

Pamela's character is intertwined with the emotional weight of survivor trauma, further complicated by her need to seek justice despite the misogynistic media environment. Knoll emphasizes the contrast between how the victims and survivors are marginalized by the media whereas the perpetrator is called "charming." Parallel to Pamela's journey is that of Tina, a therapist whose grief for her unacknowledged partner, Ruth, underscores Knoll's "impossible grief." Ruth's disappearance, tied to the same perpetrator, was not recognized with the same urgency because of the societal disregard for their relationship, highlighting how marginalized identities face additional layers of erasure when they become victims of violence.

An almost unbelievable scene occurs when the defendant is allowed to depose witnesses to his horrific crimes, facing his accusers. Despite the immense potential for retraumatization, somehow this was allowed in this case. Yet, far from describing the clever law student defending himself that the media portrays, Pamela describes the scene: "I was one-hour into my testimony, and I had another to go, and he would not be the one to question me. The way his team had to manage him, by calling inconsequential witnesses to the stand just so he had someone to question without torpedoing his defense, would later remind me of a toddler given one of those play cell phones because that's what all the adults have and he is *not* a baby" (Ref. 4, p 339, emphasis in original).

Forensic psychiatrists must hold onto victim perspectives, including in public health roles. Pamela describes the trial, the defendant's groupies versus the reality: "I was essentially hidden in plain sight among the other young women who had parted their hair down the middle and put on their Sunday best that morning. There was no way to tell which of us was there to ogle the Kennedy of Killers and which to testify against the booger-eating alcoholic" (Ref. 4, p 312). Millions of young women with brown middle-parted hair (like the authors of this review) would have noticed the stark reality when they grew up hearing stories of the charming young man who murdered dozens of us, projecting himself into the spotlight.

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A Forensic Review of *Juror #2*

Directed by Clint Eastwood. Screenplay by Jonathan Abrams. 114 Minutes. Distributed by Warner Bros. Pictures; Released in the USA November 1, 2024

Reviewed by Karen B. Rosenbaum, MD

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Key words: jury; confirmation bias; intimate partner violence; driving; grief

By far the best part of this courtroom thriller directed by Clint Eastwood is the cast. There are additional elements in the film that may be of interest to forensic psychiatrists, such as intimate partner violence, confirmation bias, jury selection, and jury deliberation in a murder trial.

In the film, the defendant, James Michael Sythe, played by Gabriel Basso, is on trial for allegedly murdering his girlfriend after a public dispute in a bar on a rainy night. Although there is a big reveal at the outset of the film, there is still an element of suspense throughout because of the ambiguous moral judgment of the protagonist, Justin Kemp (aka *Juror #2*), played by an unassuming Nicholas Hoult. Incidentally, the talented Toni Collette who plays the prosecutor, Faith Killebrew, also played Nicholas Hoult's chaotic mother, Fiona Brewer, when Nicholas Hoult was young Marcus Brewer in the film *About a Boy* in 2002.

The public defender, Eric Resnick, played by Chris Messina, maintains that his client is innocent

and attempts to prove it. As the opening statements are made, Justin Kemp flashes back to the same night in October that the murder allegedly took place. He was at the same bar and had ordered a drink but left the bar with his drink untouched. A sober alcoholic, he had been grief-stricken because it was the due date of his twins who were never born. At the time of the trial, his wife, Allison Crewson, played by Zoey Deutch, was in her third trimester. Justin wanted to get out of the trial, but Judge Thelma Hollub, played by a no-nonsense Amy Aquino, would not hear of it.

The film focuses on the jury deliberations more than the trial itself, which is uncommon for courtroom dramas. At the initial polling of the jury, the majority believed the prosecution's theory. The prosecution had posited that the person responsible for Kendall Carter's death was her abusive boyfriend, James Sythe. It came out in the trial that the two had a tumultuous relationship and would often have severe verbal fights. James testified, taking responsibility for making many bad choices, including not making sure Kendall was safe that night after she left the bar in heels in the pouring rain without a car. He also swore he had nothing to do with her death and would never have harmed her.

The only two holdouts in the jury were Justin Kemp, who had inside knowledge that James did not kill Kendall, and a retired detective who had not revealed his profession to the attorneys because they "didn't ask." J.K. Simmons, as Harold, begins investigating the theory that it was a hit and run that caused Kendall's demise. He narrows the possibilities down to 15 people based on his search of auto body work done close to the date of the crime. He is dismissed from the jury when it comes out that he is a retired detective who violated his oath as a juror by actively investigating the case.

Before he was dismissed, Harold explained to the jury his "hit and run" theory and how the prosecution did not explore any other suspects besides James. The concept of confirmation bias was explained by another juror. Confirmation bias is a cognitive bias where data that support a preexisting theory is weighed more heavily than data that do not. O'Donahue and Cirlugea¹ recently explained that forensic evaluators are not immune to this confirmation bias and suggested ways to reduce the risk of this type of cognitive bias when performing child sexual abuse interviews.

As National Public Radio (NPR) reviewer Linda Holmes² aptly pointed out, there are many holes in

the plot of the film. It seems that the prosecutor only looked at one suspect and did not even consider a hit and run when a woman was found at the bottom of a quarry on a dangerous road late on a rainy night.

When Justin Kemp suspects that the deer he hit that night was not actually a deer, he seeks out the help of his attorney friend and Alcoholics Anonymous (AA) sponsor, Larry Lasker, played by Kiefer Sutherland. After reminding him of the common AA phrase that Justin is "only as sick as [his] secrets," Larry advises him not to come forward with the truth. He said that no one would believe that Justin was not drinking that night because he is a recovering alcoholic. Instead, Larry advises Justin to make sure they get a conviction or an acquittal, but not a hung jury.

The idea of punishing a "savage crime committed by an evil man," as the prosecutor in the film states, is much more appealing to the public than an accidental death committed by a grieving man who loves his wife and unborn children. Later in the film, the audience learns that the defendant is a known drug dealer involved with a dangerous gang. When the trial is over, there is an unusual idea put forth that maybe "the truth" and "justice" are not always compatible.

The prosecution's theory hung largely on an eyewitness testimony of an older man who was only shown one picture to identify the suspect. When questioned off the record about his testimony, he said that the people who showed him the picture and asked him to identify it were "nice" to him. Eyewitness testimony has been shown to be unreliable in general and especially when the power of suggestion is involved.³

When Justin Kemp was driving that night, he was grief-stricken. A study noted that many people actively grieve when they drive, which can distract and negatively affect the decision-making capacity of the driver.⁴

Despite the problems discussed with the plot, the film's all-star cast make it well worth the watch. In addition, the moral questions that *Juror #2* evokes regarding who is deserving of punishment and other aspects of the criminal justice system are interesting and relevant to many forensic psychiatrists.

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Review of *Anatomy of a Fall*

Anatomie D'Une Chute. Directed by Justine Triet. Screenplay by Justine Triet and Arthur Harari. 152 Minutes. Distributed by Les Films Pelleas; Released in France May 21, 2023

Reviewed by Sebastian Giakas, MD, and Susan Hatters Friedman, MD, MSt

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Key words: film; bias; child witness; cross-cultural; covert recordings

Anatomy of a Fall premiered in 2023, winning the Palme d'Or at the Cannes Film Festival and Best Original Screenplay at the Academy Awards. With the backdrop of the French Alps, *Anatomy of a Fall* highlights multiple themes of interest to forensic psychiatrists, including determination of manner of death, testimony in French courts, the treating psychiatrist as expert witness, cross-cultural examinations, child witnessing, and covert audio recordings.

The film begins as Sandra (Sandra Hüller), a successful author, is interviewed about her writing process. This is interrupted by her husband Samuel (Samuel Theis), announcing his presence through the chaotic melody of 50 Cent's "P.I.M.P.," halting the discussion. Soon after, their visually impaired son, Daniel (Michael Machado-Graner), walks their family dog and finds his father Samuel dead in the snow.

A forensic pathologist finds Samuel's death suspicious and asserts that a toxicological analysis is necessary to find the "truth." Although seemingly straightforward in the film, the medicolegal structure for determining the manner of death in France is complicated.¹ Backgrounds of French coroners are varied, coming from a variety of medical specialties.¹ Determining the manner of death is nuanced and may be complex, regardless of country, directly affecting investigations both in the movie and in the real world.

Sandra is propelled from the coroner's assessment into the French legal system. The French system is inquisitorial in nature,² in contrast with the adversarial American legal system. The investigating judge has the responsibility to question the witnesses, may question witnesses and the accused simultaneously, and has discretionary power to direct the course of the trial.² This is reflected in the film, where Sandra is often being questioned, including alongside witnesses, about statements of those witnesses. The system offers more collaborative questioning by the investigating judge, whereas the lawyers act only in an auxiliary manner, in contrast to the American legal system.² One poignant example is when Samuel's treating psychiatrist testifies. During a fiery back and forth between Sandra and the psychiatrist, Sandra's feelings about Samuel's partial responsibility for Daniel's blindness come out. Not only does this scene highlight the differing legal framework of witness examination in French courts but also the dilemma of the treating physician as expert witness, related to potential biases. Were Samuel to have died by suicide rather than homicide, the treating psychiatrist-expert may have had some stake in the outcome. It becomes clear that the treating psychiatrist heavily (or solely) has relied on Samuel's self-report. Coupled with the inquisitorial nature of French courts, this creates a sequence of heated dialogue when Samuel's treating psychiatrist testifies alongside Sandra.

Sandra is also an immigrant and, although an intelligent, successful immigrant, we are reminded of the potential biases of the criminal justice system. Cross-cultural legal system interactions are also highlighted. For forensic psychiatrists, a thorough understanding of the evaluatee's background is critical, and failing to appreciate the cultural context of words used by the evaluatee can result in misunderstandings.³ When reenacting the events leading up to Samuel's death, the judge proclaims the reenactment must occur in French, despite the fact that English was spoken during the event itself. Later during the trial, Sandra, without a translator, must speak French. She struggles to convey her side of the story, having to turn to her attorney to clarify words. Testifying as an immigrant without an interpreter may create a host of cross-cultural misunderstandings.³ The audience sees Sandra's words and phrases get lost in translation, creating dramatic difficulty in mounting her defense. To counteract this dilemma, conducting a thorough forensic evaluation with an interpreter provides a necessary solution when both language and culture affect information gathering during an interview.³