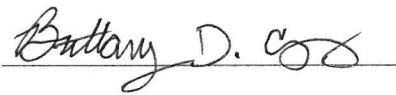


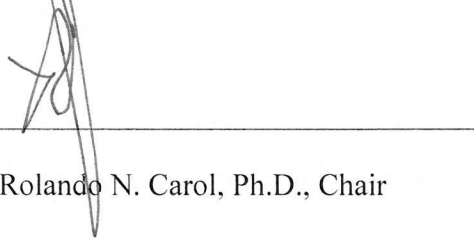
ONE-PERCENTERS ON TRIAL: THE EFFECT OF DEFENDANT'S ASCRIBED
SOCIAL STATUS ON MOCK JUROR DECISIONS

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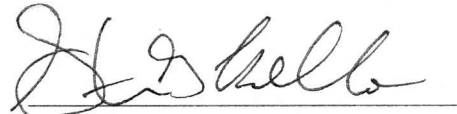
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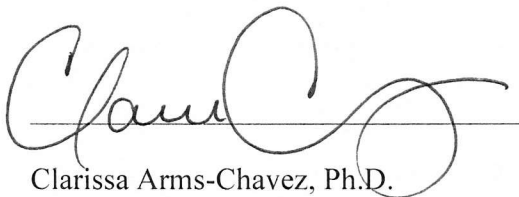
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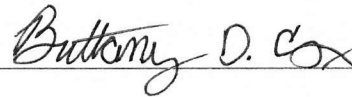
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ONE-PERCENTERS ON TRIAL: THE EFFECT OF DEFENDANT'S ASCRIBED
SOCIAL STATUS ON MOCK JUROR DECISIONS

Brittany D. Cox

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A handwritten signature in cursive script that reads "Brittany D. Cox". The signature is written in black ink and is positioned above a horizontal line.

Signature of Author

Date of Graduation

One-Percenters on Trial: The Effect of Defendant's Ascribed Social Status on Mock Juror Decisions

by

Brittany D. Cox

A thesis submitted to the Graduate Faculty of
Auburn University at Montgomery
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attitudes, stereotypes

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Abstract

I explored the influence of defendant's ascribed status (wealthy vs. low) and crime type on juror verdicts and sentencing. Participants read a short case summary that described the defendant's background information, criminal charges, and relevant case details. Participants rendered a guilt decision and sentence recommendation. Participants also completed pro-conviction bias, belief in a just world, and trait assessment questionnaires. Analyses ($N = 139$) indicated significantly more guilty verdicts and longer prison sentences for CSA charges than for robbery. Also, the more jurors believed that people get what they deserve, the more harshly they punished the defendant. Findings are framed within the context of prior juror decision-making research.

Keywords: juror decision-making, extralegal bias, defendant's ascribed social status, attitudes, stereotype

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Table of Contents

Abstract.....	ii
Acknowledgments	iii
List of Tables	v
Chapter 1, Literature Review	1
Chapter 2, Method	8
Design	8
Participants	9
Measures	9
Procedure	13
Chapter 3, Results	14
Preliminary Analysis	14
Primary Analyses	15
Secondary Analyses	17
Chapter 4, Discussion	17
Limitations and Future Directions	20
References	21

List of Tables

Table 1. <i>Ascribed Status and Crime Type Predicting Guilty Verdicts.</i>	25
Table 2. <i>Descriptive Statistics for Guilty Verdicts by Ascribed Status and Crime Type.</i>	26
Table 3. <i>Recommended Sentencing predicted by Ascribed Status and Crime Type.</i>	27
Table 4. <i>Descriptives for Sentencing by Ascribed Status and Crime Type.</i>	28

One-Percenters on Trial: The Effect of Defendant's Ascribed Social Status on Mock Juror Decisions

Upon deliberation, it is the jury's responsibility to apply the law to the admissible evidence presented in the courtroom in order to render a verdict. Jurors are guided by judges' instructions on the law(s) applicable to the case (i.e., the elements required to meet a charge). Jurors are also responsible for deciding whether the prosecution has proved its accusation beyond a reasonable doubt by determining what the facts of the case are, and evaluating the merits of those facts. In other words, factors that are legally relevant should guide jurors' verdicts, while factors that are not legally relevant (i.e., extralegal factors) should not be given any weight by jurors. Unfortunately, this is not likely to be the case, as evidenced by the extensive research on the influence of extralegal factors (Devine & Caughlin, 2014; Mazzella & Feingold, 1994). In fact, one extralegal factor shown to influence jurors' decision-making is socioeconomic status (SES), which the literature has operationalized in various forms (e.g., social status, education level, occupational status, and income; Devine & Caughlin, 2014; Fragale, Rosen, Xu, & Merideth, 2009). However, the purpose of the present study is to further explore the influence that defendant SES has on juror verdicts by implementing a unique operationalization: ascribed social status.

Despite the variation in definitions of SES, prior research has considered the effects of defendants' SES on mock jurors' decisions regarding guilt and sentencing. For example, Gleason and Harris (1976) found that mock jurors deemed higher SES (middle-class) defendants as less guilty on a continuous scale, and should receive more lenient treatment than defendants with less education, lower status occupation (i.e., janitor), and lower annual income. Furthermore, mock jurors sentenced low-SES defendants with

ONE PERCENTERS ON TRIAL

longer prison sentences than higher SES defendants. The authors also measured mock jurors' judgments of the likelihood that they could find themselves in a situation similar to that of the defendant as a potential moderator for decisions regarding the defendant's blameworthiness. Middle-class African Americans were the least blameworthy while middle-class Whites were the most blameworthy. Osborne and Rappaport (1985) found that on average, defendants with lower status occupations (e.g., janitor) received significantly longer sentences (13.53 more years) and are perceived as less attractive and more of a "typical offender" (Hoffman, 1981) than high-SES defendants (e.g., stock broker).

This idea of what constitutes a typical offender is quite influential on mock juror decisions. McKimmie, Masters, Masser, Schuller, and Terry (2013) suggest that mock jurors' judgments of the defendant are based on the combination of evidence strength against the defendant and the defendant's "stereotypicality". Therefore, when the characteristics of the crime match up with the defendant's traits, mock jurors then rely on stereotypes to guide the formation of their opinions. The goal here is to put forth the least amount of effort possible by relying on stereotypes to process information. However, this also results in more negative ratings of the defendant due to mock jurors' lack of effort in actually considering the evidence against the defendant, although counterstereotypical defendants were better remembered (McKimmie et al., 2013). Without the use of stereotypes to guide us, we have fewer cognitive resources to expend on case details.

In addition, Sekaquaptewa and Espinoza (2003) found that the processing of information is only biased when low-status individuals participate in behaviors that are stereotypically-incongruent. Biased information processing refers to the tendency to try

ONE PERCENTERS ON TRIAL

and attach explanations to an individual's behavior when they are stereotype-inconsistent. For example, females are not the stereotypical criminal offender that males are (McKimmie et al., 2013); thus, a female defendant would likely influence mock jurors to try and reconcile her criminal misdeeds with an external explanation. However, the same effort would not necessarily be allotted to a male defendant (McKimmie et al., 2013; Sekaquaptewa & Espinoza, 2003). Conversely, high-status individuals (e.g., wealthy, white males) can behave in either a stereotypical or stereotype-incongruent manner without prompting such biased information processing (Sekaquaptewa & Espinoza, 2003).

Furthermore, the meta-analysis by Mazzella and Feingold (1994) showed that mock jurors' decisions regarding guilt were influenced by SES, and that low-SES defendants were determined to be guilty moderately more often than high-SES defendants. These findings were replicated by Devine and Caughlin's (2014) meta-analysis, which also noted that this pattern persists across the literature, despite the variance in SES operationalization. For instance, Shaw and Skolnick (1996) found support for a variation of this construct when the defendant's social status is a product of his occupation's prestige. In such cases, defendant's status is moderated by the professional relatedness of the crime, which results in either a status-shield or status-liability.

The status-shield effect occurs when a high-status defendant commits a professionally unrelated crime (e.g., a therapist assaults repairman in home), while status-liability is associated with committing a professionally related crime (e.g., a therapist assaults client in office). The effect of status-liability was explained by the authors as

ONE PERCENTERS ON TRIAL

being associated with harsher treatment, due to its further association with the violation of expectations. Greater intentionality is attributed to the activities of high-status “wrongdoers” and harsher punishment recommendations than to “wrongdoers” of Mexican ethnicity with family being emigrates from Mexico (Fragale et al., 2009). However, it is important to note that in Fragale and colleagues’ study, it is perceivers’ impressions of others in a business context that is being considered; specifically, possible tax evasion with no official criminal charges filed. Moreover, the high-status “wrongdoers” are attributed as being more concerned with self and less concerned with others, unlike low status “wrongdoers”.

The connection between race/ethnicity and social class, although not of immediate concern to the present study, is an important relationship that deserves mentioning (Gleason & Harris, 1975; Weeks & Lupfer, 2004). For instance, one study found that no matter the crime type, low-SES (e.g., less affluent neighborhood, nonpermanent residence, less education, unstable and lower-status employment) Mexican American defendants received more guilty verdicts, longer sentences, and higher culpability measurements than either high-SES Mexican American defendants or European American defendants (Willis Esqueda, Espinoza, & Culhane, 2008). Low-SES Mexican American defendants in the low-status crime type (i.e., grand theft auto) condition were also rated higher on negative traits than the low-status crime, low-SES European American condition. Willis Esqueda et al. also discovered a relationship between crime status (high vs. low) and culpability; defendants with a low status crime were judged less responsible, more believable, less blameworthy, and more influenced by the situation than crime defendants (i.e., embezzlement).

ONE PERCENTERS ON TRIAL

While defendant status has been investigated in depth, prior studies have not operationalized SES in terms of ascribed wealth. Therefore, the purpose of the present study was to further explore this unique operationalization of SES. *Ascribed* social status refers to a status that an individual has neither earned nor chosen for him/herself. Instead, it is a status that has been assigned to the individual as a result of his or her family's financial status and/or societal status. This particular SES manipulation has real-world relevance as evidenced by two recent, highly-publicized criminal cases and their unexpected outcomes: *Texas v. Couch* (2013) and *Delaware v. Richards* (2009). The trial of Ethan Couch revolved around criminally negligent homicide, which occurred when the then 16-year-old Couch caused a motor vehicle accident while under the influence of alcohol. The accident resulted in the death of four pedestrians and the serious injury of two others. In *Delaware v. Richards* (2009), the trial revolved around the sexual abuse of a child less than 12 years old (child sexual abuse; CSA), in which the victim was his then three-year-old daughter. The abuse occurred over several years.

The most notable similarities between these two cases were the defendants' ascribed social statuses (i.e., coming from extreme wealth), and the fact that both ultimately received probation instead of prison sentences due to judge leniency. In Richard's case, the judge determined that he would not "fare well in prison" (*Delaware v. Richards*, 2009), while Couch's lawyer argued that he suffered from "affluenza", in that he was never taught consequences while growing up. Therefore, the present study aimed to make sense of this unique variation of the SES manipulation (i.e., ascribed social status) and see how mock jurors would respond to similar expert testimony: the defendants in both high and low-status conditions were supported by expert testimony

ONE PERCENTERS ON TRIAL

that blamed his deficit in social responsibility on being raised without consequences, by absent parents.

Furthermore, since both cases differed in terms of the crime committed, the present study also manipulated crime type, including simpler forms of the defendants' actual crimes. In addition, a third crime type was included for the purposes of stimulus sampling; this allows the potential to show that the effects of SES and crime type are not unique to one particular set of case details. The final reason for manipulating crime type by including three different case vignettes is because few previous studies have included more than one crime type. Prior research is limited in its variation of crime types; this is especially true of case type variation in a singular study (Devine & Caughlin, 2014). It is worth noting, however, that Sanderson, Zanna, and Darley (2000) showed crime type influenced perceptions of offender's dangerousness: crimes against people were perceived as more serious than crimes against property. Testing multiple crime types can increase the generalizability of any ascribed social status effect.

Consequently, the present study included the following three crime types: CSA, second degree robbery (robbery II), and criminally negligent homicide. The inclusion of the CSA crime was in order to simulate the *Delaware v. Richards* (2009) case, and negligent homicide served to simulate the *Texas v. Couch* (2013) case. Including the crime of robbery II was intended to provide the study with a third crime type that was similar to the others in its severity. Specifically, in the state of Alabama both CSA (Ala. Criminal Code § 13A-6-69) and robbery II (Ala. Criminal Code § 13A-6-69) are class B felonies, while negligent homicide is a class C felony (Ala. Criminal Code § 13A-8-42).

ONE PERCENTERS ON TRIAL

Studies have shown that mock juror traits/attitudes and juror perceptions of defendants can serve as mediators and/or moderators (e.g., of verdict or sentencing severity); thus different constructs like authoritarianism and belief in a just world (BJW; among others) have been considered. Authoritarianism is a personality trait that is defined by rigid thinking, political conservatism, and the tendency to concede to authority (Narby, Cutler, & Moran, 1993). In fact, individuals who are high on authoritarianism tend to side with the prosecution, and are responsible for rendering more guilty verdicts. Moreover, the more specific conceptualization of *legal authoritarianism* is better associated with perceptions of defendant culpability (Devine & Caughlin, 2014) and better correlated with conviction proneness (Narby et al., 1993).

However, current research has focused more on measuring specific legal attitudes that are better predictors of juror's legal decisions (Lecci & Myers, 2009). For instance, jurors' trust in the legal system has been measured successfully by the Juror Bias Scale (JBS; Devine & Caughlin, 2014; Kassin & Wrightsman, 1983). Lecci and Meyers (2008) took what worked with the JBS and improved upon it with the Pretrial Juror Attitude Questionnaire (PJAQ), which has been shown to out-predict the JBS. Individuals who score high on the JBS are more likely to believe that the defendant actually did commit the crime based on their own dispositional beliefs; thus, mock jurors with more trust in the legal system are more likely to convict a defendant (Devine & Caughlin, 2014).

According to Lecci and Meyers (2008), closer examinations of the JBS have discovered that the items on one of the two subscales are better conceptualized as the following two ideas: confidence in the system and cynicism concerning the defense. Thus, Lecci and Meyers (2008) improved upon the JBS by creating the Pretrial Juror

ONE PERCENTERS ON TRIAL

Attitude Questionnaire (PJAQ), which has been shown to out-predict the JBS. The PJAQ essentially measures jurors' pro-conviction bias.

Belief in a just world (BJW) refers to peoples' need to believe that the world they live in is fair, and that people will get what they deserve (Freeman, 2006). High BJW has also been correlated with judgments of higher ratings of guilt and stricter sentencing of low-SES defendants than high-SES defendants, or no-SES (i.e., control) defendants.

For the present study, I hypothesized defendants with a low ascribed social status would receive more guilty verdicts than defendants with a high ascribed social status. Also, low-status defendants would receive harsher sentences than defendants with a high social status. Finally, defendants with a high social status who are charged with CSA would receive harsher judgments than high-status defendants who are charged with robbery II or criminally negligent homicide.

Method

Design

The present study was a 2 (defendant's social status: ascribed wealthy/high status vs. low status) x 3 (crime type: CSA vs. robbery II vs. negligent homicide) between-participants factorial design. The two main dependent variables were mock juror verdicts (binary: guilty vs. not guilty) and recommended sentence, which was measured on a Likert-type scale (in years), increasing by increments of two, from zero to twenty. The choice of probation was represented by a zero unit on the scale. The four secondary dependent variables were the defendant's perceived traits, jurors' opinions, jurors' biases, and jurors' belief in a just world (BJW).

Participants

ONE PERCENTERS ON TRIAL

Participants ($N = 139$) were recruited undergraduate students enrolled in an introductory psychology course at Auburn University at Montgomery. The participants ranged in age from 16 to 47 ($M = 20.7$, $SD = 4.0$), and 74.6% were female. Ethnically, participants were 45.7% African American, 44.9% White, 2.9% Multiracial, 2.2% Asian, 1.4% Hispanic, 1.4% Native American, .7% Latino, and .7% other. In terms of class standing, participants were comprised of 59% freshmen, 25.2% sophomore, 9.4% junior, 2.2% senior, 2.9% did not respond, and 1.4% high school. Regarding participants' religion, 85.6% were Christian, 2.9% Muslim, 2.9% Atheist/Agnostic, .7% Hindu, and .7% Mormon, and 5.8% responded with "other." Moreover, 35.3% of participants reported having a father who was college educated, 36% reported having a mother who was college educated, and 22.3% of participants were in the 40k-60k income bracket. The majority of participants were single (89.9%) and identified their political affiliation as Democrat (30.2% vs. 27.3% Republican).

Materials

Case summaries. Participants read (on a computer screen) and heard (via headphones) a short summary of a criminal case that described the defendant's background information, the charges against the defendant, and details of the crime allegedly committed, including the evidence presented by both the prosecution (three witness testimonies) and defense (two witness testimonies), and a closing argument from both sides. Case details varied depending on the experimental condition.

The defendant's social status was manipulated in the section detailing the defendant's background information, while the defendant's crime was described throughout the case summary. Participants in the ascribed wealth status were informed

ONE PERCENTERS ON TRIAL

that the defendant lived in an affluent neighborhood in Jefferson County, Alabama; had a history of chronic unemployment; and was financially supported by his trust fund.

Participants in the low-status condition informed that the defendant lived in a low income neighborhood in Jefferson County, Alabama; had a history of chronic unemployment; and no permanent residence due to frequent eviction. Participants in the robbery II condition were told about the details of a service station robbery and argument over the presence of incriminating DNA evidence. Participants in the negligent homicide condition were told about a motor vehicle accident that was caused by the defendant and arguments concerning the blood-alcohol level of the driver. Participants in the CSA condition were informed of the alleged sexual abuse of the defendant's daughter, and who she identified as the abuser. Case summaries were adapted from those used by Willis Esqueda et al. (2008) and McKimmie et al. (2013).

Manipulation check. A manipulation check was implemented to assess participants' memory and understanding of the case summaries. The manipulation check consisted of a series of seven questions placed throughout the case summary. These questions were implemented in such a way that participants could not advance through the study without responding correctly. For each condition, participants had to identify the defendant's charges, the county where the crime allegedly took place, the ascribed status of the defendant and his family, what prosecutorial evidence did the defense's expert witness take issue with, and the piece of evidence that was *not* introduced by the prosecution. The remaining three questions varied across the conditions, but were similar in nature and placement (e.g., a question pertaining to a witness' testimony). These questions served to assess participants' attentiveness throughout the case summaries.

ONE PERCENTERS ON TRIAL

Jury instructions. Participants read and heard a short set of jury instructions. These instructions explained the criteria that must be met in order to determine the defendant's guilt. The criteria for guilt varied depending on the type of crime being alleged. However, in every instance, the prosecution had the burden of proof.

In the case of criminally negligent homicide, the prosecution had to prove that the defendant was 1) in control of the vehicle, 2) impaired due to intoxication, and 3) as a result, caused the death of the victim (Ala. Criminal Code § 13A-6-4). In the case of second degree robbery, the prosecution must prove that the defendant 1) threatened the victim with a firearm, 2) stole the money from the cash register, and 3) was aided by another individual who was present during the crime (Ala. Criminal Code § 13A-8-42). In the case of sexual abuse of a child, the prosecution must prove that the defendant 1) is at least 16-years-old while the victim is younger than 12 and 2) willfully subjected a child to sexual contact (Ala. Criminal Code § 13A-6-69). The case summaries presented sufficient evidence for conviction.

Verdict and recommended sentence. Participants were then instructed to render a verdict on the case: guilty or not guilty. All participants were then instructed to assume that the defendant was guilty, and asked to recommend a sentence for the defendant by selecting among choices on an 11-point Likert-type scale. The minimum sentence was probation (zero years), with mandatory treatment, and the maximum sentence was 20 years.

Trait assessment and juror opinions. Participants rated the defendant on 22 traits. Each trait was presented on a seven-point scale, with lower ratings indicating less of a trait. The trait continuums were based on the trait assessments of Willis Esqueda et

ONE PERCENTERS ON TRIAL

al. (2008) and Fragale et al. (2008); some example traits were *untrustworthy/trustworthy*, *unlikable/likable*, *incompetent/competent*, and *incompetent/competent* (see Appendix C for a complete list). Participants also completed the Juror Opinions Form—a series of 18 questions intended to measure defendant’s perceived culpability (Willis Esqueda et al., 2008), jurors’ attitudes about social status (Fragale et al., 2009) and jurors’ opinions about how the prison system should function. The purpose of both the trait assessment and the juror opinions measures was to provide a potential explanation for the mock jurors’ determinations regarding guilt, punishment, and any social status discrepancies.

Pretrial Juror Attitudes Questionnaire (PJAQ). Participants completed the 29-item PJAQ (Lecci & Meyers, 2008); an improvement upon the Juror Bias Scale (Cronbach’s $\alpha = .70-.75$; Furnham & Alison, 1994). On the PJAQ, participants rate their level of agreement with each item on a 5-point scale, with lower ratings indicating less agreement and higher ratings indicating more agreement. Lecci and Meyers’ (2008) PJAQ consists of six subscales, in which “all fit indices are above .90”; (e.g., conviction proneness, cynicism towards the defense, and social justice; see Appendix A for a complete list). The presentation order of the PJAQ was counterbalanced: half of the participants completed it before the case summary, and the remaining participants completed it afterward.

Revised Belief in Just World (RBJW) Scale for Others. Participants were then asked to complete a RBJW Scale for Others (Lipkus, Dalbert, & Siegler, 1996), which consists of eight items intended to measure mock jurors’ belief that people ultimately get what they deserve. The RBJW Scale for Others (Cronbach’s $\alpha = .83-.84$) requires participants rate their level of agreement with each item on a 6-point scale, with lower

ONE PERCENTERS ON TRIAL

ratings indicating less agreement and higher ratings indicating more agreement (Lipkus et al., 1996). The present study's instructions were as follows: *"Please indicate your level of agreement on the following scale with respect to how well each statement applies to others and yourself."*

Procedure

Up to nine participants were run at a time in a computer lab. Participants were randomly assigned to one of the six conditions prior to their arrival. Upon arrival, each was seated at a cubicle in front of a computer. Once informed consent was obtained, participants were given a questionnaire packet that contained the following: PJAQ, RBJW Scale for Others, Sentence Recommendation Scale, Trait Assessment, Juror Opinions Form, and Demographics. Next, participants were instructed to put on headphones and follow the visible (on the screen) and audible (via headphones) directions presented through SuperLab 5.0. The packet of questionnaires (mentioned above) was counterbalanced: some participants first completed the PJAQ and the RBJW Scale for Others before being presented with the case summary, while the remaining participants completed these questionnaires after having read the case summaries.

Participants were presented with an audio recording of the case summary, along with a transcript of the recording so that the participant could read along with the audio presentation via SuperLab 5.0. Furthermore, a series of multiple choice manipulation checks were inserted throughout the case summary. These manipulation checks were done so that a participant could not progress in the case summary's presentation without first correctly answering the manipulation check question. Participants also read and heard the jury instructions through SuperLab 5.0, and then rendered a verdict on the

ONE PERCENTERS ON TRIAL

defendant's guilt, based on whether or not they believe the prosecution's evidence met the necessary criteria. Afterward, participants were instructed to assume that the defendant was guilty, and then asked to recommend punishment (either probation with mandatory treatment or a prison sentence in years). Finally, participants were fully debriefed as to the true purpose of the study.

Results

Preliminary Analyses

Pro-conviction bias. Cronbach's α was calculated for the 29-item pro-conviction bias inventory to assess inter-item reliability. These analyses suggested that four items be removed to improve inventory reliability. After these four items were removed, Cronbach's α exceeded acceptable levels (.785). Bivariate Pearson's correlations were calculated between total pro-conviction bias scores and both primary dependent variables (guilty verdicts and sentencing). Pro-conviction bias was included in primary analyses (see below), but I was cautious with interpretations due to its statistically insignificant correlation with guilt ($r = .12, p = .15$) and sentence recommendation ($r = .13, p = .14$).

RBJW scale for others. Cronbach's α was calculated for the 8-item RBJW scale to assess inter-item reliability. This analysis suggested that no items be removed, and Cronbach's α exceeded acceptable levels (.71). Bivariate Pearson's correlations were calculated between total RBJW scores and both primary dependent variables (guilty verdicts and sentencing). Belief in a just world scores were included in primary analyses (see below), but it's important to be cautious with its interpretation due to its statistically insignificant correlation with guilt ($r = .06, p = .46$) and sentence recommendation ($r = .06, p = .46$).

ONE PERCENTERS ON TRIAL

Trait assessment. Cronbach's α was calculated for the 18-item Trait Assessment scale to assess inter-item reliability. These analyses suggested that five items be removed to improve inventory reliability. After these five items were removed, Cronbach's α exceeded acceptable level (.90). Bivariate Pearson's correlations were calculated between total Trait Assessment scores and both primary dependent variables (guilty and sentencing). Trait Assessment scores were included in primary analyses (see below), due to its statistically significant correlation with guilt ($r = -.43, p < .001$) and sentence recommendation ($r = -.43, p < .001$).

Juror opinions form. Exploratory Factor Analysis (EFA) was conducted on the 18-item Juror Opinions Form. The scree plot indicated a significant drop in Eigen value when going from 1 factor to 2 factors, suggesting a 1-factor model. Thus, EFA was terminated and Cronbach's α was calculated to assess inter-item reliability among the 18 items. When all 18 items were included, Cronbach's α was equal to .55. Reliability analyses suggested many items be removed to increase Cronbach's α ; however, after all recommended items were removed, reliability never reached satisfactory levels. Therefore, Juror Opinion scores were excluded from all further analyses.

Primary Analyses (Hypothesis Testing)

Guilty verdicts. Refer to Table 1 for hypothesis testing statistics and Table 2 for descriptive statistics. Juror verdicts were analyzed using a binary logistic regression with status, crime type, pro-conviction bias scores, RBJW Scale for Others scores, and perceived traits predicting verdict. The analysis revealed a main effect of crime type: mock jurors were significantly less likely to vote guilty for robbery charges than for CSA charges, Wald $\chi^2(1) = 11.93, p = .001$. Specifically, jurors were 45.12 times more likely

ONE PERCENTERS ON TRIAL

to vote guilty in the CSA condition than the robbery condition. Also, jurors were 8.73 times more likely to vote guilty in negligent homicide condition than in the robbery condition, Wald $\chi^2(1) = 4.18, p = .04$.

In addition, there was a main effect of perceived defendant traits on verdicts: the more positively mock jurors viewed the defendant, the less likely they were to vote guilty, Wald $\chi^2(1) = 18.33, p < .001$. Jurors who rated the defendant more positively on perceived traits were .86 times less likely to vote guilty. Further, RBJW Scale for Others scores had a marginal effect on verdicts such that the higher one's belief that people should get what they deserve, the more likely they were to vote guilty, Wald $\chi^2(1) = 2.56, p = .051$. Jurors who were higher on the RBJW Scale for Others were 1.08 times more likely to vote guilty. There were no main effects of ascribed status or pro-conviction bias on verdicts, nor were there any significant interactions.

Sentencing. Refer to Table 3 for hypothesis testing statistics and Table 4 for descriptive statistics. Sentence recommendations (in years) were analyzed using a 2(status) X 3(crime type) factorial ANCOVA, with pro-conviction bias scores, RBJW Scale for Other scores, and perceived traits as continuous covariates. The analysis revealed a main effect of crime type such that participants recommended significantly longer prison sentences when the defendant was charged with CSA than when he was charged with robbery, $F(2,128) = 22.35, p < .001$.

There was also a main effect of defendant's perceived traits, meaning that the more negatively participants viewed the defendant, the longer the prison sentences they recommended, $F(1,128) = 14.62, p < .001$. There was no main effect of ascribed status, nor were there any significant interactions with status on sentence recommendations.

ONE PERCENTERS ON TRIAL

Further, pro-conviction bias and RBJW scores did not affect sentencing recommendations.

Secondary Analyses

I explored the effects of crime type and ascribed status on defendant's perceived traits by conducting a 2(ascribed status) X 3(crime type) factorial ANOVA. There was a main effect of crime type on trait ratings: CSA was perceived more negatively than both robbery and negligent homicide, $F(2,131) = 20.15, p < .001$. Follow-up pairwise comparisons revealed that the defendant charged with CSA was perceived more negatively than when charged with robbery and negligent homicide, $p = .003$ and $p < .001$, respectively. There was also a significant status X crime type interaction on perceived traits, $F(2,131) = 3.95, p = .02$. Specifically, when charged with CSA, the low status defendant was perceived more negatively than the high status defendant. However, when charged with negligent homicide, the low status defendant was perceived more positively than the high status defendant. Further, when charged with robbery, there were no differences in perceived traits between the high and low status conditions.

Discussion

The purpose of the present study was to determine the effect of defendant's ascribed social status on mock juror decisions. I hypothesized defendants with a low ascribed social status would receive more guilty verdicts than defendants with a high ascribed social status. The current data did not support this hypothesis: guilty verdicts did not differ between high and low status defendants. I also predicted that low-status defendants would receive harsher sentences than defendants with a high social status.

ONE PERCENTERS ON TRIAL

This hypothesis was also not supported by the findings. Recommended sentences did not vary by the defendant's ascribed status.

One potential explanation for the lacking relationship between ascribed status and guilt or sentencing may be evidence strength: hardly any participants voted "not guilty" ($n = 29$) and the extant literature indicates that evidence strength is the strongest predictor of mock juror verdicts (e.g., McKimmie et al., 2013). Another possible explanation may be due to an actual small effect size of *ascribed* SES interacting with other variables that were not tested in the present study (i.e., race/ethnicity and other crime types). However, race/ethnicity was not my main research question due the extensive amount of prior research on the topic. In fact, the meta-analysis done by Mazzella and Feingold (1994) reported some weak relationships between SES and certain crime types: that is, SES and theft only influenced guilty verdicts, but SES with rape and negligent homicide only influenced sentencing. This pattern suggests a possible SES X crime type interaction (i.e. no main effect of SES).

Finally, I predicted that defendants with a high social status who were charged with CSA would receive harsher judgments than high-status defendants who are charged with robbery II or criminally negligent homicide. The present study's findings did partially support this. Defendants who were charged with CSA did receive harsher sentences than defendants charged with robbery II and criminally negligent homicide, but crime type did not interact with ascribed social status when assessing guilt and sentencing.

However, the data on the defendant's perceived traits do lend some support to this prediction: the *low* status defendant charged with CSA was perceived most negatively,

ONE PERCENTERS ON TRIAL

while the low status defendant charged with negligent homicide was perceived most positively. This pattern suggests ascribed status does interact with crime type to influence mock jurors' perceptions. Still, taken together, these data fail to support the stereotype-incongruent effect, which would predict that low-SES defendants in the robbery condition would be treated harsher than rich defendants. In this case, a rich defendant would be incongruent with stereotypes for a criminal involved in a robbery.

Ultimately, these findings suggest CSA was perceived more harshly than robbery, which could be due to the overwhelmingly taboo nature of the crime, which is supported by the jurors more negative ratings of the defendants in the CSA condition (high-status $M = 28$; low-status $M = 23$). Indeed, this possibility is consistent with the judge's verdict in Richards' case, in that child abusers do not "fair well" (Delaware v. Richards, 2009) in prison, often becoming targets themselves. This possible explanation is also consistent with prior research reporting that jurors—especially female jurors—tend to punish defendants more harshly when accused of CSA (Devine & Caughlin, 2014). However, another possible explanation for this finding may be that the evidence in the CSA condition was perceived as stronger than that of the robbery.

Beyond ascribed social status and crime type, it is also worth mentioning the present study's findings in regards to defendants' perceived traits and jurors' belief in a just world. Of course, it's not that surprising that jurors were more lenient on the defendants whom they perceived more positively. A potential explanation for this could be that positive trait scores serve as a proxy for the extent to which jurors seem to like the defendant. Furthermore, it is important to be cautious while interpreting the RBJW scores due to its insignificant p -value. However, it is possible that the marginal effect indicates a

ONE PERCENTERS ON TRIAL

general trend, and that more statistical power would have detected this effect. This study's findings suggest that the more that jurors view the world as a just place, the more likely they are to find the defendant guilty. Therefore, belief in a just world impacts jurors' perception of the defendant, which is also consistent with prior findings (e.g., Freeman, 2006).

Limitations and Future Directions

Future researchers should use a more ambiguous version of our robbery case summary (59% guilty verdicts) to see if this evidence ambiguity leads jurors to use ascribed status in their decision-making processes. One of the limitations of the current study is that a pilot-test was not done beforehand to assess the evidence strength of the various crime types. Thus, it is important that future researchers verify that case summaries are ambiguous, which would pressure jurors to incorporate extra-legal factors into their decision-making processes. Another limitation is the use of college students as participants. Therefore, future research should also consider using a community sample in order to include participants who would be more representative of a real life jury. Lastly, interactive effects with ascribed status and other extra-legal variables should be sought out to expand on this research.

ONE PERCENTERS ON TRIAL

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ONE PERCENTERS ON TRIAL

Table 1. *Ascribed Status and Crime Type Predicting Guilty Verdicts.*

	<i>B</i>	<i>SE</i>	<i>df</i>	<i>p</i>	<i>Exp(B)</i>	LLCI	ULCI
Crime Type			2	.002			
Negligent Homicide	2.17	1.06	1	.04	8.83	1.09	69.66
CSA	3.81	1.10	1	.001	45.12	5.20	391.90
Low Status	.74	.94	1	.15	.26	.04	1.69
Crime Type by Status			2	.23			
RBJW Total	.08	.05	1	.11	1.08	.98	1.18
PJAQ Total	.03	.03	1	.25	1.03	.98	1.09
Trait Total	-.16	.04.	1	.000	.86	.80	.92

Note: Contrast group for crime type is robbery and contrast group for status is high; *B* = intercept; *SE* = standard error; *df* = degrees of freedom; *Exp(B)* = odds ratio; LLCI = 95% confidence interval lower limit; ULCI = 95% confidence interval upper limit

ONE PERCENTERS ON TRIAL

Table 2. *Descriptive Statistics for Guilty Verdicts by Ascribed Status and Crime Type.*

Crime type	Low-Ascribed Status				High-Ascribed Status			
	<i>M</i>	<i>SE</i>	LLCI	ULCI	<i>M</i>	<i>SE</i>	LLCI	ULCI
Child Sexual Abuse	.87	.07	.72	1.02	.91	.07	.77	1.04
Robbery	.65	.11	.42	.88	.53	.12	.27	.79
Negligent Homicide	.70	.09	.52	.89	.94	.04	.84	1.03

Note: *M* = mean; *SE* = standard error; LLCI = 95% confidence interval lower limit; ULCI = 95% confidence interval upper limit

ONE PERCENTERS ON TRIAL

Table 3. *Recommended Sentencing predicted by Ascribed Status and Crime Type.*

	<i>df</i>	<i>F</i>	<i>p</i>	η_p^2
Crime Type	2	22.35	.000	.27
Status	1	2.36	.13	.02
Crime Type by Status	2	.48	.62	.01
RBJW Total	1	.00	.98	.000
Trait Total	1	14.62	.000	.10
PJAQ Total	1	1.01	.32	.01

Note: *df* = degrees of freedom; *F* = F distribution; *p* = p-value; η_p^2 = partial eta squared

ONE PERCENTERS ON TRIAL

Table 4. Descriptives for Sentencing by Ascribed Status and Crime Type.

Crime type	Low Ascribed Status				High Ascribed Status			
	<i>M</i>	<i>SE</i>	LLCI	ULCI	<i>M</i>	<i>SE</i>	LLCI	ULCI
Child Sexual Abuse	12.66	1.11	10.47	14.84	11.07	1.08	8.93	13.20
Robbery	5.27	1.11	3.06	7.47	3.13	1.22	.72	5.54
Negligent Homicide	9.45	1.01	7.45	11.46	9.27	.88	7.52	11.01

Note: *M* = mean; *SE* = standard error; LLCI = 95% confidence interval lower limit; ULCI = 95% confidence interval upper limit

Appendix A

Pretrial Juror Attitudes Questionnaire

1. If a suspect runs from police, then he probably committed the crime.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

2. A defendant should be found guilty if 11 out of 12 jurors vote guilty.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

3. Too often jurors hesitate to convict someone who is guilty out of pure sympathy.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

4. In most cases where the accused presents a strong defense, it is only because of a good lawyer.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

5. Out of every 100 people brought to trial, at least 75 are guilty of the crime with which they are charged.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

6. For serious crimes like murder, a defendant should be found guilty so long as there is a 90% chance that he committed the crime.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

7. Defense lawyers don't really care about guilt or innocence; they are just in business to make money.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

8. Generally, the police make an arrest only when they are sure about who committed the crime.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

9. Many accident claims filed against insurance companies are phony.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

10. The defendant is often a victim of his own bad reputation.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

11. Extenuating circumstances should not be considered; if a person commits a crime, then that person should be punished.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

12. If the defendant committed a victimless crime, like gambling or possession of marijuana, he should never be convicted.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

13. Defense lawyers are too willing to defend individuals they know are guilty.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

14. Police routinely lie to protect other police officers.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

15. Once a criminal, always a criminal.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

16. Lawyers will do whatever it takes, even lie, to win a case.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

17. Criminals should be caught and convicted by "any means necessary."

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

18. A prior record of conviction is the best indicator of a person's guilt in the present case.

1	2	3	4	5
Strongly	Somewhat	Don't	Somewhat	Strongly

Disagree Disagree Know Agree Agree

19. Rich individuals are almost never convicted of their crimes.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

20. If a defendant is a member of a gang, he/she is definitely guilty of the crime.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

21. Minorities use the "race issue" only when they are guilty.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

22. When it is the suspect's word against the police officer's, I believe the police.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

23. Men are more likely to be guilty of crimes than women.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

24. The large number of African Americans currently in prison is an example of the innate criminality of that subgroup.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

25. A Black man on trial with a predominantly White jury will always be found guilty.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

26. Minority suspects are likely to be guilty, more often than not.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

27. If a witness refuses to take a lie detector test, it is because he/she is hiding something.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

28. Defendants who change their story are almost always guilty.

1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree
29. Famous people are often considered to be "above the law."				
1	2	3	4	5
Strongly Disagree	Somewhat Disagree	Don't Know	Somewhat Agree	Strongly Agree

Belief in Just World Scale for Others

- 1. Strongly disagree*
- 2. Disagree*
- 3. Slightly disagree*
- 4. Slightly agree*
- 5. Agree*
- 6. Strongly agree*

Please indicate your level of agreement on the following scale with respect to how well each statement applies to others and yourself.

- ___ 1. I feel that the world treats people fairly.
- ___ 2. I feel that people get what they deserve.
- ___ 3. I feel that people treat each other fairly in life.
- ___ 4. I feel that people earn the rewards and punishments they get.
- ___ 5. I feel that people treat each other with the respect they deserve.
- ___ 6. I feel that people get what they are entitled to have.
- ___ 7. I feel that a person's efforts are noticed and rewarded.
- ___ 8. I feel that when people meet with misfortune, they have brought it upon themselves.

Appendix B

IN THE COURT OF THE TENTH JUDICIAL CIRCUIT IN AND FOR
JEFFERSON COUNTY, STATE OF ALABAMA

CRIMINAL DIVISION

Case No. HS-NPSAC03

INDICTMENT

STATE OF ALABAMA

vs.

Jason Smith,

Defendant

Age 35
Sex Male

The grand jury in and for the County of Jefferson, State of Alabama, upon their oath and in the name and by the authority of the State of Alabama, does hereby charge the following offense under the Criminal Code of the State of Alabama:

That on or about June 27, 2013, at and within the County of Jefferson in the State of Alabama, Jason Smith committed the crime of

SEXUAL ABUSE OF A CHILD LESS THAN 12 YEARS OLD

IN VIOLATION OF SECTION 13A-6-69.1 OF THE Alabama Criminal Code of 1975, as amended, in that he, being 16 years old or older, subjected another person who is less than 12 years old, to sexual contact on the date of June 27, 2013.

Contrary to the form of the Statute and against the peace and dignity of the People of the State of Alabama.

A TRUE BILL:

Foreperson of the Grand Jury

CASE SUMMARY

The Grand Jury has charged Jason Smith with the crime of sexual abuse of a child less than 12 years old following a report from five year old, Jennifer Martin, on June 28, 2013. The details of the alleged abuse are as follows:

At approximately 3:27 P.M., the victim and her maternal grandmother, Ashley Phillips, were eating lunch at a restaurant on Burlington Street. While seated at their table in the middle of the restaurant, the victim turned to Phillips and stated: "Daddy told me not to tell about something". Phillips' responded, "Do you think you should tell me?" She answered, "He touched my butt". Phillips then escorted her to the restroom and asked her to point to where her father touched her. The victim pointed to her bottom, and stated, "He puts his finger in my butt". Phillips then asked her if anyone else knew, and she responded "no, he says it's our secret".

The State alleges that the defendant willfully entered his daughter's bedroom at approximately 11:45 P.M. on June 27, 2013 in order to anally penetrate her with his fingers for his own sexual satisfaction. The victim was medically evaluated by her pediatrician, Dr. Shane Latham, on June 29, 2013 for evidence of the sexual abuse. During the evaluation, Dr. Latham discovered physical evidence of abuse in the form of an anal laceration. The doctor's notes indicate that the victim told her grandmother, mother, and Dr. Latham that "Daddy puts his fingers in my butt". Dr. Latham immediately called the Child Abuse Hotline to report his findings. The victim's mother immediately contacted the Westchester Police Department to file a police report.

Defendant Background

The defendant, Jason Smith, is a 35-year-old male heir to his family's estimated \$2 billion dollar fortune. He lives in a \$1.8 million dollar, eight-bedroom home, in an exclusive neighborhood in Jefferson County, Alabama. He grew up in Jefferson County and dropped out of the 10th grade. The defendant has a history of chronic unemployment; his most recently known employment was as a mail clerk at his father's law firm two years ago. He is currently financially supported by his multimillion dollar trust fund.

SUMMARY CASE FOR THE PROSECUTION

The case for the **Prosecution** was based on the testimony of the following parties:

- | | |
|-------------------------------|--|
| Jennifer Martin: | five year old victim, defendant's daughter |
| Dr. Shane Latham: | pediatrician who initially assessed the victim |
| Detective Ethan Clark: | detective, Criminal Investigation Division Sex Crimes Unit |

District Attorney for the Prosecution offers the following testimonial evidence

Jennifer Martin testified that the defendant, her father, entered her room after she was asleep on the night that he sexually abused her. She testified that the defendant woke her by penetrating her anus with his fingers. She testified that she felt uncomfortable right away. She immediately informed the defendant that he had hurt her, to which he apologized. The defendant instructed her to not tell anyone about what had happened, and left the room.

Dr. Shane Latham stated that his office received a call from the defendant's mother on June 28, 2013 and an appointment was made for the following day. Dr. Latham testified that the victim's mother and Phillips asked to speak with him privately upon arrival, during which time they informed him of the alleged sexual child abuse. Dr. Latham stated that during the medical exam, he discovered an anal laceration which is likely indicative of sexual abuse. He also testified that the victim's mother was present throughout the evaluation. When Dr. Latham asked the victim what happened, she reported that her father had sexually abused her.

Detective Ethan Clark stated that he was assigned to Jennifer Martin's case on June 29, 2013, following the mother's initial police report on her daughter's behalf. He testified that based on his investigation, he must conclude that the victim was sexually abused, and the perpetrator was the defendant. Detective Clark also testified to the details of the initial police report, his interview with the victim and her mother and grandmother, which all corroborates her own testimony.

SUMMARY OF CASE FOR THE DEFENSE

The case for the **Defense** was based on the testimony of the following parties:

Dr. Kelsey Hopkins: psychologist, expert hired by the defense

John Camp: expert in interviewing children, hired by the defense

Defense Attorney offers the following testimonial evidence for the defendant:

Dr. Kelsey Hopkins stated that based upon numerous, extensive interviews with the defendant, it is her expert opinion that the defendant has several deficits that are directly relating to his childhood, and how he was parented. He was raised "without consequences by absent parents, which has greatly hindered the defendant's development of social responsibility".

John Camp testified that he has reviewed the video tapes of the interviews that Detective Clark conducted with the victim. He also testified that the interviews were not conducted properly; interviews with young victims require specialized training in order to ensure that the interviews are neither misleading nor coercive. He stated, "Unfortunately, Detective Clark is in great need of further training in this particular area".

CLOSING ARGUMENTS FOR THE PROSECUTION

The District Attorney for the prosecution summarized his case against Jason Smith by arguing that, “the evidence and testimony against the defendant was overwhelming. The facts are hard to dispute. The defendant subjected his daughter, a five year old child, to sexual contact; contact that was both willfully and purposefully instigated by the defendant for sexual satisfaction. Also, he was identified by the victim, his own daughter, and there is physical and testimonial evidence to corroborate her accusation. All of this evidence adds up to one thing: the defendant, Jason Smith, is guilty of sexual abuse of a child less than 12 years old”, the District Attorney stated.

CLOSING ARGUMENTS FOR THE DEFENSE

The Defense Attorney summarized his defense of Jason Smith by stating that the prosecution did not prove without a shadow of a doubt that the defendant committed the crime. First, the defendant cannot be held accountable for his unfortunate deficit in social responsibility, which is a direct result of poor, absentee parenting. Second, the physical evidence does not prove that the defendant is the individual who committed the sexual abuse. Third, the interviews with the victim were mishandled by the police department and cannot be trusted. The Defense Attorney stated, “All of this evidence adds up to one thing: there is plenty of reasonable doubt about who committed the crime and I expect that you will reach the only sensible conclusion in this case, that the defendant has been wrongfully accused and is not guilty of the second degree rape of a child”.

Appendix C

CSA Low Status Differences

Defendant Background

The defendant, Jason Smith, is a 35-year-old male. He lives in a single room in a boarding house in a low income neighborhood of Jefferson County, Alabama. He grew up in Jefferson County and dropped out of the 10th grade. The defendant has a history of chronic unemployment; his most recently known employment was as a car wash attendant two years ago. He has been evicted several times from the boarding house, during which time he lived on the streets in a friend's car, until he was able to come up with enough money to return and pay back his overdue rent.

Robbery II Differences

CASE SUMMARY

The Grand Jury has charged Jason Smith with aggravated robbery following an incident that occurred at the Mobil service station on Burlington Street on June 27, 2013. The details of the incident are as follows:

Jennifer Martin, the service station attendant on duty at the Mobil service station on Burlington Street was threatened with a firearm and robbed. The robbery occurred at approximately 11:45 P.M. A security camera from the retail store across the street captured some of the details of the crime. At approximately 11:46 P.M., a blue 1996 Honda Accord is seen fleeing the scene. There were two individuals in the vehicle, but only one perpetrated the robbery.

The State alleges that the defendant, Jason Smith, threatened and robbed Jennifer Martin with a firearm on June 27, 2013. The defendant aimed the gun at Martin's head and demanded that she hand over all of the cash from the register. Martin placed the cash, a total of \$950, into the defendant's small, blue athletic bag. The robbery lasted approximately a minute and a half. Officer Ethan Clark arrived on scene at approximately 11:50 P.M., and soon discovered that the retail store across the street had a security camera. Officer Clark also found a black ski mask discarded in a garbage bin, which he had forensically evaluated. The evaluation determined that the ski mask had traces of the defendant's DNA on it.

SUMMARY CASE FOR THE PROSECUTION

The case for the **Prosecution** was based on the testimony of the following parties:

Jennifer Martin: victim, service station attendant

Officer Ethan Clark: first officer on scene

Shane Latham: legal video forensic expert

District Attorney for the Prosecution offers the following testimonial evidence:

Jennifer Martin testified that the build and voice of the individual who robbed her was that of a male. She stated that the individual pulled a pistol on her at approximately 11:45 P.M, and demanded she place all of the cash from the register into his blue athletic bag. Martin stated that she quickly complied with his demand out of fear for her life. She then watched the perpetrator exit the store and get into “the passenger’s side of a blue car that seemed to be waiting for him” stated Martin.

Officer Ethan Clark stated that he was dispatched to the service station just before 11:45 P.M. on June 27, 2013. Officer Clark arrived on scene at approximately 11:50 P.M. where he found Martin locked inside the store alone. After Martin explained what happened, Officer Clark searched the premises thoroughly for any remaining threats. He discovered that the service station’s only security camera was not working that night, but a security camera across the street was. Officer Clark also discovered a discarded black ski mask, believed to have been worn by the perpetrator, in a garbage bin, which was forensically evaluated. Traces of the defendant’s DNA were uncovered on the material.

Shane Latham testified that he retrieved a copy of security footage at approximately 3:27 A.M., on June 28, 2013, under the direction of a warrant. He stated that the footage belonged to Nick Green, the owner of the retail store directly across the street from the crime scene. Due to the way that the camera was positioned, the only evidence captured was video footage of the perpetrator’s vehicle fleeing the scene of the crime. The vehicle was identified as a blue, 1996 Honda Accord, the same make and model of the defendant’s vehicle. Latham stated that it was “clear that there were two individual inside the vehicle, however, the poor video quality made any further identification impossible”.

SUMMARY OF CASE FOR THE DEFENSE

The case for the **Defense** was based on the testimony of the following parties:

Dr. Kelsey Hopkins: psychologist, expert hired by the defense

John Camp: expert hired by the defense

Defense Attorney offers the following testimonial evidence for the defendant:

Dr. Kelsey Hopkins stated that based upon numerous, extensive interviews with the defendant, it is her expert opinion that the defendant has several deficits that are

directly relating to his childhood, and how he was parented. He was raised “without consequences by absent parents, which has greatly hindered the defendant’s development in terms of morality and responsibility”.

John Camp testified about his concern over the validity of the forensic evaluation that discovered trace amounts of the defendant’s DNA on the ski mask that is alleged to have been worn by the perpetrator during the robbery. He testified that such a small amount of DNA is not enough to prove that the only way his DNA can be on the ski mask is because he wore it during the commission of the crime. “The defendant often frequents this particular service station, and trace amounts of his DNA could have very easily been in that garbage bin first and only attached to the ski mask because it was disposed of on top of the already present DNA.

CLOSING ARGUMENTS FOR THE PROSECUTION

The District Attorney for the prosecution summarized his case against Jason Smith by arguing that, “the evidence and testimony against the defendant was overwhelming. The facts are hard to dispute. The defendant used a firearm to threaten the victim during the commission of a theft. He was also aided by another present, individual. After all, footage of his vehicle was captured leaving the scene of the crime, and there is physical evidence to corroborate his involvement. All of this evidence adds up to one thing: the defendant, Jason Smith, is guilty robbery in the second degree”, the District Attorney stated.

CLOSING ARGUMENTS FOR THE DEFENSE

The Defense Attorney summarized his defense of Jason Smith by stating that the prosecution did not prove without a shadow of a doubt that the defendant committed the crime. First, the defendant cannot be held accountable for his unfortunate deficit in social responsibility, which is a direct result of poor, absentee parenting. Second, robbery there is no proof that the defendant’s vehicle is the same vehicle in the video footage evidence. Third, the physical evidence is not enough to prove that the defendant is the individual responsible for the robbery. The Defense Attorney stated, “I expect that you will reach the only sensible conclusion in this case, that the defendant has been wrongfully accused and is not guilty of robbery in the second degree.”

Criminally Negligent Homicide Differences

CASE SUMMARY

The Grand Jury has charged Jason Smith, with criminally negligent homicide following a multiple vehicle accident that he caused on June 27, 2013. The details of the accident are as follows:

The defendant and seven friends got into his truck, a red Ford F-150, after several hours spent at the defendant's home. Once they reached Burlington Street, the defendant began to speed excessively and veered into the opposite lane of traffic. At approximately 11:45 P.M., after reaching a speed of 68-70 miles per hour, the defendant swerved right to avoid oncoming traffic. At this time he lost control of the vehicle and then hit a disabled sports utility vehicle parked on the side of the road. The defendant also hit the disabled vehicle's owner, Jennifer Martin, killing her on impact.

The State alleges that the defendant, Jason Smith, was driving while under the influence of alcohol when he caused the accident that killed Jennifer Martin. Following the accident, the defendant was assessed by an emergency medical technician who determined that he appeared to be intoxicated, but had no serious injuries. Officer Ethan Clark then took him into police custody. The defendant's blood was drawn for a blood-alcohol test at approximately 3:27 A.M. on June 28, 2013, under the direction of a warrant. The sample was sent to a forensics lab, which found that the defendant's blood-alcohol level was 0.24; three times the legal limit. Subsequently, the defendant was arrested.

SUMMARY CASE FOR THE PROSECUTION

The case for the **Prosecution** was based on the testimony of the following parties:

Shane Latham: witnessed the accident caused by the defendant

Officer Ethan Clark: officer who initially found the defendant after the accident and placed him into police custody

Ashley Phillips: toxicologist who tested the defendant's blood for alcohol

District Attorney for the Prosecution offers the following testimonial evidence:

Shane Latham testified that he and a friend, Nick Green, were on their way home from a graduation reception on June 27, 2013. At approximately 11:45 P.M., he stated that he was driving down Burlington Street when he witnessed a red truck speeding towards him in his lane. Then the truck swerved off the road and crashed into another vehicle and a pedestrian. Latham stated that he then pulled his own vehicle over, called 911, and proceeded to try and aid the injured parties. He also stated that the defendant was behind the wheel of the red Ford F-150.

Officer Ethan Clark stated that at approximately 11:50 P.M., dispatch directed his patrol car to the twelve hundred block of Burlington Street in response to a multiple vehicle accident with possible fatalities. Before he arrived on scene, he spotted the defendant attempting to walk in the opposite direction. Officer Clark testified that right away he determined that the defendant "appeared to be intoxicated".

Ashley Phillips testified that she ran the blood-alcohol test on the defendant. She also testified that the defendant's blood alcohol level was 0.24. When questioned on the accuracy of such a test by the Defense, she testified that in general, "the test is very accurate". She also testified that the instrument used to perform the test was calibrated on the very morning that the defendant's blood-alcohol test was performed.

SUMMARY OF CASE FOR THE DEFENSE

The case for the **Defense** was based on the testimony of the following parties:

Dr. Kelsey Hopkins: psychologist, expert hired by the defense

John Camp: lab quality auditor, expert hired by the defense

Defense Attorney offers the following testimonial evidence for the defendant:

Dr. Kelsey Hopkins stated that based upon numerous, extensive interviews with the defendant, it is her expert opinion that the defendant has several deficits that are directly relating to his childhood, and how he was parented. He was raised "without consequences by absent parents, which has greatly hindered the defendant's development in terms of morality and responsibility".

John Camp testified that the results of the blood-alcohol test are misleading. During his quality control audit of the original samples, he found that the solution used in testing had been compromised. He testified that the solution had traces of ethanol in it, which is an alcohol. According to Camp, the original results could be contaminated due to "the use of an expired solution, which could also cause the testing machinery to be calculated improperly". Camp testified that the evidence indicates that the original blood-alcohol test could be incorrect.

CLOSING ARGUMENTS FOR THE PROSECUTION

The District Attorney for the prosecution summarized his case against Jason Smith by arguing that, "the evidence and testimony against the defendant was overwhelming. The facts are hard to dispute. The defendant was operating the vehicle at the time of the accident. He was intoxicated by alcoholic beverage which made him impaired while operating the vehicle. He caused the death of the victim by operating the vehicle, which has been corroborated by physical and testimonial evidence. All of this evidence adds up to one thing: the defendant, Jason Smith, is guilty of criminally negligent homicide", the District Attorney stated.

CLOSING ARGUMENTS FOR THE DEFENSE

The Defense Attorney summarized his defense of Jason Smith by stating that the prosecution did not prove without a shadow of a doubt that the defendant committed a

crime. First, the defendant cannot be held accountable for his unfortunate deficit in social responsibility, which is a direct result of poor, absentee parenting. Second, the physical evidence were contaminated and mishandled by the police department and cannot be trusted. Third, neither the physical nor the testimonial evidence proves that the incident was anything more than an accident. The Defense Attorney stated, "All of this evidence adds up to one thing: there is plenty of reasonable doubt about who committed the crime and I expect that you will reach the only sensible conclusion in this case, that the defendant has been wrongfully accused and is not guilty of criminally negligent homicide".

JUROR MEMORY FORM

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

- (1) What was the charge against the defendant?
 - (a) Sexual Abuse of a Child Less than 12 Years Old
 - (b) Robbery II
 - (c) Criminally Negligent Homicide

- (2) What was the social/economic status of the defendant? In other words, which best describes the financial status and social status of his family?
 - (a) Low
 - (b) Middle
 - (c) High

- (3) Where did the crime take place?
 - (a) Montgomery County
 - (b) Birmingham
 - (c) Jefferson County

- (4) Which of the following evidence was not presented by the prosecution?
 - (a) Physical
 - (b) Security Camera Footage
 - (c) Eyewitness

JUROR INSTRUCTIONS: SEXUAL ABUSE OF A CHILD

The State of Alabama has charged the defendant, Jason Smith, with Sexual Abuse of a Child Less Than 12 Years Old. To prove that charge, it must be shown that:

- (a) the defendant's age is a minimum of 16 years and the victim's age is a maximum of 12 years at the time of the arrest; and
- (b) the defendant exposed the victim to sexual contact

If you find from your consideration of all the evidence presented that each of the above two propositions has not been proved, then you should find the defendant **not guilty** of Sexual Abuse of a Child Less Than 12 Years Old.

JUROR INSTRUCTIONS: ROBBERY II

The State of Alabama has charged the defendant, Jason Smith, with Second Degree Robbery. To prove that charge, it must be shown that:

- (a) the defendant threatened the victim with the imminent use of force in order to coerce cooperation with the defendant's demands;
- (b) the defendant took and escaped with property that either belonged to the victim or property that the victim was responsible for;
- (c) the defendant was aided by another individual, who was actually present during the commission of the crime

If you find from your consideration of all the evidence presented that each of the above three propositions has not been proved, then you should find the defendant **not guilty** of Robbery in the Second Degree.

JUROR INSTRUCTIONS: CRIMINALLY NEGLIGENT HOMICIDE

The State of Alabama has charged the defendant, Jason Smith, with Criminally Negligent Homicide. To prove that charge, it must be shown that:

- (a) the defendant was in actual physical control of the vehicle;
- (b) the defendant's normal faculties were impaired due to the influence of alcohol;
and
- (c) the defendant either caused or contributed to the death of the victim, which is a result of operating the vehicle

If you find from your consideration of all the evidence presented that each of the above three propositions has not been proved, then you should find the defendant **not guilty** of Criminally Negligent Homicide.

JUROR VERDICT FORM
IN THE CIRCUIT COURT OF
JEFFERSON COUNTY, ALABAMA

THE PEOPLE OF THE STATE OF ALABAMA
Plaintiff

vs.

JASON SMITH

Defendant

JURY VERDICT

I, acting as a juror in the case of the State of Alabama vs. Jason Smith, return the following verdict:

NOT GUILTY _____

GUILTY _____

Juror Opinions Form

1. In your opinion, how responsible is Jason Smith for committing this crime?

1	2	3	4	5	6	7
Extremely Irresponsible		Somewhat Irresponsible	Don't Know	Somewhat Responsible		Extremely Responsible

2. How confident are you that you have made a correct guilt decision?

1	2	3	4	5	6	7
Extremely Unconfident		Somewhat Unconfident	Don't Know	Somewhat Confident		Extremely Confident

3. How much of the blame for the incident should the defendant receive?

1	2	3	4	5	6	7
Extremely Irresponsible		Somewhat Irresponsible	Don't Know	Somewhat Responsible		Extremely Responsible

4. To what extent do you agree with the following statement: the situation had the most influence on the defendant's behavior.

1	2	3	4	5	6	7
Extremely Disagree		Somewhat Disagree	Don't Know	Somewhat Agree		Extremely Agree

5. To what extent do you agree with the following statement: in general, the defendant has a high status in society.

1	2	3	4	5	6	7
Extremely Disagree		Somewhat Disagree	Don't Know	Somewhat Agree		Extremely Agree

6. I think that high status individuals should be held to higher standards than low status individuals.

1	2	3	4	5	6	7
Extremely Disagree		Somewhat Disagree	Don't Know	Somewhat Agree		Extremely Agree

7. I have higher expectations for high status individuals in society than I do for low status individuals.

1	2	3	4	5	6	7
Extremely Disagree		Somewhat Disagree	Don't Know	Somewhat Agree		Extremely Agree

8. The purpose of sentencing should be to deter crime by reducing the probability that the convicted offender or anyone else commits a crime in the future.

1	2	3	4	5	6	7
Extremely Disagree		Somewhat Disagree	Don't Know	Somewhat Agree		Extremely Agree

9. The purpose of sentencing should be punishment.

1	2	3	4	5	6	7
Extremely Disagree		Somewhat Disagree	Don't Know	Somewhat Agree		Extremely Agree

10. The purpose of sentencing should be to protect society from the offender, which is accomplished by incarcerating the offender.

1	2	3	4	5	6	7
Extremely Disagree		Somewhat Disagree	Don't Know	Somewhat Agree		Extremely Agree

11. The purpose of sentencing should be to help rehabilitate offenders to be productive members of society upon release.

1	2	3	4	5	6	7
Extremely Disagree		Somewhat Disagree	Don't Know	Somewhat Agree		Extremely Agree

12. Sentencing should be proportional to the seriousness of the crime committed.

1	2	3	4	5	6	7
Extremely Disagree		Somewhat Disagree	Don't Know	Somewhat Agree		Extremely Agree

13. Prison should be reserved for violent criminals.

1	2	3	4	5	6	7
Extremely Disagree		Somewhat Disagree	Don't Know	Somewhat Agree		Extremely Agree

14. First time, nonviolent offenders should be sentenced to probation and mandatory treatment in lieu of incarceration.

1	2	3	4	5	6	7
Extremely Disagree		Somewhat Disagree	Don't Know	Somewhat Agree		Extremely Agree

15. The sentence of probation and mandatory treatment would be appropriate for the defendant, Jason Smith.

1	2	3	4	5	6	7
Extremely Disagree		Somewhat Disagree	Don't Know	Somewhat Agree		Extremely Agree

16. It is the prison system's responsibility to ensure the safety of those in its custody.

1	2	3	4	5	6	7
Extremely Disagree		Somewhat Disagree	Don't Know	Somewhat Agree		Extremely Agree

17. The prison system's ability to protect inmates should be considered prior to sentencing?

1	2	3	4	5	6	7
Extremely Disagree		Somewhat Disagree	Don't Know	Somewhat Agree		Extremely Agree

18. To what extent do you agree with the following: If the judge believed that the prison system could not keep Jason Smith safe during his incarceration, then a sentence of probation and treatment is an appropriate alternative?

1	2	3	4	5	6	7
Extremely Disagree		Somewhat Disagree	Don't Know	Somewhat Agree		Extremely Agree

Sentencing Recommendation

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

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

Sentence in Years

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

0	2	4	6	8	10	12	14	16	18	20
Probation & Mandatory Treatment										Maximum Years

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. **Class (Senior, Junior, Sophomore, Freshman):** _____
5. **Major:** _____
- 6a. **Marital Status:**

_____ Single
_____ Married
_____ Divorced
_____ Widowed
- 6b. **Religious Affiliation:**

_____ Christian
_____ Jewish
_____ Muslim
_____ Buddhist
_____ Hindu
_____ Mormon
_____ Atheist/Agnostic
_____ 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 –

- _____ Up to grade 8
- _____ Some high school (grades 9-12)
- _____ High school diploma / GED
- _____ Some college
- _____ College degree
- _____ Some post-graduate work
- _____ Post-graduate degree

7b. Mother –

- _____ Up to grade 8
- _____ Some high school (grades 9-12)
- _____ High school diploma / GED
- _____ Some college
- _____ College degree
- _____ Some post-graduate work
- _____ 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