Mock juror perceptions of juvenile defendants in adult court

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MOCK JUROR PERCEPTIONS OF JUVENILE
DEFENDANTS IN ADULT COURT

by

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Bachelor of Arts
Cornell University
1997

Master of Arts
University of Nevada, Las Vegas
2001

A thesis submitted in partial fulfillment
of the requirements for the

Master of Arts Degree
Department of Criminal Justice
Greenspun College of Urban Affairs

Graduate College
University of Nevada, Las Vegas
August 2001
The Thesis prepared by
Jennifer Lynne Personius

Entitled
Individual Juror Perceptions of Juvenile Defendants in Adult Court

is approved in partial fulfillment of the requirements for the degree of
Master of Arts in Criminal Justice

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ABSTRACT

Mock Juror Perceptions of Juvenile Defendants in Adult Court

by

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The focus of this study is on individual juror's perceptions of juveniles that have been remanded to the adult court system for trial. Jurors are expected to be harsher on juveniles tried in adult court than they would be on adults who committed the same crime. Participants recruited from students in UNLV's criminal justice classes were given a short vignette of a crime where the defendant's age and severity of the crime were manipulated. Participants were also given a short packet of personality questionnaires. Participants were asked to make verdict recommendations and sentence the offender when a guilty verdict was rendered. Results did not support the initial hypothesis. There was no significant difference between juveniles and adults with regard to verdicts rendered, nor did the personality scales have a significant effect on results.
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ACKNOWLEDGMENTS

The author would like to thank Dr. Joel Lieberman and Dr. Kriss Drass for their help in completing this thesis. The author also thanks Alan, Lynne and Rebecca Personius and Thomas J. Stetter for all their invaluable, unconditional support.
CHAPTER 1

INTRODUCTION

This thesis project addresses the way that individual jurors perceive a juvenile defendant on trial in adult court. In the juvenile court system, juries are not used during proceedings; rather, the judge determines guilt and sentence. Juries are used in adult criminal court, and therefore the only time a juvenile would come into contact with a jury is when he has been remanded to adult court for trial. There is very little previous research specifically addressing juror perceptions of juvenile defendants in adult court, therefore it is important to examine the way that a juvenile defendant will be perceived by jurors. Previous jury research has shown that jurors do identify defendants differently based on personal characteristics of the defendant, yet the defendant's age and its effect on jurors' decisions has not been addressed by these studies. Due to the numbers of juveniles being remanded to adult court for trial and facing a jury for the first time, it is essential to examine defendant age as a potential characteristic that may affect jurors’ assessment of the defendant.

In the past 20 years, “at both the state and federal level, court decisions and legislative acts have gradually redefined the philosophy and practice of the nation’s juvenile courts” (Barnes & Franz, 1989, p. 117). Each state has specific statutes, which are usually based on age criteria that define a juvenile under the juvenile court system. Usually, these statutes define upper age limits, and juveniles under those age limits are
kept under the jurisdiction of the juvenile court system (DeFrances & Strom, 1997).
However, there is legislation in all fifty states permitting prosecutors to proceed against
juveniles as adults in criminal court. The statutes involve exceptions to the age criteria,
and include judicial waiver, concurrent jurisdiction statutes, and statutory exclusion of
certain offenses from juvenile court jurisdiction (Strom et al., 1998).

In the last two decades, new "get-tough" policies in the adult criminal justice system
have caused the criminal justice system to focus more and more on punishment and
retribution (Feld, 1987, Snyder & Sickmund, 1999). Thomas and Bilchik (1985) state that
the transfer decision subjects "juveniles to the harsh treatment by criminal courts that are
increasingly committed to retributive rather than rehabilitative goals" (Thomas &
Bilchik, 1985, p. 439). The original focus of the juvenile justice system was to protect
and rehabilitate juvenile offenders (Feld, 1987). Punishment, a goal in the adult system,
is retrospective, imposing consequences for past behavior, whereas treatment, the stated
goal of the juvenile system, is prospective, seeking to improve the future welfare of
offenders (Feld, 1992). Punishment and treatment are mutually exclusive processes, as
they are fundamentally different. Punishment focuses on the offense and involves state-
imposed burdens on lawbreakers, while treatment focuses not on the offense, but the
needs of the offender (Feld, 1987). Transfer to adult court is partly a sentencing decision,
where the judge has chosen between the punitive criminal justice system and the
rehabilitative juvenile system (Feld, 1987). In addition, waiving a case has become the
legal equivalent of admitting that rehabilitative efforts and the potential of the juvenile
justice system are inadequate (Thomas & Bilchik, 1985).
Since more juveniles are being sent to adult court, it is important to understand the behavior of jurors regarding these young defendants. In the adult criminal justice system, juvenile defendants are given more due process protections, but there is less consideration of their special needs as juveniles. By allowing juveniles into the system that focuses largely on punishment and hardly at all on rehabilitation, the juveniles are not getting the protection they would have been entitled to had they remained in the juvenile justice system. Originally juveniles were protected by the juvenile courts, but the change in the juvenile court’s focus from protection to retribution has caused an increase in the number of juveniles remanded to adult court for trial. Jurors, who would never have been involved with a juvenile defendant had the defendant remained in juvenile court, now determine the extent of the punishment that these juveniles receive.

Much of the literature on judicial waiver is focused on the process through which juveniles are remanded to criminal court and the sentences they receive there. Since there are no specific studies exploring jurors’ perceptions of the juvenile defendant in adult court, the study undertaken as part of this thesis presents interesting new information regarding the experience of juveniles who have been remanded to adult court.

This review of literature regarding aspects of juveniles in adult court will begin with an overview of current jury research relating to the perceptions of the defendant in order to demonstrate that the jury does perceive defendants differently based on a number of criteria. It will next examine the change in the nature of the juvenile court system to illustrate the problem of larger numbers of juveniles being remanded to adult courts for trial and the resultant need for research into perceptions of juveniles in adult court.
Following that, recent statistics about the type of crime and the demographics of juveniles in adult court will be discussed, as well as a brief introduction to the different ways that a juvenile may find himself in an adult courtroom. Variables affecting the transfer decision, sentencing of juveniles in adult court, and consequences of the transfer decision are also discussed in order to illustrate the need for research in this area. Relevant psychological research addressing attribution theory, heuristics and stereotypes as well as specific personality factors, will also be reviewed in an effort to explain the reasons that jurors may perceive juvenile defendants differently than they do adult defendants.
CHAPTER 2

REVIEW OF RELATED LITERATURE

Jury Research

Extra-legal factors have been shown to influence jury decisions (Gerbasi, et al., 1977). Extra-legal factors are defined as "legally irrelevant considerations" (Mazzella & Feingold, 1994, p. 1315) and include personal characteristics of the defendant, victim and juror. Personal characteristics include age, race, gender, social class or socio-economic status, and perceived attractiveness.

Mazzella and Feingold performed a meta-analysis of previous jury research to examine the effects of extralegal factors such as race, physical appearance, gender and socio-economic status on individuals' judgments of guilt and punishment. They stated that jurors may unconsciously find personal characteristics relevant, and will be more likely to assume a defendant's guilt and have less sympathy for the defendant when he possesses characteristics commonly associated with criminality (Mazzella & Feingold, 1994). Mazzella and Feingold pointed out that since African-Americans, poor people, males, and unattractive people are often over-represented among perpetrators, jurors may associate those characteristics with criminality (Mazzella & Feingold, 1994). Jurors may be more likely to recommend harsher punishments for defendants who possess "criminal characteristics", and to recommend less punishment for defendants who share the same
characteristics as the victim (Mazzella & Feingold, 1994). Mazzella and Feingold found
that attractive defendants often receive less punishment than unattractive ones, that the
effects of race on judgments of punishment were moderated by crime, but that race also
had complex interactions with a number of factors (Mazzella & Feingold, 1994). They
found that defendants with a low socio-economic status were more likely to be found
guilty and receive greater punishment than those defendants with a higher socio-
economic status (Mazzella & Feingold, 1994). In addition, they discovered that there
was no significant effect of gender on guilt or punishment, but the tendency was for
males to receive harsher punishments than females (Mazzella & Feingold, 1994).

Another personal characteristic of the defendant that seems especially important in
juvenile trials comes from the work done by Diane Berry and Leslie Zebrowitz-
McArthur. They state that baby-faced defendants characterized by immature features like
large eyes, low feature placement, small chin, or short noses are perceived to have
childlike psychological qualities and are perceived as more honest and naïve than mature-
facaded defendants. They are also rated as physically weaker and more submissive than
their counterparts who have a more mature appearance (Berry & Zebrowitz-McArthur,
1988). Because of these common attributions made about baby-faced defendants, Berry
and Zebrowitz-McArthur successfully tested the prediction that jurors are more likely to
believe information implicating a baby-faced offender in a crime of negligence, yet are
less likely to perceive a baby-faced defendant as guilty of an intentional crime (Berry &

Berry and Zebrowitz-McArthur discovered an opposite trend when participants were
given a trial transcript clearly indicating guilt and were asked to recommend a sentence.
In these cases, mock jurors tended to recommend less severe punishments for baby-faced defendants pleading guilty to a negligent offense than mature-faced defendants (Berry & Zebrowitz-McArthur, 1988). This tendency results “from the belief that people should not be held culpable for an action resulting from naïveté” (Berry & Zebrowitz-McArthur, 1988, p. 30). They reason that “if a person is not perceived as being knowledgeable enough to avoid getting into trouble, it would seem reasonable for others to be reluctant to punish him” (Berry & Zebrowitz-McArthur, 1988, p. 30-31). In cases where the defendant was guilty of an intentional crime, babyfaced defendants received harsher punishment than mature-faced defendants. Berry and Zebrowitz-McArthur (1988) reason that the harsher punishment follows from the perception that the defendant used the qualities associated with his babyface (his innocent appearance) to dupe or defraud others (Berry & Zebrowitz-McArthur, 1988).

Berry and Zebrowitz-McArthur's work is especially important in cases of juveniles in adult court. Many of the juveniles remanded to adult court for trial are between the ages of 16 and 18, which is the age when the babyface begins to mature (Berry & Zebrowitz-McArthur, 1988). It is therefore likely that many of the juvenile defendants will have at least some of the characteristics of a baby-face. The effects of his or her probable babyface may unconsciously affect the jury's feelings about him. With an intentional crime such as assault or burglary, juveniles may receive harsher punishment than their adult counterpart would for the same crime.

Past jury research has demonstrated that there are extra-legal characteristics and experiences that the jury taps into when deciding a case in addition to the evidence presented during trial. These cues may be unconscious and the juror may not even realize
he has used them in forming his opinion about the case, but the fact remains that these characteristics affect the outcome of the case. This means that a juvenile on trial in adult court may be at an automatic disadvantage with the jury before the trial even begins.

Waiver Terminology

Waiver terminology is discussed here in order to provide a working knowledge of the terms commonly used when discussing transfer. There are different ways for a juvenile offender to be sent to adult court for trial, and they are called transfer provisions or transfer mechanisms. Transfer mechanisms include waiver provisions, prosecutorial discretion, and statutory exclusion laws. Specifically, waiver provisions are the different ways for a juvenile court judge to waive the jurisdiction of the juvenile justice system over a specific juvenile offender. Under the waiver provisions, the juvenile cannot be tried as an adult until a juvenile court judge has ordered it. Judicial waivers are the most common manner in which juveniles are transferred to adult court (Feld, 1987).

Prosecutorial discretion laws are also referred to as direct file or concurrent jurisdiction. Statutory exclusion laws are also called automatic waiver or mandatory transfer. The terminology surrounding this process can vary between states. In some places it is referred to as a transfer to adult court, a bind-over to adult court, or remanding for criminal prosecution (Griffin, et al., 1998). The process is also called certification, as the juvenile is now certified as an adult, and can appear in the criminal justice system (in this paper, also called the adult court system). All 50 states have at least one way to remand a juvenile to adult court for trial, and many have a combination of the three types of laws (Bishop & Frazier, 1991, Griffin, et al., 1998, Snyder & Sickmund, 1999). All of
these 50 states have introduced this legislation in the latter half of the 20th century in response to a change in the nature of the juvenile justice system.

A Change in the Nature of the Juvenile Court System

When the juvenile justice system came into being in the late 19th century, it was with a benevolent attitude towards juveniles, with a focus on protection and rehabilitation of juvenile delinquents. The "development of a separate justice system for juveniles owes much to the view that juvenile offenders are less culpable than adult offenders and more amenable to change" (Bishop & Frazier, 1991, p. 281). In the early 20th century, this was the prevailing attitude towards juvenile delinquents.

However, in the middle of the 20th century, that view began to change. There were two Supreme Court cases that illustrated the change in the focus of the juvenile justice system from protection to punishment. The Supreme Court decision in Kent v United States, 383 U.S 541, 86 S.Ct. 1045 (1966) was the original Supreme Court case regarding the judicial waiver from juvenile court. What the lower courts had done in Kent was to decide that a juvenile was beyond the scope of the juvenile justice system's rehabilitative goals and transfer jurisdiction over the case to the adult criminal justice system to ensure that the juvenile was punished properly. Morris Kent was 16 years old when he was arrested in the District of Columbia for housebreaking, robbery and rape while on probation for prior offenses. The juvenile court judge, who retained exclusive jurisdiction at the time of arrest, decided that the seriousness of Kent's crime was sufficient to waive jurisdiction and remand him to the District Court for trial. In the district court, Kent was tried and convicted. Kent's legal appeal focused on the validity
of the transfer decision. The Supreme Court decided that the decision was indeed invalid based on procedural issues, and reversed the decision.

According to the Supreme Court's decision, written by Justice Fortas, the waiver statute assumes procedural regularity, that the procedures satisfy the basic requirements of due process and fairness while at the same time giving the judge a significant amount of discretion in terms of the factual considerations, the weight given to each one, and the conclusions to be made. At the same time, Justice Fortas observed that the statute does not allow the juvenile court to determine *in isolation* (emphasis in original) whether the juvenile will be deprived of the special protections and provisions of the juvenile court by sending him to adult court. The decision concluded that a valid waiver decision is conditional. The defendant is entitled to a hearing before the judge. He is entitled to have the assistance of counsel at this hearing (*Black v. U.S.* 122 U.S. App. D.C. 393, 355 F.2d 104 (1965)). His counsel is to have access to any records the judge will consider in making his decision (*Watkins v. U.S.* 119 U.S. App. D.C. 409, 413, 343 F.2d 278, 282 (1964)). Finally, he is entitled to a statement of reasons from the judge as to why the waiver order is entered.

Barry Feld believes that another Supreme Court case, *In re Gault* 387 U.S. 1 (1967), began the transformation of the juvenile court from a court with a stated goal of helping juvenile delinquents and turned it into a court that converges procedurally and substantively with criminal courts (Feld, 1992). In the current juvenile court, punishment plays an increasing if not dominant role in sentencing juveniles (Feld, 1992). Feld lists four procedural and substantive developments since *Gault* (1967) that have contributed to the criminalizing of juvenile court: removal of jurisdiction over status offenders, waiver
of serious offenders to the adult court system, increased punitiveness, and procedural formality (Feld, 1992).

Despite massive misperception of the juvenile crime problem, state legislatures responded by passing more punitive laws and trying more cases in criminal court (Feld, 1987). These new laws fundamentally changed the juvenile justice system by changing the focus from treatment needs of the offenders to punishment and culpability, deterrence and instituting laws that require restitution to the victims and communities (Snyder & Sickmund, 1999).

The Juvenile Court Today

Today, there is an ongoing debate between people who want to abolish the juvenile court and those who want to preserve it. Some abolitionists feel that the juvenile court is not equipped to handle the increase in serious juvenile crime, others feel that the juvenile court does not provide sufficient due process, and still others feel that all delinquency cases should go directly to adult court, which would leave the juvenile court to deal with strictly non-criminal offenses (Juvenile Court - Today and Tomorrow, 1999). Preservationists argue that the juvenile court is important because its goals are rehabilitative, it has the opportunity to distinguish between delinquency and the underlying problems behind delinquent behavior and help where needed (Juvenile Court - Today and Tomorrow, 1999). They also argue that because there is a clear legal distinction between juveniles and adults, that there should be a clear distinction in the way they are treated by the legal system for law violations (Juvenile Court - Today and Tomorrow, 1999).
Extreme violence by the very young is rare, but it sways public opinion. "Although both the rate and seriousness of juvenile crime have dropped dramatically in the past few years, the recent spate of school shootings has contributed to a growing fear of youth crime, which the public incorrectly perceives as having significantly increased" (Feld, 1999, p. 13). The transfer mechanisms allow the removal of juvenile offenders who are "highly visible", serious or repetitive offenders whose repeated criminal acts threaten community safety or "stimulate public outrage" (Feld, 1983). This suggests that transfer decisions involve a certain amount of politics. The public is very disillusioned with youth crime, and they have adopted a "get-tough" attitude with regard to the way things should be dealt with (Feld, 1987). The transfer provisions are seen as a solution to handling juveniles who are believed to be beyond redemption. It is a sad fact that the needs of the juvenile are often downplayed or ignored in the rush to get tough and send him to the criminal justice system (Feld, 1987).

Waiver Statistics

Statistics are addressed to give an idea of the type of crimes and the demographics of the juvenile offenders in adult courts, and the changes that have happened over the last two decades. When considering the way that a juror will perceive the juvenile defendant, it is important to understand what type of crime and the kind of offender the jury will see.

According to a 1997 report published by the Bureau of Justice Statistics (BJS) using data from a survey done in 1994, the percentage of juveniles' cases that have been judicially waived into criminal court has remained relatively constant at about 1.4% since 1985 (DeFrances & Strom, 1997). In addition, juveniles transferred to criminal courts
represented about 1% of all felony defendants (Strom, et. al., 1998). However, from 1971-1981, "transfers to criminal court increased nationally from less than one percent to more than five percent of juvenile arrests" (Bishop & Frazier, 1991, p. 283).

Both white and black offenders experienced a rise in waiver to criminal court for person offenses between 1987 and 1994 (Snyder & Sickmund, 1999). Snyder and Sickmund (1999) state that white juveniles are predominantly waived for property offenses, and black juveniles are predominantly waived for person offenses.

From 1985 through 1991, property offenses made up the largest number of cases judicially waived, but that trend has changed since 1991. Presently, violent (or person) offenses outnumber property offenses (DeFrances & Strom, 1997). In 1987, property offenses accounted for 55% of judicially waived delinquency cases, and by 1995, property cases accounted for 34% of the cases (Snyder & Sickmund, 1999). Person offenses accounted for 28% of judicially waived cases in 1987, and in 1995, they accounted for 47% (Snyder & Sickmund, 1999). In 1996, waived property cases increased to 37% and person offenses decreased to 43% (Snyder & Sickmund, 1999). Drug and public order cases were only a small proportion of waived cases (Snyder & Sickmund, 1999). While person offenses are still the highest proportion of cases waived, their number is decreasing.

In 1996, juvenile courts waived 40 of 1000 robbery cases to criminal court, and more than 10 in 1000 aggravated assault cases. Simple assault was much less likely to be waived to criminal court (Snyder & Sickmund, 1999). Approximately 10 in 1000 burglary cases were waived, and less than 10 motor vehicle theft cases in 1000. Juvenile courts waived jurisdiction in almost 20 in 1000 drug trafficking cases, 5 in 1000 drug
possession cases, and 5 in 1000 cases with weapons offenses (Snyder & Sickmund, 1999). This adds up to approximately 1% of formally processed delinquency cases being waived (Sickmund, 1994, Snyder & Sickmund, 1999).

Generally, transferred offenders are charged with serious offenses, have a long history of prior offending, or have been deemed unresponsive to treatment in the juvenile justice system (Snyder & Sickmund, 1999). Juveniles who have long histories of offending or who injure victims are most likely to be waived to criminal court (Snyder & Sickmund, 1999). In 1996, males aged 16 or older accounted for 81% of waived cases (Snyder & Sickmund, 1999). Most juveniles tried in criminal court were black male person offenders, though black males dominated many offense categories (Snyder & Sickmund, 1999).

Waiver Research

There is no research available on the specific topic of juror perceptions of juvenile defendants in adult court. However, discussion of the process of transfer to the adult court, the studies that have examined the variables affecting the transfer to adult court and the sentencing of juveniles who have been waived may provide further insight on the way that juveniles might be perceived by jurors.

The Process of Transfer - Five Ways to Get to Adult Court

Judicial waiver provisions differ based on the level of flexibility they allow the judge in the decision-making process in deciding whether or not to remand the juvenile to adult court. There are three types of judicial waivers - discretionary, presumptive, or mandatory. Discretionary waivers leave the decision entirely up to the judges. However,
most states delineate certain criteria that must be met in order to enter a valid waiver order, often similar to those eight factors set by the Supreme Court in *Kent v U.S.* (383 U.S. 541, 566-567 (1966) - see Appendix A) (Feld, 1987). Presumptive waivers are where the transfer to adult court is assumed to be appropriate for a set class of crimes (Griffin, et al., 1998). Mandatory waivers require transfers in cases that meet certain criteria, such as age or offense (Griffin, et al., 1998). In states that have mandatory waiver laws, proceedings are initiated in juvenile court, but once it is confirmed that the criteria are met, the case is remanded to the criminal court system (Griffin, et al., 1998).

There are other ways beyond judicial waiver that allow juveniles to be tried in the adult court system. There are statutes allowing prosecutorial discretion, and statutory exclusion. In the fifteen states that have prosecutorial discretion laws, the prosecutor (rather than the juvenile court judge) decides whether or not the juvenile court or the criminal court is an appropriate forum for the case, and if necessary, files a motion to remand the juvenile to adult court (Griffin, et al., 1998). These are also known as direct file provisions. Statutory exclusion legislation is found in 28 states. This legislation gives the criminal court jurisdiction over certain classes of crimes, regardless of the age of the offender (Torbet, et al., 1996). In essence, these laws simply exclude anyone fitting into specific categories from being defined as a child or juvenile, and the offender is treated as adult from the beginning. Jurisdiction in these cases is exclusively that of the criminal court (Torbet, et al., 1996). The most common crimes legislatively excluded are murder (capital crimes) and other violent person offenses (Sickmund, 1994).
Variables Affecting the Transfer Decision

The discussion of certain variables that may have an effect on whether to transfer a juvenile to adult court highlights certain factors about the juvenile or the case that may end up being important to jurors as they render their verdicts in the trial.

It is essential to understand whether demographic, legal and organizational variables have any effect on the transfer decision and the sentencing of juveniles transferred to adult court. The “waiver hearing constitutes the last act of the juvenile system” (Barnes & Franz, 1989, p. 132) and the earlier “discretionary acts” by police, lawyers and other members of the juvenile justice system have a major impact on the kind of people that make it to the waiver hearing (Barnes & Franz, 1989). The juvenile court judges appear to focus on rational, concrete factors when making this decision (Fagan & Deschenes, 1990). The decision to transfer was not motivated by age or race, but rather the strongest relationship was between prior offense history and “proximity to the ceiling of juvenile justice jurisdiction” (Fagan & Deschenes, 1990, p 336). Demographic variables such as race, social class and gender have no impact in the waiver hearing other than in terms of their stronger contributions in earlier stages of the process (Barnes & Franz, 1989), but the seriousness of the crime committed is a major variable in the decision to transfer a juvenile to adult court (Barnes & Franz, 1989). The probation recommendations and psychological evaluations play a “crucial role” in the waiver process and increase the predictability of results in which the juvenile is remanded or retained (Podkopacz & Feld, 1996).
Sentencing of Juveniles in the Adult Court

Examining sentencing of juveniles in adult courts indicates whether there is a
difference in the way that juveniles are treated in adult courts. The juvenile court
approaches justice through individualized sentencing, which includes personal
characteristics as relevant to the case, and involves quite a bit of professional discretion
in discussing all applicable factors. It is the substantive basis of the waiver decision that
cause the most difficulty (Feld, 1992). It is difficult for a judge to determine whether a
youth is amenable to treatment or poses a threat to public safety. Asking a judge to do so
involves fundamental issues of penal policy and juvenile jurisprudence (Feld, 1992),
especially since there is a lot of current controversy over what kind of treatment actually
works with juvenile offenders. In addition, the judicial waiver proceedings require
judges to predict future dangerousness even though the science of psychology lacks an
ability to predict future criminal behavior (Feld, 1992).

Clement's (1997) research on sentencing of juveniles in the adult courts in Virginia
discusses waiver decisions based on severity of offense and the subsequent sentencing
decision. She found that the majority of juveniles being transferred to adult court are for
property offenses and drug charges, and that these juveniles will not serve long sentences,
often less than one year (Clement, 1997). The violent offenders that are remanded (those
who commit murder or rape) are the only ones who get any serious prison time, five
years or more (Clement, 1997). Her observation is that there is a need to get to the root
of the problem, rather than trying to cope with the offenders after the fact. She comments
that juvenile court, with the increase in numbers of juveniles being remanded to adult
court, “may become divested of delinquent youth” and increasingly focused on younger
children and their families (Clement, 1997, p. 216). Although that is a worthy goal, she observes that it appears society is giving up on a certain group of older youth (Clement, 1997).

Barnes and Franz (1989) showed that the effect of transferring the juvenile varies with the type of offense. Property offenders with a long history of property offenses were more lightly punished in adult court than they would have been in juvenile court, while personal and aggravated personal offenders with few prior offenses were given much more punitive treatment in adult court (Barnes & Franz, 1989). This difference is because of the factors affecting sentencing in the two courts. In adult court, the sentences are given based on the appropriateness to the offense and allow some flexibility. In juvenile court, the number and nature of prior offenses and prior treatment outweigh the current offense when determining sentencing (Barnes & Franz, 1989). This sentencing model explains some of the observed differences in sentencing between those remanded to adult court and those kept in juvenile court.

Phyllis Gerstenfeld and Alan Tomkins (1992) studied whether age was a mitigating factor in sentencing of death penalty cases involving homicide. They did this research in response to Justice Scalia's assertion in Stanford v. Kentucky, 492 U.S. 361 (1989) that he presumed jurors would treat age as a mitigating factor in death penalty cases for juveniles. Stanford v Kentucky is a consolidated case where two juveniles, Kevin Stanford from Kentucky and Heath Wilkins from Missouri, were separately remanded for trial as adults for homicide. Stanford was 17 years old, and Wilkins was 16. Both juveniles were found guilty and sentenced to death for their crime in their home states of Kentucky and Missouri. Both defendants appealed their sentence, claiming that it

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violated the Eighth Amendment’s prohibition against cruel and unusual punishment, a plea that was successful in *Thompson v. Oklahoma*, 487 U.S. 815 (1988) and *Eddings v. Oklahoma*, 455 U.S. 104 (1982). However, the Supreme Court affirmed the judgments of the appellate courts in both cases that the death penalty sentence did not violate the Eighth Amendment. In the opinion, Justice Scalia stated that “The thrust of both Wilkins’ and Stanford’s arguments is that imposition of the death penalty on those who were juveniles when they committed their crimes falls within the Eighth Amendment’s prohibition against ‘cruel and unusual punishments’” *Stanford v. Kentucky*, 492 U.S. 361, 368 (1989). Scalia also cited *Coker v. Georgia*, 433 U.S. 584, 592 (1977) (plurality opinion) when he stated that “Eighth Amendment judgments should not be, or appear to be, merely the subjective views of individual Justices; judgment should be informed by objective factors to the maximum possible extent” *Stanford v. Kentucky*, 492 U.S. 361, 369 (1989). The court reasoned that the judgment of Eighth Amendment violation must be examined under existing law, and under those existing laws, the defendants had failed to prove that their sentence was in violation.

Gerstenfeld and Tomkins (1992) studied the effect of age as a mitigating factor because of Justice Scalia’s assertion in the opinion for *Stanford v. Kentucky* (1989) that age would act as a mitigating factor in juvenile capital crimes. They presented students with homicide vignettes where they varied the defendant's age, criminal record, and the heinousness of the crime and asked them to recommend a sentence (Gerstenfeld & Tomkins, 1992). They varied the nature of the present offense because it largely determines whether or not the death penalty will be sought, and the prior history has been shown to be an important variable in determining dispositions (Gerstenfeld & Tomkins,
They found that age acted as a mitigating factor only in cases where the defendant was sixteen or younger, and that the heinousness of the crime was a much stronger predictor of sentence severity (Gerstenfeld & Tomkins, 1992). Gerstenfeld and Tomkins suggest that while younger defendants are treated more leniently, as the crime gets more heinous, age has less impact on sentence (Gerstenfeld & Tomkins, 1992). Their results also suggest that sentencers are more likely to consider mitigating factors like age and criminal history for younger defendants, while the heinousness of the crime seems to affect sentence the most for older defendants (Gerstenfeld & Tomkins, 1992). Overall, they found that the extent that a juvenile's age mitigates sentence severity is clearly affected by prior record and heinousness of the present offense (Gerstenfeld & Tomkins, 1992).

Kinder, Veneziano, Fichter and Azuma (1995) examined the dispositions of offenders that were being considered for the judicial waiver, and compared those who were remanded to criminal court to those who were deemed fit to remain in juvenile court (Kinder et al., 1995). The cases where the juvenile was processed in juvenile court were often decided sooner than those who had been remanded to adult court (Kinder et al., 1995). It may be more difficult to prosecute offenders in criminal court than in the juvenile justice system (Kinder et al., 1995). Transferring to adult court did not mean that the juvenile received the kind of “get tough” punishment that is the intention of the waiver (Kinder et al., 1995).

In another study, Rudman, Hartstone, Fagan and Moore (1986) found that conviction rates and severity of sentencing in criminal courts for serious offenses are about the same for juveniles and adults, but that they vary by state and court type. This is
counterintuitive to the idea that juveniles may get more lenient sentences in adult courts because of their age (Grisso, 1996). Rudman et al. (1986) also suggest that there might be "a 'leniency gap' where juveniles in adult court are viewed as 'neophytes' and are less often convicted or punished" (Rudman et al, 1986, p. 78). In response to this notion, Grisso states that there is a recent "narrowing of the gap between adolescents and adults with regard to the punishments they receive for serious violent offenses such as murder" (Grisso, 1996, p. 231). This is a particularly troubling finding because it means that juveniles will be subjected to the same harsh punishments as adults and can expect to be incarcerated for life or even executed for serious violent offenses, when one might feel that their age means that they do not have the same capacity as adults to understand what is happening to them in the adult court.

Consequences of Waiver

Judges and prosecutors must weigh the impact their decision will have on the future of any juvenile transferred to adult court for trial. Juries need to understand the magnitude of what it means to have a juvenile defendant in the case they are hearing. According to Feld, the current waiver legislation does not take into account the consequences for kids of the incarceration in adult prisons, the quality and effectiveness of the programs available to them, and the resulting recidivism rates (Feld, 1987). Waiver decisions "permanently affect the youth's life chances" and are the "worst of both worlds" for the juvenile (Watkins, 1998, p. 154). Being tried as an adult is society's final judgment on serious or violent offenders, and reminds his readers that if a juvenile is convicted as an adult felon, he automatically loses certain civil rights and therefore a number of occupational or professional opportunities (Watkins, 1998).
There are several other consequences of the transfer decision, including the possibility of execution or life imprisonment, the potential for victimization when incarcerated in adult prisons, and the negative psychological effects of the publicity associated with trials in criminal court (Grisso, 1996). Bishop & Frazier (1991) have explained how the status of the term "juvenile" carries with it "a shield from publicity, protection against extended pre-trial detention and post-conviction incarceration with adults, and a guarantee that confinement will not extend beyond the age of majority. It also provides "protection against loss of civil rights, against disqualification for public employment, and against the personal status degradation and restriction of legitimate opportunities that often follow a criminal conviction" (Bishop & Frazier, 1991, p. 283). These protections are all lost when a juvenile is transferred to adult court for trial.

Review Of Theoretical Perspectives

In an attempt to explain the behavior of juries as they render their verdicts, research in attribution theory, heuristics, and stereotypes, as well as several personality factors will be discussed.

Attribution Theory

Attribution theory is a significant part of the social cognition literature. Attribution theories examine the way the social perceiver (the actor) uses information to arrive at causal explanations for specific events (Fiske & Taylor, 1991). In the context of the research conducted for this study of jury perception of juveniles, the actor is a juror. These theories focus on the kind of information the actor gathers and how it is used. "The attribution approach treats the actor as a constructive thinker searching for causes of
the events confronting him and acting upon his imperfect knowledge of causal structure in ways that he considers appropriate" (Kelley, 1971, p. x). Causal inferences are important to the social actors and often form the basis of behavior, other cognitions, and emotions (Fiske & Taylor, 1991).

Kelley (1971) points out that there are some common problems in the way people attribute behavior to others. People don't take enough account of external causes (contextual factors) when they judge others' behavior, and more responsibility is attributed to people when their actions are for gain rather than the prevention of loss or avoidance of punishment (Kelley, 1971). There is also "a pervasive tendency for actors to attribute their actions to situational requirements, whereas observers tend to attribute the same actions to stable personal dispositions" (Jones and Nisbett, 1971, p. 80).

The Fundamental Attribution Error is a common mistake in the actor's process of creating attributions. The problem arises when the actor mistakenly attributes a person's behavior to his disposition, rather than realizing the behavior is a product of the situation (Fiske & Taylor, 1991). For example, at a social function, the actor sees a colleague acting outrageously, in a manner that he is not accustomed to. Instead of recognizing that the outrageous behavior is a product of an uncomfortable situation and too much alcohol, the actor attributes those outrageous characteristics to his colleague's personality.

Attributions about the juvenile will be made immediately upon seeing him. Jurors will consider their prior expectations for juvenile delinquents based on their causal schemas, and make attributions about the defendant based on how well or poorly the defendant fulfills them. Jurors who commit the fundamental attribution error might render verdicts that do the juvenile defendant a great disservice. Jurors who attribute the
behavior exhibited to the juvenile's disposition rather than the situation in which he found himself will be less focused on ways to solve situational problems for juveniles in similar situations, but will be more apt to focus on retribution for a "bad person".

Jurors who commit the Fundamental Attribution Error may be harsher and more punitive in their verdict. They will assume that the defendant has an evil personality, rather than that he might have been in a bad situation. By attributing the behavior to his character instead of his situation, they have automatically created a bias against the defendant. From this point forward, they will continue to view him in a negative light and he may not be treated as fairly as he would have if jurors were able to only consider the situational evidence. In the case of juvenile defendants in adult courts, the perceptions may differ from that of an adult due to the violation of the causal schema for juveniles. Adding the Fundamental Attribution Error to the distress created when the causal schema is violated, jurors may find themselves assuming things about a juvenile defendant's guilt based on his personality rather than the situation he was in.

Kelley (1971) states that moral judgments are rendered when a person is judged to be responsible for his actions. However, Kelley puts forth the idea that moral and ethical judgments are concerned more with discouraging (or encouraging) future behavior rather than examining past or imaginary acts, and that these "judgments are guided by estimates of future responsibility rather than present or past responsibility" (Kelley, 1971, p. 17). Because of this tendency, Kelley (1971) suggests that "criticism might be quite harsh after an immoral act, even if it was one for which the person's causal responsibility was quite unclear", and therefore that the criticism of a bad act may be partly from the attribution of the act, but also the "future avoidability" of the act (Kelley, 1971, p. 17).
These comments about moral judgments are particularly relevant to jury decisions. In essence, juries are rendering moral judgments on defendants under the umbrella of the law, and therefore Kelley's ideas might be particularly important to the specific case of juvenile defendants. Juries might be quite harsh on a juvenile defendant partly because of the way they attribute the act to him, however, they may see that there is quite a bit of future left for a juvenile to avoid these acts, more so than there might be for an adult.

**Heuristics**

The social perceiver (actor/juror) is required during day-to-day activities to make complex judgments or inferences under difficult situations. There may be little time available for decision making, a problem that is very complex, a high volume of available information, or information that is uncertain. The actor must be able to make adequate inferences and decisions, rather than the optimal decisions. Heuristics, or shortcuts, make complex problem solving more manageable, and are therefore subject to some bias (Tversky & Kahneman, 1974). Heuristics are fundamental to making inferences.

"The act of identifying people as members of categories or the act of assigning meaning to actions is fundamental to all social inference and behavior" (Fiske & Taylor, 1991, p. 270). The representativeness heuristic is essentially a judgement of relevancy preceding a probability judgement. It answers two general questions: "how well do the attributes of person A fit category B?", and "how likely is it that person A is a member of category B?" The representativeness heuristic, or shortcut, evaluates the probability or likelihood of an event by the degree to which A is representative of B (Tversky & Kahneman, 1974). For example, Steve is a shy, quiet person who wears glasses and likes to read. If people are asked to choose his occupation from a list of possibilities including
that of a librarian, they are essentially being asked to assess the probability that Steve is a librarian. In order to do this, they must decide the degree to which he is representative of (similar to) the stereotype of a librarian, and are more likely to classify him as a librarian because he matches their mental representation of a librarian (Tversky & Kahneman, 1974). Tversky & Kahneman (1974) list several problems with the representativeness heuristic - with two especially important ones. When people rely on the representativeness heuristic, they find an insensitivity to prior probability of outcomes: they do not take into account the base-rate frequency of an outcome, meaning that they do not consider how often an outcome occurs normally. In the example about Steve, people do not consider that there are a lot fewer librarians in the population than there are businessmen or lawyers, also categories that Steve may fit into. People also find an illusion of validity: the confidence people have in their prediction depends primarily on the degree of perceived representativeness - the quality of the fit between the chosen outcome and the input information - with little or no regard for the factors limiting predictive accuracy (Tversky & Kahneman, 1974). Again, in Steve’s case, one person may feel very confident about her choice of Steve’s occupation because Steve reminds her of the librarian in her elementary school, and therefore fits her definition of “Librarian”.

The representativeness heuristic is especially important when considering the way that jurors will perceive juvenile defendants. Jurors will be presented with a defendant who has a certain set of characteristics. From those characteristics, they will unconsciously assess how well the juvenile defendant fits with the stereotype of "criminal". Depending on how well they are able to make the defendant fit the
stereotype, they may react differently to him and treat him differently. Jurors will also suffer from the illusion of validity, a possibly false confidence that they have made the correct decision about the defendant without awareness of the fact that their input information (or even their stereotype) may be incorrect and therefore inappropriate to the match they have just made.

Stereotypes

Stereotypes are a mental representation of a social group and its members. Stereotypes are a form of the representativeness heuristic, meaning that they organize and integrate incoming information, direct attention towards certain kinds of information, and affect the retrieval of information. Stereotypes are symbolic, affective, often political and ideological (Agoustinos & Walker, 1995). There are two major kinds of stereotypes. First, there are social stereotypes, which are shared by and identifiable by all members of a certain culture. Individual stereotypes are those that are held by any one person about a certain social category, but are not shared by that person's culture (Agoustinos & Walker, 1995). Stereotypes derive their form and content from the social context surrounding the actor, and they have social consequences that can lead to social injustice and prejudice (Agoustinos & Walker, 1995).

Jackson, Sullivan & Hodge (1993) state that stereotypes influence causal attributions by providing a source of expectancies about behavior. "Behavior that is consistent with stereotype-based expectancies is attributed to internal stable causes, whereas stereotype-inconsistent behavior is attributed to external causes or to internal unstable causes" (Jackson, Sullivan & Hodge, 1993, p. 69). This means that when a person has a stereotype in their mind, and they see a person behaving in accordance with that
stereotype, they attribute that behavior to the person's personality. Alternately, if the person is behaving differently than the stereotype would predict, the behavior is attributed to an external cause. Concretely, if a juror believes that today's juveniles are all hooligans, and he comes in contact with a juvenile defendant while on jury duty, that juvenile defendant will reinforce his stereotype and the juvenile will be perceived as a bad person.

Förster, Higgins & Stack (2000) define stereotypes as expectancies about groups that serve both as a processing function but also a "self-regulatory function for maximizing the benefits and minimizing the costs of social interaction" (Förster, Higgins & Stack, 2000, p. 179). As beliefs, stereotypes can be confirmed by congruent information and disconfirmed by incongruent information (Förster, Higgins & Stack, 2000). If these beliefs are necessary for effective self-regulation, then disconfirming information may be threatening to the belief-holder, and will subsequently produce negative affect (Förster, Higgins & Stack, 2000). Reducing the negative affect requires protection against the perceived threat, and therefore creates a "vigilance orientation", which increases attention and sensitivity to incongruent information relative to congruent information and also improves the memory for the incongruent information (Förster, Higgins & Stack, 2000).

This means that people will pay more attention to and remember better information that doesn't fit with their stereotype. The effect of this disconfirming information increases vigilance, which increases the negative affect, which improves memory for the disconfirming information and doesn't necessarily mean that the stereotype will change (Förster, Higgins & Stack, 2000). For example, if a juror believes that today's juveniles should be well behaved and obey their parents, and when he comes in contact with a
juvenile defendant while on jury duty, that juvenile defendant will provide incongruent information to the juror's stereotype. The incongruent information produces negative affect in the juror, which may rebound on the juvenile defendant.

Heuristics and their cognitive processing will likely play a role in the situation in question. Jurors will use heuristics (or shortcuts) to make judgments about the defendant. Jurors will also categorize the juvenile defendant quickly in a way that is likely to be negative. Since there is incomplete information available to the juror about the defendant, she will use heuristics to process what information she has. If she believes that defendants are usually guilty, she may initially believe that this defendant is guilty. If she uses the representative heuristic to put the defendant into the same category as "delinquents", then she has already prejudged this defendant. As has been shown in the jury research mentioned earlier in the paper, she may use the visible extralegal cues about the defendant, like appearance, age or race, to put the defendant into a certain group. Each juror will likely have a set of individual stereotypes that they may be very invested in holding on to, which will influence the jury's verdict by coloring each individual juror's perception of the defendant based on extralegal cues. Often, many of these judgments will be made before evidence is presented in the trial, and therefore may put a juvenile at a disadvantage.

**Personality Characteristics**

Finally, individual personality differences may also be relevant to juror perceptions of juvenile defendants. There are several that will be presented here, but there is one personality characteristic that has been shown in several research projects to be predictive of juror decision making. That characteristic is "Right-Wing Authoritarianism".
Bob Altemeyer defines Right-Wing Authoritarianism (RWA) as the "combination of the following three attitudinal clusters\(^1\) in a person" (Altemeyer, 1988, p. 2).

Authoritarian submission is a high degree of submission to the authorities that are perceived to be established and legitimate in the society in which one lives. Authoritarian aggression\(^2\) is a general aggressiveness, directed against various persons, that is perceived to be sanctioned by established authorities. Conventionalism is a high degree of adherence to the social conventions that are perceived by the authoritarian to be endorsed by society and its established authorities.

Altemeyer goes on to describe a common authoritarian personality. The most important features of the authoritarian personality for this research study are the predisposition to control the behavior of others through punishment, the deploration of leniency in court, the advocacy of capital punishment, and the correlation found with ethnic and racial prejudice (Altemeyer, 1988). Altemeyer also suggests that many authoritarians generally believe in "God's Law" (Altemeyer, 1988), and often are fundamentalists in whatever their religious tradition. Authoritarians endorse the traditional family structure, conservative social norms (which are perceived as moral imperatives), and resist change. They are also very driven by their perceptions of the "established authorities" (Altemeyer, 1988) rather than by the influence of peers.

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1 "Attitudinal clusters" are orientations to respond in the same general way toward certain classes of stimuli (namely, established authorities, targets for sanctioned aggression, and social conventions)." (Altemeyer, 1988)

2 Altemeyer defines aggression as "the willingness or desire to cause someone harm. The harm could be physical injury, psychological suffering, financial loss, social isolation" or a different, usually avoided, negative consequence (Altemeyer, 1988). Altemeyer states that aggression is authoritarian when it is accompanied by the belief that the established authorities approve of the aggression, or that the aggressive behavior will help preserve the established authority.
The targets of their authoritarian aggression could be anyone, but Altemeyer suggests that anyone considered unconventional (including racial minorities and "social deviants" such as homosexuals) is a potential target (Altemeyer, 1988). The unconventional people are often seen as threats to the social order. High authoritarians are characterized as conservative, rigid and punitive to those who violate conventional values (Boehm, 1968). Research has shown that they will respond in a jury situation with a high conviction rate and harsh punishments (Bray & Noble, 1978).

Jurors and juries that are high authoritarians hand down more guilty verdicts and impose harsher sentences than those who are low authoritarians (Bray & Noble, 1978). In addition, the high authoritarians showed more changes in their verdict based on jury deliberations, suggesting that high authoritarians may be susceptible to peer influence (Bray & Noble, 1978). Boehm suggests that high authoritarian jurors may actually enjoy the opportunity for punishment provided in jury service (Boehm, 1968). For high authoritarians, jury deliberations also produced a shift toward greater severity of punishment and more guilty verdicts, while deliberations made low authoritarians shift towards leniency and acquittal (Bray & Noble, 1978).

In order to examine the effect of the authoritarian personality on the juror's decision-making process, Altemeyer conducted a study where undergraduate participants completed a personality scale based on Altemeyer's (1988) Right-Wing Authoritarian scale. If a juror receives a high score, they have a high level of authoritarianism. Authoritarian jurors are more likely to view a juvenile defendant in a negative light, due to the fact that they have violated the social order by committing a crime, especially if the
defendant is a racial minority. As such, the authoritarian juror will be more likely to
punish the defendant harshly, in an attempt to control the defendant’s future behavior.

**Additional Relevant Personality Factors**

There are other personality factors that may have an effect on jury decision-making.
The juror’s internal or external locus of control (Rotter, 1966), how much structure they
need in their personal lives (Neuberg & Newsom, 1993), how just they believe the world
is (Rubin & Peplau, 1975), and whether they tend to be prosecution- or defense-oriented
(Kassin & Wrightsman, 1983). Each personality factor can be measured with a specific
personality scale.

The Internal-External Locus of Control personality scale is used to measure whether
people believe that reinforcement received is contingent on their behavior (internal) or
independent of their behavior (external), perhaps caused by luck or chance (Rotter,
1966). Jurors with an external locus of control may be more likely to believe that the
juvenile defendant’s criminal behavior is a result of an external force operating on the
juvenile’s behavior and may therefore be more lenient. A juror with an internal locus of
control is more likely to assume that the defendant is a bad person, and the criminal
behavior stems from a personality defect, and may therefore be harsher on the defendant.

The items on the Personal Need for Structure scale measure an individual's desire to
have structure in their everyday lives and the manner in which people cope with a lack of
structure in their lives. People who score highly on this scale have a higher need for
structure and clarity in their lives, find ambiguity to be troublesome, and are more likely
to stereotype others (Neuberg & Newsom, 1993). People who need a high level of
structure in their life may find that the juvenile’s criminal behavior, since it deviates from
an orderly structured world, may cause them to apply unnecessary stereotypes and therefore treat the defendant harshly.

The Just World Beliefs Scale examines the extent to which people believe that the world is a just and fair place where good people are rewarded and bad people are punished (Rubin & Peplau, 1975). People who assume the world is a very just place may be harsher on the juvenile because he is going to get the punishment he deserves for being a bad person.

The Juror Bias Scale measures pretrial bias among jurors. The questions are intended to detect a juror's pretrial expectancies that the defendant is guilty and the value that the juror attaches to conviction and punishment. Kassin and Wrightsman hypothesize that there are two independent dimensions involved in the decision of guilt. First, the "probability of commission (PC)", or how likely it is that the defendant committed the crime. The second dimension is "reasonable doubt (RD)", or the threshold of certainty required for conviction (Kassin & Wrightsman, 1983, p. 426). Guilty verdicts occur when the juror estimates the probability of commission to be higher than the reasonable doubt criteria, and when reasonable doubt criteria outweigh the probability of commission, a not-guilty verdict is rendered (Kassin & Wrightsman, 1983). Jurors who receive a high score on this scale are presumed to have a prosecution bias, and low scores suggest a defense bias. Therefore, jurors who have a high score on the JBS may be more in favor of conviction and punishment than those jurors who receive a low score.
Conclusions

There is a wealth of knowledge about jury research and the juvenile transfer provisions. It is the intent of this research project on jury perception of juveniles in adult court to combine that knowledge and discover how it interacts by examining juror perceptions of juvenile defendants who have been remanded to adult court for trial. In the juvenile court, juries are not used during proceedings, rather, the judge determines guilt and sentence. Juries are only used in adult criminal court, and therefore the only time a juvenile would come into contact with a jury is when he has been remanded to adult court for trial. There is very little previous research on specific juror perceptions of juvenile defendants in adult court, therefore it is important to further examine the way that a juvenile defendant will be perceived by jurors.

Previous jury research has shown that jurors do perceive defendants differently based on personal characteristics of the defendant. Defendants are judged based on their attractiveness, socio-economic status, race and gender. In addition, defendants are judged differently based on whether they have a baby-face or a mature appearance. Since most juveniles in the adult courtroom are at the age when the baby-face has not matured yet and they are generally in court for an intentional crime, it is likely that they will receive harsher punishment than an adult who committed the same crime.

Due to the numbers of juveniles being remanded to adult court for trial and facing a jury for the first time, it is essential to examine defendant age as a potential characteristic that may affect jurors’ perceptions of the defendant. Gerstenfeld and Tomkins’ (1992) research is a very specific example of age as a mitigating factor. Their work focuses on the subset of death penalty cases involving homicide. In contrast, the present research
project broadens the scope of the crimes committed, considering burglary and aggravated assault instead of homicide. In addition, it does not take into account the defendant’s previous criminal record or the heinous nature of the crime, rather it focuses specifically on the age of the defendant in an attempt to examine how large the mitigating effect of age might be on determinations of guilt.

This research project focuses on individual juror perceptions of juvenile defendants remanded to adult court for trial. The project attempts to find a difference in verdict based on the age of the offender and type of crime. Type of crime is broadly manipulated between a property crime and a violent crime based on the statistics presented by DeFrances & Strom (1997), which suggests that in recent years more violent crimes are being remanded to adult court than property crimes. In addition, research suggests that violent juvenile offenders remanded to adult court will receive much harsher sentences than those remanded for property crimes (Barnes & Franz, 1989, Clement, 1997).

Theories discussed suggest that jurors will make attributions and causal inferences about the juvenile based on observable extralegal factors. Jurors may also commit the Fundamental Attribution Error, and mistakenly attribute the juvenile’s criminal behavior to the defendant’s bad character rather than a difficult situation, which would result in harsher punishment for the juvenile. In addition, adults often have prior expectations for juvenile behavior, and may tend to react strongly if those expectations are violated, and because of this strong reaction, they may be more likely to punish harshly for retribution. Stereotypes will play a large part in the perceptions of the juvenile defendant. Stereotypes are mental representations of a social group or its members, and the juror’s personal stereotypes are the lens through which they perceive the defendant. If the juror
has a stereotype of a criminal, and the juvenile defendant fits that stereotype, then it is
more likely that the juror will react negatively to the defendant, whether the negative
reaction is warranted or not. This negative reaction would result in harsher punishment.

Personality theories also make predictions about juror behavior. Jurors with a high
authoritarian personality will be more punitive and more likely to convict a juvenile
defendant because he has violated the social order. Jurors with an external locus of
control may be more likely to believe that the juvenile defendant's criminal behavior is a
result of an external force operating on the juvenile's behavior and may therefore be more
lenient. A juror with an internal locus of control is more likely to assume that the
defendant is a bad person, and the criminal behavior stems from a personality defect, and
may therefore be harsher on the defendant. Jurors who need a high level of structure in
their life may find that the juvenile's criminal behavior, since it deviates from an orderly
structured world, may cause them to apply unnecessary stereotypes and therefore treat the
defendant harshly. Jurors who assume the world is a very just place may be harsher on
the juvenile because he is going to get the punishment he deserves for being a bad person.
Jurors who have a high score on the Juror Bias Scale may be more in favor of conviction
and punishment than those jurors who receive a low score.
CHAPTER 3

METHODOLOGY

Participants

One hundred and twenty three Criminal Justice undergraduate students at the University of Nevada, Las Vegas participated in the study to partially fill a research requirement in their class. Students were also recruited from Criminal Justice 201 (The Nature of Crime) and 302 (Statistics) classes in exchange for extra credits in their class. One subject's data was excluded because of incomplete responses. The remaining sample consisted of 50 males and 72 females.

Protocol

The Human Subjects Protocol for this study was approved on December 11, 2000 by Tina Wininger for the chair of the Social/Behavioral Sciences Committee of the UNLV Institutional Review Board (OSP #383s1200-184).

Materials and Procedure

Students arrived at the laboratory in groups of 5 and were introduced to the study by the experimenter. Participants were told that this was a study examining the process through which jurors render verdicts in trials, and that the research was investigating
whether there were any particular factors important to jurors as they render verdicts.

They worked in private cubicles in the lab. Participants were given a packet of materials containing five different personality questionnaires that served to maintain the credibility of the cover story, and a vignette of a crime that served as the age and crime manipulation. Once they completed this packet, it was removed from the cubicle, and they were given the final packet of questionnaires.

**Internal-External Locus of Control**

To begin, participants completed a twenty-nine item Internal-External Locus of Control Scale, which we titled the I-E Scale. Participants were given twenty-nine pairs of statements, and asked to circle the letter preceding the statement they most agree with. For example, question 2 reads "a. Many of the unhappy things in people's lives are partly due to bad luck; b. people's misfortunes results from the mistakes they make". The scale is scored by counting the number of statements showing an external locus of control ("external choice"), and scoring one point for each external choice. Possible scores range from 0 to 23, and higher scores reflect a greater belief in an external locus of control.

**Personal Need for Structure**

Participants then completed the twelve-question Personal Need for Structure scale (Neuberg & Newsom, 1993). Participants were asked to write down how much they agreed or disagreed with the statements presented. Answers were scored on a six-point Likert scale (1=strongly agree, 6=strongly disagree). For example, question 1 reads "It upsets me to go into a situation without knowing what I can expect from it" and question 6 reads "I find that a well-ordered life with regular hours makes my life tedious". Four
questions (2, 5, 6, and 11) are reverse-scored. Answers are then summed, and higher scores reflect a greater need for structure. Possible scores range from 12 to 72.

**Just World Beliefs**

Next, participants completed the twenty-question Just World Beliefs (JWB) Scale (Rubin and Peplau, 1975). Participants are presented with twenty statements and they are asked to write down how much they agree or disagree with the statements. Answers were scored on a nine-point Likert Scale (1=strongly disagree, 9=strongly agree). For example, question 6 reads "Students almost always deserve the grades they receive in school" and question 13 reads "Good deeds often go unnoticed and unrewarded". Nine of the twenty questions are reverse-scored. Answers are then summed, and higher scores reflect a greater belief in the just world ideology. Possible scores range from 9 to 180.

**Juror Bias Scale**

Participants then completed the seventeen-item Juror Bias Scale (JBS), which we called a Legal Issues Survey (Kassin and Wrightsman, 1983). Participants were presented with seventeen statements and asked to write down how much they agree with each statement. Answers were scored on a seven-point Likert scale (1=strongly disagree, 7=strongly agree). For example, question 12 reads "Generally, the police make an arrest only when they are sure about who committed the crime" and question 19 reads "Too many innocent people are wrongfully imprisoned". Eleven of the questions are reverse-scored. Since there are two dimensions within the scale - Probability of Commission (PC) and Reasonable Doubt (RD) - the answers for each dimension were summed, and then the PC score was divided by the RD score in order to get an overall comparison score.
Authoritarianism

Participants responded to a thirty-question Social Issues Survey (SIS). The SIS is a modified version of Altemeyer's (1988) Right Wing Authoritarianism scale. Participants are presented with thirty statements measuring attitudes regarding a variety of social issues, such as social deviance, punishment for moral transgressions, morality with regard to family structure and upbringing, respect for government authority, and religious beliefs. Participants were asked to write down the level at which they agree or disagree with the statements. Answers were scored on a seven-point Likert scale (1=strongly disagree, 7=strongly agree). For example, question 15 reads “Some of the worst people in our country nowadays are those who do not respect our flag, our leaders, and the normal way things are supposed to be done.” Question 18 reads “Atheists and others who have rebelled against the established religions are no doubt every bit as good and virtuous as those who attend church regularly.” Sixteen of the thirty questions are

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1 In addition, changes were made to two specific questions on Altemeyer's original scale to make the items more relevant to current social issues. Question 28 originally read “The biggest threat to our freedom comes from the Communists and their kind, who are out to destroy religion, ridicule patriotism, corrupt the youth, and in general undermine our whole way of life.” In the present study, this question was replaced with “The biggest threat to our freedom comes from those who are out to destroy religion, ridicule patriotism, corrupt the youth, and in general undermine our whole way of life.” Question 14 on the original scale was changed from “Once our government leaders and the authorities condemn the dangerous elements in society, it will be the duty of every patriotic citizen to help stomp out the rot that is poisoning our country from within” to “Everyone has a right to his/her own life-style, religious beliefs or disbeliefs, and sexual preferences so long as it doesn’t hurt others.” This alternative question was suggested by Altemeyer (1988, p. 23).

2 Altemeyer's original scale ranged from -4 (very strongly disagree) to +4 (very strongly agree). In the present study, the scale range was changed to 1 (very strongly disagree) to 7 (very strongly agree). This made the range of possible scores on the scale from 30 (low authoritarianism) to 210 (high authoritarianism).
reverse-scored, and then answers are summed to calculate an overall score. High scores on this scale reflect a high level of authoritarianism.

**Manipulations**

After completing the personality packets, participants were presented with a short summary of the case, giving the defendant's name, age, and a one-word crime description. This project has a 2 (Age: Juvenile vs. Adult) x 2 (Crime: Burglary vs. Battery) research design.

The age manipulation occurred through a short description of the defendant as a 16 year old juvenile male, or a 27 year old adult male. Personal characteristics of the defendant such as height and hair color remained the same in both age conditions. In the crime description, the juvenile defendant was referred to as a teenager, a kid, and a young man, while the adult defendant was referred to as a man only.

The crime manipulation was a short vignette describing an aggravated assault (battery) or a burglary. The type of crime is manipulated due to the fact that recent statistics (Sickmund, 1994, DeFrances & Strom, 1997, Snyder & Sickmund, 1999) show that juveniles are remanded to adult court for both violent crimes and property crimes. This manipulation examines whether or not jurors perceive the juvenile differently based on type of crime.

**Battery:**

"On the night in question, Mr. Andrew Johnson allegedly attacked Mr. Jason Edwards in the parking lot of a local concert hall.

According to Mr. Edwards's statement to police, he pulled into a parking spot and didn't realize that another car was waiting to park in that same spot. He got out of his car, and made a humorous comment to the other driver. At that point, the other driver got out of his car and assaulted him. Mr. Edwards was beaten about the face and
shoulders with fists, and when Mr. Edwards fell to the ground, the assailant kicked him in the stomach repeatedly, while shouting obscenities.

Badly injured, Mr. Edwards went into the concert hall to notify security. He described the attacker as tall, blond <teenager, man> who was wearing a large ring. When the police arrived, they questioned witnesses in the parking lot. According to police interviews, the attacker was a tall <teenager, man> with light skin and blond hair, wearing dark clothes and driving a gray Ford Taurus.

According to the medical records, Mr. Edwards had several lacerations on his face, a broken nose and jaw, and two broken ribs, along with numerous bruises.

The next day, police stopped Andrew Johnson for speeding on local streets. Andrew Johnson is tall and blond, and he wears a heavy gold heirloom ring given to him by his parents. Since they had been advised to be on the lookout for a man matching Mr. Johnson's description driving a gray Taurus, they questioned him about the assault the night before. Mr. Johnson claimed that he had been at a party the night before with a group of friends for the entire evening. Despite the fact that friends were able to corroborate Mr. Johnson's alibi, police arrested Andrew Johnson for the assault on Mr. Edwards.

**Burglary:**

"On the night in question, Mr. Andrew Johnson, the defendant, allegedly broke into Mr. Jason Edward's leather goods store on Main Street. Mr. Edwards' store closes at 8:30 P.M., and so the store was deserted.

The silent burglar alarm had alerted police, but by the time the patrol car arrived, the burglar was gone. Police questioned witnesses in the area, and one had seen a tall, light-skinned <teenager, man> with blond hair and dark clothes getting into a gray Ford Taurus and speeding off down the road. Mr. Edwards was notified immediately, and he told police that he recalled an incident the previous day when he had refused to accommodate a tall blond <kid, man> because he was trying to return a damaged jacket. Mr. Edwards stated that the <young man, man> had become very angry and had threatened to "get him" as he left the store.

Someone had thrown a brick through the front window of the store, and climbed through the window display into the store. The burglar had been unsuccessful at breaking into the cash register to steal the money inside (as evidenced by the damage to the register and an obviously unsuccessful hunt for the store's safe). In addition, merchandise was damaged and thrown about, and several leather jackets were missing.

The next day, police stopped Andrew Johnson for speeding on local streets. Andrew Johnson is tall and blond, and he was wearing a new leather jacket when he was stopped. Since they had been advised to be on the lookout for a man matching Mr. Johnson's description driving a gray Taurus, they questioned him about the burglary the night before. Mr. Johnson claimed that he had been at a party the night before with a group of friends for the entire evening. Despite the fact that friends were able to corroborate Mr. Johnson's alibi, police arrested Andrew Johnson for the burglary of Mr. Edwards's store."
Following the crime vignette, jury instructions and applicable laws were provided on the final page of the first packet. Jury instructions were modeled after the instructions posted on the web site for the United States Court of Appeals 5th Judicial Circuit (http://www.ca5.uscourts.gov/documents/1998crim.htm, sections 1.03 - 1.07) with slight modifications for brevity. Short one-sentence summaries of the Nevada Revised Statutes (NRS) for burglary and battery were provided.

**Battery** means any willful and unlawful use of force or violence upon the person of another. If severe bodily harm occurs to the victim, then the battery is charged as a felony instead of a misdemeanor. **Burglary** means entering any building with intent to commit grand or petit larceny or assault. Burglary is automatically charged as a felony.

**Dependent Measures**

Participants were asked to describe the defendant by circling the appropriate characteristics in sex, hair color, height, weight and identifying marks. They were asked separately to identify the age of the defendant by choosing one of nine listed age ranges that they felt the defendant fit into (for example, two of the choices were 15-17 or 27-29). They were also asked to describe the crime and whether anything was broken or injured during the crime. These few questions were used as manipulation checks to discover whether the participants recognized the manipulations. Next, participants used a 9-point Likert scale to indicate their opinion about the severity of the attack. Responses ranged from 1 (not at all severe) to 9 (very severe).

Participants were then asked to render a verdict of guilty or not guilty in the trial. The verdict served as the primary dependent measure. Next, participants used a 9-point Likert scale to indicate their confidence in their verdict. Responses ranged from 1 (not at all confident) to 9 (very confident). If the subject answered “guilty”, they were asked to
complete two questions asking whether the defendant should be charged with a felony or misdemeanor, and what the sentence should be. In the sentencing question, they were asked to choose one of five punishments: a fine, social or community service, less than one year in prison, one to two years in prison, or three to five years in prison. If the subject answered “not guilty”, they were asked to skip those two questions. Participants were then asked to identify the most important piece of evidence they considered when making their verdict decision.

In the next section, participants were asked a series of questions using 9-point Likert scales about their feelings toward the defendant and specific characteristics of the defendant. Many of these were fillers, but there were several additional manipulation checks. For example, participants were asked to rate how angry they felt towards the defendant, how vengeful they felt, and how sorry for him they felt. In addition, they were asked to rate the defendant on how remorseful, how naïve, how young, how weak, and how likable he was. The manipulation check embedded in this series of questions was asking how young they felt the defendant was, and the questions about how weak he was and how naïve he was were designed to discover whether the participants perceived a juvenile defendant as having characteristics associated with being young.

Finally, participants were asked several questions regarding their demographic characteristics. They were asked to provide information about sex, race, number of children, and age. They were asked about the number of children they have in order to discover whether parents are more likely to be sympathetic to juveniles. They were also asked about their own age in order to find out whether or not older people will be harsher or more lenient with juveniles than younger people will.
After participants recorded this information, they sealed their materials in an envelope, and placed the envelope in a drop box. This served to increase their sense of anonymity. Finally, participants were debriefed, thanked, and dismissed.
CHAPTER 4

RESULTS

A 2 (age: juvenile vs. adult) x 2 (crime: burglary vs. battery) design was used. Several manipulation checks served to verify that the participants recognized the manipulation of these variables. In order to check age, participants were asked to place the defendant in an age group. Participants were presented with an eight-point Likert scale reflecting age ranges\textsuperscript{1}. A t-test was performed to examine the mean age rating for participants in the juvenile and adult groups. Participants in the adult group reported that the defendant was significantly older than did the participants in the juvenile group. The mean age reported by in the juvenile group was 3.25 which was slightly above the choice for "age 15-17", and the mean age reported by in the adult group was 6.40 which was slightly below the choice for "age 27-29" ($t_{(116)} = 23.16$, $p < .001$).

Participants were also asked to describe the crime that they read about in a sentence or two. If the participants were able to correctly identify details of the crime they had read (by including specific details from their crime description in their written description), then they were presumed to have understood the crime. For example, one participant wrote "He was accused of robbing a leather jacket store after hours" and another wrote "The defendant is accused of beating another man over a parking space".

\textsuperscript{1} 1= "under 12", 2= "12-14", 3= "15-17", 4= "18-20", 5= "21-23", 6= "24-26", 7= "27-29", 8= "over 30"
Two different raters coded participants' written descriptions of the crime in order to see whether or not the descriptions reflected an understanding of the crime. The ratings were correlated, and found to be significant ($r = 1.00, p < .001$). Thus, it appears that the participants did in fact recognize the crime manipulation.

The main dependent variable was the verdict, where students decided if the defendant was guilty or not guilty. This was coded dichotomously ($1 = \text{guilty}, -1 = \text{not guilty}$). Following the verdict question, participants were asked to rate how confident they felt about their verdict on a nine-point Likert scale ($1 = \text{not at all confident} \text{ to } 9 = \text{very confident}$). In the analysis, these responses were combined by multiplying the dichotomous verdict by confidence score to create a continuous variable ($-9 = \text{very confident that the defendant is not guilty} \text{ to } 9 = \text{very confident that the defendant is guilty}$). This was done so that the main dependent variable could be used in an analysis of variance (ANOVA). This technique has been used in a number of other jury decision-making studies (Edwards & Bryan, 1997, Kassin & Wrightsman, 1988, Pyszczynski et al., 1981).

A 2 (age) x 2 (crime) ANOVA was performed to determine the effects of age and crime on the new verdict variable. Neither the effects of age ($F_{(1,117)} = .77, p = .38$), crime ($F_{(1,117)} = 1.36, p = .25$) nor the interaction of crime and age ($F_{(1,117)} = 0.98, p = 0.33$) was significant $^2$ (see Table 1).

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$^2$ Additionally, a chi-square test was performed for the effect of crime on verdict ($x^2 = 0.57, p = 0.47$) and the effect of age on verdict ($x^2 = 1.15, p = 0.36$) in order to examine whether or not these variables had an effect. Neither was significant.
Table 1. Cell means for the two-way interaction of defendant age and type of crime on the verdict * confidence variable.

<table>
<thead>
<tr>
<th>Crime Manipulation</th>
<th>Age Manipulation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Juvenile</td>
</tr>
<tr>
<td>Burglary</td>
<td>-1.45 (6.76)</td>
</tr>
<tr>
<td>Battery</td>
<td>-1.23 (6.63)</td>
</tr>
</tbody>
</table>

Note: Means indicate score on the verdict * confidence variable, which is a range from -9 (strongly not guilty) to 9 (strongly guilty). Standard deviations are presented in parentheses.

Effects of Personality Factors

In order to examine the effect of the personality factors on the verdict, Pearson correlations were calculated using computed scores on the personality scale and the verdict * confidence variable. Scores on the Juror Bias Scale (JBS) were significantly correlated with verdict ($r = .25$, $p < .01$), meaning that prosecution-oriented jurors scored higher on the scale and were more likely to convict.

Scores on the Just World Belief (JWB) scale were marginally correlated to verdict ($r = .21$, $p = .07$), meaning that jurors who score highly on the scale believe in a just world (a world that is fair and where people get what they deserve). Jurors with high scores are more likely to convict a defendant. This scale describes a trend that may become significant with more participants completing the scales.

Within-cell correlations were completed for the Juror Bias Scale (JBS) and the Just World Belief (JWB) scale. In the juvenile burglary case, the JBS was significantly correlated with verdict ($r = .37$, $p = .04$), but the JWB was not significant. In the juvenile
battery case, the JBS was also significantly correlated with verdict ($r = .62, p = .01$). The JWB was also significantly correlated with verdict in this case ($r = .52, p = .02$). Neither of these scales were significantly correlated with verdict in the adult burglary or adult battery conditions.

Neither the Locus of Control scale ($r = .01, p = .99$), the Personal Need for Structure scale ($r = .01, p = .96$) or the authoritarianism scale ($r = .04, p = .65$) were correlated with verdict.

A step-wise linear regression was performed using the verdict*confidence variable as the dependent variable and the scores on the five personality scales as independent variables. The results showed that the JWB scale accounted for most of the variation in results ($t = 2.32, p = .02$), and when that was removed from the analysis, the other five personality scales showed no significant results.

However, some of the scores on the scales were significantly correlated with each other. Scores on the Locus of Control (LOC) scale and the scores on the Just World Belief (JWB) scale were significantly negatively correlated ($r = -.48, p < .001$) which means that a high score on the LOC scale correlates with a low score on the JWB scale. This suggests that people who have an internal locus of control (those who believe they have control over their fate) are more likely to believe in a just world (that people get what they deserve in life). Scores on the Juror Bias Scale (JBS) were significantly correlated with scores on the Personal Need for Structure (PNS) scale ($r = .23, p = .05$), showing that jurors with a high score on the JBS (prosecution-oriented jurors) have a higher need for structure in their lives. Scores on the Personal Need for Structure (PNS) scale were also significantly negatively correlated with the scores on the authoritarianism
scale \((r = -.40, p < .001)\), meaning that those with a high score on the PNS correlates with a low score on the authoritarianism scale. This translates into a high need for structure in life being inversely related to a high level of authoritarianism. This is a counterintuitive result and the trend may be reversed if a larger number of participants complete both scales.

Severity and Punishment

Those participants who rendered guilty verdicts were asked to determine whether the crime should be tried as a felony or misdemeanor and to sentence the defendants. This reduces the number of participants being analyzed to 53. A chi-square test indicated that defendant age and type of crime were not related to the stated seriousness of the crime (Juvenile: \(x^2_{(1)} = .08, p = .77\); Adult: \(x^2_{(1)} = .06, p = .81\)).

<table>
<thead>
<tr>
<th>Severity of Crime</th>
<th>Age Manipulation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Juvenile</td>
</tr>
<tr>
<td>Misdemeanor</td>
<td>66% (16/24)</td>
</tr>
<tr>
<td>Felony</td>
<td>33% (8/24)</td>
</tr>
</tbody>
</table>

Note: Percentages are derived from the number of participants rating the severity of the crime. Number of participants per cell over the total number is presented in parentheses.
However, there was an interesting pattern in the data. For juvenile defendants, a 66% of participants felt the crime was a misdemeanor, while 33% felt it should be a felony. There was no difference depending on the type of crime. For adult defendants, 48% felt it should be a misdemeanor, and 52% felt that it was a felony. This suggests a trend for juveniles to be treated more leniently than adults. This pattern might be further examined with a larger number of people in each category.

Next, sentencing was analyzed. Sentencing was presented as five options ranging from a fine (option 1) to 3-5 years in prison (option 5) from which the subject was to choose one. Higher responses indicated a greater severity of punishment. Eight participants listed multiple options for sentences, and the data from those participants was dropped. In an ANOVA examining the effects of type of crime and defendant age on sentence, there was no significant difference in sentence based on defendant age ($F_{(1,35)} = .05, p = .82$) or type of crime ($F_{(1,35)} = 1.01, p = .32$). The interaction of defendant age and type of crime on sentence was also non-significant ($F_{(1,35)} = .51, p = .48$).

Table 3 shows that both juvenile and adult defendants are being sentenced for longer periods of time for a burglary than a battery, which is a counterintuitive finding. Since the differences are small and the results are largely non-significant, this is a distinction that may disappear with a larger, more representative sample. Additionally, it is interesting to note that juvenile batterers received lighter sentences than adult batterers, but juvenile burglars received a longer sentence than adult burglars.
Table 3. Cell means for the two-way interaction of defendant age and type of crime on the sentencing variable.

<table>
<thead>
<tr>
<th>Crime Manipulation</th>
<th>Age Manipulation</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Juvenile</td>
<td>Adult</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burglary</td>
<td>4.25 (1.82)</td>
<td>3.82 (1.94)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Battery</td>
<td>3.09 (1.22)</td>
<td>3.33 (1.29)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: Means indicate score on the sentencing variable, which has a range from 1 (fine) to 5 (3-5 years in prison). Standard deviations are presented in parentheses.

Results from this analysis may have a limited application due to the fact that there were smaller numbers of people in this analysis. The small number of people in this analysis is due to the fact that less than half of the participants found the defendant guilty, and only those who rendered a guilty verdict were included in this analysis.

Ratings of the Defendant

The third page of the questionnaire contained 11 questions that asked respondents to rate their feelings toward the defendant and perceptions of the defendant on a nine-point Likert scale. These results were analyzed using a t-test to divide responses based on the age condition. There were three questions that had significant differences between juveniles and adults: how likable the defendant is; 1=very dislikable, 9=very likable ($t_{(14)} = 2.90$, $p = .01$, Juv. $M = 5.19$, Adult $M = 4.41$), how weak the defendant is; 1=very weak, 9=very strong ($t_{(14)} = 2.26$, $p = .03$, Juv. $M = 4.63$, Adult $M = 5.36$), and how...
young the defendant is; 1=young, 9=old ($t_{(113)} = 4.58$, $p = .01$, Juv. $M = 2.76$, Adult $M = 3.98$). Respondents rated the juvenile more likable than the adult, and the adult as weaker than the juvenile (the question about weakness was asked to determine whether or not participants perceived juvenile defendants as physically weaker than the adult).

These results show that participants are making attributions about the characteristics of the defendants that are unsupported by the evidence provided in the crime manipulation. These attributions are based on prior expectations of juvenile and adult characteristics. The question about the defendant’s age was asked as an additional manipulation check, and showed that participants were indeed recognizing the difference in age between juveniles and adults. There was a slight trend toward sympathy for the juvenile defendant; 1=not at all sorry for him, 9= very sorry for him ($t_{(115)} = 1.45$, $p = .15$, Juv. $M = 4.07$, Adult $M = 3.44$). These results suggest that juveniles may be perceived differently than adults, but not so much that it affects verdict.

Effect of Demographic Variables

Several tests were performed to examine the possible effect of demographics on the verdict*confidence variable. Variables examined were gender, race, respondent age, marital status, and whether or not the respondent has children. First, the subject's gender was examined for effects on his or her verdict in the case. A three-way ANOVA was performed using respondent gender as one of the independent variables along with type of crime and defendant age, and the interaction between the three was non-significant ($F_{(1,1)} = .66$, $p = .42$). However, the interaction between type of crime and respondent gender was marginally significant ($F_{(1,1)} = 3.49$, $p = .06$).
Table 4. Cell means for the two-way interaction of type of crime and respondent gender on the verdict*confidence variable.

<table>
<thead>
<tr>
<th>Crime Manipulation</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burglary</td>
<td>-0.54 (7.34)</td>
<td>-2.26 (6.44)</td>
</tr>
<tr>
<td>Battery</td>
<td>-1.96 (7.65)</td>
<td>1.08 (5.86)</td>
</tr>
</tbody>
</table>

Note: Means indicate score on the verdict * confidence variable, which is a range from -9 (strongly not guilty) to 9 (strongly guilty). Standard deviations are presented in parentheses.

In the burglary cases, women tend to rate the defendant more “not guilty” than men. Women are rating batterers as “guilty”, and burglars as “not guilty”. Men rate both crimes as “not guilty”, however they rate batterers as more “not guilty” than burglars. These gender trends are interesting, and bear further examination.

Respondents were also asked whether or not they had children. There were not enough participants with children to properly analyze the data. Of those who had a juvenile defendant, there were only six who said they had children, compared to fifty-five who did not. Of the entire sample, only seventeen had children, compared to one hundred and three who did not.

In addition, the age of the respondent was ascertained by asking them to place themselves in one of seven age categories (1=18-20, 7=50+). Respondent age was then analyzed using a Pearson correlation to examine whether the age of the subject had an
effect on verdict*confidence. Respondent age was significantly negatively correlated with verdict*confidence ($r = -.22, p=.02$) which means that higher age groups were correlated with more lenient verdicts.

Table 5. Cell means for the respondent age on the verdict*confidence variable.

<table>
<thead>
<tr>
<th>Respondent Age</th>
<th>N</th>
<th>Mean Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-20</td>
<td>52</td>
<td>1.71 (6.33)</td>
</tr>
<tr>
<td>21-25</td>
<td>40</td>
<td>-2.73 (6.76)</td>
</tr>
<tr>
<td>26-30</td>
<td>14</td>
<td>-1.93 (6.91)</td>
</tr>
<tr>
<td>31-35</td>
<td>6</td>
<td>-3.33 (6.41)</td>
</tr>
<tr>
<td>36-40</td>
<td>2</td>
<td>-6.00 (2.83)</td>
</tr>
<tr>
<td>41-45</td>
<td>4</td>
<td>1.00 (7.02)</td>
</tr>
<tr>
<td>46-50</td>
<td>0</td>
<td>--</td>
</tr>
<tr>
<td>50+</td>
<td>2</td>
<td>-6.50 (2.12)</td>
</tr>
</tbody>
</table>

Note: Means indicate score on the verdict * confidence variable, which is a range from -9 (strongly not guilty) to 9 (strongly guilty). Standard deviations are presented in parentheses.

Examining the means ratings for each age group shows a trend towards more lenience with increasing age. The only exception is the 41-45 age group, which rated the defendant guilty on average. The trend of increasing lenience with age may be due to the increasing knowledge of legal processes or simply increasing experience in the real world.
compared to the 18-20 year old age group. The major problem with this analysis is that
the numbers of participants in each age category are grossly unequal. There were fifty-
two respondents in the 18-20 age range, forty respondents in the 21-25 age range, and
fourteen in the 26-30 range. There were only fourteen other respondents who were older
than 30, and in two of the age ranges (36-40 and 50+) there were only two participants.
There were no respondents in the 46-50 age group. Further data collection is needed to
fill out the cell sizes.

Other demographic information was examined for its effect on verdict. A three-way
ANOVA was done using defendant age, type of crime, and marital status. Marital status
was non-significant ($F_{(4,116)} = 1.42, p = .23$), and the interaction of the three variables was
also non-significant ($F_{(1,116)} = 1.36, p = .25$). This means that there was no difference in
the verdict*confidence rating between people who identified themselves as single,
married, divorced, separated, or widowed. Marital status has no effect on verdict.

Another three-way ANOVA was done using defendant age, type of crime, and
respondent race. Respondent race was non-significant ($F_{(5,114)} = 1.20, p = .32$). However,
when respondent race is included, the main effect of defendant age on verdict is
significant ($F_{(1,99)} = 4.98, p = .03$) and the interaction between defendant age and race
shows an interesting trend toward significance ($F_{(4,99)} = 1.95, p = .11$). The three-way
interaction between defendant age, crime and respondent race is not significant ($F_{(3,99)} =
.69, p = .56$).
Table 6. Cell means for the two-way interaction of respondent race x defendant age on the verdict*confidence variable.

<table>
<thead>
<tr>
<th>Respondent Race</th>
<th>Age Manipulation</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Juvenile</td>
<td>Adult</td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>-0.61 (6.64); N = 31</td>
<td>-0.59 (7.07); N = 37</td>
<td></td>
</tr>
<tr>
<td>Black</td>
<td>-5.38 (4.96); N = 8</td>
<td>1.62 (6.80); N = 8</td>
<td></td>
</tr>
<tr>
<td>Hispanic</td>
<td>0.57 (5.41); N = 7</td>
<td>-1.75 (7.21); N = 8</td>
<td></td>
</tr>
<tr>
<td>Asian</td>
<td>-3.33 (8.96); N = 3</td>
<td>7.00 (--) ; N = 1</td>
<td></td>
</tr>
<tr>
<td>Multiple</td>
<td>-0.45 (7.51); N = 11</td>
<td>6.67 (1.15); N = 3</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>*</td>
<td>-5.67 (1.53); N = 3</td>
<td></td>
</tr>
</tbody>
</table>

Note: Means indicate score on the verdict * confidence variable, which is a range from -9 (strongly not guilty) to 9 (strongly guilty). Standard deviations are presented in parentheses. * No respondents in this category.

It is interesting to note the different perceptions of the defendant based on respondent race. For example, black participants rated the juvenile defendant as not guilty, while the average rating for the adult was much higher. White participants showed little variation depending on defendant age. Hispanic participants showed a tendency to rate the juvenile as more guilty than the adult. These tendencies may be due to differing cultural perceptions of individual responsibility. However, the trend may also result from the unequal numbers of participants in each cell, therefore there is the possibility of a false finding. Further research is needed to fill out the cell sizes.
CHAPTER 5

DISCUSSION AND CONCLUSIONS

The results of this study do not support the hypothesis that a juvenile defendant in adult court will be treated differently than an adult for the same crime, with the exception of the trend found with the inclusion of respondent race in the analysis. Further research must be done to elaborate upon that finding. There was no significant difference between the way mock jurors perceive the juvenile and adult defendants regardless of the type of crime committed. Participants clearly recognized the difference between the juvenile defendant and the adult defendant, and were able to describe the crime they had read about, meaning that they did recognize the manipulation. The lack of effect on the verdict shows that the participants are treating the juvenile defendants the same way they would treat adult defendants.

These results seem to demonstrate that mock jurors do not perceive any differences between juvenile defendants and adults. However, it is fascinating to consider whether or not jurors understand the juvenile justice sufficiently that they would realize that having a juvenile defendant in the adult courtroom is not normally the way the system works. Perhaps this understanding would change the results of the study. For example, those who understand that the juvenile is in the adult court for a crime so heinous that the juvenile court felt ill-equipped to punish the defendant harshly enough will begin their jury duty with a bias against the defendant. These jurors might be more likely to convict
the defendant or punish him severely. Those jurors who did not make the distinction may not recognize that the juvenile defendant is a special case and may feel that age is not an important factor in their decision.

The equal treatment of juveniles and adults demonstrated by this research is a positive thing in terms of the legal system, which would like each defendant treated equally under the law. However, one must keep in mind that there are a number of legal repercussions from trial as an adult. These repercussions include the possibility of victimization while incarcerated, the possibility of execution or life imprisonment, and the loss of legal rights such as the right to carry a firearm, the right to vote, and the negative impact of convicted felon status on future employment possibilities. These factors must be considered when deciding whether or not to try a juvenile as an adult.

Demographics

While the results of this study examining specific factors affecting verdict were not significant, it is important to note some demographic trends that may shed some light in further research. A study of the effect of respondent gender on verdict is warranted as they may be significant – there may be differences in the way that males and females consider evidence.

In other demographic conditions, such as respondent age, a significant difference in verdict was found. However, the fact that there are unequal numbers of participants per cell leads to a potentially false finding of significance. With a more representative sample and a larger sample size, this effect may be strengthened. Most undergraduates are between the ages of 18 and 25, but choosing a more representative sample of the
community-at-large will certainly include more people over the age of 25. In retrospect, it would have been better to have an open-ended age question or to narrower ranges of ages for each group. If the study is done in a community setting, it is important to be sensitive to the fact that some older people may not want to list their ages. In that case, using age ranges is appropriate, since there would be a more balanced sample. Asking participants to list the year they were born is another idea for obtaining age without having to specifically list it or choose a category. Further study on the effects of age on verdict would be in order. Is the demonstrated increase in lenience with increased age really a trend in the general population or would this trend disappear with equal numbers of participants in each age range?

Another factor that would be worthy of further research would be whether or not respondents had children. Respondents with children showed a significant difference in verdict than those without children. However, the small number of participants with children in this sample makes this result difficult to interpret. With a more representative sample and a larger sample size, this effect may be strengthened. Most undergraduates do not have children, but choosing a more representative sample of the community-at-large will certainly include more parents. It would also be interesting to discover if there is any relationship between the age of the respondent's children and the verdict for juvenile defendants. Possibly, parents with children approximately the age of the juvenile defendant would treat that defendant differently than they would if their children were younger or older. Further research should be done to examine the effects of respondent race on verdict.
It might also be interesting to examine whether the participant’s education level affects verdict in a case with a juvenile defendant. Perhaps participants who have more education would be more lenient with juvenile defendants than people with a lower education level. People with more education may be in a better position to take into account and understand any mitigating social or psychological factors affecting the juvenile defendant than those who have not been educated.

Psychological Factors

A psychological theory that was not studied in this particular research project but which might apply to the discussion or to future research on this topic is Leon Festinger’s (1957) theory of cognitive dissonance. Festinger (1957) suggests that the inconsistency found in certain events or situations causes something called cognitive dissonance. Dissonance happens when events occur or new information becomes known to a person that causes even a moment of inconsistency with existing knowledge, opinions, or beliefs (Festinger, 1957). Dissonance can arise from logical inconsistencies or cultural mores. This dissonance is psychologically uncomfortable, and will motivate the person to try and reduce the dissonance or avoid situations that would produce further dissonance (Festinger, 1957). Thus, the presence of the dissonance gives rise to the pressure to reduce or eliminate the dissonance (Festinger, 1957). Dissonance between two elements can be reduced by changing one of the elements, such as a behavior or a belief, or adding new elements in order to reduce the magnitude or importance of the dissonance (Festinger, 1957). If changing an element is deemed the correct path, then it is important to understand that these cognitive elements may be resistant to change. They may be
resistant due to the fact that the change may be painful, involve loss, the present behavior or belief may be satisfying, or the fact that making a change may simply not be possible (Festinger, 1957). Cognitive dissonance seems to be particularly applicable in the courtroom situation.

In general, people have a set of beliefs about juveniles and younger children. People may see them as unable to understand the long-term consequences of their actions, and often with younger children, unable to understand the concept of responsibility. This assumption is supported by the fact that in the United States, we don't allow people to vote or join the military until they are 18, or to drink alcohol until they are 21. We feel that juveniles are not capable of such responsibility until at least the age of 18. People generally feel that juveniles should be protected and treated with special care until they reach the arbitrarily set age of 18, as they are a more vulnerable population due to the fact that they have not matured yet. If jurors are faced with a situation that causes cognitive dissonance, such as a juvenile committing a serious violent crime, the dissonance created could cause them to try and change their behavior or their beliefs in order to reduce the dissonance. They may begin to attribute personality characteristics to the defendant (the juvenile) that are often negative, telling themselves that only a bad person would do something this terrible, not a normal juvenile. They may begin to feel that punishing this juvenile would change his behavior into that of a "normal kid". These cognitive activities reduce their anxiety over the incident (Festinger, 1957).
Personality Factors

The Juror Bias Scale (JBS) showed a significant correlation with verdict in this experiment, which means that jurors who score highly on this particular scale will be more prosecution oriented and therefore more likely to convict. Therefore, this scale is a good one to use in a real world jury situation, as it may be useful to lawyers during the voir dire. This scale would allow them to get an initial pre-trial picture of the juror’s biases. Scores on the Just World Belief were also marginally correlated with verdict, which means that jurors who have high just world beliefs and perceive the world to be very fair and equal are going to be more likely to convict. Again, this scale might be useful to the lawyers during voir dire. Though the Personal Need for Structure scale, the Locus of Control scale, and the authoritarianism scale were not significantly correlated with verdict in this experiment, they may also contribute to the lawyer’s knowledge in the real world.

However, Wrightsman, Nietzel and Fortune (1998) state that "enduring aspects of personality may (emphasis in original) influence a person's courtroom decisions, but usually only to a modest degree". While jury research done in laboratory settings has shown some personality attributes to have an effect on verdict, it is important to remember that laboratory experiments usually have evidence for each side that is equally persuasive, and in those cases, these personality characteristics will have the most effect (Wrightsman, Nietzel & Fortune, 1998). In the real world, "the evidence is often so conclusive for one side that the juror's personality dispositions have no appreciable impact" (Wrightsman, Nietzel & Fortune, 1998, p. 375).
Recommendations for Future Research

Jury research can be difficult, since it is not easy to use real jurors in research projects. Therefore, a lot of jury research is done using mock jurors in jury simulations. Jury simulations increase internal validity because there is a better opportunity to "preserve experimental control and test specific psychological theories or procedural innovations that cannot be practically implemented in a courtroom" (Bornstein, 1999, p. 88).

Often, mock jury studies vary on the way the trial is presented (on paper vs. on video) and whether it is useful to use university students as mock jurors. Thus the issue of validity and the generalizability of results can be raised with such studies. Bornstein (1999) examined several aspects of jury simulation research, and he states that "despite the variety of approaches to conducting jury simulation research, few differences have been found as a function of who the mock jurors are or how the trial is presented" (Bornstein, 1999, p. 88). He says that while there needs to be more research done on the feasibility of jury simulation research, that his findings bode well for the necessity of generalizing from the simulation studies to the behavior of real jurors (Bornstein, 1999).

This research project uses undergraduates as mock jurors. This may seem a fundamental flaw in the research because the research sample is not representative of the community as a whole and the results are therefore not generalizable. However, Bornstein's research has illustrated that using undergraduates as mock jurors does not invalidate the results of the study. His analysis shows that there are few differences in the results of studies using undergraduates as mock jurors compared to studies using a representative community sample (Bornstein, 1999).
Making some small changes in the materials might show significant results with this research project. First, instead of using a crime description as the subject's only source of information, it would be better to use a trial transcript or trial summary. This would present evidence of guilt or innocence in a trial situation that would make the participants feel more like they were actual jurors, which would foster a more credible verdict. However, as previously mentioned, previous studies have found little difference in results based on the manner of presentation of the trial.

However, in this study, presenting the crime in terms of a trial summary or transcript might reveal a significant relationship between defendant age and verdict. Providing additional evidence such as that described during a trial may lead participants into committing a Fundamental Attribution Error in the juvenile defendant’s case, and may alter the results of the study. Participants might be more likely to commit the Fundamental Attribution Error in the juvenile’s case because people’s expectations for juvenile behavior have been violated by the juvenile’s criminal behavior. Based on comments to the researcher after the materials were completed, many participants felt that there needed to be more information about evidence, and without that information, they felt they had needed to render a "not-guilty" verdict.

Using a trial transcript or trial summary would also allow the researcher to make it clear to participants that juvenile defendants in adult court are rare and to highlight the significance of the event. Making this distinction stand out to participants might noticeably change the results of the study. Juvenile defendants may well be treated differently than adults if the jurors understand the significance of having a juvenile defendant in adult court. In this study, the statement on the top of the summary page
located before the crime description makes the distinction between juveniles and adults, but it seems that the distinction was not clear enough to make an impact. Using a different mode of presentation, such as the trial transcript, would make the significance of the juvenile defendant's appearance in adult court clear to the jurors. Assuming that participants did not understand the implications of the juvenile defendant might account for the lack of significant results based on age.

In addition, the language used in the crime vignettes to describe the defendant was not entirely consistent between the battery and burglary vignettes. In the battery vignette, the defendant is either called a teenager or a man, but in the burglary vignette, the defendant is referred to as a kid, young man or teenager. If the study had produced significant effects, this could have been a potential confounding factor, but since the study found no significant main effects, this is likely not a major issue.

Kelley (1971) suggests that moral judgments are rendered when a person is judged to be responsible for his actions, and that criticism is often harsh after an immoral act. This study could easily examine moral judgments by asking participants to include a short statement elucidating their opinions about the moral character of the defendant. It would be interesting to examine whether the moral judgments would be harsher on adults or harsher on juveniles. Questions could also be added to the characteristic scales asking about defendant's moral character.

Another possibility for redesigning this study would be to make the defendant clearly guilty, and use severity of sentence as the main dependent variable to decide whether jurors would treat a juvenile defendant differently than an adult. Even though jurors do not usually have sentencing power in a real courtroom, this alteration in design might be
able to further illuminate a differing perception of juvenile and adult defendants by illustrating differences in sentencing for the different age groups. Without the necessity of determining guilt, it would examine whether jurors are more likely to be lenient with juvenile defendants regarding punishment. In this situation, there would need to be a difference in severity of crime that the defendant was being tried for to examine whether severity of crime impacts sentence for juvenile defendants.

Some of the questions, such as those requiring the participant to rate their feelings for the defendant and their opinions about the defendant's characteristics could be changed to be clearer or more focused. For example, in the question about how weak the juror perceived the defendant to be, it could have been clarified to ask the juror to rate how physically weak the defendant seems to them. Participants may have misunderstood the question, and rated the defendants on how emotionally weak the defendant was, rather than physically weak. This might explain why the adult defendant was rated weaker than the juvenile. Participants often reported feeling very indifferent about these questions.

Attribution theories focus on the kind of information that is gathered and how people use that information in order to make inferences, and they clearly apply to the questions about rating defendant characteristics. Participants did indeed make attributions about the defendants, as shown by the significantly different scores between juvenile and adult defendants on the characteristic scales. It didn't seem that the Fundamental Attribution Error came into play in this study, since most of the characteristic scales did not give significant results. If the participants had committed the Fundamental Attribution Error, there might have been a larger polarization in the results in the characteristic ratings between the juvenile and adult defendant.
Changing some of the defendant characteristics might also have an effect on the results. In the crime description, the race of the defendant was not stated. Specifically mentioning that the defendant (or the victim) is a minority might alter verdicts significantly, as it might involve people's personal stereotypes. Since stereotypes involve expectancies of behavior from a certain group, and the causal attributions that are made about the defendant will involve information from those expected behaviors, the participant might be more likely to commit the Fundamental Attribution Error. They may also incorrectly attribute characteristics to the defendant based on the stereotype. Stereotypes could be a major influence, even an unconscious influence on participants' verdicts.

A follow-up study to this one would help determine whether or not the observed trends in this study will gain significance with a more representative study. An appropriate research design would be to complete this study (or a slightly redesigned version of this study) in a courtroom setting, using jurors who have been rejected for jury duty as the sample. Using jurors who have been rejected for jury duty is done in order that the study does not bias the actual jury selected for the case. This pool of jurors still provides a sample of actual jurors who have been summoned to appear for jury duty. Since jurors are selected with the goal of a representative sample, using this group provides a reasonable cross-section of the community.

Summary and Conclusions

Despite the literature demonstrating the changes in the juvenile court system and the increasing focus on punishment, the results of this study do not support the hypothesis
that juveniles are receiving differential treatment from mock jurors based on their age. This may be due to the mock jurors’ lack of understanding about the reasoning behind juvenile waiver provisions, illustrating that they do not clearly perceive the reasons for remanding juvenile offenders. However, statistics show that juvenile offenders tried as adults are charged with serious offenses, have a long history of prior offending, or have been deemed unresponsive to treatment in the juvenile justice system (Snyder & Sickmund, 1999). These are the types of individuals that will be seen by jurors and it is possible that one of these factors may have more of an effect on a juror than age, since most juveniles remanded for trial are between the ages of 16 and 18. If the juvenile offender is younger than 16, perhaps age will have more of an effect in a study such as this one.

Studying the cutoff point where mock jurors begin to perceive defendants differently and why they treat juveniles under the cutoff differently from those above it would be fascinating. Examining literature surrounding moral development (such as Lawrence Kohlberg’s work) or emotional development in juveniles would be another fascinating perspective on why juveniles might be treated differentially. Studying early childhood development, the stages of cognitive development or the literature in educational psychology might suggest ways to head off delinquency problems in the first place.

Fagan and Deschenes (1990) suggest that there needs to be more done in the legal community to clarify the conditions for waiver, since they are currently quite subjective. Perhaps the social science literature could contribute equally to the future development of the juvenile justice system. Clearly the juvenile justice system has evolved to the point where it would rather get rid of the habitual offender who seems unresponsive to
treatment. However, there needs to be more work put into the development of new ways and innovative programs to help the offender.

This study has shown some demographic trends surrounding age, race and gender of the respondent illustrating that there are different perceptions of juvenile defendants than of adult defendants based on respondent characteristics. Examining these trends that have a focus on the respondent could possibly have remarkable repercussions in the field of jury selection for juvenile trials.

In this study, the hypothesis that jurors will treat juvenile defendants differently than they would an adult defendant on trial for the same crime is not supported. However, there were some interesting trends brought to light, such as the gender difference in sentencing, the differences in verdict based on age groups or whether the respondent had children. Replicating this study with more participants and a more representative sample might improve the significance of the results, but redesigning the study to clarify certain areas might also alter the results.

This is an important area to continue researching. As more juveniles are being tried as adults for more and more serious crimes, there is more need for the research examining how these juveniles are perceived in the courtroom. While the public calls for a "get tough" policy toward juvenile criminals, and the legislatures and the politicians respond by enacting laws that make it easier to try juveniles as adults at younger ages, it seems that the juveniles are the ones that lose in this process. Further research in this area will be able to pinpoint specific areas that can be improved or altered in order to give the juvenile a fair chance at the rest of his life.
APPENDIX A

DETERMINATE FACTORS SET FORTH IN *KENT V. UNITED STATES* (1966)
APPENDIX TO OPINION OF THE COURT
Policy Memorandum No. 7, November 30, 1959

The authority of the Judge of the Juvenile Court of the District of Columbia to waive or transfer jurisdiction to the U.S. District Court for the District of Columbia is contained in the Juvenile Court Act (11-914 D.C. Code, 1951 Ed.). This section permits the Judge to waive jurisdiction "after full investigation" in the case of any child "sixteen years of age or older (who is) charged with an offense which would amount to a felony in the case of an adult, or any child charged with an (383 U.S. 541, 566) offense which if committed by an adult is punishable by death or life imprisonment."

The statute sets forth no specific standards for the exercise of this important discretionary act, but leaves the formulation of such criteria to the Judge. A knowledge of the Judge's criteria is important to the child, his parents, his attorney, to the judges of the U.S. District Court for the District of Columbia, to the United States Attorney and his assistants, and to the Metropolitan Police Department, as well as to the staff of this court, especially the Juvenile Intake Section.

Therefore, the Judge has consulted with the Chief Judge and other judges of the U.S. District Court for the District of Columbia, with the United States Attorney, with representatives of the Bar, and with other groups concerned and has formulated the following criteria and principles concerning waiver of jurisdiction which are consistent with the basic aims and purpose of the Juvenile Court Act.

An offense falling within the statutory limitations (set forth above) will be waived if it has prosecutive merit and if it is heinous or of an aggravated character, or - even though less serious - if it represents a pattern of repeated offenses which indicate that the juvenile may be beyond rehabilitation under Juvenile Court procedures, or if the public needs the protection afforded by such action.
The determinative factors which will be considered by the Judge in deciding whether the Juvenile Court's jurisdiction over such offenses will be waived are the following:

1. The seriousness of the alleged offense to the community and whether the protection of the community requires waiver. (383 U.S. 541, 567)

2. Whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner.

3. Whether the alleged offense was against persons or against property, greater weight being given to offenses against persons especially if personal injury resulted.

4. The prosecutive merit of the complaint, i.e., whether there is evidence upon which a Grand Jury may be expected to return an indictment (to be determined by consultation with the United States Attorney).

5. The desirability of trial and disposition of the entire offense in one court when the juvenile's associates in the alleged offense are adults who will be charged with a crime in the U.S. District Court for the District of Columbia.

6. The sophistication and maturity of the juvenile as determined by consideration of his home, environmental situation, emotional attitude and pattern of living.

7. The record and previous history of the juvenile, including previous contacts with the Youth Aid Division, other law enforcement agencies, juvenile courts and other jurisdictions, prior periods of probation to this Court, or prior commitments to juvenile institutions.

8. The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the juvenile (if he is found to have committed the alleged offense) by the use of procedures, services and facilities currently available to the Juvenile Court.
It will be the responsibility of any officer of the Court's staff assigned to make the investigation of any complaint in which waiver of jurisdiction is being considered to develop fully all available information which may bear upon the criteria and factors set forth above. Although not all such factors will be involved in an individual case, the Judge will consider the relevant factors in a (383 U.S. 541, 568) specific case before reaching a conclusion to waive juvenile jurisdiction and transfer the case to the U.S. District Court for the District of Columbia for trial under the adult procedures of that Court.
APPENDIX B

RESEARCH MATERIALS
I-E SCALE

Below you will find 29 items each containing two statements. Read each statement carefully and circle the one that best reflects your attitude.

1. a. Children get into trouble because their parents punish them too much.
   b. The trouble with most children today is that their parents are too easy on them.

2. a. Many of the unhappy things in people's lives are partly due to bad luck.
   b. People's misfortunes result from the mistakes they make.

3. a. One of the major reasons why we have wars is because people don't take enough interest in politics.
   b. There will always be wars, no matter how hard people try to prevent them.

4. a. In the long run people get the respect they deserve in this world.
   b. Unfortunately, an individual's worth often passes unrecognized no matter how hard they try.

5. a. The idea that teachers are unfair to students is nonsense.
   b. Most students don't realize the extent to which their grades are influenced by accidental happenings.

6. a. Without the right breaks, one cannot be an effective leader.
   b. Capable people who fail to become leaders have not taken advantage of their opportunities.

7. a. No matter how hard you try, some people just don't like you.
   b. People who can't get others to like them don't understand how to get along with others.

8. a. Heredity plays the major role in determining one's personality.
   b. It is one's experiences in life which determine what they're like.

9. a. I have often found that what is going to happen will happen.
   b. Trusting fate has never turned out as well for me as making a decision to take a definite course of action.

10. a. In the case of the well prepared student there is rarely if ever such a thing as an unfair test.
    b. Many times exam questions tend to be so unrelated to course work that studying is really useless.

11. a. Becoming a success is a matter of hard work, luck has little or nothing to do with it.
    b. Getting a good job depends mainly on being in the right place at the right time.

12. a. The average citizen can have an influence in government decisions.
    b. This world is run by the few people in power, and there is not much the little person can do about it.

13. a. When I make plans, I am almost certain that I can make them work.
    b. It is not always wise to plan too far ahead because many things turn out to be a matter of good or bad fortune anyhow.

14. a. There are certain people who are just no good.
    b. There is some good in everybody.

15. a. In my case getting what I want has little or nothing to do with luck.
    b. Many times we might just as well decide what to do by flipping a coin.

16. a. Who gets to be the boss often depends on who was lucky enough to be in the right place first.
    b. Getting people to do the right thing depends upon ability, luck has little or nothing to do with it.
17. a. As far as world affairs are concerned, most of us are the victims of forces we can neither understand, nor control.
   b. By taking an active part in political and social affairs the people can control world events.

18. a. Most people don't realize the extent to which their lives are controlled by accidental happenings.
    b. There really is no such thing as “luck”.

19. a. One should always be willing to admit mistakes.
    b. It is usually best to cover up one’s mistakes.

20. a. It is hard to know whether or not a person really likes you.
    b. How many friends you have depends on how nice a person you are.

21. a. In the long run the bad things that happened to us are balanced by the good ones.
    b. Most misfortunes are the result of lack of ability, ignorance, laziness or all three.

22. a. With enough effort we can wipe out political corruption.
    b. It is difficult for people to have much control over the things politicians do in office.

23. a. Sometimes I can’t understand how teachers arrive at the grades they give.
    b. There is a direct connection between how hard I study and the grades I get.

24. a. A good leader expects people to decide for themselves what they should do.
    b. A good leader makes it clear to everybody what their jobs are.

25. a. Many times I feel that I have little influence over the things that happen to me.
    b. It is impossible for me to believe that chance or luck plays an important role in my life.

26. a. People are lonely because they don’t try to be friendly.
    b. There’s not much use in trying too hard to please people, if they like you, they like you.

27. a. There is too much emphasis on athletics in high school.
    b. Team sports are an excellent way to build character.

28. a. What happens to me is my own doing.
    b. Sometimes I feel that I don’t have enough control over the direction my life is taking.

29. a. Most of the time I can’t understand why politicians behave the way they do.
    b. In the long run the people are responsible for bad government on a national as well as on a local level.
Personal Need for Structure Scale

Read each of the following statements and decide how much you agree according to your attitudes, beliefs and experiences. It is important for you to realize that there are no "right" or "wrong" answers to these questions. People are difference and we are interested in how you feel. Please respond according to the following 6-point scale:

1 = strongly agree
2 = moderately agree
3 = slightly agree
4 = slightly disagree
5 = moderately disagree
6 = strongly disagree

1. It upsets me to go into a situation without knowing what I can expect from it.
2. I'm not bothered by things that interrupt my daily routine.
3. I enjoy having a clear and structured mode of life.
4. I like to have a place for everything and everything in its place.
5. I like being spontaneous.
6. I find that a well-ordered life with regular hours makes my life tedious.
7. I don't like situations that are uncertain.
8. I hate to change my plans at the last minute.
9. I hate to be with people who are unpredictable.
10. I find that a consistent routine enables me to enjoy life more.
11. I enjoy the exhilaration of being in unpredictable situations.
12. I become uncomfortable when the rules in a situation are not clear.
Below you will find a series of statements. Please read each statement carefully and indicate whether you agree or disagree with each statement using the following scale:

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1  strongly disagree  
9  strongly agree

1. I've found that a person rarely deserves the reputation they have.
2. Basically, the world is a just place.
3. People who get "lucky breaks" have usually earned their good fortune.
4. Careful drivers are just as likely to get hurt in traffic accidents as careless ones.
5. It is a common occurrence for a guilty person to get off free in American courts.
6. Students almost always deserve the grades they receive in school.
7. People who keep in shape have little chance of suffering a heart attack.
8. The political candidate who sticks up for their principles rarely gets elected.
9. It is rare for an innocent person to be wrongly sent to jail.
10. In professional sports, many fouls and infractions never get called by the referee.
11. By and large, people deserve what they get.
12. When parents punish their children, it is almost always for good reasons.
13. Good deeds often go unnoticed and unrewarded.
14. Although evil people may hold political power for a while, in the general course of history, good wins out.
15. In almost any business or profession, people who do their job well rise to the top.
16. American parents tend to overlook the most admirable qualities in children.
17. It is often impossible for a person to receive a fair trial in the United States.
18. People who meet with misfortune have often brought it on themselves.
19. Crime doesn't pay.
20. Many people suffer through absolutely no fault of their own.
Legal Issues Survey

This survey measures general public opinion concerning a variety of legal issues. You will probably find that you agree with some of the statements and disagree with others, to varying extents. Please indicate your reaction according to the following scale:

Write the number in the space provided next to each question.

1 if you strongly disagree  5 if you slightly agree
2 if you moderately disagree  6 if you moderately agree
3 if you slightly disagree  7 if you strongly agree
4 if you feel you are undecided

1) Appointed judges are more competent than elected judges.
2) If a suspect runs from the police, then he probably committed the crime.
3) A defendant should be found guilty if 11 out of 12 jurors vote guilty.
4) Most politicians are really as honest as humanly possible.
5) Too often jurors hesitate to convict someone who is guilty, out of pure sympathy.
6) In most cases where the accused presents a strong defense, it is only because of a good lawyer.
7) In general, children should be excused for their misbehavior.
8) The death penalty is cruel and inhuman.
9) Out of every 100 people brought to trial, at least 75 are guilty of the crime with which they're being charged.
10) For serious crimes like murder, a defendant should be found guilty so long as there is a 90% chance that he committed the crime.
11) Defense lawyers don't really care about guilt or innocence, they are just in business to make money.
12) Generally, the police make an arrest only when they are sure about who committed the crime.
13) Circumstantial evidence is too weak to use in court.

14) Many accident claims filed against insurance companies are phony.

15) The defendant is often the victim of his own bad reputation.

16) If the grand jury recommends that a person be brought to trial, then he probably committed the crime.

17) Extenuating circumstances should not be considered – if a person commits a crime, then that person should be punished.

18) Hypocrisy is on the increase in society.

19) Too many people are wrongfully imprisoned.

20) If a majority of the evidence – but not all of it – suggests that the defendant committed the crime, the jury should vote not guilty.

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

22) Some laws are made to be broken.
Social Issues Survey

This survey measures general public opinion concerning a variety of social issues. You will probably find that you agree with some of the statements and disagree with others, to varying extents. Please indicate your reaction according to the following scale:

Write the number in the space provided next to each question.

1 if you strongly disagree 5 if you slightly agree
2 if you moderately disagree 6 if you moderately agree
3 if you slightly disagree 7 if you strongly agree
4 if you feel you are undecided

1) The way things are going in this country, it's going to take a lot of "strong medicine" to straighten out the troublemakers, criminals and perverts.

2) It is wonderful that young people today have greater freedom to protest against things they don't like and to "do their own thing".

3) It is always better to trust the judgment of the proper authorities in government and religion than to listen to the noisy rabble-rousers in our society who are trying to create doubt in people's minds.

4) People should pay less attention to the Bible and the other old traditional forms of religious guidance and instead develop their own personal standards of what is moral and immoral.

5) It would be best for everyone if the proper authorities censored magazines and movies to keep trashy material away from the youth.

6) It may be considered old-fashioned by some, but having a decent, respectable appearance is still the mark of a gentleman and, especially, a lady.

7) The sooner we get rid of the traditional family structure where the father is the head of the family and the children are taught to obey authority automatically, the better. The old-fashioned way has a lot wrong with it.

8) There is nothing wrong with premarital sexual intercourse.

9) The facts on crime, sexual immorality, and the recent public disorders show we have to crack down harder on deviant groups and troublemakers if we are going to save our moral standards and preserve law and order.

10) There is nothing sick or immoral in somebody's being a homosexual.

11) It is important to protect fully the rights of radicals and deviants.

12) Obedience and respect for authority are the most important virtues children should learn.

13) Rules about being "well-mannered" and respectable are chains from the past which we should question very thoroughly before accepting.

14) Everyone has a right to his/her own life-style, religious beliefs or disbeliefs, and sexual preferences so long as it doesn't hurt others.
15) “Free speech” means that people should even be allowed to make speeches and write books urging the overthrow of the government.

16) Some of the worst people in our country nowadays are those who do not respect our flag, our leaders, and the normal way things are supposed to be done.

17) In these troubled times laws have to be enforced without mercy, especially when dealing with the agitators and revolutionaries who are stirring things up.

18) Atheists and others who have rebelled against the established religions are no doubt every bit as good and virtuous as those who attend church regularly.

19) Young people sometimes get rebellious ideas, but as they grow up they ought to get over them and settle down.

20) The self-righteous “forces of law and order” threaten freedom in our country a lot more than most of the groups they claim are “radical” and “godless”.

21) The courts are right in being easy on drug users. Punishment would not do any good in cases like these.

22) If a child starts becoming unconventional and disrespectful of authority, it is his parents’ duty to get him back to the normal way.

23) In the final analysis the established authorities, like parents and our national leaders, generally turn out to be right about things, and all the protesters don’t know what they’re talking about.

24) A lot of our rules regarding modesty and sexual behavior are just customs which are not necessarily any better or holier than those which other people follow.

25) There is absolutely nothing wrong with nudist camps.

26) The real keys to the “good life” are obedience, discipline, and sticking to the straight and narrow.

27) It is best to treat dissenters with leniency and an open mind, since new ideas are the lifeblood of progressive change.

28) The biggest threat to our freedom comes from those who are out to destroy religion, ridicule patriotism, corrupt the youth, and in general undermine our whole way of life.

29) Students in high school and university must be encouraged to challenge their parents’ ways, confront established authorities, and in general criticize the customs and traditions of society.

30) One reason we have so many troublemakers in our society nowadays is that parents and other authorities have forgotten that good old-fashioned physical punishment is still one of the best ways to make people behave properly.
Voir Dire

This trial is about a person who has been accused of committing a crime. Before we begin with the trial, we need to ask you some questions.

Are you over the age of 18? □ Yes □ No

Are you a United States citizen? □ Yes □ No

Are you a registered voter? □ Yes □ No

Do you have a vehicle registered in your name? □ Yes □ No
The case today involves a juvenile offender who has been remanded to adult court because of the nature of his offense.

Case: *Nevada v. Johnson*

**Defendant's Name:** Johnson, Andrew

**Sex:** Male

**Age:** 16

**Crime:** Battery
Crime Description

On the night in question, Mr. Andrew Johnson allegedly attacked Mr. Jason Edwards in the parking lot of a local concert hall.

According to Mr. Edwards's statement to police, he pulled into a parking spot and didn't realize that another car was waiting to park in that same spot. He got out of his car, and made a humorous comment to the other driver. At that point, the other driver got out of his car and assaulted him. Mr. Edwards was beaten about the face and shoulders with fists, and when Mr. Edwards fell to the ground, the assailant kicked him in the stomach repeatedly, while shouting obscenities.

Badly injured, Mr. Edwards went into the concert hall to notify security. He described the attacker as tall, blond teenager who was wearing a large ring. When the police arrived, they questioned witnesses in the parking lot. According to police interviews, the attacker was a tall man with light skin and blond hair, wearing dark clothes and driving a gray Ford Taurus.

According to the medical records, Mr. Edwards had several lacerations on his face, a broken nose and jaw, and two broken ribs, along with numerous bruises.

The next day, police stopped Andrew Johnson for speeding on local streets. Andrew Johnson is tall and blond, and he wears a heavy gold heirloom ring given to him by his parents. Since they had been advised to be on the lookout for a man matching Mr. Johnson's description driving a gray Taurus, they questioned him about the assault the night before. Mr. Johnson claimed that he had been at a party the night before with a group of friends for the entire evening. Despite the fact that friends were able to corroborate Mr. Johnson's alibi, police arrested Andrew Johnson for the assault on Mr. Edwards.
The case today involves a juvenile offender who has been remanded to adult court because of the nature of his offense.

Case: *Nevada v. Johnson*

<table>
<thead>
<tr>
<th>Defendant's Name:</th>
<th>Johnson, Andrew</th>
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</thead>
<tbody>
<tr>
<td>Sex:</td>
<td>Male</td>
</tr>
<tr>
<td>Age:</td>
<td>16</td>
</tr>
<tr>
<td>Crime:</td>
<td>Burglary</td>
</tr>
</tbody>
</table>
Crime Description

On the night in question, Mr. Andrew Johnson, the defendant, allegedly broke into Mr. Jason Edward's leather goods store on Main Street. Mr. Edwards' store closes at 8:30 P.M., and so the store was deserted.

The silent burglar alarm had alerted police, but by the time the patrol car arrived, the burglar was gone. Police questioned witnesses in the area, and one had seen a tall, light-skinned teenager with blond hair and dark clothes getting into a gray Ford Taurus and speeding off down the road. Mr. Edwards was notified immediately, and he told police that he recalled an incident the previous day when he had refused to accommodate a tall blond kid because he was trying to return a damaged jacket. Mr. Edwards stated that the young man had become very angry and had threatened to "get him" as he left the store.

Someone had thrown a brick through the front window of the store, and climbed through the window display into the store. The burglar had been unsuccessful at breaking into the cash register to steal the money inside (as evidenced by the damage to the register and an obviously unsuccessful hunt for the store's safe). In addition, merchandise was damaged and thrown about, and several leather jackets were missing.

The next day, police stopped Andrew Johnson for speeding on local streets. Andrew Johnson is tall and blond, and he was wearing a new leather jacket when he was stopped. Since they had been advised to be on the lookout for a man matching Mr. Johnson's description driving a gray Taurus, they questioned him about the burglary the night before. Mr. Johnson claimed that he had been at a party the night before with a group of friends for the entire evening. Despite the fact that friends were able to corroborate Mr. Johnson's alibi, police arrested Andrew Johnson for the burglary of Mr. Edwards's store.
The case today involves an offender who has been brought to court because of the nature of his offense.

Case: Nevada v. Johnson

Defendant’s Name: Johnson, Andrew
Sex: Male
Age: 27
Crime: Battery
Crime Description

On the night in question, Mr. Andrew Johnson allegedly attacked Mr. Jason Edwards in the parking lot of a local concert hall.

According to Mr. Edwards's statement to police, he pulled into a parking spot and didn’t realize that another car was waiting to park in that same spot. He got out of his car, and made a humorous comment to the other driver. At that point, the other driver got out of his car and assaulted him. Mr. Edwards was beaten about the face and shoulders with fists, and when Mr. Edwards fell to the ground, the assailant kicked him in the stomach repeatedly, while shouting obscenities.

Badly injured, Mr. Edwards went into the concert hall to notify security. He described the attacker as a tall blond man who was wearing a large ring. When the police arrived, they questioned witnesses in the parking lot. According to police interviews, the attacker was a tall man with light skin and blond hair, wearing dark clothes and driving a gray Ford Taurus.

According to medical records, Mr. Edwards had several lacerations on his face, a broken nose and jaw, and two broken ribs, along with numerous bruises.

The next day, police stopped Andrew Johnson for speeding on local streets. Andrew Johnson is tall and blond, and he wears a heavy gold heirloom ring given to him by his parents. Since they had been advised to be on the lookout for a man matching Mr. Johnson's description driving a gray Taurus, they questioned him about the assault the night before. Mr. Johnson claimed that he had been at a party the night before with a group of friends for the entire evening. Despite the fact that friends were able to corroborate Mr. Johnson's alibi, police arrested Andrew Johnson for the assault on Mr. Edwards.
The case today involves an offender who has been brought to court because of the nature of his offense.

Case: *Nevada v. Johnson*

**Defendant's Name:** Johnson, Andrew

**Sex:** Male

**Age:** 27

**Crime:** Burglary
Crime Description

On the night in question, Mr. Andrew Johnson, the defendant, allegedly broke into Mr. Jason Edward's leather goods store on Main Street. Mr. Edwards' store closes at 8:30 P.M., and so the store was deserted.

The silent burglar alarm had alerted police, but by the time the patrol car arrived, the burglar was gone. Police questioned witnesses in the area, and one had seen a tall, light-skinned man with blond hair and dark clothes getting into a gray Ford Taurus and speeding off down the road. Mr. Edwards was notified immediately, and he told police that he recalled an incident the previous day when he had refused to accommodate a tall blond man because he was trying to return a damaged jacket. Mr. Edwards stated that the man had become very angry and had threatened to "get him" as he left the store.

Someone had thrown a brick through the front window of the store, and climbed through the window display into the store. The burglar had been unsuccessful at breaking into the cash register to steal the money inside (as evidenced by the damage to the register and an obviously unsuccessful hunt for the store's safe). In addition, merchandise was damaged and thrown about, and several leather jackets were missing.

The next day, police stopped Andrew Johnson for speeding on local streets. Andrew Johnson is tall and blond, and he was wearing a new leather jacket when he was stopped. Since they had been advised to be on the lookout for a man matching Mr. Johnson's description driving a gray Taurus, they questioned him about the burglary the night before. Mr. Johnson claimed that he had been at a party the night before with a group of friends for the entire evening. Despite the fact that friends were able to corroborate Mr. Johnson's alibi, police arrested Andrew Johnson for the burglary of Mr. Edwards's store.
Instructions for the Jury

Members of the Jury:

You, as jurors, are the judges of the facts. But in determining what actually happened—that is, in reaching your decision as to the facts—it is your sworn duty to follow all of the rules of law as I explain them to you.

You have no right to disregard or give special attention to any one instruction, or to question the wisdom or correctness of any rule I may state to you. You must not substitute or follow your own notion or opinion as to what the law is or ought to be. It is your duty to apply the law as I explain it to you, regardless of the consequences.

It is also your duty to base your verdict solely upon the evidence, without prejudice or sympathy.

The indictment or formal charge against a defendant is not evidence of guilt. Indeed, the defendant is presumed by the law to be innocent. The law does not require a defendant to prove his innocence or produce any evidence at all. The government has the burden of proving the defendant guilty beyond a reasonable doubt, and if it fails to do so, you must acquit the defendant.

A "reasonable doubt" is a doubt based upon reason and common sense after careful and impartial consideration of all the evidence in the case. Proof beyond a reasonable doubt, therefore, is proof of such a convincing character that you would be willing to rely and act upon it without hesitation in the most important of your own affairs.

Applicable Laws

Battery means any willful and unlawful use of force or violence upon the person of another. If severe bodily harm occurs to the victim, then the battery is charged as a felony instead of a misdemeanor.

Burglary means entering any building with intent to commit grand or petit larceny or assault. Burglary is automatically charged as a felony.
Questions

Based on the information you have been provided, please answer the following questions:

1. Please describe the defendant.

Sex (circle one): M F
Height (circle one): SHORT MEDIUM TALL
Hair Color (circle one): BLOND RED BROWN BLACK
Weight (circle one): THIN MEDIUM HEAVY
Identifying marks (circle one):
   TATTOO SCARS JEWELRY FACIAL HAIR

2. How old do you think the defendant is? (please circle one)

<12 12-14 15-17 18-20 21-23 24-26 27-29 >30

3. Please describe the crime.

4. Did anyone or anything get hurt or broken during the crime? What?

5. How severe do you think the crime was?

   1  2  3  4  5  6  7  8  9
   NOTIcons:Very Severe

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6. What is your verdict in the case? (please circle one)

Guilty  Not Guilty

7. How confident are you in your verdict? (please circle one)

1  2  3  4  5  6  7  8  9
not at all very confident confident

If you answered “Not Guilty” to Question 6, please skip to Question 10.

8. Do you think the defendant is guilty of a felony or misdemeanor? A felony is a more severe crime that requires a harsher sentence, while a misdemeanor is not as severe and requires a lesser sentence. (please circle one)

Felony  Misdemeanor

9. How would you sentence the defendant? (please choose one)

☐ Fine
☐ Social or community service programs
☐ Prison (less than 1 year)
☐ Prison (1 – 2 years)
☐ Prison (3 – 5 years)

10. What was the most important piece of evidence in making your decision?
11. Please describe your feelings toward the defendant:

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12. Do you think the defendant is:

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</table>
Please tell us about yourself:

Gender:
- Male
- Female

Race:
- White/Caucasian
- Black/African-American
- Hispanic
- Asian
- Multiple (please specify: ______________________)
- Other (please specify: ______________________)

Marital Status:
- Single/Never Married
- Married
- Separated
- Divorced

Do you have children:
- Yes (Please list the ages of each: ________________)
- No

How old are you? (circle one)

18-20  21-25  26-30  31-35  36-40  41-45  46-50  50+
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