

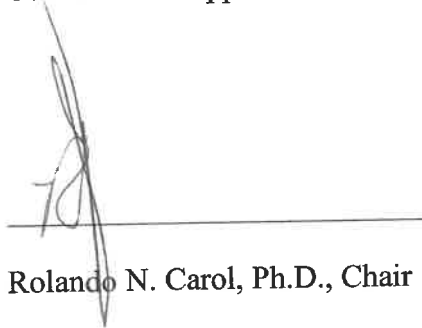
THE EFFECTS OF DEFENDANT'S ASCRIBED SES AND RACE ON JUROR DECISION  
MAKING

Except where reference is made to the work of others, the work described in this thesis is my own work or was done in collaboration with my advisory committee. This thesis does not include proprietary or classified information.



Victoria E. Spellman


Certificate of Approval:



Rolando N. Carol, Ph.D., Chair

Associate Professor

Psychology



Clarissa J. Arms-Chavez, Ph.D.

Associate Professor

Psychology



Steven G. LoBello, Ph.D.

Professor

Psychology



Matthew Ragland, Ph.D.

Associate Provost

THE EFFECTS OF DEFENDANT'S ASCRIBED STATUS AND RACE ON JUROR  
DECISION MAKING

Victoria Spellman

A Thesis  
Submitted to  
The Graduate Faculty of  
Auburn University Montgomery  
In Partial Fulfillment of the  
Requirements for the  
Degree of  
Master of Science

Montgomery, Alabama

December 6, 2019

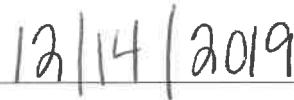
THE EFFECTS OF DEFENDANT'S ASCRIBED STATUS AND RACE ON JUROR  
DECISION MAKING

Victoria E. Spellman

Permission is granted to Auburn University Montgomery to make copies of this thesis at its discretion, upon requests of individuals or institutions and at their expense. The author reserves all publication rights.

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

Signature of Author

A handwritten date "12/14/2019" in black ink, with the numbers separated by vertical lines. The date is written above a horizontal line.

Date of Graduation

The Effects of Defendant's Ascribed Status and Race on Juror Decision Making

## ACKNOWLEDGEMENTS

This thesis research and writing demanded a lot of time and energy. It was one of the most challenging yet rewarding tasks I have accomplished. In this process, many people have contributed to the successful completion of my thesis. I am grateful for the time and effort that each one has given me. First and foremost, I am thankful for the blessings God showered me with throughout my research work. I would like to express my deepest appreciation to the chair of my committee and the director of my thesis, Dr. Rolando Carol, for giving me the opportunity to do this research with his assistance, guidance, and patience throughout the process of writing this thesis. Without his support, suggestions and encouragement, this thesis would not have been possible. I would also like to extend my sincere gratitude to the Psychology Department at Auburn University at Montgomery. I would like to give a special thanks to the other members of my committee, Dr. Clarissa Chavez and Dr. Steven Lobello. They made my experience as a graduate student enjoyable, and they were very helpful and encouraging throughout my thesis work. I am also very thankful for the many hours that the students of the psychology lab spent helping me collect data. The data collection would not have been possible without the assistance of Rickey Finnie, Jennifer Cross, Ali Cook, Denise Burgos, Kayla Bell, and Lola Torres. Lastly, I would like to thank each of my family members and friends that have encouraged and supported me throughout this journey to complete my master's program.

## ABSTRACT

Extralegal factors influence jurors' decisions, and prior research has shown this consistently. Although they should not have an impact on verdict or sentencing, factors such as the defendant's race, socioeconomic status, gender, and sexual orientation can influence verdicts and how harsh the punishment is. Though there is extensive research on single extralegal factors, there is little research that looks at how defendant race and socioeconomic 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 ( $N = 197$ ) listened to a mock crime summary while also reading along on the computer screen. Results indicated that the rich White defendant received more guilty sentences and received harsher punishment than the poor Black defendant. When choosing a verdict, the defendant's race had the most influence on the jurors' decision making, but when choosing a sentence, the defendant's race combined with his SES had an impact on the jurors' decision making. This is consistent with previous research because the minority defendant received more guilty verdicts and harsher punishment; but unlike other studies, the minority defendant in this study was actually the rich White defendant.

## TABLE OF CONTENTS

INTRODUCTION.....	6
Effects of Race on Juror Decision Making.....	7
Effects of Ascribed SES on Juror Decision Making.....	8
Effects of Own-Group Bias on Juror Decision Making.....	9
Present Study.....	10
METHOD.....	10
Participants.....	10
Design.....	11
Materials and Procedures.....	11
Pretrial Juror Attitudes Questionnaire.....	12
Belief in a Just World.....	12
Demographics.....	13
Case Summary.....	13
Manipulation Checks.....	14
Jury Instructions.....	15
Verdict and Recommended Sentence.....	15
Trait Assessment and Juror Opinions.....	15
RESULTS.....	16
Primary Analyses.....	16
Effects of Defendant Race and SES on Verdict.....	16
Effects of Defendant Race and SES on Sentencing.....	16
Secondary Analyses.....	17
Defendant Trait Assessment.....	17
Pretrial Juror Attitude Questionnaire.....	17
Belief in a Just World Scale.....	18
Juror Opinions Form.....	19
DISCUSSION.....	20

Limitations and Discussion.....23  
Conclusion.....23  
REFERENCES.....25  
APPENDICES.....28



### The Effects of Defendant's Ascribed Status and Race on Juror Decision Making

Juror bias has been studied extensively and from various angles. Prior research shows quite consistently that extralegal factors do indeed influence jurors' decisions, although they should not. An extralegal factor is some variable—for instance, a characteristic about a defendant like her age—that has no direct relevance to the legal case and thus should have no impact on jurors' decision-making. However, jurors are often influenced by various extralegal factors such as race, ethnicity, socioeconomic status, gender, and sexual orientation when determining whether or not the defendant is guilty, and how severe the punishment should be if defendants are eventually found guilty.

Pickel, Warner, Miller, and Barnes (2013) studied one such extralegal factor, specifically sexual orientation, in relation to jurors' bias towards defendants. Pickel et al. found that when a defendant was from a minority social group, jurors assumed that they were more likely guilty than those from a majority social group, and they perceived a confession from a defendant of a minority social group as more incriminating and authentic than one from a defendant of a majority group. Devine and Caughlin (2014) found that gender can also influence these decisions. The researchers used studies where defendant gender was salient, such as domestic homicide or sexual abuse, and found that the relationship between defendant gender and guilt judgment varied depending on the type of crime, but in these specific types of cases, jurors were more likely to find men guilty, especially if the participant was a female. The bias produced from salience is an automatic process that is out of the jurors' cognitive control. Other research has shown that a defendant's immigration status can lead mock jurors to render more guilty verdicts

and harsher sentences, and those who voted guilty found the crime to be more vicious (Espinoza, Willis-Esqueda, Toscano, & Coons, 2015). Another study found that factors like ethnicity and socioeconomic status (SES) can interact; specifically, Latinx defendants were found more competent and intelligent if they were of higher SES, and they received lesser punishments compared to Latinxs with low SES (Espinoza & Willis-Esqueda, 2008).

My study investigated how three specific extralegal factors might interact to influence jurors' perception and judgments: defendant's race, participant's race, and ascribed socioeconomic status. Myriad studies have shown that a defendant's race can influence jurors' decisions. Minority defendants often get treated unfairly in the courtroom, compared to non-minority defendants. For example, Black defendants are considered to be more violent, low SES minority defendants are considered to have more negative personality qualities than European Americans, and defendants from a minority race are found guilty more often and receive harsher punishment than European Americans (Espinoza & Willis-Esqueda, 2015; Johnson & Johnson, 2001). Black defendants are considered to be more hostile, aggressive, and dangerous than other races (Armour, 2018; Glaser, Martin, & Kahn, 2015; McManus, Maeder, & Yamamoto, 2018). Since information is easier to recall when it "fits" the stereotype of the defendant's race, a Black defendant is likely to be found guilty if the crime was violent because it fits a common stereotype that many hold for Black defendants (McManus et al., 2018). One study that looked at cognitive factors that affect racially-biased judgments found that these racial stereotypes can control quick decision making (Kleider, Knuycky, & Cavrak, 2012). Researchers found that low prejudice participants were harsher on White

defendants than high prejudice participants. Also, they found that when cognitive resources were limited, prejudiced participants could not suppress their biases and gave stereotypical responses. Espinoza & Willis-Esqueda (2015) found that jurors of a minority group had more leniency towards defendants of their same race. They also found that there was no racial bias from the minorities, but there was a bias of socioeconomic status from the minority jurors. The Liberation Hypothesis helps explain why jurors' decisions might still be influenced by factors that are and should remain irrelevant in a legal case. This hypothesis states that when evidence is ambiguous, jurors feel liberated to use extralegal factors to help make decisions. When evidence related to the defendant's guilt is clear, then extralegal factors are less likely to influence decisions (Devine, Buddenbaum, Houp, Studebaker, & Stolle, 2009).

One particular extralegal factor, a defendant's ascribed socioeconomic status (SES), was the focus of the present study. Prior research on defendant SES has shown that defendants who come from a low SES are found guilty more often and given harsher punishment than those from high SES background, partly because they are represented by public defenders since they cannot finance their own defenses (Johnson & Johnson, 2001). Socioeconomic status creates a division between groups and classes, and this can cause anger and frustration, which can cause antisocial behavior and crime to rise. This contributes to beliefs that low SES defendants commit crime more often than someone from a high socioeconomic status. (Gardner, Waller, Maughan, Cluver, & Boyes, 2015). Research has also shown that when mitigation evidence was weak, non-minority groups were more likely to give the death penalty to a defendant of a minority group (Espinoza & Willis-Esqueda, 2015). My study focused particularly on ascribed SES, which is one's

financial status that is assigned and/or determined by others, such as coming from a wealthy family; in other words, it is a socioeconomic status that is given rather than earned. To my knowledge, there is little published research investigating defendants' ascribed SES.

Ascribed SES is a different way to conceptualize SES that appears under-researched; however, there are a few studies that have focused on socioeconomic status. For example, Blau & Blau (1982) found that economic inequality tends to lead to violence, but ascribed status does so significantly more. This ascriptive status often becomes a permanent status, and this causes a separation between people ascribed low SES and other social classes. Another study found that there was no significant main effect of SES on juror decisions, but there was a significant interaction between SES and another extralegal factor, defendant race (Espinoza & Willis-Esqueda, 2015). Regarding a defendant's race, Black defendants are more likely to be found guilty and receive harsher punishment than those of other races (Armour, 2018; Glaser et al., 2015; Maeder & Hunt, 2011; McManus et al., 2018; Pickel et al., 2013; Schuller, Kazoleas, & Kawakami, 2009). However, to my knowledge, no one has explored how defendant's race and ascribed SES interact, if at all, to influence jurors' verdict and sentencing decisions. Therefore, the primary goal of this study was to determine the potential interactive effects of ascribed SES and defendant race on juror decision making.

Much research has shown that White participants have a bias against defendants of other races, but Mitchel et al. (2005) found that Black participants showed more of an own-group bias than White participants. Another relevant concept that Devine et al. (2009) studied is the Black Sheep Effect. This is the phenomenon where a juror of the

same race as the defendant will be harsher on the defendant when evidence of guilt is strong. This is done to separate themselves from other in-group members who violate norms.

### **The Present Study**

Participants read a case summary where the defendant was either White or Black and came from either a high ascribed SES, a low ascribed SES, or the defendant's SES was not mentioned. After reading and listening to jury instructions, participants arrived at an individual verdict and then were asked to assume that the defendant was guilty and recommend a punishment (from probation to up to twenty years in prison). I predicted that participants would find minority defendants with low ascribed SES guilty and give them longer sentences than non-minority defendants with a high ascribed socioeconomic status.

### **Method**

#### **Participants**

I conducted an a priori sample size calculation using G\*Power 3.1.7 (Faul, Erdfelder, Buchner, & Lang, 2009). For conducting a two-way ANOVA while expecting an interaction and a medium effect size ( $f = .25$ ) (Devine & Caughlin, 2014; Mazzella & Feingold, 1994), 80% power, alpha of .05, and six groups, the recommended sample size was 158 participants. Participants ( $N = 197$ ) were recruited from the undergraduate introductory psychology classes at Auburn University at Montgomery. The participants ranged in age from 18 to 55 ( $M = 20.14$ ,  $SD = 4.553$ ), and 74.9% were female. Ethnically, participants were 45.6% African American, 34.9% White, 9.2% Asian, 3.6% Latinx, and 6.7% answered with "other." In terms of class standing, 66.7% were

freshmen, 22.1% were sophomores, 6.7% were juniors, and 3.6% were seniors. Regarding marital status, 94.9% were single, 2.6% were married, and 2.1% were divorced. As far as religious affiliation, 73.3% were Christian, 8.7% were atheist/agnostic, 2.1% were Buddhist, 2.1% were Hindu, 1.0% were Jewish, 1.0% were Muslim, 10.8% answered with “other,” and 0.5% did not answer. Moreover, 23.6% reported having a father who had a college degree, while 34.4% reported having a mother with a college degree. Regarding combined income of parents, or their own income if they live independently, 23.6% fell within the 20k-40k income bracket, 22.1% fell within the 60k-80k income bracket, 19.0% fell within 0-20k income bracket, 15.4% fell within the 40k-60k income bracket, 9.2% fell within the 80k-100k income bracket, and 8.7% reported an income over 100k. Participants’ political affiliation was 41.0% Democrat, 19.5% Republican, 23.1% answered “none,” 10.8% independent, and 4.1% answered “other.” They earned research credits in exchange for their participation in this study.

### **Design**

This study was a 2 (defendant’s race: White vs. Black) x 3 (defendant’s ascribed socio-economic status: high SES vs. low SES vs. no SES mentioned/control) between-participants factorial design. There were two primary dependent variables: mock juror verdicts (guilty vs. non guilty) and recommended sentences (zero to twenty years in prison).

### **Materials and Procedure**

This study was run in a computer lab, where up to nine participants could participate at the same time. They were randomly assigned to one of six experimental conditions: high-status White defendant, low-status White defendant, high-status Black

defendant, low-status Black defendant, White defendant with no mention of SES, or Black defendant with no mention of SES. When they arrived, each participant was asked to complete an informed consent form (Appendix A). Next, they put on headphones to follow along on the screen while the written instructions were narrated aloud through SuperLab 5.0.

**Pretrial Juror Attitudes Questionnaire (PJAQ).** Participants completed the PJAQ (Lecci & Meyers, 2008), rating their agreement or disagreement with twenty-nine items on a 5-point scale (1 = *strongly disagree* to 5 = *strongly agree*). The PJAQ (Appendix B) consists of various subscales measuring constructs such as conviction proneness (e.g. “Extenuating circumstances should not be considered; if a person commits a crime, then that person should be punished”), system confidence (e.g. “Out of every 100 people brought to trial, at least 75 are guilty of the crime which they are charged”), cynicism towards the defense (e.g. “Police routinely lie to protect other police officers”), social justice (e.g. “Rich individuals are almost never convicted of their crimes”), racial bias (e.g. “Minorities use the “race issue” only when they are guilty”), and inmate criminality (e.g. “Once a criminal, always a criminal”).

**Revised Belief in Just World (RBJW) Scale for Others.** Next, participants also completed a RBJW Scale for Others (Lipkus, Dalbert, & Siegler, 1996). This scale (Appendix C) contains eight items that assess whether mock jurors believe that people get what they deserve (e.g. “I feel that the world treats people fairly,” and “I feel that people get what they are entitled to have”). Participants rated their level of agreement with each item on a 6-point scale (1 = *strongly disagree*, 6 = *strongly agree*).

**Demographics questionnaire.** Then, participants were asked to provide some basic demographic details (Appendix D) about themselves (age, gender, race/ethnicity, class standing, marital status, religious affiliation, mother's education level, and father's education level, parents combined income or own income if living independently, and political affiliation).

**Case Summary.** Participants listened to the case summary (Appendix E) while also reading along on the computer screen. The case summary described the crime (i.e., robbery), the defendant's background information, the charges against the defendant, the details of the crime, the evidence presented by both the prosecution and the defense (including witness testimonies from both sides), and a closing argument from both sides. The details of the case varied depending on the experimental condition.

The defendant's ascribed SES was manipulated in the case summary. For participants in the high ascribed status group, the defendant was described as a 35-year-old male living in a 1.8-million-dollar home in an exclusive neighborhood in Jefferson County, Alabama, chronically unemployed, and currently fully dependent on his multimillion-dollar trust fund. The defense attorney raised the point that the defendant's actions are due to his upbringing and how he was parented without consequences, which hindered him from developing morality and a sense of responsibility. For participants in the low ascribed status group, the defendant was described as a 35-year-old male living in a single room boarding house in a low-income neighborhood in Jefferson County, Alabama, a tenth-grade drop-out, and chronically unemployed. The summary also mentioned that this defendant has been evicted several times, which leads to him living on the streets in a friend's car until he is able to return and pay back his overdue rent. The



defense attorney raised the same point mentioned for the high ascribed SES in that the defendant's actions were due to his inadequate upbringing. I also manipulated the defendant's race by providing a picture of the defendant, mentioning that he was either Black or White, and giving him a "stereotypical" Black or White name (e.g. DeShawn for a Black defendant and Jake for a White defendant).

The alleged crime committed by the defendant was robbery II of a service station. The incident occurred at the Mobil service station on Burlington Road on June 27, 2013. The service station attendant on duty was threatened with a firearm and robbed. This occurred at approximately 11:45 p.m. The allegations are that the defendant aimed a gun at the attendant's head and demanded that she hand over the money from the cash register. The attendant placed \$950 into the defendant's small, blue athletic bag. The robbery lasted approximately a minute and a half. An officer arrived on the scene at approximately 11:50 p.m., where he found a black ski mask in the trash and had it forensically evaluated. The forensic evaluation determined that the ski mask did contain traces of the defendant's DNA. There is only one other witness, the owner of the retail store across the street from the service station, who witnessed the perpetrator entering the get-away vehicle and fleeing the scene. The witness saw two people in the vehicle, but only one entered the service station.

**Manipulation checks.** Manipulation checks (Appendix F) were placed throughout the case summary to ensure that each participant was reading and comprehending the summary details, rather than advancing through the study without paying attention. Nine questions were inserted throughout, and participants had to answer correctly to proceed. The questions asked the participant to identify various details, such

as the defendant's charges (robbery II), the ascribed status of the defendant and his family (low or high), the race of the defendant (Black or White), and the county where the crime occurred (Jefferson County).

**Jury instructions.** Participants listened to and also read along on the computer screen, to a series of jury instructions (Appendix G). The instructions explained the criteria that must be met for a juror to determine whether or not the defendant is guilty of robbery II. The prosecution has the burden of proof, so they must prove that the defendant threatened the victim with a firearm, stole money from the cash register, and was aided by another individual who was presented during the crime (Ala. Criminal Code 13A-8-42).

**Verdict and recommended sentence.** Participants were asked to give a verdict: guilty or not guilty (Appendix H). Then, they were asked to assume that the defendant was guilty (regardless of their previous verdict) and recommend a sentence (Appendix I) for the defendant on a scale from zero to twenty years, with probation being the minimum punishment.

**Trait assessment and juror opinions.** Participants were asked to rate the defendant on 22 traits (Appendix J). Each trait was presented on a seven point-scale, with lower ratings meaning they have less of that trait. This is based on the trait assessment of Willis Esqueda et al. (2008). Sample traits include trustworthiness, likableness, and competence. Participants also completed the Juror Opinions Form (Appendix K) – a series of 18 questions used to measure defendant's perceived culpability, jurors' attitudes about social status, and jurors' opinions about how the prison system should function. These questionnaires helped explain how the mock jurors came to their verdict and

punishment decisions. After reading the case summaries and arriving at a verdict and sentencing decision, the participants completed all questionnaires. After completing the study, all participants were fully debriefed (Appendix L) and thanked for participating.

## Results

### Primary Analyses

**Effect of defendant race and SES on verdict.** I conducted a binary logistic regression for predicting verdict using defendant's race and SES. There was a marginally significant main effect of defendant race ( $B = -.95$ ,  $S.E. = .52$ ,  $Wald = 3.34$ ,  $DF = 1$ ,  $Odds\ ratio = .386$ ,  $p = .068$ ). Jurors were marginally more likely to vote guilty for a White defendant than a Black defendant. There was no main effect of SES, and no race X SES interaction on mock jurors' verdicts.

**Effect of defendant race and SES on sentencing.** I conducted a 2 (Race: White vs. Black) X 3 (Ascribed SES: High vs. Low vs. Control) factorial analysis of variance (ANOVA) to analyze the effects of defendant race and SES on sentencing, which was a quantitative continuous dependent variable. When looking at the main effect of defendant race alone, or defendant SES alone, on sentencing, there were no significant group differences in the number of years the defendant was sentenced. However, I found that when looking at both race and SES together, there was an interaction between the two that was marginally significant,  $F(2,191) = 2.76$ ,  $p = .066$ ,  $partial\ \eta^2 = .03$ . I did a follow-up pairwise comparison and found a significant difference in sentencing between the White defendant with high SES and the Black defendant with high SES. Specifically, after running an independent samples  $t$ -test, the data indicated that the mean difference between White defendants with high SES and Black defendants with high SES was 1.93

years. On average, White defendants with high SES received a sentence of 5.4 years ( $SD = 4.71$ ), while Black defendants with high SES received an average of 3.5 years ( $SD = 2.89$ ),  $t(64) = 2.04$ ,  $p = .046$ . The White and Black defendants with low ascribed SES did not differ from each other, nor did the White and Black defendants when no SES was mentioned.

### **Secondary Analyses**

**Defendant Trait Assessments.** I conducted a factorial multivariate analysis of variance (MANOVA) to analyze the effects of defendant race and defendant SES on ratings of the defendant across 18 different traits. Looking at the multivariate tests, there was a significant main effects of defendant race on mock jurors' ratings  $F(18,170) = 2.43$ ,  $p = .002$ , partial  $\eta^2 = .21$ ). The between-subjects test revealed significant differences depending on the defendant's race for all of the following traits (all p-values less than .05): trustworthy, likeable, competent, ethical, selfish, warm, sensitive, aggressive, mature, reasonable, charitable, confident, and concern for others. For all 13 traits just mentioned, the Black defendant was always rated significantly higher than the White defendant.

**Pretrial Juror Attitudes Questionnaire (PJAQ).** As mentioned earlier, all participants complete the PJAQ. The psychometric properties of this questionnaire have been researched extensively and are well-established in the juror/jury decision making literature (e.g., Lecci & Myers, 2008). This 29-item inventory measures six distinct constructs in relation to jurors' attitudes: confidence in the legal system (CON), conviction proneness (CP), cynicism toward the defense (CYN), racial bias (RB), social justice (SJ), and innate criminality (INNCR). Scores for these six constructs were

calculated by adding together participants' ratings on the relevant items (negatively-phrased items were reverse-coded and then added), such that higher scores indicate stronger attitudes aligning with each construct.

I investigated how participants' race/ethnicity, religious affiliation, and political affiliation affected PJAQ subscale scores using a MANOVA. There was a significant multivariate effect of participant race/ethnicity on PJAQ scores. When looking at the between-subjects effects, participant race/ethnicity significantly influenced ratings on the "cynicism of defense" subscale ( $p = .003$ ) and marginally influenced ratings on the "social justice" subscale ( $p = .076$ ). Follow-up post-hoc comparisons revealed that Black participants scored significantly higher on "cynicism of the defense" than White participants ( $p < .001$ , mean difference = 2.54,  $SE = .592$ ). Further, Black participants scored significantly higher on "social justice" than White participants ( $p = .021$ , mean difference = 1.28,  $SE = .418$ ) and Asian participants ( $p = .011$ , mean difference = 2.25,  $SE = .688$ ).

**Belief in a Just World Scale.** First, I calculated the scale reliability for all eight items of the BJWS. Initial Cronbach's alpha was .76 but it would improve if item #8 ("People bring misfortunes onto themselves") was removed. After removing this item, Cronbach's alpha for the remaining seven items was .77. All 7 items had positive intercorrelations with each other. guilty

Next, I created a BJWS total score by adding together participants' responses for all seven scale items. This total score ranged from 7 to 42 with higher scores representing stronger belief in a just world. Lastly, I conducted Pearson's bivariate correlations among BJWS total scores, verdicts, and recommended sentencing. Jurors' verdicts were

significantly positively correlated with BJWS total scores, indicating that the more a juror believed in a just world, the more likely they were to find the defendant guilty, Pearson's  $r = .13, p = .04$ . Recommended sentencing was marginally positively correlated with BJWS total scores, also indicating that stronger belief in a just world was associated with harsher sentences for the defendant, Pearson's  $r = .11, p = .06$ .

**Juror Opinions Form.** In order to analyze the effects of defendant race and SES on mock jurors' responses to the 18 items of the Juror Opinions Form (JOF), I conducted a 2(Race: White vs. Black) X 3(Ascribed SES: High vs. Low vs. Control) factorial MANOVA. The dependent variables were responses to the 18 items of the JOF. When looking at the multivariate tests, there was a significant effect of defendant SES,  $F(34,342) = 5.83, p = <.001$ , partial  $\eta^2 = .37$ . When looking at the between-subjects effects, defendant SES significantly affected participants' responses to the following items: "The situation had the most influence on the defendant's behavior." ( $p = .003$ ), "The defendant has a high status in society" ( $p < .001$ ), "First time, nonviolent offenders should be sentenced to probation and mandatory treatment in lieu of incarceration" ( $p = .009$ ), and "The sentence of probation and mandatory treatment would be appropriate for the defendant." ( $p = .01$ ).

Next, I looked at multiple comparisons to see which SES groups differed from others. When looking at defendant SES and its influence on behavior, I found that the defendant coming from a low SES was believed to have more of an influence on the defendant's behavior than coming from a high SES (Mean difference = .66,  $p = .024$ ) or when participants were not aware of the defendant's SES (Mean difference = .97,  $p = .001$ ). Defendants from a high SES were believed to have a higher status in society than

defendants from a low SES (Mean difference = 3.64,  $p < .001$ ) or when there was no mention of SES (Mean difference = 3.23,  $p < .001$ ). When the defendant was a nonviolent first time offender from a low SES background, participants believed it was more acceptable for him to receive probation and mandatory treatment in lieu of incarceration than a nonviolent first time offender with high SES (Mean difference = .93,  $p = .003$ ) or a nonviolent first time offender whose SES was not mentioned (Mean difference = .65,  $p = .037$ ). Lastly, probation and mandatory treatment were considered more appropriate for defendants with low SES than defendants with high SES (Mean difference = .89,  $p = .008$ ) or defendants whose SES was not mentioned (Mean difference = .98,  $p = .003$ ). These results could possibly be explained by the SES of the participants, as 59.2% reported that their household income is \$60,000 or less per year. The participants may have been more lenient towards defendants that they could relate to as far as income, and harsher on defendants that were from a different socioeconomic class.

### **Discussion**

The purpose of this study was to investigate the effects that extralegal factors, specifically defendant race and ascribed SES, have on juror decisions. There is substantial research to support that Black defendants are given more guilty verdicts and harsher sentences (Armour, 2018; Glaser et al., Johnson & Johnson, 2001; 2015; Maeder & Hunt, 2011; McManus et al., 2018; Pickel et al., 2013; Schuller, Kazoleas, & Kawakami, 2009), but there is minimal research on how jurors are influenced by a defendant's ascribed SES or the interaction between a defendant's race and his/her ascribed SES. Few studies failed to find no significant main effect of SES alone (Espinoza & Willis-Esqueda, 2015), but found a juror bias when SES interacted with

defendant race. I hypothesized that minority defendants with low SES would be found guilty more often and receive harsher sentences than White defendants with high SES.

My findings did not support my hypothesis. I found that the White defendant was found guilty more often than the Black defendant. I also found that the White defendant with a high ascribed SES received a harsher sentence than the Black defendant with a high ascribed SES (about 1.93 more years on average). These results could possibly be explained by the demographics of this study's sample. Specifically, the majority of my participants were Black participants (45.6%). Jurors of a minority group also have more leniency towards defendants of their same race (Espinoza & Willis-Esqueda, 2015). The results may have been different if the racial/ethnic distribution of the study sample were different. Research also shows that Black participants showed more of an own-group bias than White participants (Mitchel et al., 2005).

When looking at participants' ratings of the defendant's traits, results indicated that the Black defendant was always rated significantly higher than the White defendant on the following traits: This pattern could be explained by research that shows Black participants tend to be more lenient and show more of an own-group bias than White participants (Mitchel et al., 2005; Espinoza & Willis-Esqueda, 2015).

When investigating pretrial attitudes of this study's mock juror participants, I found that Black participants were more cynical of the defense than White participants. Further, Black participants were more concerned with social justice than White and Asian participants. Their cynicism and concern for social justice could possibly be explained by research that shows that Black defendants are often found guilty just because the crime fits the stereotype of their race (McManus et al., 2018). For example, since Blacks are



considered to be more dangerous and violent, Blacks are more likely to be found guilty of violent crimes, due to their stereotype. Racially-based judgments that have shown how racial stereotypes can control quick decision making. This means that when having to make a quick decision, such as verdict or sentencing, participants tend to make an automatic decision that is consistent with racial stereotypes (Kleider, Knucky, & Cavrak, 2012).

When assessing participants' Belief in a Just World, results showed that stronger belief in a just world was associated with more guilty verdicts and marginally associated with harsher sentences for the defendant. This is supported by Levy & Reuven (2017), who found that a strong belief in a just world was associated with more punitive disciplinary behavior. Research also shows that when group members have strong just world beliefs, they tend to give easier punishment on members of their ingroup and harsher punishment to members of an outgroup (Halabi, Statman, & Dovidio, 2015), which is also consistent with my findings, specifically, that a majority Black study sample found the high ascribed SES White defendant guilty more often and punished him more harshly than the Black defendant.

Participants' responses on the juror opinions form demonstrated that the defendant with a higher ascribed SES was believed to have higher status in society than the defendant with a low ascribed SES, probation and mandatory treatment in lieu of incarceration was more appropriate for nonviolent first time offenders with low SES than defendants with high SES, and probation and mandatory treatment were considered more appropriate for defendants with low SES than defendants with high SES. These results

are also most likely due to the study's sample and the participants' SES since the majority of them are not from a home with high SES (59.2%).

### **Limitations and Future Directions**

One limitation of this study is that the participation was restricted to college students taking psychology courses. Future research should use a more inclusive population that better represents actual juries. Another limitation of this study is that participation occurred while seated in front of a computer lasting between 30 minutes to an hour, unlike actual juror experiences who see the trial in person and then can have discussions and deliberations about the case that could potentially last for hours. Future research might consider having groups of participants simulate mock *juries*, working on cases together to explore how more realistic time delays between case exposure may impact the jurors' opinions of the case, and how they render verdicts and sentencing. The participants were not allowed to take notes or ask questions, as real jurors would. They also had no real consequences of their decisions, as real jurors may feel guilt and personal responsibility after rendering a verdict.

### **Conclusion**

The present research looked at the effects that race and ascribed SES could have on jurors' decisions on guilt and sentencing. This research reveals the importance of a juror's ingroup and outgroup, according to their race and ascribed SES, on their decision making on guilt and sentencing. Though there is substantial research on how race affects juror decisions, there is not as much research on how SES effects juror decisions, and even less on ascribed SES. This study opens new direction for future research and expands the knowledge on how race and ascribed status influence juror decision making,

as well as how different groups of people view the legal system. Specifically, this study found that minority groups are found guilty more often and given harsher sentences than non-minority groups. The current study also found that participants were harsher on high SES defendants than low SES defendants. White defendants with high SES, on average, received a sentence that was 1.93 years longer than Black defendants with high SES. As supported by past research, these results might be the result of in-group leniency.

## References

- Armour, J. (2018). Where bias lives in the criminal law and its processes: How judges and jurors socially construct Black criminals. *American Journal of Criminal Law*, 45(1), 203–252.
- Devine, J., Buddenbaum, J., Houp, S., Studebaker, N., & Stolle, D.. (2009). Strength of Evidence, Extraevidentiary Influence, and the Liberation Hypothesis: Data from the Field. *Law and Human Behavior*, (2), 136.
- Devine, D. J., & Caughlin, D. E. (2014). Do they matter? A meta-analytic investigation of individual characteristics and guilt judgments. *Psychology, Public Policy, and Law*, 20(2), 109–134. <https://doi.org/10.1037/law0000006>
- Espinoza, R. K. E., & Willis-Esqueda, C. (2008). Defendant and defense attorney characteristics and their effects on juror decision making and prejudice against Mexican Americans. *Cultural Diversity and Ethnic Minority Psychology*, 14(4), 364–371. <https://doi.org/10.1037/a0012767>
- Espinoza, R. K. E., Willis-Esqueda, C., Toscano, S., & Coons, J. (2015). The Impact of Ethnicity, Immigration Status, and Socioeconomic Status on Juror Decision Making. *Journal of Ethnicity in Criminal Justice*, 13(3), 197–216. <https://doi.org/10.1080/15377938.2014.984044>
- Gardner, F., Waller, R., Maughan, B., Cluver, L., & Boyes, M. (2015). What are the Risk Factors for Antisocial Behavior Among Low-income Youth in CapeTown? *Social Development*, (4), 798. <https://doi.org/10.1111/sode.12127>

- Glaser, J., Martin, K. D., & Kahn, K. B. (2015). Possibility of death sentence has divergent effect on verdicts for Black and White defendants. *Law and Human Behavior, 39*(6), 539–546. <https://doi.org/10.1037/lhb0000146>
- Halabi, S., Statman, Y., & Dovidio, J. F. (2015). Attributions of responsibility and punishment for ingroup and outgroup members: The role of just world beliefs. *Group Processes & Intergroup Relations, 18*(1), 104–115. <https://doi-org.libproxy.aum.edu/10.1177/1368430214546067>
- Jeffery L. Johnson, & Colleen F. Johnson. (2001). Poverty and the Death Penalty. *Journal of Economic Issues, (2)*, 517.
- Blau, J. R., & Blau, P. M., (1982). The Cost of Inequality: Metropolitan Structure and Violent Crime. *American Sociological Review, (1)*, 114.
- Kleider, H. M., Knuycky, L. R., & Cavrak, S. E. (2012). Deciding the fate of others: the cognitive underpinnings of racially biased juror decision making. *Journal of General Psychology, 139*(3), 175–193.  
<https://doi.org/10.1080/00221309.2012.686462>
- Lecci, L., & Myers, B. (2008). Individual Differences in Attitudes Relevant to Juror Decision Making: Development and Validation of the Pretrial Juror Attitude Questionnaire (PJAQ) 1. *Journal of Applied Social Psychology, 38*(8), 2010–2038. <https://doi.org/10.1111/j.1559-1816.2008.00378.x>
- Levy, I., & Reuven, Y. (2017). Predicting Punitive Disciplinary Techniques among Juvenile Care Workers Based on Ethnicity, Nationality, Religiosity and Belief in a Just World. *Child & Youth Care Forum, 46*(4), 519–537. Retrieved from

<http://search.ebscohost.com.libproxy.aum.edu/login.aspx?direct=true&db=eric&AN=EJ1145082&site=eds-live>

- Maeder, E. M., & Hunt, J. S. (2011). Talking about a Black Man: The Influence of Defendant and Character Witness Race on Jurors' Use of Character Evidence. *Behavioral Sciences & the Law*, 29(4), 608–620.
- Mazzella, R., & Feingold, A. (1994). The Effects of Physical Attractiveness, Race, Socioeconomic Status, and Gender of Defendants and Victims on Judgments of Mock Jurors: A Meta-Analysis1. *Journal of Applied Social Psychology*, 24(15), 1315–1338. <https://doi.org/10.1111/j.1559-1816.1994.tb01552.x>
- McManus, L., Maeder, E., & Yamamoto, S. (2018). The Role of Defendant Race and Racially Charged Media in Canadian Mock Juror Decision Making. *Canadian Journal of Criminology and Criminal Justice*, 60(2), 266–295. <https://doi.org/10.3138/cjccj.2017.0035.r1>
- Pickel, K. L., Warner, T. C., Miller, T. J., & Barnes, Z. T. (2013). Conceptualizing defendants as minorities leads mock jurors to make biased evaluations in retracted confession cases. *Psychology, Public Policy, and Law*, 19(1), 56–69. <https://doi.org/10.1037/a0029308>
- Schuller, R. A., Kazoleas, V., & Kawakami, K. (2009). The impact of prejudice screening procedures on racial bias in the courtroom. *Law and Human Behavior*, 33(4), 320–328. <https://doi.org/10.1007/s10979-008-9153-9>

**Appendix A**  
**INFORMED CONSENT**  
**Concerning Participation in a Research Study**

*Mock Juror Decision Making*

You are invited to participate in a study of exploring the relationship between mock jurors' decisions and a defendant's characteristics in a court case. This study is a graduate thesis project.

**Research Purpose & Procedures:**

The present study aims to investigate what type of impression mock jurors form regarding defendant when presented with mock trial case summary. Specifically, are mock jurors' decisions regarding verdicts and sentencing influenced by characteristics of the defendant? You were selected as a possible participant because you are an undergraduate student at AUM and you expressed interest in participating in the particular study. If you decide to participate, I, Victoria Spellman, along with the help of Dr. Rolando Carol, and 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 read/listen 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 250 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 of 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 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 investigators, Victoria Spellman ([vspellma@aum.edu](mailto:vspellma@aum.edu)) and/or Dr. Rolando Carol ([rcarol@aum.edu](mailto:rcarol@aum.edu); 334-244-3589). 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](mailto: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 will 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

### Pretrial Juror Attitudes Questionnaire

Please indicate your level of agreement on the following statements.

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

Disagree      Disagree      Know      Agree      Agree

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

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

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

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

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

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

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

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

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

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

25. A Black man on trial with a predominately 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 found 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

**Appendix C****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 D

### Demographics Questionnaire

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 your 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	_____ Hindu
_____ Jewish	_____ Mormon
_____ Muslim	_____ Atheist/Agnostic
_____ Buddhist	_____ Other
7. What was the last grade finished or degree earned by your parents in school?  
(Check one for you father and one for your mother.)
 

7a. Father –	7b. Mother –
_____ Up to grade 8	_____ Up to grade 8

- |  |  |
|--|--|
| <input type="checkbox"/> Some high school (grades9-12) | <input type="checkbox"/> Some high school (grades9-12) |
| <input type="checkbox"/> High school diploma / GED     | <input type="checkbox"/> High school diploma / GED     |
| <input type="checkbox"/> Some college                  | <input type="checkbox"/> Some college                  |
| <input type="checkbox"/> College degree                | <input type="checkbox"/> College degree                |
| <input type="checkbox"/> Some post-graduate work       | <input type="checkbox"/> Some post-graduate work       |
| <input type="checkbox"/> Post-graduate degree          | <input type="checkbox"/> Post-graduate degree          |

8. What is the combined yearly income of both 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 E

### CASE SUMMARY

#### *For White Defendant Groups*

The Grand Jury has charged Jacob Smith with second degree robbery following an incident that occurred at the Mobil service station on Burlington Road 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 Road was threatened with a firearm and robbed. The robbery occurred at approximately 11:45 p.m. Only one other witness came forward: Shane Latham, the owner of the retail store across the street from the service station, who witnessed the perpetrator entering the get-away vehicle and fleeing the scene. There were two individuals in the vehicle, but only one perpetrated the robbery.

The State alleges that the defendant, Jacob 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 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.

#### *For Black Defendant Groups*

The Grand Jury has charged DeShawn Jones with second degree robbery following an incident that occurred at the Mobil service station on Burlington Road 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 Road was threatened with a firearm and robbed. The robbery occurred at approximately 11:45 p.m. Only one other witness came forward: Shane Latham, the owner of the retail store across the street from the service station, who witnessed the perpetrator entering the get-away vehicle and fleeing the scene. There were two individuals in the vehicle, but only one perpetrated the robbery.

The State alleges that the defendant, DeShawn Jones, 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 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.



## Defendant Background

*For White Defendant, Controlled Ascribed SES Group*

The defendant, Jacob Smith, is a 24-year-old male. He lives 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.

*For White Defendant, High Ascribed SES Group*

The defendant, Jacob Smith, is a 24-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.

*For White Defendant, Low Ascribed SES Group*

The defendant, Jacob Smith, is a 24-year-old male. He lives in a single room in a boarding house in a low-income 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 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.

*For Black Defendant, Controlled Ascribed SES Group*

The defendant, DeShawn Jones, is a 24-year-old male. He lives 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.

*For Black Defendant, High Ascribed SES Group*

The defendant, DeShawn Jones, is a 24-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.

*For Black Defendant, Low Ascribed Status*

The defendant, DeShawn Jones, is a 24-year-old male. He lives in a single room in a boarding house in a low-income 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 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.

## 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:** witnessed perpetrator flee scene

### Testimonies from the Prosecution

#### *Martin's Testimony*

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.

#### *Clark's Testimony*

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. He discovered a discarded black ski mask, he 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. He also discovered that there was one other witness, Shane Latham.

#### *Latham's Testimony*

Shane Latham testified that he is the owner of the retail store directly across the street from the crime scene. He stated that he was leaving his store at approximately 11:45 pm on June 27, 2013, when he witnessed the perpetrator get into the passenger's side of a waiting vehicle. Due to the distance and way that the vehicle was positioned, Latham never saw the perpetrator's face once he removed the black ski mask. Also, he could not testify to the exact make and model of the vehicle. Only that it was a "nice blue sports car. A new car, which was either a Honda or Toyota."

## 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:** forensics expert, hired by the defense

### Testimonies from the Defense

#### *Hopkins' Testimony*

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".

#### *Camp's Testimony*

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 from the Prosecution

#### *For White Defendant Groups*

The District Attorney for the prosecution summarized his case against Jacob Smith by arguing that, "the evidence and testimony against the defendant was overwhelming. The facts are hard to dispute. The truth is he robbed the victim, Jennifer Martin and threatened her with a firearm. After all, there are witnesses, and one of those witnesses described a vehicle that fits the description of the defendant's own vehicle, leaving the scene of the crime. Also, there is physical evidence to corroborate his involvement. All of this evidence clearly points to one thing: the defendant, Jacob Smith, is guilty of robbery in the second degree", the District Attorney stated.

#### *For Black Defendant Groups*

The District Attorney for the prosecution summarized his case against DeShawn Jones by arguing that, "the evidence and testimony against the defendant was overwhelming. The facts are hard to dispute. The truth is he robbed the victim, Jennifer

Martin and threatened her with a firearm. After all, there are witnesses, and one of those witnesses described a vehicle that fits the description of the defendant's own vehicle, leaving the scene of the crime. Also, there is physical evidence to corroborate his involvement. All of this evidence clearly points to one thing: the defendant, DeShawn Jones, is guilty of robbery in the second degree”, the District Attorney stated.

### **Closing Arguments from the Defense**

#### *For White Defendant Groups*

The Defense Attorney summarized his defense of Jacob 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, there is no proof that the defendant’s vehicle is the same vehicle. 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.”

#### *For Black Defendant Groups*

The Defense Attorney summarized his defense of DeShawn Jones 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, there is no proof that the defendant’s vehicle is the same vehicle. 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.”

**Appendix F**

**Manipulation Checks**

- (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 of 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

## Appendix G

### Juror Instructions: Robbery II

The State of Alabama has charged the defendant, DeShawn Jones, 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.

**Appendix H**

**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:

*Press the number on the keyboard that corresponds with your answer.*

- 1. NOT GUILTY**
- 2. GUILTY**

**Appendix I**

**Sentence Recommendation**

Now assume that the defendant is guilty. The state provides for the following sentencing options. Please indicate which of the twenty-one 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 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18  
19 20

^ Probation &

Maximum ^

Mandatory

Treatment

Years





DEFENDANT ASCRIBED SES AND RACE

14. 1 2 3 4 5 6 7  
Unreasonable Neutral Reasonable

15. 1 2 3 4 5 6 7  
Devious Neutral Honest

16. 1 2 3 4 5 6 7  
Cruel Neutral Charitable

17. 1 2 3 4 5 6 7  
Timid Neutral Confident

18. 1 2 3 4 5 6 7  
Unconcerned Neutral Concerned  
with others with others

**Appendix K**

**Juror Opinions Form**

1. In your opinion, how responsible is the defendant 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 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 high 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

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		Somewhat	Don't	Somewhat		Extremely

Disagree                      Disagree                      Know                      Agree                      Agree

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

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 safety of those in 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 a judge believed that the prison system could not keep the defendant 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

## Appendix L

### Debriefing

Thank you for participation in my study. Now, I will describe to you the purpose of the study. First, it is important that you understand what ascribed status is. It is a status that a person has not earned for himself. It is a status that is assigned to him by his family. For example, ascribed high socioeconomic status would be when someone is rich because their family is rich, not because they worked to earn their high financial status. I am investigating what role this ascribed status and race 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 social 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: Victoria Spellman ([vspellma@aum.edu](mailto:vspellma@aum.edu)).