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THE ROLE OF REMORSE AND GENDER
IN JUROR DECISION MAKING
FOR CAPITAL SENTENCING

by

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Dedication

I dedicate this thesis to my husband, Frank. Without his constant supply of laughter and caffeine, I may not have made it to the finish line.

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The completion of this thesis would not have been possible without the involvement and guidance of Dr. Amanda Johnston. I would also like to thank Dr. Christine Walther for her continued assistance and support. Thank you both for sharing your passion for psychological research with me.

ABSTRACT

THE ROLE OF REMORSE AND GENDER
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FOR CAPITAL SENTENCING

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While defendants are expected to show remorse for committing a crime (Sundby, 1998) and remorse is particularly important during the sentencing phase of a trial (Zhong et al., 2014), there is little systematic evidence to understand how jurors evaluate a defendant's remorsefulness. Previous research on capital cases has focused almost exclusively on male defendants despite the fact that these crimes are committed by females as well. In the present study, level of remorse and defendant gender are examined in the sentencing phase of a capital murder trial. Participants read trial scenarios with defendant gender and remorse manipulated and then responded to a questionnaire designed to identify what role remorse played in their sentencing decision. Participants were more likely to assign a life sentence than the death penalty to defendants who demonstrated sincere remorse. The study also examined interactions between juror and defendant gender. There was a significant three-way effect of remorse level, sentencing,

and participant gender, but these effects were only present for women participants. Additional effects of participant gender and remorse level were found for perceptions of the defendant. The present study supports the importance of defendant remorsefulness and a consideration of juror gender on the perceptions of defendants and sentencing decisions.

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CHAPTER I: INTRODUCTION

As of October 14, 2020, 204 men and six women sit on Texas's death row, according to the Texas Department of Criminal Justice website (https://www.tdcj.texas.gov/death_row). To be eligible to receive the death penalty in the state of Texas, an individual must be convicted of a capital felony. A capital felony occurs when an individual intentionally murders a person under a number of special circumstances, including murdering multiple persons, murder that occurs during a kidnapping, and murder that occurs during a robbery or burglary (Capital Murder, 1973/2019). It is during the sentencing phase of a trial, once a defendant has been found guilty of a capital felony, that a jury is tasked with the considerable duty of deciding whether to sentence the defendant to capital punishment (i.e., death) or life in prison. The purpose of this study is to identify how remorse and defendant gender affect jury decision making in the sentencing phase of a capital trial.

Remorse

While many factors influence and shape judgement and decision-making (de Acedo Lizárraga et al., 2007), the extralegal influences on jury decision-making can have serious consequences. Extralegal influences are those that affect jury decision making outside of evidence presented at trial (Devine & Caughlin, 2014). Extralegal factors may include personal characteristics of trial participants, such as race, gender, socioeconomic status, marital status, personality traits, and various other qualities. Free and Ruseink (2018) examined wrongful convictions finding both gender and racial discrepancies. Black women were most often wrongly convicted of drug offenses while White women were most often wrongly convicted of child abuse. Additionally, the researchers found that Black men were most often wrongly convicted of murder. Sundby (1998) reported

that capital jurors often specified a defendant's lack of remorse as a significant factor when deciding in favor of capital punishment. While a body of research supports the importance of remorse in the criminal justice process (Bandes, 2016; Eisenberg et al., 1997; Niedermeier et al., 2001), what influences jurors' decision about whether a defendant is remorseful or not is less understood.

Apologies

Remorse and apologies are intrinsically linked. Scher and Darley (1997) posit that remorse is the key information conveyed by an apology, and remorseless apologies are generally interpreted as obligatory. Understanding the relation between apologies and remorse is challenging, as there are many unique factors to consider, especially among different legal settings. Bornstein, Rung, and Miller (2002) conducted a study looking at the effectiveness of apologies made by physicians in malpractice cases. The researchers defined remorse as "an expression of sadness about the transgression" and considered it to be an important component of an apology (Bornstein et al., 2002, p. 394). The researchers found that defendants who expressed remorse were perceived more positively than both defendants who did not express remorse and defendants who explicitly denied feeling remorseful. Interestingly, the same study found that the effect of the defendant's remorse was limited to men, with men awarding higher compensation to plaintiffs in the no remorse and denied remorse conditions. The authors posit that the gender difference is due to men's likelihood to require offenders to take action to restore the injured party's status.

Schumann and Ross (2010) examined the relation between gender and apologies, finding that women self-reported both apologizing more and committing more offenses. The researchers asked participants to record transgressions they committed that warranted an apology whether or not one was given. Offenses were categorized as relational (e.g.,

insulting someone), failed obligation (e.g., failing to complete chores), inconvenience (e.g., calling a wrong number), and physical or material (e.g., bumping into someone or damaging their belonging). The study suggests that, while the ratio of apologizing to offenses is the same among genders, women are more likely to view their own behavior as offensive and as warranting an apology. While Schumann and Ross asked participants to track their own behavior, it is a fair assumption that this gender difference extends to the behavior of others.

In a study on physician apologies and gender, Hill and Blanch-Hartigan (2018) found that female physicians who provided affective apologies and male physicians who provided cognitive apologies were viewed more positively than their counterparts. Affective apologies focused on the patient's emotions, while cognitive apologies focused on the process that led to the error. The affective apology included a statement in which the physician acknowledges the patient feels upset by the error, and the cognitive apology focused on procedural changes to ensure the error does not occur again. Physicians who offered an apology that was congruous with their gender were perceived more positively than physicians who offered an apology incongruent with their gender. Further, the positive perceptions were associated with decreased intention to pursue legal action against the physician.

Responsibility

Whether or not to advise defendants to convey remorse during capital felony trials presents a challenge for defense attorneys. While evidence supports more positive perceptions of remorseful than unremorseful individuals (Bandes, 2016), expressing remorse, especially via a verbal apology, functions as an implicit admittance of guilt (Bornstein et al., 2002). If a defendant is innocent, they have no reason to be remorseful, as they have not committed any offense. If one does not show remorse during a trial but

shows remorse during the sentencing phase, jurors may interpret this as insincere and self-serving behavior (Bornstein et al., 2002). To account for the relation between remorse and guilt, the present study focuses on the sentencing phase of a trial that occurs after a defendant had been found guilty.

Although the defendant has already been found guilty, taking responsibility remains an important component of remorse (Scher & Darley, 1997). Jurors may consider the extent to which the defendant appears to take responsibility for their actions as a mitigating factor when deciding the severity of the sentence to recommend for the defendant's crime. Scher and Daley (1997) state that accepting responsibility functions as an important part of apology by conveying the transgressor's awareness of violation of a social norm. Further, if the transgressor expresses awareness of the violation, it allows for the possibility that the offender will behave in a prosocial manner in the future. Thus, if a defendant shows sincere remorse by taking responsibility for their actions, jurors may be likely to recommend life without parole rather the death penalty.

Future dangerousness

Gold and Weiner (2000) studied the relation between remorse, confession (taking responsibility), and future expectancies of undesirable behavior. They found that the perceived cause of the transgressor's actions was most affected by remorse and that cause of action was most indicative of perceived expectations of future offenses. Taking responsibility distinguished the cause of the offense as a situational factor rather than as an enduring dispositional trait of the transgressor. Because the source of the transgression is determined to be external to the wrongdoer, others can accept that the wrongdoer has internalized the social norm and will not behave in the same way again.

Future dangerousness is used in the present study to measure the perceived likelihood that the defendant will commit another offense. In a study by Hornsey and

colleagues (2020), transgressors that visibly displayed signs of remorse were perceived as less likely to reoffend. In a study by Pipes and Alessi (1999), an offender who committed criminal assault was manipulated to be either remorseful or not. Remorse had a significant effect on perceived likelihood to reoffend and length of sentence assigned by mock jurors. Jurors may find that a defendant who verbally expresses sincere remorse is less likely to represent a future danger, less likely to reoffend, and more deserving of life without parole than the death penalty.

Trustworthiness

Because most defendants in capital cases are male, existing research on defendant trustworthiness focuses on men. Indeed, studies on capital sentencing by Wilson and Rule (2015, 2016) focused solely on male offenders, finding that facial trustworthiness predicts outcomes in death penalty cases. A computational study of faces by Funk, Walker, and Todorov (2017) found that perceived criminality correlates with trustworthiness and remorse. Specifically, they found that more masculine faces with prominent chins, darker pigmentation, and smaller eyes strongly related to perceptions of criminality and remorse. However, McKimmie and colleagues (2013) found that jurors considered strength of evidence against male defendants but focused on the female defendants' physical characteristics in non-capital cases. Thus, one could argue that facial trustworthiness may be even more impactful for female defendants. Because women are viewed as counter-stereotypical offenders, it is important to study the different ways in which male and female defendants are evaluated.

Present Study

The present study seeks to confirm the notion that remorse affects sentencing decisions in capital cases. While previous studies examined remorse in terms of presence or absence (Gold & Weiner, 2000; Jehle et al., 2009; Pipes & Alessi, 1999), the present

study seeks to differentiate between sincere, feigned, and no remorse. The primary hypothesis is that defendants who exhibit sincere remorse will be more likely to receive life in prison, while defendants who exhibit no or feigned remorse will be more likely to receive the death penalty. Further, because women have been found to apologize more often and deem more behavior as offensive (Schumann & Ross, 2010), the secondary hypothesis is that female defendants who show feigned or no remorse will be more likely to be sentenced to death than male defendants who display feigned or no remorse. In addition, differences in sentencing based on participant gender, remorse, and defendant gender were examined.

CHAPTER II:

METHOD

Participants

A total of 644 participants were recruited from Amazon Mechanical Turk. Participants included United States citizens who were 18 years old and older with an adequate level of English proficiency, the same qualifications as jurors in the United States. To best model a “death-qualified” jury, participants were excluded from analysis if they indicated they categorically oppose the death penalty in all cases ($n = 216$). Additionally, participants were excluded if they indicated that they believe the death penalty should be imposed in all capital cases ($n = 212$). An additional group of participants was excluded from analyses for failing the gender manipulation check ($n = 75$). Five participants who indicated a gender identity other than male or female were excluded from analysis due to inadequate group size. The remaining sample used for data analyses included 211 participants (female $n = 107$, male $n = 104$). The sample was predominantly White (79%), followed by Black/African American (10%). Participants were between 19 and 71 years of age with an average age of 41.3 years old ($SD = 11.5$). Participants who completed the survey received a monetary (<\$1.00 USD) incentive to compensate them for their time.

Procedure

Participants accessed the study online from Qualtrics. Participants first confirmed that they were 18 years of age or older and reviewed an informed consent document. After consenting to participate in the study, participants answered three “death-qualified” juror questions. Participants who indicated they are not strictly opposed to the death penalty but do not think it should be applied in all capital cases, as well as indicating they are U.S. citizens, then continued with the study. Participants were randomly assigned to

read one of six trial scenarios. Participants were advised that the defendant described in the trial scenario had been found guilty, and they were instructed to answer the survey as if they were serving as a juror for the sentencing phase of the trial. Participants then answered four questions, presented in a randomized order, relating to their perception of the defendant.

Following the four questions about their perception of the defendant, participants indicated which sentence, life without parole or death, they would recommend for the defendant. After indicating which sentence they would recommend for the defendant, participants were asked to specify what most influenced their decision. A manipulation check was utilized to make sure participants were aware of the defendant's gender in the scenario they reviewed. Participants answered additional items related to their beliefs and personal experiences with the death penalty. Following these questions, participants provided demographic information.

Design

The experiment was a 3 (remorse: control (no apology), feigned remorse, sincere remorse) x 2 (defendant gender) x 2 (participant gender) design. The level of remorse and the defendant gender described in the trial scenario were manipulated on a between-subjects basis. For the present study, sincere remorse was defined as an emotional statement whereby one takes responsibility for their actions, expresses regret for committing the transgression, and states the desire to change the outcome or abstain from the behavior. Feigned remorse lacks one or many of these qualities, allowing the defendant to express regret that the event occurred but without assuming responsibility for their actions.

The primary dependent variable was the sentencing assigned by the juror of life without parole or the death penalty. Additional dependent variables included perception

of remorse, perception of trustworthiness, perception of taking responsibility, and perception of future dangerousness.

Measures

Perception of Defendant

Participants answered four items based on their perception of the defendant's remorsefulness, future dangerousness, degree of taking responsibility, and trustworthiness. Ratings were made on a 1 (*not remorseful*) to 5 (*extremely remorseful*) scale.

Sentencing Decision

Participants then selected which sentence they would assign the defendant (life without parole or death) and what most influenced their decision (open-ended).

Perception of Death Penalty

Participants answered six items related to their beliefs and experience with the death penalty. Participants rated the degree to which they support the death penalty on a 1 (*strongly oppose*) to 7 (*strongly support*) scale. Participants indicated in what instances they support the death penalty as punishment for capital murder on a 1 (*never*) to 3 (*always*) scale, with an additional uncertain option. Participants also rated how often the death penalty is imposed on a 1 (*too often*) to 3 (*not enough*) scale with an additional uncertain option. Participants were also asked how fairly (1) or unfairly (2) they believe the death penalty is imposed in the United States, with an additional uncertain option. Participants were then asked if they personally knew anyone who was or is currently sentenced to life in prison without parole or the death penalty.

Manipulation

Participants received one of six trial scenarios including background information and sentencing instructions (see Appendix A). The trial scenario was based on a capital

murder case in which the defendant received the death penalty. The defendant and an accomplice robbed a convenience store. During the robbery, the accomplice shot the store clerk multiple times, resulting in the clerk's death. The defendant stole a cash register and fled with the accomplice. The crime was recorded on videotape, clearly showing the defendant and the accomplice. Gender was manipulated via the defendant's name and respective gendered pronouns in the trial scenarios. Male scenarios were written about defendant David Wilson (he/him), while female scenarios were written about defendant Sarah Wilson (she/her). For the control scenario, the defendant simply stated that they (the defendant and accomplice) intended to rob the store. The feigned remorse scenario included an apology whereby the defendant did not take responsibility for their actions but apologized that the situation occurred. The defendant in the feigned remorse scenario stated that they (the defendant and accomplice) discussed robbing the store but had not intended for anyone to get hurt. The sincere remorse scenario included an apology whereby the defendant claimed responsibility for their actions and expressed regret for the harm they caused. In addition to the statements made in the control and feigned scenarios, the defendant also stated that they felt terrible, would do things differently, and were sorry for their actions.

CHAPTER III:

RESULTS

Sentence

A chi-square test of association was performed to examine the relation between level of remorse and sentence assigned to defendant by participants. The relation between these variables was significant, $X^2(2, N = 211) = 7.18, p = .028$. Eighty percent of participants in the sincere remorse condition assigned the defendant life without parole compared to 61% percent in the control and feigned remorse conditions (see Figure 1). The relation between defendant gender and sentence was not significant, $X^2(1, N = 211) = 0.80, p = .37$. The relation between remorse level, sentence, and defendant gender was not significant for male defendants, $X^2(2, N = 113) = 5.36, p = .069$ or female defendants, $X^2(2, N = 98) = 2.58, p = .276$. Defendants, regardless of gender, in the sincere remorse condition were more likely to be assigned life without parole than defendants in the control or feigned remorse conditions.

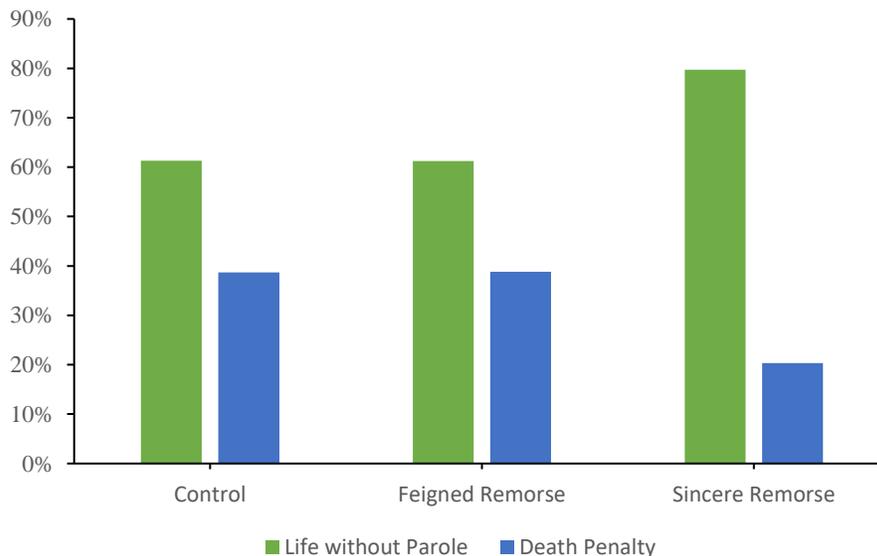


Figure 1 Remorse Level and Sentencing Decision

The relation between remorse level, sentence, and participant gender was significant for women, $X^2(2, N = 107) = 6.38, p = .041$, but was not significant for men $X^2(2, N = 104) = 2.12, p = .346$. Women were observed to recommend life without parole slightly less than expected for the control and feigned remorse conditions and slightly more than expected for the sincere remorse condition. Women assigned the death penalty to the female defendant in the feigned remorse condition more than expected, $X^2(2, N = 50) = 5.25, p = .073$; however, this trend did not apply to the male defendant in the feigned remorse condition (see Figure 2). Women, but not men, recommended life without parole more often for those in the sincere remorse condition, while assigning the death penalty more frequently to the female defendant in the feigned remorse condition.

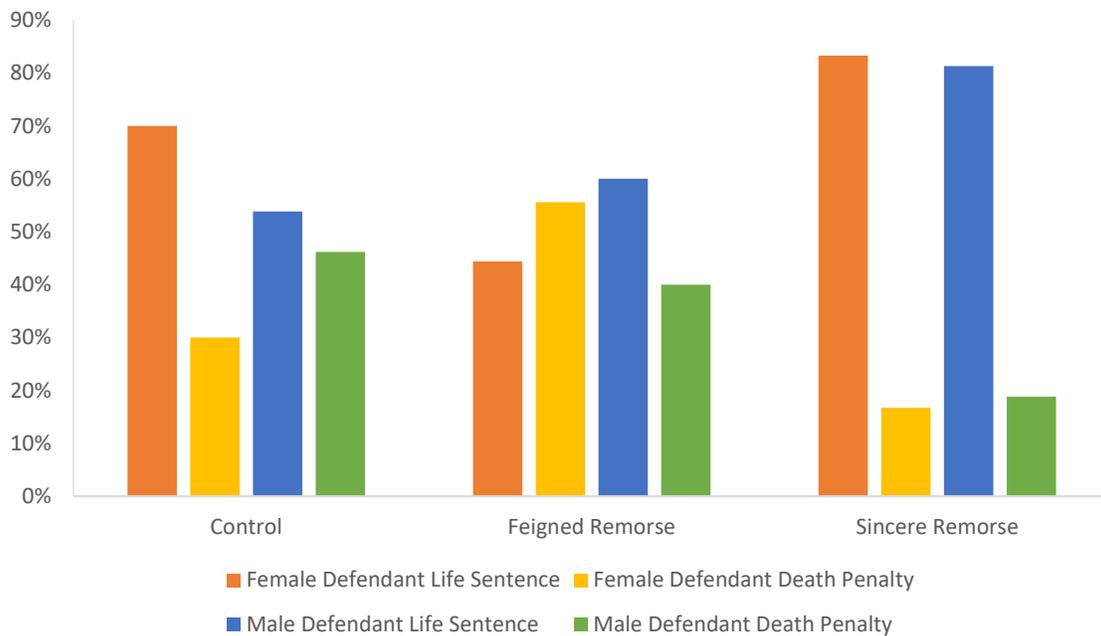


Figure 2 Women's Sentencing Decision by Defendant Gender and Remorse Level

The relation between sentence assigned and participants' opinion of how often the death penalty is imposed was significant, $X^2(3, N = 211) = 30.51, p < .001$. Ninety percent of participants that reported the death penalty is imposed too often assigned the defendant life without parole; whereas, only 31% of participants that reported the death

penalty is not imposed enough assigned the defendant life without parole. The relation between participants' opinion of whether the death penalty is applied fairly or unfairly in the United States and the sentence assigned was significant, $X^2(2, N = 211) = 6.27, p = .035$. Fifty-seven percent of participants who indicated the death penalty is fairly imposed assigned the defendant life without parole; whereas, 78% of participants who indicated the death penalty is unfairly imposed assigned the defendant life without parole. Seventy percent of participants who were uncertain about whether the death penalty is imposed fairly assigned the defendant life without parole. Participants' perceptions of how often and how fairly the death penalty is imposed mirrored their decisions to impose the death penalty or life without parole.

Defendants' Perceived Characteristics

A 2 (defendant gender) x 2 (participant gender) x 3 (remorse level) analysis of variance (ANOVA) was conducted for each of the perceived characteristics of the defendant. Post-hoc analyses include pairwise comparisons of the means using Tukey's Honestly Significant Difference procedure.

Remorsefulness (Manipulation Check)

There was a main effect of remorse level on perceptions of defendant remorsefulness $F(2, 199) = 47.82, p < .001, \eta^2 = .32$. As expected, defendants in the control condition ($M = 1.43, SD = 0.89$) were rated as the least remorseful, while defendants in the sincere remorse condition ($M = 2.99, SD = 1.05$) were rated as the most remorseful by participants, $p < .001$. Thus, the manipulation of remorse was effective at influencing perceptions of the defendant.

There was no main effect of defendant gender, $p = .325$, or participant gender, $p = .098$, on perceptions of remorsefulness. There were no significant interactions between defendant gender and participant gender, $p = .777$, defendant gender and remorse level, p

= .873, or participant gender and remorse level, $p = .086$. There was no significant three-way interaction between defendant gender, participant gender, and remorse level, $p = .578$. Perceptions of defendant remorsefulness were only impacted by the manipulated level of remorse.

Future Dangerousness

There was a main effect of remorse level on perceptions of defendant future dangerousness, $F(2, 199) = 3.70, p = .026, n^2 = .03$. Defendants in the control condition ($M = 4.05, SD = 0.80$) were considered higher risk for future dangerousness than the feigned remorse condition ($M = 3.70, SD = 0.82$) by participants, $p = .036$. Defendants in the sincere condition ($M = 3.74, SD = 0.98$) were descriptively considered higher risk for future dangerousness than the feigned remorse condition ($M = 3.70, SD = 0.82$) by participants, though this difference was not significant, $p = .941$.

There was a significant three-way interaction between remorse level, defendant gender, and participant gender for defendants' perceived future dangerousness, $F(2, 199) = 3.36, p = .037, n^2 = .03$. However, the interaction had unpredicted and inconsistent results (see Figure 3). There was no main effect of participant gender on future dangerousness, $p = .848$, and no significant interactions between defendant gender and remorse level, $p = .901$, defendant gender and participant gender, $p = .903$, or remorse level and participant gender, $p = .912$. Perceptions of defendant future dangerousness were only affected by manipulated remorse levels, although there was an inconsistent interaction between remorse level, participant gender, and defendant gender.

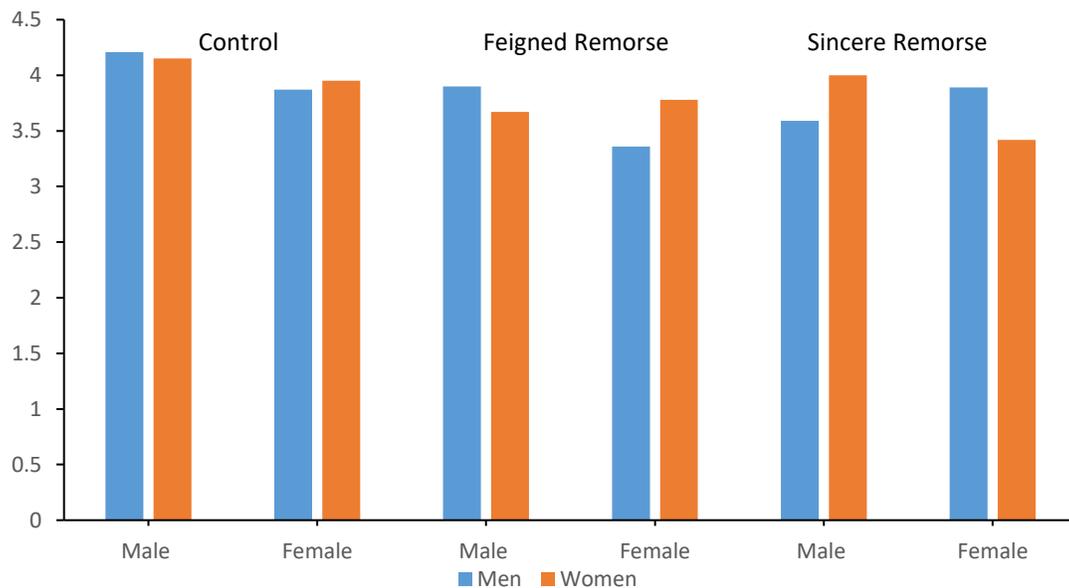


Figure 3 Future Dangerousness of Male versus Female Defendants as Rated by Men and Women

Responsibility

There was a main effect of both participant gender, $F(1, 198) = 7.93, p = .005, \eta^2 = .03$, and remorse level, $F(2, 198) = 14.63, p < .001, \eta^2 = .12$, on perceptions of taking responsibility. Men ($M = 3.10, SD = 1.09$) were more likely than women ($M = 2.71, SD = 1.19$) to rate the defendant as taking responsibility for their actions regardless of the defendant's gender or level of remorse, $p = .005$. Participants rated defendants in the feigned remorse condition ($M = 2.33, SD = 1.01$) as taking less responsibility for their actions than defendants in the control ($M = 3.20, SD = 1.18$) and sincere remorse ($M = 3.13, SD = 1.08$) conditions, p 's $< .001$. There was no main effect of defendant gender on responsibility, $p = .523$. There were no significant interactions between defendant gender and participant gender, $p = .329$, defendant gender and remorse level, $p = .795$, or participant gender and remorse level, $p = .330$. There was no significant three-way interaction between defendant gender, participant gender, and remorse level, $p = .588$. Perceptions of the defendant taking responsibility were affected by both participant

gender and manipulated remorse level. Regardless of remorse level, men were more likely than women to rate the defendant as taking responsibility for their actions. Defendants in the feigned remorse condition were perceived as taking the least responsibility for their actions.

Trustworthiness

There was a main effect of participant gender on perceptions of defendant trustworthiness $F(1,199) = 4.96, p = .027, n^2 = .02$. Men ($M = 2.00, SD = 1.09$) were more likely than women ($M = 1.67, SD = 0.89$) to rate the defendants higher in trustworthiness, $p = .027$. There was no main effect of defendant gender, $p = .248$ or remorse level on trustworthiness, $p = .271$. There was no significant interaction between defendant gender and remorse level, $p = .339$, defendant gender and participant gender, $p = .475$, or participant gender and remorse level, $p = .197$. There was no significant three-way interaction between defendant gender, participant gender, and remorse level for trustworthiness, $p = .849$. Like perceptions of taking responsibility, perceptions of trustworthiness were affected by participant gender with men rating defendants as more trustworthy. Perceived trustworthiness, unlike remorsefulness, future dangerousness, and taking responsibility, did not differ based on remorse level.

CHAPTER IV: DISCUSSION

The main finding of the present study is that the defendant's remorse level influenced jury decision making in a capital case. Consistent with the hypothesis, participants were more likely to assign a sentence of life without parole than the death penalty to the defendants who expressed sincere remorse. Defendants who offered no apology or feigned remorse were significantly more likely to receive the death penalty than the defendant who displayed sincere remorse.

Participants' rating of defendant's perceived remorsefulness mirrored the manipulated remorse level, indicating that the correct aspects of the defendant's apology were altered to convey the accurate level of remorse. That is, participants rated defendants in the sincere remorse condition, which included an emotional response, regret for actions, and the desire to change behavior, as the most remorseful. Interestingly, the defendant who feigned remorse was rated as more remorseful than the defendant who offered no apology. The results call into question the common practice of defense attorneys recommending their clients not take the stand in their own defense (Blume, 2008), as even feigned remorse is perceived as more remorseful than no apology. However, it is important to note that the defendants who feigned remorse were just as likely as the defendants who offered no apology to be sentenced to the death penalty.

Remorse levels impacted participants' perceptions of the defendant's future dangerousness and extent of taking responsibility for their actions. Defendants who offered no apology were rated as more of a future danger than defendants in the feigned remorse condition. However, defendants in the feigned remorse condition were rated as taking less responsibility than defendants in the no apology and sincere remorse conditions. Regarding the interaction between participant gender and defendant gender,

the results presented a more nuanced perspective. Contrary to the hypothesis, women did not show more sensitivity to remorse across conditions. However, women did display some tendencies that may lend support to the idea of higher levels of sensitivity to remorse, especially from other women. Women were more likely to sentence the female defendant in the feigned remorse condition to the death penalty, while being more likely to sentence the male defendant in the same condition to a life sentence. For the defendants in the control and sincere remorse conditions, women were more likely to sentence the female defendant to life in prison than the male defendant. It may be that women expect female defendants to display more remorse than male defendants, but it is especially egregious to women when a female defendant feigns remorse.

Men and women also differed when rating the defendant's perceived trustworthiness and perceived taking of responsibility for their actions. Men were more likely than women to rate the defendant higher in trustworthiness and in taking responsibility for their actions. However, both men and women rated the defendants in the feigned remorse condition as taking less responsibility for their actions than the control or sincere conditions. Indeed, a significant point of differentiation between sincere remorse and feigned remorse is explicitly accepting responsibility. It may also be that a relation exists between perceived taking responsibility and trustworthiness of a defendant.

Limitations and Future Direction

The present study is limited in regard to the specifics of the case presented in the trial scenarios. Due to the inherent complexity of capital felony trials, it was important to find a case where defendant and victim did not have a pre-existing relationship, nor where the murder was excessively gruesome. Both of these factors were controlled so that mock jurors would not be placed in a heightened emotional state when responding to

the survey. However, for this specific case, the defendant was not the one to actually pull the trigger and kill the victim. Several participants stated that what most influenced their decision to assign life without parole rather than the death penalty was the accomplice, rather than the defendant, committing the actual murder. Future research should examine remorse and gender effects on juror sentencing decisions for those defendants who directly caused the victim's death.

The present study was limited to a written account of the sentencing phase of the trial. Nonverbal communication was not a factor in the study, but it can be an important component of perceptions of remorse (Hornsey et al., 2020; Picó et al., 2020). While nonverbal cues were found to affect remorse and other perceived characteristics of the transgressor, the effects did not extend to the sentencing or punishment phase of decision making (Picó et al., 2020). Unlike previous studies, the present study found the effects of remorse to directly correspond to sentencing decision. Because the remorse levels were successfully manipulated, in terms of perceived remorsefulness, participants did not necessarily need to witness the defendant displaying physical signs of remorse. It is possible, though, that visible remorse may have made other factors, like gender, more salient.

Capital cases require a death-qualified jury to make sentencing decisions (Butler, 2007). The qualification process is used to ensure that jurors' opinions on the death penalty are not so strong that they could not make a fair and impartial decision based on evidence presented at trial. While participants were only included in analyses if they met these requirements, the study nonetheless found an association between opinions on the death penalty and participants' sentencing decision. Participants were likely to sentence in line with their previously held beliefs. For example, if participants believed the death penalty is imposed too often, they were more likely to recommend life without parole

than those participants who believed the death penalty is not imposed enough. It is beyond the scope of this paper to determine to what degree these previously held opinions would influence actual juror sentencing decisions. Future research should investigate whether these beliefs are persistent and to what degree jurors rely on these beliefs to make decisions.

Conclusion

By better understanding the processes that underlie jury decision-making, the public can be educated to reduce bias and encourage fairness in the criminal justice process. The present study demonstrated the effect of remorse levels and the nuanced effects of mock juror gender on perceived defendant characteristics and sentencing decisions. Knowing that jurors are able to distinguish between feigned and sincere remorse can help attorneys to better serve and advise their clients. Defendants with this knowledge may feel empowered to take the stand in their own defense. When making life-or-death decisions for another human being, as capital jurors are tasked with, it is pertinent to be aware of the effects of extralegal influences that may impede justice.

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APPENDIX A:
TRIAL SCENARIOS

Control (No Apology)

The evidence showed that, in the early morning hours of September 7, 2013, (David/Sarah) Wilson and Henry Miller entered Al's Convenience Store in Irving; shot and killed the clerk, George Eugene Terry; and stole one of the store's cash registers. An autopsy revealed that the victim suffered seven gunshot wounds—two shots to his left cheek, one shot to his forehead, one shot to his left ear, one shot to his left eye socket, one shot to his chest, and one shot to his right hand.

Several days before the robbery-murder Wilson and Christopher Hill, a friend of Wilson's, drove from Tulsa, Oklahoma, in Hill's vehicle to visit some of Hill's relatives in Arlington. Sometime after they arrived, they met Henry Miller.

On the evening of September 6, 2013, Wilson and Miller were driving around in Hill's vehicle and were drinking and smoking marijuana. Miller suggested that they “get some money,” and they drove by different convenience stores trying to locate a potential target. Wilson suggested that Al's Convenience Store might be a good target because only one clerk was working in the store. They drove around the store a few times and parked on the side. Before going into the store, Miller tore off the sleeves of his shirt and they tied a sleeve around the bottom half of their faces. The sleeves did not disguise their identities.

The entire robbery-murder was recorded on videotape and played for the jury at trial. The tape shows that Wilson and Miller entered the store with Miller pointing a rifle and apparently shooting at the victim. The victim ran behind the counter and tried to hide, but Miller leaned over the counter and shot him. At the same time, Wilson crawled under the counter and tried to open the two cash registers that were on the counter. As the

victim crouched in a ball on the floor behind the counter, Miller then walked around the counter, pointed the rifle at his head, and shot him in the head repeatedly. While this was happening, Wilson tried unsuccessfully to open both of the cash registers. At one point, Wilson stepped over the victim's body and moved his legs out of the way so (he/she) could have better access to one of the cash registers. Finally, Miller unplugged one of the registers, and Wilson carried it out of the store.

After they left the store, Wilson and Miller went to Arlington to hide the cash register. The next morning, Wilson, Miller, and Hill retrieved \$48 from the cash register. The manager at Al's testified that the register that was taken had very little money in it because it was a back-up register that had not been used on the day of the robbery-murder. After using the money to buy alcohol and gasoline, Wilson, Miller, and Hill returned to Tulsa, Oklahoma.

The investigation led law enforcement authorities to Kentucky, where they discovered Hill's vehicle, which Wilson and Miller had used in the robbery-murder. Wilson was arrested in Oklahoma and was questioned by Lieutenant Dwight Boyd and Sergeant John Hale of the Irving Police Department. After being confronted with the videotape of the robbery-murder, Wilson admitted (his/her) involvement in the robbery.

During the trial Wilson testified and admitted that (he/she) assisted in the robbery. Specifically, (he/she) stated: "We went in to rob."

Feigned Remorse

The evidence showed that, in the early morning hours of September 7, 2013, (David/Sarah) Wilson and Henry Miller entered Al's Convenience Store in Irving; shot and killed the clerk, George Eugene Terry; and stole one of the store's cash registers. An autopsy revealed that the victim suffered seven gunshot wounds—two shots to his left cheek, one shot to his forehead, one shot to his left ear, one shot to his left eye socket, one shot to his chest, and one shot to his right hand.

Several days before the robbery-murder Wilson and Christopher Hill, a friend of Wilson's, drove from Tulsa, Oklahoma, in Hill's vehicle to visit some of Hill's relatives in Arlington. Sometime after they arrived, they met Henry Miller.

On the evening of September 6, 2013, Wilson and Miller were driving around in Hill's vehicle and were drinking and smoking marijuana. Miller suggested that they “get some money,” and they drove by different convenience stores trying to locate a potential target. Wilson suggested that Al's Convenience Store might be a good target because only one clerk was working in the store. They drove around the store a few times and parked on the side. Before going into the store, Miller tore off the sleeves of his shirt and they tied a sleeve around the bottom half of their faces. The sleeves did not disguise their identities.

The entire robbery-murder was recorded on videotape and played for the jury at trial. The tape shows that Wilson and Miller entered the store with Miller pointing a rifle and apparently shooting at the victim. The victim ran behind the counter and tried to hide, but Miller leaned over the counter and shot him. At the same time, Wilson crawled under the counter and tried to open the two cash registers that were on the counter. As the victim crouched in a ball on the floor behind the counter, Miller then walked around the counter, pointed the rifle at his head, and shot him in the head repeatedly. While this was

happening, Wilson tried unsuccessfully to open both of the cash registers. At one point, Wilson stepped over the victim's body and moved his legs out of the way so (he/she) could have better access to one of the cash registers. Finally, Miller unplugged one of the registers, and Wilson carried it out of the store.

After they left the store, Wilson and Miller went to Arlington to hide the cash register. The next morning, Wilson, Miller, and Hill retrieved \$48 from the cash register. The manager at Al's testified that the register that was taken had very little money in it because it was a back-up register that had not been used on the day of the robbery-murder. After using the money to buy alcohol and gasoline, Wilson, Miller, and Hill returned to Tulsa, Oklahoma.

The investigation led law enforcement authorities to Oklahoma, where they discovered Hill's vehicle, which Wilson and Miller had used in the robbery-murder. Wilson was arrested in Oklahoma and was questioned by Lieutenant Dwight Boyd and Sergeant John Hale of the Irving Police Department. After being confronted with the videotape of the robbery-murder, Wilson admitted (his/her) involvement in the robbery.

During the trial Wilson testified and admitted that (he/she) assisted in the robbery. Specifically, (he/she) stated: "We went in to rob. I did not intend for nobody to get killed or get hurt. That wasn't part of the plan. That wasn't part of the plan. We discussed robbing. That is all we did."

Sincere Remorse

The evidence showed that, in the early morning hours of September 7, 2013, (David/Sarah) Wilson and Henry Miller entered Al's Convenience Store in Irving; shot and killed the clerk, George Eugene Terry; and stole one of the store's cash registers. An autopsy revealed that the victim suffered seven gunshot wounds—two shots to his left cheek, one shot to his forehead, one shot to his left ear, one shot to his left eye socket, one shot to his chest, and one shot to his right hand.

Several days before the robbery-murder Wilson and Christopher Hill, a friend of Wilson's, drove from Tulsa, Oklahoma in Hill's vehicle to visit some of Hill's relatives in Arlington. Sometime after they arrived, they met Henry Miller.

On the evening of September 6, 2013, Wilson and Miller were driving around in Hill's vehicle and were drinking and smoking marijuana. Miller suggested that they “get some money,” and they drove by different convenience stores trying to locate a potential target. Wilson suggested that Al's Convenience Store might be a good target because only one clerk was working in the store. They drove around the store a few times and parked on the side. Before going into the store, Miller tore off the sleeves of his shirt and they tied a sleeve around the bottom half of their faces. The sleeves did not disguise their identities.

The entire robbery-murder was recorded on videotape and played for the jury at trial. The tape shows that Wilson and Miller entered the store with Miller pointing a rifle and apparently shooting at the victim. The victim ran behind the counter and tried to hide, but Miller leaned over the counter and shot him. At the same time, Wilson crawled under the counter and tried to open the two cash registers that were on the counter. As the victim crouched in a ball on the floor behind the counter, Miller then walked around the

counter, pointed the rifle at his head, and shot him in the head repeatedly. While this was happening, Wilson tried unsuccessfully to open both of the cash registers. At one point, Wilson stepped over the victim's body and moved his legs out of the way so (he/she) could have better access to one of the cash registers. Finally, Miller unplugged one of the registers, and Wilson carried it out of the store

After they left the store, Wilson and Miller went to Arlington to hide the cash register. The next morning, Wilson, Miller, and Hill retrieved \$48 from the cash register. The manager at Al's testified that the register that was taken had very little money in it because it was a back-up register that had not been used on the day of the robbery-murder. After using the money to buy alcohol and gasoline, Wilson, Miller, and Hill returned to Tulsa, Oklahoma.

The investigation led law enforcement authorities to Oklahoma, where they discovered Hill's vehicle, which Wilson and Miller had used in the robbery-murder. Wilson was arrested in Oklahoma and was questioned by Lieutenant Dwight Boyd and Sergeant John Hale of the Irving Police Department. After being confronted with the videotape of the robbery-murder, Wilson admitted (his/her) involvement in the robbery.

During the trial Wilson testified and admitted that (he/she) assisted in the robbery. Specifically, (he/she) stated: "We went in to rob. I did not intend for nobody to get killed or get hurt. That wasn't part of the plan. That wasn't part of the plan. We discussed robbing. That is all we did. I feel terrible for what happened to that man. If I go could go back and do it different, I wouldn't have gone in that store. I'm so sorry to that man and his family. I'm truly sorry for the pain I've caused."