nothing even suspicious.”

“Were you trailing Mrs. Martin on the night she was murdered?”

“Mr. Martin told me to quit. He said he had given up.”

“And when was this?”

“It was the week she was murdered. Just about four days before it happened I think.”

“Thank you. No further questions,” Mr. Turner said.

“You may begin cross examination,” the judge instructed.

“Thank you, your Honor,” Mr. Gibson said. “Mr. Berg, how did Mr. Martin respond when you informed him that you were not having much luck? Did he get angry and demand you try harder, insisting that his wife was having an affair?”

“He did at first, but as the days went by he started to have doubts and seemed almost uninterested in my daily reports. I thought he would let me go sooner, actually.”

“What did you think of Mr. Martin’s disposition? Did he act like a man in a jealous rage? Did he express to you any hatred toward his wife?”

“No, Mr. Martin was a pretty cool-headed guy. He said that he still loved his wife,” Mr. Berg answered.

“Last question. Aren’t investigators paid to be more perceptive than the average person?”

“Well, yes.”

“Thank you. No further questions,” Mr. Gibson finished.

“The State may call its next witness,” the judge said.

“We call Officer Donald Rocha,” Mr. Turner said.

“Officer Rocha will you please step up. I would like to remind you that you have been sworn in previously.”

“Yes, your Honor,” Mr. Rocha responded.

“You may proceed.”

“Thank you,” Mr. Turner said. “Would you please state your name and occupation to the court.”
“My name is Donald Rocha and I am a police officer for the city of El Paso.”
“Good. Officer Rocha, could you please describe for the court what you encountered at 8:30 pm on April 5, 2012.”
“I was on patrol that evening so I was in my patrol car cruising the East Side area,” Mr. Rocha began. “At 8:35 pm, I received a call from the station informing me that a murder had taken place at the address of a Mrs. Mary Lou Martin. I was given orders to investigate. I arrived at 8:40 pm, and was met at the curb in front of the house by the defendant, who informed me that he had reported the incident and gave me directions to the crime scene in the kitchen of the house. While Mr. Martin remained outside I entered the house and examined the bodies, one male and one female to see if they were alive. They were not. Mr. Rodriguez had suffered a severe stab wound in the chest, and Mrs. Martin it appeared had been strangled. The bodies were side by side on the kitchen floor.”
“What did you do then?” Mr. Turner asked.
“I immediately called for backup and for a forensic examiner. I then secured the crime scene. When the examiner arrived, we photographed the entire kitchen, conducted an extensive search for the murder weapon over a one mile radius, and collected all potential evidence from the scene of the crime. While the examiner was completing his work, I questioned Mr. Martin about his involvement in the crime. I told him that he was a suspect in the case. Then I read him his rights.”
[Confession manipulated].
“When you searched the house, did you find any evidence that the suspect had been there that evening, or that he had been in contact with the victims?”
“Yes,” Mr. Rocha said. “We found the defendant’s fingerprints throughout the house and on both of the victims.”
“One final question. Was there any evidence of a forced entry, you know, that maybe a robbery had taken place?”
“No, we found no evidence of that.”
“Thank you. No further questions,” Mr. Turner finished.
“You may begin cross examination,” the judge instructed.
“Thank you, your Honor,” Mr. Gibson said. “Officer Rocha, the murder weapon was never recovered, was it? So you have no idea what Scott Rodriguez was stabbed with, do you?”
“That’s right. We did not recover the weapon.”
“I see. Officer, do you think, based on your experience in law enforcement, that if a potential thief was discovered inside a home and killed the occupants in an attempt to escape that he would have remained to steal the family silver?”
“Sometimes yes, sometimes no. It depends.,” Mr. Rocha said.
“Again, based on your experience as a police officer, was Mr. Martin behaving like a man who had just committed a murder? Did he seem happy that his wife was dead? Do most murderers wait in front of the crime scene for the police to arrive and then direct the police to the bodies?”
“Mr. Martin’s behavior was not consistent with that of the typical criminal, if you can talk about a typical criminal. He seemed extremely upset by the death of his wife and was very emotional about the whole thing.”

“So when you talked to Mr. Martin, wasn’t he under great stress?” Mr. Gibson asked.

“Yes, I would say he was.”

“In fact, wasn’t he crying?”

“Yes.”

[Confession manipulated].

“Thank you. No further questions,” Mr. Gibson finished.

“The Prosecution may call its next witness,” the judge said.

“The State calls Dr. John Fitzpatrick,” Mr. Turner said.

“Dr. Fitzpatrick, will you please step up,” the judge instructed. “I would like to remind you that you have been sworn in previously.”

“Yes, your Honor.” Dr. Fitzpatrick responded.

“You may proceed.”

“Thank you,” Mr. Turner said. “Would you please state your name and occupation to the court.”

“My name is Dr. John Fitzpatrick. I am currently employed by the state coroner’s office.”

“Doctor, could you please describe your credentials and educational background.”

“I graduated college from the Johns Hopkins University, then the University of Vermont Medical School. Then I served a four year internship in pathology. I have been with the coroner’s office for over two years.”

“Could you please summarize for the court the findings that were made in your investigation.”

“Certainly,” Dr. Fitzpatrick responded. “The external examination of Mr. Rodriguez revealed a one inch laceration to the left of the midline of the sternum and the nipple line. The internal examination revealed that the left chest cavity was full of fluid caused by a 2 inch laceration of the right ventricle of the heart. In plain terms, Mr. Rodriguez died of a stab wound to the chest.”

“And what about Mary Lou Martin?” Mr. Turner asked.

“Mrs. Martin showed severe bruising on the front of the throat and a collapsed windpipe. The internal examination revealed that she died of a shortage of oxygen to the brain. She was strangled.”

“Dr. Fitzpatrick, can you discern anything about the murder from the wounds on the victims?”

“Yes, several things. The weapon that stabbed Mr. Rodriguez was most probably a hunting knife. It is my calculation that the murderer approached Rodriguez from behind and stabbed him,” Dr. Fitzpatrick responded.

“Can you tell us anything else about Mrs. Martin’s murderer?”
“I’m afraid little can be predicted about the murderer from the strangled victim. It takes very little pressure to bruise the neck and to cut off the supply of oxygen.”
“Thank you. No further questions,” Mr. Turner finished.
“You may begin cross examination,” the judge said.
“Thank you, your Honor,” Mr. Gibson said. “Dr. Fitzpatrick, the weapon used to stab Rodriguez is of a common type that exists in probably every garage in the city, isn’t that correct?”
“Well, yes it is…”
“Thank you. No further questions.”
“The Prosecution may call its next witness.”
“Thank you. The Prosecution rests, your honor,” Mr. Turner said.
“Fine,” the judge responded. “Will the Defense call its first witness?”
“The Defense calls Arnold Frye,” Mr. Gibson said.
“Mr. Frye, will you please step up. I would like to remind you that you have been sworn in previously,” the judge said.
“Yes, your Honor,” Mr. Frye said.
“You may proceed.”
“Thank you,” Mr. Gibson said. “Would you please state your name and occupation to the court.”
“My name is Arnold Frye, and I am a carpenter.”
“Good. Mr. Frye, are you a friend of Mr. Martin?”
“Yes, we’ve been neighbors for a long time.”
“And were you with him on the night that he supposedly killed his wife?” Mr. Gibson asked.
“Uh huh, we met after work at a bar on the West Side of town that we often stop at to have a couple of beers,” Mr. Frye answered.
“Did you discuss Mr. Martin’s marital problems at that time?”
“Yes, Bradley told me that his wife was upset about him hiring an investigator. He told me she was probably right and that he knew he had over-reacted to her asking him for a separation. I think he understood that his wife wasn’t really having an affair.”
“Do you think Mr. Martin was in control of his emotions that night?”
“Yeah,” Mr. Frye said. “He admitted to being a little crazy in the beginning, but he had calmed down and didn’t seem to be crazy anymore. I think he was all right.”
“Did he say anything about returning home when he left the bar that night?”
“Yeah, he said that he had to go pick up some stuff from his desk at home. Something about unpaid bills.”
“Thank you. Nothing further,” Mr. Gibson said.
“You may begin cross examination,” the judge said.
“Thank you,” Mr. Turner said. “Mr. Frye, did you ever hear Bradley Martin express anger or hatred towards his wife?”
“Yes, but not on that night.”
“Do you remember what time it was when Mr. Martin left the bar that night?” Mr. Turner asked.
“It was around 7:30.”
“So if he was to drive straight to his wife’s house he would have been there when?”
“It’s about a fifteen minute drive so I would guess 7:45. Unless there was traffic,” Mr. Frye answered.
“Mr. Frye, do you have a family?”
“Yes.”
“Have you ever misjudged or misinterpreted the emotions or feelings of your wife or children?” Mr. Turner asked.
“No.”
“Never?”
“Well, maybe on occasion,” Mr. Frye admitted.
“And you said, Mr. Frye, that you are a good friend of Bradley Martin’s. Good enough to cover for him?”
“Objection,” Mr. Gibson said. “Argumentative.”
“Sustained,” the judge said.
“Withdrawn, no further questions,” Mr. Turner said.
[Expert testimony manipulated].
“The Defense may call its next witness,” the judge instructed.
“The Defense calls Bradley M. Martin.”
“Mr. Martin will you please step up,” the judge said. “The Court would like to remind you that you have been sworn in previously. You may proceed.”
“Thank you,” Mr. Gibson said. “Would you please state your name and occupation to the court.”
“My name is Bradley Martin, and I am an electrician.”
“Mr. Martin, did you hire a private investigator to follow your wife?”
“Yes, I did.”
“What was your reason for doing this?” Mr. Gibson asked.
“I thought that if I could figure out why Mary Lou wanted a divorce, if she was having an affair with another man, we could talk about it and maybe work things out. I loved my wife with all my heart and didn’t want to lose her,” Mr. Martin responded.
“Why then did you tell him to stop investigating her?”
“Well, after a while, I didn’t believe anymore that she had been having an affair, so I told him that he could quit. I thought that it was time to get on with my life, to put it back together again.”
“Mr. Martin, can you tell us what you were doing on the night of the murders?”
“Well, earlier that evening I went to dinner with a friend of mine, Arnie Frye. We just had some drinks and talked for a while.”
“How many drinks did you say you had?”
“I don’t know, a couple. Maybe two or three beers.”
“And what did the two of you talk about?” Mr. Gibson asked.
“We were just talking about sports, and our jobs, just normal things,” Mr. Martin said.
“We talked a little about Mary Lou and how I was pretty convinced that she wasn’t having an affair. I thought things were going much better and I wasn’t so depressed anymore.”
“So you were feeling pretty good about yourself?”
“Yes, at that point I was in a really good mood.”
“What time did you leave the bar that evening?”
“It was around 7:30. I had to go back home to pick up some banking supplies, because I had bills that were due the next day.”
“What did you find when you arrived home?”
“I first got the checks and stuff from my desk, then went to the kitchen for something to drink,” Mr. Martin said. “When I stepped into the kitchen, I saw Mary Lou and Scott lying on the floor, and there was blood everywhere. I ran over to see if I could help Mary Lou, see if she was still alive, but her eyes were open and she wasn’t even breathing. I checked Scott, too, but he had blood all over him and there was nothing I could do. I felt real sick, like I was going to vomit and I guess then I went a little crazy, and ran from the house. It was horrible.”
“What did you do then?” Mr. Gibson asked.
“By then I was a little calmer, so I called the police and went back to the house to wait.”
“You called the police, even though you figured they would suspect you?”
“Yes. It was the best I could do. Besides, I was hoping, I know this sounds irrational, that there was still something they could do to help Mary Lou,” Mr. Martin said.
“What happened next?”
“I waited while the police went over the house, and took away the bodies.”
[Confession manipulated].
“Mr. Martin, did you kill Mary Lou Martin and Scott Rodriguez?”
“No, absolutely not.”
“The Defense rests, your Honor,” Mr. Gibson said.
“You may begin cross examination,” the judge said.
“Thank you,” Mr. Turner said. “Mr. Martin, when you got home and saw your wife with Scott Rodriguez…”
“Objection,” Mr. Gibson said.
“Never mind, I withdraw the question,” Mr. Turner said. “What did you see when you arrived at the house?”
“I saw the bodies and the blood, and tried to help, but it was too late,” Mr. Martin said.
“Why then didn’t you call the police?”
“I did. At first I just ran out I was so upset. I just wanted to get out of the house, and away from the bodies.”
“So your first impulse was to run, not try to save your wife?”
“Like I said, I thought they were dead and I just panicked. I wasn’t thinking clearly.”
“But you did go over and touch the bodies?” Mr. Turner asked.
“I remember going over to hold Mary Lou, and I’m pretty sure I went over to Scott too,” Mr. Martin responded.

“Pretty sure? I mean, your fingerprints are all over the bodies.”
“Like I said, I was not thinking clearly at the time. I must have touched him too.”

[Confession manipulated].

“One last question. If you didn’t murder these two innocent people, who did?”
“I don’t know.”
“You don’t know. No further questions,” Mr. Turner finished.

“Is the State prepared to argue its case at this time?” the judge asked.
“Yes, your Honor.” Mr. Turner answered.

“Okay. I would like to admonish the jury that the arguments you are about to hear are not evidence, they are only interpretations of what the evidence may show and the theories that may be drawn. The evidence is received from the witness stand, and the instruction on the law will be given to you by the Court. We’ll begin with the Prosecution,” the judge said.

“Ladies and gentlemen of the jury, Bradley Martin is a man who was overwhelmed by his emotions,” Mr. Turner began. “Consumed by jealousy. He spent thousands of hard earned dollars in an attempt to find proof of his wife’s infidelity. The Defense will try to tell you that Mr. Martin was in control of his feelings and that he had recovered from the emotional trauma of his separation. I believe it would take a considerably longer time than two weeks to reestablish emotional stability, particularly in a man as deeply troubled as he was. Ladies and gentlemen, Bradley Martin was calm that night not because he had adjusted, but rather because he had already decided to take some sort of drastic action.

“The evidence against Bradley Martin is substantial. In the absence of evidence of a forced entry or attempted robbery, jealousy becomes the only logical motivation for these murders. The defendant’s story has substantial time gaps during which he cannot prove where he was or what he was doing. As a matter of convenience, these happen to coincide with the time of the murder. Not only were Mr. Martin’s fingerprints found throughout the house, they were also found on both of the bodies of the victims. [Confession manipulated]. Together, these facts should convince you beyond a reasonable doubt that the defendant is guilty.

[Expert testimony manipulated].

“Ladies and gentlemen of the jury, after you have carefully weighed the evidence, a logical and commonsense evaluation of the opposing scenarios presented to you in this courtroom should convince you beyond a reasonable doubt that the defendant, Bradley Martin is guilty of two counts of first degree felony murder. Thank you,” Mr. Turner finished.

“And from the Defense,” the judge instructed.

“Thank you, your Honor,” Mr. Gibson said. “Ladies and gentlemen of the jury, Bradley Martin is an emotional man. It was emotion that made him rush to the body of his wife when he found her, and that made him flee the scene of the crime when he felt threatened by the
possibility of wrongful accusation. We heard from his friend, however, that he was in control of his emotions earlier that night, having accepted the fact that his wife was not having an affair but rather had fallen out of love.

“The actions of Mr. Martin following the crime were also not those of a guilty man. He was truly saddened by the death of his wife. Saddened and very distressed. Think about it. A man who is willing to pay thousands of dollars to find out why is wife doesn’t love him any longer does not then kill her.

[Expert testimony manipulated; confession manipulated].

“The State has failed to prove that my client has committed a crime,” Mr. Gibson argued. “Ladies and gentlemen, the crime committed was horrible, and whoever did it should be tried and punished. But without a witness, a murder weapon, or any other hard evidence, that person should not be Bradley Martin. I mean, what do we have? Fingerprints in his own house? The State’s evidence is purely circumstantial, not enough to lead you to convict this or any man of such a serious crime.

“Ladies and gentlemen, if you have reasonable doubt in this case, you should not convict Mr. Martin of murder. He is guilty only of expressing his emotional attachment to his wife, and for that he stands falsely accused of murder. Ladies and gentlemen, Bradley Martin is innocent and should be acquitted. Thank you,” Mr. Gibson finished.

“Members of the jury,” the judge said, “you have now heard all the relevant and material facts in this case. Now it is my obligation to instruct on the law, after which you will deliberate and arrive at a verdict. The defendant has been charged with two counts of first degree felony murder. However, bear in mind that in the American legal system a defendant is presumed innocent and that the burden is on the prosecution to convince you beyond a reasonable doubt that the defendant, Bradley M. Martin, committed the crime. You will now retire to deliberate the facts and arrive at a verdict. Bailiff—escort the jury to the deliberation room.”
Confession Conditions

Low-Pressure Interrogation

[Prosecution’s opening statement]

[...] “The State will prove that Bradley Martin had the motivation and the opportunity to commit this dreadful crime. Indeed, we will present conclusive fingerprint evidence indicating that Mr. Martin was at the scene of the crime and had physical contact with the victims. We will present evidence that Mr. Martin himself admitted that he killed the victims. We will challenge Mr. Martin’s incredible story [...]”

[Defense’s opening statement]

“[...] The State can produce no eyewitness and no murder weapon, but rather will rely on evaluations of my client’s emotional state, which we contend are inaccurate evaluations, and on the basis of a confession that was obtained from an innocent man who was deeply upset over losing his friend and his beloved wife.

[...] “[...] This is not typical of a guilty man.

“You should not convict someone solely on the basis of a confession from a man who was in a profound state of shock. He had just found his neighbor and his wife, whom he loved dearly, dead in his house. He was consumed with grief over losing them. He could have confessed to anything at the time because he was so distraught.

“Once you have heard the facts in this case and have examined them carefully [...]”

[Direct examination of Mr. Rocha]

“[...] I told him that he was a suspect in the case. Then I read him his rights and took him to the station for further questioning.

“And what happened next?”

“I asked him to relate the events of that evening, everything that happened up until the time the police arrived. I then asked him straight out if he murdered his wife and his neighbor, and he said he did.”

“So Mr. Martin confessed to committing the murders?” Mr. Turner asked.

“Yes, he did.” Mr. Rocha responded.

“Officer Rocha, what happened during the interrogation?”

“I started off by telling him that we thought he knew something about what happened. At that point he looked like he wanted to say something.”
“What did he say?”
“He didn’t say anything right off,” Mr. Rocha said. “I waited for a bit and when he still didn’t say anything I told him to take his time and talk to me when he was ready. Then I told him it was important that he tell me the truth about what happened, that I wanted to get to the bottom of that incident and get the facts straight. I told him we wanted to be able to tell the families what happened and give them some closure. Then I asked him if he knew anything about what happened. He said yes, that he killed them.”

“Did he say anything else?” Mr. Turner asked.
“He said that he came home and saw his wife and his neighbor talking in the kitchen. He said he got angry and reacted badly and killed them. He told me he was sorry for what he had done and that he wanted to take it all back.”
“When he confessed, did he elaborate on how he killed them?”
“He said that he had stabbed his neighbor and strangled his wife.” Mr. Rocha answered.
“What happened next?”
“I gave him a pencil and some paper and told him to write out and sign his confession. He did.”

“What did the confession statement say?” Mr. Turner asked.
“He wrote, ‘I killed my wife, Mary Lou, and my neighbor, Scott, on April 5, 2012.’ Then he signed it at the bottom of the page.” Mr. Rocha said.
“When you searched the house, did you find any evidence that the suspect had been there that evening […]”

[Cross examination of Mr. Rocha]

[…]”In fact, wasn’t he crying?”
“Yes.”
“When he confessed, did he tell you where to find the murder weapon?” Mr. Gibson asked.
“No, he didn’t.” Mr. Rocha said.
“Did he tell you anything about the crime that only the perpetrator would know?”
“He only said that he had stabbed his neighbor and strangled his wife.”
“Nothing more?”
“No, nothing more.”
“Officer Rocha, wasn’t Mr. Martin rather incoherent during the interrogation?” Mr. Gibson asked.
“Yes, it was sometimes hard to hear what he was saying. He was crying pretty hard.”
“And didn’t Mr. Martin retract his confession after the interrogation ended?”
“Yes, he said he was in shock and not thinking clearly when he confessed. He said he was innocent,” Mr. Rocha said.
“Thank you. No further questions,” Mr. Gibson finished.

[...]

[Direct examination of Mr. Martin]

[...]

“I waited while the police went over the house, and took away the bodies. Then they drove me back to the police station and asked me questions about the murders.”

“What was the interrogation like?” Mr. Gibson asked.

“It’s all a haze to me. All I remember is thinking about Mary Lou and how I would never get to see her again. I was consumed by grief, I couldn’t think straight. I was in shock.”

“Mr. Martin, why did you confess?”

“I honestly don’t know. I had just found Mary Lou and Scott dead and the realization of what had happened to them finally hit me. I wasn’t thinking clearly,” Mr. Martin said.

“Mr. Martin, did you kill Mary Lou Martin and Scott Rodriguez?”

[...]

[Cross examination of Mr. Martin]

[...]

“Like I said, I was not thinking clearly at the time. I must have touched him too.”

“Mr. Martin, when you were being questioned by the detective did you ever once stop the interrogation and ask for a lawyer?” Mr. Turner asked

“No,” Mr. Martin said.

“Did you ever leave the interrogation room?”

“No.”

“Were you in restraints? Did Officer Rocha handcuff you?”

“No.”

“So there was nothing preventing you from leaving?” Mr. Turner asked.

“No, but—”

“And you never asked for your lawyer. If you were innocent, why didn’t you end the interrogation? Why didn’t you just get up and leave, or ask for your lawyer?”

“I wasn’t thinking clearly. I didn’t know I could leave,” Mr. Martin said.

“You could have left at any time, but you didn’t. You chose to stay in that room. You chose to confess.”

“I was upset and in shock. I had just found Mary Lou and Scott dead. I wasn’t thinking clearly.”

“One last question. If you didn’t murder these two innocent people, who did?”

[...]
[Prosecution’s closing statement]

“[…] Not only were Mr. Martin’s fingerprints found throughout the house, they were also found on both of the bodies of the victims.

“Mr. Martin even said himself that he killed his wife and neighbor. An innocent person would never confess to a crime he didn’t commit. The only reason Mr. Martin confessed is because he is guilty. Together, these facts should convince you beyond a reasonable doubt that the defendant is guilty.

[…]

[Defense’s closing statement]

“[…] A man who is willing to pay thousands of dollars to find out why is wife doesn’t love him any longer does not then kill her.

“My client wasn’t in his right mind when he confessed. He was in shock, deeply upset over the death of his wife and his friend. The officer who interrogated Mr. Martin testified that Mr. Martin’s confession contained no new details about the crime – nothing that only the perpetrator would have known. The only detail in my client’s confession was how the victims were killed. This is a detail that anyone at the scene of the crime would have known. Mr. Martin was at the scene of the crime. He saw the bodies of the victims and saw how they were killed. Knowing how the victims were killed doesn’t mean he killed them, it only means that he saw the bodies.

“The State has failed to prove that my client has committed a crime,” Mr. Gibson argued. […]"
Medium-Pressure Interrogation

[Prosecution’s opening statement]

[…] “The State will prove that Bradley Martin had the motivation and the opportunity to commit this dreadful crime. Indeed, we will present conclusive fingerprint evidence indicating that Mr. Martin was at the scene of the crime and had physical contact with the victims. We will present evidence that Mr. Martin himself admitted that he killed the victims. We will challenge Mr. Martin’s incredible story […]”

[Defense’s opening statement]

“[…] The State can produce no eyewitness and no murder weapon, but rather will rely on evaluations of my client’s emotional state, which we contend are inaccurate evaluations, and on the basis of a confession that was obtained from an innocent man who was deeply upset over losing his friend and his beloved wife.

[…]

“[…] This is not typical of a guilty man.

“You should not convict someone solely on the basis of a confession from a man who was in a profound state of shock. He had just found his neighbor and his wife, whom he loved dearly, dead in his house. He was consumed with grief over losing them. He could have confessed to anything at the time because he was so distraught. Mr. Martin knew that the detective wasn’t going to stop interrogating him unless he confessed, so he did the only thing he thought he could: he confessed to a crime he did not commit.

“Once you have heard the facts in this case and have examined them carefully […]”

[Direct examination of Mr. Rocha]

[…]

“[…] I told him that he was a suspect in the case. Then I read him his rights and took him to the station for further questioning.

“And what happened next?”

“I asked him to relate the events of that evening, everything that happened up until the time the police arrived. I then asked him straight out if he murdered his wife and his neighbor, and he said he did.”

“So Mr. Martin confessed to committing the murders?” Mr. Turner asked.

“Yes, he did.” Mr. Rocha responded.

“Officer Rocha, what happened during the interrogation?”
“I started off by telling him that we thought he knew something about what happened. At that point he looked like he wanted to say something.”

“What did he say?”

“He didn’t say anything right off,” Mr. Rocha said. “I waited for a bit and when he still didn’t say anything I told him to take his time and talk to me when he was ready. Then I told him it was important that he tell me the truth about what happened, that I wanted to get to the bottom of that incident and get the facts straight. I told him we wanted to be able to tell the families what happened and give them some closure. Then I asked him if he knew anything about what happened.”

“Did he respond?” Mr. Turner asked.

“He didn’t say anything, so I told him straight up that we knew the truth, that we knew he killed his wife and neighbor. There was no use denying it, I said, because we already knew what happened. Then I told him I had the ability to wipe the slate clean and that I would put it in my report if he said he was sorry for what he had done.”

“What happened next?”

“I told him I knew he didn’t mean to kill them, that sometimes things just get out of hand. I told him I knew he had only gone over there to talk to his wife, but then he saw her and his neighbor together in the kitchen. I told him that I knew he got angry and lost control because of what she had done — that she had provoked him and it wasn’t his fault. I told him that anyone in his position would have reacted the same way and that the victims had brought it on themselves. He wasn’t to blame for what happened, they were,” Mr. Rocha said.

“Did Mr. Martin deny it?”

“He tried to, but I interrupted him. I told him that I knew he had committed the crime and that I just needed to understand why it happened. I told him I knew he didn’t plan to go over there to kill her. I told him I knew it wasn’t planned out in cold blood and that what he did could have been much worse — it wasn’t like he went on a killing spree or anything. I told him this kind of thing happens all the time, and that I probably would have done the same thing in his situation.”

“Did he say anything at that point?” Mr. Turner asked.

“He told me he could never do anything like that because he was a good person. I told him that a good person wouldn’t plan something like that out and that I knew he was a good person because he didn’t mean for it to happen. Then I said, ‘Did you plan this out or did things just get out of hand? Things just got out of hand, didn’t they?’”

“Is this when he confessed?”

“No, he said he didn’t kill them so I knew I had to press him harder. Even though it wasn’t true, I told him we had proof that he committed the crime. I told him we had his DNA on the murder weapon. Then I asked him again if things just got out of hand. He said yes, that he killed them.”

“Did he say anything else?” Mr. Turner asked.
“He said that he came home and saw his wife and his neighbor talking in the kitchen. He said he got angry and reacted badly and killed them. He told me he was sorry for what he had done and that he wanted to take it all back.”

“When he confessed, did he elaborate on how he killed them?”
“He said that he had stabbed his neighbor and strangled his wife.” Mr. Rocha answered.
“What happened next?”
“I gave him a pencil and some paper and told him to write out and sign his confession. He did.”

“What did the confession statement say?” Mr. Turner asked.
“He wrote, ‘I killed my wife, Mary Lou, and my neighbor, Scott, on April 5, 2012.’ Then he signed it at the bottom of the page.” Mr. Rocha said.

“When you searched the house, did you find any evidence that the suspect had been there that evening […]”

[Cross examination of Mr. Rocha]

[…]

“In fact, wasn’t he crying?”
“Yes.”
“When he confessed, did he tell you where to find the murder weapon?” Mr. Gibson asked.
“No, he didn’t.” Mr. Rocha said.
“Did he tell you anything about the crime that only the perpetrator would know?”
“He only said that he had stabbed his neighbor and strangled his wife.”
“Nothing more?”
“No, nothing more.”
“Officer Rocha, wasn’t Mr. Martin rather incoherent during the interrogation?” Mr. Gibson asked.
“Yes, it was sometimes hard to hear what he was saying. He was crying pretty hard.”
“And didn’t Mr. Martin retract his confession after the interrogation ended?”
“Yes, he said he was in shock and not thinking clearly when he confessed. He said he was innocent,” Mr. Rocha said.

“Thank you. No further questions,” Mr. Gibson finished.

[Direct examination of Mr. Martin]

[…]

“I waited while the police went over the house, and took away the bodies. Then they drove me back to the police station and asked me questions about the murders.”
“What was the interrogation like?” Mr. Gibson asked.

“It’s all a haze to me. All I remember is thinking about Mary Lou and how I would never get to see her again. I was consumed by grief, I couldn’t think straight. I was in shock.”

“Mr. Martin, why did you confess?”

“I honestly don’t know. I had just found Mary Lou and Scott dead and the realization of what had happened to them finally hit me. I wasn’t thinking clearly. I just wanted to go home, but the officer kept questioning me, non-stop. He wouldn’t even let me talk. I thought he would never let me leave until I told him what he wanted to hear. He kept telling me that what had happened to Mary Lou and Scott wasn’t a big deal so I thought if I just told him I did it, he would let me go home. Then he said my DNA was on the murder weapon so I thought it would be easier to just confess and then the DNA would be tested and prove I didn’t do it. I didn’t know what else to do,” Mr. Martin said.

“Mr. Martin, did you kill Mary Lou Martin and Scott Rodriguez?”

[...]

[CROSS EXAMINATION OF MR. MARTIN]

[...]

“Like I said, I was not thinking clearly at the time. I must have touched him too.”

“Mr. Martin, when you were being questioned by the detective did you ever once stop the interrogation and ask for a lawyer?” Mr. Turner asked

“No,” Mr. Martin said.

“Did you ever leave the interrogation room?”

“No.”

“Were you in restraints? Did Officer Rocha handcuff you?”

“No.”

“So there was nothing preventing you from leaving?” Mr. Turner asked.

“No, but—”

“And you never asked for your lawyer. If you were innocent, why didn’t you end the interrogation? Why didn’t you just get up and leave, or ask for your lawyer?”

“I wasn’t thinking clearly. I didn’t know I could leave. I thought I had no other choice but to confess. I felt trapped,” Mr. Martin said.

“You could have left at any time, but you didn’t. You chose to stay in that room. You chose to confess.”

“I was upset and in shock. I had just found Mary Lou and Scott dead. I wasn’t thinking clearly. I thought that if I confessed, I would finally be able to go home and get away from this nightmare.”

“One last question. If you didn’t murder these two innocent people, who did?”

[...]

116
[Prosecution’s closing statement]

[…]
“[…]. Not only were Mr. Martin’s fingerprints found throughout the house, they were also found on both of the bodies of the victims.
“Mr. Martin even said himself that he killed his wife and neighbor. An innocent person would never confess to a crime he didn’t commit. The only reason Mr. Martin confessed is because he is guilty. Together, these facts should convince you beyond a reasonable doubt that the defendant is guilty.
[…]

[Defense’s closing statement]

[…]
“[…]. A man who is willing to pay thousands of dollars to find out why is wife doesn’t love him any longer does not then kill her.
“My client wasn’t in his right mind when he confessed. He was in shock, deeply upset over the death of his wife and his friend. He confessed was because he thought that was his only option. He knew the interrogation wouldn’t stop until he confessed, and all he wanted to do was go home. So he lied. The officer who interrogated Mr. Martin testified that Mr. Martin’s confession contained no new details about the crime – nothing that only the perpetrator would have known. The only detail in my client’s confession was how the victims were killed. This is a detail that anyone at the scene of the crime would have known. Mr. Martin was at the scene of the crime. He saw the bodies of the victims and saw how they were killed. Knowing how the victims were killed doesn’t mean he killed them, it only means that he saw the bodies.
“The State has failed to prove that my client has committed a crime,” Mr. Gibson argued. […]"
High-Pressure Interrogation

[Prosecution’s opening statement]

[...]
“The State will prove that Bradley Martin had the motivation and the opportunity to commit this dreadful crime. Indeed, we will present conclusive fingerprint evidence indicating that Mr. Martin was at the scene of the crime and had physical contact with the victims. We will present evidence that Mr. Martin himself admitted that he killed the victims. We will challenge Mr. Martin’s incredible story [...]

[Defense’s opening statement]

“[..] The State can produce no eyewitness and no murder weapon, but rather will rely on evaluations of my client’s emotional state, which we contend are inaccurate evaluations, and on the basis of a confession that was obtained during an interrogation that was improperly conducted from an innocent man who was deeply upset over losing his friend and his beloved wife.

[...]
“[..] This is not typical of a guilty man.
“You should not convict someone solely on the basis of a confession from a man who was in a profound state of shock. He had just found his neighbor and his wife, whom he loved dearly, dead in his house. He was consumed with grief over losing them. He could have confessed to anything at the time because he was so distraught. He was scared for his life and thought the detective was going to shoot him. Mr. Martin knew that the detective wasn’t going to stop interrogating him unless he confessed, so he did the only thing he thought he could: he confessed to a crime he did not commit.

“Once you have heard the facts in this case and have examined them carefully [...]”

[Direct examination of Mr. Rocha]

[...]
“[..] I told him that he was a suspect in the case. Then I read him his rights and took him to the station for further questioning.
“And what happened next?”
“I asked him to relate the events of that evening, everything that happened up until the time the police arrived. I then asked him straight out if he murdered his wife and his neighbor, and he said he did.”
“So Mr. Martin confessed to committing the murders?” Mr. Turner asked.
“Yes, he did.” Mr. Rocha responded.
“Officer Rocha, what happened during the interrogation?”
“I started off by telling him that we thought he knew something about what happened. At that point he looked like he wanted to say something.”
“What did he say?”
“He didn’t say anything right off,” Mr. Rocha said. “I waited for a bit and when he still didn’t say anything I told him to take his time and talk to me when he was ready. Then I told him it was important that he tell me the truth about what happened, that I wanted to get to the bottom of that incident and get the facts straight. I told him we wanted to be able to tell the families what happened and give them some closure. Then I asked him if he knew anything about what happened.”
“Did he respond?” Mr. Turner asked.
“He didn’t say anything, so I told him straight up that we knew the truth, that we knew he killed his wife and neighbor. There was no use denying it, I said, because we already knew what happened. Then I told him I had the ability to wipe the slate clean and that I would put it in my report if he said he was sorry for what he had done.”
“What happened next?”
“I told him I knew he didn’t mean to kill them, that sometimes things just get out of hand. I told him I knew he had only gone over there to talk to his wife, but then he saw her and his neighbor together in the kitchen. I told him that I knew he got angry and lost control because of what she had done – that she had provoked him and it wasn’t his fault. I told him that anyone in his position would have reacted the same way and that the victims had brought it on themselves. He wasn’t to blame for what happened, they were,” Mr. Rocha said.
“Did Mr. Martin deny it?”
“He tried to, but I interrupted him. I told him that I knew he had committed the crime and that I just needed to understand why it happened. I told him I knew he didn’t plan to go over there to kill her. I told him I knew it wasn’t planned out in cold blood and that what he did could have been much worse – it wasn’t like he went on a killing spree or anything. I told him this kind of thing happens all the time, and that I probably would have done the same thing in his situation.”
“Did he say anything at that point?” Mr. Turner asked.
“He told me he could never do anything like that because he was a good person. I told him that a good person wouldn’t plan something like that out and that I knew he was a good person because he didn’t mean for it to happen. Then I said, ‘Did you plan this out or did things just get out of hand? Things just got out of hand, didn’t they?’”
“Is this when he confessed?”
“No, he said he didn’t kill them so I knew I had to press him harder. Even though it wasn’t true, I told him we had proof that he committed the crime. I told him we had his DNA on the murder weapon. Then I asked him again if things just got out of hand. He still wouldn’t confess so I started yelling at him. I wanted him to know that I was serious. I said that if he
didn’t confess to what he had done, I would make sure he would get the death penalty and that he would die.”

“Did Mr. Martin confess?

“After about 7 hours he said yes, that he killed them.”

“Did he say anything else?” Mr. Turner asked.

“He said that he came home and saw his wife and his neighbor talking in the kitchen. He said he got angry and reacted badly and killed them. He told me he was sorry for what he had done and that he wanted to take it all back.”

“When he confessed, did he elaborate on how he killed them?”

“He said that he had stabbed his neighbor and strangled his wife.” Mr. Rocha answered.

“What happened next?”

“I gave him a pencil and some paper and told him to write out and sign his confession. He did.”

“What did the confession statement say?” Mr. Turner asked.

“He wrote, ‘I killed my wife, Mary Lou, and my neighbor, Scott, on April 5, 2012.’ Then he signed it at the bottom of the page.” Mr. Rocha said.

“When you searched the house, did you find any evidence that the suspect had been there that evening […]”

[Cross examination of Mr. Rocha]

[…]

“In fact, wasn’t he crying?”

“Officer Rocha, isn’t it true that during the interrogation you were waving your gun around?” Mr. Gibson asked.

“Yeah, I suppose I was, for emphasis,” Mr. Rocha said.

“Did Mr. Martin ask for any breaks?”

“He did, but I didn’t want to stop the interrogation. I knew I was close to getting him to admit the truth and if I let him out of the room we’d have to start all over. I told him that as soon as we were done we’d get him something to eat and let him rest.”

“You said that the interrogation lasted about 7 hours. What time did the interrogation end?”

“Around 4:30 or 5:00 am.”

“So you interrogated him all night?” Mr. Gibson asked

“Yes,” Mr. Rocha responded.

“And you never gave him a chance to sleep?”

“No, I didn’t want to give him a chance to re-think his story.”

“And you kept interrogating him all night, even though he repeatedly asked for something to eat and drink and said that he needed to rest?”
“Yes. I wasn’t going to reward his continued denials with a break. I knew I just had to push him a little bit more and he’d confess.”

“When he confessed, did he tell you where to find the murder weapon?” Mr. Gibson asked.

“No, he didn’t.” Mr. Rocha said.

“Did he tell you anything about the crime that only the perpetrator would know?”

“He only said that he had stabbed his neighbor and strangled his wife.”

“Nothing more?”

“No, nothing more.”

“Officer Rocha, wasn’t Mr. Martin rather incoherent during the interrogation?” Mr. Gibson asked.

“Yes, it was sometimes hard to hear what he was saying. He was crying pretty hard.”

“And didn’t Mr. Martin retract his confession after the interrogation ended?”

“Yes, he said he was in shock and not thinking clearly when he confessed. He said he was innocent,” Mr. Rocha said.

“Thank you. No further questions,” Mr. Gibson finished.

[…]

[Direct examination of Mr. Martin]

[…]

“I waited while the police went over the house, and took away the bodies. Then they drove me back to the police station and asked me questions about the murders.”

“What was the interrogation like?” Mr. Gibson asked.

“It’s all a haze to me. All I remember is thinking about Mary Lou and how I would never get to see her again. I was consumed by grief, I couldn’t think straight. I was in shock.”

“Mr. Martin, why did you confess?”

“I honestly don’t know. I had just found Mary Lou and Scott dead and the realization of what had happened to them finally hit me. I wasn’t thinking clearly. I just wanted to go home, but the officer kept questioning me, non-stop. He wouldn’t even let me talk. I asked him to stop. I told him I wanted to go home. I was so exhausted, I just wanted to sleep. He was angry and yelling. I thought he would never let me leave until I told him what he wanted to hear. He kept telling me that what had happened to Mary Lou and Scott wasn’t a big deal so I thought if I just told him I did it, he would let me go home. Then he said my DNA was on the murder weapon so I thought it would be easier to just confess and then the DNA would be tested and prove I didn’t do it. I had been in there for what felt like an eternity and he kept getting more hostile. I was terrified – he was waving his gun around and I honestly thought he was going to shoot me if I didn’t confess. Then he said I would get the death penalty if I didn’t say I killed Mary Lou and Scott. I was scared for my life. I didn’t know what else to do,” Mr. Martin said.

“Mr. Martin, did you kill Mary Lou Martin and Scott Rodriguez?”
[Cross examination of Mr. Martin]

“Like I said, I was not thinking clearly at the time. I must have touched him too.”
“Mr. Martin, when you were being questioned by the detective did you ever once stop the interrogation and ask for a lawyer?” Mr. Turner asked
“No,” Mr. Martin said.
“Did you ever leave the interrogation room?”
“No.”
“Were you in restraints? Did Officer Rocha handcuff you?”
“No.”
“So there was nothing preventing you from leaving?” Mr. Turner asked.
“No, but—”
“And you never asked for your lawyer. If you were innocent, why didn’t you end the interrogation? Why didn’t you just get up and leave, or ask for your lawyer?”
“I wasn’t thinking clearly. I didn’t know I could leave. I thought I had no other choice but to confess. I felt trapped,” Mr. Martin said.
“You could have left at any time, but you didn’t. You chose to stay in that room. You chose to confess.”
“I was upset and in shock. I had just found Mary Lou and Scott dead. I wasn’t thinking clearly. I thought that if I confessed, I would finally be able to go home and get away from this nightmare. I thought I was going to die otherwise. I thought he was going to shoot me.”
“One last question. If you didn’t murder these two innocent people, who did?”

[Prosecution’s closing statement]

“[…] Not only were Mr. Martin’s fingerprints found throughout the house, they were also found on both of the bodies of the victims.
“Mr. Martin even said himself that he killed his wife and neighbor. An innocent person would never confess to a crime he didn’t commit. The only reason Mr. Martin confessed is because he is guilty. Together, these facts should convince you beyond a reasonable doubt that the defendant is guilty.

[Defense’s closing statement]
“[…] A man who is willing to pay thousands of dollars to find out why is wife doesn’t
love him any longer does not then kill her.

“My client wasn’t in his right mind when he confessed. He was in shock, deeply upset
over the death of his wife and his friend. He confessed was because he thought that was his only
option. He had been forced to stay in the interrogation room all night, even when he explicitly
asked for breaks. The detective threatened Mr. Martin with his gun and the death penalty. Mr.
Martin feared for his life. He knew the interrogation wouldn’t stop until he confessed, and all he
wanted to do was go home. So he lied. The officer who interrogated Mr. Martin testified that Mr.
Martin’s confession contained no new details about the crime – nothing that only the perpetrator
would have known. The only detail in my client’s confession was how the victims were killed.
This is a detail that anyone at the scene of the crime would have known. Mr. Martin was at the
scene of the crime. He saw the bodies of the victims and saw how they were killed. Knowing
how the victims were killed doesn’t mean he killed them, it only means that he saw the bodies.

“The State has failed to prove that my client has committed a crime,” Mr. Gibson argued.
[...]
Expert Testimony Conditions

General Expert Testimony

[Prosecution’s opening statement]

“[…]. We will challenge Mr. Martin’s incredible story and provide overwhelming evidence to convince you that it was he who killed his wife and neighbor in a jealous rage.

“The Defense will present testimony from a psychologist who will claim that innocent people confess to crimes they didn’t commit, but the research the psychologist will testify about is based on college students, not actual police suspects. The research does not apply to this case. After a fair consideration of the evidence, ladies and gentlemen, we ask that you convict Bradley Martin of two counts of first degree felony murder. Thank you,” Mr. Turner finished. […]

[Defense’s opening statement]

“[…]. This is not typical of a guilty man.

[Confession manipulated].

“You will hear testimony from a well-known and respected psychologist who will prove that it is possible for an innocent person, like Mr. Martin, to confess to a crime he didn’t commit. The psychologist will show that real innocent suspects in actual police interrogations, not just college students, have confessed to crimes they didn’t commit.

“Once you have heard the facts in this case and have examined them carefully[…]."

[Direct and cross examination of Dr. Smith]

[…]

“Sustained,” the judge said.

“Withdrawn, no further questions,” Mr. Turner said.

“The Defense may call its next witness,” the judge said.

“The Defense calls Dr. Alex Smith,” Mr. Gibson said.

“Mr. Smith, will you please step up. I would like to remind you that you have been sworn in previously,” the judge said.

“Yes, your Honor,” Dr. Smith responded.

“You may proceed.”

“Thank you,” Mr. Gibson said. “Would you please state your name and occupation to the court.”

“My name is Dr. Alex Smith. I am a professor of psychology at Stanford University.”

“Could you please describe your credentials and educational background.”
“I graduated from Harvard with a Ph.D. in Social Psychology in 1980. I have been studying police interrogation for over 30 years and I have published over 60 scholarly articles on the topic in prestigious journals.”

“Thank you. What is a false confession?”

“A false confession is where an innocent person confesses to a crime that he or she did not actually commit.”

“Do false confessions actually happen?” Mr. Gibson asked.

“Yes. Scientific research has shown that innocent people do confess in response to certain situations. We also know from DNA testing that actual police suspects have falsely confessed; DNA evidence has shown that approximately 25% of innocent people who were wrongfully convicted had confessed to crimes they did not commit,” Dr. Smith said.

“Why would someone falsely confess to a crime?”

“There are many reasons. An innocent person might falsely confess because of certain interrogation techniques used by the police, such as minimization. Minimization is where the interrogator gives the suspect excuses to explain why he or she committed the crime. Minimization implies that the suspect is not at fault for what happened. An innocent suspect might falsely confess in response to minimization because the suspect believes that it is in his or her best interest to confess, and that he or she will not be punished for the crime. Basically the suspect views minimization as a promise of leniency.”

“Are there other interrogation techniques that could lead an innocent person to confess?”

“Another technique is maximization, which is where the interrogator exaggerates the strength of the evidence even if the evidence does not exist,” Dr. Smith said. “Maximization is interpreted by the suspect as a threat of harsher punishment if he or she does not confess. If an interrogator directly threatens the suspect or implies a threat via maximization, the suspect might confess to avoid whatever is being threatened. In the case where the interrogator lies about having evidence that does not actually exist, an innocent suspect might confess because he or she believes the evidence will be tested and prove his or her innocence.”

“Are there any other reasons an innocent person would falsely confess?”

“The length of an interrogation is one. The longer an interrogation, the more likely it is the suspect will want to escape from the situation. An innocent suspect might think the only way to end the interrogation is to confess, even if he or she did not commit the crime. Research has shown that people are impulsive and motivated by immediate results, such as ending the interrogation, and that they may not consider the long-term consequences of their actions. This is especially true when the suspect is sleep-deprived. If the suspect is sleep-deprived, as may happen in lengthy interrogations, the suspect is also more susceptible to leading questions from the interrogator and less able to think critically about the consequences of his or her actions,” Dr. Smith said.

“Can the suspect’s psychological state influence a false confession?”
“Yes. An innocent suspect who is under stress may be more likely to falsely confess. Psychological states such as depression and anxiety have also been associated with false confessions. These factors may make an innocent suspect more vulnerable to pressure from an interrogator.”

“Can you, as an expert on the topic, know when a confession is true or false?” Mr. Gibson asked.

“No, it is very difficult to know whether a confession is true or false without other evidence. False confessions often have the same elements as true confessions. A false confession could include details that only the perpetrator should know because the interrogator might reveal details about the crime to the suspect during the interrogation. Additionally, sometimes an innocent person will even express remorse for committing the crime.”

“Is there anything other than additional evidence that could help to determine whether a confession is true or false?”

“A confession that helps the police discover new evidence is one such marker for a true confession,” Dr. Smith said. “If the confession contains accurate information about the crime scene or how the crime was committed, that can also help one to determine whether the confession is true. However, an innocent suspect can sometimes learn details about the crime from the police, the media, or visits to the crime scene, so the presence of crime scene details in a confession is not necessarily a flawless indicator of a true confession.”

[Case-specific expert testimony manipulated]

“Thank you. No further questions,” Mr. Gibson finished.

“You may begin cross examination,” the judge said.

“Thank you, your Honor,” Mr. Turner said. “Dr. Smith, would every innocent person falsely confess in response to the factors you described?”

“No, not necessarily.”

“So you’re saying that some innocent people wouldn’t confess, even if the interrogator used the tactics you discussed earlier?”

“Yes, that’s correct,” Dr. Smith responded.

“You also said that someone can conclude that a confession is true if the confession leads to the discovery of new evidence. Does that mean confessions that do not lead to the discovery of new evidence are always false confessions?”

“No, not always.”

[Case-specific expert testimony manipulated]

“Thank you. Dr. Smith, what kind of participants do you use in research on false confessions?” Mr. Turner asked.

“The research typically uses college students as participants.”

“And do you accuse these college students of actual crimes like murder?”

“No,” Dr. Smith said.

“And who interrogates these college students? Do you employ police officers to conduct the interrogations?”
“Typically the interrogators are other students who are trained in different interrogation tactics.”

“Are these student interrogators as experienced as real interrogators?” Mr. Turner asked.
“No, they are not.”
“So college students interrogate other college students about something that is not a crime. Could this artificiality limit the ability to apply these research findings to actual criminal suspects in a real police interrogation?”

“Some opponents of the research do claim that the consequences for confessing in the laboratory are minimal since participants are not confessing to murder and thus do not have the fear of potentially being convicted of that crime. Some people assert that, because of the lesser consequences, laboratory research could overestimate the percentage of innocent people who confess,” Dr. Smith said. “However, others argue that it is the pattern of false confessions that is important. The research does show that a false confession is more likely to occur because of the factors I discussed previously. Additionally, the research on false confessions is supported by instances where innocent suspects falsely confessed to crimes during real interrogations.”

“Dr. Smith, have you ever testified for the Prosecution or do you always testify on behalf of the Defense?” Mr. Turner asked.
“I have only testified for the Defense.”
“And how much are you being paid for your time?”
“I am being paid $200 per hour.”
“Thank you, no further questions,” Mr. Turner finished.
“The Defense may call its next witness,” the judge instructed.
“The Defense calls Bradley M. Martin.”

[Prosecution’s closing statement]

[...]

“[…] Not only were Mr. Martin’s fingerprints found throughout the house, they were also found on both of the bodies of the victims.

[Confession manipulated]. Together, these facts should convince you beyond a reasonable doubt that the defendant is guilty.

“A psychologist who testified on behalf of the Defense said that innocent people can confess to crimes. However, the psychologist’s testimony is based on research that uses college students who are interrogated by other students, not police officers, and they aren’t accused of crimes. That situation is nothing like a real interrogation.”

“Ladies and gentlemen of the jury, after you have carefully weighed the evidence, […]”

[Defense’s closing statement]
“[...] A man who is willing to pay thousands of dollars to find out why is wife doesn’t love him any longer does not then kill her.

“A psychologist testified that innocent people, like Mr. Martin, have confessed to crimes they didn’t commit. False confessions aren’t limited to college students. DNA testing has shown that actual suspects who were interrogated had confessed to crimes they did not commit.

[Confession manipulated].

“The State has failed to prove that my client has committed a crime,” Mr. Gibson argued. [...]
Low-Pressure Case-Specific Expert Testimony

[Prosecution’s opening statement]

“[…] We will challenge Mr. Martin’s incredible story and provide overwhelming evidence to convince you that it was he who killed his wife and neighbor in a jealous rage.

“The Defense will present testimony from a psychologist who will claim that innocent people confess to crimes they didn’t commit, but the research the psychologist will testify about is based on college students, not actual police suspects. The research does not apply to this case. After a fair consideration of the evidence, ladies and gentlemen, we ask that you convict Bradley Martin of two counts of first degree felony murder. Thank you,” Mr. Turner finished. […]

[Defense’s opening statement]

“[…] This is not typical of a guilty man.

[Confession manipulated].

“You will hear testimony from a well-known and respected psychologist who will prove that it is possible for an innocent person, like Mr. Martin, to confess to a crime he didn’t commit. The psychologist will show that real innocent suspects in actual police interrogations, not just college students, have confessed to crimes they didn’t commit.

“Once you have heard the facts in this case and have examined them carefully […]”

[Direct examination of Dr. Smith]

[…]

“[…] However, an innocent suspect can sometimes learn details about the crime from the police, the media, or visits to the crime scene, so the presence of crime scene details in a confession is not necessarily a flawless indicator of a true confession.”

“Dr. Smith, say that hypothetically there was an innocent suspect in an interrogation who was stressed and extremely upset because someone very close to him had just died. What does the research suggest about that situation?” Mr. Gibson asked.

“Well, someone who is depressed and under stress might be more easily influenced by pressure from an interrogator than someone who is not upset or stressed.”

“And say that this innocent suspect was subjected to an interrogation where the interrogator continued to ask him for the truth of what happened. What then?”

“Because of the suspect’s psychological state, he might be more easily swayed by the interrogator’s questions and might be more likely to confess to the crime,” Dr. Smith responded.
“What if the suspect confessed to the crime and said he was sorry about what happened? And what if the confession contained details about how the victims were killed but no other information? What could you conclude about the truthfulness of the confession?”

“It’s difficult to say whether that confession is true or false without other evidence. Even a false confession can include details about the crime and statements of remorse. It is possible that an innocent suspect could learn about how the victims were killed from the interrogator or a visit to the crime scene. One way to be certain that a confession is true is if the confession leads to the discovery of new evidence; in this case the confession contained details that were already known. The confession did not include any new information.”

“Thank you. No further questions,” Mr. Gibson finished.

[Cross examination of Dr. Smith]

[...]

“No, not always.”

“Dr. Smith, you responded to a scenario posed by the Defense attorney concerning a suspect who was interrogated about a crime while he was upset and stressed. Earlier you said that an innocent person might falsely confess if the interrogator implied that leniency would follow a confession. In the scenario posed by the Defense attorney the interrogator asked the suspect for the truth. Do you think the interrogator implied leniency by asking that?” Mr. Turner asked.

“No.”

“You also mentioned earlier that an innocent suspect could falsely confess if the interrogator lied about having evidence that did not exist. Did the interrogator lie about evidence in the scenario to which you responded?”

“No,” Dr. Smith said.

“Earlier you said that an innocent person might falsely confess to avoid harsher punishment. Did the interrogator in that scenario ever threaten the suspect with harsher punishment if he refused to confess?”

“No.”

“You said that lengthy interrogations could cause an innocent person to falsely confess. Was the interrogation you responded to extraordinarily long?”

“It did not appear to be.”

“Thank you. Dr. Smith, what kind of participants do you use in research on false confessions?” Mr. Turner asked.

[Prosecution’s closing statement]
“[...] Not only were Mr. Martin’s fingerprints found throughout the house, they were also found on both of the bodies of the victims. [Confession manipulated]. Together, these facts should convince you beyond a reasonable doubt that the defendant is guilty.

“A psychologist who testified on behalf of the Defense said that innocent people can confess to crimes. However, the psychologist’s testimony is based on research that uses college students who are interrogated by other students, not police officers, and they aren’t accused of crimes. That situation is nothing like a real interrogation.”

“Ladies and gentlemen of the jury, after you have carefully weighed the evidence, [...]”

[Defense’s closing statement]

“[...] A man who is willing to pay thousands of dollars to find out why his wife doesn’t love him any longer does not then kill her.

“A psychologist testified that innocent people, like Mr. Martin, have confessed to crimes they didn’t commit. False confessions aren’t limited to college students. DNA testing has shown that actual suspects who were interrogated had confessed to crimes they did not commit. [Confession manipulated].

“The State has failed to prove that my client has committed a crime,” Mr. Gibson argued.
Medium-Pressure Case-Specific Expert Testimony

[Prosecution’s opening statement]

“[…] We will challenge Mr. Martin’s incredible story and provide overwhelming evidence to convince you that it was he who killed his wife and neighbor in a jealous rage.

“The Defense will present testimony from a psychologist who will claim that innocent people confess to crimes they didn’t commit, but the research the psychologist will testify about is based on college students, not actual police suspects. The research does not apply to this case. After a fair consideration of the evidence, ladies and gentlemen, we ask that you convict Bradley Martin of two counts of first degree felony murder. Thank you,” Mr. Turner finished.

[…]

[Defense’s opening statement]

“[…] This is not typical of a guilty man.

[Confession manipulated].

“You will hear testimony from a well-known and respected psychologist who will prove that it is possible for an innocent person, like Mr. Martin, to confess to a crime he didn’t commit. The psychologist will show that real innocent suspects in actual police interrogations, not just college students, have confessed to crimes they didn’t commit.

“Once you have heard the facts in this case and have examined them carefully […]”

[Direct examination of Dr. Smith]

[…]

“[…] However, an innocent suspect can sometimes learn details about the crime from the police, the media, or visits to the crime scene, so the presence of crime scene details in a confession is not necessarily a flawless indicator of a true confession.”

“Dr. Smith, say that hypothetically there was an innocent suspect in an interrogation who was stressed and extremely upset because someone very close to him had just died. What does the research suggest about that situation?” Mr. Gibson asked.

“Well, someone who is depressed and under stress might be more easily influenced by pressure from an interrogator than someone who is not upset or stressed.”

“And say that this innocent suspect was subjected to an interrogation where the interrogator continued to ask him for the truth of what happened. What then?”

“Because of the suspect’s psychological state, he might be more easily swayed by the interrogator’s questions and might be more likely to confess to the crime,” Dr. Smith responded.
“What if the interrogator then said that he knew the suspect did not mean to commit the murders? What if the interrogator said that the victims had provoked him and it was their fault it had happened, not the suspect’s?”

“Those statements could be interpreted by the suspect as a promise of leniency. An innocent suspect might falsely confess in that situation because he believes that he will not be punished for the crime.”

“What if the interrogator then lied and said he had the suspect’s DNA?” Mr. Gibson asked.

“The suspect might confess because he believes the DNA evidence would be tested and show that he was innocent.”

“What if the suspect confessed to the crime and said he was sorry about what happened? And what if the confession contained details about how the victims were killed but no other information? What could you conclude about the truthfulness of the confession?”

“It’s difficult to say whether that confession is true or false without other evidence. Even a false confession can include details about the crime and statements of remorse. It is possible that an innocent suspect could learn about how the victims were killed from the interrogator or a visit to the crime scene. One way to be certain that a confession is true is if the confession leads to the discovery of new evidence; in this case the confession contained details that were already known. The confession did not include any new information.”

“Thank you. No further questions,” Mr. Gibson finished.

[Cross examination of Dr. Smith]

[…]“No, not always.”

“Dr. Smith, you responded to a scenario posed by the Defense attorney concerning a suspect who was interrogated about a crime while he was upset and stressed. Earlier you said that an innocent person might falsely confess to avoid harsher punishment. Did the interrogator in that scenario ever threaten the suspect with harsher punishment if he refused to confess?”

“No.”

“You said that lengthy interrogations could cause an innocent person to falsely confess. Was the interrogation you responded to extraordinarily long?”

“It did not appear to be.”

“Thank you. Dr. Smith, what kind of participants do you use in research on false confessions?” Mr. Turner asked.

[Prosecution’s closing statement]
“[…] Not only were Mr. Martin’s fingerprints found throughout the house, they were also found on both of the bodies of the victims. 

[Confession manipulated]. Together, these facts should convince you beyond a reasonable doubt that the defendant is guilty.

“A psychologist who testified on behalf of the Defense said that innocent people can confess to crimes. However, the psychologist’s testimony is based on research that uses college students who are interrogated by other students, not police officers, and they aren’t accused of crimes. That situation is nothing like a real interrogation.”

“Ladies and gentlemen of the jury, after you have carefully weighed the evidence, […]”

[Defense’s closing statement]

“[…] A man who is willing to pay thousands of dollars to find out why is wife doesn’t love him any longer does not then kill her.

“A psychologist testified that innocent people, like Mr. Martin, have confessed to crimes they didn’t commit. False confessions aren’t limited to college students. DNA testing has shown that actual suspects who were interrogated had confessed to crimes they did not commit. 

[Confession manipulated].

“The State has failed to prove that my client has committed a crime,” Mr. Gibson argued.

[…]
High-Pressure Case-Specific Expert Testimony

[Prosecution’s opening statement]

“[…] We will challenge Mr. Martin’s incredible story and provide overwhelming evidence to convince you that it was he who killed his wife and neighbor in a jealous rage.

“The Defense will present testimony from a psychologist who will claim that innocent people confess to crimes they didn’t commit, but the research the psychologist will testify about is based on college students, not actual police suspects. The research does not apply to this case. After a fair consideration of the evidence, ladies and gentlemen, we ask that you convict Bradley Martin of two counts of first degree felony murder. Thank you,” Mr. Turner finished. […]

[Defense’s opening statement]

“[…] This is not typical of a guilty man. [Confession manipulated].

“You will hear testimony from a well-known and respected psychologist who will prove that it is possible for an innocent person, like Mr. Martin, to confess to a crime he didn’t commit. The psychologist will show that real innocent suspects in actual police interrogations, not just college students, have confessed to crimes they didn’t commit.

“Once you have heard the facts in this case and have examined them carefully […]”

[Direct examination of Dr. Smith]

[…] However, an innocent suspect can sometimes learn details about the crime from the police, the media, or visits to the crime scene, so the presence of crime scene details in a confession is not necessarily a flawless indicator of a true confession.”

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“Because of the suspect’s psychological state, he might be more easily swayed by the interrogator’s questions and might be more likely to confess to the crime,” Dr. Smith responded.
“What if the interrogator then said that he knew the suspect did not mean to commit the murders? What if the interrogator said that the victims had provoked him and it was their fault it had happened, not the suspect’s?”

“Those statements could be interpreted by the suspect as a promise of leniency. An innocent suspect might falsely confess in that situation because he believes that he will not be punished for the crime.”

“What if the interrogator then lied and said he had the suspect’s DNA?” Mr. Gibson asked.

“The suspect might confess because he believes the DNA evidence would be tested and show that he was innocent.”

“What if the interrogator said the suspect would get the death penalty unless he confessed?”

“In that case the suspect might confess in order to avoid the death penalty,” Dr. Smith said.

“And what if the interrogation lasted all throughout the night and the interrogator refused to let the suspect take a break?” Mr. Gibson asked.

“With a lengthy interrogation, the suspect’s desire to get out of the situation increases. If an interrogation lasts all night the suspect may also be sleep-deprived. In that case the suspect may be motivated solely by the desire to escape the interrogation. The suspect might think that the only way to get out of the interrogation is to confess and he may not think clearly about the consequences of confessing.”

“What if the suspect confessed to the crime and said he was sorry about what happened? And what if the confession contained details about how the victims were killed but no other information? What could you conclude about the truthfulness of the confession?”

“It’s difficult to say whether that confession is true or false without other evidence. Even a false confession can include details about the crime and statements of remorse. It is possible that an innocent suspect could learn about how the victims were killed from the interrogator or a visit to the crime scene. One way to be certain that a confession is true is if the confession leads to the discovery of new evidence; in this case the confession contained details that were already known. The confession did not include any new information.”

“Thank you. No further questions,” Mr. Gibson finished.

[Prosecution’s closing statement]

[...]

“[...] Not only were Mr. Martin’s fingerprints found throughout the house, they were also found on both of the bodies of the victims.

[Confession manipulated]. Together, these facts should convince you beyond a reasonable doubt that the defendant is guilty.
“A psychologist who testified on behalf of the Defense said that innocent people can confess to crimes. However, the psychologist’s testimony is based on research that uses college students who are interrogated by other students, not police officers, and they aren’t accused of crimes. That situation is nothing like a real interrogation.”

“Ladies and gentlemen of the jury, after you have carefully weighed the evidence, […]”

[Defense’s closing statement]

[...]

“[...] A man who is willing to pay thousands of dollars to find out why his wife doesn’t love him any longer does not then kill her.

“A psychologist testified that innocent people, like Mr. Martin, have confessed to crimes they didn’t commit. False confessions aren’t limited to college students. DNA testing has shown that actual suspects who were interrogated had confessed to crimes they did not commit.

[Confession manipulated].

“The State has failed to prove that my client has committed a crime,” Mr. Gibson argued. [...]

[...]

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Appendix B: Questionnaire

1. How many victim(s) were there?
   a. One
   b. Two
   c. Three
   d. Four

2. Did Mr. Robert Berg find evidence that Mrs. Mary Lou Martin was having an affair?
   a. Yes
   b. No

3. Was the murder weapon found?
   a. Yes
   b. No

4. How was Mrs. Mary Lou Martin killed?
   a. Blunt force trauma
   b. Decapitated
   c. Poisoned
   d. Strangled

5. Where did Mr. Arnold Frye see Mr. Bradley Martin on the night of the murders?
   a. Work
   b. A park
   c. A bar
   d. Mr. Frye’s house

[Expert testimony conditions only:]

6. What did Dr. Alex Smith testify about?
   a. Eyewitness testimony
   b. Interrogations and confessions
   c. Fingerprint evidence
   d. Domestic violence

[All conditions:]

7. What did Mr. Bradley Martin say he went home for?
   a. To pick up banking supplies and bills
   b. To see if his wife was having an affair
   c. To make dinner
   d. To check his email
8. Did an eyewitness see the defendant, Bradley Martin, commit the murders?
   a. Yes
   b. No

What do you think happened the night of the murders?

The defendant, Bradley Martin, is accused of first degree felony murder, which is defined in the Texas Penal Code Sec. 19.02 as follows:

(b) A person commits an offense if he:

   (1) intentionally or knowingly causes the death of an individual; or

   (2) intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual; or

   (3) commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

It is the responsibility of the prosecution to demonstrate beyond a reasonable doubt that the defendant, Bradley Martin, is guilty of first degree felony murder. Every person charged with a crime is presumed innocent. This presumption of innocence remains with the defendant throughout the trial and should be given effect by you unless, after considering all of the evidence, you are then convinced that the defendant is guilty beyond a reasonable doubt.

If you find from the evidence that each and every element has been proven beyond a reasonable doubt, you will find the defendant guilty. If you find from the evidence that the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt you will find the defendant not guilty.

Do you find the defendant, Bradley Martin, guilty of the crime of first degree felony murder according to the definition of the crime you were given beyond a reasonable doubt?

Yes, Guilty _______          No, Not Guilty _______
[For those who chose guilty only:]

Between 5 and 99 years, how many years of incarceration do you recommend? _____.

[All conditions:]

How confident are you in your verdict?

1 2 3 4 5 6 7
not at all confident extremely confident

Between 0 and 100%, what is the likelihood that the defendant, Bradley Martin, committed the crime? ______.

Between 0 and 100%, the defendant should be found guilty if there is at least a ____% likelihood that he committed the crime.

What was the most important factor in the case that determined your verdict?

__________________________________________________________________.

How strong was the Prosecution’s (Mr. Turner) case against Bradley Martin?

1 2 3 4 5 6 7
not at all strong extremely strong

Regardless of the verdict you chose, what was the key piece of evidence that supported a GUILTY verdict? ________________.
How strong was the Defense’s (Mr. Gibson) case for Bradley Martin?

1  2  3  4  5  6  7
not at all  strong  extremely strong

Regardless of the verdict you chose, what was the key piece of evidence that supported a NOT GUILTY verdict? _________________.

Did the defendant, Bradley Martin, confess to committing the murders?
  a. Yes
  b. No

Did a psychologist testify about interrogations and confessions?
  a. Yes
  b. No

What do you breathe?
  a. Mud
  b. Bricks
  c. Air
  d. Shoelaces

[Confession conditions only:]

How much pressure did the police officer place upon Bradley Martin to confess?

1  2  3  4  5  6  7
none at all  a great deal

How likely is it that Bradley Martin gave a false confession (i.e., that he confessed to something he did not do)?

1  2  3  4  5  6  7
not at all  extremely
How voluntary was Bradley Martin’s confession?

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How incriminating (supporting guilt) was Bradley Martin’s confession?

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How much did Bradley Martin’s confession influence your verdict?

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How justified were the police officer’s actions during the interrogation?

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What do you wear on your feet?
- a. Hand sanitizer
- b. Candy
- c. Coffee
- d. Shoes

[All conditions:]

Between 0 and 100%, what is the likelihood that an innocent person would falsely confess to a crime she or he did NOT commit? ________.

Between 0 and 100%, what is the likelihood that YOU would falsely confess to a crime you did NOT commit? ________.
[Expert testimony conditions only:]

How relevant was the psychologist’s (Dr. Alex Smith) testimony to the case?

1 not at all  2  3  4  5  6  7 extremely

How helpful was the psychologist’s (Dr. Alex Smith) testimony when you were deciding a verdict?

1 not at all  2  3  4  5  6  7 extremely

How much did the psychologist’s (Dr. Alex Smith) testimony influence your verdict?

1 not at all  2  3  4  5  6  7 extremely

How much did you learn from the psychologist’s (Dr. Alex Smith) testimony?

1 nothing  2  3  4  5  6  7 a great deal

How persuasive was the psychologist’s (Dr. Alex Smith) testimony?

1 not at all  2  3  4  5  6  7 extremely

How exonerating (supporting Bradley Martin’s innocence) was the psychologist’s (Dr. Alex Smith) testimony?

1 not at all  2  3  4  5  6  7 extremely
What color is the moon?
   a. Pink
   b. Gray
   c. Green
   d. Purple

[All conditions:]

Think about a police interrogation. Now list as many reasons as you can for why, in general, an innocent suspect might confess to a crime he or she did not commit.

____________________________________________________________________________

How much have you learned about false confessions through the media (movies, television, news, books, magazines, etc.)?

1  2  3  4  5  6  7
nothing a great deal

How much have you learned about wrongful convictions through the media?

1  2  3  4  5  6  7
nothing a great deal

How familiar are you with police or military interrogations?

1  2  3  4  5  6  7
not at all extremely

How do you find out what time it is?
   a. Ask a wall
   b. Do a hand stand
   c. Look at a clock
   d. Spin in circles
Demographics

Sex:  M   F

Age: ______

Race/Ethnicity:  ___ African-American
___ Asian
___ Hispanic/Latino
___ Native American or Aleut
___ Pacific Islander
___ White/Caucasian (Non-Hispanic)
___ Multiracial
___ Other

What is the highest level of education you have completed?

1  Less than high school
2  High school or GED
3  Some college
4  2-year college degree (Associates)
5  4-year college degree (BA, BS)
6  Professional degree (MD, JD)
7  Master’s degree
8  Doctoral degree

How many times have you served on a jury in the United States before?

0  Never
1  Once
2  Twice
3  Three times
4  Four times
5  Five times
6  Six or more times

Are you a citizen of the United States?  Yes  No

Are you registered to vote in the United States?  Yes  No

Do you have a driver’s license in the United States?  Yes  No
Appendix C: Coding Sheet

Participant # _______________.

Mark an “X” next to each sub-category reason the participant mentioned. If the participant mentioned two different reasons, write an “X” next to both. If the participant mentioned the same reason twice, only count it once. Then add up the number of Xs in each sub-category and write the total number of reasons for each broad category.

____Motive
   ___To end the interrogation
   ___Leniency
   ___Feelings of guilt
   ___Physical needs
   ___Belief in innocence

____Interrogation Technique
   ___Pressure
   ___Deception
   ___Maximization
   ___Minimization
   ___Physical torture
   ___Threats
   ___Promises

____Disposition
   ___Cognitive state
   ___Emotional state
   ___Age
   ___IQ
   ___Mental illness
   ___Alcohol/drugs
   ___Faulty memory

____Type of False Confession
   ___Internalized false confession
   ___Voluntary false confession

____None of the above
Appendix D: Coding Sheet Examples

Motive
This category focused on the suspect’s perceptions of the interrogation and the suspect’s motivation to confess.

To end the interrogation. The suspect confessed to be able to go home, to stop the questioning, there was no other option except to confess, or the interrogation was lengthy.
Leniency. The suspect confessed to get a less severe sentence, a plea bargain, to avoid a harsher punishment, or because the suspect believed she or he would not be punished for the crime.
Feelings of guilt. The suspect felt remorse, the need for punishment, responsible for the crime, or guilt about not preventing the crime.
Physical needs. The suspect was hungry, thirsty, or needed to use the restroom.
Belief in innocence. The suspect believed additional evidence would prove his or her innocence or that his or her innocence would become apparent to others.

Interrogation Technique
This category focused on the interrogator’s actions.
Pressure. The interrogator was persistent, the interrogation was coercive, or the interrogator harassed the suspect.
Deception. The interrogator claimed to have evidence that did not exist, the interrogator exaggerated or overplayed the strength of the evidence, or the interrogator lied or deceived the suspect.
Maximization. The interrogator overstated the seriousness of the offense, overrode the suspect’s objections, expressed unequivocal certainty in the suspect’s guilt, or implied the consequences would be more severe if the suspect did not confess.
Minimization. The interrogator blamed the victim for the crime, sympathized with the suspect, downplayed the seriousness of the crime, or implied that the consequences would be less severe if the suspect confessed.
Physical torture. The suspect was physically harmed or believed he or she would be physically harmed.
Threats. The interrogator directly threatened the suspect with harsher punishment if he or she did not confess.
Promises. The interrogator directly promised the suspect leniency if he or she confessed.

Disposition
This category focuses on the suspect’s state.
Cognitive state. The suspect is confused, frustrated, in a state of shock, sleep-deprived, or not thinking straight.
Emotional state. The suspect is nervous, scared, anxious, stressed, or upset.
Age. The suspect is young.
IQ. The suspect has a low IQ, mental deficiency, or mental retardation.
Mental illness. The suspect has a mental illness or is mentally instable.
Alcohol/drugs. The suspect is under the influence of, or withdrawing from, alcohol or drugs.
Faulty memory. The suspect cannot remember the time of the crime or is confused about what happened.

Type of False Confession
This category contains other types of false confessions.

Internalized false confession. The suspect comes to believe he or she committed the crime.

Voluntary false confession. The suspect confessed to protect or cover for someone else, to take credit for the crime, or for a desire for attention or fame.
Curriculum Vita

Skye Woestehoff earned a Bachelor of Arts in Psychology from the University of Northern Colorado in 2010. While at UNC, Skye worked with Dr. William Douglas Woody on his research on juror and jury decision making. Skye also worked as an intern at North Range Behavioral Health: Acute Treatment Unit from 2009-2010.

Skye joined the Legal Psychology doctoral program at the University of Texas at El Paso in 2010. She is being mentored by Dr. Christian Meissner and has worked with him on his research on military interviews. Additionally, Skye is currently an intern at the Office of Research and Sponsored Projects and is focusing on program evaluation. While at UTEP, Skye has had the opportunity to present her research at the American Psychology-Law Society conference, the Rocky Mountain Psychological Association conference, and the University of Texas at El Paso’s doctoral exposition.