

# IDENTIFYING AND EVALUATING JUROR'S PERCEPTION OF EVIDENCE

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## Abstract

Understanding how jurors see evidence and testimony can assist in understanding the conclusions they come to when deliberating. This article examines how jurors judge different types of witnesses, including eyewitnesses, experts, and the defendant, and different types of evidence, including character and forensic. The ways jurors use and evaluate this testimony and evidence are explored, as well as existing biases that can affect their judgment. This research is then analyzed for how it can be applied practically during a criminal jury trial.

## Overview of the Role of Jurors as Decision Makers

With the concept dating back centuries, the jury has become an important component of the United States justice system and democratic society. Instances of trial by jury being denied were a grievance included in the Declaration of Independence, so the Founding Fathers wanted to ensure this right in the new country.<sup>1</sup> Thus, the right to trial by jury in a criminal case was included in the sixth amendment to the Bill of Rights and was guaranteed by each of the 13 states' original constitutions. Jurors have the role of deciding a defendant's guilt. They are told to listen to the evidence given at trial and make a determination of fact within the legal rules that the Judge instructs them on.<sup>2</sup> Due to this important task jurors are given, it is important to

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<sup>1</sup> *Trial by Jury: "Inherent and Invaluable,"* West Virginia Association for Justice (2014), <https://www.wvaj.org/index.cfm?pg=HistoryTrialbyJury>, (last visited Dec 7, 2022).

<sup>2</sup> *How Courts Work*, American Bar Association, (2019), [https://www.americanbar.org/groups/public\\_education/resources/law\\_related\\_educatio](https://www.americanbar.org/groups/public_education/resources/law_related_educatio)

understand how they come to their conclusion, which involves how they view different types of evidence and witnesses.

## Perceptions of Eyewitness Testimony

In regard to eyewitness testimony, there are a couple of factors that have been studied in relation to jurors' perceptions. One is the eyewitness's familiarity with the defendant. In a study conducted of a mock auto theft case, there were "more guilty verdicts and higher continuous guilt ratings when the eyewitness and the defendant met eight times (versus 0 times) prior to the commission of the crime."<sup>3</sup> Likely, the jury finds a witness to be more accurate in their identification if the witness has prior knowledge of the perpetrator.

The age of an eyewitness is another factor. Various studies have found that age does not affect juror perceptions as much as one might think it would. Between a 10 year old witness and a 20 year old witness, researchers found that the age of the eyewitness had no effect on the jurors' verdicts.<sup>4</sup> Another study, using a 10 year old and a 40 year old witness, also found that jurors' verdicts and assessment of the accuracy of the account from the witness were unaffected by age.<sup>5</sup> However, the view of the child witness' credibility was affected in some circumstances. If the 10 year old was the victim of a crime, they were seen to be as credible as any adult witness, but if they were not directly involved in the crime, they were seen as less credible than the 40 year

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n\_network/how\_courts\_work/jury\_role/#:~:text=The%20jury%20listens%20to%20the,not%20liable%22%20in%20civil%20cases, (last visited Dec 7, 2022).

<sup>3</sup> Chelsea L. Sheahan et al., *The role of familiarity with the defendant, type of descriptor discrepancy, and eyewitness age on mock jurors' perceptions of eyewitness testimony*, 33 *Journal of Police and Criminal Psychology*, pg. 41 (2017), <https://doi.org/10.1007/s11896-017-9232-2>, (last visited March 20, 2023).

<sup>4</sup> *Id.*

<sup>5</sup> Joanna D. Pozzulo & Julie L. Dempsey, *Witness factors and their influence on jurors' perceptions and verdicts*, 36 *Criminal Justice and Behavior*, pg. 930 (2009), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/witness-factors-and-their-influence-jurors-perceptions-and-verdicts>, (last visited March 20, 2023).

old witness. Due to the fact that the verdicts were not affected, it does not appear that this view of credibility was seen as a large factor to jurors when coming to a decision. This finding was similar to that of another study, which used 4, 12, and 20 year old eyewitnesses in a mock murder case. This study also found that age did not impact the verdicts jurors gave, but “jurors were more likely to view an eyewitness with integrity (i.e., more credible, accurate, and reliable) when the evidence was presented by an adult than when it was presented by a child.”<sup>6</sup>

As alluded to in the previous paragraph, the role that an eyewitness plays in the crime is another element that has been thought to impact jurors’ assessments of the witness. Research shows that for adult witnesses, victims and bystanders as eyewitnesses are judged to be equally credible.<sup>7</sup> However, for child witnesses, a victim is seen as more credible than a bystander.

One of the most significant factors that many think of is the accuracy of eyewitness testimony. Jurors were found to weigh inaccuracies and inconsistencies found in eyewitness accounts. In one study where witnesses had either zero, three, or six descriptor errors, “the eyewitness in the zero and three descriptor error conditions were perceived with more integrity than those in the six error condition.”<sup>8</sup> However, whether these judgments influenced the verdict jurors gave is inconsistent across

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<sup>6</sup> Kaila Bruer & Joanna D. Pozzulo, *Influence of eyewitness age and recall error on mock juror decision-making*, 19 *Legal and Criminological Psychology*, pg. 344 (2012), <https://bpspsychub.onlinelibrary.wiley.com/doi/abs/10.1111/lcrp.12001>, (last visited March 20, 2023).

<sup>7</sup> Joanna D. Pozzulo & Julie L. Dempsey, *Witness factors and their influence on jurors’ perceptions and verdicts*, 36 *Criminal Justice and Behavior*, pg. 931 (2009), <https://psycnet.apa.org/record/2009-12133-004>, (last visited March 20, 2023).

<sup>8</sup> Kaila Bruer & Joanna D. Pozzulo, *Influence of eyewitness age and recall error on mock juror decision-making*, 19 *Legal and Criminological Psychology*, 332–348 (2012), <https://bpspsychub.onlinelibrary.wiley.com/doi/abs/10.1111/lcrp.12001>, (last visited March 20, 2023).

research. In the study mentioned previously, the presence of errors did not influence verdicts,<sup>9</sup> but in another study, jurors were more likely to give a guilty verdict when no discrepancies were present.<sup>10</sup> The former study provides an explanation that in each condition of the study, there were some accurate descriptors, so the jury may look more for confirming information despite any conflicting evidence. As far as descriptor errors, it was also found that jurors found errors about non-permanent features of the defendant, such as clothing, to be more serious than errors of permanent features, despite the fact that non-permanent features can be easily changed quickly.<sup>11</sup>

The cross-race effect, that an individual is better at recognizing members of their own race than others, is often seen as a problem for eyewitness testimony. In a study conducted to see if jurors accounted for this effect, researchers found that “In our cross-race identification conditions, [...] for White jurors there was no effect of defendant race, but Black jurors were more likely to convict White defendants.”<sup>12</sup> The explanation provided for this was that Black jurors may be less trusting of white eyewitnesses identifying a black defendant. There was also a finding that those who perceived race as an important issue were less likely to convict the defendant. Experts brought in to testify on the cross-race effect increased the chance that jurors would view race as an important issue during the trial.<sup>13</sup> It was also found that, regardless of

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<sup>9</sup> *Id.*

<sup>10</sup> Chelsea L. Sheahan et al., *The role of familiarity with the defendant, type of descriptor discrepancy, and eyewitness age on mock jurors' perceptions of eyewitness testimony*, 33 *Journal of Police and Criminal Psychology*, pg. 42 (2017), <https://www.proquest.com/docview/1999093390?fromopenview=true&pq-origsite=gscholar>, (last visited March 20, 2023).

<sup>11</sup> *Id.*

<sup>12</sup> Evelyn M. Maeder & Logan Ewanation, *What makes race salient? juror decision-making in same-race versus cross-race identification scenarios and the influence of expert testimony*, 45 *Criminal Justice and Behavior*, pg. 1245 (2018), <https://psycnet.apa.org/record/2018-35628-007>, (last visited March 20, 2023).

<sup>13</sup> *Id.*

juror race, the mock jurors in the study ranked the expert more favorably when they testified in a case with a Black defendant and white eyewitnesses rather than the other way around.

## **Perceptions of Scientific Evidence and Expert Testimony**

It is important to consider the effect of credentials that experts possess on how jurors judge their testimony. Most jurors found an expert's number of years of experience to be the most important factor for measuring their credibility, followed by their education.<sup>14</sup> Certifications and on the job training were ranked below these two factors, and continuing education attendance and whether the lab an expert worked in was accredited were ranked at the bottom. Jurors also seemed to find governmental employees or state experts to be more credible because of their position.<sup>15</sup> Blind proficiency tests, where experts are evaluated without knowing, can be a method to establish credibility in court. It was found that experts demonstrated to have a low proficiency score resulted in fewer guilty verdicts.<sup>16</sup> However, the same study found that an expert claiming to be highly proficient without proof and an expert with unknown proficiency, was judged the same as an expert with a high proficiency score, showing that jurors often assume an expert's proficiency unless presented with evidence that says otherwise. On cross examination, discussing an expert's proficiency testing lowered the number of guilty verdicts for a low proficiency expert. In addition, pointing out the subjectivity in the expert's field, such as some fields using fingerprinting lack objective standards, lowered the number of

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<sup>14</sup> A. McCarthy Wilcox & N. NicDaeid, *Jurors' perceptions of forensic science expert witnesses: Experience, qualifications, testimony style and credibility*, 291 *Forensic Science International*, pg. 106 (2018), <https://pubmed.ncbi.nlm.nih.gov/30216840/>, (last visited March 20, 2023).

<sup>15</sup> *Id.*

<sup>16</sup> William E. Crozier et al., *Juror appraisals of forensic evidence: Effects of blind proficiency and cross-examination*, 315 *Forensic Science International*, <https://www.sciencedirect.com/science/article/abs/pii/S0379073820302954>, (last visited March 20, 2023).

guilty verdicts for experts with both low and high blind proficiency scores.

Expert credibility can be negatively affected if they are viewed as a ‘hired gun,’ or “an expert who forms an opinion based on the request of the retaining attorney rather than the clinical evidence in the case.”<sup>17</sup> If experts were viewed as hired guns, the jury found them less credible and was less likely to believe their testimony. With increased perceived expert bias came increased guilty verdicts, when the expert was testifying for the state.<sup>18</sup> Inoculation, or addressing the possibility of the expert being a hired gun on direct examination before the opposing counsel can bring it up, is a common strategy to counter this effect, but has been shown to actually further decrease expert credibility. The idea behind inoculation is to preemptively address negative information on direct examination to build credibility by showing that a person has nothing to hide. However, using inoculation had a slightly significant effect of making the jury see the expert as less knowledgeable, with a possible explanation that “jurors interpreted the expert's calm and non-defensive responses to these questions during cross examination as more spontaneous” when the topic was first brought up on cross examination.<sup>19</sup>

Negative forensic evidence, or evidence that some forensics were not present in the case, may sometimes be presented by the defense. It was found that, for juries to properly weigh this evidence, they also need to be presented with the probability of detection.<sup>20</sup> In a mock case where

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<sup>17</sup> Mitchell H. Ziemke & Stanley L. Brodsky, *Unloading the hired gun: Inoculation effects in expert witness testimony*, 42-43 *International Journal of Law and Psychiatry*, pg. 95 (2015), [https://ir.ua.edu/bitstream/handle/123456789/1435/file\\_1.pdf;sequence=1](https://ir.ua.edu/bitstream/handle/123456789/1435/file_1.pdf;sequence=1), (last visited March 20, 2023).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> William C. Thompson et al., *Evaluating negative forensic evidence: When do jurors treat absence of evidence as evidence of absence?*, 14 *Journal of Empirical Legal*

the defendant was said to not have gunshot residue on them, when the probability of detection of gunshot residue was said to be 100% in a test case, jurors only found the defendant guilty about 25% of the time. When the probability of detection was 0%, jurors voted guilty about 61% of the time, and when the probability was either 50% or 90%, jurors voted guilty about 42% of the time.<sup>21</sup> This demonstrates that negative forensic evidence does work in casting doubt on a defendant's guilt, but jurors do not find much of a difference between evidence that is not a guarantee, as the findings were around the same for a 50% and 90% detection rate.

In general, for expert witnesses, credibility was judged by finding experts trustworthy and knowledgeable rather than likable.<sup>22</sup> One study found that the most common way jurors reported evaluating credibility was reported to be through the expert's confidence and professionalism when testifying.<sup>23</sup> Research also showed that jurors evaluated expert testimony by how the information was presented. Jurors found experts that made information accessible to them more credible, and experts that took on an 'educator's role' built more of a rapport with the jury.<sup>24</sup>

Forensic evidence is generally seen as "persuasive and [...] based on good scientific principles."<sup>25</sup> In addition, jurors did not seem to

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Studies, pg. 582 (2017), <https://onlinelibrary.wiley.com/doi/10.1111/jels.12156>, (last visited March 20, 2023).

<sup>21</sup> *Id.*

<sup>22</sup> Mitchell H. Ziemke & Stanley L. Brodsky, *Unloading the hired gun: Inoculation effects in expert witness testimony*, 42-43 *International Journal of Law and Psychiatry*, (2015), <https://www.sciencedirect.com/science/article/abs/pii/S0160252715001223>, (last visited March 20, 2023).

<sup>23</sup> A. McCarthy Wilcox & N. NicDaeid, *Jurors' perceptions of forensic science expert witnesses: Experience, qualifications, testimony style and credibility*, 291 *Forensic Science International*, (2018), <https://www.proquest.com/docview/2116598958?pq-origsite=summon/>, (last visited March 20, 2023).

<sup>24</sup> *Id.*

<sup>25</sup> William E. Crozier et al., *Juror appraisals of forensic evidence: Effects of blind proficiency and cross-examination*, 315 *Forensic Science International*, 110433

distinguish between more and less reliable evidence, as the verdicts were similar in a study between fingerprint and bitemark analysis, despite bitemark analysis being more controversial.<sup>26</sup> In another study, it was found that jurors recognized the problems with evidence that was not individual to one person, such as footprints and tire marks.<sup>27</sup> In addition, jurors found more complicated evidence harder to understand, such as DNA, which was reported to possibly affect their perception of the credibility of the witness presenting it.

## Perceptions of Character Evidence and Witnesses

Character evidence can be used to demonstrate personality traits of the defendant that might call into question their claim of innocence if they committed the crime of which they were accused.<sup>28</sup> This evidence has been found to be ineffective at influencing jurors when it is general, but testimony about specific positive acts of the defendant can make the jury have a more positive view of the defendant.<sup>29</sup> There is a question of whether these views impact the verdict a jury returns. In the same study, positive character evidence did not influence guilt judgments in a

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(2020), <https://forensicstats.org/blog/portfolio/juror-appraisals-of-forensic-evidence-effects-of-blind-proficiency-and-cross-examination/>, (last visited March 20, 2023).

<sup>26</sup> *Id.*

<sup>27</sup> A. McCarthy Wilcox & N. NicDaeid, *Jurors' perceptions of forensic science expert witnesses: Experience, qualifications, testimony style and credibility*, 291 *Forensic Science International*, 100–108 (2018),

<https://www.sciencedirect.com/science/article/abs/pii/S0379073818304602>, (last visited March 20, 2023).

<sup>28</sup> Evelyn M. Maeder & Jennifer S. Hunt, *Talking about a black man: The influence of defendant and character witness race on jurors' use of character evidence*, 29 *Behavioral Sciences & the Law*, pg. 608 (2011),

<https://pubmed.ncbi.nlm.nih.gov/21796674/>, (last visited March 20, 2023).

<sup>29</sup> Jennifer S. Hunt & Thomas Lee Budesheim, *How jurors use and misuse character evidence*, 89 *Journal of Applied Psychology*, 347–361 (2004),

[https://www.researchgate.net/publication/51528165\\_Talking\\_about\\_a\\_Black\\_Man\\_The\\_Influence\\_of\\_Defendant\\_and\\_Character\\_Witness\\_Race\\_on\\_Jurors%27\\_Use\\_of\\_Character\\_Evidence](https://www.researchgate.net/publication/51528165_Talking_about_a_Black_Man_The_Influence_of_Defendant_and_Character_Witness_Race_on_Jurors%27_Use_of_Character_Evidence), (last visited March 20, 2023).



burglary case and in a replicated assault and robbery case.<sup>30</sup> Another study found that guilty verdicts dropped slightly with positive character evidence being introduced.<sup>31</sup> Both studies found there to be a substantial increase in guilty verdicts when the defendant's bad acts were brought up during cross examination,<sup>32</sup> and that negative character evidence outweighed the positive evidence, causing the juror's perception of the defendant to be worse than if no character evidence was involved.<sup>33</sup>

Racial impacts on character evidence perceptions have been studied as well. The race of the character witness was found to have no significant effect on the view of the evidence they gave.<sup>34</sup> As for the race of the defendant, the findings from the above paragraph held, but with a marginally significant variation due to race. Positive character evidence did not impact white defendants, but did drop the number of guilty verdicts for Black defendants. When negative acts were brought up on cross examination, it led to a greater increase in guilty verdicts for white defendants than for Black defendants.<sup>35</sup> The authors of this study suggest this is due to character evidence, either good or bad, having the greatest effect when it demonstrates that the defendant is inconsistent

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<sup>30</sup> *Id.*

<sup>31</sup> Evelyn M. Maeder & Jennifer S. Hunt, *Talking about a black man: The influence of defendant and character witness race on jurors' use of character evidence*, 29 Behavioral Sciences & the Law, pg. 614 (2011), <https://pubmed.ncbi.nlm.nih.gov/21796674/>, (last visited March 20, 2023).

<sup>32</sup> *Id.*

<sup>33</sup> Jennifer S. Hunt & Thomas Lee Budesheim, *How jurors use and misuse character evidence.*, 89 Journal of Applied Psychology , 347–361 (2004), <https://pubmed.ncbi.nlm.nih.gov/21796674/>, (last visited March 20, 2023).

<sup>34</sup> Evelyn M. Maeder & Jennifer S. Hunt, *Talking about a black man: The influence of defendant and character witness race on jurors' use of character evidence*, 29 Behavioral Sciences & the Law, pg. 614 (2011), [https://www.researchgate.net/publication/51528165\\_Talking\\_about\\_a\\_Black\\_Man\\_The\\_Influence\\_of\\_Defendant\\_and\\_Character\\_Witness\\_Race\\_on\\_Jurors%27\\_Use\\_of\\_Character\\_Evidence](https://www.researchgate.net/publication/51528165_Talking_about_a_Black_Man_The_Influence_of_Defendant_and_Character_Witness_Race_on_Jurors%27_Use_of_Character_Evidence), (last visited March 20, 2023).

<sup>35</sup> *Id.*

with typical racial stereotypes. This is supported by the fact that participants “assigned higher criminality cultural stereotype ratings to Black persons than to White persons.”<sup>36</sup>

There is also an interaction to consider between character evidence and physical evidence. It was found that jurors may be less swayed by incriminating evidence if their judgment of the defendant through character evidence is more positive and vice versa, which “raises the

interesting possibility that [character evidence] may lead to heuristic processing.”<sup>37</sup> The study notes, however, that physical evidence had a stronger influence on verdicts than character evidence, so jurors do weigh the importance behind these different types of evidence.

### **Perceptions of the Defendant at Trial**

A defendant’s decision whether to testify or use their right to remain silent is an important one for a trial. In one study of a capital offense, the majority of jurors thought that the defendant should testify, and had “trouble understanding why the defendant would not take the stand to prove his or her innocence, and some even interpreted such silence as an indication or admission of guilt,” while others reported they “struggled not to let silence impact their decision making even when they recognized that the defendant might remain silent for legitimate reasons.”<sup>38</sup> However, if the defendant did testify, many criticized them

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<sup>36</sup> *Id.*

<sup>37</sup> Evelyn M. Maeder & Jennifer S. Hunt, *Talking about a black man: The influence of defendant and character witness race on jurors' use of character evidence*, 29 Behavioral Sciences & the Law, pg. 617 (2011), [https://www.researchgate.net/publication/51528165\\_Talking\\_about\\_a\\_Black\\_Man\\_The\\_Influence\\_of\\_Defendant\\_and\\_Character\\_Witness\\_Race\\_on\\_Jurors%27\\_Use\\_of\\_Character\\_Evidence](https://www.researchgate.net/publication/51528165_Talking_about_a_Black_Man_The_Influence_of_Defendant_and_Character_Witness_Race_on_Jurors%27_Use_of_Character_Evidence), (last visited March 20, 2023).

<sup>38</sup> Michael E Antonio & Nicole E Arone, *Damned if they do, damned if they don't: Jurors' reaction to defendant testimony or silence during a capital trial*, 89 Judicature, pg. 66 (2005), <https://www.proquest.com/docview/274565835?accountid=10902&forcedol=true>, (last visited March 20, 2023).

for sounding inarticulate, like they were lying, or like they lacked remorse. All jurors who claimed that there was a lack of remorse in the defendant's testimony sat on cases that ended in the death penalty, whereas all jurors who claimed that the testimony made the defendant more likable served on capital cases that ended in a life sentence.<sup>39</sup>

One specific case that can affect a defendant's decision to testify is when there is informant testimony. A recent study found that when a jailhouse informant testifies, the defendant testifying and directly countering the informant's testimony (by saying that the informant's testimony is untrue and that the defendant never talked to the informant) led to fewer guilty verdicts.<sup>40</sup>

Race is another factor to be considered when anticipating how a jury will view a defendant. One study from 2020 found that there was no significant effect of the defendant's race on verdicts, regardless of the juror's race.<sup>41</sup> In a meta-analysis from 2005, it was also found that, in conditions mirroring a real trial, with only two verdict options and when jury instructions were read, there was no significant racial bias.<sup>42</sup> It did note that, without these conditions, "racial bias in juror verdict decisions was more prominent in Black participants than in White participants,"<sup>43</sup> though this was most prevalent in studies reviewed from

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<sup>39</sup> *Id.*

<sup>40</sup> Stacy A. Wetmore et al., '*the witness is lying!*': *The impact of a defendant countering a jailhouse informant's testimony*, *Psychology, Crime & Law*, 1–19 (2022), <https://www.tandfonline.com/doi/abs/10.1080/1068316X.2022.2049265?journalCode=gpcl20>, (last visited March 20, 2023).

<sup>41</sup> Evelyn M. Maeder & Laura A. McManus, *Mosaic or melting pot?*, (2020), <https://mcl.as.uky.edu/the-exchange/article/mosaic-or-melting-pot-race-and-juror-decision-making-canada-and-united-states>, (last visited March 20, 2023).

<sup>42</sup> Tara L. Mitchell et al., *Racial bias in mock juror decision-making: A meta-analytic review of defendant treatment.*, 29 *Law and Human Behavior*, pg. 629 (2005), [https://scholarworks.utep.edu/cgi/viewcontent.cgi?article=1016&context=christian\\_m\\_eissner](https://scholarworks.utep.edu/cgi/viewcontent.cgi?article=1016&context=christian_m_eissner), (last visited March 20, 2023).

<sup>43</sup> *Id.*

the 1970s and in conditions that are not accurate to real jury trials. It was also found that jurors were more likely to recognize external causes of behavior for Black defendants, likely due to awareness of systemic racism, but this acknowledgment did not impact verdicts.<sup>44</sup>

### **Juror Pre-Existing Beliefs Affecting their Perceptions**

If jurors have pre-existing biases, these are significant to recognize if they are affecting the judgments they make. In one study, it was found that in cases where juries found a defendant not guilty, they were younger than those that chose guilty or not sure in the survey given.<sup>45</sup> Race, education, and gender were demographics that did not impact the verdict. In addition, participants who found defendants guilty or said they were unsure of what the verdict should be held the belief that crime was a more serious problem than those who said not guilty.

### **Analysis of the Effects of these Findings**

The findings of how juries perceive certain types of evidence can be used to inform decisions that attorneys make during jury trials. With eyewitnesses, juries generally trust child witnesses, so there should not be much hesitancy in putting them on the stand. In addition, if there are inconsistencies in a child eyewitness' testimony, the attorney should attack those on a basis other than simply the age of the witness. When

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<sup>44</sup> Evelyn M. Maeder & Laura A. McManus, *Mosaic or melting pot? Race and juror decision making in Canada and the United States*, 37 *Journal of Interpersonal Violence*, NP991–NP1012 (2020), <https://mcl.as.uky.edu/the-exchange/article/mosaic-or-melting-pot-race-and-juror-decision-making-canada-and-united-states>, (last visited March 20, 2023).

<sup>45</sup> Lauren O'Neill Shermer et al., *Perceptions and credibility: Understanding the nuances of eyewitness testimony*, 27 *Journal of Contemporary Criminal Justice*, 183–203 (2011), <https://www.deepdyve.com/lp/sage/perceptions-and-credibility-understanding-the-nuances-of-eyewitness-NejXMUnp0P>, (last visited March 20, 2023).

pointing out discrepancies, attorneys should reference all that exist and be specific in demonstrating them, as the number of discrepancies seems to influence juror perceptions. When entering a witness as an expert, their specialized experience should get focused attention since jurors tend to find it the most convincing for credibility purposes. In addition, an attorney on direct examination should not try to preemptively address any possible claims of their witness being a ‘hired gun,’ but witnesses should be prepared to answer questions about it on cross-examination. As for character evidence, the studies show that, in most situations, the Defense would likely not benefit from putting a character witness on the stand as they will be subject to cross examination. However, if there is character evidence that counters possible racial stereotypes that the jury may hold, it could be more effective. Finally, as for defendant testimony, it should be considered how remorseful the defendant is, as that is a major factor jurors seem to consider. If the defendant needs to counter informant testimony, it should be done directly. Juries make important decisions impacting the lives of many, so understanding their perceptions is relevant to making the best decisions in a trial setting.