

THE GAY PANIC DEFENSE: LEGAL DEFENSE STRATEGY OR REINFORCEMENT OF
HOMOPHOBIA IN COURT?

A Dissertation

Presented to

The Faculty of the Department of Psychology and Philosophy
Sam Houston State University

In Partial Fulfillment
of the Requirements for the Degree of
Doctor of Philosophy

by

Jenna L. Tomei

December, 2016

THE GAY PANIC DEFENSE: LEGAL DEFENSE STRATEGY OR REINFORCEMENT OF
HOMOPHOBIA IN COURT?

by

Jenna L. Tomei

APPROVED:

Marcus T. Boccaccini, PhD
Dissertation Co-Director

Robert J. Cramer, PhD
Dissertation Co-Director

Craig Henderson, PhD
Committee Member

Adam Schmidt, PhD
Committee Member

Abbey Zinc, PhD
Dean, College of Humanities and Social
Sciences

ABSTRACT

Tomei, Jenna L., *The Gay Panic Defense: Legal Defense Strategy or Reinforcement of Homophobia in Court?*. Doctor of Philosophy(Clinical Psychology), December, 2016, Sam Houston State University, Huntsville, Texas.

Gay panic refers to a heterosexual man violently responding to unwanted sexual advances from a gay man. In court, the defendant may argue he was provoked or temporarily insane. This study utilized 352 jury-eligible citizens to assess differences across mediums of gay panic. Participants were asked to read vignettes depicting a control, gay panic as provocation, or gay panic as insanity condition and provide verdicts and ratings of blame and responsibility. Verdicts, victim blame, and ratings of responsibility differed across vignette conditions, with an observed leniency effect when gay panic was claimed in either context. Homonegativity also exacerbated patterns of pro-defendant views, as those higher in homonegativity assigned higher victim blame, lower defendant responsibility, and more lenient verdicts in the gay panic conditions. The effect of political orientation was nuanced, as only republicans in the provocation condition followed the anticipated pattern in rendering more lenient verdicts. Results are discussed with respect to sexual orientation-based prejudice, validity of the gay panic defense, law and public policy, and trial strategy.

KEY WORDS: Gay panic, legal defense strategies, juror perceptions, homonegativity, political orientation

TABLE OF CONTENTS

| | Page |
|---|------|
| ABSTRACT..... | iii |
| TABLE OF CONTENTS..... | iv |
| CHAPTER | 1 |
| I INTRODUCTION | 1 |
| The Gay Panic Defense: History, Roots, and Legal Perspectives | 1 |
| Blame Attribution | 6 |
| Empirical Investigation of Gay Panic | 7 |
| The Present Study | 10 |
| II METHOD | 12 |
| Participants..... | 12 |
| Materials | 15 |
| Design | 17 |
| Procedure | 18 |
| III RESULTS | 20 |
| Pilot Testing..... | 20 |
| Manipulation Check..... | 21 |
| Preliminary Analyses | 21 |
| Hypotheses Testing..... | 24 |
| Hypotheses Summary | 0 |
| IV DISCUSSION | 2 |
| Implications for Policy and Legal Strategy | 6 |

| | |
|---|----|
| Limitations and Future Directions | 10 |
| REFERENCES | 12 |
| APPENDIX A..... | 23 |
| APPENDIX B | 25 |
| APPENDIX C | 26 |
| APPENDIX D..... | 28 |
| APPENDIX E | 30 |
| APPENDIX F..... | 31 |
| APPENDIX G..... | 34 |
| APPENDIX H..... | 35 |
| APPENDIX I | 36 |
| VITA | 37 |

CHAPTER I

Introduction

The gay panic defense refers to a legal situation where a heterosexual defendant argues he retaliated physically due to an unwanted sexual advance from a gay individual (Lee, 2003). To rectify his violent response, the defendant argues he was either provoked, attempting to halt same-sex rape, or lost all sense of right versus wrong (Suffredini, 2001). Most often, the defense is utilized by males (Lee, 2008) within criminal trials (Perkiss, 2013). Gay panic is not a stand-alone defense, but is tied into official defense strategies such as diminished capacity, insanity, self-defense, and provocation (Lee, 2003). Gay panic within a provocation framework is the most common and successful use (Lee, 2003, 2008). When employed during trial, a gay panic argument aims to prove the defendant's actions were justifiable, or even excusable altogether due to the victim's advance. Thus, jurors in cases of gay panic are asked to come to a conclusion whether or not they believe violent retaliation is reasonable. The proposed study will utilize case vignettes of gay panic to further the understanding of fact finder perceptions of the defense and to aid in understanding how individual differences may influence perceptions.

The Gay Panic Defense: History, Roots, and Legal Perspectives

Gay panic was first used as a defense strategy in *People v. Rodriguez* (1967), where the defendant plead insanity due to fear of molestation by the gay male victim. Although ineffective, the *Rodriguez* case set precedent for cases thereafter and the trend gained popularity via several high profile cases, such as the murder trial of *Michigan v. Schmitz* (1998). Portrayed in the media as "The Jenny Jones Case" (e.g., Page, 1999), it

was argued that the defendant “snapped” due to the unwanted gay advance that had occurred on national television during a talk show.

Estimates regarding the frequency of gay panic defenses vary, but research as of 2011 implies the gay panic defense has been used in at least 45 cases across the United States (United Press International, 2011). Research conducted by Nichols (2013) indicates much higher frequency, citing use in at least 45 trials from 2002 to 2013 alone. In the review of Harrington (2009), 189 appellate cases dating from 1952 to 2005 were identified based on the presence of defense arguments referencing same-sex advances. However, this estimate included cases where gay panic was used as a trial strategy, or when same-sex advances were merely part of the case description. Of the 189 cases, 13% were successful in attaining reduced sentences in either the first trial or during the appeal process. While the success rate noted by Harrington (2009) is significant, Salerno et al. (2014) argue the frequency may, in fact, be higher, as only appellate cases were examined. Therefore, the statistics do not account for trials where gay panic was successful and did not warrant an appeal.

The construct of gay panic was originally developed by Edward Kempf (1920), a clinical psychiatrist who treated several patients who identified as heterosexual, but were actually gay and developed internalized homophobia as a result of the societal repercussions of coming out. These patients exhibited an increase in anxiety when someone of the same sex was present, as they had reciprocal feelings they could not act upon. Consequently, Kempf argued separation from the gay individual induced a panic-like state. Looking at Kempf’s original hypothesis of gay panic, it was not the same-sex contact that led to the panicked state. Thus, the notion of gay panic as a violent response

to a sexual advance has little support. Despite the lack of backing, Kempf's observed phenomenon was even somewhat legitimized with its inclusion in the appendix of the original Diagnostic and Statistical Manual of Mental Disorders (DSM; American Psychiatric Association, 1952).

Although the perceived link between sexual minority status and psychopathology has been discredited (e.g., Freedman, 1971; Gonsiorek, 1982; Hooker, 1957), many still hold prejudicial beliefs toward members of sexual minorities. Suffredini (2001) posits heterosexuality is regarded as a type of social control whereas sexual minority persons are viewed as deviant. Accordingly, gay individuals are often perceived culturally as predators who threaten the masculinity of heterosexuals with unwarranted sexual advances. Therefore, Lee (2013) argues same-sex advances may be serve as a signal to outsiders the heterosexual is also gay.

Psycho-legal experts have differing opinions regarding whether such a controversial concept should be allowed in court. Some assert the defense is illegitimate, as it is fueled by sexual prejudice of judges and juries (Suffredini, 2001). Mison (1992) also adds that when judges allow arguments of gay panic, they deemphasize the importance of self-control and tolerance, while also promoting institutionalized discrimination. Further, when the defense is allowed, courts appear to condone violence against gays and a belief the defendant may be excused (Suffredini, 2001). Stereotypes perpetuated by the defense are especially geared toward gay males, as few cases of gay panic have involved a lesbian victim and heterosexual female defendant (Wall, 2000). Moreover, no cases have ever involved a "straight panic" argument where violence was

argued to ward off a non-violent heterosexual advance. Indeed, it is unclear why violence in response to a same-sex advance seems to be acceptable.

On the other hand, some believe the defense should not be banned altogether, as it arguably displays a legal link to provocation. In addition, Lee (2008) argues if gay panic defenses are categorically barred, defense attorneys will attempt to implicitly enter the minds of jurors and activate their potential biases. For example, attorneys may merely mention the victim's sexuality, but not make it as prominent. This has potential for jurors to rely on their initial stereotypes and difficulty for cognitive processing to occur. Lastly, the inability to present a defense, no matter its validity, may be viewed as a violation of the freedom of speech and the right to a fair trial (Lee, 2008). Thus, banning the defense may leave the door open for appeal.

Despite valid arguments regarding the freedom of speech, critics of gay panic maintain legislature should outline how a non-violent gay advance should not be construed as legal provocation (Mison, 1992). In 2009, such legislation has been passed in New Zealand, as the "Partial Defense of Provocation" (Crimes Act 43 N.Z. §169, 1961) was abolished (Crimes (Provocation Repeal) Amendment Act, 64 N.Z. § 4, 2009; Roth and Blayden, 2012). Several Australian jurisdictions (Victoria, Western Australia, and Tasmania) have followed suit or transferred the ability to make such arguments to the sentencing phase (Fitz-Gibbon, 2012). Nevertheless, there is currently no such legislation enacted within the United Kingdom or the vast majority of the United States. Therefore, gay panic is a viable defense strategy in the majority of jurisdictions. Despite opportunity to utilize gay panic arguments, the defense appears to be of concern to the American Bar

Association, as the agency recently encouraged a motion to state legislatures to eliminate the defense entirely (American Bar Association, 2013).

Currently, California is the only state that has attempted to curtail the effects of the defense following several high-profile cases in which reduced sentences or plea bargains resulted from murders and assaults on gay, lesbian, bisexual, and transgender (GLBT) victims. For example, the trans panic defense tactic, a variation of the standard gay panic argument, was argued in one of the trials subsequent to the murder of Gwen Araujo. The trial gained notoriety and influenced the passing of the Gwen Araujo Justice for Victim Act (2006), which allowed a request to the court be made to address the jury “not to allow bias based on sexual orientation, gender identity or other protected bases to influence their decision.” Aiming to dissuade inequality in the legal system, the bill provided momentum for California to later abolish gay panic defenses. In September, 2014, California Governor Jerry Brown signed into law a bill banning the gay and trans panic defense in all murder and assault trials (Assembly Bill No. 2501, 2014; Paulat, 2014). Although New York Assemblyman Ruben Diaz, Jr. proposed a similar measure to California’s Gwen Araujo Justice for Victim Act (Rostrow, 2006), the status of the bill is currently unknown. Accordingly, California and New York are the only states who have used legislative means to restrict the use of gay panic defenses.

In all, gay panic appears to find its roots in perceptions of clinical psychopathology. As demonstrated, the legal definition dovetails well with this view, whereas the frequency of use of gay panic is likely not fully understood. Clearly, there is legal debate over the legitimacy of implementation of gay panic. Social psychological

perspectives may further the understanding of perceptions of gay panic in court. The following sections address such possibilities.

Blame Attribution

Attribution of blame within the legal setting may account for some of the disparity seen in cases of GLBT victimization, offering a potential social psychological view informing the present study. When examining criminal acts, the process of blame attribution occurs when an observer attempts to make sense of the crime to reduce their feelings of anxiety (Gudjonsson, 1984). In processing what occurred, the observer must evaluate the causal components of the crime (Shaver, 1985), and the perpetrator's moral responsibility in the situation (Shaver & Drown, 1986). Also playing a role is the perception of the defendant's intent to harm the victim during the crime (Alicke, 2000; Cramer, Gorter, Rodriguez, Clark, Rice, & Nobles, 2013).

In processing the crime, some observers consider whether the victim played any role. Many theories account for consideration of the victim's actions and include the belief in a just world, or the idea that good things happen to good people and conversely, bad things happen to bad people. By postulating that the victim has poor character and is somewhat deserving of their victimization, the observer may believe they are not at risk of becoming a victim themselves (Aguiar, Vala, Correia, & Pereira, 2008; Amacker & Littleton, 2013; Lerner, 1980.) A less self-serving explanation is the Culpable Control Model (Alicke, 2000), which stresses that an observer may blame the victim if the victim evoked an automatic negative response. An individual involved in a drug deal, for instance, may be viewed as more blameworthy when a juror learns of his gang affiliation.

In addition to the aforementioned models, Cramer et al. (2013) found evidence of

victim blame constituted by factors such as, perceptions of malice (a victim's high and overt intention to harm the perpetrator), recklessness (low to moderate intent to harm), and unreliability (low intent to harm). Although the three factors were all positively associated with homonegativity, perceived victim malice was the only component observed to affect decisions, such as the likelihood of rendering a death penalty sentence. Thus, findings support the idea jurors who hold negative attitudes toward gay men, and believe the victim intended to harm the defendant, will perceive the victim as more blameworthy. In addition, defensive attribution theory (Bell, Kuriloff, & Lottes, 1994) argues identification with the victim plays a role, such that an observer with many similarities to the victim will be less likely to attribute blame than if they were vastly different. Thus, a heterosexual observer may have difficulty relating and in turn, ascribe greater blame to the victim.

Victim blame attribution models find support in hate crime literature, as victims are viewed as at least partially responsible (Craig & Waldo, 1996) and blamed (White & Yamawaki, 2009) for their victimization, much like victims of rape (Herek, 1994). In conjunction, Cramer, Clark, Kehn, Burks, and Wechsler (2014) found mock juror participants provided more lenient sentences when they blamed the victim of a hate crime more. An opposite trend was observed when jurors placed more blame on the defendant and both patterns were moderated by mock jurors' support for hate crime legislation.

Empirical Investigation of Gay Panic

With legal scholars at odds when it comes to the rationalization of the gay panic defense, there are minimal experimental studies concerning how potential jurors play into the idea of gay panic. The only opinion poll to date, was conducted by Forsythe and

Miller (2014) and published in *The Jury Expert*, a non-peer reviewed outlet for the American Society of Trial Consultants (ASTC). The authors examined prospective juror attitudes regarding several novel defense strategies including gay panic, amnesia, post-traumatic stress disorder, battered women syndrome, multiple personality disorder, and post-partum depression. Results indicated that overall, jurors believe there is some validity to gay panic, although it was not viewed as believable as the other conditions tested. Despite the neutral support for the existence of gay panic, the majority of participants did not believe the defense should be utilized within the courtroom setting. Further, the authors found women were less likely to believe gay panic existed and should be used as a viable defense tactic. However, the study methodology was flawed, as the description utilized was consistent with a trans panic defense and instead, described gay panic as, "... a reaction a person might have when s/he finds out that her/his significant other or date is actually the other gender than s/he had claimed to be." Consequently, the description neglected the unwanted sexual advance prominent within a typical gay panic defense. Therefore, it is unclear how jurors actually view cases of true gay panic.

Plumm, Terrance, Henderson, and Ellingston (2010) conducted the first empirical investigation of gay panic used as provocation. Undergraduate participants were asked to read a vignette of a hate crime depicting an assault of a gay victim at either a local or gay bar. A second manipulation included the presence of a same-sex advance variable in which the victim asked the defendant to dance and proceeded to put his arm around the defendant. Although verdicts were unaffected by both the location and sexual advance variables, participants blamed the victim more in the scenario describing a provocative

sexual advance, highlighting the importance of victim blame in claims of gay panic. In a study examining gay panic in the context of homicide, Kraus and Ragatz (2011) found male jurors were more lenient on defendants when a male-on-male sexual advance was depicted rather than a female-on-female advance. Furthermore, the authors examined the effect of jury instructions advising mock jurors against letting their biases influence judgments of guilt and sentence length. Male participants who did not receive these instructions were less punitive on the defendant, as they rendered lower sentence length ratings. Also of interest, homophobia was found to significantly affect decisions regarding guilt and sentence length. However, neither of the aforementioned research included a control condition, such as a heterosexual provocation case description, to parse out the effect of the same-sex advance variable. Therefore, Salerno et al. (2014) added a control condition to evaluate gay panic within a provocation framework, while also looking at the function political orientation had on decision making. Despite gay panic having no significant effect on verdicts, political orientation was observed to play a role. In the gay panic condition, conservative jurors were less punitive, as they were significantly less likely to render a murder conviction.

The limited literature examining gay panic thus far has empirically illustrated how the faulty defense strategy can be viewed as acceptable. However, many mechanisms at play during the jury decision making process are still relatively unknown. For instance, no study has examined gay panic across different types of defense strategies (i.e.: provocation, diminished capacity, or insanity). Differences across mediums of gay panic would be informative, as they may illuminate the context in which gay panic is viewed as acceptable. It may be jurors are willing to buy into the idea the defendant was provoked

to violent behavior, but unwilling to believe the more far-fetched notion that the defendant completely lost the ability to distinguish right from wrong. Rather, all studies examined either a homicide or felony assault in the context of a provocation defense. Therefore, it remains unknown how successful a claim of gay panic may be viewed within the framework of different defenses. Second, it is unclear whether the same-gender sexual advance drove the results found in previous literature, as only one of the studies (Salerno et al., 2014) utilized a control group of an identical provocation defense, minus the sexual orientation component. The present study advances this line of inquiry by examining differences in legal decisions and perceptions across mediums of the gay panic defense.

The Present Study

The goal of this study is to utilize a case facts approach to investigate jurors' perceptions of gay panic across defense types (insanity versus provocation) and when compared to a control condition.

The hypotheses are as follows:

H1: It is hypothesized participants in the gay panic as provocation condition, compared to the control and gay panic as insanity defense conditions, will provide more severe ratings of victim blame and responsibility, as well as less severe verdicts for the defendant.

H2: It is hypothesized that participant homonegativity will moderate hypothesis 1, such that those high in homonegativity, compared to low sexual prejudiced counterparts, will demonstrate exacerbated patterns of pro-defendant views described in H1.

H3: It is hypothesized that participant political orientation will moderate hypothesis 1, such that those identifying as conservative or Republican, compared Democratic or liberal counterparts, will demonstrate exacerbated patterns of pro-defendant views described in H1.

CHAPTER II

Method

Participants

Participants were 352 jury-eligible adults who resided in the United States, with 135 (38.40%) of participants residing in the South, 82 (23.30%) residing in the West, 81 (23.00%) residing in the Midwest, 53 (15.10%) residing in the Northeast, and 1 participant residing in Puerto Rico (see Table 1 for a summary of demographic data). Participants included 199 (56.50%) females and 153 (43.50%) males, and were an average of 36.11 years old ($SD = 13.28$). Regarding racial composition, 286 (81.30%) participants identified as Caucasian, 26 (7.40%) identified as African American, 16 (4.50%) identified as Asian American, 10 (2.80%) identified as biracial, 9 (2.60%) identified as Latin American, and 5 (1.40%) participants identified as other, which included Native American, Hawaiian, and Middle Eastern participants. In regards to sexual orientation, 292 (83%) of participants identified as heterosexual, whereas 23 (6.50%) identified as gay 20 (5.70%) identified as lesbian, 9 (2.60%) identified as bisexual, and 8 (2.27%) identified as other, which included those who were questioning their sexuality, did not wish to label their sexual identity, or identified as asexual, pansexual, or queer. Education levels of participants varied, with 122 (34.70%) having a bachelor's or professional degree, 92 (26.10%) having some college work completed, 48 (13.60%) holding an associate's degree, 46 (13.10%) holding a master's degree, 38 (10.80%) having some high school education, and 6 (1.70%) holding a doctorate degree. Thus, the majority of participants were quite educated. Participants reported an average of \$54,359.99 for their yearly income ($SD = \$45,233.52$).

When asked about religious preferences, 138 (39.20%) did not identify with any religion, 60 (17%) identified as Protestant, 54 (15.30%) identified as Catholic, 33 (9.40%) identified as Baptist, 32 (9.10%) identified as another Christian denomination, 9 (2.60%) identified as Agnostic, 6 (1.70%) identified as Jewish, 3 (0.90%) identified as Muslim, and 17 (4.80%) identified as another religion such as Atheist, Buddhist, or Hindu. Due to the wide range of religious beliefs, these religions were further categorized into Christian churches/denominations ($N = 180$, 51.10%), non-Christian religions ($N = 19$, 5.40%), and no identified religion ($N = 153$, 43.50%). Regarding political orientation, 146 (41.50%) participants identified as Democrats whereas 111 (31.50%) identified as Independent, 84 (23.90%) identified as Republican, and 11 (3.10%) identified with another political orientation, such as Libertarian or the Green Party. Political orientation was also assessed via a 10-point Likert scale from 1 (conservative) to 10 (liberal). On this item, participants displayed an average of 6.24 ($SD = 2.69$), suggesting an average political orientation trending slightly towards Liberal. Lastly, 79 (22.40%) participants identified as having previously served on a jury, while 273 (77.60%) reported they had not.

Table 1

Demographic Data of Participants

| Variables | Categories | N | Percent | M(SD) |
|-----------------------|-----------------------------------|----------|----------------|------------------------------|
| Region of Residence | Northeast | 53 | 15.1 | |
| | Midwest | 81 | 23.0 | |
| | South | 135 | 34 | |
| | West | 82 | 23.3 | |
| Gender | Male | 153 | 43.5 | |
| | Female | 199 | 56.5 | |
| Age | | 352 | | 36.11 (13.28) |
| Race | Caucasian | 286 | 81.3 | |
| | African-American | 26 | 7.4 | |
| | Asian-American | 16 | 4.5 | |
| | Latin-American | 9 | 2.6 | |
| | Biracial | 10 | 2.8 | |
| | Other | 5 | 1.4 | |
| Sexual Orientation | Straight | 292 | 83.0 | |
| | Lesbian | 20 | 5.7 | |
| | Gay | 23 | 6.5 | |
| | Bisexual | 9 | 2.6 | |
| | Other | 8 | 2.27 | |
| Education Level | Some High School | 38 | 10.8 | |
| | Some College | 92 | 26.1 | |
| | Associate's Degree | 48 | 13.6 | |
| | Bachelor's or Professional Degree | 122 | 34.7 | |
| | Master's Degree | 46 | 13.1 | |
| | Doctorate Degree | 6 | 1.7 | |
| Yearly Income | | 349 | | \$54,359.99 (\$45,233.52) |
| Religion | Christian Denomination | 180 | 51.1 | |
| | Non-Christian | 19 | 5.4 | |
| | None | 153 | 43.5 | |
| Political Orientation | Democrat | 146 | 41.5 | |
| | Republican | 84 | 23.9 | |
| | Independent | 111 | 31.5 | |
| | Other | 11 | 3.1 | |
| Previous Jury Service | Yes | 79 | 22.4 | |
| | No | 273 | 77.6 | |

Note. Total number of participants – 352

Materials

Demographics. Participants completed a basic demographics questionnaire including questions regarding: age, gender, race, religion, sexual orientation, education level, history of jury service, political orientation, household income, and state of residence (Appendix A).

Index of Homophobia. Degree of homonegativity, or prejudice towards homosexuals, was assessed via the Modern Homonegativity Scale – Gay Men (MHS-G; Morrison & Morrison, 2002; Appendix B;). Although other scales exist and have been used in past research of gay panic (i.e.: The Index of Homophobia in Plumm et al., 2010 and the Homophobic Scale in Kraus & Ragatz, 2011), the MHS-G was utilized in this study because gay panic is most often used in court when describing gay men as victims and heterosexual men as the defendants. Thus, a focus specific to attitudes toward gay men was the most applicable to the variables of interest. The MHS-G is a short-form 12-item scale in which participants were asked to rate the extent to which they agree with statements such as, “Gay men should stop shoving their lifestyle down other people’s throats” according to a five-point scale ranging from 1 (strongly disagree) to 5 (strongly agree). Certain items were reverse coded prior to obtaining a total score for each participant. Participants scored an average of 23.88 ($SD = 9.16$) on a total scale score ranging from 12 to 60 ($\alpha = 0.95$).

Vignette. The three vignettes utilized were comprised of two previously published vignettes provided in the Salerno et al. (2014) study, but included an alteration in the case descriptions, and added an additional vignette (Appendix C). First, the two Salerno et al. vignettes were altered to describe felony assault, as opposed to homicide, as assault is a

more common offense. Because assault is a less serious offense than murder, it was presumed likely for a gay panic claim to have success. One vignette consisted of a gay panic as provocation case description, in which a same-sex advance variable was present and provocation was argued by the defense in court. A second vignette consisted of a control condition in which an identical assault was described, absent of the unwanted same-sex advance variable and description of case strategy. Lastly, this study added a third condition, in which the gay advance variable was present and the defendant plead not guilty by reason of insanity (consistent with the M’Naghten standard discussed in Melton, Petrila, Poythress, Slobogin, Lyons, & Otto, 2007).

Manipulation Check. After reviewing each of the vignettes, participants were asked to indicate whether the following statement was true or false: “The defendant in this case raised the insanity defense” (Appendix D).

Juror Verdict. After reviewing each of the vignettes and answering the manipulation check item, participants were asked to render a verdict of either guilty of aggravated assault (a felony), guilty of assault (a misdemeanor), or not guilty (due to self-defense due to provocation or insanity; Appendix D). Both legal charges were defined by Texas State Law, as the present study was conducted in Texas (Tex. Penal Code Ann. §22, 2003).

Victim and Defendant Responsibility. Following the verdict, participants were asked to rate how responsible they believed both the victim and defendant were for the crime according to a 10-point scale ranging from 1 (not at all) to 10 (completely; Appendix D).

Victim Blame. The degree to which participants assigned blame to the victim was then assessed via the seven-item scale utilized within the Plumm et al. (2010) study (Appendix E). Items consisted of statements such as, “The defendant’s actions were justified,” and participants were asked to rate their agreement to such statements on a scale ranging from 0 (strongly disagree) to 6 (strongly agree). Scores were totaled and high scores indicated a high level of victim blame. Participants scored an average of 19.82 ($SD = 7.975$) on a total scale score ranging from 7 to 42 ($\alpha = 0.86$), suggesting a slight tendency for participants to blame the victim more.

Design

A 3 x 3 between-subjects factorial design was used. The general content of the vignettes was held constant in terms of the criminal act described. The first manipulated variable was the presence of a sexual advance described as the victim “putting his hand on the defendant’s thigh and trying to kiss him.” This manipulation was included in both the gay panic as provocation and gay panic as insanity conditions. The second manipulated variable was the type of defense strategy utilized. In the control condition, no defense strategy was mentioned. However, in the provocation condition the following manipulation was added via the description: “The defense utilized a **provocation defense** and argued that the victim’s behavior (i.e.: the insult, the advance, and yelling) provoked the defendant to lose control and panic, and that is why he struck the victim.” Similarly, the insanity condition utilized the following description: “The defense utilized **the insanity defense** and argued the victim’s advance led the defendant into a violent rage in which he lost control, panicked, and did not realize his actions were wrong.”

Procedure

Participants were recruited via Amazon's Mechanical Turk system (www.MTurk.com), an online subject pool in which researchers from around the globe can post trial simulations and surveys for a more diverse participant sample than college students, or even community members within a particular area. Further, the Mechanical Turk program has been shown to have more diverse samples than other Internet-derived samples (i.e.: Craigslist, Twitter, Facebook, and Reddit; Buhrmester, Kwang, & Gosling, 2011; Casler, Bickel, & Hackett, 2013) and rival the quality of conventionally obtained data (discussed in Bates & Lanza, 2013; Horton, Rand, Zeckhauser, 2011). Therefore, the Mechanical Turk system shows some promise in terms of reaching a more typical jury. Through the Mechanical Turk system, participants were provided with an invitation link to SurveyMonkey, an online survey tool, where data was collected (Appendix G).

Upon clicking the link provided via Mechanical Turk, participants were redirected to the SurveyMonkey webpage where the current study was described, consent procedures were outlined, and contact information for both the Sam Houston State University Institutional Review Board (SHSU IRB Approval #: 2015-04-23603) and primary investigators were provided. Consent included relevant information regarding the purpose of the study, privacy and confidentiality, potential risks and benefits, and the right to withdraw from the study at any time (Appendix H). Participants were then asked to click to either consent for participation in the study or cease further participation.

Next participants completed their demographic information and the MHS-G scale, read one of three randomly assigned vignettes, and completed several outcome measures (verdict, victim blame, victim and defendant responsibility). Finally, participants were

again provided relevant study contact information and asked to email these individuals should they have any questions or concerns regarding their participation. Upon completion or self-termination, participants were immediately paid \$0.25 from a prepaid Mechanical Turk account created by the Primary Investigator. This amount was consistent with typical payments awarded, as nickels and dimes are often provided for 5 to 10 minute tasks (Buhrmester, Kwang, & Gosling, 2011.) Completion of this survey took approximately 10-25 minutes.

CHAPTER III

Results

Pilot Testing

A pilot study was first conducted to examine the vignette conditions in relation to the spread of rendered verdicts and to examine the accuracy of the manipulation check. The pilot study consisted of 71 participants. However, data was missing for 8 participants and they were excluded from further pilot analyses. Of the 63 remaining participants, 10 (31.1%) did not attend to the manipulation item correctly. Specifically, 5 of the 23 individuals (21.7%) in the control condition, 2 of the 25 individuals (8.0%) in the gay panic as provocation condition, and 3 of the 12 individuals (20.0%) in the gay panic as insanity condition were unable to correctly identify the defense strategy being used. As a result, the vignettes were slightly altered moving forward, presenting the defense strategies in bold and underline lettering, to make the manipulation more salient.

In examining the spread of verdicts, 15 participants in the control condition (65.2%) rendered felony verdicts, versus 7 (30.4%) misdemeanor convictions, and 1 (4.3%) not guilty verdict. In the gay panic as provocation condition, 13 participants (52.0%) rendered felony verdicts, whereas 7 (28.0%) gave misdemeanor convictions, and 5 (20.0%) believed the defendant was not guilty due to provocation. In the gay panic as insanity condition 8 (53.3%) provided felony verdicts, 5 (33.3%) rendered misdemeanor verdicts, and 2 (13.3%) believed the defendant was not guilty by reason of insanity. The association of vignette condition and verdict was evaluated with a chi-square goodness-of-fit test. Results indicated that verdicts did not significantly differ across vignette conditions.

Manipulation Check

In examining the full data set of 402 participants, 12 participants (3%) had missing data on key variables of interest and were immediately excluded from analyses (i.e., data imputation was not possible because all values were absent on key variables, such as verdict). Of the 390 participants that remained, 352 (90.26%) correctly attended to the defense strategy manipulations. Within the Control condition, 116 of 130 (89.20%) total participants correctly attended to the manipulation. Within the Gay Panic as provocation condition, 107 of 117 (91.50%) total participants correctly attended to the manipulations. Within the Gay Panic as Insanity condition, 129 of 143 (90.20%) total participants correctly attended to the manipulations. The 38 (9.80%) participants who did not correctly attend to the appropriate manipulations pertaining to one of the independent variables in question were dropped from the analyses.

Preliminary Analyses

Preliminary analyses were performed to determine if demographic variables were related to criterion measures (i.e., verdict, victim blame, victim responsibility, and defendant responsibility). Beforehand, gender, race, sexual orientation, geographic location, education level, and religion were recoded¹. For gender, individuals identifying as female-to-male transgender were recoded into their respective resulting gender (i.e., female-to-male into the male category) due to a low cell counts in this transgender category. For race, individuals who reported identifying as Native American were recoded into the “other” category due to a low cell count. Due to low cell counts within the sexual orientation categories, individuals who identified as asexual, questioning, or who did not wish to label their sexual identity were recoded into the “other” category. In

¹ Full original cell counts available by request.

terms of geographic location, individuals identified their states of residence and these responses were recoded according to U.S. Census categories (U.S. Census Bureau, n.d.), into West, South, Midwest, and Northeast. Due to low cell counts within some of the education level categories, the high school (no degree) and high school graduate categories were combined to create a ‘some high school’ category. Likewise, the professional degree category and bachelor’s degree category were combined to create a ‘bachelor’s/professional degree’ category. Concerning religious affiliation, several other categories emerged, leading Christian-other denomination and Agnostic categories to be added. However, because of the multifarious array of responses regarding religion, the variable was recoded as Christian churches/denomination, non-Christian religions, and no identified religion. The Christian churches/denomination category included the following faiths: Baptist, Protestant, Catholic, Christian, Mormon, Methodist, Faither, Unitarian Universalist, Presbyterian, Preterist, Orthodox, Eastern Orthodox, and Lutheran. The non-Christian religion category included the following religious beliefs: Jewish, Muslim, Pagan, Hindu, Buddhist, Wicca, Religious Science/New Thought, and Deist. The no identified religion category included those who did not identify as religious or who labeled themselves as Agnostic, Atheist, Spiritual, or open to all beliefs. Concerning political party affiliation, those who identified as Independent or as another party (i.e.: Libertarian, Green Party, etc.) were combined into a new category termed Independent/other due to low cell counts.

Correlations were then computed with the continuous demographic variables (i.e., age, political orientation, income, and the Total Homonegativity Score) and the criterion variables (i.e., verdict, victim responsibility, defendant responsibility,

and victim blame) to identify possible covariates. Next, between-groups tests (i.e., independent samples *t*-tests, multivariate analysis of variance) were run for categorical demographics (i.e., gender, race, religion, sexual orientation, education level, political party, region of residence, and jury service) and criterion measures (i.e., verdict, victim responsibility, defendant responsibility, and victim blame).

The following demographics demonstrated non-significant associations with criterion measures²: race, sexual orientation, education, region of residence, jury service, political party, and yearly income. Age did demonstrate a significant association with victim blame ($r = 0.13, p = .013$). However, because it was only weakly related to one of the three outcome variables, it was not controlled for in further analyses. Political Orientation also demonstrated significant relationships with all three continuous outcome variables including victim responsibility ($r = -0.20, p < .001$), defendant responsibility ($r = 0.11, p = .031$), and victim blame ($r = -0.31, p < .001$). Additionally, the Total Homonegativity Score was significantly related to victim responsibility ($r = 0.26, p < .001$), defendant responsibility ($r = -0.20, p < .001$), and victim blame ($r = 0.47, p < .001$). This data provided preliminary support for the idea that political orientation and homonegativity will be meaningful predictors as suggested in hypotheses 2 and 3.

The following demographics demonstrated significant patterns requiring additional follow-up: gender and religion. Gender displayed a significant multivariate effect on the collection of dependent measures, Wilks' $\lambda = 0.97, F(3, 325) = 3.27, p = .022, \eta^2 = .03$. Gender displayed a significant univariate effect on victim responsibility, $F(1, 325) = 4.11, p = .043, \eta^2 = .01$. With regard to gender, males ($M = 5.01, SD = 2.39$) attributed significantly more responsibility to the victim than females ($M = 4.43, SD =$

² Statistical tests for non-significant effects available upon request from the first author

2.60, Cohen's $d = 0.23$). Gender also displayed a significant univariate effect on defendant responsibility, $F(1, 325) = 7.00, p = .009, \eta^2 = .021$, as males ($M = 6.84, SD = 2.41$) attributed significantly less responsibility to the defendant than females ($M = 7.60, SD = 2.49$, Cohen's $d = -0.31$). Lastly, gender displayed a significant univariate effect on ratings of victim blame, $F(1, 325) = 6.91, p = .009, \eta^2 = .02$. Males ($M = 21.03, SD = 7.53$) provided higher ratings of blame for the victim than females ($M = 18.87, SD = 8.20$, Cohen's $d = 0.27$).

Religion also displayed a significant multivariate effect on the collection of dependent measures, Wilks' $\lambda = 0.96, F(6, 646) = 2.42, p = .025, \eta^2 = .02$. Religion displayed a significant univariate effect on ratings of victim blame, $F(2, 325) = 6.08, p = .003, \eta^2 = .04$. Those identifying with a Christian-based faith ($M = 21.72, SD = 8.41$) attributed significantly more blame to the victim than those who identified with a non-Christian faith ($M = 20.00, SD = 5.87$, Cohen's $d = 0.24$) or who did not identify with a religion ($M = 17.52, SD = 7.05$, Cohen's $d = 0.54$).

Hypotheses Testing

Multivariate Analysis of Covariance Predicting Blame and Responsibility. A multivariate analysis of covariance (MANCOVA) was used to test the three hypotheses as they relate to the continuous dependent variables of victim blame, victim responsibility, and defendant responsibility. This MANCOVA contained: (a) main effects for control variables of gender (male, female) and religion (Christian church/denomination, non-Christian religion, no religion), (b) main effects for variables of interest including vignette condition (control, gay panic as provocation, gay panic as insanity), political orientation (a continuous rating scale where higher scores indicate a

more liberal orientation), political party (Democrat, Republican, Independent/Other), and homonegativity (as measured by the Modern Homonegativity Scale – Gay Men), and (c) two way interactions between vignette condition x homonegativity, vignette condition x political orientation and (d) the outcome measures of continuous ratings of victim blame, victim responsibility, and defendant responsibility. Specific univariate statistics are only reported for significant multivariate effects.³

Table 2 contains multivariate tests for each predictor in the model. The multivariate main effects of gender, religion, political party, and political orientation were not significant. The multivariate main effects of the interactions between political party x vignette condition and political orientation x vignette condition were also non-significant.

³ Statistical tests for non-significant effects available upon request from the first author.

Table 2

Multivariate analyses of covariance predicting victim blame, victim responsibility, and defendant responsibility

| Variable | Wilks' Lambda | F (df) | <i>p</i> | Partial Eta Squared |
|--|---------------|-------------------|----------|---------------------|
| Gender | .98 | 2.18 (3, 330) | .091 | .02 |
| Religion | .98 | 1.54 (6, 660) | .229 | .01 |
| Political Party | .99 | .40 (6, 660) | .881 | < .01 |
| Vignette Condition | .83 | 11.02 (6, 660) | < .001 | .09 |
| Liberal Orientation | .99 | .92 (3, 330) | .433 | .01 |
| Homonegativity | .86 | 17.71 (3, 330) | < .001 | .14 |
| Political Party x Vignette Condition | .97 | .72 (12, 873.389) | .735 | .01 |
| Vignette Condition x Liberal Orientation | .98 | 1.01 (6, 660) | .415 | .01 |
| Vignette Condition x Homonegativity | .94 | 3.19 (6, 660) | .004 | .03 |

Note. **Bold** print denotes significant predictor; *x* = multiplicative for interaction term.

Vignette condition displayed a significant multivariate effect. Vignette condition displayed a significant univariate effect on victim blame, $F(2, 332) = 27.90$, $p < .001$, $\eta^2 = .14$. Specifically, participants in the control condition ($M = 16.41$, $SD = 5.98$) attributed significantly less blame to the victim than participants in the gay panic as insanity condition ($M = 21.17$, $SD = 8.50$, $p < .001$, Cohen's $d = -0.65$) and gay panic as provocation condition ($M = 21.92$, $SD = 8.07$, $p < .001$, Cohen's $d = -0.77$). Vignette condition was also significantly associated with victim responsibility, $F(2, 332) = 4.39$, $p = .013$, $\eta^2 = .03$, such that participants in the control condition ($M = 4.37$, $SD = 2.28$) attributed significantly less responsibility to the victim than participants in the gay panic as provocation condition ($M = 5.25$, $SD = 2.63$, $p = .019$, Cohen's $d = -0.36$). In addition,

participants in the gay panic as provocation condition ($M = 5.25$, $SD = 2.63$) provided significantly higher ratings of victim responsibility than in the gay panic as insanity condition ($M = 4.50$, $SD = 2.60$, $p = .040$, Cohen's $d = 0.29$). Lastly, vignette condition displayed a significant univariate effect with ratings of defendant responsibility, $F(2, 332) = 5.73$, $p = .004$, $\eta^2 = .03$. Participants in the control condition ($M = 7.80$, $SD = 2.21$) attributed significantly more responsibility to the defendant than participants in the gay panic as provocation condition ($M = 6.73$, $SD = 2.52$, $p = .002$, Cohen's $d = 0.45$).

Homonegativity also displayed a significant multivariate effect. Ratings of homonegativity had a significant positive univariate effect on victim blame, $\beta = 4.55$, $SE \beta = 0.76$, $p < .001$, $\eta^2 = .10$. Homonegativity displayed a significant negative univariate effect on defendant responsibility, $\beta = -0.88$, $SE \beta = 0.28$, $p = .002$, $\eta^2 = .03$.

The interaction between vignette condition and homonegativity displayed a significant multivariate effect. The interaction between vignette condition and homonegativity had significant univariate effects on victim blame, $F(2, 332) = 5.64$, $p = .004$, $\eta^2 = .03$, and defendant responsibility, $F(2, 332) = 4.77$, $p = .009$, $\eta^2 = .03$. Figures 1 and 2 display the patterns of the vignette condition x homonegativity interactions on ratings of victim blame and defendant responsibility, respectively.

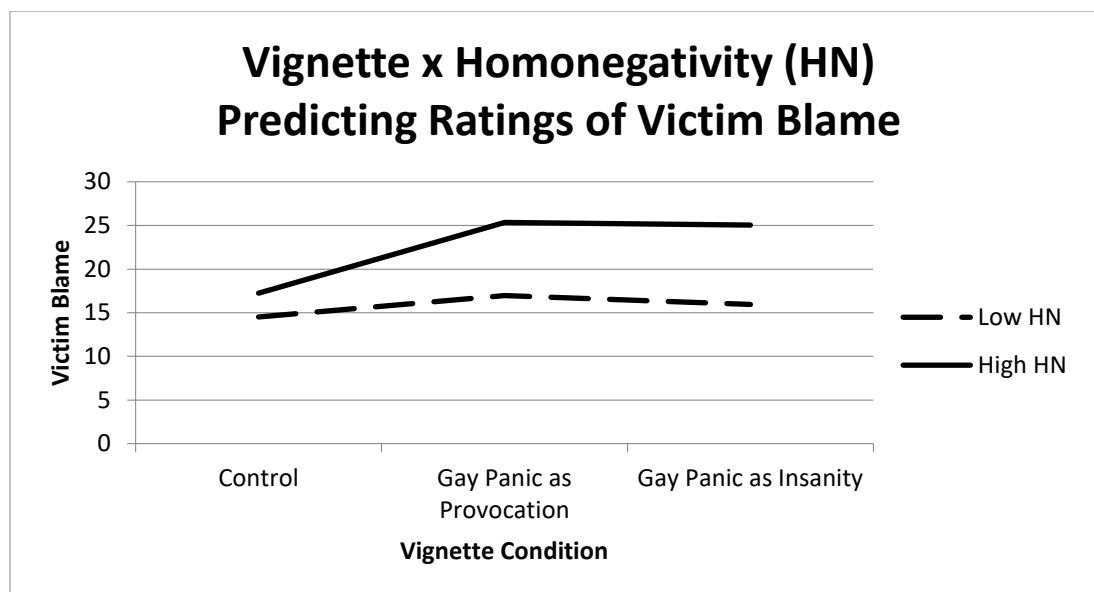


Figure 1. Two-way interaction between vignette condition and homonegativity predicting blame ratings.

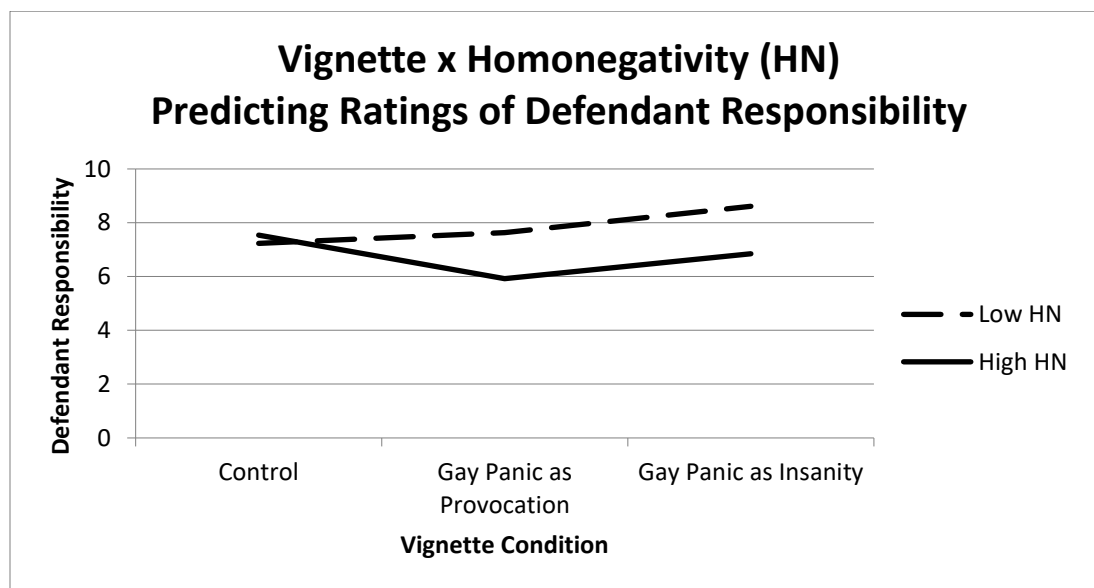


Figure 2. Two-way interaction between vignette condition and homonegativity predicting defendant responsibility ratings.

In sum, individuals low in homonegativity assign victim blame at relatively equivalent levels. This pattern is approximately the same in defendant responsibility, but a slight increase in the insanity condition is apparent, as represented by the dashed lines in Figures 1 and 2. However, those high in homonegativity blame victims much more in

both the gay panic provocation and insanity conditions, when compared to the control. Further, individuals high in homonegativity ascribe less responsibility to the defendant in both the provocation and insanity conditions, compared to the control, with a somewhat more pronounced effect in the provocation condition.

Analysis of Verdict Decision Across Vignette Conditions. The association of vignette condition and verdict (i.e.: not guilty, guilty of misdemeanor assault, guilty of felony assault) was evaluated with a chi-square goodness-of-fit test. Due to a low cell count in one of the conditions (not guilty within the control condition), Fisher's Exact Test was utilized (Cohen, Cohen, West, & Aiken, 2003). Results indicate that verdicts differed across vignette conditions, $\chi^2 = 29.86, p < .001$. In the control condition, the vast majority of participants (83/116, 71.60%) rendered a felony verdict, followed by a misdemeanor conviction (32/116, 27.60%), and not guilty (1/116, 0.90%). In the gay panic provocation condition, the order of verdict was felony conviction (50/107, 46.70%), misdemeanor conviction (38/107, 35.50%), and not guilty (19/107, 17.70%). For gay panic as insanity, the order of verdict was felony conviction (67/129, 51.90%), misdemeanor conviction (43/129, 33.30%), and not guilty (19/126, 14.70%). In summary, participants in the control condition were more likely to convict the defendant of a felony compared to the gay panic as provocation (1.5 times more likely) or as gay panic as insanity (1.4 times more likely) conditions. That is, a leniency effect was apparent when the gay panic defense was raised in any manner, with a slightly larger influence of gay panic as provocation.

Analysis of Verdict Decision by Gay Panic Conditions. Lastly, a multinomial logistic regression was used to test the three hypotheses as they relate to the trichotomous

dependent variable of guilt (Table 3). Participants in the control condition were removed due to low frequency counts in the not guilty category. Therefore, analyses compared the gay panic as provocation and gay panic as insanity conditions. The set of predictors in this model were the main effects of vignette condition, homonegativity, political orientation, and political party, and the interactions between vignette condition x homonegativity, vignette condition x political orientation, and vignette condition x political party.

Overall, 38 (16.10%) participants found the defendant not guilty (due to insanity or self-defense due to provocation), 81 (34.30%) rendered misdemeanor assault verdicts, and 117 (49.60%) provided felony assault verdicts. The collection of predictor variables displayed good fit, $X^2(378, N = 236) = 398.13, p = .228$. The set of predictors accounted for a significant amount of variance in verdict decision, $X^2(18, N = 236) = 41.03, p = .002$, Cox and Snell $R^2 = .16$, Nagelkerke $R^2 = .18$). Specific univariate statistics are only reported below for significant effects.⁴ Table 4 contains test statistics for each predictor in the model.

A higher degree of homonegativity was associated with a lower probability of rendering a misdemeanor assault verdict compared to a not guilty verdict (odds ratio (OR) = 0.39; 95% confidence interval (CI) 0.18 – 0.86). This result suggests for each one-unit increase in homonegativity, as measured by the MHS-GM, participants were 2.56 times less likely to provide a misdemeanor verdict compared to a not guilty verdict. Similarly, higher homonegativity was associated with a lower probability of rendering a felony assault verdict compared to a not guilty verdict (OR = 0.26; 95% CI 0.12 – 0.56).

⁴ Statistical tests for non-significant effects available upon request from the first author.

Thus, for each one-unit increase in homonegativity, participants were 3.87 times less likely to provide a felony verdict over a not guilty verdict.

Compared to those who identified as Independent/other, identifying as Republican was associated with a higher probability of rendering a misdemeanor assault verdict compared to a not guilty verdict (OR = 13.77; 95% CI 2.23 – 84.84). Thus, compared to the Independent/other group, Republicans were 13.77 times more likely to provide a misdemeanor verdict over a not guilty verdict. Compared to the Independent/other group, identifying as Republican was also associated with a higher probability of rendering a felony assault verdict compared to a not guilty verdict (OR = 9.58; 95% CI 1.69 – 54.39). Thus, Republicans were 9.58 times more likely to provide a felony verdict over a not guilty verdict than those in the Independent/other group.

The main effects of political party were qualified by a two-way interaction with vignette condition. As shown in Table 3, Republicans in the gay panic as provocation condition were shown to be less likely to render a misdemeanor verdict compared to a not guilty verdict (OR = .02; 95% CI 0.002 – 0.29). This pattern replicated when comparing felony verdict to not guilty (OR = .04; 95% CI 0.004 – 0.50).

Table 3

Multinomial logistic regression results for verdict

| Outcome Group | <i>N</i> | <i>B</i> | <i>SE B</i> | <i>p</i> | OR | 95% CI |
|---------------------------------|----------|-----------------------------|-------------|----------|-------|--------------|
| Not Guilty | 18 | <i>(reference category)</i> | | | | |
| Guilty - Misdemeanor | 38 | -- | -- | -- | -- | -- |
| Intercept | | .20 | .50 | .690 | -- | -- |
| Homonegativity | | -.94 | .41 | .020 | .39 | .18 – .86 |
| Democratic | 106 | 1.02 | .74 | .172 | 2.76 | .64 – 11.88 |
| Republican | 53 | 2.62 | .93 | .005 | 13.77 | 2.23 – 84.84 |
| Provocation Condition | 107 | 1.02 | .74 | .170 | 2.78 | .65 – 11.92 |
| Liberal PO | | .57 | .40 | .16 | 1.77 | .80 – 3.92 |
| Provocation x Democratic | | -1.23 | 1.12 | .271 | .29 | .03 – 2.61 |
| Provocation x Republican | | -3.79 | 1.30 | .003 | .02 | < .01 – .29 |
| Provocation x Liberal PO | | -.90 | .60 | .131 | .41 | .13 – 1.31 |
| Provocation x Homonegativity | | .25 | .55 | .647 | 1.29 | .44 – 3.77 |
| Guilty – Felony | 81 | -- | -- | -- | -- | -- |
| Intercept | | .72 | .45 | .114 | -- | -- |
| Homonegativity | | -1.36 | .40 | .001 | .26 | .12 – .56 |
| Democratic | 106 | .10 | .71 | .159 | 2.72 | .68 – 10.92 |
| Republican | 53 | 2.26 | .89 | .011 | 9.58 | 1.69 – 54.39 |
| Provocation Condition | 107 | .64 | .71 | .364 | 1.90 | .47 – 7.64 |
| Liberal PO | | .24 | .38 | .526 | 1.27 | .60 – 2.68 |
| Provocation x Democratic | | -1.17 | 1.08 | .279 | .311 | .04 – 2.57 |
| Provocation x Republican | | -3.14 | 1.24 | .012 | .04 | <.01 – .50 |
| Provocation x Liberal PO | | -.14 | .55 | .795 | .87 | .29 – 2.56 |
| Provocation x Homonegativity | | .76 | .53 | .155 | 2.13 | .75 – 6.04 |

Note. The reference categories are: a verdict of Not Guilty, a political party identification as Independent/Other, and a vignette condition of Gay Panic as Insanity. OR is the odds ratio. Provocation is the Gay Panic as Provocation Condition. Liberal PO is the

*score on a 10-point Likert scale measuring political orientation, with a 10 indicating Liberal and a 1 indicating Conservative. Homonegativity is the score on the Modern Homonegativity Scale – Gay Men, with higher scores indicating greater degrees of homonegativity (range 12-60). The predictor variables are vignette condition (Gay Panic as Provocation versus Gay Panic as Insanity), homonegativity, political party (Democratic, Republican, Independent/Other), and political orientation. The dependent variable is verdict (guilty of misdemeanor assault versus guilty of felony assault). **Bold** print denotes significant predictor. x = multiplicative for interaction.*

Hypotheses Summary

Hypothesis 1 stated participants in the gay panic as provocation condition, compared to the control and gay panic as insanity defense conditions, will provide more severe ratings of victim blame and responsibility, as well as less severe verdicts for the defendant. This hypothesis was partially supported. Participants in the control condition attributed significantly less blame and responsibility to the victim and more responsibility to the perpetrator than participants in both gay panic conditions. However, a significant difference between gay panic as insanity versus gay panic as provocation was only observed when considering ratings of victim responsibility. In this case, participants were much more likely to assign responsibility to the victim when gay panic was argued within a provocation framework. Verdicts did differ significantly when considering the vignette condition, such that gay panic as provocation had the highest frequency of misdemeanor and not guilty verdicts.

Hypothesis 2 stated that participant homonegativity will moderate hypothesis 1, such that those high in homonegativity, compared to low sexual prejudice counterparts, will demonstrate exacerbated patterns of pro-defendant views. This hypothesis was partially supported. In the victim blame and responsibility model, those higher in homonegativity assigned higher victim blame and lower defendant responsibility in the gay panic conditions. However, no effect of homonegativity was observed for victim responsibility. As people increased in homonegativity, they were more likely to find the defendant not guilty.

Lastly, hypothesis 3 stated participant political orientation will moderate hypothesis 1, such that those identifying as conservative or Republican, compared Democratic or liberal counterparts, will demonstrate exacerbated patterns of pro-defendant views. Hypothesis 3 was minimally supported, such that only Republicans in the provocation condition followed the anticipated pattern in rendering more lenient verdicts.

CHAPTER IV

Discussion

The present study advances the limited line of inquiry examining how gay panic operates with varying degrees of success (Kraus & Ragatz, 2011; Plumm et al., 2010; Salerno et al., 2013). Additionally, the present study provides novel information regarding how jurors perceive the nuances of gay panic within two polarized uses: insanity versus provocation/self-defense.

Vignette Condition. Building upon the Salerno et al. study (2013), the present methodology added a gay panic as insanity condition to evaluate under what context the defense is viewed as acceptable. Lee (2003) noted gay panic is used most frequently, and successfully, within a provocation framework. Highly publicized cases such as *McInerney v. California* (2011, as discussed in Risling, 2011) provide additional support that gay panic used as provocation can be somewhat successful. For example, seven of the jurors in this case favored the lesser sentence of voluntary manslaughter following gay panic as provocation arguments, whereas only five wished to convict the defendant of first or second degree murder (Watkins, 2011). The case ended in a mistrial (Saillant, 2011a) and eventually led to a plea bargain (Saillant, 2011b). Present findings regarding verdict mirror case law, as a leniency effect was observed when the gay panic defense was raised at all, but particularly when it was raised within the context of provocation/self-defense. Therefore, findings in the present study serve as an empirical basis for understanding the increased frequency noted by Lee (2003) and much of the high profile cases that have been somewhat successful and spurred legislative changes as

a result (e.g., *McInerney v. California*, 2011, as discussed in Risling, 2011; *Michigan v. Schmitz*, 1998).

Given that the present study found effects of gay panic used as provocation, findings do not align with prior research (Plumm et al. 2010; Salerno et al., 2014) in which verdicts were largely unaffected by similar manipulations. Potential explanations for this disparity include our differences in the samples, statistical power due to low sample size, geographic limitations, and the severity of the crime described. For example, the current methods employed an online recruiting tool to attain several hundred potential jurors across geographic regions of the United States, whereas Plumm et al. utilized undergraduate students from one university and Salerno et al. recruited 74 participants in a large Midwestern city. Further, the Salerno et al. (2014) and Kraus and Ragatz (2011) studies examined gay panic as provocation in a case of homicide, a much more serious charge than assault. A body of literature (e.g., Kerr, 1975; Kerr, 1993; McComas & Noll, 1974) provides support for the notion that verdicts are effected by the severity of the charges, such that the lower the charge, the more likely jurors are to render a guilty verdict. Although this may account for the differences in findings across studies, more recent literature offers conflicting evidence about whether severity of charge actually matters (Freedman, Krismer, MacDonald, & Cunningham, 1994).

In addition to influencing verdicts, vignette condition had a significant effect on ratings of victim blame and victim responsibility. Extending what was observed in Plumm et al. (2010), current findings show victim blame was higher when gay panic manipulations were presented as insanity, in addition to provocation. These findings represent a larger pattern of blaming stereotyped victims for their victimization. For

example, findings by White and Yamawaki (2009) showed that male rape victims were blamed more when they identified as gay. Results are also consistent with hate crime literature in which victims are viewed as at least somewhat responsible for their victimization (Craig & Waldo, 1996) and, similar to rape victims, are even viewed as deserving of their attack (Herek, 1994). Because victim blame attribution leads to an observed leniency effect with sentencing recommendations (e.g., Cramer et al., 2010; Cramer et al., 2014), this picture is not promising for gay victims of crime. Current results lend support for the idea that blaming victims in gay panic cases may serve as a catalyst to the defense being effective.

In understanding the blame and responsibility attribution process, it is equally important to consider the defendant. In terms of defendant responsibility, participants in the gay panic as provocation condition attributed significantly higher ratings than in the insanity condition. The observed trend may be due to the nature of the defense in general, as a provocation or self-defense claim asks jurors to also consider the actions of another party. Rather, in insanity cases the jury is only asked to consider the mental state of the defendant alone. Another viable explanation commensurate with this idea lies in the blame attribution model presented by Cramer et al. (2013), in which perceived victim malice was observed to affect decisional outcomes. In cases of gay panic when jurors are asked to consider both parties' behavior, the same-sex advance can be construed as malicious and therefore, may provide rationale for our findings.

Homonegativity. Results of the present study provide additional support (Kraus & Ragatz, 2011) for the notion gay panic defenses may be, in part, fueled by prejudicial beliefs against persons of sexual minority status. Those higher in homonegativity were

shown to assign higher ratings of victim blame, lower defendant responsibility, and more lenient verdicts in both gay panic conditions. Similar to what is observed in the hate crime literature (e.g., Cramer et. al 2013; Plumm et al. 2010), levels of homonegativity impact the level of culpability assigned to the victim. As articulated by Tomei and Cramer (in press), modern prejudice theory may aid in understanding the varying success of gay panic arguments. Sears and Henry (2005) argue that past overt forms of discrimination (e.g., segregation) are viewed negatively due to current cultural norms and therefore, modern prejudice is expressed in a much more subtle or covert manner. However, prejudicial beliefs still exist, but the expression of such beliefs are often at odds with societal norms. The justification-suppression model (Crandall & Eshleman, 2003) posits that individuals are motivated to suppress their prejudicial beliefs to comply with cultural norms, but expression without societal repercussions become possible when some sort of justification exists (e.g., attribution, ideologies, stereotypes).

Drawing from the justification-suppression model, it may be that in cases of gay panic a context is created in which prejudice can be openly expressed via leniency on the defendant (Tomei & Cramer, in press). Jurors can rationalize their expressions of prejudice by relying on the arguments the defendant was provoked and, in turn, blame the victim for the crime. Preliminary support for this notion is provided by current findings and Plumm et al. (2010), as mock jurors were shown to blame the victim more following a sexual advance. Findings regarding the perception of victim malice by Cramer et al. (2013) also provide support for how the justification-suppression model may be at work. The sexual advance in gay panic cases could be perceived as malicious, especially by jurors high in homonegativity, enabling jurors to express prejudicial beliefs about sexual

minority persons openly. Therefore, it is possible cases of gay panic represent an arena in which legalized discrimination can occur without societal repercussions.

Political Orientation. Congruent with previous research (Salerno et al., 2013), political orientation of participants did play a role in verdict decision making, as Republicans were more likely than those who identified as Independent/other to render more severe verdicts. Findings align with previous research indicating political conservatives, or those who have right-wing authoritarian beliefs, tend to be more punitive in legal decision making, as they are more likely to render guilty verdicts (e.g., Boehm, 1968; Bray & Nobel, 1978; Patterson, 1986; Moran & Comfort, 1982; Werner, Kagehiro & Strube, 1982) and recommend longer sentences (e.g., Boehm, 1968; Bray & Noble, 1978; Shaffer, Plummer, & Hammock, 1986). However, the observed pattern reverses in the context of gay panic as provocation, as Republicans in this condition were more likely to find the defendant not guilty. In other words, Republicans responding to gay panic became more lenient on the defendant. Similar to jurors high in homonegativity, it is possible the justification-suppression model played a role. Seeing as how conservative political beliefs are associated with negative reactions to same-sex sexual behavior (e.g., Haider-Markel & Joslyn, 2008), Republicans' prejudice toward gay men may be amplified by the provocation aspect, serving as a justification for the expression of a prejudiced ideology.

Implications for Policy and Legal Strategy

Implications from the present study may be relevant to future criminal law policies and practices. When considering trial strategy, current findings suggest defense attorneys may have empirical backing to carefully utilize a gay panic argument,

particularly when arguing their client was provoked. However, findings also indicate the leniency effect shown in cases of gay panic is influenced by sexual prejudice against gay men. From a social psychological model of anti-gay prejudice (Herek et al., 2009), legal policies and defenses like gay panic are considered societally endorsed enacted stigma, driving a bevy of negative outcomes for sexual minority persons (e.g., fear of discrimination, poor mental health). Consequently, advocacy and policy efforts (e.g. Assembly Bill No. 2501, 2014) to eliminate the defense also have theoretical and empirical grounding. However, much of the United States currently leaves the door open for gay panic to be utilized and therefore, immediate changes in trial policies and procedures are a primary step to combat a defense that draws upon prejudicial beliefs.

Rather than completely eliminating the defense, a direct instruction given to jurors prior to the initiation of the trial may help override biases against sexual minority persons in the short term. The effectiveness of jury instruction, specifically in cases of gay panic, has been supported by Kraus and Ragatz (2011), as male participants provided more lenient sentence length ratings when no jury instructions were provided. Rather than naturally relying on emotion and stereotypes, jurors would be asked to consider the evidence at hand in a more rational and reasonable manner. Consistent with the aforementioned justification-suppression model (Crandall & Eshleman, 2003), jurors would also be informed beforehand that gay panic is not an acceptable forum in which to express prejudicial beliefs. Courts can look to California's Gwen Araujo Justice for Victim Act (2006) for guidance regarding how judges can appropriately navigate initial instructions to jurors. For example, a judge could provide a similar statement to all jurors such as, "The case you are about to hear includes information about both the defendant

and the victim's sexual orientation. Although you may have various feelings related to sexuality, you are not to allow bias based on sexual orientation or gender identity to influence your decision. Instead, decisions should be based only upon the evidence presented" (Tomei & Cramer, in press).

In addition to new legislative policies, judges can also be provided with training on how to minimize the effect of sexual prejudice in the courtroom. Given our findings, judicial training could begin with basic psychoeducation regarding homonegativity and how it plays out in court, particularly in cases of gay panic. More advanced topics could include a discussion of gay panic as a faulty psychiatric disorder and therefore, a violation of the *Daubert* standard (1993). Given that gay panic is unsubstantiated in the mental health field, judges would be advised that evidence of gay panic from the defense should not be admitted in court when considering *Daubert* criteria. With this training, judges could act as gatekeepers in jurisdictions where gay panic is allowed, by limiting what is presented for support in trial. For instance, defense expert witnesses claiming the defendant suffered from gay panic should be ruled as inadmissible.

Prior to significant legislative changes and judicial training taking place, attorneys need to be advised regarding the faulty underpinnings of gay panic and potential juror characteristics that may shape how the defense operates. Trial consultants, who are often social scientists, can aid in these goals. Recently, the American Bar Association (2013) has expressed concern over the use of gay panic in criminal proceedings. Therefore, a training seminar or continuing education course for lawyers working in the criminal law arena may educate those who encounter the defense about the lack of validity of gay panic. Further, consultation about ways to contest the defense

could be offered. For instance, trial consultants could offer useful information that could be used by attorneys during jury selection and in selecting expert witnesses to testify.

Much research has been devoted to testing how jurors view different courtroom elements and what juror characteristics are at play in decision making. Trial consultants bring expertise on these factors and illustrate how they shape the process of assessing trial information (Cramer & Brodsky, 2014). For instance, consultants aware of the literature on gay panic can aid attorneys in deselecting highly biased jurors. Present findings in conjunction with past research (Kraus & Ragatz, 2011; Salerno et. al, 2013) indicate both homonegativity and political orientation are important factors that should be assessed during voir dire. Many psychometrically sound scales are available to assess these constructs (e.g., Modern Homonegativity Scale – Gay Men, Morrison & Morrison, 2002). Additionally, simply asking jurors about their political orientation may provide crucial evidence as to how they may perceive case facts and arguments. Therefore, trial consultants could aid in the development of voir dire questions and provide consultation regarding who to strike, or de-select from the jury, based on responses.

Lastly, Perkiss (2013) suggests that the success of gay panic can be hindered by addressing its validity throughout the trial process. Recalling that jury education is one function of the jury selection process (Lieberman & Sales, 2013), attorneys can consistently stress to jurors how gay panic has no substantive link to mental illness or behavior. Further, expert witness testimony and opening and closing arguments provide opportunities for attorneys to inform jurors that no data supports a connection between a same-sex advance and violent retaliatory behavior. Expert witnesses and attorneys alike can utilize Kempf's (1920) original hypothesis for backing. Although a defendant can

argue gay panic was present in their mind, drawing upon the science behind the defense strategy will exemplify how criminal behavior should not be excusable or justifiable on any level.

Limitations and Future Directions

The question of ecological validity in jury research has been highlighted for quite some time (e.g., Bornstein, 1999; Diamond, 1997) and has raised several important issues which may have limited the current findings. Although successful in attaining a fairly representative potential jury panel, the methodology in the present study is susceptible to typical critiques of jury research including a lack of deliberation and a lack of real-world evidence presentation. A body of literature suggests the group process may influence the way evidence is considered and how ultimate case outcomes are generated (e.g., Kerwin & Shaffer, 1994; MacCoun & Kerr, 1988; Salerno & Diamond, 2010). Therefore, future research examining gay panic should also include a deliberation component to explore whether or not a shift occurs from the individual to group context. Keeping the idea of modern prejudice expression in mind (e.g. Sears & Henry, 2005), effects observed may potentially be washed out, as the group aspect may not invite one to act upon stereotypical beliefs of GLBT victims of crime. In addition, the present study lacked comparable trial presentations to what would occur in a real-world situation. Literature highlights how juror decision making can be impacted by the visual presentation of evidence (e.g., Brekke, Enko, Clavet, & Sellau 1991; Bright & Goodman-Delahunty, 2011; Hastie, Penrod, & Pennington, 1983). As a result, future exploration should utilize more than a simple vignette and instead, employ strategies such as showing a video of the crime or presenting gruesome evidence of the altercation.

It is also of interest how different types of criminal acts may be viewed by jurors when gay panic is argued. The present study and Plumm et al. (2010) only examined how jurors interpreted gay panic within an assault case. Likewise, Salerno et al. (2014) and Kraus and Ragatz (2011) presented mock jurors with vignettes only depicting a homicide. Although gay panic is typically thought to be a violent crime, future directions point to a comparison with less severe criminal acts, such as verbal harassment or property crimes. Lastly, the culmination of past and current research has highlighted several juror characteristics worthwhile to pursue as a trial consultant (e.g., homonegativity, political orientation). A recent meta-analysis conducted by Devine and Caughlin (2014) also points to authoritarianism as having a significant impact on judgments of guilt within the criminal setting. Thus, future investigation should examine how juror authoritarianism adds to the model of decision making presented via the current findings.

REFERENCES

- Aguiar, P., Vala, J., Correia, I., & Pereira, C. (2008). Justice in our world and in that of others: Belief in a just world and reactions to victims. *Social Justice Research*, 21(1), 50-68. doi:10.1007/s11211-007-0059-3
- Alicke, M.D. (2000). Culpable control and the psychology of blame. *Psychological Bulletin*, 126, 446–574. doi:10.1037/0033-2909.126.4.556
- Amacker, A. M., & Littleton, H. L. (2013). Perceptions of Similarity and Responsibility Attributions to an Acquaintance Sexual Assault Victim. *Violence Against Women*, 19(11), 1384-1407. doi:10.1177/1077801213514860
- American Bar Association, Criminal Justice Section. (2013). *Report from the American Bar Association House of Delegates' Annual Meeting*. Retrieved from http://www.americanbar.org/content/dam/aba/directories/policy/2013_hod_annual_meeting_113A.docx-23k-2013-08-22
- American Psychiatric Association. (1952). *Diagnostic and statistical manual of mental disorders*. Washington, DC: Author.
- Assembly Bill No. 2501. Amendment to California Penal Code, §192. (2014, September 27).
- Bates, J. A., & Lanza, B. A. (2013). Conducting psychology student research via the Mechanical Turk crowdsourcing service. *North American Journal of Psychology*, 15(2), 385-394. doi:10.2139/ssrn.2377016
- Bell, S. T., Kuriloff, P. J., & Lottes, I. (1994). Understanding attribution of blame in stranger rape and date rape situation: An examination of gender, race, identification and student social perception of rape victim. *Journal of Applied*

- Social Psychology*, 24(19), 719–734. doi:10.1111/j.1559-1816.1994.tb01571.x
- Boehm, V. (1968). Mr. Prejudice, Miss Sympathy, and the authoritarian personality: An application of psychological measuring techniques to the problem of jury bias. *Wisconsin Law Review*, 3, 734-750.
- Bornstein, B. H. (1999). The ecological validity of jury simulations: is the jury still out?. *Law & Human Behavior*, 23(1), 75-91. doi:10.1023/a:1022326807441
- Bray, R. M., & Noble, A. M. (1978). Authoritarianism and decisions of mock juries: Evidence of jury bias and group polarization. *Journal of Personality and Social Psychology*, 36, 1424-1430.
- Brekke, N. J., Enko, P. J., Clavet, G., & Sellau, E. (1991). Of juries and court-appointed experts: The impact of nonadversarial versus adversarial expert testimony. *Law and Human Behavior*, 15(5), 451-475. doi:10.1037/h0093997
- Bright, D. A., & Goodman-Delahunty, J. (2004). The Influence of Gruesome Verbal Evidence on Mock Juror Verdicts. *Psychiatry, Psychology and Law*, 11(1), 154-166. doi:10.1375/1321871041335984
- Buhrmester, B., Kwang, T., & Gosling, S. D. (2011). Amazon's mechanical turk; A new source of inexpensive, yet high quality data? *Perspectives on Psychological Science*, 6(1), 3–6. doi: 10.1177/1745691610393980
- Casler, K., Bickel, L., & Hackett, E. (2013). Separate but equal? A comparison of participants and data gathered via Amazon's MTurk, social media, and face-to-face behavioral testing. *Computers In Human Behavior*, 29(6), 2156-2160. doi:10.1016/j.chb.2013.05.009
- Cohen, J., Cohen, P., West, S. G., & Aiken, L. S. (2003). *Applied multiple*

regression/correlation analysis for the behavioral sciences. Mahwah, NJ:

Lawrence Erlbaum, Inc.

Craig, K. M., & Waldo, C. R. (1996). 'So what's a hate crime anyway?' Young adults' perceptions of hate crimes, victims, and perpetrators. *Law and Human Behavior*, 20(2), 113–129. doi:10.1007/BF01499350

Cramer, R. J., & Brodsky, S. L. (2014). Bringing psychology to the courtroom and vice versa: Conceptualization and Design of a course in trial consulting. *Journal of Forensic Psychology Practice*, 14, 145-157. doi: 10.1080/15228932.2014.897538

Cramer, R. J., Chandler, J. F., & Wakeman, E. E. (2010). Blame attribution as a moderator of perceptions of sexual orientation-based hate crimes. *Journal of Interpersonal Violence*, 25(5), 848-862. doi:10.1177/0886260509336962

Cramer, R. J., Clark, J. W., Kehn, A., Burks, A. C., & Wechsler, H. J. (2014). A mock juror investigation of blame attribution in the punishment of hate crime perpetrators. *International Journal of Law And Psychiatry*, 37(6), 551–557. doi:10.1016/j.ijlp.2014.02.028

Cramer, R. J., Gorter, E. L., Rodriguez, M. C., Clark, J. W., Rice, A. K., & Nobles, M. R. (2013). Blame attribution in court: Conceptualization and measurement of perpetrator blame. *Victims & Offenders*, 8(1), 42-55. doi:10.1080/15564886.2012.745458

Cramer, R. J., Nobles, M. R., Amacker, A. M., & Dovoedo, L. (2013). Defining and evaluating perceptions of victim blame in antigay hate crimes. *Journal of Interpersonal Violence*, 28(14), 2894–2914. doi:10.1177/0886260513488687

Crandall, C. S., & Eshleman, A. (2003). A justification-suppression model of the

expression and experience of prejudice. *Psychological Bulletin*, 129(3), 414-446.

doi:10.1037/0033-2909.129.3.414

Crimes Act, 43 N.Z. §169 (1961).

Crimes (Provocation Repeal) Amendment Act, 64 N.Z. § 4 (2009).

Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S., 113 S. Ct. 2786 (1993).

Devine, D. J., & Caughlin, D. E. (2014). Do they matter? A meta-analytic investigation of individual characteristics and guilt judgments. *Psychology, Public Policy, And Law*, 20(2), 109-134. doi:10.1037/law0000006

Diamond, S. (1997). Illuminations and Shadows from Jury Simulations. *Law and Human Behavior*, 21(5), 561–571. doi:10.1023/a:1024831908377

Fitz-Gibbon, K. (2012). Provocation in New South Wales: The need for abolition.

Australian and New Zealand Journal Of Criminology, 45(2), 194-213.

doi:10.1177/0004865812443681

Forsythe, S. & Miller, M.K. (2014). Novel defenses in the courtroom. *The Jury Expert*, 26 (3). Retrieved from <http://www.thejuryexpert.com/2014/08/novel-defenses-in-the-courtroom/#comment-31330>

Freedman, M. (1971). *Homosexuality and psychological functioning*. Belmont, CA:

Brooks/Cole. doi:10.1037/0011003

Freedman, J. L., Krismer, K., MacDonald, J. E., & Cunningham, J. A. (1994). Severity of penalty, seriousness of the charge, and mock jurors' verdicts. *Law and Human Behavior*, 18(2), 189-202. doi:10.1007/BF01499015

Gonsiorek, J.C. (1982). Results of psychological testing on homosexual populations.

American Behavioral Scientist, 25(4), 385-396.

doi:10.1177/000276482025004004

Gudjonsson, G. H. (1984). Attribution of blame for criminal acts and its relationship with personality. *Personality and Individual Differences*, 5(1), 53–58. doi:10.

1016/0191-8869(84)90137-5

Gwen Araujo Justice for Victim Act, AB 1160 (2006).

Haider-Markel, D. P., & Joslyn, M. R. (2008). Beliefs about the origins of homosexuality and support for gay rights: An empirical test of attribution theory. *Public Opinion Quarterly*, 72(2), 291-310. doi:10.1093/poq/nfn015

Harrington, E. (2009, March). *Provocation as a murder defense: An analysis of appellate cases involving homosexual or “gay panic”*. Poster presented at the annual American Psychology-Law Society Conference, San Antonio, TX.

Herek, G. M. (1994). Heterosexism, hate crimes, and the law. In M. Costanzo, & S. Oskamp (Eds.), *Violence and the law* (pp. 89–112). Thousand Oaks, CA: Sage Publications, Inc.

Herek, G.M. (2009). Hate crimes and stigma- related experiences among sexual minority adults in the United States. *Journal of Interpersonal Violence*, 24, 54–74.

Hooker, E. (1957). The adjustment of the male overt homosexual. *Journal of Projective Techniques*, 21(1), 18-31. doi:10.1080/08853126.1957.10380742

Horton, J., Rand, D., & Zeckhauser, R. (2011). The online laboratory: conducting experiments in a real labor market. *Experimental Economics*, 14(3), 399-425. doi:10.1007/s10683-011-9273-9

- Kempf, E. J. (1920). The psychopathology of the acute gay panic. Acute pernicious dissociation neuroses. In *Psychopathology* (pp. 477-515). St Louis, MO US: C V Mosby Co. doi:10.1037/10580-010.
- Kerr, N. (1975). Severity of prescribed penalty and mock jurors' verdicts. *Journal of Personality and Social Psychology*, 36, 1431-1442.
- Kerr, N. (1993). Stochastic models of juror decision making. In R. Hastie (Ed.), *Inside the juror: The psychology of juror decision making* (pp. 116–135). New York, NY: Cambridge University Press.
<http://dx.doi.org/10.1017/CBO9780511752896.007>
- Kerwin, J., & Schaffer, D. R. (1994). Mock jurors versus juries: The role of deliberations in reactions to inadmissible testimony. *Personality and Social Psychology Bulletin*, 20(2), 153-162. doi:10.1177/0146167294202002
- Kraus, S. W., & Ragatz, L. L. (2011). Gender, jury instructions, and homophobia: What influence do these factors have on legal decision making in a homicide case where the defendant used the homosexual panic defense? *Criminal Law Bulletin*, 47, 237–256.
- Lee, C. (2003). *Murder and the reasonable man: passion and fear in the criminal courtroom*. New York: New York University Press.
- Lee, C. (2008) The Gay Panic Defense. *UC Davis Law Review*, 42, 471-566. Retrieved from
http://scholarship.law.gwu.edu/cgi/viewcontent.cgi?article=1796&context=faculty_publications

- Lee, C. (2013). Masculinity on trial: Gay panic in the criminal courtroom. *Southwestern Law Review*, 42(4), 817-831. Retrieved from http://www.swlaw.edu/pdfs/lr/42_4_lee.pdf
- Lieberman, J.D., & Sales, B.D. (2007). *Scientific Jury Selection*. Washington, DC, US: American Psychological Association.
- Lerner, M. J. (1980). *The belief in a just world: A fundamental delusion*. New York, NY: Plenum Press. doi:10.1007/978-1-4899-0448-5
- MacCoun, R. J., & Kerr, N. L. (1988). Asymmetric influence in mock jury deliberation: Jurors' bias for leniency. *Journal of Personality and Social Psychology*, 54(1), 21-33. doi:10.1037//0022-3514.54.1.21
- McComas, W. C., & Noll, M. E. (1974). Effects of seriousness of charge and punishment severity on the judgments of simulated jurors. *The Psychological Record*, 24(4), 545-547.
- Melton, G. B., Petrila, J., Poythress, N. G., Slobogin, C., Lyons, P. J., & Otto, R. K. (2007). *Psychological evaluations for the courts: A handbook for mental health professionals and lawyers (3rd ed.)*. New York, NY, US: Guilford Press.
- Michigan v. Schmitz, 231 Mich. App. 521; 586 N.W.2d 766 (1998).
- Mison, R. (1992). Homophobia in manslaughter: The homosexual advance as insufficient provocation. *California Law Review*, 80(1), 133-178. doi:10.2307/3480817
- Moran, G., & Comfort, J. C. (1982). Scientific juror selection: Sex as a moderator of demographic and personality predictors of impaneled felony juror behavior. *Journal of Personality and Social Psychology*, 43, 1052-1063.

- Morrison, M. A., & Morrison, T. G. (2002). Development and validation of a scale measuring modern prejudice toward gay men and lesbian women. *Journal of Homosexuality*, 43(2), 15–37. doi: 10.1300/J082v43n02_02
- Nichols, J. (August, 2013). American bar association votes to curtail use of “gay panic”/“trans panic” defense. *Huffington Post*. Retrieved from http://www.huffingtonpost.com/2013/08/16/american-bar-association-gay-panic_n_3769149.html
- Page, C. (1999, May). Jenny Jones Case Twisted Justice. *Orlando Sentinel*. Retrieved from http://articles.orlandosentinel.com/1999-05-13/news/9905120533_1_jenny-jones-homosexuality-schmitz
- Patterson, A. H. (1986). Scientific jury selection: The need for a case specific approach. *Social Action and the Law*, 11, 105-109.
- Paulat, L. (2014, October, 1). California becomes first state to outlaw gay panic defense. *Care2, Inc*. Retrieved from <http://www.care2.com/causes/california-becomes-first-state-to-outlaw-gay-panic-defense.html>
- People v. Rodriguez, 64 Cal. Rptr. 253, 255 (1967).
- Perkiss, D.A. (2013). A new strategy for neutralizing the gay panic defense at trial: Lessons from the Lawrence King case. *UCLA Law Review*, 60, 779-824. Retrieved from <http://www.uclalawreview.org/?p=4263>
- Plumm, K. M., Terrance, C. A., Henderson, V. R., & Ellingson, H. (2010). Victim blame in a hate crime motivated by sexual orientation. *Journal of Homosexuality*, 57(2), 267–286. doi:10.1080/00918360903489101

- Risling, G. (2011, November 21). Brandon McInerney: pleads guilty in murder case of fellow student, Larry King. *The Huffington Post*. Retrieved from:
<http://content.time.com/time/nation/article/0,8599,2090287,00.html>
- Rostrow, A. (2006, July 7). N.Y., Calif. Target “gay panic” defense. *PlanetOut Network*.
 Retrieved from
<http://www.planetout.com/news/election/article.html?2006/07/07/1>
- Roth, L. & Blayden, L. (2012). Provocation and self-defence in intimate partner and sexual advance homicides. NSW Parliamentary Research Service Briefing Paper No 5/2012. Retrieved from
<https://www.parliament.nsw.gov.au/prod/parlment/publications.nsf/key/Provocationandself-defenceinintimatepartnerandsexualadvancehomicides>
- Saillant, C. (2011, September 2). Mistrial Declared in Slaying of Gay Oxnard Teen. *The Los Angeles Times*. Retrieved from
<http://articles.latimes.com/2011/sep/02/local/la-me-0902-gay-student-20110902>
- Saillant, C. (2011, November 22). Gay Teen’s Killer Takes 21-Year Deal. *The Los Angeles Times*. Retrieved from <http://articles.latimes.com/2011/nov/22/local/la-me-1122-gay-shooting-20111122>
- Salerno, J. M., & Diamond, S. S. (2010). The promise of a cognitive perspective on jury deliberation. *Psychonomic Bulletin & Review*, 17(2), 174-179.
 doi:10.3758/PBR.17.2.174
- Salerno, J. M., Najdowski, C. J., Bottoms, B. L., Harrington, E., Kemner, G., & Dave, R. (2014). Excusing Murder? Conservative Jurors’ Acceptance of the Gay-Panic Defense. *Psychology, Public Policy, And Law*, doi:10.1037/law0000024

- Sears, D.O., & Henry, P.J. (2005). *Over thirty years later: A contemporary look at symbolic racism*. In M.P. Zanna (Ed.), *Advances in experimental social psychology* (Vol. 37, pp. 95–150). San Diego, CA: Elsevier.
- Shaffer, D. R., Plummer, D., & Hammock, G. (1986). Hath he suffered enough? Effects of jury dogmatism, defendant similarity, and pretrial suffering on juridic decisions. *Journal of Personality and Social Psychology*, 50, 1059-1067.
- Shaver, K. G. (1985). *The attribution of blame: Causality, responsibility, and blameworthiness*. New York: Springer-Verlag.
- Shaver, K. G., & Drown, D. (1986). On causality, responsibility, and self-blame: A theoretical note. *Journal of Personality and Social Psychology*, 50(4), 697–702.
doi:10.1037/0022-3514.50.4.697
- Suffredini, K.S. (2001) Pride and prejudice: the gay panic defense. *Boston College Third World Law Journal*, 21(2), 279-314. doi:10.1037/e538452010-006
- Tex. Penal Code Ann. §22 (2003).
- Tomei, J. & Cramer, R. J. (in press). Legal policies in conflict: The gay panic defense and hate crime legislation. *Journal of Forensic Psychology Practice*, 16(4).
- United Press International (2011, April 21). 'Gay panic' defense law to be invoked. *U.S. News*. Retrieved from http://www.upi.com/Top_News/US/2011/07/21/Gay-panic-defense-law-to-be-invoked/UPI-38001311265772/
- U.S. Department of Commerce Economics and Statistics Administration, U.S. Census Bureau) (Cartographer). (n.d.). Census regions and divisions of the United States

[Demographic Map]. Retrieved from https://www.census.gov/geo/maps-data/maps/pdfs/reference/us_regdiv.pdf

- Wall, B. W. (2000). Criminal responsibility, diminished capacity, and the gay panic defense. *Journal of The American Academy Of Psychiatry and The Law*, 28, 454-459. Retrieved from <http://www.jaapl.org.ezproxy.shsu.edu/content/28/4/454.short>
- Watkins, T. (2011). *Mistrial Declared in CA Gay Student Killing Trial*, YAHOO NEWS (Sept. 2, 2011), <http://news.yahoo.com/mistrial-declared-ca-gay-student-killing-trial-231913063.html>.
- Werner, C. M., Kagehiro, D. K., & Strube, M. J. (1982). Conviction proneness and the authoritarian juror: Inability to disregard information or attitudinal bias? *Journal of Applied Psychology*, 67, 629-636.
- White, S., & Yamawaki, N. (2009). The Moderating Influence of Homophobia and Gender-Role Traditionality on Perceptions of Male Rape Victims. *Journal of Applied Social Psychology*, 39(5), 1116-1136. doi:10.1111/j.1559-1816.2009.00474.x

APPENDIX A

Demographic Questions: Please fill in the information about yourself in 1 – 12 below. This information is used purely for research purposes. **No information will be used to identify you as an individual.**

1. Age: _____

2. Gender:

| | |
|----------------|-------|
| Male | _____ |
| Female | _____ |
| Male-to-Female | _____ |
| Female-to-Male | _____ |

3. Race (check all that apply)

| | |
|------------------|-------|
| Caucasian | _____ |
| African-American | _____ |
| Asian-American | _____ |
| Latin-American | _____ |
| Native American | _____ |
| Biracial | _____ |
| Other (specify) | _____ |

4. Ethnicity

Are you of Hispanic, Latino, or Spanish origin?

| | |
|--|-------|
| No, not of Hispanic, Latino, or Spanish origin | _____ |
| Yes, Mexican, Mexican American, Chicano | _____ |
| Yes, Puerto Rican | _____ |
| Yes, Cuban | _____ |
| Yes, another Hispanic, Latino, or Spanish origin (specify) | _____ |

5. Religion (check all that apply)

| | |
|--------------------|-------|
| Southern Baptist | _____ |
| Protestant (Other) | _____ |
| Catholic | _____ |
| Jewish | _____ |
| Muslim | _____ |
| Other (specify) | _____ |
| None | _____ |

APPENDIX B

Modern Homonegativity Scale – Gay Men (MHS-G; Morrison & Morrison, 2002)

Instructions: Please rate the statements below on the following 5-point scale. Place your answers to the left of the item number.

- 1= strongly disagree
- 2= disagree
- 3= don't know
- 4= agree
- 5= strongly agree

- _____ 1. Many gay men use their sexual orientation so that they can obtain special privileges.
- _____ 2. Gay men seem to focus on the ways in which they differ from heterosexuals, and ignore the ways in which they are the same.
- _____ 3. Gay men do not have all the rights they need.*
- _____ 4. The notion of universities providing students with undergraduate degrees in Gay and Lesbian Studies is ridiculous.
- _____ 5. Celebrations such as “Gay Pride Day” are ridiculous because they assume that an individual’s sexual orientation should constitute a source of pride.
- _____ 6. Gay men still need to protest for equal rights.*
- _____ 7. Gay men should stop shoving their lifestyle down other people’s throats.
- _____ 8. If gay men want to be treated like everyone else, then they need to stop making such a fuss about their sexuality/culture.
- _____ 9. Gay men who are “out of the closet” should be admired for their courage.*
- _____ 10. Gay men should stop complaining about the way they are treated in society, and simply get on with their lives.
- _____ 11. In today’s tough economic times, American tax dollars shouldn’t be used to support gay men’s organizations.
- _____ 12. Gay men have become far too confrontational in their demand for equal rights.

* Indicates items to be reverse scored

APPENDIX C

Mock Juror Vignettes

1. Gay Panic as Provocation Condition

*The defendant, 35-year-old Robert Coleman, and the victim, 32-year-old John Kaslov, were acquaintances who met at a bar one evening by chance. They began drinking together and talking. As the bar was closing, the two men drove to the store for a package of cigarettes. There is no evidence to suggest that either Mr. Coleman or Mr. Kaslov had blood alcohol content (BAC) levels above the legal limit when they left the bar. After parking the car on a side road, the two began smoking their cigarettes. According to the defendant, at approximately 3:00 a.m. the victim insulted the defendant's wife. Then the victim made an advance on the defendant, putting his hand on the defendant's thigh and trying to kiss him. The victim started yelling at the defendant and a fight ensued. The defendant grabbed a flashlight and hit the victim several times, severely injuring him. The defense utilized a **provocation defense** and argued that the victim's behavior (i.e.: the insult, the advance, and yelling) provoked the defendant to lose control and panic, and that is why he struck the victim.*

2. Non-Gay Panic Control Condition

The defendant, 35-year-old Robert Coleman, and the victim, 32-year-old John Kaslov, were acquaintances who met at a bar one evening by chance. They began drinking together and talking. As the bar was closing, the two men drove to the store for a package of cigarettes. There is no evidence to suggest that either Mr. Coleman or Mr. Kaslov had blood alcohol content (BAC) levels above the legal limit when they left the bar. After parking the car on a side road, the two began smoking their cigarettes. According to the defendant, at approximately 3:00 a.m. the victim insulted the defendant's wife. The victim started yelling at the defendant and a fight ensued. The defendant grabbed a flashlight and hit the victim several times, severely injuring him.

3. Gay Panic as Insanity Condition

The defendant, 35-year-old Robert Coleman, and the victim, 32-year-old John Kaslov, were acquaintances who met at a bar one evening by chance. They began drinking together and talking. As the bar was closing, the two men drove to the store for a package of cigarettes. There is no evidence to suggest that either Mr. Coleman or Mr. Kaslov had blood alcohol content (BAC) levels above the legal limit when they left the bar. After parking the car on a side road, the two began smoking their cigarettes. According to the defendant, at approximately 3:00 a.m. the victim insulted the defendant's wife. Then the victim made an advance on the defendant, putting his hand on the defendant's thigh and trying to kiss him. The victim started yelling at the defendant and a fight ensued. The defendant grabbed

*a flashlight and hit the victim several times, severely injuring him. The defense utilized **the insanity defense** and argued the victim's advance led the defendant into a violent rage in which he lost control, panicked, and did not realize his actions were wrong.*

APPENDIX D

For All Conditions:

Manipulation Check:

True or False: The defendant in this case raised the insanity defense?

True

False

Verdict:

Please answer the following questions given the information presented in the above vignette and the legal criteria listed below.

Assault (Misdemeanor) Requirements: A person commits this offense if the person:

1. *Intentionally, knowingly, or recklessly causes bodily injury to another,*
2. *Intentionally or knowingly threatens another with imminent bodily injury, or*
3. *Intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative*

Aggravated Assault (Felony) Requirements: A person commits this offense if the person commits assault (as defined above) and the person:

1. *Causes serious bodily injury to another or*
2. *Uses or exhibits a deadly weapon during the commission of the assault*

Insanity Requirements: *It must be clearly proved that, at the time of the committing of the act, the party accused was laboring under such a defect of reason, from disease of mind, and did not know the nature and quality of the act he was doing; or if he did know it, that he did not know what he was doing what was wrong.*

Self-Defense Requirements: *The doctrine of self-defense provides that a defendant who kills or wounds another in just and necessary defense of his own life shall be guiltless; “just and necessary” being when a defendant’s belief of imminent danger and of need to repel that danger with deadly force is reasonable.*

Considering the legal criteria for assault (a misdemeanor) and aggravated assault (a felony) listed above, do you believe the defendant (Mr. Coleman) is:

- a. Guilty of assault (a misdemeanor)
- b. Guilty of aggravated assault (a felony)
- c. Not guilty (due to insanity or self-defense)

Moral Outrage:

Given the case scenario described, please read the statements below and indicate your level of agreement with each.

I feel morally outraged by what the defendant (Mr. Coleman) did to the victim (Mr. Kaslov).

| | | | | | | |
|-------------------|---|---|---|---|---|----------------|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 |
| Strongly Disagree | | | | | | Strongly Agree |

I feel morally outraged by what the victim (Mr. Kaslov) did to the defendant (Mr. Coleman).

| | | | | | | |
|-------------------|---|---|---|---|---|----------------|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 |
| Strongly Disagree | | | | | | Strongly Agree |

Responsibility:

Given the information in the vignette, please rate how *responsible* you believe the *victim* (Mr. Kaslov) is in the case on a scale of 1 to 10, 1 being “not at all” and 10 being “completely.” It is important that you use only the information above and answer honestly.

| | | | | | | | | | |
|------------|---|---|----------|---|---|-----------|---|---|------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Not at all | | | Somewhat | | | Very Much | | | Completely |

Given the information above, please rate how *responsible* you believe the *defendant* (Mr. Coleman) is for the crime on a scale of 1 to 10, 1 being “not at all” and 10 being “completely.” It is important that you use only the information above and answer honestly.

| | | | | | | | | | |
|------------|---|---|----------|---|---|-----------|---|---|------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Not at all | | | Somewhat | | | Very Much | | | Completely |

APPENDIX E

Directions: Please read the statements below and indicate your level of agreement with each.

- 1. The victim (Mr. Kaslov) is partly to blame for the action of the defendant (Mr. Coleman):**

| | | | | | | |
|-------------------|---|---|---|---|----------------|---|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 |
| Strongly Disagree | | | | | Strongly Agree | |

- 2. The actions of the defendant (Mr. Coleman) were reasonable:**

| | | | | | | |
|-------------------|---|---|---|---|----------------|---|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 |
| Strongly Disagree | | | | | Strongly Agree | |

- 3. The victim (Mr. Kaslov) should know to be more careful about approaching someone whose sexual orientation is unknown:**

| | | | | | | |
|-------------------|---|---|---|---|----------------|---|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 |
| Strongly Disagree | | | | | Strongly Agree | |

- 4. The actions of the defendant (Mr. Coleman) were the result of unwanted advances by the victim (Mr. Kaslov):**

| | | | | | | |
|-------------------|---|---|---|---|----------------|---|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 |
| Strongly Disagree | | | | | Strongly Agree | |

- 5. The defendant (Mr. Coleman) was provoked:**

| | | | | | | |
|-------------------|---|---|---|---|----------------|---|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 |
| Strongly Disagree | | | | | Strongly Agree | |

- 6. The actions of the defendant (Mr. Coleman) were justified:**

| | | | | | | |
|-------------------|---|---|---|---|----------------|---|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 |
| Strongly Disagree | | | | | Strongly Agree | |

- 7. The victim (Mr. Kaslov) deserved it:**

| | | | | | | |
|-------------------|---|---|---|---|----------------|---|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 |
| Strongly Disagree | | | | | Strongly Agree | |

APPENDIX F

Opinion on Novel Defense Strategies Questionnaire

| Type of Novel Defense Strategy | Description of defense as seen by respondent |
|---|---|
| Amnesia | Amnesia is a condition in which the defendant has complete or partial memory loss of the crime. For instance, a person may claim that they “blacked out” and do not remember committing the crime. Thus, the defendant claims that he should be found not guilty or receive a lesser sentence because of his amnesia. |
| Post-Traumatic Stress Disorder | Post-traumatic stress disorder is the development of various severe symptoms after being exposed to a traumatic event. For instance, a war veteran may experience trauma during war. After he returns from war, he has symptoms such as flashbacks, nightmares, diminished responsiveness to the world, and over alertness. Hearing a noise such as firecrackers or a car backfiring may cause him to have a flashback and believe that someone is shooting at him. This may cause him to shoot a gun and injure someone. Thus, the defendant claims that he should be found not guilty or receive a lesser sentence because of his post-traumatic stress disorder. |
| Battered Woman Syndrome | Battered women’s syndrome is a group of symptoms that a woman may experience as a result of the trauma of being repeatedly abused by her spouse over time. She may injure or kill her spouse, sometimes even when he is not immediately abusing her (e.g., while he is sleeping). The defendant claims that she should be found not guilty or receive a lesser sentence because she was experiencing battered women’s syndrome. |
| Multiple Personality Disorder (also known as Dissociative Disorder) | Multiple personality disorder is a mental illness in which a person has more than one distinct personalities that take turns controlling his behavior. Thus, a defendant |

| | |
|------------------------|--|
| | may claim that his ‘other personality’ committed the crime, and thus he should be found not guilty or receive a lesser sentence because of his multiple personality disorder. |
| Post-partum Depression | Postpartum depression is a condition that a woman may suffer after she has a child. After giving birth, a woman may experience severe depression, which may lead her to injure her child, herself, or commit other crimes. The defendant claims that she should be found not guilty or receive a lesser sentence because of her post-partum depression. |
| Gay Panic | Gay panic refers to a situation in which a heterosexual individual loses control and commits a violent crime against a gay individual when faced with unwanted sexual advances. During the loss of control, it is argued the defendant was provoked, defending himself from possible gay rape, or became temporarily unable to distinguish right from wrong. |
| Twinkie Defense | The Twinkie Defense refers to a situation in which one changes their diet to include sugary food, altering their brain chemistry and causing them not to think clearly or rationally. |

Directions: Based on the descriptions above, please rate your level of agreement with each of the statements below.

| | Strongly Disagree | | | Strongly Agree | | |
|--|-------------------|---|---|----------------|---|--|
| 1. Amnesia – Do you agree that a defendant should be able to use this argument at trial in an attempt to get a not guilty verdict or a lesser sentence? | 1 | 2 | 3 | 4 | 5 | |
| 2. Amnesia – Do you believe that this condition actually exists? | 1 | 2 | 3 | 4 | 5 | |
| 3. Post Traumatic Stress Disorder – Do you agree that a defendant should be able to use this argument at trial in an attempt to get a not guilty verdict or a lesser sentence? | 1 | 2 | 3 | 4 | 5 | |
| 4. Post Traumatic Stress Disorder – Do you believe that this condition actually exists? | 1 | 2 | 3 | 4 | 5 | |
| 5. Battered Woman Syndrome - Do you agree that a defendant should be able to use this argument at trial in an attempt to get a not guilty verdict or a lesser sentence? | 1 | 2 | 3 | 4 | 5 | |
| 6. Battered Woman Syndrome - Do you believe that this condition actually exists? | 1 | 2 | 3 | 4 | 5 | |

| | | | | | |
|--|---|---|---|---|---|
| 7. Multiple Personality Disorder (also known as Dissociative Disorder): Do you agree that a defendant should be able to use this argument at trial in an attempt to get a not guilty verdict or a lesser sentence? | 1 | 2 | 3 | 4 | 5 |
| 8. Multiple Personality Disorder (also known as Dissociative Disorder): Do you believe that this condition actually exists? | 1 | 2 | 3 | 4 | 5 |
| 9. Post-partum Depression: Do you agree that a defendant should be able to use this argument at trial in an attempt to get a not guilty verdict or a lesser sentence? | 1 | 2 | 3 | 4 | 5 |
| 10. Post-partum Depression: Do you believe that this condition actually exists? | 1 | 2 | 3 | 4 | 5 |
| 11. Gay Panic: Do you agree that a defendant should be able to use this argument at trial in an attempt to get a not guilty verdict or a lesser sentence? | 1 | 2 | 3 | 4 | 5 |
| 12. Gay Panic: Do you believe that this condition actually exists? | 1 | 2 | 3 | 4 | 5 |
| 13. The Twinkie Defense: Do you agree that a defendant should be able to use this argument at trial in an attempt to get a not guilty verdict or a lesser sentence? | 1 | 2 | 3 | 4 | 5 |
| 14. The Twinkie Defense: Do you believe that this condition actually exists? | 1 | 2 | 3 | 4 | 5 |

APPENDIX G

SHSU IRB approval #: 2015-04-23603

Dear Participant,

You are being asked to participate in a research study aimed at learning more about judicial decision-making with respect to perceptions of crime. To be eligible, you must be jury-eligible citizen of the United States. Completing this questionnaire will take approximately 20 minutes.

By pressing on the link below, you will be provided more specific information about the study including potential risks or benefits to you for participating. If you consent, you will then be directed to the questionnaire. If you do not wish to participate, please close this window or browser page. If you wish to cease participation at any point during your completion of the questionnaire, you may simply close the window or browser page.

Thank you for your consideration.

Sincerely,

Jenna Tomei, M.S.
Department of Psychology
Sam Houston State University

APPENDIX H

You are being asked to participate in a research study. The following is information about the study. Please read the information below carefully and ensure you understand before deciding whether or not to take part in the study. Your participation is entirely voluntary and you can stop participation at any time. By clicking on the agreement below you are consenting to participation in the study.

Title of Research Study: Novel Defense Strategies Used in the Criminal Justice System

Principal Investigators:

Jenna Tomei, M.S., Sam Houston State University

Robert J. Cramer, Ph.D., Sam Houston State University

Purpose of this study: We are interested in learning more about jury decision-making in the context of criminal cases. Specifically, the survey asks for: a) demographic information such as age, race, sex, religion, sexual orientation, and political orientation, b) completion of a brief questionnaire about views on sexual orientation, c) a decision of guilty versus not guilty based on a brief vignette of a hypothetical court case, d) questions relating to the verdict decision, e) the completion of a questionnaire regarding legal attitudes and perceptions of blame regarding individuals in the hypothetical case, and f) completion of a brief questionnaire regarding novel legal defense strategies,.

Eligibility: You must be you must be a jury eligible citizen of the United States.

Time: Completing this study will take approximately 20 minutes of your time.

Possible discomfort or risk: There are minimal foreseeable risks to you.

Benefits: If you participate in this study, you may gain insight into your own beliefs and practices related to judicial decision-making. In addition, group data from this study will help to enlighten the scientific as well as legal communities about the nature of decision making in the courtroom. Such data has been shown to improve legislative decision making.

Rights as a Research Participant: You are free to withdraw your consent and stop participation in this research study at any time without penalty.

Privacy and confidentiality: Anonymously coded data is downloaded from the survey and kept on a secure server at Sam Houston State University. Moreover you are not required to provide any personally identifying information in the survey. In this way, responses cannot be traced back to you. Also, nobody beyond the research team will have access to your data.

Authorized persons from Sam Houston State University and members of the Protection of Human Subjects Committee have the legal right to review your research records and will protect the confidentiality of those records to the extent permitted by law. Your research records will not be released without your consent unless required by law or a court order.

If you have questions about your rights as a research participant, please contact Sharla Miles, Senior Administrative Assistant, Protection of Human Subjects Committee, Sam Houston State University, (936) 294-4875.

If you have any questions about the details of this research study, contact Jenna Tomei, M.S. via email at jlt046@shsu.edu.

APPENDIX I

Dear Participant,

You have participated in a study examining how jurors interpret a defense strategy known as the gay panic defense in criminal cases. Your valuable contribution is appreciated and will aid the scientific community in understanding judicial decision-making involving cases of gay panic that involve sexual minority members as victims. Such data may contribute to training and education for legal professionals in this area, as well as proposed changes in legislation.

Should you have other questions, please contact the primary investigator below.
Thank you for your time and assistance.

Sincerely,

Jenna Tomei, M.S.
Clinical Psychology Doctoral Student
Department of Psychology & Philosophy
Sam Houston State University
Huntsville, TX 77341
jlt046@shsu.edu

VITA

Jenna Tomei, M.S.

Education

- 2012 – Current** *Doctor of Philosophy (Clinical Psychology, with a forensic emphasis)*
 Dissertation: *Gay Panic: Legal Defense Strategy Gone Too Far?*
 (Defended 08/2016)
 Co-Chairs: Robert J. Cramer, Ph.D. and Marcus Boccaccini, Ph.D.
 Sam Houston State University
 Huntsville, Texas
- 2016 – Current** *Pre-doctoral Clinical Psychology Intern*
 Western State Hospital
 Lakewood, Washington
- 2012** *Master of Science (Clinical Psychology)*
 Thesis: *The Juvenile Adjudicative Competence Interview: Current Usage in Juvenile Competence to Stand Trial Evaluations*
 (Defended 06/2012)
 Chair: Nancy Ryba Panza, Ph.D.
 California State University, Fullerton
 Fullerton, California
- 2009** *Bachelors of Arts, with Honors (Major: Psychology, Minor: Psychology and Law)*
 Honors Thesis: *Effects of the “Monster Molester” Stereotype on Verdicts in Child Sexual Abuse Cases*
 Chair: Thomas Lyon, J.D., Ph.D.
 University of Southern California
 Los Angeles, California

Clinical Training

- 07/2015 – Present** **Clinic Coordinator**
Psychological Services Center, Sam Houston State University
 Huntsville, Texas
- Duties:*
- Complete telephone intake interviews of potential clients
 - Lead weekly clinic meetings
 - Assign cases to student clinicians
 - Facilitate group discussions on clinical and ethical issues

- Arrange weekly supervisor coverage
- Mediate clinic issues/concerns with student clinicians and faculty
- Serve as a peer supervisor
 - Train junior clinical doctoral students in clinic operating procedures
 - Provide consultation to junior clinical doctoral students
- Assist in day-to-day activities at the Psychological Services Center
- Monitor clinical client roster
- Conduct Quality Assurance reviews of all cases quarterly

Population: A diverse, low-income, multi-ethnic population of adults, adolescents, and children

Supervisors: Mary Alice Conroy, Ph.D., ABPP, Adam Schmidt, Ph.D., Craig Henderson, Ph.D., and Holly Miller, Ph.D.

09/2013 – Present Assistant Forensic Evaluator
Psychological Services Center, Sam Houston State University
 Huntsville, Texas

- Duties:*
- Conduct court-ordered evaluations (e.g., competency to stand trial, mental state at the time of the offense, fitness to proceed for juveniles) under the supervision of a board-certified evaluator
 - Discussion of case and case formulation with primary supervisor
 - Provide treatment recommendations
 - Co-author reports to be presented in court proceedings

Population: Justice-involved adults and juveniles, both incarcerated and residing in the community

Supervisor: Mary Alice Conroy, Ph.D., ABPP

09/2013 – Present Student Clinician
Psychological Services Center, Sam Houston State University
 Huntsville, Texas

- Duties*
- Provide individual and family psychotherapy using empirically supported treatments
 - Common diagnostic categories include: serious and persistent mental illnesses, substance use disorders, mood and anxiety disorders, personality disorders
 - Modalities include: Cognitive Behavioral Therapy (CBT),

- Dialectical Behavior Therapy (DBT), Motivational Interviewing (MI), and Interpersonal Therapy (IPT)
 - Engage in treatment planning, discharge planning, and suicide and violence risk management
- Consult with community providers and agencies to ensure client safety and continuity of care
- Conduct comprehensive psychological assessments
 - Common referral issues include: psychodiagnostic, learning and attentional disorders, eligibility for disability services
 - Measures include: the Wechsler Adult Intelligence Scales (WAIS-IV), the Wechsler Intelligence Scales for Children (WISC-IV), the Wechsler Abbreviated Scales of Intelligence – Second Edition (WASI-II), the Woodcock Johnson Tests of Achievement – Third Edition (WJ-III), the Woodcock Johnson Tests of Achievement – Fourth Edition (WJ-IV), the Wide Range Achievement Test – Fourth Edition (WRAT-4), the Minnesota Multiphasic Personality Inventory – Second Edition (MMPI-2), the Personality Assessment Inventory (PAI), the Millon Clinical Multiaxial Inventory – Third Edition (MCMI-III), the Behavior Assessment System for Children – Second Edition (BASC-2), the Beck Depression Inventory – Second Edition (BDI-II), the Beck Anxiety Inventory (BAI), Adaptive Behavior Assessment System – Second Edition (ABAS-II), the Delis-Kaplan Executive Function System (DKEFS), the California Verbal Learning Test – Second Edition (CVLT-II), the Peabody Picture Vocabulary Test – Revised Edition (PPVT-R), Grooved Pegboard, the Autism Spectrum Rating Scale (ASRS), the Autism Spectrum Quotient (ASQ), and the Thematic Apperception Test (TAT)
- Engage in case conceptualization and provision of diagnoses
- Document evaluations with integrated reports
- Provide clients with feedback and recommendations

Population: A diverse, low-income, multi-ethnic population of adults, adolescents, and children

Supervisors: Darryl Johnson, Ph.D., Adam Schmidt, Ph.D., Jorge G. Varela, Ph.D., and Craig Henderson, Ph.D.

10/2015 Assistant Forensic Evaluator
Psychological Services Center, Sam Houston State University
 Huntsville, Texas

Duties: • Conducted a behavioral abnormality and risk assessment of a

prisoner being considered for civil commitment as a Sexually Violent Predator

- Measures included: Static-99, Psychopathy Checklist Revised (PCL-R)
- Discussion of case and case formulation with primary supervisor
- Assisted in writing of report to be presented in court proceedings

Population: Incarcerated adult with repeat sexual offenses

Supervisor: Jorge G. Varela, Ph.D.

06/2014 – 07/2015 Psychology Intern
Montgomery County Juvenile Probation Department
 Conroe, Texas

- Duties:*
- Conducted court- and probation-ordered psychodiagnostic, integrated assessments
 - Measures included: the Wechsler Abbreviated Scales of Intelligence – Second Edition (WASI-II), the Wide Range Achievement Test – Fourth Edition (WRAT-4), and the Behavior Assessment System for Children – Second Edition (BASC-2; Parent Rating Scales and Self-Report)
 - Common diagnostic categories included: behavioral disorders, attentional and learning disorders, mood and anxiety disorders, trauma and stressor-related disorders
 - Document evaluations with integrated reports
 - Provided recommendations to assist probation department in placement and probation requirement decisions

Population: Justice-involved adolescents, either detained or on probation

Supervisor: Darryl Johnson, Ph.D.

08/2014 – 12/2014 Student Clinician
Empirically Supported Treatments Course
Psychological Services Center, Sam Houston State University
 Huntsville, Texas

- Duties*
- Didactic/classroom instruction related to a variety of empirically supported treatments
 - Treatment modalities included: alternative intensive, cognitive processing, and trauma-focused cognitive behavioral therapies for Posttraumatic Stress Disorder; acceptance based-behavioral and mindfulness-based therapies for Generalized Anxiety Disorder; exposure-

based Cognitive Behavioral therapy for Obsessive-Compulsive Disorder; metacognitive therapy for anxiety and depression; child-focused treatment of anxiety; exposure therapy for anxiety disorders; cognitive and interpersonal therapies for depression; dialectical behavior therapy, mentalization-based, transference focused, and psychodynamic therapies for Borderline Personality Disorder; interpersonal and social rhythm therapy for Bipolar Disorder, motivational interviewing for substance use disorders; multidimensional family therapy for adolescent substance abuse; parent-child interaction therapy for disruptive behavior disorders; a transdiagnostic protocol, psychoanalysis, cognitive behavioral, and family therapy for eating disorders; cognitive behavioral therapy for psychotic disorders

- Implemented empirically supported treatment with a college student with dual diagnoses (Borderline Personality Disorder and substance abuse) using Dialectical Behavior Therapy and Motivational Interviewing
- Case presentation covering the comprehensive treatment plan and description of course of treatment

Supervisors: Adam Schmidt, Ph.D., and David V. Nelson, Ph.D.

8/2012 – 06/2014 Research Team Evaluator
Exercise and Mental Health Laboratory
Department of Psychology & Philosophy, Sam Houston State University
 Huntsville, Texas

- Duties:*
- Conducted testing regarding mood, exercise, eating behaviors, and alcohol/illicit substance use with a college student sample
 - Measures included: Center for Epidemiologic Studies Depression Scale; Positive and Negative Affect Schedule; Perceived Stress Scale; The COPE (a measure of coping styles and strategies); Self-efficacy for Physical Activity Scale (SEPA); Motivation for Physical Activity Questionnaire; Timeline Followback (for alcohol, marijuana, and tobacco use); Drinking-motives Questionnaire – Revised; International Physical Activity Questionnaire (IPAQ)

Population: Undergraduate students

Supervisor: Craig E. Henderson, Ph.D.

08/2011 – 05/2012 Marriage and Family Therapist Trainee
Helpline Youth Counseling, Inc.
 Norwalk, CA

- Duties:*
- Department of Mental Health (DMH) Program
 - Conducted psychodiagnostic assessments/comprehensive clinical interviews for new clients
 - Provided weekly psychotherapy services to youth
 - Family Preservation Program
 - Provided weekly in-home family therapy to court-ordered families with open cases at the Department of Children and Family Services
 - Provided status updates to the courts

Population: Youth self-referred or referred by the probation department; Families with open cases at the Department of Children and Family Services due to allegations of abuse

Supervisor: Lili Kim, Psy.D.

02/2007 – 06/2012 Clinical and Forensic Neuropsychologist Assistant and Office Manager
Armando de Armas, Ph.D., Inc.
 Long Beach, CA

- Duties:*
- Reviewed forensic, school, and past psychiatric records for court-referred (e.g., competency to stand trial, mental state at the time of the offense, transfer to adult court) and developmental disability evaluations
 - Administered personality and behavioral assessments
 - Measures included: the Vineland – Second Edition, the Personality Assessment Inventory (PAI), the Personality Assessment Inventory for Adolescents (PAI-A), the Millon Clinical Multiaxial Inventory – Third Edition (MCMI-III), the Millon Adolescent Clinical Inventory (MACI), and the Behavior Assessment System for Children – Second Edition (BASC-2)
 - Assisted in writing of psychological reports and reports to be presented in court proceedings
 - Liaison with attorneys, courts, and clients

Population: Adults and juveniles referred by the Los Angeles, Orange County, and Federal Courts; Children referred to local Regional Centers for developmental disability evaluations

Supervisor: Armando de Armas, Ph.D.

03/2008 – 05/2008 Domestic Violence and Child Abuse Group Counselor
La Clinica Para Su Ayuda (of Armando de Armas, Ph.D., Inc.)
 Long Beach, CA

- Duties:*
- Conducted all initial intake interviews

- Conducted court-ordered, psychoeducational domestic violence and child abuse groups
- Provided status updates to the courts

Population: Adults court-ordered for treatment due to a domestic violence or child abuse charge/conviction

Supervisor: Armando de Armas, Ph.D.

Consultation Experience

**06/2015 – Present Student Trial Consultant
(Consulting and Outreach Position)
Houston Pro Bono Group
Houston, Texas**

- Duties:*
- Assist in the development of a pro bono trial consulting group by connecting with established trial consultants within the area
 - Engage in outreach with potential low income clientele (e.g., attorneys working in immigration courts)

Population: Hiring attorneys

**10/2013 – Present Trial Consultant Assistant
(Consulting Position)
Veritas Research, L.P.
Houston, Texas**

- Duties:*
- Conduct mock trial research by compiling voir dire questions for potential jurors (based on empirical research)
 - Aid in conducting mock trials in which initial participant data is gathered, participants are divided into juror groups based on response patterns, and juror groups are led in a group discussion of case facts
 - Cases have included personal injury and antitrust suits
 - Discussion and feedback of jury perceptions are provided to the hiring client (lawyers) and suggestions regarding the presentation of trial data and witness preparation is offered

Population: Hiring attorneys

Supervisors: Robert Ray, J.D., Ph.D. and Robert J. Cramer, Ph.D.

**04/2015 – 05/2015 Trial Consultant Assistant/Student Researcher
Westlake Trial Consulting
Austin, Texas**

- Duties:*
- Conducted mock jury trial research for a homicide case by conducting literature reviews to inform attorneys of trial strategy
 - Literature review focused on general juror characteristics and case

specific variables such as:

- Need for Cognition
- Need for Affect/Disgust Sensitivity
- Legal Authoritarianism
- Offender-related beliefs
- Sexual Prejudice/Homophobia
- Beliefs concerning same-sex sexual advance
- Beliefs concerning alcohol
- Beliefs concerning/experience with Autism
- Beliefs concerning psychology and expert witnesses (and extraversion)

Supervisor: Robert J. Cramer, Ph.D.

Population: Hiring attorneys

**06/2014 – 08/2014 Trial Consultant Assistant
(Summer Consulting Position)
Courtroom Sciences, Inc.
Dallas, TX**

- Duties:*
- Conducted literature reviews regarding specific case facts and presented data to attorneys
 - Assisted in a mock trial involving a patent infringement suit
 - Feedback of jury perceptions were provided to the hiring client (lawyers) and suggestions regarding the presentation of trial data and witness preparation were offered

Population: Hiring attorneys

Supervisor: Ryan Malphurs, Ph.D. and Robert J. Cramer, Ph.D.

Supervisory Experience

**09/2015 – Current Peer Supervisor
Introductory Psychotherapy and Psychological Assessment
Practicum
Department of Psychology & Philosophy, Sam Houston State
University
Huntsville, Texas**

- Duties:*
- Supervise individual therapy at a community mental health clinic
 - Co-facilitate supervision sessions with a licensed supervisor
 - Review therapy videos
 - Provide formative and summative feedback on clinical

- interviewing and therapy skills
- Assist with case formulation
- Edit intake and progress documentation

Supervisee: A second-year clinical psychology doctoral student

Supervisor: Darryl Johnson, Ph.D.

12/2015 – 06/2015 Peer Supervisor
Introductory Psychotherapy and Psychological Assessment
Practicum
Department of Psychology & Philosophy, Sam Houston State
University
 Huntsville, Texas

- Duties:*
- Supervised psychodiagnostic assessments at a community mental health clinic
 - Co-facilitated supervision sessions with a licensed supervisor
 - Reviewed assessment videos
 - Provided formative and summative feedback on comprehensive clinical interview and testing procedures
 - Verified all testing protocols
 - Assisted with case formulation
 - Edited documentation and integrated assessment report

Supervisee: A second-year clinical psychology doctoral student

Supervisor: Melissa Maygar, Ph.D.

Professional Publications

Tomei, J., & Cramer, R. J. (2014). Perceived credibility of character witnesses: Implications for trial consultation. *Journal of Forensic Psychology Practice, 14*, 263-275. doi:10.1080/15228932.2014.92371

Tomei, J., & Ryba-Panza, N. (2014). The Juvenile Adjudicative Competence Interview (JACI): Current usage in juvenile competence to stand trial evaluations. *Journal of Knowledge and Best Practices in Juvenile Justice and Psychology, 8*, 1-10.

Conference Paper and Poster Presentations

Tomei, J., Cramer, R.J., Boccaccinni, M.T, Ryba Panza, N., Henderson, C.E., & Schmidt, A. T. (2016, March). The gay panic defense: Legal defense strategy or reinforcement of homophobia in court? Paper presented at the annual meeting of the American Psychology-Law Society, Atlanta, GA.

- Tomei, J.**, Cramer, R. J., & Bate, B. P. (2015, May). Contemporary issues in jury research: Maximizing ecological validity as a trial consultant. Poster presented at the American Society of Trial Consultants Conference, Nashville, TN.
- Bate, B. P. & **Tomei, J.** (2015, May). Juror perceptions of women as expert witnesses: Suggestions for the effects of testimony complexity, gender-intrusive questioning, and perceived credibility. Poster presented at the American Society of Trial Consultants Conference, Nashville, TN.
- Cramer, R. J., **Tomei, J.**, Bate, B. P. & Stroud, C. (2015, March). On further validation of the Witness Self-Efficacy Scale (WSES) and the Observed Witness Efficacy Scale (OWES). Paper presented at the annual meeting of the American Psychology-Law Society, San Diego, CA.
- Tomei, J.**, & Cramer, R. J. (2014, June) Credibility of character witnesses: Implications and future directions for trial consultants. Poster presented at the American Society of Trial Consultants Conference, Asheville, NC.
- Colbourn, S., Woods, C., **Tomei, J.**, Jeon, H., Manning, J., Utley, J., & Henderson, C. (2014, August). Synthetic marijuana usage among a juvenile offender sample. Poster presented at the annual meeting of the American Psychological Association Conference. Washington, D. C.
- Henderson, C., Mena, C., **Tomei, J.**, & Manning, J. (2014, August). Relationships between daily physical activity, mood, and alcohol use among college students. Poster presented at the annual meeting of the American Psychological Association, Washington DC.
- Johnson, J., Cramer, R. J., **Tomei, J.**, & Stroud, C. (2014, March). Juror gender and locus of control as moderators of perceptions of expert witness testimony. Poster presented at the annual meeting of the American Psychology-Law Society, New Orleans, LA.
- Kan, L., **Tomei, J.**, Munoz, C, Jeon, H., Henderson, C., Dakof, G., & Liddle, H. (2014, March). Parent-Adolescent discrepancies of parental monitoring and adolescent delinquency. Paper presented at the annual meeting of the American Psychology-Law Society, New Orleans, LA.
- Tomei, J.** & Ryba, N. (2013, March). The Juvenile Adjudicative Competence Interview (JACI): Current usage in juvenile competence to stand trial evaluations. Poster presented at the annual American Psychology-Law Society conference, Portland, OR.

Henderson, C., Mena, C., **Tomei, J.**, Spies-Upton, S., Manning, J., & Dunham, J. (2013, April). Daily physical activity predicts positive and negative affect among college students. Poster presented at the annual College of Humanities and Social Sciences Research Conference, Huntsville, TX.

Tomei, J. (2012). Effects of the “monster molester” stereotype on verdicts in child sexual abuse cases. Paper presented at the SPSP Social Psychology and Law Pre-Conference, San Diego.

Tomei, J. (2010). Effects of the “monster molester” stereotype on verdicts in child sexual abuse cases. Paper presented at the USC Undergraduate Research Symposium, Los Angeles.

Manuscripts Under Review

Tomei, J. & Cramer, R. J. (Revise and Resubmit). The gay panic defense: Legal grounding, promotion of prejudice, and remedies. *Journal of Forensic Psychology Practice*.

Manuscripts in Preparation

Cramer, R. J., **Tomei, J.**, Bate, B. P. & Stroud, C. (in preparation). On further validation of the Witness Self-Efficacy Scale (WSES) and the Observed Witness Efficacy Scale (OWES).

Research Experience

8/2013 – Present **Law and Diversity Issues in Psychology Laboratory**
Department of Psychology & Philosophy, Sam Houston State
University
Huntsville, Texas

- Duties:*
- Prepare and develop research addressing legal defense strategies, hate crimes, victim and perpetrator blame, jury decision making, witness preparation, and expert and lay witness credibility
 - Currently conducting a dissertation project regarding juror perceptions of the gay panic defense utilizing Amazon’s Mechanical Turk system

Supervisor: Robert J. Cramer, Ph.D.

08/2013 – 03/2014 **Multicultural Issues in Forensic Psychology Laboratory**
Department of Psychology & Philosophy, Sam Houston State
University
Huntsville, Texas

- Duties:*
- Aided in data entry for a study regarding competence to stand trial evaluation procedures
 - Aided in statistical analyses, write up, and presentation of a study regarding the discrepancy between child self-report and parental report measures (i.e.: the BASC-2) in predicting juvenile delinquency

Supervisor: Lisa Kan, Ph.D.

8/2012 – 06/2014 Exercise and Mental Health Laboratory
Department of Psychology & Philosophy, Sam Houston State
University
 Huntsville, Texas

- Duties:*
- Aided in the development of an alcohol use intervention study
 - Trained undergraduate research assistants in collecting and analyzing data using SPSS for a study regarding mental health, physical health, and alcohol assumption
 - Analyzed data for a study regarding juvenile offenders and synthetic marijuana use
 - Aided in grant writing

Supervisor: Craig E. Henderson, Ph.D.

8/2012 – 8/2011 Forensic Assessment Laboratory
Department of Psychology, California State University, Fullerton
 Fullerton, California

- Duties:*
- Designed and carried out an original project examining the use of the Juvenile Adjudicative Competency Assessment (JACI) in juvenile adjudicative competency evaluations by a mental health expert witness on the Panel of Psychiatrists and Psychologists for Los Angeles County Superior Court

Supervisor: Nancy Ryba Panza, Ph.D.

06/2008 – 05/2010 Child Eyewitness Laboratory
Gould School of Law, University of Southern California
 Los Angeles, California

- Duties:*
- Designed and carried out an original project examining offenders in child sexual abuse cases and how stereotypical attitudes of these offenders affect jury verdicts
 - Interviewed abused and neglected children at Los Angeles Superior Court Children's Courthouse and local schools in order to observe patterns of truth-telling and lying in abused versus non-abused children
 - Transcribed forensic interviews of child victims regarding physical and sexual abuse

Supervisor: Thomas Lyon, J.D., Ph.D.

Additional Professional Development

Professional Workshops and Training:

- | | |
|--------------------------|--|
| 04/2015 | Callous-Unemotional Traits and Conduct Disorder: Implications for Understanding, Diagnosing, and Treating Antisocial Youth <i>Speaker:</i> Paul J. Frick, Ph.D. |
| 10/2014 | Child Custody Evaluations <i>Speaker:</i> Michael C. Gottlieb, Ph.D., ABPP |
| 11/2014 | The Innocence Project of Texas <i>Speaker:</i> Nick Vilbas, J.D. |
| 02/2014 | Clinical and Conceptual Problems in the Attribution of Malingering in Forensic Evaluations <i>Speaker:</i> Richard Frederick, Ph.D., ABPP |
| 08/2013 – 05/2014 | Seminar Series in Supervision <i>Speakers:</i> Mary Alice Conroy, Ph.D., ABPP; Jorge G. Varela, Ph.D. |
| 09/2013 – 12/2015 | Dialectical Behavior Therapy Reading Group/Training Seminar |
| 05/2013 | Consolidated Continuing Education and Professional Development (ConCEpt) course: Evaluation of Criminal Responsibility |
| 01/2013 | International Perspectives on Preventative Detention <i>Speaker:</i> John Petrila, J.D., LL.M |
| 10/2012 | Ethical Issues Relating to Client Sexuality and Personal Values <i>Speaker:</i> Phillip Lyons, J.D., Ph.D. |

Specialized Coursework:

- | | |
|--------------------|--|
| Spring 2015 | Mental Health Law <i>Instructor:</i> Phillip Lyons, J.D., Ph.D. |
| Summer 2014 | Neuropsychological Assessment <i>Instructor:</i> David V. Nelson, Ph.D. <ul style="list-style-type: none"> • Trained in administering the following measures: Benton Test of Temporal Orientation (TTO), Galveston Orientation and Amnesia Test (GOAT), Digit Vigilance Test (DVT), Wechsler Test of Adult Reading (WTAR), Test of Memory Malingering (TOMM), Word Memory Test (WMT), Trail Making Test, Parts A and B (TMT A&B), Reitan-Klove Sensory-Perceptual Exam, Benton Finger Localization Test, Grip Strength, Finger |

Tapping (FTT), Grooved Pegboard Test, Benton Test of Motor Impersistence, Benton Visual Form Discrimination Test (BVFD), Benton Judgment of Line Orientation Test (JLO), Rey-Osterrieth Complex Figure Test (ROCF), Hooper Visual Organization Test (HVOT), Multilingual Aphasia Exam (MAE), Boston Naming Test (BNT), Wechsler Memory Scale-IV (WMS-IV, California Verbal Learning Test-Second Edition (CVLT-II), Rey Auditory Verbal Learning Test (RAVLT), Selective Reminding Procedure (Buschke Selective Reminding Test), Trail Making Test, Parts A and B (TMT A&B), Stroop Test, Wisconsin Card Sorting Test (WCST), Booklet Category Test, Symbol Digit Modalities Test (SDMT) written and oral, Delis-Kaplan Executive Function System (D-KEFS), Repeatable Battery for the Assessment of Neuropsychological Status (RBANS), Mini-Mental State Exam (MMSE), Montreal Cognitive Assessment (MOCA)

| | |
|--------------------|--|
| Spring 2014 | Forensic Assessment II (emphasis on civil forensic evaluations and juvenile forensic issues; included a mock expert witness testimony experience) <i>Instructor:</i> Mary Alice Conroy, Ph.D., ABPP |
| Fall 2013 | Forensic Assessment I (emphasis on criminal forensic evaluations) <i>Instructor:</i> Mary Alice Conroy, Ph.D., ABPP |
| Summer 2013 | Trial Consultation (included topics such as jury selection, witness preparation, conducting mock trials, etc.) <i>Instructor:</i> Robert J. Cramer, Ph.D. |
| Summer 2011 | Group Psychotherapy <i>Instructor:</i> Virginia Mintzlafl, M.S., LMFT |
| Spring 2011 | Substance Abuse <i>Instructor:</i> Peter Graves, J.D., Ph.D. |

Professional Affiliations

| | |
|-----------------------|---|
| 2014 - Present | American Society of Trial Consultants |
| 2012 – Present | Graduate Student Organization in Psychology at Sam Houston State University |
| 2009 – Present | American Psychology-Law Society |
| 2009 – 2013 | American Psychological Association |

Service and Leadership Activities

- 8/2013 – 8/2014** Secretary, Sam Houston State University Graduate Student Psychology Organization (GSPO)
- Duties included:
 - Transcribed notes from meetings and distributed to all graduate students in psychology
 - Helped to coordinate GSPO activities (e.g., Fall social, holiday party)
 - Organized fundraising events
 - Organized training activities (e.g., Brown Bag lunches featuring guest speakers)
- 03/2013** Student judge at the American Psychology-Law Society Annual Conference in Portland, Oregon
- 2008 - 2009** Volunteer at the Los Angeles Food Bank
- 2008** Volunteer at Dinner by the Bay fundraiser for Project Cuddle (a nonprofit organization dedicated to preventing baby abandonment)
- 2008** Volunteer at a benefit for Aids Prevention Los Angeles (APLA)
- 2008 – 2009** Volunteer at USC's annual Swim with Mike fundraiser for disabled former athletes
- 2008** Served as a mentor for high school girls in the "Junior Helenes" Program at The 32nd Street School
- 2008** Participant in Kids Enjoy Exercise Now (KEEN)
- Took part in one-on-one recreational activities with a child with an Autism Spectrum Disorder

Awards and Honors

- 06/2010** University of Southern California Discovery Scholar
- 06/2010** First Prize, Undergraduate Symposium of Scholarly and Creative Work, University of Southern California (research presentation)
- 09/2009** Provost's Undergraduate Research Fellowship Grant, University of Southern California
- 06/2009** University of Southern California Provost's Undergraduate Research Fellowship Grant
- 2008 – 2009** Psi Chi National Honor Society in Psychology
- 2008 – 2009** Sigma Alpha Lambda, National Leadership and Honors Organization
- 2008 – 2009** Phi Sigma Theta, National Honor Society

- 11/2007 – 12/2009** Dean's List, University of Southern California
- 2008 – 2009** Sylas and Rose Marx Meyer Scholarship, University of Southern California
- 2005 – 2007** Italian Catholic Federation Scholarship (two annual awards)
- 01/2006 – 06/2007** Dean's List, California State Polytechnic University, Pomona