Open Access Journal of Forensic Psychology
http://www.forensicpsychologyunbound.ws/ – 2009. 1: 68-98

Perceptions of Excuse Defenses: Does it Matter How Much and Whom You Hurt?

Wendy P. Heath

Rider University

Bruce D. Grannemann

University of Texas Southwestern

Medical Center

Department of Psychiatry

Michael J. Thompson

Rider University

This research was supported in part by a Rider University Fellowship. Portions of this study were presented at the 2004 American Psychology-Law Society Conference in Scottsdale, AZ, USA. Correspondence concerning this article should be addressed to Wendy P. Heath, Psychology Department, Rider University, 2083 Lawrenceville Road, Lawrenceville, NJ 08648, USA. Electronic Mail may be sent via Internet (heath@rider.edu).

Abstract

Defendants sometimes admit committing a crime, but provide an excuse for their actions. The effects of excuse defense type (highly versus less self-inflicted), victim respectability (highly, less), and assault severity (low, moderate, high) on mock jurors' decisions were investigated. Defendants providing highly versus less self-inflicted excuses were seen less favorably (e.g., more guilty verdicts). Excuse defenses were more persuasive when the attack was less versus more severe. Less versus more respectable victims were seen as more responsible for the attack. Path analyses revealed that the defendant's responsibility for his condition and assault severity directly and indirectly affected guilt ratings. Only assault severity directly affected sentencing. All other effects acted by changing perceptions of the defendant's responsibility for his attack.

Perceptions of Excuse Defenses: Does it Matter How Much and Whom You Hurt?

In recent years, instances in which defendants have characterized themselves as victims and cited that victimization as the reason for their committed crimes have become increasingly more common (e.g., Sykes, 1992). Consider the following examples. Posttraumatic Stress Disorder (PTSD) has been used as a defense against crimes ranging from marijuana distribution to murder (Higgins, 1991). Richard Lucio Dehoyos claimed that he should not be held legally responsible because he was high on drugs when he sexually molested and then murdered a nine-year-old girl (*People v. Richard Lucio Dehoyos,* 1989 as cited in Dershowitz, 1994). For Ronny Zamora, a teenager convicted of crimes including first-degree murder, the defense was insanity caused by "involuntary subliminal television intoxication" (*Zamora v. State,* 1978). This is just a sample of cases in which the object of blame is not the defendant. Many other examples of "excuse defenses" are available (see Dershowitz, 1994).

Given the fact that jurors are sometimes put in a position to evaluate excuse defenses and defendants who offer them, it is important to investigate perceptions of these situations. A recent series of studies has concentrated on evaluating perceptions of excuse defenses and the conditions under which these perceptions are potentially altered. For example, Heath, Stone, Darley and Grannemann (2003) determined that different excuse defenses vary in their persuasiveness, while Heath, Grannemann, Peacock and Dulyx (2001) determined that one of the reasons for differences in persuasiveness is the excuses' self-inflictedness level (i.e., the defendant's level of responsibility for his condition); a defendant offering a highly versus less self-inflicted excuse was found to be more likely to receive a guilty verdict, receive a higher guilt-level rating, and tended to receive a longer sentence.

Heath et al. (2001) also determined at least one additional factor that can alter the perception of a defendant who offers an excuse defense. They manipulated who the defendant attacks (a person somewhat responsible for the excusing condition or not), and found that those who hurt an innocent versus a partially responsible victim were more likely to be found guilty. This result is in line with Dershowitz's (1994) speculation that who the defendant hurts might affect jurors' decisions. Further evidence of the impact of this variable was obtained as the defendant's sentence was influenced by both the type of victim the defendant attacks and the self-inflictedness level of the excuse defense.

The purpose of the present study is to continue to investigate what factors can affect perceptions of excuse defenses. Dershowitz (1994) stated that excuse defenses "are more likely to succeed when the victim is disliked," and we consider this issue here. Specifically, a major issue of interest in the present study is how the respectability of the victim might impact perceptions of a defendant who offers an excuse defense. Researchers have found that victim characteristics can impact decisions made regarding defendants. For example, Kerr, Bull, MacCoun and Rathborn (1985) found that verdicts rendered by American and British mock jurors were affected by both the victim's physical appearance and by how careful she was to avoid the criminal event. Sealy and Wain (1980) found that in a British community sample the impression of the victim as trustworthy correlated highly with the defendant's verdict in a rape case. Others have

considered the impact of victim respectability specifically. For example, the victim-respectability level has been shown to affect jurors' willingness to consider mitigating evidence in their decision making (Greene, Koehring, & Quiat, 1998). Others have considered how victim respectability impacts the impression of the defendant within a rape case. For example, Jones and Aronson (1973) found that mock jurors assigned longer sentences to a defendant who raped a more rather than less respectable victim.[1] Thus, there is information overall that suggests that the way the victim is perceived may have consequences for the way the defendant is punished.

Another factor considered here is the how the severity level of the crime, in this case an assault, affects decisions. There is evidence to suggest that perceptions of excuse defenses may be affected by crime severity. Specifically, Bailis, Darley, Waxman, and Robinson (1995) found that participants were generally more accepting of the insanity defense when the defendant was charged with shoplifting as opposed to murder. Although Bailis et al. considered two very different types of crimes as opposed to considering one crime that just varied in severity, we thought it was reasonable to ask whether people would view excuse defenses differently when faced with the latter. Another reason to consider crime severity is that some (e.g., Walster, 1966) have found that, when behavior produced severe rather than mild consequences, the actor was assigned more responsibility for the outcome (note that while this concept has received somewhat mixed support in the literature, both Burger (1981) and Robbennolt (2000) found support for this contention using a meta-analytic approach). This suggests that crime severity could be an important component to take into account when considering attributions of criminal responsibility and the potential persuasiveness of excuse defenses as a more severe assault leads to a more severe consequence (different levels of assault are labeled according to their outcome severity).

Thus, the purpose of the present experiment is to investigate the effects of the type of excuse defense (high self-inflictedness: Cocaine Dependency Disorder (CDD), low self-inflictedness: PTSD), victim-respectability level (highly respectable, less respectable), and the assault-severity level (low, moderate, high). Based on previous research demonstrating that a less self-inflicted excuse is perceived more favorably than one that is more highly self-inflicted (e.g., Heath et al., 2001), it is expected that PTSD would generally be perceived more favorably than CDD (even though the stated symptomology is the same). As for assault severity, a less severe assault is generally expected to lead to more favorable views of the defendant (e.g., a more lenient sentence). As for victim-respectability level, participants are hypothesized to view the victim more favorably and the defendant less favorably when the victim is more as opposed to less respectable. Several interactions are also hypothesized. It is expected, based on the work of Bailis et al. (1995) that the assault-severity level will affect perceptions of the excuse. Participants are expected to be more accepting of the PTSD versus the CDD defense except when the assault is more severe (defenses are not expected to be accepted in the latter case). It is also anticipated that perceptions of the excuse will change depending on

[1] Note that the major focus of Jones and Aronson's (1973) research was views of the rape victim as a function of her respectability. They found that the more respectable woman was seen as more responsible for the rape, although this result has not been supported by subsequent research (see e.g., McCaul et al., 1990 for a review).

who is being attacked. PTSD is expected to be perceived favorably over CDD unless a highly respectable victim is attacked, then no excuse will do. In addition, we will examine the relationship between these variables in a series of path analyses designed to replicate and extend our previous work.

Method

Participants

Undergraduates (*N* = 230) at a small, private, northeastern university participated in exchange for extra credit. The sample was composed of 142 females and 88 males (mean age = 20.99, *SD* = 4.13). The sample consisted of 85% white, 4% African American, 4% Hispanic 3% Asian, less than 1% Native American; 3% reported "other" or did not respond. All participants were jury-eligible (i.e., U.S. citizens over 18 that were registered to vote or had a driver's license from a state that use these lists to create jury pools). Participants were randomly assigned to conditions with the restriction that approximately equal numbers of participants be tested in each condition.

Materials

Each individual was presented with a scenario (approximately 700 words) describing a male who attacks another male and then, once on trial, provides an "excuse" for his behavior. Excuses were varied between subjects in terms of the level of self-inflictedness as determined for a previous study (high: CDD, low: PTSD—see Heath et al., 2001). We provided information regarding the defendant's excuse defense through an account of the day of the offense and of the trial. For example, while providing details about the trial, participants were presented with information regarding testimony from a court-appointed psychologist who explained that (according to experimental condition), 'Doug has Cocaine Dependency Disorder as a result of cocaine use that Doug says started because of pressure from his friends. Because of Doug's Cocaine Dependency Disorder, he suffers a variety of physical and emotional symptoms including a heightened sense of irritability and paranoia.'/'Doug has Posttraumatic Stress Disorder as a result of the extreme stress he was placed under during his combat experiences in Somalia. Because of Doug's Posttraumatic Stress Disorder, he suffers a variety of physical and emotional symptoms including a heightened sense of irritability and paranoia.' (Note that the symptomology is the same for both conditions.) Participants were told to assume that the defendant really does suffer from the condition described.

Victim respectability also varied between subjects (highly respectable, less respectable), and was manipulated as shown below (64 or 68 words depending on condition):

Highly Respectable Victim: "The victim, Dr. Tom Barton, is a 44 year old surgeon who has lived in the community for almost 20 years. Since completing his surgical residency, Dr. Barton has been in private practice. He and his wife have been happily married for 22 years and they have two children. When Dr. Barton is not working, he spends time volunteering with the Disaster Relief Committee of The Red Cross."

Less Respectable Victim: “The victim, Mr. Tom Barton, is a 44 year old dishwasher who has lived in the community for almost 4 months. Since dropping out of high school, Mr. Barton has worked as an unskilled laborer. He and his wife are divorced and she has sole custody of their two children. When Mr. Barton is not working, he spends time drinking at the Inwood Tavern.”

Assault severity was also manipulated between subjects (low, moderate, high). The participants were provided descriptions of what constitutes assault (descriptions were from the New Jersey Criminal Code). When assault severity was low, respondents read, “Under New Jersey Law, a person is guilty of assault if he attempts by physical menace to put another in fear of imminent serious bodily injury.” When assault severity was moderate, respondents read, “Under New Jersey Law, a person is guilty of assault if he attempts to cause or purposely, knowingly or recklessly causes bodily injury to another.” When assault severity was high, respondents read, “Under New Jersey Law, a person is guilty of assault if he “attempts to cause serious bodily injury to another, or causes such injury purposely or knowingly.”

Participants were also provided with the details of the assault (the latter ranged from 70-75 words, depending on condition). More specifically, in the low-assault-severity condition, “Doug raised his fist to (Mr./Dr.) Barton and yelled at (Mr./Dr.) Barton loudly, “Don’t you dare tell me what to do. I’ll show you who’s boss. Just try and say one more word to me and I’ll make sure that you never walk or speak again!” Doug then ran and left his victim standing in the street. Someone passing by saw what had happened to (Mr./Dr.) Barton and ran over and called the police.” In the moderate assault-severity condition, “Doug punched (Mr./Dr.) Barton once in the face. (Mr./Dr.) Barton fell to the ground. Doug then ran and left his victim lying in the street. Someone passing by saw the victim lying in the street and called the police and an ambulance. The ambulance came and rushed the victim to the nearest hospital. (Mr./Dr.) Barton received treatment for a broken nose and was released from the hospital later that afternoon.” In the high assault-severity condition, “Doug kicked and punched (Mr./Dr.) Barton repeatedly even after (Mr./Dr.) Barton fell to the ground. Doug then ran and left his victim lying in the street. Someone passing by saw the victim lying in the street and called the police and an ambulance. The ambulance came and rushed the victim to the nearest hospital. (Mr./Dr.) Barton was listed in critical condition. He required three operations and ended up spending almost four weeks in the hospital.”

The questionnaire provided participants with the following questions (presented in the order shown). Unless otherwise specified, questions were rated on eleven-point scales with higher numbers indicating more of the characteristic of interest. Participants rendered a verdict ("guilty" or "not guilty"), indicated the certainty of their verdict, and rated how guilty they perceived the defendant to be. Participants also rated the credibility and persuasiveness of the defendant’s defense, the defendant’s level of honesty and their impression of the defendant and the victim. Participants rated the degree to which the defendant and victim were responsible for the attack, the degree to which the defendant was responsible for his condition, as well as how much control the defendant had over his actions and over his condition. Participants indicated how likely they would be, as a juror, and how likely it would be for a jury as a whole (12 people) to accept the defendant’s condition as an excuse for his behavior. Participants were asked how sorry they

feel for the victim and for the defendant. Participants were then told to assume that the defendant was found guilty and asked what sentence would they recommend given these circumstances. Participants were asked to choose a sentence from 0 months to 5 years (options were provided in 6 month increments—participants were told that specifying parole and psychological treatment was beyond their jurisdiction and that they should assume that psychological treatment would be available to the defendant while he's in prison). Finally, participants were asked to rate the severity of the assault.

Procedure

After signing an informed consent form, participants were instructed to assume the role of a juror, read a description of a case and trial and then answer a questionnaire. The case and trial summary was available to participants as they answered all questions. Upon completion of the questionnaire, participants were debriefed.

Results

For all the scaled variables and for sentence, parametric methods were used to test for differences between groups. Specifically, for each of these dependent measures, a 2 x 2 x 3 Analysis of Variance (ANOVA) was conducted to determine the overall main and interactive effects of excuse-defense type, victim-respectability level and assault-severity level. Tukey's HSD was used to make all comparisons between means. For the verdict measure, logistic regression was used with the same basic design. Only significant effects and interactions will be presented. Descriptive statistics for each dependent variable are presented in Table 1.

Table 1. Proportions of Guilty Verdicts, Means, and Standard Deviations for all Variables

Type of Excuse		Posttraumatic Stress Disorder						Cocaine Dependency Disorder					
Assault Severity		Low		Moderate		High		Low		Moderate		High	
Victim Respectability		Less	Highly	Less	Highly	Less	Highly	Less	Highly	Less	Highly	Less	Highly
Defendant's Resp. for Condition (MC)	*M* =	3.72	2.62	4.75	4.00	3.16	3.16	9.55	9.50	9.58	9.61	9.78	10.32
	SD =	2.82	2.09	3.21	2.60	1.98	2.04	2.16	1.88	1.81	1.72	1.99	1.06
Impression of Victim (MC)	*M* =	4.56	6.95	5.95	7.05	5.37	8.37	5.65	6.15	4.74	7.72	5.61	8.68
	SD =	2.48	2.58	2.33	2.01	1.98	1.74	1.87	2.48	1.85	1.97	2.45	1.83
Severity of Assault (MC)	*M* =	3.28	3.14	4.85	4.11	7.90	7.84	3.30	3.70	4.39	5.11	8.00	9.16
	SD =	2.24	2.31	2.13	1.76	1.91	1.46	2.11	2.00	1.82	2.42	1.46	1.50
Verdict		.33	.33	.65	.68	.68	.68	.40	.65	.84	1.00	.89	.89
Guilt Level	*M* =	4.78	4.86	6.98	6.74	6.68	7.11	5.55	5.40	8.26	9.33	7.89	8.74
	SD =	2.80	2.97	2.80	2.85	1.92	2.36	2.82	3.25	2.56	1.09	2.19	1.88
Verdict Certainty	*M* =	8.17	8.38	7.53	7.53	6.95	7.74	8.20	7.50	8.16	9.44	8.11	8.53
	SD =	1.69	1.77	2.58	2.34	1.43	1.37	1.58	2.31	1.86	1.54	1.88	1.65
Sentence	*M* =	.86	.57	1.05	1.18	1.76	1.32	.65	1.15	1.25	1.11	2.33	2.08
	SD =	1.05	.66	1.17	1.03	1.46	.85	.52	1.43	1.07	1.08	1.58	1.07
Credibility of Defense	*M* =	6.72	8.05	5.93	6.00	7.53	6.00	5.70	5.35	4.16	4.89	4.72	5.16
	SD =	2.65	2.20	2.81	1.97	2.25	2.26	2.32	2.62	2.09	2.65	2.82	2.91
Persuasiveness of Defense	*M* =	6.94	7.38	5.95	5.84	6.53	6.00	4.75	4.95	4.11	3.61	4.56	4.32
	SD =	2.39	2.84	2.20	2.04	1.84	2.08	2.20	1.82	2.23	2.23	2.53	2.69
Defendant's Honesty Level	*M* =	7.28	8.29	7.10	7.11	7.11	6.84	7.30	7.05	7.53	6.56	6.17	6.63
	SD =	2.02	2.05	2.40	2.08	2.23	1.83	2.00	2.11	2.53	2.26	2.48	2.34

Impression of Defendant	*M* =	6.11	7.00	6.05	5.74	6.05	5.68	5.65	5.50	4.68	4.44	4.44	4.97
	SD =	1.45	1.58	1.93	1.15	1.96	1.42	1.76	1.40	1.60	1.58	2.01	1.93
Defendant's Resp. for Attack	*M* =	6.78	6.67	8.10	7.95	7.37	7.63	6.35	7.05	9.00	9.50	8.33	9.53
	SD =	2.29	2.35	2.63	2.25	1.86	2.03	2.39	2.33	2.03	1.54	2.54	1.47
Defendant's Cont. Over Actions	*M* =	5.67	5.24	5.70	6.53	5.84	6.21	6.55	6.65	6.95	8.78	7.56	7.84
	SD =	2.38	2.51	3.16	2.97	2.87	2.23	2.46	2.64	2.86	1.40	2.60	2.50
Defendant's Cont. Over Cond.	*M* =	3.50	3.52	4.65	4.58	4.37	3.63	5.65	6.40	6.95	5.06	6.17	7.42
	SD =	1.79	2.46	3.48	2.22	2.89	2.11	2.76	3.35	3.08	3.12	3.33	1.98
Sympathy for Defendant	*M* =	5.61	6.86	5.95	5.21	5.95	6.58	4.75	4.55	4.00	3.83	3.44	4.92
	SD =	2.79	2.27	2.70	1.99	2.04	1.54	2.38	2.28	2.33	2.33	2.20	2.83
Victim's Resp. for Attack	*M* =	6.72	6.33	5.25	4.95	4.74	3.42	6.40	6.15	6.05	3.22	4.83	4.21
	SD =	2.19	2.29	2.45	2.46	2.42	2.50	2.23	2.16	2.78	2.02	2.31	2.46
Sympathy for Victim	*M* =	3.61	4.86	5.00	5.58	6.26	8.87	4.90	4.15	5.11	6.83	6.06	8.58
	SD =	2.30	2.46	2.29	2.59	2.45	1.33	3.13	2.66	2.75	2.85	2.34	2.04
Juror Acceptance	*M* =	5.78	6.95	5.30	4.74	5.26	5.11	4.80	4.65	3.47	2.83	3.83	3.37
	SD =	2.29	2.64	2.98	2.18	2.60	2.36	2.57	2.54	2.95	2.04	2.60	2.54
Jury Acceptance	*M* =	5.33	5.29	5.40	5.16	5.21	4.63	4.75	4.65	4.32	2.83	3.78	4.37
	SD =	2.11	2.22	2.21	1.46	2.04	1.64	2.15	2.18	1.92	1.58	1.90	2.45

Note: MC = manipulation check, Resp. = Responsibility, Cond. = Condition.

Manipulation Checks

All manipulations were successful in that differences were perceived as intended. The rating of the defendant's level of responsibility for his condition was considered the manipulation check for the excuse self-inflictedness level variable. As expected, the defendant was seen as more responsible for CDD (M = 9.72, SD = 1.79) as opposed to PTSD (M = 3.56, SD = 2.54), F (1, 218) = 456.66, $p < .0001$, $\eta^2 = .68$.

The check of the victim-respectability manipulation indicated that, as intended, participants had a more favorable impression of the highly respectable victim (M = 7.47, SD = 2.27) than the less respectable victim (M = 5.33, SD = 2.18), F (1, 218) = 58.60, $p < .0001$, $\eta^2 = .21$. Assault severity also affected victim impression ratings, F (2, 218) = 5.78, $p < .004$, $\eta^2 = .05$. Participants had a more favorable impression of the victim when the assault was high in severity (M = 7.03, SD = 2.50) as opposed to low (M = 5.87, SD = 2.48) (a crime of moderate severity yielded a mean of 6.34 (SD = 2.31) that was not significantly different from the other means). The above effects are qualified by a three-way interaction, F (2, 218) = 3.73, $p < .03$, $\eta^2 = .03$. An examination of the cell means (see Table 1) revealed that participants overall had a better impression of the highly respectable than the less respectable victim. In addition, when the defendant assaulted a highly respectable victim and offered either excuse, as the severity of the assault increased, participants had a more favorable impression of the victim. A different pattern emerged for less respectable victims. In this case, when the excuse was PTSD, respondents had a more positive impression of the victim when the assault was moderately severe, but when the excuse was CDD, respondents had a more negative impression of the victim when the assault was moderately severe.

The manipulation check for assault-severity level indicated that participants saw differences in assault-severity level as we intended. The assault in the low-severity condition was rated as less severe (M = 3.35, SD = 2.14) than the assault in the moderate-severity (M = 4.61, SD = 2.05) and high-severity (M = 8.23, SD = 1.66) conditions with moderate and high conditions also rated as different from each other, F (2, 217) = 126.90, $p < .0001$, $\eta^2 = .54$. Interestingly, this ANOVA also revealed an interaction between the type of excuse defense and level of victim respectability, F (1, 217) = 4.27, $p < .05$, $\eta^2 = .02$. The assault was seen as most severe when a defendant with CDD attacked a highly respectable victim (M = 5.97, SD = 3.07) and least severe when a defendant with PTSD attacked a highly respectable victim (M = 4.97, SD = 2.76). (The means for the following two conditions were not significantly different from the other means—less respectable victim/PTSD excuse: M = 5.34, SD = 2.81; less respectable victim/CDD excuse: M = 5.16, SD = 2.70).

Judgments of Guilt

Participants were asked to render a verdict and rate the defendant's level of guilt. Verdict was analyzed using a logistic-regression model with the same components as the ANOVA models (with main effects of excuse type, victim respectability, and assault severity and the interaction of these effects). This analysis revealed a main effect for

type of excuse, Wald $\chi 2$ (1, N = 230) = 11.56, $p < .0008$, Cramer's $\Phi = .22$. When the defendant presented CDD as his excuse, 77% provided guilty verdicts; 56% provided guilty verdicts when PTSD was the excuse. In addition, when the assault was low in severity, 43% rendered a guilty verdict; an assault of moderate or high severity yielded 79% guilty verdicts, Wald $\chi 2$ (2, N = 230) = 29.80, $p < .05$, Cramer's $\Phi = .25$.

As for the continuous measure of guilt, participants rated the defendant with CDD as more guilty ($M = 7.47$, $SD = 2.83$) than the defendant with PTSD ($M = 6.19$, $SD = 2.77$), F (1, 218) = 15.97, $p < .0001$, $\eta^2 = .07$. In addition, participants perceived the defendant as less guilty when the assault-severity level was low ($M = 5.15$, $SD = 2.93$) as opposed to moderate ($M = 7.80$, $SD = 2.62$) or high ($M = 7.60$, $SD = 2.20$), F (2, 218) = 26.65, $p < .0001$, $\eta^2 = .20$ (the means for moderate and high severity conditions were not significantly different from each other).

When rating verdict certainty, participants indicated that they were more certain of their verdict when the defendant had CDD ($M = 8.31$, $SD = 1.88$) versus PTSD ($M = 7.72$, $SD = 1.94$), F (1, 218) = 6.06, $p < .02$, $\eta^2 = .03$. This main effect was moderated by an interaction between excuse-defense type and assault-severity level, F (2, 218) = 4.54, $p < .02$, $\eta^2 = .04$. When the assault was low in severity, the type of excuse seemed to similarly affect ratings (PTSD: $M = 8.28$; $SD = 1.72$; CDD: $M = 7.85$, $SD = 1.98$). On the other hand, when the assault increased in severity, participants were more certain of their verdict when the defendant had CDD (moderate: $M = 8.78$, $SD = 1.81$; high: $M = 8.32$, $SD = 1.75$) as opposed to PTSD (moderate: $M = 7.53$, $SD = 2.44$, high: $M = 7.34$, $SD = 1.44$).

Sentencing

The defendant with CDD was assigned a longer sentence ($M = 1.42$ years, $SD = 1.29$) than the defendant with PTSD ($M = 1.12$ years, $SD = 1.11$), F (1, 217) = 4.27, $p < .04$, $\eta^2 = .02$. There was also a main effect of assault severity, F (2, 217) = 18.14, $p < .0001$, $\eta^2 = .14$. When the assault was most severe, the assigned sentence was the longest ($M = 1.87$ years, $SD = 1.30$); this sentence was significantly different from that assigned to the defendant who committed a moderately severe assault ($M = 1.15$ years, $SD = 1.07$) and the least severe assault ($M = .80$ years, $SD = .99$) (the latter two did not significantly differ from each other).

Credibility and Persuasiveness of Defense

When rating the credibility of the defense, as expected, participants saw the PTSD defense as more credible ($M = 6.72$, $SD = 2.47$) than the CDD defense ($M = 5.01$, $SD = 2.57$), F (1, 218) = 27.24, $p < .0001$, $\eta^2 = .11$. Assault-severity levels also affected perceptions of defense credibility, F (2, 218) = 4.62, $p < .02$, $\eta^2 = .04$. As hypothesized, the defense was seen as more credible when the attack was less severe ($M = 6.47$, $SD = 2.63$) as opposed to moderately severe ($M = 5.26$, $SD = 2.49$); the highly severe condition was not significantly different from the other two conditions ($M = 5.87$, $SD = 2.74$).

Participants were also asked how persuasive they thought the provided defense was. PTSD was seen as a more persuasive defense (M = 6.45, SD = 2.29) than CDD (M = 4.40, SD = 2.28), F (1, 217) = 46.70, $p < .0001$, $\eta^2 = .18$. In addition, participants were more persuaded by the defense when assault severity was low (M = 6.00, SD = 2.59) as opposed to moderate (M = 4.89, SD = 2.37) with a high-severity level eliciting mean ratings that were not significantly different from the others (M = 5.36, SD = 2.45), F (2, 217) = 4.78, $p < .01$, $\eta^2 = .04$.

Ratings of the Defendant

Participants were asked to rate their impression of the defendant. Participants were more favorably impressed with the defendant with PTSD (M = 6.12, SD = 1.64) than with the defendant with CDD (M = 4.97, SD = 1.75), F (1, 218) = 27.63, $p < .0001$, $\eta^2 = .11$. Participants also had a more favorable impression of the defendant who committed an assault of low severity (M = 6.08, SD = 1.64) versus an assault of moderate severity (M = 5.25, SD = 1.71) or high severity (M = 5.30, SD = 1.91), F (2, 218) = 6.09, $p < .003$, $\eta^2 = .05$ (moderate- and high-severity conditions were not significantly different from each other).

Participants were also asked to rate the level of defendant responsibility for the attack as well as the defendant's control over his actions and condition (the defendant's responsibility for his condition rating was presented earlier as a manipulation check). When participants rated the defendant's level of responsibility for the attack, they indicated that they saw the defendant with CDD as more responsible for the attack (M = 8.25, SD = 2.39) than the defendant with PTSD (M = 7.41, SD = 2.27), F (1, 218) = 9.32, $p < .003$, $\eta^2 = .04$. The defendant was perceived as less responsible for the attack when the attack was less severe (M = 6.71, SD = 2.31) versus moderately severe (M = 8.62, SD = 2.22) or highly severe (M = 8.21, SD = 2.14); moderate- and high-severity conditions were not different from each other, F (2, 218) = 16.77, $p < .0001$, $\eta^2 = .13$.

The person with CDD was rated as having more control over his actions (M = 7.36, SD = 2.53) than the person with PTSD (M = 5.85, SD = 2.68), F (1, 218) = 19.84, $p < .0001$, $\eta^2 = .08$. Assault-severity level had an effect on these ratings, F (2, 218) = 3.16, $p < .05$, $\eta^2 = .03$. The defendant was perceived as having the least amount of control over his actions when the assault was low in severity (M = 6.03, SD = 2.53), and relatively more control when the assault was moderate in severity (M = 6.95, SD = 2.88) or high in severity (M = 6.85, SD = 2.65) although note that Tukey's post hoc test did not reveal differences between means (a less conservative test may reveal differences between means).

When participants rated the defendant's control over his condition, only the defendant's excuse affected the ratings, F (1, 218) = 37.11, $p < .0001$, $\eta^2 = .15$. The defendant with

CDD was seen as having more control over his condition (*M* = 6.28, *SD* = 3.01) than the defendant with PTSD (*M* = 4.04, *SD* = 2.56).

When participants were asked how sorry they felt for the defendant, they indicated that they felt less sorry for the defendant with CDD (*M* = 4.27, *SD* = 2.41) than for the defendant with PTSD (*M* = 6.04, *SD* = 2.28), *F* (1, 218) = 33.26, *p* < .0001, η^2 = .13.

Ratings of the Victim

Participants rated the victim's responsibility for the attack. The victim was seen as more responsible when the attack was less severe (*M* = 6.39, *SD* = 2.19) versus moderately severe (*M* = 4.90, *SD* = 2.61) or highly severe (*M* = 4.29, *SD* = 2.44), *F* (2, 218) = 16.34, *p* < .0001, η^2 = .13 (moderate and high conditions were not significantly different from each other). The victim's level of respectability also had an impact on these ratings. The less respectable victim was seen as more responsible for the attack (*M* = 5.67, *SD* = 2.47) than the highly respectable victim (*M* = 4.77, *SD* = 2.58), *F* (1, 218) = 9.30, *p* < .003, η^2 = .04.

Participants were asked how sorry they felt for the victim. Assault severity affected these ratings with all conditions significantly different from each other. When the victim was involved in a highly severe assault, participants felt the most amount of sympathy (*M* = 7.46, *SD* = 2.41); participants felt a more moderate level of sympathy when the assault was moderately severe (*M* = 5.61, *SD* = 2.67) and the least amount of sympathy when the assault was the least severe (*M* = 4.41, *SD* = 2.66), *F* (2, 218) = 29.68, *p* < .0001, η^2 = .21. Victim respectability also affected these ratings with participants feeling more sorry for the highly respectable victim (*M* = 6.43, *SD* = 2.94) than for the less respectable victim (*M* = 5.16, *SD* = 2.65), *F* (1, 218) = 16.39, *p* < .0001, η^2 = .07. These main effects were moderated by a significant interaction between assault severity and victim respectability, *F* (2, 218) = 4.26, *p* < .02, η^2 = .04. In this case, when assault severity was low, participants felt similarly sorry for the highly respectable and less respectable victims (highly respectable: *M* = 4.51, *SD* = 2.55; less respectable: *M* = 4.29, *SD* = 2.81), but when assault severity increased, sympathy increased more for the highly respectable victim than for the less respectable victim (moderate severity/highly respectable: *M* = 6.19, *SD* = 2.76; moderate/less respectable: *M* = 5.05, *SD* = 2.49; high severity/highly respectable: *M* = 8.72, *SD* = 1.70; high severity/less respectable: *M* = 6.16, *SD* = 2.36).

Likelihood of Juror and Jury Acceptance

Participants were asked how likely they would be, as jurors, and how likely it would be for a jury as a whole to accept the defendant's condition as an excuse for his behavior. When answering the former question, participants indicated that they would be more accepting of the PTSD excuse (*M* = 5.54, *SD* = 2.58) than of the CDD excuse (*M* = 3.85, *SD* = 2.60), *F* (1, 218) = 25.53, *p* < .0001, η^2 = .11. Assault-severity level also affected these ratings, *F* (2, 218) = 7.11, *p* < .002, η^2 = .06. Participants were signifi-

cantly more likely to accept the defendant's excuse when the assault was low in severity (*M* = 5.56, *SD* = 2.65) as opposed to moderate or high in severity (moderate: *M* = 4.12, *SD* = 2.72; high: *M* = 4.40, *SD* = 2.61); the means for the moderate and high severity conditions were not significantly different from each other.

When participants were asked how likely it would be for a jury to accept the defendant's condition as an excuse, only the type of excuse affected ratings, F (1, 218) = 15.69, $p < .0001$, $\eta^2 = .07$; as above, participants thought a jury would be more likely to accept PTSD (*M* = 5.17, *SD* = 1.95) than CDD (*M* = 4.14, *SD* = 2.11).

Correlations

In order to better understand the relationships between trial outcome variables (i.e., verdict, verdict certainty, level of guilt and sentence) and possible predictor variables, we conducted a series of correlations (see Table 2).[2]

[2] Note that the level of guilt measure is a good continuous representation of the dichotomous verdict outcome.

Table 2. Correlations Between Trial Outcome Measures and Measures of the Defendant, Victim, and Excuse.

	Verdict	Verdict Certainty	Level of Guilt	Sentence
Impression of Victim	.27 (.0001)	.14 (.04)	.30 (.0001)	.11 (.12)
Def. Resp. for Condition	.30 (.0001)	.27 (.0001)	.32 (.0001)	.20 (.003)
Severity of Assault	.32 (.0001)	.03 .70	.36 (.0001)	.54 (.0001)
Credibility of Defense	-.41 (.0001)	-.19 (.005)	-.45 (.0001)	-.19 (.004)
Persuasiveness of Defense	-.47 (.0001)	-.17 (.01)	-.48 (.0001)	-.23 (.0006)
Juror Acceptance of Excuse	-.53 (.0001)	-.23 (.0005)	-.57 (.0001)	-.31 (.0001)
Gen. Acceptance of Excuse	-.19 (.005)	-.06 (.35)	-.23 (.0007)	-.07 (.27)
Def. Resp. for Attack	.58 (.0001)	.33 (.0001)	.62 (.0001)	.26 (.0001)
Def. Control Over Actions	.33 (.0001)	.27 (.0001)	.34 (.0001)	.13 (.06)
Def. Control Over Cond.	.31 (.0001)	.25 (.0002)	.32 (.0001)	.18 (.006)
Sympathy for the Defendant	-.32 (.0001)	-.13 (.06)	-.27 (.0001)	-.29 (.0001)
Defendant's Honesty Level	-.29 (.0001)	.03 (.61)	-.31 (.0001)	-.30 (.0001)
Impression of Defendant	-.40 (.0001)	-.07 (.29)	-.37 (.0001)	-.40 (.0001)
Manipulativeness of Def.	.13 (.05)	.04 (.52)	.11 (.09)	.37 (.0001)
Victim's Resp. for Attack	-.32 (.0001)	-.10 (.15)	-.34 (.0001)	-.18 (.006)
Sympathy for Victim	.28 (.0001)	.12 (.09)	.30 (.0001)	.28 (.0001)

Note. Def. = Defendant, Resp. = Responsibility, Gen. = General. Verdict is a point-biserial correlation with "not guilty" = 0 and "guilty" = 1. All other correlations are Pearson product moment correlations.

Participants were asked to rate excuse defenses using a variety of measures, and these measures generally correlated with trial outcomes. Specifically, excuse credibility and persuasiveness were negatively correlated with all of our trial outcomes (i.e., the more credible and persuasive the excuse, the less severe the outcome for the defendant). Jurors' acceptance of the excuse showed a similar pattern, although interestingly, jurors' indication of how willing a jury would be to accept the excuse defense was only correlated with verdicts and level of guilt ratings.

Not surprisingly, the defendant's responsibility for his attack and condition, and his control over the attack and condition, were generally positively correlated with trial outcomes (e.g., the more the defendant was seen as responsible for his excusing condition, the more guilty verdicts were rendered). On the other hand, sympathy for the defendant, participants' impression of the defendant, and ratings of the defendant's honesty level were generally negatively correlated with trial outcomes.

Perceptions of the victim also tended to be correlated with trial outcomes. Specifically, the impression of the victim was positively correlated with verdict, verdict certainty, and level of guilt, but not with sentence. Generally, the more respectable the victim, the less favorable the outcome for the defendant. Verdict, verdict certainty, and sentencing were all negatively correlated with the victim's responsibility for the attack, thus higher ratings of victim responsibility were generally associated with more favorable outcomes for the defendant (akin to comparative negligence). Sympathy for the victim also correlated with trial outcomes; as sympathy for the victim increased, guilt-level ratings, the number of guilty verdicts and sentence length increased.

We also asked jurors to rate the level of assault severity. This rating was positively correlated with verdicts, guilt level, and sentences, but not with verdict certainty.

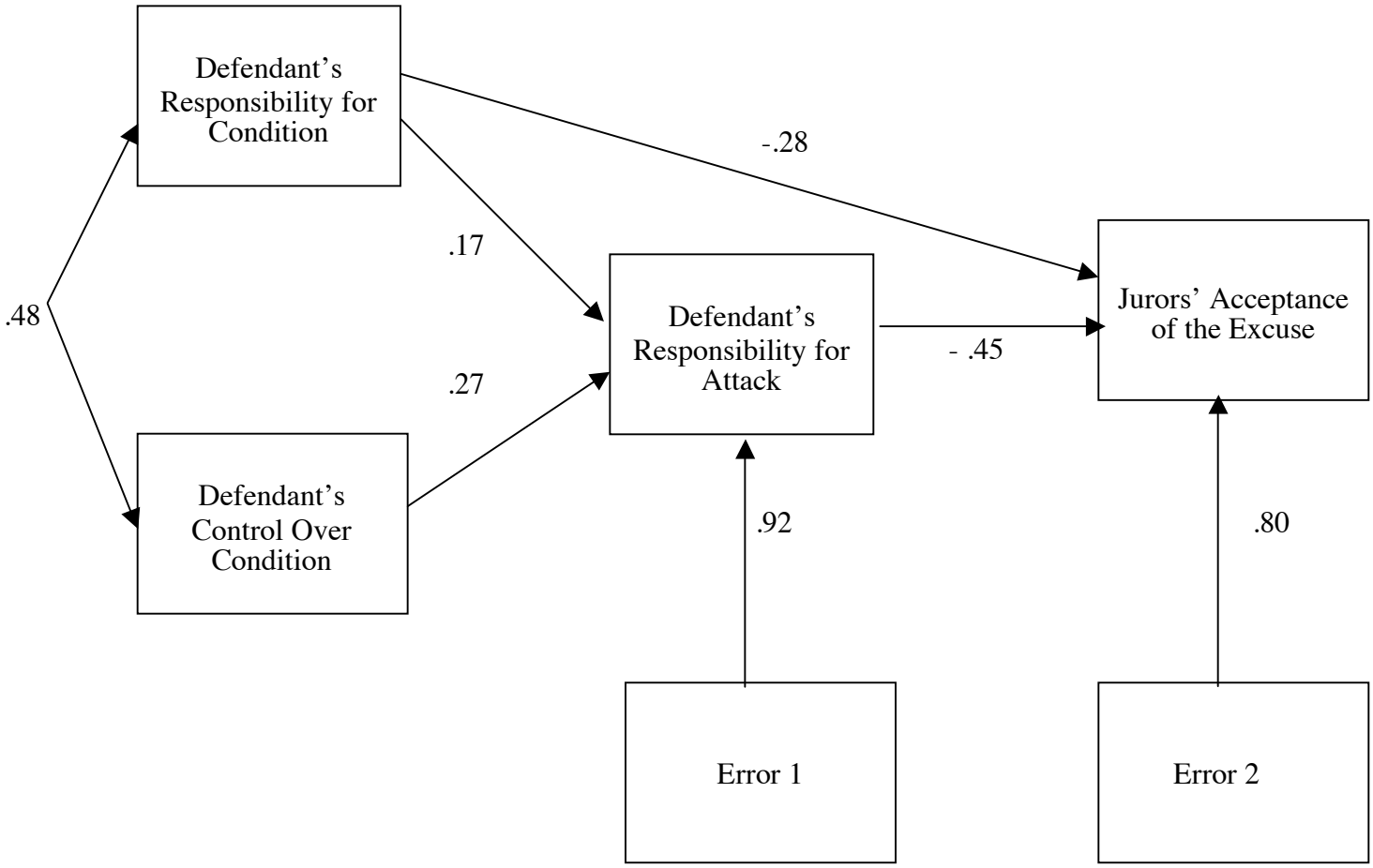
Path Analyses of Mock Jurors' Perceptions

In Heath et al. (2001), we performed an initial exploration of the relationships between perceptions of the victim and defendant and perceptions of the excuse defense using path analyses. We found that the effects of the defendant's responsibility for his condition are an important influence, acting upon perceptions of the excuse defense both directly and indirectly. In its indirect path, the defendant's responsibility for his condition affected perceptions of the defendant's responsibility for the attack that in turn affected perceptions of the excuse defense. In addition, the defendant's control over his condition indirectly affected perceptions of the defense through perceptions of how responsible the defendant is seen for the attack.

We sought to investigate further how our respondents view these variables. As a first step, we replicated our previous excuses-path models (Heath et al., 2001) to determine their robustness (see e.g., Figure 1). In the model to predict credibility of the defense, we found that all path coefficients are significant, and two of the three fit indices are above the .90 criteria (Bentler's [1989]) comparative fit index (CFI) = .98; Bentler & Bonett's (1980) normed fit index (NFI) = .97). Although the non-normed index (NNFI) at .88 is not above the .90 criterion for a good fit, and the chi-square is significant ($\chi 2$ (1, N = 230) = 4.44, $p < .04$), both of these indicators are very close. A similar pattern was

obtained when we used persuasiveness of the defense as the outcome variable. Again, we found that all path coefficients are significant, but only two of the three fit indices are above the .90 criteria (Bentler's [1989]) CFI = .97; Bentler & Bonett's (1980) NFI = .96; Bentler & Bonett's (1980) NNFI = .81), and the chi square is significant ($\chi 2$ (1, N = 229) = 7.15, $p < .008$), thus there is some systematic variance that is not explained by these models. In the final replication model, all the criteria for a good model fit were obtained when acceptance of the excuse was used as the outcome variable. In this case, all path coefficients were significant and all of the three fit indices are above the .90 criteria (Bentler's [1989]) CFI = .99; Bentler & Bonett's (1980) NFI = .99; Bentler & Bonett's (1980) NNFI = .97); in addition, the chi-square was not significant ($\chi 2$ (1, N = 230) = 1.96, $p < .17$). Overall these analyses support the path model developed earlier (Heath et al., 2001). Although not all fit indices met the criteria, the analyses suggest a reasonably good fit considering that they represent a test of the model in an independent sample.

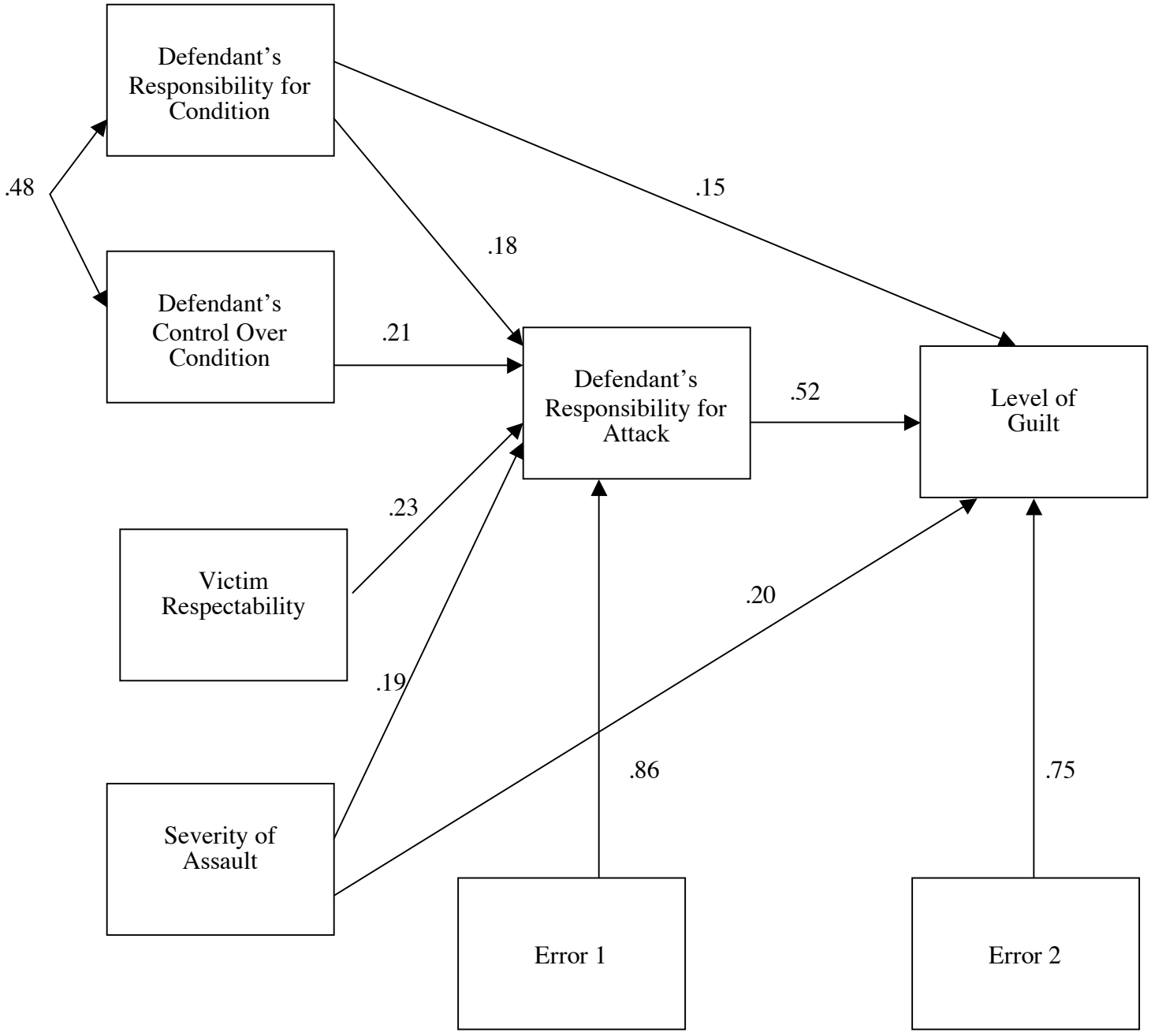
Figure 1. Replication of the Heath et al. (2001) model with jurors' acceptance of the excuse used as the outcome variable.



A second set of path analyses was designed to extend the model to include not only how the excuses act upon the jurors' perception of the defendant and then the defense in general, but also how all three of the independent measures (excuse type, victim respectability, and assault severity) acted on the main trial outcomes (level of guilt and sentence). The initial model for the level of guilt was constructed by adding both victim respectability and assault severity as direct effects. This model suggests that these effects act as moderators; in other words they act directly on the perceptions of guilt with intervening variables. This direct effects-only model did not produce an acceptable fit; all the fit indices (CFI, NFI, NNFI) were less than .90. The t-tests for the paths were all significant indicating that both victim respectability and assault severity do have a direct effect on level of guilt, although the chi-square test (X^2 (3, 230) = 29.81, p < .0001) indicates that there remains significant unexplained variance.

To adjust the model, both the residual matrix and the standardized path coefficients were examined. The residual matrix suggested that there was significant unexplained variance between both victim respectability and assault severity and the defendant's responsibility for the attack. In addition, the standardized path coefficient for the direct-effects path between victim respectability and level of guilt was only .10 indicating that very little of the systematic variance was explained by this path. This leads to a final model that includes indirect paths from defendant's responsibility for condition, victim respectability, assault severity, and defendant's control over condition to defendant's responsibility for the attack and direct paths from defendant's responsibility for condition and assault severity to level of guilt. This model provides a good fit with a non-significant chi-square (X^2 (3, 230) = 4.58, p < .21). For this model the path coefficients were found to be significant as shown by t-tests and all of the fit indices were greater than .90 (Bentler's [1989]) CFI = .99; Bentler & Bonett's (1980) NFI = .98; Bentler & Bonett's (1980) NNFI = .97). The final path model for level of guilt is presented in Figure 2.

Figure 2. Final model for level of guilt.

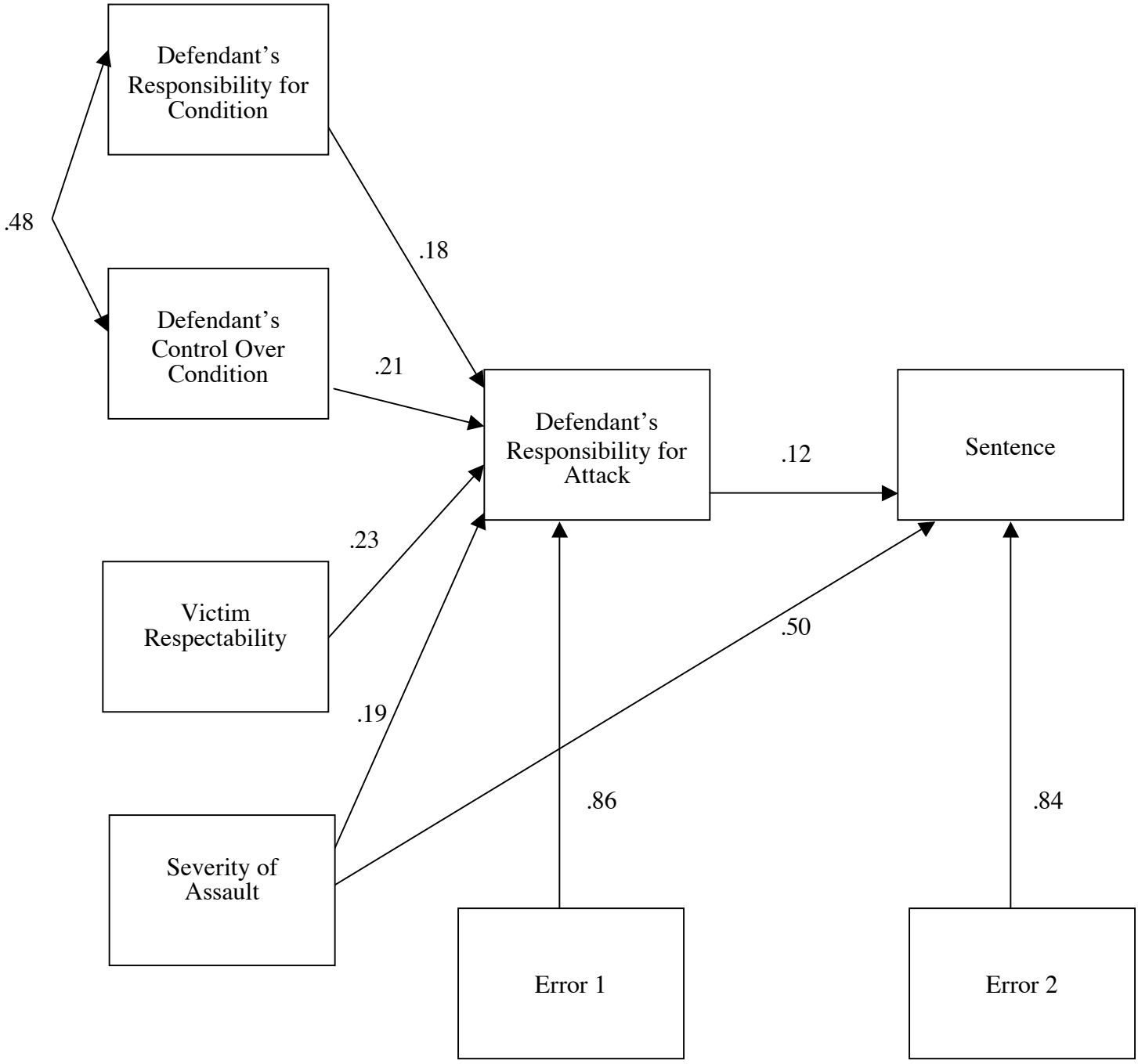


The initial model for sentence was constructed by adding both victim respectability and assault severity as direct effects or moderators. This direct-effects model did not produce an acceptable fit; all the fit indices (CFI, NFI, NNFI) were less than .90. There were also non-significant paths based on the t-tests and a significant chi-square test (X^2 (3, 230) = 29.71, $p < .0001$).

Once again, to adjust the path model, both the residual matrix and the standardized path coefficients were examined. Again the residual matrix indicated that there was significant unexplained variance between both victim respectability and assault severity and the mediating variable of defendant's responsibility for the attack. The standardized path coefficients suggested that direct paths between both defendant's responsibility for condition and victim respectability were not explaining a meaningful amount of the variance (i.e., both values were below .10) and the t-tests for these path coefficients were non-significant. Therefore the new model includes paths from defendant's responsibility for condition, victim respectability, assault severity, and defendant control over condition to the mediating variable of the defendant's responsibility for the attack, and then only paths from assault severity and defendant's responsibility for the attack to sentence. This model provides a good fit with a non-significant chi-square (X^2 (3, 229) = 4.58, $p < .13$), significant path coefficients, and fit indices all greater than .90 (Bentler's [1989]) CFI = .99; Bentler & Bonett's (1980) NFI = .97; Bentler & Bonett's (1980) NNFI = .94). The final path model for sentence is presented in Figure 3.[3]

[3] Note that when models were tested which included victim-related variables of victim's responsibility for the attack and sympathy for the victim, the models produced an unacceptable fit despite the fact that sympathy for the victim and victim responsibility for the attack correlate with victim respectability and the outcome variables.

Figure 3. Final model for sentence.



Discussion

As demonstrated in previous research (e.g., Heath et al., 2001), the excuse's level of self-inflictedness had an impact on decisions; the more self-inflicted excuse of CDD was seen as a less credible and persuasive defense than the less self-inflicted excuse of PTSD. Even though the stated symptoms of the presented disorders are the same, the defendant with CDD versus PTSD received more guilty verdicts, higher guilt-level ratings and longer sentences. Furthermore, our mock jurors had a better impression of the defendant with PTSD versus CDD, and they felt more sorry for the defendant with PTSD. They also felt more certain of their verdict when the defendant was a cocaine addict and they indicated that they, as jurors, would be less likely to accept a CDD defense than a PTSD defense, and thought that a jury would feel the same way.

Clearly the defendant with CDD was judged less favorably overall than the defendant with PTSD. Additional ratings help explain these findings. The defendant with CDD as opposed to PTSD was seen as having relatively more control over and responsibility for both his actions and condition, and our mock jurors clearly were more inclined to help one (i.e., provide a not guilty verdict) who is less responsible for his problems (see e.g., Barnes, Ickes, & Kidd, 1979 for a discussion regarding some of the conditions that influence the likelihood of being helped). This represents a replication and extension of Heath et al. (2001) for the latter also found that control and responsibility for one's condition affects attributions of defendant responsibility (also see e.g., Graham, Weiner, & Sahar Zucker, 1997).

The assault severity manipulation also had an impact. As expected, a defendant who committed a less severe assault had fewer guilty verdicts, lower guilt-level ratings, and shorter sentences relative to those who committed assaults that were more severe. Correspondingly, the defendant was seen as less responsible for and as having less control over the attack when the attack was less rather than moderately or highly severe. We had expected this more favorable impression of the defendant who commits the less severe assault because of the results of Walster (1966) who found that people blamed an accident perpetrator more when the accident was severe rather than minor.

Views of the excuse defense itself were also affected by assault severity. The defense offered was seen as more credible and persuasive when the attack was less rather than moderately severe. Participants also indicated that they were more likely to accept an excuse when the assault was less rather than moderately or highly severe. This is only partial support for our hypotheses (we expected to find differences in acceptance of CDD versus PTSD, not just excuses in general); it is congruent with the work of Bailis et al. (1995) who found that people were more willing to accept an insanity defense for less rather than for more serious crimes.

Perceptions of assault severity also varied depending on who was attacking and who was being attacked. The assault was seen as most severe when a defendant with CDD hurt a highly respectable victim and least severe when a defendant with PTSD hurt a highly respectable victim. There is previous evidence to suggest that perceptions of the

individuals taking part in an altercation can affect one's perception of the severity of the attack. More specifically, Shotland and Straw (1976) found that when two people who were fighting were thought to be strangers, as opposed to married, the fight was perceived as more "damaging" to the woman (the fights were actually identical) (*p*. 990).

Participants also had a better impression of the defendant who committed an assault of low versus moderate or high severity. These impressions are congruent with Sanderson, Zanna, and Darley's (2000) speculation that presenting details regarding crime severity influence attributions about the defendant's personality.

The impression of the victim was impacted by the assault-severity level too; participants had more sympathy for and a better impression of one who was the victim of a highly versus a less severe assault. More importantly, the victim's level of blame for the attack varied as a function of assault-severity level. When the attack was less as opposed to moderately or highly severe, the victim was seen as more responsible. Of course, the victim's level of responsibility, objectively speaking, didn't change. The victim provoked the defendant equally in all conditions (i.e., bumping into the defendant and yelling at him); it was the defendant that changed the severity of the attack. Heath et al. (2001) found that, when the victim was stated to have some responsibility for the defendant's condition, he was then perceived as having some responsibility for an attack. In this case, mock jurors seemed to make decisions using the concept of comparative negligence, a shared responsibility for the crime. As the victim's level of responsibility increased, the defendant received a shorter sentence. When the defendant in Heath et al.'s (2001) study attacked one with no responsibility for the defendant's condition (i.e., equivalent to the present experiment's stimuli), then the defendant's level of responsibility for and control over his condition appeared to be the primary factors in influencing how the defendant was sentenced (i.e., shorter sentences for those with a more self-inflicted excuse defense). So why should the victim's perceived level of responsibility for the attack change with the severity of the attack here when the victim's actions do not actually change? To understand the changes in the ratings of the victim's level of responsibility for the attack, it is important to keep in mind the differences in the three levels of the assault. The less severe assault is a verbal assault; in this scenario, the victim accidentally walks into the defendant; the victim then shouts "watch where you're going," and the defendant yells back a threat. Yelling at the defendant can be seen as provocation and the defendant's response can be seen as a proportional response. In the other two assault conditions, the defendant's response is physical, hitting the victim once (moderate assault) or severely beating the victim (severe assault). As the assault becomes more severe, the victim is seen as less responsible; the victim still yells, but now the defendant attacks with a greater vengeance. Relatively speaking, the victim looks good, and the responsibility ratings reflect this more positive image. The victim was not responsible for such a severe assault.

We also anticipated that the victim's respectability level would have an impact on ratings (recall Dershowitz's [1994] view that excuse defenses would be more successful when the victim was disliked). It did have a direct impact on ratings of the victim (path analyses revealed that victim respectability had an indirect influence on ratings of the defendant's guilt and sentence; these analyses will be discussed below). Specifically, participants had a better impression of and more sympathy for the victim who was portrayed

as highly as opposed to less respectable. The respectability manipulation affected views of the victim in an additional and quite an interesting way. The less respectable victim was seen as more responsible for the attack than the more respectable victim, when of course, their contributions were equivalent. Much of the relevant literature has used rape as the presented crime, and although the present results are consistent with what many others have found (e.g., Feldman-Summers & Lindner, 1976; Karuza & O'Carey, 1984; McCaul, Veltum, Boyechko, & Crawford, 1990), there have been mixed findings with regard to this relationship (e.g., see Jones & Aronson, 1973 for the "original" research on this issue and see e.g., Kerr & Kurtz, 1977; Kahn et al., 1977 for some of the "debate" that ensued as a result).

The impression of the victim seems to be part of a relatively complex relationship, as it was affected by a combination of assault severity, victim respectability, and the type of excuse presented. Participants did have a better overall impression of the highly respectable than the less respectable victim. In addition, for highly respectable victims attacked by either defendant, impression ratings improved as assault severity increased. This pattern did not occur for the less respectable victim. In this case, when the excuse was PTSD, respondents saw the victim most favorably when the assault was moderately severe, but when the excuse was CDD, respondents had a relatively negative impression of the victim when the assault was moderately severe.

Both victim-respectability and attack-severity levels also influenced participants' level of sympathy for the victim. For less severe attacks, participants felt equally sorry for both victims, no matter how respectable, but when assault severity increased, sympathy increased more for the highly as opposed to the less respectable victim.

Victim characteristics have been shown to directly affect decisions that concern the defendant (e.g., Greene et al., 1998), but here the victim-respectability manipulation acts primarily on ratings regarding the victim, not the defendant. This pattern has been seen before. For example, Schuller and Hastings (2002) found that prior-history evidence in a rape case influenced judgments of the victim's credibility, but did not influence decisions regarding the defendant's guilt. The present study's finding that victim characteristics tend to impact judgments of the victim, and not the defendant could be due to low power; alternatively, it could be a valid result, reassuring to those who have argued that whom one hurts should have no bearing on the punishment of the defendant (e.g., see Phillips, 1997). Unfortunately, there is little research overall regarding the influence of victim characteristics on jurors' decisions (Devine, Clayton, Dunford, Seying and Pryce, 2001), thus general conclusions regarding the impact of these characteristics is not yet possible.

The path analyses provide information regarding how excuse defenses change perceptions of the defendants and how those changes impact trial outcomes. We replicated a model first put forth by Heath et al. (2001). This model suggests that two components of excuses are needed for the excuses to be seen as credible. First, excuses are more effective if the person offering the excuse is perceived as less rather than more responsible for the excusing condition. This first component of an excuse acts both directly and indirectly (by changing the perception of the defendant's responsibility for his actions) on excuse credibility. A second component is the extent to which the defen-

dant has control over his condition; this factor also acts by changing the perception of the defendant's responsibility for the act.

While Heath et al. (2001) focused on perceptions of excuse defenses, the current study extends the model to examine how an excuse interacts with other factors that have been shown to influence juror decisions (i.e., crime severity, victim respectability). The best model for level of guilt shows that defendant's responsibility for condition and assault severity had both direct and indirect effects on level of guilt. In contrast, the best model for sentence has only assault severity having both indirect and direct effects. All other effects are mediated by perceptions of the defendant's responsibility for his attack. Perceptions of the victim only influenced outcomes indirectly, acting on perceptions of the defendant's responsibility for his attack. While victim respectability is correlated with victim sympathy and victim's responsibility for the attack, these additional victim variables were not found to mediate the effect of victim respectability on the main outcome variables of level of guilt and sentence.

One possibility for future research is an investigation of how juror characteristics might affect decisions. For example, there is evidence to suggest that different "types" of observers may view cases differently. Specifically, Acock and Ireland (1983) demonstrated that observers' sex-role attitudes should be considered when attempting to understand how people attribute blame in rape cases. There is also evidence to suggest that characteristics of mock jurors can affect perceptions of excuse defenses. Higgins, Heath, and Grannemann (2007) found that older adults (ages 55-90), compared to younger adults (ages 18-46) were more certain of their verdicts when defendants provided excuses, and saw the defendant as more responsible for his condition. This tendency for older adults to make stronger dispositional attributions has been observed before (e.g., for a review see Blanchard-Fields, 1999). There have also been documented differences in how people attribute blame; these differences could be important when considering excuse defenses. For example, Rotter's (1966) internal/external locus-of-control theory is relevant as externals have been found to be more likely to endorse others' excuses (e.g., Wang & Anderson, 1994). Lerner's (e.g., 1980) just-world theory is also relevant as it predicts that those who have a stronger belief in a just world would likely see damage to and suffering of a "deserving" victim as less severe. Furthermore, in a recent review, Hafer and Bègue (2005) recognized the implications of Lerner's just-world theory to observers' reactions to perpetrators (i.e., not just victims). For example, those with a strong versus a weak belief in a just world have been found to show less sympathy for the perpetrator (O'Quin & Vogler, 1989). Thus, further investigation of how observers' attitudes might affect their judgments is warranted.

The present results can be included in the body of evidence demonstrating that the degree to which one is responsible for one's presented excuse can impact simulated jurors' decisions (e.g., Heath et al., 2001; Heath et al., 2003). In some of these studies, including the present study, excuse self-inflictedness was varied by presenting the highly self-inflicted excuse of CDD and the less self-inflicted excuse of PTSD. An important advantage of using these particular excuses is that the same set of symptoms ("a variety of physical and emotional symptoms including a heightened sense of irritability and paranoia") could realistically be used for both. One could argue that even though the stated symptomology is the same, CDD and PTSD differ in more ways than

just in degree of self-inflictedness. One might have less favorable views of a drug addict, for example, than for a war veteran, regardless of the self-inflictedness of the excuse presented. Converging evidence for the importance of self-inflictedness comes from research that has demonstrated, using different excuses, the importance of an excuse's self-inflictedness to decisions (e.g., Pasquale & Heath, 2000; Pasquale & Heath, 2001; Seidner & Heath, 2002). In addition, Thompson and Heath (2006) recently attempted to determine more definitively the impact of excuse self-inflictedness level on decisions. They presented just one excuse and varied how self-inflicted that excuse is. The defendant either elects to listen to music (i.e., highly self-inflicted) or is forced to listen to it because he shares a room with his older brother and the music is his brother's choice (i.e., less self-inflicted); he later blames that music for his crime. When the excuse was more versus less self-inflicted, participants saw the defendant as more guilty and more responsible for the attack. These results add support to the idea that the excuse's level of self-inflictedness affects judgments. Researchers may wish to pursue this further (e.g., see Mitchell, 1999 for ideas regarding the manipulation of culpability in insanity cases).

It is reasonable to ask whether the present findings can be generalized to an actual courtroom situation since features of this study differ from real-life court cases. The present research is similar to much of the research conducted in psychology and law (e.g., mock jurors reading written trial summaries—see Bornstein, 1999); research is conducted in this way due to the difficulties and ethical problems in manipulating variables during actual courtroom proceedings.[4] Thus, potentially limited generalizability is an acknowledged characteristic of research in psychology and law in general, although there is debate in the literature as to how severe this limitation is (e.g., Bray & Kerr, 1982; Kramer & Kerr, 1989).

If the present findings could be generalized to actual courtroom situations, what would be the practical implications of this work? This work suggests that one needs to recognize the complexity of factors that can affect jurors' decisions in cases in which an excuse defense is offered. Again consider our path analyses, which allow us to look at how variables may be working together. Specifically, consider the path analysis that uses "level of guilt" as its outcome variable, which is the closest approximation to a real-world verdict in our series of path analyses. This analysis reveals that the defendant's responsibility for the crime is not the sole determining factor of defendant guilt level. The extent to which a defendant is perceived as responsible for a crime is influenced by numerous factors such as how responsible the defendant is for the "excusing" condition, and the severity of the crime; each appears to have a direct impact on the defendant's perceived level of guilt. In addition, other variables seem to affect the defendant's per-

[4] It should be noted that presenting trial information in written form is a common methodology (e.g., see Bornstein, 1999) as it allows for a determination of study participants' views about the essential details of the story without being distracted by extraneous information (e.g., see Finkel, 2001). This technique is limited in external validity because in reality, the presentation of information in the courtroom is lengthier and richer in detail. It is unclear, however, how much of a concern this is as researchers have not generally found differences in results as a function of presentation methodology (e.g., see Bornstein, 1999 for a review).

ceived level of guilt in an indirect way. The present results suggest that how much the defendant seems responsible for and has control over his or her condition affects the defendant's perceived level of responsibility for the crime. Information about the nature of the victim as well as the severity level of the crime in question also appear to affect views of the defendant's responsibility for the crime. In summary, this analysis reveals the complexity of these types of decisions; players within the legal system should recognize the possibility of such complexity.

Morse (1995) has argued that identifying the cause for a particular action (e.g., stating that the defendant's psychological syndrome was the reason he or she committed the crime) does not excuse the action, yet our research suggests that jurors may see some excuses as more persuasive than others. Interestingly, the person who cannot control his excusing condition, is, in effect, more dangerous to society, but in our study they get a break; they are perceived as less guilty and are assigned a shorter sentence. On the other hand, the person who can control his condition would be less of a societal risk, and yet, our respondents are quite clear that a person who is able to, but chooses not to control his condition (e.g., one with CDD) is held more responsible. Simply speaking, we have a tendency to help those who cannot help themselves. Researchers may wish to extend this work to determine more definitively how different excuses under different circumstances affect jurors' perceptions.

References

Acock, A. C., & Ireland, N. K. (1983). Attribution of blame in rape cases: The impact of norm violation, gender, and sex-role attitude. *Sex Roles, 9,* 179-193.

Bailis, D. S., Darley, J. M., Waxman, T. L., & Robinson, P. H. (1995). Community standards of criminal liability and the insanity defense. *Law and Human Behavior, 19,* 425-446.

Barnes, R. D., Ickes, W., & Kidd, R. F. (1979). Effects of the perceived intentionality and stability of another's dependency on helping behavior. *Personality & Social Psychology Bulletin, 5,* 367-372.

Bentler, P. M. (1989). *EQS Structural Equations Program Model*. Los Angeles: BMDP Statistical Software.

Bentler, P. M., & Bonett, D. G. (1980). Significance tests and goodness of fit in the analysis of covariance structures. *Psychological Bulletin, 88,* 588-606.

Blanchard-Fields, F. (1999). Social schematicity and causal attributions. In T. M. Hess & F. Blanchard-Fields (Eds.), *Social Cognition and Aging* (pp. 219-236). San Diego, CA: Academic Press.

Bornstein, B. H. (1999). The ecological validity of jury simulations: Is the jury still out? *Law & Human Behavior, 23,* 75-91.

Bray, R. M., & Kerr, N. L. (1982). Methodological considerations in the study of the psychology of the courtroom. In N. L. Kerr & R. M. Bray (Eds.). *The Psychology of the Courtroom* (pp. 287-323). New York: Academic Press.

Burger, J. M. (1981). Motivational biases in the attribution of responsibility for an accident: A Meta-analysis of the defensive-attribution hypothesis. *Psychological Bulletin, 90,* 496-512.

Dershowitz, A. M. (1994). *The abuse excuse and other cop-outs, sob stories and evasions of responsibility.* Boston: Little, Brown and Company.

Devine, D. J., Clayton, L. D., Dunford, B. B., Seying, R., & Pryce, J. (2001). Jury decision-making: 45 years of empirical research on deliberating groups. *Psychology, Public Policy, and Law, 7,* 622-727.

Feldman-Summers, S., & Lindner, K. (1976). Perceptions of victims and defendants in criminal assault cases. *Criminal Justice and Behavior, 3,* 135-150.

Finkel, N. J. (2001). *Not fair! The Typology of Commonsense Unfairness.* Washington, DC: American Psychological Association.

Graham, S., Weiner, B., & Sahar Zucker, G. (1997). An attributional analysis of punishment goals and public reactions to O. J. Simpson. *Personality and Social Psychology Bulletin, 23,* 331-346.

Greene, E., Koehring, H., & Quiat, M. (1998). Victim impact evidence in capital cases: Does the victim's character matter? *Journal of Applied Social Psychology, 28,* 145-156.

Hafer, C. L., & Bègue, L. (2005). Experimental research on just-world theory: Problems, developments, and future challenges. *Psychological Bulletin, 131,* 128-167.

Heath, W. P., Grannemann, B. D., Peacock, M. A., & Dulyx, J. (2001). Effects of considering who and why the defendant attacked. *The Journal of Applied Social Psychology, 31,* 860-887.

Heath, W. P., Stone, J., Darley, J. M., & Grannemann, B. D. (2003). Yes, I did it, but don't blame me: Perceptions of excuse defenses. *The Journal of Psychiatry and Law, 31,* 187-226.

Higgins, P., Heath, W. P., & Grannemann, B. D. (2007). How type of excuse defense, mock juror age and defendant age affect mock jurors' decisions. *Journal of Social Psychology, 147,* 371-392.

Higgins, S. A. (1991). Post-traumatic stress disorder and its role in the defense of Vietnam veterans. *Law and Psychology Review, 15,* 259-276.

Jones, C., & Aronson, E. (1973). Attribution of fault to a rape victim as a function of respectability of the victim. *Journal of Personality and Social Psychology, 26,* 415-419.

Kahn, A., Gilbert, L. A., Latta, R. M., Deutsch, C., Hagen, R., Hill, M., McGaughey, T., Ryen, A. H., & Wilson, D. W. (1977). Attribution of fault to a rape victim as a function of respectability of the victim: A failure to replicate or extend. *Representative Research in Social Psychology, 8,* 98-107.

Karuza, J., Jr., & O'Carey, T. O. (1984). Relative preference and adaptiveness of behavioral blame for observers of rape victims. *Journal of Personality, 53,* 249-260.

Kerr, N. L., & Kurtz, S. T. (1977). Effects of a victim's suffering and respectability on mock juror judgments: Further evidence on the just world theory. *Representative Research in Social Psychology, 8,* 42-56.

Kerr, N. L., Bull, R. H. C., MacCoun, R. J., & Rathborn, H. (1985). Effects of victim attractiveness, care and disfigurement on the judgements of American and British mock jurors. *British Journal of Social Psychology, 24,* 47-58.

Kramer, G. P., & Kerr, N. L. (1989). Laboratory simulation and bias in the study of juror behavior. *Law and Human Behavior, 13,* 89-99.

Lerner, M. J. (1980). *The belief in a just world: A fundamental delusion.* New York: Plenum Press.

McCaul, K. D., Veltum, L. G., Boyechko, V., & Crawford, J. J. (1990). Understanding attributions of victim blame for rape: Sex, violence, and foreseeability. *Journal of Applied Social Psychology, 20,* 1-26.

Mitchell, E. W. (1999). Madness and meta-responsibility: The culpable causation of mental disorder and the insanity defence. *The Journal of Forensic Psychiatry, 10,* 597-622.

Morse, S. J. (1995). The "new syndrome excuse syndrome." Creation of criminal defenses based on psychological syndromes. *Criminal Justice Ethics, 14,* 3-15.

O'Quin, K., & Vogler, C. C. (1989). Effects of just world beliefs on perceptions of crime perpetrators and victims. *Social Justice Research, 3,* 47-56.

Pasquale, C. M., & Heath, W. P. (2000). *How defendant sexual orientation, defendant gender and excuse type affect jurors' decisions.* Paper presented at the 71st annual meeting of the Eastern Psychological Association, Baltimore, MD.

Pasquale, C. M., & Heath, W. P. (2001). *Effects of defendant sexual orientation, victim attractiveness level and type of excuse defense on mock juror decisions.* Paper presented at the 72nd annual meeting of the Eastern Psychological Association, Washington, DC.

Phillips, A. (1997). Thou shalt not kill any nice people: The problem of victim impact statements in capital sentencing. *American Criminal Law Review, 35,* 93-118.

Robbennolt, J. K. (2000). Outcome severity and judgments of "responsibility:" A meta-analytic review. *Journal of Applied Social Psychology, 30,* 2575-2609.

Rotter, J. B. (1966). Generalized expectancies for internal versus external control of reinforcement. *Psychological Monographs, 80,* 1-28.

Sanderson, C. A., Zanna, A. S., & Darley, J. M. (2000). Making the punishment fit the crime and the criminal: Attributions of dangerousness as a mediator of liability. *Journal of Applied Social Psychology, 30,* 1137-1159.

Schuller, R. A., & Hastings, P. A. (2002). Complainant sexual history evidence: Its impact on mock jurors' decisions. *Psychology of Women Quarterly, 26,* 252-261.

Sealy, A. P., & Wain, C. M. (1980). Person perception and jurors' decisions. *British Journal of Social and Clinical Psychology, 19,* 7-16.

Seidner, K. A., & Heath, W. P. (2002). *Effects of defendant remorse level and type of excuse defense on mock jurors' decision making.* Paper presented at the American Psychology-Law Society Biennial Conference (Division 41), Austin, TX.

Shotland, R. L., & Straw, M. K. (1976). Bystander response to an assault: When a man attacks a woman. *Journal of Personality and Social Psychology, 34,* 990-999.

Sykes, C. J. (1992). *A nation of victims: The decay of the American character.* New York: St. Martin's Press.

Thompson, M. J., & Heath, W. P. (2006). *The "blame the music" defense: Effects of varying excuse self-inflictedness, assault severity, and music genre on mock jurors' judgments.* Paper presented at the American Psychology-Law Society Conference (Division 41), St. Petersburg, FL.

Walster, E. (1966). Assignment of responsibility for an accident. *Journal of Personality and Social Psychology, 3,* 73-79.

Wang, D., & Anderson, N. (1994). Excuse-making and blaming as a function of internal-external locus of control. *European Journal of Social Psychology, 24,* 295-302.

Zamora v. State, 361 So.2d 776, at 777 (Fla.App. 1978).