

THE INFLUENCE OF SOCIAL MEDIA ON JUROR DECISION-MAKING

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DEDICATION

This body of work is the fruit of my labor – but my labor feels empty without my extensive support system. To my Mama and Lala – thank you for raising me, listening to me complain, and worrying about me endlessly. Both of you love me so fiercely and that love fuels all that I do. To Kisha, thank you for always ignoring my complaints and pouring so much love and support into me over the years. To all my brothers, each of you are a constant reminder of love, life, and light which fuels my fire to be educated. To my favorite person Ian – it is hard to put into words how much I appreciate you. Thank you for being my best friend and giving me the space to be the best person I can be. Your passion for us is such a driving force for me to push forward in everything I touch. To Dez, Sheana, and Adaeze, I do not have words for how often you three have pushed me to be greater and getting to the bitter sweet end of this chapter with you all is a reminder to appreciate the moments while they're happening. Lastly, to my Papa and Daddy, thank you for instilling in me a sense of humor, a quick tongue, and most importantly, for being a constant reminder of the fact that I can do anything I set my mind to – including make you both (and everyone else) immensely proud.

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LIST OF ABBREVIATIONS

Abbreviation	Description
PTP	Pre-Trial Publicity
P-PTP	Positive Pre-Trial Publicity
NTP	Negative-Trial Publicity
N-PTP	Negative Pre-Trial Publicity
CNN	Cable News Network
MSNBC.....	Microsoft National Broadcasting Company
ABC NEWS	American Broadcasting Company

I. INTRODUCTION

Sixteen-year-old Michelle Carter from Massachusetts was accused of convincing her boyfriend, 18-year-old Conrad Roy, to commit suicide through text messages (Harris, 2017). Carter was sentenced to two and a half years in a correctional facility for involuntary manslaughter (Shapiro & Lantz, 2017). News stations, such as ABC News and FOX News, live streamed her trial and sentencing. Both ABC News and FOX news received over 3.5 million views and 9,900 comments combined (JUST IN, 2017; Watch LIVE, 2017). Carter's trial coverage on Facebook sparked a national discussion about what kind of punishment Carter deserved, as well as her response to the sentencing. During Carter's sentencing, the judge mentioned the amount of publicity the case had received and how it would not affect his decision. A judge determined guilt and sentencing for Carter, but would the media have affected the jurors' verdicts if there had been a jury?

In 2012, Trayvon Martin was killed by George Zimmerman (CNN Library, 2017; Trayvon Martin, 2016). Between social media and television, Martin's death was highly publicized and even received the attention of President Barak Obama (Obama, 2013). Also, through online activity, Martin's parents were able to get 1.3 million signatures on a Change.org petition calling for the arrest of Zimmerman (Martin & Fulton, 2012; CNN Library, 2017). By April 11, 2012, Zimmerman was charged with second degree murder. Prior to this, Zimmerman's family and friends had all appeared on several news stations to discuss the potential trial. Moreover, numerous videos of their appearances on news stations were shared on Facebook (CNN Library, 2017).

Trials, such as Carter's and Zimmerman's, get an extensive amount of publicity

and can result in a national conversation among everyday people. Prior to social media, news was spread across the nightly news and websites like Yahoo! News. In 2010, Kaplan and Haenlein listed six different types of social media: blogs, virtual game worlds, collaborative projects, virtual social worlds, content communities, and, finally, social networking sites. Social networking sites, such as Facebook and Twitter, offer new avenues for getting local and national news and information. Krawitz (2012) defines social media as, “communities online that users can utilize to network, connect, and correspond in different ways, including using words, photographs and video” (p. 2). The creation and expansion of social media has been quick with websites like Friendster, which was the first form of social media, creating a new era for social networking sites (Robards, 2012). Friendster was followed by several social networking sites, such as “LinkedIn (2003), MySpace (2003), Facebook (2004), Twitter (2005), and Google+ (2007)” (Lee, 2016, p. 8). These social media platforms provide a space to get news and have discussions with friends and other social media users across the world. In addition, news stations (including stations such as CNN, Fox News, and MSNBC) have Facebook profiles where they share their coverage of politics, entertain, and crime.

Previous research shows that media coverage of crimes – whether the information is positive or negative about the defendants or plaintiffs - influences mock jurors’ verdicts (Dexter, Cutler, Moran, 1992; Hope, Memon, & McGeorge, 2004; Otto, Penrod, & Dexter, 1994; Riedel, 1993; Ruva, McEvoy, & Bryant, 2007; Moran & Cutler, 1991; Ruva & McEvoy, 2008; Ruva, Guenther, & Yarbrough, 2011; Smith, 2008; Ruva, Mayes, Dickman, McEvoy, 2012; Smith, 2008; Steblay, Besirevic, Fulero, & Jimenez-Lorente, 1999; Studebaker & Penrod, 1997; Whellan, 1989). However, research

conducted to date has yet to focus on the influence of juror age (cf. Ruva & Hudak, 2013) and news consumption through social media. Facebook is used daily by 1.37 billion people in the world and has an annual growth rate of 138.98% since December 2011 – making it the most used social networking site (Facebook Newsroom Company Info, 2017; Mitchell & Weisel, 2014; St Eve and Zuckerman, 2012).

Heavy social media use can prove to be problematic when social media users form opinions based on false information presented through social media (Lee, 2016). Kang, Seo, Choi, Kim, and Han (2016) studied decision-making and the internet. They concluded that anonymity and the ability to have multiple identities from the use of online communities can lead to biased opinions (Kang et al., 2016). These biases, in turn, can influence how individuals perceive and interpret other events, such as a criminal trial. This study provides a contemporary perspective to already existing pre-trial publicity research by incorporating social media. The study includes Pre-Trial Publicity (which will be referred to as PTP) through social media, as well as a focus on a younger, jury-eligible population. Many young people are getting their information and news from social media (Gangadharbatla, Bright, & Logan, 2014; Lee, 2016) and their decisions are influenced by their social media interactions (Ekström & Sveningsso; 2017; Kiesa, Orłowski, Levine, Both, Kirby, Lopez, Marcelo, 2007). This experimental study will assess if PTP received through Facebook will influence young people’s decisions about a fictitious trial, consistent with previously conducted studies on the influence of PTP.

II. LITERATURE REVIEW

Pre-trial publicity (PTP) is defined as media messages about a trial or a crime committed that could influence potential jurors or current jurors' attitudes and objectivity about the defendant when making decisions related to the trial (Riedel, 1993; Whellen, 1989; Jacquin & Hodges, 2007). There is a solid body of research on PTP that expands across a variety of media avenues. The media outlets in previously conducted research on PTP use more traditional news outlets (Ruva & McEvoy, 2008; Ruva & LeVasseur, 2012; Draftary-Kapur, Penrod, O'Connor, & Wallace, 2014; Otto, Penrod, & Dexter, 1994). These news outlets include newspapers, television or videos, and articles created by the researchers about the trial (Draftary-Kapur, Penrod, O'Connor, & Wallace, 2014; Hope, Memon, & McGeorge, 2014; Ruva, Guenther, Yarbrough, 2011; Ruva & Guenther, 2015; Ruva & Guenther, 2017; Studebaker & Penrod, 1997; Whellan, 1989).

Many studies covering PTP also include a discussion about how PTP interacts with the freedom of the press and the right to a fair trial (Anga, 2013; Klein & Cooper, 2016; Ruva, McEvoy, & Bryant, 2007; Marder, 2014; Phillipson, 2008; Smith, 2008; Studebaker & Penrod, 1997; Whellan, 1989). It is argued that by implementing safeguards against the effects of PTP, such as policies regarding how the press can cover criminal stories, risk infringing on freedom of press (Wilson & Bornstein, 1998; Ruva, Guenther, & Yarbrough, 2011). Considering the amount of PTP surrounding certain trials (especially high-profile cases), combined with juror's biases that they come into trials with, the messages from the media can compromise a defendant's Sixth Amendment rights.

Much of the research focuses on if PTP influences the jurors' decisions of guilty versus not guilty and how the mock jurors are separating PTP from the facts provided in a trial. In those studies, the mock jurors have been given either negative or positive PTP, and then instructed to provide a verdict either individually or within a group (to conduct jury deliberations). These studies have largely been administered through surveys or in person by presenting the participants with negative or positive PTP then analyzing their jury decisions.

Negative PTP (N-PTP) has been defined as media that is "antidefendant, or publicity that paints the defendant in a negative light," (Ruva, Guenther, & Yarbrough, 2011, p. 511). Research has also shown that exposure to N-PTP increases the likelihood of a guilty verdict and can influence jurors to perceive the defendant as less credible. Research has also shown that N-PTP can make it difficult for jurors to come to verdict based solely on the trial evidence. (Hope, Memon, & McGeorge, 2004; Ruva & McEvoy, 2008; Ruva, 2016).

Positive PTP (P-PTP) is the notion that information has been conveyed to the public about one of the litigants that portrays them in a positive manner. The effects of P-PTP have not been widely researched, but the little research available has mixed results (Ruva, Guenther, & Yarbrough, 2011). The results range from the jurors needing more evidence to convict, to no difference between pro-defense and pro-prosecution PTP (Ruva & McEvoy, 2008; Ruva, Guenther, & Yarbrough, 2011). Often P-PTP is evident in trials involving celebrities or locals who are important to their communities (Ruva, Guenther, & Yarbrough, 2011). Overall, PTP can have several effects on a defendant's trial proceeding.

Perspectives on PTP

Previously conducted research has tested the influence of PTP on mock jurors in a variety of ways. Some research has also explored a few theories and perspectives that may explain the effects of PTP. Those theories include story model theory, pre-decisional distortion perspective, and source memory errors (Hope, Memon, & McGeorge, 2004; Huntley & Costanzo, 2003; Kleider, Cavrak, & Knuycky, 2012; Pennington & Hastie, 1992; Russo, Meloy, & Medvec, 1998; Ruva, McEvoy, & Bryant, 2007; Ruva, Guenther, & Yarbrough, 2011; Ruva, Mayes, Dickman, & McEvoy, 2012; Smith, 2008). Each perspective provides a unique explanation for how and why PTP affects jurors. The story model perspective explains how jurors create stories regarding the PTP they have taken in; the pre-decisional distortion perspective explains how jurors interpret the PTP they have taken in; and source memory errors focuses jurors being unclear on whether they learned information from the trial or PTP. Each of these perspectives will be described in detail in the following sections.

Story Model Perspective

The story model perspective is one of the more formative explanations of how PTP influences jurors' decisions (Pennington & Hastie, 1992). Instead of separating the information, jurors use the facts they receive during the trial to add to their beliefs on what happened. The story model predicts that jurors have constructed narratives based on media they have consumed prior to trial that combines with their own knowledge, their expectations, as well as whatever evidence they comprehend from the trial (Carlson &

Russo, 2001; Ruva et al., 2012). An important conclusion regarding PTP and the story model is that if the evidence presented to the jurors does not match with their previously created story and biases (that they may have formed through use of social media or watching television), then they are likely to devalue or ignore facts presented in the trial (Ruva, Mayes, Dickman, & McEvoy, 2012). Juror's story models affect defendant credibility, help fill in what the juror thinks may have happened, and provides a basis for their verdict (Pennington & Hastie, 1992; Hope, Memon, & McGeorge, 2004).

When jurors are creating a story during a trial, they go through several steps. There are three major components to the story model: story construction, decision alternative representation, and story classification (Pennington & Hastie, 1992; Pennington & Hastie, 1986). Often, jurors come up with different stories than other jurors, as well as multiple stories amongst themselves (Smith, 2008). When jurors come to trials, they are not empty slates and they are mentally prepared to construct a story regarding the trial information they will receive. The jurors come armed with prior knowledge and experience regarding similar events to the trial. Based on the story model, jurors are taking in the trial evidence that is often presented to them in a question and answer format, and sometimes that evidence is not complete, considering witnesses are not allowed to speculate about certain events. The trial evidence that the jurors are provided with is then mentally constructed into a story by combining it with their knowledge about similar events, as well as their interpretations of the evidence. Constructing these stories is a way for jurors to comprehend and better understand the information from the trial.

When jurors are constructing their stories, the stories must have coverage, coherence, and uniqueness in order for the juror to believe that it matches up with the verdict categories provided to them by the judge (Pennington & Hastie, 1992). For the story to properly cover the trial, it must account for all of the evidence that is presented. The more their constructed story accounts for the trial evidence, the more they are likely to feel confidence in their explanation and accept their story. For the jurors to believe that their story is coherent, they must believe that their story is consistent, plausible, and complete.

To ensure that their story is consistent, the juror must believe that there are no internal flaws or contradictions within. For their story to have plausibility, a juror must believe that the story is on track with their knowledge regarding similar events – whether that knowledge is real or imagined. Lastly, for a juror to believe that their story is complete, they must believe that their story has all of its necessary parts. If they have more than one story that seems to be coherent, then they are likely to feel as though the stories lack uniqueness. When there is not a unique story, the juror is more likely to be uncertain.

A second aspect of the story model is when a juror learns of their decision alternative at the end of the trial when they learn the distinct verdict categories (Pennington & Hastie, 1992; Smith, 2008). When learning about the different verdict categories that are available to them, the jurors then have the ability to wrap their constructed stories around the defendant's culpability (Smith, 2008). They are often presented with several options and they use the definitions of those options to apply them to their constructed stories.

Finally, the story classification portion of the story model perspective consists of jurors matching their most accepted story with the best fitting verdict and the judge's instructions (Pennington & Hastie, 1992). For example, they take the judge's instructions and apply them to the circumstances and the events of the trial. They will take these stories and the verdict categories and apply them until they have reached the goodness of fit principle (Pennington & Hastie, 1992).

Pennington and Hastie (1988) conducted a study regarding the effectiveness of their story model perspective and showed that jurors are likely to construct a chronological story based on the evidence presented in trial. Although Pennington and Hastie did not demonstrate that the story models constructed dictate juror decisions completely, they did demonstrate that story construction is a part of the justification process when a juror is creating a verdict. The media that potential jurors are exposed to regarding the trial can be a part of how jurors create their stories. Prior to a trial, a juror may see negative or positive information regarding the victim and the defendant, and hear conclusions about the crime from their local media and friends. This information, coupled with the information provided during the trial may assist the juror in creating a story regarding the trial. Instead of exclusively focusing on the details provided during the trial, the jurors may (intentionally or unintentionally) incorporate information they learned from the media surrounding the trial into their stories, which can lead them to making biased conclusions regarding the trial.

Pre-decisional Distortion

The pre-decisional distortion perspective explores how evidence presented can be distorted to support one side or the other (i.e., the plaintiff or defendant) in a trial, which can lead to the jurors to make biased verdicts (Ruva, Huenther, & Yarbrough, 2011). Carlson and Russo (2001) defined pre-decisional distortion as “the biased interpretation and evaluation of new information to support whichever alternative is currently leading during a decision process,” (p. 91). A major component and important factor regarding pre-decisional distortion is whom the juror considers to be “leading” during the trial (Carlson & Russo, 2001). Their “leading” choice is whomever the juror thinks has a superior case at whichever point during the trial (Ruva, Guenther, & Yarbrough, 2011). From that point forward, the evidence the juror is presented with in the trial then begins to distort the rest of the evidence presented. Due to the pre-decisional distortion, evidence presented during the trial can be distorted by the juror to support whichever side of the argument they consider the leading side (Ruva, Guenther, & Yarbrough, 2011).

Research has shown that the process of pre-decisional distortion can be a contributor to the biasing effects of PTP on juror’s decision making (Carlson & Russo, 2001; Otto, Penrod, & Dexter, 1994; Ruva, McEvoy, & Bryant, 2007; Ruva & Guenther, 2017). Participants with higher exposure to N-PTP and higher levels of pre-decisional distortion are more likely to convict (Ruva, Guenther, and Yarbrough, 2011; Hope, Memon, & McGeorge, 2004; Ruva, McEvoy, & Bryant, 2007). Their research also showed that the jurors exposed to N-PTP had higher mean pre-decisional distortion scores than those exposed to P-PTP (Ruva, Guenther, and Yarbrough, 2011). These

results showed that the jurors exposed to N-PTP used the information to support who they believed was leading the trial.

Jurors who distort the evidence based on who they believe has the superior arguments are likely not aware of their actions and use the process similarly to the story model. Both the story model and pre-decisional distortion perspectives provide the juror with an opportunity to make sense of the trial they are participating in (Hope, Memon, & McGeorge, 2004). However, as Carlson and Russo (2001) propose, instead of constructing multiple stories and deciding which one rings more true (as in the story model), jurors instead maintain one consistent perspective throughout the trial and perceive the evidence in light of their pre-existing view. With one consistent story that jurors may hold, they are likely to distort any evidence presented afterwards to fit their preference (a confirmation bias), which leads them to making premature judgements regarding the culpability of the defendant.

Source Memory Errors or Source Monitoring Errors

During a trial, evidence that is presented can be confused with PTP that a juror may have viewed prior to or during the trial (Henkel, Franklin, & Johnson, 2000). The process of retrieving a memory includes taking memory cues that assist jurors in retrieving the appropriate memory. When recalling information related to the trial, jurors may have source misattributions and make decisions based on the wrong information. Source memory errors or source monitoring errors (in combination with PTP) have an effect on jurors' decisions by creating false memories or source misattributions (Henkel, Franklin, & Johnson, 2000). Jurors may incorrectly believe that some of the information

they remember from PTP might actually have been presented during the trial. Jurors who experience source memory errors struggle to differentiate from where they received their information: whether that be from PTP or the trial (Ruva, Dickman, & Mayes, 2014).

Research by Ruva, McEvoy, and Byrant (2007) suggested there is a connection between exposure to PTP and source memory errors even under ideal situations (i.e., a controlled research environment) by affecting what information jurors deliberated with and how confident the jurors were regarding the accuracy of their judgements. While acting as a juror, source memory errors can leave jurors to wrongly remember where they learned details about the trial while deliberating/deciding on a verdict (Ruva, Dickman, & Mayes, 2014). In a high-profile case or a case where the defendant fits a juror's stereotypes, it can be difficult for the juror to differentiate where they got their information from regarding the evidence (Kleider, Cavrak, & Knuycky, 2012; Ruva, McEvoy, & Bryant, 2007).

Eliminating the Effects of PTP

In addition to deliberation as a means of eliminating PTP, various other remedies have been proposed. The main three attempts have been providing judicial instruction, careful voir dire, and changes of venues (Dexter, Cutler, & Moran, 1992; Kramer, Kerr, & Carroll, 1990; Kramer & Cooper, 2016; Resta, 2008; Whellan, 1989). Individually, these solutions are not effective, but collectively they could make a difference (Ruva, Guenther, & Yarbrough, 2011). Regardless of their effectiveness, they are each burdensome on the trial procedures that can lead to delays (Otto, Penrod, & Dexter, 1994).

Judicial instructions (e.g., a judge instructing the jury to disregard inadmissible information) do not always prove to be effective considering the jurors have already heard the information and they are now even more aware of it (Stebly et al., 1999; Whellan, 1989). The concept of instructing jurors to disregard the information they have heard ignores how individuals process information and the way the memory works (Smith, 2008). Instead of the judicial instructions being an immediate way for jurors to forget or disregard the information, they are now more aware of it and more likely to subconsciously include the information in the verdicts (Whellan, 1989). Jurors are also likely to unintentionally focus on and remember the information they are instructed to throw out – specifically criminal records or evidence deemed inadmissible (Kramer, Kerr, & Carroll, 1990; Whellan, 1989). Despite being well-intentioned, judicial instructions to disregard inadmissible evidence is not an effective means of preventing jurors from using that evidence in their decision-making (Kramer, Kerr, & Carroll, 1990).

The process of voir dire can range from extensive to minimal and can potentially eliminate jurors compromised by PTP (Kramer, Kerr, & Carroll, 1990). It includes attorneys or the judge (or both) examining how impartial jurors (who are under oath) are regarding the trial at hand during the jury selection process (Fein, McCloskey, & Tomlinson, 1997; Smith, 2008; Studebaker & Penrod, 1997). The process can be beneficial for eliminating potential jurors with blatant biases, but does not always eliminate every potential juror who has been biased by PTP. It can become ineffective if the jurors state that they are able to ignore the PTP they may have witnessed or their biases (when in reality they cannot), the jurors lie about the media they've consumed or

the biases, or if the lawyer does not ask the right questions regarding PTP or bias (Krawitz, 2012; St. Eve, Burns, & Zuckerman, 2013; Stuebaker & Penrod, 1997). For example, St. Eve et al. (2013) discussed *State v. Smith*, where four jurors were associated with the medical examiner, but none of them were asked about their associations with her. Once the trial began, a juror was caught exchanging Facebook messages with the medical examiner.

Changing venues can provide a potential defendant with the opportunity to have a fair and impartial trial by having a set of jurors who may not have witnessed as much of the media's portrayal of the defendant (Whellen, 1989). When there is a high profile trial or a case that has received a great deal of local coverage (for example, the Trayvon Martin case), often judges can grant a change of venue to a jurisdiction that has not received a great deal of PTP (McConahay, Mullin, & Frederick, 1977; Posey & Dahl, 2002). Local news stations can share as much information as they have regarding a trial due to their First Amendment rights, which allows them to freely discuss information regarding the defendant (Douglas, 1960). However, this information can bias potential jurors and his bias can threaten defendants' right to a fair and impartial trial (McConahay, Mullin, & Frederick, 1977; Posey & Dahl, 2002). In order to ensure that the rights of the defendant are met, the trial maybe relocated to another county where there may be less media exposure.

Usually, a change of venue is granted when there is a known public prejudice or prejudicial attitudes towards the defendant (McConahay, Mullin, & Frederick, 1977). A typical means of demonstrating the necessity for a change of venue is to work with social scientists to conduct research (McConahay, Mullin, & Frederick, 1977). Social scientists

explore whether another jurisdiction might not be as biased or received as much PTP, suggesting that community members in other jurisdiction possess less knowledge about the defendant (Pralle, 2003). To ensure that the new trial location has less bias than the original community, social scientists conduct public opinion surveys across at least two other counties (McConahay, Mullin, & Frederick, 1977; Zeisel & Diamond, 1976). These public opinion surveys are conducted based on a random sample of “persons in the judicial districts” (McConahay, Mullin, & Frederick, 1977). Social scientists conduct the random sample across two counties to create a representative sample of the population and to provide a comparison district for proof of prejudice (McConahay, Mullin, & Frederick, 1977).

Often juries can go through an extensive voir dire process before realizing that ensuring an impartial jury will not be possible (Zeisel & Diamond, 1976). Changing venues can save tax dollars by avoiding a situation where an extensive voir dire has been conducted, only to lead the judge to changing the venue (McConahay, Mullin, & Frederick, 1977). Also, proof of prejudice is not always enough to lead to a change of venue if there are enough members of the panel who are unbiased and can form an impartial jury (Posey & Dahl, 2002; Zeisel & Diamond, 1976).

Exposure to PTP, however, might not be constrained across jurisdictions given the widespread distribution of information across various platforms. Potential jurors can witness PTP through social media, no matter where they are in the world. Social media and news stations’ articles with PTP can complicate finding a local jurisdiction that has not been subjected to PTP. Although change of venue can be beneficial by potentially providing a defendant with a less biased venire, social media can complicate this by

providing quick and easily accessible biased news to those potential jurors. With social media, having an effective change of venue can prove to be more difficult to accomplish with popular cases being written about on the internet that can be shared with no geographical limitations.

Courts believe that having jurors deliberate will assist in reducing the amount of source memory errors each individual juror has (Pritchard & Keenan, 2002). There has been some research conducted to test this, and the results are not conclusive (Pritchard & Keenan, 2002; Ruva, McEvoy, & Bryant, 2007). For example, Ruva, McEvoy, and Bryant (2007) found no difference between the amount of source memory errors in jurors who were deliberating and who did not deliberate, while Pritchard and Keenan (2002) found that jurors who deliberated corrected inaccurate evidence. Deliberating is designed to assist jurors with clarifying questions and ensure that each juror accurately knows all the information so that they may produce a verdict based on evidence presented at trial only. While jury deliberations might play some role in accurately recalling evidence presented at trial, jurors still consistently struggle with differentiating where they received their information from when making decisions (Henkel, Franklin, & Johnson, 2000; Kleider, Cavrak, & Knuycky, 2012; Pritchard & Keenan, 2002; Ruva, McEvoy, & Bryant, 2007).

Social Media Effects on Trials

Previously conducted studies on social media shows that social media can have a variety of impacts on individuals' perceptions and beliefs (Anga, 2013; Marder, 2014; Johnston, Keyzer, Holland, Pearson, Rodrick, & Wallace, 2013; Krawitz, 2012; St. Eve

& Zuckerman, 2012; Zora, 2012). Not only do social media outlets provide potential jurors with a variety of PTP at the tips of their fingers, but social media also provides a problem for the courtroom (Lee, 2016; Marder, 2014). When a juror uses social media, they might be exposed to PTP in the form of information about a defendant, or even others' views about the defendant and/or trial (especially their family and friends) (St Eve & Zuckerman, 2012). Although rare, there have been mistrials due to jurors posting about the trial on their Facebook pages, tweeting about the trial, and even asking their Facebook friends what their decision should be (Johnston, Keyzer, Holland, Pearson, Rodrick, & Wallace, 2013; Krawitz, 2012; Zora, 2012). With Facebook's expansion of "reactions" to posts, as well as the availability of thousands of responses, jurors can see how thousands of people across the world are responding to the media publications on the defendant.

In the case of young people, through social media, peers can have an influence on "social behaviors within a social media context," (Aluri & Tucker, 2015, p. 50). With the lack of research focused exclusively on the interaction between social media and jurors, there is a need for research regarding PTP that takes into account high tech means of information dissemination. Younger generations are gaining their information from a variety of sources (especially social media) and this change can have an impact on the way trials are carried out in the future. PTP has been viewed from a variety of theories, and by advancing the research on PTP to include media avenues such as social media networking sites, the researchers are provided with a chance to extend theories regarding PTP and test to see if PTP via social media has a similar impact on jurors compared to other media outlets studied in previous research.

While on a social networking site, potential jurors are exposed to news stories happening in their communities as well as their friend's and family's opinions on those stories. Many news stations run a social media account and post consistently throughout the day about breaking news, as well as updated past news stories. Many of the posts are videos, articles, and live streamed coverage related to the crime or the trial. Those posts can have hundreds to thousands of comments under them with information about the story posted and negative comments regarding the crime.

The articles, videos, and live footage of the crimes can be where a juror begins to form an opinion regarding the defendant. When a potential juror sees all the PTP presented on social media, they can start to use that information presented to create their own story model regarding the trial. The story that they create can be mixed with the information they receive while sitting on trial. This can lead a juror to making a decision regarding the defendant, based on a mixture of information from the story they have created.

Potential jurors who take in negative PTP regarding a defendant can also apply it to the trial in a way that makes the defendant appear guilty. Before completely hearing all of the information presented in a trial, the juror could be applying PTP to whoever they believe is "winning" the trial at the time (Ruva, Guenther, & Yarbrough, 2011). This can be problematic because it can lead jurors to having a biased evaluation of the information presented during the trial (Ruva, Guenther, & Yarbrough, 2011). Also, PTP presented via social media can lead to source memory errors. Instead of making decisions based on the information presented in the trial, jurors may remember something they read on their social media account the day before their trial or even during the trial. The mix up of the

information can lead to a source memory error and a juror making a decision based on PTP that could put the defendant in a negative light.

III. METHODOLOGY

Participants

The sample was comprised of 71 undergraduate students enrolled in criminal justice courses. The sample is a convenience sample but is expected to approximate the general student body of the university by race, age, and academic classification.

Demographic information, including sex, race, and academic classification (i.e., year in school), was collected. This was an experimental study where students were placed in Secret Facebook groups and given PTP before becoming mock jurors.

Measures

Verdict

Participants were asked to render a verdict – guilt or not guilty (see Appendix A). As a supplement to the verdict, participants were asked how confident they are in their verdict (1 = I am certain the he is not guilty; 7 = I'm certain he is guilty). This latter question provided a continuous measure of guilt (versus the dichotomous verdict). Finally, participants were asked to provide the top three reasons for their verdict. This item will allow for a detailed examination of the rationale for each participant's verdict.

Credibility Ratings

Participants were asked to rate the credibility of each of the witnesses (see Appendix A). The witnesses include the coroner, the detective, and the communications expert. The ratings for each witness range from 1 (Not credible) to 7 (very credible).

Social media use

News Consumption

Several questions were asked regarding how participants typically get their news (see Appendix A). One question gauges the typical medium of news consumption (e.g., television, newspaper, etc.). Another question assesses the depth of consumption. For instance, potential responses are *full news article* or *headlines or comments*. The final question pertains to the frequency with which the participant accesses news sources (e.g., 1-3 times per day).

Demographics

Participants will be asked to report their sex, race or ethnicity, and academic classification (e.g., sophomore).

Procedures

Participants were recruited from undergraduate courses in criminal justice. They were notified that they would be given extra credit for participation. An alternative, non-research extra credit opportunity was provided if they would like to earn extra credit but do not want to participate in the study. For those who are interested in participating in the

study, they were asked to sign up on SONA. There are a few screening questions they must answer to assess their eligibility. These include whether they (1) have a Facebook account, (2) regularly access their Facebook account (3) if they are jury eligible (18 years or older and a United States citizen). Because this study involves exposure to pretrial publicity via Facebook and juror decision-making, eligible participants must answer affirmatively to these questions.

For those who are eligible, they were asked to read the consent form and either agree or not agree to participate in the study. For those who consent to take part in the study, they were randomly assigned to the experimental or control Facebook group. The experimental group was presented with news stories that contain negative information about the defendant, but that are not included in the trial summary. To reduce demand characteristics, other news stories were posted on the participants' feeds that are unrelated to the trial or the defendant. The control group was asked to read various news stories that do not pertain to the trial or the defendant.

The articles were scheduled posts at random times every other day to mock the random timing of real news articles. After all participants have joined the Facebook group, news articles were posted. The first article was posted on Monday, the second on Wednesday, and the last on Friday. A series of manipulation checks were included (see Appendix B) to ensure participants were exposed to the news stories and were posted on Tuesday and Thursday. An example of the manipulation checks includes: "How old was the victim of the crime?" and "Is the victim male or female?". The questions were posted in both groups (the control group's questions were related to their articles) the day after an article was posted. The participants were instructed to message the private investigator

with their response to the questions in order to limit commenting in the Facebook groups.

The Facebook groups were set to “Secret,” and the comment sections disabled, in order to maintain privacy. There was also a set of rules for the group, which were maintained at the top of both Facebook groups as a “pinned post” and the students were instructed to read them upon requesting to join each group (See Appendix C). These rules were in place to maintain privacy of the students and to provide students with the contact information of the researcher.

After being presented with news stories over the course of a week, the researcher will delete all articles from both the experimental and control groups and post a Qualtrics link to the trial summary and questionnaire. There was one separate link for each group to ensure that the data remain separate. Once in Qualtrics, participants were presented with a written trial summary (see Appendix G). The trial summary describes a homicide trial. Both the prosecution and defense will have opening and closing statements. In addition, the prosecution includes testimony from the coroner and detective, while the defense introduces testimony from a communications expert. All witnesses are cross-examined by opposing counsel.

The trial summary was run through a pilot study to test for ambiguity. Two versions of the trial summary were created – version 1 which included more details and version two which had less details about the crime. The participants provided the reasons they provided their verdict as well as their verdict. Version one received 63% Not Guilty verdicts and 37% Guilty verdicts. Version two received 44% Not Guilty and 56% Guilty verdicts. The goal was to receive a roughly even split of guilty and not guilty verdicts based solely on the trial. Version two was used for the current study.

After reading the trial summary, participants were given jury instructions, as well as the legal requirements (based on Texas law) required to find a defendant guilty of homicide (i.e., the charge in the hypothetical case) beyond a reasonable doubt (see Appendix E). After the reading the instruction and trial, participants were asked to answer a series of questions (see Measures). After answering the questions, the participants were thanked for their participation and their involvement in the study will conclude.

Hypotheses and Analyses

Based on previous PTP research, the following hypotheses are proposed:

Hypothesis 1: Students exposed to negative PTP will be more likely to adjudicate the defendant guilty than students exposed to news that is unrelated to the trial.

Hypothesis 2: Students exposed to negative PTP will provide higher guilt ratings than students exposed to news that is unrelated to the trial.

When analyzing hypothesis one, the researcher will use a chi-square analysis of mock jurors receiving negative PTP and no PTP against their verdict of guilty or not guilty. When analyzing the results of the mock jurors' continuous guilt responses, the researcher will use a t-test. Using a t-test will allow the researcher to get a comparison of the means from each group's responses to the guilt rating scale.

IV. RESULTS

The study included $n = 70$ participants, with 56 (80%) females and 14 (20%) males, from ages 18 to 62. The control condition included 34 participants while the experiment condition included 36 participants. Most of the students were juniors ($n=30$; 43%), followed by sophomores ($n=7$; 10%), freshman ($n=7$; 10%), and seniors ($n=2$; 3%). Regarding race, the majority of the participants were Latino/x ($n=31$; 44%), followed by White/Caucasian ($n=28$; 40%), African American/Black ($n=7$; 10%) and Other ($n=4$; 6%). Most of the participants used a variety of social media sites. The majority use Facebook ($n=42$; 29%) the most, followed by Instagram ($n=37$; 26%), Snapchat ($n=32$; 22%), Twitter ($n=28$; 20%), LinkedIn ($n=2$; 1%) and other ($n=2$; 1%). 86% of the participants reported getting their news from social media, 51.7% from social media news articles, and 10% reported radio and television. Regarding Facebook, 37 of the participants report accessing Facebook 1-3 times a day, 14 report accessing Facebook 4-6 times a day, 11 report accessing Facebook 10+ times a day, and lastly 8 report accessing Facebook 7-9 times a day.

The experimental group received the N-PTP articles and the control group received the P-PTP. None of the data was removed – all the participants who attempted the final survey, completed it. Of the control group, 20 jurors voted guilty and 15 voted not guilty. Out of the experimental group, 22 voted guilty and 13 voted not guilty. There was a weak, nonsignificant relationship between the PTP-type versus verdict ($\chi^2_{(1)}=.39$, $p = .53$, $\Phi = .07$). Similarly, there was a weak, nonsignificant relationship between PTP type and guilt ratings ($t_{(68.972)} = .75$, $p=.71$, $d=.18$).

V. DISCUSSION AND CONCLUSION

Although more of the experimental group reported guilty verdicts, there was not a significant link between the type of PTP presented and the verdict rendered. Also, there was not a significant relationship between how confident the participants were in their guilt ratings. Previously conducted research mostly shows that N-PTP is related to more guilty verdicts and guilt ratings, while this research did not support those findings.

Researching PTP and social media is important considering the previously conducted research mostly focuses on traditional media forms such as television and news articles. Facebook is one of the most used social media sites and considering most news stations post their articles on social media platforms, there is the potential to influence users' decisions (Lee, 2016).

PTP viewed before trial can have an influence on jurors' verdicts (Ruva & McEvoy, 2008; Ruva, Guenther, & Yarbrough, 2011; Smith, 2008). Conducting studies on PTP through social media can contribute to the research regarding eliminating the effects of PTP, how jurors create their story models, how social media affects their memory, and pre-decisional distortion.

The purpose of this study was to test the effects of PTP delivered through social media on potential jurors' verdicts. The present study provides a modern perspective on PTP's effects on potential jurors by focusing on social media's role. The hypothesis was not supported considering the study did not show a significant link between the type of PTP the participants were exposed to and their verdicts. Overall, PTP type did not predict juror verdicts and it did not have the expected effect. The experimental group had slightly higher guilty verdicts, but it was not statistically significant.

Regarding hypothesis two, there was also a weak, nonsignificant relationship between guilt ratings and whether the participant received neutral PTP or negative PTP. The PTP did not have the expected effect on guilt ratings.

Regarding the social media use of the participants, the majority used Facebook with Instagram closely behind. The participants also mostly reported getting their news from either social media or social media news articles. The least used avenue to get news was the newspaper, the radio, and other options. Most of the participants were in the Millennial and Generation Z generations, which shows that PTP through traditional avenues might not influence younger generations considering they are not getting their news from those traditional means.

This study does not fit well into the current literature regarding PTP and its effect on jurors' verdicts. Most of the research concludes that PTP has some sort of effect on the participant's verdicts, while this study shows that PTP has a very weak and nonsignificant effect on jurors' verdicts. Previously conducted studies also show an effect on the guilt ratings while this study does not. Although the major difference between this study and previously conducted research on PTP is the aspect of social media, the results were expected to mirror previous research. Other differences include how the participants viewed the PTP, and the possibility for the participants to not view the PTP. Previous researchers had the ability to provide the participants with the PTP in a controlled environment, whereas on social media, the participants may have overlooked the skimmed through the PTP. Future researchers may consider the differences between reading a physical copy of an article versus reading an article on a phone, tablet, or computer.

Social media might not be as strong of a source for PTP considering the nature of social media and reading articles digitally. When using social media, there is a chance that participants missed posted article and comprehension checks if their timelines and notifications were flooded with other news stories. They also may have only skimmed through the articles, read only the article titles, or acknowledged the article without reading through it. Also, when using social media on your phone, tablet, or computer, it is easy to turn the device off, switch to something else, or multitask while skimming through social media which can lead to lack of focus. While reading a physical article, a participant might focus more on the articles' content (Mueller & Oppenheimer, 2014).

Also, when watching television, the participant might pause what they are watching compared to completely locking their phone and moving on. When using social media, your timeline can also be curated to view exactly what it is that you are more interested in, which could have led many participants to miss posted articles. Lastly, while scrolling through social media, it is possible for a participant to see the articles posted but get distracted by a more interesting article.

Limitations

The experiment took place through Facebook which can lead to students taking screenshots of the group, talking with their friends who may also be in the group, as well as discussing the information presented. By discussing the articles with others who may be in the group, the students are potentially spreading the negative PTP between the experimental group and the control group which could influence the way the participants respond to dependent measures.

Considering the study was conducted exclusively on a small sample of Texas State University students, it was less generalizable to the general population. The participants also did not have a chance to deliberate the evidence presented which could have led to each student having less clarity on the information they were presented. Lastly, this study is being conducted on only one social networking site: Facebook. In future studies, the researchers will conduct include other social networking sites such as Twitter and LinkedIn.

Future Directions and Conclusions

Future research should utilize a larger sample size. Another aspect that affects external validity is the design of the study. This study was conducted through Facebook over the course of a week while actual trials may not proceed at this rate nor will potential jurors receive the PTP at this rate. Also, during this study, potentially biased jurors were not ruled out through voir dire or changing venues. This trial was specifically a murder trial while a different type of trial might yield different findings -especially if the crime is highly publicized, sensational throughout social media, or is dealing with someone famous or a politician.

Considering the study was conducted from a distance using social media, there was no way to ensure that the participants read the PTP posted or answered comprehension checks. Facebook groups allowed for the researcher to count how many participants responded to the comprehension checks. It was overall impossible to ensure that the participants read and gave their full attention to the PTP posted which creates low internal validity.

Future studies should cover a longer period of time and include more analysis on why the participants voted guilty or not guilty. To effectively do so, future researchers should combine experimental and correlational studies of potential jurors. The correlational studies should be large-scale surveys with questions regarding individual's social media use, their news consumption, and how they perceive a variety of issues that they are exposed to on social media. This will assist future researchers in understanding how PTP through social media affects different biases against different crimes committed. Future studies should also allow for and encourage participants to comment on the PTP posted.

The current study disabled the comments and strongly discouraged participants from liking any posts to limit any type of influence the comments may have on their verdicts. By allowing participants to interact with the articles posted and requesting that the participants explain if the comments and likes affected their verdicts, the researcher might gain more insight into the effects social media participation has on verdicts.

Although the trail summary was tested for ambiguity in the pilot study, the PTP articles were not tested. Future researchers should test their PTP articles to ensure that the N-PTP could influence the participant's verdicts. Also, the way the PTP is posted in the Facebook groups should be tested. In the present study, the articles were posted as news articles but news can be posted as either videos, screenshots, tweets, or even regular Facebook posts from the average user. The way the PTP is presented may affect how much attention participants are paying to the PTP posted. Another suggestion would be to more vigorously provide manipulation tests. Finally testing how much the jurors were paying attention by placing putting manipulation checks in the final survey.

Lastly, future researchers may want to use different social media sites and post the PTP a variety of ways. In the present study, the articles were posted in Facebook groups as Google documents which took away from the authenticity of the articles. These articles (and any other forms of PTP, such as videos or pictures) can be posted as regular posts and added to Stories on Facebook, Instagram, and SnapChat. The suggestions here will aid future researchers and trial consultants to better understand the impact PTP on social media might have and aid in supporting efforts to begin identifying ways of minimizing or eliminating the biasing effects of PTP. The suggestions will also help researchers to connect source memory errors, Story Models, and Pre-Decisional Distortion to PTP and juror verdicts.

Despite these limitations, the present study provides the literature with information regarding how young potential jurors are receiving their news and pre-trial publicity. The study also provides future researchers insight into modern methods of testing PTP's effects on potential jurors. The present research can be built upon to create a more modern take on how potential jurors are getting their PTP as well as if the PTP posted on social media sites is as effective as traditional routes.

APPENDIX SECTION

**APPENDIX A
Survey Questions**

1. How would you vote in this trial (your verdict), keeping in mind that a vote of GUILTY must be beyond a reasonable doubt?
 - a. Guilty
 - b. Not guilty

2. Please indicate how confident you are about your verdict.

I am certain that he is not guilty	I am pretty sure that he is not guilty	I'm not sure but I think he is not guilty	I'm unsure whether he is guilty or not guilty	I'm not sure but I think he is guilty	I am pretty sure that he is guilty	I'm certain that he is guilty
1	2	3	4	5	6	7

3. What are the top 3 reasons for your verdict? _____

4. How credible did you think the coroner, Dwayne Smith, was?

Not Credible			Moderately Credible			Very Credible
1	2	3	4	5	6	7

5. How credible did you think Detective Johnson was?

Not Credible			Moderately Credible			Very Credible
1	2	3	4	5	6	7

6. How credible did you think the communication expert, Maria Sinclair, was?

Not Credible			Moderately Credible			Very Credible
1	2	3	4	5	6	7

7. Which social media site do you use most? (Check all that apply).

- a. Facebook
- b. Instagram
- c. Twitter
- d. LinkedIn
- e. Snapchat

8. Where do you primarily get your news from? (Check all that apply).

- a. Television
- b. Newspaper
- c. Social media
- d. Social media news articles
- e. Radio
- f. Other _____

9. How many times do you access Facebook in a day?

- a. 1-3 times a day
- b. 4-6 times a day
- c. 7-9 times a day
- d. 10+ times a day

10. Do you read full news articles or headlines and comments?

- a. Full news article
- b. Headline and comments
- c. Depends on the articles

11. How often do you access your news sources? (Television, newspaper, social media, or radio?)

- a. 1-3 times a day
- b. 4-6 times a day
- c. 7-9 times a day
- d. 10+ times a day

Demographics

1. How old are you? _____

2. What is your gender

- a. Female
- b. Male

3. Please indicate your ethnic background:
 - a. White/Caucasian
 - b. Latino/a/Latinx
 - c. African American/Black
 - d. Asian American/Asian
 - e. Native American
 - f. Other _____
4. What is your academic classification?
 - a. Freshman
 - b. Sophomore
 - c. Junior
 - d. Senior

APPENDIX B
Example Comprehension Checks Questions

1. How old was the victim of the crime?

- a. 25
- b. 30
- c. 45
- d. 22

2. What city did the crime happen in?

- a. Colorado Springs
- b. Dallas
- c. Oklahoma City
- d. New York

3. Is the victim a male or female?

- a. Male
- b. Female

APPENDIX C

Facebook Guidelines to enforce privacy

Facebook Rules:

Hello all,

Once you have been added to the group, please read the “Rules and Guidelines” pinned post at the top of the group.

Rules, Guidelines, and information:

Please read all rules in their entirety. Once you have finished reading the rules, please acknowledge that you have done so by messaging the Primary Researcher (tag name here). This group will remain in “secret” format for the duration of the study. Your responses to questions will remain anonymous.

1. Please do not provide a like, love, laugh, wow, sad, or angry response to any posts.
2. Please do not comment on any posts.
3. Please read the information posted in this group.
4. Please do not share this group with anyone.
5. If you have a question, message the Primary Researcher (tag name here).

You are free to leave this group at any point. You do not have to be in this study if you do not want to. You may also refuse to answer any questions you do not want to answer. If you volunteer to be in this study, you may withdraw from it at any time without consequences of any kind or loss of benefits to which you are otherwise entitled. By leaving the group, you will also be leaving the study.

You will receive course credit for the completion of this study.

APPENDIX D

Informed Consent

Albreesha Culberson, a graduate student at Texas State University, is conducting a research study to **examine social media and decision-making**. You are being asked to complete this survey because **you are a student at Texas State who is eligible to sit on a jury**.

Participation is voluntary. The survey will take approximately 30 minutes or less to complete. You must be at least 18 years old to take this survey.

This study involves no foreseeable serious risks. We ask that you try to answer all questions; however, if there are any items that make you uncomfortable or that you would prefer to skip, please leave the answer blank. Your responses are anonymous.

If you have any questions or concerns feel free to contact **Albreesha Culberson** or her faculty advisor.

Professor	Albreesha Culberson, graduate student	Dr. Shayne Jones,
	Criminal Justice	Criminal Justice
	(469) 360-0722	(512) 245-1036
	Adc56@texasstate.edu	se57@texasstate.edu

This project [insert IRB Reference Number or Exemption Number] was approved by the Texas State IRB on [insert IRB approval date or date of Exemption]. Pertinent questions or concerns about the research, research participants' rights, and/or research-related injuries to participants should be directed to the IRB chair, Dr. Jon Lasser 512-245-3413 – (lasser@txstate.edu) or to Monica Gonzales, IRB Regulatory Manager 512-245-2334 - (meg201@txstate.edu).

If you would prefer not to participate, please do not fill out a survey.

If you consent to participate, please complete the survey.

Printed Name of Study Participant Signature of Study Participant

Date

Signature of Person Obtaining Consent

Date

APPENDIX E

Jury Instructions

The defendant in this case has been accused of: 1) One count of Murder in the First Degree. There are two types of criminal homicide: (a) A person commits homicide if he intentionally, knowingly, recklessly, or with criminal negligence causes the death of an individual; (b) Criminal homicide is murder.

To prove the crime of **First Degree Murder**, the State must prove the following one of the three elements beyond a reasonable doubt:

1. The defendant intentionally or knowingly caused the death of an individual
2. The defendant intended to cause serious bodily injury and committed an act clearly dangerous to human life that caused the death of an individual; or
3. The defendant committed or attempted to commit a felony, other than manslaughter, and in the course of an in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that caused the death of an individual.

“Manslaughter” means someone recklessly causes the death of an individual.

The defendant has entered a plea of not guilty. This means you must presume or believe the defendant is innocent.

To overcome the defendant's presumption of innocence, the State has the burden of proving the crime with which the defendant is charged was committed and the defendant is the person who committed the crime.

The defendant is not required to present evidence or prove anything.

Whenever the words "reasonable doubt" are used you must consider the following:

A reasonable doubt is not a mere possible doubt, a speculative, imaginary or forced doubt. Such a doubt must not influence you to return a verdict of not guilty if you have an abiding conviction of guilt. On the other hand, if, after carefully considering, comparing and weighing all the evidence, there is not an abiding conviction of guilt, or, if, having a conviction, it is one which is not stable but one which wavers and vacillates, then the charge is not proved beyond every reasonable doubt and you must find the defendant not guilty because the doubt is reasonable.

It is to the evidence introduced in this trial, and to it alone, that you are to look for that proof.

A reasonable doubt as to the guilt of the defendant may arise from the evidence, conflict in the evidence, or the lack of evidence.

If you have a reasonable doubt, you should find the defendant not guilty. If you have no reasonable doubt, you should find the defendant guilty.

APPENDIX F

Example of Negative Pre-Trial Publicity Article

Colorado inmate accused of killing man found off Red Rock Canyon cliff in Orlando Springs in 2015

Wednesday, October 4, 2017 6:04 PM EDT

Updated: Oct 04, 2017 08:10 PM

Wednesday, October 4, 2017 8:45 PM EDT

By FOX 12 Staff

[Email](#)

[Connect](#)

fox12news@kptv.com



COLORADO SPRINGS, CO -

A man in prison in Nevada is now facing a murder charge in Colorado Springs in connection with the death of a man found off a cliff at Red Rock Canyon.

An El Paso County grand jury indicted 22-year-old Jesse T. Dixson on one count of murder Sept. 14.

Police released information about the case Wednesday.

Chris Monroe, 22, was found at the base of a cliff at Red Rock Canyon in Colorado Springs the evening of July 7, 2015. He was pronounced dead at the scene with drugs in his system.

APPENDIX G

Example of Filler Article

This Is Us

[Main](#) [Fall Guide](#) [Articles](#) [Slideshows](#) [Games](#) [Cast](#) [Episodes](#) [Discuss](#)

'This Is Us' Recap: How Does Jack's Death Affect Kevin on Set? Tuesday, October 10, 2017



[Christine Petralia](#)

Contributing Writer, BuddyTV

[Add as BuddyTV Friend »](#)

[Email](#)

Despite a show about several different characters, *This Is Us* sure has focused a lot on its patriarch's death and how his death has affected each of his three children, even as adults. In "Deja Vu," Kevin and Kate butt heads on the set of his film with Sylvester Stallone after she keeps bringing up Jack's death. Randall and Beth have their work cut out for them as they bring a foster child into their home. In addition, Rebecca works to bring the spark back into her marriage.

[This Is Us Season 2: Is Kate Becoming Unlikable? >>>](#)

APPENDIX H

Trial Summary

Please read the following the trial summary and answer the follow up questions.

Prosecution Opening Statement:

The prosecutor, Mrs. Reynolds, argued that Jesse Dixson was responsible for the death of Chris Monroe. In her opening statement, she offered her version of the case. She indicated that Chris Monroe and Jesse Dixson were acquaintances, probably drawn together because of their shared interest in drugs. But on the day in question, their relationship changed. Jesse had asked Chris to borrow his car so that he (Jesse) could visit his mother in a neighboring state. Chris, known for his generosity, agreed to let Jesse borrow the car. Jesse also indicated he had the drugs that Chris requested, and they could exchange the drugs and car when they next met. This mutual exchange, however, turned into a heated argument even before they met. Based on text messages, it became clear that Chris was having reservations about Jesse borrowing the car. Chris told Jesse that the car he was currently driving belonged to his father, and he felt uncomfortable lending it to Jesse. He seemed concerned that if there was an accident, the insurance would not cover it, because Jesse was not on the policy. Jesse tried to assure him nothing would happen, but Chris still seemed concerned and told Jesse he could not borrow the car. Jesse then indicated that the price of the drugs was going to be more than they originally agreed. This angered Chris and he told Jesse the deal was off. After more heated exchanges via text messages between the two, Jesse suggested they meet and work something out. As Jesse did not have a car, he asked Chris to come over to his apartment.

That was the last exchange recorded between the two. A few days later, Chris's body was found, and Jesse was in possession of the car. Mrs. Reynolds suggested that what happened in between the last text and Chris's body being found was as follows: Chris met with Jesse at his apartment hoping to get the drugs at the initially agreed upon price. Jesse told Chris he was willing to provide the drugs at the original price, even though Chris would not lend him the car. Jesse then suggested they drive out to Red Rock Canyon and get high. They drove to Red Rock Canyon, smoked marijuana, and Jesse pushed Chris off a nearby cliff. Jesse then stole the car and drove to his mother's house. Jesse never made it of course, because he was involved in a car accident. Police arrested Jesse at the scene because he could not provide any proof that the car was his, nor did he have any insurance. Detective Johnson pieced together the missing car, the accident, and the driver of the car involved in the accident. That is what led him to Jesse Dixson.

Defense Opening Statement:

Jesse Dixson's attorney, Carl Jenkins, offered a different version of how things unfolded. He agreed that many things the prosecutor stated were true. Jesse wanted to borrow the car, Chris was hesitant, and they argued. Mr. Jenkins also agreed that there was an exchange of drugs that had been planned – a small amount of marijuana. He also agreed that they met to settle their differences at Jesse's apartment. But he indicated that this is where the state's version of what happened was wrong. When they met at the apartment, they both agreed that this argument was not worth their friendship. Chris told Jesse he could borrow the car, and Jesse sold him the marijuana at the price they originally agreed to. They hung out for a while and an unknown person picked up Chris from Jesse's

apartment. That was the last time Jesse saw Chris. Mr. Jenkins stated he could not be sure what happened to Chris after Jesse dropped him off. Maybe Chris and another person got together to smoke the marijuana purchased by Chris. Maybe Chris and this unidentified friend drove to Red Rock Canyon together, a popular place in the area, and Chris either fell because he was high or was pushed off by someone else. Maybe that person was too scared to call the police because they were using drugs. Or maybe that person pushed Chris off the cliff. Mr. Jenkins stated that the evidence was more consistent with this possibility. He also noted that the car key was in Jesse's possession, and so was the car. However, a lanyard with other keys was found on Chris's body. If the state was right, why did Jesse have the car key? If there was a disagreement, then why wouldn't Jesse have ripped off the lanyard? Jesse was found in possession of only one key. Clearly the key was taken off by Chris. Mr. Jenkins also reminded the jury that he and Jesse did not have to prove what happened. That is the state's responsibility. Jesse has no legal requirement to prove his innocence. Instead, the state has to prove, beyond a reasonable doubt, that Jesse is responsible. He insisted the state could not do that.

First Prosecution Witness: Dwayne Smith

The coroner, Dwayne Smith, was called by the prosecutor. The coroner concluded that Chris Monroe died due to blunt force trauma at approximately 9 PM on Tuesday, November 13th. The coroner also noted that there was evidence of illicit drugs in Mr. Monroe's system. He indicated that the drugs had been ingested at least 30 minutes prior to the trauma. The coroner indicated the injuries were consistent with a fall from such a

height, and given where the body was found, it seemed unlikely that Mr. Monroe fell accidentally. Instead, he concluded that it seemed more likely Mr. Monroe was pushed.

When cross-examined by the defense attorney, Mr. Jenkins, the coroner admitted that it was possible Mr. Monroe fell by accident, but he did not believe this was the case.

Pressed further by the defense attorney, Mr. Smith agreed that there was no way to conclude with 100% accuracy whether Mr. Monroe fell or was pushed.

Second Prosecution Witness: Detective Mike Johnson

The state also called Detective Johnson to the stand. He stated that once Mr. Monroe was identified, based on his license that was on his person, the family was contacted.

Although they had no information at that time that was relevant to the investigation, the detective indicated he later received a call from Chris's father about his car. The detective went to Chris's apartment, but there was no car there that was consistent with the father's description. Detective Johnson did a computer search for the vehicle, and found that a car with the license plate and description of Chris's father's car was reported in an accident about 180 miles west of Chris's apartment, and nearly 200 miles west of the crime scene.

Detective Johnson called the local police (where the accident had occurred), and was given the name of the driver. The driver was Jesse Dixson and he was being held on suspicion of vehicular theft. Detective Johnson drove to the jail where Jesse Dixson was being held, and interviewed him. The detective indicated Jesse seemed nervous and that he did not believe Jesse's story. After the detective received cell phone records, he was certain that Jesse was involved in Chris Monroe's murder. He indicated the two men were in a very heated argument over the car and drugs based on text messages. He also

testified that no other calls or texts were recorded after the last one received from Jesse Dixon, where Jesse asked Chris to come over to his apartment. The detective also indicated that a series of cell tower pings from Jesse's phone placed him near the crime scene. There was one ping at a tower 5 miles east of Jesse's apartment at 7:32 PM, another 10 miles east at 7:39, another 15 miles east at 7:47, and another nearly 20 miles east at 8:02. This last ping was within a mile of the crime scene. These facts did not align with Mr. Dixon's story, which was as follows, according to the detective. Jesse indicated Chris arrived at his apartment, they exchanged the drugs and car, and someone who Jesse did not know picked Chris up and they left. Mr. Dixon stated he did not go anywhere until the next morning, when he left to visit his mother. He had to travel west to go to his mother's house, and Red Rock Canyon, and all of the cell tower pings, were east of Mr. Dixon's apartment. Based on the evidence, which was not consistent with Mr. Dixon's story, Jesse was arrested and charged with one count of homicide.

The defense cross examined Detective Johnson, and asked whether the person who picked up Chris had been identified. The detective indicated that there was no evidence to suggest someone had picked up Chris, but he could not rule out that as a possibility. The defense also asked whether a cell phone tower ping meant that Jesse was traveling east or near the crime scene. The detective stated he believed that was the case, but admitted it was not definitive.

First Defense Witness: Maria Sinclair

Mrs. Sinclair was called by the defense to offer testimony about the cell phone tower pings. She is an expert in radio and microwave communication platforms, and has

worked in the industry for 11 years. Mrs. Sinclair indicated that while the nearest cell phone tower is usually pinged, this is not always the case. For instance, she stated that nearby towers might be pinged instead of a closer tower in the event that the farther away tower provides more reliable reception. When asked by the defense lawyer, she also stated that it was possible different cell phone towers would be pinged even if Jesse was at his apartment and not traveling east.

The prosecution cross examined Mrs. Sinclair. She asked her was there any reason to think that the nearby towers were less reliable, and she indicated there was not. The prosecutor then asked that if all of the local towers were just as reliable, would the nearest one be pinged, and she stated that would likely be true. The prosecutor also asked whether it was likely that that multiple cell phone tower pings, each farther away from Jesse's apartment than the next if Jesse never left his apartment. Mrs. Sinclair indicated it was not likely, but was possible.

Prosecution Closing Statement:

During the prosecution's closing statement, Mrs. Reynold restated the following facts: Mr. Dixon and Mr. Monroe got into a heated exchange; Mr. Monroe stated in a text Mr. Dixon could not use the car; Mr. Dixon was in possession of the car (until he wrecked it and was arrested); Mr. Dixon's cell phone pinged multiple towers closer and closer to the crime scene shortly before Mr. Monroe's death, and all of which were east of Jesse's apartment; Mr. Dixon claimed he never went east on the day in question, suggesting he was lying. Mrs. Reynolds admitted the case was circumstantial, but a circumstantial case was sufficient to prove Mr. Dixon's guilt beyond a reasonable because all of the

circumstantial evidence added up to his guilt. She asked the jury to return a verdict of guilty.

Defense Closing Statement:

In his closing defense statement, Mr. Jenkins indicated that the state did not prove that Mr. Dixson killed Mr. Monroe beyond a reasonable doubt. He indicated that there was not compelling evidence that Mr. Dixson ever traveled east, where the crime occurred. He reminded the jury that the expert, Mrs. Sinclair testified that it was possible that the cell tower pings could occur if Mr. Dixson was at his apartment the whole time. He also stated that the prosecution was never able to prove that Mr. Dixson stole the car. He further noted that Mr. Dixson and Mr. Monroe resolved their differences. This, he suggested, must be true because both men got what they originally agreed to: for Mr. Monroe the drugs, and for Mr. Dixson the car. He recommended to the jury that they return a verdict of not guilty.

APPENDIX I

IRB Approval Letter

In future correspondence please refer to 2018583 / 4909

May 1, 2018

Albreesha Culberson
Texas State University
601 University Drive.
San Marcos, TX 78666

Dear Albreesha:

Your IRB application titled “The Influence of Social Media and Decision-Making” was reviewed and approved by the Texas State University IRB. It has been determined that risks to subjects are: (1) minimized and reasonable; and that (2) research procedures are consistent with a sound research design and do not expose the subjects to unnecessary risk. Reviewers determined that: (1) benefits to subjects are considered along with the importance of the topic and that outcomes are reasonable; (2) selection of subjects is equitable; and (3) the purposes of the research and the research setting is amenable to subjects’ welfare and producing desired outcomes; that indications of coercion or prejudice are absent, and that participation is clearly voluntary.

1. In addition, the IRB found that you need to orient participants as follows: (1) signed informed consent is not required as participation implies consent; (2) Provision is made for collecting, using and storing data in a manner that protects the safety and privacy of the subjects and the confidentiality of the data; (3) Appropriate safeguards are included to protect the rights and welfare of the subjects. (4) Monetary compensation is not provided for participation in this study.

This project is therefore approved at the Exempt Review Level

2. Please note that the institution is not responsible for any actions regarding this protocol before approval. If you expand the project at a later date to use other instruments, please re-apply. Copies of your request for human subjects review, your application, and this approval, are maintained in the Office of Research Integrity and Compliance.

Report any changes to this approved protocol to this office. All unanticipated events and adverse events are to be reported to the IRB within 3 days.

Sincerely,

Monica Gonzales
IRB Regulatory Manager
Office of Research Integrity and Compliance

CC: Dr. Shayne Jones

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