Constructing Insanity: Jurors’ Prototypes, Attitudes, and Legal Decision-Making

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Research consistently indicates that jurors’ intuitive prototypes of insanity and case-relevant attitudes shape their verdicts more strongly than legal definitions of insanity. Based on a sample of 113 prospective jurors, this study was designed to (a) assess the extent to which three prototypes of insanity held by jurors in a past study generalize to a sample of jurors in another state and (b) determine the relative influence of attitudes toward the insanity defense and prototypes of insanity on jurors’ case judgments across four insanity case vignettes. Results suggest that jurors’ attitudes toward the insanity defense affected case judgments so strongly (r = .41–.61) that they swamped efforts to assess jurors’ prototypes of insanity. Further, jurors’ prototypes of insanity offered little incremental utility beyond that of insanity defense attitudes. Implications for identifying biased jurors and potential interventions for bringing jurors’ decisions into greater accord with the law are discussed. Copyright © 2007 John Wiley & Sons, Ltd.

INTRODUCTION

Few psycholegal issues are more controversial than the insanity defense. Although there are clear differences among individuals, the public generally has a negative opinion of the insanity defense that varies only in its intensity over time (Maeder, 1985). Such opinions may have detrimental effects on a juror’s ability to render an unbiased verdict. In insanity defense cases, jurors are tasked with applying the appropriate legal standard of insanity to the evidence presented at trial to reach a verdict. The legal system assumes that, given several procedural protections, jurors perform this duty as “blank slates,” free of preconceptions and biases.1 Jurors,
however, are individuals with varying life experiences, biases, and stores of knowledge that affect their verdicts (see, e.g., Finkel, 1995; Werner, Kagehiro, & Strube, 1982).

Evidence of bias in insanity cases can be demonstrated by comparing jurors’ verdicts across legal standards of insanity. Although these standards of insanity change over time and differ across jurisdictions, there is little evidence that jurors actually apply legal definitions in rendering verdicts. There are different types of standard, including volitional standards that focus on the defendant’s ability to choose or control the behavior in which he or she engages, and cognitive standards that focus on whether the defendant knew or appreciated the criminality or “wrongness” of his act (Appelbaum, 1994). Although providing jurors with different standards should lead to differences in their insanity case verdicts, analogue studies consistently reveal that this is not the case (Finkel, Shaw, Bercaw, & Koch, 1985; see also Finkel, 1988, 1995; Poulson et al., 1997).

Based on such findings, investigators have made efforts both to predict biased verdicts to identify biased jurors, and to explain how jurors render verdicts, given their experience-based knowledge structures. In the past, research focused on the utility of juror and defendant characteristics, such as race and gender, in predicting jurors’ case judgments (see Claghorn, Hays, Webb, & Lewis, 1991; Faulstich, 1984; Foley & Chamblin, 1982; McGraw & Foley, 2000; Schutte & Hosch, 1997). More recently, cognitive constructs such as attitudes and prototypes have been examined, partially in an effort to move beyond prediction to explanation. Both attitudes toward the insanity defense (Skeem, Eno Louden, & Evans, 2004) and intuitive prototypes of insanity (Finkel & Groscup, 1997; Skeem & Golding, 2001) are moderately associated with jurors’ case judgments.

Atitudes Toward the Insanity Defense

An attitude is a person’s “disposition to respond favorably or unfavorably to” an object, person, or event (Ajzen, 1989). Although several surveys and polls have revealed strong, widely held negative attitudes toward the insanity defense, few researchers have attempted to systematically capture individual jurors’ attitudes towards the defense. Several measures of insanity defense attitudes exist (Hans, 1986; Roberts, Golding, & Fincham, 1987), but the only measure with known psychometric properties is the Insanity Defense Attitudes—Revised scale (IDA-R; Skeem et al., 2004). This 22-item instrument strongly predicts jurors’ insanity case judgments in response to written case vignettes ($r = .45$ to $.60$; Skeem et al., 2004). Specifically, jurors who believed that mental illness was relevant to the issue of criminal responsibility were more likely to deem a defendant insane than jurors oriented toward strict liability. This finding further supports the notion that attitudes influence jurors’ verdicts.

Prototypes of Insanity

Beyond attitudes, prototypes are knowledge structures that hold promise for understanding jurors’ verdicts in insanity defense cases. A prototype is an ideal
member of a category (e.g. “insane defendant”) that bears the most resemblance to
the other members of the category, and least resemblance to members of neighboring
categories (e.g. “guilty defendant;” Rosch & Mervis, 1975). Determination of
category membership operates on a matching process, where an object or concept is
considered to be a member of the category if it shares enough features with
the prototype. Recently, this theory has been applied to decision-making in
insanity defense cases. Finkel and Groscup (1997) asked undergraduates to
create and “atypical” case narratives about defendants who successfully or
unsuccessfully plead insanity. Summing across stories for “successful” defendants,
they found that students often described a young, male defendant with a psychiatric
history who committed a crime against a stranger on the basis of grandiose
delusions. Although “typicality effects” are a hallmark of prototypes, the authors
found no differences between typical and atypical case stories, suggesting that
these were stories about insanity rather than personal prototypes (Skeem &
Golding, 2001).

Skeem and Golding (2001) applied traditional prototype methodology to elicit
prototypes of insanity from former jurors. These jurors were asked to describe
their personal conception of the typical person who was not responsible for their
criminal actions because of mental disorder. Specifically, the authors (a) elicited
descriptions of the typical insane defendant from 81 former jurors and segmented
these descriptions into features, (b) had five former jurors consolidate these
features by combining those that “meant the same thing,” and (c) used this
consolidated list of 57 features to develop a measure of insanity defense prototypes
called the “Conception Checklist” (CC). Next, the authors administered the CC
to a separate group of 135 former jurors. Cluster analysis of these jurors’ responses
revealed three prototypes of insanity: the “Severe Mental Disability” prototype
involved a defendant who is extremely mentally ill and developmentally disabled,
the “Moral Insanity” prototype involved a violent, manipulative defendant with
no conscience, and the “Mental State Centered” prototype involved a defendant
who was not capable of understanding the consequences of his actions and could
not distinguish right from wrong. These prototypes were consistent with relevant
empirical literature, media portrayals of individuals with mental disorder, and
historical conceptions of insanity (see Skeem & Golding, 2001). Groups of jurors
who held these prototypes were found to differ in both their attitudes toward
the insanity defense and their case judgments on an insanity case vignette.
Nevertheless, jurors with Mental State Centered prototypes were more likely
to deem a defendant insane than jurors with other prototypes of insanity, even
after controlling for attitudinal differences among groups. This suggests two
important points. First, prototypes of insanity contribute unique variance to
attitudes in predicting case judgments. Second, prototypes of insanity may be
construed as stereotypes. Although many definitions for stereotypes exist, and
stereotypes are often described in a manner that makes them indistinguishable
from prototypes, the most widely used definition of stereotypes portrays them as
prototypes that focus on people and are associated with strong attitudes that
are resistant to change (see Dane, 1992; Eagly & Steffen, 1988; Hewstone, Rubin,
& Willis, 2002; Macrae & Bodenhausen, 2000). Thus, stereotypes can be viewed
as a subtype of prototypes that are distinguished primarily by their emotional
connotation.
Conceptually, stereotypes represent the relation between prototypes and attitudes. Indeed, there is empirical evidence that prototypes and attitudes are associated: prototypes of insanity relate moderately to attitudes toward the insanity defense (Skeem & Golding, 2001; see also McCaughey & Strohmer, 2005, who view prototypes as an indirect measure of attitudes).

Maximally Forecasting Verdicts: Attitudes, Prototypes, or Both?

Legal professionals often wish to identify and exclude prospective jurors who are unable to perform their duties without the undue influence of preconceptions and biases. Similarly, some researchers have explored strategies for bringing jurors’ decisions into greater accord with the law (Smith, 1993). Excluding biased jurors or attempting to make their judgments more legally relevant are important goals: goals that need not invoke personal values about the insanity defense. Defendants have a constitutional right to a trial by an impartial jury. If a juror is so biased against insanity that he or she is unable to entertain the defendant’s legally established defense, that defendant will not obtain a fair trial.

Although both prototypes and attitudes have been shown to strongly predict jurors’ verdicts in insanity defense cases (McGraw & Foley, 2000; Poulson et al., 1997; Skeem & Golding, 2001; Skeem et al., 2004), there have been no investigations of the independent strength of attitudes and prototypes in forecasting juror’s verdicts. Identifying the incremental utility of attitudes versus prototypes in predicting jurors’ verdicts can inform both the jury selection process and interventions designed to render the jury’s decisions more legally relevant. First, if prototypes provide substantial incremental utility in predicting jurors’ verdicts, then legal professionals would do well to use measures and questions that target prototypes in their efforts to identify and exclude potentially biased jurors. However, if prototypes provide little incremental utility beyond insanity defense attitudes, there may be little reason to go beyond attitudes to identify biased jurors. Second, if prototypes independently predict verdicts much more powerfully than attitudes, we would do well to study interventions that hold promise for altering prototypes. For example, Vicki Smith (1993) demonstrated that mock jurors made more legally relevant decisions after she identified and described jurors’ prototypes of particular crimes, refuted these prototypes point by point, and then introduced the legal definition of the crimes. Similarly, if prototypes are guiding jurors’ decisions in insanity cases, and these prototypes differ meaningfully from the legal definition of insanity, then altering jurors’ insanity prototypes would allow jurors to reach verdicts that are more in line with legal definitions of insanity. In order to develop effective interventions for assisting jurors in making legally relevant verdicts, we must know whether attitudes or prototypes better predict verdicts. Interventions for prototypes differ from those for attitudes; although simple psychoeducational techniques appear effective in altering prototypes, more is required to alter attitudes. Corrigan and colleagues (2001) found that individuals’ attitudes toward persons with mental illness became less negative after commonly myths about mental illness were refuted. However, substantial change in participants’ attributions about the ability of persons with mental illness to control their behavior occurred only when participants had
contact with a person with mental illness. To alter attitudes, it seems, meaningful contact with an individual from the stigmatized group is important.

The Present Study

The present study has two aims. The first aim is to assess the relative influence of prototypes of insanity and attitudes toward the insanity defense on jurors’ case judgments. By meeting this aim, we hope to inform jury selection and intervention efforts.

The second aim is to determine the extent to which the three stereotypes or prototypes\(^2\) of insanity held by individual jurors in the study by Skeem and Golding (2001) generalize to a sample of jurors in another state. A prior attempt to replicate these three prototypes with a sample of undergraduates was largely unsuccessful. Specifically, Skeem and Golding (2001) identified three groups of undergraduates with the prototypes in question, but the groups did not differ in their insanity case judgments. It is unclear whether this is a failure of replication (meaning the groups do not exist) or a failure of generalization (meaning the groups exist among former jurors but not undergraduates). Further examination of whether these findings replicate in another sample is crucial because (a) to date, no application of prototype theory to jurors’ verdicts in insanity cases has been replicated, which provides little certainty that the prototypes identified really exist, and (b) prototypes offer greater power in explaining how jurors reach verdicts compared with such traditional methods of predicting verdicts as assessing attitudes towards the insanity defense. If jurors rely on prototypes to render judgments about insanity, they utilize a feature matching process that involves comparing the features of the defendant against the features of their prototype of insanity. As the number of features that the defendant shares with the juror’s prototype increases, so does the defendant’s likelihood of being deemed insane. If more support is found for the role of prototypes in insanity verdicts, this could move the field of jury decision-making research beyond prediction to explanation. An understanding of how jurors make decisions can inform efforts to bring verdicts into greater accord with the law. For example, interventions like those developed by Smith (1993) could be used to identify jurors’ prototypes, refute prototype features that are inconsistent with legal definitions, and replace them with legally relevant features.

On the other hand, if more support is found for the utility of attitudes in predicting verdicts, such that jurors who have negative attitudes towards the insanity defense are simply less likely to find any defendant insane, then methods could be designed to (a) identify potential jurors with strong, negative attitudes, and exclude them from juries in cases involving the insanity defense, or (b) soften jurors’ attitudes so their verdicts are more in accord with the law. For example, the work of Corrigan and colleagues (2000) suggests that interventions such as education or contact with a stigmatized group can result in more positive attitudes towards and less negative

\(^2\)As described earlier, the term “stereotype” would also be appropriate to describe the conceptions we are seeking to address, since the insanity defense is often linked with negative attitudes. However, we will use the term “prototype” to remain consistent with previous research on this topic (see Skeem & Golding, 2001).
attributions of that group. Determining which has more predictive power for verdicts, attitudes or prototypes, will enable researchers to design interventions for the appropriate target.

**METHOD**

These aims were addressed by adapting the method used by Skeem and Golding (2001). First, to assess the generalizability of the three prototypes of insanity originally identified with Utah jurors, we administered the measure of individual differences in prototypes of insanity used in the original study (Conception Checklist) to jurors in Nevada. Although it is unlikely that jurors in Nevada would differ in meaningful ways from Utah jurors, we also administered an open-ended measure of prototypes of insanity (Feature Elicitation Instrument) to accommodate the possibility that the previously identified prototypes would not represent these jurors’ prototypes. Second, to determine the relative influence of prototypes and attitudes on verdicts, we administered a measure of attitudes toward the insanity defense (the IDA-R) and asked jurors to issue case judgments and verdicts for four different insanity case vignettes.

**Participants**

Participants were former prospective jurors (“jurors”) who had reported for jury service at the Clark County Courthouse (Eighth Judicial District). Clark County is the most populous county of Nevada, with 68% of the state’s residents (United States Census Bureau, 2000). Jury participation in Clark County requires that the person speak English and be over the age of 18, a U.S. citizen, a resident of Clark County, and without a felony conviction. Persons reportedly are selected randomly for jury service in Clark County through a database from the Department of Motor Vehicles (Eighth Judicial District Court Jury Services, 2003).

Most participants were White (78.8%; 8% Black, 6.2% Hispanic, 3.5% Asian, 1.8% Pacific Islander, 0.9% Native American) and female (62.8%). Participants’ average age was 45.9 (SD = 13.89) and the mean highest grade completed was 13.66 (SD = 2.4). Most (83.2%) were dismissed from jury service without hearing a case.

Of the 184 jurors who agreed to participate, 61.4% (114) completed and returned the study materials. The responses of one juror were not included in the final analyses, because many of the items were blank or unclear. This left a total of 113 jurors in the sample. Because the demographic characteristics of (a) non-participants and (b) the pool of available jurors were unknown, they were estimated based on census statistics for the population of Clark County, Nevada, over the age of 18 (United States Census Bureau, 2000). These estimates probably underestimate the educational level of jury pools (see Abbott, Hall, & Linville, 1993; Bueker, 1997). We performed a statistical comparison of study participants with a hypothetical adult census sample of equal size, and found that our participants were more likely to be female ($\chi^2[1, N=226] = 8.6, p < .01$), more likely to be high school graduates ($\chi^2[1, N=226] = 14.1, p < .001$), and more likely to be White (and less likely to be Hispanic; $\chi^2[5, N=226] = 14.20, p < .05$) than non-participants. Participants were
also older than Clark County residents (median age of participants was 47 years, whereas that of Clark County residents was 34).

**Procedure**

Participants were recruited from the courthouse on the days they reported for jury service. Announcements were made at the beginning of jury duty orientation informing the jurors of the opportunity to participate in the study after their jury service was completed. Potential participants were then approached after they were excused from jury service and invited to participate in the study. Those who agreed to participate were given a packet of study materials, including informed consent forms, with instructions to mail back the materials in the stamped envelope provided within ten days. Participants’ names and telephone numbers were obtained to permit the researcher to remind participants to return the study materials.

In case some interested jurors were excused from jury service while the researcher was not present, some flyers were left in the jury orientation room to allow these persons to contact the researchers and be included in the study. It is possible that some jurors who did not hear the initial announcement may have responded to these flyers. All persons calling in regard to the fliers were asked about their jury service to ensure that they were eligible to participate in the study.

Participants’ names were not written on study materials, to assure confidentiality. Those who completed the materials were paid $10.00. To increase the rate of response, participants were called twice to remind them to return the materials, and jurors who had not returned the materials after 4 weeks were dropped from the study.

**Instruments**

The materials provided to the participants were intended to capture demographic information, individual insanity prototypes, case relevant attitudes, and insanity case judgments.

- **Demographic data: Background Survey.** This instrument collects basic demographic data from participants, including age, gender, race, and level of education.

- **Insanity prototypes, free elicitation: Feature Elicitation Instrument.** In order to avoid tainting jurors’ personal prototypes with any of the other study materials, all jurors were asked to first complete the open-ended Feature Elicitation Instrument (FEI; Skeem & Golding, 2001). In keeping with traditional prototype methodology, the FEI instructs jurors to (a) form a mental image of the prototypical person who is not responsible for his or her crimes because of mental illness and then (b) provide a detailed written description of their prototype, perhaps including the person’s appearance, personality, thoughts, feelings, and actions. According to Rosch’s (1975) definition of prototypes, central features structure a person’s

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3 An alternative approach to asking jurors to describe their prototype of someone who is NGRI might have been to ask them to describe someone who is not NGRI. We chose to ask jurors to describe their prototype of a person who is NGRI, because we hypothesized that jurors might have many prototypes of persons who are not NGRI, and describing these varied prototype would be a complex task.
memory and will be listed first when assessed via free recall. Thus, features typical
to each person’s prototype should be elicited with this instrument, and features
listed first should best represent those prototypes.

• **Insanity prototypes, checklist of individual differences: Conception Checklist (CC).** The
  Conception Checklist (Skeem & Golding, 2001) is a measure of individual
differences in insanity prototypes. Immediately after completing the FEI, partici-
pants were asked to keep in mind their image of the typical person who was not
responsible for his or her criminal actions due to mental illness to complete the
CC. The CC asks jurors to rate 57 features (e.g. “Unable to discern right from
wrong,” “Suffers from schizophrenia or psychosis”) with regard to their relevancy
to their personal prototype using a five-point Likert scale, where 1 is “not at all
relevant” and 5 is “extremely relevant.”

• **Case-relevant attitudes: Insanity Defense Attitude—Revised (IDA-R).** The revised
  Insanity Defense Attitude scale (IDA-R; Skeem et al., 2004) is a 22-item instru-
ment that assesses attitudes towards the insanity defense. Each item presents a
statement related to the insanity defense (i.e. “I believe that people should be held
responsible for their actions no matter what their mental condition.”), which
jurors are asked to rate on a seven-point Likert scale, where 1 is “disagree” and 7 is
“agree.” The IDA-R is comprised by two factors: Strict Liability, and Perceived
Injustice and Danger. The first factor captures the extent to which a juror believes
mental illness is relevant to the issue of criminal responsibility, whereas the second
factor captures how a juror perceives the insanity defense itself with regard to
misuse and possible threat to public safety. The reliability of these two scales is fair
and good (α = .68 and .88, respectively). This instrument relates in a theoretically
coherent manner to other attitudinal variables, and has strong predictive utility for
verdicts in a mock insanity defense case (Skeem & Golding, 2001). Specifically,
this instrument, especially the Strict Liability factor, was predictive of continuous
verdicts on based on a written insanity case vignette (r = -.47).

• **Case judgments: Insanity case vignettes and ratings.** To permit an assessment of the
relations among prototypes of insanity, case-relevant attitudes, and case judg-
ments, jurors were asked to read four insanity case vignettes, all of which are based
on one used with success in prior research (Roberts et al., 1987; Skeem & Golding,
2001). Multiple vignettes were used to allow for a comparison of verdict patterns
across different vignettes that might differ in their degree of match to jurors’
prototypes of insanity. The vignettes also were designed to help assess whether
jurors’ prototypes of insanity functioned as prototypes, that is, whether jurors
would be more likely to deem a defendant insane as the number of features the
defendant shared with the juror’s prototype increased.

Thus, the four vignettes hold constant such essential details as the nature of the
crime and defendants’ demographic characteristics, but alter prototype-relevant
features of the defendant. The first three versions of the vignette add descriptions of
the defendant that match important features of each of the three main prototypes
identified by Skeem and Golding (2001); Severe Mental Disability, Moral Insanity,
and Mental State Centered (described earlier). The fourth vignette includes
descriptions of the subject from each of the three prototypes, in an effort to create a
general “consensus” prototype, which is presented in the Appendix. Although this
method yields four relatively similar vignettes, it reduces the possibility that vignette differences peripheral to core features of insanity prototypes (e.g., defendant’s age, gender, or race; severity of the crime) could affect case judgments.

Participants were asked to read each vignette carefully, and then render a verdict of Guilty or Not Guilty by Reason of Insanity (NGRI). They were also asked to rate on a scale of 0–100 (where 0 = completely unlikely, 50 = can’t decide, and 100 = completely likely) how likely they were to find the defendant NGRI, based on evidence presented. This dimensional verdict provides more detailed information than the dichotomous guilty/NGRI verdict, and is more consistent with jurors’ actual judgments (see Finkel, 1995). Jurors were not given a definition of insanity in which to base their judgments because previous research has demonstrated that such instructions do not substantially guide verdicts (Finkel et al., 1985; see also Finkel, 1988, 1995; Poulson et al., 1997). Finally, jurors were asked to rate a series of 9–11 case construal items for each vignette that assessed their perceptions of, for example, the extent to which the defendant was mentally disordered, knew that his actions were wrong, had the capacity for volition, was capable of alternate behavior and beliefs, and was blameworthy and worthy of punishment. Only construal items deemed theoretically relevant to each vignette were presented (e.g., “To what extent do you think the defendant has a conscience?” was only presented for the Moral Insanity vignette). All jurors rated each of the four vignettes.

The jurors completed the measures in the order presented above: Background Survey, Feature Elicitation Instrument, Conception Checklist, Insanity Attitude—Revised, and the four case vignettes. The vignettes were presented in counterbalanced order to avoid order effects. Although it is possible that the order in which the measures were presented could have created a priming effect where participants’ responses on later instruments were affected by the presentation of the initial instruments, this concern was outweighed by the potential for tainting the prototype measures with the other measures. Specifically, it was necessary to present the FEI first, in order to get jurors’ “raw” conceptions of insanity, before the other measures were presented. In addition, it was necessary to present the CC immediately after the FEI so that jurors would still have their conception in mind as they completed the CC. Here, the clear measurement of prototypes was prioritized by presenting the measures in this order.

RESULTS

The first study aim was to assess the extent to which three prototypes of insanity held by jurors in a past study generalize to a sample of jurors in another state. We applied model-based cluster analysis to address this aim. Because our results indicated that respondents tended to rate all Conception Checklist (CC) items as highly relevant or irrelevant to their personal prototype of insanity, we next tested two possible methodological explanations for this finding: (a) the CC inadequately represented the universe of prototype features for this new sample, or (b) participants approached the CC as a measure of insanity defense attitudes.

4Finkel (1995) maintains that jurors perceive cases in shades of gray rather than in terms of black and white, and a continuous verdict option should more accurately reflect the jurors’ perception of the case.
In addressing the second methodological explanation, we meet the study’s second aim, which was to assess the relative influence of attitudes toward the insanity defense and prototypes of insanity on jurors’ case judgments.

**Generalization of Prototype Groups**

*Identification of Groups*

First, jurors’ responses to the CC were clustered analyzed to identify any groups of jurors with similar insanity prototypes. Specifically, model-based cluster analysis was applied using the computer package *mclust* (Fraley & Raftery, 2002). As with other model-based clustering routines, *mclust* uses a fit criterion (the Bayesian Information Criterion, or BIC) to estimate the number of subpopulations and assign each individual to one of these subpopulations. *Mclust* tests the fit of six models with different assumptions about the structure of the data (i.e., shape, volume, and orientation), varies the number of groups within each model from one to nine, and calculates a fit index for each of these models. Typically, the model with the largest BIC (indicating the best fit) is selected (Fraley & Raftery, 2000). BIC value differences of more than 10 show “very strong evidence” that a model is a better fit (Fraley & Raftery, 1998). Model-based cluster analysis of jurors’ CC scores yielded an optimal solution of three spherical groups of varying volumes. The difference between the BIC of this solution and the BIC of the next-best solution (three spherical groups of equal volumes) was 55.17, providing more than strong evidence that the best-fitting model was superior to any alternatives.

The usefulness of this solution, however, was questionable in that cases appeared grouped on profile elevation (average CC item rating), virtually to the exclusion of profile shape (see Cronbach & Gleser, 1953). Specifically, the groups’ average CC item scores suggested that they merely represented high-, medium-, and low-scoring individuals. Thus, both the next-best solutions provided by this method and solutions yielded by more traditional clustering methods (e.g., Ward’s method followed by *k*-means pass) were examined. These alternate solutions were similar to the best solution yielded by *mclust*, in that they produced high-, medium-, and low-scoring groups. Thus, the remaining discussion focuses exclusively on the best solution identified with *mclust*: three spherical groups with varying volumes consisting of 59, 48 and six members per group.

*Description of Groups*

Having identified these three clusters as the most viable solution, we next tested the assumption that the groups were distinguishable chiefly or solely on profile elevation. The assumption was tested in two ways. First, we reduced the CC’s 57 items into a smaller number of components using principal component analysis (PCA; Tabachnick & Fidell, 1996), and then plotted the three groups’ scores across these components in an effort to identify differences in profile shape. The PCA yielded three components, and these items were named Moral Insanity, Mental State Centered, and Severe Mental Disability, based on their highest loading items. Note
that these components are virtually identical to those identified and described by Skeem and Golding (2001), an observation consistent with congruence coefficients (Krzanowski, 1979) of $r = .63, .80$ and .85 (all $p < .01$) for components Moral Insanity, Mental State Centered, and Severe Mental Disability, respectively.

A component score was computed for each juror based on an algorithm from the PCA solution for each component (Tabachnick & Fidell, 1996), and average component scores were compared across groups using three ANOVAs. Each of the three comparisons was significant, as shown in Table 1. Generally, group 1 obtained the highest score on each component, followed by group 2, followed by group 3. Post hoc Bonferroni comparisons showed that for the Moral Insanity component group 1 scored significantly higher than groups 2 and 3; for the Mental State Centered component, group 1 scored significantly higher than groups 2 and 3, and group 2 scored significantly higher than group 3; and for the third component, Severe Mental Disability, post hoc tests were not significant. The lack of coherent pattern suggests that the three groups are distinguished by profile elevation, largely irrespective of profile shape.

Second, we removed profile elevation from the data by “centering around persons” (Cronbach & Gleser, 1953, p. 460; see also Borgen & Barnett, 1987), and then applied model-based cluster analysis to these data. First, deviation scores were calculated for each participant by subtracting his or her profile elevation, or average CC score, from each of his or her CC item scores (see Morey, 1991, pp. 138–139). Second, the model-based cluster analysis was repeated, using these deviation scores. The analysis indicated that the best solution was one cluster. Simply put, no clusters were identified once profile elevation was removed and the analysis had to rely upon profile shape and scatter alone. This suggests that the initial three-group solution was based almost solely on profile elevation, indicating that no distinct groups of jurors with different prototypes of insanity could be identified in this sample.

**Attempt to Validate Groups**

Next, we examined whether the three groups identified differed in their insanity case judgments (as in Skeem & Golding, 2001). MANOVAs were performed for each vignette in which scaled verdicts and construal ratings were compared across the three groups. Here, we found that the groups varied considerably, with group 1, the group with the highest CC scores, most likely to find defendants insane, followed by group 2. Group 3 was least likely to find the defendant insane across all the vignettes. For example, on the Severe Mental Disability vignette, group 1 had a mean probability of finding the defendant insane of 70.88 out of 100, with groups 2 and 3

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### Table 1. Obtained Clusters’ Conception Checklist component scores

<table>
<thead>
<tr>
<th>Component</th>
<th>Group 1</th>
<th>Group 2</th>
<th>Group 3</th>
<th>F value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moral Insanity</td>
<td>0.55</td>
<td>-0.89</td>
<td>-0.66</td>
<td>50.492**</td>
</tr>
<tr>
<td>Mental State Centered</td>
<td>0.33</td>
<td>-0.20</td>
<td>-2.44</td>
<td>35.694**</td>
</tr>
<tr>
<td>Severe Mental Disability</td>
<td>0.19</td>
<td>-0.24</td>
<td>-0.63</td>
<td>3.622*</td>
</tr>
</tbody>
</table>

*p < .05; **p < .01.
having means of 57.67 and 16.67, respectively. The scaled verdicts and construal ratings for all vignettes are presented in Table 2. Thus, although the groups did not “look” like prototypes, they differed significantly in their case judgments. This implied that these groups differed in a feature other than prototypes (such as attitudes) that predicted case judgments.

Potential Explanations

In summary, jurors tended to rate all CC items as highly relevant or irrelevant to their personal prototype of insanity, but groups of jurors identified through cluster analysis of their scores on the CC differed significantly in their case judgments. These findings have two possible methodological explanations: (a) the CC inadequately represented the universe of prototype features for this new sample or (b) participants approached the CC as a measure of insanity defense attitudes. Next, we evaluated each of these hypotheses.

Ability of the CC to Represent Jurors’ Prototypes

To assess the possibility that meaningful clusters could not be extracted because the Conception Checklist poorly represented Nevadan’s prototypes of insanity, jurors’ open-ended responses to the Feature Elicitation Instrument (FEI) were analyzed in three steps. First, the FEI data were segmented into individual features of insanity by two independent research assistants (inter-rater agreement = 87%). Second, the software package N5 (Richards, 2001) was used to code each identified feature as “overlapping” or “non-overlapping” with features already included in the CC (inter-rater agreement = 76%). An “overlapping” feature was defined as any elicited feature that meant “the same thing” as a feature already contained in the CC. Third, the set of non-overlapping features was examined to identify features of Nevadans’ prototypes of insanity that were not represented in the CC. After combining non-overlapping features that were synonymous, features that were listed by less than 5% of the sample were eliminated. This process yielded only five features that

<table>
<thead>
<tr>
<th>Vignette variable</th>
<th>All jurors</th>
<th>Group 1</th>
<th>Group 2</th>
<th>Group 3</th>
<th>F value</th>
</tr>
</thead>
<tbody>
<tr>
<td>SMD scaled verdict</td>
<td>63.39</td>
<td>70.882</td>
<td>57.368</td>
<td>16.667</td>
<td>9.512**</td>
</tr>
<tr>
<td>SMD construal factor</td>
<td>−.176</td>
<td>6.070 × 10⁻²</td>
<td>1.605</td>
<td>10.327**</td>
<td></td>
</tr>
<tr>
<td>MSC scaled verdict</td>
<td>54.16</td>
<td>63.043</td>
<td>44.211</td>
<td>15.000</td>
<td>9.539**</td>
</tr>
<tr>
<td>MSC construal factor</td>
<td>−.230</td>
<td>.249</td>
<td>1.066</td>
<td>7.115**</td>
<td></td>
</tr>
<tr>
<td>MI scaled verdict</td>
<td>47.95</td>
<td>56.618</td>
<td>38.684</td>
<td>8.333</td>
<td>9.614**</td>
</tr>
<tr>
<td>MI construal factor</td>
<td>−.177</td>
<td>.166</td>
<td>.962</td>
<td>4.659**</td>
<td></td>
</tr>
<tr>
<td>Consensus scaled verdict</td>
<td>60.39</td>
<td>67.681</td>
<td>53.158</td>
<td>21.667</td>
<td>7.969**</td>
</tr>
<tr>
<td>Consensus construal factor</td>
<td>−.155</td>
<td>.135</td>
<td>.926</td>
<td>3.941*</td>
<td></td>
</tr>
</tbody>
</table>

Mean scaled verdicts across all jurors are presented for descriptive purposes, and are not included in the analysis. *p < .05; **p < .01.
were not represented in the CC. A review of these few “unique” features indicated
that they captured concepts that were similar, if not identical, to those already
represented in the CC (e.g., the new feature of “limited cognitive ability” is related to
the CC feature of “mentally retarded”). The small number of features and limited
uniqueness helps to rule out the methodological explanation that the Utah
juror-based CC failed to adequately represent these Nevadan jurors’ prototypes of
insanity.

Relative Influence of Prototypes and Attitudes

Next, we tested the possibility that meaningful clusters could not be identified
because jurors approached the CC not as a selective checklist of their prototypes’
attributes, but instead as an attitudinal measure. This test simultaneously addressed
the study’s second aim, which was to compare the relative predictive utility of
prototypes of insanity and attitudes toward the insanity defense.

First, we assessed the basic utility of the CC and IDA-R in predicting jurors’
judgments on the insanity case vignettes. As shown in Table 3, although both
prototypes and attitudes significantly predicted these judgments, attitudes did so
more strongly than prototypes. For example, IDA-R total scores were strongly
correlated with jurors’ scaled verdicts on the “consensus” vignette ($r = -.60,
$p < .01$), with the Strict Liability subscale ($r = -.61$) predicting more strongly than
the Perceived Injustice and Danger Scale ($r = -.25$). Two of the three CC factor
scores (MSC and MI) were moderately predictive of scaled verdicts ($r = .27$
and $.22$).

Second, we examined the association between the four CC factors and two IDA-R
scales. The second factor of the CC, Mental State Centered, was significantly related
to both IDA-R scales: Strict Liability ($r = .21, p < .05$) and Perceived Injustice and
Danger ($r = -.26, p < .01$) scales. The significant association between the two
measures indicated that their incremental utility should be assessed.

To do so, we next performed a hierarchical multiple regression to assess the extent
to which CC factor scores added incremental utility above the Insanity Defense

Table 3. Utility of the IDA-R and CC in predicting case judgments

<table>
<thead>
<tr>
<th>Vignette variable</th>
<th>IDA-R scale</th>
<th>CC factor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Strict liability</td>
<td>Injustice/danger</td>
</tr>
<tr>
<td>Vignette 1 (SMD) scaled verdict</td>
<td>-.45**</td>
<td>-.23*</td>
</tr>
<tr>
<td>Vignette 1 (SMD) construal factor</td>
<td>.48**</td>
<td>.28**</td>
</tr>
<tr>
<td>Vignette 2 (MI) scaled verdict</td>
<td>-.50**</td>
<td>-.29**</td>
</tr>
<tr>
<td>Vignette 2 (MI) construal factor</td>
<td>.40**</td>
<td>.39**</td>
</tr>
<tr>
<td>Vignette 3 (MSC) scaled verdict</td>
<td>-.48**</td>
<td>-.27**</td>
</tr>
<tr>
<td>Vignette 3 (MSC) construal factor</td>
<td>.47**</td>
<td>.36**</td>
</tr>
<tr>
<td>Vignette 4 (CON) scaled verdict</td>
<td>-.60**</td>
<td>-.25**</td>
</tr>
<tr>
<td>Vignette 4 (CON) construal factor</td>
<td>.49**</td>
<td>.28**</td>
</tr>
</tbody>
</table>

SMD = Severe Mental Disability, MSC = Mental State Centered, MI = Moral Insanity, CON = Consensus.
*p < .05; **p < .01.
Attitudes—Revised (IDA-R) in predicting case judgments on the case vignettes. A separate regression was performed for each vignette. First, we entered jurors’ IDA-R scale scores as block 1 of the regression equation to test the utility of these scales in predicting jurors’ scaled verdicts on the vignette. The $R$ value for the this step was .65 for the consensus vignette. Next, jurors’ CC factor scores were added as block 2. Here, the CC added little in terms of $R^2$ above that provided by the IDA-R, as the change in $R^2$ for the vignette was only .04. Although this value reached statistical significance at .05, the value was so small as to have little practical utility. We repeated the same regression for each of the other three vignettes and found similar results. On these vignettes, the change in $R^2$ ranged from .05 (Severe Mental Disability, ns) to .09 (Moral Insanity, $p < .01$). Thus, across all four vignettes, the CC added little predictive utility for verdicts above that provided by the IDA-R.

We also wished to determine whether the IDA-R added predictive utility for verdicts above what was offered by the CC. To do so, we ran the regression equation in the opposite order, with the CC entered on the first step and the IDA-R entered on the second step. For the consensus vignette, the $R$ value for the first step was .35 (these values ranged from .20 on the Moral Insanity vignette to .44 for the Mental State Centered vignette). After entering the IDA-R, the change in $R^2$ on the consensus vignette was .34 ($p < .001$). For the other vignettes, the change in $R^2$ ranged from .15 to .22, all of which were significant at the .001 level. This suggests that the CC’s predictive utility for jurors’ case judgments is largely, but not fully redundant, with that of the IDA-R, but the IDA-R has predictive utility above and beyond that of the CC. Thus, it seems that prototypes of insanity add little incremental utility to insanity defense attitudes in predicting case judgments.

**DISCUSSION**

This study of prospective jurors yielded two key findings. First, attitudes toward the insanity defense powerfully influence jurors’ general information processing. In this study, jurors’ attitudes may have prevented them from following instructions to selectively and effectively represent their personal prototypes of insanity. Second, jurors’ attitudes toward the insanity defense may affect their insanity case judgments and verdicts more strongly than their prototypes of insanity. Although the two knowledge structures are related, attitudes have a strong independent relationship with case judgments. In contrast, prototypes of insanity have a modest independent relationship with case judgments. This finding suggests that jurors’ attitudes towards the insanity defense should be a center of focus for identifying biased jurors and developing methods to bring their decisions into greater accord with the law.

Although it may be argued that prototypes were disadvantaged in the present study because we were unable to measure them adequately, there is external support for the notion that attitudes explain the lion’s share of the variance in predicting jurors’ verdicts. Given the present study’s results, we resurrected data from the original study by Skeem and Golding (2001), in which three prototype groups were identified and carefully validated. Applying a regression analysis identical to the one reported above, we found that CC prototype scores did not significantly predict jurors’ scaled verdicts, after controlling for IDA-R attitudinal scores. When it comes to predicting jurors’ verdicts (if not understanding the process by which they are
made), attitudes toward the insanity defense seem to carry the day. Nevertheless, as shown later, we believe that these results should be replicated in studies that use more rigorous methods for assessing prototypes.

Attitudes Versus Prototypes in Case Decision-Making

In contrast with prior research (Skeem & Golding, 2001), we could not identify groups of jurors with distinct prototypes of insanity defined by different features in this study. We identified three groups of jurors based on their responses to the Conception Checklist (CC) and found that these groups differed in their insanity case judgments. However, although there were subtle differences in jurors’ ratings of the CC items as evidenced by the PCA results, jurors on the whole tended to rate every item as of high, medium, or low relevance. This suggests that we captured primarily “attitude” groups, not “prototype” groups. First, the three groups of jurors differed in how strongly they endorsed the entire feature set of the CC (low, medium, or high) rather than in their pattern of feature endorsement. Once the strength of endorsement was controlled, no groups that differed based on the shape of their profiles could be identified. Second, although the three groups differed significantly in their case judgments, this relationship was substantially weakened, once differences among the groups in their attitudes toward the insanity defense was controlled.

We believe that jurors’ attitudes towards the insanity defense largely swamped our efforts to assess their prototypes of insanity. Jurors indiscriminately indicated that a diverse body of features were irrelevant to (conservative juror), or essential to (liberal juror) their personal prototypes of insanity. For example, jurors with a conservative, “strict liability,” orientation were unable to highlight features they viewed as “essential” to their personal prototype of insanity. Although we believe that the paper and pencil format measure of prototypes may not have been an ideal method for capturing jurors’ conceptions (as we will discuss later), we do not think the type of measure caused the relative association between attitudes and prototypes that we observed, since our attitude measure was paper and pencil format as well.

Our findings are a testament to the strong influence of attitudes on decision-making. A large body of research in social cognition indicates that attitudes can strongly bias “every step of the information processing sequence” (Olson & Zanna, 1993, p. 129; see also Eagly & Chaiken, 1993; Eagly & Mladinic, 1989; Petty et al., 1997). Attitudes affect cognitive functions that range from attention to memory (Fazio, 1989). Jurors’ attitudes toward the insanity defense have been found in other studies to overpower their application of insanity standards (Finkel et al., 1985; see also Finkel, 1988, 1995) and their recognition of changes in the case facts and verdict categories (Roberts & Golding, 1991). In the present study, jurors’ attitudes seemed to prevent them from following research instructions to assess their prototypes of insanity. Indeed, when asked about their prototypes of insanity (with the Feature Elicitation Instrument), one in five jurors in this study offered such attitudinal statements as “I believe most criminal actions are committed by those with some degree of mental illness” (Participant 2018). Jurors’ views, in short, seemed easily activated and strongly held (see Pratkanis, 1989). Notably, the strength of this sample’s views may in part reflect contemporary local controversies
regarding the constitutionality of abolishing the insanity defense (see Finger v. State, 2001, where the court ruled that such abolishment violated the due process clauses of both the Nevada and United States constitutions).

Beyond interfering with jurors’ ability to follow research instructions, attitudes toward the insanity defense predicted verdicts more strongly than prototypes in the present study. Across four separate vignettes and multiple case judgments, negative attitudes towards the insanity defense strongly predicted verdicts of “guilty” ($r = .49–.61$). This is consistent with the robust finding that attitudes toward the insanity defense exert considerable influence on mock jurors’ verdicts in insanity cases (Bailis, Darley, Waxman, & Robinson, 1995; Cutler, Moran, & Narby, 1992; Ellsworth, Bukaty, Cowan, & Thompson, 1984; Homant & Kennedy, 1987; Roberts & Golding, 1991; Roberts et al., 1987; Skeem et al., 2004). The present study extends previous findings by using “real” jurors and a standardized measure of attitudes toward the insanity defense.

**Limitations**

As is the case with any research, this study had some limitations. First, the sample may not fully represent jurors in the jurisdiction selected (Clark County). Only 61% of jurors who volunteered for this study actually completed and returned the study measures. Relative to a census sample, these individuals were older, more educated, and more likely to be White and female. It is possible that jurors with stronger attitudes towards the insanity defense were more likely to participate than those who felt less strongly about the issue. Second, the sample may not represent jurors beyond the jurisdiction selected. This study, like that by Skeem and Golding (2001), was conducted in one of the few states in which the insanity defense had been abolished. The results must be replicated in a jurisdiction with more liberal views of the defense. Third, the written vignettes used to elicit case judgments are much less detailed than an actual court case would be. As noted by Skeem and Golding (2001), jurors might have responded differently if they were provided with more details about the case. Fourth, the similarity of the vignettes may have produced demand characteristics, where jurors may have been compelled to respond similarly across all of the vignettes because the vignettes were similar. However, as depicted in Table 2, the sample as a whole did have differences in their judgments across the vignettes, with the Moral Insanity defendant being the most likely to be found guilty and the Severe Mental Disability defendant being the most likely to be found insane. Further, jurors showed intraindividual variability. Across the four vignettes, the mean standard deviation among jurors’ scaled verdicts was 17.5, indicating that individual jurors varied in their judgments across the vignettes. This indicates that, although the vignettes were very similar, jurors were able to detect differences among them. Finally, jurors completed the questionnaires and vignettes on a “take-home” basis. It is possible that jurors discussed the measures with other persons or completed the measures out of order, against clear instructions. These limitations largely are related to practical constraints in collecting data from jury-eligible adults. Although it is impossible to tell how these limitations have affected our results, we believe that the advantages associated with studying experience-based knowledge structures with jurors (rather than undergraduates) outweigh these limitations.
Implications

Assessing Prototypes of Insanity

The results of this study have clear implications for future research that seeks to understand how jurors render decisions in insanity defense cases. Attitudes influence information processing and may (as was the case here) interfere with the measurement of prototypes. To better assess jurors’ prototypes of insanity, Q methodology may be more appropriate than the checklist approach employed here. Q methodology requires that items be ranked such that a certain number of items are designated as essential to defining one’s prototype and a certain number somewhat relevant, neutral, and irrelevant (see McKeown & Thomas, 1988). This method would resolve the problem encountered in the current study by requiring jurors to prioritize which items are more (or less) relevant, preventing items from being ranked uniformly.

Identifying Biased Jurors

Abundant research indicates that jurors’ attitudes toward the insanity defense strongly affect their case judgments. Because a defendant will not obtain a fair trial if some of the jurors impaneled are unwilling to entertain his established legal defense of insanity (Cutler et al., 1992), these attitudes should be assessed in cases where the defense is raised. First, just as jurors who would never impose the death penalty are excluded from death penalty cases (see Witherspoon v. Illinois, 1968), jurors who would never find any defendant insane could be excluded from insanity cases. Second, a measure such as the IDA-R could be used during voir dire to identify prospective jurors who have strongly held, negative attitudes towards the defense. If such questionnaires are not allowed, given increasing pressure toward conducting “streamlined” voir dire (Johnson & Haney, 1994), attorneys or judges should at least question prospective jurors about such attitudes, and should do so in more than a perfunctory manner (see Perlin, 1999; Skeem & Golding, 2001). When negative attitudes are identified, simply asking jurors to set them aside will probably insufficiently protect a defendant’s right to a fair trial by an impartial jury. Jurors with strongly held, negative attitudes often overestimate the extent to which they can set their attitudes aside (Hafemeister, 2000). Jurors who have such attitudes may be so unlikely to consider a defendant’s legal plea of insanity that they may be considered for exclusion as well.

Bringing Insanity Case Decisions Into Greater Accord With the Law

In addition to identifying jurors with negative attitudes towards the insanity defense, insanity case decisions may be brought into better accord with the law by developing interventions to soften jurors’ negative attitudes. Because attitudes bias information processing, merely disseminating accurate information about the insanity defense is unlikely to change public opinion. In the wake of the Hinckley trial, Jeffrey and Pasewark (1983) found that people were resistant to information meant to correct their misconceptions about the insanity defense, such as the number of defendants
who plead insanity. Before interventions aimed at countering inaccurate myths regarding the defense were presented, 92% of community residents agreed with the statement, “The insanity plea is used too much,” and grossly overestimated the rate of the defense’s use and success, believing that 38% of defendants entered such a plea and 45% of these were found insane. After actual statistics of the defense’s use were presented (i.e. that only 0.8% of defendants in the state where the study was conducted plead insanity, and of these only 4% were found legally insane), 52% of community residents still agreed that the defense was used too much. Perlin (1999, p. 230) argues that such myths about the insanity defense which have been “clearly, definitively, and empirically disproved” persist because they are based on deep-seated, largely socially acceptable prejudices against defendants with mental illness and maintained by faulty reasoning processes. The results of Jeffrey and Pasewark demonstrate that changing jurors’ insanity defense attitudes is not an easy undertaking.

Other types of intervention aimed at reducing the effect of juror bias may be informed by research on stigma and mental illness. As mentioned previously, Corrigan and colleagues (2001; see also Penn, Kommana, Mansfield, & Link, 1999) found that having participants listen to an autobiographical presentation by a person with mental illness (“meaningful contact”) was more effective at changing negative attitudes about mental illness than having participants attend a class on myths about mental illness (“education”). Although both the “education” and “contact” interventions improved participants’ attitudes towards persons with mental illness, only the “contact” group showed changes in information processing after their contact experience. This work suggests that it is necessary to target attitudes on a deeper level than can be achieved by education alone (Corrigan et al., 2001).

In short, research is needed to directly test the effect of promising alternative interventions on jurors’ decision-making. After identifying the strategies that maximally reduce the effect of jurors’ attitudes on their decision-making in insanity defense cases, such research could focus on refining these strategies to be maximally feasible for use in court settings. The goal of such efforts would be to promote jury verdicts that are based more on the evidence and legal instructions and less on personal biases about mental illness and criminal responsibility.

CONCLUSIONS

This research adds support to the notion that jurors with negative attitudes towards the insanity defense are less likely than jurors with more positive attitudes to find any defendant insane. Although previous studies have demonstrated the predictive utility of attitudes, this study demonstrates that these attitudes strongly bias information processing, and can overpower attempts to measure other constructs (prototypes, in this case). Although we found little evidence that prototype theory explains jurors’ insanity verdicts in this study, application of prototype theory to jury decision-making in insanity defense cases remains a promising and novel approach. Rather than disproving the viability of insanity prototypes, our findings call for rigorous methods of assessing prototypes that reduce the interference of attitudes on information processing. A Q sort (or similar) approach may be used to determine whether particular prototypes of insanity exist, how much they influence verdicts,
and whether they affect case judgments via a feature matching process. For now, this study indicates that negative attitudes toward the insanity defense are important markers of juror bias and are appropriate targets of intervention to bring verdicts into accord with legal standards of insanity.

ACKNOWLEDGEMENTS

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REFERENCES


APPENDIX

Instructions

We now ask that you play the part of a juror. The case described below involves a defendant who is raising the insanity defense. Please (1) carefully read the case description, then (2) complete the questions on this page and the following page. Assume that none of the facts presented are in dispute, that is, assume that everything said about the crime and defendant are true. Note: these cases may seem somewhat similar, but please read each individual case and judge it alone, not how it compares to the other cases.

Case Description

Robert Wilson, age 30, often walked to Stevenson’s Grocery Store, which was across the street from his apartment building. One evening, he had a few of his friends over to watch a football game on TV. He offered to go to the store to get some snacks and beverages, but had not returned after several hours. One of his friends, Andrew, decided to go to the store himself to check if Robert was still there. Not finding him, he returned to Robert’s apartment and called the police, who found Robert’s body behind the store. The medical examiner confirmed that the victim had died as a result of being stabbed twice in the back. A knife found at the scene was confirmed to be the murder weapon. On the knife, the police found fingerprints, which matched those of Jim Green, who was picked up a block away from the store.

Jim Green was identified by the store clerk as having loitered around the store’s parking lot for the past few days. The police had initially only wanted to question him, but decided to fingerprint him after the store clerk stated that Jim had left the area shortly after the victim did. Upon further inspection, the police noticed that he had blood on his hands. Additionally, two eyewitnesses stated that they saw Green wandering in the store’s parking lot and then leave abruptly just after the victim left the store.

Two experienced mental health professionals (a psychologist and a psychiatrist) were appointed by the court to examine the defendant. These professionals’ reports and testimony were in agreement and indicated that the defendant was seriously
mentally ill and not likely to improve with treatment. They testified that the
defendant showed that he didn’t know right from wrong and was not capable of
understanding the harmful consequences of actions. They also stated that the
defendant did not know what he was doing at the time he committed the crime, and
still wasn’t sure that he had committed it at all and believed that the victim was
probably threatening him in some way and that the killing was in self defense, or that
the police were just making up the crime to put him away. The convenience store
clerk testified that he had actually hired the defendant to clean the store’s parking lot,
which was part of the clerk’s duties, but had changed his mind when the defendant
had started harassing customers. The defendant’s uncle testified that Green had
been staying with him for the past two weeks since moving to town. The defendant’s
uncle also stated that Green had confided in him that he thought people were out to
get him and that he often felt the need to protect himself. The uncle testified that he
attributed the defendant’s frequent episodes of bizarre behavior to drug use, but drug
testing and medical records showed that the defendant was not on drugs. The uncle
was not aware that for the past several years, Green had been in and out of mental
hospitals where he was treated for various mental illnesses. His medical records
indicated several hospital admissions where Green was given medication, which
improved his condition only briefly. Once he was released, his problems seemed too
much for him to control, even while he was medicated. At times during the trial, the
defendant showed strange mood swings and appeared to argue with his lawyers.