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Comparing Teaching Aids for how to Evaluate Eyewitness testimony in a Criminal Case

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Comparing Teaching Aids for how to Evaluate Eyewitness Testimony in a Criminal Case

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Although eyewitness identifications are a common form of evidence presented in criminal trials, analyses of actual cases and studies of mock jurors suggest that people are not skilled at evaluating eyewitness accuracy. Laypeople tend to rely on factors that are not diagnostic of identification accuracy, such as the eyewitness's confidence, and they tend to underestimate factors that are diagnostic of identification accuracy, such as proper interview and lineup procedures. The present study compared the effects of three teaching aids on participants' sensitivity to eyewitness evidence in either a strong or weak eyewitness identification scenario. The interview-identification-eyewitness (I-I-Eye) experimental aid directed participants to first attend to how law enforcement interviewed the eyewitness, second evaluate the identification procedures, and third determine what eyewitness factors during the crime could have impacted the eyewitness's identification accuracy. The *Neil v. Biggers* control aid presented five criteria that are the current legal standard for evaluating eyewitness evidence. The Jury Duty control aid described aspects of the criminal trial process. The strong and weak transcript scenarios differed on factors relevant to the fairness of the eyewitness interview and the lineup (system variables). Participants were 293 undergraduate students. A 3 (teaching aid) x 2 (trial transcript strength), between-groups factorial design was employed. Participants in the I-I-Eye group rendered significantly more correct verdicts for the strong case and marginally more correct verdicts for the weak case

than those in either control group. Importantly, only the I-I-Eye participants demonstrated sensitivity by ruling guilty more often in the strong case (55%) than in the weak case (16%). Thus, the I-I-Eye participants not only learned about eyewitness factors, but were able to integrate this information with other case details so as to reach a correct verdict. Moreover, participants in the I-I-Eye group were more likely to list characteristics of the crime scene (estimator variables) and police procedures (system variables), and less likely to list the lack of forensic evidence in the case, as the reason for their verdict. We discuss how to use the I-I-Eye heuristic to teach laypersons and professionals in the criminal justice system how to evaluate eyewitness evidence.

This dissertation by Nell Pawlenko fulfills the dissertation requirement for the doctoral degree in Applied Experimental Psychology approved by Martin A. Safer, Ph.D., as Director, and by Deborah M. Clawson, Ph.D. and James H. Howard, Jr., Ph.D. as Readers.
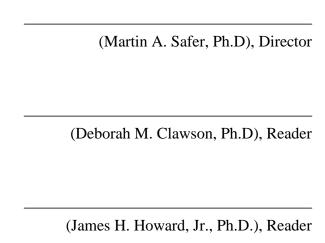
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Comparing Teaching Aids for how to Evaluate Eyewitness Testimony in a Criminal Case

Studies consistently report that eyewitness error is the leading cause of erroneous convictions (Wells, Small, Penrod, Malpass, Fulero, & Brimacombe, 1998). The criminal justice system depends on eyewitness evidence because it is often the only evidence available in a criminal case. However, analyses of actual cases and studies of mock jurors suggest that people are not skilled at evaluating eyewitness testimony. Thus, mock jurors tend to overestimate the accuracy of identifications, underestimate the importance of controllable factors such as how lineups are conducted, and base their decisions in part on weak indicators of accuracy, such as the eyewitness's memory for peripheral details and eyewitness confidence at the time of trial (Cutler & Penrod, 1995). The present study investigated a method, based on psychological research, for evaluating the accuracy of eyewitness testimony. The method aims to sensitize people to factors that influence eyewitness memory by directing their attention to information that is truly predictive of identification accuracy. Moreover, the method provides people with a framework for determining whether a particular eyewitness identification is more or less likely to be accurate. Cutler and Penrod (1995) state that the two components of sensitivity to factors that influence eyewitness memory are awareness of the manner in which a factor influences eyewitness memory (knowledge), and the ability to adjust and render decisions that reflect that knowledge (integration). The method seeks to bolster both knowledge and integration.

Problems with Juror Evaluations of Eyewitness Evidence

First, jurors tend to overestimate accuracy rates in eyewitness identification situations. Brigham and Bothwell (1983) found that 91% of respondents believed that half or

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more of eyewitness identifications were correct. This implies an underlying belief that eyewitnesses tend to be fairly accurate (Benton et al., 2007). However, when Cutler and Penrod (1995) examined identification accuracy rates in field experiments, they found that the average percentage of correct identifications across the studies was only 42% and the average percentage of false identifications was 36%. Thus, the average juror is likely to overestimate identification accuracy rates and underestimate false identification rates.

Second, jurors tend to underestimate the importance of controllable factors that affect identification accuracy. The justice system plays a critical role in the collection and preservation of eyewitness evidence because it controls how interviews and lineups are conducted. Shaw, Garcia, and McClure (1999) found that potential jurors rely on estimator variables (variables that can affect identification accuracy but over which the criminal justice system has no control) when weighing eyewitness accuracy much more than system variables (variables that the criminal justice system has control over). The researchers asked respondents to think about and explain what might affect their determination of eyewitness accuracy and to indicate their responses in an open-ended format. They provided six categories, which included the eyewitness (e.g., eyewitness attention), the eyewitness's testimony in court (e.g., consistency of reported information), the suspect, the crime situation (e.g., lighting conditions), the police questioning and identification procedures, and any other response they could generate. Overall, 84% of the responses focused on estimator variables (e.g., eyewitness attention and lighting conditions) and only 16% concerned system variables (e.g., fairness of the eyewitness interview and the lineup procedures). Thus, laypeople seem to underestimate the importance of good police procedures and perhaps fail to question

whether the police procedures in a case were fair and unbiased. System variables that can

reduce eyewitness error are important because they can be controlled in actual cases.

Moreover, considerable consensus exists about what procedures law officers should follow in

the collection and preservation of eyewitness evidence (Technical Working Group for

Eyewitness Evidence, 1999) (See Appendix A).

Third, jurors tend to rely on the wrong criteria when evaluating factors that affect

eyewitness identifications. Jurors tend to underestimate the importance of good indicators of

accuracy, such as non-suggestive interview questions and unbiased lineup procedures

(Benton et al., 2007; Cutler, Penrod, & Dexter, 1990). (See Appendix B for examples of

proper interview and lineup procedures.) Knowledge of this information has frequently failed

to influence juror verdicts (Benton et al., 2007; Cutler, Penrod, & Dexter, 1990). For

example, Wright, Carlucci, Evans, and Compo (2009) found that most people do not

recognize the bias inherent in non-double blind lineup procedures (e.g., those where the

lineup administrator knows who the suspect is) when assessing the guilt of a defendant. Thus,

most people do not evaluate double blind lineups (the eyewitness does not know if the

perpetrator will be in the lineup and the lineup administrator does not know who the suspect

is) differently from non-blind lineups when weighing the value of an identification. The

researchers therefore recommended that some instruction or education should be

implemented to warn people of the problems inherent in biased identification procedures.

Fourth, jurors tend to rely on eyewitness factors that may be weak indicators of

accuracy, such as the consistency of eyewitness testimony (Berman & Cutler, 1996), good

memory for peripheral details about the crime (Bell & Loftus, 1989), and the eyewitness's

confidence (Brigham & Bothwell, 1983) (See Appendix C). Eyewitnesses are typically

interviewed repeatedly between the time of the crime and the trial, thus there are many

opportunities for inconsistencies to occur. Such inconsistencies might be direct

contradictions or simply variations in the level of detail reported across interviews. Research

suggests that consistency of testimony is not a powerful predictor of eyewitness identification

accuracy, and yet potential jurors and the law view inconsistent eyewitness statements as

strong indicators of inaccurate testimony (Berman & Cutler, 1996; Brewer, Potter, Fisher,

Bond, & Luszcz, 1999). Furthermore, the relationship between memory for peripheral details

about a crime and identification accuracy is at best very weak and often nonexistent. In fact,

Cutler, Penrod, and Martens (1987) found that memory for peripheral details inversely

correlated with identification accuracy. Moreover, Bell and Loftus (1988) found that when

mock jurors read prosecution testimony which included many peripheral details, they were

more likely to find the defendant guilty than those who read the less detailed testimony.

Lastly, eyewitness confidence is highly malleable and post-event factors, such as suggestive

questioning and confirming feedback, can affect an eyewitness's confidence ratings but not

their identification accuracy. Therefore, by the time of trial, eyewitness confidence has little

probative value in assessing eyewitness accuracy (Wells et al., 1998). Overall, these studies

indicate that some of the factors that laypeople perceive as important to eyewitness accuracy

are not factors that are diagnostic of identification accuracy on the basis of research.

Moreover, factors that are diagnostic of eyewitness accuracy, such as proper interview and

lineup procedures, are not perceived as important by laypeople.

Response of the Legal System to Evaluations of Eyewitness Evidence

The legal response to these shortcomings has been to identify criteria for jurors to consider in cases involving eyewitness evidence and for judges to give legal instructions to the jurors. Both approaches have been found wanting in both logic and empirical support. For example, in one of the U.S. Supreme Court's final major decisions on identification reliability, the case of *Neil v. Biggers* in 1972, the Court delineated five eyewitness factors that the trier of fact must consider when making the determination of reliability: (a) the eyewitness's opportunity to view the perpetrator during the crime (e.g., proximity and duration of the crime); (b) the length of time between the crime and the subsequent identification; (c) the level of certainty demonstrated by the witness at the identification; (d) the accuracy of the eyewitness's prior description of the criminal; and (e) the eyewitness's degree of attention during the crime. The Court reasoned that satisfactory reports on these five criteria imply an accurate identification even if the procedures used in obtaining the identification were highly suggestive (see also *Manson v. Braithwaite,* 1977). The problem is that psychological research following the *Neil v. Biggers* decision has questioned the predictive value for 4 of the 5 admissibility criteria that the trier of fact is mandated to consider. Empirical studies indicate that only factor (b), the length of time between the crime and the identification, strongly predicts eyewitness accuracy in the manner assumed by the Supreme Court (Cutler & Penrod, 1995). Three of the five criteria, namely (a) view, (c) identification certainty, and (e) attention are retrospective self-reports that can be highly malleable in response to who is asking the question, the social desirability of the responses, and the need to appear consistent and credible (Wells & Quinlivan, 2009). View,

identification certainty, and attention can be distorted by suggestive procedures, such as post-event information from an interviewer or lineup administrator (Bradfield, Wells, & Olson, 2002). Several studies have identified post-event factors that significantly increase an eyewitness's confidence, factor (c), but not the accuracy of their identification testimony (Shaw & McClure, 1996). Regarding factor (d), the accuracy of pre-lineup descriptions can only be determined if that description is compared to the physical characteristics of the culprit, who may not be the defendant (Wells & Quinlivan, 2009). Therefore, the Court wrongly assumed that the defendant and the culprit are the same person, which is precisely what an identification procedure is trying to test.

Recognizing the problem of eyewitness error, the courts have designed procedures to serve as safeguards against erroneous convictions, including the presence of counsel during live lineups, motions to suppress identification evidence, cross examination of witnesses, expert testimony during a trial, and judges' instructions about how the jury should evaluate eyewitness testimony (Stinson, Devenport, Cutler, & Kravitz, 1996). However, except perhaps for expert testimony (Cutler & Penrod, 1995), there is no empirical support that these safeguards increase the probability of a correct verdict in cases involving eyewitness testimony, and therefore they are inadequate protection against eyewitness error (Stinson, Devenport, Cutler, & Kravitz, 1997). These safeguards are based on assumptions regarding attorneys', judges', and jurors' knowledge about factors that influence an eyewitness's identification accuracy. For instance, the motion-to-suppress safeguard allows defense attorneys who believe their client's identification procedure was overly suggestive to file a pretrial motion to suppress the identification evidence (Devenport, Kimbrough, & Cutler,

2009). This safeguard is effective only if judges and attorneys are knowledgeable about factors that influence lineup suggestiveness. However, most judges and attorneys have limited knowledge of the biases that indicate lineup suggestibility (See Appendix D). As a result, attorneys do not always submit motions to suppress identifications when they are warranted, and judges do not always grant motions to suppress when they should (Wise et al., 2007; Stinson et al., 1997).

Both state and federal courts in the United States have encouraged trial court judges to read instructions to jurors that specify factors they should consider when evaluating eyewitness evidence (Ramirez, Zemba, & Geiselman, 1996). As outlined earlier, in *Neil v. Biggers* (1972) the U.S. Supreme court listed five factors that should be contained in judge's instructions to the jury in cases where eyewitness evidence is central to the case. However, attempts to educate individuals about factors affecting eyewitness accuracy in specific cases, such as by reading *Telfaire* instructions to jurors, have also been unsuccessful and perhaps even counterproductive (Cutler & Penrod, 1995). Such instruction tends to make individuals skeptical of all eyewitness testimony (rejecting everything) rather than sensitive to the differences between testimony that is likely to be accurate versus inaccurate. For example, Greene (1988) examined the influence of the *Telfaire* instructions on participants' verdict and sensitivity to strong versus weak witnessing conditions (See Appendix E). Those who heard the weak identification evidence were unlikely to convict in both the *Telfaire* instruction (3%) and No *Telfaire* instruction (3%) conditions. However, among those who were evaluating a case with strong identification evidence, 42% of those who did not hear the *Telfaire* instructions convicted whereas only 6.5% of those who did hear the *Telfaire*

instructions convicted. One explanation for the significantly lower percentage of convictions among mock jurors who heard the *Telfaire* instructions, is the *Telfaire* instructions made mock jurors more skeptical of eyewitness testimony even when the identification evidence against the defendant was strong. In another study, Ramirez et al., (1996) conducted two experiments on *Telfaire* jury instructions (See Appendix E). Results showed that when participants heard *Telfaire* instructions at the end of the trial they were less sensitive to the eyewitness evidence, and this effect was to promote juror skepticism. Furthermore, participants recalled on average only 31% of the elements of the *Telfaire* instructions themselves. Overall, judges' instructions to jurors seem to be unsuccessful at educating and sensitizing jurors to factors that affect eyewitness accuracy and it is not clear how much attention jurors pay to them or even how much jurors remember of the instructions when deliberating the verdict (Ramirez et al., 1996).

A New Method for Evaluating Eyewitness Evidence

The present study investigated a method that aims to help jurors and others to be more sensitive to good versus poor eyewitness evidence. The method consists of the following components: First, evaluate whether law enforcement conducted eyewitness interviews in a manner that obtained the maximum amount of information from the eyewitness, did not contaminate the eyewitness's memory of the crime, or artificially increase the eyewitness's confidence. Second, ascertain whether the identification procedures used by law enforcement were fair and unbiased. Finally, evaluate what eyewitness factors during the crime could have impacted, either positively or negatively, the accuracy of the

eyewitness identification testimony. These three steps for evaluating eyewitness accuracy—

Interview, Identification, and Eyewitness factors (abbreviated as I-I-Eye) are based on

considerable empirical evidence and legal reasoning (Wise et al., 2007). The I-I-Eye method

attempts to direct an observer/juror/judge/attorney to attend much more carefully to how law

enforcement interviewed the eyewitness and how they conducted identification procedures,

rather than to more superficial factors that may be weak indicators of eyewitness accuracy,

such as self-assessments by the witness about how much he/she attended to the crime or how

confident he/she is about the identification (as in the *Neil v. Biggers* decision). Mock jurors

tend to base their decisions about eyewitness testimony on weak indicators of accuracy and

they tend to underestimate good indicators of accuracy. Theoretically, the value of the I-I-

Eye method for fixing what is wrong with what jurors rely on when evaluating eyewitness

testimony is that it increases peoples' awareness of factors that are predictive of eyewitness

accuracy. Furthermore, it provides a framework for which to render decisions which reflect

that knowledge.

The primary hypothesis was that learning about the I-I-Eye method, in the form of a

PowerPoint aid, before reading information about a criminal case involving eyewitness

testimony would sensitize participants to the quality of an eyewitness's testimony. All

participants read one of two versions of a criminal case trial transcript involving a robbery

and murder, along with the testimony of an eyewitness. (See Appendix F for a discussion of

trial presentation style and using student participants.) The weak identification transcript

contained information about police interview and lineup procedures (system variables) that

would likely diminish the eyewitness's identification accuracy, whereas the strong

identification transcript contained information about system variables that would likely enhance the eyewitness's identification accuracy. The estimator variables were the same in both transcripts.

It was expected that participants who received the I-I-Eye aid would render a higher number of "correct" verdicts (guilty verdicts for the strong transcript and not-guilty verdicts for the weak transcript) compared to two control groups (one of the control aids presented information about the five *Neil v. Biggers* criteria and the other presented information about jury duty). It was also expected that participants in the I-I-Eye group would identify a higher proportion of interview and lineup factors as reasons for their verdict. Finally, it was expected that participants in the I-I-Eye group would answer more questions correctly than those in the other two groups about specific factors from the case that may suggest either an accurate or false identification.

<center>**Method**</center>

Participants

Participants were 293 introductory psychology students from three universities.[1] A total of 170 (91 women, 79 men, mean age = 19.28, age range: 18 - 42 years) students at The Catholic University of America, 23 (10 women, 13 men, mean age = 19.17, age range: 18 - 21 years) students at Loyola University in Maryland, and 100 (76 women, 24 men, mean age = 19.62, age range: 18 - 35 years) students at The University of North Dakota completed the study. Students completed the study to fulfill a course requirement.

Design and Procedure

A 3 (teaching aid) x 2 (trial transcript case strength), between-groups factorial design was employed. The dependent measure was an original questionnaire. Participants viewed one of three teaching aids (see below), which were presented using PowerPoint. Participants next read either a weak or strong version of a trial transcript, and answered one of two questionnaires corresponding to the information in the transcript version. Appendix G provides the strong and weak trial transcripts and the two questionnaire versions. Across the three sites, participants were randomly assigned to study condition (teaching aid x transcript type). Participants completed the study individually so they could view the slideshow, read

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[1] Bornstein (1999) reviewed the methodological trends in jury decision-making studies and found that significant differences are rarely obtained when the responses of college students are compared with those of more representative samples of actual jurors (including those who have actually been selected for jury duty).

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the transcript, and complete the questionnaire at a comfortable pace. The researchers read instructions and debriefing information from a script, and the session lasted about one hour.

The study sign-up sheet informed participants that the purpose of the study was to learn more about how people make decisions when given information about a criminal case. Before obtaining informed consent, the researcher read a brief statement about the three main tasks that the participant would perform. Participants then viewed one of the three teaching aids, which took an average of 15 minutes. Each teaching aid (described below) consisted of 24 slides. All three teaching aids instructed the participant that they would soon be reading a trial transcript in which eyewitness testimony was presented. Participants next read one of two 27-page trial transcripts, which took an average of 30 minutes. Participants could not take notes on the slideshow or the transcript, and they could not return to the slideshow or transcript once completed. After reading the trial transcript, participants answered a series of questions about the transcript on a paper and pencil questionnaire, which took about 15 minutes. At the end of the session, the researcher read a one-paragraph debriefing statement that informed participants there were two transcript versions used in the study. The researcher also responded to questions participants had about the study.

Materials

Teaching aids.

Jury Duty aid. The Jury Duty teaching aid (abbreviated as JD) provided general information that a potential juror might be exposed to during a jury trial, such as the

importance of remaining impartial and weighing all of the evidence before reaching a conclusion. It also presented information about a defendant's right to a trial under the U.S. Constitution and a definition of different parties and legal terms, such as prosecution, defense, opening statements, cross examination, closing arguments, and jury instructions.

Neil v. Biggers aid. The Neil v. Biggers teaching aid (abbreviated as NvB) provided more specific information about eyewitness evidence than did the Jury Duty aid. Based on the eyewitness admissibility criteria established by the U.S. Supreme Court in *Neil v. Biggers* in 1972, it presented 5 main topics that the participant should consider when thinking about eyewitness testimony. The five topics were: the eyewitness's opportunity to view the perpetrator, the length of time between the crime and the subsequent identification, the level of certainty demonstrated by the eyewitness, the accuracy of the eyewitness's prior descriptions of the criminal, and the eyewitness's degree of attention during the crime.

I-I-Eye aid. The I-I-Eye teaching aid provided the most structured information, in that it directed the participant to evaluate eyewitness testimony in a specific order. This aid instructed the participant to follow three main steps: First, evaluate whether the eyewitness was interviewed properly. In doing so, the participant should make a determination about whether the interview was fair and the interviewing procedures unbiased. Second, evaluate whether identification procedures were conducted properly. The participant should consider whether the lineup was fair and the procedures unbiased. This aid cautioned the participant that if the interview and/ or the lineup were conducted in a suggestive or unfair manner, he or she should question the accuracy of the eyewitness's identification. Third, evaluate whether

the eyewitnessing conditions during the crime would permit an accurate identification. The participant should consider which factors at the crime scene would have made it easier or harder for the eyewitness to correctly identify the perpetrator. This aid instructed participants that even if the eyewitnessing conditions during the crime were somewhat poor, if the interview and lineup were conducted properly then the eyewitness may still be accurate.

Trial transcripts. Participants read one of two transcript versions, and both involved a convenience store robbery and murder of the store clerk. These transcripts were modifications of a transcript used in Stinson, Devenport, Cutler, & Kravitz (1996), as we wanted to use an established case. Each transcript began with the prosecution's and defense's opening statement. The sole eyewitness to the crime was called as the prosecution's first witness and she was then cross-examined. The police officer in charge of the investigation was then examined by the prosecution and cross-examined by the defense. Next, the defense examined and the prosecution cross-examined an alibi witness for the defendant. The defendant did not testify. Lastly, the prosecution and defense attorneys presented their closing arguments.

Witnessing, interview, and identification conditions. The transcripts had identical witnessing conditions. Both transcript versions contained identical estimator variables (variables that may affect the accuracy of an eyewitness, but over which the legal system has no control). The transcripts differed on 11 system variables (interview and lineup variables that are under the control of the legal system). The weak identification transcript contained system variables that were likely to diminish the eyewitness's identification accuracy. The

strong identification transcript contained system variables that were likely to enhance the eyewitness's identification accuracy. Differences were embedded within the 27-page transcript but there were also many identical system details so that the weak transcript was not uniformly weak and the strong transcript was not uniformly strong. For example, in both transcript versions there was a 3-week delay between the crime and the lineup procedure, the eyewitness saw only one lineup, and there was an identical response latency during the lineup (the eyewitness immediately made a lineup selection). The opening statements, alibi testimony, and closing arguments were identical in the two transcript versions.

Estimator variables. The two transcript versions contained identical estimator variables (see Appendix H for a complete description of these variables). These variables included: good lighting in the convenience store, the eyewitness's self report that she was paying attention, the eyewitness's self report that she viewed the perpetrator for 2 minutes during the crime, the eyewitness was hiding behind a bread rack and had a somewhat obstructed view of the perpetrator, the eyewitness's self report that she was approximately 15 to 20 feet from the perpetrator at the time of the crime, the eyewitness reported feeling stress at the time of the crime, the eyewitness and perpetrator were the same race, the eyewitness reported that she looked at the perpetrator's weapon, and the perpetrator was wearing a hat at the time of the crime.

System variables. The transcript versions differed on 11 system variables (See Table 1; Also see Appendix I for a more complete description of these variables).

Table 1

System Variables that were Varied between the Strong and Weak Transcripts

System Variable	Weak Transcript	Strong Transcript
1. Location of interview. [I]	Detective's office	Interview room
2. Leading interview questions. [I]	Yes	No
3. Whether the interviewing officer asked the eyewitness about media exposure. [I]	No	Yes
4. Instruction to the eyewitness to avoid discussing the crime and avoid media stories. [I]	No	Yes
5. Standardized lineup instructions. [L]	No	Yes
6. Number of lineup members. [L]	5	8
7. Description-matched lineup. [L]	No	Yes
8. Blind lineup administration. [L]	No	Yes
9. Cautionary instruction that the perpetrator may or may not be in the lineup. [L]	No	Yes
10. Statement of confidence taken immediately after the eyewitness's identification. [L]	No	Yes
11. Confirming feedback immediately after the identification. [L]	Yes	No

Note. [I] = Interview Variables which can affect the eyewitness's recall accuracy of the crime and the perpetrator as well as the amount of information recalled; [L] = Lineup Variables which can affect the eyewitness's identification accuracy of a criminal suspect.

Questionnaire. Participants completed one of two versions of the post-transcript questionnaire depending on the transcript that they read (weak or strong case). The researcher instructed participants to complete the sections in order and not return to sections already completed. The questionnaire consisted of five separate sections.

Section I of the questionnaire asked for judgments about the probability that the defendant shot the victim, the probability that the eyewitness's identification of the defendant was correct, the participant's verdict (guilty v. not guilty), and the participant's confidence rating that his or her verdict is correct.

To understand why and how a participant reached his or her verdict, Section II of the questionnaire was an open-ended task that assessed the influence of eyewitness facts relevant to the case transcript on the rendered verdict. For this section, participants listed up to ten reasons for their verdict in their own words. Two researchers coded all of the listed reasons separately. The researchers coded the questionnaires in a random order, and were blind to the teaching aid condition and the case transcript type. They coded each response as being in one of 15 categories using a list of possible common responses for each category. The 15 coding categories referred to: (1) estimator variables, (2) system variables: interview and lineup, (3) eyewitness selection, (4) the eyewitness's identification confidence, (5) the media or news exposure of the eyewitness after the crime, (6) the eyewitness, (7) the defendant, (8) the timeline of events, (9) the lack of forensic or physical evidence presented, (10) the fact that the only evidence against the defendant was based solely on the eyewitness's testimony, (11) the alibi testimony, (12) the police officer(s), (13) the attorneys, (14) ambiguous responses

that fell into more than one category, and (15) miscellaneous responses that did not fall into any of the categories (see Appendix J for a more complete description of the coding categories). Examples of the coding protocol included responses such as: "it was three weeks between the crime and the lineup" (lineup: delay), "the eyewitness's description did not change" (eyewitness evidence), "the defendant left his girlfriend's house around the time the crime was committed" (timeline), or "there was no DNA or fingerprint evidence found at the scene" (forensic evidence). We calculated the percent inter-rater/coder agreement for the coding of each response. The average inter-rater agreement for the coded responses (out of ten possible responses) was 97%.

Section III of the questionnaire asked about 19 aspects of the case that could have made it more or less likely that the eyewitness's identification was correct or that likely had no effect on her identification accuracy. Examples of the statements include, "Barbara Dunn (the eyewitness) was frightened while viewing the crime", "The physical appearance of the lineup members matched (or did *not* match for the weak case questionnaire) Barbara Dunn's (the eyewitness's) description of the perpetrator", "The officer who conducted the lineup told (or did *not* tell for the weak case questionnaire) Barbara Dunn (the eyewitness) that the perpetrator may not be in the lineup", and "Peter Brown (the defendant) was out of breath when he spoke to his girlfriend on the telephone." For these 19 items, participants rated the extent to which each case fact might have impacted the eyewitness's identification using a three-point rating scale (*this fact made it more likely for you to believe the eyewitness's identification was possibly wrong, this fact had no effect on what you believe about the*

eyewitness's identification, this fact made it more likely for you to believe that the eyewitness's identification was correct). These 19 items included estimator variables, system variables, a post-dictor item (confidence-accuracy), and facts about the case that were neutral. The question wording for the system variable items differed slightly on the weak questionnaire version and the strong questionnaire version because of the differences in the interview and lineup procedures between the transcript versions. The items were scored as correct or incorrect and the number of correct estimator, system, post-diction, and neutral items were compared for the three teaching aid groups. For example, if the respondent circled *this fact made it more likely for you to believe the eyewitness's identification was possibly wrong* to the statement "Barbara Dunn (the eyewitness) was frightened while viewing the crime," this was scored as a correct estimator variable response.

Section IV asked participants to rate the strength of the prosecution's case, the strength of the defense's case, the strength of the testimony given by the eyewitness in helping the prosecutor argue for the conviction of the defendant, and the strength of the defendant's girlfriend's testimony in helping the defense argue for the innocence of the defendant. This section also asked participants to provide an estimate of the number of wrongful felony convictions out of 100 that are due, at least in part, to eyewitness error.

Section V asked for demographic information (i.e., age, gender, year in school, jury duty experience, opinion about the better penalty for murder, exposure to eyewitness materials (read about, heard a lecture, took a course), and exposure to criminal activity.

Results

We report the principal results, which examined whether participants in the three aid groups differed in the percentage of correct verdicts rendered for the strong ("guilty" verdict) and weak ("not guilty" verdict) cases, whether they differed in their evaluations of the likelihood that the defendant shot the victim and the likelihood that the eyewitness made a correct identification for the strong and weak cases, and whether they differed in how they thought the average juror would rule for the strong and weak cases. We then summarize the content analysis for Section II of the questionnaire, where respondents gave up to ten reasons for their verdict decision. Lastly, we present the key findings from Section III of the questionnaire, which asked participants to determine whether 19 facts in the case might make it more or less likely to believe the eyewitness made an accurate identification, or whether the fact would have no effect on the eyewitness's identification accuracy.

Demographic Variables

We examined whether participants in the trial transcript conditions (strong, weak) as well as in the teaching aid conditions (I-I-EYE, NvB, JD) differed on the demographic variables provided by respondents in Section V of the questionnaire. Overall, the random assignment of participants to the six conditions appears to have produced comparable groups. See Appendix K for a comparison of transcript and teaching aid conditions on the demographic variables. We also compared the questionnaire responses for the three different university samples and the results mostly replicated across the three locations. There were five questionnaire variables that showed university differences and we further examined

whether there was a difference in overall guilty/ not guilty verdicts for these five variables. See Appendix L for an explanation of university sample differences. I chose to ignore the few sample differences in the results analysis since these differences did not affect the key results.

Trial Transcript Manipulation Checks

We also compared the two transcript scenarios on eight questionnaire items to check the strong versus weak scenario manipulation (See Appendix M for the relevant statistics). Overall, participants who read the strong case were marginally more likely to vote guilty, rated the eyewitness interview and lineup procedures as more fair, rated the testimony given by the eyewitness as stronger, and rated the testimony given by the alibi witness as stronger than those who read the weak case. Both groups similarly rated whether they found it surprising that the defendant did not testify in the case. One salient finding was that for ratings of the strength of the prosecution's case (on a scale of 1 = *very weak case* to 9 = *very strong case*), participants did not discern the stronger case of the prosecution for the strong case ($M = 6.24$, $SD = 1.45$) as compared to the weak case ($M = 5.92$, $SD = 1.75$), $t(291) = 1.67$, $p > .05$. Thus, even though participants recognized the police interview and lineup procedures as more fair in the strong case, they did not also appreciate that the prosecution's case was stronger in the strong case. We examined whether prosecution ratings correlated with interview and lineup ratings. Across the aid groups, if participants rated the interview or lineup as more fair in both the strong and weak cases, they also rated the prosecution's case as significantly stronger (See Appendix M).

Transcript and Teaching Aid Ratings

We examined whether there were differences among participants in the three teaching aid groups in ratings of how carefully participants reported reading the trial transcript, of how educational they found the teaching aid, and of how useful they found the aid when evaluating the case (See Appendix N for relevant statistics). Overall, all three aid groups reported reading the transcripts carefully. However, participants in the I-I-EYE group rated the teaching aid as significantly more educational than the JD group and marginally more educational than the NvB group. Moreover, compared to both the JD and NvB groups, the I-I-EYE group rated the aid as significantly more useful when evaluating the case. Thus, even though all groups had fairly high ratings for all three measures, the I-I-EYE group seemed to feel they learned something from the aid, more so than the other two groups.

Effects of Teaching Aids on Verdict

Strong case transcript. Our principal hypothesis was that participants who viewed the I-I-EYE aid would give more correct ("guilty" for the strong case) verdicts than those who viewed either the NvB or JD aids. This hypothesis was supported for participants who read the strong transcript. The percentage of those giving the correct verdict (guilty) was significantly different for the aid groups: I-I-EYE (55% correct), NvB (27% correct), and JD (30% correct), $F(2, 144) = 5.20$, $p = .007$, $\eta^2 = .07$. Dunnett's post hoc test[2] indicated that

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[2] For many of the ANOVA analyses run on the teaching aid variable we report the results of Dunnett's post hoc test. The rationale for using this test with the teaching aid ANOVAs was that our hypotheses compared each of the control aid groups (NvB and JD) to the experimental I-I-EYE aid group, and there was no interest in comparing the NvB and JD groups to each other. Thus, we report the results of the more powerful Dunnett's test (and not

participants in the I-I-EYE group had significantly more correct (guilty) verdicts than those in both the NvB, $t(144) = 2.92$, $p = .008$, $\eta^2 = .06$, and JD, $t(144) = 2.64$, $p = .017$, $\eta^2 = .05$, aid groups. This is the first time, to our knowledge, that instructions about how to evaluate eyewitness issues have increased guilty verdicts (See Table 2, row 1).

We also assessed whether participants who read the strong case transcript had higher confidence ratings (out of 100%) in their verdict depending on the aid they viewed and whether they ruled guilty or not guilty. A 2 x 3 ANOVA (Verdict [guilty, not guilty] x Teaching Aid [I-I-EYE, NvB, JD]) on confidence ratings revealed that there was a significant main effect for verdict on confidence: participants who gave a guilty (correct) verdict ($M = 80.71$, $SD = 14.46$) were more confident in their verdict decision than those who gave a not guilty (incorrect) verdict ($M = 76.36$, $SD = 14.51$), $F(1, 141) = 4.04$, $p = .046$, $\eta^2 = .02$. The main effect for teaching aid on verdict confidence was not significant among the I-I-EYE ($M = 77.67$, $SD = 15.51$), NvB ($M = 76.96$, $SD = 13.86$), and JD groups ($M = 79.28$, $SD = 14.56$), $F(2, 141) = .78$, $p > .05$. The interaction of verdict and teaching aid on confidence was also not significant, $F(2, 141) = 2.22$, $p > .05$. Thus, if participants correctly ruled guilty for the strong case they demonstrated more confidence in their verdict than if they incorrectly ruled not guilty. However, the type of teaching aid they viewed and the interaction of verdict and teaching aid did not significantly affect confidence ratings.

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the LSD post hoc test) for many of the analyses that involved teaching aid as the independent variable. Although we report the omnibus statistics when we report Dunnett's test, a significant omnibus test is not needed to calculate Dunnett's statistic (Howell, 2002; Maxwell & Delaney, 2003, p. 235-236).

Table 2

Percentage of Correct Verdicts by Case Type among the Three Teaching Aid Groups

Case Type	I-I-EYE Aid	NvB Aid	JD Aid	Combined NvB and JD Aids
Strong Case (correct is guilty)	55%	27%**	30%*	29% **
Weak Case[a] (correct is not guilty)	84%	64%	70%	67% *
Combined Strong and Weak Case	69%	46%**	50%**	48% **

[a] For the weak case, the difference between the I-I-EYE and NvB groups in percentage of correct verdicts was marginally significant at $p = .053$. The difference between the I-I-Eye and the combined NvB and JD group data was significant for the percentage of correct verdicts at $p < .05$.

* $p < .05$ for that aid group versus the I-I-EYE group using Dunnett's test.

** $p < .01$ for that aid group versus the I-I-EYE group using Dunnett's test.

Weak case transcript. Our other principal hypothesis, that participants who viewed the I-I-EYE aid would give more correct ("not guilty" for the weak case) verdicts for the weak case than those who viewed either the NvB or JD aids, was also partially supported. The omnibus test, which examined differences in correct verdicts among the three aids, approached significance: I-I-EYE (84% correct), NvB (64% correct), and JD (70% correct), $F(2, 143) = 2.54$, $p = .082$, $\eta^2 = .03$. Using Dunnett's post hoc test, the I-I-EYE group had marginally more correct verdicts for the weak transcript than the NvB group, $t(143) = 2.21$, $p = .053$, $\eta^2 = .03$. There was not a significant difference in correct verdicts between the I-I-EYE and JD aid groups, $t(143) = 1.50$, $p > .05$ (See Table 2, row 2). The failure to find significant differences might be because of ceiling effects as approximately 67% of

participants in the two control groups (NvB, JD) gave correct verdicts. The percentage of participants in the I-I-Eye group (84%) who rendered the correct verdict for the weak case was significantly greater than in the combined control groups (67%), $t(144) = 2.15$, $p < .05$, $\eta^2 = .03$ (See Table 2, row 2).

We also found a main effect on verdict confidence ratings (out of 100%) depending on whether participants made a not guilty (correct) or guilty (incorrect) verdict decision for the weak case. However, it was the participants who incorrectly ruled guilty who demonstrated higher verdict confidence ($M = 83.23$, $SD = 12.12$) than those who correctly ruled not guilty ($M = 75.13$, $SD = 16.10$), $F(1, 140) = 6.19$, $p = .014$, $\eta^2 = .06$. The main effect for teaching aid on verdict confidence was not significant among the I-I-EYE ($M = 74.90$, $SD = 16.48$), NvB ($M = 77.90$, $SD = 13.73$), and JD groups ($M = 79.32$, $SD = 16.20$), $F(2, 140) = .54$, $p > .05$. The interaction of verdict and aid was also not significant, $F(2, 140) = .25$, $p > .05$. Thus, if participants incorrectly ruled guilty for the weak case they demonstrated more confidence in their verdict than if they ruled correctly. This finding might suggest that if participants commit to a guilty verdict "beyond a reasonable doubt," whether that verdict is "correct" or not, then they demonstrate more confidence in their ruling. Participants with some degree of doubt should therefore rule not guilty, and hence their verdict confidence should be lower.

Combined strong and weak transcripts. Combining participants who read the strong and weak case transcripts, the percentage of participants giving what was deemed to be a correct verdict (guilty verdict for those who read the strong case and not guilty verdict

for those who read the weak case), was significantly different for the three teaching aid groups: I-I-EYE (69% correct), NvB (46% correct), and JD (50% correct), $F(2, 290) = 6.54$, $p = .002$, $\eta^2 = .04$. Dunnett's post hoc test revealed that participants who viewed the I-I-EYE aid were more likely to make a correct decision than those who viewed either the NvB aid, $t(290) = 3.36$, $p = .002$, $\eta^2 = .04$, or the JD aid, $t(290) = 2.84$, $p = .009$, $\eta^2 = .03$. Thus, our hypothesis that the I-I-EYE group would demonstrate more correct verdicts than the other aid groups was supported (See Table 2, row 3).

There was a significant difference in combined case mean verdict confidence ratings for participants who ruled guilty (M = 81.77, SD = 13.51) or not guilty (M = 75.70, SD = 15.35) verdict decision, $F(1, 287) = 11.81$, $p = .001$, $\eta^2 = .04$. However, the difference in confidence ratings among the I-I-EYE ($M = 76.29$, $SD = 15.98$), NvB ($M = 77.44$, $SD = 13.73$), and JD groups ($M = 79.30$, $SD = 15.30$), $F(2, 287) = 2.01$, $p > .05$, and the interaction of verdict and aid on confidence, $F(2, 287) = .1.57$, $p > .05$, were not significant.

Moreover, not only did participants who viewed the I-I-EYE aid render more correct verdicts for the strong case, the weak case (borderline significant), and combining those who read the strong and weak cases, but they were also the only aid group that distinguished between the strong and weak cases in their verdicts. As shown in Table 3, for participants in the I-I-EYE group, there was a significant difference in the percentage of participants giving a guilty verdict for the strong (55%) versus weak (16%) cases, X^2 (1, N = 98) = 16.04, $p <$ .001, $V = .41$. The difference was not significant for the NvB (27% v. 36%), X^2 (1, N = 98) = .90, $p > .05$ or the JD (30% v. 30%) groups, X^2 (1, N = 97) = .00, $p > .05$. Therefore, only

participants who viewed the I-I-EYE aid appropriately showed discrimination between the

strong and weak cases by ruling guilty more often in the strong case and not guilty more

often in the weak case.

Table 3

Percentage of Guilty versus Not Guilty Verdicts among the Three Teaching Aid Groups for

those who Read the Strong and Weak Cases.

Aid Group	Guilty	Not Guilty
I-I-EYE Aid ***		
Strong Case	55%	45%
Weak Case	16%	84%
NvB Aid		
Strong Case	27%	73%
Weak Case	36%	64%
JD Aid		
Strong Case	30%	70%
Weak Case	30%	70%

*** $p < .001$ for that aid group for the association between type of case and verdict.

Evaluation of Evidence: Likelihood of Shooting and Identification Accuracy Ratings

In an effort to explain the results found in Table 3, we next examined whether there

were differences among participants in the three aid groups on the other questionnaire

measures.

Participants responded, on a 9-point Likert-type scale (1 = *extremely unlikely* to 9 =

extremely likely), to two questions asking about the likelihood that the defendant shot the

victim and the likelihood that the eyewitness correctly identified the defendant as the

perpetrator of the crime. We expected these two measures to serve as proxy measures for verdict in that participants with high ratings for these scales, indicating the defendant likely shot the victim and/ or the eyewitness likely made a correct identification, should be more likely to believe the defendant is guilty. Moreover, since the I-I-EYE group demonstrated more correct verdicts for both case transcripts, we expected the I-I-EYE group to have higher ratings for these measures for the strong case and lower ratings for the weak case.

Strong case transcript. A 2 x 3 ANOVA (Verdict [correct, incorrect] x Aid [I-I-EYE, NvB, JD]) on ratings for the *likelihood that the defendant shot the victim* indicated that there was a significant main effect for verdict decision on likelihood of shooting ratings: correct ("guilty") ($M = 6.80$, $SD = 1.21$) versus incorrect ("not guilty") ($M = 4.54$, $SD = 1.65$), $F(1, 141) = 76.12$, $p < .001$, $\eta^2 = .35$. The omnibus main effect for teaching aid on likelihood of shooting was not significant: I-I-EYE ($M = 5.57$, $SD = 1.77$), NvB ($M = 5.25$, $SD = 1.96$), and JD ($M = 5.34$, $SD = 1.86$), $F(2, 141) = .82$, $p > .05$. Dunnett's post hoc comparisons were also not significant for the I-I-EYE versus the NvB, $t(141) = 1.04$, $p > .05$, and the I-I-EYE versus the JD groups, $t(141) = .76$, $p > .05$. The interaction of verdict decision and aid was also not significant, $F(2, 141) = .05$, $p > .05$. Thus, participants who correctly ruled guilty for the strong case appropriately rated the likelihood of shooting as higher than those who ruled incorrectly. However, the teaching aid they viewed and the interaction of verdict decision and aid did not affect these ratings.

There was also a significant main effect for verdict decision on ratings of the *likelihood that the eyewitness made a correct identification* of the defendant: correct

("guilty") ($M = 6.71$, $SD = 1.55$) and incorrect ("not guilty") ($M = 4.87$, $SD = 1.92$), $F(1,$

$141) = 37.58$, $p < .001$, $\eta^2 = .20$. The main effect for teaching aid on the likelihood that the

eyewitness made a correct identification was not significant: I-I-EYE ($M = 5.63$, $SD = 1.97$),

NvB ($M = 5.58$, $SD = 2.08$), and JD ($M = 5.46$, $SD = 1.97$), $F(2, 141) = .96$, $p > .05$.

Dunnett's post hoc comparisons were also not significant for the I-I-EYE versus the NvB,

$t(141) = .13$, $p > .05$, and the I-I-EYE versus the JD groups, $t(141) = .48$, $p > .05$. The

interaction of verdict decision and aid was also not significant, $F(2, 141) = .10$, $p > .05$. Thus,

participants who correctly ruled guilty for the strong case appropriately rated the likelihood

that the eyewitness made a correct identification as higher than those who ruled incorrectly.

However, the teaching aid they viewed and the interaction of verdict decision and aid did not

affect these ratings. The results of these analyses indicate that even though the aid that

participants viewed affected their verdict decision for the strong case, the aid did not affect

(or was not sensitive to) these peripheral, non-verdict measures of evaluating the evidence in

the strong case. Therefore, for the strong case at least, it appears that it was the decision

criterion (the verdict reached) that was changed by the aid and not the evaluation of evidence

(ratings for the likelihood of shooting and likelihood of a correct identification).

Weak case transcript. We also found a main effect for verdict decision on *likelihood*

of shooting ratings for the weak case. Participants who correctly ruled not guilty ($M = 4.50$,

$SD = 1.61$) appropriately rated the likelihood that the defendant shot the victim as lower than

those who incorrectly ruled guilty ($M = 7.38$, $SD = .77$), $F(1, 139) = 105.12$, $p < .001$, $\eta^2 =$

$.45$. The omnibus main effect for teaching aid on likelihood of defendant shooting ratings

was not significant: I-I-EYE ($M = 4.82$, $SD = 1.94$), NvB ($M = 5.61$, $SD = 1.89$), and JD ($M =$

5.45, SD = 1.89), $F(2, 139)$ = .041, p > .05. However, Dunnett's post hoc test revealed that the I-I-EYE group rated the likelihood that the defendant shot the victim as significantly lower than the NvB group, $t(139)$ = 2.73, p = .014, η^2 = .05, and marginally lower than the JD group, $t(139)$ = 2.14, p = .063, η^2 = .03. The interaction of verdict decision and teaching aid was not significant, $F(2, 139)$ = .47, p > .05. Thus, participants who correctly ruled not guilty and those who viewed the I-I-EYE aid (at least compared to the NvB aid) appropriately rated the likelihood of shooting as lower in the weak case.

There was also a significant main effect for verdict decision on ratings of the *likelihood that the eyewitness made a correct identification* of the defendant: correct ("not guilty") (M = 4.42, SD = 1.69) and incorrect ("guilty") (M = 7.30, SD = 1.11), $F(1, 139)$ = 87.08, p < .001, η^2 = .41. The omnibus main effect for teaching aid on ratings of the likelihood that the eyewitness made a correct identification was not significant: I-I-EYE (M = 4.51, SD = 2.08), NvB (M = 5.73, SD = 2.02), and JD (M = 5.40, SD = 1.77), $F(2, 139)$ = 1.31, p > .05. However, Dunnett's test revealed that the I-I-EYE group rated the likelihood that the eyewitness made a correct identification as significantly lower in the weak case than the NvB group, $t(139)$ = 3.94, p < .001, η^2 = .10, and the JD group, $t(139)$ = 2.86, p = .01, η^2 = .06. The interaction of verdict decision and teaching aid was not significant, $F(2, 139)$ = 1.54, p > .05. Thus, participants who correctly ruled not guilty and those who viewed the I-I-EYE aid were more likely to appropriately rate the likelihood that the eyewitness made a correct identification as lower, or *unlikely*, for the weak case.

These results indicate that, for the weak case, the evaluation of evidence (ratings for the likelihood of shooting and likelihood of a correct identification) was significantly changed by the aid. It appears that the I-I-EYE does improve judgments about the strong and weak cases, but there may be ceiling effects for the verdict measure in the weak case, with most participants in all three aid groups ruling not guilty. Therefore, these proxy measures of verdict support the value of the I-I-EYE aid for the weak case.

Evaluation of evidence ratings and verdict. Lastly, we examined only those participants who rated the likelihood that the defendant shot the victim *and* the likelihood that the eyewitness made an accurate identification as 6 or higher. For both of these scales, a rating of 5 was the middle rating between *extremely unlikely* = 1 and *extremely likely* = 9. Therefore, we used a minimum rating of 6 as a measure that the participant found it at least reasonably likely that the defendant shot the victim and that the eyewitness made a correct identification. If participants believed the defendant was likely to have shot the victim *and* believed the eyewitness was likely to have made a correct identification, they should have ruled guilty more often.

Strong case transcript. A One-way ANOVA for those who read the strong case indicated that, for the 64 participants who rated both the likelihood that the defendant shot the victim *and* the likelihood that the eyewitness made a correct identification as 6 or higher, there was a significant difference among the three aid groups in correct (guilty) verdicts: I-I-EYE (86%), NvB (50%), and JD (55%) groups, $F(2, 61) = 3.96$, $p = .024$, $\eta^2 = .11$. Dunnett's post hoc test showed that the I-I-EYE group rendered significantly more guilty verdicts than

the NvB group, $t(61) = 2.61$, $p = .022$, $\eta^2 = .10$, and marginally more guilty verdicts than the JD group, $t(61) = 2.20$, $p = .059$, $\eta^2 = .07$. Thus, among participants who similarly believed that that the defendant shot the victim and that the eyewitness made a correct identification, it was the I-I-EYE group that (correctly) ruled to convict the defendant more often than the NvB and JD groups. The type of aid participants viewed affected their verdict decision.

Weak case transcript. For those who read the weak case, there were no significant differences among the I-I-EYE (58%), NvB (75%), and JD (57%) aid groups in guilty verdicts for the 57 participants who rated both the likelihood that the defendant shot the victim *and* the likelihood that the eyewitness made a correct identification as 6 or higher, $F(2, 54) = .98$, $p > .05$. The results of Dunnett's test also indicated no significant differences for the weak case between the I-I-EYE and NvB, $t(54) = .91$, $p > .05$, and the I-I-EYE and JD groups, $t(54) = .07$, $p > .05$. Thus, the I-I-EYE group was not more or less likely to (incorrectly) convict in the weak case for the same level of belief as the other two groups that the defendant shot the victim and the eyewitness made a correct identification.

Strength of the Prosecution and Defense

We next explored whether there were differences among the three aid groups in their ratings for the strength of the prosecution's case and the strength of the defense's case for those who ruled correctly (guilty for the strong transcript; not guilty for the weak transcript) and incorrectly (not guilty for the strong transcript; guilty for the weak transcript). Appendix O describes the 2 x 3 ANOVA (Verdict [correct, incorrect] x Aid [I-I-EYE, NvB, JD]) results on ratings for the strength of the prosecution's and defense's case for participants who read

the strong and weak transcripts. Overall, while none of the aid groups differentiated between the stronger case of the prosecution (as compared to that of the defense) in the strong case, the I-I-EYE group seemed somewhat more sensitive to the stronger case of the defense (as compared to that of the prosecution) in the weak case, at least compared to the NvB group. Moreover, for participants in the I-I-EYE group, those who correctly ruled not guilty for the weak transcript rated the defense's case as much stronger than those who ruled guilty. There was no differentiation between the prosecution's case and defense's case by participants in the NvB and JD groups who read the strong or weak transcripts. Therefore, the type of aid participants viewed somewhat affected their opinions about the strength of the defense's case.

Fairness of the Interview

We next examined whether there were differences between participants who ruled correctly and incorrectly and among those in the three teaching aid groups in how they rated the fairness of the police interview. Appendix P describes the 2 x 3 ANOVA (Verdict [correct, incorrect] x Aid [I-I-EYE, NvB, JD]) results on ratings for the fairness of the interview. Overall, participants who ruled correctly, compared to those who ruled incorrectly, appropriately rated the interview as more fair in the strong case and less fair in the weak case. There were no significant differences in interview fairness ratings among the three aid groups for either the strong or weak transcript groups. Moreover, participants who ruled guilty rated the interview as significantly more fair ($M = 2.01$, $SD = .78$) than those who ruled not guilty ($M = 2.81$, $SD = 1.04$), $t(291) = 6.66$, $p < .001$, $\eta^2 = .13$.

Fairness of the Lineup

Similar to the interview fairness rating, we also examined whether there were differences between participants who ruled correctly and incorrectly and among those in the three teaching aid groups in how they rated the fairness of the police lineup. Appendix Q describes the 2 x 3 ANOVA (Verdict [correct, incorrect] x Aid [I-I-EYE, NvB, JD]) results on ratings for the fairness of the lineup. Overall, participants who ruled correctly, compared to those who ruled incorrectly, appropriately rated the lineup as more fair in the strong case and less fair in the weak case. For participants who read the strong case, there were no differences in lineup fairness ratings among the aid groups. However, the I-I-EYE participants rated the lineup as marginally less fair than the NvB participants for the weak case. Moreover, participants who ruled guilty rated the lineup as significantly more fair ($M =$ 2.09, $SD = .93$) than those who ruled not guilty ($M = 3.22$, $SD = 1.20$), $t(291) = 8.04$, $p <$ .001, $\eta^2 = .18$.

Average Juror Verdict

We next examined whether there were differences among the three teaching aid groups in whether they thought the average juror would give a correct verdict for the strong ("guilty" verdict") and weak ("not guilty" verdict) cases. Since participants who viewed the I-I-EYE aid were more likely to give a correct verdict in both the strong and weak cases, at least compared to the NvB group, we examined whether they were more likely to also think that the average juror would give a correct verdict.

Strong case transcript. There were no significant differences in correct average juror verdicts ("guilty") among the I-I-EYE (53% correct), NvB (44% correct), and JD (46% correct) groups, $F(2, 144) = .46$, $p > .05$. Dunnett's post hoc test also revealed no significant differences between the I-I-EYE and NVB, $t(144) = .91$, $p > .05$, and the I-I-EYE and JD groups, $t(144) = .70$, $p > .05$. Thus, participants in all three aid groups felt that the average juror would rule correctly about half the time.

Weak case transcript. For the weak case, there were also no significant differences in correct average juror verdicts ("not guilty") among the I-I-EYE (55% correct), NvB (48% correct), and JD groups (51% correct), $F(2, 143) = .25$, $p > .05$. The results of Dunnett's post hoc test were also not significant for the I-I-EYE versus NvB, $t(143) = .70$, $p > .05$, and the I-I-EYE versus JD groups, $t(143) = .39$, $p > .05$. Again, participants thought the average juror would rule correctly roughly fifty percent of the time.

Combined strong and weak transcripts. Combining the strong and weak transcript groups, the percentage of participants who thought the average juror would give what we deemed to be the correct verdict ("guilty" for the strong case; "not guilty" for the weak case), was not significantly different for the three aid groups: I-I-EYE (54% correct), NvB (46% correct), and JD (49% correct), $F(2, 290) = .68$, $p > .05$. Dunnett's test also revealed no significant differences between the I-I-EYE and NvB, $t(290) = 1.14$, $p > .05$, and the I-I-EYE and JD groups, $t(290) = .78$, $p > .05$. Therefore, even though participants who viewed the I-I-EYE aid were more likely than the other two groups to rule correctly, the aids did not appear to affect ratings of how an average juror would rule. In both the strong and weak transcript

conditions, and combining the transcript conditions overall, participants thought the average juror would rule correctly about 50 percent of the time. Perhaps this suggests that participants in all three groups similarly felt that the average juror would not distinguish between the strong and weak cases.

"Self - Average Juror" Verdict (SAJ)

In order to compare whether participants gave a correct or incorrect verdict with whether they thought the average juror would give a correct or incorrect verdict for the case, we computed a difference score, "Self - Average Juror" Verdict, abbreviated as (SAJ). One reason a participant might believe he or she reached a verdict that is different from the average juror, is that the participant felt he or she learned something from the teaching aid. Appendix R compares the percentage of participants in the I-I-EYE, NvB, and JD aid groups falling into the four SAJ verdict/ average juror verdict categories for those who read the strong and weak transcripts and combining the two transcript groups. Overall, participants in the I-I-EYE group were more likely to make the correct decision while thinking the average juror would not.

We also examined whether there were differences among the four SAJ groups in their verdict confidence (See Appendix S), their ratings for the likelihood that the defendant shot the victim and that the eyewitness made a correct identification (See Appendix T), their ratings for the strength of the prosecution's and defense's case (See Appendix U), and their ratings for the fairness of the eyewitness interview and lineup procedures (See Appendix V). Overall, participants demonstrated more verdict confidence if they thought the average juror

would agree with them, whether their verdict/ average juror verdict was correct or incorrect. Moreover, for the strong case, if participants ruled correctly (guilty) and also thought the average juror would rule correctly, they generally had higher ratings than the other SAJ groups on the likelihood of shooting, likelihood of a correct identification, strength of the prosecution (and lower ratings for the strength of the defense), and fairness of the interview and lineup measures. Similarly, for the weak case, if participants ruled correctly (not guilty) and also thought the average juror would rule correctly, they generally had lower ratings than the other SAJ groups on the likelihood of shooting, likelihood of a correct identification, strength of the prosecution, and fairness of the interview and lineup measures.

Reasons for Verdict (Coding): 10 Response Lines

Section II of the questionnaire asked participants to list up to ten reasons why they ruled either guilty or not guilty for the case that they read. We coded verdict reasons into 15 categories, including "estimator variable" and "system variable" categories. See Appendix J for a description of the coding categories. The "estimator variable" category included variables related to the crime scene and witnessing conditions that could have affected the accuracy of the eyewitness, but over which the police had no control. See Appendix H for a list of the estimator variables that were held constant in both the strong and weak transcripts. The "system variable" category included variables related to the interview of the eyewitness and the identification lineup that could have affected the accuracy of the eyewitness and that the police potentially had control over. There were four broad interview variables and seven

lineup variables. See Appendix I for a list of the interview and lineup variables that were manipulated in the trial transcripts.

Appendix W summarizes the mean number of verdict reasons listed by aid group and by participants who gave a correct or incorrect verdict. For those who read the strong case, participants in the I-I-EYE group ($M = 7.22$ reasons) listed slightly more reasons than participants in the JD group ($M = 5.58$ reasons). In addition, combining participants who read the strong and weak cases, those in the I-I-EYE group ($M = 6.94$ reasons) listed slightly more reasons than those in the JD group ($M = 6.03$ reasons). There was no difference in the mean number of reasons given by those who ruled correctly or incorrectly for the strong case, the weak case, or combining participants who read the strong and weak cases (See Appendix W for relevant statistics). Appendix W also provides, combining those who read the strong and weak cases, the percentage of verdict reasons that each aid group listed for the 15 coding categories across all ten possible response lines.

Reasons for Verdict (Coding): Response 1

Most participants did not list ten verdict reasons in Section II, and many only listed three or four (See the "No Response" rows in Appendix W, Table 15). Thus, we focus our results discussion on the first response (R1) that participants provided for their verdict in order to avoid problems with missing data for participants who did not give a reason on all ten response lines. We did not ask participants to list the reasons for their verdict in order of importance. Therefore, the reason listed on the first response line did not necessarily indicate the participant's primary reason for ruling either guilty or not guilty. However, it is possible

that the first reason participants listed was indicative of the most important reason for their verdict decision (or at least what they remembered most about the case). Overall, the coding category percentages for the first response line (R1) seemed to tell us almost as much as, and give comparable percentages for, the aggregate data for all ten response lines. The benefit of focusing on Response 1 (R1) was that we eliminated the problems with missing data.

We focus on five major coding categories that seemed to distinguish the aid group reasons from each other: estimator variable, system variable (interview and lineup combined), interview variable, lineup variable, and lack of forensic or physical evidence. Tables 4, 5, and 6 provide the percentage of participants in each aid group who listed, as their first verdict reason, the five main coding categories. We present the percentages for those who read the strong transcript, those who read the weak transcript, and the combined percentages (combining those who read the strong and weak transcripts).

Strong case transcript. As shown in Table 4, compared to the NvB and JD groups, participants in the I-I-EYE group were more likely to give an estimator, total system, or interview variable response as the first reason for their verdict decision.

Table 4

Strong Case Only: Percentage of Participants in the Teaching Aid Groups who Listed an Estimator Variable, System Variable (interview and lineup), Interview Variable, Lineup Variable, Lack of Forensic Evidence, or "Other" (all other categories combined) Categories for Response 1 (R1).

Reason	I-I-EYE Aid (Strong) (N=49)	NvB Aid (Strong) (N=48)	JD Aid (Strong) (N=50)
Estimator	33%	23%	12%
System	25%	17%	12%
Interview	10%	0%	0%
Lineup	14%	17%	12%
Forensic Ev.	8%	23%	12%
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Other	- 35%	38%	- 64%
No Response	0%	0%	0%

Note. Subcategory percents may not exactly add up due to rounding (e.g., the "lineup" plus "interview" percents may not exactly add up to the "system variable" percents).

Weak case transcript. As shown in Table 5, participants in the I-I-EYE group were more likely to list an estimator, total system, or lineup reason for R1 in the weak case. Moreover, participants in the NvB and JD groups, compared to those in the I-I-EYE group, were much more likely to list a reason related to the lack of forensic evidence in the case.

Table 5

Weak Case Only: Percentage of Participants in the Teaching Aid Groups who Listed an Estimator Variable, System Variable (interview and lineup), Interview Variable, Lineup Variable, Lack of Forensic Evidence, or "Other" (all other categories combined) Categories for Response 1 (R1).

Reason	I-I-EYE Aid (Weak) (N=49)	NvB Aid (Weak) (N=50)	JD Aid (Weak) (N=47)
Estimator	25%	16%	4%
System	41%	18%	15%
Interview	6%	4%	0%
Lineup	35%	14%	15%
Forensic Ev.	6%	34%	40%
Other	29%	32%	40%
No Response	0%	0%	0%

Note. Subcategory percents may not exactly add up due to rounding (e.g., the "lineup" plus "interview" percents may not exactly add up to the "system variable" percents).

Thus, participants who viewed the I-I-EYE aid were most likely to list an estimator, system (total interview plus lineup), or lineup variable as their first verdict reason. In fact, the percentage differences among the groups for the system and lineup variables were particularly large (e.g., the I-I-EYE group listed 20% or more system and lineup variable reasons than both the NvB and JD groups). Moreover, the NvB and JD groups were much more likely to list a reason relating to the lack of forensic evidence incriminating the defendant as the perpetrator of the crime. It seems the I-I-EYE aid provided participants with a framework for considering factors that are more likely correlated with eyewitness

identification accuracy, rather than relying on the physical evidence or lack thereof as the basis for their verdict decision.

Strong versus weak case transcript. We also compared whether, within each of the aid groups, there were differences in the percentage of participants giving an estimator, system (interview and lineup), interview, lineup, or lack of forensic evidence reason as their first verdict reason for the strong versus weak transcript groups. For those in the I-I-EYE group, the percentage of participants giving a lineup reason for Response 1 (R1) was significantly different for those who read the strong (14%) and weak (35%) transcripts, X^2 (1, N = 98) = 5.52, p = .019, V = .24. The percentage of I-I-EYE participants giving a system (interview and lineup) reason in the strong (25%) versus weak (41%) transcript groups approached significance, X^2 (1, N = 98) = 2.97, p = .085, V = .17. There were no significant differences in the percentage of I-I-EYE participants giving an estimator (33% strong/ 25% weak), interview (10% strong/ 6% weak), or forensic (8% strong/ 6% weak) reason for those who read the strong versus weak transcripts (all three p's > .05).

Next, for those in the NvB group, there were no significant differences in the percentage of participants giving a verdict reason for Response 1 (R1) related to an estimator (23% strong / 16% weak), system (interview and lineup) (17% strong/ 18% weak), interview (0% strong/ 4% weak), lineup (17% strong/ 14% weak), or forensic (19% strong/ 18% weak) variable (all five p's > .05).

Lastly, for those in the JD group, there were no significant differences in the percentage of participants giving a verdict reason for Response 1 (R1) related to an estimator

(12% strong / 4% weak), system (interview and lineup) (12% strong/ 15% weak), interview (0% strong/ 0% weak), or lineup (12% strong/ 15% weak) variable (all four p's > .05). The difference in the percentage of JD participants giving a verdict reason related to the lack of forensic evidence in the strong (10%) and weak (23%) transcript conditions approached significance, X^2 (1, N = 97) = 3.16, p = .075, V = .18.

Thus, for participants in the I-I-EYE group, those who read the weak transcript were significantly more likely to list a lineup reason as their first response than those who read the strong transcript. Moreover, I-I-EYE participants who read the weak transcript were moderately more likely to list a system (interview and lineup) reason than those who read the strong transcript. However, participants in the NvB and JD groups who read the strong transcript were just as likely as those who read the weak transcript to list an estimator, system (interview and lineup), interview, lineup, or forensic reason. It is possible that one explanation for why participants in the I-I-EYE group rendered more correct not guilty verdicts for the weak case, compared to those in the other two aid groups, was that they were more sensitive to the suggestive system variables in the weak case.

Combined strong and weak transcripts. As shown in Table 6, combining those who read the strong and weak cases, participants in the I-I-EYE group were more likely to list an estimator, total system, interview, or lineup variable as their first verdict reason. Moreover, participants in the NvB and JD groups, compared to those in the I-I-EYE group, were much more likely to list a reason related to the lack of forensic evidence in the case.

Table 6

Combined Strong and Weak Cases: Percentage of Participants in the Teaching Aid Groups

who Listed an Estimator Variable, System Variable (interview and lineup), Interview

Variable, Lineup Variable, Lack of Forensic Evidence, or "Other" (all other categories

combined) Categories for Response 1 (R1).

Reason	I-I-EYE Aid (N=98)	NvB Aid (N=98)	JD Aid (N=97)
Estimator	29%	19%	8%
System	33%	17%	13%
Interview	8%	2%	0%
Lineup	25%	15%	13%
Forensic Ev.	7%	29%	26%
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Other	32%	35%	53%
No Response	0%	0%	0%

Note. Subcategory percents may not exactly add up due to rounding (e.g., the "lineup" plus "interview" percents may not exactly add up to the "system variable" percents).

It is possible that the lack of forensic evidence in the case (e.g., lack of DNA and

fingerprint evidence) influenced the verdict decisions of the NvB and JD groups more than

the I-I-EYE group, even though the lack of such evidence was not mentioned in the transcript

testimony/ arguments. Presumably, participants who were shown the I-I-EYE aid were more

likely to seriously consider variables that potentially correlate with eyewitness accuracy, such

as characteristics of the crime scene (estimator variables) and the police procedures (system

variables), when formulating their verdict decision; whereas participants who were shown the

control aids relied on the lack of forensic evidence as the basis for their verdict decision.

Thus, the I-I-EYE aid encouraged participants to consider the eyewitness evidence.

Effect of Verdict Reasons on Verdict Decision: Response 1

We next examined whether, for participants who read the strong and weak cases, the

verdict decision participants made (guilty, not guilty) was related to whether respondents did

or did not list an estimator, system (interview and lineup), interview, lineup, or lack of

forensic evidence reason on the first response line. Appendix X outlines these findings.

Overall, if participants listed an interview variable as their first verdict reason, they were

more likely to rule correctly in both the strong and weak cases than those who did not list an

interview variable (this finding is problematic due to the low interview response frequencies,

and the probability levels might be overstated; See Appendix X). Moreover, if participants

who read the weak case listed a system or a lineup variable as their first reason, they were

more likely to correctly rule not guilty. Surprisingly, participants who read the strong case

and who listed a lineup variable as their first reason were more like to incorrectly rule not

guilty. It is possible that, even though participants listed the good lineup procedures, they did

not appreciate the importance that these good procedures might have on the eyewitness's

identification accuracy. Alternatively, it is possible that participants did not recognize that the

lineup procedures in the strong case were conducted properly and instead thought they were

biased or improper (we did not code the valence of responses). If participants listed a reason

related to the lack of forensic evidence incriminating the defendant, they were more likely to

rule not guilty for both the strong (91%) and weak (97%) cases. It seems when participants

focused on the lack of forensic evidence linking the defendant to the crime they were more likely to rule not guilty, even if the police procedures were conducted properly. Lastly, correct verdict was not related to whether participants listed an estimator variable as their first verdict reason for the strong or weak cases.

Analysis of Facts in the Case that Could Affect Identification Accuracy

Section III of the questionnaire asked participants to determine whether 19 facts in the case might make it more or less likely to believe the eyewitness made an accurate identification (or whether the fact would have no effect on the eyewitness's identification accuracy). Participants indicated beside each statement whether: W = "This fact made it more likely for you to believe [the eyewitness's] identification was possibly wrong"; NE = "This fact had no effect on what you believed about [the eyewitness's] identification"; C = "This fact made it more likely for you to believe [the eyewitness's] identification was correct."

Of the 19 statements, six focused on estimator variable factors (Statements 3, 5, 8, 12, 16, 19), six focused on lineup (system) factors (Statements 4, 7, 9, 11, 14, 18), six were neither estimator nor system variable statements (Statements 2, 6, 10, 13, 15, 17), and one statement asked about the confidence of the eyewitness, a postdictor variable (Statement 1). See Appendix Y for a complete list of the strong (Table 22) and weak (Table 23) case questionnaire statements. Tables 22 and 23 in Appendix Y also list the response percentages by aid group. The estimator variable statements and those that were neither estimator nor system variable statements were identical for the strong and weak case questionnaires. The six lineup statements were slightly different for the two transcript questionnaires because the

lineup facts in the strong case were different from those in the weak case (the strong case lineup procedures were conducted properly whereas the weak case procedures were suggestive). Examples of estimator variable statements included, "[The eyewitness] was frightened while viewing the crime" and "The perpetrator of the crime wore a hat." Examples of lineup variable statements for the strong case included, "When he showed [the eyewitness] the photographs, the officer who conducted the lineup did not know which photograph was that of the suspect" and "The physical appearance of the lineup members matched [the eyewitness's] description of the perpetrator." For the weak case questionnaire, these statements were slightly modified: "When he showed [the eyewitness] the photographs, the officer who conducted the lineup knew which photograph was that of the suspect" and "There was variety in the physical appearance of the lineup members." Examples of statements that were neither estimator nor system variables included, "The defendant's girlfriend testified that her apartment is 10 blocks from the Quick-Stop convenience store" and "The defendant was charged with assault in a case that was unrelated to the Quick-Stop robbery/ murder." The confidence statement for the strong case was, "Immediately after her identification, [the eyewitness] indicated that she was 100% certain of her identification of [the defendant] as the perpetrator of the crime." For the weak case, the confidence statement was slightly modified: "At the time of the trial, [the eyewitness] indicated that she was 100% certain of her identification of [the defendant] as the perpetrator of the crime."

In order to determine whether there were differences among the aid groups in their responses for each of the 19 statements, we examined responses for those who read the strong case and those who read the weak case. For the estimator variable items, a "correct"

response was an answer of "W" (this fact made it more likely for you to believe [the eyewitness's] identification was possibly wrong) for Statements 3, 8, 12, 16, and 19. The correct response for Statement 5 was "C" (this fact made it more likely for you to believe [the eyewitness's] identification was correct). For the lineup items in the strong case, a "correct" response was an answer of "C" for each of the six statements (Statements 4, 7, 9, 11, 14, 18). For the lineup items in the weak case, a "correct" response was an answer of "W" for each of the six statements (Statements 4, 7, 9, 11, 14, 18). For the statements that were neither estimator nor system variables, we designated an answer of "NE" (this fact had no effect on what you believed about [the eyewitness's] identification) as the "correct" response. For the confidence item in the strong case, a "correct" response was an answer of "C", and for the confidence item in the weak case, a "correct" response was an answer of "NE".

Strong case transcript. For those who read the strong case, there was a wide range in the percentage of participants giving the correct response for the 19 statements for the three aid groups: I-I-EYE (37% to 84% correct), NvB (4% to 83% correct), and JD (8% to 80% correct). The mean number of correct responses given for the 19 statements differed significantly for the three aid groups: I-I-Eye ($M = 11.73$, $SD = 3.59$), NvB ($M = 9.79$, $SD = 2.87$), and JD ($M = 9.60$, $SD = 2.65$), $F(2, 144) = 7.32$, $p = .001$, $\eta^2 = .01$. Dunnett's post hoc test indicated that participants in the I-I-Eye group answered significantly more of the 19 statements correctly than both the NvB $t(144) = 3.13$, $p = .004$, $\eta^2 = .06$, and JD groups, $t(144) = 3.47$, $p = .001$, $\eta^2 = .08$. Thus, it appears that participants who viewed the I-I-Eye aid learned about how eyewitness factors affect eyewitness accuracy.

There were significant differences in the percentage of "correct" responses among the three aid groups for four of the 19 statements: effects of a hat (Statement 8; correct response = "W") (I-I-EYE: 61%, NvB: 31%, JD: 42%), X^2 (4, N = 147) = 9.60, p = .048, V = .18; pre-lineup instruction (Statement 11; correct response = "C") (I-I-EYE: 84%, NvB: 56%, JD: 42%), X^2 (4, N = 147) = 20.97, $p < .001$, V = .27; weapon focus (Statement 16; correct response = "W") (I-I-EYE: 59%, NvB: 23%, JD: 26%), X^2 (4, N = 147) = 20.45, $p < .001$, V = .26; and minor details (Statement 19; correct response = "W") (I-I-EYE: 45%, NvB: 4%, JD: 8%), X^2 (4, N = 147) = 32.43, $p < .001$, V = .33.

For two of the statements, the differences in the percentage of "correct" responses approached significance: blind lineup (Statement 7; correct response = "C") (I-I-EYE: 74%, NvB: 65%, JD: 48%), X^2 (4, N = 147) = 8.75, p = .068; and description-matched lineup (Statement 9; correct response = "C") (I-I-EYE: 78%, NvB: 69%, JD: 62%), X^2 (4, N = 147) = 9.34, p = .053.

Thus, for those who read the strong case, the I-I-EYE group appeared to appreciate the effects of a hat and weapon focus (both estimator variables) as well as the lineup instruction that "the perpetrator may or may not be in the lineup" (system variable) on identification accuracy. They also seemed to appreciate the importance of using blind lineup procedures and matching the appearance of the lineup members to the eyewitness's description of the perpetrator. The aid groups similarly responded to the statements that were neither estimator nor system variable statements (correct answer = "NE") and to the confidence statement.

Weak case transcript. For those who read the weak case, there was also a wide range in the percentage of participants giving the correct response for the 19 statements for the three aid groups: I-I-EYE (10% to 78% correct), NvB (2% to 74% correct), and JD (2% to 75% correct). The mean number of correct responses given for the 19 statements differed significantly for the three aid groups: I-I-Eye ($M = 10.04$, $SD = 4.24$), NvB ($M = 8.72$, $SD = 3.01$), and JD ($M = 7.64$, $SD = 3.55$), $F (2, 143) = 5.27$, $p = .006$, $\eta^2 = .01$. Dunnett's post hoc test indicated that participants in the I-I-Eye group answered significantly more of the 19 statements correctly than the JD group, $t(143) = 3.24$, $p = .003$, $\eta^2 = .07$. The difference in mean number of correct responses between the I-I-Eye and NvB groups was not significant, $t(143) = 1.81$, $p > .05$.

There were significant differences in the percentage of "correct" responses among the three aid groups for six of the 19 statements: non-standardized lineup instructions (Statement 4; correct response = "W") (I-I-EYE: 71%, NvB: 66%, JD: 49%), $X^2 (4, N = 146) = 10.55$, $p = .032$, $V = .19$; blind lineup (Statement 7; correct response = "W") (I-I-EYE: 61%, NvB: 50%, JD: 28%), $X^2 (4, N = 146) = 12.95$, $p = .012$, $V = .21$; pre-lineup instruction (Statement 11; correct response = "W") (I-I-EYE: 69%, NvB: 72%, JD: 45%), $X^2 (4, N = 146) = 15.96$, $p = .003$, $V = .23$; post-identification feedback (Statement 14; correct response = "W") (I-I-EYE: 59%, NvB: 36%, JD: 28%), $X^2 (4, N = 146) = 11.49$, $p = .022$, $V = .20$; mug-shot-induced bias (Statement 18; correct response = "C") (I-I-EYE: 78%, NvB: 46%, JD: 57%), $X^2 (4, N = 146) = 16.18$, $p = .003$, $V = .24$; and minor details (Statement 19; correct response = "W") (I-I-EYE: 33%, NvB: 2%, JD: 2%), $X^2 (4, N = 146) = 30.75$, $p < .001$, $V = .33$.

For participants who read the weak case, the aid groups similarly responded to all of the estimator statements except for Statement 19 (minor details); they also similarly responded to the confidence statement (Statement 1) and to the statements that were neither estimator nor system variable statements. The I-I-EYE group seemed to appreciate the problems with most of the system variable statements (Statements 4, 7, 14, and 18), at least compared to the JD group. For some of the statements (e.g., non-standardized lineup instructions [Statement 4] and pre-lineup instruction [Statement 11]), the NvB and the I-I-EYE groups responded more similarly to each other than to the JD group, who had a very low percentage of correct responses on many items.

One problem with Section III of the questionnaire was that the estimator and system statements contained information that the I-I-EYE participants viewed in their aid. For example, the I-I-EYE aid stated that, "If an eyewitness remembers minor details about the event that may not indicate accuracy." Therefore, one reason the I-I-EYE participants demonstrated more correct answers for many of the estimator and system statements could be that they repeated back information learned in the aid. However, even if they are simply repeating back the aid information, it still demonstrates that they learned something useful and they were able to integrate the learned information when evaluating the case.

Statement 13: Detail about Defendant's Behavior.

For Statement 13, "[The defendant] was out of breath when he spoke to his girlfriend on the telephone," we a priori deemed the "correct" answer to be: NE = "This fact had no effect on what you believed about [the eyewitness's] identification." Interestingly, for

participants who read both the strong and weak transcripts, most respondents in all three aid groups answered that this fact made it more likely to believe [the eyewitness's] identification was correct ("C"): I-I-EYE (63% strong/ 88% weak), NvB (69% strong/ 72% weak), and JD (70% strong/ 79% weak). Thus, participants seemed to believe that the defendant's being out of breath on the phone indicated that the eyewitness's identification was correct (and hence that the defendant was guilty). We examined whether participants in the three aid groups who read the strong and weak transcripts rendered more "guilty" verdicts if they listed the defendant's atypical behavior (e.g., being out of breath) as at least one of their verdict reasons (See Appendix Z for a summary of the percentage of participants who listed the defendant being out of breath as a verdict reason for those who ruled guilty versus not guilty). Across the aid groups, if one of the reasons (out of ten possible) that participants gave for their verdict decision was that the defendant was out of breath when he spoke to his girlfriend on the phone around the time the crime occurred, 82% (61 out of 74 respondents) ruled guilty, regardless of whether a guilty verdict was correct (strong case) or incorrect (weak case). However, if none of the reasons participants listed for their verdict mentioned the defendant's atypical behavior on the phone, 16% (34 out of 219 respondents) ruled guilty. It appears participants related the testimony of the alibi about the defendant's unusual behavior (his being out of breath) with the defendant's guilt.

For all three aid groups, if one of the reasons (out of ten possible) that participants gave for their verdict decision was that the defendant was out of breath when he spoke to his girlfriend on the phone around the time the crime occurred, they were much more likely to rule guilty, regardless of whether a guilty verdict was correct (strong case) (I-I-EYE: 91%,

NvB: 73%, and JD: 75% guilty) or incorrect (weak case) (I-I-EYE: 75%, NvB: 94%, JD: 82% guilty). Thus, it is possible that this weak alibi evidence made participants question the defendant's innocence, even more so than if there was no alibi. Perhaps this illustrates how vivid witness testimony, relative to the more routine explanation of police procedures, can be very influential with potential jurors and why it is hard to predict jury decisions.

Discussion

The present study investigated whether education about eyewitness accuracy could improve potential jurors' sensitivity to eyewitness issues without making them overly skeptical about eyewitness testimony in general. Participants in the I-I-Eye group were more likely than those in two control groups (NvB, JD) to render guilty verdicts for the strong case, where police followed recommended procedures for interviewing witnesses and conducting identification procedures, and were marginally more likely to render not guilty verdicts for the weak case, where police did not follow recommended procedures. Overall, 69% of participants in the I-I-Eye group reached what we deemed to be the correct verdict, compared to roughly 48% in the two control groups. This is the first time that education about eyewitness evidence has increased guilty verdicts in a strong case, and not just made jurors skeptical of eyewitness evidence in general (Cutler & Penrod, 1995). The non-significant group difference for the weak case was perhaps due to ceiling effects, with the majority of participants in the three groups ruling not guilty. When we compared the I-I-EYE group to the combined control group data for the weak case, a significantly greater percentage of participants in the I-I-Eye group (84%) rendered a not guilty verdict than in the combined control groups (67%).

Importantly, only participants in the I-I-EYE group demonstrated sensitivity by ruling guilty more often in the strong case (55%) than in the weak case (16%), compared to approximately 30% guilty in both cases for the NvB and JD groups. This sensitivity suggests that participants in the I-I-EYE group not only learned about eyewitness factors, but were

able to identify the relevant factors in an actual case and most importantly, to integrate this information with other case details so as to reach a correct verdict. The I-I-EYE aid appears to provide a framework for identifying, organizing, and integrating the facts in a case, with integration being the most difficult part of reaching a correct verdict. Integration is important because even if people are aware of the relative effects of given factors on eyewitness memory, possession of such knowledge does not guarantee that the knowledge will be translated into differential judgments about the eyewitness, the evidence, or verdict (Cutler & Penrod, 1995).

Non-Verdict Measures

We also examined group differences on non-verdict measures which might be associated with the rendered verdict. Participants rated the likelihood that the defendant shot the victim and the eyewitness made a correct identification, evaluated the strength of the prosecution's and defense's cases, and rated the fairness of police procedures. Interestingly, for participants who read the strong case, there were group differences in verdict but not in ratings of the likelihood of shooting or likelihood of a correct identification. Nonetheless, when participants rated the likelihood of shooting and likelihood of a correct identification as 6 or higher (quite likely), the I-I-EYE participants rendered significantly more guilty (correct) verdicts. Thus, for the same level of belief that the defendant shot the victim and the eyewitness made a correct identification, participants in the NvB and JD groups were not as likely to make a guilty decision for the strong case. Therefore, only the I-I-EYE participants appeared to appropriately weigh the evidence and then reach a correct decision.

For participants who read the weak case, the I-I-EYE participants rated the likelihood of shooting and likelihood of a correct identification as significantly lower (less likely) than the other two groups. Given the ceiling effects of not guilty (correct) verdicts in the weak case, these non-verdict measures were perhaps more sensitive to group differences than the actual verdict decision. These results suggest the value of the I-I-EYE aid even for the weak case.

Participants in the three teaching aid groups did not differ significantly in their ratings of the strength of the prosecution's case in the strong or weak transcripts, nor did they differ significantly in their ratings for the strength of the defense's case in the strong or weak transcripts. Moreover, across the aid groups, participants apparently did not discern the stronger case of the prosecution, or the weaker case for the defense, in the strong transcript compared to the weak. These results imply that people do not regard the prosecution's evidence as being stronger in cases where there were better police procedures.

We also investigated how participants rated various systems variables. There were no significant differences among participants in the three aid groups for ratings of the fairness of the interview in either the strong or weak cases. There were also no significant differences among participants in the aid groups for ratings of the fairness of the lineup in the strong case. However, participants in the I-I-Eye group rated the lineup in the weak case as significantly less fair than those in the JD group. Across the aid groups, participants rated the interview and lineup procedures as more fair in the strong case than in the weak case even though they did not rate the prosecution's case as stronger in the strong case. The strength of

a case depends on the evidence in the case, but our argument is that the quality of the police procedures is an essential part of the evidence. Again, it would seem that people do not appreciate that good police procedures strengthen the prosecution's case.

Verdict Reasons

Using data from the first reason given for one's verdict, the I-I-EYE participants were more likely than others to list estimator, interview, and lineup reasons. Presumably, participants in the I-I-EYE group were more likely to seriously consider variables that potentially correlate with eyewitness accuracy, such as characteristics of the crime scene (estimator variables) and police procedures (system variables) when formulating their verdict decision. For the I-I-EYE group, participants who read the weak case listed significantly more lineup or system variables than those who read the strong case. Thus, the I-I-EYE participants seemed somewhat more sensitive to the biased system variables in the weak case but did not give as much credit to the good procedures in the strong case.

In contrast to the I-I-EYE group, participants in the NvB and JD groups were far more likely to list the lack of forensic evidence linking the defendant to the crime. The public's belief that there must be forensic evidence to convict a criminal has been called the "CSI effect" (Kim, Barak, & Shelton, 2009). Many legal practitioners, especially prosecutors, believe that jurors who watch forensic television programs will be more likely to acquit guilty defendants when scientific evidence is not available. Relatively few I-I-EYE participants listed lack of forensic evidence as a reason for their verdict. The I-I-EYE aid

sensitized participants to consider reasons other than forensic evidence when reaching a verdict. This anti-"CSI effect" may make the I-I-EYE instruction more appealing to prosecutors, who have generally opposed most research on eyewitness evidence (Wise, Pawlenko, Safer, & Meyer, 2009).

When we examined all reasons, up to ten, that a participant gave for his/her verdict, there was a surprising finding about the weak alibi evidence (i.e., that the defendant was out of breath when he spoke to his girlfriend on the phone around the time of the crime). Of those who listed this weak alibi, 82% ruled guilty whereas only 16% of participants who did not list this reason ruled guilty. Perhaps participants who ruled guilty listed all possible reasons they could think of, including this weak alibi evidence, in order to justify their conviction beyond a reasonable doubt. It is also possible that weak alibi evidence can be more harmful to a defendant's case than no alibi evidence, although we know of no such research.

Implications of the I-I-Eye Aid

The current data suggest that the I-I-EYE teaching aid provides a useful method for instructing potential jurors, attorneys, and judges how to evaluate the accuracy of eyewitness testimony. The value of the I-I-EYE aid is that it increases peoples' awareness of factors that predict eyewitness accuracy but may not be common sense, and it also provides a framework for which to render decisions about whether a particular eyewitness identification is more or less likely to be accurate. As evidenced by the percentage of guilty verdicts rendered for the

strong and weak cases, exposure to the I-I-EYE aid seemed to sensitize participants to good and poor eyewitness evidence, rather than making them skeptical of eyewitness testimony overall. We deliberately varied only the system variables to create the strong and weak cases, and a major weakness of the NvB and JD aids is that participants were not alerted to the impact of system variables.

Because of the emphasis the I-I-EYE aid places on police procedures, one implication is that it might put pressure on the State to follow the best procedures, as in the strong case transcript, if they want to get convictions. Furthermore, since the I-I-EYE aid increased the percentage of guilty verdicts for the strong case, such an educational tool might be appealing to prosecutors, who tend to be unconvinced by eyewitness research and who worry about the wrongful acquittal of guilty defendants based on the lack of scientific or forensic evidence in a case (the "CSI effect"). Overall, the I-I-EYE aid seems fair to both the prosecution and the defense because it will perhaps force police to use better procedures and it will potentially help attorneys evaluate the strength of the evidence when deciding whether to plea bargain or litigate a case.

Limitations and Future Directions

A possible criticism of the results is that participants in the I-I-EYE group were merely responding to "experimenter demand" by repeating what they had read, and they were not truly sensitive to the information. If the results were simply a function of experimenter demand, then we might expect the I-I-EYE participants to report more confidence in their

verdicts. However, the three aid groups did not differ in their verdict confidence for either the strong case or the weak case. Also, the differences among the aid groups for various non-verdict measures of guilt, such as strength of the prosecution's case, were small or non-significant. If participants in the I-I-EYE group were responding as a result of demand characteristics, one might predict that they would have rated the prosecutor's case as stronger when there were good interview and lineup procedures. Such group differences did not occur.

We acknowledge that this initial study was a first step toward presenting people with a systematic method for evaluating eyewitness testimony. One limitation of the study was that the evidence in the weak case transcript was too weak and the majority of participants in all groups ruled not guilty. Future studies might strengthen the crime scene conditions (e.g., add estimator variables suggesting guilt) or add ambiguous forensic evidence in the weak case, while maintaining the suggestive police procedures. Moreover, we adapted a transcript that has been used in other eyewitness testimony studies (e.g., Stinson, Devenport, Cutler, & Kravitz, 1996) to create strong and weak identification scenarios. Our results may not apply to other strong and weak cases. Another limitation was that participants did not seem to appreciate that good police procedures are indicative of a stronger case for the prosecution. The I-I-EYE aid could perhaps be improved by explicitly including information that good procedures make stronger evidence. The I-I-Eye aid also cautioned participants that if the interview and/or the lineup were conducted in a suggestive or unfair manner, they should question the accuracy of the identification. Perhaps the aid should also be changed to include

an instruction that if the interview and/ or lineup were conducted in a fair and unbiased manner, the eyewitness's identification is more likely to be accurate. Because this is the first time an educational tool for sensitizing participants to good and poor eyewitness evidence has been studied, it is unclear how realistic it is that such a tool can be incorporated into the judicial process or how receptive judges and attorneys would be to view the aid or to permit jurors to view the aid before trial. Our conclusions with the present study are that the I-I-Eye aid sensitized participants to the differences between strong and weak eyewitness evidence, and it provided them with a framework for identifying, organizing, and integrating the facts in a case. The next step is to expose judges and attorneys to the I-I-Eye method for evaluating eyewitness testimony and see how they respond to such an aid.

Appendix A

Law Enforcement Training

One recent attempt to correct the problem of eyewitness misidentification has been to educate people who are directly involved in the criminal justice systems, such as law enforcement, about procedures that apparently enhance eyewitness memory and identification accuracy. In 1999 the National Institute of Justice (NIJ) produced a publication titled *Eyewitness Evidence: A Guide for Law Enforcement*, followed by the 2003 publication of a follow-up training manual designed for instructors to teach law enforcement personnel how to properly conduct interviews and conduct lineup procedures. The training manual attempts to focus attention on the police procedures used to collect identification evidence. The development of this training manual is further corroboration that eyewitness memory is not common sense to the investigators who collect and handle identification evidence, much less to jurors (Benton et al., 2007). Unfortunately, only about 1% of U.S. law enforcement officers have received training about eyewitness evidence based on the Guide (Wise, Safer, & Maro, in press).

Appendix B

Examples of Proper Interview and Lineup Procedures

Examples of proper interview procedures include instructing the eyewitness to avoid watching the news or discussing the crime with others and asking mostly open-ended and non-suggestive questions during the interview of the eyewitness (Fisher & Schreiber, 2007). Leading questions suggest an answer and may distort or contaminate eyewitness' memories of crimes by giving a witness post-event information.

Examples of proper lineup procedures include placing only one suspect in the lineup, matching the physical characteristics of known-innocent lineup members to the eyewitness's description of the perpetrator, asking immediately for a statement of confidence if the eyewitness identifies a member of the lineup as the perpetrator of the crime, using double blind (the eyewitness does not know if the perpetrator will be in the lineup and the lineup administrator does not know who the suspect is) lineup procedures (Steblay, 1997; Wells et al., 1998; Wells et al., 2000), and advising the eyewitness that the perpetrator might not be in the lineup (pre-lineup instructions). Pre-lineup instructions relieve pressure on the eyewitness to make a selection. Mistaken identifications from culprit-absent lineups are significantly higher when the eyewitness is not given the pre-lineup instruction than when the eyewitness is given the pre-lineup instruction (Wells & Quinliven, 2009).

Appendix C

Perceived Determinants of Eyewitness Accuracy

Lindsay (1994) reports several studies that assessed individuals' perceptions of the relative importance of variables in determining eyewitness accuracy. Multiple surveys asked respondents how likely an eyewitness would be to make an accurate identification decision under various conditions and to give a rating on a scale ranging from, "almost certain to be inaccurate" to "almost certain to be accurate." Across college student samples, the same five variables were perceived to be the most important determinants of eyewitness accuracy: more attention paid to the criminal, better opportunity to view the criminal, greater eyewitness confidence, better memory for peripheral detail, and shorter delay between the crime and identification. These variables are similar to those in the NVB criteria, and their validity is criticized in the introduction. Furthermore, several variables were not perceived to be important determinants of eyewitness accuracy, including aspects of the lineup procedure, such as foil similarity and lineup instructions. Thus, individuals' judgments about what eyewitness factors are and are not important do not correspond strongly with empirical evidence about what eyewitness factors are indeed important to eyewitness accuracy.

Appendix D

Judges' and Attorneys' Knowledge of Eyewitness Factors

In their study on judges' knowledge of factors that influence eyewitness testimony, Wise and Safer (2004) found that just 62% of the judges correctly responded that a police officer who knows which member of the lineup is the suspect should not conduct the lineup. Moreover, just 19% of judges correctly answered that eyewitnesses are more likely to misidentify someone when a lineup is presented in a simultaneous versus a sequential procedure. In their study comparing what prosecutors (N = 73) and defense attorneys (N = 1184) know about eyewitness testimony, Wise, Pawlenko, Safer, and Meyer (2009) found that while just 43% of prosecutors correctly responded that a police officer who knows which member of the lineup is the suspect should not conduct the lineup, 95% of defense attorneys responded correctly. Twenty-two percent of prosecutors and 59% of defense attorneys correctly answered that witnesses are more likely to misidentify someone when a lineup is presented in a simultaneous versus a sequential procedure. Thus, an educational aid would appear to be a valuable supplement to legal professionals and jurors who generally lack knowledge of eyewitness issues.

Appendix E

Telfaire Jury Instructions

Telfaire Jury Instructions[3] are special judicial instructions that are designed to direct the

attention of the jury to specific factors associated with the crime that might influence the

accuracy of an identification. For example, a typical instruction might ask the jury to

consider: a). whether the eyewitness had the capacity and an adequate opportunity to observe

the offender (e.g., distance and length of time); b). whether the identification made by the

eyewitness subsequent to the offense was the product of his or her own recollection, taking

into account both the strength of the identification (the eyewitness's certainty) and the

circumstances under which the identification was made; c). whether the eyewitness is

credible and truthful (Cutler & Penrod, 1995). However, such an instruction points to only a

limited number of factors without any guidance to the jurors on how to interpret those

factors. For example, the instruction might include a reference to the eyewitness's level of

certainty, but most jurors would likely infer that this means a confident eyewitness should be

believed and an eyewitness who is less certain should be believed less (Ramirez, Zemba, &

Geiselman, 1996).

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[3] The most widely used jury instructions in the United States concerning eyewitness testimony are the *Telfaire* instructions. In *United States v. Telfaire* (1972), the defendant was convicted of robbery based solely on the testimony of a single eyewitness. In this case the United States Court of Appeals for the District of Columbia endorsed the use of a cautionary instruction designed to direct the attention of the jury to factors associated with the crime that might influence the accuracy of an identification (Wise, Dauphinais, & Safer, 2007; Cutler & Penrod, 1995).

Greene (1988) examined the influence of the *Telfaire* instructions on participant

verdict and sensitivity to strong versus weak witnessing conditions. Participants viewed a

simulated videotaped assault trial with either strong identification or weak identification

evidence. Half of the participants who viewed each identification version heard the *Telfaire*

instructions from the judge and the other half did not hear the *Telfaire* instructions but did

hear instructions relating to the charge. Greene found that, for participants who reached a

verdict, those who heard the weak identification evidence were unlikely to convict in both

the *Telfaire* instruction (3%) and No *Telfaire* instruction (3%) conditions. Cutler and Penrod

(1995) suggest that one possible reason that the researchers found such similarly low

percentages of convictions for the weak identification in both instruction groups is that the

weak identification evidence was so weak that it created a floor effect, with both groups

overwhelmingly ruling not guilty. However, among those who heard the strong identification

evidence, 42% of those who did not hear the *Telfaire* instructions convicted whereas only

6.5% of those who did hear the *Telfaire* instructions convicted. Thus, the *Telfaire* instructions

seemed to make the mock jurors more skeptical of eyewitness testimony, even when the

evidence against the defendant was strong.

Ramirez, Zemba, and Geiselman (1996) conducted two experiments on *Telfaire* jury

instructions. In their first experiment, they tested the effectiveness of the *Telfaire* instructions

when given at different times during the trial (before and after the presentation of evidence,

only before the presentation of evidence, only after the presentation of evidence, no

instruction given). Participants viewed a simulated robbery trial where the primary evidence

against the defendant was the testimony of the robbery victim. The victim's testimony

described either poor or good witnessing and identification conditions.[4] Results showed that the *Telfaire* instructions reduced the participant's sensitivity to eyewitness evidence when they were presented after the trial, presumably producing skepticism about the eyewitness's testimony. When the eyewitnessing conditions were good, participants in the after-only instruction condition were less likely to rule guilty than participants in all three other groups; and when the eyewitnessing conditions were poor, participants in the before-and-after instruction condition were more likely to rule guilty than participants in all other groups. Participants exhibited differential sensitivity to the two eyewitnessing conditions (poor, good) only in the control (no instruction) and before-only instruction conditions. This implies that a before-only instruction to jurors might be helpful. However, such an instruction might not sensitize jurors to good and poor eyewitnessing conditions above and beyond no instruction at all. Furthermore, participants recalled on average only 31% of the elements of the *Telfaire* instructions themselves, even when they heard them twice.

In the second experiment, three groups received no instruction, the traditional *Telfaire* instructions, or revised *Telfaire* instructions after the trial evidence was presented. The revised instructions included explicit discussion of thirteen eyewitness factors thought by most experts to affect identification accuracy. Similar to the first experiment, participants

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[4] In the poor eyewitnessing condition, the eyewitness testified that the robber was wearing a hat that covered his hairline, that the robber was waving a gun throughout the robbery, that she identified the robber in a lineup two weeks after the robbery occurred, and that when conducting the lineup the police led the eyewitness to believe the robber was in the lineup. In contrast, in the good eyewitnessing condition, the eyewitness testified that the robber's face and hairline were not concealed, that the robber had a gun but kept it hidden most of the time, that she identified the robber in a lineup just two days after the robbery occurred, and that when viewing the lineup the police instructed her that the robber may or may not be in the lineup (Ramirez, et al., 1996).

viewed a simulated trial with eyewitness testimony that contained either poor or good witnessing conditions. Participants in the revised *Telfaire* instruction group were able to recall more of the instructions and they demonstrated a modest increase in knowledge of eyewitness factors as measured by a 10-item multiple choice test. However, when the eyewitnessing conditions were good, participants in the *Telfaire* instruction condition were less likely to rule guilty than participants in the other two groups. When the eyewitnessing conditions were poor, the instruction conditions had similarly low percentages of guilty verdicts. Thus, the instructions were counterproductive as they did not promote juror sensitivity to the quality of eyewitness evidence, they undermined a strong case, and had no effect on a weak case.

Trial Presentation Style

Trial transcript studies are common in psychology, and research suggests that they produce comparable results to studies involving videotaped testimony (Bornstein, 1999; Pezdek, 2010). Bornstein (1999) found in his review of presentation style that when short case summaries, written transcripts, audiotaped transcripts, and videotaped presentations are compared with each other, the effect of presentation style is minimal and often non-existent. Bornstein (1999) also examined whether there were differences between student and non-student samples in jury decision-making studies. Overall, the majority of studies have failed to find differences between college students and more representative samples of actual jurors on variables such as verdict, aspects of the eyewitness and the defendant, and the effect of jury instructions.

Pezdek (2010) examined whether mock jurors' perceptions of eyewitness expert testimony varied depending on whether they watched a videotaped trial presentation or read a written trial transcript. She found no differences between the two styles of trial presentation on jurors' judgments of the defendant's guilt or their responses to questions about the eyewitness, the defendant, and the alibi witness. However, participants found the eyewitness expert to be more understandable, more informative, more useful, to have greater impact and be less confusing in the transcript than in the video.

The present study used written trial transcripts and student samples. These factors should not affect the generalization of results.

Study Materials: Trial Transcripts and Questionnaires

Strong Case Transcript

JUDGE'S OPENING STATEMENT:

THE COURT: Please, be seated. Court is now in session. We have the Reporters' Criminal Case Number 04-143: the State of Florida vs. Peter Brown. The Defendant, Mr. Brown has been charged with the crimes of armed robbery and murder in the first degree. You are further advised that the Defendant has appeared in this court and has entered a plea of not guilty to the charges of armed robbery and murder in the first degree. I note for the record that Johnson A. Nelson is here as prosecuting attorney and Michael D. Campbell is here representing the Defendant, Peter Brown. All right, Mr. Nelson, you may proceed with your opening statement.

PROSECUTION'S OPENING STATEMENT

MR. NELSON (prosecutor): Thank you Your Honor. Ladies and gentlemen of the Jury, the State of Florida accuses Mr. Peter Brown of robbing the Quick-Stop convenience store on the corner of Washington and 57th Avenue. He is also accused of shooting and killing the clerk, Mr. David Aims. Mr. Peter Brown has been identified by Mrs. Barbara Dunn, a frequent shopper of the Quick-Stop convenience store, who happened to be present at the time the crime was committed. Now, the evidence will show that Mr. Peter Brown was positively identified by Mrs. Barbara Dunn after viewing a photographic lineup shown to her by the Lakeside Police Department. Now, the defense will attempt to convince you that the procedures used by the Lakeside Police Department in conducting their photographic lineups

are unfair and biased. However, as you will see, the procedures used in constructing and administering their photo lineups are fair and unbiased. And the evidence will show that the photo lineup used in identifying Mr. Peter Brown by Mrs. Barbara Dunn was in fact the standard identification procedure used by the Lakeside Police Department. Furthermore, the evidence will show that the circumstances leading up to the arrest of Mr. Peter Brown are highly incriminating and it is our feeling that a close examination of the evidence in this case will convince you beyond a reasonable doubt that Mr. Peter Brown is guilty as charged. Thank you.

THE COURT: Thank you Mr. Nelson. Mr. Campbell, you may make your opening statements.

DEFENSE'S OPENING STATEMENT:

MR. CAMPBELL (defense): Thank you Your Honor. Ladies and Gentlemen of the Jury, the Defendant, Mr. Peter Brown, has been mistakenly identified by a single eyewitness as the man who robbed the Quick-Stop convenience store and who shot and killed the clerk, Mr. David Aims. The evidence will show that the Defendant is innocent of the crimes for which he has been accused. The Defendant Peter Brown never visited the Quick-Stop convenience store that day. You'll hear testimony from Ms. Reyes, the Defendant's girlfriend, who will say that the Defendant was home at the time the crime occurred, thus making it impossible for him to have been the one who committed these heinous acts. The evidence will show that the identification procedures used by the Lakeside Police Department in their construction and presentation of the photo lineup to the eyewitness were

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biased and unfair and that Officer Richardson's interview with Mrs. Dunn was suggestive.

Ladies and Gentlemen of the Jury, substantial questions exist regarding the eyewitness's

memory of the crime. The conditions under which the identification was made unfairly point

the finger at the Defendant, Mr. Peter Brown. Careful attention to the evidence of the

testimony today will show that Mrs. Dunn is mistaken in her identification, and my client, the

Defendant, Mr. Peter Brown, is innocent of all the charges. Thank you.

THE COURT: Thank you Mr. Campbell. Mr. Nelson, you may proceed with your

first witness.

[Testimony of Barbara Dunn]

MR. NELSON (prosecutor): Thank you Your Honor. I would like to call Barbara

Dunn to the stand.

[Prosecution direct-examination of Barbara Dunn, the eyewitness to the crime]

THE COURT: Please raise your right hand. Do you solemnly swear to tell the truth,

the whole truth, and nothing but the truth so help you God.

BARBARA DUNN: I do.

THE COURT: Please be seated.

MR. NELSON (prosecutor): Mrs. Dunn. Would you please state your full name for

the record?

BARBARA DUNN: My name is Barbara Jane Dunn.

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MR. NELSON (prosecutor): Mrs. Dunn, are you familiar with the Quick-Stop convenience store on the corner of Washington and 57th Avenue?

BARBARA DUNN: Yes, I am. I often stop in there to buy gas or a soda.

MR. NELSON (prosecutor): Did you stop at the Quick-Stop convenience store on February 22, 2008?

BARBARA DUNN: Yes, I did. I stopped in to buy gas about 8:40 that evening.

MR. NELSON (prosecutor): Could you please tell the Jury what events took place that evening.

BARBARA DUNN: After I filled-up with gas, I went inside and paid the cashier. I then went to the back to use the restroom. When I came out, I heard yelling and saw a man waving a gun at the cashier. So I hid behind one of those tall bread racks towards the back of the store. It was really scary and I remember feeling shaky and just - it was just really awful.

MR. NELSON (prosecutor): Mrs. Dunn, could you please tell the Jury what you saw next?

BARBARA DUNN: I saw the cashier give the guy with the gun the money. The guy with the gun said, "Where's the rest of it?" and the cashier said that's all that there was. That he had just made a drop. The guy with the gun seemed to get really upset and he started shouting obscenities. Then he shot the clerk and ran out of the store.

MR. NELSON (prosecutor): What happened next?

BARBARA DUNN: Well, after the guy left, I called 911 and the police came. I guess I stood there for a moment in shock, but I managed to call 911 on my cell phone. It was the most horrible thing I have ever seen.

MR. NELSON (prosecutor): Mrs. Dunn, were there any other customers in the store?

BARBARA DUNN: No. Besides the cashier, I was the only other person in the store.

MR. NELSON (prosecutor): When you were behind the bread rack, about how many feet was the robber, who was up at the front of the store, from you?

BARBARA DUNN: I'd say about 15 or 20 feet.

MR. NELSON (prosecutor): Mrs. Dunn, when you were hiding behind the bread rack, did you have the opportunity to get a good look at the robber?

BARBARA DUNN: Yes, I did.

MR. NELSON (prosecutor): Approximately how long were you able to get that good look at the robber?

BARBARA DUNN: I'd say roughly 2 minutes.

MR. NELSON (prosecutor): Were you distracted at all during this time period?

BARBARA DUNN: No, I was not.

MR. NELSON (prosecutor): Did you find that during this time period, you were able to pay close attention to the robber's face?

BARBARA DUNN: Yes, I believe I was able to pay close attention to the robber's face.

MR. NELSON (prosecutor): How was the lighting in the store?

BARBARA DUNN: Good.

MR. NELSON (prosecutor): Was the robber wearing a mask or disguise of any kind?

BARBARA DUNN: No, he wasn't. He just had on regular clothes and a ball cap.

MR. NELSON (prosecutor): Mrs. Dunn do you wear glasses?

BARBARA DUNN: I wear contacts, and I was wearing them when the crime occurred.

MR. NELSON (prosecutor): Mrs. Dunn, is the person you saw rob the Quick-Stop convenience store in the room at this time?

BARBARA DUNN: Yes, he is.

MR. NELSON (prosecutor): Can you please point to this person?

BARBARA DUNN: Yes, that's him there.

MR. NELSON (prosecutor): For the record, can you indicate an article of clothing this person is wearing?

BARBARA DUNN: Yes, he's the blonde haired gentleman wearing the gray suit with the floral tie and white shirt.

MR. NELSON (prosecutor): Let the record reflect that the witness has identified the Defendant, Mr. Peter Brown.

THE COURT: So noted.

MR. NELSON (prosecutor): Mrs. Dunn, let's now turn our attention to the events that took place after the crime was committed. Did you, at a later date, have the opportunity to view a group of lineup photographs and make an identification of the robber?

BARBARA DUNN: Yes, I did.

MR. NELSON (prosecutor): And immediately after you identified Mr. Brown in that photographic lineup, how confident were you in your identification?

BARBARA DUNN: I was 100% confident.

MR. NELSON (prosecutor): Mrs. Dunn, how many photographic lineups did you view the day that you identified Mr. Peter Brown?

BARBARA DUNN: I only saw one photo lineup.

MR. NELSON (prosecutor): And how long did it take you to identify the man that you believed to have been the robber?

BARBARA DUNN: As soon as I saw the Defendant, I knew it was him.

MR. NELSON (prosecutor): What did the other lineup photos look like? Did most of the people you saw in the photographic lineup match the description you gave of the person you saw rob the convenience store?

BARBARA DUNN: Yes.

MR. NELSON (prosecutor): Thank you Mrs. Dunn. I have no further questions.

THE COURT: Mr. Campbell, your witness.

[Defense cross-examination of Barbara Dunn]

MR. CAMPBELL (defense): Thank you Your Honor. Mrs. Dunn, did you go to the police station to be interviewed after the crime?

MRS. DUNN: Yes. I went in the next morning at about 9:30 and was interviewed.

MR. CAMPBELL (defense): Did the officer ask you if you had talked to anyone about what you saw, such as any friends or family members?

BARBARA DUNN: Yes.

MR. CAMPBELL (defense): And had you spoken to friends or family about the crime?

BARBARA DUNN: No, because when I gave my statement the night of the crime the officer told me not to talk about what I saw with my husband or anyone other than the police. He also told me to try not to watch news reports or read about the crime in the paper.

MR. CAMPBELL: And did you read about or hear any news reports about the crime?

BARBARA DUNN: Well in the days following the crime it was hard not to hear the news reports. It was all over the tv news, but I tried not to watch much.

MR. CAMPBELL (defense): I see. And did you view photographs of robbery suspects anytime between the robbery and the lineup identification?

BARBARA DUNN: No, I did not.

MR. CAMPBELL (defense): And how long was it from the robbery and the day you identified my client from his lineup photograph?

BARBARA DUNN: It was 3 weeks.

MR. CAMPBELL (defense): Right, 3 weeks. Could you please describe to the Court what, if anything, the officer said to you prior to you viewing the photographic lineup?

BARBARA DUNN: Well, he told me that I would be seeing photographs of

several men and that I would need to say "yes" or "no" after each photo I saw to indicate if that was the man I saw who committed the crime. He also told me that the person I saw may not be in the photo lineup.

MR. CAMPBELL (defense): Did the officer read these instructions from a card?

BARBARA DUNN: Yes.

MR. CAMPBELL (defense): Did the officer say anything after you chose Mr. Brown from the lineup photos you were shown?

BARBARA DUNN: No. He just told me not to discuss my identification with other people.

MR. CAMPBELL (defense): Alright, Mrs. Dunn. The person who robbed the Quick-Stop, he had a gun right?

BARBARA DUNN: Yes, he did.

MR. CAMPBELL (defense): Did you look at the gun during the robbery?

BARBARA DUNN: Yes I did. I've never seen a real gun before and I remember it was silver.

MR. CAMPBELL (defense): Were you frightened?

BARBARA DUNN: Yes, of course, I was terrified. I was just so afraid the gunman was going to hurt the clerk and I was terrified he would see or hear me behind the rack.

MR. CAMPBELL (defense): Mrs. Dunn, I'd like you to now think about your interview with the police following the crime. Did the officer ask you to provide a physical description of the robber?

BARBARA DUNN: Yes he did.

MR. CAMPBELL (defense): Mrs. Dunn, can you please describe to the Court the description of the robber that you gave to the police when they interviewed you.

BARBARA DUNN: Yes. I described him as being a white male about 25-years old, five-foot-ten, about 175 lbs with longish blonde hair. He had no facial hair and he was wearing a baseball cap. He wore a pair of tan shorts, black tee shirt, and black tennis shoes.

MR. CAMPBELL (defense): Alright, and how did the people in the photo lineup you saw look?

BARBARA DUNN: They all looked pretty similar to each other. Blonde hair; medium build.

MR. CAMPBELL (defense): Were any of the people in the photos wearing hats?

BARBARA DUNN: No, I don't think so, but I was looking more at their faces because that is what I could remember.

MR. CAMPBELL (defense): Mrs. Dunn how many people were in the photo lineup?

BARBARA DUNN: There were 8 photos.

MR. CAMPBELL (defense): Thank you. I have no further questions.

THE COURT: Mrs. Dunn you may step down. Mr. Nelson you may call the next witness.

MR. NELSON (prosecutor): Thank you Your Honor. At this time the State wishes to call Officer Paul Richardson to the stand.

[Prosecution direct-examination of Officer Richardson]

THE COURT: Officer Richardson, raise your right hand. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth so help you God?

OFFICER RICHARDSON: Yes, I do.

THE COURT: Please be seated.

MR. NELSON (prosecutor): Officer Richardson, will you please state your full name for the record?

OFFICER RICHARDSON: My name is Paul Richardson.

MR. NELSON (prosecutor): And what is your occupation?

OFFICER RICHARDSON: I am a police officer with the Lakeside Police Department. I've been on the force for 15 years.

MR. NELSON (prosecutor): Officer Richardson, have you been involved at all with the investigation of the robbery at the Quick-Stop convenience store, which took place on February 22, 2008?

OFFICER RICHARDSON: Yes, I was.

MR. NELSON (prosecutor): And in what capacity were you involved?

OFFICER RICHARDSON: I was the chief investigating officer. I interviewed the witness, Mrs. Dunn. I also organized the photo lineup that Officer Lombard, another officer on the force, conducted.

MR. NELSON (prosecutor): Could you please tell the Court how it is that the Defendant, Peter Brown, was picked up and charged with this crime?

OFFICER RICHARDSON: The Defendant Peter Brown was picked up 3 weeks after the crime occurred, at approximately 7:30 on the night of March 15th. He was arrested about ten blocks from the crime scene in front of another small convenience store. The store owner called us about a fight outside and we picked up Mr. Brown and another gentleman who filed assault charges against Mr. Brown. He matched the physical description of the perpetrator given by Mrs. Dunn, and based on that information he was held at the Lakeside Police Department for questioning in the Quick-Stop case.

MR. NELSON (prosecutor): Officer Richardson, in your experiences with the police force, about how many lineups have you been involved with?

OFFICER RICHARDSON: I have conducted at least 200 lineups in other cases.

MR. NELSON (prosecutor): When Mrs. Dunn viewed the photographs included in the lineup you said that it was another officer, Officer Lombard, who conducted the lineup and not you yourself?

OFFICER RICHARDSON: That's correct.

MR. NELSON (prosecutor): Why didn't you conduct the photo lineup yourself?

OFFICER RICHARDSON: Well I watched the lineup from the other side of the

mirror. Since I was involved in the arrest of Mr. Brown, I asked Officer Lombard to run the

lineup because he wasn't on the case.

MR. NELSON (prosecutor): When you were watching Officer Lombard and Mrs.

Dunn viewing the photographs included in the lineup, did Officer Lombard say anything to

her?

OFFICER RICHARDSON: I heard Officer Lombard instruct Mrs. Dunn that she

would be seeing several photographs and that the person who she saw commit the crime

may or may not be among them.

MR. NELSON (prosecutor): Officer Richardson, was there anything unusual about

the procedure used to construct the lineup or the photos that were used?

OFFICER RICHARDSON: No. I selected the photos based on Mrs. Dunn's

description of the perpetrator.

MR. NELSON (prosecutor): When you were choosing which photographs got

included in the lineup that Mrs. Dunn saw, how did you select the other seven photos

that she saw?

OFFICER RICHARDSON: We have a book of photographs of hundreds of people at

the Department, so the procedure is to go through it and select six or seven other photos of

people who resemble the description that the witness gives us. That's what I did for the lineup Officer Lombard showed Mrs. Dunn.

MR. NELSON (prosecutor): Officer Richardson, is it true that Mrs. Dunn, the eyewitness, identified the photo of the Defendant, Mr. Peter Brown, from the photographic lineup as the man who robbed the convenience store?

OFFICER RICHARDSON: Yes, she did so without a doubt.

MR. NELSON (prosecutor): Thank you Officer Richardson. I have no further questions.

THE COURT: Mr. Campbell, your witness.

[Defense's cross-examination of Officer Richardson]

MR. CAMPBELL (defense): Thank you Your Honor. Officer Richardson, why did you put the photo of my client in the lineup? Did you have any other evidence beside the fact that he resembled a description given to you by Mrs. Dunn 3 weeks earlier?

OFFICER RICHARDSON: All officers in the Department were given the physical description of the perpetrator provided by Mrs. Dunn. When Mr. Brown was arrested on the assault charges he fit the description Mrs. Dunn gave and when we questioned him about his whereabouts on the evening of February 22nd he seemed nervous and couldn't provide specific details.

MR. CAMPBELL (defense): And how long did you keep him in the room where he was questioned about the Quick-Stop crime?

OFFICER RICHARDSON: Approximately 45 minutes.

MR. CAMPBELL (defense): Let's consider the photo lineup from which the Defendant, Mr. Peter Brown, was picked. Does the police department have standardized written lineup instructions?

OFFICER RICHARDSON: Well, we have a basic instruction that we give to people.

MR. CAMPBELL: So you do not vary instructions depending on the situation?

OFFICER RICHARDSON: No. We typically use the same instruction.

MR. CAMPBELL (defense): I see. Did Officer Lombard determine immediately after Mrs. Dunn identified the photo of Mr. Brown from the lineup as the perpetrator of the crime how confident she was that this was the man she saw in the Quick-Stop?

OFFICER RICHARDSON: Yes.

MR. CAMPBELL (defense): And how many photos were included in the lineup?

OFFICER RICHARDSON: Eight photos in all.

MR. CAMPBELL (defense): And just to be clear, Mrs. Dunn did not view the lineup photos until a full 3 weeks after the crime. Is that correct?

OFFICER RICHARDSON: Yes that's correct.

MR. CAMPBELL: In your experience, Officer Richardson, is this a particularly long time-frame? Is 3 weeks a longer time than you'd like to have between when the witness saw the crime and when she made her identification?

OFFICER RICHARDSON: Well, we obviously would like the identification procedure to take place soon after the crime. But that is sometimes not possible.

MR. CAMPBELL (defense): Now let's talk about your eyewitness interviews. How many times was Mrs. Dunn interviewed?

OFFICER RICHARDSON: Well, I took Mrs. Dunn's initial statement and description of the perpetrator once I arrived at the crime scene that night and then she volunteered to come to the police station the next morning so I was able to do a more thorough interview. She was understandably upset at the scene and just wanted to go home.

MR. CAMPBELL (defense): And what time did the interview occur the next day?

OFFICER RICHARDSON: Approximately 9:30 the next morning, February 23rd.

MR. CAMPBELL (defense): And you say Mrs. Dunn was upset. She was also probably exhausted and stressed too right?

MR. NELSON (prosecutor): Objection, Your Honor. Mr. Campbell is speculating.

JUDGE: Sustained. Mr. Campbell, limit your inquiries to matters of fact. Ladies and gentlemen of the jury, you are advised to disregard the last question.

MR. CAMPBELL (defense): Okay, Officer Richardson, when you first took Mrs. Dunn's statement at the scene of the crime, do you remember what kinds of things you asked her?

OFFICER RICHARDSON: Well, sure I do. I asked her about what happened, what she saw, and I asked for a description of the perpetrator.

MR. CAMPBELL (defense): Were you already aware of her description based on her 911 call?

OFFICER RICHARDSON: No.

MR. CAMPBELL (defense): Officer Richardson, during that interview you had with Mrs. Dunn, did you ask her if she had read about the crime in the newspaper or heard about it on the news?

OFFICER RICHARDSON: Yes. The local news was covering the story and I was pretty certain that most people around here had heard about what happened. Details of the crime and the perpetrator were also in the paper.

MR. CAMPBELL (defense): Officer Richardson, have you received any special training on how to interview eyewitnesses about the details of the crime?

OFFICER RICHARDSON: Both at the police academy and at other special police courses.

MR. CAMPBELL: And where did the interview with Mrs. Dunn take place?

OFFICER RICHARDSON: In one of our isolated interview rooms at the station.

MR. CAMPBELL (defense): Okay Officer Richardson, and the gun. Was the gun that was used to shoot and kill the clerk, David Aims, ever found?

OFFICER RICHARDSON: No. We searched the area surrounding the crime scene but were unable to locate it.

MR. CAMPBELL (defense): Did you search my client's apartment for the gun?

OFFICER RICHARDSON: Yes, we did.

MR. CAMPBELL (defense): And were you able to locate the gun there?

OFFICER RICHARDSON: No, we were still unable to locate the gun.

MR. CAMPBELL: Did you find my client's fingerprints at the crime scene?

OFFICER RICHARDSON: No.

MR. CAMPBELL: Was there any other evidence that you found that even suggests my client was near the crime scene the night of February 22nd?

OFFICER RICHARDSON: The eyewitness evidence provided by Mrs. Dunn is the evidence we have.

MR. CAMPBELL (defense): Thank you Your Honor, I have no further questions for this witness.

[Prosecution's redirect of Officer Richardson]

MR. NELSON (prosecutor): Officer Richardson, what training have you received in conducting lineups?

OFFICER RICHARDSON: I have received training at the police academy and have been conducting lineups for over ten years.

MR. NELSON (prosecutor): To your knowledge, what training has Officer Lombard received in conducting lineups?

OFFICER RICHARDSON: Officer Lombard has been conducting lineups for at least ten years.

MR. NELSON (prosecutor): Officer Richardson, what training have you received in interviewing witnesses?

OFFICER RICHARDSON: I have participated in over 500 interviews of eyewitnesses that I conducted and have taken a course on how to conduct a cognitive interview.

MR. NELSON: Thank you Your Honor, I have no further questions for this witness.

THE COURT: Officer Richardson, you may step down. Mr. Nelson, you may call your next witness.

MR. NELSON (prosecutor): Thank you, Your Honor. The State rests at this time.

[Defense's direct-examination of Diana Reyes]

THE COURT: Mr. Campbell you may call your first witness.

MR. CAMPBELL (defense): Thank you, Your Honor. The Defense would like to call Diana Reyes to the stand.

THE COURT: Raise your right hand. Miss Reyes, do you solemnly swear to tell the truth, the whole truth and nothing but the truth so help you God?

DIANA REYES: I do.

THE COURT: Please be seated.

MR. CAMPBELL (defense): Miss Reyes, would you please state your full name for the record.

DIANA REYES: My name is Diana Maria Reyes.

MR. CAMPBELL (defense): Miss Reyes, what is your relationship with the Defendant, Peter Brown?

DIANA REYES: Peter is my boyfriend. We have been dating for about two years.

MR. CAMPBELL (defense): Are you familiar with the Quick-Stop convenience store on the corner of Washington and 57th?

DIANA REYES: Yes, it's about ten blocks from my apartment.

MR. CAMPBELL (defense): Approximately how long does it take you to get to the Quick- Stop from your apartment?

DIANA REYES: It's not too far. It's about a five minute drive.

MR. CAMPBELL (defense): Could you please tell the Jury where you were at approximately 8:30 PM on the evening of February 22, 2008?

DIANA REYES: Sure. I was at home watching T.V.

MR. CAMPBELL (defense): Was anyone else there with you that evening?

DIANA REYES: Yes. My boyfriend Peter was with me.

MR. CAMPBELL (defense): Was Peter with you the entire evening?

DIANA REYES: Well No. He came for dinner. We watched some T.V. and then he went back to his place.

MR. CAMPBELL (defense): Where is Peter Brown's apartment?

DIANA REYES: Peter's apartment is about 15 blocks away on Scotts Street.

MR. CAMPBELL (defense): At approximately what time did he leave?

DIANA REYES: I remember that it was right after Comedy Central ended, so I would say about 8:30 PM.

MR. CAMPBELL (defense): Did you speak with him at any other time that evening?

DIANA REYES: Yes. I called him at home shortly after he left to tell him that he had left his jacket at my place.

MR. CAMPBELL (defense): Approximately what time did you call?

DIANA REYES: Well, I didn't look at the clock or anything but I would guess that it was around 8:45.

MR. CAMPBELL (defense): What makes you think the time was approximately 8:45 PM?

DIANA REYES: I remember because I was watching The Office and then I specifically waited for a commercial because I didn't want to miss any part of the show.

MR. CAMPBELL (defense): What was his response when you told him that he left his jacket?

DIANA REYES: He said he would come by my apartment the next morning

around 7:00 on his way to work.

MR. CAMPBELL (defense): When you spoke to Peter on the phone did you notice anything unusual about his voice or behavior?

DIANA REYES: He sounded a little bit out of breath. But when I asked him why he said that he had gone out to get his mail and I had made him run back to his place to get the phone. We laughed about it that he was getting out of shape.

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MR. CAMPBELL (defense): Miss Reyes, to your knowledge has Peter Brown ever owned a gun?

DIANA REYES: No, not that I am aware of.

MR. CAMPBELL (defense): Thank you Miss Reyes. I have no further questions.

THE COURT: Your witness Mr. Nelson.

[Prosecution's cross-examination of Diana Reyes]

MR. NELSON (prosecutor): Thank you Your Honor. Miss Reyes, is it possible that you called Mr. Brown at approximately 8:50 PM?

DIANA REYES: No, I don't think so.

MR. NELSON (prosecutor): Then you're not sure of the exact time are you?

DIANA REYES: No, I didn't look at the clock so I am not sure of the exact time.

MR. NELSON (prosecutor): Miss Reyes, when traveling from your apartment to the Defendant's place of residence, do you normally pass the Quick-Stop convenience store?

DIANA REYES: Yes.

MR. NELSON (prosecutor): And about how long does it take you to get to the Defendant's residence?

DIANA REYES: I would say about 7 or 8 minutes.

MR. NELSON (prosecutor): And you stated earlier, did you not, that when you called the Defendant it was approximately 15 minutes after he had left your place, that he was just coming in from outside?

DIANA REYES: Well, yes. But, he said that he had just come in with the mail, not that he had just arrived at home.

MR. NELSON (prosecutor): Miss Reyes when you are with your boyfriend, Mr. Brown, does he normally get the mail as he comes into the apartment or does he later go back out and get the mail?

DIANA REYES: Well, I guess that normally he gets the mail first, but on that night he must have forgotten and then had to go back out for it.

MR. NELSON (prosecutor): Thank you, your Honor. I have no further questions.

THE COURT: Mr. Campbell you may call your next witness.

MR. CAMPBELL (defense): Your Honor at this time the defense rests.

THE COURT: Ladies and Gentlemen of the Jury we will now proceed with the closing arguments. The Prosecution will go first and then the Defense will proceed. Mr. Nelson you may now begin with your closing arguments.

[Prosecution's closing arguments]

MR. NELSON (prosecutor): Thank you Your Honor. Ladies and Gentlemen of the Jury, today you have heard the case of Mr. Peter Brown. Mr. Brown stands accused. He

stands accused of robbing a Quick-Stop convenience store on the corner of 57th Avenue and

Washington. He also stands accused of shooting and killing the clerk, Mr. David Aims.

Now, as the representative of the State of Florida it is my job to prove to you beyond a

reasonable doubt that Mr. Peter Brown committed these crimes. Today you heard the

testimony of Mrs. Barbara Dunn, the eyewitness who was present when the crimes were

committed. You heard her testify that the person who she saw commit these crimes at the

Quick-Stop convenience store was in fact the Defendant, Peter Brown. And, in fact, she

positively identified Mr. Brown from his photograph in the police lineup. Also, within this

trial you heard the testimony of Officer Richardson of the Lakeside Police force. Officer

Richardson was the chief investigating officer on this crime. You heard Officer Richardson

describe the standard procedures used in (1) instructing eyewitnesses; (2) choosing

appropriate suspect photographs for lineups; and (3), the standard procedure for presenting

suspects to the eyewitness in police photographic lineups. You also heard Officer

Richardson testify that these standard procedures were the ones used in the lineup which lead

to the identification of Mr. Peter Brown. He also testified that this particular police lineup

was conducted in an unbiased and fair manner. Moreover, the number of photographic

lineups and eyewitness interviews he has conducted during his 15 years on the force certainly

makes him qualified in this area. Ladies and Gentlemen, I believe that upon close

examination of the evidence presented here today at the trial, you will be convinced beyond a

reasonable doubt that Mr. Peter Brown is guilty as charged.

THE COURT: Thank you Mr. Nelson. Mr. Campbell you may proceed with your

closing argument.

[Defense's closing argument]

MR. CAMPBELL (defense): Thank you Your Honor. Ladies and Gentlemen of the Jury you've heard testimony today from a number of witnesses accusing my client, Mr. Peter Brown, of the charges of robbery and murder. This, in fact, is incorrect. Reasonable doubt exists and you must find my client not guilty. Let's look back at the testimony that we've heard today. We heard from Miss Reyes, the Defendant's girlfriend. She testified to three important pieces of information. First, she testified that Mr. Brown left her apartment and went directly home. Thus, he was not out at the time of the crime. Second, she knows that he was home because she spoke to him on his home phone soon after he arrived there. And, third, in addition to these other factors, she testified that Mr. Peter Brown, to her knowledge, does not own a gun. The only incriminating evidence against my client is the eyewitness testimony of Mrs. Dunn. I will not be so bold to say that Mrs. Dunn is a liar. But she mistakenly identified my client as the murderer and robber of that convenience store a full 3 weeks after the crime occurred. So, no, Mrs. Dunn is not a liar, but her memory is inaccurate. In evaluating the evidence you should consider that the photo lineup used by the police was biased and the interview of Mrs. Dunn unfairly suggestive. You should also consider that the police failed to produce any other evidence in this case such as the gun used in the crime, fingerprints, or DNA evidence that my client, Peter Brown, was even at the scene, nonetheless involved in the crime in any way. These factors so clearly point to a mistaken identification of my client and he should thus, be found not guilty. Thank you.

THE COURT: Members of the Jury, thank you for your attention. Please listen to the instructions I am about to give you. Mr. Peter Brown, the Defendant in this case, is accused

of first degree felony murder of David Aims. If you have a reasonable doubt as to the guilt of the Defendant you should find the Defendant not guilty. If you have no reasonable doubt you should find the Defendant guilty. It is the evidence introduced at this trial and to it alone that you are to look for that proof. It is up to you to decide what evidence is reliable. Some things you should consider are: Did the witness seem to have an opportunity to see and know the things about which the witness testified? Did the witness seem to have an accurate memory? Was the witness honest and straightforward in answering the attorneys' questions? Did the witness have some interest in how the case should be decided? A juror may believe or disbelieve all of or any part of the evidence or testimony of any witness. Before you can find the Defendant guilty of the first degree felony murder, the state must prove the following three elements beyond a reasonable doubt: Number one, David Aims is dead. Number two, did this occur as a consequence of, and while Peter Brown was engaged in the commission of a robbery? Number three, Peter Brown was the person who actually killed David Aims. An issue in this case is whether the Defendant was present when the crime allegedly was committed. If you have a reasonable doubt that the Defendant was present at the scene of the alleged crime, it is your duty to find the Defendant not guilty. Finally, the decision to testify is the 5th Amendment right of the Defendant. The fact that the Defendant in this case did not testify should have no bearing on your verdict.

Weak Case Transcript

<u>JUDGE'S OPENING STATEMENT:</u>

THE COURT: Please, be seated. Court is now in session. We have the Reporters' Criminal Case Number 04-143: the State of Florida vs. Peter Brown. The Defendant, Mr. Brown has been charged with the crimes of armed robbery and murder in the first degree. You are further advised that the Defendant has appeared in this court and has entered a plea of not guilty to the charges of armed robbery and murder in the first degree. I note for the record that Johnson A. Nelson is here as prosecuting attorney and Michael D. Campbell is here representing the Defendant, Peter Brown. All right, Mr. Nelson, you may proceed with your opening statement.

<u>PROSECUTION'S OPENING STATEMENT</u>

MR. NELSON (prosecutor): Thank you Your Honor. Ladies and gentlemen of the Jury, the State of Florida accuses Mr. Peter Brown of robbing the Quick-Stop convenience store on the corner of Washington and 57th Avenue. He is also accused of shooting and killing the clerk, Mr. David Aims. Mr. Peter Brown has been identified by Mrs. Barbara Dunn, a frequent shopper of the Quick-Stop convenience store, who happened to be present at the time the crime was committed. Now, the evidence will show that Mr. Peter Brown was positively identified by Mrs. Barbara Dunn after viewing a photographic lineup shown to her by the Lakeside Police Department. Now, the defense will attempt to convince you that the procedures used by the Lakeside Police Department in conducting their photographic lineups are unfair and biased. However, as you will see, the procedures used in constructing and

administering their photo lineups are fair and unbiased. And the evidence will show that the photo lineup used in identifying Mr. Peter Brown by Mrs. Barbara Dunn was in fact the standard identification procedure used by the Lakeside Police Department. Furthermore, the evidence will show that the circumstances leading up to the arrest of Mr. Peter Brown are highly incriminating and it is our feeling that a close examination of the evidence in this case will convince you beyond a reasonable doubt that Mr. Peter Brown is guilty as charged. Thank you.

THE COURT: Thank you Mr. Nelson. Mr. Campbell, you may make your opening statements.

DEFENSE'S OPENING STATEMENT:

MR. CAMPBELL (defense): Thank you Your Honor. Ladies and Gentlemen of the Jury, the Defendant, Mr. Peter Brown, has been mistakenly identified by a single eyewitness as the man who robbed the Quick-Stop convenience store and who shot and killed the clerk, Mr. David Aims. The evidence will show that the Defendant is innocent of the crimes for which he has been accused. The Defendant Peter Brown never visited the Quick-Stop convenience store that day. You'll hear testimony from Ms. Reyes, the Defendant's girlfriend, who will say that the Defendant was home at the time the crime occurred, thus making it impossible for him to have been the one who committed these heinous acts. The evidence will show that the identification procedures used by the Lakeside Police Department in their construction and presentation of the photo lineup to the eyewitness were biased and unfair and that Officer Richardson's interview with Mrs. Dunn was suggestive.

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Ladies and Gentlemen of the Jury, substantial questions exist regarding the eyewitness's memory of the crime. The conditions under which the identification was made unfairly point the finger at the Defendant, Mr. Peter Brown. Careful attention to the evidence of the testimony today will show that Mrs. Dunn is mistaken in her identification, and my client, the Defendant, Mr. Peter Brown, is innocent of all the charges. Thank you.

THE COURT: Thank you Mr. Campbell. Mr. Nelson, you may proceed with your first witness.

[Testimony of Barbara Dunn]

MR. NELSON (prosecutor): Thank you Your Honor. I would like to call Barbara Dunn to the stand.

[Prosecution direct-examination of Barbara Dunn, the eyewitness to the crime]

THE COURT: Please raise your right hand. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth so help you God.

BARBARA DUNN: I do.

THE COURT: Please be seated.

MR. NELSON (prosecutor): Mrs. Dunn. Would you please state your full name for the record?

BARBARA DUNN: My name is Barbara Jane Dunn.

MR. NELSON (prosecutor): Mrs. Dunn, are you familiar with the Quick-Stop convenience store on the corner of Washington and 57th Avenue?

BARBARA DUNN: Yes, I am. I often stop in there to buy gas or a soda.

MR. NELSON (prosecutor): Did you stop at the Quick-Stop convenience store on February 22, 2008?

BARBARA DUNN: Yes, I did. I stopped in to buy gas about 8:40 that evening.

MR. NELSON (prosecutor): Could you please tell the Jury what events took place that evening.

BARBARA DUNN: After I filled-up with gas, I went inside and paid the cashier. I then went to the back to use the restroom. When I came out, I heard yelling and saw a man waving a gun at the cashier. So I hid behind one of those tall bread racks towards the back of the store. It was really scary and I remember feeling shaky and just - it was just really awful.

MR. NELSON (prosecutor): Mrs. Dunn, could you please tell the Jury what you saw next?

BARBARA DUNN: I saw the cashier give the guy with the gun the money. The guy with the gun said, "Where's the rest of it?" and the cashier said that's all that there was. That he had just made a drop. The guy with the gun seemed to get really upset and he started shouting obscenities. Then he shot the clerk and ran out of the store.

MR. NELSON (prosecutor): What happened next?

BARBARA DUNN: Well, after the guy left, I called 911 and the police came. I guess I stood there for a moment in shock, but I managed to call 911 on my cell phone. It was the most horrible thing I have ever seen.

MR. NELSON (prosecutor): Mrs. Dunn, were there any other customers in the store?

BARBARA DUNN: No. Besides the cashier, I was the only other person in the store.

MR. NELSON (prosecutor): When you were behind the bread rack, about how many feet was the robber, who was up at the front of the store, from you?

BARBARA DUNN: I'd say about 15 or 20 feet.

MR. NELSON (prosecutor): Mrs. Dunn, when you were hiding behind the bread rack, did you have the opportunity to get a good look at the robber?

BARBARA DUNN: Yes, I did.

MR. NELSON (prosecutor): Approximately how long were you able to get that good look at the robber?

BARBARA DUNN: I'd say roughly 2 minutes.

MR. NELSON (prosecutor): Were you distracted at all during this time period?

BARBARA DUNN: No, I was not.

MR. NELSON (prosecutor): Did you find that during this time period, you were able to pay close attention to the robber's face?

BARBARA DUNN: Yes, I believe I was able to pay close attention to the robber's face.

MR. NELSON (prosecutor): How was the lighting in the store?

BARBARA DUNN: Good.

MR. NELSON (prosecutor): Was the robber wearing a mask or disguise of any kind?

BARBARA DUNN: No, he wasn't. He just had on regular clothes and a ball cap.

MR. NELSON (prosecutor): Mrs. Dunn do you wear glasses?

BARBARA DUNN: I wear contacts, and I was wearing them when the crime occurred.

MR. NELSON (prosecutor): Mrs. Dunn, is the person you saw rob the Quick-Stop convenience store in the room at this time?

BARBARA DUNN: Yes, he is.

MR. NELSON (prosecutor): Can you please point to this person?

BARBARA DUNN: Yes, that's him there.

MR. NELSON (prosecutor): For the record, can you indicate an article of clothing this person is wearing?

BARBARA DUNN: Yes, he's the blonde haired gentleman wearing the gray suit with the floral tie and white shirt.

MR. NELSON (prosecutor): Let the record reflect that the witness has identified the Defendant, Mr. Peter Brown.

THE COURT: So noted.

MR. NELSON (prosecutor): Mrs. Dunn, let's now turn our attention to the events that took place after the crime was committed. Did you, at a later date, have the opportunity to view a group of lineup photographs and make an identification of the robber?

BARBARA DUNN: Yes, I did.

MR. NELSON (prosecutor): Mrs. Dunn, how confident are you now that your identification was correct?

BARBARA DUNN: I am 100% confident that my decision was correct.

MR. NELSON (prosecutor): Mrs. Dunn, how many photographic lineups did you view the day that you identified Mr. Peter Brown?

BARBARA DUNN: I only saw one photo lineup.

MR. NELSON (prosecutor): And how long did it take you to identify the man that you believed to have been the robber?

BARBARA DUNN: As soon as I saw the Defendant, I knew it was him.

MR. NELSON (prosecutor): What did the other lineup photos look like? Did most of the people you saw in the photographic lineup match the description you gave of the person you saw rob the convenience store?

BARBARA DUNN: Well one of them was too heavy in the face and I was able to quickly rule him out.

MR. NELSON (prosecutor): Thank you Mrs. Dunn. I have no further questions.

THE COURT: Mr. Campbell, your witness.

[Defense cross-examination of Barbara Dunn]

MR. CAMPBELL (defense): Thank you Your Honor. Mrs. Dunn, did you go to the police station to be interviewed after the crime?

MRS. DUNN: Yes. I went in the next morning at about 9:30 and was interviewed.

MR. CAMPBELL (defense): Did the officer ask you if you had talked to anyone about what you saw, such as any friends or family members?

BARBARA DUNN: No.

MR. CAMPBELL (defense): Okay. Can you recall if you did speak to friends or family about the crime?

BARBARA DUNN: Yes, I spoke with my husband about it that night because I was shaken up and really scared. He asked me what exactly happened and I told him. It felt good to talk about it with him and he kept on saying over and over how lucky I was

that I wasn't hurt.

MR. CAMPBELL: And did you read about or hear any news reports about the crime?

BARBARA DUNN: Well in the days following the crime it was hard not to hear the news reports. It was all over the tv news.

MR. CAMPBELL (defense): I see. And did you view photographs of robbery suspects anytime between the robbery and the lineup identification?

BARBARA DUNN: No, I did not.

MR. CAMPBELL (defense): And how long was it from the robbery and the day you identified my client from his lineup photograph?

BARBARA DUNN: It was 3 weeks.

MR. CAMPBELL (defense): Right, 3 weeks. Could you please describe to the Court what, if anything, the officer said to you prior to you viewing the photographic lineup?

BARBARA DUNN: Well, he told me that I would be seeing a set of photographs and then he told me to choose the man who looked familiar. He also told me not to tell anyone else which photograph I had identified.

MR. CAMPBELL (defense): Did he tell you that the person you saw may not be in the lineup?

BARBARA DUNN: No.

MR. CAMPBELL (defense): Did the officer read these instructions from a card?

BARBARA DUNN: No, he just said them.

MR. CAMPBELL (defense): Did the officer say anything after you chose Mr.

Brown from the lineup photos you were shown?

BARBARA DUNN: He just told me that was their suspect. And he said I did a

real good job.

MR. CAMPBELL (defense): Alright, Mrs. Dunn. The person who robbed the Quick-

Stop, he had a gun right?

BARBARA DUNN: Yes, he did.

MR. CAMPBELL (defense): Did you look at the gun during the robbery?

BARBARA DUNN: Yes I did. I've never seen a real gun before and I remember it

was silver.

MR. CAMPBELL (defense): Were you frightened?

BARBARA DUNN: Yes, of course, I was terrified. I was just so afraid the gunman

was going to hurt the clerk and I was terrified he would see or hear me behind the rack.

MR. CAMPBELL (defense): Mrs. Dunn, I'd like you to now think about your

interview with the police following the crime. Did the officer ask you to provide a physical

description of the robber?

BARBARA DUNN: Yes he did.

MR. CAMPBELL (defense): Mrs. Dunn, can you please describe to the Court the description of the robber that you gave to the police when they interviewed you.

BARBARA DUNN: Yes. I described him as being a white male about 25-years old, five-foot-ten, about 175 lbs. He was wearing a ball cap on his head. He

had no facial hair. He wore a pair of tan shorts, black tee shirt, and black tennis shoes.

MR. CAMPBELL: And did the officer ask you anything else about how the robber looked?

BARBARA DUNN: He asked me if the person I saw had blonde hair. I said I thought he did. He wrote all that down and then he just said to me that I must have gotten a really good view of the robber since I was so close to him and the store was so bright and everything.

MR. CAMPBELL (defense): Alright, what about the people in the photo lineup you saw, Mrs. Dunn? Were any of the people in the photos wearing hats?

BARBARA DUNN: No, I don't think so, but I was looking more at their faces because that is what I could remember.

MR. CAMPBELL (defense): Mrs. Dunn how many people were in the photo lineup?

BARBARA DUNN: There were 5 photos of men lined up next to each other.

MR. CAMPBELL (defense): Thank you. I have no further questions.

THE COURT: Mrs. Dunn you may step down. Mr. Nelson you may call the next witness.

MR. NELSON (prosecutor): Thank you Your Honor. At this time the State wishes to call Officer Paul Richardson to the stand.

[Prosecution direct-examination of Officer Richardson]

THE COURT: Officer Richardson, raise your right hand. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth so help you God?

OFFICER RICHARDSON: Yes, I do.

THE COURT: Please be seated.

MR. NELSON (prosecutor): Officer Richardson, will you please state your full name for the record?

OFFICER RICHARDSON: My name is Paul Richardson.

MR. NELSON (prosecutor): And what is your occupation?

OFFICER RICHARDSON: I am a police officer with the Lakeside Police Department. I've been on the force for 15 years.

MR. NELSON (prosecutor): Officer Richardson, have you been involved at all with the investigation of the robbery at the Quick-Stop convenience store, which took place on February 22, 2008?

OFFICER RICHARDSON: Yes, I was.

MR. NELSON (prosecutor): And in what capacity were you involved?

OFFICER RICHARDSON: I was the chief investigating officer. I interviewed the witness immediately following the crime and conducted the photo lineup.

MR. NELSON (prosecutor): Could you please tell the Court how it is that the Defendant, Peter Brown, was picked up and charged with this crime?

OFFICER RICHARDSON: The Defendant Peter Brown was picked up 3 weeks after the crime occurred, at approximately 7:30 on the night of March 15th. He was arrested about ten blocks from the crime scene in front of another small convenience store. The store owner called us about a fight outside and we picked up Mr. Brown and another gentleman who filed assault charges against Mr. Brown. He matched the physical description of the perpetrator given by Mrs. Dunn, and based on that information he was held at the Lakeside Police Department for questioning in the Quick-Stop case.

MR. NELSON (prosecutor): Officer Richardson, in your experiences with the police force, about how many lineups have you been involved with?

OFFICER RICHARDSON: I have conducted at least 200 lineups in other cases.

MR. NELSON (prosecutor): When Mrs. Dunn viewed the photographs included in the lineup, did you say anything to her?

OFFICER RICHARDSON: I instructed her on the photographic lineup that she would be seeing and I told her to choose the person who looked familiar. I also instructed her not to tell anyone who she chose.

MR. NELSON (prosecutor): Officer Richardson, was there anything unusual about the procedure used to construct the lineup or the photos that were used?

OFFICER RICHARDSON: No. I used standard procedures used by the Lakeside Police Department. The photos selected were based on what the suspect looked like.

MR. NELSON (prosecutor): When you were choosing which photographs got included in the lineup that Mrs. Dunn saw, how did you select the other four photos that she saw?

OFFICER RICHARDSON: We have a book of photographs of hundreds of people at the Department, so the procedure is to go through it and select maybe four other photos of people who resemble the suspect. That's what I did for the lineup Mrs. Dunn saw.

MR. NELSON (prosecutor): Officer Richardson, is it true that Mrs. Dunn, the eyewitness, identified the photo of the Defendant, Mr. Peter Brown, from the photographic lineup as the man who robbed the convenience store?

OFFICER RICHARDSON: Yes, she did so without a doubt.

MR. NELSON (prosecutor): Thank you Officer Richardson. I have no further questions.

THE COURT: Mr. Campbell, your witness.

[Defense's cross-examination of Officer Richardson]

MR. CAMPBELL (defense): Thank you Your Honor. Officer Richardson, why did you put the photo of my client in the lineup? Did you have any other evidence beside the fact that he resembled a description given to you by Mrs. Dunn 3 weeks earlier?

OFFICER RICHARDSON: All officers in the Department were given the physical description of the perpetrator provided by Mrs. Dunn. When Mr. Brown was arrested on the assault charges he fit the description Mrs. Dunn gave and when we questioned him about his whereabouts on the evening of February 22nd he seemed nervous and couldn't provide specific details.

MR. CAMPBELL (defense): And how long did you keep him in the room where he was questioned about the Quick-Stop crime?

OFFICER RICHARDSON: Approximately 45 minutes.

MR. CAMPBELL (defense): Let's consider the photo lineup from which the Defendant, Mr. Peter Brown, was picked. Does the police department have standardized written lineup instructions?

OFFICER RICHARDSON: No. Officers use instructions they feel are the best.

MR. CAMPBELL: So you vary instructions depending on the situation?

OFFICER RICHARDSON: Yes. Every witness and every investigator is unique.

MR. CAMPBELL (defense): Officer, when you conducted the photo lineup did you know which member of the lineup was the suspect?

OFFICER RICHARDSON: Of course I did.

MR. CAMPBELL (defense): I see. Did you determine immediately after Mrs. Dunn identified the photo of Mr. Brown from the lineup as the perpetrator of the crime how confident she was that this was the man she saw in the Quick-Stop?

OFFICER RICHARDSON: No, I never do that. That is not part of our standard police procedure.

MR. CAMPBELL (defense): And how many photos were included in the lineup?

OFFICER RICHARDSON: Five photos in all.

MR. CAMPBELL (defense): And just to be clear, Mrs. Dunn did not view the lineup photos until a full 3 weeks after the crime. Is that correct?

OFFICER RICHARDSON: Yes that's correct.

MR. CAMPBELL: In your experience, Officer Richardson, is this a particularly long time-frame? Is 3 weeks a longer time than you'd like to have between when the witness saw the crime and when she made her identification?

OFFICER RICHARDSON: Well, we obviously would like the identification procedure to take place soon after the crime. But that is sometimes not possible and it is very typical for a lineup to take place weeks after the crime.

MR. CAMPBELL (defense): Now let's talk about your eyewitness interviews.

How many times was Mrs. Dunn interviewed?

OFFICER RICHARDSON: Well, I took Mrs. Dunn's initial statement and description of the perpetrator once I arrived at the crime scene that night and then she volunteered to come to the police station the next morning so I was able to do a more thorough interview. She was understandably upset at the scene and just wanted to go home.

MR. CAMPBELL (defense): And what time did the interview occur the next day?

OFFICER RICHARDSON: Approximately 9:30 the next morning, February 23rd.

MR. CAMPBELL (defense): And you say Mrs. Dunn was upset. She was also probably exhausted and stressed too right?

MR. NELSON (prosecutor): Objection, Your Honor. Mr. Campbell is speculating.

JUDGE: Sustained. Mr. Campbell, limit your inquiries to matters of fact. Ladies and gentlemen of the jury, you are advised to disregard the last question.

MR. CAMPBELL (defense): Okay Officer Richardson,

when you first took Mrs. Dunn's statement at the scene of the crime, do you remember what kinds of things you asked her?

OFFICER RICHARDSON: Well, sure I do. I asked her about what happened, what she saw, and I asked for a description of the perpetrator.

MR. CAMPBELL (defense): Were you already aware of her description based on her 911 call?

OFFICER RICHARDSON: Yes.

MR. CAMPBELL (defense): Officer Richardson, during that interview you had with Mrs. Dunn, did you ask her if she had read about the crime in the newspaper or heard about it on the news?

OFFICER RICHARDSON: No I did not. The local news covered the story and I am sure that most people around here heard about what happened.

MR. CAMPBELL (defense): Officer Richardson, have you received any special training on how to interview eyewitnesses about the details of the crime?

OFFICER RICHARDSON: Both at the police academy and at other special police

courses I have been trained how to interrogate suspects. I can assure you that after 15 years of conducting interviews, I know how to interview a witness. I can also assure you that interviewing suspects is much more difficult and challenging than interviewing eyewitnesses.

MR. CAMPBELL: Where did the interview take place?

OFFICER RICHARDSON: It took place in my office.

MR. CAMPBELL: Do you have a phone in your office?

OFFICER RICHARDSON: Of course.

MR. CAMPBELL: Officer Richardson, do you recall if you got any phone calls while you were interviewing Mrs. Dunn, or if any other officer came in and interrupted you while you were interviewing her?

OFFICER RICHARDSON: No I do not.

MR. CAMPBELL (defense): Okay Officer Richardson, and the gun. Was the gun that was used to shoot and kill the clerk, David Aims, ever found?

OFFICER RICHARDSON: No. We searched the area surrounding the crime scene but were unable to locate it.

MR. CAMPBELL (defense): Did you search my client's apartment for the gun?

OFFICER RICHARDSON: Yes, we did.

MR. CAMPBELL (defense): And were you able to locate the gun there?

OFFICER RICHARDSON: No, we were still unable to locate the gun.

MR. CAMPBELL: Did you find my client's fingerprints at the crime scene?

OFFICER RICHARDSON: No.

MR. CAMPBELL (defense): Thank you Your Honor, I have no further questions.

[Prosecution's redirect of Officer Richardson]

MR. NELSON (prosecutor): Officer Richardson, what training have you received in conducting lineups?

OFFICER RICHARDSON: I have received training at the police academy and have been conducting lineups for over ten years.

MR. NELSON (prosecutor): Officer Richardson, what training have you received in interviewing witnesses?

OFFICER RICHARDSON: I have participated in over 500 interviews of eyewitnesses that I conducted.

MR. NELSON (prosecutor): And when you interviewed Mrs. Dunn, did her description of how the perpetrator looked, or what happened the night of the crime, ever change?

OFFICER RICHARDSON: No, her descriptions were always consistent.

MR. NELSON (prosecutor): Did she ever change her mind about her identification of Peter Brown?

OFFICER RICHARDSON: No she did not.

MR. NELSON (prosecutor): Thank you Your Honor, I have no further questions for this witness.

THE COURT: Officer Richardson, you may step down. Mr. Nelson, you may call your next witness.

MR. NELSON (prosecutor): Thank you, Your Honor. The State rests at this time.

[Defense's direct-examination of Diana Reyes]

THE COURT: Mr. Campbell you may call your first witness.

MR. CAMPBELL (defense): Thank you, Your Honor. The Defense would like to call Diana Reyes to the stand.

THE COURT: Raise your right hand. Miss Reyes, do you solemnly swear to tell the truth, the whole truth and nothing but the truth so help you God?

DIANA REYES: I do.

THE COURT: Please be seated.

MR. CAMPBELL (defense): Miss Reyes, would you please state your full name for the record.

DIANA REYES: My name is Diana Maria Reyes.

MR. CAMPBELL (defense): Miss Reyes, what is your relationship with the Defendant, Peter Brown?

DIANA REYES: Peter is my boyfriend. We have been dating for about two years.

MR. CAMPBELL (defense): Are you familiar with the Quick-Stop convenience store on the corner of Washington and 57th?

DIANA REYES: Yes, it's about ten blocks from my apartment.

MR. CAMPBELL (defense): Approximately how long does it take you to get to the Quick- Stop from your apartment?

DIANA REYES: It's not too far. It's about a five minute drive.

MR. CAMPBELL (defense): Could you please tell the Jury where you were at approximately 8:30 PM on the evening of February 22, 2008?

DIANA REYES: Sure. I was at home watching T.V.

MR. CAMPBELL (defense): Was anyone else there with you that evening?

DIANA REYES: Yes. My boyfriend Peter was with me.

MR. CAMPBELL (defense): Was Peter with you the entire evening?

DIANA REYES: Well No. He came for dinner. We watched some T.V. and then he went back to his place.

MR. CAMPBELL (defense): Where is Peter Brown's apartment?

DIANA REYES: Peter's apartment is about 15 blocks away on Scotts Street.

MR. CAMPBELL (defense): At approximately what time did he leave?

DIANA REYES: I remember that it was right after Comedy Central ended, so I would say about 8:30 PM.

MR. CAMPBELL (defense): Did you speak with him at any other time that evening?

DIANA REYES: Yes. I called him at home shortly after he left to tell him that he had left his jacket at my place.

MR. CAMPBELL (defense): Approximately what time did you call?

DIANA REYES: Well, I didn't look at the clock or anything but I would guess that it was around 8:45.

MR. CAMPBELL (defense): What makes you think that the time was approximately 8:45 PM?

DIANA REYES: I remember because I was watching The Office and then I specifically waited for a commercial because I didn't want to miss any part of the show.

MR. CAMPBELL (defense): What was his response when you told him that he left his jacket?

DIANA REYES: He said he would come by my apartment the next morning around 7:00 on his way to work.

MR. CAMPBELL (defense): When you spoke to Peter on the phone did you notice anything unusual about his voice or behavior?

DIANA REYES: He sounded a little bit out of breath. But when I asked him why he said that he had gone out to get his mail and I had made him run back to his place to get the phone. We laughed about it that he was getting out of shape.

MR. CAMPBELL (defense): Miss Reyes, to your knowledge has Peter Brown ever owned a gun?

DIANA REYES: No, not that I am aware of.

MR. CAMPBELL (defense): Thank you Miss Reyes. I have no further questions.

THE COURT: Your witness Mr. Nelson.

[Prosecution's cross-examination of Diana Reyes]

MR. NELSON (prosecutor): Thank you Your Honor. Miss Reyes, is it possible that you called Mr. Brown at approximately 8:50 PM?

DIANA REYES: No, I don't think so.

MR. NELSON (prosecutor): Then you're not sure of the exact time are you?

DIANA REYES: No, I didn't look at the clock so I am not sure of the exact time.

MR. NELSON (prosecutor): Miss Reyes, when traveling from your apartment to the Defendant's place of residence, do you normally pass the Quick-Stop convenience store?

DIANA REYES: Yes.

MR. NELSON (prosecutor): And about how long does it take you to get to the Defendant's residence?

DIANA REYES: I would say about 7 or 8 minutes.

MR. NELSON (prosecutor): And you stated earlier, did you not, that when you called the Defendant it was approximately 15 minutes after he had left your place, that he was just coming in from outside?

DIANA REYES: Well, yes. But, he said that he had just come in with the mail, not that he had just arrived at home.

MR. NELSON (prosecutor): Miss Reyes when you are with your boyfriend, Mr. Brown, does he normally get the mail as he comes into the apartment or does he later go back out and get the mail?

DIANA REYES: Well, I guess that normally he gets the mail first, but on that night he must have forgotten and then had to go back out for it.

MR. NELSON (prosecutor): Thank you, your Honor. I have no further questions.

THE COURT: Mr. Campbell you may call your next witness.

MR. CAMPBELL (defense): Your Honor at this time the defense rests.

THE COURT: Ladies and Gentlemen of the Jury we will now proceed with the closing arguments. The Prosecution will go first and then the Defense will proceed. Mr. Nelson you may now begin with your closing arguments.

[Prosecution's closing arguments]

MR. NELSON (prosecutor): Thank you Your Honor. Ladies and Gentlemen of the Jury, today you have heard the case of Mr. Peter Brown. Mr. Brown stands accused. He stands accused of robbing a Quick-Stop convenience store on the corner of 57th Avenue and

Washington. He also stands accused of shooting and killing the clerk, Mr. David Aims.

Now, as the representative of the State of Florida it is my job to prove to you beyond a

reasonable doubt that Mr. Peter Brown committed these crimes. Today you heard the

testimony of Mrs. Barbara Dunn, the eyewitness who was present when the crimes were

committed. You heard her testify that the person who she saw commit these crimes at the

Quick-Stop convenience store was in fact the Defendant, Peter Brown. And, in fact, she

positively identified Mr. Brown from his photograph in the police lineup. Also, within this

trial you heard the testimony of Officer Richardson of the Lakeside Police force. Officer

Richardson was the chief investigating officer on this crime. You heard Officer Richardson

describe the standard procedures used in (1) instructing eyewitnesses; (2) choosing

appropriate suspect photographs for lineups; and (3), the standard procedure for presenting

suspects to the eyewitness in police photographic lineups. You also heard Officer

Richardson testify that these standard procedures were the ones used in the lineup which lead

to the identification of Mr. Peter Brown. He also testified that this particular police lineup

was conducted in an unbiased and fair manner. Moreover, the number of photographic

lineups and eyewitness interviews he has conducted during his 15 years on the force certainly

makes him qualified in this area. Ladies and Gentlemen, I believe that upon close

examination of the evidence presented here today at the trial, you will be convinced beyond a

reasonable doubt that Mr. Peter Brown is guilty as charged.

THE COURT: Thank you Mr. Nelson. Mr. Campbell you may proceed with your

closing argument.

[Defense's closing argument]

MR. CAMPBELL (defense): Thank you Your Honor. Ladies and Gentlemen of the
Jury you've heard testimony today from a number of witnesses accusing my client, Mr. Peter
Brown, of the charges of robbery and murder. This, in fact, is incorrect. Reasonable doubt
exists and you must find my client not guilty. Let's look back at the testimony that we've
heard today. We heard from Miss Reyes, the Defendant's girlfriend. She testified to three
important pieces of information. First, she testified that Mr. Brown left her apartment and
went directly home. Thus, he was not out at the time of the crime. Second, she knows that
he was home because she spoke to him on his home phone soon after he arrived there. And,
third, in addition to these other factors, she testified that Mr. Peter Brown, to her knowledge,
does not own a gun. The only incriminating evidence against my client is the eyewitness
testimony of Mrs. Dunn. I will not be so bold to say that Mrs. Dunn is a liar. But she
mistakenly identified my client as the murderer and robber of that convenience store a full 3
weeks after the crime occurred. So, no, Mrs. Dunn is not a liar, but her memory is
inaccurate. In evaluating the evidence you should consider that the photo lineup used by the
police was biased and the interview of Mrs. Dunn unfairly suggestive. You should also
consider that the police failed to produce any other evidence in this case such as the gun used
in the crime, fingerprints, or DNA evidence that my client, Peter Brown, was even at the
scene, nonetheless involved in the crime in any way. These factors so clearly point to a
mistaken identification of my client and he should thus, be found not guilty. Thank you.

THE COURT: Members of the Jury, thank you for your attention. Please listen to the
instructions I am about to give you. Mr. Peter Brown, the Defendant in this case, is accused

of first degree felony murder of David Aims. If you have a reasonable doubt as to the guilt

of the Defendant you should find the Defendant not guilty. If you have no reasonable doubt

you should find the Defendant guilty. It is the evidence introduced at this trial and to it alone

that you are to look for that proof.   It is up to you to decide what evidence is reliable. Some

things you should consider are: Did the witness seem to have an opportunity to see and know

the things about which the witness testified? Did the witness seem to have an accurate

memory? Was the witness honest and straightforward in answering the attorneys' questions?

Did the witness have some interest in how the case should be decided? A juror may believe

or disbelieve all of or any part of the evidence or testimony of any witness. Before you can

find the Defendant guilty of the first degree felony murder, the state must prove the following

three elements beyond a reasonable doubt: Number one, David Aims is dead. Number two,

did this occur as a consequence of, and while Peter Brown was engaged in the commission of

a robbery? Number three, Peter Brown was the person who actually killed David Aims. An

issue in this case is whether the Defendant was present when the crime allegedly was

committed. If you have a reasonable doubt that the Defendant was present at the scene of the

alleged crime, it is your duty to find the Defendant not guilty. Finally, the decision to testify

is the 5th Amendment right of the Defendant. The fact that the Defendant in this case did not

testify should have no bearing on your verdict.

Strong Case Questionnaire

Please complete the questionnaire sections in order. Please <u>do not</u> return to previous sections once you have completed them.

Part I: Judgments about the Present Case

Please respond to the following questions about the case

A. Please circle the number on the following scales to indicate your response

1. How likely is it that Peter Brown shot David Aims?

Extremely   **Extremely**

Unlikely   **Likely**

1   2   3   4   5   6   7   8   9

2. How likely is it that Barbara Dunn, the eyewitness, correctly identified Peter Brown, the defendant, as the perpetrator of the crimes in the present case?

Extremely   **Extremely**

Unlikely   **Likely**

1   2   3   4   5   6   7   8   9

B. Please answer the following questions about your verdict in the case against Peter Brown.

1. How would you rule on the present case? (i.e., did the prosecution prove beyond a reasonable doubt that the defendant is guilty of murder and armed robbery?).

a. guilty   b. not guilty

2. How confident are you in your verdict? In the space below, please provide a confidence rating on a scale of 0% to 100% confidence.

_____ **% confident**

3. Do you think the average juror would find Peter Brown guilty or not guilty?

a. guilty   b. not guilty

Part II: Verdict in the Present Case

Take a few moments to think about the case……

What are the reasons for your verdict decision? How and why did you reach your verdict (i.e., how did you go about making your decision of either guilty or not guilty)? Please use the spaces provided to list up to 10 reasons that most influenced your verdict decision.

Please list as many reasons as you can. Your reasons can relate to anything about the case, including what happened during the robbery, what happened during the investigation and interviews, what happened during the lineups, what happened during the trial, characteristics of the witnesses and defendant, etc.

After you have thought about and listed all of the reasons for your verdict decision, please go back and rate how much that fact influenced your verdict by writing the number that corresponds to the scale below in the space provided to the right of the line. Please only rate your reasons <u>after</u> you have listed them all.

Not   **Very**

Influential   **Influential**

1   2   3   4   5   6   7   8   9

<u>**Reason**</u>   <u>**Influence rating**</u>

1. _____   _____

2. _____   _____
3. _____   _____

4. _____   _____
5. _____   _____

6. _____   _____

7. _____   _____
8. _____   _____

9. _____   _____

10. _____   _____

Part III: Eyewitness Facts in the Present Case

The following statements are actual facts in the case. You may have written some of them on the previous page. Please indicate, by circling the letter W ("wrong"), N ("no effect"), or C ("correct") whether:

This fact made it more likely for you to believe that Barbara Dunn's identification was possibly **wrong. W = Wrong**

This fact had no effect on what you believed about Barbara Dunn's identification. **N = No Effect**

This fact made it more likely for you to believe that Barbara Dunn's identification was correct. **C = Correct**

> *Example:* **W N C** Peter Brown wore a grey suit in the court room.

W N C 1. Immediately after her identification, Barbara Dunn indicated that she was 100% certain of her identification of Peter Brown as the perpetrator of the crime.

W N C 2. Diana Reyes (the defendant's girlfriend) testified that her apartment is 10 blocks from the Quick-Stop convenience store.

W N C 3. Barbara Dunn was frightened while viewing the crime.

W N C 4. The officer who conducted the lineup (Officer Lombard) used standard lineup instructions.

W N C 5. Barbara Dunn viewed the perpetrator for 2 minutes during the crime.

W N C 6. Peter Brown was questioned at the Lakeside Police Department for 45 minutes.

W N C 7. When he showed Barbara Dunn the lineup photographs, the officer who conducted the lineup (Officer Lombard) did not know which photograph was that of the suspect, Peter Brown.

W N C 8. The perpetrator of the crime wore a hat.

W N C 9. The physical appearance of the lineup members matched Barbara Dunn's

description of the perpetrator.

W N C 10. Peter Brown was charged with assault in a case that was unrelated to the Quick-

Stop robbery / murder.

W N C 11. The officer who conducted the lineup told Barbara Dunn the perpetrator may or

may not be in the lineup.

W N C 12. Barbara Dunn was hiding behind a bread rack toward the back of the Quick-Stop

convenience store when she witnessed the crime.

W N C 13. Peter Brown was out of breath when he spoke to his girlfriend on the telephone.

W N C 14. The officer who conducted the lineup did not tell Mrs. Dunn whether or not she

identified the suspect.

W N C 15. Barbara Dunn visited the Quick-Stop convenience store often.

W N C 16. The perpetrator of the crime carried a gun.

W N C 17. The officer who interviewed Barbara Dunn had been on the police force for 15

years.

W N C 18. Barbara Dunn did not see other photographs prior to her viewing the
photographic lineup from which she identified Peter Brown.

W N C 19. Barbara Dunn was able to recall specific details about the color of the

perpetrator's clothing and what he was wearing.

Part IV: Opinions about the Present Case

A. Please circle the number that best describes your opinion on the following scales to indicate your response

1. Please rate the overall strength of the prosecution's case in the transcript you read.

Very								Very
Weak								Strong
1	2	3	4	5	6	7	8	9

2. Please rate the overall strength of the defense's case in the transcript you read.

Very								Very
Weak								Strong
1	2	3	4	5	6	7	8	9

3. Please rate the overall strength of the testimony of Diana Reyes (Peter Brown's girlfriend) in helping the defense argue for the innocence of Peter Brown.

Very								Very
Weak								Strong
1	2	3	4	5	6	7	8	9

4. Please rate the overall strength of the testimony of Barbara Dunn (the eyewitness to the crime) in helping the prosecutor argue for the conviction of Peter Brown.

Very								Very
Weak								Strong
1	2	3	4	5	6	7	8	9

B. Please answer the following questions.

1. Do you think that Barbara Dunn's memory skills are better or worse than the average individual?

1	2	3	4	5
Much	**Better**	**Neither Better**	**Worse**	**Much**
Better		**nor Worse**		**Worse**

2. Do you think that Barbara Dunn's observation skills are better or worse than the average individual?

1	2	3	4	5
Much	**Better**	**Neither Better**	**Worse**	**Much**
Better		**nor Worse**		**Worse**

3. How fair was the lineup that the officer conducted in the present case? (i.e., how well did the officer do in providing a fair lineup?).

1	2	3	4	5
Very	**Fair**	**Neither Fair**	**Unfair**	**Very**
Fair		**nor Unfair**		**Unfair**

4. How fair was the interview that the officer conducted in the present case? (i.e., how well did the officer do in interviewing Barbara Dunn?).

1	2	3	4	5
Very	**Fair**	**Neither Fair**	**Unfair**	**Very**
Fair		**nor Unfair**		**Unfair**

C. Please respond to the following statements.

1. I was surprised that the Defendant, Peter Brown, did not testify.

1	**2**	**3**	**4**	**5**
Strongly Agree	**Agree**	**Neither Agree nor Disagree**	**Disagree**	**Strongly Disagree**

2. Barbara Dunn was paying careful attention to the shooting when it happened.

1	**2**	**3**	**4**	**5**
Strongly Agree	**Agree**	**Neither Agree nor Disagree**	**Disagree**	**Strongly Disagree**

3. Only in exceptional circumstances should a defendant be convicted of a crime solely on the basis of eyewitness testimony. (Please circle)

1	**2**	**3**	**4**	**5**
Strongly Agree	**Agree**	**Neither Agree nor Disagree**	**Disagree**	**Strongly Disagree**

4. Out of 100 cases of wrongful felony convictions, how many do you think on average would be due at least in part to eyewitness error?

_____ **cases out of 100 wrongful convictions**

Part V: Demographic Information

So we can better interpret the results, please provide the following information about yourself.

1. What is your age?_____

2. What is your grade (e.g. Freshman, Sophomore,…)?_____

3. What is your gender? (Please circle)

       a. Male
       b. Female

4. What is your ethnicity? (Please circle)

       a. African American
       b. Asian/Pacific Islander
       c. Latino/Latina
       d. Middle Eastern
       e. White
       f. Other _____ (Please specify)

5. Have you ever served on jury duty? (Please circle)

       a. Yes
       b. No
       c. Called but did not serve

6. Have you ever witnessed a crime? (Please circle)

       a. Yes
       b. No

7. Have you ever been the victim of a crime? (Please circle)

       a. Yes
       b. No

8. If you could choose between the following two approaches, which do you think is the better penalty for murder: the death penalty, or life imprisonment, with absolutely no possibility of parole? (Please circle)

       a. Death penalty

       b. Life imprisonment with absolutely no possibility of parole

9. Have you ever done the following? (Please circle all that apply)

       a. Read about eyewitness memory
       b. Heard a lecture about eyewitness memory

       c. Taken a course on eyewitness memory
       d. Other _____ (Please specify)

10. Please use the following scale to indicate how much you knew about eyewitness testimony BEFORE you participated in this study? (Please circle one number)

Nothing　　　　　　　　　　　　　　　　　　　　　　　**Very**

　　　　　　　　　　　　　　　　　　　　　　　　　　　　Knowledgeable

1　　**2**　　**3**　　**4**　　**5**　　**6**　　**7**　　**8**　　**9**

11. Please use the scale below to indicate how carefully you read the trial transcript. (Please circle one number)

Not Very　　　　　　　　　　　　　　　　　　　　　　**Very**

Carefully　　　　　　　　　　　　　　　　　　　　　**Carefully**

1　　**2**　　**3**　　**4**　　**5**　　**6**　　**7**　　**8**　　**9**

12. Please use the scale below to indicate how educational the slideshow that you watched at the beginning of the study was. (Please circle one number)

Not Very　　　　　　　　　　　　　　　　　　　　　　**Very**

Educational　　　　　　　　　　　　　　　　　　　　**Educational**

1　　**2**　　**3**　　**4**　　**5**　　**6**　　**7**　　**8**　　**9**

13. Please use the scale below to indicate how useful the slideshow that you watched at the beginning of the study was when you were evaluating the case. (Please circle one number)

Not Very　　　　　　　　　　　　　　　　　　　　　　**Very**

Useful　　　　　　　　　　　　　　　　　　　　　　　**Useful**

1　　**2**　　**3**　　**4**　　**5**　　**6**　　**7**　　**8**　　**9**

Weak Case Questionnaire

Please complete the questionnaire sections in order. Please <u>do not</u> return to previous sections once you have completed them.

Part I: Judgments about the Present Case

Please respond to the following questions about the case

A. Please circle the number on the following scales to indicate your response

1. How likely is it that Peter Brown shot David Aims?

Extremely   **Extremely**

Unlikely   **Likely**

1   2   3   4   5   6   7   8   9

2. How likely is it that Barbara Dunn, the eyewitness, correctly identified Peter Brown, the defendant, as the perpetrator of the crimes in the present case?

Extremely   **Extremely**

Unlikely   **Likely**

1   2   3   4   5   6   7   8   9

B. Please answer the following questions about your verdict in the case against Peter Brown.

1. How would you rule on the present case? (i.e., did the prosecution prove beyond a reasonable doubt that the defendant is guilty of murder and armed robbery?).

a. guilty   b. not guilty

2. How confident are you in your verdict? In the space below, please provide a confidence rating on a scale of 0% to 100% confidence.

_____ % confident

3. Do you think the average juror would find Peter Brown guilty or not guilty?

a. guilty   b. not guilty

Part II: Verdict in the Present Case

Take a few moments to think about the case……

What are the reasons for your verdict decision? How and why did you reach your verdict (i.e., how did you go about making your decision of either guilty or not guilty)? Please use the spaces provided to list up to 10 reasons that most influenced your verdict decision.

Please list as many reasons as you can. Your reasons can relate to anything about the case, including what happened during the robbery, what happened during the investigation and interviews, what happened during the lineups, what happened during the trial, characteristics of the witnesses and defendant, etc.

After you have thought about and listed all of the reasons for your verdict decision, please go back and rate how much that fact influenced your verdict by writing the number that corresponds to the scale below in the space provided to the right of the line. Please only rate your reasons after you have listed them all.

Not

Influential

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

Very

Influential

Reason   **Influence rating**

1. _____   _____
2. _____   _____

3. _____   _____

4. _____   _____
5. _____   _____

6. _____   _____

7. _____   _____
8. _____   _____

9. _____   _____

10. _____   _____

Part III: Eyewitness Facts in the Present Case

The following statements are actual facts in the case. You may have written some of them on the previous page. Please indicate, by circling the letter W ("wrong"), N ("no effect"), or C ("correct") whether:

This fact made it more likely for you to believe that Barbara Dunn's identification was possibly **wrong. W = Wrong**

This fact had no effect on what you believed about Barbara Dunn's identification. **N = No Effect**

This fact made it more likely for you to believe that Barbara Dunn's identification was correct. **C = Correct**

    Example: **W** **N** **C**   Peter Brown wore a grey suit in the court room.

W N C 1. At the time of the trial, Barbara Dunn (the eyewitness) indicated that she was 100% certain of her identification of Peter Brown as the perpetrator of the crime.

W N C 2. Diana Reyes (the defendant's girlfriend) testified that her apartment is 10 blocks from the Quick-Stop convenience store.

W N C 3. Barbara Dunn was frightened while viewing the crime.

W N C 4. The officer who conducted the lineup (Officer Richardson) used instructions he felt were best and not a standard set of instructions.

W N C 5. Barbara Dunn viewed the perpetrator for 2 minutes during the crime.

W N C 6. Peter Brown was questioned at the Lakeside Police Department for 45 minutes.

W N C 7. When he showed Barbara Dunn the lineup photographs, the officer who conducted

the lineup (Officer Richardson) knew which photograph was that of the suspect, Peter

Brown.

W N C 8. The perpetrator of the crime wore a hat.

W N C 9. There was variety in the physical appearance of the lineup members.

W N C 10. Peter Brown was charged with assault in a case that was unrelated to the Quick-

Stop robbery / murder.

W N C 11. When he showed her the lineup photos, the officer who conducted the lineup did

not tell Barbara Dunn that the perpetrator may not be in the lineup.

W N C 12. Barbara Dunn was hiding behind a bread rack toward the back of the Quick-Stop

convenience store when she witnessed the crime.

W N C 13. Peter Brown was out of breath when he spoke to his girlfriend on the telephone.

W N C 14. The officer who conducted the lineup told Barbara Dunn she identified the

suspect.

W N C 15. Barbara Dunn visited the Quick-Stop convenience store often.

W N C 16. The perpetrator of the crime carried a gun

W N C 17. The officer who interviewed Barbara Dunn had been on the police force for 15

years.

W N C 18. Barbara Dunn did not see other photographs prior to her viewing the

photographic lineup from which she identified Peter Brown.

W N C 19. Barbara Dunn was able to recall specific details about the color of the

perpetrator's clothing and what he was wearing.

Part IV: Opinions about the Present Case

A. Please circle the number that best describes your opinion on the following scales to indicate your response

1. Please rate the overall strength of the prosecution's case in the transcript you read.

Very								**Very**
Weak								**Strong**
1	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**

2. Please rate the overall strength of the defense's case in the transcript you read.

Very								**Very**
Weak								**Strong**
1	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**

3. Please rate the overall strength of the testimony of Diana Reyes (Peter Brown's girlfriend) in helping the defense argue for the innocence of Peter Brown.

Very								**Very**
Weak								**Strong**
1	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**

4. Please rate the overall strength of the testimony of Barbara Dunn (the eyewitness to the crime) in helping the prosecutor argue for the conviction of Peter Brown.

Very								**Very**
Weak								**Strong**
1	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**

B. Please answer the following questions.

1. Do you think that Barbara Dunn's memory skills are better or worse than the average individual?

1	2	3	4	5
Much	**Better**	**Neither Better**	**Worse**	**Much**
Better		**nor Worse**		**Worse**

2. Do you think that Barbara Dunn's observation skills are better or worse than the average individual?

1	2	3	4	5
Much	**Better**	**Neither Better**	**Worse**	**Much**
Better		**nor Worse**		**Worse**

3. How fair was the lineup that the officer conducted in the present case? (i.e., how well did the officer do in providing a fair lineup?).

1	2	3	4	5
Very	**Fair**	**Neither Fair**	**Unfair**	**Very**
Fair		**nor Unfair**		**Unfair**

4. How fair was the interview that the officer conducted in the present case? (i.e., how well did the officer do in interviewing Barbara Dunn?).

1	2	3	4	5
Very	**Fair**	**Neither Fair**	**Unfair**	**Very**
Fair		**nor Unfair**		**Unfair**

C. Please respond to the following statements.

1. I was surprised that the Defendant, Peter Brown, did not testify.

1	2	3	4	5
Strongly Agree	**Agree**	**Neither Agree nor Disagree**	**Disagree**	**Strongly Disagree**

2. Barbara Dunn was paying careful attention to the shooting when it happened.

1	2	3	4	5
Strongly Agree	**Agree**	**Neither Agree nor Disagree**	**Disagree**	**Strongly Disagree**

3. Only in exceptional circumstances should a defendant be convicted of a crime solely on the basis of eyewitness testimony.

1	2	3	4	5
Strongly Agree	**Agree**	**Neither Agree nor Disagree**	**Disagree**	**Strongly Disagree**

4. Out of 100 cases of wrongful felony convictions, how many do you think on average would be due at least in part to eyewitness error?

_____ **cases out of 100 wrongful convictions**

Part V: Demographic Information

So we can better interpret the results, please provide the following information about yourself.

1. What is your age?_____

2. What is your grade (e.g. Freshman, Sophomore,…)?_____

3. What is your gender? (Please circle)

       a. Male
       b. Female

4. What is your ethnicity? (Please circle)

       a. African American
       b. Asian/Pacific Islander
       c. Latino/Latina
       d. Middle Eastern
       e. White
       f. Other _____ (Please specify)

5. Have you ever served on jury duty? (Please circle)

       a. Yes
       b. No
       c. Called but did not serve

6. Have you ever witnessed a crime? (Please circle)

       a. Yes
       b. No

7. Have you ever been the victim of a crime? (Please circle)

       a. Yes
       b. No

8. If you could choose between the following two approaches, which do you think is the better penalty for murder: the death penalty, or life imprisonment, with absolutely no possibility of parole? (Please circle)

       a. Death penalty

       b. Life imprisonment with absolutely no possibility of parole

9. Have you ever done the following? (Please circle all that apply)

        a. Read about eyewitness memory
        b. Heard a lecture about eyewitness memory

        c. Taken a course on eyewitness memory
        d. Other _____ (Please specify)

10. Please use the following scale to indicate how much you knew about eyewitness testimony BEFORE you participated in this study? (Please circle one number)

Nothing   **Very**

                                            Knowledgeable

1   2   3   4   5   6   7   8   9

11. Please use the scale below to indicate how carefully you read the trial transcript. (Please circle one number)

Not Very   **Very**

Carefully   **Carefully**

1   2   3   4   5   6   7   8   9

12. Please use the scale below to indicate how educational the slideshow that you watched at the beginning of the study was. (Please circle one number)

Not Very   **Very**

Educational   **Educational**

1   2   3   4   5   6   7   8   9

13. Please use the scale below to indicate how useful the slideshow that you watched at the beginning of the study was when you were evaluating the case. (Please circle one number)

Not Very   **Very**

Useful   **Useful**

1   2   3   4   5   6   7   8

Appendix H

Variables Held Constant in Both Transcript Versions

To make the study a fair test of the I-I-Eye aid, we used the Stinson, Devenport, Cutler, and Kravitz (1996) transcript, rather than write our own. We varied 11 system variables in the case to create a strong and weak version of the transcript (See Appendix I). The following variables were not varied.

[E] = Estimator Variable

[S] = System Variable

[P] = Postdictor Variable. Postdictor variables are neither estimator nor system variables because they are not presumed to causally affect the accuracy of eyewitnesses. Postdictor variables correlate with the accuracy of eyewitnesses, but in a non-causal manner (Wells, Memon, & Penrod, 2006).

1. **Crime Scene Lighting** [E]

The eyewitness testified that the convenience store where the crime occurred was well-lit. Research has found that "high illumination," operationalized as bright daylight or good artificial lighting, leads to more complete person descriptions. Color vision is dramatically reduced at low levels of illumination, which implies that descriptions of clothing or hair color under these conditions must be treated with caution (Meissner, Sporer, & Schooler, 2007).

2. **Attention** [E]

The eyewitness testified that she was paying attention while viewing the crime. Degree of attention affects eyewitness accuracy. Research has "found that 'quality of viewing' which focused centrally on the type of attention participants paid to the face…was the most important determinant of facial identification performance" (Caputo & Dunning, 2007). However, assessing an eyewitness's degree of detention requires a reliance on the eyewitness's self-report, and such reports may be vulnerable to biases and errors in memory.

3. **Exposure Duration** [E]

The eyewitness testified that she was able to get a good look at the perpetrator for approximately two minutes. The amount of time for which the perpetrator is exposed has been found to influence recognition performance. The less time an eyewitness has to witness a crime, the less information the eyewitness will remember about it. However, the time an eyewitness has to view a crime is generally not as important as the type or amount of attention the eyewitness paid to the crime (Caputo & Dunning, 2007). Moreover, people tend to overestimate the duration of events and often the only way to gauge how much time an eyewitness had to view the perpetrator is to ask the eyewitness to estimate it.

4. **View Obstruction** [E]

The eyewitness testified that she was hiding behind a bread rack at the time of the crime. Poor quality of view negatively impacts an eyewitness's ability to make an accurate identification (Caputo & Dunning, 2007).

5. **Distance** [E]

The eyewitness testified that she was approximately 15 to 20 feet away from the perpetrator at the time of the crime.

6. **Stress** [E]

The eyewitness testified that she was very frightened at the time of the crime. A number of studies of eyewitnesses have suggested that high levels of stress or anxiety impair memory by restricting attentional processes at encoding. In their meta-analysis, Deffenbacher, Bornstein, Penrod, & McGorty (2004) found that extreme anxiety led to significant decrements in recall accuracy.

7. **Same Race** [E]

The eyewitness and the perpetrator of the crime were the same race. The *cross-race effect* or *own-race bias* refers to the consistent finding that adults are able to recognize individuals of their own race better than faces of another, less familiar race (Brigham, Bennett, Meissner, & Mitchell, 2007).

8. **Weapon Focus** [E]

The eyewitness testified that she concentrated on the weapon because she had never seen a gun before. The presence of a weapon during the commission of a crime can negatively affect an eyewitness's ability to later identify the perpetrator. Research has found that when a weapon is involved in a crime, eyewitnesses tend to focus more often and for

longer periods of time on the weapon in comparison to other objects, thereby diverting an eyewitness's attention away from the face of the perpetrator (Steblay, 1992).

9. **Disguise** [E]

The perpetrator of the crime wore a hat. Research has found that when a perpetrator's hair and hairline cues are masked, eyewitness identification accuracy declines. Covering the cues to hair and hairline diminish the facial feature cues that are necessary for face recognition. In one experiment, Cutler, Penrod, and Martens (1987) found that 45% of participants gave correct judgments on the lineup identification test if the robber wore no hat during the robbery, but only 27% gave a correct judgment if the robber wore a hat during the robbery.

10. **Retention Interval** [S]

The eyewitness viewed the photo array and identified the defendant three weeks after the crime took place. Studies looking at memory decay over time have shown that memory for unfamiliar faces does decline over time (Deffenbacher, 1991; Deffenbacher, Bornstein, Penrod, & McGorty, 2004). When studies that manipulated retention interval (the delay between viewing the original crime and the subsequent identification attempt from a lineup) were grouped into long versus short time delays, longer delays led to fewer correct identifications and more false identifications (Cutler & Penrod, 1995).

11. **Eyewitness Selection and Response Latency** [P]

The eyewitness immediately identified the defendant from the photo array. Response latency refers to the amount of time that an eyewitness takes to make and indicate an identification decision from a lineup or photo array. Research has shown that accurate eyewitnesses reach their identification decisions more quickly than inaccurate eyewitnesses, but this finding appears to hold only for eyewitnesses making positive identifications (i.e., choosers) and does not appear to extend to those who reject the lineup (i.e., nonchoosers) (Caputo & Dunning, 2007). However, researchers caution that the relationship between response latency and identification accuracy can vary with manipulations of factors such as retention interval and nominal lineup size (Brewer, Caon, Todd, & Weber, 2006).

12. **Only 1 Photo Array** [S]

The eyewitness only viewed one photo array. Police should make every attempt to ensure that an eyewitness's first lineup is as accurate and valid as possible because viewing multiple lineups adversely interferes with an eyewitness's ability to correctly identify the perpetrator. Research has shown that intervening lineups can have a negative effect on the accuracy of an identification in subsequent lineups because positive identifications can result from familiarity based on viewing a previous lineup rather than from the eyewitness's memory for the actual perpetrator (Hinz & Pezdek, 2001).

System Variables Manipulated in the Transcript Versions that can Affect Memory
Completeness and Accuracy

[I] = Interview variable

[L] = Lineup variable

1. **Location of the interview** [I]

The interview should be conducted in a comfortable environment, and distractions
and interruptions should be minimized. An eyewitness who is comfortable and is not
distracted or interrupted is likely to recall more information about the crime (Fisher &
Schreiber, 2007). In the weak transcript case, the eyewitness was interviewed in the
detective's office, where distractions were likely. In the strong transcript case, the interview
took place in a quiet interviewing room.

2. **Leading questions and comments** [I]

Leading questions suggest an answer and may distort or contaminate eyewitness'
memories of crimes by giving an eyewitness post-event information. Leading questions can
also impair the eyewitness's ability to recognize the perpetrator of the crime. Moreover, the
social demand characteristics of the interviewing situation could provide some motivation for
the eyewitness to accept information provided by the interviewer and to respond in ways that
will please the interviewer (Technical Working Group for Eyewitness Evidence, 1999;
Fisher, 1995). In the weak transcript, the interviewing officer suggested to the eyewitness
that the perpetrator had blond hair and stated that she must have gotten a very good look at

the perpetrator during the crime. In the strong transcript, the officer asked neutral questions and did not suggest information to the eyewitness.

3. **Media exposure** [I]

Exposure to media and news accounts of the crime could mean that the eyewitness's memory of the crime has been altered by post-event information. Eyewitnesses will extract and incorporate new information after the witnessed event and then testify about that information as though they actually witnessed it (Wells at al., 2000). In the weak transcript case, the interviewing officer did not ask the eyewitness about media exposure after she witnessed the crime and did not instruct the eyewitness to avoid media and news reports. In the strong transcript case, the officer asked the eyewitness if she had heard about the crime on the news and instructed her not to watch news reports.

4. **Instruct the eyewitness to avoid discussing the crime with others** [I]

Exposure to feedback from others could create a false consensus about details of the crime. Post-event feedback from others can also alter the eyewitness's first memory of the crime (Technical Working Group for Eyewitness Evidence, 1999). In the weak transcript case, the officer did not instruct the eyewitness to avoid discussing the crime with her husband and others. In the strong transcript case the officer told the eyewitness to avoid any discussion of the crime with others.

5. **Standardized lineup instructions** [L]

Providing standardized instructions to the eyewitness can ensure that the lineup administrator gives the eyewitness crucial instruction, such as that the "perpetrator may or

may not be in the lineup" (See "Cautionary instructions" below), and does not provide suggestive information to the eyewitness, especially if the administrator knows which lineup member is the suspect. Standardized instructions could also improve the eyewitness's comfort level and reduce the risk that the lineup administrator provides damaging feedback or unintentionally influences the eyewitness to make a selection. In the weak transcript case, the officer who conducted the lineup did not use a standardized lineup instruction. In the strong transcript case, the officer read a standardized instruction that included a warning that the perpetrator may or may not be in the lineup.

6. **Number of lineup members** [L]

The number of lineup participants should be increased in identification procedures. In the United States, the typical photo array or lineup contains five or six members (Levi & Lindsay, 2001; Wise, Fishman, & Safer, 2009). Even if a five or six person lineup is conducted in a completely fair and unbiased manner, studies show that the chance of an erroneous eyewitness identification is still substantial. Most commentators recommend that an array contain only one suspect and a minimum of five appropriate fillers (Wells, Seelau, Rydell, & Luus, 1994). In the weak transcript case, the lineup contained five members. In the strong transcript case, the lineup contained 8 members.

7. **Description-matched lineup** [L]

The more that known-innocent members of a lineup resemble an eyewitness's verbal description of the perpetrator, the more accurate an identification of a suspect is likely to be. Fillers, or *foils*, should generally match the eyewitness's description of the perpetrator so that

the police suspect does not stand out. Surrounding an innocent suspect in a lineup with dissimilar fillers increases the risk that the innocent suspect will be identified. However, this does not mean that fillers must closely resemble the suspect. Too much similarity among the fillers and the suspect can confuse the eyewitness and result in a drop in accurate identification rates (Technical Working Group for Eyewitness Evidence, 1999; Wells et al., 2000). Therefore, fillers should fit the eyewitness's verbal description of the perpetrator (this also includes the description of unique or unusual features such as scars or tattoos), but additional similarity to the suspect should not be sought. In the weak transcript case, the officer who conducted the lineup selected filler photographs that were dissimilar to that of the actual perpetrator, without regard to the eyewitness's description of the perpetrator. In the strong transcript case, the officer selected photos that were similar to the eyewitness's description of the perpetrator (e.g., the photographs matched on hair color and physical description).

8. **Blind lineup** [L]

The lineup administrator should not know the identity of the suspect. Research shows that when the lineup administrator knows the suspect's identity in an identification procedure, he or she can intentionally or unintentionally cause the eyewitness to choose the suspect through verbal and non-verbal clues (Phillips, McAuliff, Kovera, & Cutler, 1999). In the weak transcript case, the officer who conducted the lineup was the same officer who selected the lineup photographs and he knew which member of the lineup was the suspect. In the strong transcript case, a different officer conducted the lineup and the officer did not know which lineup member was the suspect.

9. **Cautionary Instructions** [L]

        The lineup administrator should provide the eyewitness with instructions that not identifying a lineup member may be the correct decision and that the person who committed the crime may or may not be in the lineup. Research shows that a cautionary instruction warning that the perpetrator may not be in the lineup can substantially reduce the rate of erroneous identifications in culprit-absent identification procedures (Steblay, 1997). For example, Cutler, Penrod, and Martens (1987) found that the wording of instructions made it significantly more likely that the eyewitness made a false identification: 90% of participants who were instructed to "choose the lineup member whom you believe is the robber" made a false identification, versus 45% of those who were instructed that "the perpetrator may or may not be in the lineup" made a false identification. If eyewitnesses assume that the perpetrator is in the lineup, then they are likely to believe that all they have to do is pick the person who most closely resembles the perpetrator. Moreover, the very fact that the investigator has put together a lineup may suggest to the eyewitness that the police think they have the perpetrator, and that the perpetrator must be in the lineup. In the weak transcript case, the officer who conducted the photographic lineup asked the eyewitness if "any of these faces look familiar," and in the strong transcript case, the officer instructed the eyewitness that "the perpetrator may or may not be in the lineup."

10. **Identification confidence ratings** [L]

        An eyewitness should make a clear statement of confidence at the time of the identification and prior to receiving any feedback. Because eyewitness confidence is highly

malleable, and because post-event information can affect an eyewitness's confidence ratings but not their identification accuracy, by the time of trial eyewitness confidence has little probative value in assessing eyewitness accuracy (Wells et al., 1998). Thus, a statement of confidence should be taken immediately after an identification is made. In the weak transcript case, the officer did not ask the eyewitness how confident she was in her identification immediately after her identification. In the strong transcript case, the officer asked the eyewitness for a confidence rating immediately after she made her identification.

11. **Confirming Feedback** [L]

The lineup administrator should not provide any feedback to the eyewitness about his or her lineup selection. Empirical research shows that an eyewitness's confidence in his or her identification is a function of whether he or she receives feedback about the lineup selection, irrespective of identification accuracy. Eyewitnesses who make a mistaken identification but are then told that the person identified is the actual suspect undergo confidence inflation (Wells & Bradfield, 1998; Douglas & Steblay, 2006). Thus, false confidence in an identification can be induced by giving confirming feedback to an eyewitness after they have made a lineup selection. In the weak transcript case, the officer who conducted the lineup provided confirming feedback to the eyewitness after she made her lineup identification ("Good, that's who we thought it was"), and in the strong transcript case, the officer did not provide any feedback to the eyewitness about her lineup choice.

Coding Categories (Section II of the Questionnaire)

1. Estimator Variable

Responses coded as estimator variables focused on characteristics of the crime scene as reported by the eyewitness: the eyewitness's view of the perpetrator, the physical features of the crime scene (e.g., "good lighting in the store"), the stress of the eyewitness, weapon focus, and the perpetrator's hat.

2. System Variable

Responses that fell into the system variable category were coded as either interview or lineup variables.

2(a). Interview Variable

Responses coded as interview variables focused on the delay between the crime and the interview, the interview location, the interview fairness, and whether the police officer asked leading questions (e.g., In the weak transcript case, the officer asked the eyewitness if the perpetrator had blond hair, and in the strong transcript case, the officer did not ask leading questions).

2(b). Lineup Variable

Responses coded as lineup variables focused on the delay between the crime and the lineup, the composition of the lineup and fillers, the number of lineup members, the lineup administrator's instructions, whether the lineup administrator was blind to the suspect, the

fact that it was a photographic lineup, the lineup fairness, the fact that the eyewitness saw only one lineup, and whether the lineup administrator asked the eyewitness for a statement of confidence in her identification.

3. Eyewitness Selection [P]

Responses coded as eyewitness selection focused on the fact that the eyewitness identified the defendant in the lineup as the perpetrator. These responses also included response latency (the fact that the eyewitness immediately made a lineup decision once she saw the defendant in the lineup).

4. Eyewitness Identification Confidence [P]

Responses coded as identification confidence focused on the eyewitness's confidence in her lineup selection (e.g., "the eyewitness was 100% confident in her identification").

5. Media Exposure/ Memory Contamination (External)

Responses coded as media exposure or external memory contamination focused on the eyewitness's exposure to news media and discussions with her husband about the crime (e.g., "the eyewitness heard about the crime on the news before she was interviewed").

6. Eyewitness

Responses that focused on the eyewitness and her testimony were coded under four categories:

6(a). Eyewitness Present

Responses coded as eyewitness present focused on the fact that there was an eyewitness to the crime and there were no other witnesses present.

6(b). Eyewitness Evidence

Responses coded as eyewitness evidence focused on the perceived accuracy and reliability/ consistency of the eyewitness's testimony (e.g., "the eyewitness was accurate" or "the eyewitness was firm in her answers" or "the eyewitness's story did not change"), and her memory for the crime (e.g., "the eyewitness was able to remember details about the perpetrator").

6(c). Eyewitness Source Monitoring

Responses coded as eyewitness source monitoring focused on the possibility that the eyewitness could have seen the defendant at a time other than when the crime occurred and confused him as the perpetrator when she recognized him in the lineup. Even though the eyewitness had never seen the defendant before, participants did appreciate this possibility (e.g., "it is possible the eyewitness mistakenly remembered the defendant from a different visit to the convenience store").

6(d). Eyewitness Characteristics

Responses coded as eyewitness characteristics focused on facts about the eyewitness herself, such as her race, the fact that she frequently visited the convenience store where the crime occurred, and the fact that she did not know the perpetrator of the crime.

7. Defendant

Responses that focused on factors about the defendant were coded under three categories:

7(a). Defendant Characteristics

Responses coded as defendant characteristics focused on the demeanor of the defendant and the fact that he was later questioned for another, unrelated crime (e.g., "the defendant was picked up for suspicious behavior outside of another store several weeks later").

7(b). Defendant Motive

Responses coded as defendant motive focused on the fact that the defendant did not appear to have a motive to commit the crime and did not appear to be financially unstable.

7(c). Defendant Trial

Responses coded as defendant trial focused on the fact that the defendant did not take the stand to testify.

8. Timeline/ Opportunity to Commit the Crime

Responses coded as timeline/opportunity to commit the crime focused on the timing of the events, according to the eyewitness's testimony and the defendant's alibi, the fact that

the defendant was unaccounted for during a period of time on the night of the crime, and the feasibility that the defendant committed the crime (e.g., "the defendant had to pass near the convenience store on his way home from his girlfriend's apartment").

9. Lack of Forensic/ Physical Evidence

Responses coded as lack of forensic evidence focused on the fact that there was no DNA and no fingerprint evidence linking the defendant to the crime. The gun used in the crime was also never recovered. There was also no video surveillance of the crime (e.g., "there was no physical evidence linking the defendant to the crime").

10. Solely Eyewitness Evidence

Responses coded as solely eyewitness evidence focused on the fact that the only evidence that the defendant might have committed the crime was the testimony of the eyewitness. The prosecution presented no evidence other than the eyewitness (e.g., "the only evidence was from the eyewitness").

11. Girlfriend

Responses that focused on factors about the girlfriend and her testimony were coded under three categories:

11(a). Girlfriend Characteristics

Responses coded as girlfriend characteristics included evidence from the testimony of the defendant's girlfriend, such as that she was able to remember specific details about her time spent with the defendant on the night of the crime, the fact that she had never seen the defendant with a gun, the behavior of the defendant during her phone conversation with him

on the night of the crime, and the possibility that the girlfriend is biased about the defendant's innocence because of her relationship with him.

11(b). Alibi Present

Responses coded as alibi present focused on the fact that the defendant had an alibi on the night of the crime and the defendant was with his girlfriend on the night of the crime, but not at the time of the crime.

11(c). Atypical Behavior Reported by Girlfriend

Responses coded under this category focused on the fact that the defendant was out of breath when he spoke with his girlfriend on the phone on the night of the crime, that the defendant had an odd excuse for why he was out of breath when he spoke with his girlfriend on the phone around the time of the crime, and that the defendant's routine of picking up his mail was unusual on the night of the crime.

12. Police Characteristics

Responses coded as police characteristics focused on the training and experience of the police officers involved. For example, the officer(s) conducting the interview and the lineup reported to have 10 to 15 years of experience with interview and lineup procedures and appeared to be well trained in handling eyewitness evidence.

13. Attorney Characteristics

Responses coded as attorney characteristics focused on the performance of the attorneys at trial. This included how well the attorneys performed in their direct and cross-examinations of the witnesses.

14. Ambiguous

Responses were coded as ambiguous if it was unclear whether the intent of the response fit into one category or another. For example, responses such as, "the witness seemed credible," fell under the ambiguous category because it was unclear whether the participant meant the eyewitness or the alibi witness (defendant's girlfriend).

15. Miscellaneous

Responses were coded as miscellaneous if they did not fit into any of the listed response categories.

[P] = postdictor variable. Postdictor variables are neither estimator nor system variables because they are not presumed to causally affect the accuracy of eyewitnesses. Postdictor variables correlate with the accuracy of eyewitnesses, but in a non-causal manner (Wells, Memon, & Penrod, 2006).

Appendix K

Comparison of Trial Transcript and Teaching Aid Conditions on Demographic Variables
(Section V of the Questionnaire)

There were no significant condition differences between those who read the strong and weak case transcript, and among those in the three teaching aid conditions, in age, gender, year in school, jury duty experience, exposure to eyewitness materials (read about, heard a lecture, took a course), exposure to criminal activity (ever witnessed a crime, ever been the victim of a crime), and opinion about the better penalty for murder (death penalty vs. life imprisonment with no possibility of parole). Interestingly, for those who read the strong case, a Three-way Chi-square suggested that opinion about the death penalty was moderately related to verdict. As shown in Table 7, the difference in percentage of guilty verdicts for those who favor the death penalty (27%) versus those who favor life imprisonment (43%) approached significance, X^2 (1, N = 146) = 3.36, p = .067. Thus, participants who favor life imprisonment were somewhat more likely to rule guilty in the strong case. For those who read the weak case, there was no difference in the percentage of guilty verdicts for those who favor the death penalty (34%) versus those who favor life imprisonment (25%), X^2 (1, N = 146) = 3.36, p > .05.

Table 7

Percentage of Guilty Versus Not Guilty Verdicts for Participants who Believed the Better Penalty for Murder was the Death Penalty or Life Imprisonment Without Parole.

Case Type	Guilty	Not Guilty
Strong Case (p = .067)		
Death Penalty	27%	73%
Life Imprisonment	43%	57%
Weak Case		
Death Penalty	34%	66%
Life Imprisonment	25%	75%

There were no condition differences, between those who read the strong and weak transcripts, and among those in the three teaching aid conditions, in mean estimates of wrongful felony convictions out of 100 that are due, at least in part, to eyewitness error. The case transcript type and teaching aid groups were also comparable in their agreement/ disagreement with the statement that, "Only in exceptional circumstances should a defendant be convicted of a crime solely on the basis of eyewitness testimony."

We also examined whether there were condition differences between those who read the strong and weak case transcript, and among those in the three teaching aid groups, in ratings (on 9-point Likert-type scales) of personal knowledge of eyewitness testimony before the study. There were no significant differences in mean ratings between participants who read the strong versus weak cases or for the three aid groups. Thus, the random assignment of participants to the six conditions appears to have produced comparable groups.

Appendix L

University Sample Differences

The three university samples were comparable on most questionnaire items. We outline five

questionnaire variable differences below.

Trial Transcript Ratings

      Strength of the prosecution's case. A One-way ANOVA indicated that participants

from the three universities rated the overall (combining those who read the strong and weak

transcripts) strength of the prosecution's case in the trial transcripts (with 9 being the highest

rating of *very strong* and 1 being the lowest rating of *very weak*) as significantly different:

University of North Dakota ($M = 6.49$, $SD = 1.51$), Catholic University ($M = 5.92$, $SD =$

1.56), and Loyola University ($M = 5.52$, $SD = 2.04$), $F(2, 290) = 5.67$, $p = .004$, $\eta^2 = .04$. The

post hoc LSD test revealed that the University of North Dakota participants rated the

prosecution's case as significantly stronger than participants from Catholic University, $t(290)$

$= 2.86$, $p = .004$, $\eta^2 = .03$, and participants from Loyola University, $t(290) = 2.64$, $p = .009$, η^2

$= .02$. Moreover, a One-way ANOVA combining all three university groups indicated that,

overall, participants who ruled guilty rated the prosecution's case ($1 = $ *very weak case*; $9 =$

very strong case) as stronger than those who ruled not guilty: guilty ($M = 7.32$) versus not

guilty ($M = 5.49$), $F(1, 291) = 114.91$, $p < .001$, $\eta^2 = .28$. However, the three university

groups did not differ on the percentage of participants giving a guilty verdict: Catholic

(30%), Loyola (30%), University of North Dakota (37%), $F(2, 290) = .39$, $p > .05$.

Demographic Information

Gender. The percentage of female/male participants was significantly different among the three university groups: University of North Dakota (76%/ 24%), Catholic University (54%/ 47%), and Loyola University (44%/ 57%), $X^2(2, N = 293) = 16.29, p < .001, V = .24$. However, there was no overall difference in guilty versus not guilty verdicts between males (28%/ 72%) and females (35%/ 65%), $X^2(1, N = 293) = 1.39, p > .05$.

Eyewitness lecture. The percentage of students who had/ had not ever heard a lecture about eyewitness testimony was significantly different for the three university groups: University of North Dakota (36%/ 64%), Catholic University (34%/ 66%), and Loyola University (61%/ 39%), $X^2(2, N = 293) = 6.28, p = .043, V = .15$. However, there was no overall difference in guilty versus not guilty verdicts between participants who had ever heard a lecture about eyewitness testimony (30%/ 70%) and those who had not (34%/ 66%), $X^2(1, N = 293) = .61, p > .05$.

Ever witnessed a crime. There were significant percentage differences among the three university groups for those who had/ had not ever witnessed a crime: University of North Dakota (17%/ 83%), Catholic University (29%/ 71%), and Loyola University (44%/ 57%), $X^2(2, N = 293) = 8.82, p = .012, V = .17$. However, there was no overall difference in guilty versus not guilty verdicts between participants who had ever witnessed a crime (33%/ 68%) and those who had not (32%/ 68%), $X^2(1, N = 293) = .00, p > .05$. The difference in percentage of males (38%) versus females (19%) who had ever witnessed a crime was

significant, $X^2(1, N = 293) = 13.46, p < .001, V = .21$, but as noted above, there was no gender difference in guilty verdicts.

Ever been the victim of a crime. The percentage differences among the three university groups were also significant for those who had/ had not ever been the victim of a crime: University of North Dakota (4%/ 96%), Catholic University (19%/ 81%), and Loyola University (13%/ 87%), $X^2(2, N = 293) = 12.69, p = .002, V = .21$. However, there was no overall difference in guilty versus not guilty verdicts between participants who had ever been the victim of a crime (23%/ 78%) and those who had not (34%/ 66%), $X^2(1, N = 293) = 2.08, p > .05$. The percentage of males (17%) versus females (11%) who had ever been the victim of a crime was also not significant, $X^2(1, N = 293) = 2.10, p > .05$.

Appendix M

Trial Transcript Manipulation Checks

We compared the trial transcripts (strong, weak) on eight questionnaire items to check the manipulation of the strong versus weak scenarios: verdict, ratings of the strength of the cases of the prosecution and defense, ratings of the fairness of the interview and lineup procedures, ratings of the testimony given by the eyewitness and the alibi, and whether participants found it surprising that the defendant did not testify. Trial transcript studies are common in psychology, and research suggests that they produce comparable results to studies involving videotaped testimony (Bornstein, 1999; Pezdek, 2010).

We expected a higher proportion of guilty verdicts for participants who read the strong case than for those who read the weak case. We also expected participants who read the strong case to rate the prosecution's case as stronger (and the defense's case as weaker), and to rate the interview and lineup procedures as more fair. We expected participants who read the strong case to rate the testimony given by the eyewitness as stronger than those who read the weak case, even though it was not the eyewitness testimony evidence itself that was manipulated but the way that testimony was elicited. Because the alibi testimony was not manipulated in the transcripts, we did not expect to find a difference between the case transcript conditions in alibi ratings. We also did not expect to find a difference between the transcript conditions in whether participants found it surprising that the defendant did not testify at the trial.

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Verdict

Participants who read the strong case transcript were marginally more likely to rule guilty than those who read the weak case transcript (37% vs. 27%), $X^2(1, N = 293) = 3.36$, $p = .07$, $V = .11$. Thus, participants appeared to distinguish between the strength of the two transcript versions in their verdict rulings. Moreover, we expected that only the I-I-Eye participants would appreciate the good procedures in the strong transcript and be more likely to render a guilty verdict than those in the two control groups (NvB, JD). Therefore, the non-significant difference in the percentage of participants in the two transcript groups who rendered a guilty verdict is not all that surprising.

Strength of the Prosecution and Defense

We next examined whether there were differences between those who read the strong and weak transcripts in ratings of the strength of the prosecution's the defense's cases (on 9-point Likert-type scales ranging from 1 = *very weak case* to 9 = *very strong case*). We expected participants who read the strong transcript to give higher ratings for the strength of the prosecution's case since the police interview and lineup procedures were conducted more fairly in the strong transcript case than in the weak. We also expected participants who read the weak transcript to rate the defense's case as stronger than those who read the strong transcript since the police procedures in the weak transcript were suggestive.

There was no significant difference in mean ratings of the strength of the prosecution's case between participants who read the strong ($M = 6.24$, $SD = 1.45$) and weak ($M = 5.92$, $SD = 1.75$) transcripts, $t(291) = 1.67$, $p > .05$. Thus, participants did not discern the stronger case of the prosecution in the strong transcript compared to the weak transcript.

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Moreover, there was also no significant difference in ratings of the strength of the defense's case between participants who read the strong ($M = 6.07$, $SD = 1.70$) and weak ($M = 6.35$, $SD = 1.42$) transcripts, $t(291) = 1.52$, $p > .05$. Participants in the two transcript conditions rated the defense's case as fairly strong.

Within each transcript group (strong, weak), we also compared whether there was a difference between participants' mean ratings of the strength of the prosecution's versus the defense's case and whether these differences depended on verdict. For those who read the strong transcript, there was no significant difference in mean ratings between the strength of the prosecution's case ($M = 6.24$, $SD = 1.45$) and the strength of the defense's case ($M = 6.07$, $SD = 1.70$), $t(146) = 1.41$, $p > .05$. However, there were significant differences in prosecution and defense case ratings between participants who ruled guilty versus not guilty for the strong case. Participants who correctly ruled guilty rated the prosecution's case as stronger ($M = 7.11$, $SD = .92$), than those who ruled not guilty ($M = 5.72$, $SD = 1.46$), $t(145) = 6.35$, $p < .001$, $\eta^2 = .22$. Moreover, participants who ruled guilty rated the defense's case as weaker ($M = 5.25$, $SD = 1.69$) than those who ruled not guilty ($M = 6.57$, $SD = 1.51$), $t(145) = 4.87$, $p < .001$, $\eta^2 = .14$.

For those who read the weak transcript, participants rated the strength of the prosecution's case ($M = 5.92$, $SD = 1.75$) as significantly weaker than that of the defense's case ($M = 6.35$, $SD = 1.42$), $t(145) = 2.94$, $p = .004$, $\eta^2 = .06$. There were also significant differences in prosecution and defense case strength ratings between participants who ruled guilty versus not guilty for the weak case. Participants who correctly ruled not guilty rated the prosecution's case as significantly weaker ($M = 5.29$, $SD = 1.57$) than those who ruled

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guilty ($M = 7.60$, $SD = .87$), $t(144) = 8.80$, $p < .001$, $\eta^2 = .35$. Participants who ruled not

guilty also rated the case of the defense as significantly stronger ($M = 6.85$, $SD = 1.10$) than

those who ruled guilty ($M = 5.03$, $SD = 1.33$), $t(144) = 8.47$, $p < .001$, $\eta^2 = .33$.

Thus, participants who read the strong case did not appear to pick up on the stronger

case of the prosecution as compared to that of the defense. However, participants who read

the weak case appropriately rated the prosecution's case as weaker than the defense's.

Moreover, participants who ruled guilty in both transcript versions rated the strength of the

prosecution's case as higher than those who ruled not guilty, and those who ruled not guilty

rated the strength of the defense's case as higher than those who ruled guilty.

Fairness of the Interview

We next examined whether participants who read the strong and weak transcripts

differed in their ratings of how fair the interview procedures were (on 5-point Likert-type

scales ranging from 1 = *very fair* to 5 = *very unfair*). Participants who read the strong case (M

$= 2.18$, $SD = .93$) rated the interview as significantly more fair than those who read the weak

case ($M = 2.93$, $SD = 1.00$), $t(291) = 6.70$, $p < .001$, $\eta^2 = .13$. Thus, the transcript

manipulation was successful in producing more fair ratings for the interview procedures in

the strong case than in the weak case.

It is surprising that, although participants appropriately rated the police interview

procedures as more fair in the strong case, they did not also rate the prosecution's case as

stronger in the strong case. We calculated the correlation between interview fairness ratings

and ratings of the strength of the prosecution's case. The two rating variables were

significantly inversely related for the strong case, $r = -.266$, $N = 147$, $p = .001$, and the weak

case, $r = -.457$, N = 146, $p < .001$. The rating scales were reversed for the interview fairness (1 = *very fair* to 5 = *very unfair*) and prosecution strength (1 = *very weak* to 9 = *very strong*). Thus, participants who rated the interview as more fair also rated the prosecution's case as stronger. However, those who read the strong and weak cases both felt that the prosecution's case was fairly strong.

There were also significant differences in interview fairness ratings between participants who ruled guilty versus not guilty. Participants who ruled guilty rated the interview as significantly more fair ($M = 2.01$, $SD = .78$) than those who ruled not guilty ($M = 2.81$, $SD = 1.04$), $t(291) = 6.66$, $p < .001$, $\eta^2 = .13$.

Fairness of the Lineup.

We also examined whether there were differences between the two transcript groups in ratings of how fair the lineup procedures were (on 5-point Likert-type scales ranging from 1 = *very fair* to 5 = *very unfair*). Participants who read the strong case ($M = 2.17$, $SD = 1.02$) rated the lineup as significantly more fair than those who read the weak case ($M = 3.54$, $SD = .1.03$), $t(291) = 11.42$, $p < .001$, $\eta^2 = .31$. Thus, the transcript manipulation was successful in producing more fair ratings for the lineup procedures in the strong case than in the weak case. However, similar to the interview fairness ratings, participants did not also rate the prosecution's case as stronger in the strong case. We calculated the correlation between lineup fairness ratings and ratings of the strength of the prosecution's case. The two rating variables were significantly inversely related for the strong case, $r = -.286$, N = 147, $p < .001$, and the weak case, $r = -.444$, N = 146, $p < .001$. The rating scales were reversed for the lineup fairness (1 = *very fair* to 5 = *very unfair*) and prosecution strength (1 = *very weak* to 9

= *very strong*). Therefore, participants who rated the lineup as more fair also rated the prosecution's case as stronger.

There were also significant differences in lineup fairness ratings between participants who ruled guilty versus not guilty. Participants who ruled guilty rated the lineup as significantly more fair (*M* = 2.09, *SD* = .93) than those who ruled not guilty (*M* = 3.22, *SD* = 1.20), *t*(291) = 8.04, *p* < .001, η^2 = .18.

Strength of the Eyewitness Testimony

Next, we analyzed whether participants who read the strong case rated the eyewitness's testimony as stronger than those who read the weak case (1 = *very weak testimony*, 9 = *very strong testimony*). Participants who read the strong case rated the testimony of the eyewitness as significantly stronger (*M* = 6.69, *SD* = 1.46) than those who read the weak case (*M* = 6.25, *SD* = 1.62), *t*(291) = 2.45, *p* = .015, η^2 = .02. The transcript manipulation produced stronger eyewitness testimony ratings for the strong case transcript. However, it was not the presentation of the eyewitness's testimony that was varied between the two transcripts, but the way in which the testimony was elicited via police procedures. This implies that, at least on some level, participants associated the better police procedures in the strong case with stronger eyewitness testimony against the defendant.

Strength of the Alibi Testimony

Because the alibi evidence was the same for both transcripts, we did not expect to find differences between the strong and weak cases in ratings of the strength of the alibi testimony (1 = *very weak testimony*, 9 = *very strong testimony*). However, participants who

read the strong case rated the strength of the testimony given by the alibi (defendant's girlfriend) as significantly stronger ($M = 5.06$, $SD = 1.81$) than those who read the weak case ($M = 4.63$, $SD = 1.63$), $t(291) = 2.14$, $p = .033$, $\eta^2 = .02$. This finding was somewhat surprising because, if anything, the stronger case for a guilty verdict in the strong transcript should have led participants to rate the alibi as weaker. It is possible that the rating scale for this item was confusing because of the information provided by the alibi. The defendant's alibi testified that she was with the defendant on the night of the crime (but not at the exact time of the crime) and that she spoke with him on the phone around the time of the crime. However, the alibi also testified that the defendant's behavior on the phone was unusual and that he was out of breath when she spoke with him around the time of the crime.

Lack of Defendant Testimony

Lastly, we checked whether participants' mean ratings on a scale of 1 (*strongly agree*) to 5 (*strongly disagree*) about whether they found it surprising that the defendant did not testify at trial were comparable for the strong and weak transcripts. As expected, there was no significant difference between the strong ($M = 2.29$, $SD = 1.08$) and weak ($M = 2.37$, $SD = 1.08$) transcript ratings for this item, $t(291) = .61$, $p > .05$. Thus, both groups similarly reacted to the fact that the defendant did not testify.

Trial Transcript and Teaching Aid Ratings

We examined whether there were differences among participants in the three teaching aid

groups in ratings (on 9-point Likert-type scales ranging from 1 = *not very* to 9 = *very*) of how

carefully participants reported reading the trial transcript, of how educational they found the

teaching aid, and of how useful they found the aid when evaluating the case.

There were no significant differences among the three aid groups in mean ratings for

how carefully they read the trial transcript: I-I-EYE ($M = 7.78$, $SD = 1.11$), NvB ($M = 7.63$,

$SD = 1.05$), and JD ($M = 7.72$, $SD = 1.15$), $F(2, 290) = .45$, $p > .05$. However, there were

differences among the aid groups for the remaining two questions about the teaching aid they

viewed: a). rate how educational the slideshow was, and b). rate how useful the slideshow

was when evaluating the case (1= *not very educational/ useful* to 9 = *very educational/*

useful). Ratings for how educational the slideshow was differed significantly among the three

groups: I-I-EYE ($M = 7.60$, $SD = 1.22$), NvB ($M = 7.15$, $SD = 1.41$), and JD ($M = 6.78$, $SD =$

1.68), $F(2, 290) = 7.83$, $p < .001$, $\eta^2 = .05$. Dunnett's post hoc test indicated that the I-I-EYE

group rated the slideshow as significantly more educational than the JD group, $t(290) = 3.95$,

$p < .001$, $\eta^2 = .05$, and marginally more educational than the NvB group, $t(290) = 2.17$, $p =$

.056, $\eta^2 = .02$. Ratings for how useful the slideshow was when evaluating the case also

differed significantly among the three groups: I-I-EYE ($M = 7.80$, $SD = 1.09$), NvB ($M =$

7.26, $SD = 1.47$), and JD ($M = 6.62$, $SD = 1.57$), $F(2, 290) = 17.42$, $p < .001$, $\eta^2 = .11$.

Dunnett's post hoc test indicated that the I-I-EYE group rated the slideshow as significantly

more useful for evaluating the transcript than both the JD, $t(290) = 5.90$, $p < .001$, $\eta^2 = .11$,

and the NvB groups, $t(290) = 2.72$, $p = .013$, $\eta^2 = .02$. Thus, while all three aid groups

comparably rated the care with which they read the transcript, it was the participants who

viewed the I-I-EYE aid who found the aid to be both more educational and more useful when

evaluating the case transcript. However, the mean ratings for the three groups suggest they all

found the aid they viewed to be fairly educational and useful.

Appendix O

Ratings of the Strength of the Prosecution and Defense

We examined whether there were differences among the three aid groups in their ratings for the strength of the prosecution's case and the strength of the defense's case (on 9-point Likert-type scales ranging from 1 = *very weak case* to 9 = *very strong case*). Tables 8 and 9 provide a summary of the mean prosecutor and defense ratings by case type (strong, weak) for those who ruled correctly and incorrectly in the three aid groups. We expected participants who ruled correctly ("guilty") in the strong case to rate the prosecution's case as stronger than those who ruled incorrectly ("not guilty"). Moreover, for the weak case, we expected participants who correctly ruled not guilty to rate the defense's case as stronger than those who incorrectly ruled guilty. Because participants in the I-I-EYE group, compared to those in the other two aid groups, were more likely to rule guilty for the strong case and not guilty for the weak case, we expected that the I-I-EYE participants might rate the prosecution's case as stronger in the strong case and weaker in the weak case.

Strong Case Transcript

A 2 x 3 ANOVA (Verdict [correct, incorrect] x Aid [I-I-EYE, NvB, JD]) on ratings for the strength of the prosecution's case indicated that there was a significant main effect for verdict decision: correct ($M = 7.11$, $SD = .92$) versus incorrect ($M = 5.72$, $SD = 1.46$), $F(1, 141) = 40.84$, $p < .001$, $\eta^2 = .22$. For participants who read the strong transcript, the omnibus test for the main effect of teaching aid on the strength of the prosecution's case was not significant: I-I-EYE ($M = 6.45$, $SD = 1.21$), NvB ($M = 6.00$, $SD = 1.58$), and JD ($M = 6.26$,

SD = 1.52) groups, *F*(2, 141) = .18, *p* > .05. Dunnett's test was also not significant for the I-I-EYE versus NvB, *t*(141) = 1.73, *p* > .05, and I-I-EYE versus JD comparisons, *t*(141) = .73, *p* > .05. The interaction of verdict decision and teaching aid on prosecution case ratings was not significant, *F*(2, 141) = .2.38, *p* > .05. Thus, while participants who correctly ruled guilty for the strong case rated the prosecution's case as stronger than those who ruled not guilty, all three aid groups rated the prosecution's case as comparably strong.

For those who read the strong case, participants who correctly ruled guilty (*M* = 5.25, *SD* = 1.69) rated the defense's case as significantly weaker than those who ruled not guilty (*M* = 6.57, *SD* = 1.51), *F*(1, 141) = 27.73, *p* < .001, η^2 = .14. The differences in ratings for the strength of the defense's case among the I-I-EYE (*M* = 6.24, *SD* = 1.63), NvB (*M* = 6.25, *SD* = 1.54), and JD (*M* = 5.74, *SD* = 1.88) groups were not significant, *F*(2, 141) = 1.49, *p* > .05. Dunnett's test was also not significant for the I-I-EYE versus NvB, *t*(141) = .02, *p* > .05, and I-I-EYE versus JD comparisons, *t*(141) = 1.62, *p* > .05. The interaction of verdict and aid was also not significant, *F*(2, 141) = .56, *p* > .05.

Lastly, we examined whether, within each of the three aid groups, there were differences in prosecution versus defense case strength ratings. For those who read the strong case and who viewed the I-I-EYE aid, there were no significant differences in prosecution versus defense (*M* = 6.45 vs. *M* = 6.24) ratings, *t*(48) = 1.21, *p* > .05. There were also no significant differences for those who viewed the NvB aid in prosecutor versus defense (*M* = 6.00 vs. *M* = 6.25) case strength ratings, *t*(47) = 1.09, *p* > .05. However, the JD group appropriately rated the prosecution's case (M = 6.26) as significantly stronger than that of the defense (M = 5.74) for the strong case, t(49) = 2.42, p = .020, η^2 = .11.

Weak Case Transcript

For participants who read the weak transcript, those who correctly ruled not guilty (M = 5.29, SD = 1.57) rated the prosecution's case as significantly weaker than those who ruled guilty (M = 7.60, SD = .87), $F(1, 140)$ = 71.57, $p < .001$, η^2 = .35. There were no significant differences in ratings for the strength of the prosecution's case among the I-I-EYE (M = 5.86, SD = 1.79), NvB (M = 6.08, SD = 1.74), and JD (M = 5.83, SD = 1.74) groups, $F(2, 140)$ = .56, $p > .05$. Dunnett's test was also not significant for the I-I-EYE versus NvB, $t(140)$ = .78, $p > .05$, and I-I-EYE versus JD comparisons, $t(140)$ = .09, $p > .05$. The interaction of verdict decision and aid was not significant for the weak case, $F(2, 140)$ = .46, $p > .05$.

Participants who correctly ruled not guilty for the weak case (M = 6.85, SD = 1.10) rated the defense's case as significantly stronger than those who ruled guilty (M = 5.03, SD = 1.33), $F(1, 140)$ = 75.99, $p < .001$, η^2 = .33. The omnibus test for the main effect of teaching aid on ratings for the strength of the defense's case was not significant: I-I-EYE (M = 6.66, SD = 1.68), NvB (M = 6.18, SD = 1.29), and JD (M = 6.21, SD = 1.21) groups, $F(2, 140)$ = .532, $p > .05$. However, Dunnett's test comparing the I-I-EYE versus NvB groups approached significance, $t(140)$ = 2.10, $p = .069$. The I-I-EYE versus JD comparison was not significant, $t(140)$ = 1.93, $p > .05$. The interaction of verdict decision and aid was significant for ratings of the defense's case, $F(2, 140)$ = 3.94, $p = .022$, n^2 = .04. Participants in the I-I-EYE group who correctly ruled not guilty in the weak case rated the defense's case as much stronger than those who ruled guilty (M = 7.13 vs. M = 4.25). However, this difference was not as large for those who ruled correctly (not guilty) versus incorrectly (guilty) in the NvB (M = 6.72 vs. M = 5.22) and JD (M = 6.64 vs. M = 5.21) groups. Thus, participants who ruled

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not guilty for the weak case appropriately rated the defense's case as stronger than those who ruled guilty. Although the main effect of teaching aid on ratings of the strength of the defense's case was not significant, the I-I-EYE group rated the defense's case as somewhat stronger than the NvB group. Moreover, participants who ruled not guilty and who also viewed the I-I-EYE aid rated the defense's case as particularly strong for the weak case.

Finally, for those who read the weak case, there was a significant difference in prosecution versus defense case strength ratings for the I-I-EYE aid group ($M = 5.86$ vs. $M = 6.66$), $t(48) = 3.14$, $p = .003$, $\eta^2 = .17$. However, there were no significant differences in prosecution and defense case strength ratings for the NvB and JD groups: NvB ($M = 6.08$ vs. $M = 6.18$), $t(49) = .41$, $p > .05$, and JD ($M = 5.83$ vs. $M = 6.21$), $t(46) = 1.50$, $p > .05$. Thus, for those who read the weak case, the I-I-EYE group appropriately rated the prosecution's case as weaker than that of the defense; however, participants in the NvB and JD groups did not distinguish between the strength of the cases of the prosecution and defense.

Table 8

Mean Prosecutor Ratings by Case Type for those who Ruled Correctly and Incorrectly in the

I-I-EYE, NvB, and JD aid groups.

Aid Group	Correct Verdict (Strong Case = Guilty; Weak Case = Not Guilty)	Incorrect Verdict (Strong Case = Not Guilty; Weak Case = Guilty)
Strong		
I-I-EYE	$M = 6.81$, $SD = .92$, N = 27	$M = 6.00$, $SD = 1.38$, N = 22
NvB	$M = 7.46$, $SD = .77$, N = 13	$M = 5.46$, $SD = 1.46$, N = 35
JD	$M = 7.33$, $SD = .90$, N = 15	$M = 5.80$, $SD = 1.51$, N = 35
Weak		
I-I-EYE	$M = 5.49$, $SD = 1.69$, N = 41	$M = 7.75$, $SD = .89$, N = 8
NvB	$M = 5.13$, $SD = 1.29$, N = 32	$M = 7.78$, $SD = .94$, N = 18
JD	$M = 5.21$, $SD = 1.67$, N = 33	$M = 7.29$, $SD = .73$, N = 14

Table 9

Mean Defense Ratings by Case Type for those who Ruled Correctly and Incorrectly in the I-I-EYE, NvB, and JD aid groups.

Aid Group	Correct Verdict (Strong Case = Guilty; Weak Case = Not Guilty)	Incorrect Verdict (Strong Case = Not Guilty; Weak Case = Guilty)
Strong		
I-I-EYE	$M = 5.59$, $SD = 1.67$, N = 27	$M = 7.05$, $SD = 1.17$, N = 22
NvB	$M = 5.46$, $SD = 1.51$, N = 13	$M = 6.54$, $SD = 1.46$, N = 35
JD	$M = 4.47$, $SD = 1.73$, N = 15	$M = 6.29$, $SD = 1.69$, N = 35
Weak		
I-I-EYE	$M = 7.13$, $SD = 1.19$, N = 41	$M = 4.25$, $SD = 1.83$, N = 8
NvB	$M = 6.72$, $SD = .99$, N = 32	$M = 5.22$, $SD = 1.22$, N = 18
JD	$M = 6.64$, $SD = 1.03$, N = 33	$M = 5.21$, $SD = 1.05$, N = 14

Fairness of the Interview

We examined whether there were differences between participants who ruled correctly and incorrectly and among those in the three teaching aid groups in how they rated the fairness of the police interview (on a 5-point Likert-type scale ranging from 1 = *very fair* to 5 = *very unfair*). We expected participants who correctly ruled guilty for the strong case to rate the interview as more fair than those who ruled not guilty. We also expected participants who ruled not guilty for the weak case to rate the interview as less fair than those who ruled guilty. Moreover, since the I-I-EYE group had more guilty verdicts for the strong case and more not guilty verdicts for the weak case (but this was borderline significant), we expected that the I-I-EYE participants, as compared to the other two groups, might rate the interview procedures as more fair in the strong case and less fair in the weak case. Table 10 provides a summary of the mean interview ratings by case type (strong, weak) for those who ruled correctly and incorrectly in the three aid groups.

Strong Case Transcript

A 2 x 3 ANOVA (Verdict [correct, incorrect] x Aid [I-I-EYE, NvB, JD]) on ratings for the fairness of the interview indicated that there was a significant main effect for verdict decision: correct ("guilty") ($M = 1.80$, $SD = .68$) versus incorrect ("not guilty") ($M = 2.40$, $SD = .98$), $F(1, 141) = 16.22$, $p < .001$, $\eta^2 = .10$. For participants who read the strong transcript, the omnibus test for the main effect of teaching aid on ratings of the fairness of the interview was not significant: I-I-EYE ($M = 2.12$, $SD = .81$), NvB ($M = 2.27$, $SD = .96$), and JD ($M = 2.14$, $SD = 1.01$) groups, $F(2, 141) = .18$, $p > .05$. Dunnett's test was also not

significant for the I-I-EYE versus NvB, $t(141) = .82$, $p > .05$, and I-I-EYE versus JD

comparisons, $t(141) = .10$, $p > .05$. The interaction of verdict and aid was not significant, $F(2,$

$141) = .66$, $p > .05$. Thus, while participants who correctly ruled guilty for the strong case

rated the police interview of the eyewitness as more fair than those who ruled not guilty, all

three aid groups comparably rated the interview fairness.

Weak Case Transcript

For those who read the weak case, participants who correctly ruled not guilty ($M =$

3.17, $SD = .96$) appropriately rated the interview as significantly less fair than those who

incorrectly ruled guilty ($M = 2.30$, $SD = .82$), $F(1, 140) = 23.04$, $p < .001$, $\eta^2 = .15$. There

were no significant differences in ratings for the fairness of the police interview among the I-

I-EYE ($M = 3.08$, $SD = 1.13$), NvB ($M = 2.90$, $SD = 1.04$), and JD ($M = 2.81$, $SD = .80$)

groups, $F(2, 140) = .00$, $p > .05$. Dunnett's test was also not significant for the I-I-EYE

versus NvB, $t(140) = .98$, $p > .05$, and I-I-EYE versus JD comparisons, $t(140) = 1.46$, $p >$

$.05$. The interaction of verdict and aid approached significance, $F(2, 140) = 2.61$, $p = .077$.

Participants in the I-I-EYE ($M = 3.24$ "not guilty" vs. $M = 2.25$ "guilty") and NvB ($M = 3.34$

"not guilty" vs. $M = 2.11$ "guilty") aid groups who correctly ruled not guilty rated the

interview as less fair than those who ruled guilty; however, this effect of verdict on interview

fairness ratings was much smaller for the JD group ($M = 2.91$ "not guilty" vs. $M = 2.57$

"guilty").

Overall, participants who correctly ruled guilty for the strong case appropriately rated

the interview as more fair than those who ruled not guilty. Participants who correctly ruled

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not guilty for the weak case appropriately rated the interview as less fair than those who ruled

guilty. There were no significant differences in interview fairness ratings among the three aid

groups for either the strong or weak transcript groups.

Table 10

Mean Interview Fairness Ratings by Case Type for those who Ruled Correctly and

Incorrectly in the I-I-EYE, NvB, and JD aid groups.

Aid Group	Correct Verdict (Strong Case = Guilty; Weak Case = Not Guilty)	Incorrect Verdict (Strong Case = Not Guilty; Weak Case = Guilty)
Strong		
I-I-EYE	$M = 1.89, SD = .75$	$M = 2.41, SD = .80$
NvB	$M = 1.62, SD = .51$	$M = 2.51, SD = .98$
JD	$M = 1.80, SD = .68$	$M = 2.29, SD = 1.10$
Weak		
I-I-EYE	$M = 3.24, SD = 1.07$	$M = 2.25, SD = 1.16$
NvB	$M = 3.34, SD = .94$	$M = 2.11, SD = .68$
JD	$M = 2.91, SD = .80$	$M = 2.57, SD = .76$

Appendix Q

Fairness of the Lineup

We examined whether there were differences between participants who ruled correctly and incorrectly and among those in the three teaching aid groups in how they rated the fairness of the lineup (on a 5-point Likert-type scale ranging from 1 = *very fair* to 5 = *very unfair*). We expected participants who correctly ruled guilty for the strong case to rate the lineup as more fair than those who ruled not guilty. We also expected participants who ruled not guilty for the weak case to rate the lineup as less fair than those who ruled guilty. Moreover, since the I-I-EYE group had more guilty verdicts for the strong case and more not guilty verdicts for the weak case (but this was borderline significant), we expected that the I-I-EYE participants, as compared to the other two groups, might rate the lineup procedures as more fair in the strong case and less fair in the weak case. Table 11 provides a summary of the mean lineup ratings by case type (strong, weak) for those who ruled correctly and incorrectly in the three aid groups.

Strong Case Transcript

A 2 x 3 ANOVA (Verdict [correct, incorrect] x Aid [I-I-EYE, NvB, JD]) on ratings for the fairness of the lineup indicated that there was a significant main effect for verdict decision: correct ("guilty") ($M = 1.69$, $SD = .69$) versus incorrect ("not guilty") ($M = 2.46$, $SD = 1.08$), $F(1, 141) = 18.80$, $p < .001$, $\eta^2 = .13$. The omnibus test for the main effect of teaching aid on ratings for the fairness of the lineup was not significant: I-I-EYE ($M = 1.94$, $SD = .92$), NvB ($M = 2.35$, $SD = 1.12$), and JD ($M = 2.22$, $SD = 1.00$) groups, $F(2, 141) = .33$, $p > .05$. However, Dunnett's test revealed that the difference between the I-I-EYE versus

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NvB groups approached significance, $t(141) = 2.13$, $p = .065$, with the I-I-EYE group rating the lineup as slightly more fair. The I-I-EYE versus JD group comparison was not significant, $t(141) = 1.45$, $p > .05$. The interaction of verdict and aid on lineup fairness was also not significant, $F(2, 141) = .61$, $p > .05$. Thus, participants who correctly ruled guilty rated the lineup in the strong case as significantly more fair than those who ruled not guilty. It is possible that if participants commit to a guilty verdict, they need to justify their decision by rating the lineup as very fair. The I-I-EYE group rated the lineup procedures as marginally more fair than the NvB group, but this comparison only approached significance. Moreover, there was no difference in lineup fairness ratings between the I-I-EYE and JD groups.

Weak Case Transcript

Participants who ruled not guilty ($M = 3.88$, $SD = .85$) for the weak case appropriately rated the lineup as less fair than those who ruled guilty ($M = 2.65$, $SD = .95$), $F(1, 140) = 57.30$, $p < .001$, $\eta^2 = .28$. The omnibus test for differences in ratings for the fairness of the lineup among the I-I-EYE ($M = 3.82$, $SD = 1.17$), NvB ($M = 3.60$, $SD = .86$), and JD ($M = 3.19$, $SD = .97$) groups was not significant, $F(2, 140) = 2.11$, $p > .05$. However, Dunnett's post hoc test indicated that although the difference in lineup fairness ratings between the I-I-EYE and NvB groups was not significant, $t(140) = 1.27$, $p > .05$, the I-I-EYE group rated the lineup in the weak case as significantly less fair than the JD group, $t(140) = 3.61$, $p = .001$, $\eta^2 = .09$. The interaction of verdict and aid on lineup fairness was not significant, $F(2, 140) = 2.08$, $p > .05$. Thus, for the weak case, participants who ruled not guilty appropriately rated the lineup as less fair than those who ruled guilty. Moreover,

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compared to the JD group at least, the I-I-EYE group seemed to appreciate the

suggestiveness of the lineup procedures in the weak case.

Table 11

Mean Lineup Fairness Ratings by Case Type for those who Ruled Correctly and Incorrectly

in the I-I-EYE, NvB, and JD aid groups.

Aid Group	Correct Verdict (Strong Case = Guilty; Weak Case = Not Guilty)	Incorrect Verdict (Strong Case = Not Guilty; Weak Case = Guilty)
Strong		
I-I-EYE	$M = 1.67$, $SD = .62$	$M = 2.27$, $SD = 1.12$
NvB	$M = 1.62$, $SD = .65$	$M = 2.63$, $SD = 1.14$
JD	$M = 1.80$, $SD = .86$	$M = 2.40$, $SD = 1.01$
Weak		
I-I-EYE	$M = 4.07$, $SD = .93$	$M = 2.50$, $SD = 1.41$
NvB	$M = 4.09$, $SD = .39$	$M = 2.72$, $SD = .75$
JD	$M = 3.42$, $SD = .90$	$M = 2.64$, $SD = .93$

Appendix R

"Self - Average Juror" Verdict (SAJ)

In order to compare whether participants gave a correct or incorrect verdict with whether they thought the average juror would give a correct or incorrect verdict for the case, we computed a new variable, "Self - Average Juror" Verdict, hereafter abbreviated as (SAJ). We created four groups to reflect the possible combinations of incorrect (0)/ correct (1) verdicts and incorrect (0)/ correct (1) average juror verdicts: Group 1 (0,0) = incorrect verdict for self and for the average juror; Group 2 (1,0) = correct verdict for self, incorrect verdict for the average juror; Group 3 (0,1) = incorrect verdict for self, correct verdict for the average juror; and Group 4 (1,1) = correct verdict for self and for the average juror.

Strong Case Transcript

For those who read the strong transcript, the percentage of participants falling into the four (SAJ) categories was only marginally associated with the teaching aids, $X^2(6, N = 147) = 11.74$, $p = .068$, $V = .20$. Table 12 provides the percentage of participants falling into each of the four (SAJ) categories.

Table 12

Strong Case Only: Percentage of Participants Falling into the Four (SAJ) Categories.

Aid Group	Group 1 (0,0)	Group 2 (1,0)	Group 3(0,1)	Group 4 (1,1)
I-I-EYE Aid	39%	8%	6%	47%
NvB Aid	54%	2%	19%	25%
JD Aid	50%	4%	20%	26%

Note. Group 1 = Incorrect Verdict/ Incorrect Average Juror Verdict; Group 2 = Correct Verdict/ Incorrect Average Juror Verdict; Group 3 = Incorrect Verdict/ Correct Average Juror Verdict; Group 4 = Correct Verdict/ Correct Average Juror Verdict.

While roughly half (47%) of participants in the I-I-EYE group correctly ruled guilty for the strong case and also thought the average juror would rule guilty (Group 4), about 25% of the NvB and JD groups ruled this way. Moreover, for Group 3 (0,1), approximately 20% of participants in the NvB and JD groups thought the average juror would (correctly) rule guilty even when they (incorrectly) said not guilty. Thus, compared to the I-I-EYE group, the NvB and JD groups were more conservative in answering guilty for the strong case relative to the average juror. Perhaps the information in the I-I-EYE aid made the decision criterion more consistent with their cognitive judgments about the case.

Weak Case Transcript

For those who read the weak transcript, the differences in percentage of participants falling into the four (SAJ) categories for the three teaching aids was not significant, $X^2(6, N = 146) = 6.00, p > .05$. Table 13 provides the percentage of participants falling into each of the four (SAJ) categories.

Table 13

Weak Case Only: Percentage of Participants Falling into the Four (SAJ) Categories.

Aid Group	Group 1 (0,0)	Group 2 (1,0)	Group 3(0,1)	Group 4 (1,1)
I-I-EYE Aid	16%	29%	0%	55%
NvB Aid	32%	20%	4%	44%
JD Aid	28%	21%	2%	49%

Note. Group 1 = Incorrect Verdict/ Incorrect Average Juror Verdict; Group 2 = Correct Verdict/ Incorrect Average Juror Verdict; Group 3 = Incorrect Verdict/ Correct Average Juror Verdict; Group 4 = Correct Verdict/ Correct Average Juror Verdict.

For Group 2 (1,0), 29% of participants in the I-I-EYE group correctly answered not guilty but thought the average juror would rule guilty. Perhaps this reflects some appreciation of the weak system variables. Roughly 20% of participants in the NvB and JD groups (correctly) ruled not guilty even when they thought the average juror would (incorrectly) rule guilty (Group 2). Thus, for both the strong and weak cases, approximately 20% of participants in the NvB and JD groups thought the average juror would rule guilty when they ruled not guilty.

Combined Strong and Weak Transcripts

Lastly, the combined case percentage of participants falling into the four (SAJ) categories was significantly different for the three teaching aid groups, $X^2(6, N = 293) = 14.36$, $p = .026$, $V = .16$. Table 14 provides the overall percentage of participants falling into each of the (SAJ) categories by teaching aid.

Table 14

Combined Strong and Weak Cases: Percentage of Participants Falling into the Four (SAJ)

Categories.

Aid Group	Group 1 (0,0)	Group 2 (1,0)	Group 3(0,1)	Group 4 (1,1)
I-I-EYE Aid	28%	18%	3%	51%
NvB Aid	43%	11%	11%	35%
JD Aid	39%	12%	11%	37%

Note. Group 1 = Incorrect Verdict/ Incorrect Average Juror Verdict; Group 2 = Correct Verdict/ Incorrect Average Juror Verdict; Group 3 = Incorrect Verdict/ Correct Average Juror Verdict; Group 4 = Correct Verdict/ Correct Average Juror Verdict.

While only about 35% of the NvB and JD aid groups gave a correct verdict and thought the average juror would give a correct verdict (Group 4), 51% of the I-I-EYE group fell into this SAJ category. Additionally, the percentage of participants falling into Group 2 and Group 3 was significantly different for the three aids, $X^2(2, N = 66) = 7.31, p = .026, V = .03$. If those who viewed the I-I-EYE aid disagreed with the average juror (Group 2 and Group 3), they were six times more likely to be correct (e.g., 18%/ 3%); however, participants who viewed the NvB and JD aids were just as likely to be correct as they were to be incorrect (e.g., 11%/ 11% for the NvB group, and 12%/ 11% for the JD group). Perhaps the reason that the I-I-EYE group was more likely to make the correct decision while thinking the average juror would not, is that they felt they learned something from the aid (see "Transcript and Teaching Aid Ratings" section of the paper).

Appendix S

Combined Strong and Weak Transcripts: "Self - Average Juror" Verdict (SAJ) and

Verdict Confidence

We examined how confident (out of 100%) participants in each of the four (SAJ) groups

were in their own verdict. We used the overall (combined across the strong and weak cases)

confidence percentages and (SAJ) data. There was a significant difference in mean verdict

confidence among the four groups: Group 1 (0,0) ($M = 79.61$, $SD = 13.20$), Group 2 (1,0) (M

$= 70.27$, $SD = 15.98$), Group 3 (0,1) ($M = 73.44$, $SD = 17.02$), and Group 4 (1,1) ($M = 79.35$,

$SD = 15.03$), $F(3, 289) = 5.29$, $p = .001$, $\eta^2 = .05$. Tukey's post hoc test indicated that those

who ruled incorrectly and also thought the average juror would rule incorrectly (Group 1)

had greater confidence in their verdict than did those who gave a correct verdict but thought

the average juror would rule incorrectly (Group 2), $t(289) = 3.46$, $p = .004$, $\eta^2 = .04$. The

verdict confidence for participants who ruled correctly and also thought the average juror

would rule correctly (Group 4) was significantly higher than for those who ruled correctly

but thought the average juror would rule incorrectly (Group 2), $t(289) = 3.41$, $p = .004$, $\eta^2 =$

.04. Thus, participants demonstrated more verdict confidence if they thought the average

juror would agree with them (e.g., Group 1 and Group 4), whether their verdict/ average juror

verdict was correct (Group 4) or incorrect (Group 1).

Appendix T

"Self - Average Juror" Verdict (SAJ) and Evaluation of Evidence: Likelihood of Shooting

and Likelihood of a Correct Identification

We examined the (SAJ) verdict variable and how participants responded to the Likert-type

questions about the likelihood that the defendant shot the victim and the likelihood that the

eyewitness made a correct identification (1 = *extremely likely* to 9 = *extremely unlikely*).

Strong Case Transcript

For participants who read the strong case, the mean ratings for the likelihood that the

defendant shot the victim were significantly different for the (SAJ) categories: Group 1 (0,0)

($M = 4.30$, $SD = 1.50$, N = 70), Group 2 (1,0) ($M = 5.43$, $SD = 1.27$, N = 7), Group 3 (0,1) ($M

= 5.32$, $SD = 1.91$, N = 22), and Group 4 (1,1) ($M = 7.00$, $SD = 1.07$, N = 48), $F(3, 143) =$

33.54, $p < .001$, $\eta^2 = .41$. Tukey's post hoc test indicated that participants in Group 1 (0,0;

incorrect verdict and incorrect average juror verdict) had significantly lower likelihood of

shooting ratings for the strong case than all three other groups: Group 2 (1,0), $t(143) = 1.98$,

$p = .049$, $\eta^2 = .03$; Group 3 (0,1), $t(143) = 2.90$, $p = .022$, $n^2 = .06$; and Group 4 (1,1), $t(143)$

$= 10.03$, $p < .001$, $\eta^2 = .41$. Participants in Group 4 (1,1; correct verdict and correct average

juror verdict) had significantly higher likelihood of shooting ratings for the strong case than

all three other groups: Group 1 (0,0; see above); Group 2 (1,0), $t(143) = 2.70$, $p = .038$, $n^2 =$

$.05$; and Group 3, $t(143) = 4.55$, $p < .001$, $\eta^2 = .13$. Thus, participants who correctly ruled

guilty and thought the average juror would rule guilty for the strong case (Group 4),

appropriately rated the likelihood that the defendant shot the victim as higher than the other three groups.

For participants who read the strong case, there were also significant differences among the four groups in ratings of the likelihood that the eyewitness made a correct identification: Group 1 (0,0) ($M = 4.69$, $SD = 1.84$), Group 2 (1,0) ($M = 6.14$, $SD = 1.86$), Group 3 (0,1) ($M = 5.45$, $SD = 2.09$), and Group 4 (1,1) ($M = 6.79$, $SD = 1.50$), $F(3, 143) = 13.62$, $p < .001$, $\eta^2 = .22$. Tukey's post hoc test indicated that participants in Group 1 (0,0; incorrect verdict and incorrect average juror verdict) had significantly lower ratings for the likelihood that the eyewitness made a correct identification than Group 4 (1,1), $t(143) = 6.33$, $p < .001$, $\eta^2 = .22$. Participants in Group 4 (1,1; correct verdict and correct average juror verdict) had significantly higher ratings for the likelihood of a correct eyewitness identification than Group 1 (0,0; see above) and Group 3 (0,1), $t(143) = 2.92$, $p = .021$, $\eta^2 = .06$. Thus, participants who correctly ruled guilty and who thought the average juror would rule guilty for the strong case (Group 4), appropriately rated the likelihood that the eyewitness made a correct identification as higher than those who ruled incorrectly (Groups 1 and 3). Therefore, if participants believe the average juror would agree with their verdict, and they are correct about the evidence, then they appear especially likely to rule correctly.

Weak Case Transcript

For participants who read the weak case, the mean ratings for the likelihood that the defendant shot the victim were significantly different for the (SAJ) categories: Group 1 (0,0) ($M = 7.43$, $SD = .77$), Group 2 (1,0) ($M = 5.18$, $SD = 1.42$), Group 3 (0,1) ($M = 6.67$, $SD =$

.58), and Group 4 (1,1) ($M = 4.17$, $SD = 1.60$), $F(3, 141) = 46.39$, $p < .001$, $\eta^2 = .50$. Tukey's

post hoc test indicated that participants in Group 4 (1,1; correct verdict and correct average

juror verdict) had significantly lower likelihood of shooting ratings for the weak case than all

three other groups: Group 1 (0,0), $t(141) = 11.66$, $p < .001$, $\eta^2 = .49$; Group 2 (1,0), $t(141) =$

3.50, $p = .003$, $\eta^2 = .08$; and Group 3 (0,1), $t(141) = 3.07$, $p = .014$, $\eta^2 = .06$. Therefore,

participants who correctly ruled not guilty and who thought the average juror would rule not

guilty for the weak case (Group 4), appropriately rated the likelihood that the defendant shot

the victim as lower than the other three groups.

For participants who read the weak case, there were also significant differences

among the four groups in ratings of the likelihood that the eyewitness made a correct

identification: Group 1 (0,0) ($M = 7.32$, $SD = 1.13$), Group 2 (1,0) ($M = 5.00$, $SD = 1.89$),

Group 3 (0,1) ($M = 7.00$, $SD = 1.00$), and Group 4 (1,1) ($M = 4.14$, $SD = 1.52$), $F(3, 141) =$

36.84, $p < .001$, $\eta^2 = .44$. Participants in Group 4 (1,1; correct verdict and correct average

juror verdict) had significantly lower ratings for the likelihood of a correct identification in

the weak case than all three other groups: Group 1 (0,0), $t(141) = 10.28$, $p < .001$, $\eta^2 = .43$;

Group 2 (1,0), $t(141) = 2.70$, $p = .039$, $\eta^2 = .05$; and Group 3 (0,1), $t(141) = 3.18$, $p = .010$, η^2

$= .07$. Moreover, participants in Group 2 (1,0; correct verdict and incorrect average juror

verdict) had significantly lower ratings for the likelihood of a correct eyewitness

identification than Group 1 (0,0), $t(141) = 6.41$, $p < .001$, $\eta^2 = .26$. Thus, participants who

correctly ruled not guilty for the weak case (Groups 2 and 4), appropriately rated the

likelihood that the defendant committed the crime and the likelihood that the eyewitness

made a correct identification as significantly lower than those who ruled incorrectly

("guilty") and also thought the average juror would rule incorrectly.

Appendix U

"Self - Average Juror" Verdict (SAJ) and Strength of the Prosecution and Defense

We examined whether there were differences among the (SAJ) categories in ratings for the strength of the prosecution's and defense's cases (1 = *very weak case* to 9 = *very strong case*). **Strong Case Transcript**

For participants who read the strong case, the mean ratings for the strength of the prosecution's case were significantly different for the four (SAJ) categories: Group 1 (0,0) (*M* = 5.54, *SD* = 1.28), Group 2 (1,0) (*M* = 6.14, *SD* = .90), Group 3 (0,1) (*M* = 6.27, *SD* = 1.86), and Group 4 (1,1) (*M* = 7.25, *SD* = .84), *F*(3, 143) = 17.71, *p* < .001, η^2 = .27. Tukey's post hoc test indicated that participants in Group 4 (1,1; correct verdict and correct average juror verdict) had significantly higher ratings for the strength of the prosecution's case than all three other groups: Group 1 (0,0), *t*(143) = 7.29, *p* < .001, η^2 = .27; Group 2 (1,0), *t*(143) = 2.19, *p* = .030, η^2 = .03; and Group 3 (0,1), *t*(143) = 3.04, *p* = .015, η^2 = .06. Thus, if participants correctly ruled guilty for the strong case and they also thought the average juror would rule guilty, they appropriately rated the strength of the prosecution's case as higher than the other groups.

The mean ratings for the strength of the defense's case also were significantly different among the four groups: Group 1 (0,0) (*M* = 6.83, *SD* = 1.17), Group 2 (1,0) (*M* = 6.57, *SD* = .98), Group 3 (0,1) (*M* = 5.73, *SD* = 2.10), and Group 4 (1,1) (*M* = 5.06, *SD* = 1.69), *F*(3, 143) = 13.61, *p* < .001, η^2 = .22. Participants in Group 4 (1,1; correct verdict and correct average juror verdict) had significantly lower ratings for the strength of the defense's

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case than Group 1 (0,0), $t(143) = 6.23$, $p < .001$, $\eta^2 = .21$, and moderately lower ratings than Group 2 (1,0), $t(143) = 2.47$, $p = .070$, $\eta^2 = .04$. Thus, participants who correctly ruled guilty for the strong case and who thought the average juror would rule guilty, rated the strength of the defense's case as significantly lower than those who incorrectly ruled not guilty and also thought the average juror would rule not guilty. This makes sense because the evidence in the strong case highlighted better police interview and lineup procedures, which should contribute to stronger prosecution ratings, relative to the defense.

Weak Case Transcript

The mean ratings for the strength of the prosecution's case were significantly different among the (SAJ) groups for those who read the weak transcript: Group 1 (0,0) ($M = 7.68$, $SD = .85$), Group 2 (1,0) ($M = 5.82$, $SD = 1.40$), Group 3 (0,1) ($M = 6.67$, $SD = .58$), and Group 4 (1,1) ($M = 5.04$, $SD = 1.59$), $F(3, 142) = 30.01$, $p < .001$, $\eta^2 = .39$. Tukey's post hoc test indicated that participants in Group 4 (1,1; correct verdict and correct average juror verdict) had significantly lower ratings for the strength of the prosecution's case than all three other groups: Group 1 (0,0), $t(142) = 9.43$, $p < .001$, $\eta^2 = .39$; Group 2 (1,0), $t(142) = 2.72$, $p = .036$, $\eta^2 = .05$; and Group 3 (0,1), $t(142) = 2.00$, $p = .048$, $\eta^2 = .03$. Thus, if participants correctly ruled not guilty for the weak case and they also thought the average juror would rule not guilty, they appropriately rated the strength of the prosecution's case as lower than the other groups.

For participants who read the weak case, the mean ratings for the strength of the defense's case were also significantly different for the (SAJ) verdict groups: Group 1 (0,0)

(M = 5.00, SD = 1.37), Group 2 (1,0) (M = 6.91, SD = 1.36), Group 3 (0,1) (M = 5.33, SD =

.58), and Group 4 (1,1) (M = 6.83, SD = .96), $F(3, 142)$ = 23.76, $p < .001$, η^2 = .33.

Participants in Group 4 (1,1; correct verdict and correct average juror verdict) had

significantly higher ratings for the strength of the defense's case than Group 1 (0,0), $t(142)$ =

7.72, $p < .001$, η^2 = .30. Participants in Group 2 (1,0; correct verdict and incorrect average

juror verdict) also had significantly higher ratings for the strength of the defense's case than

Group 1 (0,0), $t(142)$ = 6.88, $p < .001$, n^2 = .25. Not surprisingly, participants who correctly

ruled not guilty for the weak case rated the strength of the defense's case as higher than those

who incorrectly ruled guilty and also thought the average juror would rule guilty.

Appendix V

"Self - Average Juror" Verdict (SAJ) and Fairness of the Interview and Lineup

We examined whether there were differences among the (SAJ) categories in ratings for the fairness of the interview and lineup procedures (1 = *very fair* to 5 = *very unfair*).

Strong Case Transcript

For participants who read the strong case, the mean ratings for the fairness of the interview were significantly different for the four (SAJ) categories: Group 1 (0,0) ($M = 2.50$, $SD = .97$), Group 2 (1,0) ($M = 2.29$, $SD = .95$), Group 3 (0,1) ($M = 2.09$, $SD = .97$), and Group 4 (1,1) ($M = 1.73$, $SD = .61$), $F(3, 143) = 7.57$, $p < .001$, $\eta^2 = .14$. Tukey's post hoc test indicated that participants in Group 4 (1,1; correct verdict and correct average juror verdict) rated the interview in the strong case as significantly more fair (lower mean rating) than Group 1 (0,0), $t(143) = 4.73$, $p < .001$, $\eta^2 = .13$. Thus, if participants correctly ruled guilty for the strong case and they also thought the average juror would rule guilty, they appropriately rated the interview as more fair than participants who ruled incorrectly and also thought the average juror would rule incorrectly.

For participants who read the strong case, the mean ratings for the strength of the lineup were also significantly different for the four (SAJ) categories: Group 1 (0,0) ($M = 2.56$, $SD = 1.07$), Group 2 (1,0) ($M = 2.00$, $SD = .82$), Group 3 (0,1) ($M = 2.14$, $SD = 1.08$), and Group 4 (1,1) ($M = 1.65$, $SD = .67$), $F(3, 143) = 8.85$, $p < .001$, $\eta^2 = .16$. Participants in Group 4 (1,1; correct verdict and correct average juror verdict) rated the lineup in the strong case as significantly more fair (lower mean rating) than Group 1 (0,0), $t(143) = 5.12$, $p <$

.001, $\eta^2 = .15$. Thus, if participants correctly ruled guilty for the strong case and they also thought the average juror would rule guilty, they appropriately rated the lineup as more fair than participants who ruled incorrectly and who also thought the average juror would rule incorrectly.

Weak Case Transcript

For participants who read the weak case, the mean ratings for the strength of the interview were significantly different for the four (SAJ) categories: Group 1 (0,0) ($M = 2.32$, $SD = .85$), Group 2 (1,0) ($M = 3.24$, $SD = .99$), Group 3 (0,1) ($M = 2.00$, $SD = .00$), and Group 4 (1,1) ($M = 3.14$, $SD = .61$), $F(3, 142) = 8.66$, $p < .001$, $\eta^2 = .15$. Tukey's post hoc test indicated that participants in Group 4 (1,1; correct verdict and correct average juror verdict) rated the interview in the weak case as significantly less fair (higher mean rating) than Group 1 (0,0), $t(142) = 4.33$, $p < .001$, $\eta^2 = .12$ and Group 3 (0,1), $t(142) = 2.08$, $p = .040$, $\eta^2 = .03$. In addition, Group 2 (1,0; correct verdict and incorrect average juror verdict) also rated the interview in the weak case as significantly less fair than Group 1 (0,0), $t(142) = 4.12$, $p < .001$, $\eta^2 = .11$ and Group 3 (0,1), $t(142) = 2.21$, $p = .029$, $\eta^2 = .03$. Therefore, participants who correctly ruled not guilty, regardless of whether they thought the average juror would rule correctly, appropriately rated the strength of the interview as less fair in the weak case than those who incorrectly ruled guilty.

For participants who read the weak case, the mean ratings for the strength of the lineup were also significantly different for the four (SAJ) categories: Group 1 (0,0) ($M = 2.65$, $SD = .98$), Group 2 (1,0) ($M = 3.85$, $SD = .93$), Group 3 (0,1) ($M = 2.67$, $SD = .58$), and

Group 4 (1,1) ($M = 3.89$, $SD = .81$), $F(3, 142) = 18.76$, $p < .001$, $\eta^2 = .28$. Participants in

Group 4 (1,1; correct verdict and correct average juror verdict) rated the lineup in the weak

case as significantly less fair (higher mean rating) than Group 1 (0,0), $t(142) = 6.95$, $p < .001$,

$\eta^2 = .25$. In addition, Group 2 (1,0; correct verdict and incorrect average juror verdict) also

rated the lineup in the weak case as significantly less fair than Group 1 (0,0), $t(142) = 5.75$, p

$< .001$, $\eta^2 = .19$. Thus, participants who correctly ruled not guilty, regardless of whether they

thought the average juror would rule correctly, appropriately rated the strength of the lineup

as less fair in the weak case than those who incorrectly ruled guilty and who also thought the

average juror would rule guilty.

Verdict Reasons by Teaching Aid for the Ten Response Lines (R1 through R10)

Number of Verdict Reasons Listed

In order to determine whether participants in the aid groups differed in the number of verdict reasons they provided, we calculated the mean number of reasons listed by aid group for those who read the strong or weak transcripts.

Strong case transcript. The mean number of verdict reasons listed, across the ten response lines, by participants who read the strong case was 6.45 ($SD = 2.34$). Moreover, for participants who read the strong case, the three aid groups differed significantly in the number of reasons listed for their verdict: I-I-EYE ($M = 7.22$, $SD = 2.20$), NvB ($M = 6.56$, $SD = 2.59$), and JD ($M = 5.58$, $SD = 1.93$), $F(2, 144) = 6.69$, $p = .002$, $\eta^2 = .08$. Dunnett's post hoc test indicated that the I-I-EYE group listed significantly more reasons than the JD group, $t(144) = 3.63$, $p = .001$, $\eta^2 = .08$. The difference between the I-I-EYE and NvB groups was not significant, $t(144) = 1.45$, $p > .05$.

We also examined whether the number of reasons participants listed for their verdict decision was related to whether or not they reached a "correct" verdict. For participants who read the strong case, there was no significant difference in the mean number of reasons listed by those who correctly ruled guilty ($M = 6.58$, $SD = 2.58$) and those who incorrectly ruled not guilty ($M = 6.37$, $SD = 2.19$), $t(145) = .53$, $p > .05$. Thus, although the I-I-EYE group listed more reasons than the JD group, whether or not a participant correctly ruled guilty for the strong case did not affect the number of reasons they gave for their verdict decision.

Weak case transcript. For participants who read the weak case, the mean number of reasons listed was 6.77 ($SD = 2.25$).[5] There were no significant differences among the three aid groups in the number of reasons given for their verdict: I-I-EYE ($M = 6.65$, $SD = 2.39$), NvB ($M = 7.12$, $SD = 2.22$), and JD ($M = 6.51$, $SD = 2.13$), $F(2, 143) = .98$, $p > .05$. Dunnett's post hoc test also indicated no significant differences between the I-I-EYE and NvB, $t(143) = 1.03$, $p > .05$, or the I-I-EYE and JD groups, $t(143) = .31$, $p > .05$.

There was also no significant difference in the number of reasons listed for those who correctly ruled not guilty ($M = 6.77$, $SD = 2.15$) and those who incorrectly ruled guilty ($M = 6.75$, $SD = 2.52$), $t(144) = .06$, $p > .05$. Thus, the aid participants viewed and whether or not they correctly ruled not guilty for the weak case did not affect the number of reasons participants listed for their verdict decision.

Combined strong and weak transcripts. The mean number of reasons listed, combining those who read the strong and weak transcripts, was 6.61 ($SD = 2.30$). The three aid groups differed significantly in the mean number of reasons they listed for their verdict decision: I-I-EYE ($M = 6.94$, $SD = 2.31$), NvB ($M = 6.85$, $SD = 2.41$), and JD ($M = 6.03$, $SD = 2.07$), $F(2, 290) = 4.73$, $p = .010$, $\eta^2 = .03$. Dunnett's post hoc test indicated that the I-I-EYE group listed significantly more reasons for their verdict decision than the JD group, $t(290) = 2.80$, $p = .011$, $\eta^2 = .03$. The difference in mean number of reasons listed between the I-I-EYE and NvB groups, $t(290) = .28$, $p > .05$, was not significant.

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[5] There was no significant difference in mean number of verdict reasons listed between participants who read the strong case ($M = 6.45$, $SD = 2.34$) and participants who read the weak case ($M = 6.77$, $SD = 2.25$), $t(291) = 1.19$, $p > .05$.

Combining participants who read the strong and weak transcripts, there was no significant difference in the number of verdict reasons listed between those who ruled correctly ("guilty" for the strong case; "not guilty" for the weak case) ($M = 6.71$, $SD = 2.30$) and those who ruled incorrectly ($M = 6.48$, $SD = 2.29$), $t(291) = .83$, $p > .05$. Thus, overall, participants who viewed the I-I-EYE aid listed more reasons for their verdict decision than did those who viewed the JD aid; however, whether participants ruled correctly did not affect the number of verdict reasons listed.

15 Category Coding Scheme

In order to determine how participants made their verdict decisions and what factors about the case influenced their ruling, we calculated the percentage of participants in the three aid groups who listed each of the 15 coding categories across the ten response lines (See Table 15). Table 15 also provides the percentage of participants who did not give a reason for these lines (e.g., 3% [N = 3] of participants in the I-I-EYE group only gave two reasons; 22% [N= 22] of participants listed 10 reasons; See the "No Response" rows). We expected that participants in the I-I-EYE group would be more likely to list a system variable than those in the other two aid groups.

Table 15

Combined Strong and Weak Cases: Percentage of Participants in the Teaching Aid Groups

who Listed the 15 Coding Categories across the Ten Response Lines (R1 through R10).

Reason	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
I-I-EYE Aid (*N*=98)										
Estimator	29%	36%	19%	16%	19%	10%	10%	10%	6%	3%
System	33%	29%	30%	32%	21%	18%	10%	12%	5%	1%
Interview	8%	3%	5%	1%	2%	1%	3%	2%	1%	0%
Lineup	25%	26%	25%	32%	19%	17%	7%	10%	4%	1%
EW Sel.	4%	1%	3%	0%	1%	1%	0%	2%	1%	0%
ID Conf.	3%	3%	1%	2%	1%	0%	0%	1%	0%	0%
Media	0%	1%	4%	8%	7%	2%	5%	1%	2%	1%
Eyewitness	9%	4%	4%	3%	3%	2%	3%	0%	2%	1%
EW Pres	1%	1%	0%	0%	0%	0%	1%	0%	0%	0%
EW Ev	7%	2%	3%	1%	3%	2%	0%	0%	1%	0%
EW S.M	1%	0%	1%	2%	0%	0%	2%	0%	1%	0%
EW Char	0%	1%	0%	0%	0%	0%	0%	0%	0%	1%
Defendant	2%	0%	2%	1%	0%	3%	3%	0%	1%	0%
Def Char	2%	0%	2%	1%	0%	2%	3%	0%	1%	0%
Def Motive	0%	0%	0%	0%	0%	1%	0%	0%	0%	0%
Def Trial	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Timeline	6%	7%	7%	9%	8%	3%	3%	3%	0%	6%
Forens Ev.	7%	9%	13%	7%	6%	9%	6%	7%	1%	2%
Solely Ev.	4%	0%	0%	0%	1%	3%	2%	0%	0%	1%
Girlfriend	1%	6%	8%	10%	11%	14%	8%	2%	9%	4%
Gf Char	1%	3%	1%	6%	2%	7%	5%	0%	6%	1%
Alibi Pres	0%	1%	3%	2%	4%	4%	1%	2%	2%	2%
Behavior	0%	2%	4%	2%	5%	3%	2%	0%	1%	1%
Police	1%	0%	0%	2%	1%	1%	1%	2%	1%	0%
Attorney	0%	0%	0%	0%	0%	0%	0%	1%	0%	0%

Ambig.	1%	1%	2%	2%	1%	1%	1%	0%	0%	2%
Misc.	0%	3%	3%	1%	2%	2%	2%	0%	1%	1%
No Response	0%	0%	3%	5%	17%	30%	45%	58%	70%	78%
NvB Aid (*N*=98)										
Estimator	19%	24%	15%	16%	7%	6%	7%	10%	4%	4%
System	17%	20%	16%	15%	13%	12%	7%	9%	6%	1%
Interview	2%	3%	1%	2%	3%	3%	0%	3%	2%	0%
Lineup	15%	17%	15%	13%	10%	9%	7%	6%	4%	1%
EW Sel.	2%	5%	2%	4%	2%	0%	2%	0%	0%	0%
ID Conf.	10%	2%	5%	1%	1%	2%	0%	0%	1%	1%
Media	0%	0%	0%	3%	3%	4%	4%	1%	0%	1%
Eyewitness	6%	7%	6%	7%	13%	5%	7%	2%	0%	5%
EW Pres	1%	3%	3%	1%	0%	2%	1%	0%	0%	0%
EW Ev	3%	4%	3%	5%	11%	3%	4%	1%	0%	4%
EW S.M	0%	0%	0%	0%	1%	0%	0%	0%	0%	0%
EW Char	2%	0%	0%	1%	1%	0%	2%	1%	0%	1%
Defendant	0%	4%	1%	2%	3%	7%	7%	4%	2%	1%
Def Char	0%	2%	1%	1%	2%	7%	6%	3%	2%	1%
Def Motive	0%	1%	0%	1%	1%	0%	0%	1%	0%	0%
Def Trial	0%	1%	0%	0%	0%	0%	1%	0%	0%	0%
Timeline	5%	8%	13%	15%	11%	9%	5%	3%	4%	2%
Forens Ev.	29%	18%	15%	4%	6%	3%	4%	1%	2%	3%
Solely Ev.	2%	0%	0%	0%	1%	0%	1%	0%	0%	0%
Girlfriend	3%	7%	24%	16%	14%	11%	5%	4%	8%	5%
Gf Char	1%	2%	8%	4%	6%	5%	2%	3%	4%	1%
Alibi Pres	1%	1%	5%	6%	3%	2%	0%	1%	0%	1%
Behavior	1%	4%	10%	6%	5%	4%	3%	0%	4%	3%
Police	2%	1%	1%	1%	1%	1%	3%	0%	1%	0%
Attorney	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Ambig.	3%	1%	0%	3%	2%	1%	1%	1%	1%	0%

Misc.	0%	1%	0%	3%	2%	3%	0%	4%	1%	1%
No Response	0%	1%	1%	8%	19%	35%	46%	60%	69%	76%
JD Aid (*N*=97)										
Estimator	8%	11%	9%	10%	10%	4%	2%	0%	1%	1%
System	13%	18%	18%	14%	11%	13%	5%	3%	2%	2%
Interview	0%	3%	0%	0%	3%	2%	0%	0%	0%	0%
Lineup	13%	14%	18%	14%	8%	11%	5%	3%	2%	2%
EW Sel.	7%	3%	3%	1%	1%	0%	0%	0%	0%	0%
ID Conf.	2%	1%	1%	0%	0%	1%	1%	0%	0%	0%
Media	0%	1%	0%	3%	2%	1%	1%	0%	0%	1%
Eyewitness	18%	2%	8%	4%	2%	4%	4%	3%	1%	1%
EW Pres	6%	0%	1%	1%	2%	2%	0%	1%	1%	0%
EW Ev	10%	2%	6%	2%	0%	1%	4%	0%	0%	1%
EW S.M	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
EW Char	1%	0%	1%	1%	0%	1%	0%	2%	0%	0%
Defendant	1%	2%	6%	4%	4%	5%	4%	3%	1%	1%
Def Char	1%	2%	5%	3%	2%	5%	3%	2%	1%	1%
Def Motive	0%	0%	0%	1%	2%	0%	1%	1%	0%	0%
Def Trial	0%	0%	1%	0%	0%	0%	0%	0%	0%	0%
Timeline	2%	16%	17%	18%	12%	7%	6%	0%	4%	2%
Forens Ev.	26%	17%	14%	13%	7%	3%	2%	1%	3%	0%
Solely Ev.	7%	1%	0%	1%	1%	1%	0%	0%	0%	0%
Girlfriend	10%	14%	22%	16%	18%	13%	2%	6%	2%	2%
Gf Char	6%	5%	7%	3%	6%	4%	0%	2%	1%	2%
Alibi Pres	2%	5%	10%	6%	2%	4%	0%	0%	0%	0%
Behavior	2%	4%	4%	6%	9%	5%	2%	4%	1%	0%
Police	1%	6%	0%	1%	1%	0%	1%	0%	0%	1%
Attorney	0%	0%	0%	0%	0%	0%	0%	1%	0%	0%
Ambig.	2%	5%	0%	0%	0%	0%	0%	2%	0%	0%
Misc.	2%	3%	2%	6%	4%	2%	3%	2%	1%	1%

No Response	0%	0%	0%	8%	26%	44%	68%	78%	85%	88%

Note. Subcategory percents may not exactly add up due to rounding (e.g., the "lineup" plus "interview" percents may not exactly add up to the "system variable" percents).

Note. EW Sel. = Eyewitness Selection; ID Conf. = Eyewitness Identification Confidence; EW Pres = Eyewitness Present; EW Ev = Eyewitness Evidence; EW S.M. = Eyewitness Source Monitoring; EW Char = Eyewitness Characteristics; Def Char = Defendant Characteristics; Forensic Ev = (lack of) Forensic/ Physical Evidence; Solely Ev = Solely Eyewitness Evidence; GF Char = Girlfriend Characteristics; Alibi Pres = Alibi Present; Behavior = Atypical Behavior Reported by Girlfriend; Police = Police Characteristics; Attorney = Attorney Characteristics; Ambig. = Ambiguous; Misc. = Miscellaneous (See Appendix J for category descriptions).

We calculated the mean number of estimator and system variable reasons (out of 10 possible) for each aid group, combining the strong and weak cases. A one-way ANOVA indicated that the three aid groups differed in the mean number of estimator variable reasons given across the ten response lines: I-I-EYE ($M = 1.58$, $SD = 1.37$), NvB ($M = 1.13$, $SD = 1.06$), and JD ($M = .58$, $SD = .76$), $F(2, 290) = 20.63$, $p < .001$, $\eta^2 = .12$. Dunnett's post hoc test revealed that the I-I-EYE group listed significantly more estimator variable reasons than both the NvB, $t(290) = 2.87$, $p = .008$, $\eta^2 = .03$ and JD groups, $t(290) = 6.41$, $p < .001$, $\eta^2 = .12$. The three groups also differed in the mean number of system variable reasons given overall: I-I-EYE ($M = 1.92$, $SD = 1.40$), NvB ($M = 1.18$, $SD = 1.08$), and JD ($M = 1.00$, $SD = 1.03$), $F(2, 290) = 16.56$, $p < .001$, $\eta^2 = .10$. Dunnett's post hoc test revealed that the I-I-EYE group listed significantly more system variable reasons than both the NvB, $t(290) = 4.36$, $p < .001$, $\eta^2 = .06$ and JD groups, $t(290) = 5.43$, $p < .001$, $\eta^2 = .09$. One reason for the group differences for the estimator and system variable categories might be that the I-I-EYE participants listed more verdict reasons, at least compared to the JD participants (see "Number of Verdict Reasons" section above).

Appendix X

Effects of Verdict Reasons on Verdict Decision for Response 1 (R1)

We examined whether, for participants who read the strong and weak cases, the verdict

decision participants made (guilty, not guilty) was related to whether respondents did or did

not list an estimator, system (interview and lineup), interview, lineup, or lack of forensic

evidence reason for Response 1 (R1).

Tables 16 (estimator variable), 17 (system variable: interview and lineup), 18

(interview variable), 19 (lineup variable), and 20 (lack of forensic evidence) provide the

percentage of guilty versus not guilty verdicts for participants who did or did not list an

estimator, system, interview, lineup, or forensic (e.g., lack of fingerprint evidence) reason for

Response 1.

Estimator Variable Category

As shown in Table 16, for participants who read the strong case, there was no

significant difference in the percentage of guilty versus not guilty verdicts for participants

who listed an estimator variable on the first response line compared to those who did not list

an estimator variable, X^2 (1, N = 147) = 1.87, p > .05. For participants who read the weak

case, there was also no significant difference in the percentage of guilty versus not guilty

verdicts for participants who listed an estimator variable on the first response line compared

to those who did not, X^2 (1, N = 146) = .00, p > .05.

Table 16

Estimator Variable Category: Percentage of Guilty/ Not Guilty Verdicts Given by Participants who Listed an Estimator Variable for Response 1 (R1) Versus Those who Did Not.

Reason	Guilty	Not Guilty
Strong		
Estimator	27% (n = 9)	73% (n = 24)
No Estimator	40% (n = 46)	60% (n = 68)
Weak		
Estimator	27% (n = 6)	73% (n = 16)
No Estimator	27% (n = 34)	73% (n = 90)

Thus, if participants listed an estimator variable on the first response line, they were not more likely to correctly rule guilty for the strong case or not guilty for the weak case. However, because we collapsed all the estimator variable reasons for coding purposes, and because some estimator variables in the transcript were more conducive to good witnessing (e.g., good lighting and two minutes to view the perpetrator), and some more indicative of poor witnessing (e.g., obstructed view, weapon focus, and disguise), these results become difficult to interpret. We can not tell whether the estimator reason would promote or inhibit accuracy. Future research should separate the collapsed estimator items into "good estimator variables" and "poor estimator variables" in order to examine whether participants who: a). listed a good estimator variable as their first verdict reason in the strong case had a higher percentage of correct guilty verdicts compared to those who did not list an estimator variable; and b). listed a poor estimator variable as their first verdict reason in the weak case had a

higher percentage of correct not guilty verdicts compared to those who did not list an estimator variable.

System (Interview and Lineup) Variable Category

As shown in Table 17, for participants who read the strong case, there was no significant difference in the percentage of guilty versus not guilty verdicts for participants who listed a system variable on the first response line compared to those who did not list a system variable, X^2 (1, N = 147) = 1.49, $p > .05$. However, for participants who read the weak case, there was a significant difference in the percentage of guilty versus not guilty verdicts for participants who listed a system variable on the first response line compared to those who did not, X^2 (1, N = 146) = 14.56, $p < .001$, $V = .32$. A much higher percentage of participants who listed a system variable, compared to those who did not list a system variable, appropriately ruled not guilty for the weak case.

Table 17

System Variable Category: Percentage of Guilty/ Not Guilty Verdicts Given by Participants

who Listed a System (Interview and Lineup) Variable for Response 1 (R1) Versus Those who

Did Not.

Reason	Guilty	Not Guilty
Strong		
System	27% (n = 7)	73% (n = 19)
No System	40% (n = 48)	60% (n = 73)
Weak **		
System[a]	3% (n = 1)	97% (n = 35)
No System	36% (n = 39)	65% (n = 71)

[a]The weak case System category had an expected cell with 5 or fewer responses. Therefore, this poses problems for the Chi Square statistical test.

** $p < .01$ for the difference in percentage of guilty/ not guilty verdicts for those who listed a system variable versus those who did not.

Interview Variable Category

As shown in Table 18, the number of participants who listed an interview variable on

the first response line was low for both the strong (n = 5) and weak (n = 5) transcript

conditions. However, for participants who read the strong case, 4 out of 5 participants (80%)

who listed an interview variable correctly ruled guilty as compared to 36% of the participants

who did not list an interview variable, X^2 (1, N = 147) = 4.01, $p = .045$, $V = .20$. For

participants who read the weak case, all of the participants who listed an interview variable

on the first response line correctly ruled not guilty, compared to 72% of those who did not,

but this difference was not significant, X^2 (1, N = 146) = 1.95, $p > .05$. Overall, participants

did not list many interview variable reasons on the first response line. Moreover, as stated

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earlier, the results are difficult to interpret because we do not know whether participants indicated a favorable or unfavorable view of the interview in their response.

Table 18

Interview Variable Category: Percentage of Guilty/ Not Guilty Verdicts Given by Participants who Listed an Interview Variable for Response 1 (R1) Versus Those who Did Not.

Reason	Guilty	Not Guilty
Strong *		
Interview[a]	80% (n = 4)	20% (n = 1)
No Interview	36% (n = 51)	64% (n = 91)
Weak		
Interview[a]	0% (n = 0)	100% (n = 5)
No Interview	28% (n = 40)	72% (n = 101)

[a]The Interview category had expected cells with 5 or fewer responses. Therefore, this poses problems for the Chi Square statistical test.

* $p \leq .05$ for the difference in percentage of guilty/ not guilty verdicts for those who listed an interview variable versus those who did not.

Lineup Variable Category

As shown in Table 19, for participants who read the strong case, there was a significant difference in the percentage of guilty versus not guilty verdicts for participants who listed a lineup variable on the first response line compared to those who did not, X^2 (1, N = 147) = 5.60, p = .018, V = .20. Surprisingly, participants who did *not* list a lineup variable rendered more (correct) guilty verdicts for the strong case than those who listed a lineup variable. Since all of the lineup variables in the strong case should have promoted an accurate identification, it is possible that participants underestimated the importance of the good lineup procedures. Again, one difficulty is that we do not know whether participants

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viewed the lineup as fair or unfair because we did not code the valence of responses. For

participants who read the weak case, there was also a significant difference in the percentage

of guilty versus not guilty verdicts for participants who listed a lineup variable on the first

response line compared to those who did not, X^2 (1, N = 146) = 11.56, p = .001, V = .28. A

much higher percentage of participants who listed a lineup variable, compared to those who

did not list a lineup variable, appropriately ruled not guilty for the weak case.

Table 19

Lineup Variable Category: Percentage of Guilty/ Not Guilty Verdicts Given by Participants

who Listed a Lineup Variable for Response 1 (R1) Versus Those who Did Not.

Reason	Guilty	Not Guilty
Strong *		
Lineup[a]	14% (n = 3)	86% (n = 18)
No Lineup	41% (n = 52)	59% (n = 74)
Weak *		
Lineup[a]	3% (n = 1)	97% (n = 30)
No Lineup	34% (n = 39)	66% (n = 76)

[a]The Lineup category had expected cells with 5 or fewer responses. Therefore, this poses
problems for the Chi Square statistical test.

* $p \le .05$ for the difference in percentage of guilty/ not guilty verdicts for those who listed a
lineup variable versus those who did not.

Thus, if participants who read the weak case listed a lineup variable as their first

verdict reason they were more likely to appropriately render a not guilty verdict; however, if

participants who read the strong case listed a lineup variable as their first verdict reason they

did not render more guilty (correct) verdicts. Perhaps participants recognized the negative

effects of the weak lineup procedures, but underestimated the positive effects of the strong

procedures on identification accuracy.

Lack of Forensic Evidence Category.

As shown in Table 20, for participants who read the strong case, there was a significant difference in the percentage of guilty versus not guilty verdicts for participants who listed a reason related to the lack of forensic evidence in the case on the first response line compared to those who did not, X^2 (1, N = 147) = 8.14, p = .004, V = .24. Participants who listed a lack of forensic evidence reason incorrectly rendered more not guilty verdicts for the strong case than those who did not list a lack of forensic evidence reason. Moreover, for participants who read the weak case, there was also a significant difference in the percentage of guilty versus not guilty verdicts for participants who listed a reason related to the lack of forensic evidence in the case compared to those who did not, X^2 (1, N = 146) = 16.50, p < .001, V = .34.

Table 20

Lack of Forensic Evidence Category: Percentage of Guilty/ Not Guilty Verdicts Given by Participants who Listed a Reason Related to the Lack of Forensic Evidence for Response 1 (R1) Versus Those who Listed Something Else.

Reason	Guilty	Not Guilty
Strong *		
Lack of Forensic Evidence[a]	10% (n = 2)	91% (n = 19)
Something Else	42% (n = 53)	58% (n = 73)
Weak **		
Lack of Forensic Evidence[a]	3% (n = 1)	97% (n = 38)
Something Else	36% (n = 39)	64% (n = 68)

Note. Lack of Forensic Evidence = mentioned the lack of forensic evidence; Something Else = mentioned something other than the lack of forensic evidence.

[a]The Lack of Forensic Evidence category had expected cells with 5 or fewer responses. Therefore, this poses problems for the Chi Square statistical test.

* $p \leq .05$ for the difference in percentage of guilty/ not guilty verdicts for those who listed lack of forensic evidence versus those who did not.

** $p < .01$ for the difference in percentage of guilty/ not guilty verdicts for those who listed lack of forensic evidence versus those who did not.

Similar to those who read the strong case, a higher percentage of participants who listed a lack of forensic evidence reason, compared to those who did not, ruled not guilty for the weak case. Thus, if participants listed a reason for Response 1 (R1) related to the lack of forensic evidence in the case, they were much more likely to rule not guilty, whether that verdict was correct (weak case) or incorrect (strong case).

It is possible that one explanation for why the NvB and JD aid groups had *fewer* correct guilty verdicts for the strong case was that their focus on the lack of forensic/ physical evidence incriminating the defendant as the perpetrator of the crime made them more likely to rule not guilty, despite the fact that the police procedures were conducted properly in the strong case. Participants who viewed the I-I-EYE aid focused more on reasons other than the lack of forensic evidence in the case, such as the police procedures (system variables). Table 21 provides the percentage of participants (combining those who read the strong and weak transcripts) in the I-I-EYE, NvB, and JD groups who either listed a lack of forensic evidence reason as their first response or who listed something else and who ruled guilty versus not guilty.

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Table 21

Combined Strong and Weak Transcript: Percentage of Guilty/ Not Guilty Verdicts Given by

Participants in the I-I-EYE, NvB, and JD Groups who Listed a Reason Related to the Lack of

Forensic Evidence for Response 1 (R1) Versus Those who Listed Something Else.

Reason	Guilty	Not Guilty
I-I-EYE		
Lack of Forensic Evidence	29% (n = 2)	71% (n = 5)
Something Else	36% (n = 33)	64% (n = 58)
NvB **		
Lack of Forensic Evidence[a]	4% (n = 1)	96% (n = 27)
Something Else	43% (n = 30)	57% (n = 40)
JD **		
Lack of Forensic Evidence[a]	0% (n = 0)	100% (n = 25)
Something Else	40% (n = 29)	60% (n = 43)

Note. Lack of Forensic Evidence = mentioned the lack of forensic evidence; Something Else = mentioned something other than the lack of forensic evidence.

[a]The NvB and JD had Lack of Forensic Evidence category expected cells with 5 or fewer responses. Therefore, this poses problems for the Chi Square statistical test.

** $p < .01$ for the difference in percentage of guilty/ not guilty verdicts for those who listed lack of forensic evidence versus those who did not.

Very few participants in the I-I-EYE group listed a verdict reason relating to the lack

of forensic evidence in the case. For example, compared to the I-I-EYE group (n = 7),

participants in the NvB (n = 28) and JD (n = 25) groups were almost four times as likely to

mention the lack of forensic evidence in the case as their first verdict reason. A one-way

ANOVA of aid group on whether participants listed the lack of forensic evidence in the case

versus something else as their first reason indicated that there were significant differences for

the three aid groups: I-I-EYE (7% "lack of forensic" versus 93% "something else"), NvB

(29% "lack of forensic" versus 71% "something else"), and JD (26% "lack of forensic"

versus 74% "something else"), $F(2, 290) = 8.55$, $p < .001$. Dunnett's post hoc test indicated

that participants who viewed the I-I-EYE aid listed significantly fewer reasons related to the lack of forensic evidence than those who viewed the NvB aid, $t(290) = 3.81$, $p < .001$, and those who viewed the JD aid, $t(290) = 3.30$, $p < .01$.

Moreover, there was no significant difference for participants in the I-I-EYE group in the percentage of guilty versus not guilty verdicts for those who listed lack of forensic evidence on the first response line compared to those who did not, $X^2 (1, N = 98) = .17$, $p > .05$. However, there was a significant difference in the percentage of guilty versus not guilty verdicts for those who listed lack of forensic evidence compared to those who did not for the NvB, $X^2 (1, N = 98) = 14.27$, $p < .001$, $V = .38$, and JD groups, $X^2 (1, N = 98) = 14.36$, $p < .001$, $V = .39$. For these two aid groups, nearly all of the participants who listed a lack of forensic evidence reason ruled not guilty. Lastly, the number of participants who listed something other than the lack of forensic evidence (something else) and who ruled guilty was similar for all three aid groups: I-I-EYE (n = 33), NvB (n = 30), and JD (n = 29). Presumably, exposure to the I-I-EYE aid gave participants more options to evaluate non-forensic issues in the case, such as the police procedures, whereas the NvB and JD groups seemed to focus more on the lack of forensic evidence. Further, since participants who gave responses related to the lack of forensic evidence linking the defendant to the crime were more likely to rule not guilty (for both the strong and weak transcripts), it is not surprising that participants in the NvB and JD groups were less likely than the I-I-EYE participants to correctly rule guilty in the strong case.

19 Case Facts that could Affect the Eyewitness's Identification Accuracy

Table 22

Strong Case: Percentage (Rounded) of I-I-EYE, NvB, and JD Participants who Responded that the Fact Made it More Likely that the Eyewitness's Identification was Possibly Wrong ("W"), had No Effect("NE") on the Eyewitness's Identification Accuracy, or Made it More Likely that the Eyewitness's Identification was Correct ("C").

Fact	Statement	Response Percent		
		W	NE	C
1. Confidence-accuracy [C] [PD]	Immediately after her id, [the eyewitness] indicated that she was 100% certain of her identification of [the defendant] as the perpetrator of the crime.	I-I-EYE: 6% NvB: 8% JD: 10%	21% 8% 10%	**73%** **83%** **80%**
2. Detail about Alibi testimony regarding distance [NE] [N]	[The defendant's alibi] (the defendant's girlfriend) testified that her apartment is 10 blocks from the Quick-Stop convenience store.	W I-I-EYE: 8% NvB: 23% JD: 8%	NE **43%** **42%** **46%**	C 49% 35% 46%
3. Impact of stress [W] [E]	[The eyewitness] was frightened while viewing the crime.	W I-I-EYE: **61%** NvB: **48%** JD: **48%**	NE 10% 31% 26%	C 29% 21% 26%
4. Standardized lineup instructions [C] [L]	The officer who conducted the lineup used standard lineup instructions.	W I-I-EYE: 2% NvB: 4% JD: 4%	NE 14% 31% 36%	C **84%** **65%** **60%**
5. View duration [C] [E]	[The eyewitness] viewed the perpetrator for 2 minutes during the crime.	W I-I-EYE: 17% NvB: 23% JD: 10%	NE 10% 6% 14%	C **73%** **70%** **76%**
6. Detail about defendant questioning [NE] [N]	[The defendant] was questioned at the Lakeside Police Department for 45 minutes.	W I-I-EYE: 14% NvB: 15% JD: 10%	NE **63%** **63%** **74%**	C 22% 23% 16%

			W	NE	C
7. Blind lineup [C] [L] $p = .068$	When he showed [the eyewitness] the lineup photographs, the officer who conducted the lineup did not know which photograph was that of the suspect.	I-I-EYE: NvB: JD:	10% 8% 22%	16% 27% 30%	**74%** **65%** **48%**
8. Effects of a hat * [W] [E]	The perpetrator of the crime wore a hat.	I-I-EYE: NvB: JD:	**61%** **31%** **42%**	22% 46% 40%	16% 23% 18%
9. Description-matched lineup [C] [L] $p = .053$	The physical appearance of the lineup members matched [the eyewitness's] description of the perpetrator.	I-I-EYE: NvB: JD:	6% 23% 14%	16% 8% 24%	**78%** **69%** **62%**
10. Detail about defendant's prior record [NE] [N]	[The defendant] was charged with assault in a case that was unrelated to the Quick-Stop robbery/ murder.	I-I-EYE: NvB: JD:	4% 15% 14%	**53%** **42%** **42%**	43% 44% 44%
11. Pre-lineup instruction ** [C] [L]	The officer who conducted the lineup told [the eyewitness] the perpetrator may or may not be in the lineup.	I-I-EYE: NvB: JD:	6% 8% 6%	10% 35% 52%	**84%** **56%** **42%**
12. Eyewitness hiding from vie obstructed view [W] [E]	[The eyewitness] was hiding behind a bread rack toward the back of the Quick-Stop convenience store when she witnessed the crime.	I-I-EYE: NvB: JD:	**63%** **67%** **56%**	10% 8% 16%	27% 25% 28%
13. Detail about the defendant' behavior [NE] [N]	[The defendant] was out of breath when he spoke to his girlfriend on the telephone.	I-I-EYE: NvB: JD:	0% 2% 4%	**37%** **29%** **26%**	63% 69% 70%
14. Post-identification feedbacl [C] [L]	The officer who conducted the lineup did not tell [the eyewitness] whether or not she identified the suspect.	I-I-EYE: NvB: JD:	4% 10% 8%	33% 40% 52%	**63%** **50%** **40%**
15. Detail about the eyewitness familiarity with the crime scen [NE] [N]	[The eyewitness] visited the Quick-Stop convenience store often.	I-I-EYE: NvB: JD:	18% 10% 2%	**45%** **56%** **62%**	37% 33% 36%
16. Weapon focus ** [W] [E]	The perpetrator of the crime carried a gun.	I-I-EYE: NvB: JD:	**59%** **23%** **26%**	16% 42% 26%	25% 35% 48%

			W	NE	C
17. Detail about the police officer's work experience [NE] [N]	The officer who interviewed [the eyewitness] had been on the police force for 15 years.	I-I-EYE: NvB: JD:	2% 0% 4%	**49%** **60%** **64%**	49% 40% 32%
18. Mug-shot-induced bias [C] [L]	[The eyewitness] did not see other photographs prior to her viewing the photographic lineup from which she identified [the defendant].	I-I-EYE: NvB: JD:	12% 19% 14%	18% 23% 26%	**69%** **58%** **60%**
19. Minor details [W] [E] **	[The eyewitness] was able to recall specific details about the color of the perpetrator's clothing and what he was wearing.	I-I-EYE: NvB: JD:	**45%** **4%** **8%**	14% 21% 18%	41% 75% 74%

Note. Percentages that are in bold are "correct."

Note. [W] = indicates a response of "W" (This fact made it more likely for you to believe that the eyewitness's identification was possibly **wrong**) for the statement is scored as correct.

[NE] = indicates a response of "NE" (This fact had **no effect** on what you believed about the eyewitness's identification) for the statement is scored as correct.

[C] = indicates a response of "C" (This fact made it more likely for you to believe that the eyewitness's identification was **correct)** for the statement is scored as correct.

[E] = estimator variable statement

[L] = lineup (system) variable statement

[N] = neither estimator nor system variable statement

[PD] = postdictor variable, which "are measurable products that correlate with the accuracy of eyewitnesses in a noncausal manner." (Wells et al., 2006, p. 65).

*Indicates a significant difference among the aid groups at *p* < .05.

**Indicates a significant difference among the aid groups at *p* < .01.

Table 23

Weak Case: Percentage (Rounded) of I-I-EYE, NvB, and JD participants who Responded that the Fact Made it More Likely that the Eyewitness's Identification was Possibly Wrong ("W"), had No Effect ("NE") on the Eyewitness's Identification Accuracy, or Made it More Likely that the Eyewitness's Identification was Correct ("C").

Fact   Statement

Response Percent

Fact	Statement		W	NE	C
1. Confidence-accuracy [NE [PD]	At the time of the trial,[the eyewitness] indicated that she was 100% certain of her id of [the defendant] as the perpetrator of the crime.	I-I-EYE: NvB: JD:	18% 10% 6%	**18%** **14%** **19%**	63% 76% 75%
2. Detail about Alibi testimony regarding distance [NE] [N]	[The defendant's alibi] (the defendant's girlfriend) testified that her apartment is 10 blocks from the Quick-Stop convenience store.	I-I-EYE: NvB: JD:	17% 12% 11%	**52%** **36%** **53%**	31% 52% 36%
3. Impact of stress [W] [E]	[The eyewitness] was frightened while viewing the crime.	I-I-EYE: NvB: JD:	**57%** **56%** **40%**	16% 24% 34%	27% 20% 26%
4. Standardized lineup * instructions [W] [L]	The officer who conducted the lineup used instructions he felt were best and not a standard set of instructions.	I-I-EYE: NvB: JD:	**71%** **66%** **49%**	6% 20% 30%	22% 14% 21%
5. View duration [C] [E]	[The eyewitness] viewed the perpetrator for 2 minutes during the crime.	I-I-EYE: NvB: JD:	14% 16% 15%	8% 10% 11%	**78%** **74%** **75%**
6. Detail about defendant questioning [NE] [N]	[The defendant] was Questioned at the Lakeside Police Department for 45 minutes.	I-I-EYE: NvB: JD:	8% 10% 9%	**76%** **72%** **72%**	16% 18% 19%
7. Blind lineup * [W] [L]	When he showed [the eyewitness] the lineup photographs, the officer who conducted the lineup knew which photograph was that of the suspect.	I-I-EYE: NvB: JD:	**61%** **50%** **28%**	14% 24% 40%	25% 26% 32%

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			W	NE	C
8. Effects of a hat [W] [E]	The perpetrator of the crime Wore a hat.	I-I-EYE:	**45%**	33%	22%
		NvB:	**28%**	56%	16%
		JD:	**26%**	47%	28%
9. Description-matched lineup [W] [L]	There was variety in the physical appearance of the lineup members.	I-I-EYE:	**57%**	20%	22%
		NvB:	**34%**	30%	36%
		JD:	**43%**	21%	36%
10. Detail about defendant's prior record [NE] [N]	[The defendant] was charged with assault in a case that was unrelated to the Quick-Stop robbery/ murder.	I-I-EYE:	14%	**49%**	37%
		NvB:	12%	**40%**	48%
		JD:	9%	**43%**	49%
11. Pre-lineup instruction * [W] [L]	The officer who conducted the lineup did not tell [the eyewitness] that the perpetrator may not be in the lineup.	I-I-EYE:	**69%**	4%	27%
		NvB:	**72%**	12%	16%
		JD:	**45%**	30%	26%
12. Eyewitness hiding from view obstructed view [W] [E]	[The eyewitness] was hiding behind a bread rack toward the back of the Quick-Stop convenience store when she witnessed the crime.	I-I-EYE:	**47%**	25%	29%
		NvB:	**62%**	22%	16%
		JD:	**36%**	28%	36%
13. Detail about the defendant's behavior [NE] [N]	[The defendant] was out of breath when he spoke to his girlfriend on the telephone.	I-I-EYE:	2%	**10%**	88%
		NvB:	0%	**28%**	72%
		JD:	0%	**21%**	79%
14. Post-identification feedback [W] [L]	The officer who conducted the lineup told [the eyewitness] she identified the suspect.	I-I-EYE:	**59%**	18%	22%
		NvB:	**36%**	36%	28%
		JD:	**28%**	34%	38%
15. Detail about the eyewitness familiarity with the crime scene [NE] [N]	[The eyewitness] visited the Quick-Stop convenience store often.	I-I-EYE:	12%	**51%**	37%
		NvB:	10%	**66%**	24%
		JD:	4%	**53%**	43%
16. Weapon focus [W] [E]	The perpetrator of the crime carried a gun.	I-I-EYE:	**39%**	33%	29%
		NvB:	**28%**	46%	26%
		JD:	**19%**	45%	36%
17. Detail about the police officer's work experience [NE] [N]	The officer who interviewed [the eyewitness] had been on the police force for 15 years.	I-I-EYE:	0%	**55%**	45%
		NvB:	0%	**62%**	38%
		JD:	0%	**55%**	45%

18. Mug-shot-induced bias * [C] [L]	[The eyewitness] did not see other photographs prior to her viewing the photographic lineup from which she Identified [the defendant].		W	NE	C
		I-I-EYE:	10%	12%	**78%**
		NvB:	38%	16%	**46%**
		JD:	17%	26%	**57%**
19. Minor details ** [W] [E]	[The eyewitness] was able to recall specific details about the color of the perpetrator's clothing and what he was wearing.		W	NE	C
		I-I-EYE:	**33%**	10%	57%
		NvB:	**2%**	24%	74%
		JD:	**2%**	13%	85%

Note. Percentages that are in bold are "correct."

Note. [W] = indicates a response of "W" (This fact made it more likely for you to believe that the eyewitness's identification was possibly **wrong**) for the statement is scored as correct.

[NE] = indicates a response of "NE" (This fact had **no effect** on what you believed about the eyewitness's identification) for the statement is scored as correct.

[C] = indicates a response of "C" (This fact made it more likely for you to believe that the eyewitness's identification was **correct)** for the statement is scored as correct.

[E] = estimator variable statement

[L] = lineup (system) variable statement

[N] = neither estimator nor system variable statement

[PD] = postdictor variable, which "are measurable products that correlate with the accuracy of eyewitnesses in a noncausal manner." (Wells et al., 2006, p. 65).

*Indicates a significant difference among the aid groups at $p < .05$.

**Indicates a significant difference among the aid groups at $p < .01$.

Appendix Z

Statement 13: Detail about Defendant's Behavior

We examined whether participants in the three aid groups who read the strong and weak transcripts rendered more "guilty" verdicts if they listed the defendant's atypical behavior (e.g., being out of breath) as one of their verdict reasons in Section II of the questionnaire. In the transcript, the defendant's girlfriend (the alibi) testified that the defendant was out of breath when she spoke with him on the phone shortly after the crime occurred (she called him because he left his jacket at her apartment). She also testified that the reason he claimed to be out of breath was that he had just run out to get his mail from the mailbox. We coded verdict reasons that focused on the defendant's being out of breath and his picking up his mail, as opposed to other characteristics of the alibi's testimony, as "Atypical Behavior Reported by Girlfriend" (See Appendix J for a description of the coding categories; See Appendix W for the percentage of verdict reasons by aid group that focused on each coding category). We ran a 4-way X^2 (Teaching aid [I-I-EYE, NvB, JD] x Transcript [strong, weak] x Mention of Atypical Behavior [yes mention, no mention] x Verdict [guilty, not guilty]) to see if there were differences in the percentage of guilty verdicts for those who mentioned that the defendant was out of breath versus those who did not. Table 24 provides the relevant percentages.

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Table 24

Percentage of Guilty/ Not Guilty Verdicts given by Participants in the I-I-EYE, NvB, and JD

groups who Read the Strong and Weak Transcripts and who Listed the Defendant's Atypical

Behavior as a Verdict Reason Versus Those who Did Not Across the Ten Response Lines.

Aid Group	Guilty	Not Guilty
I-I-EYE		
Strong *		
No Atypical Behavior	45% (n = 17)	55% (n = 21)
Yes Atypical Behavior	91% (n = 10)	9% (n = 1)
Weak *		
No Atypical Behavior	11% (n = 5)	89% (n = 40)
Yes Atypical Behavior	75% (n = 3)	25% (n = 1)
NvB		
Strong **		
No Atypical Behavior	6% (n = 2)	94% (n = 31)
Yes Atypical Behavior	73% (n = 11)	27% (n = 4)
Weak **		
No Atypical Behavior	6% (n = 2)	94% (n = 31)
Yes Atypical Behavior	94% (n = 16)	6% (n = 1)
JD		
Strong **		
No Atypical Behavior	9% (n = 3)	91% (n = 31)
Yes Atypical Behavior	75% (n = 12)	25% (n = 4)
Weak **		
No Atypical Behavior	14% (n = 5)	86% (n = 31)
Yes Atypical Behavior	82% (n = 9)	18% (n = 2)

Note. No Atypical Behavior = the participant did not mention the defendant's atypical behavior as one of their verdict reasons; Yes Atypical Behavior = the participant did mention the defendant's atypical behavior as one of their verdict reasons.

* $p \leq .05$ for the difference in percentage of guilty/ not guilty verdicts for those who listed the defendant's atypical behavior as a verdict reason versus those who did not.

** $p < .01$ for the difference in percentage of guilty/ not guilty verdicts for those who listed the defendant's atypical behavior as a verdict reason versus those who did not

Thus, for all three aid groups, if one of the reasons (out of ten possible) that

participants gave for their verdict decision was that the defendant was out of breath when he

spoke to his girlfriend on the phone around the time the crime occurred, 82% (61 out of 74 respondents) ruled guilty, regardless of whether a guilty verdict was correct (strong case) or incorrect (weak case). However, if none of the reasons participants listed for their verdict mentioned the defendant's atypical behavior on the phone, 16% (34 out of 219 respondents) ruled guilty. It appears participants related the testimony of the alibi about the defendant's unusual behavior (his being out of breath) with the defendant's guilt. It is also possible that this information helped them to justify their guilty verdict.

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