THE IMPACT OF DEFENDANT LEGAL STATUS AND ETHNICITY ON MOCK JUROR VERDICTS AND SENTENCING RECOMMENDATIONS

Except where references are made to the work and literature of others, this thesis is my own and the work described in this thesis was done in collaboration with advisory committees and research assistants. This thesis does not include propriety or classified information.

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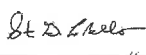Certificate of Approval:

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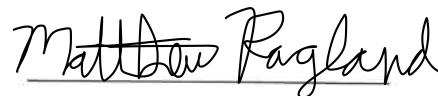Date: 2020.12.02 17:52:32 -06'00'

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THE IMPACT OF DEFENDANT LEGAL STATUS AND ETHNICITY ON MOCK JUROR VERDICTS AND SENTENCING RECOMMENDATIONS

Denise Burgos

A Thesis

Submitted to

The Graduate Faculty of

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In Partial Fulfillment of the

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Master of Science

Montgomery, AL

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THE IMPACT OF DEFENDANT LEGAL STATUS AND ETHNICITY ON MOCK JU-

ROR VERDICTS AND SENTENCING RECOMMENDATIONS

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The impact of defendant legal status and ethnicity on mock juror verdicts and sentencing

recommendations

ACKNOWLEDGEMENTS

ABSTRACT

Extralegal factors influence jurors' decisions, and prior research has shown this constantly. Although they should not have an impact on verdict or sentencing, factors such as the defendant's race/ethnicity, type of crime, and SES can influence verdicts and sentence severity. Though there is research on single extralegal factors, there is little research that looks at how defendant race and legal immigration status together influence how jurors choose verdict and sentencing. The present study investigated how these two interact with each other to effect juror decisions. Participants (N = 97) listened and read to a mock crime summary online. Results indicated that jurors voted guilty for both White and Mexican defendants equally often. This is not consistent with previous research because the minority defendant received more guilty verdicts and harsher punishment. There was no influence of defendant legal immigration status on mock juror verdicts. When choosing a sentence, the ethnicity and legal immigration status did not impact the decision making. I am currently underpowered to detect main effects or interactive effects of ethnicity and legality on verdicts and sentencing.

TABLE OF CONTENTS

The impact of defendant legal status and ethnicity on mock juror verdicts and sentencing

recommendations

Research has established that jurors may be influenced by various extralegal

defendant characteristics (Alvarez & Miller, 2017). Examples of influential defendant

characteristics are race/ethnicity, type of crime, and SES (Perez, D. A., Hosch, H. M.,

Ponder, B., & Trejo, G. C. 1993). These characteristics affect verdicts (Bodenhausen,

1990), and the sentence severity (Brownsberger, 2000). For example, one study looked at

juror decisions when the defendant's ethnicity, SES, and the status of the crime were

manipulated and compared European American with Latin jurors (Willis-Esqueda et al.,

2008). Results indicated that European American jurors were more punitive when the

defendant was Latino, low SES, and the offense was small. Furthermore, European

American jurors have displayed preference toward the high SES European American

defendant independent of the type of crime. But prior studies have not incorporated other

types of crimes and legal immigration status to completely examine juror bias in the legal

system. Most of the research has focused on comparisons between European Americans

and African Americans. Therefore, the purpose of this present study was to test for the

possible interaction between defendant's legal immigration status and defendant's

race/ethnicity on mock juror verdicts and sentencing recommendations.

Latinos and the U.S. Legal System

According to the U.S. Bureau of the Census (2000), Latinos are becoming one of

the largest minority populations in the United States. They are also part of a rapidly

growing prison population and Mexican Americans are the second largest group in state

prisons (Willis-Esqueda, Whitfield, & Dorsey, 2003; Yates, 1997). It is therefore vital to

explore how racial/ethnic bias might affect our legal system, specifically in relation to defendants of Mexican descent. Researching possible biases against Latinos in the U.S. criminal justice system can improve the system by highlighting these biases and encouraging fairness and impartiality.

Attitudes toward Undocumented Latinos

Various studies indicate that a negative attitude toward Latinos in the U.S. has persisted for decades. Evidence for this can be seen in recent trends in hate crime statistics. According to the U.S. Bureau of Justice Statistics (2017), hate crimes against non-Latino ethnic groups have remained constant or have decreased over the last ten years. However, Latinos experienced a higher rate of violent hate crime victimization, increasing from 11% to 25% during 2011-2015.

The Bureau of Justice Statistics (2017) stated that the hate crime numbers may be an underestimation because most hate crimes against Latinos are not reported due to fear of being deported and/or obstacles of communication (i.e., a language barrier). A 1993 report by the U.S. Civil Rights Commission found that Latinos were denied basic civil rights and abused and mistreated by police (Moreno, 2002). In addition, a 2016 Pew Research Center survey states that Latinos have likewise been denied equal opportunities in work, school, the criminal justice system, and other services (Krogstad & López, 2016).

Recent research has revealed substantial bias in juror decision making against Latino defendants on culpability for crimes. One possible cause for this bias may be the way in which Latinos are perceived by the rest of the American population. Some stereotypes that have developed over time suggest Latinos are lazy, unsophisticated, and

poor (Brigham, 1971; Cowan, Martinez, & Mendiola, 1997), and currently there are stereotypes of Latinos that still hold negative characteristics and attributions (Neimann, Jennings, Rozelle, Baxter, & Sullivan, 1994). Many American communities perceive the Latino population as a threat because of their growing numbers and as this perceived threat continues, European Americans might be motivated to discriminate against Latinos through the legal system in order to diminish the threat (Perez et al., 1993).

Effects of Defendant Race/Ethnicity in Juror Decision Making

There is considerable research investigating the impact of defendant race/ethnicity on juror decisions, but most studies compare only White and African American defendants (Luna, 2003). Specifically, being a Latino defendant can influence juror decisions with more guilty verdicts and longer sentences produced by a mock jury of European Americans, (Perez, et al 1993). Willis-Esqueda et al., (2008), showed that a mock jury of only European Americans found Latino defendants guilty more often when compared to mock juries that included Latinos jurors. White participants tend to find Latinos more often responsible, culpable, and render guilty verdicts when compared to White defendants who are charged with the same crime. Research has also demonstrated biases among European American judges, who give Latino defendants harsher sentences than European American defendants who are charged with the same crime (Holmes et al., 1993). Research over the years has demonstrated that race/ethnicity and legal immigration status to be important factors affecting juror bias (Alvarez & Miller, 2017; Logue, 2009). This study also explored the role of legal immigration status for Latino defendants in juror decision making.

Defendant Legal Immigration Status

In the legal system, courts of law have specified that every person in the United States is protected by the Constitution's right to due process, even if the person enters the country illegally. The first illegal entry into the United States illegally is a misdemeanor, but subsequent illegal entries are felonies (Benner & Savage, 2018). A record of misdemeanor offenses can have serious immigration consequences and might block eligibility for a visa or green card depending on the nature of the offense and criminal record. (Nolo, 2015). Undocumented immigrants tried in U.S. courts are not automatically deported/detained (Benner & Savage, 2018). Due process permits all individuals- to use their rights and challenge evidence resented to a judge. Immigrants ordered to leave the country, may fight deportation in immigration courts and federal court. Defendants may give testimony and evidence before an immigration judge and be represented by a lawyer (Benner & Savage, 2018).

Because undocumented immigrants' access U.S. courts and are entitled to rights of due process, it is important to determine if ethnicity and legal immigration status influence the decisions of mock jurors. Alvarez & Miller (2017) demonstrated that defendant legal immigration status could influence mock jurors punishment decisions. Defendants who were undocumented immigrants from Mexico, were perceived more negatively by white mock jurors compared to US born defendants charged with the same crime (Espinoza et al., 2015; Minero & Espinoza, 2016). Immigrants are perceived more negatively than are non-immigrants (Hitlan, Carrillo, Zárate, & Aikman, 2007). This highlights that attitudes are influenced by immigrants' legal statuses: Americans tend to report more positive attitudes toward documented compared to undocumented immigrants (Murray & Marx, 2013).

The Present Study

The purpose of this study was to examine the potential interactive effects of defendant legal immigration status and defendant race/ethnicity on juror verdict outcomes and sentencing recommendations. Participants were randomly assigned to one of four conditions which formed a 2 (Defendant status: documented or undocumented) x 2 (Defendant ethnicity: Mexican or non-Hispanic) factorial design. I hypothesized that participants would be more punitive on sentencing and render guilty verdicts more often when a defendant is a Mexican descent and an undocumented immigrant compared to a White defendant who is a legal citizen. I also hypothesize that participants will be more biased, threatened and have more negative attitudes toward defendants of Mexican descent, only in conditions in which the defendants are undocumented immigrants.

Method

Participants

Ninety-seven participants were recruited from the undergraduate introductory psychology classes at Auburn University at Montgomery. The recommended sample size was one hundred and ninety-nine calculated using G*Power with the following parameters: F-test; ANOVA; Main Effect, while expecting an interaction and a small effect size (f=.20), alpha of .05, and 80% power. Recruitment occurred through the Sona Systems research website, organized as a study participation opportunity for undergraduate psychology majors. Only individuals 18 or older were eligible to participate. The participants were 66% females and 19% males. Ethnically, participants were 33% Black, 44% White, 0.02 % Hispanic, and 0.04% answered other. The average age is 20 years and *SD*, 3.7.

Design, Materials, and Procedure

Participants completed the study online via Qualtrics and were asked for identification to verify if they were 18 years of age-or-older by providing their birthdates. Then, they read and signed an electronic informed consent form (Appendix A). Upon providing informed consent, participants proceeded with the study on a computer by clicking on the arrow on the screen. Headphones were recommended. Participants were randomly assigned to one of four conditions in the 2 (Defendant status: documented immigrant or undocumented immigrant) x 2 (Defendant ethnicity: Mexican or Canadian) between-subjects factorial design. Each participant was asked to pretend to be a mock juror in a criminal court case.

Case Summary. Participants read and listened simultaneously (with text-to-speech conversion) to a report summary that described a case in which the defendant was accused of assault, petty theft, and damaging property (i.e., all misdemeanors), which entails the taking of property valued less than $950 (Mince-Didier, 2017). The report provided details about the alleged crime in Alabama, closing arguments for the defense and the prosecution, and the defendant's plea, which was listed as "not guilty" in every condition (Appendix B).

Manipulations Checks. Within the case summary, case facts were altered in line with the intended experimental manipulations. There were several manipulation checks throughout the study (Appendix C), asking questions to verify that participants were paying attention. For a participant to proceed through the study, they needed to answer each manipulation check question correctly. The defendant's ethnicity was manipulated by changing the defendant's name i.e., (Santiago Lopez vs. James Wilson), changing the

defendant's national origin i.e., (Mexico vs. Canada) based on random assignment, and it

included a photo to represent the defendant (Latino individual vs. White individual).

Defendant's immigration status (documented or undocumented) was also manipulated in

the description depending on each participant's randomly-assigned condition. In the

illegal immigrant conditions, the defendant was described as a Mexican (or Canadian)

citizen who entered the United States illegally. In the legal conditions, the defendant was

described as a Mexican (or Canadian) citizen who entered the United States legally and is

properly documented. The defendant's age was 25 years old across all conditions.

Jury Instructions. After reading the entire case summary, participants listened to

and read along to jury instructions (Appendix D). The instructions explained the criteria

that must be met for a juror to determine whether the defendant is guilty of assault, petty

theft, and damage property. The prosecution has the burden of proof, so they must prove

that the defendant assaulted or attempted to harm the victims, stole money, and intended

for the vehicle to do damage on the individual's property.

Verdict and recommended sentence. Participants received a juror verdict form

(Appendix E) and were asked to provide a verdict of either guilty or not guilty. A

headshot photograph of defendant was displayed during verdict rendering. Then, on a

Likert-type scale of confidence (Appendix F) ranging from 1 (*extremely confident he is*

not guilty) to 6 (*extremely confident he is guilty*). Then, participants were asked to assume

that the defendant was guilty (regardless of their previous verdict) and recommend a

sentence between 0 months/probation to 12 months (Appendix G). In Alabama, a

misdemeanor is punished by a fine and/or county jail time of 0 months/probation up to 12

months. This study only included misdemeanors that would not have serious immigration consequences.

Adapted Symbolic Threat Scale. Participants completed the Adapted Symbolic Threat Scale (Stephan, Ybarra, & Bachman, 1999), which measured perceptions of realistic and symbolic threats. This scale (Appendix H) consists of 8 items (e.g., "Mexican immigrants will undermine Montgomery's culture.") rated on a scale from 1 to 7. Next, they completed the Stephan Prejudice Measure (Stephan, Ybarra, Martinez, Schwarzwald, & Tur-Kaspa, 1998), which measures attitudes toward immigrant groups.

The Stephan Prejudice Measure. Next participants completed the Stephan Prejudice Measure (Appendix I) consists of 36 items (e.g., "Mexican immigrants get more from this country than they contribute.") rated on a scale from 1 to 10.

Revised Legal Attitudes Questionnaire. Participants then completed the Revised Legal Attitudes Questionnaire (RLAQ; Kravitz et al., 1993; α = .81). The RLAQ (Appendix J) consists of 23 items that measure individuals' pro-prosecution beliefs and support for greater punitiveness (e.g., "There is no need in a criminal case for the accused to prove his innocence beyond a reasonable doubt."). Items on all scales are rated on a 7-point Likert scale ranging from 1 (strongly disagree) to 7 (strongly agree). High scores indicate stronger attitudes aligning with each construct.

Zero-Sum Beliefs About Immigration Scale. Participants also completed the Zero-Sum Beliefs About Immigration Scale (Esses, Jackson, & Armstrong, 1998; Cronbach's α = .98), which measures individuals' endorsement of beliefs that gains made by immigrants occur at the expense of native individuals. The Zero-Sum Beliefs About Immigration Scale (Appendix K) consists of 14 items (e.g., "When immigrants make

economic gains, Americans already living here lose out economically"), rated on a scale from 1 to 7.

Demographics Questionnaire. Finally, participants were asked to [provide basic demographic details (Appendix L) about themselves (age, gender, race/ethnicity, class standing, marital status, religious affiliation, mothers education level, and fathers education level, parents combined income or own if living independently, and political orientation). Lastly, participants were fully debriefed (Appendix M) as to the true nature of the experiment and thanked for participating.

Results

Primary Analyses

Effect of defendant race and legal immigration status. Data were analyzed using a binary logistic regression for predicting verdict using defendant's ethnicity and legal status. There was no main effect of defendant ethnicity on mock juror verdicts (B = .66, SE = .80, Wald = .69, DF = 1, Odds ratio= 1.93, p = .41). Jurors voted "guilty" for both White and Mexican defendants equally often. There was also no main effect of defendant legal status on mock juror verdicts (B= -1.143, SE=1.19, Wald=.919, DF= 1, Odds ratio= .319, p=.34). Did not find ethnicity X legal status interaction on mock juror verdicts (B=.08, SE=1.5, Wald= .003, DF= 1, Odds ratio= 1.08, p=.96).

Effects of defendant race and legal immigration status on confidence in guilt. Next, I conducted a 2 (Defendant immigration status: documented or undocumented) x 2 (Defendant ethnicity: Mexican or Canadian) factorial analysis of variance (ANOVA) to analyze the effects of defendant ethnicity and legal immigration status on confidence in guilt, which was a quantitative dependent variable. There wasn't a main effect of

ethnicity, $F(2,92) = .92$, $p = .40$. There wasn't a main effect of legal status, $F(2,92) = .15$, $p = .86$. Results failed to find an interactive effect on confidence in guilty, $F(2,92) = .62$, $p = .54$. The average confidence in guilt for the legal Canadian was 4.64 ($SD = .27$), for the illegal Canadian was 4.5 ($SD = .28$), for the legal Mexican was 4.00 ($SD = .28$), and for the illegal Mexican was 4.41 ($SD = .28$).

Effects of defendant race and legal immigration status on sentencing. Next, I conducted a 2 (Defendant immigration status: documented or undocumented) x 2 (Defendant ethnicity: Mexican or Canadian) factorial ANOVA to analyze the effects of defendant ethnicity and legal immigration status on sentencing recommendations, which was also a quantitative dependent variable. Did not find a main effect of ethnicity, $F(2,92) = .92$, $p = .40$. Did not find a main effect of legal immigration status either, $F(2,92) = .15$, $p = .86$. Did not find an interactive effect on confidence in guilty, $F(2,92) = .62$, $p = .54$. I found that looking at ethnicity and legal immigration status together, documented Canadians received a sentence of an average 7.2 years and undocumented Canadians received 6.9 years. While documented Mexicans received a sentence of 6.4 years and undocumented Mexicans received an average of 7.3 years.

Secondary Analyses

Effects of defendant ethnicity and legal immigration status on mock juror attitudes. To analyze the effects of defendant ethnicity and legal immigration status on mock juror attitudes, I conducted a factorial multivariate ANOVA analyzing the effects of legality, ethnicity, and their interaction on 4 different measures from the Stephen Prejudice measure. The dependent variables were responses to the 36 items of Stephen Prejudice Measure separated into (1) positive attitudes towards Mexicans, (2) negative attitudes

towards Mexicans, (3) positive adjectives associated with Mexicans, and (4) negative adjectives associated with Mexicans. Each of the four variables was the summed score for the respective item type, with higher scores indicating stronger attitudes. When looking at the multivariate tests, there was a significant interaction of legality and ethnicity, $F(4.85) = 2.61$, $p = .04$. When looking at the between-subjects effects, there was significant interaction of legality and ethnicity together on negative attitudes, $DF = 1$, Mean square $= 1293.69$, $F = 8.258$, $p = .005$ and on positive adjectives, $DF = 1$, Mean square $= 583.99$, $F = 5.921$, $p = .017$. When looking at the negative attitudes towards Mexicans, the lowest negative attitude scores were for documented Mexicans, $M = 32.7$, $SE = 2.9$, while the highest/strongest negative attitudes were for undocumented Mexicans, $M = 44.2$, $SE = 2.5$. The lowest positive adjectives associated with undocumented Mexicans, $M = 39.2$, $SE = 2.023$. Highest positive adjectives associated with undocumented Canadians, $M = 46.04$, $SE = 1.99$.

Discussion

The purpose of this study was to investigate the possible interaction between a defendant's legal immigration status and their ethnicity on mock juror verdict outcomes and sentencing recommendations. While research has established that jurors can be influenced by various extralegal defendant characteristics (Alvarez & Miller, 2017), prior studies have not incorporated other types of crimes and legal immigration status to completely examine juror bias in the legal system.

I hypothesized that participants would be more punitive on sentencing and vote guilty more often when a defendant is of Mexican descent and an undocumented immi-

grant compared to a White defendant and of documented status. My findings did not support my hypothesis. Prior research, Willis-Esqueda et al., (2008), showed that a mock jury of only European Americans found Latino defendants guilty more often compared to when the mock juries included Latinos jurors. White participants tend to find Mexican defendants more responsible, more culpable, and more likely to be found guilty when compared to White defendants. Research has also demonstrated biases among European American judges, who have given Latino defendants harsher sentences than European American defendants (Holmes et al., 1993). In my study, jurors voted guilty for both White and Mexican defendants equally often. There was also no main effect of defendant legal immigration status on mock juror verdicts. There was no ethnicity X legal immigration status interaction on mock juror verdicts either. Past research, Alvarez & Miller (2017) demonstrated that the legal immigration status of a defendant could influence participants' punishment decisions. In jury trials, when defendants were undocumented immigrants and born in Mexico, they were perceived more negatively by White mock jurors compared to US born defendants (Espinoza et al., 2015; Minero & Espinoza, 2016). Immigrants are perceived more negatively than are non-immigrants (Hitlan, Carrillo, Zárate, & Aikman, 2007).

However, I looked at the effects of defendant ethnicity and legal immigration status on sentencing recommendations, there wasn't a main effect of ethnicity and there wasn't a main effect of legal immigration status either. There also was no interactive effect on confidence in guilty. I found that looking at ethnicity and legal immigration status together, documented Canadians received a sentence of an average 7.2 years and undocumented Canadians received 6.9 years. While documented Mexicans received a sentence

of 6.4 years and undocumented Mexicans received an average of 7.3 years. Given that

my sample size was 97 and the recommended sample size for my design was over 200, I

am currently underpowered to detect main effects or interactive effects of ethnicity and

legality on verdicts and sentencing.

I also hypothesized that participants would be more biased, threatened and have

more negative attitudes toward defendants of Mexican descent, only in conditions in

which the defendants were undocumented immigrants. This was supported. When inves-

tigating the defendant ethnicity and legal immigration status on mock juror attitudes, I

found the lowest negative attitudes were for documented Mexicans and the high-

est/strongest negative attitudes were for undocumented Mexicans. I also found that the

lowest scores of positive adjectives were associated with undocumented Mexicans. This

is consistent with past research. 2016 Pew Research Center survey states that Latinos

have likewise been denied equal opportunities in work, school, the criminal justice sys-

tem, and other services (Krogstad & López, 2016). Prior research has shown that many

American communities perceive the Mexican population as a threat because their num-

bers continue to grow and as this viewpoint of threat continues to grow, European Ameri-

cans might be encouraged to discriminate against Mexican Americans through the legal

system in order to diminish the threat (Perez et al., 1993).

Limitations and Future Directions

One limitation of this study is that the participation was restricted to college stu-

dents taking psychology courses. Future research should include a bigger and diverse

portion to better represent actual juries. Another limitation is that participation occurred

online either on a computer or on a phone lasting between 30 minutes to an hour, unlike juror experiences who see the trial in person and then have a discussion about the case that could last for hours. Lastly, a major limitation of the present study is being under-powered. Data collection is ongoing to increase the likelihood of finding any real interactive effects of defendant ethnicity and legal immigration status on mock juror verdicts and sentencing decisions.

Future research might consider having participants experiencing what it's like to be real jurors, rendering verdicts and sentencing. Perhaps even being in person with the defendant to feel guilt or sympathy after giving a verdict and a sentence recommendation.

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Appendix A

Auburn University at Montgomery, Department of Psychology

INFORMED CONSENT
Concerning Participation in a Research Study

Mock Juror Decision Making

You are invited to participate in a study exploring the relationship between mock juror decisions and the influence of a defendant's characteristics in a court case.

Research Purpose & Procedures:
The present study aims to investigate what type of impressions mock jurors form regarding a defendant when presented with a mock trial case summary. Specifically, are mock jurors' decisions regarding verdicts and sentencing influenced by various case details? You were selected as a possible participant because you are an undergraduate student at AUM and you expressed interest in participating in this particular study. If you decide to participate, I, Denise Burgos, along with the help of some research assistants, will provide you with a series of questionnaires to complete. Also, you will be asked to act as an individual jury member during a criminal case, which will involve you reading/listening to details of a mock crime. Finally, you will be asked to render a verdict and recommend a sentence for the defendant. Any information we collect will not be identifiable, so no one will ever know which participants provided which details. Participation in this study will take between 30 minutes and 1 hour and you will only need to participate in this one session today. If you choose to participate, you will be 1 of more than 150 total participants that we plan to include in this study.

Risks or Discomforts/Potential Benefits:
- The study will take between 30 minutes and 1 hour to complete so you may expect the risks and discomforts of sitting in a room at a desk in front of a computer for a lengthy period of time.
- You will be asked to read/hear details of a crime which may be comparable to stories seen daily on the local news.
- You will be awarded 1 PREP/Sona credit for every hour you spend participating with us today.
- You will have the opportunity to participate in a scientific psychological study and to contribute to the ever-growing body of empirical psychological literature.
- We cannot promise you that you will receive any or all of these benefits.

Alternative Procedures:

You are not obligated to complete the project in its entirety. You may choose to end your participation at any time without penalty. The PREP/Sona credit(s) you earn from your participation will reflect the amount of time you spent with us today. You may withhold responding to any questions that make you feel uncomfortable.

Provisions for Confidentiality:
Any information obtained in connection with this study that can be identified with you will remain confidential and will be disclosed only with your permission. The only document with identifying information will be this consent form, which will be stored separately from any other information you provide to us today. You will receive 1 PREP/Sona credit as compensation for every hour you spend with us today.

Contacts for Additional Information:
Before you decide whether to accept this invitation to take part in the study, please ask any questions that might come to mind now. Later, if you have questions about the study, you can contact the investigator, Denise Burgos; dburgos1@aum.edu; 334-294-7419. If you have any questions about your rights as a volunteer in this research, contact Debra Tomblin, Research Compliance Manager, AUM, 334-244-3250, dtomblin@aum.edu.

Voluntary Participation & the Right to Discontinue Participation without Penalty:
If you decide to participate, you are free to withdraw your consent and to discontinue participation at any time without penalty. If you decide later to withdraw from the study, you may also withdraw any information that has been collected about you. Your decision whether to participate will not prejudice your future relations with Auburn University at Montgomery or the psychology department. The researcher may discontinue the study at any point. The researcher may terminate your participation from the project at any point. We may give you a copy of this consent form to take with you.

YOU ARE MAKING A DECISION WHETHER TO PARTICIPATE. YOUR SIGNATURE INDICATES THAT YOU HAVE DECIDED TO PARTICIPATE, HAVING READ THE INFORMATION PROVIDED ABOVE.

Participant's signature & Date

_____ _____

Appendix B

CASE SUMMARY

PART I: Trial Summary (Alvarez, M. J., & Miller, M. K. 2017).
[DEFENDANT IS DOCUMENTED IMMIGRANT CONDITIONS]

Instructions: As a participant, you will be asked to become a juror in a trial. The defendant committed petty theft, assault, and damaged property (i.e., misdemeanors), a crime that is eligible for jail time. Your task is to determine the appropriate verdict and if found guilty, give the following sentence for the defendant. You will be asked to read a brief transcript of the evidence and attorney arguments presented in the trial. Then you will be asked to give a verdict (i.e., guilty or not guilty), make a sentencing decision, and answer some questions about your perceptions of the case. Please read the materials carefully and imagine that you are an actual juror in this case.

The following case facts were established during trial:
In March of 2007 [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], a[Canadian/Mexican] citizen , was allowed by the United States to legally immigrate to the US. With the hope of obtaining a job and improving his financial situation,[James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], decided to move to the same city as his aunt, Geraldine Spencer, who was his only family member in the area at that the time. Eventually, [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], started dating a woman named Miranda and after over a year of dating she became pregnant. The two of them decided to move into a house together to care for their child soon after her pregnancy began. On June 17, 2012, [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], arrived at his home where his girlfriend Miranda awaited him. The two had been having relationship difficulties for quite some time, largely due to ongoing financial difficulties stemming [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], inability to sustain full time employment. The factory where [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], had worked for four years had recently closed, and he had been unable to find another full time job. Miranda was visibly upset and informed [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], that they had received notice that they would be evicted if they did not pay several months of past due rent immediately. The two became involved in a heated argument which ended with Miranda telling [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], that she and her child would have been much better off if she found a man that was able to keep a job and that she wanted him to leave and never come back. Visibly upset, [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], took the bus across town to the home of his aunt, Geraldine. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], knew that Geraldine always kept a large amount of cash in her home and he hoped to borrow enough money to pay the past due rent. [[James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], told Geraldine that Miranda had kicked him out of the house and begged her to lend him money to pay rent and allow him to move in with her until he worked out his living situation. Geraldine refused to give [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], any money because he had failed to pay back previous loans. The two began arguing fiercely. [[James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], became enraged and when Geraldine wasn't looking grabbed her wallet and ran out the house. After leaving Geraldine's house,

[James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], took approximately $500 in cash and several pieces of expensive jewelry. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], returned to his home and was met by an angry Miranda who refused to allow him to enter the house to get some of his belongings. The couple remained in the front yard, arguing for about 10 minutes before [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], pushed Miranda to the ground. The neighbor, Joe Blake, phoned the police. Joe then went to [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], house to investigate. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], swung at Joe but missed. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], screamed at Joe and threatened to kill him if he did not leave. Joe returned home to check on Miranda and wait for the police. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], then got in Geraldine's car and backed out of the driveway, screeching the tires. He stomped on the accelerator and drove the car into Joe's mailbox. The police arrived and arrested [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], for assaulting Miranda and Joe and theft. Miranda and Joe were taken to the hospital. Miranda was treated for minor injuries and released. Geraldine's sustained a severe concussion and had to have 14 stitches in her head. She eventually made a full recovery, but has some permanent scars on her face. While in the police car, [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], voluntarily told the police that he had stolen his aunt's money. The police had not yet discovered that crime, and he freely told them all he knew. He gave the officer the directions to Geraldine's house and told them where the money had been hidden.

While in prison awaiting trial, [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], was witness to a fight in which one prisoner was injured and eventually died. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], reported the altercation to the guards, and later testified against the prisoner who had caused the injury. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], testimony was essential to the prosecution's case and helped secure the prisoner's conviction.

The defense offered evidence regarding [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], potential for rehabilitation. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], sought out and was an active participant in counseling while in prison. He was able to make some progress in coping with depression and anger management issues he has struggled with throughout most of his adult life. Various authorities testified that he has been a good prisoner and has a good chance of being rehabilitated with proper psychological treatment.

The prosecution provided evidence that [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], had previously been convicted of trespassing, damaging property and assault, all misdemeanors. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], served his sentence and was released 3 years before he robbed his aunt and assaulted Miranda and Joe.

[DEFENDANT IS UNDOCUMENTED IMMIGRANT CONDITIONS]

Instructions: As a participant, you will be asked to become a juror in a trial. The defendant committed petty theft, assault, and damaged property (i.e., misdemeanors), a crime that is eligible for jail time. Your task is to determine the appropriate verdict and if found guilty, give the following sentence for the defendant. You will be asked to read a brief transcript of the evidence and attorney arguments presented in the trial. Then you will be asked to give a verdict (i.e., guilty or not guilty), make a sentencing decision, and answer some questions about your perceptions of the case. Please read the materials carefully and imagine that you are an actual juror in this case.

The following case facts were established during trial:

In March of 2007 [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], a [Canadian/Mexican] citizen, illegally crossed the [Canadian/Mexican] border into the United States with the hope of obtaining a job and improving his financial situation. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], decided to live in the same city as his American born aunt, Geraldine Spencer, who was his only family member in the US at the time. While in the US [[James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], started dating a woman named Miranda and after over a year of dating she became pregnant. The two of them decided to move into a house together to care for their child soon after her pregnancy began.

On June 17, 2012, [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], arrived at his home where his girlfriend Miranda awaited him. The two had been having relationship difficulties for quite some time, largely due to ongoing financial difficulties stemming from [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], inability to sustain full time employment. The factory where [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], had worked for four years had recently closed, and he had been unable to find another full time job. Miranda was visibly upset and informed [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], that they had received notice that they would be evicted if they did not pay several months of past due rent immediately. The two became involved in a heated argument which ended with Miranda telling [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], that she and her child would have been much better off if she found a man that was able to keep a job and that she wanted him to leave and never come back. Visibly upset, [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], took the bus across town to the home of his aunt, Geraldine. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], knew that Geraldine always kept a large amount of cash in her home and he hoped to borrow enough money to pay the past due rent.

[[James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], told Geraldine that Miranda had kicked him out of the house and begged her to lend him money to pay rent and allow him to move in with her until he worked out his living situation. Geraldine refused to give [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], any money because he had failed to pay back previous loans. The two began arguing fiercely. [[James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], became enraged and when Geraldine wasn't looking grabbed her wallet and ran out the house. After leaving Geraldine's house, [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], took approximately $500 in cash and several pieces of expensive jewelry. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], returned to his home and was met by an angry Miranda who

refused to allow him to enter the house to get some of his belongings. The couple remained in the front yard, arguing for about 10 minutes before [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], pushed Miranda to the ground. The neighbor, Joe Blake, phoned the police. Joe then went to [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], house to investigate. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], swung at Joe but missed. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], screamed at Joe and threatened to kill him if he did not leave. Joe returned home to check on Miranda and wait for the police. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], then got in Geraldine's car and backed out of the driveway, screeching the tires. He stomped on the accelerator and drove the car into Joe's mailbox. The police arrived and arrested [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], for assaulting Miranda and Joe and theft. Miranda and Joe were taken to the hospital. Miranda was treated for minor injuries and released. Geraldine's sustained a severe concussion and had to have 14 stitches in her head. She eventually made a full recovery, but has some permanent scars on her face. While in the police car, [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], voluntarily told the police that he had stolen his aunt's money. The police had not yet discovered that crime, and he freely told them all he knew. He gave the officer the directions to Geraldine's house and told them where the money had been hidden.

While in prison awaiting trial, [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], was witness to a fight in which one prisoner was injured and eventually died. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], reported the altercation to the guards, and later testified against the prisoner who had caused the injury. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], testimony was essential to the prosecution's case and helped secure the prisoner's conviction.

The defense offered evidence regarding [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], potential for rehabilitation. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], sought out and was an active participant in counseling while in prison. He was able to make some progress in coping with depression and anger management issues he has struggled with throughout most of his adult life. Various authorities testified that he has been a good prisoner and has a good chance of being rehabilitated with proper psychological treatment.

The prosecution provided evidence that [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], had previously been convicted of trespassing, damaging property and assault, all misdemeanors. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)], served his sentence and was released 3 years before he robbed his aunt and assaulted Miranda and Joe.

PART II: Prosecution argument
The prosecuting attorney offered the following closing argument:

Some crimes that the person commits should forfeit his right to expect our society to support him for the remainder of his life. The crime committed by Mr. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)]is a crime in that category. The law recognizes that there are certain circumstances that will make a jail sentence more appropriate in some cases. There are such factors present in this case. Mr. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)] committed assault and theft for money. He asked his aunt for money, she said no. So he pushed her, just to get some money. And that wasn't enough, he stole her jewelry. Then, he continued his rampage when he got back home, and attacked his girl-friend and neighbor and then driving the car into his neighbor's mailbox. These are the types of factors that also point toward a jail sentence. You will read about them in the jury instructions. The law requires that you consider these factors, and all the other circumstances presented at trial, when you make your decision about the most appropriate 1 year sentence for Mr. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)]. As you heard in the trial, the evidence clearly demonstrated that there are many circumstances that point to the only ap-propriate sentence: jail time. Your task today as jurors is to look at all the evidence, vote guilty and determine appropriate sentence. How? Well, imagine you have a scale of justice. On that scale, you will weigh all the evidence on both sides, and see which side is heavier. Is there more evidence that points to guilty and a sentence of jail? Or more evidence that points to guilty and a sentence of probation and mandatory treatment? That is for you to decide. I know you are probably worried about making this decision. It is a very tough decision to make, but I know you can do it.
While making your decision, I suggest that you think about what the law has to say about people who commit assault, petty theft, and damage property. When your scale of justice tips in favor of a jail sentence, the law tells us there are consequences to bad action. This means that, if someone steals, that is indication that he should be put in jail. If a man assaults someone as part of a series of crimes, he should be put in jail. Doesn't get much clearer than that, does it? Who-ever commits crimes under these circumstances, should be put in jail. Why does the law feel so strongly about this? Because the law is trying to protect its citizens. Because criminals rob their victims of the right to become good, productive citizens. Should that go unpunished? The law says no. The law is very clear about the appropriate punishment for criminals. It's that simple. Mr. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)] killed, so he should be put in jail. Think of it as an equation the law provides for you. It has already been de-termined that Mr. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)] committed theft, assaulted, and damaged property. That half of the equation is complete. It's up to you to finish the equation. This is what retribution is about. This is what the law teaches us is the right thing to do. The defense will tell you that there are things that make Mr. [James Wil-son (Canadian conditions)/Santiago Lopez (Mexican conditions)] less blameworthy for these crimes. But I don't think there are any excuses to stealing and assaulting you aunt and girlfriend, no factor that can take away the blame. Everyone has the right to choose their actions, and eve-ryone should take responsibility for their actions. Mr. [James Wilson (Canadian conditions)/San-tiago Lopez (Mexican conditions)] chose to assault and steal. I urge you not to let him shirk the responsibility for his actions. Consider all the factors of this case. Are there really any excuses that relieve the blame for Mr. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican

conditions)] actions? No. There is nothing in the case presented by the defense that outweighs the factors that indicate that the jail time is the most appropriate sentence.
Thank you.

PART III: Defense argument
The defense attorney presented this closing argument:

As jurors, you have a decision to make. It is a decision to be made carefully; a man's life is at stake. The law recognizes that, in some cases, there are reasons that the jail time is not the appropriate sentence. The law requires you to consider these circumstances because these factors are how the law separates those who deserve jail time and those that do not. These are valid reasons for allowing the defendant to live his life free rather than sentencing him to jail. Consider the extreme psychological pressure the defendant was under. The factory where he had worked at closed, leaving him with no way to support his family. He had problems finding a new job and starting from scratch after moving across the US, and his debt was piling up. He was going to get evicted if he didn't pay rent. His relationship with Miranda was failing. Add to this the horrible fight he had with his girlfriend and consider that she insulted him as a father due to having difficulty maintaining employment. His relationship with Miranda was over. He had lost everything. His own aunt wouldn't let him stay with her or lend him money to help his situation. In a moment of weakness, he took his aunts money. He just wanted to borrow some money, but, sorrowfully, things did not go as planned. Although he has these tremendous psychological difficulties, he has sought counseling since then. He's made great improvements, and his doctors say he is very likely to be able to work through his de-pression and anger issues. He can fix what is wrong and has demonstrated this by cooperating with the police investigation for the current trial. James even served as a key witness in a separate trial providing testimony that was essential for the prosecution. These are the type of factors that indicate that Mr. Wilson doesn't deserve to go to jail. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)] was unlucky to go ask his aunt for money at that time. He went because it was his aunt, she is family and he believed she would help him. My client did not push his aunt, she turned around and bumped into him and she fell back. There is no evidence that shows that he pushed her. The prosecution told you that he damaged property, yes, but it was an accident. [James Wilson (Canadian conditions)/Santiago Lopez (Mexican conditions)] tried pressing the break but did not have enough money to get the breaks fixed. Again, I repeat because he had no job, no money. Remember that under the law my client is presumed to be innocent. The prosecution must prove every part of its case beyond a reasonable doubt – that means that you must be very sure. One of the things they must prove is that my client intended to harm his aunt, his girlfriend, and the neighbor. My client is the only person who knows what he intended and testified under oath that he wasn't trying to harm anyone and confessed that he took his aunt's money but was trying to return it. The prosecution has presented no real evidence to you to show that this is not true. That means that there is a reasonable doubt and, therefore, you must find him not guilty. Jail is reserved only for the most horrible and vicious criminals that are beyond help, and do not de-serve to be out in the world. As you have seen, Mr. [Bradley (Canadian conditions/Ramos (Mexican conditions)] is not among this class of criminals. He is a loving son. A caring friend. A hard worker. Though being a good person does not give anyone the right to steal, but he confessed it and gave it back. It shows that he does not deserve to go to jail. By saying not guilty you are not excusing what he did. You are just saying that he is not among the most awful criminals who truly are not fit to walk the earth.
Thank you.

PART IV: Instructions

Instructions to guide your sentencing decision:

For you to recommend that the defendant be sentenced to jail, a jury must decide, beyond a reasonable doubt, that the defendant is guilty of assault, trespassing, and damaging property. A reasonable doubt is a doubt based on reason and common sense, arising out of some or all of the evidence that has been presented, or lack or insufficiency of the evidence, as the case may be. Proof beyond a reasonable doubt is proof that fully satisfies or entirely convinces you that the defendant: 1) assaulted or attempted to harm the victims (Miranda girlfriend and his aunt Geraldine) or 2) intended to steal his aunts money or 3) intended for the vehicle to do damage on Joe's property.

It is now your duty to recommend to the Court whether the defendant should be sentenced not guilty or guilty and sentenced to jail. It is now your duty and ultimate responsibility to apply the law which I am about to give you concerning punishment to the case facts. It is absolutely necessary that you understand and apply the law as I give it to you, and not as you think it is, or might like it to be. This is important, because justice requires that everyone who is sentenced for assault, trespassing, and damaging property have the sentence recommendation determined in the same manner, and have the same law applied to him. You have heard the evidence and the arguments of counsel for the State and for the defendant. It is your duty not only to consider all the evidence, but also to consider all the arguments, the contentions and positions urged by the State's attorney and the defendant's attorney in their speeches to you, and any other contention that arises from the evidence, and to weigh them in the light of your common sense, and to make your decision of guilty or not guilty. When you are ready to make a decision, write in your decision as directed on the "Verdict decision" form.

Appendix C

Manipulations checks

The following questions are intended to test jurors' memory about basic facts of this case. Please answer the following question without referring to the case described on the previous pages.

1) Did the defendant immigrate legally or illegally to the US?

a. Legally

b. Illegally

2) What is the defendant's ethnicity?

a. Canadian

b. Mexican

c. African American

Appendix D

Instructions

Instructions to guide your sentencing decision:

For you to recommend that the defendant be sentenced to jail, a jury must decide, beyond a reasonable doubt, that the defendant is guilty of assault, trespassing, and damaging property. A reasonable doubt is a doubt based on reason and common sense, arising out of some or all of the evidence that has been presented, or lack or insufficiency of the evidence, as the case may be. Proof beyond a reasonable doubt is proof that fully satisfies or entirely convinces you that the defendant: 1) assaulted or attempted to harm the victims (Miranda girlfriend and his aunt Geraldine) or 2) intended to steal his aunts money or 3) intended for the vehicle to do damage on Joe's property.

It is now your duty to recommend to the Court whether the defendant should be sentenced not guilty or guilty and sentenced to jail. It is now your duty and ultimate responsibility to apply the law which I am about to give you concerning punishment to the case facts. It is absolutely necessary that you understand and apply the law as I give it to you, and not as you think it is, or might like it to be. This is important, because justice requires that everyone who is sentenced for assault, trespassing, and damaging property have the sentence recommendation determined in the same manner, and have the same law applied to him. You have heard the evidence and the arguments of counsel for the State and for the defendant. It is your duty not only to consider all the evidence, but also to consider all the arguments, the contentions and positions urged by the State's attorney and the defendant's attorney in their speeches to you, and any other contention that arises from the evidence, and to weigh them in the light of your common sense, and to make your decision of guilty or not guilty. When you are ready to make a decision, click yes/guilty or no/not guilty.

Appendix E

Verdict Decision

Mexican condition
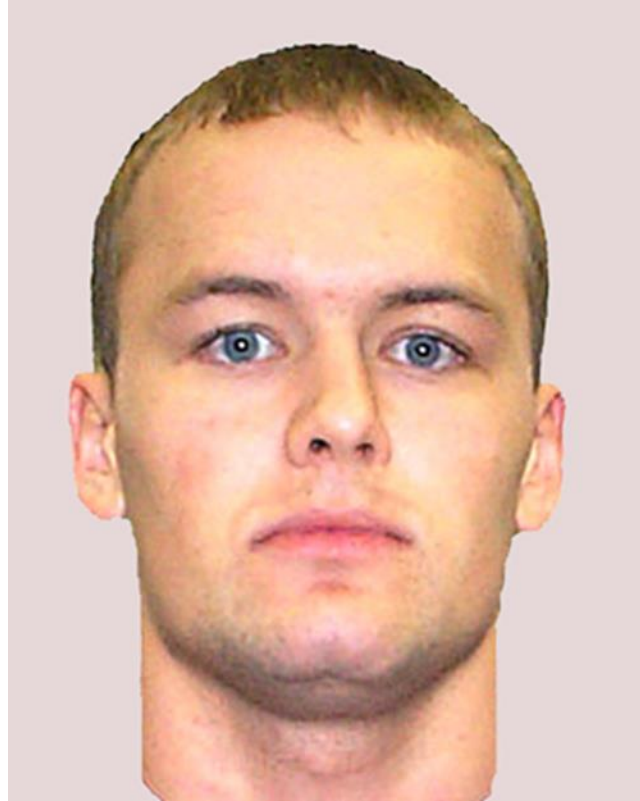
Canadian condition

Is the defendant guilty of the accusations charged against him?

Yes/Guilty   No/Not Guilty

Appendix F

Confidence Scale

Rate your confidence in the defendant's guilt using the scale below

1	2	3	4	5	6
Extremely Confident No guilty	Very confident Not guilty	Somewhat Confident Not guilty	Somewhat Confident Guilty	Very Confident Guilty	Extremely confident guilty

Appendix G

Sentencing Recommendation

Now assume that the defendant is guilty. The state provides for the following sentencing options. Please indicate which of the twelve options is appropriate.

Please note that choosing zero is equivalent to sentencing the defendant to probation in lieu of prison time.

Sentence in Months

How long of a sentence do you think the defendant should actually receive?

0	1	2	3	4	5	6	7	8	9	10	11	12

Probation   Maximum
& Treatment   Months

Appendix H

Adapted Symbolic Threat Scale: Stephan, Ybarra, & Bachman (1999)

Instructions: Please read and respond to the following items:

1) Mexican immigrants should learn to conform to the norms of Montgomery as soon as possible after they arrive.

1	2	3	4	5	6	7
Strongly						Strongly
Disagree						Agree

2) Montgomery culture will only be strengthened by the arrival of more Mexican immigrants.

1	2	3	4	5	6	7
Strongly						Strongly
Disagree						Agree

3) Mexican immigrants will undermine Montgomery's culture.

1	2	3	4	5	6	7
Strongly						Strongly
Disagree						Agree

4) Mexican immigrants have a right to expect that Montgomery culture will make changes to accommodate them.

1	2	3	4	5	6	7
Strongly						Strongly
Disagree						Agree

5) Mexican culture threatens to overwhelm Montgomery's culture if immigration rates continue at their predicted rate.

1	2	3	4	5	6	7
Strongly						Strongly
Disagree						Agree

6) New incoming Mexican populations should not have to accept Montgomery's ways.

1	2	3	4	5	6	7
Strongly						Strongly
Disagree						Agree

7) New incoming Mexican populations should place Montgomery's interests above those of their place of origin.

1	2	3	4	5	6	7
Strongly						Strongly
Disagree						Agree

8) The Montgomery way of life will not be weakened by new incoming Mexican popula-
tions.

       1   2   3   4   5   6   7
      Strongly   Strongly
      Disagree   Agree

Appendix I

Stephan Prejudice Measure : Stephan, Ybarra, Martinez, Schwarzwald, & Tur-Kaspa (1998)

Part I

Instructions: Use the scale printed below each item to indicate your agreement with each of the following statements concerning immigration from Mexico.

1. Mexican immigrants should learn to conform to the rules and norms of American society as soon as possible after they arrive.
     1   2   3   4   5   6   7   8   9   10
Strongly   Strongly
Disagree   Agree

2. American culture will only be strengthened by the arrival of more immigrants from Mexico.
     1   2   3   4   5   6   7   8   9   10
Strongly   Strongly
Disagree   Agree

3. Immigration from Mexico is undermining American culture.
     1   2   3   4   5   6   7   8   9   10
Strongly   Strongly
Disagree   Agree

4. The values and beliefs of Mexican immigrants regarding work are basically quite similar to those of most Americans
     1   2   3   4   5   6   7   8   9   10
Strongly   Strongly
Disagree   Agree

5. The beliefs and values of Mexican immigrants regarding moral and religious issues are not compatible with the beliefs and values of most Americans.
     1   2   3   4   5   6   7   8   9   10
Strongly   Strongly
Disagree   Agree

6. The values and beliefs of Mexican immigrants regarding family issues and socializing children are basically quite similar to those of most Americans.
     1   2   3   4   5   6   7   8   9   10
Strongly   Strongly
Disagree   Agree

7. The beliefs and values of Mexican immigrants regarding social relations are not compatible with the beliefs and values of most Americans.

1   2   3   4   5   6   7   8   9   10
Strongly   Strongly
Disagree   Agree

8. Mexican immigrants have a right to expect that American culture will make changes to accommodate them.

1   2   3   4   5   6   7   8   9   10
Strongly   Strongly
Disagree   Agree

9. Mexican culture threatens to overwhelm American culture if immigration continues at its present rate.

1   2   3   4   5   6   7   8   9   10
Strongly   Strongly
Disagree   Agree

10. Mexican immigrants should not have to accept American ways.

1   2   3   4   5   6   7   8   9   10
Strongly   Strongly
Disagree   Agree

11. Mexican immigrants should place American interests above those of their country of origin.

1   2   3   4   5   6   7   8   9   10
Strongly   Strongly
Disagree   Agree

12. The American way of life will not be weakened by Mexican immigration.

1   2   3   4   5   6   7   8   9   10
Strongly   Strongly
Disagree   Agree

Part II

Instructions: Use the scale printed below each item to indicate your agreement with each of the following statements concerning immigration from Mexico.

13. Mexican immigrants get more from this country than they contribute.

1   2   3   4   5   6   7   8   9   10
Strongly   Strongly
Disagree   Agree

14. The children of Mexican immigrants should have the same right to attend public schools in the U.S. as Americans do.

1   2   3   4   5   6   7   8   9   10
Strongly   Strongly
Disagree   Agree

15. Mexican immigration has increased the tax burden on Americans.

   1   2   3   4   5   6   7   8   9   10

Strongly   Strongly

Disagree   Agree

16. Mexican immigrants are not displacing American workers from their jobs.

   1   2   3   4   5   6   7   8   9   10

Strongly   Strongly

Disagree   Agree

17. Mexican immigrants should not receive social welfare intended for Americans.

   1   2   3   4   5   6   7   8   9   10

Strongly   Strongly

Disagree   Agree

18. Mexican immigrants should be eligible for the same health care benefits received by Americans who cannot pay for their health care.

   1   2   3   4   5   6   7   8   9   10

Strongly   Strongly

Disagree   Agree

19. Social services have become less available to Americans because of Mexican immigration.

   1   2   3   4   5   6   7   8   9   10

Strongly   Strongly

Disagree   Agree

20. The quality of social services available to Americans has remained the same, despite Mexican immigration.

   1   2   3   4   5   6   7   8   9   10

Strongly   Strongly

Disagree   Agree

21. Uninsured Mexican immigrants are a menace on American roads.

   1   2   3   4   5   6   7   8   9   10

Strongly   Strongly

Disagree   Agree

22. Mexican immigrants do not pose any health hazards to U.S. citizens.

   1   2   3   4   5   6   7   8   9   10

Strongly   Strongly

Disagree   Agree

23. Mexican immigrants are as entitled to subsidized housing or subsidized

utilities (water, sewage, electricity) as poor Americans are.

    1   2   3   4   5   6   7   8   9   10

Strongly   Strongly

Disagree   Agree

24. Mexican immigrants are contributing to the increase in crime in the U.S.

    1   2   3   4   5   6   7   8   9   10

Strongly   Strongly

Disagree   Agree

Part III

For each of the items listed below, indicate what your attitudes are toward Mexican immigrants.

My attitude toward Mexican immigrants is:

1.   1   2   3   4   (5)   6   7   8   9   10

No Hostility   Extreme

At All   Hostility

2.   1   2   3   4   (5)   6   7   8   9   10

No Admiration   Extreme

At All   Admiration

3.   1   2   3   4   (5)   6   7   8   9   10

No Dislike   Extreme

At All   Dislike

4.   1   2   3   4   (5)   6   7   8   9   10

No Acceptance   Extreme

At All   Acceptance

5.   1   2   3   4   (5)   6   7   8   9   10

No Superiority   Extreme

At All   Superiority to them

6.   1   2   3   4   (5)   6   7   8   9   10

No Affection   Extreme

At All   Affection

7.   1   2   3   4   (5)   6   7   8   9   10

No Disgust   Extreme

At All   Disgust

8.   1   2   3   4   (5)   6   7   8   9   10

No Approval   Extreme

At All   Approval

9.   1   2   3   4   (5)   6   7   8   9   10
No Hatred   Extreme
At All   Hatred

10.   1   2   3   4   (5)   6   7   8   9   10
No Sympathy   Extreme
At All   Sympathy

11.   1   2   3   4   (5)   6   7   8   9   10
No Rejection   Extreme
At all   Rejection

12.   1   2   3   4   (5)   6   7   8   9   10
No Warmth   Extreme Warmth
Toward Them   Toward Them

Appendix J

Revised Legal Attitudes Questionnaire (RLAQ; Kravitz et al., 1993)
Please indicate the extent to which you agree with the following statements:

1. Unfair treatment of underprivileged groups and classes is the chief cause of crime.
   | 1 | 2 | 3 | 4 | 5 | 6 | 7 |

   Strongly   Neither Agree/   Strongly
   Disagree   Nor disagree   Agree

2. Too many obviously guilty persons escape punishment because of legal technicalities
   | 1 | 2 | 3 | 4 | 5 | 6 | 7 |

   Strongly   Neither Agree/   Strongly
   Disagree   Nor disagree   Agree

3. Evidence illegally obtained should be admissible in court if such evidence is the only way of obtaining a conviction.
   | 1 | 2 | 3 | 4 | 5 | 6 | 7 |

   Strongly   Neither Agree/   Strongly
   Disagree   Nor disagree   Agree

4. Search warrants should clearly specify the person or things to be seized.
   | 1 | 2 | 3 | 4 | 5 | 6 | 7 |

   Strongly   Neither Agree/   Strongly
   Disagree   Nor disagree   Agree

5. No one should be convicted of a crime on the basis of circumstantial evidence, no matter how strong such evidence is.
   | 1 | 2 | 3 | 4 | 5 | 6 | 7 |

   Strongly   Neither Agree/   Strongly
   Disagree   Nor disagree   Agree

6. There is no need in a criminal case for the accused to prove his innocence beyond a reasonable doubt.
   | 1 | 2 | 3 | 4 | 5 | 6 | 7 |

   Strongly   Neither Agree/   Strongly
   Disagree   Nor disagree   Agree

7. Any person who resists arrest commits a crime.
   | 1 | 2 | 3 | 4 | 5 | 6 | 7 |

   Strongly   Neither Agree/   Strongly
   Disagree   Nor disagree   Agree

8. When determining a person's guilt or innocence, the existence of a prior arrest record should not be considered.
   | 1 | 2 | 3 | 4 | 5 | 6 | 7 |

   Strongly   Neither Agree/   Strongly
   Disagree   Nor disagree   Agree

9. Wiretapping by anyone and for any reason should be completely illegal.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

Strongly | Neither Agree/ | Strongly
Disagree | Nor disagree | Agree

10. Defendants in a criminal case should be required to take the witness stand.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

Strongly | Neither Agree/ | Strongly
Disagree | Nor disagree | Agree

11. All too often, minority group members do not get fair trials.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

Strongly | Neither Agree/ | Strongly
Disagree | Nor disagree | Agree

12. Because of the oppression and persecution minority group members suffer, they deserve leniency and special treatment in the courts.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

Strongly | Neither Agree/ | Strongly
Disagree | Nor disagree | Agree

13. Citizens need to be protected against excess police power as well as against criminals.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

Strongly | Neither Agree/ | Strongly
Disagree | Nor disagree | Agree

14. It is better for society that several guilty men be freed than one innocent one wrongfully imprisoned.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

Strongly | Neither Agree/ | Strongly
Disagree | Nor disagree | Agree

15. Accused persons should be required to take lie detector tests.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

Strongly | Neither Agree/ | Strongly
Disagree | Nor disagree | Agree

16. When there is a "hung" jury in a criminal case, the defendant should always be freed and the indictment dismissed.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

Strongly | Neither Agree/ | Strongly
Disagree | Nor disagree | Agree

17. A society with true freedom and equality for all would have very little crime.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

Strongly | Neither Agree/ | Strongly
Disagree | Nor disagree | Agree

18. It is moral and ethical for a lawyer to represent a defendant in a criminal case even when he believes his client is guilty.

   1   2   3   4   5   6   7

Strongly   Neither Agree/   Strongly
Disagree   Nor disagree   Agree

19. Police should be allowed to arrest and question suspicious looking persons to determine whether they have been up to something illegal.

   1   2   3   4   5   6   7

Strongly   Neither Agree/   Strongly
Disagree   Nor disagree   Agree

20. The law coddles criminals to the detriment of society.

   1   2   3   4   5   6   7

Strongly   Neither Agree/   Strongly
Disagree   Nor disagree   Agree

21. The freedom of society is endangered as much by overzealous law enforcement as by the acts of individual criminals.

   1   2   3   4   5   6   7

Strongly   Neither Agree/   Strongly
Disagree   Nor disagree   Agree

22. In the long run, liberty is more important than order.

   1   2   3   4   5   6   7

Strongly   Neither Agree/   Strongly
Disagree   Nor disagree   Agree

23. Upstanding citizens have nothing to fear from the police.

   1   2   3   4   5   6   7

Strongly   Neither Agree/   Strongly
Disagree   Nor disagree   Agree

Appendix K

Zero-Sum Beliefs about Immigration scale (Esses et al., 1998)
Please indicate the extent to which you agree with the following statements:

1. When immigrants make economic gains, Americans already living here lose out economically.
   1   2   3   4   5   6   7
   Strongly   Neither Agree/   Strongly
   Disagree   Nor disagree   Agree

2. Immigrants tend to open up small businesses, which means that there are fewer business opportunities available to Americans already living here.
   1   2   3   4   5   6   7
   Strongly   Neither Agree/   Strongly
   Disagree   Nor disagree   Agree

3. Money spent on social services for immigrants means less money for services for Americans already living here.
   1   2   3   4   5   6   7
   Strongly   Neither Agree/   Strongly
   Disagree   Nor disagree   Agree

4. The more power immigrants obtain in America, the more difficult it is for Americans already living here.
   1   2   3   4   5   6   7
   Strongly   Neither Agree/   Strongly
   Disagree   Nor disagree   Agree

5. As immigrants take advantage of American education, there are fewer spots and opportunities available for American students already living here.
   1   2   3   4   5   6   7
   Strongly   Neither Agree/   Strongly
   Disagree   Nor disagree   Agree

6. Immigrants are taking our jobs.
   1   2   3   4   5   6   7
   Strongly   Neither Agree/   Strongly
   Disagree   Nor disagree   Agree

7. Allowing immigrants to decide on political issues means that Americans already living here have less say in how the country is run.
   1   2   3   4   5   6   7
   Strongly   Neither Agree/   Strongly
   Disagree   Nor disagree   Agree

8. More immigrants in positions of power means fewer opportunities for Americans already living here.

   1   2   3   4   5   6   7
   Strongly   Neither Agree/   Strongly
   Disagree   Nor disagree   Agree

9. The more immigrants America accepts, the harder it is for Americans already living here to get ahead.

   1   2   3   4   5   6   7
   Strongly   Neither Agree/   Strongly
   Disagree   Nor disagree   Agree

10. Immigrants have too much say in political matters.

    1   2   3   4   5   6   7
    Strongly   Neither Agree/   Strongly
    Disagree   Nor disagree   Agree

11. Immigrants have been trying to get ahead economically at the expense of Americans already living here.

    1   2   3   4   5   6   7
    Strongly   Neither Agree/   Strongly
    Disagree   Nor disagree   Agree

12. More good jobs for immigrants means fewer good jobs for Americans already living here.
    Financial aid to immigrants hurts Americans already living here.

    1   2   3   4   5   6   7
    Strongly   Neither Agree/   Strongly
    Disagree   Nor disagree   Agree

13. Americans already living here may no longer have a say in how the country is run because immigrants are trying to take control.

    1   2   3   4   5   6   7
    Strongly   Neither Agree/   Strongly
    Disagree   Nor disagree   Agree

Appendix L

Demographics

The following questions are intended to provide some basic demographic information about the jurors. Your answers to the following questions will be combined with the answers of many other jurors, and your answers will remain completely anonymous.

1. **Age:** _____

2. **Sex:** _____ Male _____ Female

3. **Which of the following best describes you race/nationality/ethnicity:**

   White _____

   African American _____

   Hispanic _____

   Native American _____

   Asian _____

   Other: _____

4. **Are you a United States Citizen?** _____

5. **Class (Senior, Junior, Sophomore, Freshman):** _____

6. **Major:** _____

7. **Marital Status:**

   _____ Single

   _____ Married

   _____ Divorced

   _____ Widowed

6. Religious Affiliation:

   _____ Christian   _____ Hindu

   _____ Jewish   _____ Mormon

_____ Muslim   _____ Atheist/Agnostic

_____ Buddhist   _____ Other

7. **What was the last grade finished or degree earned by your parents in school?**

(Circle   one for your father and one for your mother).

7a. **Father –**   7b. **Mother –**

_____ Up to grade 8   _____ Up to grade 8

_____ Some high school (grades 9-12) _____ Some high school (grades 9-12)

_____ High school diploma / GED   _____ High school diploma / GED

_____ Some college   _____ Some college

_____ College degree   _____ College degree

_____ Some post-graduate work   _____ Some post-graduate work

_____ Post-graduate degree   _____ Post-graduate degree

8. **What is the combined yearly income of both of your parents, or yourself if you are living independently? If you don't know for sure, estimate.**

_____ 0-20,000/year

_____ 20,001-40,000/year

_____ 40,001-60,000/year

_____ 60,001-80,000/year

_____ 80,001-100,000/year

_____ > 100,000/year

9. **Political Affiliation**

_____ Democrat

_____ Republican

_____ Independent

_____ None

Appendix M

Debriefing

Thank you for participation in my study. Now, I will describe to you the purpose of the study. I am investigating what role race/ethnicity and legal status plays in influencing a juror when they are making decisions about guilt and sentencing. That is why you were asked to play the role of a mock juror and make a decision on guilt and recommended sentencing. I was also interested in how certain perceptions influence these decisions, which is why you were asked to rate the defendant on multiple traits. We needed to determine biases and how they influence mock juror decisions, which is why you were asked questions about your opinions on crime, the court system, and legal status.

Please understand that these cases were hypothetical. If any details of the case summary made you feel uncomfortable or upset, I apologize. However, they were necessary to gather data for this study. If you need to speak to a professional about this, please contact the campus Counseling Center. If you would like their contact information, please request it from the present researcher as you leave the lab.

It is very difficult, if not impossible, to collect the data necessary for psychological experiments when the participants are aware of the true purposed of the study. It is important that you do not tell anyone about the details of this study. If participants come to the study knowing the purpose of it or knowing what to expect, we can no longer investigate what we intend to. We ask that you keep all information regarding the study to yourself so that we can continue this study successfully. Thanks again for your participation!

If you have any further questions, please feel free to speak with the researcher following the study's completion or contact the primary investigator: Denise Burgos (dburgos1@aum.edu).