# EXAMINING THE THEORY OF AVERSIVE RACISM: DOES DEFENDANT IMMIGRANT STATUS AND ETHNICITY, AND JUROR GENDER CONTRIBUTE TO JUROR BIAS?

**A Thesis By**

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**Abstract:**
Implicit bias by jurors towards immigrants in the United States legal system has become a main focus within law and psychology literature. Aversive racism theory suggests that people may hold egalitarian values, however, they may unconsciously hold negative attitudes about out-groups and express them very indirectly and subtly. The purpose of this study was to examine prejudicial attitudes towards immigrants by European American mock jurors and examine if the theory of aversive racism could best explain such prejudice. In a mock juror study, 283 European American participants were randomly assigned to one of four conditions in a 2 (immigration status: legal or illegal) X 2 (Country of origin: Canada or Mexico) between-groups design. The measured variable of juror gender was also examined (gender: male or female) to complete eight conditions in a 2X2X2 between-groups design. Participants acted as mock jurors and read a case trial transcript, provided a verdict, recommended a sentence, answered various questions regarding culpability, rated the defendant on a number of trait measures, answered questions pertaining to the specific details of the crime and defendant, and provided personal demographic information. Based on prior research, it was hypothesized that European American male jurors would find undocumented immigrant defendants from Mexico guilty significantly more often, recommend lengthier sentences, more culpable, and rate them more negatively on trait measures compared with all other conditions. Jurors demonstrated bias based on the interactive effects of the independent measures. Limitations and future directions are discussed.

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## ACKNOWLEDGMENTS

**CHAPTER 1**

**INTRODUCTION**

Juror bias is a topic that has been given an increasing amount of attention over the past few decades within the law and psychology literature. A remarkable finding across many studies is the influence that extralegal factors have on juror decisions in the United States criminal court (Devine & Caughlin, 2014). Out of the many potential sources of extralegal influence, the personal characteristics of a defendant (e.g., race, socioeconomic status, immigration status, age) have been extensively examined (Devine & Caughlin, 2014; Minero & Espinoza, 2016). Specifically, these characteristics have been shown to bias juror decisions in areas of verdict and culpability (Espinoza, 2010; Espinoza, et al. 2015). However, given that prejudice toward different ethnic groups is considered socially unacceptable, these biases tend to be more implicit by nature. Aversive racism is a theory that has garnered attention for explaining this implicit bias (Minero & Espinoza, 2016). In general, aversive racism, or aversive bias, has shown that even persons with relatively low levels of prejudice, can still demonstrate bias implicitly (Dovidio & Gaertner, 1989). This is especially true if there are other perceived negative variables (besides race or ethnicity), where any feelings of uncomfortableness towards a person's race can be displaced to this other negative variable (e.g., low SES).

In recent years, our growing immigrant population in the United States (13.7% of the United States population, United States Census Bureau, n.d.; Budiman, 2020), has been the focus in national political debates and has evoked controversial views. Although attitudes toward immigrants have progressed, a study analyzing how Americans view immigrants revealed that 66% of Americans believe immigrants strengthen the country while 24% of Americans believe that immigrants burden the country (Budiman, 2020; Public Policy Institute of California, 2008). Lee and Fiske (2006) also found that perceptions of immigrant groups are contingent upon the immigrants' country of origin. Thus, it is important to consider how these attitudes regarding immigrant groups manifest within the legal system, specifically during a trial case and in juror decisions regarding immigrant defendants

and victims. The present study examines whether the theory of aversive racism may best explain how the combined effects of defendant immigration status, country of origin/ethnicity, and juror gender contribute to juror bias.

**CHAPTER 2**

**LITERATURE REVIEW**

**Prejudicial Attitudes Towards Immigrants in the U.S.**

The diversity of the United States population is partially attributed to its immigrant population. Within the United States, one in seven residents is foreign born (Jeanne-Batalova, 2020). In 2019, 44.7 million (13.7%) of the 328.2 million United States residents were foreign-born (United States Census Bureau, n.d.). Particularly, California accounted for 26.7% of the total foreign-born population (United States Census Bureau, n.d.). From the 44.7 million immigrants in the United States, approximately 25% were born in Mexico, making this the largest immigrant population in the United States (Jeanne- Batalova, 2020).

Not only are immigrants criticized for their cultural differences and difficulties assimilating, but they are also discriminated when they are perceived to pose a social or economic threat to United States citizens. Jackson and Esses (2000) assert that host populations commonly hold perceptions of economic competition with immigrants, which can predict prejudice and less favorable attitudes towards immigrants. One potential explanation for such prejudicial and negative attitudes towards immigrants is the in-group and out-group bias (Lee & Ottati, 2002). As Lee and Ottati (2002) stated, citizens of the United States evaluate out-group members (e.g., immigrants) more negatively than in-group members (e.g., U.S. citizens). Even though many United States citizens have foreign roots, this hostility towards immigrant groups can be dated back to the 1800s and it continues to be evident in present times (Takaki, 2008). During the 1800s and early 1900s, Jewish, Chinese, Irish, and Latin American immigrant groups experienced prejudicial and discriminatory injustices characterized by violence, exclusion, and exploitation. The four immigrant groups were exploited and subjected to hazardous work conditions and were othered for being non-Anglo. Notably, the Alien Land Law of 1913 prohibited immigrants who were ineligible for citizenship from owning or leasing land, and the Exclusion Act of 1882 forbade Chinese immigrants from entering the United States (Takaki, 2008).

Thus, these laws exemplify a long history of prejudicial attitudes held towards immigrant groups in the United States.

Since the 2016 presidential election, prejudice toward immigrants and hate crimes toward these group members dramatically increased. During his presidential election campaign and throughout his years as president, Donald Trump implicitly and explicitly relayed his anti-immigrant, discriminatory attitude towards immigrant groups, particularly Muslims and Hispanics (i.e., Mexicans) (Ng & Stamper, 2018). Donald Trump publicly linked Muslims to terrorist attacks and passed Executive Order 13769 with the intention of banning individuals from Muslim countries from entering the United States. Of course, the executive order was declared unconstitutional and Executive Order 13780 was passed as a revised and secondary version. Yet, polling data showed that more than 50% of Americans supported the initial executive order while approximately 40% were in opposition (Vail et al., 2019). In addition, Donald Trump urged to build a wall along the Mexican border and was determined to end the Deferred Action for Childhood Arrivals (DACA) to put "America First" and "Make America Great Again" (Ng & Stamper, 2018). Although 58% of Americans opposed the expansion of the wall at the U.S. Mexico border, 40% of Americans supported it (Gramlich, 2020). Schnaffer et al. (2018) found that the support Trump received from Americans was predicted by his explicit racism and sexism.

It is unclear whether these biased attitudes developed during the 2016 election or existed prior and were dormant, but it is apparent that the president's prejudices regarding race reflected what many citizens wanted to hear and changed social norms (Crandall, 2018). The 2016 election amplified tolerance for such explicit discriminatory speech and actions, which partially explains the increase in prejudice-related events preceding the election. Given the historical and present-day normalization of prejudice expression towards immigrant minority groups, it is necessary to explore the influence of immigrants' legal status on such prejudicial attitudes and acts.

**Documented Versus Undocumented Immigration Status**

As the discussion of prejudicial attitudes towards immigrant groups in the United States continues, the differences between documented and undocumented immigrants must be distinguished. While documented immigrants are legally residing in the country, undocumented immigrants are illegally residing and working in the United States without the proper documentation to authorize their stay in the country. Johnson and Hill (2011) stated that undocumented immigrants generally come to the United States for economic and personal reasons, such as to obtain jobs or reunite with family members. In such cases, undocumented immigrants commonly enter the country by: 1) illegally "crossing the border" or using falsified documentation or 2) legally crossing with a temporary visa but violating the terms of their visas and overstaying the permitted time (Johnson & Hill, 2011). In 2017, research revealed that from the overall immigrant population in the United States, 45% were naturalized citizens, 27% were lawful permanent residents, 5% were temporary lawful residents, 23% were unauthorized immigrants, and most importantly, 47% of undocumented immigrants were from Mexico (Budiman, 2020; Gonzalez-Barrera & Krogstad, 2020).

One of the primary reasons why immigrants relocate, economic opportunity, is related to the perceived economic competition that immigrants pose on the host population. To highlight the negative notions that United States residents hold regarding undocumented immigrants, two major misconceptions are that they hurt the United States financially by taking jobs and services without paying taxes and seek welfare and other benefits upon their arrival (Anti-Defamation League, n.d.). Yet, undocumented immigrants' contributions to the United States negate the negative notions held towards this population. Undocumented immigrants generally work low-paying manual labor jobs. Rather than hurting our country financially or seizing resources from others, undocumented immigrants help create new jobs by starting businesses and employing others and pay taxes (e.g., local, state, federal, property, and for purchased items). In fact, undocumented immigrants pay more in taxes than they receive in benefits, given that they are not eligible for federal benefits such as social security, health insurance, food stamps resources, etc.

Considering these misconceptions, Jackson and Esses (2000) found that perceived economic competition predicted a reduced willingness to endorse empowerment (e.g., help immigrants overcome barriers to success) for immigrant groups. This was found to be largely based on the belief that economic and power gains for immigrants will consequently lead to economic and power losses for members of the host population. California Proposition 187, passed in 1994, also demonstrated the severity of the prejudicial attitudes towards immigrant groups (Lee et al., 2001). Although it appeared to primarily target Mexican immigrants, the proposition aimed to deprive undocumented immigrants of welfare benefits, education, and facilitate deportation. Because there is a clear distinction between how undocumented and documented immigrants are perceived, it is necessary to determine whether immigration status would elicit different treatment for the two groups within the United States legal system.

There is a limited amount of literature that has examined the effect of defendants' immigration status within the legal system. The existing research focuses on the relationship between immigration and crime rates. Although many studies have presented mixed conclusions about whether immigrants increase crime rates, public opinion surveys have revealed that a majority of Americans are convinced that continued immigration will spur higher crime rates (Sohoni & Sohoni, 2014). Notably, undocumented immigrants are scrutinized more rigorously. Murray and Marx (2013) showed that participants had more prejudicial attitudes and greater intergroup anxiety when being questioned about undocumented immigrants compared to documented immigrants. In addition, participants also reported more positive attitudes towards refugee and resettlement programs, compared with undocumented immigrants. A 2006 Time Poll survey also revealed that 70% of participants were very concerned or somewhat concerned that "illegal immigrants" increase crime and the likelihood of terrorism in the U.S. (Sohoni & Sohoni, 2014). In accordance with the expressed anxiety regarding undocumented immigrants, Minero and Espinoza (2016) found that European American jurors attributed higher responsibility for committing a crime to the undocumented defendant and showed higher confidence in their culpability decisions.

As previously mentioned, earlier studies showed a positive relationship between immigration and crime, but more recent studies have contradicted these findings (Polczynski Olson et al., 2009; Reid et al., 2005). Light et al. (2020) compared crime rates between undocumented immigrants, documented immigrants, and native-born citizens in Texas from 2012 to 2018. Across a variety of felony offenses, undocumented immigrants had lower crime rates than documented immigrants and native-born citizens (Light et al., 2020). In comparison to undocumented immigrants, native-born citizens are over two times more likely to be arrested for violent crimes, two and a half times more likely to be arrested for drug crimes, and over four times more likely to be arrested for property crimes. Not only did Light et al. (2020) find lower crimes rates among undocumented immigrants, but also revealed that arrests for undocumented immigrants in Texas were either stable or decreasing between 2012 and 2018. However, non-citizens had the highest rates for sexual assault crimes (Polczynski Olson et al., 2009). One factor that has yet to be extensively examined with regards to immigration status is the immigrants' country of origin.

Given that approximately 47% of undocumented immigrants are from Mexico, the Latinx population is seen as the face of immigration and the terms Latinx, immigrant, and illegal are oftentimes used interchangeably (Gonzalez-Barrera & Krogstad, 2020; Sohoni & Sohoni, 2014). Thus, the increased visibility of the Latinx population in the U.S. has resulted in negative perceptions towards Latinx individuals in particular. Many Latinx persons are categorized as criminals and seen as the individuals that are primarily causing adversity for U.S. citizens (Sohoni & Sohoni, 2014).

## Immigrants' Country of Origin

Although immigrants, in general, are seen as incompetent and untrustworthy outsiders (Espinoza, 2010), there has been some research that shows ethnicity and country of origin may also play a role in these stereotypes (Minero & Espinoza, 2016). The influence of country of origin has not been researched extensively, but stereotypes of immigrants have been found to be contingent on the content of the stereotypes and the origin of the immigrant group (Timberlake & Williams, 2012). Noting this, the stereotypes attributed to immigrant groups based on their country of origin influence

how individuals view the distinct immigrant groups and what characteristics they associate with each group. For instance, Timberlake and Williams (2012) found that Asian and European immigrants are rated most positively, whereas Latin American immigrants are rated most negatively. Notably, Middle Eastern and Latin American immigrants were rated equally violent and likely to stay separate from Americans (Timberlake & Williams, 2012).

To further elaborate on the differences established in Timberlake and Williams (2012), stereotypes associated with each individual immigrant group will be highlighted. First, Asians are viewed as the "model minority" due to their success in the United States, and as a result, Asian immigrants are perceived to be quite competent and often associated with being in prestigious positions within business and technology professions (Lee & Fiske, 2006). Yet, this immigrant group is also thought to lack interpersonal skills and are not perceived as warm. Immigrants from Europe are either perceived as low-status, having low competence and high warmth, or more likely to fit in with the American dominant group (Lee & Fiske, 2006). Interestingly, European immigrants made up 80% of the immigrant population in 1990, and when they migrated, they brought an Anglo-European culture to the United States. Thus, many European immigrants normally resemble and oftentimes pass as native-born Americans. Perhaps, this explains why European immigrants were found to be perceived most positively (Timberlake & Williams, 2012).

Contrary to Asian and European immigrants, Latin American and Middle Eastern immigrants are seen through a more negative lens. In the case of Latin Americans, this immigrant group is commonly associated with being farm workers, poor, uneducated, and unauthorized immigrants (Lee & Fiske, 2006; Minero & Espinoza, 2016; Timberlake & Williams, 2012). Perhaps, these associations may be partially due to the fact that the United States immigration authorities and politicians have established illegal immigration as a Mexican problem (Flores & Schachter, 2018). The connection between Latin American immigrants and the status of being unauthorized was constructed after the Bracero program imported Mexican laborers in 1942 (Flores & Schachter, 2018). The Bracero program provided seasonal work to Mexican immigrants, however, the influx of immigrants entering

the United States per year led the United States government to limit the number of immigrants from Mexico entering the country. Even so, these restrictions were not upheld as individuals from Mexico continued to migrate to the United States. Some foreigners began entering the country illegally, which resulted in the government labeling all entering immigrants as "illegal aliens." Because of this association, the stereotypes attributed to unauthorized immigrants are also projected onto Latin American immigrants, such as being criminals and individuals who pilfered resources (Flores & Schachter, 2018). Moreover, Middle Eastern immigrants are perceived as violent as well as having average competence and low warmth (Lee & Fiske, 2006). After the occurrence of September 9, 2011, these perceptions were amplified and this immigrant group was viewed as a threat (Timberlake & Williams, 2012).

Though there may be other immigrant groups who experience discrimination due to their country of origin, the number of Latin American immigrants in the United States that have reported experiencing discrimination has more than doubled since 2013 (Wulfhorst, 2016). In 2013, only 30% of Latin Americans claimed to have experienced discrimination versus a whopping 68% today. Of course, there is no clear explanation for why such a high number of Latin American immigrants reported experiencing discrimination, but a potential rationale for this finding is that Mexican and other Latin American immigrants are viewed as the source of the immigration problem (Timberlake & Williams, 2012).

Latin American immigrants may be targeted for a number of reasons. First, as stated by Flores and Schachter (2018), more than 11 million undocumented immigrants live in the U.S. and approximately 50% come from Mexico. Thus, the high influx of Mexican immigrants may wrongfully lead native-born Americans to believe that these individuals are the leading cause of national-level issues. Second, is the "Latino Threat Narrative" which emphasizes that these individuals are known to hold strong religious and family values that deviate from the predominant Anglo-Saxon culture (Timberlake et al., 2015). When individuals continue to adhere to their cultural values rather than embrace the American values, they are perceived as a threat against the Anglo-Saxon culture for

being unwilling or unable to assimilate and become Americanized. Third, as previously mentioned, the Latin American immigrant population is thought to pose a social and economic threat on United States citizens (Jackson & Esses, 2000). Timberlake et al. (2015) found that stereotypes of Latin American immigrants are often associated to concerns about the impact of immigration on unemployment, school quality, and crime.

Overall, research has provided evidence that reactions and attitudes towards immigrants are based on the characteristics that American citizens believe particular immigrant groups hold, and consequently, these stereotypes influence beliefs about the impact of immigration (Timberlake et al., 2015). The stereotypes attributed to each immigrant group can produce advantages and disadvantages, yet more often than not, these biases negatively impact immigrants such as Latin American immigrants (Fiske et al., 2002; Timberlake & Williams, 2012). Buckler et al. (2019) found that negative stereotypes about Latinos have affected the public's support for deportation. Individuals' support for deportation has been shown through the implementation of the Immigration and Customs Enforcement agency (ICE) in 2003, which was responsible for over 2 million immigrant removals during President Obama's terms (Network Advocates, 2019). In addition, the changes made by the Trump administration only increased the number of raids and deportations as well as the brutality that these events employed (Network Advocates, 2019). Immigrants have also experienced adversity in the workplace due to negative stereotypes, such as difficulties obtaining job opportunities and moving up the social ladder (Soylu & Buchanan, 1970). Particularly, because biased attitudes have influenced employer's perceptions of immigrants' capabilities and suitability for jobs. Within the legal system, Minero and Espinoza (2016) found that higher culpability ratings and lengthier sentences were attributed to a defendant from Mexico than a defendant from Canada. These findings demonstrate the effect of immigrant's country of origin on social and occupational aspects of immigrant lives as a result of stereotypes and misconceptions. The following section will analyze how these biases may also be influenced by gender.

**Attitude Differences Based on Gender**

      The relationship between gender and anti-immigrant attitudes in the host community has been examined in recent years. Given that majority of the research has examined the influence of immigrants' gender, there are only a few studies that have analyzed how gender influences public attitudes (Ponce, 2017). Through an examination of intercultural attitudes among students, Higdon (2015) found a positive association between gender and attitudes towards immigrants. The positive relationship suggested that on average girls had more positive views than boys. To expand on these findings, Alivernini et al. (2019) explored the influence of gender on metaphors regarding complex attitudes towards immigrants. While confirming previous research, the results showed that females were more tolerant towards immigrants than males. A significant factor that predicted these attitudes towards immigrants was gender equality (Higdon, 2015). Individuals who agree with equal treatment are more likely to have positive attitudes towards immigrants.

      One theory that may provide some insight to gender bias in juror decisions may be Social Dominance Orientation (Sidanius et al., 2000). Understanding the Social Dominance Theory and gender differences in socialization may further clarify why females have more positive views and are more tolerant towards immigrants than males (Alivernini et al., 2019; Berg, 2010). The Social Dominance Theory emphasizes that men have a high acceptance for social hierarchies and inequalities (Alivernini et al., 2019). Males' approval for inequalities may be related to the fact that men are socialized to be self-oriented and encouraged to reach success. Thus, if males view immigrants as economic competitors, males' adherence to social structure may generate a sense of superiority (i.e., perhaps due to their citizenship status) and result in more negative attitudes towards immigrants in males (Berg, 2010). On the contrary, women are socialized to be focused on others and develop social relationships, so females may have a higher value for equality (Berg, 2010). If this is the case, this would explain why females were found to have more positive attitudes towards immigrants (Alivernini et al., 2019).

The positive relationship between gender and attitudes towards immigrants has been researched in relation to other immigrants' and host community members' characteristics. One significant feature that was examined for immigrants is the influence of immigration status on gender differences in public attitudes towards immigrants. Amuedo-Dorantes and Puttitanun (2011) found a significant difference between native male and female opinions regarding documented or undocumented immigration. Notably, approximately 38% of native men opposed a pardoning program for undocumented immigrants in comparison to 34% of native women. Although these findings were rationalized distinctively for males and females, the main source of these oppositions is economic burden (e.g., public finance and welfare concerns). Males' concerns were related to undocumented immigrants not paying taxes, using more social services, and negatively impacting the healthcare system. While females also had concerns about the impact of immigration on the healthcare system, female respondents expressed apprehension in relation to social integration and economic assimilation of undocumented immigrants. Particularly, because they believed that undocumented immigrants do not learn English fast enough and they bring down property values. Since women are socialized to support traditional values, they are more likely to feel the obligation to protect traditional values from being replaced by foreign values by expressing anti-immigrant attitudes, particularly towards undocumented immigrants (Berg, 2010).

It has been shown that the host community members' characteristics, education and social context, seem to influence pro-immigrant attitudes. Berg (2010) used the intersectional approach to analyze two significant relationships that appear to predict attitudes towards U.S. immigrants. First, the interaction between social context and gender. Women in communities with high numbers of foreign-born residents demonstrated a positive effect on their attitudes towards immigrants (Berg, 2010). As mentioned above, women are encouraged to focus on social relationships. Hence, they may interact with immigrants more often than men and would be more likely to cultivate pro-immigrant attitudes. Second, the three-way interaction between gender, education, and social context was found to be statistically significant. Berg (2010) asserted that women's education level strengthened their

willingness to understand social relationships, and their need to nurture social relationships facilitated their ability to value cultural differences. By interacting more with immigrants, women's feelings of needing to protect traditional values would reduce and the likelihood of developing pro-immigrant attitudes would increase.

The existing research has highlighted a higher tolerance level in women compared to men, as well as the influence of immigration status, education, and social context on pro-immigration attitudes (Alivernini et al., 2019; Amuedo-Dorantes & Puttitanun, 2011; Berg, 2010; Ponce, 2017). Even so, there is limited research on the effect of the host community's gender on attitudes toward immigrants interacting within the U.S. legal system.

## Current Study

As previously stated, prejudiced attitudes towards immigrants may influence jury decision making, and as a result, may impact incarceration rates for immigrants. Even though positive attitudes towards immigrants seemed to have progressed, the 2016 Presidential election played a significant role in normalizing the expression of prejudice attitudes towards immigrants (Crandall, 2018; Public Policy Institute of California, 2008). Notably, the 2016 election's influence on the United States has been made evident through revealed beliefs about immigrants and actions taken against the immigration population. Budiman (2020) asserted that 24% of Americans believe that immigrants burden the country. Not to mention, that between 2017 and 2018, there was an 87% increase (i.e., from 58,031 to 108,667) in the number of immigrants arrested and criminally prosecuted (Gramlich, 2020). Thus, beliefs regarding particular immigrant groups may make certain immigrant groups more prone to prejudicial attitudes and may cause these individuals to experience discrimination within the legal system (Minero & Espinoza, 2016). As made evident in the literature discussed, these prejudice attitudes may be influenced by several factors such as immigration status, immigrants' county of origin, and gender of host community members. Nonetheless, these attitudes have been overlooked and minimally analyzed within the legal system to determine how they may impact juror decision making.

Aversive racism theory suggests that people believe they uphold egalitarian values and beliefs as well as perceive themselves to be unprejudiced, however, unconsciously hold negative attitudes about out-groups and express these attitudes very subtly and indirectly (Rodenbog & Boisen, 2013). Given that individuals are not consciously aware of the biases they may hold, any discomfort or prejudicial feelings they may experience interacting with minority group members are conveyed ambiguously and rationalized as something other than discrimination (Minero & Espinoza, 2016). The prejudicial feelings regarding individuals' characteristics are displaced onto another negative variable, such as immigration status or country of origin. When people have another perceived negative variable to cover for the initial undesired individual characteristic, individuals are able to mitigate any feelings of guilt that they may be experiencing due to having such prejudicial perceptions towards out-group members. Research has shown that individuals may be reluctant to express such prejudicial attitudes due to social pressures to be non-prejudiced, so the hostility is communicated in subtle, indirect, and rationalizable ways (Rodenbog & Boisen, 2013; Segovia, 2009).

Minero and Espinoza (2016) questioned whether aversive racism played a role in prejudice against immigrants and aimed at providing an aversive racism explanation for juror bias. The study examined whether extralegal factors (e.g., defendant immigration status, country of origin, and socioeconomic status) influenced jurors' objectivity in the jury decision making process. As anticipated, they found European American mock jurors found undocumented, Latino immigrants from Mexico guilty more often and assigned higher culpability ratings to these individuals. Also, undocumented, Latino immigrant defendants from Mexico were rated more negatively on several trait measures. Given that there were clear differences between how Latino defendants from Mexico were rated compared with White Canadian defendants, but only when ethnicity was coupled with another perceived negative variable (low SES), the results were consistent with the theory of aversive racism. However, there is no research examining the effect of gender of the host community on juror decision making, and further research is needed to analyze the influence of extralegal factors on bias towards the immigration population. The purpose of the study is to explore how immigration status

(documented or undocumented), country of origin (Canada or Mexico), and jurors' gender (female or

male) influence juror decisions.

# CHAPTER 3

## HYPOTHESES

### Hypothesis One

Based on the theory of aversive racism (Dovidio & Gaertner, 1989; Dovidio & Gaertner, 2004) and aversive bias towards minority immigrants (Jackson & Esses, 2000), particularly Mexican immigrants (Timberlake & Williams, 2012; Wulfhorst, 2016), it is hypothesized that European American male mock jurors will demonstrate more prejudice towards undocumented immigrant defendants from Mexico. Notably, male European American mock jurors will find the undocumented immigrant defendants from Mexico guilty significantly more often than female mock jurors.

### Hypothesis Two

It is hypothesized that European American male mock jurors will recommend lengthier sentences when compared to female mock jurors for undocumented immigrant defendants from Mexico.

### Hypothesis Three

It is hypothesized that European American male mock jurors will find undocumented immigrant defendants from Mexico more culpable compared to female mock jurors.

### Hypothesis Four

It is hypothesized that European American male mock jurors will rate the undocumented immigrant defendants from Mexico more negatively on a number of trait ratings compared to female mock jurors.

# CHAPTER 4

## METHOD

### Participants

The data used for the study was previously collected from 2015 to 2017. Two-hundred and eighty-three European American undergraduate psychology students (female = 203, male = 80; mean age = 19.75) were recruited from California State University of Fullerton's Department of Psychology Research Pool web-page, Sona Systems, where students were offered class credit for participation. In terms of the eligibility criteria, participants were only required to be at least 18 years of age or older to participate in the study.

### Design

A 2 x 2 x 2 between-subjects design was used for this study. The study involved various independent and dependent variables. The three primary independent variables were defendant immigration status, defendant country of origin, and juror gender. There were two conditions for the manipulated independent variable of defendant immigration status: documented and undocumented immigration status. There were also two conditions for the manipulated independent variable of defendant country of origin: Mexico and Canada. Finally, the third independent variable was gender of the juror: female and male. The four main dependent measures that were examined are verdict, sentencing, culpability ratings, and trait measures. The verdict variable measured whether the jurors found the suspect guilty or innocent. If the jurors found the defendant guilty, they were asked to recommend a sentence. The sentencing variable measured whether the jurors assigned the defendant a twenty-year sentence with the possibility of parole, life in prison with the possibility of parole after thirty years and time for good behavior, or life in prison without the possibility of parole. The culpability ratings variable measured jurors' opinions regarding the defendant's culpability (see Appendix C). The trait measures variable assessed how jurors rated the defendant's personal traits (see Appendix C).

**Materials and Procedure**

Participants initially signed up for a time and place to complete the study, and at the time of the study, were run in small groups by the experiment administrator. Prior to beginning the study, participants were provided with a consent form (Appendix B) that detailed the process of the study. Participants were informed that the study was examining jury decision-making and they were asked to treat the study as if they were an actual juror having to make decisions in an actual court trial, given that they would have to render a decision in the case. Once participants provided their consent to participate in the study, participants were randomly assigned to one of the following four conditions: documented immigrant defendant from Mexico, documented immigrant defendant from Canada, undocumented immigrant defendant from Mexico, or undocumented immigrant defendant from Canada. For the four conditions, participants read over the corresponding criminal court trial packet (see Appendix C). The criminal court trial packet provided participants information pertaining to the case such as a detailed description of the crime (Murder), the charges against the defendant (Murder in the First Degree), the defendant's background, the defendant's plea, and summaries of the cases for both the defense and prosecution. A 2" x 3" head and shoulder picture of the defendants were also displayed in the front page of the trial packet.

After reading the criminal court trial packet, participants were asked to render a verdict in the case. The verdict was to determine whether jurors found the defendant guilty or not guilty. When jurors found the defendant guilty, they were asked to recommend a sentence. The sentence options included 20 years to life in prison, 30 years to life in prison, or life in prison without the possibility of parole. Participants were then asked to rate the defendant on several culpability measures (e.g., How guilty is the defendant? How responsible is the defendant? How confident are you in your decision? etc.), trait measures (e.g., trustworthiness, competence, attractiveness, etc.), and were asked to complete a juror memory form. The juror memory form was used as a manipulation check, which asked participants specific questions about the defendant and details about the committed crime

described in the trial packet. Upon finishing the trait assessments, participants completed a juror background form, where they provided their demographic information.

Once participants concluded their participation in the study, they were debriefed by the experimenter, who reiterated the purpose of the study, ensured that the participants understood the reason for the study, and thanked the participants for their time. The experimenter also provided the participants the contact information to the principal investigator in case participants had any questions or concerns regarding any part of the study.

# CHAPTER 5

# RESULTS

The study had four main dependent measures: verdict, sentencing, culpability, and trait ratings. To analyze the effect of the categorical independent variables of defendant immigration status, country of origin, and mock juror's gender on mock juror decisions for the categorical dependent measure of verdict, a logit chi-square analysis was conducted. To examine the effect of the categorical independent variables of defendant immigration status, country of origin, and mock juror's gender on mock juror decisions for the categorical dependent measure of sentencing, a logit chi-square analysis was conducted. To explore the effect of the categorical independent variables of defendant immigration status, country of origin, and mock juror's gender on mock juror decisions for the culpability measures, a MANOVA was conducted. A MANOVA was also conducted to examine the effect of the categorical independent variables of defendant immigration status, country of origin, and mock juror's gender on mock juror decisions for the trait ratings.

## Verdict

Based on the theory of aversive racism (Dovidio & Gaertner, 1989, 2004) and aversive bias towards minority immigrants (Jackson & Esses, 2000), hypothesis one stated that European American male mock jurors will find the undocumented immigrant defendants from Mexico, accused of murder in the first degree, guilty significantly more often than female mock jurors. A logit chi-square analysis was used to examine the relationship between the independent variables of defendant immigration status, country of origin, and juror gender, and the dependent measure of verdict (not guilty or guilty). Contrary to hypothesis one, a logit chi-square analysis revealed no significant differences for verdict based on the combined effects of defendant immigration status, country of origin, and juror gender, $X^2$ (7) = 9.20, $p$ = .239. However, there was a significant two-way logit chi-square for the combined effects of juror gender and defendant country of origin that did significantly affect the verdict, $X^2$ (3) = 9.68, $p$ = .021 (see Table 1 in Appendix A). The combined effects of juror gender and defendant immigration status did not significantly affect the verdict, $X^2$ (3) = 6.72, $p$ =

.081. The combined effects of defendant immigration status and country of origin also did not significantly affect the verdict, $X^2$ (3) = 0.91, $p$ = .824.

To determine the individual effects of defendant immigration status, country of origin, and juror gender, separate crosstabs chi-square analyses were conducted. Juror gender had a significant effect for verdict, $X^2$ (1) = 6.19, $p$ = .013. European American female mock jurors found the defendant guilty significantly more often than males (see Table 2 in Appendix A). Defendant immigration status did not significantly affect the verdict, $X^2$ (1) = 0.26, $p$ = .609. Similarly, defendant country of origin also did not significantly affect the verdict, $X^2$ (1) = 0.63, $p$ = .428.

## Juror Recommended Sentence

The second hypothesis was European American male mock jurors will recommend lengthier sentences when compared to female mock jurors for undocumented immigrant defendants from Mexico, accused of murder in the first degree. A logit chi-square analysis was used to examine the relationship between the independent variables of defendant immigration status, country of origin, and juror gender, and the dependent measure of sentence (20 years to life in prison; 30 years to life in prison; and life in prison without the possibility of parole). Contrary to hypothesis two, a logit chi-square analysis revealed no significant differences for sentence based on the combined effects of defendant immigration status, country of origin, and juror gender, $X^2$ (28, $N$ = 149) = 22.77, $p$ = .745. In addition, there were no significant effects found for juror gender and defendant immigration status, $X^2$ (12, $N$ = 149) = 6.29, $p$ = .901. The combined effects of defendant immigration status and country of origin also did not significantly affect the recommended sentence, $X^2$ (12, $N$ = 149) = 7.98, $p$ = .787. Finally, the combined effects of juror gender and defendant country of origin also did not significantly affect the recommended sentence, $X^2$ (12, $N$ = 149) = 12.30, $p$ = .422.

To determine the individual categorical effects of defendant immigration status, country of origin, and juror gender, separate crosstabs chi-square analyses were conducted. Defendant immigration status did not significantly affect the recommended sentence, $X^2$ (4, $N$ = 149) = 0.75, $p$ = .945. Similarly, defendant country of origin also did not significantly affect the recommended

sentence, $X^2$ (4, $N$ = 149) = 5.86, $p$ = .210. Juror gender also did not significantly affect the recommended sentence, $X^2$ (4, $N$ = 149) = 2.91, $p$ = .573. Contrary to hypothesis two, there were no significant effects found for recommended sentence.

### Defendant Culpability Ratings

The third hypothesis stated that European American male mock jurors will find undocumented immigrant defendants from Mexico, accused of murder in the first degree, more culpable compared to female mock jurors. A multivariate analysis of variance (MANOVA) was conducted to examine the independent variables of defendant immigration status, country of origin, juror gender, and the dependent measures of culpability (e.g., responsibility for committing crime, confidence in correct decision, belief in defendant's version of crime, etc.). Contrary to hypothesis three, there was no significant three-way interaction between defendant immigration status, country of origin, and juror gender for culpability ratings by European American mock jurors, Pillai's Trace $F(14, 232)$ = 0.78, $p$ = .692, $\eta^2$ = .045.

The multivariate analysis of variance revealed two significant two-way interactions. Results showed a significant two-way interaction between defendant immigration status and juror gender, Pillai's Trace $F(14, 236)$ = 2.36, $p$ = .004, $\eta^2$ = .15 (see Table 3 in Appendix A). Follow-up univariate analyses of variance for the culpability measures demonstrated significant effects for how responsible is the defendant for committing the crime, $F(1, 249)$ = 6.91, $p$ = .009, $\eta^2$ = .04; how much blame the defendant should receive, $F(1, 249)$ = 4.15, $p$ = .043, $\eta^2$ = .03; and the defendant's intentionally to kill the victim, $F(1, 249)$ = 11.18, $p < .001$, $\eta^2$ = .04, (see Table 3 in Appendix A). As shown in Table 3, European American male participants were more lenient to the documented defendant by finding this defendant less responsible for committing the crime, less blameworthy, and to have less intentionality to kill the victim in comparison to all other conditions.

Additionally, results also showed a significant two-way interaction between juror gender and defendant country of origin, Pillai's Trace $F(14, 236)$ = 2.49, $p$ = .003, $\eta^2$ = .16 (see Table 4 in Appendix A). Follow-up univariate analyses of variance for the culpability measures demonstrated

significant effects for how responsible is the defendant for committing the crime, $F(1, 249) = 12.29$, $p < .001$, $\eta^2 = .06$; and how much blame the defendant should receive, $F(1, 249) = 9.78$, $p = .002$, $\eta^2 = .05$ (see Table 4 in Appendix A). European American male mock jurors believed the defendant from Canada was least responsible for committing the crime and should receive less blame in comparison to all other conditions.

The multivariate analysis of variance indicated a main effect of the defendant's immigration status on the culpability ratings, Pillai's Trace $F(14, 232) = 2.97$, $p < .001$, $\eta^2 = .15$ (see Table 5 in Appendix A). Follow-up univariate analysis showed that European American jurors believed that immigration status had impacted their decision with the undocumented defendant ($M = 2.79$) more than with the documented defendant ($M = 1.88$), $F(1, 245) = 14.03$, $p < .001$, $\eta^2 = .05$.

The multivariate analysis of variance also indicated a main effect of the juror's gender on the culpability ratings, Pillai's Trace $F(14, 232) = 3.73$, $p < .001$, $\eta^2 = .18$ (see Table 6 in Appendix A). Follow-up univariate analysis showed that European American female jurors ($M = 4.86$) attributed higher culpability ratings to the defendant, regardless of immigration status or country of origin, than European American male jurors ($M = 4.16$), $F(1, 245) = 7.67$, $p = .006$, $\eta^2 = .04$. European American female jurors ($M = 4.21$) believed that the defendant, regardless of immigration status or country of origin, deserved a lengthier sentence than European American male jurors ($M = 3.43$), $F(1, 245) = 8.07$, $p = .005$, $\eta^2 = .03$. European American female jurors ($M = 4.84$) also attributed higher responsibility for committing the crime to the defendant, regardless of immigration status or country of origin, than European American male jurors ($M = 4.01$), $F(1, 245) = 9.30$, $p = .003$, $\eta^2 = .03$. Furthermore, European American female jurors ($M = 3.87$) found the defendant, regardless of immigration status or country of origin, more likely to recommit the crime than European American male jurors ($M = 3.59$), $F(1, 245) = 19.87$, $p < .001$, $\eta^2 = .04$. Lastly, European American female jurors ($M = 4.96$) believed that the defendant, regardless of immigration status or country of origin, should receive more blame than European American male jurors ($M = 3.85$), $F(1, 245) = 17.48$, $p < .001$, $\eta^2 = .03$ (see Table 6 in Appendix A).

**Defendant Trait Ratings**

For the fourth hypothesis, it was expected that European American male mock jurors will rate the undocumented immigrant defendants from Mexico, accused of murder in the first degree, more negatively on a number of trait ratings compared to female mock jurors. A multivariate analysis of variance (MANOVA) was conducted to examine the independent variables of defendant immigration status, country of origin, juror gender, and the dependent measures of defendant traits (e.g., trustworthiness, competency, intelligence, attractiveness, aggressiveness, etc.). Contrary to hypothesis four, there was no significant three-way interaction between defendant immigration status, country of origin, and juror gender for the defendant trait ratings of European American mock jurors, Pillai's Trace $F(11, 251) = 1.27$, $p = .241$, $\eta^2 = .05$.

The multivariate analysis of variance revealed two significant two-way interactions. Results showed a significant two-way interaction between juror gender and defendant immigration status, Pillai's Trace $F(11, 255) = 1.93$, $p = .036$, $\eta^2 = .09$ (see Table 7 in Appendix A). Follow-up univariate analyses of variance for the trait measures demonstrated significant effects for item of trustworthiness, $F(1, 265) = 5.63$, $p = .018$, $\eta^2 = .03$. European American male participants rated the documented defendant as the most trustworthy in comparison to all other conditions.

Results also showed a significant two-way interaction between juror gender and defendant country of origin, Pillai's Trace $F(11, 255) = 3.06$, $p < .001$, $\eta^2 = .13$ (see Table 8 in Appendix A). Follow-up univariate analyses of variance for the trait measures demonstrated significant effects for items of trustworthiness, $F(1, 265) = 16.39$, $p < .001$, $\eta^2 = .06$, and being ethical, $F(1, 265) = 3.87$, $p = .050$, $\eta^2 = .02$. Notably, European American male jurors rated the defendant from Canada as the most trustworthy and ethical in comparison to all other conditions.

The multivariate analysis of variance indicated a main effect of the defendant's immigration status on the trait ratings, Pillai's Trace $F(11, 251) = 2.41$, $p = .007$, $\eta^2 = .10$ (see Table 9 in Appendix A). Follow-up univariate analysis showed that European American jurors rated the undocumented

defendant ($M$ = 3.71) less trustworthy than the documented defendant ($M$ = 3.99), $F(1, 261)$ = 5.46, $p$ = .020, $\eta^2$ = .02.

The multivariate analysis of variance indicated a main effect of the defendant's country of origin on the trait ratings, Pillai's Trace $F(11, 251)$ = 4.40, $p < .001$, $\eta^2$ = .16 (see Table 10 in Appendix A). Follow-up univariate analysis showed that European American jurors rated the defendant from Mexico ($M$ = 3.70) less trustworthy than the defendant from Canada ($M$ = 4.02), $F(1, 261)$ = 9.64, $p$ = .002, $\eta^2$ = .04. European American jurors also rated the defendant from Mexico ($M$ = 3.01) less attractive than the defendant from Canada ($M$ = 4.07), $F(1, 261)$ = 16.83, $p < .001$, $\eta^2$ = .06, and the defendant from Mexico ($M$ = 4.76) less intelligent than the defendant from Canada ($M$ = 5.39), $F(1, 261)$ = 5.01, $p$ = .026, $\eta^2$ = .02.

The multivariate analysis of variance also indicated a main effect of the juror's gender on the trait ratings, Pillai's Trace $F(11, 251)$ = 2.70, $p$ = .003, $\eta^2$ = .11 (see Table 11 in Appendix A). Follow-up univariate analysis showed that European American female jurors ($M$ = 3.80) rated the defendant, regardless of immigration status or country of origin, less ethical than European American male jurors ($M$ = 4.40), $F(1, 261)$ = 5.22, $p$ = .023, $\eta^2$ = .02. European American female jurors ($M$ = 3.56) also rated the defendant, regardless of immigration status or country of origin, less selfish than the European American male jurors ($M$ = 4.17), $F(1, 261)$ = 4.17, $p$ = .042, $\eta^2$ = .02. Furthermore, European American male jurors ($M$ = 4.60) rated the defendant, regardless of immigration status or country of origin, less intelligent than European American female jurors ($M$ = 5.27), $F(1, 261)$ = 5.13, $p$ = .024, $\eta^2$ = .02. Lastly, univariate analysis indicated that European American female jurors ($M$ = 3.65) rated the defendant, regardless of immigration status or country of origin, less aggressive than European American male jurors ($M$ = 4.57), $F(1, 245)$ = 11.94, $p < .001$, $\eta^2$ = .04.

**CHAPTER 6**

**DISCUSSION**

Many extralegal factors have an influence on the juror decision-making process in the United States criminal court system, such as the personal characteristics of a defendant and juror. Specifically, the immigration status of a defendant, country of origin of a defendant, and gender of a juror have been shown to be instrumental in juror decision making bias. However, this has primarily been shown with European American jurors (Minero & Espinoza, 2016). The purpose of this study was to examine if these extralegal factors play a significant role on juror decisions.

Because prejudice toward minority ethnic groups is considered socially unacceptable, these biases tend to be more implicit by nature (Espinoza, 2010). The theory of aversive racism has received substantial attention for explaining such implicit bias (Minero & Espinoza, 2016). Aversive racism theory suggests that even individuals who believe themselves to be non-prejudiced can demonstrate bias subtly, indirectly, and in rationalizable ways (Rodenbog & Boisen, 2013; Segovia, 2009). When there are any feelings of uncomfortableness toward a person's racial or ethnic attributes, prejudicial feelings can arise. Rather than face these emotions, one can displace these negative feelings onto another non-racial variable (e.g., immigration status, country of origin) to mitigate any feelings of guilt for experiencing such prejudicial biases towards out-group members.

Research on extralegal factors influencing juror decisions has focused on the personal characteristics of a defendant (e.g., race, socioeconomic status, immigration status, age, gender, etc.). Specifically, these characteristics have been extensively examined and have shown to bias juror decisions in areas of verdict and culpability (Devine & Caughlin, 2014; Espinoza, 2010; Espinoza et al., 2015; Minero & Espinoza, 2016). This study expands existing research on the theory of aversive racism and the influence of extralegal factors within the legal system, specifically the interactive effects of defendant immigration status and country of origin, and juror gender.

**The Current Study**

The current study was conducted to determine whether defendant immigration status, defendant country of origin, and juror gender will influence juror decisions as to the defendant's verdict, sentence, culpability, and trait characteristics. As mentioned, the existing literature indicates that defendants commonly face aversive bias in court trials, specifically pertaining to verdict and culpability aspects. However, this research has not extensively examined how the characteristics of jurors, such as gender of juror, may influence juror decisions.

Considering prior research on the theory of aversive racism (Coons & Espinoza, 2018; Minero & Espinoza, 2016), it was hypothesized that European American male jurors will only demonstrate bias towards immigrant defendants when other perceived negative variables are present. We anticipated that undocumented immigrant defendants from Mexico would be found guilty significantly more often, given lengthier sentences, found more culpable, and rated more negatively on a variety of trait rating measures by European American male mock jurors. To test whether these anticipated findings could be explained by the theory of aversive racism, a 2 (immigration status: legal or illegal) X 2 (Country of origin: Mexico or Canada) X 2 (gender: male or female) between-subjects design was developed.

In terms of the first hypothesis, the results revealed a non-significant three-way interaction between defendant immigration status, defendant country of origin, and juror gender for verdict. Thus, the first hypothesis was not supported. However, results showed that a significant two-way interaction between juror gender and defendant country of origin did significantly affect the verdict. In addition, and contrary to the hypothesis that main effects for the independent measures would have insignificant effects, juror gender did have a significant individual effect on verdict decisions. European American female mock jurors found the defendant guilty significantly more often than males. Although these findings revealed no significant differences for verdict based on the combined effects of defendant immigration status, country of origin, and juror gender, this result may be explained by the low number of European American male participants, and political views of the

jurors. Espinoza and Willis-Esqueda (2014) found that European American jurors demonstrated bias toward Mexican defendants who were of low SES in areas of culpability and sentencing. The authors pointed out that the participants were from a politically conservative state, Nebraska. Political affiliation also might explain the findings. The participants for this study were from Southern California, which tends to be more liberal in its political perspective. Also, it is important to consider that the criminal court trial packet was written with overwhelming evidence to find the defendant guilty, and that past research with similar measures find significant effects more with culpability and trait ratings (Minero & Espinoza, 2016).

Contrary to the second hypothesis, no significant three-way interaction between defendant immigration status, defendant country of origin, and juror gender was found for juror recommended sentence. Results also indicated no significant two-way interactions between juror gender and defendant country of origin; juror gender and defendant immigration status; and defendant immigration status and defendant country of origin. Additionally, no individual effects of defendant immigration status, defendant country of origin, and juror gender were found for juror recommended sentence. These findings may also be due to the low number of European American male participants. Considering that there was initially a lack of male participants, when those who assigned a guilty verdict ($N = 33$) were asked to provide a sentence, even fewer male participants were included in this analysis. Thus, it is improbable that a significant interaction would be found with such low statistical power.

Furthermore, contrary to the third hypothesis, the results showed a non-significant three-way interaction between defendant immigration status, defendant country of origin, and juror gender for culpability ratings by European American mock jurors. Nonetheless, two significant two-way interactions were found. First, the findings showed a significant two-way interaction between juror gender and defendant immigration status. European American male participants believed the documented defendant was least responsible for committing the crime, should receive less blame, and had less intentionality to kill the victim in comparison to all other conditions. Second, the results

showed a significant two-way interaction between juror gender and defendant country of origin. European American male mock jurors believed the defendant from Canada was least responsible for committing the crime and should receive less blame in comparison to all other conditions. Even though a three-way interaction was found to be non-significant, results revealed that male jurors were biased in their decisions based on country of origin and immigration status. Though it was expected that male jurors would be more punitive toward undocumented and Mexican defendants, they were actually more lenient to the documented and Canadian defendant compared with all other conditions.

Significant main effects for European American jurors were also found for defendant immigration status and juror gender. A significant main effect of defendant's immigration status on culpability ratings found that European American jurors believed that immigration status had impacted their decision with the undocumented defendant more than with the documented defendant. Though it was predicted that there would be no significant main effects for our independent measures, past research has found a significant main effect for this variable by European American mock jurors (Espinoza, 2010). In addition, this significant main effect does not detract from the main hypotheses of the interactive effects of defendant immigrant status, defendant country of origin, and juror gender biasing juror decisions.

As predicted, defendant immigration status influenced juror decisions. This finding was not unforeseen and aligns with previous findings by Minero and Espinoza (2016), where European American jurors attributed higher responsibility for committing a crime to the undocumented defendant and showed higher confidence in their culpability decisions. The findings can be explained by the stereotypes attributed to undocumented individuals. Research has shown the association that has been established between the perception that Latin American immigrants are primarily undocumented, criminals, poor, uneducated, and negatively impact social aspects such as employment, education, and availability of resources (Flores & Schachter, 2018; Jackson & Esses, 2000; Lee & Fiske, 2006; Minero & Espinoza, 2016; Sohoni & Sohoni, 2014; Timberlake et al., 2015; Timberlake & Williams, 2012).

Although the two significant two-way interactions between juror gender and immigration status, and juror gender and country of origin for culpability ratings aligned with predictions, the results for the main effect of juror gender are inconsistent with hypothesis three. While the two-way interactions suggest that overall European American male jurors attributed more lenient culpability ratings to the documented and Canadian defendant, the main effect of juror gender demonstrated that European American female jurors, in general, attributed higher culpability ratings to the defendants, regardless of immigration status and country of origin. This significant main effect of juror gender showed that European American female jurors believed that the defendant deserved a lengthier sentence, should receive more blame, and was more likely to recommit the crime, than European American male jurors. One potential explanation for this finding is that the perpetrator's and victim's gender had an effect on female mock jurors' ratings. Research has shown that when the perpetrator of a crime is male, and the victim is female, female mock jurors have been more punitive than male mock jurors (Meaux et al., 2018).

Another possible explanation for these striking findings is the influence that the #MeToo movement has played in the lives of the women population in recent years (Williams, 2018). In this fight against sexual violence, men have been portrayed to be the primary perpetrators and characterized as violent aggressors. Thus, because men and women have been pit against each other in this women-victim and male-perpetrator narrative, European American female jurors may have been more inclined to view the male defendants similar to these violent male perpetrators, as well as believe that they deserved to be scrutinized more harshly.

Contrary to the final hypothesis, results showed a non-significant three-way interaction between defendant immigration status, defendant country of origin, and juror gender for trait ratings by European American mock jurors. In spite of finding a non-significant three-way interaction, two significant two-way interactions were found. First, a significant two-way interaction was found between juror gender and defendant immigration status, which demonstrated that European American male participants rated the documented defendant as the most trustworthy in comparison

to all other conditions. Second, a significant two-way interaction was found between juror gender and defendant country of origin, indicating that European American male jurors rated the defendant from Canada as the most trustworthy and ethical in comparison to all other conditions. Again, considering the stereotypes that have been assigned to individuals who are undocumented and individuals from Mexico (i.e., seen as untrustworthy, incompetent, criminals, etc.) (Espinoza, 2010; Flores & Schachter, 2018; Timberlake et al., 2015) as well as previous findings regarding males' higher intolerance of immigrants (Alivernini et al., 2019; Higdon, 2015), these results align with predictions that European American male jurors would rate the documented defendant (e.g., more trustworthy) and the defendant from Canada (e.g., more trustworthy, more ethical) less punitively.

Significant main effects for European American jurors were also found for all three variables: defendant immigration status, defendant country of origin, and juror gender. A significant main effect of defendant's immigration status on trait ratings found that European American jurors rated the undocumented defendant less trustworthy than the documented defendant. Also, a significant main effect of defendant's country of origin on trait ratings found that European American jurors rated the defendant from Mexico less trustworthy, less attractive, and less intelligent than the defendant from Canada. It is notable that the undocumented defendant and defendant from Mexico were rated more negatively than the documented defendant and defendant from Canada. Evidently, these findings demonstrate the independent impact that defendant immigration status and country of origin had on trait ratings assigned by European American mock jurors.

The gender of juror was independently found to have an impact on trait ratings of European American jurors. The results demonstrated that European American male jurors rated the defendant, regardless of immigration status or country of origin, less intelligent than European American female jurors. Also, European American female jurors rated the defendant, regardless of immigration status or country of origin, less selfish and less aggressive than the European American male jurors. Yet, contrary to predictions, European American female jurors rated the defendant, regardless of immigration status or country of origin, less ethical than European American male jurors. This is an

interesting finding because previous research has emphasized that females are more tolerant and have more positive views of the immigrant population (Alivernini et al., 2019; Higdon, 2015). As previously noted, there are exceptions to these findings, specifically when the crime is serious, the perpetrator is male, and the victim is female (Meaux et al., 2018). Future studies may want to consider varying perpetrator and victim gender.

Although European American mock jurors did not show significant differences in their verdicts, sentencing, culpability ratings, and trait ratings of defendants based on defendant immigration status, defendant country of origin, and juror gender, the combined effect of juror gender and defendant country of origin was evident in regard to verdict decisions. The combined effects of juror gender and defendant immigration status, and juror gender and defendant country of origin were also noticeable on culpability ratings and trait ratings. Additionally, the individual effects of juror gender was apparent on verdict decisions, as well as individual effects of juror gender and defendant immigration status on culpability and trait ratings of European American mock jurors. Individual effects of defendant country of origin were only evident on trait ratings. Thus, even though the results demonstrated bias against undocumented defendants and defendants from Mexico by European American mock jurors, as well as more leniency with documented and Canadian defendants, the current findings did not demonstrate complete support for the theory of aversive racism in relation to the jury decision making process.

### Limitations and Future Directions

There are a number of limitations to consider to guide future studies related to juror bias and the influence of extralegal factors on juror decisions within the legal system. First, the sample population that participated in the study consisted of undergraduate psychology students from a predominantly Hispanic serving university in Southern California. Thus, because European Americans participants are in a diverse setting in which they have frequent contact with Latinx individuals, these findings have restricted generalization. Second, due to the composition of the University's student population, the recruitment of European American participants was very limited.

Particularly, the sample consisted of a limited number of European American male participants. Third, given the limited number of male participants, the power to conduct analyses was considerably low, which hindered the likelihood of finding significant interactions. Fourth, the juror demographic form failed to inquire about participants' immigration status and did not delve deeply into participants' political ideation. Future studies should examine these variables.

Considering the limitations of this study, future studies may want to examine prejudicial attitudes towards immigrants with a larger and more diverse sample size. In successfully recruiting particular participant groups and obtaining a desired number of participants in each condition, the statistical power to conduct analyses would be enhanced. Also, the likelihood of adequately examining the theory of aversive racism as a possible explanation for such prejudice would be strengthened. Additionally, in the future, researchers may consider examining prejudicial biases towards immigrants in other parts of the country. This would be important if researchers wish to focus on analyzing prejudicial biases of European Americans, given that areas outside of Southern California may be less populated by Latinx individuals and may provide a unique participant pool that is less exposed to the Latinx population.

Although not all hypothesized interactions were statistically significant, previous research has revealed the influence of extralegal factors in the juror decision-making process (Espinoza, 2010; Espinoza et al., 2015; Minero & Espinoza, 2016), and the current findings may further contribute to the existing literature. Thus, it is significant to consider the consequences that undocumented immigrant defendants may encounter if they are found to be guilty in a court case, and how future research can continue to improve methodology in order to aid professionals in the legal system in becoming informed of potential juror decision-making bias. This will be especially helpful in reforming the U.S. legal system and rectifying the prejudice that transpires within it.

# APPENDIX A

## TABLES

Table 1. Juror Gender and Country of Origin European American Mock Juror Verdicts

| Condition | Not Guilty | Guilty | Total |
|---|---|---|---|
| Male, Mexico | 22 | 20 | 42 |
| Male, Canada | 24 | 13 | 37 |
| Female, Mexico | 50 | 53 | 103 |
| Female, Canada | 37 | 64 | 101 |
| Total | 133 | 150 | 283 |

Table 2. Juror Gender of European American Mock Juror Verdicts

| Condition | Not Guilty | Guilty | Total |
|---|---|---|---|
| Male | 47 | 33 | 80 |
| Female | 86 | 117 | 203 |
| Total | 133 | 150 | 283 |

Table 3. Culpability Measures by Juror Gender and Immigrant Status

| | Male Undoc. | Female Undoc. | Male Doc. | Female Doc. |
|---|---|---|---|---|
| Responsibility | $4.55_b$ | $4.62_b$ | $3.51_a$ | $5.04_b$ |
| Blame | $4.30_b$ | $4.84_b$ | $3.43_a$ | $5.07_b$ |
| Intentionality | $5.18_c$ | $4.12_b$ | $3.60_a$ | $4.66_c$ |

Note. Means with differing subscripts within rows are significantly different at the $p < .05$ based on Tukey's HSD post hoc comparisons. Higher scores indicate more of the attribute;
Undoc. = Undocumented; Doc. = Documented.

Table 4. Culpability Measures by Juror Gender and Country of Origin

| | Male Mexico | Female Mexico | Male Canada | Female Canada |
|---|---|---|---|---|
| Responsibility | $4.72_b$ | $4.63_b$ | $3.22_a$ | $5.04_b$ |
| Blame | $4.58_b$ | $4.90_b$ | $3.03_a$ | $5.02_b$ |

Note. Means with differing subscripts within rows are significantly different at the $p < .05$ based on Tukey's HSD post hoc comparisons. Higher scores indicate more of the attribute.

Table 5. Culpability Measures by Immigration Status

|  | Undoc. | Doc. |
| --- | --- | --- |
| Immigration Status | 2.79$_a$ | 1.88$_b$ |

Note. Means with differing subscripts within rows are significantly different at the *p* < .05 based on Tukey's HSD post hoc comparisons. Higher scores indicate more of the attribute;
Undoc. = Undocumented; Doc. = Documented.

Table 6. Culpability Measures by Juror Gender

|  | Male | Female |
| --- | --- | --- |
| Culpability | 4.16 | 4.86 |
| Length of Sentence | 3.43 | 4.21 |
| Responsibility | 4.01 | 4.84 |
| Recommit Crime | 2.81 | 3.87 |
| Blame | 3.85 | 4.96 |

Note. Significantly different at the *p* < .05 level based on Tukey's HSD post hoc comparisons. Higher scores indicate more of the attribute.

Table 7. Trait Ratings by Juror Gender and Defendant Immigration Status

|  | Male Undoc. | Female Undoc. | Male Doc. | Female Doc. |
| --- | --- | --- | --- | --- |
| Trust | 3.53$_a$ | 3.79$_a$ | 4.62$_b$ | 3.76$_a$ |

Note. Means with differing subscripts within rows are significantly different at the *p* < .05 based on Tukey's HSD post hoc comparisons. Higher scores indicate more of the attribute;
Undoc. = Undocumented; Doc. = Documented.

Table 8. Trait Ratings by Juror Gender and Country of Origin

|  | Male Mexico | Female Mexico | Male Canada | Female Canada |
| --- | --- | --- | --- | --- |
| Trust | 3.23$_a$ | 3.89 | 4.89$_b$ | 3.66$_a$ |
| Ethical | 4.03$_a$ | 3.95 | 4.79$_b$ | 3.64$_a$ |

Note. Means with differing subscripts within rows are significantly different at the *p* < .05 based on Tukey's HSD post hoc comparisons. Higher scores indicate more of the attribute.

Table 9. Trait Ratings by Immigration Status

|  | Undoc. | Doc. |
| --- | --- | --- |
| Trust | 3.71 | 3.99 |

Note. Significantly different at the $p < .05$ level based on Tukey's HSD post hoc comparisons. Higher scores indicate more of the attribute; Undoc. = Undocumented; Doc. = Documented.

Table 10. Trait Ratings by Country of Origin

|  | Mexico | Canada |
| --- | --- | --- |
| Trust | 3.70 | 4.02 |
| Attraction | 3.01 | 4.07 |
| Intelligence | 4.76 | 5.39 |

Note. Significantly different at the $p < .05$ level based on Tukey's HSD post hoc comparisons. Higher scores indicate more of the attribute.

Table 11. Trait Ratings by Juror Gender

|  | Male | Female |
| --- | --- | --- |
| Ethical | 4.40 | 3.80 |
| Selfish | 4.17 | 3.56 |
| Intelligence | 4.60 | 5.27 |
| Aggression | 4.57 | 3.65 |

Note. Significantly different at the $p < .05$ level based on Tukey's HSD post hoc comparisons. Higher scores indicate more of the attribute.

**APPENDIX B**

**INFORMED CONSENT**

**You must be 18 years of age or older to participate in this study.** The purpose of this research project is to examine how persons make decisions regarding civil court trials. For this project you will be asked to answer various questions regarding the case and the parties involved and some other survey questions.

**All data will be maintained in a locked facility to which only the Principal Investigator has access**. In addition, after giving your consent, the consent form and the answers you provide for survey questions will be separated to maintain complete anonymity **to the fullest extent allowed by law**. However, if you choose to withdraw at any time all of your data will be removed from the study. **All data will be destroyed after seven years.**

The **benefits** of participating in this study is that you are contributing to a greater understanding of the legal system and how juror decisions are made. The **foreseeable risks** or ill effects from participating in this study are minimal and you are free to stop the study at any time without penalty.

Your participation in this study is completely voluntary and you are free to withdraw from the study at any time for any reason without penalty or prejudice from the investigator. Please feel free to ask any questions of the investigator before signing the Informed Consent form and beginning the study, and at any time during the study. The Principal Investigator's contact information is as follows: ▓▓

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For one's rights as a research subject, the following person may be contacted:, Coordinator of Research Compliance, Office of Grants and Research, California State University, Fullerton, CA, ▓▓▓▓▓▓▓▓

I, _____, agree to participate in this research project.  I have had the study explained to me and my questions have been answered to my satisfaction.  I have read the description of this project and give my consent to participate. If you consent to participate in this research please sign below.


_____
Participant Signature


▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓          Phone: ▓▓▓▓▓▓▓▓
▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓          Email: ▓▓▓▓▓▓▓▓▓▓
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**APPENDIX C**

**TRIAL TRANSCRIPT**

IN THE COURT OF THE SIXTH JUDICIAL CIRCUIT IN AND FOR LOS ANGELES COUNTY,
STATE OF CALIFORNIA

CRIMINAL DIVISION

Case No. LS-MD-NC2021

INDICTMENT

STATE OF CALIFORNIA



vs.

MIGUEL HERNANDEZ,

      Defendant

          Age    22

          Sex    Male

          Race   Hispanic

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

That on September 1, 2009, at and within Los Angeles in the State of California, MIGUEL HERNANDEZ of Oaxaca, Mexico who has been in the United States illegally, committed the crime of

MURDER in the FIRST DEGREE

IN VIOLATION OF SECTION 18-3-102 OF THE California Criminal Code of 1984, as amended, in that he after deliberation and with the intent to MURDER, had willfully attacked and murdered Ms. Rebecca Miller, age 18, by shooting the victim to death on the date of August 31, 2009.

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

A TRUE BILL:

_____

Foreperson of the Grand Jury

## CASE SUMMARY

On the morning of September 1, 2009, the victim's mother, DARLA MILLER, came home to her condominium that she shares with her daughter after working the night shift at her place of employment. She entered the apartment and noticed that the deadbolt was not locked. She found her daughter in her bedroom, lying in a pool of blood, with what appeared to be a gunshot wound to her head.

The coroner's report stated that the 18-year-old victim, REBECCA MILLER, had one gunshot wound to her head and one gunshot wound to her torso. Based on toxicology reports on the temperature of the victim's liver, the time of death was estimated at approximately 9pm on August 31, 2009.

Police investigation revealed a stormy relationship between the victim and her former boyfriend by testimony of several of the victim's friends and the victim's mother. No police reports had ever been filed against the defendant by the victim and based on the testimony of the victim's friends and mother, no known physical violence had ever occurred. However, during questioning of the victim's friends and relatives, it was corroborated that after REBECCA MILLER had broken up with MIGUEL HERNANDEZ, the defendant had been threatening the victim and stated he could not live without her and that if he could not have her no one else would.

The State's evidence for arrest was based on fingerprints found at the scene, an eyewitness, TOM CUNNINGHAM, who stated he saw the defendant enter the victim's home around the date and time the murder occurred, and from the victim's friends and mother, DARLA MILLER, who stated in a police interview that the relationship between the victim and the defendant was sometimes volatile, but no physical abuse had occurred to her knowledge. The mother goes on to state that her daughter had recently broken off the one-year relationship with the defendant and that since the breakup her daughter had received harassing and threatening phone messages and emails.

The District Attorney of Los Angeles County has charged MIGUEL HERNANDEZ with the murder of REBECCA MILLER after the Los Angeles County police investigation unit presented the gathered evidence to the District Attorney's Office. A warrant for MIGUEL HERNANDEZ'S arrest was issued by the Los Angeles County courthouse and MIGUEL HERNANDEZ was arrested at his home without incident. The gun used in the shooting has yet to be found.

**Defendant Background**

The defendant, MIGUEL HERNANDEZ, is a 22 year-old illegal immigrant from Mexico. He lives in Los Angeles in a studio apartment in a rundown neighborhood of East Los Angeles. He grew up in Mexico City, Mexico and has no formal education. He entered the United States illegally in 2005 and has had a couple of odd jobs as a grounds keeper, and other various jobs in and around Los Angeles County. His most recently known employment was as a car wash attendant.

**Defendant Plea**

The defendant is represented by defense attorney Harold Sullivan, an attorney in Los Angeles County. The defendant, MIGUEL HERNANDEZ, by suggestion of his counsel, Harold Sullivan, has entered a plea of Not Guilty. He vigorously asserts his innocence and claims he is innocent of all charges.

<div align="center">

**SUMMARY CASE FOR THE PROSECUTION**

</div>

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

| | |
|---|---|
| Police Investigator James Smith: | Lead Crime Scene Investigator who arrested Mr. Hernandez |
| Darla Miller: | Mother of victim |
| Tom Cunningham: | Witnessed the defendant go into the apartment building at approximately the date and time of the murder |
| Jennifer Banks: | Friend of victim |

District attorney for the Prosecution, John Thompson, offers the following testimonial evidence:

Investigator James Smith testified that he was called to the crime scene at approximately 10am on September 1, 2009. At the crime scene he gathered information regarding possible suspects from interviewing the victim's mother. Investigator Smith states that it did not appear to be a break-in but the victim's purse was missing. Though the victim appeared to fight off the attacker, there were no other visible signs of a struggle. The gun wound to the victim's head and torso appeared to be that of a small caliber firearm. However, there were fingerprints of the defendant found on some of Rebecca Miller's personal effects, though these could have been from earlier times. Investigator Smith interviewed the eyewitness, TOM CUNNINGHAM, who stated he was sitting on the entrance steps to his apartment building which is located across the street and south of the condominium entrance of the Miller's. He was having a beer on the night in question when he saw the victim enter

the condominium building. The witness then stated he went into his apartment and heard nothing else the rest of the evening. Investigator also interviewed the victim's mother who stated that the relationship between the victim and the defendant was often volatile and that the victim had recently ended the relationship. After gathering this evidence, testimony, and information an arrest warrant was requested by the District Attorney's office and granted by Judge, QUENTIN THOMAS, of the Los Angeles County court. The defendant was apprehended at his home without incident.

Darla Miller testified that she came home from work after an overnight shift on September 1, 2009 and noticed that the front door was not locked. Upon entering the apartment she called out for her daughter and went into her daughter's bedroom where she found the victim on the side of the bed in a pool of blood and what appeared to be a gunshot wound to her daughter's head. She immediately called the police. She also testifies that during the police questioning she revealed that her daughter had recently broken up with her long-time boyfriend and that the boyfriend had started harassing her daughter with threatening phone calls and emails. She goes on to state that during the relationship that her daughter never mentioned being physically abused but that the victim and defendant had argued often.

Tom Cunningham testified that on the night of August 31, 2009 he was sitting on the entrance steps across the street from the Riverview Gardens condominium complex, where the victim's body was found. He said he had been sitting on his apartment entrance steps drinking a 'couple of beers' when he saw the defendant, wearing a dark sweatshirt and Levis, enter the complex at about 8pm. He states he was on the steps for an additional 30 minutes or so and then went back into his apartment. He states he didn't hear or see anything else that night that was suspicious.

Jennifer Banks, a friend of the victim, stated that she had known the victim for years and that she knew the defendant as well. She states her and her boyfriend often double-dated with the victim and the defendant and never saw any physical abuse between the victim and defendant. She states after the victim broke off the relationship she states that Rebecca confided in her that the defendant was harassing her and leaving threatening messages on her phone answering machine.

## SUMMARY OF CASE FOR THE DEFENSE

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

MIGUEL HERNANDEZ:   Defendant, currently illegal immigrant and
                                        unemployed

Jay Moore:   Friend and neighbor of defendant

Defense attorney, Harold Sullivan, offers the following testimonial evidence for the defendant:

MIGUEL HERNANDEZ testified that on the night in question he had met with the victim and that they had discussed their breakup but that it was amicable and he left about an hour later knowing that the relationship was over. He said he was never threatening or harassing to the victim and that he was merely upset that the relationship was over. He testified that though the breakup was not

pleasant he still loved the victim and would never hurt her. He goes on to state that there has never been a history of violence between the victim and himself and that he has no prior history of arrests.

Jay Moore testified that on the night in question Mr. Moore was working on his car in his driveway and saw the defendant leave his house about 6:30 p.m. on August 31, 2009, but that he didn't take any particular notice to this as most of this as Mr. Hernandez was always coming and going. He also testified that the defendant returned approximately an hour or so later and did not appear agitated in anyway, as the two exchanged waves. He goes on to state that Mr. Hernandez is an upstanding person of the community and has never shown any aggressive behavior.

## CLOSING ARGUMENTS FOR THE PROSECUTION

The district attorney, John Thompson, for the prosecution summarized his case against MIGUEL HERNANDEZ by arguing that the evidence and testimony against the defendant was overwhelming. That there is no physical evidence against any other person for this murder and that his fingerprints were found around the apartment. He goes on to state that the defendant had motive and was identified to be in the apartment at the approximate time of the murder. He states that the defendant was harassing the victim and leaving threatening phone messages after the breakup. "All of this evidence clearly points out that the illegal immigrant defendant, MIGUEL HERNANDEZ, is guilty of Murder, as he willfully killed the victim, Rebecca Miller," district attorney, John Thompson, stated.

## CLOSING ARGUMENTS FOR THE DEFENSE

The defense attorney, Harold Sullivan, summarized his defense of MIGUEL HERNANDEZ by stating that the prosecution did not prove without a shadow of a doubt that the defendant committed the crime. First, the investigation never bothered to look for any other suspects. He goes on to state that the defendant's fingerprints were around the apartment because he was over there quite often during their relationship. He goes on to state that the neighbor noticed no difference in demeanor when he returned home, and saw no noticeable traces of blood on the defendant. In addition, the weapon that was used in the murder has never been found. "All of this evidence adds up to one thing: there is plenty of reasonable doubt about who committed the crime," defense attorney Harold Sullivan stated.

**APPENDIX D**

**GENERAL JUROR INSTRUCTIONS**

The State of California has charged the defendant, MIGUEL HERNANDEZ, with Murder. To prove that charge, it must be shown that:


(a)     the defendant willfully killed the victim, and


(b)     the defendant was acting on his own accord.


(c)     no other explanation or suspect is reasonably possible.


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

**APPENDIX E**

**JUROR VERDICT AND SENTENCE FORM**

IN THE CIRCUIT COURT OF

LOS ANGELES COUNTY, CALIFORNIA

Case No. LS-MD-NC2014


THE PEOPLE OF THE STATE OF CALIFORNIA          )

                                              )

                vs.                              )

                                            )      JURY VERDICT

MIGUEL HERNANDEZ          )

                Defendant                )


I, acting as a juror in the case of the State of California vs. MIGUEL HERNANDEZ, return the following verdict:


NOT GUILTY          _____


GUILTY          _____

If you found the defendant, MIGUEL HERNANDEZ, guilty of Murder in the First Degree, the state provides for four sentencing options. Please indicate which of the three options is appropriate. (If you indicated that the defendant was not guilty on the juror verdict form, please skip the sentencing question and complete the remaining forms).

**Sentence**

\_\_\_\_\_ Ten year prison sentence with the possibility of parole after 20 years

\_\_\_\_\_ Life in prison with the possibility of parole after 30 years and time for good behavior

\_\_\_\_\_ Life in prison without the possibility of parole

**APPENDIX F**

**JUROR OPINION FORM**

Please answer the following questions about the case description that you have just read. If you wish, you may refer to the case description as an aid to answering the questions. Either circle the appropriate point on the scales below or fill in the blank.

1. How guilty do you think the defendant actually is?

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

Not guilty            Completely

at all            guilty

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

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

Nothing/Innocent            Death

3. In your opinion, how responsible is MIGUEL HERNANDEZ for committing this crime?

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

Not at all            Totally

responsible            responsible

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

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

Not confident            Extremely

at all            confident

5. How likely is it that the defendant will commit this crime again in the future?

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

Not at all            Totally

Likely            Likely

6. How much do you believe the defendant's version of the crime?

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

Not at all                                    Completely

7. How likely is it that you would find yourself in a similar situation as the defendant?

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

Not at all                                    Highly

Likely                                        Likely

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

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

None of it                                    All of it

9. How likely is it that the defendant committed this same crime in the past?

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

Not at all likely                             Extremely Likely

10. How much did the situation influence the defendant's behavior?

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

Not at all                                    Completely

11. If you found the defendant guilty, to what degree do you think the defendant intentionally meant to kill the victim?

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

No Intention                                  Full Intention

12. To what degree do you think the defendant lied to the police?

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

Not at all

Extremely

Likely

Likely

13. How much did the viciousness of the attacks impact your decision?

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

Not at all

Completely

14. How much did the defendant being an illegal immigrant impact your decision?

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

Not at all

Completely

Please rate the defendant, MIGUEL HERNANDEZ, on each of the following dimensions.

Personal evaluation

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

Untrustworthy

Trustworthy

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

Unlikable

Likeable

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

Incompetent

Competent

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

Unethical

Ethical

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|

Selfish                                          Considerate

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|

Unattractive                                 Attractive

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|

Unintelligent                               Intelligent

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|

Cold                                              Warm

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|

Insensitive                                 Sensitive

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|

Lazy                                          Industrious

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|

Aggressive                               Not aggressive

**APPENDIX G**

**JUROR MEMORY FORM**

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

(1)     Where did the defendant live?

_____

(2)     Please rate the social/economic status of the defendant:

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|

Low status                                                                    High status

(3)     What was the defendant's racial or ethnic background?

_____

(4)     What was the weapon used to kill the victim?

_____

(5)     Where did the crime take place?

_____

**APPENDIX H**

**JUROR BACKGROUND FORM**

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

Participant Demographic Information

1.  How many people live in and shared the same household you grew up in? (Circle one)

    2      3      4      5      6      7      8      9      10 or more

2.  What was the combined yearly income of both your parents, or yourself if you are living independently? If you don't know for sure, estimate. (Circle one)

    $25,000 or less = _____      $25,001 – 50,000 = _____      $50,001 – 80,000 = _____

    $80,001 – 125,000 = _____      $125,001 or more = _____

3.  What was the last grade finished or degree earned by your parents in school? (Circle one for your father and one for your mother)

    3a. Father –                           3b. Mother –

    _____   Up to grade 8              _____   Up to grade 8

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

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

    _____   Some college               _____   Some college

    _____   College degree             _____   College degree

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

_____ Post-graduate degree          _____ Post-graduate degree

4.    Please circle your gender?   Male   Female   5.    What is your age?   _____

6.    What is your Race/Nationality/Ethnicity:

White-European-American  _____          African-American  _____

Hispanic                  _____          Native-American   _____

Asian                     _____          Other:  _____

7.    How long have you lived in the United States (Check one) ?

____ All of my life     ____ Some of my life     ____ Most of my life     ____ Only a short while

8.    Circle the number that would best characterize the town or city that you grew up in:

       1          2          3          4          5          6          7

  All minorities                    Some minorities                    No Minorities

9.     I would also describe the population of the town or city I grew up in as:

____    Urban (city)          ____    Rural (country)          ____    Suburban (family

neighborhood)

10.      Think about your friends and acquaintances and circle the area on the line that would best describe the ethnicity or race of your friends:

African-American

1          2          3          4          5          6          7

I have no friends          I have some friends          All of my friends

That belong to this group          that belong to this group          belong to this group

Hispanic

1          2          3          4          5          6          7

I have no friends          I have some friends          All of my friends

That belong to this group          that belong to this group          belong to this group

Asian

1          2          3          4          5          6          7

I have no friends          I have some friends          All of my friends

that belong to this group          that belong to this group          belong to this group

Native American

1          2          3          4          5          6          7

I have no friends          I have some friends          All of my friends

That belong to this group          that belong to this group          belong to this group

White

1          2          3          4          5          6          7

I have no friends          I have some friends          All of my friends

That belong to this group          that belong to this group          belong to this group

11. How would you describe your political affiliation?

Democrat _____        Republican  _____        Independent _____   Other:

_____

12. What religion are you?

Christian _____      Mormon _____      Baptist _____      Jewish _____      Muslim _____      Catholic

_____

Protestant _____      Buddhist _____      Hindu _____      Agnostic _____      Atheist _____

Other _____
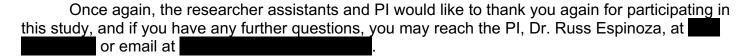
# Thank you for participating in this study.

**APPENDIX I**

**DEBRIEF FORM**

Thank you for participating in this study. Without generous students such as you, research in the social sciences would not be able to examine human behavior with any sort of depth or precision.

This study is examining different parameters within the legal system in the United States as they pertain to various groups.  The criminal justice system has shown that different aspects of a criminal court case in the United States can have significant affects on juror decision making. However, the criminal justice system has not yet been able to measure what are the specific influences for jurors that lead them to make certain decisions for particular cases. Your participation will help us develop a greater understanding of how our criminal justice system works in regards to these parameters. We will use the results of your decision regarding this case to further our understanding of the criminal justice system. This task is important because there has been little research done on the influences of case parameters on juror decision making. By contributing your time and effort you have helped to further our understanding of juror decision making.

If you are interested in any other areas of this type of research (juror decision making) please do not hesitate to contact the Principal Investigator (PI), Dr. Russ Espinoza. .

Once again, the researcher assistants and PI would like to thank you again for participating in this study, and if you have any further questions, you may reach the PI, Dr. Russ Espinoza, at ███ ████████ or email at ███████████████████ .

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