

## Thesis Example

On the following pages, you will find the front matter of a previously completed thesis.

Make sure that this title is spelled correctly and matches the title found on your Thesis Approval Page.

PRESERVING THE RIGHT TO A FAIR TRIAL:  
AN EXAMINATION OF THE PREJUDICIAL VALUE OF VISUAL AND  
AUDITORY EVIDENCE IN THE CONTEXT OF A CRIMINAL CASE

Format your title page to look like this, doing your best to follow this example.

Remember to adjust these guidelines to reflect the length of your own thesis title.

by

EMILY R. EDWARDS

A thesis submitted in partial fulfillment of the requirements  
for the Honors in the Major Program in Psychology  
in the College of Sciences  
and in the Burnett Honors College  
at the University of Central Florida  
Orlando, Florida

Make sure to insert your appropriate major and College in this statement.

Spring Term, 2012

Make sure to indicate your thesis completion term. Make sure that you list the year correctly. Also, list your thesis chair and his/her highest terminal degree.

Thesis Chair: Karen Mottarella, Psy.D.

This page is not numbered, but is considered page i

## Copyright Page

This page is optional for your thesis, and must be included if you seek at copyright from the U.S. Government

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Roman numeral numbering begins as page ii on the page that immediately follows your title page.

## Abstract

This is a concise summary of the purposes, methodology, findings or results, and conclusions. It should range between 250 and 500 words.

## ABSTRACT

Federal Rule of Evidence 403 requires evidence's probative value to substantially outweigh its prejudicial value for the evidence to be admitted. To date, courts have opined that photographic evidence holds low prejudicial impact and rarely render court proceedings unfair (*Futch v. Dugger*, 1989). The present study sought to empirically investigate this issue. In a 2 (Auditory Present/Auditory Absent) x 3 (Graphic Photo/Neutral Photo/No Photo) factorial design, 300 participants reviewed case materials from a recent murder case and provided information concerning their verdict decision. Emotional state data was also collected prior to and following review of the case materials via the Positive and Negative Affect Schedule – Expanded Form (PANAS-X; Watson & Clark, 1994). Participants reviewing graphic photos coupled with their case materials experienced significantly greater increases in both sadness and surprise than those reviewing neutral or no photos. Participants who had an auditory recording present with their case materials experienced greater increases in both joviality and, to a lesser extent, hostility. Participants reviewing the auditory recording also reported being significantly less able to formulate their verdict decisions fairly or impartially. When heightened emotion is involved in decision making, cognitive resources for well-informed decisions are limited (Greene & Haidt, 2002). The current study suggests the potential for particular modes of evidentiary presentation to manipulate jurors' emotions, therefore increasing their prejudicial value. When the probative value of evidence does not outweigh the potentially prejudicial nature of jurors' heightened emotionality, the fairness of court proceedings may be questioned and issues of the defendant's right to a fair trial raised.

## **Dedication**

This page is not required for a thesis, but is highly recommended.  
It should follow a format similar to this.

## **DEDICATION**

For my family,  
both in blood and in spirit,  
for pushing me to climb life's mountains

This page is optional, but note that  
Roman numeral numbering  
continues on this page.

## **Acknowledgments**

This page is also not required for a thesis, but is highly recommended.  
It should follow a format similar to this.

## **ACKNOWLEDGMENTS**

I would like to express the deepest gratitude to all of my life's mentors who have enabled me to reach this point. First and foremost, I would like to thank Dr. Karen Mottarella for her inestimable guidance, encouragement, and dedication throughout the course of this thesis' development. To Dr. Shannon Whitten, thank you for your invaluable assistance in the endless statistical analysis involved.

I would also like to express a special thank you to my parents, Bruce Edwards and Rachel Jones, without whom I would not have become the woman I am today. Your support and enthusiasm has granted me the strength to reach farther, strive harder, and dream larger.

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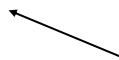
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## First page of thesis.

The content of the first page of each student's thesis will vary depending upon topic and discipline. However, the first page of the thesis follows Arabic numbering and restarts as page 1.

## INTRODUCTION

Famous closing arguments such as those given by the prosecuting attorneys in the O.J. Simpson case (*People of the State of California v. Orenthal James Simpson*, 1995) utilize visual and auditory evidence to assist in swaying the jury toward a desired blame attribution. During closing arguments, prosecuting attorneys in the Simpson case played an auditory recording of Nicole Simpson's 911 call to the police and projected photographs of the victims' bodies on a screen. In the United States and other common law countries, it is assumed particular evidence has the potential to impose a prejudicial influence on jurors' decision making processes (Bright & Goodman, 2006). In fact, emotional reactions to evidence may limit the cognitive resources available to formulate a fully developed, well informed decision (Greene & Haidt, 2002) and weaken the jurors' ability to deliver a verdict based solely on the probative value of the evidence presented (Bright & Goodman, 2006).

Jurors are presented with the task of listening to conflicting evidence and using it in the decision making process in order to eventually arrive at a subjective estimate of guilt (Hastie, 1993; Kerr, 1993; Pennington & Hastie, 1993). This estimate of guilt is then compared to the threshold of reasonable doubt; estimates exceeding the threshold of reasonable doubt are presumed to result in guilty verdicts (Ostrom, Werner, & Saks, 1978).

The United States' Criminal Justice System assumes jurors are able to make decisions entirely devoid of emotions. This assumption is evidenced by pattern jury instructions directing jurors to formulate their verdict decision without allowing their emotions to influence their

decision making process (Salerno & Bottoms, 2009; Committee on Pattern Criminal Jury Instructions District Judges Association Sixth Circuit, 2011). When jurors' decisions are influenced by emotion, a number of core values of the Criminal Justice System, namely the defendant's right to a fair trial, the defendant's right to be considered innocent until proven guilty beyond a reasonable doubt, and the jury's role as "finders of fact" (Bright & Goodman-Delahunty, 2006), are called into question. Common law countries, including the United States and Australia, have imposed safeguards to attempt to shield jurors from evidence which is overly emotional or potentially biasing. For evidence to be admitted, first the court must determine if the evidence is relevant. According to the Federal Rules of Evidence, relevant means "having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence" (FED. R. EVID. 401). Upon confirming relevancy, the court must then determine if the probative value of the evidence outweighs its prejudicial value (FED. R. EVID. 403). In other words, the factual evidence presented must outweigh any negative impact on fairness and impartiality of the proceeding (Douglas, Lyon, & Ogloff, 1997).

Should an attorney believe the opposing counsel is attempting to admit evidence which violates Federal Rule of Evidence 403, they may object. Because this rule encompasses almost any evidence being presented (with the exception of evidence that impeaches a witness with a conviction for a crime of dishonesty, in which Rule 609 mandates admission without balancing probative and prejudicial value), the objection claiming that evidence violates Federal Rule 403 has become the "universal fall back objection" for attorneys looking to exclude items of evidence (Park, 2001). When the objection is made, the trial judge takes into consideration whether an