Jodi Arias: Case Study and Battered Woman’s Syndrome

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Abstract

Jodi Arias was arrested on July 15, 2008, and was tried and convicted of the First Degree Murder of Travis Alexander on May 8, 2013. Ms. Arias provided several different stories about her involvement in the death of Mr. Alexander. She initially claimed that she had no knowledge or involvement in the death. She changed her story that there was a home invasion by homicidal criminals, whom were responsible for Mr. Alexander’s death. Then, she ultimately, changed her story again to one of self-defense. Mr. Alexander suffered multiple injuries. The autopsy revealed that he had been shot in the head, stabbed 27 times, and his neck severed, so the idea of self-defense is questioned based upon the balancing of Arias’ reasonable belief that she was going to be killed or harmed and the degree of force she used to protect herself. The theory of Battered Woman’s Syndrome (BWS) provide some possible rationale for why she might have acted so brutally. However, when weighing the facts of the case, the exhibited behaviors of Arias, and applying it to the theories of BWS, it becomes clear that she was very likely not suffering from BWS, or PTSD, as she attempted to claim.

Keywords: Jodi Arias, Battered Woman’s Syndrome, Self-Defense, Post Traumatic Stress Disorder, Murder, Battered Person
Jodi Arias: Case Study and Battered Woman’s Syndrome

Murder is homicide with malice. Homicide is the killing of a human being caused by another. Malice is legally established in several ways, which include intent to kill, intent to cause serious bodily injury, wanton conduct or depraved heart murder, or a homicide resulting from the commission of an inherently dangerous felony. Murder, once established is then categorized into First Degree, or Second Degree. First Degree Murder is the most serious of offenses and requires the prosecution to establish that the perpetrator acted with premeditation. All other murder, if premeditation is unable to be established will then be deemed Second Degree Murder.

Jodi Arias was arrested on July 15, 2008, and was tried and convicted of the First Degree Murder of Travis Alexander on May 8, 2013. This conviction, as categorized means that the jury concluded by the State’s presented evidence that Jodi was guilty of premeditated murder without a reasonable doubt. In criminal law, the legal standard that must be met to convict a person of a crime is the highest standard of “beyond a reasonable doubt.” This legal standard means that, “… no other logical explanation can be derived from the facts except that the defendant committed the crime, thereby overcoming the presumption that a person is innocent until proven guilty” (“Beyond a Reasonable Doubt,” (n.d.)).

Ms. Arias provided several different stories about her involvement in the death of Mr. Alexander. She initially claimed that she had no knowledge or involvement in the death. She changed her story that there was a home invasion by homicidal criminals, whom were responsible for Mr. Alexander’s death. Then, she ultimately, changed her story again to one of self-defense.

Self-Defense, when applicable is a potential defense to murder, and if raised successfully, the charge of murder will be mitigated, and the murder will then be considered justified.
However, self-defense is not just simply raised, it must be shown that the self-defense used was reasonable, and depending upon the jurisdictions there may be other applicable laws to consider, such as retreat. The specific use of defense, whether deadly or non-deadly will be balanced against the threat the person was experiencing, and will then be measured:

…whether the actor believes, and whether a reasonable person would believe, each of the following facts: (a) an aggressor was threatening him with harm, (b) that harm would be of a particular level of gravity, (c) his use of force in response would prevent that harm, (d) the level of responsive force he expects to employ would be of a similar level of gravity, (e) if the force was not used, the threatened harm would occur immediately, and (f) no nonviolent or less forceful alternatives were available whereby the threat could be avoided. United States law typically requires an affirmative answer to each of these questions. (Simons, 2008, pp. 3)

Here, the facts state that Mr. Alexander suffered multiple injuries. The autopsy revealed that he had been shot in the head, stabbed 27 times, and his neck severed (Montaldo, (n.d.)). When considering the reasonableness standard used for claims of self-defense, the severity and quantity of injuries suffered by Mr. Alexander one would think that he must have been super human in his attack against Ms. Arias in order to justify her level of attack against him. However, when one adds the concept of Post Traumatic Stress Disorder (PTSD), or Battered Woman’s Syndrome (BWS), this does change the dynamics. “In regard to women who kill, [it] has [been] stated that instead of exhibiting passive behavior, a battered woman may reach for a gun ... because [she] cannot be certain that any lesser action will really protect [her] from being killed by the batterer”(Hamilton, 2014). This infers that if Ms. Arias was suffering from some PTSD, or BWS, there could be a plausible explanation for the brutality of her attack.
“Standard American criminal law doctrine provides that one can only use a certain degree of force in self-defense if one honestly and reasonably believes that a serious enough threat has been posed, and if one honestly and reasonably believes that the use of force in self-defense is necessary to prevent that threat. Though jurisdictions differ in how they specify these elements of proportionality and necessity, almost all endorse this basic structure” (Simons, 2008, pp. 5).

The question then becomes did Ms. Arias honestly and reasonably believe that shooting Mr. Alexander in the head, stabbing him 27 times, and severing his neck were necessary and proportionate to what she perceived as a threat.

On its face, it is hard to imagine that level of attack being justified, but the situation becomes more complex because Ms. Arias is claiming to have been suffering from PTSD due to abuse she had allegedly suffered previously at the hands of Mr. Alexander. And, although not specifically posited in her trial, BWS could also provide a possible explanation for such a brutal reaction.

**Self-Defense and Battered Woman’s Syndrome**

Battered Woman’s Syndrome Battered Woman Syndrome (BWS) is a subcategory of Post Traumatic Syndrome that was coined by Dr. Lenore Walker (Walker, 2009). BWS explains behavior of certain women who suffer abuse from their husbands, partners, or lovers (Champaign, 2010). “…Walker defines a battered woman as one ‘who is repeatedly subjected to any forceful physical or psychological behavior by a man in order to coerce her to do something he wants her to do without any concern for her rights’ (Champaign, 2010, pp. 2). Further, “BWS is not a separate affirmative defense, but rather a psychological theory offered in support of a self-defense claim to rationalize behavior that would otherwise be difficult for jurors to understand. [In short, this] evidence explains why some women resort to violence rather than
leaving their abusers or seeking help from the law enforcement system” (Champaign, 2010, p. 1).

So, based upon these definitions of BWS, and its application to a claim of self-defense, the questions become: how would Arias’ legal defense team present such a theory of BWS? And, is BWS a reasonable and plausible rationale for Arias to raise?

As discussed in Bartol & Bartol (2015), “Evan Stark (2002) strongly recommends that psychologists and other mental health practitioners, when preparing forensic assessments and legal testimony for the courts, emphasize the process of unique coercive control used by some batterers, rather than focusing strictly on the generalized psychological trauma assumed to be experienced by all battered women” (Bartol & Bartol, 2015, p. 365). With that in mind, looking to the record of facts surrounding the Arias case, there is nothing showing or even suggesting that Mr. Alexander subjected Arias to any process of coercive control. In fact, there is more information that suggests Arias attempting to control and dominate Mr. Alexander. For instance, in the article written by Dale Archer (2013) he describes Arias as stalking Mr. Alexander, and doing everything she could to keep him close to her; she would engage with Mr. Alexander by inticing him through “sexual adventures” (Archer, 2013). Going further, Archer (2013) states that there are no witnesses that Mr. Alexander ever abused Arias, or acted in anyway other than respectful, good natured, and kind (Archer, 2013). In addition, there are no witnesses that Arias ever complained of being abused or traumatized by acts of Mr. Alexander prior to Mr. Alexander’s death (Archer, 2013).

Interestingly, there is another news article written just prior to Archer (2013) that discusses a series of emails that the Arias defense team’s domestic violence expert, Alyce LaViolette posit as proof of Mr. Alexander’s domestic violence tendencies (Lohr, 2013). Although the actual emails were not admitted into evidence, LaViolette was permitted to testify
on their contents, and her impression of them. She testified, in part, “There was information about Mr. Alexander calling Ms. Arias a skank and then acting like it was a joke. There was information about the way he ignored her in public places and would not allow her to put pictures of them up in places where other people could see them. Just basic ways he treated her, or [Alexander’s friends – authors of the emails] felt he mistreated her ... that [Alexander’s friends] indicated were abusive” (Lohr, 2013, pp 13).

This information was not included in the Archer (2013) article, but given what seems very little facts, it is not totally surprising. Mr. Alexander allegedly called Arias a skank in jest, ignored her in public places, would not allow her to put pictures of them up in places where other people could see them, and a generalized statement about his basic way of mistreating her (Lohr, 2013). Therefore, attempting to apply Stark’s (2002) method of approach to legal testimony, as discussed in Bartol et al.(2015), it appears that an expert would have very little to emphasize in order to bolster the defense of BWS on behalf of Arias because Mr. Alexander’s behavior as described in the emails written by a friend of the deceased provides very little to establish a pattern of abuse which could have reasonably caused Arias to suffer BWS.

In Berger, McNiel, & Binder (2012), the authors explain that experts testifying about PTSD do so to establish the state of mind element needed to prove self-defense; specifically, the state of mind required is that the defendant had a reasonable fear of death or bodily injury (Berger, McNiel, & Binder, 2012). The authors reviewed several cases where PTSD, as well as BWS were raised as the basis of self-defense. All the cases cited included defendants that raised self-defense claims based upon a theory of PTSD or BWS, and the defendants ended up being convicted because the courts disallowed testimony regarding PTSD or BWS, or such assertions during trial. The trial courts either deemed the testimony of PTSD or BWS as irrelevant, or not
meeting scientific standards to overcome the evidentiary requirements of the Daubert Standards. However, these same cases were later overturned on appeal providing a precedent to allow assertions of PTSD and BWS as a basis for self-defense claims (Berger et al., 2012).

Yet, again, if Arias’ self-defense claim is to be proven based upon the assertion of BWS, or even PTSD, there will need to be facts that establish abuse and coercion on the part of Mr. Alexander against Arias. And, there doesn’t appear to be enough facts to show a pattern of abuse or coercion in order to even begin a legitimate deliberation on the topic. However, an expert witness was called in the Arias case in a last ditch effort to prove that she was suffering from post traumatic stress disorder when she killed Travis Alexander (Owens & Curry, 2013). And, Robert Geffner, the defense’s expert witness stated, ‘We're looking at a consistent pattern of trauma,’ which he based on four psychological tests that he performed on Arias, and, notably, not on any presented facts showing Mr. Alexander behaved as a batterer. The expert witness went on to describe Arias as showing signs of someone that had experienced trauma, or suffers from anxiety (Owens, et al., 2013). Of course, without any facts that show Mr. Alexander abused Arias, it is hard not to wonder why Arias’ test results did show signs of PTSD. Of course, (digressing from the current topic of discussion) it would be an interesting question to ask and investigate whether or not Arias may have exhibited PTSD symptoms from committing the actual murder itself, and not as the result of abuse she experienced.

Setting aside the lack of facts to show a pattern of abuse and coercion on the part of the victim, and looking toward the psychological characteristics and behaviors associated with BWS: did Arias at least exhibit similar behaviors that could be attributed to BWS? Essentially, using

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1 Under the Daubert Standard, the courts will weigh: “(1) whether the theory or technique in question can be and has been tested; (2) whether it has been subjected to peer review and publication; (3) its known or potential error rate; (4) the existence and maintenance of standards controlling its operation; and (5) whether it has attracted widespread acceptance within a relevant scientific community (Cornell, (n.d.))
JODI ARIAS: CASE STUDY AND BATTERED WOMAN’S SYNDROME

inductive analysis of Arias’ exhibited behavior to see if one could get close to concluding she suffered from BWS. Archer (2013) analyzed Arias’ behaviors using The International Classification of Diseases 9th edition (ICD) and its criteria for a battered person since the DSM-IV does not have criteria for BWS (Archer, 2013). The criterion include: Re-experiencing the battering as though it's recurring, even though it is not; avoiding the abuser; hyperarousal or hypervigilance; disrupted interpersonal relationships; negative body image; sexuality and intimacy problems (Archer, 2013).

First, Arias confessed that she killed Alexander during a violent argument. She claimed that she accidently shot Alexander in self-defense when he charged at her in a rage after the two had sex together and had taken nude pictures of each other (Owens et al., 2013). When considering the criteria of the battered person re-experiencing the battering as though its recurring (i.e., flashbacks), the story provided by Arias appears suspect. If a person believes that they are re-experiencing abuse, suffering from a flashback, and shoots in self-defense, it is puzzling that Arias would describe shooting Alexander as accidental. If truly in fear, irrational or not, it is hard not to question Arias stating that she accidently shot Alexander instead of intentionally shooting him out of fear due to flashing back to prior abuse. And, as pointed out by Archer (2013), there are no facts suggesting that Arias ever experienced or complained of flashbacks of abuse, or nightmares of abuse. Thus, this first criteria of flashbacks, and re-experiencing abuse seems implausible.

Second, the facts of the case state that Arias planned her visit to see Alexander; in fact, she drove to his home. Thus, the criteria of the battered person avoiding their abuser also does not fit here.
Next, there are no facts indicating that Arias was hypervigilent or that Alexander caused Arias to be hyperaroused. The facts are that Arias planned a trip to Alexander’s home, had sex with him, and took nude photos together. In addition, Arias’ friends said that she was acting normal prior to the murder.

Disrupted interpersonal relationships is the next criteria discussed by Archer (2013). Here, Archer (2013) agrees that Arias exhibits behavior that line up with this criteria. He states that, “Once she killed Alexander, she was already calling another guy. Not only that, but after Alexander's memorial, she was calling yet another potential love interest” (Archer, 2013, pp. 8).

Negative body image is another criteria set by the ICD for a battered person. And, again, Arias’ behaviors do not appear to match with someone that would be experiencing negative body image. In fact, Arias seems to be very confident in her appearance, and was known to use her appearance as a way to gain attention and affection from men. She was described by the victim’s friends that she would use her sexuality to lure and keep me close to her.

Lastly, sexuality and intimacy problems are the last criterion discussed by Archer (2013). Archer (2013) states, “Arias…may have distorted …perception[s] of love and intimacy through sex. She kept the sex alive with Alexander by coming up with ever more outrageous fantasies she knew he would like” (Arias, 2013, pp. 10). But, again, Arias is falling short of meeting the criterion for a battered person.

Therefore, even when focusing purely on Arias’ exhibited behavior and testimony of those that knew her, there is very little to no supporting evidence that suggests Arias was a battered person. It appears more likely that the jury rightly found her guilty of First Degree Murder, because self-defense by way of BWS or PTSD appear very unlikely.
When a person is facing the death penalty because they are being prosecuted for First Degree Murder, it is not surprising that feigned claims of self-defense due to BWS or PTSD would appear. However, that is not to say that there are not true instances of self-defense due to BWS or PTSD. Sparr (1996) describes that the legal community has welcomed the concept of PTSD as pertaining to self-defense, but since its introduction to the courtroom it has presented many challenges (Sparr, 1996). Some of these challenges have been based upon the higher evidentiary standards required by a majority of the jurisdictions (Daubert Standard), which requires that the theories posited by the testifying expert witness meet standards to include testing, research, and peer review. In addition, difficulties are also met when those claiming to have PTSD, or BWS are only able to provide evidence through self-report. Then the next difficulty is to surmount the causal connection between the psychological condition of PTSD, or BWS and the actual criminal act.

There is such a wide range of experiences and symptoms that a battered person can experience and exhibit, that is does present many challenges for those trying to prove its effects on the behaviors of someone that killed a person. That is why forensic psychologists should focus on the systematic use of abuse, coercion, and control that was experienced, as opposed to looking at the symptomology of the person that is claiming self-defense due to BWS or PTSD. In a courtroom setting, this approach will also prove an easier way to get information in front of the jury when dealing with such evidentiary standards as Daubert. Having a professional describe the cycles of abuse, as well as the patterns and persistence of abuse, coercion, and control endured by a victim, it will create a picture that can be better understood by the jury when considering the reasonableness of the battered person’s claims of self-defense. Of course, where incidents of abuse, coercion, and control are done in secret, even this method will become
challenging. Overall, one would be far better finding an escape than to kill their perpetrator, because successfully raising a claim of self-defense rationalized through BWS, or PTSD is very challenging. And, although, it has been successfully raised in a number of cases, there is still always that chance that it might fail, as in the Jodi Arias trial.

In conclusion, Jodi Arias was found guilty of First Degree Murder, meaning that the jury found beyond a reasonable doubt that she intentionally killed Travis Alexander with premeditation. Arias changed her story on multiple occasions stating first that she had no knowledge or involvement in the death. She then changed her story that there was a home invasion by homicidal criminals, whom were responsible for Mr. Alexander’s death. And, finally, changed her story again to one of self-defense.

Expert witnesses testified on Arias’ behalf claiming that Alexander showed tendencies toward being an abuser, but this testimony was only based upon emails shared between Arias and a couple friends of Alexander’s. There were no other facts to show, or to even suggest that Alexander was a batterer, or that he mistreated Arias in anyway. Another expert witness whom tested Arias for signs of PTSD, stated that she did exhibit symptoms of someone that suffers from the disorder, but again, there are no other facts corroborating PTSD. Arias’ friends state that she was acting normal prior to the murder, and it appears she intentionally went Alexander’s house where the two engaged in sex and took nude photos of eachother. Overall, Arias’ claim of self-defense due to PTSD failed because it really does not appear to be a reality. And, when considering an alternative claim of BWS, a syndrome with underpinnings in PTSD, it would have failed as well.

Given the brutality of Alexander’s murder, it is hard to imagine why a person would have committed such a heinous act. In many ways, theorizing that Arias was suffering from some
psychological disorder at the time of the murder makes sense, but PTSD or BWS does not appear
to be the best match. There was definitely something else driving her that night, and it wasn’t
self-defense.
References


