

Understanding the effect of witness demeanour and testimonial inconsistencies on juror judgements.



This thesis is submitted in partial fulfilment of the Honours degree of Bachelor of Psychological Science (Honours).

School of Psychology

University of Adelaide

October 2018

Word Count: 8836

Table of Contents

List of Tables and Figures	iv
Abstract	v
Declaration	vi
Acknowledgements	vii
1. Introduction	1
1.1 Juror Judgements	2
1.2 Witness Demeanour	6
1.3 Testimonial Inconsistencies	11
1.4 Hypotheses	15
2. Method	17
2.1 Participants	17
2.2 Materials	17
2.3 Dependant Measures	18
2.4 Procedure	19
3. Results	21
3.1 Data Screening and Assumption Testing	21
3.2 Manipulation Checks	21
3.3 Tests of Hypotheses	22
3.3.1 Verdict	24
3.4 Exploratory Analysis	25
4. Discussion	27
References	35

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Appendices	44
Appendix A: Mock Trial Transcript	44
Appendix B: Survey	82
Appendix C: SPSS Output for Descriptive Statistics	96
Appendix D: SPSS Output for Manipulation checks.....	103
Appendix E: SPSS Output for ANOVA	109
Appendix F: SPSS Output for Chi Square	116

List of Tables and Figures

Table 1: *Manipulation check for conditions of Witness Demeanour (High Affect, Flat Affect)* 22

Table 2: *Manipulation check for conditions of Testimonial inconsistencies (Consistent, Inconsistent)* 22

Figure 1: Story Model of Juror Decision making . Adapted from Pennington, N., & Hastie, R. (1992). Explaining the evidence: Tests of the Story Model for juror decision making. Journal of Personality and Social Psychology, 62(2).191. 4

Figure 2: Outline of the multiprocess affect infusion model. Adapted from Forgas, J. P. (1995). "Mood and Judgement: The Affect Infusion Model (AIM)." Psychological Bulletin, 117, 48 9

Figure 3: Mean values of sample (N=127) on measured variables: Witness Demeanour (High Affect, Flat Affect), Testimonial Inconsistencies (Consistent, Inconsistent) and Juror Judgement 23

Figure 4: Frequency of verdicts for each condition, 2 (witness demeanour: flat, high) x 2 (testimonial inconsistencies: consistent, inconsistent) 24

Abstract

Objective: The present study aimed at understanding the effect of witness demeanour and testimonial inconsistencies on jurors' assessment of probability of guilt. **Method:** It explored the hypothesis that extreme emotions, as depicted in witness demeanour, along with its interaction with the inconsistencies in testimony will affect the judgement of probability of guilt. A sample of one hundred and twenty-seven participants were recruited using snowball sampling technique, flyers and the online Research Participation System. The process of juror judgement was assessed using a brief audio recording of a criminal trial. **Design:** The study followed a 2 (witness demeanour) x 2 (testimonial inconsistencies) between group experimental design. The independent variables were witness demeanour and testimonial inconsistencies. Witness demeanour was manipulated using presentation of evidence that showed variations in paralinguistic cues such as pitch and tone. Testimonial inconsistencies were engineered to include certain contradictions or incorrect information to the trial. The probability of guilt judgements was assessed by using a questionnaire. **Results:** The demeanour of the witness had a significant effect on the juror's assessment of the defendant's probability of guilt. Testimonial inconsistencies and their interactions with witness demeanour however yielded no significant effects on probability of guilt. **Conclusions:** These findings imply that even within legal proceedings, when jurors have been instructed to consider only relevant facts certain abstractions permeate through affecting their judgement. The results of this study can aid us in understanding how extralegal factors operate within a jury setting.

Keywords: Juror judgement, witness demeanour, testimonial inconsistencies.

Declaration

This thesis contains no material which has been accepted for the award of any other degree or diploma in any University, and, to the best of my knowledge, this thesis contains no materials previously published except where due reference is made. I give permission for the digital version of this thesis to be made available on the web, via the University of Adelaide's digital thesis repository, the Library Search and through web search engines, unless permission has been granted by the School to restrict access for a period of time.

Signature

A solid black rectangular box used to redact the author's signature.

October, 2018

Acknowledgements

First and foremost, I would like to thank my supervisor Dr. Carolyn Semmler, for her constant guidance and support. Your patience and feedback have helped me through this year. I would also like to thank my family especially my mother for her constant counsel and compassion. I would also like to thank my family and friends who stood in as actors, without your contribution this would not have been possible.

1. Introduction

Jury trials represent a small, though important aspect of the Australian criminal justice system. A jury that is representative, impartial and independent is central to one's conception of a fair trial (Horan & Tait, 2007). Most legal arrangements employ juries to act as impartial arbitrators. Traditionally a jury consists of 12 independent jurors who must all meet the eligibility criteria of the Juries Act (1927). The main role of a juror is to provide the defendant with a fair trial through the processes of weighing evidence and deciding on the guilt of an offender. These are key aspects of understanding juror roles within the legal system.

Social scientists have studied social judgement and its implication within human interactions (Galesic, Olsson & Rieskamp, 2018). The field of law is a domain where social judgement takes the focal point. Psychologists have examined how individuals perceive, interpret, and remember evidence and the ways they reach consensus with others. Bornstein and Greene (2011), found that juries can function as real-world laboratories. They are used for investigating theoretical concepts related to memory, reasoning, judgment and decision making, attribution, persuasion, stereotyping, and group interactions. Studies have shown that mock juror decisions are affected by various factors, legal (evidentiary) and beyond (extra-legal) (Clancy & Bull, 2015). However, jurors are required to put aside extra-legal factors such as race, gender and social status whilst making judgements to provide verdicts that are objective and fair. Understanding the process of how judgements are made in the presence of extra-legal factors is therefore essential. The present study is aimed at understanding the effect of witness demeanour and testimonial inconsistencies on juror judgement.

1.1 Juror Judgements

To understand juror judgements, it is important for us to understand the how i.e. the decision processes of jurors (such as attribution, information processing) and the what i.e. the decision outcomes (such as verdict, probability of guilt). Jurors are considered to be active participants in the process of assessing forensic information. Bornstein and Greene (2011), believe that jurors along with legal evidences, also consider peripheral cues such as perceived credibility of witnesses, credentials of expert witnesses and attractiveness of legal actors when evaluating legal evidence. Therefore, juror judgements are motivated by both extra-legal and legal factors (Visher, 1987).

Extralegal factors can refer to social, psychological, economic and physiological factors (Miclea, Gabriel & Saucan, 2012). Most extra-legal factors implicit to the proceedings occur in our everyday social interactions. However, within the legal setting they gain substantial relevance. Therefore, it is important to understand how jurors undertake such complex decision processes while being influenced by extra-legal factors.

Researchers have considered different sources of extra-legal factors that could affect juror decision making processes. Barnett and Field (1978) found that characteristics of the defendant could affect the verdict. Defendants that were 'attractive' to the mock jurors were judged more leniently and given less severe sentences as compared to their counterparts who were perceived to be 'unattractive'. Some studies also found a minor effect in the variance of the reported judgment as a consequence of the demographics of the juror. These demographic variables were related to attitudes which influenced their judgement (Hans & Vidmer, 1982, as cited in Visher, 1987). One such influential demographic variable is gender. Studies have found that female judges tended to adopt more liberal positions towards women (Siegel,

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

2011). They also tend to punish sex offenders harsher compared to male judges (O' Connor, 2010).

Another factor which influences juror judgment is the evidence and other information regarding the event. Tanford and Penrod (1984) conducted a simulated trial with written summaries and provided eight pieces of evidence, trial evidence (eyewitness testimony) and character evidence (criminal history). Their study found that trial evidence was more incriminating and better for differentiating between judgements of guilt or innocence.

One popular theory that explains the process of decision making in jurors is the '3-stage Story Model' developed by Pennington and Hastie (1986, 1992). The model posits that jurors use a narrative framework to assess trial information. They then organise the story based on causal and intentional relationships between events. This theory provides a comprehensive framework for understanding the progression of a juror's cognitive processes whilst contemplating a verdict. It also allows us to understand the avenues through which various extraneous factors could influence the juror's mental representations of the trial narrative.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

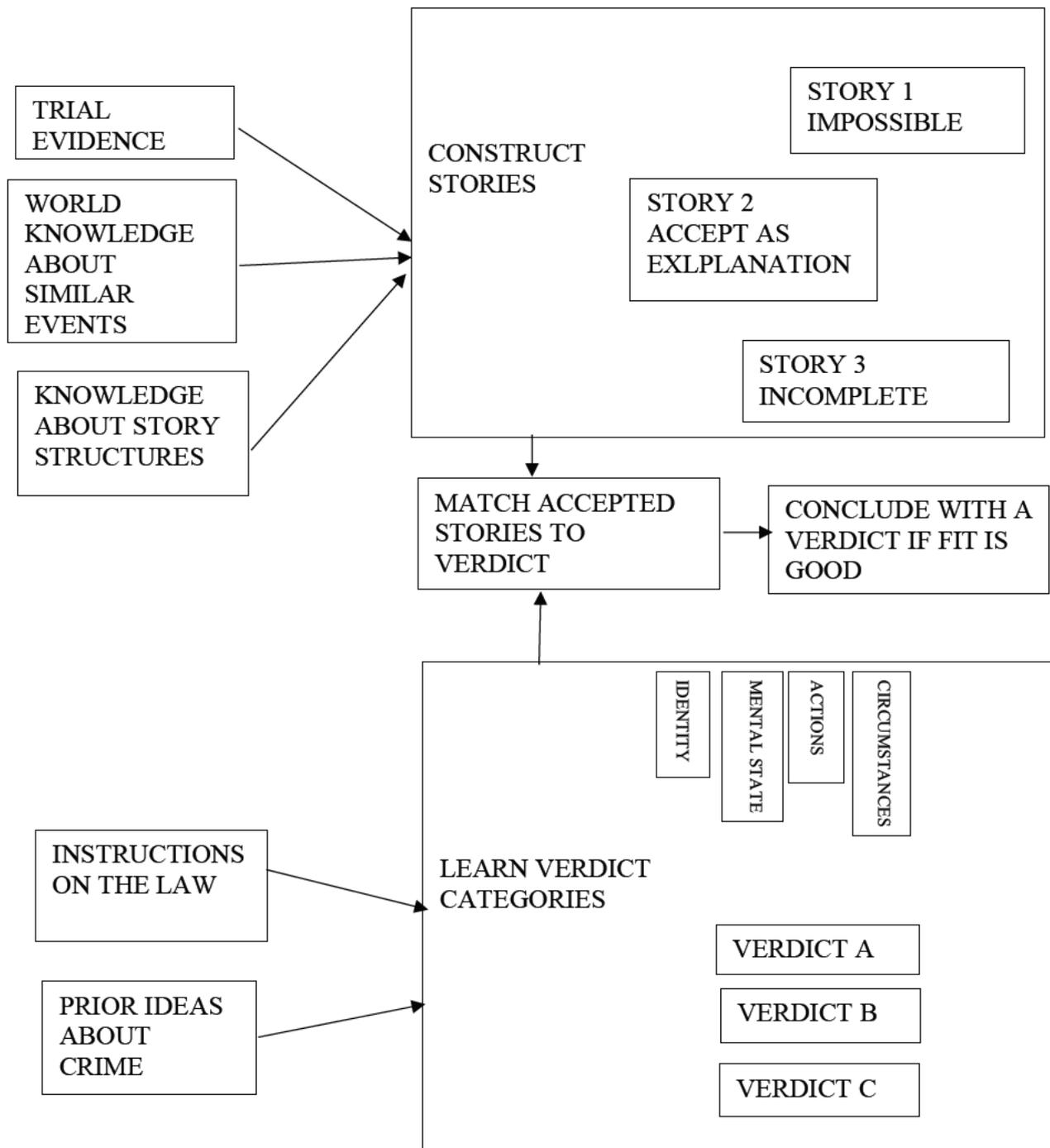


Figure 1: Story Model of Juror Decision making . Adapted from Pennington, N., & Hastie, R. (1992). Explaining the evidence: Tests of the Story Model for juror decision making. *Journal of Personality and Social Psychology*, 62(2).191.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

The three components of the model are outlined in Figure 1. The first is the evidence evaluation through story construction. The jurors are engaged in an active, constructive comprehension process in which they make sense of trial information by attempting to organise it into a coherent mental representation. (Collins, Brown, & Larkin, 1980). The second component is the representation of the decision alternatives by learning verdict category attributes. The instructions of the law and prior ideas about the category are influential to this component. The final component is reaching a decision through the classification of the story into the best-fitting verdict category. This involves the evaluation of the compatibility of the story created and the verdict representation (Pennington & Hastie, 1992). A unique feature of this model is the use of four certainty principles i.e. coverage, coherence, uniqueness, and goodness-of-fit. These principles determine which story will be accepted, which decision will be selected, and the confidence or degree of certainty with which a particular decision will be made (Pennington & Hastie, 1992).

It is important to remember that the jury is an active audience to the trial proceedings. The goal of the trial is to provide the jurors with adequate information for them to make an unbiased evaluation. The content, and how the information is delivered to the jurors also affects their decision process. Petty and Caccioppo (1986) developed the Elaboration Likelihood Model (ELM) to explain two 'distinct routes' through which an individual may engage in elaborative thinking whilst assessing persuasive communication. The first, is the central processing route in which the individual engages in effortful cognition and draws upon prior knowledge and experience. The individual must evaluate the quality of the argument by assessing the content of the argument and must be motivated to pay attention. Valez, Neal and Kovera (2016) found that when assessing expert witness testimony, the content of the argument exceeds the ability of jurors to understand and therefore does not

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

meet the criteria for central processing. The second or peripheral ‘route’ as per Petty and Caccioppo (1986) comes into play when an individual’s motivation is low. In this case persuasion occurs through the evaluation of simple cues which can be obtained from the characteristics of the message, such as, the length, reaction of other people or from the characteristics of the actor, such as, attractiveness, likability, perceived power (Chaiken, 1987, as cited in Valez, Neal & Kovera, 2016). Jurors also use peripheral cues whilst assessing witnesses. Neal et al. (2012) found that jurors were more persuaded by likable witnesses than those perceived to be unlikable.

Various studies have been conducted that support the claim that jurors employ a variety of cues when making decisions, such as the use of anchors (Bornstein & Greene, 2011). When jurors must award damages to the victim, they use ‘anchors’ or information from the trial to evaluate the appropriate amount. They also highlighted the used of hindsight bias (this refers to the increase in the probability of a possibility when one knows the outcome) and counterfactual thinking (refers to the consideration of alternative outcomes) as heuristic cues implicated in juror judgements. Feigenson (2010) found that the juror’s mood or emotional state could also influence their judgement. Individuals tend to make decisions congruent with their mood state and also use their emotions as cues to determine the appropriate verdict.

1.2 Witness Demeanour

Demeanour according to Stone (1991, p. 105 as cited in Fife-Schaw, 1995), “excludes the content of evidence and includes every visible and audible form of self-expression manifested by a witness whether fixed or variable, voluntary or involuntary, simple or complex.” The definition encapsulates every facet of the self an individual presents to society. Demeanour is a variable that is fundamental to the existence of the individual. It is

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

inherent to our very being and within the court of law is accepted as implied evidence. In many courts, demeanour is the only form of evidence that need not be submitted prior to its presentation (Michael & Mortimer, 1933). The cues that jurors infer from the demeanour can be used as evidence when constructing their narrative.

In psychological literature demeanour is comprised of three main categories of nonverbal "channels" or "cues": face, body, and voice (sometimes called "paralinguistic" cues) (Hocking et al, 1978, as cited in Wellborn, 1991). The present study will focus on the use of paralinguistic cues to demonstrate variations in witness demeanour.

Demeanour plays a vital role in jurisprudence in its relevance for making judgements about an individual's credibility. Courts have claimed that demeanour is a good measure for distinguishing between truth and lies (Minzer, 2008). A large body of research has focused on understanding the relationship between deception and demeanour, that is relevant to the legal setting. Empirical findings show that in many cases behavioural cues used by jurors to measure deceptive discourse is more often associated with perceived deception than real deception on the part of the actor (Blumenthal, 2005). Wellborn (1991) also studied the relation between the perceived demeanour of an individual and deception. He concluded that most people do no better than chance at identifying deception. Certain cues such as an increase in pitch of voice, increased hesitancy and speech errors are reliable indicators of deception (Pettys, 2007). However, cues popularly believed to be associated with deception such as gaze avoidance and fidgeting are qualitatively and quantitatively different from behaviours of actual deception (Minzer, 2008). This has relevant consequences when understanding the role of demeanour in a courtroom.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Previous research indicates that a defendant's demeanour affects a juror's perceptions of the defendant's culpability. Hendry, Shaffer and Peacock (1989) reported that poor self-presentation, as seen in their demeanor, undermined the chance of acquittal of defendants especially when evidence against them was weak. According to Salekin et al (1995), the level of emotion affected juror judgement when considering female defendants but not male. They found that when the accused displayed extreme affect, she was perceived as being guiltier. These findings gained resonance with other researchers studying the effect of demeanour. Blumenthal (2005) found that a judge perceived a calm and straightforward man to be impertinent, brazen and calculating. The judge determined the defendant's conviction primarily on his behaviour without considering an alternative such as practice, to be the source of a calm testimony. In contrast, a study conducted with a New South Wales mock jury asserted that the degree to which the complainant was upset whilst giving testimony did not necessarily impact on juror perceptions in any consistent way (Taylor & Joudo, 2005).

A large body of literature is available that explains the relationship between affect and social judgements. When considering demeanour, it is important to regard it as emotion inducing evidence (Pettys, 2007). Emotion affects judgement via various pathways; it can have attributional effects or informational qualities. Research into mood congruency effects has shown that judgements are rendered biased in the direction of one's mood (Bodenhausen, Kramer & Susser, 1994). In the legal setting, this can have implications on the verdict that the jurors ascertain at the end of the proceedings. Ask and Pina (2011, as cited in Feigenson, 2016) found that participants with incidental anger were more likely to blame the defendant for causing injuries. Emotions however do not always have a linear relationship with judgements, Graham, Weiner and Zucker (1997, as cited in Feigenson, 2016) found that the attribution of blame can prompt an emotional experience which in turn influences the extent of punishment.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

The Affect Infusion Model (AIM) developed by Joseph Forgas (1995) (Figure 2) provides a concise model to explain the role of emotions in social judgement. In this model, “affect infusion may be defined as the process whereby affectively loaded information exerts an influence on, and becomes incorporated into the judgmental process, entering into the judge's deliberations and eventually coloring the judgmental outcome” (p. 39) . The model identifies four distinct judgmental strategies, each characterised by different ‘affect infusion potentials’.

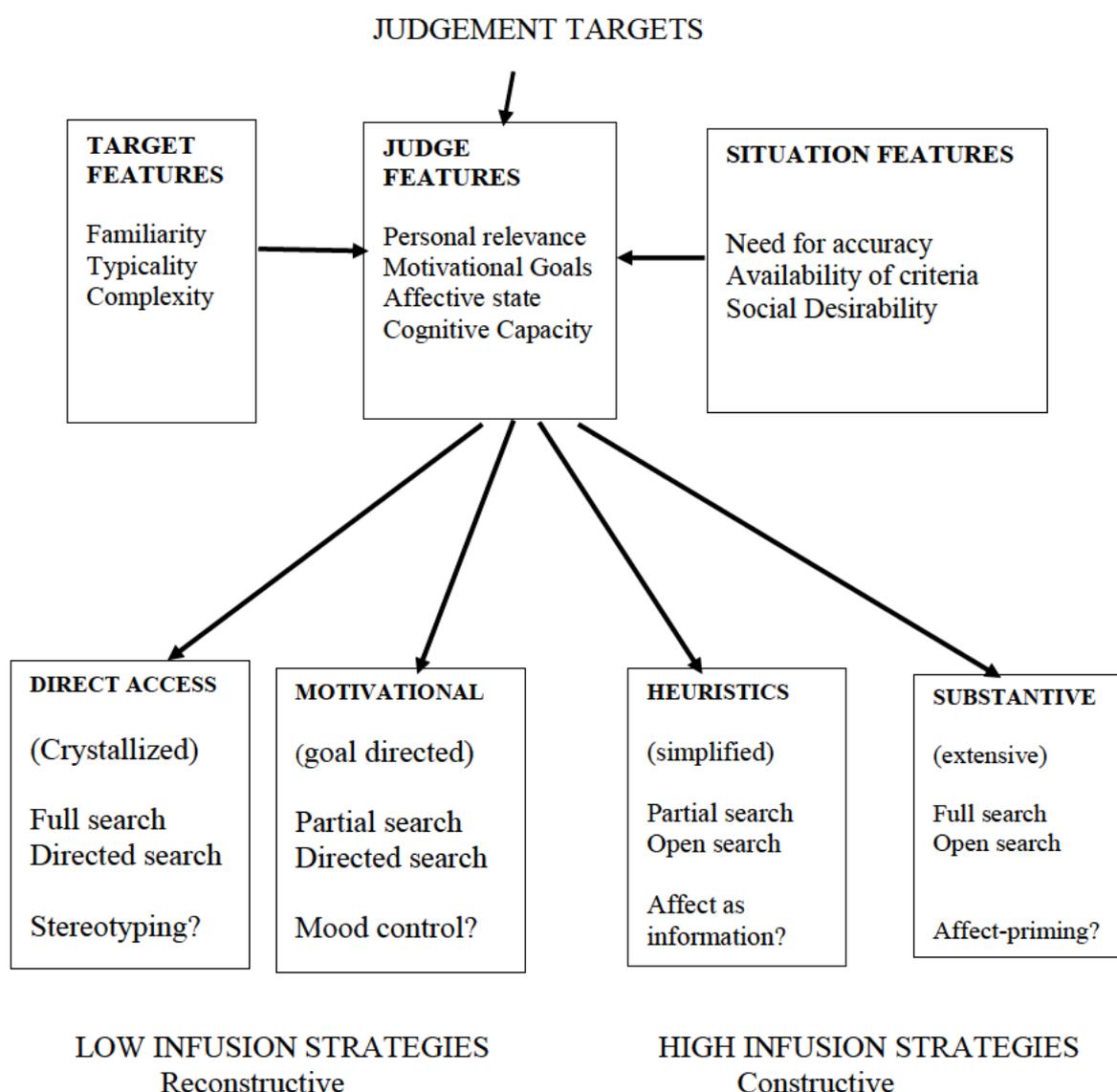


Figure 2. Outline of the multiprocess affect infusion model. Adapted from Forgas, J. P. (1995). “Mood and Judgement: The Affect Infusion Model (AIM).” *Psychological Bulletin*, 117, 48.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

The first process, the direct access, requires little constructive or generative processing of the information. It is guided by previous information patterns and has a limited scope for affect infusion. In contrast heuristic, substantive and motivated processes require a degree of constructive processing (Fiedler, 1990). These processes are influenced by affect such that they either indirectly through primed associations (Forgas & Bower, 1988) or directly (Schwarz & Clore, 1988) inform the judgmental outcome. Additionally, motivated processing is a low infusion judgmental strategy. It uses highly selective and guided information and integration strategies to support pre-existing motivational objectives. Heuristic processing on the other hand is not guided by motivational goals or prior knowledge. It is a high affect infusion strategy used when the judge has limited cognitive abilities and accuracy is not demanded. The final and the most demanding is substantive processing. This is used when the target is complex, there is no specific motivation, adequate cognitive abilities and certain explicit or implicit situational demands.

The model further identifies two alternative mechanisms of affect infusion: affect-priming and affect-as-information. According to the affect-priming principle, affect may indirectly influence judgments during substantive processing through its selective influence on attention, encoding, associative processes, and retrieval (Bower, 1981). Similarly, according to the affect-as-information principle, feelings can directly inform judgments during fast, heuristic processing.

AIM also postulates that there are three groups of variables i.e. the target, the judge and the judgmental situation that affect the processing choices.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

This model provides insight into the process of decision making that jurors may employ when subjected to emotional information. It is important to state a proviso that each individual perceives and processes information differently. Not all individuals will consider the same piece of evidence with the same level of emotionality. This has implications when studying jurors in the courtroom.

1.3 Testimonial Inconsistencies

The main focus of a trial is the testimony that is provided by the prosecution and the defense. Both parties carefully curate and execute testimonies to present the jurors with the best possible version of information that supports their stand. It is therefore a key variable in understanding the process of juror decision making.

Testimonial inconsistencies refer to discrepancy in information between witnesses or by the same witness. Inconsistencies reduce the validity of the statement and, by extension, discredit the effectiveness of the witness. They also impact the verdict and the perceived culpability of defendants. Interviews conducted with mock jurors revealed that they perceived testimonies with inconsistencies as being inaccurate (Potter & Brewer, 1999, as cited in Semmler & Brewer, 2002). Testimonial inconsistencies can influence the jurors' perceptions of the witness' trustworthiness and level of knowledge thereby reducing their credibility. According to the Witness Credibility model, (Brodsky, Neal, Cramer, & Ziemke, 2009, as cited in Valez, Neal & Kovera, 2016) witness credibility is a function of likability, knowledge, confidence and trustworthiness. If jurors perceive witnesses to be lacking in any of these areas their credibility ratings are affected.

Since testimonial inconsistencies can be a very apparent error on an individual's behalf, expert litigators use incorrect testimonies provided by witnesses to impeach them.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Glissan (1991, p. 174 as cited in Fisher, Vrij & Leins, 2013) claimed that “a true inconsistency can effectively destroy a witness, and sometimes a whole case”. This is reflected in certain legal jury instructions which direct the juror to consider a witness as lacking credibility (Brewer & Burke, 2002).

Fisher, Brewer and Mitchell (2009) provided a cognitive theory to explain the role of inconsistencies in the assessment of the witness. In their opinion, testimony is intrinsically linked to memory. The information revealed as part of a trial is determined by the content of the retrieval. The information retrieved will vary on each occasion regardless of whether the memory has changed. This is because it is dependent on situational factors such as the question asked. Fisher, Brewer and Mitchell (2009) also claimed that various components of this memory occur independently. Therefore, even if one component is forgotten, misinterpreted or misinformed, it does not affect the information following. Their study found that the occurrence of inconsistencies alone did not affect the credibility of the witness but the overall accuracy of the testimony i.e. the balance between the accurate and inaccurate information affected their credibility.

The source of the inconsistency is also key in affecting juror judgment. Research has found that inconsistent testimony undermined the credibility of a child, but not an adult, witness (Leippe and Romanczyk, 1989). Granhag and Stromwall (2000, as cited in Brewer & Burke, 2002) reported that the consistency of statements from a witness across three interviews was the most frequently used cue for making truth/lie judgments. In their study, Semmler and Brewer (2002) found that mock-jurors who were exposed to inconsistent testimony from a prosecution witness subsequently perceived the witness as less credible or effective. They also perceived the defendant as less likely to have committed the crime, and

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

were less likely to convict than those exposed to consistent testimony. In another study Greuel, (1992, as cited in Fisher, Vrij & Leins, 2013) found that police officers conducting sexual assault investigations reported inconsistencies in testimonies as being a cue to detect deception. Stromwall et al. (2003) also found that when studying inconsistencies in testimonies between two actors, participants used observations of consistency between actors and also within each actor across time to make judgements. Findings revealed that participants whether lay people or experts reported doubting the veracity of the respondent when they detected inconsistencies.

Chaiken, Liberman and Eagly (1989) proposed a model of 'heuristic-systematic processing' to explain how testimonial inconsistencies affect juror judgements. During the systematic processing mode, the individual engages in detailed, analytic and thorough examination of evidence. Heuristic processing on the other hand, may rely more heavily on extra-legal factors such as simple decision rules, and schemas requiring minimal cognitive loading. Systematic processing will be employed by jurors if they are highly motivated. However, it will be restricted when the demands are too great or when there is paucity of time. In such situations, the likelihood of heuristic processing is greater. Further, in the absence of relevant information, heuristic cues such as group identity cues can be activated leading to the use of stereotypes to determine the verdict.

Another theory that explains the occurrence of inconsistencies was proposed by Fisher, Vrij and Leins (2013). They proposed that for an inconsistency to occur, there must be a change in one or all of the three components of memory: mental representations, retrieval processes and metacognition. Mental representations may change over time because of exposure to new information or because some events may be more rehearsed than the

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

others. Similarly, for retrieval processes, there may be a global change in the process such that one might shift from reproductive to reconstructive recall. Retrieval can also be affected by the general style of interviewing and the wording of the questions. Metacognition or the witnesses' thoughts about their own recollections may also evolve with time. There may be a shift in the output criterion from stricter to lenient. This would change the amount of information being disseminated and may appear as an inconsistency. Therefore, the development of testimonial inconsistencies as a factor of inaccurate memory will be governed by certain psychological processes. The type of inconsistency (for example: direct contradictions, forgetting information or adding new information) is also a consequence of the psychological processes involved.

In a formative study, Lindsay, Lim, Marando & Cully (1986), found that eyewitness confidence, rather than accuracy, was the identified predictor of juror belief. Jurors were unable to detect inconsistencies when the witness was perceived to be confident. Studies have also found that jurors perceptions of witness accuracy are dependent on level of detail, confidence and accuracy of details (Lindsey et al, 1981). Berman, Narby and Cutler (1995) manipulated experimental conditions by introducing inconsistencies in the central and peripheral details about the defendant. The central details were focused on the appearance of the defendant, the primary issue in the case. Peripheral information was focused on the witnesses' environmental details. The results of their study revealed that, the witnesses' credibility was reduced when exposed to inconsistent testimony in either condition. However, inconsistencies in the central details led to fewer convictions. This highlights the need to understand the effect of the interaction of testimonial inconsistencies and other forensically relevant variables on juror decisions.

1.4 Hypotheses

McLain (2007, p. 4) rightly claimed, “credibility involves more than demeanor. It apprehends the over-all evaluation of testimony in the light of its rationality or internal consistency and the manner in which it hangs together with other evidence.”. The present study will explore the effects of witness demeanor along with inconsistencies in testimony on juror judgment. To understand the witness demeanor we will study two conditions, where the witness will portray two different levels of emotionality i.e. high and flat affect. Similarly, to explore testimonial inconsistencies, the study will compare juror judgements between consistent and inconsistent testimony conditions.

The first hypothesis predicts that individuals exposed to trials with high affect variations of witness demeanor are more likely to be affected in their ratings of probability of guilt. Most studies conducted in the past, focus on the effects the defendant’s demeanor has on jurors (Hendry, Shaffer & Peacock, 1989; Salekin et al., 1995). This study will focus on manipulating the demeanor characteristics of a witness to study how that could affect juror judgements. Studies have shown that anger and sadness affected the attributions of causal responsibility and by extension blame (Fiegeenson & Park, 2006). Anger has also been found to lead people to consider fewer facts when making judgements and use more stereotypical thinking in social judgement (Semmler & Hurst, 2017). Therefore, through this hypothesis we will explore the effect the witness’ demeanor using the juror’s evaluation of their experienced emotions as a covariate.

The second hypothesis states that individuals exposed to trials with testimonial inconsistencies are more likely to be affected in their ratings of probability of guilt. Fisher,

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Vrij and Leins (2013) found that inconsistent testimonies are the most predictive measure of perceived eyewitness inaccuracy. Inconsistent participants were found to be more unreliable. Therefore, through this hypothesis we aim to investigate if these findings are valid.

The final hypothesis predicts that there is an interaction between witness demeanor and witness consistency on ratings of credibility such that the high affect, inconsistent condition would show the highest ratings for probability of guilt. There is paucity of research exploring the effect of the interaction of testimonial inconsistencies with other factors. The present study will focus on exploring and understanding the relationship the interaction of these variables will have on juror judgements.

2. Method

2.1 Participants

For the purpose of the present study a sample of 127 participants (73 females and 54 males) comprising students and other participants was employed. The former were recruited using the university's online portal the Research Participation Service (RPS). Additional participants were recruited using snowball sampling and by placing flyers in the Hughes building in University of Adelaide. Students who participated were given credit as part of their curriculum.

Exclusion criteria for the study were: 1. Aged below 18 or above 75 years, 2. Incomplete survey responses, 3. Participants with a criminal history and 4. Participants involved with the legal profession.

An initial sample of 289 participants was whittled down using the exclusion criteria to yield the final sample of 127 participants which included 20 students. The age range of the participants was 18-63 years ($M = 28$, $SD = 12.78$).

2.2 Materials

To understand the process of juror judgement, a brief audio recording was made from the transcript of a criminal trial. The trial transcript used was a modified version of the transcript used by Semmler and Brewer (2002) in their study. The recording was then manipulated for two variations of witness demeanour i.e. flat affect and high affect. The differences in demeanour were showcased by changes in the emotionality of the witness testimony. Use of excessive emotion as indicated by changes in pitch and intonations in the voice (refer to Appendix A). The demeanour manipulations were carried out on the first prosecution witness only.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

The recording was also manipulated for two conditions of testimonial inconsistencies i.e. consistent and inconsistent. Testimonial inconsistencies in the present study focused on any contradictions in the testimony of the eyewitnesses. The inconsistent condition of the trial had 7 inconsistencies (refer to Appendix A). Of these there was one inconsistency in the Police Constable's testimony and the remaining were in Mrs. Cooper's testimony. Some of the inconsistencies were: Mrs. Cooper misidentified the truck logo, she also provided conflicting recollections of the events leading up to the accident.

The study was conducted using SurveyMonkey™ an online survey service. Each participant was exposed to one recording of a particular condition. After the presentation of the stimulus, at the onset of the survey, participants were asked to provide their verdict. Following this they were presented with a survey to assess the mock juror judgements. The survey was designed to measure the effect of the independent variables i.e. witness demeanour and testimonial consistency on the dependent variable i.e. probability of guilt..

2.3 Dependent Measures

The questionnaire consisted of four sections (refer to Appendix B). Each section was dedicated to a different aspect of the study.

Section one recorded the jurors' perceptions of the witness' testimony and its perceived effect on the juror's emotions. A 7-point Likert scale was used to measure these variables (1 = not at all important and 7 = very important, (for example: *To what degree did you experience emotions whilst listening to the witness testimony?*). This section also comprised of open ended questions aimed at understanding in-depth the effects of the variables on the participants (for example: *Could you briefly explain how that affected your perception of the witness?*). A 10-point scale was also used to provide a numeric assessment of participant's evaluations of how affected they were by the emotion/s they experienced (1=

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

not at all and 10 = extremely) and a rating of their perceptions of how the witness' demeanour affected them (for example: *To what extent did the demeanour of the eyewitness affect your judgement?*).

Section two assessed the credibility of the witnesses. Again a 7-point Likert scale was used (1=not at all credible and 7= very credible) (for example: *How credible did you find the testimony of the Police Constable?*). This section also measured the probability of guilt that the participants associated with the defendant on a 10-point scale (1= improbable and 10= completely probable).

The third section was dedicated to assessing the evaluation of testimonial inconsistencies and its effects on juror judgment. It focused on determining whether the participants identified correctly the testimonial inconsistencies. Open ended questions were used to provide participants a chance to enumerate and elaborate on the inconsistencies they identified, if any. The participants were assigned a score of 1 if they identified a complete, correct inconsistency and a score of 0 if they identified a partial or incorrect inconsistency.

The final section was focused on recall to understand the depth of processing. It used a multiple-choice paradigm to allow the participants to provide answers regarding facts presented in the study (for example: *On which road did the accident occur?*).

2.4 Procedure

The study followed a 2 (witness demeanour) x 2 (testimonial inconsistencies) between group experimental design. The witness demeanour was manipulated to have two conditions i.e. flat affect and high affect. Similarly, for the second variable one condition consisted of consistent testimonies whereas the second conditions had a few inconsistencies in the testimonies of the prosecution witnesses. The dependent variable for the present study was the probability of guilt as assessed by the jurors.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Each participant was provided with a link to an online survey on SurveyMonkey™ either through RPS or directly by the researcher.

The participants were randomly assigned a particular audio recording by the SurveyMonkey™ algorithm. On entering the study, they were presented with a study information sheet that elucidated the details of the study and its rationale. They were then asked to provide consent to participate. Once they commenced the study, they were presented a copy of the trial in the form of an audio recording. Each trial was approximately the same length i.e. 25 minutes. At the end of the trial, participants completed a pre prepared survey.

The survey first recorded the verdict the participants had decided upon after being exposed to the trial stimulus. They were then assessed on their opinions on the demeanor of the witness and how it affected them. It also assessed their level of processing by evaluating their recall of details. The survey also measured the number of inconsistencies detected and its effect on their judgement. In the final section participants were assessed on the recall of trial facts. Participants were then thanked for their participation.

3. Results

3.1 Data Screening and Assumption Testing

A total of 289 participants signed up for the survey. Applying the exclusion criteria yielded a final sample of 127 participants which included 20 students. The age range of the participants was 18-63 years ($M = 28$, $SD = 12.78$). Each participant was randomly allocated to one of four experimental conditions in the 2 (witness demeanour: flat, high) x 2 (testimonial inconsistencies: consistent, inconsistent) design.

The data were screened for normality and assumptions were checked. Outliers were assessed as being more than 2 standard deviations away from the mean. As the data did not fulfill the criteria for the statistical assumptions analysis was conducted using a bootstrapped ANOVA, with a set alpha level of .05. Effect sizes for the difference between means were reported using Cohen's d (Cohen, 1988).

3.2 Manipulation Checks

Table 1 outlines the comparison between the flat and high affect conditions on witness demeanour. It shows that there was no difference between them, $t(125) = -0.01$, $p < 0.01$, $d = 0.002$). This indicates that the manipulation of emotionality of the witness was not effective.

The consistency of the witnesses was perceived as being significantly more inconsistent in the inconsistent condition compared with the consistent condition, $t(125) = 24.36$, $p < .05$, $d = 4.34$ (refer to Table 2). This indicates that the consistency manipulation was effective.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Table 1

Manipulation check for conditions of Witness Demeanour (High Affect, Flat Affect).

	Witness Demeanour						<i>t</i>	<i>df</i>
	High Affect			Flat Affect				
	<i>M</i>	<i>SD</i>	<i>N</i>	<i>M</i>	<i>SD</i>	<i>N</i>		
Demeanour Ratings	5.83	2.73	71	5.88	3.04	56	-.01	125

Table 2

Manipulation check for conditions of Testimonial inconsistencies (Consistent, Inconsistent).

	Testimonial Inconsistencies						<i>t</i>	<i>df</i>
	Inconsistent			Consistent				
	<i>M</i>	<i>SD</i>	<i>N</i>	<i>M</i>	<i>SD</i>	<i>N</i>		
Consistency Score	3.07	.96	69	0	0	58	24.36**	125

Note: **p < 0.05

3.3 Tests of Hypotheses

The first hypothesis of the present study was aimed at understanding the effects of the manipulation of demeanour. It predicted that individuals exposed to trials with high affect variations of witness demeanour are more likely to be affected in their ratings of probability of guilt. Similarly, the second hypothesis was formulated to understand the effects of the manipulation of testimonial inconsistencies. It was hypothesised that ratings of the probability of guilt was likely to be more in individuals exposed to trials with testimonial inconsistencies.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Hypothesis 3 predicted that there would be an interaction between witness demeanor and witness consistency on probability of guilt such that the high affect, inconsistent condition would show the highest ratings for probability of guilt (refer to Figure 3).

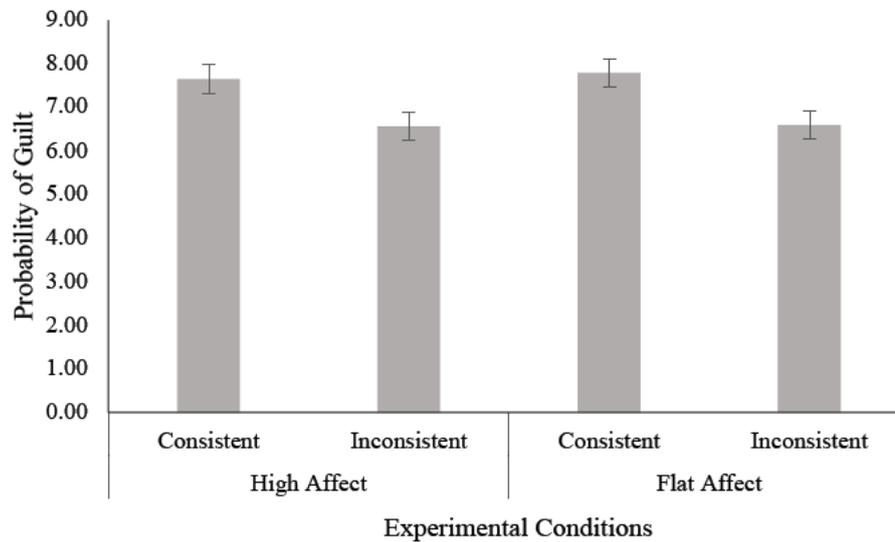


Figure 3: Mean values of sample (N=127) on probability of guilt as a function of the experimental condition [i.e. 2 (witness demeanor: flat, high) x 2 (testimonial inconsistencies: consistent, inconsistent)], (error bars represent standard error).

To assess these hypotheses a two-way analysis of variance on probability of guilt was conducted. A significant main effect was obtained for witness demeanor, $F(4,126) = 15.03$, $p < 0.001$. The effect size was calculated using eta squared, yielding a value of .28 which is reflective of a small effect. The analysis also revealed no significant effects of testimonial inconsistencies, $F(4,126) = 1.24$, $p > .05$ and no interaction between the two variables, $F(15,126) = .53$, $p > .05$. Thus, the results support only hypothesis 1, which predicted the effect of the high affect manipulation of witness demeanor on ratings of probability of guilt.

3.3.1 Verdict.

Figure 4 represents the data on verdict. This was subjected to a Chi square analysis to further understand the effect of the independent variables on the verdict, $\chi^2(1,127) = 2.597, p = .107$. There was no difference in the assessment of verdict by jurors, regardless of the manipulation of witness demeanour (High affect, Flat Affect) or testimonial inconsistencies (Inconsistent, Consistent). Cramer's V value of .19 also showed a weak association between the variables. It can thus be concluded that there is a weak difference between the participants in their judgement of verdict for the four experimental conditions.

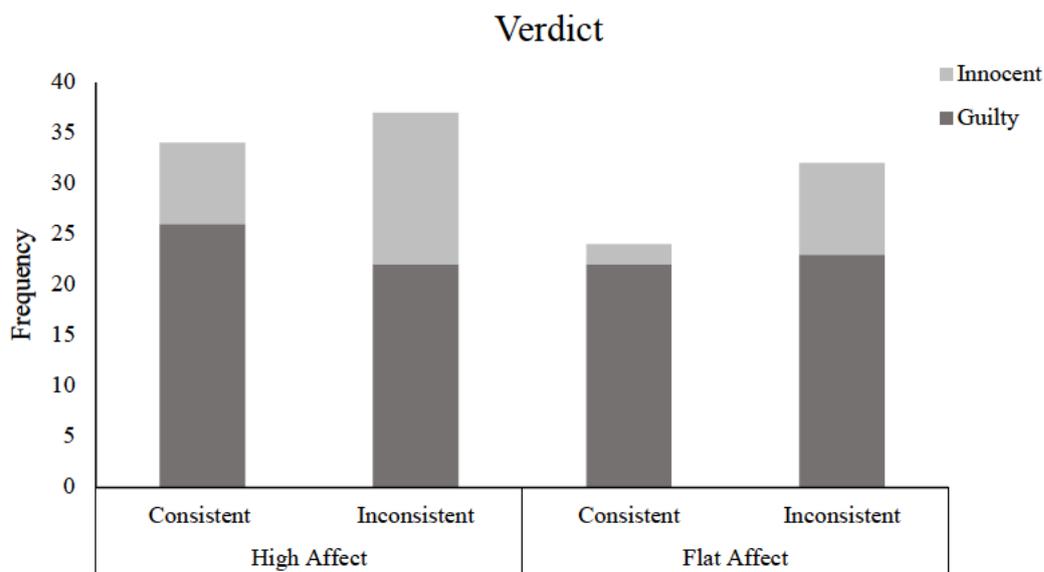


Figure 4: Frequency of verdicts for each condition, 2 (witness demeanour: flat, high) x 2 (testimonial inconsistencies: consistent, inconsistent).

3.4 Exploratory Analysis

An exploratory analysis was conducted on the open-ended questions, to gain insight into the data.

The first question was aimed at understanding the reasons behind the credibility ratings that the participants provided. As expected, some participants in the inconsistent trial conditions found the witnesses less credible due to the flaws in their testimonies (*“There were so many inconsistencies. The first witness didn't even seem interested in the case.”*). Paradoxically, many participants rated Mrs. Cooper as being not credible whilst others found her highly credible based on her role in the events. Some found her to be a biased witness, affected by the events that occurred (*“The witness is not credible as her response was biased and emotional.”*). Whereas others attributed this fact to increasing her credibility (*“She was credible because of her proximity to the accident”*). The emotional circumstances of the accident were also cited as a reason for reducing credibility (*“Due to the emotional stress during and after the accident”*).

The next question recorded the emotions experienced by the participants through the course of the trial. A majority of the participants stated feeling anger, sadness, grief, and fear whilst others reported experiencing sympathy and empathy towards the victims. There were also instances which highlighted feelings of disgust and remorse and a few participants who disclosed feeling no emotions.

The following question focused on understanding the effect the experienced emotions may have had on the participants' perceptions of the defendant. Most participants reported feeling anger towards the defendant. Some claimed that it made them feel sympathetic towards the victim (*“I could relate to and understand what the family must be going through after the loss of their child.”*). Others tried to be objective or reported not being influenced by the emotions (*“I maintained the objective distance from the situation and as a person who*

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

drives, I tried to understand the scenario. Emotional attachment would have affected my judgement.”). Some believed that the emotions reflected cues on how to assess the information (“*A show of her emotions changed my perception about the eye witness*”).

How the demeanour of the witness may have affected the participant’s perceptions was also assessed. Some participants stated that the victim’s sad demeanour affected how they perceived the defendant (“*To some extent her sadness did make me feel the driver was guilty*”). Many commented on the low pitch and tonality of the victim’s voice (“*Her voice was distraught.*”). Others however stated being unaffected by the demeanour of the witness (“*Not in any way*”).

The final question tried to assess the reasons why the participants found one witness more or less credible than the other. The data showed that 27.5% (n=35) of the participants found the Police Constable to be the credible witness and the remaining larger proportion of participants 72.5% (n=92) believed Mrs. Cooper was the credible witness. The Police constable was deemed credible because of her credentials. She was also perceived to be a more objective, reliable witness (“*Constable analysed situation objectively as a third party and presented factual information to the court.*”; “*It's the duty of the police to help the jury to take the appropriate decision.*”). Mrs. Cooper on the other hand was assessed as being more credible because of the emotions she expressed (“*She was very genuine. She may not have been unbiased, but she seemed very honest.*”; “*Hers was a more heartfelt story and can sympathise with what she is going through*”).

4. Discussion

The objective of the present study was to understand the interaction between the effects of testimonial inconsistencies and witness demeanour on probability of guilt. The study employed a 2 Witness Demeanour (High affect; Flat affect) x 2 Testimonial Inconsistencies (Consistent; Inconsistent) experimental design. Previous studies have mostly focused on each variable independently within the legal setting, providing insight into their individual effects on various aspects of juror judgments.

According to Bornstein and Greene (2011, p. 63) ,“the jury is a unique institution: It requires ordinary citizens who lack legal training to hear evidence, make sense of conflicting facts, and apply legal rules to reach a verdict about which all (or sometimes just most) jurors can agree.” The tasks of a juror involves various complex cognitive processes such as attention, encoding, memory, comprehension, and retrieval of information. They are required to allocate various mental resources to these processes. The degree to which such resources are called upon is determined by the specific features of the trial such as the structure of evidence, or the amount and type of law which must be applied to the case (Semmler & Brewer, 2002). There are concerns that laypeople are ill-equipped to handle complex evidence, that they are swayed emotions such as sympathy, thereby awarding large sums of money for frivolous claims (Greene, 2009). It is one of these concerns regarding affect and inconsistencies that the present research is attempting to understand.

The findings of the present study did not support the hypothesis predicting an interaction effect between witness demeanour and testimonial inconsistencies on perceived probability of guilt. A further analysis to understand the relationship between witness

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

demeanour and testimonial inconsistencies on verdicts, also revealed a non-significant relationship between the variables (refer to Figure 4). This implies that the variables (witness demeanour and testimonial inconsistencies) did not have an effect on either measure of juror judgement i.e. verdict or probability of guilt. The outcomes are supported by research from Hendry, Schaffer and Peacock (1989) who found that in many mock jury experiments, extra-legal information was often attenuated or even limited as legal evidence was deemed more reliable and clear cut.

The role of emotions in the assessment of probability and attribution of guilt could explain the present results. The role of jurors in legal proceedings is fraught with elaborate emotional decisions. Even though jurors are explicitly instructed to provide rational and unbiased verdicts, their emotions, both integral (emotions prompted by features of the legal proceedings) and incidental (emotions prompted by factors extrinsic to the legal proceedings), can affect their attributions of legal responsibility (Feigenson, 2016). Graham, Weiner and Zucker (1997, as cited in Feigenson, 2016) found that attribution of responsibility of guilt can prompt an emotional response which can influence the extent of punishment. Integral emotional states i.e. emotions caused as a factor of the legal proceedings were found to be highly influential in mock jurors decision making. These emotions mediate the effects of factors such as the severity of the accident, blameworthiness, or responsibility. Sympathy was found to affect the severity of the mock juror judgement (Bornstien, 1991, as cited in Feigenson, 2015). More perceived damage to the victim increased the severity of the punishment. Participants in the present study also reported feelings of sympathy towards the victim (*“I was so sad for her as she had lost members of her family.”*), which could have influenced their judgements.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Further within a trial proceeding, a juror experiences multiple emotions which can have complex effects on the ultimate decision. Studies show that multiple congruent emotions or multiple successive emotions have interactive effects on decision making (Salerno & Peter-Hagene, 2013). The effect of one emotion could negatively impact the experience of the next (Winterich, Han, & Lerner, 2010). Shiv and Fedorikhin (2002, as cited in Wiener, Bronstein & Voss, 2006) reported that anticipated emotions can overpower rational decision making.

The data for the present study, did not yield a significant effect of testimonial inconsistencies on juror judgement. Even though participants reported instances of inconsistencies affecting their judgement of the credibility of the witness (*“There were so many inconsistencies. The first witness didn't even seem interested in the case.”*), this did not reflect in their assessment of guilt. Jones, Palmer and Bandy (2015) found that the evaluation of the eyewitness testimony was influenced by whether the target witness testified after another consistent or inconsistent witness. Contrast effects play a crucial role in the evaluation of the second witness. If the second witness displayed a different level of consistency as compared to the previous witness, s/he appeared especially unreliable. In the present study however, both the first and the second witness had inconsistencies in their testimonies in the manipulated condition. This may have attenuated the effect of the inconsistencies on the credibility of the witness. Bell and Loftus (1989, as cited in Jones, Palmer & Bandy, 2015) reported that witnesses who recalled extra details were evaluated as being more credible. Therefore, the second witness in the present study, whose testimony contained more inconsistencies, seemed credible because she revealed many first-hand details about the event.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Earlier researches have confirmed an 'Emotional Victim Effect' where victim-witnesses who display (an acceptable level of) negative emotion, such as sadness or distress, when testifying tend to be perceived by observers as more credible than those who are more neutral or controlled (Kaufmann et al, 2003). In the present study, this could be reflected in the value associated with the credibility of the second witness, the victim, even in the presence of evidence of inconsistencies in her testimony. Many of the participants stated that the involvement of the second witness during the events was a strong indicator of her credibility (*"She was credible because of her proximity to the accident", "I think it was because she was in the car at the time and she saw everything with first-hand experience."*). She was also rated as being the more credible witness by 72.5% of the participants, even though her testimony had the most inconsistencies because of her presence at the site and her role as a victim (*"Because she was there when it all happened.", "Mrs Cooper among the people who are part of the incident, though she be in trauma with the incident, still she saw all the things happening before and after incident"*).

Lindsay (1986) investigated the effects of a series of contradictory statements about the criminal's hair colour on mock-juror decisions. After listening to the audiotaped simulated trial, participants rated the consistency of the eyewitness testimony and the guilt of the defendant. Contradictory statements provided by the eyewitness did not influence participants' verdicts. In another study, Leippe and Romanczyk (1989) examined how participants' decisions were influenced by inconsistent statements provided by an adult or child eyewitness. Results of their study showed inconsistencies of testimony did not significantly impact participants' verdicts. These researches, support the findings of the present study and can provide an explanation for the results.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

The current research found a significant main effect for witness demeanour, thereby giving credence to the first hypothesis. A preliminary analysis revealed the data to be positively skewed for scores on perceptions of witness demeanour. However, the manipulation check revealed a non-significant difference between the two manipulated levels of witness demeanour i.e. high and flat affect. This implied that most participants were affected by the witnesses demeanour, however the level of manipulation did not play a significant role. Therefore, in the present study the content of the testimony did not affect the jurors. A study by Wessel et al. (2012) reported similar results. Credibility ratings were strongly affected by emotions displayed but not the content of the statements whilst the judgements regarding probability of guilt were not affected by the emotions displayed but by the content of the statement. Salekin, Ogloff, McFarland, and Rogers (1995) in their study found that witness emotionality affects perception of guilt. Their findings align with those of the present study.

Since witness demeanour was defined as a function of the emotions experienced, it can be speculated that the juror's ratings of probability of guilt may have been affected by their affective states. The study did measure the degree of emotion experienced as part of the trial (*To what degree did you experience emotions whilst listening to the witness testimony?*), this gave us a measure of the jurors' evaluations of the emotions they experienced during the trial. The study also measured the emotions the participants experienced through an open ended question (*“What emotions did you experience while listening to the eyewitness testimony?”*). Most jurors reported experiencing anger (52.7%), sadness (45.6%), fear (18.9%), grief (29.9%) and sympathy (20.5%). These findings can only offer tentative conclusions since the affective states were not measured using statistical tests. Psycho-legal

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

researchers have also observed that anger can affect decisions made by jurors (Nuñez et al, 2015).

Appraisal theory suggests that specific emotions are associated with feelings of certainty or uncertainty (Tiedens & Linton, 2001). Applying the appraisal theory to legal decision-making, when a mock juror feels angry, it is theorised that he or she will be more likely to report feeling certain. When a mock juror feels certain, he or she may stop listening to additional evidence, believing that the evidence or information he or she already has is correct and complete. Additionally, he or she might begin processing information in a heuristic way, paying attention to more superficial cues about the case. Conversely, emotions that elicit uncertainty (e.g., sadness and fear) may lead to processing information more carefully, as feeling uncertain signals the need to keep looking for more information to help make a decision (Tiedens & Linton, 2001). Their research like others quoted above explain the effects of emotions on mock jurors' decision-making, it is still not very clear how these emotions will affect jury decision-making in the real world (Nuñez et al., 2015) .

The present study found that there were complex emotions experienced that may have had differential effects on the processing of testimony-making it difficult to disentangle the results on probability of guilt ratings. Emotions have been known to be an integral part of research into social judgements. Many emotions can be elicited during a criminal trial (Nuñez et al, 2015). Various theories have been proposed to explain how emotion can affect decision making (Forgas, 1995; Petty & Cacciopo, 1986). A large number of participants reported feeling anger. Research has found that anger affects information processing by means of its appraisal tendencies such that the associated degree of certainty causes individuals to employ heuristic cues. Therefore, their assessment of the information is less

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

systematic (Fiegeonson, 2016). Some respondents in the present study reported feelings of sadness which have been associated with more systematic processing and therefore more accurate identification of inconsistencies (Semmler & Brewer, 2002).

The effects of demeanour have also been studied in relation to understanding deception. In the present study, evaluations of the witnesses demeanour was based on paralinguistic and verbal cues. Therefore, assessments of deception were based on the witnesses' statements. Johnson and Vinson (1987, as cited in Spellman & Tinney, 2010) found that powerful language, avoiding hedges and disclaimers was associated with confidence. Behaviours commonly attributed to deception include nervousness and anxiety. Ekman (1985, as cited in Henningson, Valde & Davies, 2005) coined the term "Othello effect" which refers to the misattribution of anxiety to deception. Their study also found that when an alternative explanation is available to explain the nervous behaviour, they are not considered deceptive. This could explain how the jurors in the present study rationalised the behaviours of the witnesses.

There are some limitations to this study. One factor that affected the outcome of the study was the insignificant manipulation of witness demeanour. The rationale behind manipulating witness demeanour on two levels i.e. High and Flat affect was to see if they have congruent effects on mood and subsequent decisions. The nature of the variable makes it dynamic in its effect on individuals. A proper manipulation requires extensive and fine-tuned variations between conditions. Due to paucity of time and resources the present recording was not done using professional actors. Further since the actors in the present recording were mainly international students, it is possible that the nuances of the paralinguistic manipulations were lost in their accents. The use of a uniform accent even

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

though not Australian was used to prevent the activation of biases.. Another drawback of the present study was that responses to some conditions were slightly underpowered. During the process of data screening, a large number of participants had to be removed for not meeting the appropriate inclusion criteria. This led to unequal groups two of which had participants less than that required for adequate statistical power.

This study was one of the first preliminary investigations into understanding the interactional effects between extra-legal factors. This study also focused on witness demeanour rather than defendant demeanour which has been the focus of much research. The study also allowed for an understanding into how trials may occur in the real world when many different factors are influencing the jurors. This study also provides impetus for studying interaction effects between other extra-legal factors or the relationship between evidentiary factors and extra-legal factors. For future research, I would recommend the use of professional actors in vignettes. Using video recording in tandem with audio could also provide new insights into how jurors perceive the witness' demeanour and testimonial inconsistencies. The study can be used in future research to develop protocols to counteract biases that occur during legal proceedings. It can also serve as a stepping stone towards understanding how extralegal factors operate within a jury setting where multiple interactions occur.

References

- Barnett, N.J., & Field, H. S. (1978). Character of the defendant and length of sentence on rape and burglary crimes. *The Journal of Social Psychology*, 104.
- Berman, G. L., Narby, D. J., & Cutler, B. L. (1995). Effects of inconsistent eyewitness statements on mock-jurors' evaluations of the eyewitness, perceptions of defendant culpability and verdicts. *Law and Human Behavior*, 19, 79–88. doi:10.1007/BF01499074
- Blumenthal, J. A. (2005) Does mood influence moral judgment - An empirical test with legal and policy implications, *Law & Psychological Review*, 29 (1).
- Bodenhausen, G.V. Kramer, G. P& K Susser, K.(1994) Happiness and stereotypic thinking in social judgements, *Journal of Personality and Social Psychology*, 66(4), 621-632.
- Bornstein, B. H., & Greene, E. (2011). Jury decision making: Implications for and from psychology. *Current Directions in Psychological Science*, 20, 63-67.
- Bower, G. H. (1981). Mood and memory. *American Psychologist*, 36, 129 - 148.
- Brewer, N. & Burke, A. (2002) Effects of testimonial inconsistencies and eyewitness confidence on mock-juror judgments. *Law and Human Behaviour*. 26(3), 353–364.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Chaiken, S., Liberman, A., & Eagly, A. H. (1989). Heuristic and systematic processing within and beyond the persuasion context. In J. S. Uleman & J. A. Bargh (Eds.), *Unintended thought*, (pp. 212-252). New York: Guilford.

Clancy, D. & Bull, R. (2015) The Effect on mock juror decision making of power of speech within eyewitness testimony and types of scientific evidence, *Psychiatry, Psychology and Law*, 22(3), 425-435, doi: 10.1080/13218719.2014.960029

Cohen, J. (1988). *Statistical power analysis for the behavioral sciences* (2nd ed.). Hillsdale, NJ: Lawrence Earlbaum Associates.

Collins, A. M., Brown, J. S., & Larkin, K. (1980). Inference in text understanding. In R. J. Spiro, B. C. Bruce, & W F. Brewer (Eds.), *Theoretical issues in reading comprehension* (pp. 385-407). Hillsdale, NJ: Erlbaum

Feigenson, N. (2010). Emotional influences on judgments of legal blame: How they happen, whether they should, and what to do about it. In B. Bornstein & R. Wiener (Eds.), *Emotion and the law: Psychological perspectives*, (pp. 45–96). New York, NY: Springer.

Feigenson, N. (2016). Jurors' emotions and judgments of legal responsibility and blame: what does the experimental research tell us? *Emotion Review*, 8 (1).26-31.

Feigenson, N., & Park, J. (2006). Emotions and attributions of legal responsibility and blame: A research review. *Law and Human Behavior*, 30, (2)143–161.

Fiedler, K. (1990), "Mood-dependent selectivity in social cognition." In Stroebe, W. and Hewstone, M. (Eds) *European Review of Social Psychology*, (pp 1-32). New York: John Wiley,

Fife-Schaw, C. (1995).The Influence of Witness Appearance and Demeanor on Witness Credibility: A Theoretical Framework .*Medicine, Science and the Law*, 3 5(2), 107-116

Fisher, R., Vrij, A. & Leins, D. (2013). Does Testimonial Inconsistency Indicate Memory Inaccuracy and Deception? Beliefs, Empirical Research, and Theory. *Applied Issues in Investigative Interviewing, Eyewitness Memory, and Credibility Assessment*. 173-189. 10.1007/978-1-4614-5547-9_7.

Fisher, R. P., Brewer, N., & Mitchell, G. (2009). The relation between consistency and accuracy of eyewitness testimony: Legal versus cognitive explanations. In Williamson, T. Bull, R. & Valentine, T. (Eds.), *Handbook of psychology of investigative interviewing: Current developments and future directions*, (pp.121-136). Oxford, UK: Wiley-Blackwell. doi: 10.1002/9780470747599.ch8

Forgas, J. P. (1995). Mood and judgment: The Affect Infusion Model (AIM). *Psychological Bulletin*, 117, 39 – 66.

Forgas, J.P., & Bower, G.H. (1988). Affect in social judgments. *Australian Journal of Psychology*, 40, 125-145.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

- Galesic, M., Olsson, H., & Rieskamp, J. (2018). A sampling model of social judgment. *Psychological Review*, 125(3), 363-390. <http://dx.doi.org/10.1037/rev0000096>
- Granhag, P. & Strömwall, L. (2000). Deception Detection: examining the Consistency Heuristic. In Breur, C.M., Kommer, M.M., Nijboer, J.F., Reijntjes, J.M (Eds), *New Trends in Criminal Investigation and Evidence*, (2), 309-321, Antwerpen: Intersentia.
- Greene, E. (2009). Psychological issues in civil trials. In J.D. Lieberman & D.A. Krauss (Eds.), *Jury Psychology: Social Aspects of Trial Processes*, 1, 183-205, Burlington, VT: Ashgate.
- Hendry, S. H., Shaffer, D. R., & Peacock, D. (1989). On testifying in one's own behalf: Interactive effects of evidential strength and defendant's testimonial demeanour on mock jurors' decisions. *Journal of Applied Psychology*, 74(4), 539-545.
- Henningsen, D.D., Valde , K. S. & Davies, E.(2005) Exploring the Effect of Verbal and Nonverbal Cues on Perceptions of Deception, *Communication Quarterly*, (53,3), 359-375, DOI: 10.1080/01463370500101329
- Horan J & Tait D 2007. Do juries adequately represent the community? A case study of civil juries in Victoria. *Journal of judicial administration* (16) 179–199
<http://dx.doi.org/10.1037/0022-3514.62.2.189>

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Jones, E.E., Palmer, P.G., & Bandy, A.D. (2015) The effect of inconsistency on evaluations of a second eyewitness: It depends on who testifies first, *Psychiatry, Psychology and Law*, 22(6), 814-829, DOI: 10.1080/13218719.2015.1015205

Juries Act(1927) South Australia Juries Act 1927 Retrieved from

<https://www.legislation.sa.gov.au/LZ/C/A/JURIES%20ACT%201927/2018.03.04/1927.ATH.PDF>

Kaufmann, G., Drevland, G., Wessel, E., Overskeid, G., & Magnussen, S. (2003) .The Importance of Being Earnest: Displayed Emotions and Witness Credibility. *Applied Cognitive Psychology*, 17(1) , 21-34

Leippe, M. R., & Romanczyk, A. (1989). Reactions to child (versus adult) eyewitnesses: The influence of jurors' preconceptions and witness behavior. *Law and Human Behavior*, 13(2), 103-132. <http://dx.doi.org/10.1007/BF01055919>

Liens, D. A., Fisher, R. P. & Vrij, A. (2012). Drawing on liars' lack of cognitive flexibility: Detecting deception through varying report modes, *Applied Cognitive Psychology*, (26)4 15-20 . <https://doi.org/10.1002/acp.2837>

Lindsay, R. C. L., Lim, R., Marando, L., & Cully, D. (1986). Mock-juror evaluations of eyewitness testimony: A test of metamemory hypotheses. *Journal of Applied Social Psychology*, 16, 447-459.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

McLain, L. (2007) *Fact, Fiction And Proof In The 21st Century: Evidence And Credibility*

For Fact Finding by Administrative Law Judges, Available

at: https://scholarworks.law.ubalt.edu/all_fac/923

Michael, J. & Mortimer J. A. (1933.), *Real Proof, Crime, Law and Social Science*. New

York: Harcourt, Brace

Miclea, M.I., Gabriel, O.& Saucan. D.S.(2012). Legal and extralegal factors influencing

judge's penal decisions. *Psiworld*.1,.78. 2012: 697- 701. Romania: Romanian Academy-

Institute of Philosophy and Psychology.

Minzner, M. (2008), Detecting lies using demeanor, bias, and context, *Cardozo Law Review*,

29, 25-57.

Neal, T.M.S., Guadagno, R.E., Eno, C.A., & Brodsky, S.L. (2012). Warmth and competence

on the witness stand: Implications for credibility of male and female expert witnesses.

Journal of the American Academy of Psychiatry and the Law, 40, 488-497.

Nuñez, N., Schweitzer, K., Chai, C., Myers, B. (2015). The impact of anger on juror

decisions in a capital trial. *Applied Cognitive Psychology*, 29, 200-209.

doi:10.1002/acp.3094

O'Connor, K. (2010). *Gender and women's leadership : a reference handbook*. Thousand

Oaks, Calif.: SA

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Pennington, N., & Hastie, R. (1986). Evidence evaluation in complex decision making.

Journal of Personality and Social Psychology, 51, 242-258

Pennington, N., & Hastie, R. (1992). Explaining the evidence: Tests of the story model for juror decision making. *Journal of Personality and Social Psychology*, 62(2), 189-206.

Petty, R. E., & Cacioppo, J. T. (1986). The Elaboration Likelihood Model of persuasion. In Berkowitz, L. (Ed.), *Advances in experimental social psychology* (19), 123-205. New York: Academic Press.

Pettys, T. E., (2007). The Emotional Juror. *Fordham Law Review*, 76.

Salekin, R.T., Ogloff, J.R.P., McFarlaned, C. & Rogers, R. (1995). Influencing jurors' perceptions of guilt: Expression of emotionality during testimony. *Behavioral Sciences and the Law*, 13, 293-305

Salerno, J., & Peter-Hagene, L. (2013). The interactive effect of anger and disgust on moral outrage and judgments. *Psychological Science*, 24, 2069–2078.

Schwarz, N., & Clore, G. L. (1988). How do I feel about it? Informative functions of affective states. In K. Fiedler & J. Forgas (Eds.), *Affect, cognition, and social behavior* (44- 62). Toronto: Hogrefe International.

Semmler, C., & Brewer, N. (2002). Effects of mood and emotion on juror processing and judgments. *Behavioral Sciences and the Law*, 20, 423–436. doi:10.1002/bsl.502

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Semmler, C. & Hurst, J. (2007). The impact of state and trait anger on processing of evidential inconsistencies. *Psychology and Law*, 24(4), 594-604. doi: 10.1080/13218719.2016.1258686

Siegel, L. J. (2011). *Essentials of criminal justice* (7th ed.). Belmont, CA: Wadsworth Cengage Learning.

Spellman, B.A. & Tenney, E.R. (2010), *Psychonomic Bulletin & Review* ,17(168).
<https://doi.org/10.3758/PBR.17.2.168>

Tanford, S., & Penrod, S. (1984). Social Influence Model: A formal integration of research on majority and minority influence processes. *Psychological Bulletin*, 95(2), 189-225.
<http://dx.doi.org/10.1037/0033-2909.95.2.189>

Taylor, N. & Joudo, J. (2005) The Impact of Pre-Recorded Video and Closed Circuit Television Testimony by Adult Sexual Assault Complainants on Jury Decision-Making: An Experimental Study, *Australian Institute of Criminology Research and Public Policy Series*, (68). Canberra, Australia: Australian Institute of Criminology

Tiedens L.Z. & Linton, S., (2001) Judgment Under Emotional Certainty and Uncertainty: The Effects of Specific Emotions on Information Processing, *Journal Personality & Social Psychology*. 75, 973- 994.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Valez, R.E., Neal, M. S. T & Kovera, M.B. (2016) Juries, Witnesses, and Persuasion: A Brief Overview of the Science of Persuasion and Its Applications for Expert Witness

Testimony, *The Jury Expert*, (28)2, 1-5.

Visher, C.A. (1987), Juror Decision Making: The importance of Evidence, *Law Human Behavior* ,(11),1-17.<https://doi.org/10.1007/BF01044835>

Wellborn, O. G. (1991), Demeanor, *Cornell Law Review*, 76 .Available at:

<https://scholarship.law.cornell.edu/clr/vol76/iss5/3>

Wessel, E.M, Bollingmo, G.C, Sonsteby, C., Nielson, L.M., Eliertsen, D.E, & Magnussen, S., (2012). The emotional witness effect: story content, emotional valence and credibility of a male suspect. *Psychology, Crime and Law*, 18(5), 417-430.

Wiener R.L, Bornstein B.H, & Voss A. (2006).Emotion and the law: a framework for inquiry. *Law Human Behaviour*. (30), 231–248.

Winterich, K. P., Han, S., & Lerner, J. S. (2010). Now that I'm sad, it's hard to be mad: The role of cognitive appraisals in emotional blunting. *Personality and Social Psychology Bulletin*, 36(11), 1467-1483. <http://dx.doi.org/10.1177/0146167210384710>

Appendix A

The mock trial transcripts consist of the trial four trials using the manipulated conditions. The witness demeanour is manipulated in the first prosecution witness by changes in pitch and intonations in the voice. These manipulations have been italicized in the transcript. The testimonial inconsistencies occur in both prosecution witnesses. They have been numbered and underlined in the transcript.

Condition: Flat Affect Consistent

Judge: Good morning Ladies and Gentlemen, my name is Judge Robertson. Today we are to hear in the Supreme Court the case of Crown versus Fynn James Stuart. Mr. Stuart is charged with causing grievous death by dangerous driving. Ms. Smith, you are now invited to open the case for the Crown.

Prosecution: Thank you Your Honour. Ladies and gentlemen of the jury, my name is Danielle Smith, I am the prosecuting attorney in the case of crown versus Fynn James Stuart. You will hear eyewitness evidence today that proves beyond reasonable doubt that Mr. Stuart is solely responsible for the death of Rebecca Cooper. The accident took place at approximately 4 PM on the 17th of June 2017 on Mount Baker near Eagle on the Hill. Driving to visit relatives, the family in their Corolla sedan rounded a left hand bend and were confronted with a large fuel tanker on the wrong side of the road. The tanker driver panicked and swerved, causing the trailer to jack knife across the path of oncoming car. The car hit the trailer on the driver's side of the vehicle. Unfortunately Rebecca Cooper and her father were trapped in a twisted wreckage. They were trapped for twenty minutes. The 3 year old daughter died on impact and the father incurred severe neck and spinal injuries. Today, you will hear eyewitness evidence that proves that Mr. Stuart drove his semi-trailer in a manner that created potential danger to other people using the highway. This was solely and act of carelessness and inattention and an act that directly cause the death of Rebecca Cooper. You, the jury can deliver justice by finding the defendant guilty of causing death by dangerous driving. Thank you Your Honour.

Jude: Ms. Jones, you may now open the case for the defendant.

Defence: Thank you Your Honour. Ladies and Gentlemen of the jury, my name is Carol Jones, I am the attorney for the defendant today, Mr. Stuart. The prosecution will allege on the basis of eyewitness testimony that my client was solely responsible for the injury occurred when his truck collided with the eyewitnesses' car on the afternoon of the 18th. Ladies and Gentlemen, I want you to first remember while listening to the eyewitness evidence that the eyewitness was in the car at the time of the accident which means that she may not have seen the things that she alleges to have seen. Second, she and her young son had to watch her husband and daughter trapped in the wreckage of the car that was in imminent danger of bursting into flames. This is bound to cause feelings of helplessness and perhaps a strong need to blame someone. While not in any way trying to deny the adverse nature of the events that occurred that day, I have to emphasize that Mrs. Wright is not an impartial witness who has the benefit of objectivity. Finally, at the same time of the accident she must've been under a great deal of stress and is most likely affected her ability to recall

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

the details of the event. Ladies and gentlemen it is our case that it was the witnesses' car which crossed over the double lines that evening causing Mr. Stuart to swerve his trailer to jack-knife across the road and into the witnesses' car. In conclusion, ladies and gentlemen I ask you to consider the suffering of the truck's driver Mr. Stuart. He walked away physically unharmed from the accident however psychologically he is distraught. He knows that he could not have avoided the accident but he still blames himself despite the physical evidence which proves his innocence. Ladies and gentlemen, in considering the evidence, remember that the Crown bears the burden of the proof. They must prove beyond reasonable doubt that my client drove in a manner dangerous to the public, that this was a result of carelessness and further that this action was the sole cause of death resulting from the collision. You can deliver justice and ease Mr. Stuart suffering and delivering a not guilty verdict in accordance with the truth. Thank you for your honour.

Judge: Mr Jones, please call your first witness.

Prosecution: Thank you Your Honour. The Crown calls Police Constable Rachel Taylor to the stand. (Pause). Ms. Taylor, my name is Danielle Smith, I am the prosecuting attorney. I would like to ask you some questions about the accident which took place on Mount Baker Road, near Eagle on the Hill on the evening of June 17th 2017. We are keen to establish the truth so answer where appropriate with either, I don't know, I'm not sure or I'm sure.

Police Constable: Yes, I will.

Prosecution: Were you the investigating officer when this event occurred?

Police Constable: Yes, that is correct.

Prosecution: Can you please describe to the jury the position of the vehicles when you arrived at the scene of the accident that evening?

Police Constable: Certainly. The semi-trailer was blocking the whole road. The cabin was in the middle of the down track with its trailer perpendicular to the cabin obstructing the rest of the down track and extending all the way across the up track. The truck had been travelling down Mount Baker Road away from Eagle on the Hill and the car had been travelling up. There wasn't much left of the car, the motor had been pushed to the center console. The car impacted the trailer about half way along its right side. The car was completely caved in near the back of the driver's side. I arrived on the scene before the ambulance. I was so surprised any one had survived that collision Ms. Smith. The damage was severe.

Prosecution: Ms. Taylor, was there any evidence that either of the vehicles had taken any evasive action such as braking or swerving before impact?

Police Constable: Yes, there were wide skid marks from the truck trailer slewing sideways which were 28 metres in length. They went in a direction perpendicular to the skid marks of the truck which were 2 metres longer. There were no skid marks from the car.

Prosecution: From the length of the skid marks, the damage caused upon impact and the position of the vehicles, can any estimates be made regarding the speeds of the vehicles?

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Police Constable: It is difficult to determine that accurately. However, it appeared that the car may have been travelling at about 32 km/hr and the truck at about 50 km/hr.

Prosecution: Ms. Taylor, what causes a trailer to jack knife or begin to push the trailer of a truck along?

Police Constable: There are several different causes for a trailer to jackknife. It can be caused by incorrect tyre pressure, insufficient or too heavy loads, under gear out of alignment or worn steering or other faults in old vehicles.

Prosecution: In your opinion was the jack knife of the truck trailer caused by any problems that you just mentioned?

Police Constable: No. We checked the vehicle thoroughly. It was in good condition mechanically.

Prosecution: So what in your opinion could have caused the collision?

Police Constable: It seems from the analysis of the scene, that the truck swerved left and braked causing it to jack-knife. The car then ran into trailer. I cannot speculate on the reason why the driver of the truck had to brake.

Prosecution: Is it possible Ms. Taylor, that the driver swerved and brakes because he was speeding and/or on the wrong side of the road?

Police constable: yes it is possible.

Prosecution: Thank you Ms. Taylor. No further questions your honour.

Judge: Ms. Jones, you may now cross-examine the witness.

Defence: good morning Ms. Taylor. My name is Carol Jones, I am defending my client Mr Stuart the driver of the semi-truck. M Taylor, you stated to my learned friend Mr Smith, several reasons for the truck to jack knife in the manner you described.

Police constable: yes

Defence: Is It not equally possible that the driver of the truck, my client, could have braked and swevered to avoid a collision when he saw the car given by John Cooper on the wrong side of the road?

Police constable: Yes it is possible. As I said before, the truck jackknifed because the truck heavily braked and swerved to the left. I cannot speculate on the reasons why the truck braked in the first place. I can only tell you that the trailer moved to the other side of the road because of the breaking and swerving.

Defence: Thank you Ms. Taylor no further questions your Honour.

Judge: Ms. Smith you may now call your second witness to the stand.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Prosecution: Thank you Your Honour. The Crown calls Susan Cooper to the stand. Good morning Mrs Cooper, my name is Danielle Smith, I am the prosecuting attorney. I would like to ask you some questions about the accident which took place on Mount Baker Road, near Eagle on the Hill on the evening of 17th June, 2017. Mrs Cooper it is essential for the carriage of justice that the jury have a good understanding of the events leading up to the accident. We are keen to establish the truth so please answer the questions where appropriate with either, I don't know, I'm not sure or I am sure.

Witness: I will.

Prosecution Would you state your full name please?

Witness: Susan Jane Cooper.

Prosecution: Could you please state your complete residential address?

Witness: 20 Druids Avenue, Mount Baker, South Australia.

Prosecution: At approximately 4 pm on Saturday, June 17th 2017 were you in the vehicle travelling along Mount Baker road, which was subsequently involved in the accident in question?

Witness: Yes, I was.

Prosecution: Why were you and your family travelling along the mount Baker road on the evening of the accident?

Witness: We were returning after having spent the day in Greenacres in Adelaide with my mother on her birthday.

Prosecution: Who was with you in the car?

Witness: My husband John, and my children Jesse and Rebecca.

Prosecution: Had John ever had any accidents prior to the one that evening?

Witness: No he had an impeccable record.

Prosecution: Did John have any impairments or disabilities which may have affected his ability to drive that evening?

Witness: He wore glasses when driving and he was wearing them that day.

Prosecution: Was John tired, stressed or distracted on the day while he was driving?

Witness: No he was not.

Prosecution: Were the children distracting him at any point in the trip?

Witness: No

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Prosecution: When was the last time you had your eyes checked?

Witness: About 3 months ago. I get them regularly checked because of the work I do.

Prosecution: Mrs. Cooper, could you please tell the court in detail what you were doing 5 minutes prior to the accident?

Witness: I was on my way home after spending the day with my mother in Adelaide. We were driving long Mount Baker road.

Prosecution: Mrs Cooper could you elaborate on exactly what you were doing in the car leading up to the accident?

Witness: We were talking to the kids about the presents they had made their grandmother for her birthday.

Prosecution: So when was the first time that you noticed the truck travelling down the road?

Witness: Well it was when we rounded the left hand bend just before where the accident happened. We couldn't actually see around the bend because at that point the road is actually bending around the steep hill on the left.

Prosecution: When you did see the truck, where was it relative to the position of your car?

Witness: It was directly in front of us. A little towards the left of the centre of our car.

Prosecution: was the truck over the double white lines?

Witness: Yes I believe it was.

Prosecution: In your estimation, how far beyond the double lines was the truck?

Witness: A few metres. Maybe 3. Approximately the distance from here to the jury. Enough to prevent us from swerving.

Prosecution: Did the truck appear to swerve or deviate from its course prior to the accident?

Witness: Yes , it did brake. I remember that John had time to quickly flash the light.... It quickly swerved to our right.

Prosecution: At what speed were you travelling?

Witness: At 40 km/hr. We had slowed to take the corner.

Prosecution: And what about the estimated speed of the truck?

Witness: It was approaching us fast. So must have been over 80 km/hr.

Prosecution: Did the truck appear to slow down or brake at any point?

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Witness: It did break. As I said it happened very quickly. There was this petrol truck of Caltex truck and the trailer across the road coming straight for us and... it was very quick. There was no way John could have avoided it.

Prosecution: Where did your car hit the trailer?

Witness: We hit the right side of the trailer.

Prosecution: No further questions your Honour.

Judge: Thank you Ms. Smith. Ms. Jones you may now cross examine the witness.

Defence: Thank you Your Honour. God morning Mrs. Cooper. My name is Carol Jones and I am the defense attorney for this case. I have some questions that I would like to ask you regarding the accident that occurred on Mount Baker road, in which you were involved. The justice requires that the jury have a clear picture of the events that transpired, so please answer the questions as accurately as possible. (Pause) At what point did you first notice the truck on the wrong side of the road?

Witness: Just before the accident, at the bend on the road. Since it was a blind corner, I couldn't see it sooner because of the hill. When we rounded the bend though I could see the Caltex symbol on the truck.

Defence: Are you certain that the truck was on the wrong side of the road?

Witness: Yes, I am certain.

Defence: Mrs. Cooper if you noticed the truck on the wrong side of the road, why didn't you warn your husband?

Witness: I don't know. It was all so fast. But I could see it definitely was on the wrong side of the road. It was almost half way over our side of the road.

Defence: Were your eyes on the road the whole time you were rounding the corner?

Witness: Yes I was looking ahead the whole time.

Defence: Mrs Cooper, your husband maintained his attention on the road the whole time you were going around the corner?

Witness: Yes.

Defence: Mrs. Cooper, was your husband distracted at any point by the children and his attention left the road for a few minutes?

Witness: No he was paying attention to the road.

Defence: Mrs Cooper, I think that perhaps he was distracted and that out of anger you are blaming my client Mr Stuart !

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Witness: No that's not true! He caused the accident, his truck was on the wrong side of the road.

Defence: No further questions Your Honour.

Judge: Ms. Smith you may now address the jury with your closing statement.

Prosecution: Thank you Your Honour. Ladies and Gentlemen of the jury, you have now heard the testimony of two eyewitnesses. They have painted for you an elaborate picture of the events that occurred that fateful evening. The accident on Mount Baker road on the evening of 17th June, 2017 left a family broke. Though Mr. Stuart may have shown remorse and guilt for the crime, it was still due to his negligence that Mr. Cooper is no longer here with us. Constable and Mrs. Cooper have proven beyond reasonable doubt that it was due to the carelessness of Mr. Stuart that the accident occurred. Mr. Cooper was stuck in the car for hours and could not be helped. The family witnessed the death of their baby girl and Mr. and Mrs. Cooper lost her daughter that evening. They have suffered greatly and deserve justice. Mr. Stuarts suffering is incomparable. Ladies and Gentlemen of the jury, it is up to you to prove to them that the justice system works.. The defendant is guilty of causing death due to negligent driving. A life was lost and justice must be served. This judgement will highlight to the public the importance of careful driving in all conditions. Thank you Ladies and Gentlemen for your time and consideration.

Judge: Ms. Jones please call to stand your first and only witness.

Defence: Thank you Your Honour. The Crown calls to the stand the defendant Mr. Fynn James Stuart. (Pause) I would like to ask you some questions regarding the accident that you were involved in on the evening of 17th June 2017 on Mount Baker road, near Eagle on the Hill. To establish the truth please answer where appropriate with either, I don't know, I'm not sure or I am sure.

Mr. Stuart: (nods)

Defence: How long have you been a truck driver?

Mr. Stuart: I have been driving trucks for the past 20 years and I have been working with Caltex for the last 10 years.

Defence: Do you like your job Mr. Stuart?

Mr. Stuart: Well to be honest it is not an easy job. I have some difficult days and others are not so bad. You have to work long hours and are accountable to your head supervisor for everything. Sometimes they're tough on you. Its not uncommon to drive for more than 10 hours at a time.

Defence: Yet, you still do this job?

Mr. Stuart: Sometimes there isn't really a choice. With recession and all. No job is safe and I'm just glad to have one. Even if it means more time away from the family and work for longer.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Defence: So you say you've been working 20 years?

Mr. Stuart: Yep

Defence: So you would be quite familiar with how to drive a truck?

Mr. Stuart: Yeah after that long you can pretty much do anything in it.

Defence: So that evening what happened when you were driving down the Mount Baker road?

Mr. Stuart: I was delivering fuel to the Caltex in Mile End. It had been a really busy week and I was just looking forward to getting the delivery done and just going home. Take some time off.

Defence: When did you see the Coopers' white Corolla?

Mr. Stuart: As I was approaching the bend.

Defence: Did your truck, at any stage, pass over the double white lines into the corolla's lanes?

Mr Stuart: No

Defence: What happened?

Mr. Stuart: I saw the corolla drift into my lane so I slammed on the brakes and then the truck jack knifed as I was going around the corner.

Defence: So then what happened?

Mr. Stuart: Once you lose control of a vehicle like that, there isn't anything you can do but hope for the best. I was praying that the car would move out of the way.

Defence: Mr. Stuart, are you saying that after breaking you took no preventive measures to avoid the Corolla?

Mr. Stuart: Yes because I had no control.

Defence: No further questions your Honour.

Judge: Ms. Smith you may now cross examine the witness.

Prosecution: Thank you Your Honour. Mr. Stuart, do you know what the speed limit is for Mount Baker?

Mr. Stuart: Yes, around 60 km/h.

Prosecution: Do you remember the speed you were travelling?

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Mr. Stuart: Yes, around 60km/h or a little faster around 65 km/h.

Prosecution: So you were speeding?

Mr. Stuart might've been but it wasn't by much..

Prosecution: If you were travelling the speed limit would you have been able to control the vehicle around the bend?

Mr. Stuart: No, it wouldn't have made a difference. Trucks are big vehicles and I doubt I could've done any different even if I was going at 40 km/h.

Prosecution: Mr. Stuart do you need to be qualified to be a truck driver?

Mr. Stuart: yes, typically you need to do a few courses. It was pretty easy for me, i had no problems with them.

Prosecution: Do you need a special license to drive trucks?

Mr. Stuart: Yes, a truck driver's license.

Prosecution: Did you have a valid truck driver's license at the time of the accident?

Mr. Stuart: I think so.

Prosecution: Are you sure?

Mr. Stuart: No

Prosecution: Our records indicate that you had failed to renew your truck driver's license which expired two weeks before the accident.

Mr Stuart: So I can still drive a truck well.

Prosecution: But you were driving unlicensed?

Mr. Stuart: It doesn't mean anything. All I have to do is go to the transport office and get a new one, it take me 5 minutes. I've passed the courses and ive been driving for 30 years and that all that should matter.

Prosecution: No further questions your Honour.

Judge: Ms. Jones you may now present your closing argument to the jury.

Defense: Thank you Your Honour. Ladies and Gentlemen of the jury, the prosecution has alleged that it was Mr. Stuarts truck that was on the wrong side of the road which caused the accident in question. We contend that the only reason the trailer ended up there was because of the driver's need to swerve sharply and to brake to avoid the Cooper's car which had strayed onto the wrong side of the road. Ladies and Gentlemen, I ask you to consider the

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

eyewitness evidence upon which the prosecutions allegations is based. Mrs. Cooper had to watch her daughter die and could not do anything to help as they waited for assistance to arrive. A situation like this can be emotionally upsetting. Can you place your faith in the memory of a woman who has experienced such events? Can you believe that she is able to clearly remember what she saw prior to the events? No you cannot. The amount of stress that Mrs Cooper would have experienced is substantial and yet the prosecution asserts that Mrs Coopers memory would have been unaffected by this. Secondly, ladies and gentlemen, realize that people see those whom they know killed they often need to blame someone. Mrs. Cooper cannot face the possibility that her husband's driving caused her little girl's death. This is easy to understand. However, as guardians of justice, you the jury have to uphold the law, no matter how much people have suffered. Therefore, I put to you why my client Mr. Stuart is not guilty of causing death due to dangerous driving. Thank you.

Condition: Flat Affect Inconsistent

Judge: Good morning Ladies and Gentlemen, my name is Judge Robertson. Today we are to hear in the Supreme Court the case of Crown versus Fynn James Stuart. Mr. Stuart is charged with causing grievous death by dangerous driving. Ms. Smith, you are now invited to open the case for the Crown.

Prosecution: Thank you Your Honour. Ladies and gentlemen of the jury, my name is Danielle Smith, I am the prosecuting attorney in the case of crown versus Fynn James Stuart. You will hear eyewitness evidence today that proves beyond reasonable doubt that Mr. Stuart is solely responsible for the death of Rebecca Cooper. The accident took place at approximately 4 PM on the 17th of June 2017 on Mount Baker near Eagle on the Hill. Driving to visit relatives, the family in their Corolla sedan rounded a left hand bend and were confronted with a large fuel tanker on the wrong side of the road. The tanker driver panicked and swerved, causing the trailer to jack knife across the path of oncoming car. The car hit the trailer on the driver's side of the vehicle. Unfortunately Rebecca Cooper and her father were trapped in a twisted wreckage. They were trapped for twenty minutes. The 3 year old daughter died on impact and the father incurred severe neck and spinal injuries. Today, you will hear eyewitness evidence that proves that Mr. Stuart drove his semi-trailer in a manner that created potential danger to other people using the highway. This was solely and act of carelessness and inattention and an act that directly cause the death of Rebecca Cooper. You, the jury can deliver justice by finding the defendant guilty of causing death by dangerous driving. Thank you Your Honour.

Judge: Ms. Jones, you may now open the case for the defendant.

Defence: Thank you Your Honour. Ladies and Gentlemen of the jury, my name is Carol Jones, I am the attorney for the defendant today, Mr. Stuart. The prosecution will allege on the basis of eyewitness testimony that my client was solely responsible for the injury occurred when his truck collided with the eyewitnesses' car on the afternoon of the 18th. Ladies and Gentlemen, I want you to first remember while listening to the eyewitness evidence that the eyewitness was in the car at the time of the accident which means that she may not have seen the things that she alleges to have seen. Second, she and her young son had to watch her husband and daughter trapped in the wreckage of the car that was in imminent danger of bursting into flames. This is bound to cause feelings of helplessness and

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

perhaps a strong need to blame someone. While not in any way trying to deny the adverse nature of the events that occurred that day, I have to emphasize that Mrs. Wright is not an impartial witness who has the benefit of objectivity. Finally, at the same time of the accident she must've been under a great deal of stress and is most likely affected her ability to recall the details of the event. Ladies and gentlemen it is our case that it was the witnesses' car which crossed over the double lines that evening causing Mr. Stuart to swerve his trailer to jack-knife across the road and into the witnesses' car. In conclusion, ladies and gentlemen I ask you to consider the suffering of the truck's driver Mr. Stuart. He walked away physically unharmed from the accident however psychologically he is distraught. He knows that he could not have avoided the accident but he still blames himself despite the physical evidence which proves his innocence. Ladies and gentlemen, in considering the evidence, remember that the Crown bears the burden of the proof. They must prove beyond reasonable doubt that my client drove in a manner dangerous to the public, that this was a result of carelessness and further that this action was the sole cause of death resulting from the collision. You can deliver justice and ease Mr. Stuart suffering and delivering a not guilty verdict in accordance with the truth. Thank you for your honour.

Judge: Mr Jones, please call your first witness.

Prosecution: Thank you Your Honour. The Crown calls Police Constable Rachel Taylor to the stand. (Pause). Mr Taylor, my name is Danielle Smith, I am the prosecuting attorney. I would like to ask you some questions about the accident which took place on Mount Baker Road, near Eagle on the Hill on the evening of June 17th 2017. We are keen to establish the truth so answer where appropriate with either, I don't know, I'm not sure or I'm sure.

Police Constable: Yes, I will.

Prosecution: Were you the investigating officer when this event occurred?

Police Constable: Yes, that is correct.

Prosecution: Can you please describe to the jury the position of the vehicles when you arrived at the scene of the accident that evening?

Police Constable: Certainly. The semi-trailer was blocking the whole road. The cabin was in the middle of the down track with its trailer perpendicular to the cabin obstructing the rest of the down track and extending all the way across the up track. The truck had been travelling down Mount Baker Road away from Eagle on the Hill and the car had been travelling up. There wasn't much left of the car, the motor had been pushed to the center console.(1) The car impacted the trailer about half way along its right side. The car was completely caved in near the back of the driver's side. I arrived on the scene before the ambulance. I was so surprised any one had survived that collision Ms. Smith. The damage was severe.

Prosecution: Ms. Taylor, was there any evidence that either of the vehicles had taken any evasive action such as braking or swerving before impact?

Police Constable: Yes, there were wide skid marks from the truck trailer slewing sideways which were 28 metres in length. They went in a direction perpendicular to the skid marks of the truck which were 2 metres longer. There were no skid marks from the car.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Prosecution: From the length of the skid marks, the damage caused upon impact and the position of the vehicles, can any estimates be made regarding the speeds of the vehicles?

Police Constable: It is difficult to determine that accurately. However, it appeared that the car may have been travelling at about 32 km/hr and the truck at about 50 km/hr.

Prosecution: Ms. Taylor, what causes a trailer to jack knife or begin to push the trailer of a truck along?

Police Constable: There are several different causes for a trailer to jackknife. It can be caused by incorrect tyre pressure, insufficient or too heavy loads, under gear out of alignment or worn steering or other faults in old vehicles.

Prosecution: In your opinion was the jack knife of the truck trailer caused by any problems that you just mentioned?

Police Constable No. We checked the vehicle thoroughly. It was in good condition mechanically.

Prosecution: So what in your opinion could have caused the collision?

Police Constable: It seems from the analysis of the scene, that the (3) truck swerved left and braked causing it to jack-knife. The car then ran into trailer. I cannot speculate on the reason why the driver of the truck had to brake.

Prosecution: Is it possible Mr Taylor, that the driver swerved and brakes because he was speeding and/or on the wrong side of the road?

Police constable: yes it is possible.

Prosecution: thank you Mr Taylor. No further questions your honour.

Judge: Ms. Jones, you may now cross-examine the witness.

Defence: good morning Mr Taylor. My name is Carol Jones, I am defending my client Mr Stuart the driver of the semi-truck. Mr Taylor, you stated to my learned friend Mr Smith, several reasons for the truck to jack knife in the manner you described.

Police constable: yes

Defence: Is It not equally possible that the driver of the truck, my client, could have braked and swerved to avoid a collision when he saw the car given by John Cooper on the wrong side of the road?

Police constable: Yes it is possible. As I said before, the truck jackknifed because the truck heavily braked and swerved to the left. I cannot speculate on the reasons why the truck braked in the first place. I can only tell you that the trailer moved to the other side of the road because of the breaking and swerving.

Defence: Thank you Ms. Taylor no further questions your Honour.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Judge: Ms. Smith you may now call your second witness to the stand.

Prosecution: Thank you Your Honour. The Crown calls Susan Cooper to the stand. Good morning Mrs Cooper, my name is Danielle Smith, I am the prosecuting attorney. I would like to ask you some questions about the accident which took place on Mount Baker Road, near Eagle on the Hill on the evening of 17th June, 2017. Mrs Cooper it is essential for the carriage of justice that the jury have a good understanding of the events leading up to the accident. We are keen to establish the truth so please answer the questions where appropriate with either, I don't know, I'm not sure or I am sure.

Witness: I will.

Prosecution Would you state your full name please?

Witness: Susan Jane Cooper.

Prosecution: Could you please state your complete residential address?

Witness: 20 Druids Avenue, Mount Baker, South Australia.

Prosecution: At approximately 4 pm on Saturday, June 17th 2017 were you in the vehicle travelling along Mount Baker road, which was subsequently involved in the accident in question?

Witness: Yes, I was.

Prosecution: Why were you and your family travelling along the mount Baker road on the evening of the accident?

Witness: We were returning after having spent the day in Greenacres in Adelaide with my mother on her birthday.

Prosecution: Who was with you in the car?

Witness: My husband John, and my children Jesse and Rebecca.

Prosecution: Had John ever had any accidents prior to the one that evening?

Witness: No he had an impeccable record.

Prosecution: Did John have any impairments or disabilities which may have affected his ability to drive that evening?

Witness: He wore glasses when driving and he was wearing them that day.

Prosecution: Was John tired, stressed or distracted on the day while he was driving?

Witness: No he was not.

Prosecution: Were the (4) children distracting him at any point in the trip?

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Witness: No

Prosecution: When was the last time you had your eyes checked?

Witness: About 3 months ago. I get them regularly checked because of the work I do.

Prosecution: Mrs. Cooper, could you please tell the court in detail what you were doing 5 minutes prior to the accident?

Witness: I was on my way home after spending the day with my mother in Adelaide. We were driving long Mount Baker road.

Prosecution: Mrs Cooper could you elaborate on exactly what you were doing in the car leading up to the accident?

Witness: We were talking to the kids about the presents they had made their grandmother for her birthday.

Prosecution: So when was the first time that you noticed the truck travelling down the road?

Witness: (5) Well it was when we rounded the left hand bend just before where the accident happened. We couldn't actually see around the bend because at that point the road is actually bending around the steep hill on the left.

Prosecution: When you did see the truck, where was it relative to the position of your car?

Witness: It was directly in front of us. A little towards the left of the centre of our car.

Prosecution: was the truck over the double white lines?

Witness: Yes I believe it was.

Prosecution: In your estimation, how far beyond the double lines was the truck?

Witness: A few metres. Maybe 3. Approximately the distance from here to the jury. (6)It was $\frac{3}{4}$ the way over on our side of the road. Enough to prevent us from swerving.

Prosecution: Did the truck appear to swerve or deviate from its course prior to the accident?

Witness: (2)Yes , it did brake. I remember (6)that John had time to quickly flash the lights a couple of times.... (3)It quickly swerved to our right.

Prosecution: At what speed were you travelling?

Witness: At 40 km/hr. We had slowed to take the corner.

Prosecution: And what about the estimated speed of the truck?

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Witness: It was approaching us fast. So must have been over 80 km/hr. (6) John didn't have time to do anything.

Prosecution: Did the truck appear to slow down or brake at any point?

Witness: (2) No it did not break at all. As I said it happened very quickly. There was this petrol truck of (8) Ampol truck and the trailer across the road coming straight for us and... it was very quick. There was no way John could have avoided it.

Prosecution: Where did your car hit the trailer?

Witness: (1) We hit the left side of the trailer.

Prosecution: No further questions your Honour.

Judge: Thank you Ms. Smith. Ms. Jones you may now cross examine the witness.

Defence: Thank you Your Honour. God morning Mrs. Cooper. My name is Carol Jones and I am the defense attorney for this case. I have some questions that I would like to ask you regarding the accident that occurred on Mount Baker road, in which you were involved. The justice requires that the jury have a clear picture of the events that transpired, so please answer the questions as accurately as possible. (Pause) At what point did you first notice the truck on the wrong side of the road?

Witness: (5)I'd say at least 15 metres before we rounded the bend on the road. Since it was a blind corner, I couldn't see it sooner because of the hill. When we rounded the bend though I could see the (8) Caltex symbol on the truck.

Defence: Are you certain that the truck was on the wrong side of the road?

Witness: Yes, I am certain.

Defence: Mrs. Cooper if you noticed the truck on the wrong side of the road, why didn't you warn your husband?

Witness: I don't know. It was all so fast. But I could see it definitely was on the wrong side of the road. (6) It was almost half way over our side of the road.

Defence: Were your eyes on the road the whole time you were rounding the corner?

Witness: (4) I was getting a tissue for Rebecca, she'd spilt her drink..

Defence: Mrs Cooper, your husband maintained his attention on the road the whole time you were going around the corner?

Witness: Yes.

Defence: Mrs. Cooper, was your husband distracted at any point by the children and his attention left the road for a few minutes?

Witness: No he was paying attention to the road.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Defence: Mrs Cooper, I think that perhaps he was distracted and that out of anger you are blaming my client Mr Stuart !

Witness: No that's not true! He caused the accident, his truck was on the wrong side of the road.

Defence: No further questions Your Honour.

Judge: Ms. Smith you may now address the jury with your closing statement.

Prosecution: Thank you Your Honour. Ladies and Gentlemen of the jury, you have now heard the testimony of two eyewitnesses. They have painted for you an elaborate picture of the events that occurred that fateful evening. The accident on Mount Baker road on the evening of 17th June, 2017 left a family broke. Though Mr. Stuart may have shown remorse and guilt for the crime, it was still due to his negligence that Mr. Cooper is no longer here with us. Constable and Mrs. Cooper have proven beyond reasonable doubt that it was due to the carelessness of Mr. Stuart that the accident occurred. Mr. Cooper was stuck in the car for hours and could not be helped. The family witnessed the death of their baby girl and Mr. and Mrs. Cooper lost her daughter that evening. They have suffered greatly and deserve justice. Mr. Stuarts suffering is incomparable. Ladies and Gentlemen of the jury, it is up to you to prove to them that the justice system works.. The defendant is guilty of causing death due to negligent driving. A life was lost and justice must be served. This judgement will highlight to the public the importance of careful driving in all conditions. Thank you Ladies and Gentlemen for your time and consideration.

Judge: Ms. Jones please call to stand your first and only witness.

Defence: Thank you Your Honour. The Crown calls to the stand the defendant Mr. Fynn James Stuart. (Pause) I would like to ask you some questions regarding the accident that you were involved in on the evening of 17th June 2017 on Mount Baker road, near Eagle on the Hill. To establish the truth please answer where appropriate with either, I don't know, I'm not sure or I am sure.

Mr. Stuart: (nods)

Defence: How long have you been a truck driver?

Mr. Stuart: I have been driving trucks for the past 20 years and I have been working with Caltex for the last 10 years.

Defence: Do you like your job Mr. Stuart?

Mr. Stuart: Well to be honest it is not an easy job. I have some difficult days and others are not so bad. You have to work long hours and are accountable to your head supervisor for everything. Sometimes they're tough on you. Its not uncommon to drive for more than 10 hours at a time.

Defence: Yet, you still do this job?

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Mr. Stuart: Sometimes there isn't really a choice. With recession and all. No job is safe and im just glad to have one. Even if it means more time away from the family and work for longer.

Defence: So you say you've been working 20 years?

Mr. Stuart: Yep

Defence: So you would be quite familiar with how to drive a truck?

Mr. Stuart: Yeah after that long you can pretty much do anything in it.

Defence: So that evening what happened when you were driving down the Mount Baker road?

Mr. Stuart: I was delivering fuel to the Caltex in Mile End. It had been a really busy week and I was just looking forward to getting the delivery done and just going home. Take some time off.

Defence: When did you see the Coopers' white Corolla?

Mr. Stuart: As I was approaching the bend.

Defence: Did your truck, at any stage, pass over the double white lines into the corolla's lanes?

Mr Stuart: No

Defence: What happened?

Mr. Stuart: I saw the corolla drift into my lane so I slammed on the brakes and then the truck jack knifed as I was going around the corner.

Defence: So then what happened?

Mr. Stuart: Once you lose control of a vehicle like that, there isn't anything you can do but hope for the best. I was praying that the car would move out of the way.

Defence: Mr. Stuart, are you saying that after breaking you took no preventive measures to avoid the Corolla?

Mr. Stuart: Yes because I had no control.

Defence: No further questions your Honour.

Judge: Ms. Smith you may now cross examine the witness.

Prosecution: Thank you Your Honour. Mr. Stuart, do you know what the speed limit is for Mount Baker?

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Mr. Stuart: Yes, around 60 km/h.

Prosecution: Do you remember the speed you were travelling?

Mr. Stuart: Yes, around 60km/h or a little faster around 65 km/h.

Prosecution: So you were speeding?

Mr. Stuart might've been but it wasn't by much..

Prosecution: If you were travelling the speed limit would you have been able to control the vehicle around the bend?

Mr. Stuart: No, it wouldn't have made a difference. Trucks are big vehicles and I doubt I could've done any different even if I was going at 40 km/h.

Prosecution: Mr. Stuart do you need to be qualified to be a truck driver?

Mr. Stuart: yes, typically you need to do a few courses. It was pretty easy for me, I had no problems with them.

Prosecution: Do you need a special license to drive trucks?

Mr. Stuart: Yes, a truck driver's license.

Prosecution: Did you have a valid truck driver's license at the time of the accident?

Mr. Stuart: I think so.

Prosecution: Are you sure?

Mr. Stuart: No

Prosecution: Our records indicate that you had failed to renew your truck driver's license which expired two weeks before the accident.

Mr Stuart: So I can still drive a truck well.

Prosecution: But you were driving unlicensed?

Mr. Stuart: It doesn't mean anything. All I have to do is go to the transport office and get a new one, it takes me 5 minutes. I've passed the courses and I've been driving for 30 years and that all that should matter.

Prosecution: No further questions your Honour.

Judge: Ms. Jones you may now present your closing argument to the jury.

Defense: Thank you Your Honour. Ladies and Gentlemen of the jury, the prosecution has alleged that it was Mr. Stuart's truck that was on the wrong side of the road which caused the

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

accident in question. We contend that the only reason the trailer ended up there was because of the driver's need to swerve sharply and to brake to avoid the Cooper's car which had strayed onto the wrong side of the road. Ladies and Gentlemen, I ask you to consider the eyewitness evidence upon which the prosecutions allegations is based. Mrs. Cooper had to watch her daughter die and could not do anything to help as they waited for assistance to arrive. A situation like this can be emotionally upsetting. Can you place your faith in the memory of a woman who has experienced such events? Can you believe that she is able to clearly remember what she saw prior to the events? No you cannot. The amount of stress that Mrs Cooper would have experienced is substantial and yet the prosecution asserts that Mrs Coopers memory would have been unaffected by this. Secondly, ladies and gentlemen, realize that people see those whom they know killed they often need to blame someone. Mrs. Cooper cannot face the possibility that her husband's driving caused her little girl's death. This is easy to understand. However, as guardians of justice, you the jury have to uphold the law, no matter how much people have suffered. Therefore, I put to why my client Mr. Stuart is not guilty of causing death due to dangerous driving. Thank you.

Condition: High Affect Consistent

Judge: Good morning Ladies and Gentlemen, my name is Judge Robertson. Today we are to hear in the Supreme Court the case of Crown versus Fynn James Stuart. Mr. Stuart is charged with causing grievous death by dangerous driving. Ms. Smith, you are now invited to open the case for the Crown.

Prosecution: Thank you Your Honour. Ladies and gentlemen of the jury, my name is Danielle Smith, I am the prosecuting attorney in the case of crown versus Fynn James Stuart. You will hear eyewitness evidence today that proves beyond reasonable doubt that Mr. Stuart is solely responsible for the death of Rebecca Cooper. The accident took place at approximately 4 PM on the 17th of June 2017 on Mount Baker near Eagle on the Hill. Driving to visit relatives, the family in their Corolla sedan rounded a left hand bend and were confronted with a large fuel tanker on the wrong side of the road. The tanker driver panicked and swerved, causing the trailer to jack knife across the path of oncoming car. The car hit the trailer on the driver's side of the vehicle. Unfortunately Rebecca Cooper and her father were trapped in a twisted wreckage. They were trapped for twenty minutes. The 3 year old daughter died on impact and the father incurred severe neck and spinal injuries. Today, you will hear eyewitness evidence that proves that Mr. Stuart drove his semi-trailer in a manner that created potential danger to other people using the highway. This was solely and act of carelessness and inattention and an act that directly cause the death of Rebecca Cooper. You, the jury can deliver justice by finding the defendant guilty of causing death by dangerous driving. Thank you Your Honour.

Jude: Ms. Jones, you may now open the case for the defendant.

Defence: Thank you Your Honour. Ladies and Gentlemen of the jury, my name is Carol Jones, I am the attorney for the defendant today, Mr. Stuart. The prosecution will allege on the basis of eyewitness testimony that my client was solely responsible for the injury occurred when his truck collided with the eyewitnesses' car on the afternoon of the 18th. Ladies and Gentlemen, I want you to first remember while listening to the eyewitness

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

evidence that the eyewitness was in the car at the time of the accident which means that she may not have seen the things that she alleges to have seen. Second, she and her young son had to watch her husband and daughter trapped in the wreckage of the car that was in imminent danger of bursting into flames. This is bound to cause feelings of helplessness and perhaps a strong need to blame someone. While not in any way trying to deny the adverse nature of the events that occurred that day, I have to emphasize that Mrs. Wright is not an impartial witness who has the benefit of objectivity. Finally, at the same time of the accident she must've been under a great deal of stress and is most likely affected her ability to recall the details of the event. Ladies and gentlemen it is our case that it was the witnesses' car which crossed over the double lines that evening causing Mr. Stuart to swerve his trailer to jack-knife across the road and into the witnesses' car. In conclusion, ladies and gentlemen I ask you to consider the suffering of the truck's driver Mr. Stuart. He walked away physically unharmed from the accident however psychologically he is distraught. He knows that he could not have avoided the accident but he still blames himself despite the physical evidence which proves his innocence. Ladies and gentlemen, in considering the evidence, remember that the Crown bears the burden of the proof. They must prove beyond reasonable doubt that my client drove in a manner dangerous to the public, that this was a result of carelessness and further that this action was the sole cause of death resulting from the collision. You can deliver justice and ease Mr. Stuart suffering and delivering a not guilty verdict in accordance with the truth. Thank you for your honour.

Judge: Mr Jones, please call your first witness.

Prosecution: Thank you Your Honour. The Crown calls Police Constable Rachel Taylor to the stand. (Pause). Mr Taylor, my name is Danielle Smith, I am the prosecuting attorney. I would like to ask you some questions about the accident which took place on Mount Baker Road, near Eagle on the Hill on the evening of June 17th 2017. We are keen to establish the truth so answer where appropriate with either, I don't know, I'm not sure or I'm sure.

Police Constable: Yes, I will.

Prosecution: Were you the investigating officer when this event occurred?

Police Constable: Yes, that is correct.

Prosecution: Can you please describe to the jury the position of the vehicles when you arrived at the scene of the accident that evening?

Police Constable: *Certainly. Oh it was horrible that evening. The semi-trailer was blocking the whole road. The cabin was in the middle of the down track with its trailer perpendicular to the cabin obstructing the rest of the down track and extending all the way across the up track. The truck had been travelling down Mount Baker Road away from Eagle on the Hill and the car had been travelling up. Pieces of debris were everywhere. Oh what could I have done. There wasn't much left of the car, the motor had been pushed to the center console. What could I have done. The car impacted the trailer about half way along its right side. Half way can you imagine how much the truck was covering the road. The car was completely caved in near the back of the driver's side. I arrived on the scene before the ambulance. I was so surprised any one had survived that collision Ms. Smith. How did they survive. How could they have survived? There was nothing there. Horrible just horrible. The damage was severe. Oh those people. It was really really bad.*

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Prosecution: Ms. Taylor, was there any evidence that either of the vehicles had taken any evasive action such as braking or swerving before impact?

Police Constable: Yes, there were wide skid marks from the truck trailer slewing sideways which were 28 metres in length. They went in a direction perpendicular to the skid marks of the truck which were 2 metres longer. *Can you imagine that it swerved so much that it left such just long marks. It was just horrible.* There were no skid marks from the car. *That poor car stood no chance. My.*

Prosecution: From the length of the skid marks, the damage caused upon impact and the position of the vehicles, can any estimates be made regarding the speeds of the vehicles?

Police Constable: *Oh it was such a horrible evening. So much destruction.* It is difficult to determine that accurately. However, it appeared that the car may have been travelling at about 32 km/hr and the truck at about 50 km/hr. *I mean who would have thought at that speed something so disastrous could happen. You never think of these things before they happen. Just so horrible.*

Prosecution: Ms. Taylor, what causes a trailer to jack knife or begin to push the trailer of a truck along?

Police Constable: *You have to see a truck that size jack-knife to really believe it. It is massive. It was bad that day.* There are several different causes for a trailer to jackknife. It can be caused by incorrect tyre pressure, insufficient or too heavy loads, under gear out of alignment or worn steering or other faults in old vehicles.

Prosecution: In your opinion was the jack knife of the truck trailer caused by any problems that you just mentioned?

Police Constable: No. We checked the vehicle thoroughly. It was in good condition mechanically. *I mean there was so much destruction everywhere that day but the truck seemed fine who would have thought.*

Prosecution: So what in your opinion could have caused the collision?

Police Constable: *Oh collision doesn't even begin to cover what had happened that day. It was just devastation everywhere.* It seems from the analysis of the scene, that the truck swerved left and braked causing it to jack-knife. *Of course it would anything that size would.* The car then ran into trailer. I cannot speculate on the reason why the driver of the truck had to brake.

Prosecution: Is it possible Mr Taylor, that the driver swerved and brakes because he was speeding and/or on the wrong side of the road?

Police constable: yes it is possible. *I mean how could he have not been more careful. It was such a bad scene that day.*

Prosecution: thank you Mr Taylor. No further questions your honour.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Judge: Ms. Jones, you may now cross-examine the witness.

Defence: good morning Mr Taylor. My name is Carol Jones, I am defending my client Mr Stuart the driver of the semi-truck. Mr Taylor, you stated to my learned friend Mr Smith, several reasons for the truck to jack knife in the manner you described.

Police constable: yes. *How can you control some things it just happens. Horrible things happen to good people.*

Defence: Is It not equally possible that the driver of the truck, my client, could have braked and swerved to avoid a collision when he saw the car given by John Cooper on the wrong side of the road?

Police constable: Yes it is possible. As I said before, the truck jackknifed because the truck heavily braked and swerved to the left. *I told you I cannot speculate on the reasons why the truck braked in the first place. I can only tell you that the trailer moved to the other side of the road because of the breaking and swerving. That was just what caused all that destruction.*

Defence: Thank you Ms. Taylor no further questions your Honour.

Judge: Ms. Smith you may now call your second witness to the stand.

Prosecution: Thank you Your Honour. The Crown calls Susan Cooper to the stand. Good morning Mrs Cooper, my name is Danielle Smith, I am the prosecuting attorney. I would like to ask you some questions about the accident which took place on Mount Baker Road, near Eagle on the Hill on the evening of 17th June, 2017. Mrs Cooper it is essential for the carriage of justice that the jury have a good understanding of the events leading up to the accident. We are keen to establish the truth so please answer the questions where appropriate with either, I don't know, I'm not sure or I am sure.

Witness: I will.

Prosecution Would you state your full name please?

Witness: Susan Jane Cooper.

Prosecution: Could you please state your complete residential address?

Witness: 20 Druids Avenue, Mount Baker, South Australia.

Prosecution: At approximately 4 pm on Saturday, June 17th 2017 were you in the vehicle travelling along Mount Baker road, which was subsequently involved in the accident in question?

Witness: Yes, I was.

Prosecution: Why were you and your family travelling along the mount Baker road on the evening of the accident?

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Witness: We were returning after having spent the day in Greenacres in Adelaide with my mother on her birthday.

Prosecution: Who was with you in the car?

Witness: My husband John, and my children Jesse and Rebecca.

Prosecution: Had John ever had any accidents prior to the one that evening?

Witness: No he had an impeccable record.

Prosecution: Did John have any impairments or disabilities which may have affected his ability to drive that evening?

Witness: He wore glasses when driving and he was wearing them that day.

Prosecution: Was John tired, stressed or distracted on the day while he was driving?

Witness: No he was not.

Prosecution: Were the children distracting him at any point in the trip?

Witness: No

Prosecution: When was the last time you had your eyes checked?

Witness: About 3 months ago. I get them regularly checked because of the work I do.

Prosecution: Mrs. Cooper, could you please tell the court in detail what you were doing 5 minutes prior to the accident?

Witness: I was on my way home after spending the day with my mother in Adelaide. We were driving long Mount Baker road.

Prosecution: Mrs Cooper could you elaborate on exactly what you were doing in the car leading up to the accident?

Witness: We were talking to the kids about the presents they had made their grandmother for her birthday.

Prosecution: So when was the first time that you noticed the truck travelling down the road?

Witness: Well it was when we rounded the left hand bend just before where the accident happened. We couldn't actually see around the bend because at that point the road is actually bending around the steep hill on the left.

Prosecution: When you did see the truck, where was it relative to the position of your car?

Witness: It was directly in front of us. A little towards the left of the centre of our car.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Prosecution: was the truck over the double white lines?

Witness: Yes I believe it was.

Prosecution: In your estimation, how far beyond the double lines was the truck?

Witness: A few metres. Maybe 3. Approximately the distance from here to the jury. Enough to prevent us from swerving.

Prosecution: Did the truck appear to swerve or deviate from its course prior to the accident?

Witness: Yes , it did brake. I remember that John had time to quickly flash the light.... It quickly swerved to our right.

Prosecution: At what speed were you travelling?

Witness: At 40 km/hr. We had slowed to take the corner.

Prosecution: And what about the estimated speed of the truck?

Witness: It was approaching us fast. So must have been over 80 km/hr.

Prosecution: Did the truck appear to slow down or brake at any point?

Witness: It did break. As I said it happened very quickly. There was this petrol truck of Caltex truck and the trailer across the road coming straight for us and... it was very quick. There was no way John could have avoided it. Prosecution: Where did your car hit the trailer?

Witness: We hit the right side of the trailer.

Prosecution: No further questions your Honour.

Judge: Thank you Ms. Smith. Ms. Jones you may now cross examine the witness.

Defence: Thank you Your Honour. God morning Mrs. Cooper. My name is Carol Jones and I am the defense attorney for this case. I have some questions that I would like to ask you regarding the accident that occurred on Mount Baker road, in which you were involved. The justice requires that the jury have a clear picture of the events that transpired, so please answer the questions as accurately as possible. (Pause) At what point did you first notice the truck on the wrong side of the road?

Witness: Just before the accident, at the bend on the road. Since it was a blind corner, I couldn't see it sooner because of the hill. When we rounded the bend though I could see the Caltex symbol on the truck.

Defence: Are you certain that the truck was on the wrong side of the road?

Witness: Yes, I am certain.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Defence: Mrs. Cooper if you noticed the truck on the wrong side of the road, why didn't you warn your husband?

Witness: I don't know. It was all so fast. But I could see it definitely was on the wrong side of the road. It was almost half way over our side of the road.

Defence: Were your eyes on the road the whole time you were rounding the corner?

Witness: Yes I was looking ahead the whole time.

Defence: Mrs Cooper, your husband maintained his attention on the road the whole time you were going around the corner?

Witness: Yes.

Defence: Mrs. Cooper, was your husband distracted at any point by the children and his attention left the road for a few minutes?

Witness: No he was paying attention to the road.

Defence: Mrs Cooper, I think that perhaps he was distracted and that out of anger you are blaming my client Mr Stuart !

Witness: No that's not true! He caused the accident, his truck was on the wrong side of the road.

Defence: No further questions Your Honour.

Judge: Ms. Smith you may now address the jury with your closing statement.

Prosecution: Thank you Your Honour. Ladies and Gentlemen of the jury, you have now heard the testimony of two eyewitnesses. They have painted for you an elaborate picture of the events that occurred that fateful evening. The accident on Mount Baker road on the evening of 17th June, 2017 left a family broke. Though Mr. Stuart may have shown remorse and guilt for the crime, it was still due to his negligence that Mr. Cooper is no longer here with us. Constable and Mrs. Cooper have proven beyond reasonable doubt that it was due to the carelessness of Mr. Stuart that the accident occurred. Mr. Cooper was stuck in the car for hours and could not be helped. The family witnessed the death of their baby girl and Mr. and Mrs. Cooper lost her daughter that evening. They have suffered greatly and deserve justice. Mr. Stuart's suffering is incomparable. Ladies and Gentlemen of the jury, it is up to you to prove to them that the justice system works.. The defendant is guilty of causing death due to negligent driving. A life was lost and justice must be served. This judgement will highlight to the public the importance of careful driving in all conditions. Thank you Ladies and Gentlemen for your time and consideration.

Judge: Ms. Jones please call to stand your first and only witness.

Defence: Thank you Your Honour. The Crown calls to the stand the defendant Mr. Fynn James Stuart. (Pause) I would like to ask you some questions regarding the accident that you were involved in on the evening of 17th June 2017 on Mount Baker road, near Eagle on the

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Hill. To establish the truth please answer where appropriate with either, I don't know, I'm not sure or I am sure.

Mr. Stuart: (nods)

Defence: How long have you been a truck driver?

Mr. Stuart: I have been driving trucks for the past 20 years and I have been working with Caltex for the last 10 years.

Defence: Do you like your job Mr. Stuart?

Mr. Stuart: Well to be honest it is not an easy job. I have some difficult days and others are not so bad. You have to work long hours and are accountable to your head supervisor for everything. Sometimes they're tough on you. Its not uncommon to drive for more than 10 hours at a time.

Defence: Yet, you still do this job?

Mr. Stuart: Sometimes there isn't really a choice. With recession and all. No job is safe and im just glad to have one. Even if it means more time away from the family and work for longer.

Defence: So you say you've been working 20 years?

Mr. Stuart: Yep

Defence: So you would be quite familiar with how to drive a truck?

Mr. Stuart: Yeah after that long you can pretty much do anything in it.

Defence: So that evening what happened when you were driving down the Mount Baker road?

Mr. Stuart: I was delivering fuel to the Caltex in Mile End. It had been a really busy week and I was just looking forward to getting the delivery done and just going home. Take some time off.

Defence: When did you see the Coopers' white Corolla?

Mr. Stuart: As I was approaching the bend.

Defence: Did your truck, at any stage, pass over the double white lines into the corolla's lanes?

Mr Stuart: No

Defence: What happened?

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Mr. Stuart: I saw the corolla drift into my lane so I slammed on the brakes and then the truck jack knifed as I was going around the corner.

Defence: So then what happened?

Mr. Stuart: Once you lose control of a vehicle like that, there isn't anything you can do but hope for the best. I was praying that the car would move out of the way.

Defence: Mr. Stuart, are you saying that after breaking you took no preventive measures to avoid the Corolla?

Mr. Stuart: Yes because I had no control.

Defence: No further questions your Honour.

Judge: Ms. Smith you may now cross examine the witness.

Prosecution: Thank you Your Honour. Mr. Stuart, do you know what the speed limit is for Mount Baker?

Mr. Stuart: Yes, around 60 km/h.

Prosecution: Do you remember the speed you were travelling?

Mr. Stuart: Yes, around 60km/h or a little faster around 65 km/h.

Prosecution: So you were speeding?

Mr. Stuart might've been but it wasn't by much..

Prosecution: If you were travelling the speed limit would you have been able to control the vehicle around the bend?

Mr. Stuart: No, it wouldn't have made a difference. Trucks are big vehicles and I doubt I could've done any different even if I was going at 40 km/h.

Prosecution: Mr. Stuart do you need to be qualified to be a truck driver?

Mr. Stuart: yes, typically you need to do a few courses. It was pretty easy for me, i had no problems with them.

Prosecution: Do you need a special license to drive trucks?

Mr. Stuart: Yes, a truck driver's license.

Prosecution: Did you have a valid truck driver's license a the time of the accident?

Mr. Stuart: I think so.

Prosecution: Are you sure?

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Mr. Stuart: No

Prosecution: Our records indicate that you had failed to renew your truck driver's license which expired two weeks before the accident.

Mr Stuart: So I can still drive a truck well.

Prosecution: But you were driving unlicensed?

Mr. Stuart: It doesn't mean anything. All I have to do is go to the transport office and get a new one, it take me 5 minutes. I've passed the courses and ive been driving for 30 years and that all that should matter.

Prosecution: No further questions your Honour.

Judge: Ms. Jones you may now present your closing argument to the jury.

Defense: Thank you Your Honour. Ladies and Gentlemen of the jury, the prosecution has alleged that it was Mr. Stuarts truck that was on the wrong side of the road which caused the accident in question. We contend that the only reason the trailer ended up there was because of the driver's need to swerve sharply and to brake to avoid the Cooper's car which had strayed onto the wrong side of the road. Ladies and Gentlemen, I ask you to consider the eyewitness evidence upon which the prosecutions allegations is based. Mrs. Cooper had to watch her daughter ide and could not do anything to help as they waited for assistance to arrive. A situation like this can be emotionally upsetting. Can you place your faith in the memory of a woman who has experienced such events? Can you believe that she is able to clearly remember what she saw prior to the events? No you cannot. The amount of stress that Mrs Cooper would have experienced is substantial and yet the prosecution asserts that Mrs Coopers memory would have been unaffected by this. Secondly, ladies and gentlemen, realize that people see those whom they know killed they often need to blame someone. Mrs. Cooper cannot face the possibility that her husband's driving caused her little girl's death. This is easy to understand. However, as guardians of justice, you the jury have to uphold the law, no matter how much people have suffered. Therefore, I put to why my client Mr. Stuart is not guilty of causing death due to dangerous driving. Thank you.

Condition: High Affect Inconsistent

Judge: Good morning Ladies and Gentlemen, my name is Judge Robertson. Today we are to hear in the Supreme Court the case of Crown versus Fynn James Stuart. Mr. Stuart is charged with causing grievous death by dangerous driving. Ms. Smith, you are now invited to open the case for the Crown.

Prosecution: Thank you Your Honour. Ladies and gentlemen of the jury, my name is Danielle Smith, I am the prosecuting attorney in the case of crown versus Fynn James Stuart. You will hear eyewitness evidence today that proves beyond reasonable doubt that Mr. Stuart is solely responsible for the death of Rebecca Cooper. The accident took place at approximately 4 PM on the 17th of June 2017 on Mount Baker near Eagle on the Hill. Driving to visit relatives, the family in their Corolla sedan rounded a left hand bend and were

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

confronted with a large fuel tanker on the wrong side of the road. The tanker driver panicked and swerved, causing the trailer to jack knife across the path of oncoming car. The car hit the trailer on the driver's side of the vehicle. Unfortunately Rebecca Cooper and her father were trapped in a twisted wreckage. They were trapped for twenty minutes. The 3 year old daughter died on impact and the father incurred severe neck and spinal injuries.

Today, you will hear eyewitness evidence that proves that Mr. Stuart drove his semi-trailer in a manner that created potential danger to other people using the highway. This was solely and act of carelessness and inattention and an act that directly cause the death of Rebecca Cooper. You, the jury can deliver justice by finding the defendant guilty of causing death by dangerous driving. Thank you Your Honour.

Judge: Ms. Jones, you may now open the case for the defendant.

Defence: Thank you Your Honour. Ladies and Gentlemen of the jury, my name is Carol Jones, I am the attorney for the defendant today, Mr. Stuart. The prosecution will allege on the basis of eyewitness testimony that my client was solely responsible for the injury occurred when his truck collided with the eyewitnesses' car on the afternoon of the 18th. Ladies and Gentlemen, I want you to first remember while listening to the eyewitness evidence that the eyewitness was in the car at the time of the accident which means that she may not have seen the things that she alleges to have seen. Second, she and her young son had to watch her husband and daughter trapped in the wreckage of the car that was in imminent danger of bursting into flames. This is bound to cause feelings of helplessness and perhaps a strong need to blame someone. While not in any way trying to deny the adverse nature of the events that occurred that day, I have to emphasize that Mrs. Wright is not an impartial witness who has the benefit of objectivity. Finally, at the same time of the accident she must've been under a great deal of stress and is most likely affected her ability to recall the details of the event. Ladies and gentlemen it is our case that it was the witnesses' car which crossed over the double lines that evening causing Mr. Stuart to swerve his trailer to jack-knife across the road and into the witnesses' car. In conclusion, ladies and gentlemen I ask you to consider the suffering of the truck's driver Mr. Stuart. He walked away physically unharmed from the accident however psychologically he is distraught. He knows that he could not have avoided the accident but he still blames himself despite the physical evidence which proves his innocence. Ladies and gentlemen, in considering the evidence, remember that the Crown bears the burden of the proof. They must prove beyond reasonable doubt that my client drove in a manner dangerous to the public, that this was a result of carelessness and further that this action was the sole cause of death resulting from the collision. You can deliver justice and ease Mr. Stuart suffering and delivering a not guilty verdict in accordance with the truth. Thank you for your honour.

Judge: Mr Jones, please call your first witness.

Prosecution: Thank you Your Honour. The Crown calls Police Constable Rachel Taylor to the stand. (Pause). Mr Taylor, my name is Danielle Smith, I am the prosecuting attorney. I would like to ask you some questions about the accident which took place on Mount Baker Road, near Eagle on the Hill on the evening of June 17th 2017. We are keen to establish the truth so answer where appropriate with either, I don't know, I'm not sure or I'm sure.

Police Constable: Yes, I will.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Prosecution: Were you the investigating officer when this event occurred?

Police Constable: Yes, that is correct.

Prosecution: Can you please describe to the jury the position of the vehicles when you arrived at the scene of the accident that evening?

Police Constable: *Certainly. Oh it was horrible that evening. The semi-trailer was blocking the whole road. The cabin was in the middle of the down track with its trailer perpendicular to the cabin obstructing the rest of the down track and extending all the way across the up track. The truck had been travelling down Mount Baker Road away from Eagle on the Hill and the car had been travelling up. Pieces of debris were everywhere. Oh what could I have done. There wasn't much left of the car, the motor had been pushed to the center console. What could I have done. (1) The car impacted the trailer about half way along its right side. Half way can you imagine how much the truck was covering the road. The car was completely caved in near the back of the driver's side. I arrived on the scene before the ambulance. I was so surprised any one had survived that collision Ms. Smith. How did they survive. How could they have survived? There was nothing there. Horrible just horrible. The damage was severe. Oh those people. It was really really bad.*

Prosecution: Ms. Taylor, was there any evidence that either of the vehicles had taken any evasive action such as braking or swerving before impact?

Police Constable: : Yes, there were wide skid marks from the truck trailer slewing sideways which were 28 metres in length. They went in a direction perpendicular to the skid marks of the truck which were 2 metres longer. *Can you imagine that it swerved so much that it left such just long marks. It was just horrible.* There were no skid marks from the car. *That poor car stood no chance. My.*

Prosecution: From the length of the skid marks, the damage caused upon impact and the position of the vehicles, can any estimates be made regarding the speeds of the vehicles?

Police Constable: *Oh it was such a horrible evening. So much destruction. It is difficult to determine that accurately. However, it appeared that the car may have been travelling at about 32 km/hr and the truck at about 50 km/hr. I mean who would have thought at that speed something so disastrous could happen. You never think of these things before they happen. Just so horrible.*

Prosecution: Ms. Taylor, what causes a trailer to jack knife or begin to push the trailer of a truck along?

Police Constable: *You have to see a truck that size jack-knife to really believe it. It is massive. It was bad that day.* There are several different causes for a trailer to jackknife. It can be caused by incorrect tyre pressure, insufficient or too heavy loads, under gear out of alignment or worn steering or other faults in old vehicles.

Prosecution: In your opinion was the jack knife of the truck trailer caused by any problems that you just mentioned?

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Police Constable: No. We checked the vehicle thoroughly. It was in good condition mechanically. *I mean there was so much destruction everywhere that day but the truck seemed fine who would have thought.*

Prosecution: So what in your opinion could have caused the collision?

Police Constable: : *Oh collision doesn't even begin to cover what had happened that day. It was just devastation everywhere..* It seems from the analysis of the scene, that the (3) truck swerved left and braked causing it to jack-knife. *Of course it would anything that size would* The car then ran into trailer. I cannot speculate on the reason why the driver of the truck had to brake.

Prosecution: Is it possible Mr Taylor, that the driver swerved and brakes because he was speeding and/or on the wrong side of the road?

Police constable: yes it is possible. *I mean how could he have not been more careful. It was such a bad scene that day.*

Prosecution: thank you Mr Taylor. No further questions your honour.

Judge: Ms. Jones, you may now cross-examine the witness.

Defence: good morning Mr Taylor. My name is Carol Jones, I am defending my client Mr Stuart the driver of the semi-truck. Mr Taylor, you stated to my learned friend Mr Smith, several reasons for the truck to jack knife in the manner you described.

Police constable: yes. *How can you control some things it just happens. Horrible things happen to good people.*

Defence: Is It not equally possible that the driver of the truck, my client, could have braked and swevered to avoid a collision when he saw the car given by John Cooper on the wrong side of the road?

Police constable: Yes it is possible. As I said before, the truck jackknifed because the truck heavily braked and swerved to the left. *I told you I cannot speculate on the reasons why the truck braked in the first place. I can only tell you that the trailer moved to the other side of the road because of the breaking and swerving. That was just what caused all that destruction.*

Defence: Thank you Ms. Taylor no further questions your Honour.

Judge: Ms. Smith you may now call your second witness to the stand.

Prosecution: Thank you Your Honour. The Crown calls Susan Cooper to the stand. Good morning Mrs Cooper, my name is Danielle Smith, I am the prosecuting attorney. I would like to ask you some questions about the accident which took place on Mount Baker Road, near Eagle on the Hill on the evening of 17th June, 2017. Mrs Cooper it is essential for the carriage of justice that the jury have a good understanding of the events leading up to the accident. We are keen to establish the truth so please answer the questions where appropriate with either, I don't know, I'm not sure or I am sure.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Witness: I will.

Prosecution: Would you state your full name please?

Witness: Susan Jane Cooper.

Prosecution: Could you please state your complete residential address?

Witness: 20 Druids Avenue, Mount Baker, South Australia.

Prosecution: At approximately 4 pm on Saturday, June 17th 2017 were you in the vehicle travelling along Mount Baker road, which was subsequently involved in the accident in question?

Witness: Yes, I was.

Prosecution: Why were you and your family travelling along the mount Baker road on the evening of the accident?

Witness: We were returning after having spent the day in Greenacres in Adelaide with my mother on her birthday.

Prosecution: Who was with you in the car?

Witness: My husband John, and my children Jesse and Rebecca.

Prosecution: Had John ever had any accidents prior to the one that evening?

Witness: No he had an impeccable record.

Prosecution: Did John have any impairments or disabilities which may have affected his ability to drive that evening?

Witness: He wore glasses when driving and he was wearing them that day.

Prosecution: Was John tired, stressed or distracted on the day while he was driving?

Witness: No he was not.

Prosecution: Were the (4) children distracting him at any point in the trip?

Witness: No

Prosecution: When was the last time you had your eyes checked?

Witness: About 3 months ago. I get them regularly checked because of the work I do.

Prosecution: Mrs. Cooper, could you please tell the court in detail what you were doing 5 minutes prior to the accident?

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Witness: I was on my way home after spending the day with my mother in Adelaide. We were driving long Mount Baker road.

Prosecution: Mrs Cooper could you elaborate on exactly what you were doing in the car leading up to the accident?

Witness: We were talking to the kids about the presents they had made their grandmother for her birthday.

Prosecution: So when was the first time that you noticed the truck travelling down the road?

Witness: (5) Well it was when we rounded the left hand bend just before where the accident happened. We couldn't actually see around the bend because at that point the road is actually bending around the steep hill on the left.

Prosecution: When you did see the truck, where was it relative to the position of your car?

Witness: It was directly in front of us. A little towards the left of the centre of our car.

Prosecution: was the truck over the double white lines?

Witness: Yes I believe it was.

Prosecution: In your estimation, how far beyond the double lines was the truck?

Witness: A few metres. Maybe 3. Approximately the distance from here to the jury. (6) It was $\frac{3}{4}$ the way over on our side of the road. Enough to prevent us from swerving.

Prosecution: Did the truck appear to swerve or deviate from its course prior to the accident?

Witness: (2) Yes, it did brake. I remember (6) that John had time to quickly flash the lights a couple of times.... (3) It quickly swerved to our right.

Prosecution: At what speed were you travelling?

Witness: At 40 km/hr. We had slowed to take the corner.

Prosecution: And what about the estimated speed of the truck?

Witness: It was approaching us fast. So must have been over 80 km/hr. (6) John didn't have time to do anything.

Prosecution: Did the truck appear to slow down or brake at any point?

Witness: (2) No it did not brake at all. As I said it happened very quickly. There was this petrol truck of (8) Ampol truck and the trailer across the road coming straight for us and... it was very quick. There was no way John could have avoided it.

Prosecution: Where did your car hit the trailer?

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Witness: (1) We hit the left side of the trailer.

Prosecution: No further questions your Honour.

Judge: Thank you Ms. Smith. Ms. Jones you may now cross examine the witness.

Defence: Thank you Your Honour. God morning Mrs. Cooper. My name is Carol Jones and I am the defense attorney for this case. I have some questions that I would like to ask you regarding the accident that occurred on Mount Baker road, in which you were involved. The justice requires that the jury have a clear picture of the events that transpired, so please answer the questions as accurately as possible. (Pause) At what point did you first notice the truck on the wrong side of the road?

Witness: (5) I'd say at least 15 metres before we rounded the bend on the road. Since it was a blind corner, I couldn't see it sooner because of the hill. When we rounded the bend though I could see the (8) Caltex symbol on the truck.

Defence: Are you certain that the truck was on the wrong side of the road?

Witness: Yes, I am certain.

Defence: Mrs. Cooper if you noticed the truck on the wrong side of the road, why didn't you warn your husband?

Witness: I don't know. It was all so fast. But I could see it definitely was on the wrong side of the road. (6) It was almost half way over our side of the road.

Defence: Were your eyes on the road the whole time you were rounding the corner?

Witness: (4) I was getting a tissue for Rebecca, she'd spilt her drink.

Defence: Mrs Cooper, your husband maintained his attention on the road the whole time you were going around the corner?

Witness: Yes.

Defence: Mrs. Cooper, was your husband distracted at any point by the children and his attention left the road for a few minutes?

Witness: No he was paying attention to the road.

Defence: Mrs Cooper, I think that perhaps he was distracted and that out of anger you are blaming my client Mr Stuart !

Witness: No that's not true! He caused the accident, his truck was on the wrong side of the road.

Defence: No further questions Your Honour.

Judge: Ms. Smith you may now address the jury with your closing statement.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Prosecution: Thank you Your Honour. Ladies and Gentlemen of the jury, you have now heard the testimony of two eyewitnesses. They have painted for you an elaborate picture of the events that occurred that fateful evening. The accident on Mount Baker road on the evening of 17th June, 2017 left a family broke. Though Mr. Stuart may have shown remorse and guilt for the crime, it was still due to his negligence that Mr. Cooper is no longer here with us. Constable and Mrs. Cooper have proven beyond reasonable doubt that it was due to the carelessness of Mr. Stuart that the accident occurred. Mr. Cooper was stuck in the car for hours and could not be helped. The family witnessed the death of their baby girl and Mr. and Mrs. Cooper lost her daughter that evening. They have suffered greatly and deserve justice. Mr. Stuarts suffering is incomparable. Ladies and Gentlemen of the jury, it is up to you to prove to them that the justice system works.. The defendant is guilty of causing death due to negligent driving. A life was lost and justice must be served. This judgement will highlight to the public the importance of careful driving in all conditions. Thank you Ladies and Gentlemen for your time and consideration.

Judge: Ms. Jones please call to stand your first and only witness.

Defence: Thank you Your Honour. The Crown calls to the stand the defendant Mr. Fynn James Stuart. (Pause) I would like to ask you some questions regarding the accident that you were involved in on the evening of 17th June 2017 on Mount Baker road, near Eagle on the Hill. To establish the truth please answer where appropriate with either, I don't know, I'm not sure or I am sure.

Mr. Stuart: (nods)

Defence: How long have you been a truck driver?

Mr. Stuart: I have been driving trucks for the past 20 years and I have been working with Caltex for the last 10 years.

Defence: Do you like your job Mr. Stuart?

Mr. Stuart: Well to be honest it is not an easy job. I have some difficult days and others are not so bad. You have to work long hours and are accountable to your head supervisor for everything. Sometimes they're tough on you. Its not uncommon to drive for more than 10 hours at a time.

Defence: Yet, you still do this job?

Mr. Stuart: Sometimes there isn't really a choice. With recession and all. No job is safe and im just glad to have one. Even if it means more time away from the family and work for longer.

Defence: So you say you've been working 20 years?

Mr. Stuart: Yep

Defence: So you would be quite familiar with how to drive a truck?

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Mr. Stuart: Yeah after that long you can pretty much do anything in it.

Defence: So that evening what happened when you were driving down the Mount Baker road?

Mr. Stuart: I was delivering fuel to the Caltex in Mile End. It had been a really busy week and I was just looking forward to getting the delivery done and just going home. Take some time off.

Defence: When did you see the Coopers' white Corolla?

Mr. Stuart: As I was approaching the bend.

Defence: Did your truck, at any stage, pass over the double white lines into the corolla's lanes?

Mr Stuart: No

Defence: What happened?

Mr. Stuart: I saw the corolla drift into my lane so I slammed on the brakes and then the truck jack knifed as I was going around the corner.

Defence: So then what happened?

Mr. Stuart: Once you lose control of a vehicle like that, there isn't anything you can do but hope for the best. I was praying that the car would move out of the way.

Defence: Mr. Stuart, are you saying that after breaking you took no preventive measures to avoid the Corolla?

Mr. Stuart: Yes because I had no control.

Defence: No further questions your Honour.

Judge: Ms. Smith you may now cross examine the witness.

Prosecution: Thank you Your Honour. Mr. Stuart, do you know what the speed limit is for Mount Baker?

Mr. Stuart: Yes, around 60 km/h.

Prosecution: Do you remember the speed you were travelling?

Mr. Stuart: Yes, around 60km/h or a little faster around 65 km/h.

Prosecution: So you were speeding?

Mr. Stuart might've been but it wasn't by much..

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Prosecution: If you were travelling the speed limit would you have been able to control the vehicle around the bend?

Mr. Stuart: No, it wouldn't have made a difference. Trucks are big vehicles and I doubt I could've done any different even if I was going at 40 km/h.

Prosecution: Mr. Stuart do you need to be qualified to be a truck driver?

Mr. Stuart: yes, typically you need to do a few courses. It was pretty easy for me, i had no problems with them.

Prosecution: Do you need a special license to drive trucks?

Mr. Stuart: Yes, a truck driver's license.

Prosecution: Did you have a valid truck driver's license a the time of the accident?

Mr. Stuart: I think so.

Prosecution: Are you sure?

Mr. Stuart: No

Prosecution: Our records indicate that you had failed to renew your truck driver's license which expired two weeks before the accident.

Mr Stuart: So I can still drive a truck well.

Prosecution: But you were driving unlicensed?

Mr. Stuart: It doesn't mean anything. All I have to do is go to the transport office and get a new one, it take me 5 minutes. I've passed the courses and ive been driving for 30 years and that all that should matter.

Prosecution: No further questions your Honour.

Judge: Ms. Jones you may now present your closing argument to the jury.

Defense: Thank you Your Honour. Ladies and Gentlemen of the jury, the prosecution has alleged that it was Mr. Stuarts truck that was on the wrong side of the road which caused the accident in question. We contend that the only reason the trailer ended up there was because of the driver's need to swerve sharply and to brake to avoid the Cooper's car which had strayed onto the wrong side of the road. Ladies and Gentlemen, I ask you to consider the eyewitness evidence upon which the prosecutions allegations is based. Mrs. Cooper had to watch her daughter ide and could not do anything to help as they waited for assistance to arrive. A situation like this can be emotionally upsetting. Can you place your faith in the memory of a woman who has experienced such events? Can you believe that she is able to clearly remember what she saw prior to the events? No you cannot. The amount of stress that Mrs Cooper would have experienced is substantial and yet the prosecution asserts that Mrs Coopers memory would have been unaffected by this. Secondly, ladies and gentlemen,

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

realize that people see those whom they know killed they often need to blame someone. Mrs. Cooper cannot face the possibility that her husband's driving caused her little girl's death. This is easy to understand. However, as guardians of justice, you the jury have to uphold the law, no matter how much people have suffered. Therefore, I put to you why my client Mr. Stuart is not guilty of causing death due to dangerous driving. Thank you.

Appendix B



Copy of Understanding effects of witness demeanor and testimonial inconsistencies on juror judgement.

Participation Information Sheet

Human Research Ethics Committee Approval Number: [REDACTED]

Dear Participant,

Thank you for considering to take part in this research project. Before you decide to do so, it is important you understand why the research is being done and what it will involve. Please do take time to read the following information carefully.

The present study is focused on understanding what factors can affect jurors in their decision making process. The study builds on previous research which has found that the demeanour of the defendant as perceived by the juror may affect their judgment. Testimonial inconsistencies have also found to have a moderating effect on the judgements made by jurors when considering the evidence. Both of these factors are variables that occur in most legal trials and need to be studied in further detail. This study wishes to gain more information regarding the juror judgement processes so that it may provide assistance in future trials.

You can choose whether or not you would like to participate in this study. If you do decide to take part you will be provided with an online consent form. You can withdraw at any time you want and do not have to give a reason. However, if you do continue to take part in the study, you will be directed to an online trial. You will be provided with an audio clip of a trial. Once you have gone through the simulated trial, you will be given a survey. This may take an estimate of 20 minutes to complete.

Participating in the research is not anticipated to cause you any disadvantages or discomfort. The potential physical and/or psychological harm or distress will be the same as any experienced in everyday life. However, you may benefit from the study in the future by gaining more information regarding the juror system in South Australia. Results can be shared with you if you are interested. Please provide your email address for the same.

All the information that we collect about you during the course of the research will be kept strictly confidential. You will not be able to be identified or identifiable in any reports or publications. Any data collected about you in the online questionnaire will be stored online in a form protected by passwords and other relevant security processes and technologies.

If you have any questions or concerns, feel free to contact me or my supervisor.

Carolyn Semmler (Supervisor)
carolyn.semmler@adelaide.edu.au

Trisha Thomas (Researcher)
trisha.thomas@student.adelaide.edu.au

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

This study has been approved by the School of psychology Human Research Ethics Subcommittee. For any questions concerning the ethics of this request, please contact the convener of the Subcommittee for Human Research in the School of Psychology, Dr. Paul Delfabbro.

Dr. Paul Delfabbro
paul.delfabbro@adelaide.edu.au
Phone number: 8313

* 1. I acknowledge that I have read and understood the information sheet and I give my consent freely.

Yes

No

2. If interested in receiving the results for this study, please provide your email address here.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT



Copy of Understanding effects of witness demeanor and testimonial inconsistencies on juror judgement.

* 3. Gender

* 4. Age

* 5. Have you ever been summoned for jury duty?

Yes

No

* 6. Have you ever been arrested?

Yes

No

* 7. Are you a student of Law?

Yes

No

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT



Copy of Understanding effects of witness demeanor and testimonial inconsistencies on juror judgement.

Imagine you are a juror in the South Australian Supreme court. Please click on the link below to listen to the trial proceedings. Please listen carefully, as you will be asked to render a verdict and answer questions regarding the trial.

The link provided to you will take you to the recording which will open on a new page. Once you have heard the trial *please return to the survey* to answer questions related to the trial.

Thank you

- A 25.0% <https://drive.google.com/open?id=1Nmjf2sAwdUHTYUTWn7NDkFdnfhi7dQQ>
- B 25.0% https://drive.google.com/open?id=1E7EiULozHj-a3s_Fbm-c2sAllzWHVXE9
- C 25.0% <https://drive.google.com/open?id=19F9fuQj3rXGR-QexuWbGUeeTo2EFV5FV>
- D 25.0% https://drive.google.com/open?id=1us54uTIZs5nKBBV_3ul7uzAtBwAfYU-q



Copy of Understanding effects of witness demeanor and testimonial inconsistencies on juror judgement.

* 8. Please indicate your verdict by selecting the appropriate response.

- Guilty
- Not Guilty

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT



Copy of Understanding effects of witness demeanor and testimonial inconsistencies on juror judgement.

* 9. How important is the consistency of the testimony for judging the credibility of the eyewitness testimony?

Not at all important	Low importance	Slightly important	Neutral	Moderately important	Very important	Extremely important
☆	☆	☆	☆	☆	☆	☆

* 10. How important is the confidence with which the testimony is delivered for judging the credibility of the eyewitness?

Not at all important	Low importance	Slightly important	Neutral	Moderately important	Very important	Extremely important
☆	☆	☆	☆	☆	☆	☆

* 11. Do you think that the emotion displayed by a witness during his/her testimony is likely to reflect on the credibility of the testimony they give?

Not at all important	Low importance	Slightly important	Neutral	Moderately important	Very important	Extremely important
☆	☆	☆	☆	☆	☆	☆

* 12. How likely is it that the eyewitness was sincere?

Not at all likely	Unlikely	Slightly likely	Neutral	Moderately likely	Very likely	Extremely likely
☆	☆	☆	☆	☆	☆	☆

* 13. How likely is it that the defendant was telling the truth?

Not at all likely	Unlikely	Slightly likely	Neutral	Moderately likely	Very likely	Extremely likely
☆	☆	☆	☆	☆	☆	☆

* 14. How credible did you find the eyewitness testimony?

Not at all credible	Low credibility	Slightly credible	Neutral	Moderately credibility	Very credible	Extremely credible
☆	☆	☆	☆	☆	☆	☆

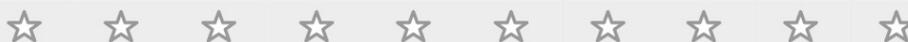
DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

- * 15. Please write below the main reason why you think the witness is not credible, moderately credible or very credible.

- * 16. To what degree did you experience emotions while listening to the witness testimony?

Not at all

Extremely

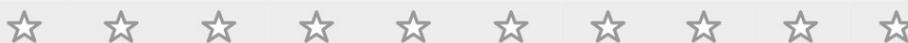


- * 17. What emotions did you experience while listening to the eyewitness testimony?

- * 18. To what extent did the emotions you experienced affect your perceptions of the witness?

Not at all

Extremely

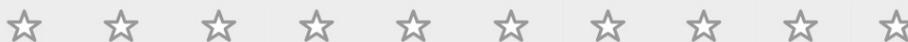


- * 19. Could you briefly explain how that affected your perception of the witness?

- * 20. To what extent did the demeanour of the eyewitness affect your judgement?

Not at all

Extremely



- * 21. How did the demeanour of the eyewitness affect your judgement?

- * 22. Which eyewitness testimony affected you most?

Police Constable

Mrs. Cooper

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

* 23. Please briefly explain why.



DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT



Copy of Understanding effects of witness demeanor and testimonial inconsistencies on juror judgement.

Section 2

* 24. How credible did you find the testimony of the Police Constable?

Not at all credible	Low credibility	Slightly credible	Neutral	Moderately credible	Very credible	Extremely Credible
☆	☆	☆	☆	☆	☆	☆

* 25. How credible do you find the Police Constable as a person?

Not at all credible	Low credibility	Slightly credible	Neutral	Moderately credible	Very credible	Extremely credible
☆	☆	☆	☆	☆	☆	☆

* 26. How credible did you find the testimony of the prosecution witness Mrs. Cooper?

Not at all credible	Low credibility	Slightly credible	Neutral	Moderately credible	Very credible	Extremely credible
☆	☆	☆	☆	☆	☆	☆

* 27. How credible do you find Mrs. Cooper as a person?

Not at all credible	Low credibility	Slightly credible	Neutral	Moderately credible	Very credible	Extremely credible
☆	☆	☆	☆	☆	☆	☆

* 28. How credible did you find the prosecution's overall case against the defendant Mr. Stuart?

Not at all credible	Low credibility	Slightly credible	Neutral	Moderately credible	Very credible	Extremely credible
☆	☆	☆	☆	☆	☆	☆

* 29. How credible did you find the defense's overall case for the defendant Mr. Stuart?

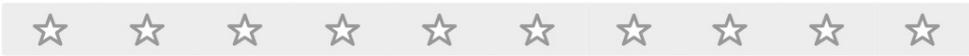
Not at all credible	Low credibility	Slightly credible	Neutral	Moderately credible	Very credible	Extremely credible
☆	☆	☆	☆	☆	☆	☆

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

* 30. How probable is it that the defendant, Mr. Stuart, committed the crime with which he was charged?

Improbable Completely probable

☆ ☆ ☆ ☆ ☆ ☆ ☆ ☆ ☆ ☆





Section 3

This section is focused on determining whether there were any contradictions or inconsistencies in the testimony of the eyewitness/witnesses. Some examples of possible inconsistencies that may occur are:

§ The eyewitness may say one thing to the defence attorney and another to the prosecution.

§ When responding to the defense attorney the witness may add new information.

§ The police may say one thing and the eyewitness may say another.

* 31. How many witnesses testified in the case against Mr. Stuart? Please state the name/s of the witness/witnesses.

* 32. Were there any inconsistencies in their testimonies?

Yes

No

33. If yes, please elaborate on the inconsistency/cies you have found. If more than one please number them so that they can be easily distinguished.



Section 4

This section consists of a few questions that are designed to check how well you remember the details of the trial. Please mark the correct option for each of the following questions. If you are uncertain of the answer please choose 'Unsure' as an option. (Please do not guess the answer).

* 34. How long were the skid marks left by the truck trailer?

- 8 metres
- 28 metres
- 25 metres
- Unsure

* 35. What is the gender of the eyewitness?

- Male
- Female
- Unsure

* 36. In how many previous accidents had the driver of the car been involved?

- One minor accident
- One serious accident
- None
- Unsure

* 37. On which road did the accident occur?

- Not mentioned in the trial
- Mount Baker
- Belair
- Main South
- Unsure

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

* 38. What was the reason the Police Constable gave for the defendant's truck jack-knifing?

- Uneven tyre pressure
- Too heavy load
- Braking and swerving
- Unsure

* 39. What model of car was involved in the collision?

- Magna sedan
- Corolla sedan
- Commodor sedan
- Camry sedan
- Unsure

* 40. How long ago did the eyewitness have her eyes tested?

- 1 month
- 3 months
- 6 months
- Unsure

* 41. Which way was the truck travelling along the road?

- Up
- Down
- Unsure

* 42. What speed did the eyewitness say the car was travelling before the collision?

- 30km/h
- 50 km/h
- 60km/h
- Unsure

* 43. For how long were the father and daughter trapped in the car after the collision?

- 15 minutes
- 20 minutes
- 25 minutes
- Unsure

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

* 44. From which Adelaide suburb was the family returning?

- Findon
- Challa Gardens
- Greenacres
- Unsure

* 45. On which side of the trailer did the police constable say the car impacted?

- Left
- Right
- Unsure

* 46. At what speed was the truck estimated to have been travelling?

- 40 km/h
- 60km/h
- 70 km/h
- Unsure

* 47. How far over the white double lines was the truck according to the eyewitness?

- 5 metres
- 3 metres
- 8 metres
- 6 metres
- Unsure

48. Psychology students requiring course credit please enter your unique RPS code below.

Thank you for your participation.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Appendix C

NEW FILE.

DATASET NAME DataSet6 WINDOW=FRONT.

BOOTSTRAP

/SAMPLING METHOD=SIMPLE

/VARIABLES INPUT=D TI JJ

/CRITERIA CILEVEL=95 CITYPE=PERCENTILE NSAMPLES=1000

/MISSING USERMISSING=EXCLUDE.

Bootstrap

Notes

<u>Output Created</u>	<u>21-SEP-2018 23:48:05</u>	
<u>Comments</u>		
<u>Input</u>	<u>Active Dataset</u>	<u>DataSet6</u>
	<u>Filter</u>	<u><none></u>
	<u>Weight</u>	<u><none></u>
	<u>Split File</u>	<u><none></u>
<u>Syntax</u>	<u>BOOTSTRAP</u>	
	<u>/SAMPLING METHOD=SIMPLE</u>	
	<u>/VARIABLES INPUT=D TI JJ</u>	
	<u>/CRITERIA CILEVEL=95</u>	
	<u>CITYPE=PERCENTILE</u>	
	<u>NSAMPLES=1000</u>	
	<u>/MISSING</u>	
	<u>USERMISSING=EXCLUDE.</u>	
<u>Resources</u>	<u>Processor Time</u>	<u>00:00:00.02</u>
	<u>Elapsed Time</u>	<u>00:00:00.00</u>

[DataSet6]

Bootstrap Specifications

<u>Sampling Method</u>	<u>Simple</u>
<u>Number of Samples</u>	<u>1000</u>
<u>Confidence Interval Level</u>	<u>95.0%</u>
<u>Confidence Interval Type</u>	<u>Percentile</u>

DESCRIPTIVES VARIABLES=D TI JJ

/STATISTICS=MEAN STDDEV VARIANCE MIN MAX KURTOSIS SKEWNESS.

Descriptives

Notes

<u>Output Created</u>	<u>21-SEP-2018 23:48:05</u>	
<u>Comments</u>		
<u>Input</u>	<u>Active Dataset</u>	<u>DataSet6</u>
	<u>Filter</u>	<u><none></u>
	<u>Weight</u>	<u><none></u>

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

	<u>Split File</u>	<none>
	<u>N of Rows in Working Data File</u>	80582
<u>Missing Value Handling</u>	<u>Definition of Missing</u>	User defined missing values are treated as missing.
	<u>Cases Used</u>	All non-missing data are used.
<u>Syntax</u>		DESCRIPTIVES VARIABLES=D TI JJ /STATISTICS=MEAN STDDEV VARIANCE MIN MAX KURTOSIS SKEWNESS.
<u>Resources</u>	<u>Processor Time</u>	00:00:03.48
	<u>Elapsed Time</u>	00:00:04.00

Descriptive Statistics

				<u>Bootstrap^a</u>			
		<u>Statistic</u>	<u>Std. Error</u>	<u>Bias</u>	<u>Std. Error</u>	<u>95% Confidence Interval</u>	
						<u>Lower</u>	<u>Upper</u>
<u>D</u>	<u>N</u>	127		0	0	127	127
	<u>Minimum</u>	1.00					
	<u>Maximum</u>	10.00					
	<u>Mean</u>	5.8530		-.0020	.2604	5.3596	6.3543
	<u>Std. Deviation</u>	2.86368		-.01308	.11140	2.62470	3.06568
	<u>Variance</u>	8.201		-.062	.635	6.889	9.398
	<u>Skewness</u>	.186	.215	.001	.140	-.085	.447
	<u>Kurtosis</u>	-1.270	.427	.030	.148	-1.483	-.885
	<u>TI</u>	<u>N</u>	127		0	0	127
<u>Minimum</u>		.00					
<u>Maximum</u>		4.00					
<u>Mean</u>		1.6693		-.0029	.1451	1.3937	1.9606
<u>Std. Deviation</u>		1.69057		-.00654	.04379	1.58889	1.76706
<u>Variance</u>		2.858		-.020	.147	2.525	3.123
<u>Skewness</u>		.243	.215	.004	.156	-.060	.559
<u>Kurtosis</u>		-1.674	.427	.030	.100	-1.786	-1.390
<u>JJ</u>		<u>N</u>	127		0	0	127
	<u>Minimum</u>	1.00					
	<u>Maximum</u>	10.00					
	<u>Mean</u>	7.0945		-.0051	.2288	6.6535	7.5352
	<u>Std. Deviation</u>	2.56482		-.01292	.12758	2.28814	2.80446
	<u>Variance</u>	6.578		-.050	.651	5.236	7.865
	<u>Skewness</u>	-.537	.215	.011	.148	-.835	-.223
	<u>Kurtosis</u>	-.703	.427	-.006	.237	-1.122	-.182
	<u>Valid N (listwise)</u>	<u>N</u>	127		0	0	127

a. Unless otherwise noted, bootstrap results are based on 1000 bootstrap samples

BOOTSTRAP
/SAMPLING METHOD=SIMPLE

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

/VARIABLES INPUT=D TI JJ
/CRITERIA CILEVEL=95 CITYPE=PERCENTILE NSAMPLES=1000
/MISSING USERMISSING=EXCLUDE.

Bootstrap

Notes

<u>Output Created</u>	<u>21-SEP-2018 23:52:13</u>	
<u>Comments</u>		
<u>Input</u>	<u>Active Dataset</u>	<u>DataSet6</u>
	<u>Filter</u>	<u><none></u>
	<u>Weight</u>	<u><none></u>
	<u>Split File</u>	<u><none></u>
<u>Syntax</u>	<u>BOOTSTRAP</u>	
	<u>/SAMPLING METHOD=SIMPLE</u>	
	<u>/VARIABLES INPUT=D TI JJ</u>	
	<u>/CRITERIA CILEVEL=95</u>	
	<u>CITYPE=PERCENTILE</u>	
	<u>NSAMPLES=1000</u>	
	<u>/MISSING</u>	
	<u>USERMISSING=EXCLUDE.</u>	
<u>Resources</u>	<u>Processor Time</u>	<u>00:00:00.02</u>
	<u>Elapsed Time</u>	<u>00:00:00.00</u>

Bootstrap Specifications

<u>Sampling Method</u>	<u>Simple</u>
<u>Number of Samples</u>	<u>1000</u>
<u>Confidence Interval Level</u>	<u>95.0%</u>
<u>Confidence Interval Type</u>	<u>Percentile</u>

FREQUENCIES VARIABLES=D TI JJ
/STATISTICS=STDDEV MEAN SKEWNESS SESKEW KURTOSIS SEKURT
/BARChart FREQ
/ORDER=ANALYSIS.

Frequencies

Notes

<u>Output Created</u>	<u>21-SEP-2018 23:52:13</u>	
<u>Comments</u>		
<u>Input</u>	<u>Active Dataset</u>	<u>DataSet6</u>
	<u>Filter</u>	<u><none></u>
	<u>Weight</u>	<u><none></u>
	<u>Split File</u>	<u><none></u>
	<u>N of Rows in Working Data</u>	<u>80848</u>
	<u>File</u>	
<u>Missing Value Handling</u>	<u>Definition of Missing</u>	<u>User-defined missing values are treated as missing.</u>

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

	<u>Cases Used</u>	<u>Statistics are based on all cases with valid data.</u>
<u>Syntax</u>		<u>FREQUENCIES VARIABLES=D TI JJ</u>
		<u>/STATISTICS=STDDEV MEAN SKEWNESS SESKEW KURTOSIS SEKURT</u>
		<u>/BARCHART FREQ</u>
		<u>/ORDER=ANALYSIS.</u>
<u>Resources</u>	<u>Processor Time</u>	<u>00:00:13.70</u>
	<u>Elapsed Time</u>	<u>00:00:13.00</u>

Statistics

			<u>Bootstrap^a</u>				
			<u>Statistic</u>	<u>Bias</u>	<u>Std. Error</u>	<u>95% Confidence Interval</u>	
						<u>Lower</u>	<u>Upper</u>
<u>N</u>	<u>Valid</u>	<u>D</u>	<u>127</u>	<u>0</u>	<u>0</u>	<u>127</u>	<u>127</u>
		<u>TI</u>	<u>127</u>	<u>0</u>	<u>0</u>	<u>127</u>	<u>127</u>
		<u>JJ</u>	<u>127</u>	<u>0</u>	<u>0</u>	<u>127</u>	<u>127</u>
	<u>Missing</u>	<u>D</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
		<u>TI</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
		<u>JJ</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Mean</u>	<u>D</u>	<u>5.8530</u>	<u>-.0074</u>	<u>.2496</u>	<u>5.3598</u>	<u>6.3438</u>	
	<u>TI</u>	<u>1.6693</u>	<u>-.0080</u>	<u>.1509</u>	<u>1.3545</u>	<u>1.9526</u>	
	<u>JJ</u>	<u>7.0945</u>	<u>.0001</u>	<u>.2237</u>	<u>6.6614</u>	<u>7.5276</u>	
<u>Std. Deviation</u>	<u>D</u>	<u>2.86368</u>	<u>-.01015</u>	<u>.10878</u>	<u>2.63041</u>	<u>3.06784</u>	
	<u>TI</u>	<u>1.69057</u>	<u>-.00954</u>	<u>.04514</u>	<u>1.58623</u>	<u>1.76568</u>	
	<u>JJ</u>	<u>2.56482</u>	<u>-.01310</u>	<u>.12990</u>	<u>2.28124</u>	<u>2.79037</u>	
<u>Skewness</u>	<u>D</u>	<u>.186</u>	<u>.008</u>	<u>.132</u>	<u>-.077</u>	<u>.459</u>	
	<u>TI</u>	<u>.243</u>	<u>.009</u>	<u>.160</u>	<u>-.052</u>	<u>.597</u>	
	<u>JJ</u>	<u>-.537</u>	<u>.011</u>	<u>.144</u>	<u>-.824</u>	<u>-.237</u>	
<u>Std. Error of Skewness</u>	<u>D</u>	<u>.215</u>					
	<u>TI</u>	<u>.215</u>					
	<u>JJ</u>	<u>.215</u>					
<u>Kurtosis</u>	<u>D</u>	<u>-1.270</u>	<u>.026</u>	<u>.142</u>	<u>-1.467</u>	<u>-.901</u>	
	<u>TI</u>	<u>-1.674</u>	<u>.036</u>	<u>.107</u>	<u>-1.784</u>	<u>-1.358</u>	
	<u>JJ</u>	<u>-.703</u>	<u>-.005</u>	<u>.236</u>	<u>-1.136</u>	<u>-.173</u>	
<u>Std. Error of Kurtosis</u>	<u>D</u>	<u>.427</u>					
	<u>TI</u>	<u>.427</u>					
	<u>JJ</u>	<u>.427</u>					

a. Unless otherwise noted, bootstrap results are based on 1000 bootstrap samples

Frequency Table

D

<u>Frequency</u>	<u>Percent</u>	<u>Valid Percent</u>	<u>Bootstrap for Percent^a</u>
------------------	----------------	----------------------	--

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

				Cumulative Percent	Bias	Std. Error	95% Confidence Interval	
							Lower	Upper
							Valid	1.00
	1.33	2	1.6	1.6	.0	1.1	.0	3.9
	1.67	2	1.6	1.6	.1	1.1	.0	3.9
	2.00	5	3.9	3.9	.0	1.7	.8	7.1
	2.33	5	3.9	3.9	.0	1.7	.8	7.9
	2.67	4	3.1	3.1	.1	1.6	.8	6.3
	3.00	3	2.4	2.4	.0	1.3	.0	5.5
	3.33	7	5.5	5.5	.0	2.0	2.4	9.4
	3.67	5	3.9	3.9	.0	1.8	.8	7.9
	4.00	4	3.1	3.1	.0	1.5	.8	6.3
	4.33	10	7.9	7.9	.0	2.4	3.2	13.4
	4.67	6	4.7	4.7	.1	1.8	1.6	8.7
	5.00	7	5.5	5.5	-.1	1.9	1.6	9.4
	5.33	5	3.9	3.9	.0	1.7	.8	7.9
	5.67	4	3.1	3.1	.0	1.6	.8	6.3
	6.00	1	.8	.8	.0	.8	.0	2.4
	6.33	7	5.5	5.5	.0	2.0	1.6	9.4
	6.67	4	3.1	3.1	.0	1.5	.8	6.3
	7.33	3	2.4	2.4	.0	1.3	.0	5.5
	7.67	1	.8	.8	.0	.8	.0	2.4
	8.00	2	1.6	1.6	.0	1.1	.0	3.9
	8.67	4	3.1	3.1	-.1	1.5	.0	6.3
	9.00	5	3.9	3.9	.0	1.7	.8	7.1
	9.33	2	1.6	1.6	.0	1.1	.0	3.9
	9.67	4	3.1	3.1	-.1	1.5	.8	6.3
	10.00	22	17.3	17.3	.1	3.3	11.0	24.4
Total		127	100.0	100.0	.0	.0	100.0	100.0

a. Unless otherwise noted, bootstrap results are based on 1000 bootstrap samples

II

				Cumulative Percent	Bootstrap for Percent ^a			
					Bias	Std. Error	95% Confidence Interval	
							Lower	Upper
Valid	.00	58	45.7	45.7	.2	4.4	37.8	55.1
	1.00	5	3.9	3.9	.0	1.7	.8	7.9
	2.00	14	11.0	11.0	.1	2.7	5.5	16.5
	3.00	21	16.5	16.5	.0	3.2	10.3	22.8
	4.00	29	22.8	22.8	-.2	3.8	15.0	29.9
Total		127	100.0	100.0	.0	.0	100.0	100.0

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

a. Unless otherwise noted, bootstrap results are based on 1000 bootstrap samples

JJ

		Frequency	Percent	Valid Percent	Cumulative Percent	Bootstrap for Percent ^a			
						Bias	Std. Error	95% Confidence Interval	
							Lower	Upper	
Valid	1.00	4	3.1	3.1	3.1	.0	1.6	.8	7.1
	2.00	3	2.4	2.4	5.5	.0	1.3	.0	4.7
	3.00	2	1.6	1.6	7.1	.0	1.1	.0	3.9
	4.00	15	11.8	11.8	18.9	.0	2.8	6.3	17.3
	5.00	16	12.6	12.6	31.5	.0	2.8	7.1	18.1
	6.00	8	6.3	6.3	37.8	.0	2.1	2.4	11.0
	7.00	17	13.4	13.4	51.2	.1	3.1	7.9	19.7
	8.00	12	9.4	9.4	60.6	.0	2.6	4.7	15.0
	9.00	18	14.2	14.2	74.8	-.1	3.1	7.9	19.7
	10.00	32	25.2	25.2	100.0	.1	3.8	18.1	33.1
Total		127	100.0	100.0		.0	.0	100.0	100.0

a. Unless otherwise noted, bootstrap results are based on 1000 bootstrap samples

GRAPH

/BAR(SIMPLE)=MEAN(D) MEAN(TI) MEAN(JJ)

/MISSING=LISTWISE

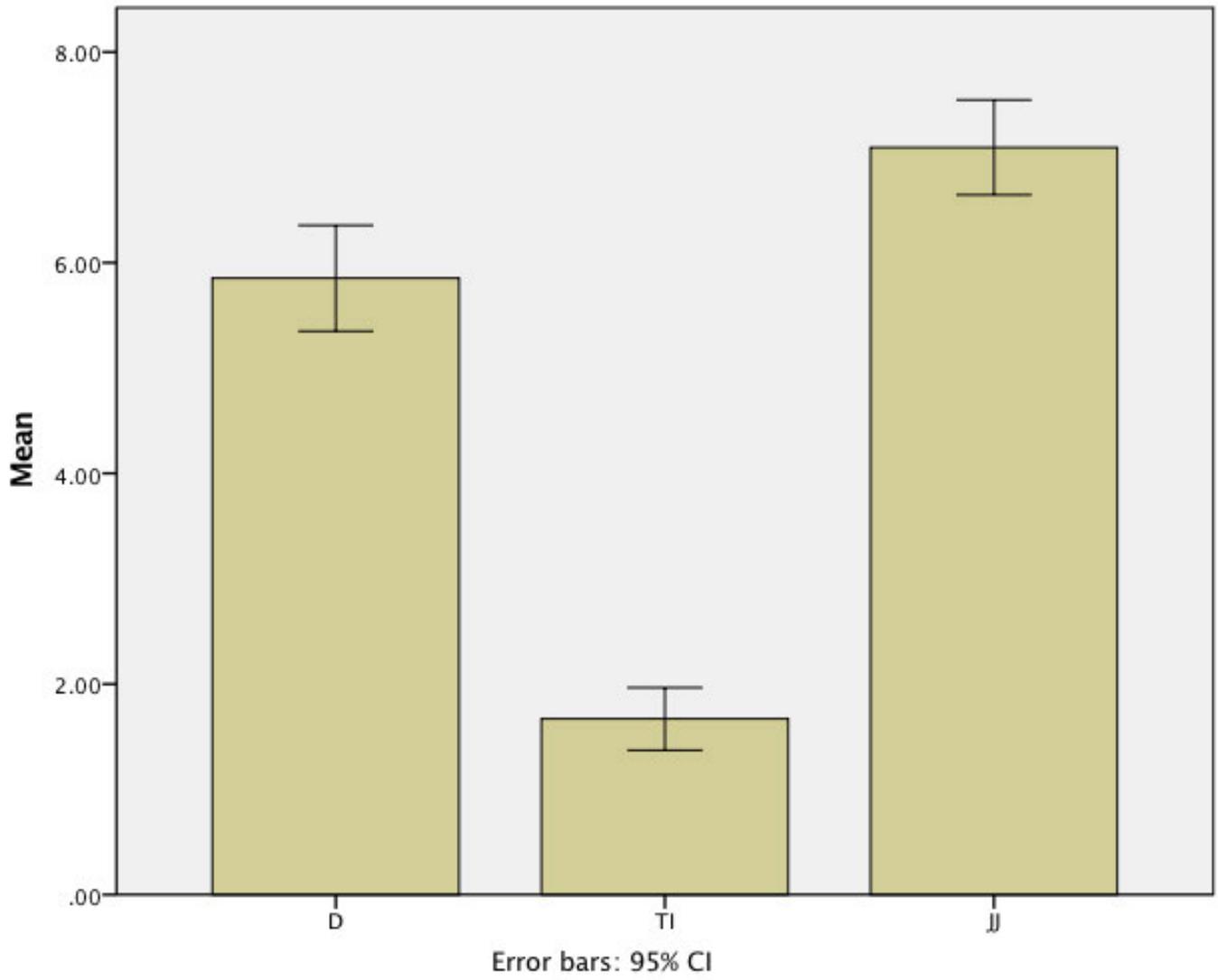
/INTERVAL CI(95.0).

Graph

Notes

<u>Output Created</u>		21-SEP-2018 23:56:25
<u>Comments</u>		
<u>Input</u>	<u>Active Dataset</u>	DataSet6
	<u>Filter</u>	<none>
	<u>Weight</u>	<none>
	<u>Split File</u>	<none>
	<u>N of Rows in Working Data</u>	127
	<u>File</u>	
<u>Syntax</u>		GRAPH <u>/BAR(SIMPLE)=MEAN(D)</u> <u>MEAN(TI) MEAN(JJ)</u> <u>/MISSING=LISTWISE</u> <u>/INTERVAL CI(95.0).</u>
<u>Resources</u>	<u>Processor Time</u>	00:00:02.16
	<u>Elapsed Time</u>	00:00:05.00

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT



DATASET ACTIVATE DataSet1.
DATASET CLOSE DataSet6.
DATASET ACTIVATE DataSet5.
DATASET CLOSE DataSet1.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Appendix D

FOR TESTIMONIAL INCONSISTENCIES

```

NEW FILE.
DATASET NAME DataSet4 WINDOW=FRONT.
DATASET CLOSE DataSet3.
BOOTSTRAP
/SAMPLING METHOD=SIMPLE
/VARIABLES TARGET=VAR00002 INPUT=VAR00001
/CRITERIA CILEVEL=95 CITYPE=PERCENTILE NSAMPLES=1000
/MISSING USERMISSING=EXCLUDE.
    
```

Bootstrap

Notes

Output Created	21-SEP-2018 23:30:47	
Comments		
Input	Active Dataset	DataSet4
	Filter	<none>
	Weight	<none>
	Split File	<none>
Syntax	BOOTSTRAP /SAMPLING METHOD=SIMPLE /VARIABLES TARGET=VAR00002 INPUT=VAR00001 /CRITERIA CILEVEL=95 CITYPE=PERCENTILE NSAMPLES=1000 /MISSING USERMISSING=EXCLUDE.	
Resources	Processor Time	00:00:00.02
	Elapsed Time	00:00:00.00

Bootstrap Specifications

Sampling Method	Simple
Number of Samples	1000
Confidence Interval Level	95.0%
Confidence Interval Type	Percentile

```

T-TEST GROUPS=VAR00001('IC' 'C')
/MISSING=ANALYSIS
/VARIABLES=VAR00002
/CRITERIA=CI(.95).
    
```

T-Test

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Notes

Output Created	21-SEP-2018 23:30:47	
Comments		
Input	Active Dataset	DataSet4
	Filter	<none>
	Weight	<none>
	Split File	<none>
	N of Rows in Working Data File	80596
Missing Value Handling	Definition of Missing	User defined missing values are treated as missing.
	Cases Used	Statistics for each analysis are based on the cases with no missing or out-of-range data for any variable in the analysis.
Syntax	T-TEST GROUPS=VAR00001('IC' 'C') /MISSING=ANALYSIS /VARIABLES=VAR00002 /CRITERIA=CI(.95).	
Resources	Processor Time	00:00:03.70
	Elapsed Time	00:00:04.00

Group Statistics

			Bootstrap ^a				
			Statistic	Bias	Std. Error	95% Confidence Interval	
VAR00001						Lower	Upper
VAR00002	IC	N	69				
		Mean	3.0725	-.0013	.1190	2.8485	3.3030
		Std. Deviation	.95976	-.01224	.06984	.79996	1.07133
		Std. Error Mean	.11554				
C	N	N	58				
		Mean	.0000	.0000	.0000	.0000	.0000
		Std. Deviation	.00000	.00000	.00000	.00000	.00000
		Std. Error Mean	.00000				

a. Unless otherwise noted, bootstrap results are based on 1000 bootstrap samples

Independent Samples Test

Levene's Test for Equality of Variances		t-test for Equality of Means						
F	Sig.	t	df	Sig. (2-tailed)	Mean Difference			

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

VAR00002	Equal variances assumed	115.708	.000	24.365	125	.000	3.07246			
	Equal variances not assumed			26.592	68.000	.000	3.07246			

Independent Samples Test

		t-test for Equality of Means		
		Std. Error Difference	95% Confidence Interval of the Difference	
			Lower	Upper
VAR00002	Equal variances assumed	.12610	2.82289	3.32204
	Equal variances not assumed	.11554	2.84190	3.30302

Bootstrap for Independent Samples Test

		Mean Difference	Bootstrap ^a				
			Bias	Std. Error	Sig. (2-tailed)	95% Confidence Interval	
						Lower	Upper
VAR00002	Equal variances assumed	3.07246	-.00131	.11899	.001	2.84848	3.30300
	Equal variances not assumed	3.07246	-.00131	.11899	.001	2.84848	3.30300

a. Unless otherwise noted, bootstrap results are based on 1000 bootstrap samples

FOR WITNESS DEMEANOUR

```

DATASET ACTIVATE DataSet1.
DATASET CLOSE DataSet2.
NEW FILE.
DATASET NAME DataSet3 WINDOW=FRONT.
BOOTSTRAP
/SAMPLING METHOD=SIMPLE
/VARIABLES TARGET=D INPUT=Affect
/CRITERIA CILEVEL=95 CITYPE=PERCENTILE NSAMPLES=1000
/MISSING USERMISSING=EXCLUDE.
    
```

Bootstrap

Notes

Output Created	21-SEP-2018 23:26:37
Comments	

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Input	Active Dataset	DataSet3
	Filter	<none>
	Weight	<none>
	Split File	<none>
Syntax		BOOTSTRAP /SAMPLING METHOD=SIMPLE /VARIABLES TARGET=D INPUT=Affect /CRITERIA CILEVEL=95 CITYPE=PERCENTILE NSAMPLES=1000 /MISSING USERMISSING=EXCLUDE.
Resources	Processor Time	00:00:00.02
	Elapsed Time	00:00:00.00

[DataSet3]

Bootstrap Specifications

Sampling Method	Simple
Number of Samples	1000
Confidence Interval Level	95.0%
Confidence Interval Type	Percentile

T-TEST GROUPS=Affect('HA' 'FA')
 /MISSING=ANALYSIS
 /VARIABLES=D
 /CRITERIA=CI(.95).

T-Test

Notes

Output Created		21-SEP-2018 23:26:37
Comments		
Input	Active Dataset	DataSet3
	Filter	<none>
	Weight	<none>
	Split File	<none>
	N of Rows in Working Data File	80647
Missing Value Handling	Definition of Missing	User defined missing values are treated as missing.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

	Cases Used	Statistics for each analysis are based on the cases with no missing or out-of-range data for any variable in the analysis.
Syntax		T-TEST GROUPS=Affect('HA' 'FA') /MISSING=ANALYSIS /VARIABLES=D /CRITERIA=CI(.95).
Resources	Processor Time	00:00:03.88
	Elapsed Time	00:00:04.00

Group Statistics

Affect			Statistic	Bootstrap ^a			
				Bias	Std. Error	95% Confidence Interval	
					Lower	Upper	
D	HA	N	71				
		Mean	5.8310	-.0006	.3229	5.2037	6.4823
		Std. Deviation	2.73076	-.02570	.14085	2.42503	2.97401
		Std. Error Mean	.32408				
	FA	N	56				
		Mean	5.8809	.0137	.4053	5.0804	6.7021
		Std. Deviation	3.04873	-.03045	.17287	2.67317	3.34231
		Std. Error Mean	.40740				

a. Unless otherwise noted, bootstrap results are based on 1000 bootstrap samples

Independent Samples Test

		Levene's Test for Equality of Variances		t-test for Equality of Means					
		F	Sig.	t	df	Sig. (2-tailed)			
D	Equal variances assumed	1.269	.262	-.097	125	.923	-.04999		
	Equal variances not assumed			-.096	111.538	.924	-.04999		

Independent Samples Test

		t-test for Equality of Means		
		Std. Error Difference	95% Confidence Interval of the Difference	
			Lower	Upper
D	Equal variances assumed	.51383	-1.06692	.96694
	Equal variances not assumed	.52058	-1.08150	.98153

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Bootstrap for Independent Samples Test

		Mean Difference	Bootstrap ^a				
			Bias	Std. Error	Sig. (2-tailed)	95% Confidence Interval	
						Lower	Upper
D	Equal variances assumed	-.04999	-.01436	.53302	.923	-1.07326	1.03893
	Equal variances not assumed	-.04999	-.01436	.53302	.921	-1.07326	1.03893

a. Unless otherwise noted, bootstrap results are based on 1000 bootstrap samples

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Appendix E

NEW FILE.

DATASET NAME DataSet1 WINDOW=FRONT.

RECODE D (1 thru 2=1) (3 thru 4=2) (5 thru 6=3) (7 thru 8=4) (9 thru 10=5).

EXECUTE.

DATASET ACTIVATE DataSet1.

DATASET CLOSE DataSet0.

BOOTSTRAP

/SAMPLING METHOD=SIMPLE

/VARIABLES TARGET=JJ INPUT=TI D

/CRITERIA CILEVEL=95 CITYPE=PERCENTILE NSAMPLES=1000

/MISSING USERMISSING=EXCLUDE.

Bootstrap

Notes

Output Created		30-SEP-2018 17:17:19
Comments		
Input	Active Dataset	DataSet1
	Filter	<none>
	Weight	<none>
	Split File	<none>
Syntax		BOOTSTRAP /SAMPLING METHOD=SIMPLE /VARIABLES TARGET=JJ INPUT=TI D /CRITERIA CILEVEL=95 CITYPE=PERCENTILE NSAMPLES=1000 /MISSING USERMISSING=EXCLUDE.
Resources	Processor Time	00:00:00.02
	Elapsed Time	00:00:00.00

Bootstrap Specifications

Sampling Method	Simple
Number of Samples	1000
Confidence Interval Level	95.0%
Confidence Interval Type	Percentile

UNIANOVA JJ BY TI D

/METHOD=SSTYPE(3)

/INTERCEPT=INCLUDE

/POSTHOC=TI(TUKEY LSD)

/EMMEANS=TABLES(TI)

/EMMEANS=TABLES(D)

/EMMEANS=TABLES(TI*D)

/PRINT=ETASQ DESCRIPTIVE

/CRITERIA=ALPHA(.05)

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

/DESIGN=TI D TI*D.

Univariate Analysis of Variance

Notes

Output Created		13-SEP-2018 17:17:20
Comments		
Input	Active Dataset	DataSet1
	Filter	<none>
	Weight	<none>
	Split File	<none>
	N of Rows in Working Data File	127127
Missing Value Handling	Definition of Missing	User-defined missing values are treated as missing.
	Cases Used	Statistics are based on all cases with valid data for all variables in the model.
Syntax		UNIANOVA JJ BY TI D /METHOD=SSTYPE(3) /INTERCEPT=INCLUDE /POSTHOC=TI(TUKEY LSD) /EMMEANS=TABLES(TI) /EMMEANS=TABLES(D) /EMMEANS=TABLES(TI*D) /PRINT=ETASQ DESCRIPTIVE /CRITERIA=ALPHA(.05) /DESIGN=TI D TI*D.
Resources	Processor Time	00:00:26.34
	Elapsed Time	00:00:23.00

Warnings

Post hoc tests are not performed for TI in split file \$bootstrap_split=28 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=75 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=85 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=126 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=148 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=159 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=173 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=214 because at least one group has fewer than two cases.

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Post hoc tests are not performed for TI in split file \$bootstrap_split=282 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=302 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=342 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=353 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=357 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=409 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=432 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=442 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=446 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=551 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=565 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=623 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=626 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=699 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=740 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=768 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=775 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=931 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=934 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=936 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=975 because at least one group has fewer than two cases.

Post hoc tests are not performed for TI in split file \$bootstrap_split=987 because at least one group has fewer than two cases.

Between-Subjects Factors

		N
TI	.00	58
	1.00	5
	2.00	14

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

	3.00	21
	4.00	29
D	1.00	25
	2.00	27
	3.00	27
	4.00	14
	5.00	34

Tests of Between-Subjects Effects

Dependent Variable: JJ

Source	Type III Sum of Squares	df	Mean Square	F	Sig.	Partial Eta Squared
Corrected Model	428.427 ^a	23	18.627	4.791	.000	.517
Intercept	2645.491	1	2645.491	680.466	.000	.869
TI	19.242	4	4.810	1.237	.300	.046
D	233.802	4	58.451	15.035	.000	.369
TI * D	31.097	15	2.073	.533	.916	.072
Error	400.440	103	3.888			
Total	7221.000	127				
Corrected Total	828.866	126				

a. R Squared = .517 (Adjusted R Squared = .409)

Post Hoc Tests

TI

Multiple Comparisons

Dependent Variable: JJ

	(I) TI	(J) TI	Mean Difference (I-J)	Std. Error	Sig.	95% Confidence Interval	
						Lower Bound	Upper Bound
Tukey HSD	.00	1.00	2.1069	.91901	.156	-.4449	4.6587
		2.00	1.4926	.58714	.089	-.1377	3.1229
		3.00	1.0402	.50216	.240	-.3541	2.4346
		4.00	.8448	.44843	.332	-.4003	2.0900
	1.00	.00	-2.1069	.91901	.156	-4.6587	.4449
		2.00	-.6143	1.02725	.975	-3.4667	2.2381
		3.00	-1.0667	.98116	.813	-3.7911	1.6577
		4.00	-1.2621	.95478	.678	-3.9132	1.3891
	2.00	.00	-1.4926	.58714	.089	-3.1229	.1377
		1.00	.6143	1.02725	.975	-2.2381	3.4667
		3.00	-.4524	.68032	.963	-2.3414	1.4366
		4.00	-.6478	.64168	.850	-2.4295	1.1340
	3.00	.00	-1.0402	.50216	.240	-2.4346	.3541

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

		1.00	1.0667	.98116	.813	-1.6577	3.7911
		2.00	.4524	.68032	.963	-1.4366	2.3414
		4.00	-.1954	.56497	.997	-1.7642	1.3733
	4.00	.00	-.8448	.44843	.332	-2.0900	.4003
		1.00	1.2621	.95478	.678	-1.3891	3.9132
		2.00	.6478	.64168	.850	-1.1340	2.4295
		3.00	.1954	.56497	.997	-1.3733	1.7642
LSD	.00	1.00	2.1069*	.91901	.024	.2843	3.9295
		2.00	1.4926*	.58714	.013	.3282	2.6571
		3.00	1.0402*	.50216	.041	.0443	2.0361
		4.00	.8448	.44843	.062	-.0445	1.7342
	1.00	.00	-2.1069*	.91901	.024	-3.9295	-.2843
		2.00	-.6143	1.02725	.551	-2.6516	1.4230
		3.00	-1.0667	.98116	.280	-3.0126	.8792
		4.00	-1.2621	.95478	.189	-3.1557	.6315
	2.00	.00	-1.4926*	.58714	.013	-2.6571	-.3282
		1.00	.6143	1.02725	.551	-1.4230	2.6516
		3.00	-.4524	.68032	.508	-1.8016	.8969
		4.00	-.6478	.64168	.315	-1.9204	.6248
	3.00	.00	-1.0402*	.50216	.041	-2.0361	-.0443
		1.00	1.0667	.98116	.280	-.8792	3.0126
		2.00	.4524	.68032	.508	-.8969	1.8016
		4.00	-.1954	.56497	.730	-1.3159	.9251
	4.00	.00	-.8448	.44843	.062	-1.7342	.0445
		1.00	1.2621	.95478	.189	-.6315	3.1557
		2.00	.6478	.64168	.315	-.6248	1.9204
		3.00	.1954	.56497	.730	-.9251	1.3159

Based on observed means.

The error term is Mean Square(Error) = 4.941.

*. The mean difference is significant at the

Bootstrap for Multiple Comparisons

Dependent Variable: JJ

	(I) TI	(J) TI	Mean Difference (I-J)	Bootstrap ^a			
				Bias	Std. Error	95% Confidence Interval	
						Lower	Upper
Tukey HSD	.00	1.00	2.1069	.0006 ^b	.8575 ^b	.4038 ^b	3.7860 ^b
		2.00	1.4926	.0195 ^c	.7512 ^c	.1066 ^c	3.1120 ^c
		3.00	1.0402	-.0068 ^c	.5726 ^c	-.0161 ^c	2.1784 ^c
		4.00	.8448	.0080 ^c	.6428 ^c	-.4596 ^c	2.1301 ^c
	1.00	.00	-2.1069	-.0006 ^b	.8575 ^b	-3.7860 ^b	-.4038 ^b
		2.00	-.6143	.0176 ^b	1.0389 ^b	-2.6591 ^b	1.3944 ^b
		3.00	-1.0667	-.0064 ^b	.9038 ^b	-2.7500 ^b	.8007 ^b
		4.00	-1.2621	.0081 ^b	.9594 ^b	-3.0291 ^b	.5904 ^b

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

	2.00	.00	-1.4926	-.0195 ^c	.7512 ^c	-3.1120 ^c	-.1066 ^c
		1.00	.6143	-.0176 ^b	1.0389 ^b	-1.3944 ^b	2.6591 ^b
		3.00	-.4524	-.0263 ^c	.8232 ^c	-2.1744 ^c	1.1545 ^c
		4.00	-.6478	-.0114 ^c	.8943 ^c	-2.5511 ^c	1.0962 ^c
	3.00	.00	-1.0402	.0068 ^c	.5726 ^c	-2.1784 ^c	.0161 ^c
		1.00	1.0667	.0064 ^b	.9038 ^b	-.8007 ^b	2.7500 ^b
		2.00	.4524	.0263 ^c	.8232 ^c	-1.1545 ^c	2.1744 ^c
		4.00	-.1954	.0148 ^c	.7517 ^c	-1.6559 ^c	1.3199 ^c
	4.00	.00	-.8448	-.0080 ^c	.6428 ^c	-2.1301 ^c	.4596 ^c
		1.00	1.2621	-.0081 ^b	.9594 ^b	-.5904 ^b	3.0291 ^b
		2.00	.6478	.0114 ^c	.8943 ^c	-1.0962 ^c	2.5511 ^c
		3.00	.1954	-.0148 ^c	.7517 ^c	-1.3199 ^c	1.6559 ^c
LSD	.00	1.00	2.1069	.0006 ^b	.8575 ^b	.4038 ^b	3.7860 ^b
		2.00	1.4926	.0195 ^c	.7512 ^c	.1066 ^c	3.1120 ^c
		3.00	1.0402	-.0068 ^c	.5726 ^c	-.0161 ^c	2.1784 ^c
		4.00	.8448	.0080 ^c	.6428 ^c	-.4596 ^c	2.1301 ^c
	1.00	.00	-2.1069	-.0006 ^b	.8575 ^b	-3.7860 ^b	-.4038 ^b
		2.00	-.6143	.0176 ^b	1.0389 ^b	-2.6591 ^b	1.3944 ^b
		3.00	-1.0667	-.0064 ^b	.9038 ^b	-2.7500 ^b	.8007 ^b
		4.00	-1.2621	.0081 ^b	.9594 ^b	-3.0291 ^b	.5904 ^b
	2.00	.00	-1.4926	-.0195 ^c	.7512 ^c	-3.1120 ^c	-.1066 ^c
		1.00	.6143	-.0176 ^b	1.0389 ^b	-1.3944 ^b	2.6591 ^b
		3.00	-.4524	-.0263 ^c	.8232 ^c	-2.1744 ^c	1.1545 ^c
		4.00	-.6478	-.0114 ^c	.8943 ^c	-2.5511 ^c	1.0962 ^c
	3.00	.00	-1.0402	.0068 ^c	.5726 ^c	-2.1784 ^c	.0161 ^c
		1.00	1.0667	.0064 ^b	.9038 ^b	-.8007 ^b	2.7500 ^b
		2.00	.4524	.0263 ^c	.8232 ^c	-1.1545 ^c	2.1744 ^c
		4.00	-.1954	.0148 ^c	.7517 ^c	-1.6559 ^c	1.3199 ^c
4.00	.00	-.8448	-.0080 ^c	.6428 ^c	-2.1301 ^c	.4596 ^c	
	1.00	1.2621	-.0081 ^b	.9594 ^b	-.5904 ^b	3.0291 ^b	
	2.00	.6478	.0114 ^c	.8943 ^c	-1.0962 ^c	2.5511 ^c	
	3.00	.1954	-.0148 ^c	.7517 ^c	-1.3199 ^c	1.6559 ^c	

a. Unless otherwise noted, bootstrap results are based on 1000 bootstrap samples

b. Based on 964 samples

c. Based on 970 samples

Homogeneous Subsets

JJ

	TI	N	Subset
Tukey HSD ^{a,b,c}	1.00	5	5.6000

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

2.00	14	6.2143
3.00	21	6.6667
4.00	29	6.8621
.00	58	7.7069
Sig.		.050

Means for groups in homogeneous subsets are displayed.

Based on observed means.

The error term is Mean Square(Error) = 3.888.

- Uses Harmonic Mean Sample Size = 13.485.
- The group sizes are unequal. The harmonic mean of the group sizes is used. Type I error levels are not guaranteed.
- Alpha =

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Appendix F

BOOTSTRAP

```

/SAMPLING METHOD=SIMPLE
/VARIABLES INPUT=D TI V
/CRITERIA CILEVEL=95 CITYPE=PERCENTILE NSAMPLES=1000
/MISSING USERMISSING=EXCLUDE.
    
```

Bootstrap

Notes

Output Created	21-SEP-2018 23:44:50	
Comments		
Input	Active Dataset	DataSet5
	Filter	<none>
	Weight	<none>
	Split File	<none>
Syntax	BOOTSTRAP /SAMPLING METHOD=SIMPLE /VARIABLES INPUT=D TI V /CRITERIA CILEVEL=95 CITYPE=PERCENTILE NSAMPLES=1000 /MISSING USERMISSING=EXCLUDE.	
Resources	Processor Time	00:00:00.03
	Elapsed Time	00:00:00.00

Bootstrap Specifications

Sampling Method	Simple
Number of Samples	1000
Confidence Interval Level	95.0%
Confidence Interval Type	Percentile

CROSSTABS

```

/TABLES=D TI BY V
/FORMAT=AVALUE TABLES
/STATISTICS=CHISQ PHI MCNEMAR
/CELLS=COUNT EXPECTED ROW COLUMN TOTAL
/COUNT ROUND CELL.
    
```

Crosstabs

Notes

Output Created	21-SEP-2018 23:44:50	
Comments		
Input	Active Dataset	DataSet5
	Filter	<none>

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

	Weight	<none>
	Split File	<none>
	N of Rows in Working Data File	80521
Missing Value Handling	Definition of Missing	User-defined missing values are treated as missing.
	Cases Used	Statistics for each table are based on all the cases with valid data in the specified range(s) for all variables in each table.
Syntax		CROSSTABS /TABLES=D TI BY V /FORMAT=AVALUE TABLES /STATISTICS=CHISQ PHI MCNEMAR /CELLS=COUNT EXPECTED ROW COLUMN TOTAL /COUNT ROUND CELL.
Resources	Processor Time	00:00:08.40
	Elapsed Time	00:00:08.00
	Dimensions Requested	2
	Cells Available	524245

Case Processing Summary

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
D * V	127	100.0%	0	0.0%	127	100.0%
TI * V	127	100.0%	0	0.0%	127	100.0%

D * V

Crosstab

			V		Total
			1.00	2.00	
D	FA	Count	45	11	56
		Expected Count	41.0	15.0	56.0
		% within D	80.4%	19.6%	100.0%
		% within V	48.4%	32.4%	44.1%
		% of Total	35.4%	8.7%	44.1%
D	HA	Count	48	23	71
		Expected Count	52.0	19.0	71.0
		% within D	67.6%	32.4%	100.0%
		% within V	51.6%	67.6%	55.9%
		% of Total	37.8%	18.1%	55.9%

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

Total	Count	93	34	127
	Expected Count	93.0	34.0	127.0
	% within D	73.2%	26.8%	100.0%
	% within V	100.0%	100.0%	100.0%
	% of Total	73.2%	26.8%	100.0%

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	2.597 ^a	1	.107		
Continuity Correction ^b	1.987	1	.159		
Likelihood Ratio	2.649	1	.104		
Fisher's Exact Test				.157	.078
McNemar Test				^c	
N of Valid Cases	127				

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 14.99.

b. Computed only for a 2x2 table

c. Both variables must have identical values of categories.

Symmetric Measures

		Value	Approximate Significance
Nominal by Nominal	Phi	.143	.107
	Cramer's V	.143	.107
N of Valid Cases		127	

Bootstrap for Symmetric Measures

		Value	Bootstrap ^a			
			Bias	Std. Error	95% Confidence Interval	
						Lower
Nominal by Nominal	Phi	.143	.001	.088	-.050	.304
	Cramer's V	.143	.006	.078	.010	.304
N of Valid Cases		127	0	0	127	127

a. Unless otherwise noted, bootstrap results are based on 1000 bootstrap samples

TI * V

Crosstab

	V		Total
	1.00	2.00	

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

TI	C	Count	48	10	58
		Expected Count	42.5	15.5	58.0
		% within TI	82.8%	17.2%	100.0%
		% within V	51.6%	29.4%	45.7%
		% of Total	37.8%	7.9%	45.7%
IC		Count	45	24	69
		Expected Count	50.5	18.5	69.0
		% within TI	65.2%	34.8%	100.0%
		% within V	48.4%	70.6%	54.3%
		% of Total	35.4%	18.9%	54.3%
Total		Count	93	34	127
		Expected Count	93.0	34.0	127.0
		% within TI	73.2%	26.8%	100.0%
		% within V	100.0%	100.0%	100.0%
		% of Total	73.2%	26.8%	100.0%

Chi-Square Tests

	Value	df	Asymptotic Significance (2- sided)	Exact Sig. (2- sided)	Exact Sig. (1- sided)
Pearson Chi-Square	4.946 ^a	1	.026		
Continuity Correction ^b	4.092	1	.043		
Likelihood Ratio	5.083	1	.024		
Fisher's Exact Test				.029	.021
McNemar Test				^c	
N of Valid Cases	127				

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 15.53.

b. Computed only for a 2x2 table

c. Both variables must have identical values of categories.

Symmetric Measures

		Value	Approximate Significance
Nominal by Nominal	Phi	.197	.026
	Cramer's V	.197	.026
N of Valid Cases		127	

Bootstrap for Symmetric Measures

		Value	Bootstrap ^a			
			Bias	Std. Error	95% Confidence Interval	
					Lower	Upper
Nominal by Nominal	Phi	.197	.000	.084	.030	.355
	Cramer's V	.197	.000	.082	.034	.355
N of Valid Cases		127	0	0	127	127

DEMEANOUR, INCONSISTENCIES AND JUROR JUDGEMENT

a. Unless otherwise noted, bootstrap results are based on 1000 bootstrap samples