

## FACTORS IMPACTING JUROR PERCEPTIONS OF BATTERED WOMEN WHO KILL THEIR ABUSERS: Delay and Sleeping Status

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Community members ( $N = 187$ ) rendered judgments about a case of a battered woman who killed her abuser allegedly in self-defense. The experiment was designed to isolate the effects of time delay before killing and the victim's sleeping status, as prior research has confounded these two variables. Results showed that delay affected conviction rates only for women; men convicted at high rates regardless of delay, whereas women convicted at higher rates when the killing occurred following a long delay versus a short delay. Regardless of participant gender, sleeping status significantly predicted verdicts: conviction rates were higher when the victim was asleep than when he was awake. Implications for the use of the self-defense plea and potential policy changes related to domestic violence are discussed.

*Keywords:* domestic violence, juries, battered females, adjudication, homicide

Many women experience abuse at the hands of their domestic partners. In fact, some estimates indicate that one in three women will experience at least one physical assault by a domestic partner in their lifetime (Browne, 1993; Jordan, 2005). Although some women leave abusive partners, others stay in violent relationships and experience victimization chronically, becoming “battered women” (Walker, 1979). Although the majority of domestic homicides involve the death of women at the hands of their male intimate partners, sometimes battered women kill their abusers. In the last three decades, understanding about battered women who kill has grown significantly and as a result the traditional judicial system response to these women has been placed under scrutiny. It has been argued that battered women who kill their abusers are a unique category of defendants who should not be held to the same level of culpability as other persons who kill (e.g., Hatcher, 2003), and legal reforms should be made that allow for fair treatment of these battered women. The purpose of this research was to aid in the advancement of legal reforms that address this unique category of defendants by providing information about how mock jurors perceived a case in

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which a battered woman claimed to have murdered her abuser as an act of self-preservation.

Many battered women experience egregious acts of physical, sexual, and verbal assault and do not kill their abusers (Browne, 1987; Walker, 1989; Roberts, 1996). While it is unclear exactly why battered women who kill their abusers are unique from nonhomicidal battered women, research does suggest that battered women who kill commonly share distinctive experiences. For example, Browne (1987) and Walker (1984) reported that a greater percentage of homicidal women experienced death threats or threats of death of close relatives (e.g., children) than did nonhomicidal women. Other research suggests that the death threats homicidal women experience are qualitatively different from those that nonhomicidal battered women experience. For example, Roberts (1996) found that 90% of the homicidal battered women in his study stated that a death threat included the specific method, time, and/or location of their death, while only 15% of the nonhomicidal battered women reported such specifics.

Researchers have identified other unique characteristics surrounding the actual homicidal act and the battered woman's response to her crime that are distinct from typical self-defense homicide cases. Specifically, women sometimes wait until their abuser is incapacitated: sleeping or under the influence of drugs or alcohol (Ewing, 1987; see Russell & Melillo, 2006), or until there is a lull in the violence (Schuller, Wells, Rzepa, & Klippenstine, 2004). Furthermore, after battered women kill their abusers, their reactions are frequently of sadness and horror (Browne, 1987). For example, nearly all of the women in Browne's (1987) sample of 42 battered women who killed their abusers called for help almost immediately after the killing, and many of the women tried to administer aid and comfort to their abusers, even after police had arrived. Furthermore, some of the women asked to remain with the bodies of their abusers before they were arrested (Browne, 1987). As Walker (1984, 1989) reported, the majority of the battered women who killed their abusers believed they did so in self-defense and that the killing was a last resort for self-protection.

It has been argued that battered women who kill their abusers should not be held to the same legal standards as others who kill (Buda & Butler, 1985; Gillespie, 1989; Ewing, 1990; see also Huss, Tomkins, Garbin, Schopp, & Kilian, 2006 for a review). This is because the abuse endured by battered women who kill often involves repeated physical and sexual assaults and specific death threats (Browne, 1987; Walker, 1984). Some have argued that enduring such indignities should mitigate the consequences of the homicide for the abuser (e.g., Buda & Butler, 1985). Nonetheless, many battered women who claim "self-defense" are convicted of killing their abusers (Gillespie, 1989). One factor likely disconnecting the battered woman's belief that she was killing in self-defense and the judicial response to the homicide is the legal definition of "self-defense" (Kasian, Spanos, Terrance, & Peebles, 1993). Legally, self defense indicates that the defendant must have believed that the victim was "then and there about to use physical force upon the defendant" and must be under "imminent danger of death or physical injury" (*Kentucky Revised Statutes* 503, 2002). Frequently, battered women view the pending threat of harm or death as more imminent than do outsiders looking at the situation, such as jurors (Gillespie, 1989; Walker, 1989). Additionally, many battered women are physically assaulted by their abusers

multiple times prior to the circumstances during which they killed their abusers. Thus, convincing jurors that a battered woman was under a unique circumstance in which death or serious injury were imminent on a particular occasion may be difficult (Kasian et al., 1993).

It should be noted that attempts have been made to minimize convictions for women who kill their abusers, especially those who wait for their abusers to be in a nonthreatening position (e.g., sleeping), thereby not fitting the legal definition of self-defense. Walker (1984) coined the term “battered woman syndrome”: essentially a description of the psychological and behavioral outcomes for women who suffer chronic abuse. For a time, “battered woman syndrome” (BWS) was a commonly used and seemingly effective means of presenting expert testimony that provided a viable reason for a Not Guilty by Reason of Self Defense (NGRSD) plea for these women. Though the term is intended merely as a description, the use of the term was wrought with controversy, primarily because of the implied powerlessness and helplessness of the women who were considered to have BWS. This implied “learned helplessness” contrasts the actual behavior of the women, as the act of killing her abuser in itself does not convey helplessness (Biggers, 2003; Schuller & Hastings, 1996). Ultimately, the legal community abandoned the battered woman syndrome defense and was left searching for alternative, more acceptable ways to defend these cases. Later, Ewing (1990) proposed a psychological NGRSD in an attempt to broaden the narrow legal definition of NGRSD to include the protection of the psychological self. The legal community criticized Ewing’s proposal because it used nonempirically supported and vaguely defined existential psychology as a basis for his proposal (see Morse, 1990). An insanity defense has also been considered an option for these cases; it is unclear whether an insanity plea or an NGRSD plea is more effective and seems to depend on the details of the particular case (Kasian et al., 1993). Follingstad et al. (1989) found that conviction rates were higher when the insanity defense was used versus the NGRSD defense. In contrast, Kasian et al. (1993) found higher conviction rates for NGRSD than for an automatism (temporary insanity) defense.

Given jurors’ general unwillingness to acquit by reason of self-defense in cases in which battered women kill their abusers (Browne, 1987; Finkel, Meister, & Lightfoot, 1991; Gillespie, 1989), attention has been given to mock-juror research that investigates factors influencing convictions of these unique defendants (e.g., Braden-Maguire, Sigal, & Perrino, 2005; Cheyne & Dennison, 2005; Finkel et al., 1991; Follingstad et al., 1989; Follingstad, Shillinglaw, DeHart, & Kleinfelter, 1997; Schuller et al., 2004; Terrance, Matheson, & Spanos, 2000). Some research has focused on the impact of expert testimony on BWS or Post-Traumatic Stress Disorder in cases in which a battered woman who killed her abuser claims self-defense (e.g., Finkel et al., 1991; Follingstad et al., 1989; Kasian et al., 1993; Schuller & Hastings, 1996). Generally, expert testimony on the psychological well-being of battered women who kill their abusers provides evidence of diminished capacity of a battered woman (Finkel et al., 1991; Kasian et al., 1993; see Schuller & Hastings, 1996 for a review). Most research has found that expert testimony on BWS did not significantly impact mock juror’s verdicts (Follingstad et al., 1989; Kasian et al., 1993). Data from actual cases suggest the presentation of expert testimony has a minimal effect in actual cases (Ewing, 1987; Walker, 1984), calling into question the efficacy of such testimony.

Other researchers have provided insight into how characteristics of the specific circumstances surrounding the homicide impact mock juror decisions (e.g., Braden-Maguire et al., 2005; Cheyne & Dennison, 2005; Finkel et al., 1991; Follingstad et al., 1989; 1997; Terrance et al., 2000). Specifically, this research has focused on characteristics related to the concept of the imminence and the defendant's ability to retreat that are legally required for an acquittal by self-defense, such as: (a) the amount of immediate danger that the victim poses to the defendant's physical safety at the time of the killing (e.g., sleeping status of victim, ability to retreat), and (b) the time delay between a confrontation and when the killing occurred.

Although this prior research has contributed to a greater understanding of mock juror decision making in cases involving a battered woman who claims to have killed her husband in self-defense, some of this research has confounded the specific factors that surround cases relating to imminence and the defendant's ability to retreat. For example, Cheyne and Dennison (2005) investigated how a delay between a confrontation and the killing affected mock juror decision making. In the scenario provided to the undergraduate participants, the abuser and battered woman got into an argument and the abuser threatened the woman: "I'm going to hurt you like I've never hurt you before if you do this again" (p. 392). In the no-delay condition, the battered woman immediately grabbed a knife and killed her abuser. In the delay condition, however, the woman waited until later that night and stabbed her abuser when he was sleeping. Although participants convicted the defendant at significantly higher rates in the delay condition compared to when the killing occurred following no delay, it is not possible to conclude that the delay between the confrontation and the killing led to higher conviction rates because the study confounded the sleeping status of the abuser. That is, it is possible that mock jurors were not swayed to convict more because there was a delay between the confrontation and killing, but rather because only in the delay condition the killing occurred when the abuser was sleeping. Additionally, in the no-delay condition, the abuser and battered woman were in an active confrontation, whereas in the delay condition, because the abuser was asleep, there could be no active confrontation.

To provide another example of how research has focused on the ability to retreat, but failed to isolate the influence of specific variables, Terrance et al. (2000) conducted a study using a college sample that included an investigation of how killing during a confrontation versus no confrontation impacted jury decisions. In both the confrontation and no-confrontation conditions, the man beat his wife, cleaned his hunting rifle, and then fell asleep. In the confrontation condition, the abusive husband awoke and began to beat his wife again and threatened her at which point she shot her husband. In the no-confrontation condition, the woman killed her husband while he was still sleeping. Individual mock juror judgments indicated that when the mock jurors received traditional instructions for self-defense, conviction rates were higher when the killing occurred in the no-confrontation condition versus the confrontation condition (Terrance et al., 2000). Similar to the Cheyne and Dennison (2005) experiment, it was clear that ability to retreat impacted juror decisions; however, it remains unclear if the presence of a confrontation produced significant between group differences, or if the effects

were attributable to the sleeping status of the victim, or an interaction between the two variables.

In addition to case factors, researchers have also focused on how participant demographics impact decision making in cases in which battered women kill their abusers (e.g., Follingstad et al., 1997; Kasian et al., 1993; Russell & Melillo, 2006). One of the most robust effects in the mock juror literature in cases involving abuse is a participant gender effect. For example, in cases of child sexual assault women are typically more provictim than are men, rendering more guilty verdicts and rating the alleged child victim as more believable than do men (e.g., Bottoms & Goodman, 1994; Haegerich & Bottoms, 2000; Hodell et al., 2009). Although Cheyne and Dennison (2005) found no impact of mock juror gender in an investigation of battered women who kill, other research has found reverse effects of mock juror gender—women tend to be more prodefense in these cases (Follingstad et al., 1997; Kasian et al., 1993; Russell & Melillo, 2006; Schuller, Smith, & Olson, 1994; Terrance et al., 2000). In cases in which battered women kill their abusers, the line between perpetrator and victim becomes less clear, as the woman may be considered a victim of domestic violence with the abuser as the perpetrator, but in the case at hand, the woman is the defendant and the abuser is the victim of homicide. A reverse juror gender effect suggests that women are more likely to identify with the battered woman or find the situation more credible than are men (Follingstad et al., 1997).

Although the existing research offers valuable insight regarding mock juror perceptions of elements related to a self-defense acquittal, the prior research leaves open the question of which variables are uniquely predicting juror decisions. That is, although prior research suggests a woman's ability to retreat safely from the battering situation impacts jurors' propensity to acquit (Follingstad, Brondino, & Klienfelter, 1996), it remains unclear whether it was the delay between the last domestic violence incident, the sleeping status of the victim at the time of the killing, or if the man and woman were in a confrontation at the time of the killing that impacted jurors' decisions. It is important to establish which characteristics of cases in which battered women kill their abusers are predictive of courtroom outcomes to determine the effectiveness of the use of a claim of self-defense in these cases.

### **The Present Study**

The purpose of the present study was to determine the unique predictive value of delay, sleeping status, and participant gender on juror perceptions in cases in which battered women kill their abusers without the presence of a confrontation during the time of the killing. This investigation was accomplished by eliminating confrontation and the ability to retreat from the design: the defendant never killed her husband during a confrontation but did so either immediately following a confrontation (a delay of merely seconds, termed "no delay") or after a longer delay (six hours or three days). The delay increments (no delay, 6-hr delay, and 3-day delay) were chosen so that there were two times relatively close together (no delay and 6-hr delay) and within the same time frame as the confrontation incident. The 3-day delay was chosen to represent the longest delay between the confrontation incident and the homicide, and provided enough time between the

confrontation and the killing for mock jurors to assume that there had been other, nonviolent interactions between the husband and wife before she killed him. That is, even when there was a 6-hr delay between the time of the killing and a confrontation, the husband and wife did not leave the scene of the confrontation. Therefore, the 6-hr delay was still close in practical time to the confrontation, while providing a sufficient time lapse to determine if short delays contribute to jurors' willingness to render a verdict of guilty or not. To achieve a nonconfounded experiment, the present study theoretically allowed the defendant the ability to retreat in all conditions, as the confrontation had ended and the abuser had moved away from the battered woman at the time she killed him. Thus, the element of confrontation was removed from the killing situation across all conditions. Also unlike prior research, sleeping status and delay were not confounded in the present study. Regardless of the delay, in all conditions the victim was described as sitting in his recliner at the time of the killing. Sleep was manipulated by describing the victim as either awake or asleep.

The above description lays out the complete 3 (Delay)  $\times$  2 (Sleeping Status)  $\times$  2 (Participant Gender) design. However, the design to be used in the present study does not include a no-delay/asleep condition. This was done because it is unrealistic to have no delay between the confrontation and killing and have the victim already be sleeping. Furthermore, a no delay/asleep condition may bring up issues unrelated to the present study such as an insinuation of the presence of drugs or alcohol. That is, if the victim were described as sitting down on his recliner and in the next statement was described as sleeping when his wife ran straight over and shot him, participants may assume the victim must have passed out from drugs or alcohol. To avoid implying controlled substances were involved in the present situation and maintain a nonconfounded study, the no delay/asleep condition was not included. Thus, the present study will be designed as a 2 (Delay—short or long)  $\times$  2 (Sleeping Status)  $\times$  2 (Participant Gender) with the addition of two cells providing control conditions: no delay/awake for men participants and no delay/awake for women participants.

Based on the legal definition of imminence presented earlier, certain patterns of results are expected. In terms of the outcome trial variables (e.g., verdict, guilt ratings, prodefendant and provictim judgments), there are three main hypotheses for the independent variables of interest. First with regard to sleep status, it is expected that conviction rates, guilt ratings, and provictim sentiments (e.g., victim's emotional distress and sympathy toward victim) will be higher while prodefendant sentiments (e.g., anger toward victim and sympathy toward defendant) will be lower when the victim is described as sleeping than when the victim is described as awake. This prediction is based on attribution theories that suggest participants will consider blame and responsibility of the victim and defendant in making decisions about the case (Alicke, 2000), and on the findings of previous research (e.g., Follingstad et al., 1989, 1997; Terrance et al., 2000).

Second, because the very definition of imminence requires an immediate threat to one's safety, it is expected that conviction rates, guilt ratings, and provictim judgments will be higher, and prodefendant judgments will be lower as the delay between a confrontation and a killing increases (Cheyne & Dennison, 2005). For example, participants will have more sympathy toward the defendant when the murder occurs 6 hours after the confrontation as compared to 3 days.

Finally, a main effect of participant gender is expected on trial outcome variables. It is expected that women will be more prodefense (and less provictim) and will render fewer guilty verdicts (and have lower guilt ratings) than will men (e.g., Follingstad et al., 1997; Russell & Melillo, 2006; Schuller et al., 1994). It should be noted that although no interactions were predicted, the two-way interaction involving abuse history and participant gender will be analyzed in an exploratory fashion.

## Method

### Participants

One-hundred and eighty-seven community members from a medium-sized Southern city participated in the study for \$10 compensation. One participant chose not to complete the study and was therefore excluded from all analyses. Additionally, 15 participants failed a manipulation check by not identifying the abuse alleged by the defendant and/or the reason that the defendant gave for killing her husband and were excluded from analyses. Therefore, analyses included 171 participants (89 women).

### Design

The design was a 2 (Participant Gender)  $\times$  2 (Sleeping Status)  $\times$  2 (Delay) between-participants design. The levels of sleeping status were the victim was awake or asleep. The levels of delay were 6 hours after a confrontation or 3 days after a confrontation. In addition, there were two control conditions (one including men participants, one including women participants) in which the killing occurred with a delay of only a few seconds (termed "no delay") and the victim was awake at the time of the killing.

### Materials

**Criminal trial summary.** A fictional case summary of a trial for a battered woman who killed her abuser was presented to all participants. The three page summary contained a description of the trial, the prosecution's case, the defense's case, and the Judge's instructions. In each condition, the case summary contained the same information, varying only details necessary to change the condition (e.g., sleeping status was changed from awake to asleep). The trial summary contained information about both the direct- and cross-examination for both the prosecution's and the defense's cases. The trial description indicated that the prosecution was charging the defendant with first-degree murder but that the defendant pled not guilty by reason of self-defense.

The prosecution's case included testimony by a long time acquaintance of the defendant, a neighbor of the defendant, and the autopsy doctor. The acquaintance testified that the day before the event, the defendant called and told her that her marriage was going terribly and seemed upset and angry. In her cross-examination, the acquaintance mentioned that the defendant could have been scared instead of angry. The neighbor stated that he saw the defendant shoot her husband through their window. The autopsy doctor testified that the cause of death was two gunshot wounds to the chest.

The defense's case included testimony by a coworker of the defendant, the defendant herself, and the hospital doctor that treated the defendant the night of the killing. The coworker testified that on the day before the event the defendant mentioned that her husband's anger was scaring her lately and she was afraid he was going to "do something bad" to her or their children. The coworker also stated that the defendant had previously been upset about her relationship with her husband but never appeared as anxious as she had that day.

The defendant testified that after an earlier argument about the cleanliness of the house, her husband had punched her three times in the jaw. He pulled out a gun and threatened to blow her head off, then put the gun on the coffee table and sat in his recliner in front of the TV. In the no delay condition, the defendant then testified that she was terrified her husband would kill her so she ran and got his gun and shot him. In the 6 hour delay condition, the defendant then testified that after hiding in the kitchen because she was terrified her husband would kill her, she ran and got his gun and shot him. In the 3 day delay condition, the defendant then testified that she hid in her bedroom for the rest of the night because she was terrified her husband would kill her and remained confused and afraid for the next 3 days. When her husband was in his recliner in front of the TV, she ran and got his gun and shot him. In the awake condition, the defendant testified to shooting her husband as he stood from his recliner. In the asleep condition, the defendant testified to shooting her husband while he was asleep in his recliner. In all conditions, the defendant stated that she had never before become so afraid that she had thought she was in real danger of being killed by her husband.

The doctor testified that after the argument between the defendant and her husband the defendant had a cracked lip and two molars had been knocked out, consistent with being hit in the jaw. He also testified that the defendant's past medical history, including a broken wrist, lacerations and abrasions to her face and body, and bruises on her face and body, indicated physical abuse. In his cross-examination, the doctor admitted he did not know for certain who, if anyone, had caused the defendant's injuries.

The judge's instructions were based on Kentucky statutes for Murder [KRS 507.020(1)(a) 2002], Manslaughter [KRS 507.030], and Self-Protection [KRS 503].

**Trial questionnaire.** Participants completed a three page questionnaire. All rating questions were on a scale from 1 to 10, with only the endpoints labeled. Participants rated the overall guilt of the defendant on a scale from 1 (*the defendant is completely not guilty*) to 10 (*the defendant is completely guilty*). Participants assigned a verdict to the case (not guilty by reason of self-defense, guilty of manslaughter, or guilty of murder). They then responded to an open-ended question asking them what led to their verdict. Other rating questions assessed how each juror perceived the defendant and the victim on a rating scale of 1 (*not at all*) to 10 (*completely*). Questions pertaining to the defendant asked the following: (a) How much were you influenced by the testimony of the defendant?; (b) How much was the defendant able to distinguish between right and wrong at the time of the killing?; (c) How much emotional distress did you feel the defendant was experiencing in her life?; (d) At the time of the killing, how much emotional distress did you feel the defendant was experiencing?; (e) How much anger did you feel toward the defendant?; (f) How much sympathy did you



feel toward the defendant?; (g) How would you rate the defendant's general ability to remember and report daily events? Questions related to judgments of the victim asked the following: (a) How responsible was the victim for his own death?; (b) In general, how psychologically unstable was the victim?; (c) At the time of the killing, how psychologically unstable was the victim?; (d) How much emotional distress did you feel the victim was experiencing in his life?; (e) At the time of the killing, how much emotional distress did you feel the victim was experiencing?; (f) How much sympathy did you feel toward the victim?; (g) How much anger did you feel toward the victim? Five questions on the trial questionnaire were preceded by a statement that participants were only to answer the question if they believed the physical assault described by the defendant occurred. For these five questions, participants were asked the following: (a) How much was the defendant psychologically harmed by the physical assault?; (b) How much was the defendant physically harmed by the physical assault?; (c) How much fear did you feel the defendant was experiencing as a result of the physical assault?; (d) How much anger did you feel the defendant was experiencing as a result of the physical assault?; (e) How would you rate the defendant's ability to remember and report the physical assault?

Following the rating questions, participants answered two open-ended questions designed as a manipulation check. First, participants described the reason the defendant gave for killing her husband (e.g., fear for her life, fear for her children's lives). Second, participants identified the type of abuse the defendant alleged she suffered at the hands of her husband (i.e., physical, emotional). As previously mentioned, 15 participants answered at least one of these questions incorrectly and were excluded from all analyses. Participants then provided demographic information: age, race, gender, and prior jury experiences.

**Personal victimization history questionnaire.** After the trial questionnaire was completed, participants read a statement warning participants that the following questions were of a sensitive topic and may be physically or sexually graphic. The caveat reminded participants that the questionnaires were anonymous and that they were free to not answer the questions without consequence. In addition, the warning included contact information for local domestic violence and psychological services. On the following page, participants were asked six questions about their personal history with victimization. The six questions asked about participants' history with physical assault by an intimate partner, forced sex by an intimate partner, forced sex by a nonintimate partner, stalking, threats of harm, and verbal abuse.

## Procedure

Community members were approached by one of five researchers (two female graduate students, two female undergraduates, and one male undergraduate). Each of the female researchers recruited approximately an equal number of male and female participants, whereas the male researcher recruited about half the number of participants as the other researchers. The researchers individually approached and invited community members to participate in the research project at various locations including laundromats, car dealership service centers, and restaurant waiting sections; all community members at each location at a given time were

approached. Only about 5% of those approached refused to participate. The refusal rate did not differ by location or gender of the potential participant.

Prior to participation, all participants were informed by the experimenters that the topic of the trial summary was sensitive and were reminded that they could end the study at any time without penalty. After signing a consent form, participants worked individually to complete the trial summary packet. The packet was ordered as: (a) the criminal trial summary, (b) the trial questionnaire, (c) the statement explaining that we would ask sensitive questions and a reminder that participants were welcome to not answer any question or to end the experiment at any time, and (d) the personal victimization history questionnaire. Upon completion, participants filled out a receipt of payment and were given \$10 cash, a copy of their receipt of payment with a statement regarding the requirement to report funds acquired through research participation to the IRS, a copy of their consent form, and a copy of a flyer for local resources for domestic violence victims.

### **Analytic Strategy**

Descriptive analyses were conducted to provide a general overview of how men and women responded to the dependent measures across all conditions (including an overall correlation matrix performed separately for men and women). Table 1 shows mean judgment ratings of women and men across all conditions.

The specific hypotheses were investigated using logistic regression and ANCOVA. With regard to the former, because verdict involved a dichotomous choice logistic regression analyses were conducted to determine the predictive value of the independent variables of interest. In the present experiment, participants were allowed to render a guilty verdict in the form of either murder or manslaughter. However, as is done in other research (e.g., Follingstad et al., 1989; Schuller & Hastings, 1996), the verdict data were dichotomized into not guilty and guilty verdicts (binary coded as 0 and 1, respectively), considering murder and manslaughter as guilty verdicts.

Given that the design was unbalanced, the verdict data were approached in two ways. First, to investigate the 2 (participant gender)  $\times$  2 (sleeping status)  $\times$  2 (delay) [excluded: the no delay condition] design the verdict data were analyzed using a planned logistic regression designated "sleeping status + delay regression". The model consisted of the following: step 1 included participant gender, sleeping status, delay, and the answers to the six personal victimization history questions; step 2 contained all two-way interactions involving participant gender, sleeping status, and delay; step 3 comprised the three-way interaction. Second, to approach the 2 (participant gender)  $\times$  3 (delay) design—using only those conditions in which the victim was awake at the time of the killing—a binary logistic regression called the "delay-only regression" was used. The model consisted of the following: step 1 included participant gender, delay (dummy coded to allow comparisons), and the answers to the six personal victimization history questions; step 2 contained the two-way interaction of participant gender and delay (dummy coded).

With regard to the continuous rating data, Analysis of Covariance (ANCOVA) was used. Like the verdict data, the rating data were approached in

Table 1  
*Means (Standard Deviations in Parentheses) for Dependent Variables  
 Across Experimental Conditions*

	Women Mock Jurors					
	No Delay		6-Hour Delay		3-Day Delay	
	Awake	—	Awake	Sleep	Awake	Sleep
Verdict	.35 (.49)		.28 (.46)	.56 (.51)	.71 (.47)	.82 (.39)
Guilt Rating	4.33 (2.89)		4.68 (2.45)	5.31 (3.09)	5.71 (2.91)	6.22 (2.67)
Prodefendant						
Judgments	7.45 (1.46)		8.00 (1.35)	8.02 (1.16)	7.54 (1.15)	8.20 (1.08)
Provictim						
Judgments	4.61 (1.53)		4.89 (1.93)	4.52 (2.25)	4.53 (1.61)	4.59 (1.71)
Mental Instability						
of the						
Defendant	6.69 (1.82)		6.83 (1.15)	6.69 (1.35)	6.73 (1.69)	6.86 (1.77)
Anger Toward						
the Defendant	4.00 (2.79)		3.37 (2.59)	4.06 (2.57)	4.18 (2.43)	3.50 (1.81)

*Note.* Verdict is coded 0 (*not guilty*) and 1 (*guilty*); Guilt Rating and Positive Victim Perceptions are scaled 1 (*least*) to 10 (*most*); and Negative Defendant Perceptions is scaled from 1 (*most*) to 10 (*least*).

two ways to address the unbalanced design and include the control condition. The ANCOVA addressing the 2 (participant gender)  $\times$  2 (sleeping status)  $\times$  2 (delay) design will be referred to as the “sleeping status + delay ANCOVA”. The 2 (participant gender)  $\times$  3 (delay) ANCOVA will be called the “delay-only ANCOVA”. For both types of analyses the answers to the six personal victimization history questions were included as covariates.

The ANCOVAs included the guilt rating and ratings involving the victim and defendant. To reduce the experiment-wise Type I error rate, only the rating questions of primary interest answered by all participants were entered into a principle components factor analysis using a promax rotation for correlated dependant measures. Four subscales were found to account for 61% of the variance; however, only one dependant measure—“anger toward defendant”—loaded on the fourth factor. Therefore, another factor analysis was conducted that excluded anger toward defendant. The final factor analysis revealed three subscales that accounted for 57% of the variance: Subscale 1 (prodefendant) included anger toward victim, influence of defendant’s testimony, defendant’s general memory, defendant’s emotional distress in life, defendant’s emotional distress at time of killing, and sympathy toward defendant with factor loadings ranging from .47 to .78; Subscale 2 (provictim) included victim’s emotional distress in life, victim’s emotional distress at time of killing, and sympathy toward victim with factor loadings ranging .46 to .85; and Subscale 3 (psychological stability) included victim’s responsibility for his death, victim’s psychological instability in general, victim’s psychological instability at time of death, and defendant’s ability to distinguish right from wrong (reverse coded) with factor loadings from .48 to .74. Each of these subscales was analyzed using the sleeping status + delay ANCOVA and the delay-only ANCOVA described above. Additionally, anger toward defendant, and each of the five questions answered only by participants

Table 1 (continued)

Men Mock Jurors					
No Delay		6-Hour Delay		3-Day Delay	
Awake	—	Awake	Sleep	Awake	Sleep
.64 (.50)		.63 (.50)	.81 (.40)	.53 (.51)	.75 (.45)
5.29 (2.37)		5.79 (2.64)	7.44 (2.13)	5.59 (2.72)	7.50 (2.85)
7.58 (1.16)		7.99 (0.72)	6.98 (1.91)	7.40 (1.25)	6.92 (1.63)
5.45 (1.26)		5.35 (2.03)	5.04 (2.07)	5.14 (1.05)	4.83 (2.03)
6.75 (1.41)		6.88 (1.51)	5.78 (1.92)	6.40 (1.67)	5.70 (1.56)
2.93 (1.44)		3.53 (1.98)	4.25 (2.70)	3.76 (1.85)	4.38 (2.00)

who believed the physical abuse alleged by the defendant occurred were analyzed using sleeping status + delay and delay-only ANCOVAs.

## Results

### Juror Characteristics

Participants ranged in age from 18 to 88 ( $M = 35.88$  years). The sample was 81.1% Caucasian, 10.1% African American, 4.1% Hispanic, 1.2% Asian, and 3% other, and .6% declined to answer. This race composition was similar to the general community of the medium sized Southern city from which participants were recruited (U.S. Census, 2000). Twenty-seven (16.5%) of the participants had prior jury experience.

With regard to the *Personal Victimization History Questionnaire*, 29 participants (17.0% overall, 14.6% of men and 18.2% of women) reported experiencing physical assault by an intimate partner in their lifetime; six participants experienced forced sex by an intimate partner (3.5% overall, 0% of men and 5.7% of women), and nine participants experienced forced sex by a stranger (5.3% overall, 1.2% of men and 9.1% of women). Seventy-nine participants (46.2% overall, 48.8% of men and 43.2% of women) reported experiencing verbal assault during their life, and 33 participants (19.3% overall, 26.8% of men and 11.4% of women) experienced being stalked. Finally, 25 participants (14.6% overall, 11% of men and 17% of women) reported experiencing threats of physical harm by an intimate partner.

### Verdict

For verdict, the sleeping status + delay logistic regression supported Hypothesis 1 that the defendant would be found guilty more often when the victim was

asleep at the time of the killing versus awake. When the victim was awake, the probability that participants would convict the defendant was .41 less than when the victim was asleep (OR = .41,  $p = .028$ ).

The sleeping status + delay logistic regression also indicated that participant gender moderated the impact of delay (OR = .15,  $p = .021$ ). The conditional effects of participant gender were examined for delay. For men, a logistic regression with delay entered on step 1 led to no significant predictors. However, for women this same logistic regression found that women were almost nine times more likely to convict the defendant when the delay was 3 days compared to 6 hours (OR = 8.75,  $p = .002$ ). As for the conditional effects of delay on participant gender, a logistic regression with participant gender on step 1 found that men were nearly four times more likely to render a guilty verdict when presented with a 6-hr delay (OR = 3.99,  $p = .021$ ). When there was a 3-day delay there was not a reliable difference between men and women.

Next, logistic regressions examining the impact of delay (no delay, 6-hr, and 3-day) when the victim was awake were conducted. A logistic regression comparing the no delay condition with the 6-hr and 3-day conditions yielded a significant participant gender x delay interaction for the no delay versus 3-day delay conditions (OR = .11,  $p = .044$ ). The conditional effects of participant gender were examined for delay. For men, a logistic regression with the delay comparison entered on step 1 led to no significant predictors. However, for women this same logistic regression found that women were almost six times more likely to convict the defendant when the delay was 3 days compared to no delay (OR = 5.65,  $p = .012$ ). As for the conditional effects of delay on participant gender, a logistic regression with participant gender on step 1 found that there was not a reliable difference between men and women for the no delay and 3-day delay conditions. A logistic regression comparing the 6-hr and 3-day conditions did not yield a significant difference between these delay conditions.

### Reason for Verdict

The most commonly cited reason for rendering a guilty verdict was that the woman had the intention to kill her husband and instead should have pursued alternative options ( $n = 66$ ), with 62% of participants who voted guilty mentioning this reason. In particular, many participants noted that the woman could have left the husband, called the police, or stayed with friends. The most commonly mentioned reason participants gave for acquitting the defendant was because her husband was abusive and she feared for her life and/or the life of her children ( $n = 54$ ) with 74% of participants who rendered not guilty verdicts citing this reason. The reason for verdict data were independently scored by two assistants; reliability = .94. Significance testing was not conducted on the reason for verdict data because this data resulted in either empty cells or cells that had very few data points.

### Guilt

The sleeping-status + delay ANCOVA revealed a main effect of sleeping status,  $F(1, 114) = 4.53$ ,  $p = .035$ ,  $\eta^2 = .04$ ; the defendant was perceived as more guilty of the killing when the victim was asleep ( $M = 6.57$ ,  $SD = 2.82$ ) versus

when he was awake ( $M = 5.37, SD = 2.66$ ), thus supporting Hypothesis 1. This ANCOVA also supported Hypothesis 3, with men rating the guilt of the defendant higher ( $M = 6.55, SD = 2.73$ ) than women ( $M = 5.31, SD = 2.74$ ),  $F(1, 114) = 5.12, p = .026, \eta^2 = .04$ . The delay-only ANCOVA did not produce any significant main effects or interactions for the variables of interest.

### **Subscale 1—Prodefendant**

The sleeping-status + delay ANCOVA on prodefendant judgments revealed a significant main effect of participant gender,  $F(1, 114) = 4.87, p = .029, \eta^2 = .04$ . This result supported Hypothesis 3; women had higher prodefendant ratings ( $M = 7.96, SD = 1.21$ ) when compared to men ( $M = 7.35, SD = 1.50$ ). A Participant Gender x Sleeping Status interaction also emerged,  $F(1, 114) = 5.81, p = .018, \eta^2 = .05$ . For women, sleeping status did not significantly impact prodefendant judgments (awake  $M = 7.78, SD = 1.26$ ; asleep  $M = 8.19, SD = 1.13$ ). However, men had higher prodefendant judgments when the victim was awake ( $M = 7.75, SD = 1.05$ ) than when the victim was asleep ( $M = 6.93, SD = 1.78$ ),  $t(66) = 2.23, p = .029$ . The delay-only ANCOVA did not produce any significant findings for the variables of interest.

### **Subscale 2—Provictim**

The sleeping-status + delay ANCOVA on provictim judgments indicated no significant main effects or interactions for the variables of interest. However, the delay-only ANCOVA revealed a significant main effect of participant gender on provictim judgments (Hypothesis 3),  $F(1, 104) = 3.90, p = .05, \eta^2 = .04$ . When the victim was awake at the time of the killing, men had higher provictim judgments ( $M = 5.34, SD = 1.51$ ) than women ( $M = 4.60, SD = 1.62$ ) regardless of the amount of time delay.

### **Subscale 3—Mental Instability of the Defendant**

The sleeping-status + delay ANCOVA on Subscale 3 revealed a significant Participant Gender x Sleep Status interaction,  $F(1, 114) = 3.97, p = .049, \eta^2 = .03$ . Within participant gender, women rendered similar ratings on Subscale 3 regardless of sleep status (awake  $M = 6.61, SD = 1.41$ ; asleep  $M = 6.78, SD = 1.49$ ). However, men in the awake condition had significantly higher ratings on Subscale 3 ( $M = 6.65, SD = 1.59$ ) than men in the asleep condition ( $M = 5.74, SD = 1.72$ ),  $t(66) = 2.27, p = .027$ . Moreover, when the victim was asleep at the time of the killing, women had significantly higher ratings on Subscale 3 than men,  $t(64) = 2.63, p = .011$ . The difference between men and women in the awake condition was not reliable. The delay-only ANCOVA did not produce any significant findings for the variables of interest.

### **Additional Dependent Variables**

No significant main effects or interactions emerged in the sleeping-status + delay ANCOVA or the delay-only ANCOVA in ratings of anger toward defendant (answered by all participants). For the rating questions answered only by those participants who believed the physical abuse alleged by the defendant

occurred, the questions dealing with psychological harm sustained by the defendant from the alleged physical assault, and anger the defendant was experiencing as a result of the physical assault did not produce any significant findings for the sleeping-status + delay and the delay-only ANCOVAs. In addition, the delay-only ANCOVA for defendant's ability to remember and report the physical assault did not yield any significant findings.

Other dependent variables did yield significant findings. A sleeping-status + delay ANCOVA on defendant's ability to remember and report the physical assault yielded a significant relationship between the covariate for partner verbal abuse and the dependent variable,  $F(1, 110) = 5.67, p = .019, \eta^2 = .05$ , and a main effect of delay  $F(1, 110) = 5.48, p = .021, \eta^2 = .05$  (6-hr  $M = 7.50, SD = 1.71$ , 3-day  $M = 6.85, SD = 2.04$ ). For the question that assessed physical harm sustained by the defendant, the sleeping-status + delay ANCOVA yielded a significant relationship between the covariate for partner stalking and the dependent variable,  $F(1, 110) = 4.65, p = .033, \eta^2 = .04$ . Finally, a sleeping-status + delay ANCOVA on fear the defendant was experiencing yielded a significant relationship between the covariate for partner stalking and the dependent variable,  $F(1, 110) = 5.82, p = .018, \eta^2 = .05$ , and a main effect of delay  $F(1, 110) = 4.26, p = .041, \eta^2 = .04$  (6-hr  $M = 8.68, SD = 1.67$ , 3-day  $M = 8.18, SD = 1.84$ ).

The delay-only ANCOVAs produced a significant relationship between the covariate for partner verbal abuse and the physical harm sustained by the defendant,  $F(1, 83) = 6.51, p = .013, \eta^2 = .07$ . In addition, the delay-only ANCOVA for fear experienced by the defendant produced a significant relationship between the covariate for partner verbal abuse and the dependent variable,  $F(1, 83) = 5.36, p = .023, \eta^2 = .06$ . In addition, this analysis yielded a significant main effect of delay,  $F(2, 83) = 3.25, p = .04, \eta^2 = .07$ . Follow-up comparisons indicated that only the 6-hr and 3-day conditions differed significantly,  $t(67) = 2.27, p = .026$ .

## Discussion

The traditional self-defense plea has been questioned as to whether it is the most appropriate defense for battered women who kill their abusers. To qualify as justifiable homicide, a traditional self-defense plea requires that the defendant's self-protective action (e.g., the murder) must occur (a) when the threat to his or her life is imminent, (b) the force used must be commensurate with the attack, and (c) that the defendant has no ability to retreat. However, the circumstances in which battered women kill their abusers often does not represent traditional views of these particular requirements per se (Gillespie, 1989). Therefore, research that focuses on understanding how these factors impact juror's decision making is crucial in any evaluation of the judicial response to battered women who kill their abusers.

The present study investigated how mock jurors judge a case in which a battered woman claims to have murdered her abuser in an act of self-defense. Prior research has attempted to investigate the extent to which the delay between the time of the last abusive confrontation and the act of homicide affects juror's perceptions of whether the battered women (the defendant) who killed her abuser (the victim) did so in self-defense. However, prior research has confounded the factor of delay with the sleeping status of the victim making it unclear if jurors

are responding to the delay or the sleeping status at the time of the homicide. The present study attempted to clarify this issue by creating scenarios in which the battered woman had at least some degree of ability to retreat (i.e., the victim and defendant were not in the midst of a confrontation in any condition). Thus, with the presence of a confrontation and the ability to retreat controlled, the present study was able to look at the unique contribution of two elements of imminence: sleeping status of the victim and delay of the killing after a confrontation.

Overall, conviction rates in the present study were relatively high; 61% of participants rendered guilty verdicts across all conditions—significantly more than rendered not guilty verdicts. Qualitative data indicated mock jurors who rendered a guilty verdict believed it was unnecessary for the battered woman to kill her abuser when other options were available (i.e., retreat was possible), such as calling the police and pressing charges against her husband for abuse, seeking assistance from battered woman shelters or friends, or leaving her husband. As suggested by Bradfield (2002), it is possible that mock jurors felt that the inability of the defendant to find an alternative solution to ending the abusive relationship was her failing and inexcusable. Ewing and Aubrey (1987) found that a majority (63.7%) of participants in their community sample study thought that if a battered woman believed that her abuser planned to murder her then she should simply leave the batterer. Similarly, college students who participated in Follingstad et al.'s (1997) research investigating the impact of the ability to retreat perceived the defendant in their case as reacting differently than they thought they themselves would react and thought the defendant should have been able to retreat from the situation safely. Finally, a survey of actual jurors indicated that they generally felt that battered women should be able to retreat safely in these situations (Greene, Raitz, & Lindblad, 1989). In the present study, about 60% of participants who rendered guilty verdicts indicated that they did so because they believed the woman should have pursued options other than homicide, such as calling the police, leaving her husband, or staying with relatives. The belief that the woman had other options led many mock jurors in the present study to be unwilling to acquit the defendant. Given the relatively high conviction rates found in the present study, it is important to acknowledge that the use of self-defense may not be a sufficient defense for protecting battered women who kill their abusers against serving time in prison.

Although prior research has provided valuable preliminary insight into perceptions of a battered woman who claims to have killed her husband in self-defense, the present research is the first study to provide a clear picture of how delay and sleeping status uniquely impact perceptions. In the present study, the defendant had the ability to retreat in all conditions and the confrontation between the victim and defendant had ended. Still, sleeping status consistently impacted juror decisions. In particular, when the victim was asleep, participants convicted more frequently and rated the defendant as more guilty. In cases in which battered women kill their abusers, women sometimes wait until their abuser is nonthreatening: either sleeping or under the influence of drugs or alcohol or otherwise incapacitated (Ewing, 1987; see Russell & Melillo, 2006) or until a relative lull in the violence (Schuller et al., 2004). Unfortunately for battered women who kill their abusers, the present study suggests women who kill their abuser when he is sleeping are more likely to face conviction than are women who kill their abuser



when he is awake, regardless of when in the timeline of events (i.e., delay) the killing occurs. In fact, unlike what has been reported in prior research (e.g., Cheyne & Dennison, 2005) the results of this study suggest that delay had a relatively small impact on decisions. When sleeping status was controlled (i.e., only the awake condition was included in the analyses), delay did not significantly influence any judgments aside from conviction rates and even then, delay only significantly influenced conviction rates for women.

One interesting aspect of the sleeping status results was the interaction of sleeping status and participant gender for the Mental Instability of the Defendant subscale. While women had stable ratings across the sleeping status variable, men rated the defendant as more unstable in the waking condition than the asleep condition. This result is likely due to men believing that the defendant was relatively stable in her judgment when she killed her sleeping husband. That is, because the defendant had waited until her husband was asleep the defendant was well aware of what she was doing.

Overall, women convicted at much lower rates when the killing occurred within the same time period as the confrontation (6-hr delay), with conviction rates rising to when the delay was long (3-day delay). Men, in contrast, convicted at high rates regardless of the delay. A recent examination of mock jurors rendering judgments in cases in which battered women kill their abusers revealed that delay was not an important aspect of their appraisals of the case (Huss et al., 2006), supporting the present findings. It should be noted that it is possible that the delay increments used in the present study simply did not illuminate other existing effects. Future research investigating the impact of delay on courtroom outcomes may benefit from considering longer delays of weeks, months, or even years.

Finally, although some prior research showed no effect of participant gender (Cheyne & Dennison, 2005) the present study supports the findings of Follingstad et al. (1997) and Schuller et al. (1994) that women generally have lower guilt ratings and are more prodefendant than are men in cases in which a battered woman kills her abuser. In addition to the aforementioned interaction of gender and delay on verdict, sleeping status seemed to have a differential effect on men and women's judgments related to the defendant. For example, sleeping status did not significantly affect women's prodefendant judgments; however, men were likely to have positive judgments toward the defendant when her husband was awake at the time of the murder than when he was asleep. Although the hypothesis that men would have more provictim judgments than women was not supported overall, men did have more provictim judgments when the victim was awake at the time of the killing than did women (regardless of delay). Women also rated the defendant as experiencing greater physical harm and fear as a result of the alleged abuse by her husband than did men. As noted by Follingstad et al., it is likely that women mock jurors relate more to the defendant in these types of cases. Additionally, some research suggests women are victimized more frequently than are men (Bottoms, 1993), possibly leading women to relate to the physical assault allegedly suffered by the defendant in this case.

Furthering the value of the present study, this experiment relied on a sample of community members representative of the general population. The majority of prior research used college samples to investigate perceptions of battered women who killed their abusers (e.g., Braden-Maguire et al., 2005; Cheyne & Dennison,

2005; Follingstad et al., 1997; Schuller et al., 1994). Although a review by Bornstein (1999) indicated there are typically few, if any, differences between college and community samples in mock juror research, it is inarguable that a community sample is likely more representative of actual mock jurors. In fact, the little evidence that is available regarding how community members and college students may differ in their perceptions of battered women who kill their abusers, Schuller and Hastings (1996) found community members convicted at significantly higher rates than did college students, indicating research using college samples may fail to accurately represent potential jurors.

The present results raise serious policy concerns in several areas related to domestic violence, especially in cases involving abused women who kill their abuser when the latter is incapacitated (e.g., sleeping). As stated earlier, the abused women in these cases do not see escape from the abuse as possible and thus may wait until their abuser is incapacitated to kill him. The perception of not being able to escape is a valid concern. The woman may believe that protective orders and restraining orders will not be enough to stop an abuser's intent on killing her. This belief stems from the fact that police are not assigned to actually physically protect an abused woman who has gone to court to request a protective or restraining order. If an abuser defies a protective order, the abused woman can call the police, but regrettably the response may be too late to stop an abuser from harming his partner. Greater penalties for defying a court order may encourage deterrence from defiance (Harrell, Castro, Newmark, & Visher, 2008); however, greater penalties will not stop an abuser who is intent on causing grave harm to his partner. Abused women may also believe that relocation within the community is not an option because the abuser can readily locate her if she relocates to a family member's or friend's home. Even if this relocation involves moving into an undisclosed shelter, an abuser may be able to locate the shelter since these are often identified within the community.

Changes in social policy may afford women the means to relocate in a manner that may diminish the likelihood of being located by the abuser. This might involve a relocation program somewhat akin to the well-known "witness-relocation program" (U.S. Department of Housing & Urban Development, 2011) or a system that involves reciprocity among women's shelters across state lines. Either of these systems would offer abused women the resources to start a new life away from the abusive situation. It can be argued that having an abused woman relocate is placing an undue burden on the abused woman, especially if children are involved. However, the alternative is to potentially continue with a cycle of abuse that may ultimately lead to the killing of the abuser and the subsequent conviction of the abused woman for murder or manslaughter.

Changes in judicial policy may also be necessary to allow a reasonable defense for women who cannot escape an abusive situation and ultimately kill their abuser when he is incapacitated. It can be argued that the narrow definition of imminence currently underscored in self-defense laws does not reflect the nature of domestic violence, and thus does not allow an abused woman a reasonable defense. As discussed earlier, it is often the case that battered women view the pending threat of harm or death as more imminent than do outsiders looking at the situation, such as jurors (Gillespie, 1989; Walker, 1989). As written in law, imminence requires that a confrontation is occurring. However, the

perception of imminence may not be related to a confrontation for a battered woman. For example, an abusive husband may tell his wife that he is going to kill her. Even if such a statement does not come in the midst of a confrontation, this threat is imminent in the mind of an abused woman yet it does not fit the legal definition of self-defense. An abused woman may be privy to nuanced information about the abuser's behavior, such as when he acts a particular way she knows an attack may be forthcoming. Such behaviors may be interpreted with the death threat still looming overhead, even if some time has passed. Thus, self-defense defined in terms of a narrow definition of imminence does not address the specific issues that arise in cases of domestic abuse.

Additionally, changes to sentencing guidelines may be appropriate for cases in which battered women plead or are found guilty of killing their abusers. Instead of extended prison sentences, perhaps a diversion program may be considered. Such a program would put these women on probation with mandatory psychological treatment or have these women moved to a halfway house. This type of program may serve as a compromise between proponents of psychological self-defense (Ewing, 1990) and those who object to this type of defense (Morse, 1990). That is, the woman would still be guilty of killing her abuser, but the courts would acknowledge the unique circumstances surrounding the killing and try to rehabilitate the woman. Such a program is conceptually similar to other diversion programs (e.g., mental health courts; Almquist & Dodd, 2009).

It must be noted that the present study relied on individual mock juror judgments and did not include jury deliberations. Though it is possible that jury deliberations may influence outcomes, generally, the patterns of individual judgments predict jury decisions (Diamond, 1997; Golding, Bradshaw, Dunlap, & Hodell, 2007). Still, research suggests that the gender composition of the jury can impact jury outcomes (Golding et al., 2007), and given there were participant gender differences that emerged in the present study, it would be beneficial for future research to investigate the impact of delay and sleeping status using jury deliberations.

Overall, the present experiment provides important information about how jurors may perceive cases in which battered women kill their abusers. Most importantly, the present study provides the first investigation of the independent impact of sleeping status and delay on mock juror decisions. Contrary to prior research, the present study found that sleeping status was a stronger, more frequent predictor of juror judgments than was delay. Future research should investigate the impact of delay using different time increments and other defenses in court.

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### New Editors Appointed, 2013–2018

The Publications and Communications Board of the American Psychological Association announces the appointment of 5 new editors for 6-year terms beginning in 2012. As of January 1, 2012, manuscripts should be directed as follows:

- *Journal of Experimental Psychology: Learning, Memory, and Cognition* (<http://www.apa.org/pubs/journals/xlm/>), **Robert L. Greene, PhD**, Department of Psychology, Case Western Reserve University
- *Professional Psychology: Research and Practice* (<http://www.apa.org/pubs/journals/pro/>), **Ronald T. Brown, PhD, ABPP**, Wayne State University
- *Psychology and Aging* (<http://www.apa.org/pubs/journals/pag/>), **Ulrich Mayr, PhD**, Department of Psychology, University of Oregon
- *Psychology, Public Policy, and Law* (<http://www.apa.org/pubs/journals/law/>), **Michael E. Lamb, PhD**, University of Cambridge, United Kingdom
- *School Psychology Quarterly* (<http://www.apa.org/pubs/journals/spq/>), **Shane R. Jimerson, PhD**, University of California, Santa Barbara

**Electronic manuscript submission:** As of January 1, 2012, manuscripts should be submitted electronically to the new editors via the journal's Manuscript Submission Portal (see the website listed above with each journal title).

Current editors Randi C. Martin, PhD, Michael C. Roberts, PhD, Paul Duberstein, PhD, Ronald Roesch, PhD, and Randy W. Kamphaus, PhD, will receive and consider new manuscripts through December 31, 2011.