

Assessing Expert Forensic Psychologist Roles in Criminal Court Case Analysis

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Forensic psychologists as expert witnesses in criminal cases in a courtroom appointed by either prosecuting or defendant counsels to answer certain questions cannot be underestimated. The court appoints the expert oftentimes when the parties are unable to reach an agreement on a joint expert. Questions formulated by both parties are answered by an expert appointed by the court. An expert psychologist's opinion as a witness is vital as he provides evidence in a criminal trial. Allows for accurate reflection of the mental state of the person involved under examination to enable the judge to access evidence provided in the trials. Assessing the statutory functions of an expert forensic psychologist became imperative as the prosecutor and/or the judge rarely have satisfactory knowledge of the factors that may determine the reliability and credibility of the testimonies of trial participants [1].

Eyewitness testimony accounts for a crime in which an individual is involved in such an event, and possesses different forms [from a description of a perpetrator, to the identification of suspects or important objects such as weapons]. This study aimed at reviewing a criminal court case concerning Curtis flowers being an advisor to the court by assessing and describing some relevant details concerning the case. Applying recent psychological research and theory to exemplify how the reviewed case would benefit from psychological knowledge such as research into eyewitness testimony's confidence and accuracy, theories of criminal behaviors, and risk assessment]; and by reviewing related literature, provide a recommendation that could enhance the legal outcome and reduce the possibilities of wrongful convictions.

Psychology and the law intersect in several ways, sentencing and eyewitness applications, applications to trial advocacy, legal persuasion, juries and judge research, witness preparation, communication skills training, and jury decision-making, help judges to make better decisions in law courts. Evaluate offenders, and decide whether offenders have been treated justly. Helps the court to reach better decisions about various offenders coming to them as an expert witness in most cases. Psychologists are involved in

appellate court decisions by testifying in hearings and by making their research findings and policy analyses available to judges.

Forensic psychologists intersect with the law and legal proceedings as they are relevant to a person's mental state. It reduces false confessions by adopting peace models such as those that are highly used by the UK police. Evaluate clients [criminals, accused] to determine if they are mentally healthy. Legal psychologists encompass eyewitness memory, interviewing, investigations and jury decision-making, to differentiate between the clinical part of psychology and law under forensic psychology. Legal psychology involves empirical psychological research of the law, legal institutions and people who come in contact with the law. Forensic psychologists serve as expert witnesses in cases based on research and testify in cases on issues concerning racial biases. The study is organized into four segments: Introduction; Key Information about Criminal Court Case; Psychological Literature Review; and Conclusion. In providing information regarding the offender, Curtis Flowers was 26 years old when the crime happened, and had recently worked at the store and was questioned by the Police. Unintentionally damaged batteries valued hundreds of dollars while conveying and the cost was said to be deducted from his remuneration and hitherto advanced \$30. Unable to return to his job until July 3 having left, later called in and Tardy informed him that someone else had been recruited. Flowers denied committing any murder, or gun theft and denied being at the store at 10 a.m. Affirmed size 11 Nike brand shoes worn by him. A particle of residue was found having tested for gunshot residue. Having denied the crime, he was released thereafter. Flowers's prints were not seen at the scene when police took his fingerprints. In at least 75% of DNA exemption cases, faulty eyewitness testimony has been implicated more than in any other cases [2]. The attention of the investigators was on Flowers who had relocated to Texas for a new job. 10½ Fila shoes were recovered by the police in Flower's girlfriend's house. A scenario was developed by the prosecutor upon these statements—that Flowers, got irritated as a result of his job loss at the furniture store, the same day the crime was committed,

moved around the town, especially the parking area where Simpson's gun was said to have been stolen and later retired at home. Got back to town on a walk, and four victims were shot and killed, the cash register was robbed and then strolled down to the house.

According to Hunter [2022], due to prosecutorial misconduct, Curtis Giovanni Flowers missed out on 23 years of his life. Racial discrimination during the jury selection process and peremptory strikes amongst black jurors were responsible for the controversial trial that caused Mr. Flowers's incarceration. Hunter [2022] says an act of the prosecutor's influence over a jury to wrongfully convict a defendant or make the defendant's punishment more extensive is prosecutorial misconduct. Four counts of capital murder charges were levelled against Flowers based on his arrest on January 13, 1997. Flowers confessed he committed the crimes as attested to by Veal and Hawkins. Other eyewitnesses testified they saw Flowers on the morning of the crime. The box of size 10½ Fila shoes was bought for Connie Moore's son, Flowers's girlfriend in November 1995. Claimed her son carried the shoes along when he went to live with his father in January 1996. After a discussion which lasted for an hour on 17 October 1997, the judge sentenced Flowers for Bertha Tardy's murder and imposed the death penalty.

The judge sentenced Flowers to four counts of capital murder and sentenced him to death on 11 February 2004. Not Guilty/Guilty—"The law requires evidence from a person that is involved in illicit activities and did illegal intent having established such person is guilty of a crime [Borum, 2005, p.193]. Making the responsibility of the perpetrator of a criminal act dependent on the degree of his/her sanity is a rule applicable in most contemporary criminal law systems. Insanity means a lack of ability to understand the laws of society or to appreciate the wrongfulness of one's actions. The jury was confused and misled by the inconsistent statement provided to law enforcement by Flowers, especially when combined with improper cross-examination of Flowers and an improper remark by the trial court." Flowers's sentence for the murder of Derrick Stewart was reversed in April 2003 by the Mississippi Supreme Court. The capital murder charges against Curtis Flowers who had gone for trial six different times, four of which ended in conviction and there were two mistrials and all of which were upturned and discharged by the Mississippi District Attorney's Office, the Montgomery County on 4 of September 2020 [3]. identifies factors that affect memory after an event like memory enhancement; collective memory processes; avoidance of cognitive dissonance; timing of post-event information. Misleading information that is given immediately after an event has less effect on memory than misleading information that is given later; and Guessing.

On the victims' account, Jack Matthews, an investigator said that going by a ledger sheet seen with Tardy's, a sum of \$287 was unaccounted for. \$255 seen in Flowers's girlfriend's home was from the furniture store as asserted by the prosecution theory. At the Tardy Furniture Company, the murders happened earlier hour of July 16, 1996. Sam Jones Jr., a retired Tardy employee, later said that 59-year-old Bertha Tardy who is the store owner instructed him to

assist her to train two new employees—16-year-old Derrick "Bo Bo" Stewart and 42-year-old Robert Golden. Having arrived at the scene, Jones found Tardy, Stewart, Golden, and a 45-year-old Carmen Rigby shot and died. The legal issue arising, the 1996 quadruple murders were unsolved due to dismissal [4]. revealed that the eyewitness confidence statement affects how jurors perceive the witness's accuracy, credibility, and quality of view, as well as the jurors' decision-making in the case. How District Attorney Doug Evans, who is white, was found to have purposely removed Black men and women as a potential judge in violation of federal law [5]. suggested that ethnicity was a significant predictor of judgments of the competence of an eyewitness, which is one of three components of credibility.

In delivering his verdict, the judge sentenced Flowers to four counts of capital murder and he was again sentenced to death on June 18, 2010. The convictions and death sentences were upheld by the Mississippi Supreme Court in 2014 [6]. revealed that the variations in relative weighting and perceived credibility of the eyewitnesses did not seem to systematically affect jurors' decisions in their decisions of guilt. Flowers's convictions and the death sentence were reversed by the U.S. Supreme Court in June 2019, ruling that the trial had engaged in racially biased jury selection following Flowers's appeal to the Supreme Court [7]. advocated the use of eyewitness identification through the lineup, and appropriate procedures to enable one to reduce the number of false identifications. The level of general knowledge that mock jurors held was the only factor that affected verdicts while education remain the only hope for correcting for improperly gathered eyewitness identifications at trial.

Flowers asserted that he was finally freed from the injustice that left him locked in a box for 23 years following the dismissal of his charges on 4 September 2020 by Mississippi Attorney General Lynn Fitch's announcement. In March 2021, the sum of \$500,000 was agreed to be paid to Flowers as compensation being maximum allowed, at a rate of \$50,000 per year for 10 years. The conduct of every expert psychologist is attended by a constant sense of high responsibility for the fate of the person who is subject to the expertise, and who may be subjected to the judgment of the court [de Ruiter & Kaser-Boyd, 2015; Slovensko, 2001]. Expert forensic psychologist work is also determined by the fact that in reaching his opinion, non-psychological knowledge, e.g., criminological, forensic, psychiatric or sociological knowledge [de Ruiter & Kaser-Boyd, 2015] must be skillfully used. An expert appointed by the court, to answer questions formulated by both parties, is the so-called court expert. The prosecution had been involved in racially biased judge selection as held by the Court.

When an individual witness a crime and later gets up on the stand and recalls for the court all the details of the witnessed event, this means eyewitness testimony. In this Curtis Flowers's criminal case, the testimonies of some witnesses were untrue as revealed by American Public Media [APM]. Racial favoritism during the jury selection process and peremptory strikes amongst black ju-

rors responsible for the contentious trial that caused Mr. Flowers's incarceration. Some factors have been shown to make eyewitness identification errors particularly likely. These include poor vision or viewing conditions during the crime, particularly stressful witnessing experiences, too little time to view the perpetrator[s], too much delay between witnessing and identifying, and being asked to identify a perpetrator from a race other than one's own [Bornstein, Deffenbacher, Penrod, & McGorty, 2012; Brigham, Bennett, Meissner, & Mitchell, 2007; Burton, Wilson, Cowan, & Bruce, 1999; Deffenbacher, Bornstein, Penrod, & McGorty, 2004]. In addition to correctly remembering many details of the crimes, eyewitnesses often need to remember the faces and other identifying features of the perpetrators of those crimes. Studies have confirmed that eyewitnesses can make serious, but often understandable and even predictable, errors [8, 9].

Eyewitness testimony is the most persuasive form of evidence presented in court, but in many cases, its accuracy is doubtful. Eyewitness evidence can lead to a wrongful conviction—sending people to prison for years, on death row, for crimes they did not commit. Albright and Garrett [2022] say eyewitness evidence crucially depends on visual perception and memory, which are quite unreliable. In cases of wrongful conviction, the prospective incorrectness of eyewitness memory has been long established. Human vision isn't perfect, our memory is fallible and the criminal justice system can bias testimony by tricking the brain into a false sense of certainty. As a result, innocent people are confined, actual perpetrators go free and the public loses assurance in our criminal justice system [10]. stated that wrongful convictions occurred throughout the United States, but it was not until the creation of the innocence project in 1992 that these cases were re-examined. A wide variety of other biases and errors are prone to memory [6]. Identified intellectual and age manipulations impacted both the jurors' relative weighting of the eyewitnesses as well as the perceived credibility of the eyewitness [11]. identifies a significant difference in Witness Credibility Scale scores between the credibility of contradicting testimonies of a psychologist expert witness and that of the law enforcement fact witness. The misinformation in these studies has led people to incorrectly remember everything from small but crucial details of a perpetrator's appearance to objects as large as a barn that wasn't there at all. When it is encountered in social situations, memory can be corrupted easily as shown in other studies [12]. A situation where several people witnesses a crime.

Judges alongside psychologists evaluate competency on a case-by-case basis. A judge will need to determine competency early in the process, as soon as it is raised. The issue of competency is often raised by the judge on their own, the prosecutor and the defendant. According to *Sell V. United States*, a court can legally order either the accused person or defendant to take medication to make them competent to stand trial in certain circumstances. Level of education or smartness may make the defendant incompetent. Questions of unfitness to stand trial may be raised by the court, the accused person or the prosecutor. The trial began because the accused person regains adjudicative competence to stand trial having under-

stood the nature of the court process. His legal teams can assist in his or her defense. Since there was no report of any damage, mental disorder, or other mental condition that precludes him/her from understanding the legal process, he and thus, would be able to sufficiently protect himself in court. No report from the psychiatrist or psychologist that the accused could not stand trial. Intellectual impoverishment, the disintegration of personality, emotional disturbances as well as adverse social effects [e.g. family breakdown, divorce] are effects of going through trials. Personality-situational, or environmental-social factors responsible for human aggression leading to criminal behaviors. Acceptance or rejection of an expert opinion depends, not on the reliability of the expert opinion, but on the expert's behavior [13]. Expert psychologists can make different errors in their expertise which relate to an error in the construction of the expert opinion or the inadequacy of the presented information to the questions asked by the court [14]. argue that the introduction of DNA technology in the court of law has provided extensive aid in the resolution of civil and criminal disputes. From the information made available about the accused person, it was revealed that Curtis Flower was capable of standing his trial.

Social learning theory proposes that new behaviours can be acquired by observing and imitating others. Biological theories believe that the properties of certain biological structures in an organism lead to criminal behavior. Biopsychological approach, the most important theory is the anthropological theory known as the born criminal theory. Studies have shown that offenders facing criminal trials may be cruel and lack moral feelings as suggested by Lombroso. In Curtis Flower's case, he may probably be having features like a receding forehead, deformation of the skull, strongly developed jaws and cheekbones, very small or large protruding ears, anomalies in the dentition and excessively long arms. The presence of a minimum of five of the aforementioned was enough to say the accused person is a type of criminal by birth. Relationship between crime and disorders of the chromosomal structure, mainly anomalies of the X chromosome. The human cell consists of 46 chromosomes arranged in 22 pairs, where the last pair should be made of the female X and male Y chromosomes; in women, there are two X chromosomes and in men, one X and one Y. Studies have confirmed that the presence of an additional male Y chromosome in a human cell causes a tendency to aggressive criminal behavior. found that alcoholics and drug users of both sexes had a significantly higher criminality rate [15]. A higher rate was also found among female, but not male, patients suffering from schizophrenia or related disorders. However, biological influences in general, and genetic factors in particular, have been assumed to be irrelevant. Arguments to the contrary have been greeted with hostility and intensely resisted.

Psychological Theories explain delinquent and criminal behavior by focusing on an individual's disposition. Because the id is a somewhat constant drive, due to the failure of the superego criminality is assumed, a consequence of its incomplete development. Factors like limited mental capacity, psychotic disorders, psycho-neurotic disorders, certain personality traits, such as ag-

gressiveness, or the whole personality [i.e., psychopathic or sociopathic personality] are often listed among the psychological factors responsible for criminal behaviours [16]. Criminals assess the usefulness of choosing a specific behavior, anticipating potential profits and costs, and making a rational choice of behavior [17]. A person decides to commit a crime if she/he finds that it will bring him more benefit than pain. Explaining the genesis and development of crime by making use of psychoanalysis [18].

Certain neurotransmitter imbalances in the brain [e.g., low levels of serotonin], hormonal imbalances [e.g., higher levels of testosterone], and slower reactions of the autonomic nervous system appear to be associated with increased criminality. Possible biological factors associated with increased violence and aggressiveness, include alcohol intoxication, the use of some drugs [e.g., crack cocaine], diet, and the ingestion of toxic substances portend danger to criminal behavior. Certain types of head injuries and complications during pregnancy or birth are said to be responsible for long-term increases in the tendency of the child to commit the crime. Other non-biological intervening factors [e.g., poverty] could cause criminal behavior.

In conclusion, expert witness[es] being engaged by either prosecutor or defendants, and in some cases by courts provide evidence in criminal trials, among others. Interventions of the forensic psychologist[s] in court proceedings reduce false confessions. Eyewitness testimony is convincing to judges, even though it's not reliable. Identification errors occur, and these errors can lead to people being falsely accused and convicted. Eyewitness memory can be corrupted by leading questions, misinterpretations of events, engagements with co-witnesses, and their expectations for what should have happened. It was revealed that 23 years of legal battle at various courts of Curtis Flowers was attributable to racial discernment during the choice of a jury and peremptory strikes amongst black jurors responsible for the contentions trial that caused the imprisonment of Flowers.

The capital murder charges against Curtis Flowers were dismissed having gone for trial six different times in which four of which ended in conviction resulting in payment of \$500,000 as compensation over 10 years. Several theories of criminal behavior such as social learning theory, biological approach, bio-psychological approach, psychological theories, and genetic factors explain the activities and actions of Curtis Flowers's likelihood for criminality responsible for increased criminality. It's also revealed that to be fit to stand trial, one should be mentally healthy, have no psychiatric, or psychologist report necessary, of mental disorders or other mental conditions; factual understanding of the proceedings; adjudicative competence; no report of any impairment; engage in robust conversations, intellectual and emotionally stable. Appropriate education to be provided to jury members; assessing eyewitness memory; evaluating interrogation techniques; updating DNA databases; testing forensic evidence, and establishing robust compensation statutes for wrongfully convicted persons as recom-

mendations among others. Duration in dispensing justice should be looked into for future research.

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