Introduction

Dostoevsky’s novel Crime and Punishment focused on a man who physically and psychologically deteriorates due to committing a murder for what he believed was the greater good. The narrative of this man’s reasons, plight, and subsequent suffering ultimately garners sympathy from most readers, and alters the way one feels he should be punished.

How people feel about whether a particular person should be punished is the source of many conflicts within the criminal justice system. It is the narrative presented in the court that shapes the jurors’ decision about if and how one should be punished.

However, juries are denied the type of access to the minds of those who commit violent crimes that are provided in literary works. The narrative is central to the juror’s decision. Therefore, in order to obtain a complete picture, they must be provided with a collection of narratives describing the situation.

Factors that affect Juror Decisions

- History
- Socioeconomic status
- Motivation
- Gender
- Race
- Age
- Current Circumstance
- Type of crime

Research has and continues to be done to determine how the jury is influenced by the information they receive. However, the amount of available research is limited, which leaves a large amount of potential influencers undiscovered or unexplored.

Support: Previous Research

- Gurley and Marcus (2008) looked at the effects of neuroimaging and brain injuries on juror decisions in insanity trials. The pair aimed to discover whether jurors would accept an insanity plea for defendants who presented with a neurological issue. The argument was that its presence would reduce the defendant’s responsibility. The variables included psychological disorder (psychosis or psychopathy), neuroimaging evidence of brain lesions (present or absent) and onset of disorder (TBI or not specified). The results reflected the authors’ hypothesis, with defendants who had proof of psychosis, brain lesions and brain injury more likely to be found NGRI than those who lacked neuropsychological testimony (Gurley & Marcus, 2008). Gurley and Marcus (2008) then went on to explain that specific and concrete evidence presented by experts has a greater effect on juror decisions than more abstract evidence, which was supported by previous research.

- Bornstein and Nemeth (1999) conducted a meta-analysis that focused on the effects of violence on juror decisions. According to the authors, providing the level of heinousness as well as graphic, detailed evidence of the crime, plays a role in how jurors make penalty decisions. In addition, visual aids made it easier to remember the details of the crime (Bornstein and Nemeth, 1999).

Scholarly Argument

As a future forensic neuropsychologist, many of my interests align with discovering, deconstructing and explaining violent behavior and its neuropsychological basis. I believe that the neurological aspect of a defendant is an important piece of the information often missing in the narrative.