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ABSTRACT

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Ninety-eight empirical effects examining the impact of pretrial publicity (PTP) on perceptions of guilt were meta-analytically analyzed. As hypothesized, results suggested that anti-defendant PTP was associated with increased perceptions of defendant guilt, whereas pro-defendant PTP was associated with decreased perceptions of defendant guilt. Additionally, several moderator variables were examined. The results suggested that the size of the effect of PTP is dependent upon several variables, including the level of the analysis (jury-level vs. juror level), the type of crime involved in the case, the nature of the information provided to the participants in the control condition, the reality of the case used in the study, the delay between PTP exposure and the collection of the verdict preference, the medium of the PTP presentation, the publication status of the data source, and the outcome measure utilized.

CHAPTER 1. INTRODUCTION

The term *pretrial publicity (PTP)* describes potentially prejudicial information pertaining to a legal case that is conveyed through media prior to the trial. The concern is that this information can prejudice potential jurors and impact the defendant's right to a fair trial (Shaffer, 1986). In other words, PTP occurs when the media's coverage of a trial threatens to deprive the defendant of an impartial jury. There have been questions raised about how PTP can affect the outcomes of a trial as far back at the mid-19th century (Note, 1846), and the world today is becoming increasingly saturated with the media. Because of this, it has become more difficult to locate potential jurors that have not been exposed to information concerning a legal case before it goes to trial.

While anecdotally, there is evidence that PTP exists, there is limited existing empirical research on the extent to which it actually occurs (Imrich, Mullins, & Linz, 1995). Researchers in one study examined PTP frequency by content analyzing 14 American newspapers over an 8 week period (Imrich, et al. 1995). Specifically, the authors attempted to measure the extent to which statements described as being potentially prejudicial by the American Bar Association (ABA) were present in news stories about cases. The researchers found that 27% of the suspects described in the newspapers were connected with information that was defined as potentially prejudicial. An earlier study for Tankard, Middleton, and Rimmer (1979) found that 68% of

newspaper articles covering legal cases contained information that would be considered potentially prejudicial information according to the 1968 version of the ABA guidelines. While the research is limited, these content analyses of PTP suggest that it does occur in the real world, and the occurrence is not infrequent. This raises the question: Does this publicity affect the jurors' perceptions of defendant guilt?

Prior to discussing the empirical literature relevant to this question, it will be useful to discuss four landmark Supreme Court cases that have established a legal context for PTP. Furthermore, guidelines to prevent PTP that have been set forth by governing bodies, such as the ABA, will be considered. Lastly, there will be discussion regarding the potential remedies to the effects of PTP, such as voir dire, judicial instruction, continuances, and changes of venue.

Legal Context of PTP

In the United States, two Constitutional Amendments are at the crux of the issue involving PTP: the First and Sixth. In essence, the First Amendment right to freedom of the press may impede the Sixth Amendment right to a fair trial. The First Amendment provides freedom of the press to report information regarding legal cases, but providing jurors with this information may affect their decisions. This issue has become known as the free-press fair-trial controversy. The Supreme Court of the United States has issued several landmark rulings regarding PTP that provide legal context, with these rulings swinging the "pendulum" of the free-press fair-trial continuum back and forth. These cases have set precedents for how the courts handle PTP. The most important of these major landmark Supreme Court cases will be discussed below.

Major court cases. *Irvin v. Dowd (1961)* was one of the first cases in which the Supreme Court grappled with the free-press fair-trial controversy. The case involved a murder suspect, Leslie Irvin, accused of six murders in Indiana. The media reported that the suspect had confessed to the murders. Due to this publicity, the defendant was granted a change of venue to an adjacent county. During the juror selection process in the new venue, two-thirds of the jurors in the trial admitted that they believed the defendant was guilty, but also claimed that they could put their opinions aside in order to come to an impartial verdict. The defendant was convicted guilty, but because some jurors admitted that they had prejudicial opinions about the defendant's guilt during the voir dire examination prior to the trial, the Supreme Court overturned the original decision. The Court said "the right to jury trial guarantees to the criminally accused a fair trial by a panel of impartial, 'indifferent' jurors." This case became a landmark decision in the free-press fair-trial controversy supporting the defendant's right to a fair trial.

Rideau v. Louisiana (1963) provided further precedent for the right to a fair trial. The defendant, Rideau, was accused of armed robbery, kidnapping, and murder. The press broadcast Rideau's videotaped confession to all of the charges via a local television station. The defense's motion for a change of venue motion was denied, and the defendant was later convicted of the crimes and sentenced to death. The decision was appealed and eventually reached the Supreme Court. The Court held that "It was a denial of due process of law to refuse the request for a change of venue after the people of the Parish had been exposed repeatedly and in depth to the spectacle of the petitioner

personally confessing in detail to the crimes with which he was later to be charged” (p. 726). The Supreme Court’s ruling further swung the free-press fair-trial “pendulum” towards valuing a fair trial.

One of the most important Supreme Court rulings that further swung the free-press fair-trial “pendulum” towards valuing a fair trial came in the case of *Sheppard v. Maxwell* (1966). Sam Sheppard was arrested for the murder of his wife in 1954. The case was highly publicized in several newspapers, and throughout the trial, reporters were present in the courtroom. The defense filed for a change of venue, but it was denied. The defendant’s subsequent conviction was appealed, and the Supreme Court overturned the original conviction, claiming the “massive, pervasive, and prejudicial publicity” prevented the defendant from receiving a fair trial. More importantly, this case resulted in the Supreme Court identifying options for how a judge can maintain an impartial courtroom. These suggestions included using continuances, changes of venue, sequestered (isolated) juries, judicial instruction, and gag orders. Several of these suggestions will be discussed further shortly.

A more recent Supreme Court ruling supported the “free press” side of the controversy (*Mu’Min v. Virginia*, 1991). The defendant in this case was an inmate already serving time for a murder conviction who was accused of another murder that occurred in prison while on work detail. The defense created several questions pertaining to the content of the publicity, hoping to use them during voir dire. The judge refused to allow the questions, and instead only asked the potential jurors if they had been exposed to any PTP or information regarding the case. The defendant was convicted of the second murder and sentenced to death. The Supreme Court upheld the ruling, stating “while a

criminal defendant may properly ask on *voir dire* whether a juror has previously acquired any information about the case, the defendant does not have a constitutional right to explore the *content* of the acquired information. Rather, an accused is only entitled to know whether the juror can remain impartial in light of the previously obtained information” (p. 423). In other words, the Court’s decision made it clear that the Sixth Amendment’s impartial jury clause is satisfied if jurors are asked whether they have been prejudiced by PTP. The clause does not allow the potential jurors to be asked about specific information concerning the case.

American Bar Association guidelines. The above Supreme Court rulings on the free-press fair-trial controversy show that the courts acknowledge the potential biasing effects of PTP on juror decisions (Kovera & Greathouse, 2008). The ABA has developed guidelines to help prevent the occurrence of PTP in real-world cases, and to limit its impact when it does occur. The most overarching set of guidelines comes from the *Model Rules of Professional Conduct* (ABA, 2011). Rule 3.6 regarding trial publicity says that a lawyer involved in a case “shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter” (ABA, 2011). The ABA further provided a short list of information that a lawyer may appropriately release to the press. Despite these prevention guidelines, it is still possible for PTP to impact court cases. Therefore, potential remedies have been proposed in an attempt to reduce the impact of PTP.

Judicial remedies for PTP. Several proposed remedies were suggested in the Supreme Court decision on *Sheppard v. Maxwell* (1966), including *voir dire*, judicial

instructions, continuances, and/or change of venue, yet a few researchers have examined these empirically. However, the ABA (2011) even went so far as to suggest these as solutions to the potential biasing effects of PTP. The empirical research on these potential remedies will be discussed below.

Voir dire is the legal component of jury selection in which the attorneys and/or judges question potential jurors in order to identify those who might be influenced by any biases or prejudices (Kovera & Greathouse, 2008). One study by Dexter, Culter, and Moran (1992) examined the impact of voir dire on cases affected by PTP. Subjects in this study were exposed to PTP and underwent either minimal or extended voir dire. Participants who received extended voir dire were less likely to vote to convict the defendant than those who received minimal voir dire (extended = 35%, minimal = 67%), although this difference failed to reach statistical significance. Kovera (2002) also examined the effectiveness of voir dire in reducing the impact of PTP through the use of a questionnaire. The results indicated that voir dire was not an effective remedy to the prejudicial effects of PTP. One reason that voir dire may not reduce the prejudicial effects of PTP is because potential jurors may not admit they have been prejudiced by PTP (Kovera & Greathouse, 2008). Given that attorney's do not have the right to question potential jurors regarding the content of the PTP that they were exposed to (Mu'Min v. Virginia, 1991), the effectiveness of voir dire relies on the truthfulness of the potential juror. Further research is needed in order to determine whether voir dire is a viable solution to the prejudicial effects of PTP.

Judicial instruction is another potential remedy for the prejudicial effects of PTP. It involves an instruction by the judge to the jury members to disregard any information

they heard prior to trial, such as PTP (Kovera & Greathouse, 2008). Early research on the effect of judicial instruction suggested that it would reduce the effects of PTP. Simon (1966) measured verdict preferences at two times, once after reading the PTP materials, and once after participants listened to a recorded version of a trial, along with a judicial instruction to ignore any information that was not presented in the trial. Preferences to convict the defendant decreased after participants listened to the trial (Simon, 1966). However, one concern with this study is the confounded manipulation of the judicial instruction. It is impossible to separate the effect of the judicial instruction on verdict preference from the effect of the trial information itself. One recent meta-analysis has suggested that jurors are more likely to comply with judicial instruction to disregard information they received prior to the trial if they are given rationale as to why (Stebly, Hosch, Culhane, & McWethy 2006).

A *continuance* occurs when the start of a trial is deliberately delayed in order to let pass the presumed impact of PTP. Unfortunately, there is very little research on the effectiveness of continuances in the context of PTP. Furthermore, the research that has been conducted on this potential remedy has produced widely varied results. Researchers in one study examined the moderating effect of continuance on the impact of both factual PTP and emotional PTP (Kramer, Kerr, & Carroll, 1990). Factual PTP contained prejudicial evidence against the defendant, whereas emotional PTP contained information related to the defendant likely to arouse negative emotions. Their analyses suggested that while the impact of factual PTP was reduced with the passage of time between exposure and the judgment, the impact of emotional PTP was not. In other words, a continuance

may be a viable solution for factual PTP, but not for emotional PTP. Future research on continuance should focus on the differences between factual and emotional PTP.

The motion for *a change of venue* (jurisdiction) can be granted by the judge if the current pool of jurors is deemed to have a bias against the defendant that would prevent a fair trial. This judicial determination can be based on evidence obtained from a variety of sources (Kovera & Greathouse, 2008). Some researchers have suggested this potential remedy is the most promising means of reducing the prejudicial effects of PTP (Moran & Cutler, 1991), but a change of venue may be less effective in high-profile cases with widespread PTP. As noted by Kovera and Greathouse (2008), it might be nearly impossible to find a venue that has not been exposed to PTP in situations that involve extremely high-profile defendants. The difficulty in finding a venue that has not been exposed to PTP may be even more difficult given recent increases in communication technology in the world. Furthermore, this remedy is quite costly and thus not popular with judges, so it is not often used.

In summary, while the U.S. Supreme Court has issued several rulings involving PTP, the resulting case law is somewhat ambiguous. While some guidelines on PTP have been established, there is no clear legal precedent that defines the point at which PTP interferes with the right to a fair trial. Empirical research on PTP began shortly after the Supreme Court of the United States began ruling on cases that displayed high levels of publicity. However, there has been little research examining the potential remedies to the effect of PTP. Additionally, the results of the existing research have been somewhat inconclusive. Therefore, more research is needed in order to determine if the proposed remedies to the impact of PTP are effective.

Theoretical Basis of PTP

It will be useful to propose a theoretical explanation for why PTP has a prejudicial effect on juror decisions prior to a discussion of the empirical research. There have been disparate attempts to explain the causes of the prejudicial effect of PTP, and so, a model is proposed that combines three such theories: the story model, predecisional distortion, and source monitoring errors. The proposed model is displayed in Figure 1.

To begin with, *the story model* is a theory of juror decision making that states that jurors formulate a narrative story using trial information in order to organize the information in a meaningful way (Pennington & Hastie, 1992). The model argues that organization of evidence into a story facilitates the understanding of the information presented, allowing jurors to reach individual verdict preferences. There are three components to the story model: 1) evidence evaluation through story construction, 2) representation of the verdict, and 3) story classification.

According to the model, jurors construct stories based on information from three different sources: 1) case-specific evidence presented during the trial, 2) previous knowledge about similar events, topics, or cases, and 3) generic “filler” material needed to make a complete story (Pennington & Hastie, 1992). The presentation of evidence at a trial often occurs in a fragmented question-answer format over extended periods of time. Organizing the evidence into a narrative framework helps jurors comprehend the information. However, the model suggests jurors will use all of the information available to them to formulate their individual story, including other information not presented as evidence at trial. Further, more than one story may be constructed by a juror, and when this occurs, jurors must determine which story is the most acceptable. To do this, the

model specifies that *coverage*, *coherence*, and *uniqueness* of each story is considered.

According to Pennington and Hastie (1992), *coverage* represents the extent to which the story includes the evidence presented during the trial. *Coherence* is the extent to which a story is logical and lacks contradictions. Lastly, *uniqueness* is the extent to which a story is different than the other constructed stories if it displays coherence and coverage.

The next component of the story model is the jurors' mental representation of the verdict. This component concerns the juror's understanding of the verdict options. At the end of a trial, the judge provides jurors instructions about the law and the verdict options available, but they may be abstract and difficult for the layman to understand. Therefore, the jurors' preconceived notions about the verdict options may interfere with the judge's instructions, altering the jurors' understanding of the verdict options in a case (Pennington & Hastie, 1992).

The final component of the story model, story classification, in a way combines the first two components. In this final stage, the juror attempts to match the best story with the appropriate verdict category by comparing the preferred story's features with the features of the verdict (Pennington & Hastie, 1992). This stage of the story model also involves the application of the judge's instructions about the presumption of innocence. These instructions inform the juror that if the accepted story does not satisfy all of the features of a verdict "beyond a reasonable doubt" then the juror must vote not guilty (Pennington & Hastie, 1992).

The empirical research investigating the story model has shown promising support. In one of the first empirical studies, Pennington and Hastie (1986) interviewed participants after they viewed a filmed murder trial in order to discover how jurors

cognitively represent the evidence presented in the trial. Analysis of the interviews indicated that jurors organize evidence into a story. In a second study, the same authors used the jurors' importance ratings of evidence to predict whether or not the evidence was in the juror's story, and found that jurors spontaneously construct stories in order to summarize the evidence of a trial (Pennington & Hastie, 1988). In other words, the study showed that the construction of stories occurred regardless of whether participants were prompted by interview questions.

There has been no research attempting to explain PTP in the context of the story model. However, it could be hypothesized that PTP is very consistent with the formulation of stories. The story model specifically includes two points where information that was not presented at trial, which could take the form of PTP, could be integrated into the story that is constructed. In particular, the model suggests that prior knowledge of similar cases or events could be used in the construction of the story in addition to the evidence presented at trial, but does not explain how this could happen. To understand how PTP could impact the stories that jurors construct, it is first helpful to understand predecisional distortion and source monitoring.

According to Johnson, Hishtroudi, and Lindsay (1993), a *source* is any combination of situational characteristics that a person attributes to being the conditions under which knowledge is acquired. In other words, a source could include when information was acquired, where the information was acquired, or from whom the information was acquired. Just as ordinary people often forget where they heard a piece of information or from whom they heard it, jurors can make the same mistake. Jurors commit a *source monitoring error* when they mistakenly believe that a piece of

information about the case came from information presented at the trial when in fact the information was acquired from the news coverage of the trial.

Predecisional distortion occurs when evidence presented at trial tends to be interpreted by the jurors in a way that supports the verdict that they currently favor (Carlson & Russo, 2001). In essence, jurors “filter out” any evidence that does not support the verdict they favor. Predecisional distortion can be thought of as a form of confirmation bias in the trial setting. According to Nickerson (1998) *confirmation bias* refers to the tendency of people to seek out and interpret new information in a way that supports their existing beliefs.

The concepts of source monitoring errors and predecisional distortion provide a better understanding of how PTP influences jurors as they create their stories. In the context of the story model, PTP may cause a juror to formulate a *protostory*, or the outline of a story that provides a basic framework and conclusion, about a case before the trial (Devine, 2012). At this stage of development, a protostory does not have all of the necessary details to be complete, and is based on source monitoring errors. Depending on the nature of the information obtained from the PTP, the protostory will be formed in a way that will support either the prosecution or the defense. From this point on, due to predecisional distortion, the juror will tend to filter out evidence that does not support the protostory, and the evidence will be interpreted in a way that supports the pre-existing protostory of the juror. As more evidence is integrated into the protostory, it becomes more and more likely that juror will vote for the verdict that the story matches. In summary, the juror may use the framework provided by the PTP as the basis for the stories they construct.

While these three theories of juror decision making were developed separately, the mechanisms described in each theory do not operate independently. It is likely that the impact of PTP is best explained by the proposed theory that encompasses each of the three. While theoretically we can explain how the impact of PTP occurs, it is also important to understand how severe this impact can be. Extensive previous research on the effect of PTP has attempted to determine the size of the impact.

Previous Research on PTP

It will be helpful to discuss the typical methodology for researching PTP prior to discussing the research. Most juror decision making research on PTP has been conducted in a laboratory setting, using mock jurors. In mock-jury studies, PTP is manipulated by having some participants either read a written news report or watch a videotaped news report relevant to the trial of interest, while another control group receives either no PTP information or a generic news story. Following the presentation of this information (PTP or otherwise), participants are presented with the trial stimulus, and the decision outcomes of interest are collected from the participants. These include predeliberation juror verdicts, postdeliberation juror verdicts, and postdeliberation jury verdicts. Predeliberation juror verdicts are the most frequently used outcome measure in mock jury studies. While the merits of this practice are debatable, research has suggested that juries are likely to choose the verdict that is supported by the majority of jurors at the beginning of deliberation (Devine, Clayton, Dunford, Seying & Pryce, 2001).

Pre-1999 PTP Research

Empirical research on PTP can be traced back to the 1960s. In one of the first empirical studies on the effect of PTP, Simon (1966) had 97 participants read one of two different fictional news stories about two different legal cases and render a verdict for each case. One news story for each case reported in a “sensational” tabloid-type style, provided gory details of the crime and reported the defendant to be an ex-convict, while the other story was presented in a conservative style newspaper and gave only the facts of the crime. For each case, stories were reported in two different fictional print outlets. There was, in fact, an effect of the PTP, as the participants that read the sensational condition were more likely to convict the defendant than those exposed to the conservative account in both trials (Case 1: Sensational = 67% guilty, Conservative = 37% guilty; Case 2: Sensational = 57% guilty, Conservative = 37% guilty).

This research sparked a wave of interest in the effect of PTP on juror decisions, but several of the early studies of PTP displayed conflicting results. For instance, some researchers found that PTP had no effect on individual juror verdicts (Davis, 1986; Finkelstein, 1985; Riedel, 1993), whereas the results of several other studies suggested that PTP may effect juror decisions (Hoiberg & Stires, 1973; Sue, Smith, & Gilbert, 1974). For example, Moran and Cutler (1991) examined the effects of PTP in two separate studies using survey methods on potential jurors in a district in which a real case involving PTP had occurred. The authors examined 604 potential jurors and found that their knowledge of the case, as a measure of exposure to PTP, was significantly related to their perceptions of the defendant’s guilt.

Because many of the early studies displayed mixed results, researchers began to examine potential moderators. Kramer et al. (1990) investigated the effect of PTP in one of the early flagship studies on the topic. The authors used a highly realistic videotaped reenactment of a real case involving a young man accused of robbing a supermarket of \$10,000 and a sample of 791 mock jurors, 78% of which were recruited from actual jury rolls from a local circuit court. Two types of PTP were manipulated through videotaped news broadcast: factual PTP and emotional PTP. *Factual PTP* contained factual information bearing on the guilt of the defendant, whereas *emotional PTP* contained no factual elements relevant to the case, but rather is likely to arouse an emotional reaction in the general public (Hoiberg & Stires, 1973). The factual PTP contained information about incriminating evidence found by the police, and information about the defendant's prior criminal record. The emotional PTP contained information about a young girl who was seriously injured by a hit and run accident in which the license plate of the car involved matched that of the get-away car used in the robbery. The authors also included a delayed condition in which jurors were exposed to PTP and then served on the jury an average 12 days following the exposure.

Interestingly, individual predeliberation juror verdicts were not significantly affected by the presence of either form of PTP (emotional PTP = 52% guilty, control = 46% guilty, factual PTP = 48% guilty, control = 52% guilty). However, postdeliberation measures revealed a significant effect of emotional PTP on individual juror verdicts, indicating deliberation may increase the effects of emotionally biasing publicity (emotional PTP = 55% guilty, control = 33% guilty). Analysis of the postdeliberation *jury-level* verdicts further suggested that deliberation may exacerbate the effects of

emotional PTP on verdicts. Lastly, longer time delays between publicity exposure and the measurement of verdict preference reduced the biasing effect of the factual PTP, although the effect for emotional PTP persisted despite the time delay (Kramer et al. 1990). The results of the analyses by Kramer et al. (1990) raised many interesting questions about the phenomenon, including the effect of different types of PTP (emotional and factual), jury deliberation, and the delay between exposure to the PTP and rendering a verdict.

Continuing this trend of examining potential moderators of the effect, one study investigated the nature of the PTP manipulation, either real PTP or simulated PTP, on the decisions of jurors (Finkelstein, 1995). There was no significant difference in juror verdict preference between the real and simulated conditions. Furthermore, there was no significant difference between either of these two conditions and the control condition, suggesting no PTP effect. Another moderator examined in early PTP research was the effect of different forms of PTP media on juror decisions (i.e. television or newspaper) (Ogloff & Vidmar, 1994). The effect of PTP on juror verdict preference was greater for the combination condition (both television and newspaper) and the television-alone condition than the print media-alone condition.

Along with examining potential moderators of PTP, early PTP researchers were concerned with improving the methodology under which the phenomenon was studied. In particular, Kramer and Kerr (1989) addressed the issue of external validity. They noted that the existing research on PTP was primarily laboratory simulation research that lacked realism, calling into question the external validity of the findings. Their concern was that PTP researchers were sacrificing external validity in order to gain internal validity in the laboratory setting; however, the effect of PTP found in these laboratory settings may have

been inflated due to the decrease in the realism of the setting. A meta-analysis conducted by Linz and Penrod (1982) on the effects of research methodology in mock jury studies backed up this notion. Their analysis suggested that as research settings became less realistic, the treatment effect (i.e. the PTP effect) on jurors was generally stronger. To directly test this concern, Kramer and Kerr (1989) examined the effect of PTP on long trials versus short trials using 529 participants, and used trial length to manipulate trial complexity. The authors believed that shortening the trial and decreasing its complexity would systematically increase the effect of the PTP, but found that trial length did not impact the effect of PTP. Despite these results, researchers have continued to question the external validity of laboratory-based PTP studies. In fact, some researchers attempted to avoid the external validity issues associated with laboratory simulations through the use of survey methodology in real-world cases (i.e. Moran & Cutler, 1991). Additional research would be necessary in order to determine the impact of the lack of external validity on the effect of PTP.

For the first few decades of research on the effect of PTP, researchers primarily focused on debating if there was an effect of PTP at all. While some studies indicated that there was no effect, the majority of studies found that the presence of PTP impacted juror verdicts. Researchers began to examine potential moderators of the effect in order to explain the differing results; however, many questions regarding the mechanisms under which PTP has an effect remained unanswered.

Stebly et al. (1999) Meta-Analysis

After over 30 years of research on PTP, enough data had been gathered to begin drawing generalizable conclusions regarding the effect of PTP. Steblay, Besirevic, Fulero, and Jimenez-Lorente (1999) undertook this task through the use of meta-analytic techniques. The researchers examined the hypothesis that anti-defendant PTP would increase judgments of defendant guilt. The purpose of the study was to estimate the strength of the effect of PTP on juror decisions, and to examine potential moderators.

Stebly et al. (1999) conducted an electronic database search using PsycLIT in order to establish an initial sample of studies. They also e-mailed prominent PTP researchers in order to obtain additional studies, both published and unpublished. To be included in the meta-analysis, a study must have reported a statistical test of the relationship between anti-defendant PTP and individual assessments of the guilt or innocence of the defendant. The authors found a total of 23 studies, 18 published and 5 unpublished, with a total of 44 effect sizes, adding up to a total of 5,755 subjects. The overall meta-analytic effect size was calculated by first generating Z -scores for the individual studies in the analysis. These Z -scores were then combined to calculate the meta-analytic Z , which was then converted statistically to Pearson's r as the final measure of the effect size.

The authors' primary analysis showed that anti-defendant PTP did, in fact, affect the likelihood of a juror perceiving a defendant as guilty ($r = .16$, $Z = 13.13$, $p < 0.0001$). The mean effect size of the individual studies in the meta-analysis indicated that PTP increased juror perceptions of guilt. Furthermore, the homogeneity of the effect sizes was investigated in order to determine whether or not moderator variables might be operating.

The analysis revealed that the variability of effect sizes around the mean was significantly greater than would be expected due to sampling error, consistent with moderator variables operating ($\chi^2(43) = 409.38, p < .05$).

As the primary analysis results indicated that moderators were operating, Steblay et al. (1999) examined several potential moderators of PTP along with the main effect size: research design, the type of subjects, the time of the verdict, PTP content, reality of the PTP stimulus materials, PTP specificity, PTP medium, type of crime, data source, and control conditions. These moderator analyses produced several notable findings. First, use of survey research designs involving real trials in which PTP was a factor and community members that could serve as possible jurors resulted in a larger effect on juror verdicts than experimental research designs ($r = .39$ vs. $r = .14$). These results suggest that the external validity of simulations studies may in fact be an issue as experimental research designs resulted in significantly weaker effect sizes. More evidence for this conclusion can be seen in the comparison of real PTP, or PTP that came from a real-world case, to fictitious PTP, or PTP that was fabricated for the purpose of the study. Studies in which real PTP was used as the stimulus material resulted in a larger effect size ($r = .29$) than studies that implemented fictitious PTP materials ($r = .12$). Taken together, the results of the moderator analyses show a large amount of variance between the effect sizes. However, Steblay et al. (1999) did not report whether the effect sizes for the different levels of the moderator variables were significantly different, nor did they report any statistics that would indicate whether the moderator variables accounted for the variance in the effect sizes examined above what was explained due to sampling error.

While the meta-analysis by Steblay et al. (1999) was a major step forward in the PTP research, it has some limitations and methodological concerns that should be considered. Overall, Steblay et al. (1999) divided the effects into 47 different categories spread across 11 different potential moderating variables. Of these 47 categories, 33 contained less than 10 effect sizes, and 22 contained less than five effect sizes. Because many of the moderators were split into categories containing so few effect sizes, it is difficult to interpret the results of those moderator analyses. As an example, the authors split the moderator variable of PTP content into 13 different categories, with 10 containing only one effect size, one containing two effect sizes, and one containing 3 effect sizes. The remaining category was listed as “multiple components” and contained 29 effect sizes. It is debatable whether these categories are meaningful to compare as 10 contained no further information than was found in the original studies. Pointing out these methodological issues is not to make the argument that these moderating variables are not meaningful. The purpose is to show that, while the authors took a meaningful first steps towards a greater understanding of PTP, more data is needed in order to obtain precise estimates of the variables that moderate the effect of PTP.

Overall, the results of the Steblay et al. (1999) meta-analysis revealed an overall effect of PTP on verdict preferences. However, there are still some questions left unanswered. Specifically, the meta-analysis also revealed a wide range of effect sizes that were found in the early research on PTP suggesting that there are variables that moderate the effect. However, the meta-analysis was unable to identify what these variables may be. Furthermore, research into the causal mechanisms of PTP is still needed in order to

explain why the effect occurs. Researchers have continued to investigate the effects of PTP since 1999 with particular emphasis on the mediating and moderating mechanisms surrounding the phenomenon.

Post-1999 Research

Since the Steblay et al. (1999) meta-analysis, research on PTP has continued steadily, with at least 26 empirical studies conducted since 2000. Most of this research has examined the potential moderating and mediating mechanisms of PTP, and recent work has begun to examine the proposed judicial remedies for PTP. Researchers have also continued to conduct more realistic research as called for by multiple scholars (Carroll et al., 1986; Linz & Penrod, 1992). In one of the most notable studies conducted since 1999, Kovera (2002) investigated three potential moderators (gender, attitudes toward rape, and media slant) of the effect of PTP on juror decisions, as well as four potential mediators of the relationship (cognitive accessibility of the rape construct, evidence importance, evidence plausibility, and standards of guilt). PTP was manipulated through videotaped news stories about a rape case. The study consisted of 120 participants that were randomly placed into one of three conditions: pro-prosecution, pro-defense, or neutral/no PTP. Participants then read a summary of the facts of a rape case and listed the types of evidence they would need to convict the defendant. The results suggested that mock-jurors exposed to anti-defendant PTP would require less incriminating evidence to convict the defendant. However, it is worth noting that the study did not specifically examine juror verdicts, but rather used a self-report measure of how much evidence the jurors would need in order to convict the defendant guilty. The

author referred to this self-report of how much evidence would be needed as the participant's "*evidence agenda*." In other words, the type of PTP the juror was exposed to would impact participants' evidence agendas, which would in turn impact the final juror verdict as jurors exposed to anti-defendant PTP would require less incriminating evidence at trial to convict. The results suggested the media slant (anti-defendant vs. pro-defendant), and attitudes towards rape significantly moderated the effect of PTP; however, gender did not appear to moderate the effect. Additionally, the presence of PTP was associated with increased cognitive accessibility of the rape construct, altered jurors' views of evidence that was important and plausible, and altered standards by which participants determined the defendant's guilt.

Following the work of Kovera (2002), Ruva and her colleagues have also investigated potential mediators of PTP. Ruva, Guenther, and Yarbrough (2011) specifically examined defendant credibility, juror emotions, and predecisional distortion. Two-hundred and one participants were exposed to a real videotaped trial and written PTP based on actual news coverage of the case. All three variables significantly mediated the effect of PTP on juror verdicts. For example exposure to pro-defendant PTP was associated with increased defendant credibility ratings, increased positive emotional response, and decreased predecisional distortion ratings, which were in turn associated with a lower preference for guilty verdicts.

Researchers have also continued to study potential moderators of the PTP effect, in particular, the slant of the media (Ruva & McEvoy, 2008; Ruva et al. 2011; Ruva & Hudak, 2013). For the purposes of consistency, *slant* will be distinguished here by the terms pro-defendant and anti-defendant. Kovera (2002) found that subjects exposed to

pro-defendant PTP were less likely to render guilty verdicts than those exposed to anti-defendant PTP. In contrast, Ruva and McEvoy (2008) found no difference in terms of defendant culpability between the two groups. A more recent study found that mock jurors exposed to pro-defendant PTP were less likely to find a defendant guilty than those exposed to anti-defendant PTP or those not exposed to any form of PTP (Ruva & Hudak, 2013). However, in the same study, mock jurors exposed to anti-defendant PTP did not differ in guilt ratings from mock jurors that were not exposed to any form of PTP. While there has been less research examining pro-defendant PTP than anti-defendant PTP, it appears that pro-defendant PTP may decrease perceptions of defendant guilt. However, additional research is required to determine the stability of this effect.

While nearly all PTP research has focused on criminal cases, Bornstein, Whisenhunt, Nemeth, and Dunaway (2002) investigated whether there is an effect of PTP in civil cases. Mock jurors exposed to anti-defendant PTP were more likely to find the defendant liable (75%) than those who were not exposed to PTP (46%) and those who were exposed to anti-plaintiff PTP (25%). Another study has also investigated PTP in the context of civil cases (Boccaccini, Mundt, Clark, & John, 2008). While the results indicate that jurors in civil cases are affected by PTP similarly to jurors in criminal cases, more research would be necessary to determine if the PTP effects are equivalent between the two types of cases.

Other research has also continued the work of Kramer et al. (1990) in examining the potentially differing effects of emotional PTP and factual PTP. Honess, Charman, and Levi (2003) investigated these two proposed forms of PTP and found the emotional

PTP was associated with increased perceptions of guilt while factual PTP was not. This is in contrast to previous research on the topic that found both forms of PTP affected jurors' perceptions of guilt (Kramer et al., 1990).

Since the Steblay et al. (1999) meta-analysis, researchers have also further examined some of the remedies to PTP proposed by the American Bar Association (2011). One remedy examined by Shaw and Skolnick (2004) was the effect of training on jurors in the context of PTP where training was defined as the completion of an undergraduate course in psychology and law. Analyses revealed that the trained mock jurors' punishment preferences for the defendant were not significantly affected by PTP, whereas they were for the untrained jurors.

Overall, most of the research that has been conducted since the meta-analysis by Steblay et al. (1999) has focused on mediating and moderating mechanisms of the effect of PTP. While several mediating mechanisms have been proposed, little has been done to integrate these findings into a theory of why PTP influences juror decision. Furthermore, many interesting moderating variables have been examined in recent research on PTP. While many of these moderators have resulted in mixed findings, others, such as the slant of the PTP, the type of case, and the delay between PTP presentation and verdict, may provide some insight into the observed differences in the effect of PTP. Thus, one purpose of this current study is to meta-analytically examine these potential moderators.

CHAPTER 2. CURRENT STUDY

While the meta-analysis conducted by Steblay et al. (1999) was an excellent review of the literature available up to that point, it is by no means the final word on PTP. There are still several unanswered questions regarding the PTP effect, what variables moderate it, and what remedies can be used to lessen its impact on juror decisions. Thus, there are several reasons to extend the work of Steblay et al. (1999) and to conduct a new meta-analysis.

First, considerably more research on the topic of PTP is now available. Since 1999, at least 26 new studies have been conducted. The inclusion of more studies would allow for a more precise estimate of the overall effect of PTP. Further, the previous meta-analysis obtained only eight effect sizes from unpublished studies, which are more likely to contain non-significant results. Due to the advances in technology such as online literature search databases, one can now find studies, both published and unpublished, on particular topics with a greater ease. Because of this, it is likely that some existing studies were missed by the Steblay et al. (1999) search.

Second, the current study will return to the issue of identifying potential variables that moderate the effect of PTP. There are several previously examined moderators that need to be reconsidered because their categories contained a small number of effects. Ideally, the analysis should contain as many effects as possible to draw meaningful

conclusions about the relationship within a category. Categories that contain only one effect provide no more information than the primary study. Because the increase in the total number of studies on PTP will likely yield an increase in the number of effect sizes in each moderator, it would be beneficial to reexamine the categories. Additionally, coding the effects within each moderator into fewer levels might also be beneficial because these broader levels would allow for a greater number of effect sizes in each level.

Third, several new potential moderators of the PTP effect that have been identified and examined since 1999. These variables include media slant (Ruva & McEvoy, 2008), type of case (civil or criminal) (Bornstein et al., 2002), the level of analysis (juror or jury) (Ruva & LeVasseur, 2012), and the dependent variable used (continuous or dichotomous) (Charzanowski, 2006). Due to the increased amount of empirical research on these topics, it is now possible to examine these variables meta-analytically.

Primary Analysis

The purpose of this current study is to reexamine the strength of the PTP effect on juror verdict preference, and to examine potential moderators of the relationship in an attempt to explain variance in the effect sizes for the primary studies. This study will also better incorporate theory into the PTP literature, and uses an explicit theoretical framework as the basis for its hypotheses (see Figure 1). In general it is hypothesized that pretrial publicity about a case will be associated with increased perceptions of defendant culpability, but it is predicted that the direction of this association will depend upon the

nature of the publicity, such that pro-defendant PTP will be associated with decreased perceptions of defendant guilt while anti-defendant PTP will be associated with increased perceptions of defendant guilt. Thus, most generally:

H1: Exposure to pro-defendant PTP will be associated with decreased perceptions of defendant guilt

H2: Exposure to anti-defendant PTP will be associated with increased perception of defendant guilt.

It is also predicted that the variability of effect sizes for the primary analysis of pretrial publicity will be greater than would be expected due to sampling error, and thus that moderator variables will likely be operating. The following section presents a brief discussion of each hypothesized moderator, as well as the hypothesized effect each moderator is expected to have. Note that the moderator analyses will only be conducted for anti-defendant PTP at the individual level as the vast majority of research on the effects of PTP has involved this form of PTP.

Moderator Analysis

Several variables examined by Steblay et al. (1999) will be reexamined due to their theoretical and methodological importance. However, in many cases the categories within these moderator variables will be collapsed to ensure an adequate number of effect sizes per level. While variation in the observed effect sizes in primary-level studies due to variation in the study methodology may not be theoretically interesting, methodological

differences may affect the observed effect of PTP in primary studies. Thus, we will examine several methodological variables and several theory-driven variables in an effort to explain the variance in the PTP effect sizes.

Data source. The potential for publication bias has long been acknowledged by meta-analytic researchers (Rothstein, Sutton, & Bornstein, 2005). In general, the concern is that research that produces significant results with larger effects will be more likely to be published, and published research is much easier to find than unpublished research. Therefore, the exclusion of relevant unpublished studies would likely bias the observed meta-analytic effect, increasing the magnitude. Additionally, the analysis by Steblay and her colleagues (1999) provides support for the idea that published studies will result in larger effects of PTP than unpublished studies ($r = .18$ vs $.09$). Thus:

H3: Published studies will display a stronger effect of PTP than unpublished studies.

Nature of Control Condition. One major methodological variable in the empirical research on PTP is the kind of information given to the control condition. The types of information given to control conditions in existing PTP research include no information of any kind, no case knowledge reported (in survey research involving a real case), a neutral news story unrelated to crime, a news story about an unrelated crime, and a fact-based, case-related news story regarding the focal crime. Logically, the amount and relevance of the information presented to the control condition should have an impact of the verdict preferences of participants in the control condition, thus impacting the size of the observable effect. Thus:

H4: The effect of PTP will be moderated by the type of control condition utilized in the study such that the observed impact of PTP on juror perceptions of defendant culpability will be the smallest when control participants are presented with a fact-based, case-related news story. Additionally, the observed impact of PTP should increase in the following order based on the information provided to control group participants: a news story about an unrelated crime, a neutral news story unrelated to crime, no reported case knowledge. The impact of PTP will be the greatest when participants in the control condition are given no information.

Reality of Case. Previous research on PTP has generally used one of three types of cases: fictitious cases, altered real cases, and unaltered real cases. Fictitious cases are cases that are made up for the sole purpose of research and never actually occurred in the real world. Altered real cases are those that occurred in the real world, but the facts and evidence of the case were modified significantly for the purposes of research. These cases were most likely altered in order to obtain a desirable baseline conviction rate near 50%. Unaltered real cases are those that occurred in the real world, and for the purposes of research, the basic evidence and factual information regarding the case remained unchanged. However, these cases may have been edited for length or format. It is hypothesized that the more a case is edited for the purposes of research, the less realistic it will seem to the jurors in the study, and thus the PTP associated with highly edited cases will be less salient. The more salient the associated PTP, the more readily available it will be in the memory of the participants, and thus it will be more likely to be

incorporated into their protostories of what occurred, making the effect of PTP strongest for unaltered real cases, followed by altered real cases, with the effect being weakest for fictitious cases. Thus:

H5: Unaltered real cases will display a stronger effect of PTP on perceptions of guilt than altered real cases, which will display a stronger effect than fictitious cases.

Outcome Measure. Existing research on PTP has utilized two major types of outcome variables: a dichotomous guilty/not guilty choice or a continuous rating of guilt. The dichotomous measure has greater external validity and is closer to the decision with which jurors are presented in the real world. However, this greater external validity comes with the sacrifice of sensitivity in the measurement of the effect of PTP. In order to choose a verdict of guilty, a juror must believe the defendant is guilty beyond a reasonable doubt. While the PTP in the case may have had some impact on the juror's belief in the defendant's guilt, if there is still any non-trivial doubt remaining, then the juror should still choose "not guilty." The impact of the PTP would have been apparent if measured by the more sensitive continuous scale of guilt perception, but would be lost with coarser dichotomous measures. Thus:

H6: The observed impact of PTP on perceptions of guilt will be greater when the outcome is a continuous guilt rating than when it is a dichotomous choice (i.e. guilty/not guilty).

PTP Medium. In real-world cases, the medium in which PTP is presented to potential jurors can take many forms, such as broadcast news media, print news media, and sensationalistic tabloids. Empirical research has typically involved the presentation

of PTP in two forms: print and audio/video. It is hypothesized that the graphic presentation of information that can occur in the audio/video medium will be more salient to jurors, and this saliency will increase the likelihood that the PTP will be included in the protostory jurors formulate. Thus:

H7: PTP presented in the audio/video medium will have a stronger impact on perceptions of guilt than PTP presented in the print medium.

Type of Crime. Another potential moderator of the effect of PTP on juror perceptions of guilt is the type of crime. It is hypothesized that PTP regarding cases that involve violent crimes will have a greater effect on juror perceptions of guilt than non-violent crimes because the information associated with violent crimes will be more salient to the jurors, and therefore more readily accessible in their memory. For instance, violent crimes will be more likely to involve pictures of mutilated bodies or graphic descriptions of the crimes, which will be easier for the jurors to recall. The salient information will be more likely to be retained in the jurors' memory, and therefore more likely to be included in the jurors' protostories used to make a decision in the case. The type of the crime will be operationally defined by three levels: murder, sex crime, and theft.

H8: Violent crimes will result in a larger effect of PTP than non-violent crimes, such that crimes involving murder will have the largest effect, followed by sex crimes, with theft displaying the smallest effect.

Level of Analysis. As PTP serves to increase the likelihood that jurors will perceive a defendant as guilty, it is more likely that the majority of jurors serving on a jury will favor a guilty verdict. Jurors will discuss all of the information available to them

during the deliberation process, including any information from PTP. The PTP information will likely be included in these conversations due to source monitoring errors impacting at least some of the jurors. As this information is discussed, source monitoring errors will make it more likely for jurors that had not previously used the PTP information in their stories to incorporate the PTP. Thus, the discussion during the deliberation process creates another opportunity for the information from PTP to enter into the story of those jurors that hadn't previously used the information, making it more likely for them to favor a guilty verdict. Thus:

H9: PTP will have a stronger effect on jury verdicts than individual juror verdict preferences.

Time Delay. Continuances have also been proposed to reduce the effect of PTP on trials. The logic behind a continuance is that once the publicity of a case passes, potential jurors may over time forget any potential prejudicial information they were exposed to via media coverage. However, meta-analytic results suggest that delays in time between exposure to publicity and rendering a verdict may actually serve to increase the effect of the PTP (Stebly et al. 1999). Yet, much of the empirical research on time delays has utilized unrealistically short delays. It would be expected that in longer time delays, the effect of PTP on juror verdicts will be reduced.

H10: Time Delay will reduce the prejudicial effect of PTP on juror verdicts compared to trials occurring immediately following PTP exposure.

CHAPTER 3. METHOD

Literature Search

In early 2011, a search of two large electronic databases, PsychInfo and ProQuest, resulted in an initial sample of studies relevant to pretrial publicity. The search terms “pretrial publicity,” “pre-trial publicity,” “PTP,” and “prejudicial publicity” were used to search each database. The PsychInfo search resulted in an initial set of 69 publications between 1976 and 2011. The ProQuest database resulted in a set of 1376 publications between 1953 and 2011. However, there was likely some redundancy in the publications found in each search. Despite any potential redundancies, a total of at least 1376 publications on PTP between 1953 and 2011 were found. Of these, 607 publications were excluded from further consideration because they were newspaper articles, book chapters, or literature reviews. The titles and abstracts of the remaining publications were reviewed in order to screen-out any additional reviews, text-book chapters, non-academic publications, or any other publication that did not contain a statistical test for the relationship between PTP and juror perceptions of guilt. Any publication in which it was not immediately clear whether there was a statistical test of the relationship, based on a review of the abstract, was retained for further inspection. This initial screening resulted in a set of 204 potentially usable studies published between 1966 and 2011. The methods and results sections of the remaining publications were then reviewed to identify

articles that did not include a statistical effect of PTP on juror decisions. This resulted in 94 studies that were potentially usable. These 94 remaining studies were then fully reviewed to determine if they qualified for inclusion.

Following the electronic search, an ancestral search of publications after 1999 was conducted by examining the references of recent literature reviews, dissertations, and text-book chapters on the topic of PTP (i.e. Kovera & Greathouse, 2008; Ruva, 2010; Chrzanowski, 2006; Daftary-Kapur, 2009; Spano, Groscup, Penrod, 2011). This ancestral search produced six additional studies that potentially could be included in the meta-analysis database. Next, a manual search was conducted of two journals in which PTP research is commonly published. Every article in every issue of *Law and Human Behavior* and *Journal of Applied Social Psychology* was examined beginning in the year 1999. For this search phase, the titles were scanned for any term relevant to pretrial publicity (i.e. prejudicial publicity, media, prejudicial distortion, juror bias, pretrial publicity, and PTP). This resulted in no further studies to add to the meta-analytic database as all of the relevant pretrial publicity studies found using this search method had already been identified through one of the preceding methods. Next, five researchers with multiple publications in the area of PTP (Christina Studebaker, Steven Penrod, Christine Ruva, Brian Cutler, and Kym Clow) were contacted via e-mail in an attempt to obtain from them any published or unpublished data not yet obtained. These researchers were able to contribute two additional unpublished studies (one is in press) and two student dissertations to add to the database. Lastly, the 2011 APLS conference program was searched for any studies or presentation on PTP that contained usable data, and the lead authors of these presentations were contacted by email. This resulted in three more

potentially usable empirical studies. Finally, the UMI dissertation and theses database was electronically searched, resulting in six additional dissertations that could potentially be used. The overall literature search resulted in 113 potentially usable publications that warranted in-depth review. The entire literature search process is graphically shown in Figure 2.

Inclusion and Exclusion Criteria

In order to be included in the current meta-analysis, a study must have reported the sample size (n), and a statistical test of the relationship between pretrial publicity and juror (individual level) verdict preferences or jury (group level) verdicts. These statistical relationships must have been reported in a form that could be converted to the r -statistic (i.e. d , t , z , f with $df = 1$, χ^2 with $df = 1$, cell counts). Usable studies could have involved either pro-defendant PTP or anti-defendant PTP, but if the study included both types of PTP, the data must have been reported separately. If a study used a continuous scale and included a midpoint indicating that the participant has no preference, subjects endorsing the midpoint were excluded from the study. If it was not possible to exclude the participants endorsing the midpoint, sensitivity analysis was run in which the meta-analysis was run both with and without the study in question in order to see if there is a difference in results. In the event that a study included both dichotomous and continuous outcome variables, the effect associated with the dichotomous outcome variable was used in the meta-analysis.

Based on these criteria, 98 total effects representing the relationship between pretrial publicity and defendant culpability were included in the final database. Of these

98, pro-defendant PTP was examined in 13 effects, and anti-defendant PTP was examined in 85 of the effects. Twelve of the 85 effects representing the impact of anti-defendant PTP were derived from studies with questionable methodology in which it was unclear if the participants were exposed to a trial stimulus (see Table 2). In the typical study examining PTP, participants are first exposed to PTP or some type of control condition (Part A). Second, participants are exposed to a trial stimulus, such as a summary of the factual case evidence or a trial transcript (Part B). Third, they are asked for a verdict preference (Part C). In these 12, it was unclear if Part B occurred, and due to this ambiguity, the meta-analysis was run once including the 12 effects and once excluding the 12 effects.

Moderator Variable Coding

All usable studies within the sample were coded for the methodological and theoretical variables mentioned above. Specifically, coded for the *publicity valence* (pro-defendant v. anti-defendant), *data source* (published v. unpublished), *nature of the control condition* (no story v. no case knowledge v. neutral news story v. unrelated crime story v. fact-based case-related story), *level of analysis* (juror v. jury), *reality of the case* (fictitious case v. altered real case v. unaltered real case), *outcome measure* (dichotomous v. pseudo-continuous), *PTP medium* (audio/video v. print), *type of crime* (murder v. sex crime v. theft), and *delay following presentation of PTP* (no delay v. less than one week v. one week or more). Ideally, we wanted to examine several of the proposed judicial

remedies, including voir dire, judicial instruction, and change of venue motions; however, there was not enough primary level research on these remedies to support the use of meta-analytic techniques.

Analyses

All meta-analytic statistical analyses were conducted using the computer program *Comprehensive Meta-Analysis V2 (CMA2)*. CMA2 is a statistical program specifically designed to conduct meta-analyses, and set up like a typical spreadsheet. One of the benefits of the program is that it allows for the entry of effect sizes in multiple formats (i.e. Pearson's r -statistic, Cohen's d -statistic, standard deviations and means, etc). CMA2 converts the meta-analytic effect size into the desired statistic (i.e. Pearson's r) without requiring the user to manually calculate all of the effect sizes in the database to the same format. Another benefit of CMA2 is that it allows for the entry of multiple effect sizes per study. CMA2 will also automatically compute the effect size, 95% confidence interval, standardized z -value, and the p -value of each study. Furthermore, the program will compute statistical tests of effect-size heterogeneity within the sample of studies (the Q -statistic).

While CMA2 was the statistical software that was used to test the hypotheses, Hunter and Schmidt's (1990) meta-analytic procedure was used to drive the decisions made throughout the analyses. A random-effects model was used as the impact of PTP was predicted to be moderated by one or more variables. As per Hunter and Schmidt's (1990) methodology, CMA2 was used to calculate the sample-weighted average correlation (r) in order to determine the population mean correlation. Hunter and Schmidt

(1990) recommend correcting for unreliability in both the independent and dependent variables in order to calculate the population mean. However, due to the nature of the independent variables used in the primary studies in this analysis, it is inappropriate to correct for unreliability because the independent variable is the presence of PTP. In other words, a sample was either exposed to the PTP or not exposed to the PTP, in which case the level of the independent variable is certain. Additionally, it was not possible to correct for unreliability in the dependent variable of verdict preference due its nature. Typically, researchers do not check for the reliability of the verdict preference, so there is no data available to use to correct for unreliability.

As the '75% rule' typically associated with the Hunter and Schmidt (1990) methodology utilizes an arbitrary cutoff point, we also had CMA2 calculate the Q statistic. The Q statistic is generally not associated with the Hunter and Schmidt (1990) meta-analysis methodology, but it is widely accepted and provides another index regarding whether moderators are operating (Higgins & Thompson, 2002). This statistic assesses whether the effect sizes within the distribution of a meta-analysis are likely drawn from the same (i.e. one) population. If the effect sizes appear to be drawn from one population, then the variation in the effect sizes is attributable to sampling error. The Q statistic uses the chi-square distribution in order to test the null hypothesis that the effect sizes do indeed come from one population and the observed variance in the effect sizes is due to sampling error. Thus, a significant Q statistic indicates that the variance in the effect size is greater than what would be expected by solely sampling error, and thus one or more moderator variables may be operating.

CHAPTER 4. RESULTS

In all, 98 effects related to PTP were used to test the hypotheses proposed above. See Table 1 for a list of all of the studies examined and the effect size associated with each. Overall, with all studies included, there was a positive correlation between the presence of PTP and perceptions of guilt by jurors and juries ($r = .149$, $p < .001$). In other words, in the presence of PTP, jurors and juries were more likely to perceive the defendant as being guilty. However, this result is difficult to interpret. As can be seen in Table 1, of the 98 studies examined, 13 studies examined the impact of pro-defendant PTP, while 85 studies examined the effect of anti-defendant PTP. Thus, the overall analysis including all 98 effects involves studies that are logically compatible. As a result, two separate primary analyses were run: one for the effects of pro-defendant PTP, and one for the impact of anti-defendant PTP.

Primary Analyses

Pro-defendant PTP. The meta-analysis of pro-defendant PTP indicated a weak, negative correlation between pro-defendant PTP and juror perceptions of guilt ($r = -.143$, $p = .007$). Hypothesis 1 is thus supported by the results. Additionally, the fail-safe N value suggests it would take an additional 55 studies with a mean effect of zero to change the result of this meta-analysis to non-significant. To ensure that no single, outlying

effect was exhibiting a large impact on the results, the meta-analysis was re-run 13 times with each effect iteratively removed. When this was done, the point estimate of the effect of pro-defendant PTP was the strongest when one effect of the Charzanowski (2006) study was removed ($r = -.158, p < .001$). The point estimate of the meta-analytic effect was the weakest when a single effect from the Ruva et al. (2001) study was removed ($r = -.076, p = .015$). Thus, the results remained significant suggesting a moderate impact of pro-defendant PTP on perceptions of defendant culpability regardless of the presence of outliers in the database. Tests of homogeneity also indicated substantial variability across the 13 studies ($Q = 35.022, p < .001$). This suggests there may be additional moderating variables that impact the effect of pro-defendant PTP on jurors' perceptions of guilt. Unfortunately, due to the relatively small number of studies examining the impact of pro-defendant PTP, there were insufficient data to investigate these potential moderators in the current study.

Anti-defendant PTP. The analysis of the remaining 85 studies examining the impact of anti-defendant PTP indicated a modest, positive correlation between anti-defendant PTP and perceptions of defendant guilt ($r = 0.193, p < .001$). In other words, after exposure to anti-defendant PTP, the defendant was more likely to be viewed as culpable. These results thus support Hypothesis 2. To examine the impact of outlier effects in the database, the meta-analysis was re-run iteratively with each effect removed one at a time. The largest point estimate of the effect of anti-defendant PTP was observed when the effect from the Kerr et al. (1990) study was excluded ($r = .212, p < .001$). The weakest point estimate of the meta-analytic effect was observed when the effect number two of the Constantini & King (1980-81) study was excluded ($r = .179, p < .001$). These

results suggest that the impact of any outlying effects was relatively small, and that the relationship between anti-defendant PTP and perceptions of culpability remained modest regardless of their presence in the analysis. Additionally, the fail-safe N analysis indicated that it would take an additional 6,628 studies with a mean effect of zero to change the result of this meta-analysis to non-significant. As anticipated, Q-tests of homogeneity were statistically significant, indicating that more variability was observed than would be expected due to ($Q = 351.452, p < .001$). As hypothesized, this suggests there are variables moderating the effect of anti-defendant PTP and contributing to the variability of effects observed in the dataset.

However, one methodological consideration with this analysis is a subset of 12 studies that did not include a trial stimulus as a part the study. As mentioned previously, a few studies included no trial stimulus as part of the methodology, forcing participants to make a judgment about the defendant's guilt *without any information about the case of than the information in the PTP*. Thus, in these studies, the only information available to participants in the experimental group was the PTP itself while there may have been no information at all available to participants in the control group. Logically, these studies should display a strong effect of PTP, and inflate the results of the anti-defendant PTP meta-analysis somewhat. Therefore, the anti-defendant PTP analysis was re-run without these studies. A list of these studies can be seen in Table 2.

After removal of the 12 studies without a trial stimulus, the effect size for the analysis of anti-defendant PTP was slightly weaker, revealing that there is a modest, positive correlation between the presence of anti-defendant PTP and perception of defendant guilt ($r = .167, p < .001$). The fail-safe N test suggested an additional 3,328

studies with a mean effect of $r = .000$ would be required in order to make correlation non-significant. To test for the impact of individual outlier studies, the analysis was re-run iteratively with each individual effect in the analysis removed one at a time. The effect remained relatively stable when this was done. The point estimate of the effect of anti-defendant PTP was the strongest when an effect from the Finkelstein (1994) study was excluded from the analysis ($r = .171, p < .001$), and weakest when the Ruva et al. (2007) effect was excluded ($r = .160, p < .001$). Tests of homogeneity were statistically significant, indicating that greater variability than would be expected due to chance exists within the dataset ($Q = 189.309, p < .001$). In other words, despite the removal of the 12 studies of methodological concern, there are likely other variables acting as moderators of the effect of anti-defendant PTP on perception of defendant guilt.

Moderators

In order to analyze a homogeneous set of studies, all moderator analyses excluded the 12 anti-defendant PTP studies that did not include trial stimuli as part of the methodology. This resulted in a set of 73 anti-defendant PTP effects to use in the moderator analyses. In addition, nine jury-level studies were examined as part of the level of analysis moderator. However, for all moderator analyses other than the level of analysis moderator variable, the jury-level studies were excluded, resulting in a final set of 64 individual level, anti-defendant PTP effects used to examine the potential moderator variables. The results of all moderator analyses are shown in Table 3. In order for the levels of each moderator to be considered statistically significantly different, there must be no overlap in the confidence intervals of each level.

Level of analysis. As expected, anti-defendant PTP exhibited a positive correlation with perceptions of guilt at both the individual juror and group jury levels. In support of the hypothesis, anti-defendant PTP had a greater impact on perceptions of guilt at the jury level ($r = .29, p = .002$) than at the juror level ($r = .162, p < .001$).

Type of Crime. As hypothesized, cases featuring violent crimes exhibited stronger correlations between PTP and perceptions of defendant guilt. Specifically, studies examining the impact of PTP in murder cases exhibited a moderate, positive correlation between anti-defendant PTP and perceptions of defendant guilt ($r = .252, p < .001$). The results also revealed a weak, positive relationship between PTP and perceptions of defendant guilt in cases involving a sex crime ($r = .106, p = .008$). The relationship between PTP and perceptions of defendant guilt was non-significant in cases involving theft ($r = .042, p = .298$). Interestingly, the type of case that exhibited the strongest relationship between anti-defendant PTP was not a crime. Studies examining the impact of PTP on juror perceptions of liability in civil cases exhibited the strongest correlation ($r = .272, p < .001$). In other words, there was a moderate, positive correlation between anti-defendant PTP and perceptions of defendant liability in civil cases. However, the studies examining PTP in civil cases that were included in this analysis were very heterogeneous and thus these results are difficult to interpret.

Time delay. The relationship between anti-defendant PTP and perceptions of defendant culpability also varied by the length of delay following the presentation of the PTP. There was a modest, positive correlation between PTP and perception of defendant guilt with no delay following the presentation of PTP ($r = .144, p < .001$). With a delay of less than one week after the presentation of anti-defendant PTP, the relationship between

PTP and perceptions of defendant guilt was strongest ($r = .259, p < .001$). There was a modest, positive correlation between PTP and perceptions of defendant guilt in studies with a delay of one week or more ($r = .148, p < .001$). In other words, as hypothesized, the relationship between PTP and perceptions of defendant guilt was strongest when the delay was shorter. However, contrary to the hypothesis, the smallest correlation existed when there was no delay between the presentation of PTP and the solicitation of perceptions of defendant guilt.

Control condition. The type of control condition used in the studies had an impact on the observed relationship between PTP and perceptions of defendant guilt. Studies in which the control condition received no media produced a modest, positive correlation ($r = .181, p = .028$). While it was expected that studies with control conditions including no additional information of any kind would exhibit the strongest relationship, the strongest correlation between PTP and perceptions of guilt resulted when the control condition featured individuals without any case knowledge ($r = .267, p < .001$). In other words, the correlation was the strongest in studies involving a real case where participants with no knowledge of the case served as the control condition. Studies where control-condition participants read an unrelated crime story also exhibited a moderate relationship between PTP and perceptions of guilt ($r = .237, p < .001$). Unexpectedly, studies in which control-condition participants received information unrelated to the case or crime yielded no significant correlation between PTP and perceptions of guilt ($r = .046, p = .356$). Additionally, when control condition received basic information regarding the case at hand, there was unexpectedly a weaker relationship between PTP and perceptions of guilt ($r = .131, p < .001$). Thus, three types of control conditions (no

information, unrelated crime stories, and lack of case knowledge) resulted in stronger correlations than providing basic factual case information, and one type of control condition (information unrelated to the case or crime) resulted in a weaker correlation.

PTP medium. The medium in which the PTP is presented had an impact on the observed effect of anti-defendant PTP, with the effect being weaker in studies where the PTP was presented in the form of audio/video rather than in print ($r = .095$, $p = .046$; $r = .163$, $p < .001$, respectively). These results were contrary to the hypothesis that the effect would be stronger when PTP was presented via the audio/video medium.

Reality of case. The reality of the case used in the study had an impact on the observed effect of anti-defendant PTP. The strongest effect was observed when studies utilized an unaltered real case ($r = .218$, $p < .001$), whereas the observed effect of PTP on juror perceptions of guilt was not significant for studies in which an altered real case was used ($r = .037$, $p = .244$). Lastly, there was a weak, positive correlation between PTP and juror perceptions of guilt for fake cases ($r = .076$, $p = .039$). These results partially support the hypothesis as unaltered real cases elicited the strongest relationship. However, contrary to what was expected, the weakest relationship was revealed using altered real cases.

Data source. In testing for the impact of publication bias, the observed effect of anti-defendant PTP on juror perceptions of guilt varied according to the source of the study. In essence, as hypothesized, the observed effect of PTP was stronger for published studies ($r = .214$, $p < .001$) than unpublished studies ($r = .104$, $p < .001$).

Outcome measure. There were differences in the observed effect of anti-defendant PTP on juror perceptions of defendant culpability based on the type of

outcome measure used in studies. In studies utilizing a dichotomous outcome variables (i.e. guilty vs not guilty), the observed meta-analytic effect was modest and positive ($r = .160$, $p < .001$). In studies utilizing some form of continuous outcome variable (e.g., guilt on a scale of 1 to 10), the observed meta-analytic effect was slightly stronger ($r = .185$, $p = .005$). This finding is therefore inconsistent with the hypothesis. However, it is worth noting that due to the small number of studies using a continuous outcome variable, there is an increased chance that the observed impact of may simply be due to sampling error.

CHAPTER 5. DISCUSSION

Overall, the analyses support several conclusions. First, as predicted, the results suggest that anti-defendant PTP increases perceptions of defendant guilt. Second, as hypothesized, in the presence of pro-defendant PTP, perceptions of defendant guilt are lower. Third, the effect of anti-defendant PTP is likely to be moderated by one or more variables such as the level of the analysis, the valence of the PTP, and the type of crime. These results, make new contributions to the literature and reinforce several past findings in the literature on PTP.

Contributions to Literature

The first contribution of this present study is the confirmation of a robust effect of anti-defendant PTP on perceptions of guilt. While this finding is not new, the present study, utilizing a sample of 73 effects representing 9,637 participants, provides overwhelming meta-analytic evidence that a modest positive relationship does exist. Additionally, this large database allows fairly precise estimation of the strength of the effect at $r = .167$. In other words, assuming an average conviction rate of 50%, according to the Binomial Effect Size Display, we can expect a conviction rate of approximately 58% in the presence of anti-defendant PTP (Randolph & Edmondson, 2005).

A second contribution of the present study is that it provides an initial point estimate of the impact of anti-defendant PTP at the jury level. Not surprisingly, the point estimate of the impact on individual juror perceptions of guilt, $r = .162$, was similar to the overall estimate of the impact of anti-defendant PTP as juror level samples were the most prevalent in the dataset. Notably, however, the impact of anti-defendant PTP on jury decisions regarding guilt was much stronger ($r = .297$). These results suggest the effect of PTP may be amplified by the deliberation process. However, due to the relatively small number of effects in the dataset (i.e., nine), the large variability in the size of those effects, and the relatively wide 95% confidence interval for the observed meta-analytic effect, the difference in the impact compared to juror-level effects was not statistically significant, and additional research is necessary to establish the stability of the effect.

Another contribution of the present study to the existing literature is the first meta-analytic examination of the impact of pro-defendant PTP. Steblay et al. (1999) were unable to examine this form of PTP in their meta-analysis because there was relatively little research on the topic at the time of their study. Our results suggest pro-defendant PTP has a significant effect on perceptions of guilt in that in the presence of pro-defendant PTP, jurors are more likely to perceive a defendant as not guilty. These results are consistent with theory regarding the impact of PTP on perceptions of guilt as they suggest the effect of PTP works both ways. Specifically, pro-defendant PTP may impact the formation of the protostories of the jurors, just as anti-defendant PTP appears to do so.

These results from the overall analyses, support the theory that the direction of the relationship between PTP and perceptions of defendant guilt depends on the valence of

the PTP. However, the impact of pro-defendant PTP on perceptions of guilt was estimated to be slightly weaker than the impact of anti-defendant PTP. Assuming the this difference is real, according to the Binomial Effect Size Display, we can expect a conviction rate of approximately 58% in the presence of anti-defendant PTP and a conviction rate of 43% in the presence of pro-defendant PTP (Randolph & Edmondson, 2005). In other words, we could expect a 15 percentage point difference in conviction rates based purely on the valence of the PTP associated with a case.

With regards to causality, these results are consistent with a causal relationship between PTP and perceptions of guilt, but meta-analytic correlations are not immune to issues of a spurious correlation. However, nearly all manipulated studies involving PTP control all of the variables other than the PTP itself. Therefore, it is unlikely that the alternative explanation of spurious correlation fully explains the observed impact of PTP on perceptions of guilt. Additional research would be required to rule out all alternative explanations in order to conclude that there is a causal relationship between PTP and perceptions of defendant guilt.

In addition to the primary analyses discussed above, this study yielded several moderator analyses that contribute to the literature on PTP. Overall, seven moderator variables were examined in the context of anti-defendant PTP at the juror level. The results yielded varying degrees of support for each of the hypotheses associated with these moderators. As hypothesized, type of crime in question moderated the effect of anti-defendant PTP. As the severity of the crime in question increases, the subsequent effect of the PTP on juror perceptions of guilt also increases (Theft: $r = .042$, Sex crime: $r = .106$, Murder: $r = .252$). Furthermore, the less severe crimes involving theft did not

display a significant impact of PTP on juror perceptions. However, only the impact of PTP in murder trials was statistically significantly different from the impact on theft and sex crime trials. Trials involving theft and sex crimes did not differ significantly. Still, these results provide some support the notion that the more violent and severe the crime, the more salient the details are to the jurors and the more impactful is any PTP for the case. The salient details are thus more readily available in the jurors' memories and would therefore be more likely to be included in the story they create regarding the events of the case, creating a story that supports the perception of guilt. However, perceptual salience was not measured or coded in the present study, so additional research would be necessary to confirm this hypothesis. Nevertheless, the results suggest that the impact of PTP may increase with the severity of the crime in question.

However, contrary to what was hypothesized, civil cases yielded the strongest observed meta-analytic effect on juror perceptions of defendant liability ($r = .272$). These results do not align with the hypothesis that the severity of the crime is associated with an increase of the impact of PTP on juror perceptions because most of the civil cases included in the analysis would be considered less severe than nearly any criminal case. Additionally, there is a considerable amount of heterogeneity within the civil cases included in the meta-analysis and a relatively small sample of civil-case effects included in the meta-analysis. Thus, the large observed impact of anti-defendant PTP on civil cases may simply be due to sampling error. Additionally, the 95% CI for the impact of PTP in civil cases was rather large, and the impact was not statistically significantly different from that of cases involving sex crimes or murder. Despite the lack of a statistically significant difference, one possible explanation for the larger observed effect

size is that the standard of proof in a civil case is lower than that of criminal cases. In criminal cases jurors should only vote for a guilty verdict if they believe the defendant is guilty “beyond a reasonable doubt.” However, in a civil case, the plaintiff only has to prove his or her case by a “preponderance of the evidence.” Thus, much more evidence is required in order to find a defendant guilty in a criminal case than to find a defendant liable in a civil case.

The delay between the presentation of PTP and the collection of juror perceptions of guilt also warrants further attention. Theoretically, delay would seem likely to be a strong moderating variable of the impact of PTP on juror perceptions of guilt because potential jurors would forget about the information from the PTP during the time delay. Yet results of the current meta-analysis do not support that hypothesis in that there was virtually no difference in the impact of PTP regardless of the delay (No delay: $r = .144$, One week or more delay: $r = .148$). Curiously, the results did indicate that the effect of PTP was stronger when the delay was less than one week ($r = .259$). However, due to the relatively small sample of studies utilizing a delay of less than one week, these results did not reach the level of statistical significance. It is also worth noting that even the longest delays found in the empirical literature are no more than a few weeks, which is much shorter than the delays found in many real-world situations. Thus, a delay between the presentation of PTP and the collection of juror perceptions may have little to no modification of the impact of PTP in mock juror studies.

The medium in which the PTP is presented to jurors may impact the effect of PTP on juror perceptions of guilt as well. It appears that the presentation of PTP in an audio/video format may decrease the effect of PTP (Audio/Video: $r = .095$, Print: $r =$

.163). This difference could be explained by the extent to which the PTP appears to be authentic in a controlled study using an artificially constructed PTP stimulus. It would be easier to create an artificial PTP stimulus using print media as the PTP would not require any sort of staging or acting. Conversely, it may be more difficult to create a realistic appear PTP stimulus using audio/video media. Thus, the extent to which the audio/video PTP appears to be artificial may decrease the impact of the PTP. However, it is possible that the variation in the impact of PTP between audio/video PTP presentation and print PTP presentation may simply be due to sampling error as there were relatively few studies (i.e., six) included in the audio/video condition, and the difference failed to reach the level of statistical significance.

One methodological moderator variable that warrants further examination is the control condition utilized when examining the impact of PTP. There was a wide degree of variability in the observed effect of anti-defendant PTP on juror perceptions of guilt across the various control conditions. While it is difficult to interpret the pattern of observed effects, the type of control condition used appears to have an effect on the ultimate outcome of the study. It may be that the more case-related information provided to the participants in the control condition, the lesser the observed effect. Those studies where the participants in the control condition receive fact-based, case-related information displayed statistically significantly smaller effects of PTP than did studies where participants in the control condition had no additional case knowledge. For that reason, care should be taken when determining the type of control condition used to ensure that it aligns with the study design that is chosen.

In one final contribution of the current study, the results clearly support the existence of a publication bias such that published studies yielded a statistically significantly stronger observed meta-analytic effect than unpublished studies ($r = .214$ v. $r = .104$). These results provide further evidence that care must be taken when conducting a meta-analysis to ensure that all possible unpublished studies are included in the dataset.

Comparison to Steblay et al. (1999)

Despite the differences in the databases between the present study and the Steblay et al. (1999) meta-analysis, the observed meta-analytic effect of PTP on perceptions of guilt remained fairly stable. In comparing the present study to the Steblay et al. (1999) meta-analysis on the impact of PTP, it is important to note that many new empirical studies were found, including 26 new studies with 48 effects conducted in 1999 or afterwards. Additionally, the present study included 14 studies contributing 27 effect sizes that were conducted prior to 1999 but not included in the Steblay, et al. (1999) analysis. In total, the present study included 40 new studies and 75 additional effects. The remaining 13 studies in the present database, representing 23 effect sizes, were also included in the Steblay et al. (1999) analysis.

On the other hand, it is worth noting that the Steblay et al. (1999) meta-analysis also included several studies that were not included in the present analysis for various reasons. In all, eight studies, representing 17 effect sizes, were included in the Steblay et al. (1999) analysis but excluded from the present analysis. These studies were excluded because they either failed to meet one of the inclusion criteria, or because they were unable to be found. For example, Steblay and her colleagues (1999) included studies in

which the perception of guilt was collected *prior* to the trial stimulus being delivered. Steblay et al. (1999) included these studies in a moderator category for the time of the verdict in order to separate out the effect. We removed studies that excluded the trial stimulus because we did not feel it pre-trial verdicts constituted an appropriate test of the relationship between PTP and perceptions of guilt. However, when a sensitivity analysis was run with these studies included in the present analysis, a slightly larger effect of PTP was observed than was found in the Steblay et al. (1999) analysis ($r = .193$ vs $r = .16$). When these studies were excluded from the present analysis, the observed meta-analytic effects of anti-defendant PTP on perceptions of guilt between the present study and the Steblay et al. (1999) analysis were essentially equal. Taken together, these results seem to indicate that the observed effect of anti-defendant PTP remains fairly consistent despite the inclusion and exclusion criteria used within the analysis. The similar effect of the anti-defendant PTP effects found in both meta-analyses is instructive for two reasons. First, despite major differences in the studies included in each, the observed meta-analytic impact of anti-defendant PTP was very stable. Second, these stable results suggest that the shift in focus towards the moderators and mediators of the impact PTP, pro-defendant PTP, and the impact of PTP at the jury level is warranted.

The control condition and the reality of the case are two methodological variables that were examined in both meta-analyses. Both studies clearly found the real cases elicit a stronger impact of anti-defendant PTP than fictitious cases. In terms of the control condition, the Steblay et al. (1999) analysis provided evidence that the information provided to participants in the control condition has an impact on the effect of PTP. However, many of the categories within the control condition moderator contained few

effects due to their high degree of specificity. Through the use of broader control condition categories, the present study contained more effects within each category, increasing the power of the analysis. The increased power allowed for the expansion of the previous results to show that as the participants in the control condition are provided more information, the effect of PTP decreases. The results further supports the previous point that case should be taken when determine which type of control condition to use when conducting an empirical study on the effect of PTP.

Both the Steblay et al. (1999) analysis and the present analysis examined delay as a moderator variable and found the effect of PTP was stronger with longer delays, yet the length of delay needed for an increase in the effect of PTP was unclear. The current analysis suggests that the impact of PTP may increase in the first week following the presentation, and then decrease with time; however these differences failed to reach the level of statistical significance. The previous meta-analysis by Steblay and her colleagues (1999) suggests that the impact of PTP may increase over time, with no evidence that it will decrease again. However, each analysis suffers from a small number of effects in at least one level of the delay moderator variable, and the time intervals of delay are unrealistically short and not representative of the delays that occur in the real world, which tend to be many months. While additional research in the area of delays should focus on these issues, the results of the present analysis suggest that delays may be an ineffective method to remedy the effect of PTP.

Type of crime is one of the most theoretically interesting moderators examined by both studies. The results of both meta-analyses suggest that violent crimes such as murder elicit a stronger impact of anti-defendant PTP than non-violent crimes such as theft.

However, each study has limitations. As with some of the other moderator categories, the Steblay et al. (1999) analysis suffers from a small number of effects in many of the levels of the crime type moderator, making it difficult to trust the results associated with those levels. In an effort to avoid this problem, the present study used broader categories and so suffers from heterogeneity in some of the moderator levels. However, the present analysis did provide a contribution to the literature through the indication that the effect of PTP increased as the severity of the crime increased. These findings have real-world ramifications as they indicate that the impact of PTP may be even stronger for severe crimes such as murder. For example, based on the Binomial Effect Size Display, we could expect a conviction rate of approximately 63% in the presence of PTP when all other variables are equal (Randolph & Edmondson, 2005).

The final overlapping moderator variable between the two meta-analyses is that of the PTP medium. The results from both meta-analyses seem to conflict as the present analysis suggests that print media elicits a stronger effect of PTP whereas the previous Steblay et al. (1999) analysis suggests that audio and video media elicits a stronger effect. Taken together, it is possible that perceived realism of the PTP materials to the participants may be moderating the effect of PTP. However, due to the small samples of effects included in some levels of the moderator in each meta-analysis, and the high degree of heterogeneity within the moderator levels, the results were not statistically significant. Therefore, additional empirical research manipulating the medium used to present PTP seems warranted to determine what difference, if any, the PTP medium makes.

Study Limitations

The present study contributes to the existing literature on the impact of PTP on perceptions of guilt, but there are still limitations to the study that should be discussed. Specifically, five issues should be noted: unusable primary studies, the need to make judgment calls, a lack of PTP theory driving primary research, ambiguity in the coding process, and heterogeneity in the moderator categories.

One of the most prominent issues limiting not only the present meta-analysis but all meta-analyses is unusable primary studies in the existing literature. Far too often good, relevant research must be excluded from a meta-analysis because the study fails to report all of the necessary information needed to be included. The present analysis is not immune from this issue. As can be seen in Figure 2, 113 empirical studies were examined for inclusion in the present meta-analysis. Each of these studies would have likely been otherwise usable in the meta-analysis had they reported all of the information regarding the statistical test used (e.g. statistical test and effect size, or cell counts). However, following examination of all of these studies, only 54 studies contained all of the necessary information to be included in the meta-analysis. In the future, it is imperative that all primary analyses include the basic information to be included in future meta-analyses.

Related to the issue of unusable studies, a second limitation of the present meta-analysis exists in the form of studies that are used but require judgment calls. In order to determine whether or not studies can be used in a meta-analysis, judgment calls must be made, and researchers may choose to be either conservative or liberal in determining which studies to include in a meta-analysis. A conservative approach to the inclusion of

studies was taken in the present analysis. This resulted in many studies being excluded from the analysis in order to minimize the need for assumptions. Thus, the effect sizes included here are associated with studies that are clearly relevant, but some of the studies that were excluded may have been relevant as well.

A third limitation in the present meta-analysis is the ambiguity stemming from the coding process. Regardless of the rules used to code effects into the different levels of the moderator variables being examined, there will always be an element of subjectivity that comes into play. The present study used a somewhat conservative approach to coding effects into the moderator levels, meaning that when it was unclear which level of a moderator an effect fit into, the effect was simply excluded from that moderator analysis. This was done to reduce the likelihood of inaccuracy in the coding process, but inaccuracies could still exist and again could result in the exclusion of relevant data.

Heterogeneity within the levels of each moderator is a fourth limitation of the present study. In the various levels of most moderators, there are some categories composed of a heterogeneous grouping of effects. For example, in the delay moderator variable, there are 40 effects in the “no delay” category. Within these 40 effects, there is a large degree of heterogeneity concerning the type of crime used for each effect, and the results show that the type of crime has an impact on the strength of the effect of PTP on juror perceptions of guilt. Therefore, it was not surprising to observe a large degree of variability in the effects within the “no delay” category. Further, civil cases also encompassed a very wide range of case types, yet due to the relatively small number of effects that examined civil cases, it was necessary to combine all of the case types into a single category in order to test even the broadest of categories (i.e. “civil”).

One final limitation of the present meta-analysis is the lack of a unified theoretical approach to the study of PTP. The lack of such a theory led to a large degree of heterogeneity in the study of PTP and its underlying mechanisms. This heterogeneity is of course present in the meta-analytic database, and contributes to noise variation to any real effects. Furthermore, the lack of a dominant theoretical approach has led to a wide range of research into the moderating variables of PTP. This has made it difficult to meta-analytically analyze the potential moderating mechanisms of the effect of PTP as there has been large amount of research on a multitude of moderating variables with relatively little research examining the same moderating variables. Thus, there are relatively few potential moderating variables that have been enough empirical research to be studied via meta-analysis.

Future Research

Based on the results and limitations of the current study, three approaches to future research on the impact of PTP on perceptions of guilt are proposed. First, a single theoretical framework should be utilized to guide research. Second, more realistic study designs must be used to address the issue of external validity. Third, research should move away from the typical studies on the impact of anti-defendant PTP on individual juror perceptions of guilt and move towards studying PTP in the context of jury verdicts, pro-defendant PTP, and civil cases.

While past research has sought to examine the mediating variables of the effect of PTP, there have been few attempts to incorporate this research into a theory of the causal mechanisms of the effect of PTP. Because of this there has been an inconsistent approach

to the research on PTP. For this reason, the theory of PTP proposed in this study is offered as the theoretical framework that can be used to drive future research into the causal mechanisms surrounding PTP (Figure 1). This will be advantageous to the study of PTP as it will drive research to begin studying the underlying causal mechanisms of the impact of PTP, thus allowing for stronger conclusions than can be made in the absence of an accepted theory. Additionally, the theory will help to drive research towards a more homogenous set of moderating variables that are driven by a more sound understanding of the causal mechanisms of PTP. In other words, it is difficult to hypothesize variables moderating the effect of PTP when there is a lack of research regarding what causes the effect of PTP in the first place.

Because there has been no unified theory of PTP, there are several potential moderators that have not been research empirically. As a result of this, the present study was unable to account for a large portion of the observed variance in effect sizes. One potential moderator that could help to account for a portion of this unexplained variance is the content of the PTP itself. Very few studies, have empirically examined the content of the PTP, and as such, it was not possible to examine meta-analytically. It is likely that the PTP content's *probative value* will moderate the impact of PTP. *Probative value* is defined as “the ability of a piece of evidence to make a relevant disputed point more or less true (“Law.Cornell.edu,” 2015). Future research should focus on the probative value of the content, specifically manipulating the variable in order to determine if it moderates the impact of PTP.

In addition to utilizing a standard theoretical framework to drive research, future studies on PTP should seek to maximize the realism of the study context to address the

questions regarding external validity. Many laboratory studies that have been conducted up to this point lack the realism necessary to ensure that the studies exhibit external validity. One previous suggestion to increase the external validity associated with the research on PTP is to utilize more field-based studies in real-world cases involving PTP (Kramer & Kerr, 1989). However, these field-based studies come with their own limitations, such as the lack of a true control. In order for research to move towards the ability to draw causal conclusions concerning PTP, control of extraneous variables that could also impact perceptions of guilt is key. Therefore, researchers should work to make controlled laboratory studies more realistic through the use of realistic, simulated trials and realistic PTP materials that participants are exposed to in varying fashions over longer periods of time with longer delays between the exposure and the trial.

One final suggestion regarding the future of research on the impact of PTP is to move away from the typical individual, juror-level study on the effects of anti-defendant PTP. Based upon the results of this study and previous meta-analytic research by Steblay and her colleagues (1999) into the topic, the impact of anti-defendant PTP on juror perceptions of guilt is stable. Therefore, research should begin focusing on three other areas: pro-defendant PTP, the impact of PTP on jury-level verdicts, and the impact of PTP in civil cases. The present study provides initial estimates of the effects in these, but additional research would be helpful. As a specific recommendation, future research should address the issue of realism of jury-level studies. Previous research on the impact of PTP at the jury level has largely exposed all members of the jury to the same PTP. However, in a real-world scenario, the jury would likely consist of jurors that have been

exposed to a varying mix of PTP. Research should focus on systematically varying the PTP that members of a jury are exposed to in order to determine the impact of jury-level verdicts.

Conclusions

In conclusion, this meta-analysis helps to further our understanding of PTP in several ways. First, it provides evidence of a stable, modest effect of anti-defendant PTP on individual juror perceptions of guilt ($r = .162$). Additionally, this study provides preliminary point estimates of the impact of anti-defendant PTP on group-level jury verdicts ($r = .297$) and the impact of pro-defendant PTP ($r = -.143$). In addition to these primary effects, moderator variables were examined resulting in several interesting findings. Most notably, the effect of PTP was found to be moderated by the level of the analysis (i.e. juror v. jury), the type of crime (strongest effect: “murder” $r = .252$), the nature control condition used in the study (strongest effect: “no case knowledge” $r = .267$), and the reality of the case (strongest effect: “unaltered real case” $r = .218$). Lastly, this study provides some guidance for future research regarding PTP by calling attention to the need for research on pro-defendant PTP, the effect of PTP at the jury level, and the effect of PTP on civil cases.

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TABLES

TABLES

Table 1. Effects in Meta-Analysis

Study	<i>r</i>	N	Valence
Arbuthnot et al (2002) - 1	0.490	118	Anti-defendant
Bixby (2011) - 1A	0.000	121	Anti-defendant
Boccaccini et al (2008) - 1	0.404	469	Anti-defendant
Boccaccini et al (2008) - 2	0.290	348	Anti-defendant
Bornstein et al (2002) - 1A	0.329	48	Anti-defendant
Bornstein et al (2002) - 2	0.309	196	Anti-defendant
Bradshaw (2007) - 1	0.074	194	Anti-defendant
Bradshaw (2007) - 2	0.016	174	Anti-defendant
Burke (1998) - 1	0.283	70	Anti-defendant
Burke (1998) - 2	0.266	16	Anti-defendant
Burke (1998) - 3	0.063	25	Anti-defendant
Burke (1998) - 4	0.351	31	Anti-defendant
Charzanowski (2006) - 1	0.282	177	Anti-defendant
Charzanowski (2006) - 2	0.382	65	Anti-defendant
Charzanowski (2006) - 3A	0.184	235	Anti-defendant
Charzanowski (2006) - 4	0.239	143	Anti-defendant
Constantini, E. & King, J. (1980-81) - 1	0.188	323	Anti-defendant
Constantini, E. & King, J. (1980-81) - 2	0.656	368	Anti-defendant
Davis (1986) - 1A	-0.103	112	Anti-defendant
Davis (1986) - 1B	0.469	5	Anti-defendant
Davis (1986) - 2A	0.014	112	Anti-defendant
Davis (1986) - 2B	0.289	9	Anti-defendant
De Luca (1979)	0.257	87	Anti-defendant
Dexter et al (1992)	0.159	68	Anti-defendant
Eskenazi (1992) - 1A	0.000	192	Anti-defendant
Eskenazi (1992) - 1B	0.000	32	Anti-defendant
Fein, McCloskey, & Tomlinson (1997) - 1	0.335	38	Anti-defendant
Fein, Morgan, Norton, & Sommers (1997)	0.319	66	Anti-defendant
Finkelstein (1994) - 1	0.039	240	Anti-defendant

Table 1 continued

Study	<i>r</i>	N	Valence
Finkelstein (1994) - 2	-0.032	78	Anti-defendant
Finkelstein (1994) - 3A	0.026	90	Anti-defendant
Finkelstein (1994) - 5	-0.207	90	Anti-defendant
Finkelstein (1994) - 6	-0.115	216	Anti-defendant
Frame (1999) - 1A	0.244	52	Anti-defendant
Frame (1999) - 2	0.111	56	Anti-defendant
Freedman & Burke (1996) - 1	0.182	150	Anti-defendant
Freedman et al (1998) - 1	0.342	19	Anti-defendant
Freedman et al (1998) - 2	-0.137	99	Anti-defendant
Freedman et al (1998) - 3	0.123	78	Anti-defendant
Greene & Wade (1988) - 1A	0.305	38	Anti-defendant
Holton (2001) - 1	0.322	50	Anti-defendant
Holton (2001) - 2	0.364	50	Anti-defendant
Honess et al (2003) - 1	0.380	50	Anti-defendant
Hope et al (2004) - 1	0.173	116	Anti-defendant
Hvistendahl (1976) - 1	0.108	292	Anti-defendant
Jacquin & Hodges (2007) - 1A	0.372	364	Anti-defendant
Keelen (1979) - 1	0.084	237	Anti-defendant
Kerr, Kramer, Carroll, Alfini (1990) - 1	0.051	755	Anti-defendant
Kline & Jess (1966) - 1	0.000	8	Anti-defendant
Kovera (1994) - 1B	-0.056	80	Anti-defendant
Kramer & Kerr (1989) - 1	0.179	449	Anti-defendant
Leu (1974) - 1	-0.040	99	Anti-defendant
Locatelli (2011) - 1A	0.040	121	Anti-defendant
Locatelli (2011) - 1B	-0.060	115	Anti-defendant
Locatelli (2011) - 1C	0.030	117	Anti-defendant
McAlpine (1984) - 1	0.214	57	Anti-defendant
Moran & Cutler (1991) - 1	0.320	535	Anti-defendant
Moran & Cutler (1991) - 2	0.270	100	Anti-defendant
Nelson (1972) - 1	0.210	120	Anti-defendant
Ogloff & Vidmar (1994) - 1A	0.211	60	Anti-defendant
Ogloff & Vidmar (1994) - 1B	0.215	58	Anti-defendant
Ogloff & Vidmar (1994) - 1C	0.213	59	Anti-defendant
Parisi (2000) - 1	0.160	60	Anti-defendant
Pearce (2008) - 1	0.029	172	Anti-defendant
Pearce (2008) - 2	0.035	143	Anti-defendant
Riedel (1993) - 1A	-0.062	132	Anti-defendant

Table 1 continued

Study	<i>r</i>	N	Valence
Ruva & Hudak (2013) - 1A	0.164	103	Anti-defendant
Ruva & LeVasseur (2012) - 1A	0.418	169	Anti-defendant
Ruva & LeVasseur (2012) - 1B	0.532	21	Anti-defendant
Ruva & McEvoy (2008) - 1A	0.345	106	Anti-defendant
Ruva (Unpublished) - 1	0.685	42	Anti-defendant
Ruva et al (2007) - 1	0.322	558	Anti-defendant
Ruva, Dickman, Mayes (2014) - 1A	0.198	99	Anti-defendant
Ruva, Guenther, Yarbrough (2001) - 1A	0.263	133	Anti-defendant
Ruva, McGowen, Cirks, Guenther (2011) - 1A	0.213	169	Anti-defendant
Ruva, McGowen, Cirks, Guenther (2011) - 1B	0.518	29	Anti-defendant
Shaw & Skolnick (2006) - 1	0.018	87	Anti-defendant
Shoch (2001) - 1	0.147	100	Anti-defendant
Simon (1966) - 1	0.070	106	Anti-defendant
Smith (2008) - 1	0.146	166	Anti-defendant
Studebaker et al (2002) - 1	0.300	96	Anti-defendant
Sue et al (1974) - 1	0.245	202	Anti-defendant
Sue et al (1975) - 1	0.314	132	Anti-defendant
Wilson & Bornstein (1998) - 1	0.333	46	Anti-defendant
Wilson & Bornstein (1998) - 2	0.380	42	Anti-defendant
Bixby (2011) - 1B	0.000	121	Pro-defendant
Bornstein et al (2002) - 1B	-0.249	48	Pro-defendant
Charzanowski (2006) - 3B	0.072	252	Pro-defendant
Finkelstein (1994) - 3B	-0.026	90	Pro-defendant
Frame (1999) - 1B	-0.355	54	Pro-defendant
Greene & Wade (1988) - 1B	-0.574	43	Pro-defendant
Jacquin & Hodges (2007) - 1B	-0.134	352	Pro-defendant
Kovera (1994) - 1A	0.089	80	Pro-defendant
Riedel (1993) - 1B	0.020	134	Pro-defendant
Ruva & Hudak (2013) - 1B	-0.288	102	Pro-defendant
Ruva & McEvoy (2008) - 1B	-0.151	105	Pro-defendant
Ruva, Dickman, Mayes (2014) - 1B	-0.254	99	Pro-defendant
Ruva, Guenther, Yarbrough (2001) - 1B	-0.395	132	Pro-defendant

Table 2. Effects With No Trial Stimulus

Study	<i>r</i>	N	Valence
Arbuthnot et al (2002) - 1	0.490	118	Anti-defendant
Constantini, E. & King, J. (1980-81) - 1	0.188	323	Anti-defendant
Constantini, E. & King, J. (1980-81) - 2	0.656	368	Anti-defendant
De Luca (1979)	0.257	87	Anti-defendant
Hvistendahl (1976) - 1	0.108	292	Anti-defendant
Moran & Cutler (1991) - 1	0.320	535	Anti-defendant
Moran & Cutler (1991) - 2	0.270	100	Anti-defendant
Nelson (1972) - 1	0.210	120	Anti-defendant
Ogloff & Vidmar (1994) - 1A	0.211	60	Anti-defendant
Ogloff & Vidmar (1994) - 1B	0.215	58	Anti-defendant
Ogloff & Vidmar (1994) - 1C	0.213	59	Anti-defendant
Studebaker et al (2002) - 1	0.300	96	Anti-defendant

Table 3. Results

Study Type		N	r	P-Value	Lower Limit	Upper Limit	Q-Value	df (Q)	P-Value
Pro-defendant PTP		13	-0.143	0.007	-0.244	-0.039	35.02	12	0.000
Anti-defendant PTP		85	0.193	0.000	0.150	0.236	351.5	84	0.000
Anti-defendant PTP (Adjusted)		73	0.167	0.000	0.127	0.206	189.3	72	0.000
Jury Level Effects		9	0.297	0.002	0.112	0.462	6.638	8	0.576
Juror Level Effects		64	0.162	0.000	0.121	0.202	180.5	63	0.000
Type of Crime		54	0.172	0.000	0.135	0.209	24.65	3	0.000
Civil Case		5	0.272	0.000	0.136	0.398			
Theft		10	0.042	0.298	-0.037	0.119			
Sex Crime		13	0.106	0.008	0.027	0.183			
Murder		26	0.252	0.000	0.200	0.304	2.49	2	0.288
Delay		56	0.156	0.000	0.116	0.195			
No Delay		40	0.144	0.000	0.089	0.199			
Less than One Week		6	0.259	0.000	0.124	0.384			
One Week or More		10	0.148	0.000	0.084	0.211	14.82	4	0.005
Control Condition		58	0.160	0.000	0.123	0.196			
Fact-Based Case-Related Story		28	0.131	0.000	0.078	0.183			
No Case Knowledge		6	0.267	0.000	0.184	0.346			
No Story		4	0.181	0.028	0.020	0.333			
Neutral News Story		9	0.046	0.356	-0.052	0.144	1.645	1	0.2
Unrelated Crime Story		11	0.237	0.000	0.130	0.339			
PTP Medium		56	0.148	0.000	0.105	0.191			
Audio/Video		6	0.095	0.046	0.002	0.187	20.34	2	0.000
Print		50	0.163	0.000	0.114	0.212			
Reality of Case		56	0.122	0.000	0.086	0.157			
Altered Real Case		14	0.037	0.244	-0.025	0.100	8.041	1	0.005
Fictitious Case		11	0.076	0.039	0.004	0.146			
Unaltered Real Case		31	0.218	0.000	0.163	0.272			
Data Source		64	0.156	0.000	0.118	0.194	0.129	1	0.720
Published		33	0.214	0.000	0.159	0.267			
Unpublished		31	0.104	0.000	0.051	0.156	0.129	1	0.720
Outcome Measure		64	0.162	0.000	0.121	0.203			
Dichotomous		60	0.160	0.000	0.117	0.202			
Pseudo-Continuous		4	0.185	0.006	0.054	0.309			

FIGURES

FIGURES

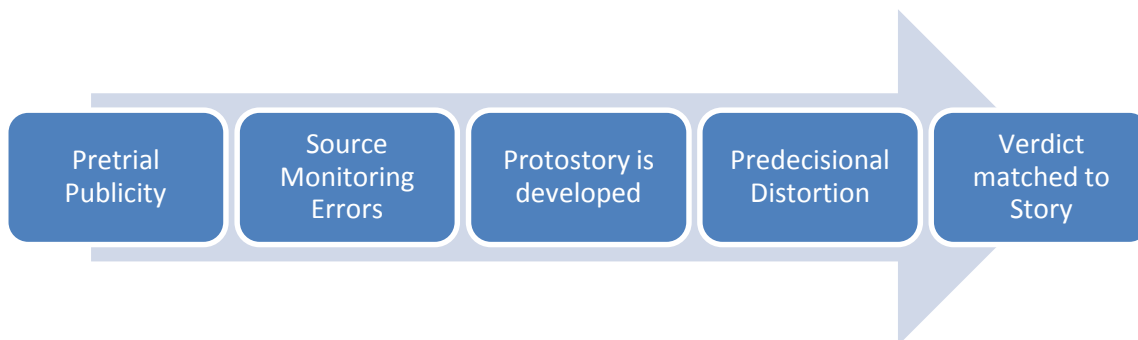


Figure 1. A proposed model of the effect of PTP.

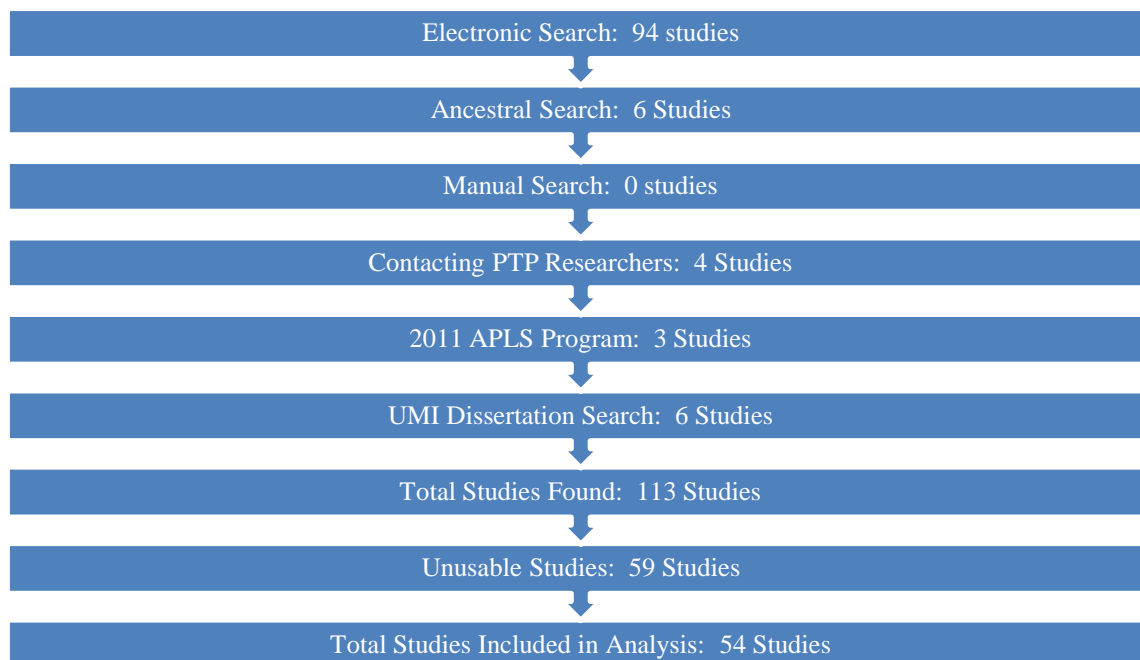


Figure 2. Flow chart of the literature search process.