

The Role of Death Qualification in Capital Trials Involving Juvenile Defendants¹

BROOKE BUTLER²

University of South Florida–Sarasota

The purpose of this study was to investigate the role of death qualification in capital trials involving juvenile defendants. Two hundred residents of the 12th Judicial Circuit in Florida completed a booklet of stimulus materials that contained the following: One question that measured participants' level of support for the death penalty; One *Witt* death-qualification question; a summary of the guilt and penalty phases of a capital case involving either an adult or a juvenile defendant; sentence preference; the Revised Legal Attitudes Questionnaire (RLAQ); and standard demographic questions. Results indicated that death-qualified participants were more likely to sentence both defendants to death. In addition, death-qualified participants were more likely to recommend the death sentence for the juvenile defendant. Legal implications are discussed.

In *Roper v. Simmons* (2005), the Supreme Court effectively abolished the death penalty for defendants who were under the age of 18 at the time of the offense. In writing for the majority, Justice Anthony Kennedy stated that “retribution is not proportional if the law’s most severe penalty is imposed on one whose culpability or blameworthiness is diminished, to a substantial degree, by reason of youth and immaturity” (p. 21).

In 2004, the American Psychological Association (APA) submitted an amicus curiae brief to the Supreme Court outlining its position against juvenile executions. The APA stated that behavioral and neuropsychological research has suggested that executing defendants who were under the age of 18 at the time of the offense constitutes cruel and unusual punishment for the following reasons:

1. Adolescents think and behave differently from adults in ways that undermine the Court’s rationale for capital punishment.

¹This research was presented at the annual meeting of the American Psychology–Law Society in La Jolla, CA, March 2005. The author thanks Jessica Bailey, Julie Kerber, Austen Krill, and Jaime Wolf for their assistance.

²Correspondence concerning this article should be addressed to Brooke Butler, Department of Psychology, University of South Florida–Sarasota, 8350 N. Tamiami Trail, Sarasota, FL 34243. E-mail: bbutler@sar.usf.edu

2. Capital trials do not allow for the mitigating effect of adolescence in a sufficiently reliable manner to meet the Court's Eighth Amendment standards.
3. Capital trials cannot account for the heightened risk of error produced by adolescent decision making in earlier criminal proceedings.

While the percentage of juvenile defendants who have faced the death penalty is relatively small, the controversy generated by such cases has been enormous. Psychologists repeatedly have argued against the execution of juvenile offenders (Baranoski, 2003; Bottoms, Kovera, & McAuliff, 2002; Forrester, 2002; Giedd, Blumenthal, & Jeffries, 1999; Grisso & Schwartz, 2000; Ogloff, 1987; Sanborn, 1994; Steinberg & Scott, 2003). However, as the number of juveniles charged with heinous offenses is on the rise, public support of juvenile executions has increased accordingly. Consequently, the United States holds the rather dubious distinction of having sentenced more juvenile defendants to death than any other country (Streib, 2004).

In the United States, the jury has a central role in capital trials. In all states that retain capital punishment, the jury has the primary responsibility of pronouncing a sentence of either death or life in prison without the possibility of parole (*Ring v. Arizona*, 2002). This obligation is extremely unusual, considering the fact that it is not constitutionally mandated, and jury sentencing in noncapital trials is almost extinct (Hans, 1986). A primary difference between capital and noncapital trials is that jurors in capital trials must undergo an extremely controversial process called death qualification.

Death qualification is a part of voir dire during which prospective jurors are questioned regarding their beliefs about capital punishment. This process serves to eliminate jurors whose attitudes toward the death penalty would render them unable to be fair and impartial in deciding the fate of a defendant. In order to sit on a capital jury, a person must be willing to consider all legal penalties as appropriate forms of punishment. Jurors who pass the aforementioned standard are deemed *death-qualified* and are eligible for capital jury service; jurors who fail the aforementioned standard are deemed *excludable* or *scrupled* and are barred from hearing a death-penalty case.

The current standard for death qualification is the *Witt* standard. In *Wainwright v. Witt* (1985), the Court ruled that if a potential juror feels so strongly about the death penalty that his or her belief would "prevent or substantially impair the performance of his duties as a juror, it is grounds for dismissal for cause" (p. 852).

Although the Supreme Court sought to enhance the fairness and impartiality of capital juries by utilizing the *Witt* standard, the data indicate that

this modification did not have the intended effect. In fact, research has suggested that the adoption of the *Witt* standard has had significant consequences. For example, Dillehay and Sandys (1996) found that 28% of participants who met the *Witt* standard would, contrary to law, automatically impose the death penalty. In fact, 36% of all jurors exhibited attitudes toward the death penalty that were so vehement that it prevented them from being impartial in a capital case.

Death-qualification status is more frequent in certain demographic and attitudinal subgroups than in others (Dillehay & Sandys, 1996; Fitzgerald & Ellsworth, 1984). In fact, jurors who pass the *Witt* standard tend to be demographically distinguishable: They are more likely to be male, Caucasian, financially secure, politically conservative, and Catholic or Protestant (Butler & Moran, 2002; Hans, 1986). Death-qualified jurors are more likely to trust prosecutors and to view prosecution witnesses as more believable, credible, and helpful. They are more likely to consider inadmissible evidence, even if a judge has instructed them to ignore it, and to infer guilt from a defendant's failure to take the witness stand (Hans, 1986). Death-qualified jurors are more hostile to psychological defenses and are more receptive to pretrial publicity (Butler & Wasserman, 2006; Butler, 2007). Finally, death-qualified jurors are more likely to believe in the infallibility of the criminal justice process and less likely to agree that even the worst criminals should be considered for mercy (Butler & Moran, 2002; Butler & Wasserman, 2006; Fitzgerald & Ellsworth, 1984; Haney, 1984b; Haney, Hurtado, & Vega, 1994; Hans, 1986; Moran & Comfort, 1986; Robinson, 1993; Thompson, Cowan, Ellsworth, & Harrington, 1984).

Death qualification also appears to have several biasing process effects. For example, Haney (1984a) argued that the experience of death qualification itself affects jurors' perceptions of both the guilt and penalty phases of a death-penalty case. Capital voir dire is the only voir dire that requires the penalty to be discussed before it is relevant. Thus, the focus of jurors' attention is drawn away from the presumption of innocence and onto post-conviction events. The time and energy spent by the court presents an implication of guilt and suggests to jurors that the penalty is pertinent, if not inevitable (Haney et al., 1994). Death qualification also forces jurors to imagine themselves in the penalty-phase proceeding. Previous research has found that simply assuming an event will occur increases the subjective estimate that it will (Tversky & Kahneman, 1974).

In addition, during death qualification, jurors are questioned repeatedly about their views on the death penalty. This can have two negative effects. First, jurors can become desensitized to the imposition of the death penalty as a result of repeated exposure to this potentially emotional issue. Second, jurors are forced to publicly commit to a particular viewpoint. Earlier

findings have suggested that public affirmation of an opinion can actually cause that opinion to strengthen (Festinger, 1957). Finally, jurors who do not endorse the death penalty encounter implied legal disapproval by being “excluded” because they are “unfit for capital jury service.”

The APA submitted an amicus curiae brief to the Supreme Court summarizing the findings of a body of research on death qualification (Bersoff, 1987). In this brief, the APA posited that the data demonstrate that death-qualified juries are more pro-prosecution, pro-conviction, and less representative than are juries that are not death-qualified. The brief concluded that death qualification should be abolished.

The Supreme Court reviewed the research and criticized the studies presented by the APA as having “serious flaws in the evidence upon which the courts below had concluded that ‘death qualification’ produces ‘conviction-prone’ juries” (*Lockhart v. McCree*, 1986, p. 1764). In essence, the Court ignored the weight of the data, the implications of convergent validity, and declared the data submitted by the APA inadequate and legally irrelevant. They ruled that the process of death qualification was, indeed, constitutional.

In spite of the fact that the (pre-*Roper*) United States led the world in juvenile death sentences, the impact of death qualification on capital trials involving juvenile defendants has yet to be investigated. In *Roper v. Simmons* (2005), the Supreme Court cited juveniles’ developmental immaturity as its primary reason for abolishing the death penalty. What the Supreme Court failed to consider, however, was the impact that death qualification has on juvenile defendants’ right to due process. Given the fact that the Supreme Court historically has viewed the issue of capital punishment with great ambivalence, the issue of the juvenile death penalty is far from settled. Consequently, it is imperative that the role of death qualification in capital trials involving juvenile defendants be examined empirically.

Another issue that has yet to be explored is the impact of individual differences in capital cases involving juvenile defendants. One variable that has been shown to affect juror decisions in capital cases involving adult defendants is that of legal authoritarianism (Butler & Moran, in press; Kravitz, Cutler, & Brock, 1993; Narby, Cutler, & Moran, 1993). Specifically, legal authoritarians are more likely to feel that the rights of the government outweigh the rights of the individual with respect to issues (the death penalty notwithstanding) in cases involving adult defendants (Butler & Moran, in press). However, the role of legal authoritarianism in capital trials involving juvenile defendants has yet to be studied.

In summary, death qualification is neither moot in law nor settled fact, as it appears that the courts are more willing than ever to examine the fairness of the ultimate punishment. Consequently, it is imperative that psycholegal researchers continue to investigate the issues that pertain to capital cases.

The primary purpose of the current study is to investigate the differences between death-qualified and excludable participants' willingness to sentence either adult or juvenile defendants to death through the utilization of a sample and methodology that are externally valid. Based on the findings of similar studies, it is hypothesized that all participants, regardless of death-qualification status, will be more likely to sentence the adult defendant to death. It is also hypothesized that death-qualified participants will be more likely sentence adult and juvenile defendants to death. Finally, it is hypothesized that excludables will be less likely to sentence adult and juvenile defendants to death.

Method

Participants

Study participants consisted of 200 residents (123 female, 77 male) of the 12th Judicial Circuit (i.e., De Soto, Manatee, and Sarasota Counties) in Florida. Participants were drawn from local shopping malls, businesses, and driver's license bureaus.

Participants' median age was 50 years, and their median income was \$60,000. The ethnic origin of the sample was as follows: 83% were Caucasian; 6% were African American; 4% were Hispanic; 1% were Asian; and 6% were of an ethnic origin other than what was specified on the questionnaire. Respondents' education was as follows: 2% had some high school education; 14% had completed high school; 44% had some college or junior college; 30% had a college degree; and 10% had a post-graduate or professional degree. Of the sample, 14% had served on a jury before. A comparison reveals that the sample closely resembles the demographic breakdown of the 12th Judicial Circuit. Consequently, representativeness does not appear to be a pertinent issue.

Predictor Variables

First, participants specified their level of support for the death penalty. This was assessed in two ways. Participants were asked to circle the statement with which they agreed most:

1. The death penalty is never an appropriate punishment for the crime of first-degree murder.
2. In principle, I am opposed to the death penalty, but I would consider it under certain circumstances.

3. In principle, I favor the death penalty, but I would not consider it under certain circumstances.
4. The death penalty is always an appropriate punishment for the crime of first-degree murder.

Second, participants were asked to indicate if they felt so strongly about the death penalty (either for it or against it) that their views would prevent or substantially impair the performance of their duties as a juror in a capital case. Participants who answered “No” to this question were classified as death-qualified; while those who answered “Yes” were classified as excludable.

Stimulus Case

Participants read the summary of testimony presented during the guilt phase of a capital trial involving the robbery and murder of a convenience-store clerk. The scenario was constructed with the assistance of an attorney experienced in capital cases and has been used successfully in two prior studies (Butler & Moran, 2002; Butler & Moran, in press). In one scenario, the defendant was described as being 16 years old; while in the other scenario, the defendant was described as being 36 years old. The cases were identical in all other respects.

In the scenario, three eyewitnesses saw a man enter the convenience store and demand money from the cashier. When the cashier turned around to open the register, the perpetrator shouted at him to “Hurry up.” The cashier fumbled with the register, and the perpetrator shot him once, killing him instantly. The perpetrator then took the money out of the register (\$300) and fled. A short time later, the police found a person who matched the description of the murderer walking near the convenience store. The suspect, Andrew Jones, did not have an alibi for his whereabouts at the time of the crime. The police searched him and found \$300. They arrested him and took him to the police station. In a subsequent lineup, three eyewitnesses positively identified Mr. Jones as the person they had seen murder the convenience-store clerk. Also, his fingerprints were found at the scene of the crime.

Participants then read the summary of arguments and testimony presented during the penalty phase of the aforementioned capital trial. The prosecution presented the following aggravating circumstances and urged participants to vote in favor of the death penalty: the murder occurred during the commission of another felony; the defendant has a prior history of violence; the crime was committed while Mr. Jones was on probation; the crime was committed in order to avoid identification and arrest; the victim was murdered for \$300; and the crime was committed in a cold, calculated, and premeditated manner. The defense attorney presented the following

mitigating circumstances and urged participants to sentence the defendant to life in prison without the possibility of parole: Andrew Jones was physically abused as a child; he has a history of alcoholism and using illegal drugs; he was under the influence of extreme mental or emotional disturbance; and Mr. Jones was taking two types of antidepressants when the murder occurred.

Revised Legal Attitudes Questionnaire

Kravitz et al.'s (1993) Revised Legal Attitudes Questionnaire (RLAQ) was used to measure participants' level of legal authoritarianism. This measure is comprised of 23 items measured on a 6-point Likert scale ranging from 1 (*strongly disagree*) to 6 (*strongly agree*).

Each item on the RLAQ measures participants' legal authoritarian beliefs (i.e., emphasizing the rights of the government with respect to legal issues) or civil libertarian beliefs (i.e., emphasizing the rights of the individual with respect to legal issues; Kravitz et al., 1993). Previous research has found that the RLAQ has acceptable levels of validity and reliability with respect to legal authoritarianism (Kravitz et al., 1993).

Procedure

Prior to their participation, participants read an informed consent form, which described the nature of the study, ensured that their participation was completely voluntary and anonymous, and reiterated that they would not receive compensation for their participation. Participants were also given a contact number in case they were interested in the final results of the study once the data were collected and analyzed.

Participants then were asked to complete a booklet of measures. They were asked first to complete one question that measured participants' level of support for the death penalty and one *Witt* death-qualification question. Participants then read a summary of the guilt and penalty phases of a capital case. They were told that the defendant has already been convicted of capital murder and that they are responsible for determining the punishment. Participants then were asked to select a sentence (either death or life in prison without the possibility of parole), complete the RLAQ (Kravitz et al., 1993), and answer standard demographic questions.

Results

Of the sample, 10% ($n = 20$) felt that the death penalty is never an appropriate punishment for the crime of first-degree murder. There were 34%

($n = 68$) who opposed the death penalty, but would consider it under certain circumstances. Another 40% ($n = 79$) favored the death penalty, but would not consider it under certain circumstances. Finally, 16% ($n = 33$) of participants said that the death penalty is always an appropriate punishment for the crime of first-degree murder.

Of the participants, 21% ($n = 42$) felt so strongly about the death penalty that they said their views would prevent or substantially impair the performance of their duties as a juror in a capital case. Consequently, these participants were classified as *Witt excludables*.

Participants' recommendations were as follows: 76.5% ($n = 153$) of participants recommended the death penalty; while 23.5% ($n = 47$) recommended a sentence of life in prison without the possibility of parole. An ANOVA reveals a main effect of death qualification on sentence, $F(1, 196) = 64.70$, $p < .001$. Death-qualified participants, as opposed to excludables, were more likely to recommend the death sentence for both defendants. An ANOVA reveals an interaction effect of death qualification and age of defendant on sentence, $F(1, 196) = 7.42$, $p = .01$. Death-qualified participants were more likely to recommend the death sentence for the juvenile defendant. Excludables were more likely to recommend the death sentence for the adult defendant.

A chi square reveals a significant effect of death qualification on political views, $\chi^2(3, N = 200) = 17.21$, $p = .001$; and legal authoritarianism, $F(1, 198) = 9.51$, $p = .002$. Participants with liberal political views were more likely to be excluded from capital jury service than were participants with conservative political views. In addition, death-qualified participants were more likely to be legal authoritarians.

A linear regression reveals a significant relationship between legal authoritarianism and sentence, $F(1, 198) = 13.99$, $p < .001$. Legal authoritarians, when compared to their civil libertarian counterparts, were significantly more likely to sentence the defendants to death.

A linear regression reveals a significant relationship between legal authoritarianism and ethnic background, $F(1, 198) = 6.66$, $p = .01$; educational level, $F(1, 198) = 5.49$, $p = .02$; occupation, $F(1, 198) = 12.57$, $p < .001$; political views, $F(1, 198) = 38.53$, $p < .001$; and income, $F(1, 198) = 3.74$, $p = .05$. Specifically, African Americans and participants with higher socioeconomic status (SES) were significantly more likely to be civil libertarians. In contrast, participants with only a high school diploma, who hold mid-status occupations, and who espouse liberal political views were significantly more likely to be legal authoritarians.

A chi square suggests a significant effect of gender on sentence. Male participants were more likely to recommend the death sentence, $\chi^2(1, N = 200) = 4.36$, $p = .04$. Another chi square reveals a significant effect of

political views on sentence. Participants with conservative political beliefs were more likely to sentence both defendants to death, $\chi^2(3, N = 200) = 14.62$, $p = .002$.

Discussion

This study clearly demonstrates the salient role that death qualification has in capital trials involving juvenile defendants. As hypothesized, death-qualified participants, when compared to excludables, were more likely to sentence both defendants to death. Excludables were more likely to recommend the death sentence for the adult defendant. In addition, death-qualified participants were more likely to sentence the juvenile defendant to death.

Consistent with prior research, participants who were male and politically conservative were more likely to recommend the death sentence (Butler & Moran, 2002). Legal authoritarians also appeared to be demographically unique. Specifically, legal authoritarians were more likely to be non-African American, lack a college education, have mid-status occupations, have middle SES, and espouse conservative political views.

This study suggests several potentially biasing effects of death qualification. First, death qualification appears to systematically exclude jurors who consider the age of the defendant at the time of the offense to be a mitigating factor. Second, participants who espouse strongly anti-death-penalty attitudes appear to be excluded from capital juries more frequently than participants who have strongly pro-death-penalty beliefs. Clearly, this anti-defendant (or pro-conviction, pro-death) bias undermines the purpose of death qualification and, consequently, impedes defendants' right to a fair and impartial trial.

However, the current study is not without its methodological limitations. First, this study is largely correlational in nature, as it would have been impossible to randomly assign participants into categories of death-qualified and excludable. Consequently, causation cannot be inferred.

In addition, the methodology of utilizing questions on a written survey measuring participants' beliefs about the death penalty and classifying participants as death-qualified or excludable (answered confidentially and anonymously) has limited external validity. During voir dire conducted in an actual trial, prospective jurors are questioned both verbally and in front of other jurors; and defense attorneys often try to rehabilitate excludable jurors who express opposition to the death penalty, rather than allow them to be immediately dismissed for cause. However, it is the judge, as opposed to the juror, who makes the final decision as to whether a prospective juror is death-qualified or excludable.

Also, jurors were predominantly Caucasian, older, politically conservative, and of higher SES. While the sample was representative of the 12th Judicial Circuit in Florida, it may not be representative of other jurisdictions. In addition, having participants read a summary of the guilt and penalty phases of a capital trial can hardly be generalized to the experiences of jurors who experience a death penalty trial in vivo. Also, all cases involving juvenile defendants facing the death penalty are unique; it would be impossible to conclude that the facts presented in this case are representative of all cases that involve the aforementioned issues. Finally, deliberations (a salient part of any trial) were not included in this study.

In spite of the previously mentioned issues, the results of this study may have broad legal implications. The present findings replicated earlier research concluding that the process of death qualification results in the seating of differentially partial jurors (Butler & Moran, 2002; Diamond, 1993; Luginbuhl, 1992; Lynch & Haney, 2000; Wiener, Pritchard, & Weston, 1995). The current study also supports the APA's position against juvenile executions (Bersoff, 1987) in that capital trials do not appear to allow for the mitigating effect of adolescence in a sufficiently reliable manner to meet the Supreme Court's Eighth Amendment standards (*Roper v. Simmons*, 2005). In addition, the current study extends previous findings by demonstrating the devastating effect that death qualification, combined with legal authoritarianism, has on capital cases involving juvenile defendants.

References

- Baranoski, M. V. (2003). Commentary: Children's minds and adult statutes. *Journal of the American Academy of Psychiatry and Law*, *31*, 321–326.
- Bersoff, D. N. (1987). In the Supreme Court of the United States: *Lockhart v. McCree*. *American Psychologist*, *42*, 59–68.
- Bottoms, B. L., Kovera, M. B., & McAuliff, B. D. (2002). *Children, social science, and the law*. Cambridge, UK: Cambridge University Press.
- Butler, B. (2007). The role of death qualification in jurors' susceptibility to pretrial publicity. *Journal of Applied Social Psychology*, *37*, 115–123.
- Butler, B., & Moran, G. (2002). The role of death qualification in venirepersons' perceptions of aggravating and mitigating circumstances in capital trials. *Law and Human Behavior*, *26*, 175–184.
- Butler, B., & Moran, G. (in press). The impact of death qualification, belief in a just world, legal authoritarianism, and locus of control on venirepersons' evaluations of aggravating and mitigating circumstances in capital trials. *Behavioral Sciences and the Law*.

- Butler, B., & Wasserman, A. W. (2006). The role of death qualification in venirepersons' attitudes toward the insanity defense. *Journal of Applied Social Psychology, 36*, 1744–1757.
- Diamond, S. S. (1993). Instructing on death: Psychologist, juries, and judges. *American Psychologist, 48*, 423–434.
- Dillehay, R. C., & Sandys, M. R. (1996). Life under *Wainwright v. Witt*: Juror dispositions and death qualification. *Law and Human Behavior, 20*, 147–165.
- Festinger, L. (1957). *A theory of cognitive dissonance*. Stanford, CA: Stanford University Press.
- Fitzgerald, R., & Ellsworth, P. C. (1984). Due process vs. crime control: Death qualification and jury attitudes. *Law and Human Behavior, 8*, 31–51.
- Forrester, A. (2002). Preventative detention, public protection, and mental health. *Journal of Forensic Psychiatry, 13*, 329–344.
- Giedd, J. N., Blumenthal, J., & Jeffries, N. O. (1999). Brain development during childhood and adolescence: A longitudinal MRI study. *Nature Neuroscience, 2*, 861–863.
- Grisso, T., & Schwartz, R. G. (2000). *Youth on trial*. Chicago: University of Chicago.
- Haney, C. (1984a). Examining death qualification: Further analysis of the process effect. *Law and Human Behavior, 8*, 133–151.
- Haney, C. (1984b). On the selection of capital juries: The biasing effects of death qualification. *Law and Human Behavior, 8*, 121–132.
- Haney, C., Hurtado, A., & Vega, L. (1994). “Modern” death qualification: New data on its biasing effects. *Law and Human Behavior, 18*, 619–633.
- Hans, V. P. (1986). Death by jury. In K. C. Haas & J. A. Incardi (Eds.), *Challenging capital punishment: Vol. 24. Legal and social science approaches* (pp. 149–175). Beverly Hills, CA: Sage.
- Kravitz, D. A., Cutler, B. L., & Brock, P. (1993). Reliability and validity of the original and revised Legal Attitudes Questionnaire. *Law and Human Behavior, 17*, 661–677.
- Lockhart v. McCree*, 476 U.S. 162 (1986).
- Luginbuhl, J. (1992). Comprehension of judges' instructions in the penalty phase of a capital trial: Focus on mitigating circumstances. *Law and Human Behavior, 16*, 203–218.
- Lynch, M., & Haney, C. (2000). Discrimination and instructional comprehension: Guided discretion, racial bias, and the death penalty. *Law and Human Behavior, 24*, 337–358.
- Moran, G., & Comfort, J. C. (1986). Neither “tentative” nor “fragmentary”: Verdict preference of impaneled felony jurors as a function of attitude toward capital punishment. *Journal of Applied Psychology, 71*, 146–155.

- Narby, D. J., Cutler, B. L., & Moran, G. (1993). A meta-analysis of the association between authoritarianism and jurors' perceptions of defendant culpability. *Journal of Applied Psychology, 78*, 34–42.
- Ogloff, J. R. P. (1987). The juvenile death penalty: A frustrated society's attempt for control. *Behavioral Sciences and the Law, 5*, 447–455.
- Ring v. Arizona, 536 U.S. 584 (2002).
- Robinson, R. J. (1993). What does “unwilling to impose the death penalty” mean anyway? Another look at excludable jurors. *Law and Human Behavior, 17*, 471–477.
- Roper v. Simmons, 112 S.W. 3rd 397 (Supreme Ct. of Missouri, 2005).
- Sanborn, J. B. (1994). Certification to criminal court: The important policy questions of how, when, and why. *Crime and Delinquency, 40*, 262–281.
- Steinberg, L., & Scott, E. S. (2003). Less guilty by reason of adolescence: Developmental immaturity, diminished responsibility, and the juvenile death penalty. *American Psychologist, 58*, 1009–1018.
- Streib, V. (2004, May). *The juvenile death penalty today: Death sentences and executions of juvenile crimes, January 1, 2003–April 30, 2004*. Retrieved July 17, 2004, from <http://www.law.onu.edu/faculty/Streib/JuvDeathApr302004.pdf>
- Thompson, W. C., Cowan, C. L., Ellsworth, P. C., & Harrington, J. C. (1984). Death penalty attitudes and conviction proneness: The translation of attitudes into verdicts. *Law and Human Behavior, 8*, 95–113.
- Tversky, A., & Kahneman, D. (1974). Judgment under uncertainty: Heuristics and biases. *Science, 185*, 1124–1131.
- Wainwright v. Witt, 469 U.S. 412 (1985).
- Wiener, R. L., Pritchard, C. C., & Weston, M. (1995). Comprehensibility of approved jury instructions in capital murder cases. *Journal of Applied Psychology, 80*, 455–467.