On the night of February 5, 2004, the fates of four young men were left up to a group of seven jurors. Brandon Hein, Jason Holland, Micah Holland, and Tony Miliotti, all four of whom were charged with first degree murder, stood on trial for the murder of Jimmy Farris and the stabbing of Mike McLaren. While visiting the two victims in the backyard of Mike McLaren’s home, a fracas broke out, and this event resulted in the death of Jimmy Farris. The seven jurors: Sean Fitzgerald, Jamie Jasmer, Evelina Lipecka, Missy McRimmon, John Moore, Scott Taylor and Matt Woods, decided, after careful deliberation, to declare a hung jury in regards to Jason Holland, the alleged killer of Farris. In addition, the jury decided to convict the other three defendants of involuntary manslaughter, with a maximum sentence of six years with the possibility of parole. Throughout the course of the night, this jury displayed both effective and ineffective small group communication behaviors.
This paper attempts to examine the decision-making process as it applies to the jury deliberation in this mock trial. The decision-making process model that best fits the group’s deliberation was Missy’s “roller coaster” model that integrated Fisher’s model, the spiral model, and the punctuated equilibrium model. In addition, there were various concepts involved in the deliberation that pertain to the research of small group communication. Those concepts included nonverbal communication, task, maintenance and self-centered roles, defensive and supportive climates, as well as different aspects of conflict.

The jury involved in the deliberation first moved through the orientation phase of Missy’s “roller coaster” model with a brief introduction to the case, then decided to move through the case piece by piece. In the “roller coaster” model, a group phases through orientation, upon becoming immersed in conflict, it then cycles through the conflict stage, bypassing the emergence phase. The climate at this first phase was supportive; group members were open to ideas, and smaller decisions were made easily. Dr. Jack Gibb, a main researcher of defensive and supportive climates, has defined two climates as being clearly tied to a group’s productivity (Beebe and Masterson, 107). Characteristics of a supportive climate are: willingness to hear the ideas of others, a sense of equality among group members, and being open to change an opinion based on the ideas and opinions of others.

The smaller decisions were vital to the group’s supportive climate. Comments from members, such as “That’s a good point” and “I didn’t think about
that,” were stated during this time. The group accomplished a great deal with progress moving steadily forward when everyone was focused on the speaker and on the information packet. Nonverbal cues such as tone, volume, and pitch were regular. However, after reviewing the information in the packet, the jury members came to a standstill, not sure of how to advance.

The group then began to discuss the charges that each of the young men involved in the trial should receive. At this point, the group began to move towards the conflict phase of the “roller coaster” model. As the group moved into this phase numerous aspects of the supportive climate began to disintegrate and the personal interactions of the members changed.

The pattern of circling conflict that emerged from the jury’s deliberation consisted mainly of determining the fate of Jason Holland since he was admittedly the killer. Half of the jury felt that Jason Holland was guilty of voluntary manslaughter while the other half believed that involuntary manslaughter was more appropriate. As defined in the jury’s information, voluntary manslaughter is: “manslaughter committed voluntarily upon a sudden heat of the passions; as if, upon a sudden quarrel, two persons fight, and one of them kills the other” (Handout). On the other hand, involuntary manslaughter is: “a person in committing an unlawful act not felonious or tending to great bodily harm, or in committing a lawful act without proper caution or requisite skill, unguardedly or undesignedly kills another” (Handout). These specifics of these definitions were what divided the jury, and ultimately led to the prolonged conflict that resulted in a
hung jury. It was at this point that numerous variables of small group communication came into play.

The nonverbal communication of the group changed as the group began the cycling phase of the “roller coaster” model. In the beginning, each group member sat close to the table, remained attentive to the information and listened to what each member said. The pitch of each member as s/he spoke was regular, and each person spoke with a calm, easy rate. Volume was controlled, and no one spoke in a tone that was aggressive or antagonistic. Eyes of the members were focused on the speaker, and all attention was directed solely on the task at hand. As deliberation continued, the rate of speech became more rapid as members became more stressed about the conflict that occurred. Matt, Sean, and Scott were the three jurors who raised the volume of their voices, and were screaming and yelling as each person disagreed with the other. These three also habitually interrupted other members, resulting in the group missing information and opinions from less dominant members, which may have been vital to the decision that was being made. In addition, Matt used a significant illustrator, striking the table with his finger, which caused the group to understand his stubbornness on the issue.

Different members of the jury played multiple roles. While a number of the members primarily played either task or maintenance roles, other members played self-centered roles that were detrimental to the group’s production. In regards to task roles, Matt Woods was the initiator, the member who began the orientation of the group, and continued through the case until the stage of conflict. In addition,
Evy was the clarifier/summarizer, who spelled out each person’s statements and the details of the case after each statement was spoken. All of the jury members were information and opinion givers, as well as information and opinion seekers. The task roles held by each member allowed the group to stay on course the entire deliberation. However, there was no energizer to create motivation or enthusiasm among group members.

Maintenance roles, that “define a group’s social atmosphere,” (Beebe and Masterson, 75) often release tension within a group, however, in this case these attempts failed. Missy encouraged each member by praising and agreeing with their comments, but mostly her attempts were drowned out by the domination and aggression from Matt, Sean, and Scott. John and Evy were both harmonizers, helping resolve conflict between the rest of the group. Next we have the compromiser that was portrayed by Matt Woods, who sacrificed his own beliefs to try and terminate the conflict. Moving on, Sean was the tension releaser with his antics, he tried to keep the mood in the room light and calm. Sean also played the gatekeeper by encouraging quieter members of the group to contribute.

Individual, or self-centered, roles usually offset the group’s task, and these roles are assumed by people as they bring in outside interests, personal desires, and emotional needs that counteract the needs of the group (75). These roles played a large part in delaying the jury. The dominating role taken on by Matt, monopolized the conversation and slowed the group’s progress. Missy was a recognition seeker, hoping to gain status from the group for knowing the idea of “unreasonable doubt.”
Matt, along with being the dominator was also a confessor, who shared personal feeling when he swore and then exclaimed, “And I don’t swear!” By bringing up his personal behavior, he was placing himself in front of the group, and this was counterproductive. Sean and Scott were both deserters, for getting up from the table and leaving. Scott once exited the room, and two other times stood up from the table and drew a hangman on the dry-erase board. Perhaps the greatest inhibitor to the group’s progress was the special interest pleading from most members of the jury, with the exception of Missy; they all wanted to leave as quickly as possible. Because of these roles, direction in the decision-making process was hindered; therefore the jury spent three and a half hours before making a decision.

The climate or “emotional weather of the group,” can either be supportive or defensive. The jury began deliberating in a supportive climate; the concepts included description, problem orientation, and provisionalism. In the beginning description, instead of evaluation, of beliefs and points were what made up most of the communication. Members were problem-oriented on how to complete the task and not worried about how long until they were able to leave. On the other hand, Evy and John were the two jurors who deliberated in a provisionalistic way. They were more flexible and genuine to solving the problem and resisted from taking sides on the case. Unfortunately, the supportive climate did not last for the duration of the session.

The greatest display of insufficient small group communication behavior was caused by a defensive climate. This is shown with the group’s failure to decide the
fate of Jason Holland, the alleged killer of Jimmy Farris. Aspects of defensive climate that took over included evaluation, strategy, and certainty. There were evaluative comments made by different members such as “What are you talking about?” and “But you’re wrong,” that judged others’ ideas. Members consistently attacked one another, one instance: when Sean accused Matt of “being defensive.” This subsequently made the situation worse. Matt later admitted to lying, which is a strategy technique used to manipulate communication. He was asked if he had ever accidentally knocked anything off of a table, he defensively replied, “No, I have not!” This statement is something that he later acknowledged as being a lie to keep from damaging his stance on the issue. Jury members became more solidified in their opinions with certainty showing itself; the progress slowed almost instantaneously. Certainty is a personal belief in which one believes he/she is correct (109). A member then structured their opinions and was then unwilling to accept others’ explanations and change. Members of the group also admitted to having a specific mindset about the guilt or innocence of the defendants before the deliberation had begun. Only Scott and Evy had not formed an opinion before deliberations. Jury members were certain that each opinion they held was right, and with the exceptions of Evy and John, stances on the issue did not change. Although Jamie switched her vote, she later admitted that it was due to being annoyed at the standstill, not due to an actual change in her certainty.

The majority of the group’s time together was spent cycling through conflict. After the jury discussed the details of the case and came to a consensus on the different facts, the jury seemed to separate. While discussing charges, the group
decided to clarify the meanings of the different legal terms as discussed in the handout provided; legal terms such as the felony murder rule, accomplice, and negligent homicide; the majority of which were not even used. The two definitions that separated the members of the jury were those of voluntary manslaughter and involuntary manslaughter. After a period of time, the group continued through the “roller coaster” model where the group escaped from conflict. From this phase of escape, the group came to a halt in discussion until there was another breakthrough and from the breakthrough the conflict cycle started again. This process continued over and over, with the group progressing further each time the cycle occurred, until eventually the group reached a point of group-actualization, where the group was content with the decision that was made. While some groups do not reach this point of group-actualization, the jury that deliberated in this case was able to.

Nonverbal communication, task, maintenance, and self-centered roles, climate, and conflict are all important aspects of small group communication. They help us to understand how groups function together and why it is beneficial to work in a small group. The early decisions, such as how to proceed with the case was effective, however, the group’s procedure in regards to Jason Holland’s conviction showed the overall vulnerability of the group. The final verdicts of the three men sentenced and convicted were just because “this was clearly a manslaughter case.” (movie in class). In addition, the jurors were not influenced by the environment or the media coverage. The real verdict, which was life in prison without possibility of parole, was much different from the juror’s verdicts in the deliberation. The jurors
in the real case brought in the Felony Murder Rule, which the jurors in this deliberation did not invoke.

In the beginning, the group’s interaction was excellent, but as the time elapsed, the effectiveness decreased. Ways of improving the interaction include members who could have refrained from being defensive, loud, and using dominating voices. The arrangement of the group at the table unconsciously altered the mindset of the group. In having Matt sit at the head of the table, he ultimately became the leader and ended up dominating the discussion. Group members could have limited their influence of personal interests. In the end, group members were not satisfied with the decision to hang the jury; most of the jurors who had fought for involuntary manslaughter left feeling as though they were unsuccessful and the same for those who fought for voluntary. The group learned that conflict brought us closer together and farther apart at times. Directly after the deliberation some members had harsh feeling towards one another. An extreme example was when Missy was unable to talk to or give eye contact to Matt for up to a week after the deliberation. However, after this transition period, the group members were more connected as companions and the group now has a better understanding of the limitations for each other. Over the duration of this project the group learned that small group communication is not an easy process. The group also learned that the best ideas come with great amounts of time. As well as, the range of different roles one person can take on are never concrete.
Works Cited


Charges Handout

Movie from Class