



Department of Psychological Science

**Stigmas Relating to Mental Illness and  
Their Impact on Jury Decision Making**

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### Abstract

Different mental illnesses were compared to see if participants found individuals with mental illnesses as culpable for their criminal actions. I measured the degree that the mental illness was seen as a mitigating or aggravating circumstance. Participants recommend the court sentence to be imposed, the degree that parole should be used, how frightening the participants felt the offender to be, how responsible the offender was, and to what degree the behavior was attributed to free-will. It was predicted that participants would be more fearful of the person with schizophrenia than depression, the brain tumor, or antisocial personality and least fearful of the condition with the brain tumor. It was also predicted that they would blame the person with depression for their actions more than they would blame the person with the brain tumor. This study employed 166 undergraduate students in psychology. Statistical analysis showed significant differences in the questions concerning sentencing time, parole and how attributed to free will the individual's actions were.

Throughout history the perception of mental illness has endured. Supernatural theories attributed mental illness to possession by evil or demonic spirits, curses, sins and displeasure of the gods (Micale, 1985). Somatogenic theory identified disturbances in physical functioning resulting from either illness or brain damage. Psychogenic theories focus on traumatic or stressful experiences that result in distorted perceptions. Those with mental illness were often treated differently depending on the supposed reason for the illness. One who was thought to be possessed by the devil (Supernatural) would be treated differently than someone who was suspected to have an excess of yellow bile (Somatogenic). These treatments would vary from exorcism to blood-letting (Micale, 1985). One popular supernatural intervention for mental illness was Trephination, in which surgical drillings had been conducted to release the evil spirits that had been trapped inside, often in reference to schizophrenia or epilepsy.

In Ancient Egypt and Mesopotamia, it was stated that women who were suffering from mental illness or hysteria merely just had a wandering uterus, which would attach to other parts of the body and cause an imbalance (Micale, 1985). To treat this, they would give the women strong smelling substances to guide the uterus back to where it belonged. Hebrews saw “madness” as a punishment from the gods for wrongdoing. But later Hippocrates began to direct thinking another way, blaming excesses in black or yellow bile for mental illness. He lead thinking to believe that it was not a shameful thing, being mentally ill and it just needed to be treated much like any other illness (Bell, 1980).

In the middle ages after political turmoil and threats to the Roman Catholic Church, thinking began to change once again. Women who showed signs of mental illness were often prosecuted as witches and were burned at the stake for very little reason other than to have someone to blame (Schoeneman, 1977). They would accuse the witches of the plague that was

sweeping the nation and other issues that Europe was facing, therefore giving them some way to feel justified in their executions.

Around the 16<sup>th</sup> century, mental illness was treated in asylums, which were created more to protect the public from the mentally ill than to actually care for those in the asylum. These people were likened to animals and were chained to dirty cells and exhibited to the public for a fee. It was thought that the only way to get a straying mind to see reason in their actions was through fear, they needed to be scared straight. This mistreatment and spectacle of these individuals created a long-lasting stigma surrounding mental health and behavior which is difficult to understand (Bell, 1980). In the beginning of time mental illness was seen as a shameful thing, often a punishment from the gods or possession by the devil. With even historical events putting mentally ill in a bad light it has become a stigma so strong it is still here today.

Those with mental illnesses have always been viewed as different, often as dangerous and someone to fear. These stigmas are still around today, yet at the same time there is a certain fascination with mental illness such as schizophrenia or multi personality disorder. This has increased with the insurgence of TV shows centered around criminals. Criminal Minds is one show in particular that portrays mental illnesses to an audience in a sometimes less than flattering manner. One instance depicted a man with split personality disorder embodying the ideals of his abusive father, he would then take them out on random other people. In another episode a schizophrenic becomes a serial killer, stabbing his victims over 40 times. In this episode voices in his head are portrayed as telling him to clean the world of bad people. Then when one of the people on the FBI team tries to talk him down the voices in his head change what the FBI is saying into them asking to be stabbed in the neck. These shows create a spectacle

out of mental illness and use things like schizophrenia and split personality to create a “bad guy” and at times it even feels like they create a “monster.” In the show, these people are given normal appearances, but violent tendencies with no regard for human safety and a complete lack of self-control.

The fictional portrayal and sensationalism of criminals as mentally ill influences perceptions of mental health and crime. It was found in a study by Scott and Caroline Parrott (2015), that the people who watched more of these shows were more authoritarian and less benevolent when judging someone with mental illness (Parrott & Parrott, 2015 ). In another study by Sakellari, Lehtonen, Sourander, Kalokerinou-Anagnostopoulou, & Leino-Kilipi (2014), they observed the stigmas that Greek children had towards the mentally ill through drawings they asked them to draw when prompted. They compared the setting these people were drawn in, their placement in the drawings, their appearance, what their emotional state appeared to be as well as activities they were depicted to be doing. When told to draw someone with a mental illness almost all of the children placed these people in a mental hospital. More specifically these people were placed in a simple room with a bed, bedside table and lamp; at times the drawings had the people sitting on the bed, restrained in some way. Sometimes these people were depicted in yards with trees and flowers, but were also behind bars. When the people with mental illness were depicted with other people in the drawings as well, the “normal” people were often seen laughing and pointing at the mentally ill person. Often these additional people were not located near the mentally ill subject, but were on the opposite side of the drawing, very distant from the person in question. These people with mental illnesses were also depicted physically different than the other people drawn. They were displayed with square bodies and often their faces were left completely blank and they were not completely drawn. They were often missing arms and

legs, as well as being drawn much bigger and taller than the other people in the drawings. They were drawn with messy hair and prison clothes. These people were also depicted as talking to themselves in many pictures, saying things such as “Don’t leave me alone! I’m scared!” and “Help me! I’m not bad! Don’t reject me all of you!” And one drawing even depicted one of the persons setting the mental hospital on fire (Sakellari, Lehtonen, Sourander, Kalokerinou-Anagnostopoulou, & Leino-Kilipi, 2014). These findings support that there is a stigma surrounding mental illness, even small children are exposed to it, and it is not a positive one. The stigma creates an image of someone who is ill and ridiculed by others, they need to be locked up and restrained and often need help or have violent tendencies.

These stigmas depict these people as violent and needing to be locked away. The term criminally insane even exists insinuating that there are enough cases where the person was found to be not in control of their own actions due to a mental disorder and acted out in a violent and deadly manner, that it needed its own classification. There is an estimated 28% of inmates who have mental illnesses (Hinton, 2014). With an issue already of overcrowding, this excessive amount of mentally ill people means that they are not receiving the care that they need in prisons. It was stated that there were so many people with mental illness in the prison system that they were now being categorized as either Serious and Persistent Mental Illness (SMPI) or Seriously Mentally Ill (SMI). But these are not medically defined subsets and it places prisons in an uncomfortable situation to where they feel as if they are guessing on who should be treated first and who is ok to be left alone (Hinton, 2014). These mental health patients are being placed in prisons where they cannot receive proper care and therefore will not be rehabilitated properly and will likely reoffend.

These individuals should be placed not in prisons but in mental health institutions, but unfortunately the mental health care system is “in shambles” (Gordon, 2016). The issues they have range from underfunding, to delivery, to the quality of the care itself. With this lack of proper mental healthcare, these ill persons become revolving-door-patients. Since they are not capable of functioning on their own, they cycle in and out of emergency rooms where they still don’t receive proper care. Most often long-term care is not offered in the community and these people become forced to live on the streets. Once homeless they commit crimes, such as robbery and vagrancy, winding up in prisons and sometimes becoming victims of crime themselves (Gordon, 2016). There is civil commitment, which is one way to ensure that people who aren’t receiving these services do. However, it is often reserved for those who are interpreted to be dangerous and will be held off to cases so grave that death is likely. Because of this people go untreated and do eventually harm themselves or other persons, adding to this stigma that was mentioned before, that the mentally ill are violent (Gordon, 2016). In the 1950s many people with serious mental health issues lived in state-run institutions for most of their lives. But then states began to deinstitutionalize inpatient psychiatric patients and depend on civil commitment standards, leaving people to find treatment on their own. Many people believed that these patients would be better served by their community, but this also assumed that these individuals would voluntarily seek out treatment and that the treatment would be available (Gordon, 2016). However, this did not happen, and people became unable to live on their own and were left to the streets

As earlier stated the homeless with mental illness have many issues with the criminal justice department, from simple vagrancy to theft. There was a study done by Roy, Crocker, Nicholls, Latimer, Gozdzik, Campo and Rae (2016), where they examined the population of

homeless individuals that had encountered the law. Of the 2221 participants who provided complete justice involvement information over the past 6 months, 608 (27%) reported having been arrested (61% once; 39% more than once), 444 (20%) reported having been charged with a criminal offense (68% once; 32% more than once), 510 (23%) reported having been detained less than 24 hours in a police cell (57% once; 43% more than once), 684 (31%) reported having appeared in court (43% once; 57% more than once), and 352 (16%) reported having been incarcerated. Overall, 994 (45%) participants reported having at least one contact with the justice system in the past 6 months, and 113 (5%) reported having at least one event in each of the outcome categories (i.e., arrest, detention, court appearance, charge, and incarceration) (Roy, et al., 2016). It was found in this study that around 45% of homeless people with mental illnesses had some kind of interaction with the criminal justice system. One of the most common offenses that these homeless individuals were arrested for was drug possession. Others were often theft or assault and it was found that for each year a person is homeless, their violent tendencies did increase (Roy, et al., 2016). The reason that there are so many of the mentally ill in our prisons does not correlate with the stigmas that have been created, people observe that these individuals are being locked up and assume it is violence. In reality they can't get the help they need and become homeless and are left to fend on their own. This leads to violent tendencies, theft and often drug use. They then end up in jails and prisons where they don't belong, and this stigmatizes their illnesses instead of helping them recover.

To examine these stigmas and their influence on court case ruling a study was conducted by Mossiere and Maeder (2016), in which they created a court case of a person committing a robbery who had a different mental illness in each condition. They then gave these cases to individuals whose task was to decide what the sentence would be. It was found that these jurors

did not have interfering stigmas referring to mental illness. They were very willing to give out Not Criminally Responsible due to Mental Disorder verdicts. The main case where they were less benevolent and did not necessarily see the mental disorder as an illness was in the case of substance abuse. They saw this person as more in control of their decision making, and viewed the substance abuse as more of a personality flaw than an illness. It was also found that psychotic symptoms were more likely to get a verdict of Not Criminally Responsible than the personality disorders. The psychotic symptoms were more concrete and evident to the jurors. However, in opposition of past research these jurors were overall more likely to give the NCRMD verdict than those in the past (Mossiere & Maeder, 2016). This case was only a robbery, however with increased violence the juror decision making may change. With an increased impact on a community the sentencing may become harsher, much like the impact that a rampage shooting would cause.

Since rampage shootings are so violent and detrimental to the community they are most often reported on and portrayed in the media, which means this is what the public is most often and most consistently exposed to. This brings in the idea of the availability heuristic, where people rely on their accessibility of information to evaluate their memory (Geurten, Willems, Germain, & Meulemans, 2015). An example of this would be the mass media that these people are constantly around. It is very accessible, meaning that when people mention violence and mental illness people will think of what they know and what they see which is the worst-case scenario. Even though there is a very small amount of people incarcerated for violent crimes that are considered mentally ill, only around 3-5% of crime (Metzl & MacLeish, 2015), people are exposed to these instances because they are sensational. Since this is what people know, this is what these people reference when they think of mental illness, the crimes they see in the media



and on TV. One example of violence in the media, in particular that of a rampage shooting being tied to mental illness, is that of Michael Carneal. He was taken into custody for bringing guns to his school and opening fire on his classmates. Carneal displayed signs of schizophrenia and although was not diagnosed with it, he was diagnosed with a lesser form called schizotypal personality disorder, and he did display symptoms of paranoid schizophrenia (Newman, 2004). It was stated that Michael thought that there were demons following him around and would wrap himself entirely in towels when he exited the shower because he thought the snakes that were in his vents could attack him otherwise. He also was afraid to express his problems to others and seek help because he believed that these demons he possessed would then project themselves onto others and cause then harm as well (Newman, 2004). Along with Schizophrenia, violence is seen in other mental illnesses and issues involving the brain as well, this has led to stigmas and an availability heuristic that may influence court rulings in criminal cases involving brain dysfunctions.

Diminished impulse control is seen often in those who experience brain trauma, the increased impulsivity is due to disruptions in the frontal lobe, which serves as the control center of the brain. Due to this people can act like they normally would but potentially lose control over their actions and emotions (Beer & Lambardo, 2007). The case of Phineas Gage has been in the media for a while but is a prime example of the otherwise normal appearance and behavior with horrible self-control. Phineas was a worker at a railroad track who encountered a work accident that wound up shooting a metal rod through the front part of his skull and straight through the frontal lobe of his brain. He did not die and continued to be able to walk and talk and function like normal, he just suffered severe personality changes. Before his injury he was a pleasant man

with many friends and proper manners, after the incident he became vulgar and unethical (Wagar & Thagard, 2004). This was a distinct impact on his brain, and changed his behavior immensely.

When it comes to brain tumors emotional changes can occur as well as with an injury or other mental illness. Some of the changes that can occur are irritability and aggression, disinhibition and loss of restraints, confusion and forgetfulness, lack of interest, depression and anxiety, mood swings, and difficulty identifying emotions (Personality changes and brain tumors, 2016). In a case involving a 40-year old schoolteacher we see a brain tumor having a drastic impact on an otherwise completely normal person's behavior. Despite his normal appearance he had begun collecting child pornography, buying prostitutes and making advances on his stepdaughter. He couldn't even be placed in jail because he was constantly making advances on the other inmates. He later complained of severe headaches and was taken to the hospital and was found to have a tumor in his orbitofrontal lobe. Once the tumor was removed he reverted to his normal behavior, and later when he displayed these sexually deviant behaviors again, it was found that the tumor had reformed (Seiden, 2004). Issues with the frontal lobe can inhibit a person's impulse control and their ability to judge situations and act appropriately.

Psychopathy is defined by Blair, Mitchell and Blair (2005). It is a disorder that has multiple components that vary in emotional, behavior and interpersonal domains. Some of the attributes mentioned to be classified as a psychopath are lack of anxiety, charm, lack of guilt, dishonesty, and failure to form solid relationships, failure to learn from punishment, lack of emotions, and lack of insight into what their actions do to others (Cleckley, 1941). This list of attributes was then updated in 1991 by Hare, who better defined the list of attributes as glibness, grandiose sense of worth, pathological lying, cunning, lack of remorse, callous, failure to accept responsibility, promiscuity, lack of reasonable long-term goals, poor behavioral controls, high

need for stimulation and irresponsibility. The above-mentioned impulsivity is the most common attribute given to psychopaths, and is the most stigmatized of them all. These brain injuries and malfunctions make sentencing difficult to determine and stay unbiased during. People who have prefrontal cortex dysfunctions are more likely to commit crimes because they are unable to judge their situations and how to respond in a normal manner (Seiden, 2004). It was also brought to attention by Seiden that those with mental illnesses and pre-frontal cortex dysfunction cannot be sentenced to the death penalty because it is seen as cruel and unusual punishment because they cannot reason through their impulses and are sometimes unaware of their actions. However, determining if a person really has a mental disorder proves difficult and brings to the surface some of the stigmas jurors may have.

An example of this difficulty is antisocial personality disorder, it is much more difficult to identify. Many of the symptoms are behaviors in which most people engage in to some degree. However, when displayed in excess it can be a sign of antisocial personality disorder. If people begin to have a disregard for right and wrong, persistently lie, are cynical and disrespectful, arrogant, impulsive, take unnecessary risks, have a lack of empathy and are hostile and easily agitated than these could be indicators that they suffer from some level of antisocial personality disorder (Mayo Clinic Staff, 2016). This disorder is usually what we see as the “run of the mill” psychopath, someone who just doesn’t function within society well or properly. As well as antisocial personality disorder, another mental illness that is often associated with a criminal mindset is schizophrenia, in particular the paranoid type.

Paranoid schizophrenia is a distinct type of schizophrenia where the people suffering from it often hear voices and believe outside people are trying to contact them, much like above mentioned Michael Carneal, who believed in demons who haunted him and would also attack his

friends. These people are the most often associated with crime and also the most stigmatized of all the mental illnesses. However, there is a reason for this stigma, it was found in a study that when offenders with no psychiatric admission were compared to those who had been discharged with the diagnosis of schizophrenia, those with schizophrenia were 4.6 times more violent in men and 23.2 times more violent in women. In addition, 41.7% of men and 21.2% of women with schizophrenia reported having participated in aggressive behavior within their lifetime (Hodgins, 2008). These raised rates of aggression and violence are scientifically sound and create the stigma for a reason. Yet like mentioned above, the rate of crime that is committed by the mentally ill is so minor that there really is no reason for such a fear or stigma. In addition, the availability heuristic is the real reason behind the increased stigma, not the scientific proof of violence, but the media portrayal of either fictional acts or actual news bits about real life crime.

There are multiple types of mental health diagnoses that can be tied to violence or a change in a person's otherwise normal behavior. However, it is a concern that the jury ruling in some cases is biased due to the stigmas that these mental health issues have created over the years. Due to lack in medical care for those diagnosed they are exposed to the streets and an increase in crime and interaction with police because they have nowhere else to go and often resort to drugs and theft. Not to mention that people are exposed to these stigmas almost daily, either through the news or television programming featuring those who are mentally ill. This creates a heuristic that leads the person to recall information they have seen constantly through the mass media, this potentially having an impact on the person's opinion in a court case.

In addition to the above-mentioned availability heuristic we have the idea of attribution influencing the way people perceive and judge those who have committed these crimes. Attribution theory is a set of concepts explaining how people assign causes to the events around

them and the effects of people's casual assessments (Gilovich, Keltner, Chen, & Nisbett, 2016). A simple way of explaining this is if we see someone trip while walking down the street we assume that they are just a clumsy person. Where the actual person who tripped may blame the sidewalk for being uneven. The explanatory style refers to a person's habitual way of explaining events and is assessed along three dimensions: internal/external, stable/unstable, and global/specific. When assessing this explanatory style, researchers ask participants to imagine six different good events that might happen to them (doing a project that receives high praise) and six bad events (you meet a professor who acts hostilely towards you) and then provide a likely cause for each of these. Then the participants will say if the cause is due to something about them or something about other people or situations (internal/external), if it will be present again in the future (stable/unstable), and if it is something that influences other parts of their lives or just this one (global/specific). An internal cause implicates the self, where an external does not. A stable cause implies that it will never change where an unstable one implies things may improve and a global cause affects many areas of life when a specific one affects only a few (Gilovich, Keltner, Chen, & Nisbett, 2016). When it comes to casual attribution people tend to be much more forgiving to those whose actions were out of their control, much like being late due to a flat tire. Whereas if the action seems to be of their own choosing, like someone stating they just didn't want to come into work, then the other people will be much less forgiving.

Another part of attribution is the covariation principle, where we try to determine what causes "covary" with the observation or effect we are trying to explain. The first type is that of consensus, what would most people do in the given situation, does everyone behave the same way? The other type is distinctiveness, asking if this behavior occurs in different situations or just the one, if the behavior is refined to one situation it speaks less about the person and more

about the situation. The last type is consistency, referring to what the individual does in the situation on different occasions. The more the reaction varies the harder it is to attribute to something specific about the person (Gilovich, Keltner, Chen, & Nisbett, 2016).

Another important aspect of attribution is the fundamental attribution error. This is the failure to recognize the importance of situational influences on behavior and the corresponding tendency to overemphasize the importance of dispositions on behavior (Gilovich, Keltner, Chen, & Nisbett, 2016). This also refers to the tendency to attribute people's behavior to elements of their character or personality, even when powerful situational forces are acting to produce the behavior. There seems to be a pervasive tendency to see people's behavior as a reflection of the kind of people they are rather than because of some other situation. One of the causes of the fundamental error is the "just world" hypothesis, which states that there is a belief that people get what they deserve in life and deserve what they get (Gilovich, Keltner, Chen, & Nisbett, 2016). This is very important when it comes to a jury verdict because they are essentially deciding what the person on the stand deserves. If they are presented with a heinous crime they will much more likely attribute this to the person themselves, not the situation and then the just theory will push them to a harsher sentence because they see that as what is deserved due to the actions committed. When it comes to mental illness and attribution it is often hard to see the cause of the action, so therefore it becomes attributed to the person themselves and less to the disorder they may have. This fundamental error causes hasty attributions, overlooking situational influences and putting all culpability on the person in question.

When it comes to the loci of attribution there are the two main examples being internal and external, but there has also recently been introduced the idea of relational attribution. That people also perceive causes of events to lie within a relationship they may have with a person.

They often occur with events that impact more than one single person (Colbert et al., 2016). The Interdependence theory posits that humans “construe the world in terms of interdependence”. Humans are social beings and pay particular attention to the way their relationships function. So, they will pay attention to how a person functions in normal life, jumping to conclusions potentially if said person does not behave as most people would see fit (Rusbult, 2008). In the circumstance of people who commit crimes attribution plays a role in sentencing. Mental illness is something that often has an impact on attribution and the responsibility one may inherently see the offender to have.

The present study will present different types of mental illness in a person who has committed a rampage shooting. Specifically, the study will focus on the effect of mental illness when the subjects decide the offender’s sentence. It will look to see if the jury attributes the action to something intrinsic about the person or as an extrinsic factor that acted upon them. It will look to see if the jury sees the mental illness as a mitigating factor, increasing the jurors fear of the person as well. The Author wants to explore if the jurors will be more stringent or less understanding as a function of the crime scenario presented them. The author wants to find how culpability impacts decision making such as if the jury finds the offender more culpable with one mental illness how will that impact the outcome of the trial?

## **METHOD**

### **Participants**

In order to determine whether a juror would find evidence of mental disability to have an impact on their decision making, this study employed an online design using 166 undergraduate students.



## **Materials**

Participants were required to have access to a computer with internet access to complete this research. Northern Kentucky University's online experiment system SONA was used to recruit and award credit for participation. Participants were routed from SONA to Survey Monkey to complete the survey. Informed consent was acquired through Survey Monkey.

### *Juror's Questionnaire*

The present study examined the responsibility that a juror believes a mentally ill person to have when committing a crime versus someone who does not appear to have any mental illness. There were 4 different circumstances presented to different participants who were randomly assigned. There was one person who displayed symptoms of antisocial personality disorder. Another possessed a tumor that caused different brain functions, another had depression and lastly one person displayed symptoms of schizophrenia. After the participant read through the psychological evaluation for prosecuting counsel they then answered a series of questions. The questions asked "To what degree do you as a juror see the psychological factors as mitigating circumstances?", "To what degree do you as a juror see the psychological factors as aggravating circumstances?", "Which of the following sentences do you recommend to the court?", "To what degree do you as a juror think that parole should be used in this case?", "How frightening do you find this man to be?" and lastly "How responsible for the crime do you find this man to be?". Each question was then answered on a seven-point Likert scale.

## **Procedure**

After agreeing to the informed consent, the participants were given a link to pick that was randomly assigned from one of the four conditions. This link took them to a PDF of a



hypothetical defendant detailing the crimes in which he was convicted. A forensic clinical psychologist prepared this background information. Each of these conditions had its own psychological report which were specific to the condition the participant was assigned. The participants were then asked to read the report and the psychological evaluation that followed it. These reports were identical minus the manipulation of the different mental disorders being presented. Once they read through the case file they were then given a juror questionnaire to complete.

### Results

After reviewing the data of 166 participants an ANOVA test was run. There was no significant relationship between the different conditions (Anti Social Personality, Depression, Schizophrenia, and Brain Tumor) for the question asking to what degree the jury found the psychological factors to be mitigating,  $F(3,162) = .347, p = .792$  (see Figure 1). The results of the Bonferroni posthoc also revealed no significant relationship between the conditions and whether the participant believed that the psychological factors were aggravating  $F(3,161) = .965, p = .411$  (see Figure 2). The posthoc test revealed that there was a significant relationship between the conditions and what sentence the participant recommended to the court,  $F(3,162) = 3.301, p = .022$  (see Figure 3). The posthoc test found a significant difference was between Anti Personality and Brain Tumor conditions with  $p < .05$ . The posthoc test also revealed that there was almost a significant relationship between the conditions and to what degree the participants thought parole should be used,  $F(3,160) = 2.393, p = .071$  (see Figure 4). With the biggest difference between the Anti Personality and Brain Tumor conditions with  $p < .05$ . The posthoc test also revealed that there was no significant relationship between the conditions and how frightening the participants found them to be,  $F(3,161) = .553, p = .647$  (see Figure 5). The

posthoc test also revealed that there was no significant relationship between conditions and how responsible the participants found the man to be,  $F(3,161) = 1.624, p = .186$  (see Figure 6). Lastly the posthoc test revealed that there was a significant relationship between conditions and to what extent the participants thought the man's behavior was attributed to free-will,  $F(3,162) = 2.607, p = .054$  (see Figure 7). The posthoc test found a significant relationship was between Depression and Schizophrenia with  $p < .05$ .

### Discussion

This research assessed whether the potential jurors would view mental illnesses as mitigating or aggravating factors and what their views on sentencing and parole would be as well. It also assessed how fearful of these individuals they were and if they found the individual to be personally responsible for their actions.

It was predicted that Schizophrenia will be found to be most feared. However, due to the well-known instability of the illness it was also predicted that the jury would find them to be less responsible for their actions. Depression however, since it is a common mental disorder and one that is often not violent, it was predicted that the jury will find this individual more culpable than any of the other illness. It was also predicted that a brain tumor will be the least culpable because it is a visible medical issue that affects the brain and is also typically treatable, lowering the predicted fear that the jury will feel towards this person as well.

Results indicated significant relationships within the study for a couple of the questions. The first question that indicated significant data was "Which of the following sentences do you recommend to the court?". There was a significant difference found between the Anti Personality

condition and the Brain Tumor condition. This indicates that the participants were more eager to keep the person with Anti Personality disorder locked up longer than the person with a brain tumor. This goes along with data in the next question "To what degree do you think that parole should be used in this case?". These are similar questions and there was a nearly significant relationship in this one as well. The difference was also between Anti Personality and the brain tumor. This once again indicated that the participants want the person with Anti Personality locked up longer. They were less likely to give that condition parole.

There was also a significant relationship found for the question "To what extent was the behavior attributed to free-will?". The difference was between Depression and Schizophrenia. This indicates that the participants considered the person who had depression to be more in control of their actions than the person with schizophrenia. Depression is almost considered the common cold of mental illness and much as predicted, people were less willing to see that as the driving factor behind the crime that was committed. Schizophrenia on the other hand is often portrayed as someone who is not themselves, and therefore participants do not always see them as personally responsible.

This study could benefit from a participant pool that isn't undergraduate students who are required to do SONA for credit. Most often these students do not really partake in the actual survey and just click through it to get the credit. So, if it was given to people who are interested in mental health or rampage shootings then they would fully read the case file and therefore provide better feedback. This could potentially provide significant data where there was almost significant data. A couple of the questions were very close to showing relationships and potentially with a more attentive participant pool, the data would have proven more significant.

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Figure 1

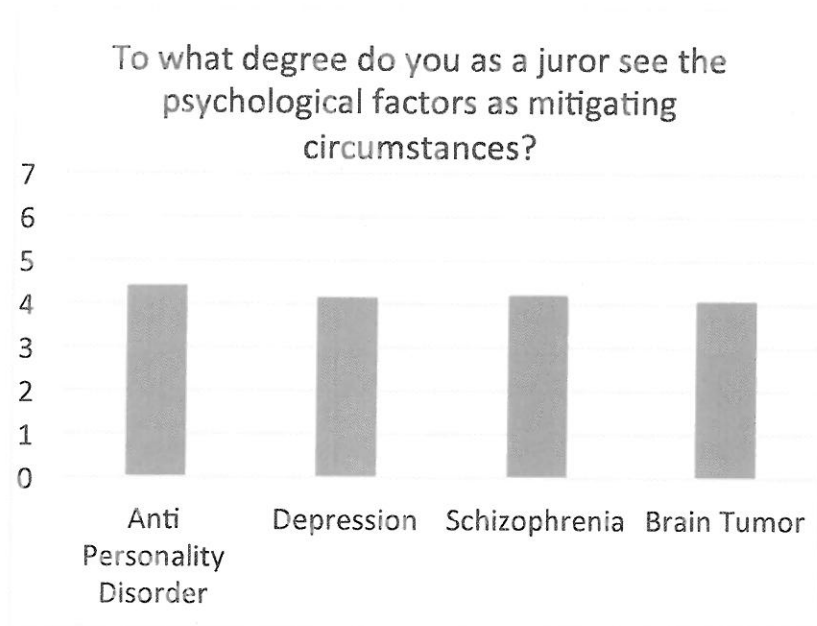


Figure 2

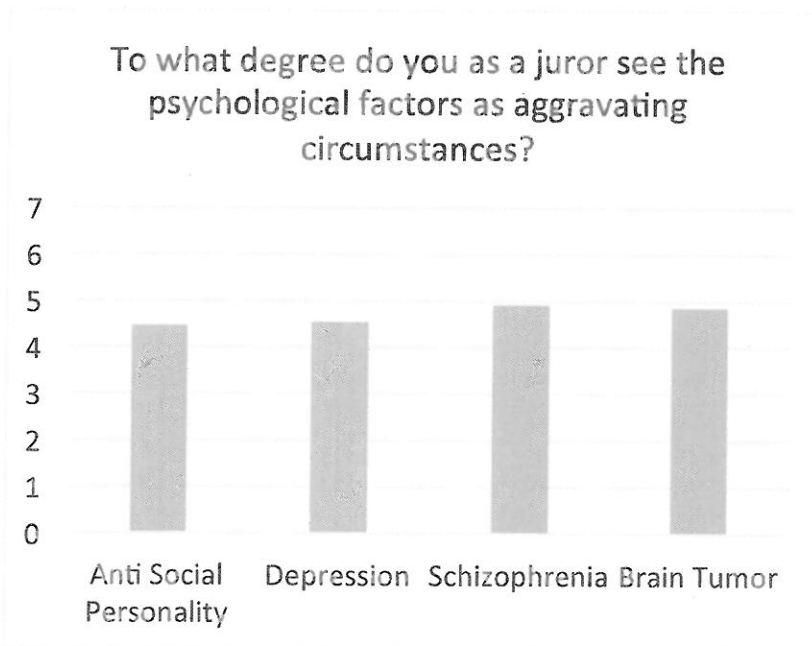


Figure 3

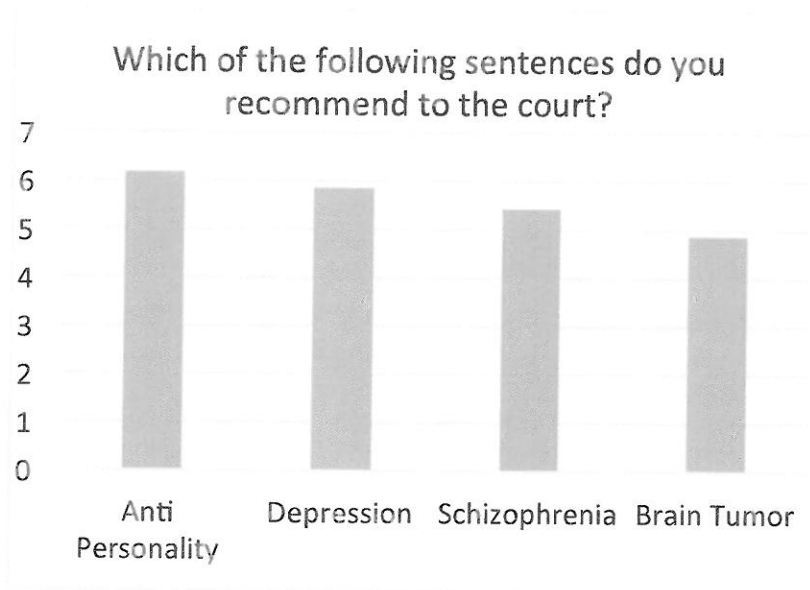


Figure 4

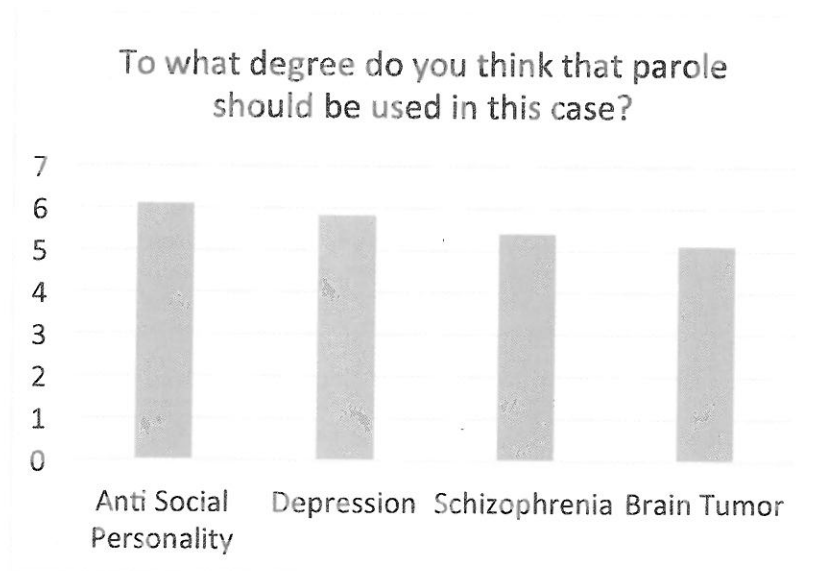


Figure 5

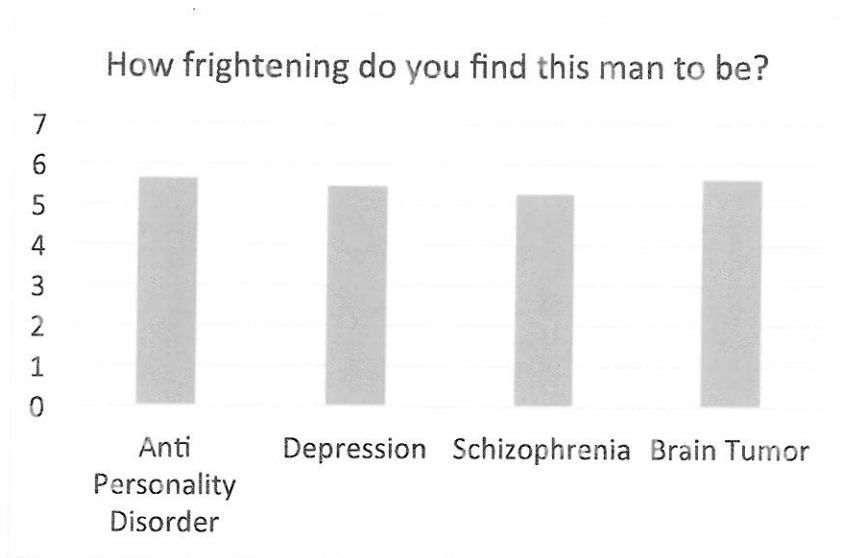


Figure 6

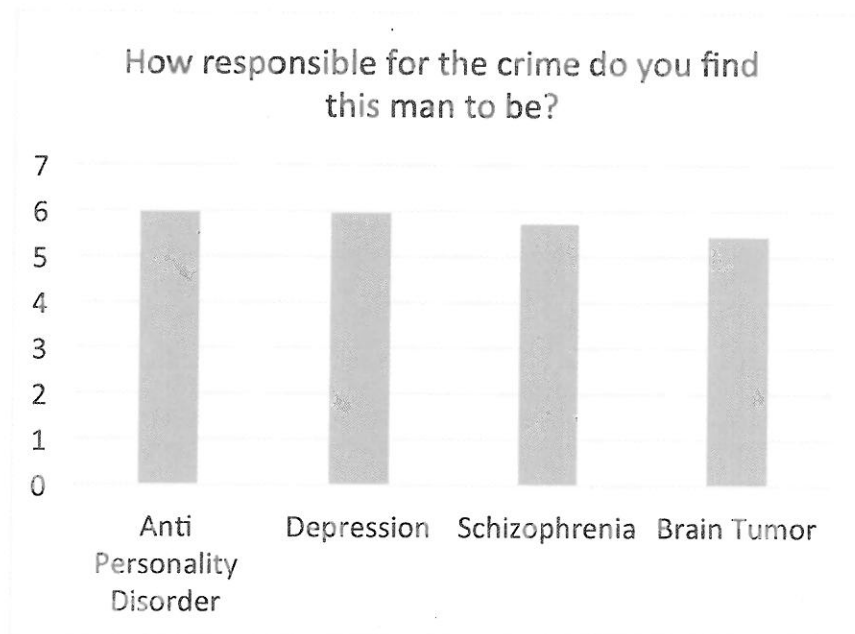
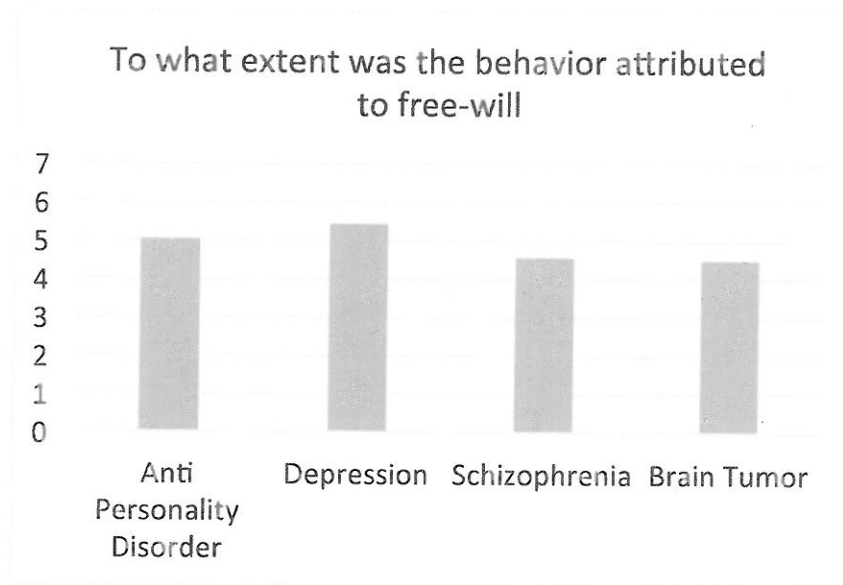




Figure 7



### **Appendix of Measures**

1. Presentence Depression Report
2. Presentence Brain Tumor Report
3. Presentence Anti-Social Personality Disorder Report
4. Presentence Paranoid Schizophrenia Report
5. Juror Questionnaire

## Appendix 1. Presentence Depression Report



**FORENSIC CONSULTANTS, LLP**  
**4404 BURBRIDGE SQUARE**  
**CINCINNATI, OHIO**

## PSYCHOLOGICAL EVALUATION FOR PROSECUTING COUNSEL

Client: James Fredricks

Date of Birth: 5/1/1980

Age: 25

Date of Evaluation: 11/2/2005

Date of Report: 11/10/2005

James Fredricks is a 25 year old male Caucasian currently before the court on 20 counts of aggravated murder and 31 counts of aggravated attempted murder. He was arrested on September 1, 2005. James is charged with the death of his wife of four years, his mother, 18 victims who were shot at random on a Florida university campus and 31 victims who were shot at random at the same time but who survived their wounds. There were two previous incidents in his legal history. One incident involved a military court-martial trial for gambling and for threatening a fellow Marine who owed him \$200.00. As a result of the court-martial, James was demoted in rank. The other incident involved an arrest for illegally hunting deer after he was discharged from the military. He was fined \$800.00 and court costs. James was referred for evaluation by his attorney as part of the investigation. Information for this evaluation was obtained through clinical interviews with James, his brothers Michael and Alan Fredricks, his father, Thomas Fredricks, school reports, police reports, and medical records. Diagnostic data was obtained by evaluation with the Wechsler Intelligence Scale for Adults – Revised, the Minnesota Multiphasic Personality Inventory, 2<sup>nd</sup> edition, and the Psychopathy Checklist Revised.

James Fredricks is the oldest of three children, all boys. The father recalls that all developmental milestones with James occurred in the normal age ranges. He describes James as a polite, well-mannered child who seldom lost his temper. He further remembered James as being a very good student who excelled academically. The father seemed to be quite proud of James as he recounted to

the examiner that his son was an eagle scout and an accomplished pianist by the age of 12. He also recalled with considerable pride that he taught James to shoot, clean, and maintain guns when James was six years old. The father described James as being an accomplished marksman by the time he was 16.

Thomas Fredricks described the family atmosphere and relationships as having been normal. Interviews with Michael and Alan Fredricks presented conflicting information. They both describe the marriage of their parents as turbulent and plagued by domestic violence. The mother and all three of the sons were regularly physically abused by the father who is described by Michael and Alan as perfectionistic and "extremely violent". The mother and James appeared to bear the brunt of the father's violent tendencies. Alan recalled one incident a month before James graduated from high school. James had been out socializing with friends and came home drunk. The father was infuriated by James' intoxication. Alan told the examiner that the father beat James and threw him into the family swimming pool and nearly drowned him. This incident was the reason James enlisted in the Marines. He tried to escape the physical abuse by enlisting in the military. An examination of police reports and social service investigation reports validates the abuse in the family home. The police made numerous visits to the home in response to domestic violence charges. In May 2005, James' mother Rachael left her husband and decided to end her turbulent marriage to Thomas. Even though James enrolled in the military, his enrollment was deferred to allow him to complete the first two years of college.

Both brothers described James as having numerous friends in both high school and college. While he dated often in high school he did not appear to have any serious romantic relationships until he started dating the woman he married. James met Megan Lassiter while he attended college prior to his active duty with the Marines. They dated for five months before James proposed and were married a month later. The Fredricks brothers described James as being devoted to Megan but also told the examiner that there were two incidents in which James struck his wife. After the incidents he was reported to be consumed with guilt over this behavior. Michael told the examiner that James was "mortally afraid of being like our father". To their knowledge, there were no further incidents of violence until James killed both his mother Rachael and his wife Megan early on the day of the mass shooting on the university campus. Both Michael and Alan remembered that James was protective and very close to their mother. He appeared to become even closer to her after she separated from their father.

### **Clinical Interview**

When seen for interview, James presented as a well-groomed, cooperative individual. He interacted with the examiner in an appropriate manner. Adequate eye contact was established and maintained with the examiner. His speech was spontaneous, relevant, and articulate. He was well oriented to person, place, and time; affect was profoundly sad throughout the interview. At times during the evaluation he became tearful, especially when discussing his offenses. He frequently expressed both guilt and remorse. He acknowledged current suicidal but denied homicidal ideation. There was no evidence of hallucinations, delusions, or thought disturbance. Both recent and remote memories appeared to be intact.

In discussing his childhood, he spoke highly of his mother and siblings. He believes that the four of them had a close relationship. James told the examiner that despite being a good student, an honor scout, and an accomplished pianist, he felt that he could never live up to his father's expectations. The only time he remembered feeling close to his father or of winning his father's approval was when they were

either hunting or shooting guns together. He described in detail the abuse he suffered at the hands of his father including the incident when he (James) came home drunk in high school and the father severely beat him and repeated dunked him in the family swimming pool. "I really thought I was going to drown". Even in adulthood, James did not think he could really live up to his father's expectations, especially after the court martial. He told the examiner, "I never could quite make it. Those thoughts were too much for me".

### **Criminal History and Present Offense**

James downplayed his earlier contacts with the justice system including his military court martial. When discussing the murders of his wife and mother he told the examiner that he had not really understood himself in the six months prior to the killings. Elaboration on this topic indicated that despite being "an average reasonable and intelligent young man, I have been the victim of many unusual and irrational thoughts". The thoughts were thoughts of killing himself and killing others. He also told the examiner that he had decided to kill both his mother and wife although he expressed uncertainty about his reasons, he nonetheless stated he wanted to spare both of them the suffering of this world and to save them the embarrassment of his actions in the mass shooting.

James told the examiner that just after midnight on September 1, he drove to his mother's apartment and knocked his mother unconscious after she admitted him inside. He then continued to beat her in the head and then stabbed her in the heart. James had left what was supposed to be a suicide note at his mother's house which said "I am very upset over having done it. However, I feel that if there is a heaven she is definitely there now. I am truly sorry. Let there be no doubt in your mind that I loved her with all my heart". The examiner discussed this note with James who sobbed uncontrollably for a few minutes, after which he resumed his narrative. He told the examiner that after killing his mother he then returned home where he killed his wife by stabbing her three times in the heart as she slept. He again told the examiner that he regretted killing his wife and that there wasn't a better wife in the world than Megan. He stated that he loved her very much but wanted to spare her the embarrassment of the devastation the mass shooting would cause. As he had at his mother's apartment, he left what was intended to be a suicide note in the bedroom next to Megan's body. The note read "I imagine it appears that I brutally killed both of my loved ones. I was only trying to do a quick and thorough job. If my life insurance policy is valid please pay off my debts and donate the rest anonymously to a mental health foundation. Maybe research can prevent further tragedies of this type. Give our dog to my in-laws". James again sobbed uncontrollably when the examiner read the note to him. When asked why he spared his father, James replied through his tears "Let him live with what he created".

Pertaining to the bell tower shooting, James told the examiner that he just had an unexplainable impulse to go to the tower and shoot people. After he killed his wife, he drove to the university campus with several weapons including rifles, a shotgun, and various handguns. He entered the tower and on his way to the top encountered three people whom he shot and killed. After securing the door with a barricade, he placed guns at various points on the observation deck of the tower and moved from place to place to be able to shoot from different locations. His intention was to kill himself after his shooting spree. During an approximate 90 minute time lapse, he killed fourteen additional people and wounded thirty-one others. Police finally were able to break through the barricade to the observation deck when James was shooting from the opposite side of the tower. The police officers shot James in both shoulders, incapacitating him from further gunfire, and took him into custody. In discussing the mass

shooting, James cried quietly. He offered no motive other than the “unexplainable impulses” he had been having for several weeks prior to the murders.

### Assessment Results

**The Wechsler Intelligence Scale for Adults** was administered in its entirety. He obtained a Full Scale IQ of 128 which places him in the superior range of intelligence

**The Minnesota Multiphasic Personality Inventory 2<sup>nd</sup> Edition** was administered in its entirety to James. His responses to the inventory resulted in a valid profile. He obtained a clinically significant elevation on scale 2 which is the depression scale and scale 3 which is the hysteria scale. People who obtain this profile display depressive symptoms and are quite pessimistic about the future. Suicidal ideation and attempts are not uncommon. Such people tend to be very angry and emotionally over controlled and tend to deny their own impulses. They typically do not express resentment and hostility openly. Frequently they may be irritable and tense. People with similar profiles lack self-confidence and feel like failures, however, they can be fairly socially interactive.

**The Psychopathy Checklist Revised** is an actuarial diagnostic inventory completed by the clinician and used to rate a person's psychopathic or antisocial tendencies based on a review of the offender's previous records and histories. It assesses how closely the offender's score matches the scores of people with no criminal histories, non-psychopathic criminal offenders, and a prototypical psychopathic criminal. There are 40 maximum points on the instrument. The criterion scores are: not criminal history 0-5; non-psychopathic criminal offenders: 5-29; prototypical psychopathic criminals: 40. A score of 30 or above qualifies a person for the classification of psychopathy. James received a score of 5 on the PCL-R.

### Clinical Impressions

The clinical impression is one of severe depression. The examiner believes that the depress is partially the result of years of physical abuse by the father as well as a deeply ingrained belief that he was a failure and could never measure up to the expectations of others. In terms of the present offenses, it appears that his long suppressed rage finally could be contained no longer. James justifies the murder of his wife and mother by stating that he did not want them to suffer for the mass shooting he is charged with committing. It is interesting to note that James seems to be pleased with the fact that he spared his father's life for the purpose of allowing him to live with the mass shooting on the university campus. In some way, James sees this as a type of revenge for the years of abuse. As James discussed the murders of his wife and mother as well as the mass shooting, premeditation was obvious. It is the examiners' opinion that James probably intended to be shot and killed by police officers or to be a “suicide by cop” probably more than intending to turn the gun on himself.

## Robert P. Deitz

Robert P. Deitz, Ph.D.; ABBP

## Appendix 2. Presentence Brain Tumor Report

**FORENSIC CONSULTANTS, LLP****4404 BURBRIDGE SQUARE****CINCINNATI, OHIO**

## PSYCHOLOGICAL EVALUATION FOR PROSECUTING COUNSEL

Client: James Fredricks

Date of Birth: 5/1/1980

Age: 25

Date of Evaluation: 11/2/2005

Date of Report: 11/10/2005

James Fredricks is a 25 year old male Caucasian currently before the court on 20 counts of aggravated murder and 31 counts of aggravated attempted murder. He was arrested on September 1, 2005. James is charged with the death of his wife of four years, his mother, 18 victims who were shot at random on a Florida university campus and 31 victims who were shot at random at the same time but who survived their wounds. There were two previous incidents in his legal history. One incident involved a military court-martial trial for gambling and for threatening a fellow Marine who owed him \$200.00. As a result of the court-martial, James was demoted in rank. The other incident involved an arrest for illegally hunting deer after he was discharged from the military. He was fined \$800.00 and court costs. James was referred for evaluation by his attorney as part of the investigation. Information for this evaluation was obtained through clinical interviews with James, his brothers Michael and Alan Fredricks, his father, Thomas Fredricks, school reports, police reports, and medical records. Diagnostic data was obtained by evaluation with the Wechsler Intelligence Scale for Adults – Revised, the Minnesota Multiphasic Personality Inventory, 2<sup>nd</sup> edition, and the Psychopathy Checklist Revised.

James Fredricks is the oldest of three children, all boys. The father recalls that all developmental milestones with James occurred in the normal age ranges. He describes James as a polite, well-mannered child who seldom lost his temper. He further remembered James as being a very good



student who excelled academically. The father seemed to be quite proud of James as he recounted to the examiner that his son was an eagle scout and an accomplished pianist by the age of 12. He also recalled with considerable pride that he taught James to shoot, clean, and maintain guns when James was six years old. The father described James as being an accomplished marksman by the time he was 16.

Thomas Fredricks described the family atmosphere and relationships as having been normal. Interviews with Michael and Alan Fredricks presented conflicting information. They both describe the marriage of their parents as turbulent and plagued by domestic violence. The mother and all three of the sons were regularly physically abused by the father who is described by Michael and Alan as perfectionistic and "extremely violent". The mother and James appeared to bear the brunt of the father's violent tendencies. Alan recalled one incident a month before James graduated from high school. James had been out socializing with friends and came home drunk. The father was infuriated by James' intoxication. Alan told the examiner that the father beat James and threw him into the family swimming pool and nearly drowned him. This incident was the reason James enlisted in the Marines. He tried to escape the physical abuse by enlisting in the military. An examination of police reports and social service investigation reports validates the abuse in the family home. The police made numerous visits to the home in response to domestic violence charges. In May 2005, James' mother Rachael left her husband and decided to end her turbulent marriage to Thomas. Even though James enrolled in the military, his enrollment was deferred to allow him to complete the first two years of college.

Both brothers described James as having numerous friends in both high school and college. While he dated often in high school he did not appear to have any serious romantic relationships until he started dating the woman he married. James met Megan Lassiter while he attended college prior to his active duty with the Marines. They dated for five months before James proposed and were married a month later. The Fredricks brothers described James as being devoted to Megan but also told the examiner that there were two incidents in which James struck his wife. After those incidents he was reported to be consumed with guilt over his behavior. Michael told the examiner that James was "mortally afraid of being like our father". To their knowledge, there were no further incidents of violence until James killed both his mother Rachael and his wife Megan early on the day of the mass shooting on the university campus. Both Michael and Alan remembered that James was protective and very close to their mother. He appeared to become even closer to her after she separated from their father.

#### **Clinical Interview**

When seen for interview, James presented as a well-groomed, cooperative individual. He interacted with the examiner in an appropriate manner. Adequate eye contact was established and maintained with the examiner. His speech was spontaneous, relevant, and articulate. He was well oriented to person, place, and time; affect was profoundly sad throughout the interview. At times during the evaluation he became tearful, especially when discussing his offenses. He frequently expressed both guilt and remorse. He acknowledge current suicidal but denied homicidal ideation. There was no evidence of hallucinations, delusions, or thought disturbance. Both recent and remote memories appeared to be intact.

In discussing his childhood, he spoke highly of his mother and siblings. He believes that the four of them had a close relationship. James told the examiner that despite being a good student, an honor scout, and an accomplished pianist, he felt that he could never live up to his father's expectations. The only



time he remembered feeling close to his father or of winning his father's approval was when they were either hunting or shooting guns together. He described in detail the abuse he suffered at the hands of his father including the incident when he (James) came home drunk in high school and the father severely beat him and repeated dunked him in the family swimming pool. "I really thought I was going to drown". Even in adulthood, James did not think he could really live up to his father's expectations, especially after the court martial. He told the examiner, "I never could quite make it. Those thoughts were too much for me".

### **Criminal History and Present Offense**

James downplayed his earlier contacts with the justice system including his military court martial. When discussing the murders of his wife and mother he told the examiner that he had not really understood himself in the six months prior to the killings. Elaboration on this topic indicated that despite being "an average reasonable and intelligent young man, I have been the victim of many unusual and irrational thoughts". The thoughts were thoughts of killing himself and killing others. James told the examiner that for "several months" prior to the shootings he had been experiencing severe headaches. At times the headaches were so severe that he was incapacitated by them. He sought medical attention for the headaches and was told that he had a severe sinus infection. He was prescribed antibiotics and decongestants for the diagnosed infection but experienced no relief. He also told the examiner that he had decided to kill both his mother and wife although he expressed uncertainty about his reasons, he nonetheless stated he wanted to spare both of them the suffering of this world and to save them the embarrassment of his actions in the mass shooting.

James told the examiner that just after midnight on September 1, he drove to his mother's apartment and knocked his mother unconscious after she admitted him inside. He then continued to beat her in the head and then stabbed her in the heart. James had left what was supposed to be a suicide note at his mother's house which said "I am very upset over having done it. However, I feel that if there is a heaven she is definitely there now. I am truly sorry. Let there be no doubt in your mind that I loved her with all my heart". The examiner read the note to him and as the examiner discussed the note with him, James sobbed uncontrollably. After killing his mother he then returned home where he killed his wife by stabbing her three times in the heart as she slept. He again told the examiner that he regretted killing his wife and that there wasn't a better wife in the world than Megan. He stated that he loved her very much but wanted to spare her the embarrassment of the devastation the mass shooting would cause. As he had at his mother's apartment, he left what was intended to be a suicide note in the bedroom next to Megan's body. The note read "I imagine it appears that I brutally killed both of my loved ones. I was only trying to do a quick and thorough job. If my life insurance policy is valid please pay off my debts and donate the rest anonymously to a mental health foundation. Maybe research can prevent further tragedies of this type. Give our dog to my in-laws". James again sobbed uncontrollably when the examiner read the note to him. When asked why he spared his father, James replied through his tears "Let him live with what he created".

Pertaining to the bell tower shooting, James told the examiner that he just had an unexplainable impulse to go to the tower and shoot people. After he killed his wife, he drove to the university campus with several weapons including rifles, a shotgun, and various handguns. He entered the tower and on his way to the top encountered three people whom he shot and killed. After securing the door with a barricade, he placed guns at various points on the observation deck of the tower and moved from place

to place to be able to shoot from different locations. His intention was to kill himself after his shooting spree. During an approximate 90 minute time lapse, he killed fourteen additional people and wounded thirty-one others. Police finally were able to break through the barricade to the observation deck when James was shooting from the opposite side of the tower. The police officers shot James in both shoulders, incapacitating him from further gunfire, and took him into custody. In discussing the mass shooting, James cried quietly. He offered no motive other than the "unexplainable impulses" he had been having for several weeks prior to the murders.

Brain Imaging studies were conducted on James shortly after his arrest. The studies revealed the presence of a brain tumor which were responsible for his severe headaches. He underwent a craniotomy (brain surgery) to remove the tumor. The tumor was not cancerous. In discussing the brain tumor, James told the examiner that, while it was terrifying to know that he had a tumor which could possibly kill him, at the same time it was a relief because, for him, it explained the shootings.

### **Assessment Results**

**The Wechsler Intelligence Scale for Adults** was administered in its entirety. He obtained a Full Scale IQ of 128 which places him in the superior range of intelligence.

**Brain Imaging Studies:** Shortly after his arrest, James was referred for a CAT scan and MRI of the brain. These imaging studies revealed a brain tumor located deep within the brain next to the amygdala in the limbic system. The amygdala is associated with rage and attack behaviors when activated. It is likely that the tumor contributed to homicidal/suicidal ideation prior to the shootings.

**The Minnesota Multiphasic Personality Inventory 2<sup>nd</sup> Edition** was administered in its entirety to James. His responses to the inventory resulted in a valid profile. He obtained a clinically significant elevation on scale 2 which is the depression scale but all of the other scales were within normal limits. People who obtain this profile display depressive symptoms and are quite pessimistic about the future. Suicidal ideation and attempts are not uncommon. They typically do not express resentment and hostility openly. Frequently they may be irritable and tense. People with similar profiles lack self-confidence and feel like failures, however, they can be fairly socially interactive. The examiner believes that the elevation of the depression scale is most likely due to the trauma of the shootings and the guilt James bears because of the situation.

**The Psychopathy Checklist Revised** is an actuarial diagnostic inventory completed by the clinician and used to rate a person's psychopathic or antisocial tendencies based on a review of the offender's previous records and histories. It assesses how closely the offender's score matches the scores of people with no criminal histories, non-psychopathic criminal offenders, and a prototypical psychopathic criminal. There are 40 maximum points on the instrument. The criterion scores are: not criminal history 0-5; non-psychopathic criminal offenders: 5-29; prototypical psychopathic criminals: 40. A score of 30 or above qualifies a person for the classification of psychopathy. James received a score of 5 on the PCL-R.

### **Clinical Impressions**

The clinical impression is one of reactive depression. The examiner believes that the depression is partially the result of years of physical abuse by the father as well as a deeply ingrained belief that he

was a failure and could never measure up to the expectations of others. However, the examiner also believes that some of the depression is reactive in nature due to James' present circumstances. In terms of the present offenses, it appears that his long suppressed anger was greatly increased to the point of rage due to the effect of the brain tumor on the amygdala in the limbic system. The brain tumor is likely an explanation for the "unexplainable impulses and thoughts" James experienced prior to the shootings. James justifies the murder of his wife and mother by stating that he did not want them to suffer for the mass shooting he is charged with committing. It is interesting to note that James seems to be pleased with the fact that he spared his father's life for the purpose of allowing him to live with the mass shooting on the university campus. In some way, James sees this as a type of revenge for the years of abuse. As James discussed the murders of his wife and mother as well as the mass shooting, premeditation was obvious, yet, again the examiner believes that the brain tumor and its effect on the amygdala was significantly involved in James' behavior. It is the examiners' opinion that James probably intended to be shot and killed by police officers or to be a "suicide by cop" probably more than intending to turn the gun on himself.

## Robert P. Deitz

Robert P. Deitz, Ph.D.; ABPP

## Appendix 3. Presentence Anti-Social Personality Disorder Report

**FORENSIC CONSULTANTS, LLP****4404 BURBRIDGE SQUARE****CINCINNATI, OHIO**

## PSYCHOLOGICAL EVALUATION FOR PROSECUTING COUNSEL

Client: James Fredricks

Date of Birth: 5/1/1980

Age: 25

Date of Evaluation: 11/2/2005

Date of Report: 11/10/2005

James Fredricks is a 25 year old male Caucasian currently before the court on 20 counts of aggravated murder and 31 counts of aggravated attempted murder. He was arrested on September 1, 2005. James is charged with the death of his wife of four years, his mother, 18 victims who were shot at random on a Florida university campus and 31 victims who were shot at random at the same time but who survived their wounds. There were two previous incidents in his legal history. One incident involved a military court-martial trial for gambling and for threatening a fellow Marine who owed him \$200.00. As a result of the court-martial, James was demoted in rank. The other incident involved an arrest for illegally hunting deer after he was discharged from the military. He was fined \$800.00 and court costs. James was referred for evaluation by his attorney as part of the investigation. Information for this evaluation was obtained through clinical interviews with James, his brothers Michael and Alan Fredricks, his father, Thomas Fredricks, school reports, police reports, and medical records. Diagnostic data was obtained by evaluation with the Wechsler Intelligence Scale for Adults – Revised, the Minnesota Multiphasic Personality Inventory, 2<sup>nd</sup> edition, and the Psychopathy Checklist Revised.

James Fredricks is the oldest of three children, all boys. The father recalls that all developmental milestones with James occurred in the normal age ranges. He describes James as a polite, well-

mannered child who seldom lost his temper. He further remembered James as being a very good student who excelled academically. The father seemed to be quite proud of James as he recounted to the examiner that his son was an eagle scout and an accomplished pianist by the age of 12. He also recalled with considerable pride that he taught James to shoot, clean, and maintain guns when James was six years old. The father described James as being an accomplished marksman by the time he was 16.

Thomas Fredricks described the family atmosphere and relationships as having been normal. Interviews with Michael and Alan Fredricks presented conflicting information. They both describe the marriage of their parents as turbulent and plagued by domestic violence. The mother and all three of the sons were regularly physically abused by the father who is described by Michael and Alan as perfectionistic and "extremely violent". The mother and James appeared to bear the brunt of the father's violent tendencies. Alan recalled one incident a month before James graduated from high school. James had been out socializing with friends and came home drunk. The father was infuriated by James' intoxication. Alan told the examiner that the father beat James and threw him into the family swimming pool and nearly drowned him. This incident was the reason James enlisted in the Marines. He tried to escape the physical abuse by enlisting in the military. An examination of police reports and social service investigation reports validates the abuse in the family home. The police made numerous visits to the home in response to domestic violence charges. In May 2005, James' mother Rachael left her husband and decided to end her turbulent marriage to Thomas. Even though James enrolled in the military, his enrollment was deferred to allow him to complete the first two years of college.

Both brothers described James as having numerous friends in both high school and college. While he dated often in high school he did not appear to have any serious romantic relationships until he started dating the woman he married. James met Megan Lassiter while he attended college prior to his active duty with the Marines. They dated for five months before James proposed and were married a month later. The Fredricks brothers described James as being devoted to Megan but also told the examiner that there were two incidents in which James struck his wife. After the incidents he was reported to be consumed with guilt over this behavior. Michael told the examiner that James was "mortally afraid of being like our father". To their knowledge, there were no further incidents of violence until James killed both his mother Rachael and his wife Megan early on the day of the mass shooting on the university campus. Both Michael and Alan remembered that James was protective and very close to their mother. He appeared to become even closer to her after she separated from their father.

#### **Clinical Interview**

When seen for interview, James presented as a well-groomed, cooperative individual. He interacted with the examiner in an appropriate manner. Adequate eye contact was established and maintained with the examiner. His speech was spontaneous, relevant, and articulate. He was well oriented to person, place, and time but he displayed no emotion throughout the interview. He displayed no emotion while describing his offenses nor did he express remorse. He denied current suicidal and homicidal ideation. There was no evidence of hallucinations, delusions, or thought disturbance. Both recent and remote memories appeared to be intact.

In discussing his childhood, he spoke highly of his mother and siblings. He believes that the four of them had a close relationship. James told the examiner that despite being a good student, an honor scout, and an accomplished pianist, he felt that he could never live up to his father's expectations. The only



time he remembered feeling close to his father or of winning his father's approval was when they were either hunting or shooting guns together. He described in detail the abuse he suffered at the hands of his father including the incident when he (James) came home drunk in high school and the father severely beat him and repeated dunked him in the family swimming pool. "I really thought I was going to drown". Even in adulthood, James did not think he could really live up to his father's expectations, especially after the court martial. He told the examiner, "I never could quite make it. Those thoughts were too much for me".

### **Criminal History and Present Offense**

James downplayed his earlier contacts with the justice system including his military court martial. When discussing the murders of his wife and mother he told the examiner that he had not really understood himself in the six months prior to the killings. Elaboration on this topic indicated that despite being "an average reasonable and intelligent young man, I have been the victim of many unusual and irrational thoughts". He also told the examiner that he had decided to kill both his mother and wife although he expressed uncertainty about his reasons, he nonetheless stated he wanted to spare both of them the suffering of this world and to save them the embarrassment of his actions in the mass shooting.

James told the examiner that just after midnight on September 1, he drove to his mother's apartment and knocked his mother unconscious after she admitted him inside. He then continued to beat her in the head and then stabbed her in the heart. He told the examiner "I am very upset over having done it. However, I feel that if there is a heaven she is definitely there now. I am truly sorry. Let there be no doubt in your mind that I loved her with all my heart". He said this without showing any emotion.

After killing his mother he then returned home where he killed his wife by stabbing her three times in the heart as she slept. He again told the examiner that he regretted killing his wife and that there wasn't a better wife in the world than Megan. He stated that he loved her very much but wanted to spare her the embarrassment of the devastation the mass shooting would cause. When asked why he spared his father, James replied "Let him live with what he created".

Pertaining to the bell tower shooting, James told the examiner that he just had an unexplainable impulse to go to the tower and shoot people. After he killed his wife, he drove to the university campus with several weapons including rifles, a shotgun, and various handguns. He entered the tower and on his way to the top encountered three people whom he shot and killed. After securing the door with a barricade, he placed guns at various points on the observation deck of the tower and moved from place to place to be able to shoot from different locations. During an approximate 90 minute time lapse, he killed fourteen additional people and wounded thirty-one others. Police finally were able to break through the barricade to the observation deck when James was shooting from the opposite side of the tower. The police officers shot James in both shoulders, incapacitating him from further gunfire, and took him into custody. In discussing the mass shooting, James showed no emotion. He offered no motive other than the "unexplainable impulses" he had been having for several weeks prior to the murders.

### **Assessment Results**

The Wechsler Intelligence Scale for Adults was administered in its entirety. He obtained a Full Scale IQ of 128 which places him in the superior range of intelligence

**The Minnesota Multiphasic Personality Inventory 2<sup>nd</sup> Edition** was administered in its entirety to James. His responses to the inventory resulted in a valid profile. He obtained clinically significant elevations on scales 4 (psychopathic deviate) and 9 (hypomania). The most salient characteristic of a high 4-9 profile is a marked disregard for social standards and values. People who obtain this profile are frequently in legal trouble because of antisocial behavior. Such individuals may have a poorly developed conscience, easy morals, and fluctuating ethical values. Substance abuse and sexual promiscuity is frequently associated with the profile elevation. In addition, people with these elevated scales are quite impulsive and seem to be unable to delay gratification of their impulses. They demonstrate poor judgment, often acting without considering the consequences of their actions. They typically fail to learn from experience and are not willing to accept responsibility for their actions. Instead, they rationalize their behavior and blame their difficulties on other people. They have low tolerance for frustration and often appear to be moody and irritable. Characteristically, they harbor intense feelings of anger and hostility which are expressed in periodic emotional outbursts. Because these individuals tend to be self-centered and distrust other people, their interpersonal relationships are likely to be superficial and not particularly rewarding. They seem to be incapable of forming deep emotional ties and prefer to keep others at an emotional distance.

**The Psychopathy Checklist Revised** is an actuarial diagnostic inventory completed by the clinician and used to rate a person's psychopathic or antisocial tendencies based on a review of the offender's previous records and histories. It assesses how closely the offender's score matches the scores of people with no criminal histories, non-psychopathic criminal offenders, and a prototypical psychopathic criminal. There are 40 maximum points on the instrument. The criterion scores are: not criminal history 0-5; non-psychopathic criminal offenders: 5-29; prototypical psychopathic criminals: 40. A score of 30 or above qualifies a person for the classification of psychopathy. Joe received a score of 35 on the PCL-R.

### Clinical Impressions

The clinical impression is one of an antisocial personality disorder. James has demonstrated antisocial behavior on numerous occasions throughout his life. The examiner believes that the APD is partially the result of years of physical abuse by the father. In terms of the present offenses, it appears that his long suppressed rage finally could be contained no longer. James justifies the murder of his wife and mother by stating that he did not want them to suffer for the mass shooting he is charged with committing. It is interesting to note that James seems to be pleased with the fact that he spared his father's life for the purpose of allowing him to live with the mass shooting on the university campus. In some way, James sees this as a type of revenge for the years of abuse. As James discussed the murders of his wife and mother as well as the mass shooting, premeditation was obvious. No discernable evidence of remorse or guilt was evident during the evaluation, despite his profession of love for both his mother and wife.

## Robert P. Deitz

Robert P. Deitz, Ph.D.; ABPP

## Appendix 4. Presentence Paranoid Schizophrenia Report

**FORENSIC CONSULTANTS, LLP****4404 BURBRIDGE SQUARE****CINCINNATI, OHIO**

## PSYCHOLOGICAL EVALUATION FOR PROSECUTING COUNSEL

Client: James Fredricks

Date of Birth: 5/1/1980

Age: 25

Date of Evaluation: 11/2/2005

Date of Report: 11/10/2005

James Fredricks is a 25 year old male Caucasian currently before the court on 20 counts of aggravated murder and 31 counts of aggravated attempted murder. He was arrested on September 1, 2005. James is charged with the death of his wife of four years, his mother, 18 victims who were shot at random on a Florida university campus and 31 victims who were shot at random at the same time but who survived their wounds. There were two previous incidents in his legal history. One incident involved a military court-martial trial for gambling and for threatening a fellow Marine who owed him \$200.00. As a result of the court-martial, James was demoted in rank. The other incident involved an arrest for illegally hunting deer after he was discharged from the military. He was fined \$800.00 and court costs. James was referred for evaluation by his attorney as part of the investigation. Information for this evaluation was obtained through clinical interviews with James, his brothers Michael and Alan Fredricks, his father, Thomas Fredricks, school reports, police reports, and medical records. Diagnostic data was obtained by evaluation with the Wechsler Intelligence Scale for Adults – Revised, the Minnesota Multiphasic Personality Inventory, 2<sup>nd</sup> edition, and the Psychopathy Checklist Revised.

James Fredricks is the oldest of three children, all boys. The father recalls that all developmental milestones with James occurred in the normal age ranges. He describes James as a polite, well-



mannered child who seldom lost his temper. He further remembered James as being a very good student who excelled academically. The father seemed to be quite proud of James as he recounted to the examiner that his son was an eagle scout and an accomplished pianist by the age of 12. He also recalled with considerable pride that he taught James to shoot, clean, and maintain guns when James was six years old. The father described James as being an accomplished marksman by the time he was 16.

Thomas Fredricks described the family atmosphere and relationships as having been normal. Interviews with Michael and Alan Fredricks presented conflicting information. They both describe the marriage of their parents as turbulent and plagued by domestic violence. The mother and all three of the sons were regularly physically abused by the father who is described by Michael and Alan as perfectionistic and "extremely violent". The mother and James appeared to bear the brunt of the father's violent tendencies. Alan recalled one incident a month before James graduated from high school. James had been out socializing with friends and came home drunk. The father was infuriated by James' intoxication. Alan told the examiner that the father beat James and threw him into the family swimming pool and nearly drowned him. This incident was the reason James enlisted in the Marines. He tried to escape the physical abuse by enlisting in the military. An examination of police reports and social service investigation reports validates the abuse in the family home. The police made numerous visits to the home in response to domestic violence charges. In May 2005, James' mother Rachael left her husband and decided to end her turbulent marriage to Thomas. Even though James enrolled in the military, his enrollment was deferred to allow him to complete the first two years of college.

Both brothers described James as having numerous friends in both high school and college. While he dated often in high school he did not appear to have any serious romantic relationships until he started dating the woman he married. James met Megan Lassiter while he attended college prior to his active duty with the Marines. They dated for five months before James proposed and were married a month later. The Fredricks brothers described James as being devoted to Megan but also told the examiner that there were two incidents in which James struck his wife. After the incidents he was reported to be consumed with guilt over this behavior. Michael told the examiner that James was "mortally afraid of being like our father". To their knowledge, there were no further incidents of violence until James killed both his mother Rachael and his wife Megan early on the day of the mass shooting on the university campus. Both Michael and Alan remembered that James was protective and very close to their mother. He appeared to become even closer to her after she separated from their father.

#### **Clinical Interview**

When seen for interview, James presented as a well-groomed, cooperative individual. He interacted with the examiner in an appropriate manner. Adequate eye contact was established and maintained with the examiner although his demeanor remained somewhat aloof. His speech was spontaneous, and articulate but also somewhat tangential. He was well oriented to person, place, and time; affect was subdued and sometimes even blunted throughout the interview. At times during the evaluation he became tearful, especially when discussing his offenses. He frequently expressed both guilt and remorse but also told the examiner that he had no choice but to do what he did. He denied current suicidal / homicidal ideation. At times throughout the interview and diagnostic testing James appeared to be attending to stimuli that was not obvious to the examiner and at times he appeared to be hypervigilant both of which indicate the presence of hallucinations. When he discussed the murders, he

talked about the voices telling him to kill his victims as well as the obsessive thoughts of violence he had experienced prior to the killings. The latter indicates the presence of both delusions and thought disturbance, however, both recent and remote memories appeared to be intact.

In discussing his childhood, he spoke highly of his mother and siblings. He believes that the four of them had a close relationship. James told the examiner that despite being a good student, an honor scout, and an accomplished pianist, he felt that he could never live up to his father's expectations. The only time he remembered feeling close to his father or of winning his father's approval was when they were either hunting or shooting guns together. He described in detail the abuse he suffered at the hands of his father including the incident when he (James) came home drunk in high school and the father severely beat him and repeated dunked him in the family swimming pool. "I really thought I was going to drown". Even in adulthood, James did not think he could really live up to his father's expectations, especially after the court martial. He told the examiner, "I never could quite make it. Those thoughts were too much for me".

### **Criminal History and Present Offense**

James downplayed his earlier contacts with the justice system including his military court martial. When discussing the murders of his wife and mother he told the examiner that he had not really understood himself in the six months prior to the killings. Elaboration on this topic indicated that despite being "an average reasonable and intelligent young man, I have been the victim of many unusual and irrational thoughts". The thoughts were thoughts of killing others and usually occurred when he heard unnamed voices telling him to go to the tower and shoot people. He also told the examiner that he had decided to kill both his mother and wife although he expressed uncertainty about his reasons, he nonetheless stated he wanted to spare both of them the suffering of this world and to save them the embarrassment of his actions in the mass shooting. In fact, he stated that the same voice that told him to go to the tower and shoot people also told him to spare his wife and mother the shame they would feel because of his impending crime. This voice told him to kill his wife and mother. James told the examiner that he had been experiencing excruciating headaches in May of this year. In recent months the headaches were almost constant and the pain increasingly intense.

James told the examiner that just after midnight on September 1, he drove to his mother's apartment and knocked his mother unconscious after she admitted him inside. He then continued to beat her in the head and then stabbed her in the heart. James told the examiner "I am very upset over having done it. However, I feel that if there is a heaven she is definitely there now. I am truly sorry. Let there be no doubt in your mind that I loved her with all my heart". As the examiner read and discussed the note with him his affect appeared to be blunted. James returned to discussing the crime and told the examiner that after killing his mother he then returned home where he killed his wife by stabbing her three times in the heart as she slept. He again told the examiner that he regretted killing his wife and that there wasn't a better wife in the world than Megan. He stated that he loved her very much but wanted to spare her the embarrassment of the devastation the mass shooting would cause. James told the examiner that "I imagine it appears that I brutally killed both of my loved ones. I was only trying to do a quick and thorough job." James again seemed to be somewhat emotionally detached as he related this. When asked why he spared his father, James replied through his tears "Let him live with what he created".

Pertaining to the bell tower shooting, James told the examiner that he just had an unexplainable impulse to go to the tower and shoot people. He added that "the voices were telling me to go to the tower and shoot people. After he killed his wife, he drove to the university campus with several weapons including rifles, a shotgun, and various handguns. He entered the tower and on his way to the top encountered three people whom he shot and killed. After securing the door with a barricade, he placed guns at various points on the observation deck of the tower and moved from place to place to be able to shoot from different locations. His intention was to kill himself after his shooting spree. During an approximate 90 minute time lapse, he killed fourteen additional people and wounded thirty-one others. Police finally were able to break through the barricade to the observation deck when James was shooting from the opposite side of the tower. The police officers shot James in both shoulders, incapacitating him from further gunfire, and took him into custody. In discussing the mass shooting, James cried quietly. He offered no motive other than the "unexplainable impulses he had been having for several weeks prior to the murders and the voices that accompanied them.

### Assessment Results

**The Wechsler Intelligence Scale for Adults** was administered in its entirety. He obtained a Full Scale IQ of 128 which places him in the superior range of intelligence

**The Minnesota Multiphasic Personality Inventory 2<sup>nd</sup> Edition** was administered in its entirety to James. His responses to the inventory resulted in a valid profile. He obtained a clinically significant elevation on scale 2 which is the depression scale and scale 8 which is the schizophrenia scale. People who obtain this profile display depressive symptoms and are quite pessimistic about the future. Suicidal ideation and attempts are not uncommon. Such people tend to be very angry and emotionally over controlled and tend to deny their own impulses. They typically do not express resentment and hostility openly. Frequently they may be irritable and tense. People with similar profiles lack self-confidence and feel like failures, however, they can be fairly socially interactive. Due to the elevation on scale 8, delusions and hallucinations may be present.

**The Psychopathy Checklist Revised** is an actuarial diagnostic inventory completed by the clinician and used to rate a person's psychopathic or antisocial tendencies based on a review of the offender's previous records and histories. It assesses how closely the offender's score matches the scores of people with no criminal histories, non-psychopathic criminal offenders, and a prototypical psychopathic criminal. There are 40 maximum points on the instrument. The criterion scores are: not criminal history 0-5; non-psychopathic criminal offenders: 5-29; prototypical psychopathic criminals: 40. A score of 30 or above qualifies a person for the classification of psychopathy. James received a score of 5 on the PCL-R.

### Clinical Impressions

The clinical impression is one of chronic paranoid schizophrenia now in remission. The examiner believes that the antisocial aspects of his personality are partially the result of years of physical abuse by the father as well as a deeply ingrained belief that he was a failure and could never measure up to the expectations of others. In terms of the present offenses, it appears that his long suppressed rage finally could be contained no longer. James justifies the murder of his wife and mother by stating that he did not want them to suffer for the mass shooting he is charged with committing. It is interesting to note

that James seems to be pleased with the fact that he spared his father's life for the purpose of allowing him to live with the mass shooting on the university campus. In some way, James sees this as a type of revenge for the years of abuse. As James discussed the murders of his wife and mother as well as the mass shooting, premeditation was obvious. However, due to the presence of schizophrenia it is likely that the premeditation was in response to the hallucinations and his being out of touch with reality. It is the examiners' opinion that James probably intended to be shot and killed by police officers or to be a "suicide by cop" probably more than intending to turn the gun on himself.

## **Robert P. Deitz**

Robert P. Deitz, Ph.D.; ABPP

## Appendix 5. Juror Questionnaire

After reading the presentence report on James Fredericks, answer the following questions:

1. To what degree do you as a juror see the psychological factors as mitigating circumstances?
  1. Entirely not mitigating
  2. Mostly not mitigating
  3. Somewhat not mitigating
  4. Undecided
  5. Somewhat mitigating
  6. Mostly mitigating
  7. Entirely mitigating
2. To what degree do you as a juror see the psychological factors as aggravating circumstances?
  1. Entirely not aggravating
  2. Mostly not aggravating
  3. Somewhat not aggravating
  4. Undecided
  5. Somewhat aggravating
  6. Mostly aggravating
  7. Entirely aggravating
3. Which of the following sentences do you recommend to the Court?
  1. 5 years
  2. 10 years
  3. 20 years
  4. 25 years
  5. 30 years
  6. 40 years

7. Life
4. To what degree do you as a juror think that parole should be used in this case?
  1. Parole should be available after  $1/8$  of the sentence is served
  2. Parole should be available after  $1/4$  of the sentence is served
  3. Parole should be available after  $1/3$  of the sentence is served
  4. Parole should be available after  $1/2$  of the sentence is served
  5. Parole should be available after  $3/5$  of the sentence is served
  6. Parole should be available after  $3/4$  of the sentence is served
  7. Parole should not be available
5. How frightening do you find this man to be?
  1. Not frightening at all
  2. Not very frightening
  3. Somewhat not frightening
  4. Undecided
  5. Somewhat frightening
  6. Very frightening
  7. Extremely frightening
6. How responsible for the crime do you find this man to be?
  1. Not responsible at all
  2. Not very responsible
  3. Somewhat not responsible
  4. Undecided
  5. Somewhat responsible
  6. Very responsible
  7. Extremely responsible

7. To what extent was the behavior attributed to free-will?
  1. Not attributed at all
  2. Not very attributed
  3. Somewhat not attributed
  4. Undecided
  5. Somewhat attributed
  6. Very attributed
  7. Completely attributed