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Attorneys' and Jurors' Perceptions of Juvenile Offenders' Culpability

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ATTORNEYS' AND JURORS' PERCEPTIONS OF
JUVENILE OFFENDERS' CULPABILITY

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ATTORNEYS' AND JURORS' PERCEPTIONS OF
JUVENILE OFFENDERS' CULPABILITY

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THESIS

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Abstract

Factors affecting attorneys' and mock jurors' perceptions of a juvenile offender's culpability were investigated. In study one, 30 attorneys from Texas responded to a survey in which they rated how likely 20 factors were to mitigate a juvenile offender's culpability in jurors' eyes. In study two, college students, serving as mock jurors, saw a photo of a juvenile offender and read a trial transcript. This study determined whether a juvenile offender's appearance (youthful vs. adult-like) and mock jurors' perceptions of the current crime trend would affect their verdict and sentence recommendations. Attorneys thought a juvenile offenders' youthful appearance would mitigate his culpability in jurors' eyes, but that jurors' perceptions of the crime trend would not mitigate his culpability in jurors' eyes. However, study two found that mock jurors' verdicts only differed depending on their perceptions of the current crime trend and were not affected by a juvenile offender's youthful appearance.

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Attorneys' and Jurors' Perceptions of Juvenile Offenders' Culpability

In 1899 a separate juvenile court system was set up to try adolescent offenders apart from adult offenders because juvenile offenders were thought to be different from adult offenders (Mack, 1909). Adolescents' youthfulness was considered a mitigating factor to their culpability for their crimes (Melton, 1989). It was thought that juvenile delinquents did not understand the consequences associated with their crimes, or the proceedings that went on in adult court (Cooper, 1997; Owen-Kostelnik, Reppucci, & Meyer, 2006). However, recent trends in juvenile justice proceedings that allow juveniles to be tried in adult court or in a hybrid juvenile/adult court have given jurors (and judges) tremendous sentencing discretion based upon the perceived culpability of the juvenile defendant. For example, in Texas a jury may determine whether a juvenile defendant convicted of a first degree felony receives a sentence ranging from probation to 40 years in prison.

Recent research has investigated a number of factors that have been found to affect jurors' perceptions of juvenile offenders' culpability: the juvenile offenders' age (Ghetti & Redlich, 2001; Stalans & Henry, 1994), whether or not they had been abused (Covell & Howe, 1996; Stalans & Henry, 1994) and their criminal background and history (Levine, Williams, Sixt, & Valenti, 2001; Stalans & Henry, 1994). In addition, attorneys also have ideas about what factors affect jurors' perceptions of juvenile offenders' culpability. Through informal conversations with attorneys it was determined that, in contrast to researchers who have focused on chronological age, juvenile attorneys think that a youthful appearance is viewed as an important mitigating factor to adolescents' culpability. Juvenile attorneys also think that jurors who perceive that juvenile crime is increasing will have more negative views about juvenile

offenders' culpability than jurors who do not perceive that the juvenile crime rate is increasing (D. R. Contreras, personal communication July 2007).

Two studies conducted here will empirically examine factors that may influence attorneys' and jurors' perceptions of adolescents' culpability. The first study will evaluate juvenile defense attorneys' perceptions of factors that may mitigate their adolescent clients' culpability in the eyes of potential jurors. A second study will evaluate two factors that have not previously been studied with mock jurors. Specifically, this second study will investigate whether a juvenile offender's youthful appearance affects potential jurors' verdicts and sentence recommendations and whether jurors' perceptions of the current juvenile crime trend affect their verdicts and sentence recommendations for a juvenile offender accused of committing a particular offense. The juvenile justice system has undergone several changes since its conception over 100 years ago. As the legal system has taken a more "get-tough" approach to adolescent offenders, jurors' perceptions of criminal culpability has become important for researchers, attorneys, and defendants. Juvenile defense attorneys' perceptions of juvenile offenders' culpability also are important as they make decisions about how to present their clients' cases to the court.

Evolution of the Juvenile Justice System

During the 19th Century, the court's focus shifted from punishing offenders to rehabilitating them. It was thought that by reforming and educating prisoners, they could be released from prison and would be able to become contributing members of society (Mack, 1909). It also was during this time period that some jurisdictions began to separate adolescent offenders from adult offenders in jails and prisons because adolescents were thought to be less culpable for their crimes than were adult offenders. The state then had the responsibility to

intervene, protect, and reform children rather than punish them (Mack, 1909). Thus, the juvenile justice system was set up during a period of reformations that had been taking place throughout the American legal system. The first juvenile court opened its door in Chicago, Illinois on July 1, 1899 (Mack, 1909).

Juvenile courts were meant to protect and to teach delinquent youth rather than to stigmatize them as criminals (Mack, 1909). The court wanted adolescents to have access to rehabilitative services that would allow them to become contributing members of adult society (Butts & Mears, 2001). Thus this new juvenile justice systems approach was one of *parens patriae*, where the state acted as the parent (Mack, 1909; Mears, Hay, Gertz, & Mancini, 2007).

While early juvenile court advocates wanted to protect and to rehabilitate youth, this aim gradually morphed into an emphasis on giving the adolescent offender the same rights and responsibilities that were afforded to adult offenders. Since the Supreme Court case in the 1960's involving Gerald Gault, the juvenile justice system has undergone many changes which have increased the rights and responsibilities afforded to adolescent offenders (Melton, 1989). In June of 1964, Gerald and a friend were arrested for having made an indecent phone call of the "irritatingly offensive, adolescent, sex variety" to Mrs. Cook (In *re Gault*, 1967). Gerald's parents were not notified that he had been arrested, he was not formally charged, the complainant, Mrs. Cook, was not at the subsequent trial, and he was forced to incriminate himself by testifying (In *re Gault*, 1967; Melton, 1989). The Supreme Court held that even though Gerald was being tried in juvenile court he still had the same rights that adults were afforded (Melton, 1989). Specifically, the Supreme Court held that juveniles being tried in juvenile court still had the right to counsel, the right to face the witness, the right to receive notice of the charges, and the right to not incriminate themselves (In *re Gault*, 1967).

More substantial changes to the juvenile justice system occurred in the 1980's and 1990's when lawmakers began to take a "get-tough" attitude toward juvenile offenders (Mears et al., 2007). These "get-tough" attitudes involved a shift toward punishment rather than rehabilitation for adolescent offenders. The juvenile system began to criminalize adolescent offenders rather than to treat them as delinquent youths who needed to be rehabilitated. Juvenile delinquents now could be transferred to adult court or be assigned a blended sentence. In blended sentencing, juveniles begin serving their sentence in the juvenile system and are transferred to the adult system when they have aged out of the juvenile system (Mears et al., 2007). These more recent changes in the juvenile justice system went against the original intentions of the juvenile court (Mears et al., 2007).

Lawmakers said that these new attitudes towards juvenile offenders were the result of the public's preferences for stricter punishment for adolescent offenders (Dawson, 1988). Legislators pointed to an increase in the number of violent juvenile offenses committed in the 1960's and 1970's and then again in the 1990's after a reprieve in the 1980's as the leading cause of the public's shifting attitudes toward juvenile offenders (Bishop, 2006). Lawmakers thought that the juvenile justice system's ineffectiveness at dealing with adolescent criminals was the reason for the increase in the number juvenile crimes. Additionally, lawmakers assumed the public's opinion was that harsher sentences and more of a focus on punishment rather than rehabilitation would be more successful at reducing juvenile crime (Bishop, 2006).

Researchers have since determined that the public may not be as supportive of harsher sentences for juvenile offenders as lawmakers thought (Nagin, Piquero, Scott, & Steinberg, 2006). For example, Nagin and his colleagues (2006) found that the public was more interested in rehabilitating juvenile offenders than simply punishing them. In this study the researchers

compared the amount that participants said they would be willing to pay for longer periods of incarceration for juvenile offenders with the amount they would be willing to pay for more rehabilitative services for juvenile offenders. They found that participants were willing to pay more for rehabilitative services for juvenile offenders than they were for longer periods of incarceration for juvenile offenders.

Researchers on adolescent cognitive development have recently been making the case that juvenile offenders are less culpable for their crimes than are adults and their arguments have been cited in the Supreme Court's decision that ended the death penalty for juveniles (Cauffman & Steinberg, 2000; Cauffman, Steinberg, & Piquero, 2005; Cauffman, Wollard, Reppucci, 1999; Fried & Reppucci, 2001; Reppucci, 1999; Scott & Grisso, 1997; Steinberg & Scott, 2003; *Thompson v. Oklahoma*, 1998). Cognitive processes that are central to good judgment, especially in group situations, develop during adolescence (Steinberg, 2005). Researchers contended that adolescents should be less culpable for their crimes than adults because of their diminished and still-developing decision making skills (Cauffman et al., 1999; Keating, 1990; Steinberg & Scott, 2003). While cognitive developmental researchers are arguing that adolescents' judgment should make them less culpable than older offenders, there is evidence that jurors weigh a number of different factors when assessing culpability.

Jurors' Perceptions of Juveniles' Culpability

While numerous researchers have investigated maturational cognitive and social factors thought to mitigate juvenile offenders' culpability for their crimes, it is also important to determine what factors jurors and the public think make juveniles less culpable for their crimes, given the increasingly important role of jurors in juvenile proceedings. Jurors' assessment of adolescents' culpability is especially relevant for juvenile attorneys in Texas, where some

juvenile cases are tried and sentenced in front of a jury. Depending on the crime, the prosecutor can elect to transfer the juvenile case to Determinate Sentencing (described in greater detail below) where juvenile offenders have the right to a jury trial. Thus, it is important for researchers to establish what factors mock jurors think mitigate adolescent offenders' culpability and how these factors affect their sentence recommendations in a juvenile case. Because attorneys present the facts of a case to the jury, it is also important to determine whether the factors attorneys think mitigate adolescent offenders' culpability are also factors that jurors think mitigate adolescent offenders' culpability.

Mock jurors generally treated older juvenile defendants more punitively than they treat younger juvenile defendants by giving them harsher or longer sentences (Crosby et al., 1995; Ghetti & Redlich, 2001; Stalans & Henry, 1994; Warling & Peterson-Badali, 2003). Researchers investigating mock jurors' application of the death penalty to juvenile offenders found that participants were more likely to recommend such a punishment for older juvenile offenders than for younger juvenile offenders (Crosby et al., 1995). However, these researchers also found that 60.5% of participants in their sample voted to execute the youngest juvenile offender who was presented as a 10-year-old male. Stalans and Henry (1994) found that mock jurors were more likely to recommend that a 16-year-old male juvenile offender be transferred to adult court than a 14-year-old male juvenile offender. The researchers also investigated whether mock jurors' recommendations would vary with respect to whether this was the juvenile's first offense or if he was a repeat offender. Their findings held for both first-time offenders and repeat offenders.

More recently, researchers have looked at mock jurors' sentence recommendations for younger versus older juvenile offenders. Ghetti and Redlich (2001) investigated mock jurors' sentence recommendations for 11-, 14-, and 17-year-old juveniles. The researchers also looked

at participants' perceptions of the juvenile's responsibility for and competence of his crime. They found that mock jurors tended to recommend longer sentences for older juvenile offenders and that participants thought the older juvenile defendant was more responsible and culpable for the crime he had committed. Findings from this study and another study by Warling and Peterson-Badali (2003) demonstrated that mock jurors see younger juvenile offenders as being less culpable for their crimes than are older juvenile offenders and adult defendants.

Warling and Peterson-Badali (2003) compared mock jurors' verdicts and sentence recommendations for a 13-year-old juvenile, a 17-year-old juvenile, and a 25-year-old adult offender who was accused of stabbing a same-aged peer. The researchers found that the offender's age did not affect verdicts; however, the offender's age did affect mock jurors' sentence recommendations. Participants recommended longer sentences for older offenders than for younger offenders. Results from these studies demonstrated that jurors see juvenile offenders' age as a mitigating factor in their culpability for the crimes they have committed (Crosby et al., 1995; Stalans & Henry, 1994; Warling & Peterson-Badali, 2003). Mock jurors in these studies thought that younger juvenile offenders should be tried as juveniles and receive lighter sentences, and were less responsible for and less culpable about their crimes than were older juvenile offenders.

Researchers also have looked at a number of other factors that mock jurors see as reducing juvenile offenders' culpability for their crimes. Stalans and Henry (1994) found that mock jurors were less likely to recommend transferring a juvenile defendant accused of murder to adult court when they were told that he had been abused than when there were told he had not been abused. Mock jurors in this study also thought that the abused juvenile was less culpable for his crime than was the non-abused juvenile. Specifically, participants thought the abused

juvenile had less of an understanding of the murder and its wrongfulness, and was less likely to recidivate than the non-abused juvenile. Similarly, Covell and Howe (1996) found that, when mock jurors were given evidence that a juvenile offender had been abused, they were less likely to recommend a punitive sentence than when they were given no information about a history of abuse.

Other researchers have looked at whether information about a juvenile's prior criminal history and information about the current offense affected mock jurors' perceptions of his criminal culpability (Ghetti & Redlich, 2001; Levine et al., 2001). Researchers found that mock jurors were more likely to think that a juvenile defendant with a criminal history was guilty than was a juvenile who did not have a criminal history (Levine et al., 2001). Specifically, participants were more likely to determine that the juvenile defendant was guilty in the current case when they thought he had committed crimes in the past, gotten in trouble more than once, had a previous criminal record, and had a good deal of previous contact with the police than when they did not think these things about the juvenile defendant. Mock jurors in this study even responded that these four characteristics were what helped them determine that the juvenile in this case was guilty. Levine et al.'s (2001) findings demonstrated that juvenile offenders' criminal history affects jurors' verdicts.

Ghetti and Redlich (2001) determined that the type of crime a juvenile committed, the outcome of the crime, and the juvenile's impulsivity in the crime affected mock jurors' perceptions of his accountability and competence. Mock jurors heard about a physical fight between two same-aged peers that led to either a shooting or arson. Participants were told that the victim was either injured or killed and that the juvenile acted either immediately following the fight or waited one day. Regardless of the juvenile offender's age, mock jurors thought that

juvenile offender who committed a shooting was more accountable and competent to stand trial than the juvenile who had committed arson. Additionally, the researchers found that participants thought that a juvenile who was impulsive and committed the crime immediately following the fight was less accountable and less competent than the juvenile who waited one day. Their results demonstrated that participants were likely to see juveniles' immature behavior as mitigating their culpability for their crimes.

In conclusion, researchers have established several factors that potential jurors think mitigate juvenile offenders' culpability for their crimes. Age appears to be the most extensively studied mitigating factor that juvenile offenders possess (Crosby et al., 1995; Ghetti & Redlich, 2001; Stalans & Henry, 1994; Warling & Peterson-Badali, 2003). Other researchers have found that the type of crime a juvenile committed, who the victim was, what the outcome of the crime was, and how impulsive the juvenile was also mitigates juvenile offenders' culpability for their crimes (Ghetti & Redlich, 2001; Levine et al., 2001; Stalans & Henry, 1994). With some juvenile cases being tried by jurors, it is important to understand what factors influence their perceptions of juvenile offenders' culpability. Researchers have investigated factors they think influence jurors' perceptions of adolescent offenders' culpability, but attorneys' assumptions of mitigating factors also need to be investigated, because they present the case to the judge and jurors.

Attorneys' Views of Juror Perceptions of a Juvenile's Culpability

While researchers have investigated a number of factors that might mitigate jurors' perceptions of juvenile offenders' culpability, attorneys may have slightly different ideas about what factors mitigate their adolescent clients' culpability. Juvenile defense attorneys are responsible for obtaining a not guilty verdict or the lightest sentence possible for their adolescent

client (Humes, 1996). Like researchers, attorneys assume that the circumstances of juvenile offenders' crimes and their history of abuse can mitigate their culpability (Dershowitz, Gill, Jouët-Nkinyangi, & Birchak, 2002). Attorneys also present any problems the adolescent may be having at school, evidence of mental retardation, and even illness as other factors that reduce their clients' culpability. A handbook written for juvenile defense attorneys in Texas recommends that they look for any and all circumstances and facts about their adolescent clients that may mitigate their criminal culpability (Dershowitz et al., 2002).

Through informal conversations with attorneys it was determined that there are two important factors attorneys think can mitigate jurors' perceptions of adolescent offenders' culpability that researchers have not investigated extensively. Adolescents who look young are less likely to be convicted of crimes because they look more like children than like hardened criminals. Additionally, jurors' attitudes about current juvenile crime trends may affect their perceptions of adolescent offenders' culpability and the sentence they would recommend.

Anecdotal evidence suggests that jurors will rarely send adolescent offenders to prison when their feet do not reach the floor while they sit at the defense table in court. A juvenile offender who "looks like a kid" is less likely to be convicted of a crime than a juvenile offender who looks like a young adult. As mentioned above, mock jurors recommended lesser sentences to younger juvenile defendants than to older juvenile defendants (Crosby et al., 1995; Ghetti & Redlich, 2001; Stalans & Henry, 1994; Warling & Peterson-Badali, 2003). However, researchers have not yet examined how same-age juvenile defendants' appearance as youthful versus adult-like affect mock jurors' perceptions of their culpability and influence whether they would recommend a not guilty verdict or a lighter sentence.

Anecdotal evidence also suggests that jurors' perceptions of and attitudes toward juvenile crime are important factors in determining what verdict and sentence they think are appropriate for a juvenile offender. Potential jurors' assumptions about the prevalence of juvenile crime may affect their verdicts and recommended sentences in juvenile cases. Specifically, individuals who assume that juvenile crime is on the rise will be more likely to convict a juvenile defendant and will recommend a harsher sentence than will individuals who do not assume that juvenile crime is on the rise. When individuals think that juvenile crime is increasing, they are more likely to want to recommend harsh punishment for one juvenile offender in order to deter other adolescents from committing crimes.

Only one study has looked at mock jurors' perceptions of the prevalence of juvenile crime and its affect on their perceptions of adolescent offenders' culpability (Warling & Peterson-Badali, 2003). As part of one study, Warling and Peterson-Badali (2003) had mock jurors complete their Attitude Toward Youth Crime Scale. This scale assessed participants' perceptions of whether juvenile crime was increasing or decreasing as well as participants' attitudes about punishment for juvenile offenders. The researchers found that participants who assumed juvenile crime was increasing and thought that juvenile offenders deserved harsh punishment considered juveniles to be more responsible for their crimes than did participants who did not think juvenile crime was increasing or that juvenile offenders deserved harsh punishment. However, research has not yet looked at how potential jurors' perceptions of the prevalence of juvenile crime affect their assignment of verdicts and their recommended sentences for juvenile offenders.

Juvenile Justice in Texas

Texas is an interesting area to conduct a mock juror study using a juvenile case because Texas allows juvenile offenders the right to a jury trial in some instances (Texas Family Code, 2007). The state of Texas has three options for trying juvenile offending cases: Juvenile offenders may be tried in the traditional juvenile system, they may be certified as an adult and transferred to adult court, or they may be tried in a hybrid of the two systems known as Determinate Sentencing (Contreras, 2002). This hybrid system offers juries the chance to provide adolescent offenders the opportunity to take advantage of the rehabilitative service that the juvenile system provides, while offering the community protection from violent adolescents through longer sentences if deemed appropriate.

Juvenile offenders can be transferred to Determinate Sentencing if they have committed a first, second, or third degree felony (Contreras, 2002; Texas Family Code, 2007). Some examples of these types of offenses include murder, manslaughter, aggravated kidnapping, sexual assault, aggravated assault, attempted murder, and arson. For these offenses, prosecutors may decide on an individual basis that the juvenile system is not sufficient to handle punishment for these crimes because of their severity and transfer the case to Determinate Sentencing or adult court. A judge then holds a hearing to decide if there is enough evidence to transfer a specific juvenile case. Thus a juvenile offender committing one of these offenses could be transferred either to the hybrid Determinate Sentencing system or to an adult court where more sentencing options are available.

In Determinate Sentencing, adolescent offenders are afforded the right to trial by a jury of adults (Contreras, 2007). As in the adult system, the jury in the Determinate Sentencing system decides the verdict and recommends an appropriate sentence for adolescent offenders. For a first

degree felony jurors can recommend a range of sentences from probation to 40 years in prison, for a second degree felony jurors can recommend sentences ranging from probation to 20 years in prison, and for a third degree felony jurors can recommend sentences ranging from probation to 10 years in prison (Contreras, 2002; Texas Family Code, 2007). When sentenced in the Determinate Sentence system, adolescents begin serving their sentence in the Texas Youth Commission (TYC; Contreras, 2002). There they are able to take advantage of the rehabilitative services offered to delinquent adolescents such as education and counseling services. If adolescents receive parole from TYC before their 18th birthday they continue on parole in TYC until their 21st birthday. At that point their parole is transferred to the adult system (The Texas Department of Corrections –TDC), where they are subject to the same restrictions as adult offenders on TDC parole for the remainder of their sentence. If adolescents do not parole out of TYC by age 18, they are automatically transferred to the adult system (TDC) on their 19th birthday. Once in TDC, adolescent offenders now turned adults are eligible for parole like any other adult inmate at TDC. Thus, in theory Determinate Sentencing offers the adolescent an opportunity to rehabilitate and become a productive member of adult society, while still offering the community protection if it is determined that rehabilitation has not occurred.

The Present Studies

The present research investigated juvenile attorneys' ideas of what factors affect potential jurors' verdicts and sentence recommendations for their adolescent clients, as well as jurors' perceptions of a juvenile offender's culpability. This research was broken into two studies. The first study investigated attorneys' perceptions of mitigating factors to an adolescent offender's culpability, while the second study investigated mock jurors' perceptions of factors that mitigate a juvenile's culpability.

Study 1

The first study assessed which factors juvenile attorneys thought jurors assumed mitigated an adolescent offender's culpability. Juvenile attorneys were asked to determine how much each fact or circumstance might mitigate juvenile offenders' culpability in jurors' minds. It was hypothesized that attorneys would think that jurors' perceptions of the crime trend would be very likely to mitigate a juvenile offender's culpability in jurors' eyes. It was also hypothesized that attorneys would assume that a juvenile's youthful appearance would mitigate his culpability in jurors' eyes, while his adult-like appearance would not mitigate his culpability in jurors' eyes.

Method

Participants

Surveys were sent to 381 attorneys who work with juvenile offenders or in the juvenile justice system throughout Texas. Both defense attorneys and prosecuting attorneys were recruited to participate in this study in order to get a wide range of attitudes of factors that affect juvenile offenders' culpability. Surveys were completed and returned from 30 attorneys (7.9%). The attorneys in this study had been practicing law for an average of 12.7 years (range 2-28 years) and had been working with juvenile offenders for an average of 8.0 years (range 0.5-27.5

years). Attorneys from Amarillo, Austin, Corpus Christi, Dallas, El Paso, Fort Worth, Houston, and San Antonio returned completed surveys. Just over a third of the attorneys who responded ($n = 11$, 36.7%) reported having practiced in another location in Texas than their current location. Very few of the attorneys ($n = 4$, 13.3%) in this study reported practicing law in another state in the U.S. other than Texas.

Procedure

Attorneys throughout Texas who work or have worked with juvenile offenders or in the juvenile justice system were contacted about participating in a short survey investigating issues surrounding juvenile culpability (see Appendix A). Juvenile attorneys from El Paso were recruited through local contacts, while juvenile attorneys from elsewhere in Texas were recruited through the Texas State Bar website. In El Paso, a local Juvenile Court Referee provided a list of attorneys from the El Paso area who worked with juvenile defendants and who might be interested to participate in this study. These attorneys were contacted by phone and sent a questionnaire packet by mail. They completed all parts of the questionnaire and returned it to the researcher in a pre-addressed and stamped envelope. Attorneys living and working in other areas of Texas were contacted via email through the Texas State Bar Association website. A search was conducted to locate attorneys in other areas of Texas who stated that they worked or had worked with juvenile defendants. These attorneys were sent an email message that included the questionnaire packet and asked to email, fax, or mail the completed survey back to the researcher.

Attorneys were asked to imagine that they were defending a juvenile offender in a case that was being tried in Determinant Sentencing where a jury would assign a verdict and sentence to the defendant. They read 20 factors that could potentially be used to mitigate an adolescent

offender's criminal culpability. The factors they read included poor school performance and behavior, family problems, socioeconomic factors, and previous delinquency. Attorneys were asked to rate how likely jurors would assume each factor mitigated an adolescent offender's culpability. They used a 5-point Likert type scale with 1 being not all likely to mitigate an adolescent's culpability in jurors' eyes, 3 being neither likely nor unlikely to mitigate an adolescent's culpability in jurors' eyes, and 5 being very likely to mitigate an adolescent's culpability in jurors' eyes. The target factors, "jurors' perceptions of the current juvenile crime trend," "a juvenile's child-like appearance," and "a juvenile's adult-like appearance," were imbedded in this general list (see Table 1 for Means and Standard Deviations). Additionally, attorneys were given the opportunity to write in other factors not listed that they thought jurors would assume mitigated a juvenile offender's culpability. They also rated these factors to demonstrate to what degree they thought jurors would assume each factor mitigated an adolescent's criminal culpability. These specific factors were recoded into 9 general factors. The number of attorneys who wrote in each factor, their means and standard deviations are included in Table 2.

Results

Contrary to the hypothesis that attorneys would think that jurors' perceptions of the crime trend would be very likely to mitigate a juvenile offender's culpability in jurors' eyes, attorneys who responded thought "jurors' perceptions of the current juvenile crime trend" was neither likely nor unlikely to mitigate an adolescent's culpability in jurors' eyes, $M = 2.45$, $SD = 1.25$. However, a one-sample t -test determined that attorneys ratings were significantly different than the median value on the 5-point Likert scale, $t(28) = -2.39$, $p = 0.02$. The hypothesis that attorneys would assume that a juvenile offender's youthful or adult-like appearance would

influence jurors' estimations of the juvenile's culpability was supported. Specifically, as hypothesized, attorneys thought that a juvenile's youthful appearance would mitigate his culpability in jurors' eyes, $M = 3.97$, $SD = 1.0$. A one-sample t -test determined that attorneys ratings were significantly different than the median value on the 5-point Likert scale, $t(29) = 5.30$, $p < 0.001$. Attorneys thought that a juvenile's adult-like appearance was not at all likely to mitigate his culpability in jurors' eyes, $M = 1.83$, $SD = 1.15$. A one-sample t -test determined that attorneys ratings were significantly different than the median value on the 5-point Likert scale, $t(29) = -5.57$, $p < 0.001$. A paired samples t -test revealed that there was a significant difference between attorneys' ratings of "juvenile's child-like appearance" and "juvenile's adult-like appearance," $t(29) = 7.34$, $p < .001$.

There were also several other factors that attorneys thought were important at mitigating a juvenile's culpability in jurors' eyes. Attorneys thought "child abuse and/or neglect," "sexual abuse," "a medical condition," "a mental condition," and "mental retardation," were likely or very likely to mitigate an adolescent's culpability in jurors' eyes (see Table 1 for means and standard deviations). There were also two additional factors that attorneys thought were unlikely to mitigate an adolescent's culpability in jurors' eyes. Attorneys thought "poor behavior in school," and "gang involvement," would not be likely to mitigate an adolescent's culpability (see Table 1 for means and standard deviations). Finally, from the factors that attorneys wrote in themselves, there were several they thought were important at mitigating a juvenile offender's culpability: the juvenile's age, appearance as clean and well dressed, family history and involvement, whether or not the juvenile was female, criminal history, and remorse for the crime (see Table 2 for means and standard deviations).

Discussion

The data from this study did not support the hypothesis that attorneys would think jurors' perceptions of the crime trend would be likely to mitigate a juvenile offender's culpability in jurors' eyes. Rather, attorneys thought jurors' perceptions of the current juvenile crime trend was neither likely nor unlikely to mitigate an adolescent's culpability in jurors' eyes. The data did support the hypothesis that attorneys would think a juvenile's youthful or adult-like appearance would influence jurors' perceptions of his culpability. Specifically, attorneys thought that a juvenile's youthful appearance would mitigate his culpability in jurors' eyes, while his adult-like appearance would not be at all likely to mitigate his culpability in jurors' eyes.

Study 2

The second study looked at two of the target factors that attorneys were asked to rate, neither of which researchers have extensively studied: jurors' perceptions of the current juvenile crime trend and adolescent offenders' appearance. This study examined whether a juvenile offender's appearance as either a youthful or adult-like affected jurors' verdicts and sentence recommendations. Additionally, this study explored whether mock jurors' perceptions of current juvenile crime trends affected their verdicts or sentence recommendations. Participants read a vignette that described a crime involving a juvenile offender and the ensuing trial in the Determinate Sentencing system and saw an accompanying photo of a youthful or adult-like 15-year-old juvenile offender.

It was hypothesized that participants who saw a juvenile offender with a youthful appearance would be less likely to find him guilty, and recommend a less severe sentence if they did think he was guilty. Support for this hypothesis comes from research in facial babyishness. Researchers found that participants thought individuals with a babyface were more honest, less

likely to know right from wrong, and thought to be physically weaker than individuals with more adult-like features (Zebrowitz & Montepare, 1992). Zebrowitz and McDonald (1991) also found that mock defendants in small claims court who had a babyface were perceived by mock jurors as less guilty when the crime was intentional because they perceived babyfaced-defendants as more honest and naïve. Thus, mock jurors in the present study are likely to assume that juvenile defendants who appear youthful are less culpable than juvenile defendants who look like young adults. It also was hypothesized that participants who thought that juvenile crime was on the rise would be more likely to find the juvenile in this case guilty, and recommend a harsher sentence if they did find him guilty. The data were also analyzed to determine if there was a relationship between participants' verdicts and sentence recommendations and the amount of television news and crime shows they watched, as well as their scores from the personality measure.

Method

Participants

Data were collected from 193 undergraduate students recruited from the university's subject pool of psychology students to serve as mock jurors in the present study. Data from 10 participants had to be discarded because those participants were less than 18 years or failed to report their age. This left data from 183 participants for subsequent analyses.

A majority of the participants were female ($n = 113$). Participants ranged in age from 18 to 50 years ($M = 20.6$, $SD = 4.4$). The racial makeup of the sample reflected the diversity that is seen at this university and the surrounding area. A majority of participants were Hispanic (74.3%), 12% were white, 4.4% were black, and 3.8% were Asian. Additionally, 91.3% ($n = 167$) identified having either a driver's license or being a registered voter and therefore would be jury eligible. Half of the participants identified themselves as having freshman class standing

(50.3%, $n = 92$), 31.1% ($n = 57$) were sophomores, 14.2% ($n = 26$) were juniors, 3.3% ($n = 6$) were seniors, and 1.1% ($n = 2$) were something else. The most frequently listed majors included business, psychology, education, kinesiology, biology, and nursing.

Procedure

Undergraduate participants were recruited through the university's subject pool of introductory psychology students. Students received partial credit to fulfill a class requirement. Participants were brought into the lab and told that they were participating in a study looking at potential jurors' knowledge and perceptions of the juvenile justice system. They were told that they would fill out some questionnaires, read some information about the juvenile justice system, and look at an example of a case that would be tried in the Texas Juvenile Justice system in front of a jury. Participants were asked to report whether they thought juvenile crime in El Paso, TX and the surrounding area had been increasing, decreasing, or staying the same during the past two years (see Appendix B). They also reported how many and which television crime shows they watch, as well as how often they watch television news programs. Participants also completed the Multidimensional Personality Questionnaire Brief Form (MPQ-BF) test as filler material and for exploratory analyses (Patrick, Curtin, & Tellegen, 2002). The MPQ and MPQ-BF measure 11 primary traits that map on to 3 higher order factors: Positive Emotionality, Negative Emotionality, and Constraint. Positive and Negative Emotionality tap into an individual's temperament and mood, while Constraint is a measure of an individual's impulsivity and behavioral restraint.

After completing these initial forms, participants reviewed a juvenile case and viewed a photo of the juvenile offender (see Appendix C). Participants read a short trial transcript which included both the prosecutor and defense attorney's presentation to the court. All participants

read the same transcript about a 15-year-old male. His history of involvement with the police and juvenile justice system, the crime, the victim, and the circumstances surrounding the crime were held constant. The transcript was written in order to obtain high percentage of guilty verdicts from participants. Participants also viewed a photo of the juvenile offender. They saw either a juvenile who appeared to be immature compared to his peers and had a youthful appearance, or a juvenile who appeared to be more mature than his peers and looked like a young adult. Participants saw one of three different photos of a youthful 15-year-old juvenile defendant or one of three different photos of an adult-like 15-year-old juvenile defendant.

The photos participants saw were pilot tested to insure that the photos of the adult-like juvenile appeared older than 15 years old and that the photos of the youthful juvenile appeared younger than 15 years old. Eighteen participants completed age ratings of 16 different juvenile photos. The three juvenile photos with the youngest age rated mean were used as youthful juveniles who appeared younger than 15-years-old and the three photos with the oldest age rated mean were used as adult-like juveniles who appeared older than 15-years-old. The three images of youthful juveniles had mean age ratings between 12.9 and 13.2 years ($M = 12.9$, $SD = 1.0$, $M = 13.2$, $SD = 1.01$, $M = 0.81$). The three images of adult-like juveniles had mean age ratings between 15.8 and 16.6 years ($M = 15.7$, $SD = 1.9$, $M = 16.6$, $SD = 1.2$, $M = 16.6$, $SD = 1.4$).

After reading the case and viewing one of the six juvenile offenders, participants gave a verdict in the case and offered an appropriate sentence (see Appendix D). When a juvenile offender is tried in the Determinant Sentence or blended sentence category of the Texas Juvenile System, jurors are given a range of sentences that they can apply. Depending on the crime, jurors can assign 6-12 months of probation, or incarceration up to 10, 20, or 40 years. In the present case mock jurors could assign the juvenile up to 20 years incarceration. After assigning a

verdict and recommending a sentence for the juvenile defendant, participants filled out a post-trial questionnaire to assess what information they remembered from the trial transcript (see Appendix E).

Results

Approximately half of the participants saw a photo of a juvenile who appeared younger than 15 years as determined by pilot testing, 51.4%; $n = 94$, and approximately half saw a juvenile who appeared older than 15 years as determined by pilot testing, 48.6%, $n = 89$. Additionally, each of the 6 photos (3 juveniles who appeared younger than 15 years and 3 juveniles who appeared older than 15 years) were used nearly equally with each photo being used between 15.3% and 18.0% of the time.

Verdicts

Preliminary analyses determined that 92.9% of participants determined the juvenile defendant was guilty ($n = 170$). There were no differences in verdict choice based on participants' gender, $\chi^2(1) = 0.40, p = 0.53$, age, $r = 0.046, p = 0.53$, year in school, $\chi^2(3) = 0.49, p = 0.92$, or ethnicity, $\chi^2(5) = 6.84, p = 0.23$.

Participants' verdict choice and sentence recommendation were also analyzed by comparing jury eligible participants with non-jury eligible participants. There were very few participants who were not jury eligible ($n = 16$) because they did not have a driver's license or were not a registered voter. Jury eligibility did not affect participants' verdict choice, $\chi^2(1) = 0.078, p > 0.05$; or their sentence recommendations (incarceration vs. probation), $\chi^2(1) = 3.60, p > 0.05$.

The hypothesis that a juvenile's appearance would affect participants' verdicts was not supported. The juvenile defendant's youthful vs. adult like appearance did not affect participant's

verdicts, $\chi^2(1) = 0.58, p = 0.45$. Approximately half of participants who determined that the defendant was guilty saw a young-looking juvenile (50.6%) and half saw an adult-like juvenile (49.4%). There were also no differences in verdicts depending on which of the 6 different juvenile photos participants saw, $\chi^2(5) = 5.53, p = 0.36$. Additionally, each of the 6 photos was used approximately equal amounts of time with participants who thought the defendant was guilty (min = 14.7%; max = 18.2%). The hypothesis that participants' perceptions of the current juvenile crime trend would affect their verdicts was supported. Participants' perception of the juvenile crime trend in the area where they attended school had a significant effect on their verdict assignments, $\chi^2(2) = 9.69, p = .008$. Participants who thought that the crime trend was increasing or decreasing were more likely to determine that the juvenile was guilty than were participants who thought the crime trend was staying about the same (increasing = 97.7%, decreasing = 100%, about the same = 85.9%). However, it should be noted that only 13 participants thought the crime trend was decreasing and all 13 found the defendant guilty. Close to half of participants (50.6%) who determined the defendant guilty thought juvenile crime in El Paso, TX was increasing, 39.4% thought crime was staying about the same, and 7.6% thought crime in the area was decreasing. Of the participants who determined the defendant was not guilty, 15.4% thought juvenile crime in El Paso, TX was increasing, and 84.6% thought crime was staying about the same. None of the participants who determined the defendant was not guilty thought crime in the area was decreasing. There was no interaction between participants' perceptions of the juvenile crime trend and whether they saw a youthful or adult-like juvenile and their verdicts.

Participants' verdicts were also analyzed based on their answers to 4 post-trial questions: How old was the juvenile defendant? What crime was the juvenile defendant accused of? How

many students were injured in the crime? and Were the defendant's fingerprints found on the weapon? There was no difference in participants' verdict choice based on whether they answered these post-trial questions correctly or incorrectly, $\chi^2(1) = 0.47, p = 0.49$, $\chi^2(1) = 0.48, p = 0.49$; $\chi^2(1) = .74, p = 0.39$, $\chi^2(1) = .68, p = 0.41$, respectively. Additionally, there was no correlation between participants' perceptions of the juvenile's age and their verdicts.

Sentence Recommendations

Of the 170 participants who determined the juvenile was guilty, 33.5% ($n = 57$) recommended he be sentenced to some period of probation, while 66.5% ($n = 113$) recommended he be sentenced to some period of incarceration. The hypothesis that a juvenile defendant's appearance would affect participants' sentence recommendations was not supported. Examining just the participants who determined the defendant guilty, a juvenile defendant's youthful vs. adult-like appearance did not effect participants' sentence recommendations, $\chi^2(1) = 0.14, p = 0.71$. Of participants who saw a youthful juvenile, 65% recommended he receive some length of incarceration, while 68% of participants who saw an adult-like juvenile recommended he receive some length of incarceration. The hypothesis that participants' perceptions of the juvenile crime trend would affect their sentence recommendations was also not supported. Participants' perceptions of the juvenile crime trend did not affect their sentence recommendations, $\chi^2(2) = 1.80, p = 0.41$. Sixty-five percent of participants who thought the crime trend was increasing recommended the juvenile receive some length of incarceration, compared to 72% of participants who thought the crime trend was staying about the same, and 54% of participants who thought the crime trend was decreasing. There was a trend toward a significant interaction between participants' perceptions of the juvenile crime trend and whether they were male or female, $\chi^2(1) = 3.31, p = 0.069$. Males who thought the juvenile crime trend

was increasing were more likely to recommend the defendant be sentenced to incarceration (78.6%) than were females who thought the juvenile crime trend was increasing (58.6%).

Of those participants that found the defendant guilty, 61.7% recommended he be sentenced to some period of incarceration ($n = 113$) and 32.2% recommended he be sentenced to some period of probation ($n = 59$). There was a statistical difference between males and females on incarceration vs. probation sentences, $\chi^2(1) = 5.95, p = 0.015$. Males were more likely to recommend that the juvenile be incarcerated for some period of time than were females (males = 77.8%; females = 59.4%). There was no difference in recommending incarceration vs. probation based on participants' age, $r(169) = -0.08, p = 0.33$, year in school, $\chi^2(3) = 1.92, p = 0.59$, or their ethnicity, $\chi^2(5) = 6.65, p = 0.25$.

Participants' sentence recommendations were also analyzed based on their answers to the same 4 post-trial questions. As with their verdicts, there was no difference in whether participants recommended probation or incarceration based on whether they answered these post-trial questions correctly or incorrectly, $\chi^2(1) = 0.78, p = 0.38$, $\chi^2(1) = 0.74, p = 0.39$, $\chi^2(1) = .16, p = 0.69$, $\chi^2(1) = .30, p = 0.59$, respectively. There was however a trend toward significance in that participants who thought the juvenile was older were more likely to recommend him a sentence of incarceration than a sentence of probation, $r(165) = 0.12, p = 0.135$.

Looking at participants who recommended that the juvenile be sentenced to some period of probation, there was a significant positive correlation between participants' age and their recommended probation length, $r(156) = 0.22, p < .05$. There was also a trend toward a significant correlation between participants' year in school and their recommended probation length, $r(56) = .21, p = 0.057$. There was no correlation between participants' recommended

probation length and whether they saw a youthful or adult-like juvenile, $r(60) = 0.02, p = 0.87$, or their perceptions of the juvenile crime trend, $r(54) = 0.13, p = .34$.

Looking at participants who recommended that the juvenile be sentenced to some period of incarceration, there was no significant correlation between participants' age and their recommended incarceration length, $r(110) = 0.03, p = .78$. There also was no significant difference in participants' recommended incarceration length and whether they saw a youthful or adult-like juvenile, $r(110) = -0.03, p = 0.79$, or their perceptions of the juvenile crime trend, $r(108) = 0.03, p = 0.77$.

The data were recoded to assess any differences in participants' severity of sentence recommendations. In the first scale participants' recommended lengths of probation or incarceration were combined into one scale. Participants who recommended that the juvenile defendant receive probation could recommend probation to last from 6 to 12 months, while participants who recommended that he receive incarceration could recommend that incarceration last from 1 to 20 years. Recommended lengths of probation included the full range of 6 to 12 months while recommended lengths of incarceration only ranged from 1 to 15 years. In this new scale assessing recommended sentence severity the least severe sentence was 6 months probation and the most severe sentence was 15 years incarceration. Probation sentences were given values 1-7 (6-12 months) and incarceration sentences were given values 8-22 (1-15 years).

There was no significant difference in participants' sentence severity based on whether they saw a young- or older-appearing juvenile, $F(1, 146) = 0.002, p = 0.96$, which juvenile photo they saw, $F(5, 146) = 0.77, p = 0.57$, or their perceptions of the juvenile crime trend, $F(2, 146) = 0.16, p = 0.85$.

Since there was no statistical difference in this variable, the data were again recoded into additional variables measuring sentence severity. In the second sentence severity variable probation was collapsed so that any length of probation was considered the least severe punishment and participants' recommended incarceration length ranged from 1 to 15 years. There was no statistical difference in participants' sentence severity based on what age juvenile they saw, their perception of the juvenile crime trend, or the amount of television news and crime shows they watched.

There was also no statistical difference in the second variable looking at sentence severity so the data were recoded a third time to look at sentence severity. The third sentence severity variable included participants' not guilty verdict as the least severe sentence since they could not assign a sentence to the defendant, and length of probation as the next severe sentence, and length of incarceration ranging from 1 to 15 years. Again, there was no statistical difference in participants' sentence severity based on what age juvenile they saw, their perception of the juvenile crime trend, or the amount television news and crime shows they watched.

In a final recoded scale of participants' recommended sentence severity, participants who determined the juvenile was not guilty were rated as giving him "no punishment," participants who found the juvenile guilty and recommended he be sentenced to some term of probation were rated as giving him "light punishment," and participants who found the juvenile guilty and recommended he be sentenced to some term of incarceration were rated as giving him "harsh punishment." These data were analyzed to determine if a juvenile defendant's youthful or adult-like juvenile appearance and participants' perceptions of the juvenile crime trend affected their recommended sentence severity (no, light, or harsh punishment).

The juvenile defendant's youthful vs. adult-like juvenile appearance did not effect participants' recommended sentence severity (no vs. light vs. harsh punishment), $\chi^2(2) = 2.16, p = 0.34$. Participants' perceptions of the juvenile crime trend had a trending toward significant effect on their recommended sentence severity (no vs. light vs. harsh punishment), $\chi^2(4) = 8.39, p = 0.08$. Of mock jurors who thought the juvenile crime trend was increasing, 63.6% recommended the juvenile in this case be given a "harsh punishment" compared to 61.5% of mock jurors who thought the juvenile crime trend was staying about the same and 53.8% of mock jurors who thought the juvenile crime trend was decreasing (see Figure 1 for a graphical representation of these data).

Exploratory Analyses

The data were also analyzed to determine what, if any, relationships existed between participants' verdicts and sentence recommendations and the amount of television they watched and their scores on the MPQ-BF personality inventory (Patrick et al., 2002). There was a significant positive correlation between participants' sentence recommendations (probation vs. incarceration) and the amount of television news they watched per week, such that among participants who found the defendant guilty, those who watched more television news were more likely to sentence the juvenile to incarceration than probation, $r(168) = 0.17, p = 0.03$.

In terms of the relationship between participants' verdicts and sentence recommendations and their MPQ-BF scores, there was a trend toward significance in participants' aggression scores using the MPQ-BF and their verdict assignments, $r(180) = -0.13, p = 0.08$. Participants who were physically aggressive, vindictive, and liked violent scenes were more likely to determine the juvenile defendant was not guilty. There were also significant differences in participant's aggression scores depending on their recommended sentence severity using the

recoded variable (no punishment, light punishment, or harsh punishment), $F(2) = 3.98, p = 0.02$. Specifically, participants who recommended the juvenile defendant receive no punishment had higher aggression scores than participants who recommended he receive a light sentence, $t(66) = 2.85, p = .006$, or a harsh sentence, $t(122) = 1.98, p < 0.05$. There was no statistical difference in aggression scores between participants who recommended the juvenile receive a light punishment and those who recommended he receive a harsh punishment, $t(168) = -1.42, p > 0.05$ (see Table 3 for Means and Standard Deviations). However, when the aggression scores of only participants who recommended the juvenile receive some length of incarceration were analyzed there was a significant difference in their recommended incarceration length based on their aggression scores, $r(111) = 0.22, p = 0.02$. Participants who were physically aggressive and vindictive recommended longer incarceration than participants were not physically aggressive.

Among participants who determined the juvenile was guilty, there was also a trend toward significance in participants' control scores and their sentence recommendations, $r(169) = -0.14, p = 0.06$. Participants' who were reflective and cautious and planned their events were more likely to recommend the defendant be given some length of probation. Additionally, there was a trend toward significance in participants' harm avoidance scores and their recommended probation length, $r(61) = 0.24, p = 0.06$. If participants preferred safer activities they tended to recommend longer probation sentences.

Discussion

Contrary to the hypotheses that mock jurors would be more likely to determine the adult-like juvenile offender guilty than the youthful offender, and that mock jurors would recommend a harsher sentence for the adult-like juvenile offender than the youthful offender there were no

significant differences between the verdicts of mock jurors who saw a youthful juvenile offender and those who saw an adult-like juvenile offender. There were also no significant differences between sentence recommendations (probation vs. incarceration) of mock jurors who saw a youthful juvenile offender and those who saw an adult-like juvenile offender.

The data from Study 2 partially supported the hypothesis that jurors who thought the crime trend was increasing would be more likely to find the juvenile offender guilty and would recommend he receive a harsher punishment than mock jurors who thought the crime trend was staying the same or decreasing. Specifically, there were significant differences between the verdicts of mock jurors who thought that the juvenile crime trend was in flux and those who thought the juvenile crime trend had not changed much. Jurors who thought the juvenile crime trend was changing (either increasing or decreasing) were more likely to determine that the juvenile offender in the case they read was guilty than jurors who thought the juvenile crime trend was not changing. However, there were no significant differences among the sentence recommendations (probation vs. incarceration) of mock jurors who thought the crime trend was increasing, decreasing or staying the same. There was a trend toward significant differences in the recoded severity of sentences that mock jurors assigned the juvenile based on their perceptions of the crime trend. Mock jurors who thought the crime trend was increasing were more likely to assign the juvenile in this case a “harsh punishment” than were mock jurors who thought the crime trend was staying about the same or decreasing.

General Discussion

Contrary to the stated hypothesis in the first study, attorneys thought that jurors' perceptions of the current juvenile crime trend would be neither likely nor unlikely to mitigate a juvenile offender's culpability in jurors' eyes. However, the data from the first study supported the hypotheses that attorneys would think that a juvenile's youthful appearance would mitigate his culpability in jurors' eyes, while a juvenile's adult-like appearance would be unlikely to mitigate his culpability in jurors' eyes. These results are interesting when compared to results from participants who served as mock jurors in the second study.

In Study 2 there was no difference in mock jurors' verdicts based on whether they saw a juvenile offender with a youthful appearance or one with an adult-like appearance. There was, however, a significant difference in mock jurors' verdicts based on whether they thought the crime trend was increasing, decreasing, or staying about the same. Specifically, participants who thought the crime trend was increasing or decreasing were more likely to find the juvenile guilty than participants who thought the crime trend was staying the same. These findings do not match what attorneys thought would be important mitigating factors in a juvenile offender's case. Attorneys thought that jurors' perceptions of the current juvenile crime trend would be neither likely nor unlikely to mitigate a juvenile's culpability in jurors' eyes, when there was indeed a significant difference in mock jurors' verdicts based on this variable. Attorneys also thought that a juvenile's youthful appearance would mitigate his culpability in jurors' eyes and a juvenile's adult-like appearance would be unlikely to mitigate his culpability in jurors' eyes. Study 2 demonstrated that this was not the case because there were no significant differences in mock jurors' verdicts based on whether they saw a youthful or adult-like juvenile offender.

These results demonstrate that what attorneys think are important mitigating factors for their adolescent clients may not be what jurors see as important mitigating factors for an adolescent offender. Based on the results of the present study, defense attorneys may want to focus on jurors' attitudes about the current juvenile crime trend in order to convince jurors not to make an example out of their client by punishing him too harshly for his offense, while prosecuting attorneys may want to focus on jurors' attitudes about the current juvenile crime trend in order to convince them to send a message to the community that adolescents who behave this way will be punished.

Juvenile crime may be more salient to mock jurors who thought the crime trend was decreasing or increasing than to those who thought it was staying about the same. However, only 13 participants thought the juvenile crime trend was decreasing and all 13 found the juvenile guilty. Those mock jurors who thought the crime trend was changing (either increasing or decreasing) may have been more likely to convict the juvenile offender in this case because both groups want to deter young offenders. Those who thought juvenile crime was increasing or decreasing may have wanted to make an example out of this adolescent to show other teens and young adults what would happen if they committed a crime. While there was no significant difference in sentence recommendations among mock jurors who thought the juvenile crime trend was increasing, decreasing, or staying the same, there was a trend towards a significant difference in the recoded severity of sentence recommendations among jurors who thought the crime trend was increasing, decreasing, or staying the same. Mock jurors who thought the juvenile crime trend was increasing were more likely to recommend the juvenile in this case receive a "harsh punishment." The lack of traditionally accepted statistically significant findings may have been due to the nature of the crime the juvenile was accused of committing, which will

be discussed below. It is interesting that attorneys did not think jurors' perceptions of the current juvenile crime trend would lessen a juvenile's culpability. Perhaps attorneys thought that jurors could be impartial in their judgment of a juvenile offender.

Contrary to the second hypothesis in the second study, there was no significant difference in verdicts between mock jurors who saw a youthful or adult-like juvenile offender, nor was there a significant difference in sentence recommendations between mock jurors who saw a youthful or adult-like juvenile offender. There was no significant difference in the recoded sentence severity variable between participants who saw a youthful or adult-like juvenile; nor was there a significant difference in sentence severity among mock jurors who thought the juvenile crime trend was increasing, decreasing, or staying the same.

The lack of significant differences between mock jurors who saw a youthful versus adult-like juvenile could be due to a number of factors. The crime that the juvenile committed may not be appropriate for eliciting a wide range of sentence recommendations or variations in sentences between youthful and adult-like juvenile offenders. Many mock jurors who found the juvenile defendant guilty chose to sentence him to 12 months of probation. Recently, even young adolescents have committed school shootings; and mock jurors may not have thought this crime was out of the ordinary even when committed by a teen who appeared to be quite young. Because participants knew that even young children were capable of committing a crime like this, they may be more willing to give a juvenile a chance at rehabilitation.

Perhaps the crime of which the juvenile was accused, shooting two fellow students outside his school, was too impulsive to warrant any sort of punishment. Participants may have thought the juvenile was not thinking clearly and thus should not receive a severe punishment. Previous research demonstrated that juvenile offenders who demonstrated forethought and

planning in their crimes were assigned harsher sentences by mock jurors and thought to be more responsible for their crimes than juvenile offenders who did not demonstrate forethought and planning in their offenses (Ghetti & Redlich, 2001). Had the juvenile offender in the present study demonstrated more forethought and planning in this crime by searching for the student with whom he had a fight, mock jurors may have been more likely to find the adult-like juvenile offender guilty and sentence him to a harsher punishment than the youthful juvenile, thus supporting attorneys' assumptions that a juvenile defendant's youthful or adult-like appearance would affect his culpability.

Another option to make the crime more salient to mock jurors in this area may be to have the juvenile's offense be drug-related. Living near the US-Mexico border, the community is inundated with information about drug-trafficking and violence involving drugs. Having the juvenile commit a violent offense involving drugs may be more realistic to mock jurors in this area. Perhaps if the crime were more salient to the mock jurors they would have recommended a wider range in sentences. Then there may have been a difference in sentence recommendations between the youthful and adult-like juvenile as attorneys assumed.

There was however, a significant difference in sentence severity between male and female mock jurors. Male mock jurors were more likely to recommend harsher sentences than were female mock jurors. Specifically, male participants were more likely to recommend incarceration than were female participants. Additionally, compared to females who thought the juvenile crime trend was increasing, males who thought the juvenile crime trend was increasing were also more likely to recommend harsher sentences. This finding could be due to differences in the way men and women think about crime and punishment, children and adolescents, and could even be due to differences in how males and females are socialized. There has been some

research on gender differences in mock jurors' verdict assignments and sentence recommendations. In a study investigating sentencing decisions for a male defendant in a domestic violence case, researchers found that female mock jurors assigned more severe sentences than did male mock jurors (Rosalie, Libkuman, & Temple, 2007). However, Breheny, Groscup, and Galiotta (2007) found that female mock jurors found a defendant using the insanity defense as less responsible, but more dangerous than did male participants. The latter study helps to shed some light on the results from the present study. It may be that male mock jurors assigned harsher sentences to the juvenile defendant in the present study because they thought he was more responsible for his crime than did female participants.

A post-hoc comparison investigated whether mock jurors who watched more television news and television crime shows would recommend harsher sentences than did mock jurors who watched less television news and crime shows. Specifically, mock jurors who watched more television news and crime shows were more likely to sentence the defendant to some form of incarceration than were mock jurors who watched less television news and crime shows. Additionally, there was a trend toward significance for mock jurors who watched more television news and crime shows to recommend longer probation times than did mock jurors who watched less television news and crime shows. This finding may demonstrate that crime and punishment are more salient to mock jurors who watch a good deal of television news and crime shows. These individuals may have recommended harsher or longer sentences because they are used to hearing about sensational crimes and harsh punishments typically discussed on television news or used as subjects in television crime shows.

Another post-hoc comparison investigated the difference in participants' aggression scores based on their recoded sentence severity. Participants who recommended the juvenile

defendant receive no punishment had higher aggression scores than did participants who recommended he receive light or harsh punishment. Perhaps participants who were more aggressive could relate to the juvenile defendant's use of aggression and violence in this crime, and were thus less likely to recommend some sort of punishment to him.

Future Directions

Researchers sometimes object to using a college sample to serve as mock jurors because they argue that this sample does not represent individuals who usually serve on a jury (Bray & Kerr, 1982). However, more recent research demonstrated that college students serving as mock jurors behave similarly to community samples recruited to serve as mock jurors (see Bornstein, 1999 for review). Bornstein (1999) reviewed 26 studies that compared college students vs. a community sample who served as mock jurors. Only five of those studies found differences in verdict recommendations between the two different groups of mock jurors.

Some may also object to having participants read a trial transcript rather than see a video of a trial because the latter is more realistic. Previous research in this area demonstrated that the medium in which the trial was presented to mock jurors does not affect the majority of cases (see Bornstein, 1999 for review). Bornstein (1999) reviewed 11 studies that compared different mediums in which a trial was presented to mock jurors. Only three of those studies found differences in case outcome based on presentation medium. Additionally, the findings were contradictory. In some studies more realistic presentations (video or audiotape vs. written transcripts) elicited more guilty verdicts (Juhnke et al., 1979), but other researchers found that more realistic presentations (audiotape vs. written transcripts) elicited less guilty verdicts (Bermant, McGuire, McKinley, & Salo, 1974).

Further research in this area should look at a crime where the juvenile demonstrates forethought and planning in order to elicit a wider range of sentence recommendations. Additionally, the crime described to mock jurors should be one that is salient to them in their community and culture. This too may bring out a wider range in severity of sentence recommendations. Finally, mock jurors should be asked to justify their decisions in order to gain a better of understanding of the thinking that drives their decision.

The studies presented here demonstrated that attorneys' assumptions of what factors affect a juvenile offender's culpability in jurors' eyes may not be correct. Research in this area of legal psychology is important for attorneys, judges, and offenders. Determining what attorneys and jurors see as important mitigating factors to an adolescent's culpability may allow attorneys to know how to increase or decrease an adolescent offender's culpability. Future research will need to explore these ideas more fully.

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Table 1

Mean and Standard Deviations of Attorney-Rated Mitigating Factors

Factors	M	SD
Poor school performance	2.3	1.1
Poor behavior in school	1.6	0.7
Lack of parental supervision	3.4	1.2
Jurors' perceptions of the current juvenile crime trend	2.5	1.2
Child abuse/neglect	4.5	0.7
Sexual abuse	4.7	0.5
Low socio-economic status	3.1	1.1
Family member with mental/medical condition, substance abuse, criminal record, etc.	3.4	1.2
Violence or relational problems between parents or family members	3.7	1.1
Juvenile's child-like appearance	4.0	1.0
Juvenile's adult-like appearance	1.8	1.1
Use of illegal drugs	2.0	0.9
Delinquent/criminal peers or family members	2.6	1.1
Gang involvement	1.3	0.7
Medical condition	4.1	0.8
Mental condition	4.4	0.9

Quality of area schools	2.4	1.0
Neighborhood poverty, crime, economics, etc.	2.8	1.3
Race/ethnicity	2.5	1.3
Mental retardation	4.6	0.7

Table 2

Means, Standard Deviations, and Number of Attorneys Who Wrote-In Mitigating Factors

Write-In Factors	N	M	SD
Age	2	4.5	0.7
Appearance	4	4.0	0.0
Crime	18	3.5	1.6
Family History	4	4.3	0.5
Gender	2	4.0	0.0
Criminal History	10	4.2	1.3
Mental Retardation ^a	2	3.5	0.7
Punishment	1	---	---
Remorse	3	5.0	0.0

^aParticipants who wrote this factor in also rated how likely mental retardation was to affect jurors' perceptions of a juvenile offenders' culpability in the 20 factors listed for them.

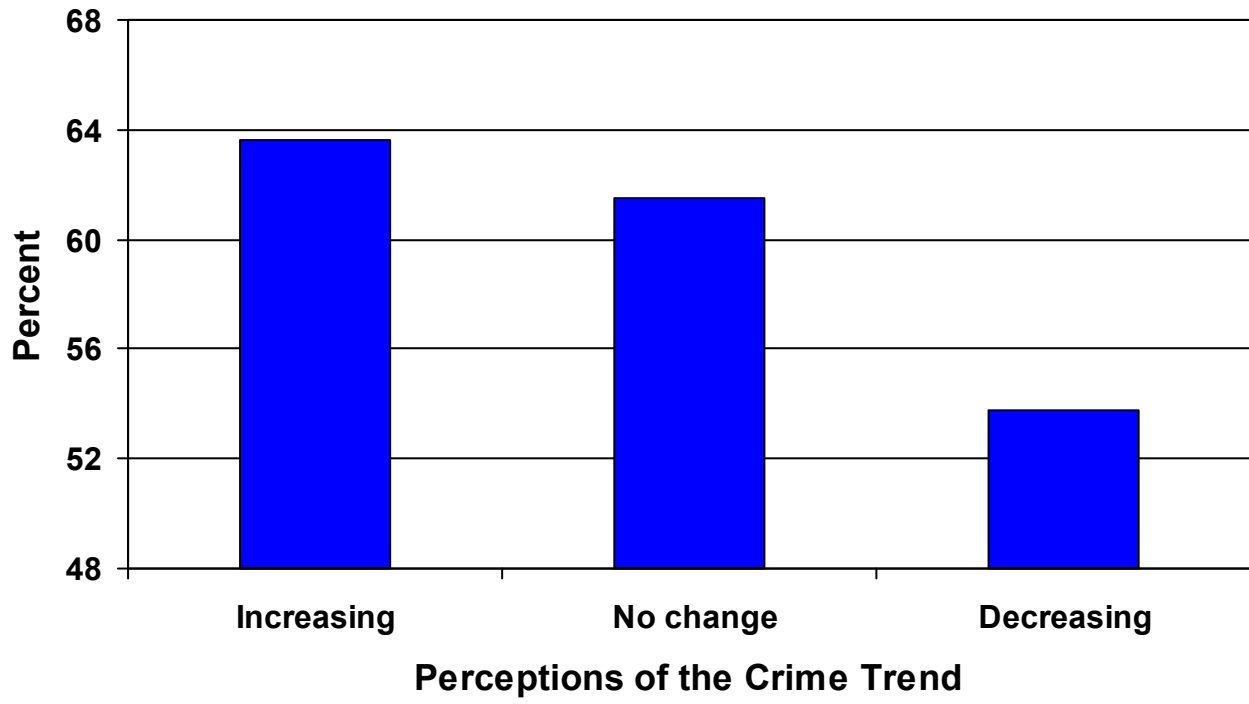
Table 3

Means and Standard Deviations of Participants' Aggression Scores by Sentence Severity

Recommended Sentence Severity	M	SD
No Punishment	5.63	1.68
Light Punishment	3.09	2.86
Harsh Punishment	3.78	3.05

Figure Caption

Figure 1. There was a trend toward a significant difference in the percentage of mock jurors who recommended that the juvenile defendant receive a harsh punishment ($\chi^2(4) = 8.39, p = 0.08$).



Appendix A

Juvenile Culpability Questionnaire

Directions: Please imagine that you are defending a juvenile offender being tried in determinate sentencing where a jury will hand back a verdict and recommend a sentence for your adolescent client. Now, please read the following facts and circumstances that are pertinent in many juvenile cases. How likely do you think each fact or circumstance is to mitigate your client's culpability in the eyes of a jury? In other words, which facts and circumstances would you be most likely to use in order to get a not guilty verdict or a lighter sentence for your client? Please use the following scale to answer each question:

1	2	3	4	5
Not at all likely to mitigate adolescents' culpability in jurors' eyes.		Neither likely nor unlikely to mitigate adolescents' culpability in jurors' eyes.		Very likely to mitigate adolescents' culpability in jurors' eyes.

1. Poor school performance.

1	2	3	4	5
---	---	---	---	---

2. Poor behavior in school.

1	2	3	4	5
---	---	---	---	---

3. Lack of parental supervision and/or control.

1	2	3	4	5
---	---	---	---	---

4. Jurors' perceptions of the current juvenile crime trend.

1	2	3	4	5
---	---	---	---	---

5. Child abuse and/or neglect.

1	2	3	4	5
---	---	---	---	---

6. Sexual abuse.

1	2	3	4	5
---	---	---	---	---

7. Low socio-economic status.

1	2	3	4	5
---	---	---	---	---

8. Family member with a mental/medical condition, substance abuse, criminal record, etc.

1 2 3 4 5

9. Violence or relational problems between parents or other family members.

1 2 3 4 5

10. Juvenile's child-like appearance.

1 2 3 4 5

11. Juvenile's adult-like appearance.

1 2 3 4 5

12. Use/experimentation with illegal drugs

1 2 3 4 5

13. Delinquent/criminal peers or family members.

1 2 3 4 5

14. Gang involvement.

1 2 3 4 5

15. Medical condition.

1 2 3 4 5

16. Mental condition.

1 2 3 4 5

17. Quality of area schools.

1 2 3 4 5

18. Neighborhood poverty, crime, economic condition, unemployment, etc.

1 2 3 4 5

19. Race/ethnicity.

1 2 3 4 5

20. Mental retardation.

1 2 3 4 5

Are there any other facts or circumstances you think jurors may assume mitigate adolescent offenders' culpability?

21. _____
1 2 3 4 5

22. _____
1 2 3 4 5

23. _____
1 2 3 4 5

Appendix B

Perceptions of Juvenile Crime Trend

Directions: Please answer the following questions.

1. Do you think that juvenile crime in El Paso, TX and the surrounding area has been increasing, decreasing, or staying about the same during the past two years (2006-2007)?
(Please circle one.)

Juvenile crime in El Paso TX and the surrounding area is increasing.

Juvenile crime in El Paso, TX and the surrounding area is decreasing.

Juvenile crime in El Paso, TX and the surrounding area is about the same.

2. Please indicate which TV news station you watch *most often*. (Please circle one.)

CNN	CNN HeadlineNews	Fox News	CNBC	Local News
MSNBC	CSPAN	CSPAN2	Don't Watch TV	

3. How often do you watch the news per week?

Less than 3 hours a week.

Between 4 and 8 hours a week.

Between 9 and 15 hours per week.

Between 15 and 20 hours a week.

More than 20 hours a week.

4. Please indicate which of the following TV shows you typically watch. (Please circle all that apply.)

Bones

CSI: NY

Numbers

Cold Case

Law & Order

Shark

Criminal Minds

Law & Order: SVU

The Unit

CSI: Crime Scene Investigation

Law & Order: CI

Without A Trace

CSI: Miami

NCSI

Appendix C

Juvenile Trial Transcript

Directions: The following is an excerpt from the trial of a 15-year-old male juvenile, A.G.W., who was accused of attempted murder. A brief synopsis of the trial is given, but only the attorneys' closing arguments are reproduced here. Please read the following carefully. After you have read the closing arguments you will be presented with an image of the defendant and asked to answer some questions about the case.

The Crime: A group of students were standing in front of their high school on the morning of March 15th when a Hispanic male adolescent approached them and fired 9 rounds from a handgun in their direction. No one was killed, but two students were wounded.

Trial Synopsis: The State, represented by prosecuting attorney Mr. Arredondo, presented evidence that the juvenile defendant matched the description of the gunman; a few days prior to the shooting he had had a fight with one of the students who was shot at; and he was found a few days after the shooting in possession of the weapon used to commit the crime.

The defendant, represented by defense attorney Mr. Carrasco, presented evidence that the juvenile defendants' fingerprints were not found on the weapon, and that he had an alibi for the date and time that the crime occurred provided by a friend.

Closing Arguments

(Judge addresses Jury.)

Judge: Ladies and gentlemen, I will read the charge to you at this time. After the attorneys have presented their summations, you will decide on a verdict and recommend a sentence for the juvenile defendant.

The defendant, A.G.W., stands charged with the offense of attempted murder, alleged to have been committed on the 15th day of March. The defendant has pled not guilty.

I have signed the original charge. At this time we will proceed with the closing arguments, prosecution will be the first to speak, followed by the defense. You may proceed with the arguments at this time.

Prosecutor: May it please the Court, Mr. Carrasco, A.G.W., ladies and gentlemen of the jury, you have now heard all the evidence in this case. At this point in time, all we're going to do is argue this case. All the evidence has already been presented to you, so nothing that I state or that the defense attorney is going to state is actual evidence; all we're doing is giving you interpretations of the evidence.

You've heard the judge read the charge to you, and I want you to pay particular attention to the burden of proof. Burden of proof does not state that the state has to prove beyond all doubt, that the defendant was the one who committed this crime. The State has to prove this beyond any reasonable doubt.

What am I saying? There can be a doubt. The question is, is it reasonable or not? Use your common knowledge and look at the facts, look at the evidence presented, and if there are any doubts ask yourself that question: Is that reasonable or not? Ladies and gentlemen, what we have is a 15-year-old male who had a fight with someone at school. He was expelled because school officials found him to be the aggressor. A few days later this young man returned to the school with a gun. He saw the student he had had a prior altercation with and a few others standing in front of the school. The defendant fired all 9 rounds in the direction of the students. Thankfully, no one was killed, but two students were injured. One was hit with a bullet in the arm and another was hit with a bullet in the leg. The defendant matches the description of the gunman provided by the students.

Another important piece of evidence: The defendant was found a few days later by the police with the gun that had been used in the shooting in his possession.

The only thing the State is asking you to do is to make reasonable conclusions from the facts presented. And when you do that, the State is certain that you're going to find that the State met its burden of proof.

You need to study all the evidence very carefully. The State is confident when you do that, that you can agree that the State has met its burden of proof beyond all reasonable doubt, that the defendant is guilty of attempted murder. Thank you very much.

Defense Attorney: May it please the Court, Mr. Arredondo, A.G.W., and ladies and gentlemen of the jury. This has been a rather short trial. I thank you for having listened and for having been as attentive as you've been. A.G.W. and I both thank you.

This is a very, very important day in the life of this young man. At the first day of this trial you promised one thing. That you would follow the law. And that you would hold the state of Texas to its burden of proof. And that burden is the highest burden in our system of jurisprudence. It's beyond a reasonable doubt. And why is this the highest burden? People, it's because we're talking about liberty, we're talking about a person's freedom and we want to make sure, we want to be positive before we take that away from any person in this free country of ours.

The question for you today is, do you believe that that doubt exists here? And again if we look at the State's evidence, let's look at what they're telling us. And I think that the answer becomes readily apparent.

Yes my client matches the description the students provided, but he has an alibi. His friend says that he was with him, on the other side of town, when the shooting took place. The State says that when they found him he was in possession of the crime weapon, the handgun. But my client said that a friend asked him to hold that gun for him; and his fingerprints weren't even on the weapon. Couldn't my client's friend have asked him to hold that gun for him? Wouldn't my client's fingerprints be on that gun if he had fired it?

The State's case is based on nothing but assumptions and innuendos. And because when my client was found he was in possession of the gun used in the shooting, which he already

explained how he gained possession of it, they want you to strip him of his liberty. They want you to label him a felon; they want you to convict him. That's the evidence that the State has, and based on that they want you to strip A.G.W. of his fundamental rights, and of the freedoms that he enjoys.

I ask you, and I implore you, to do the right thing here, to do the only thing that you can do under the evidence and under the facts presented. And that is to find A.G.W. not guilty. Thank you.

(Judge addresses Jury.)

Judge: Arguments having concluded, ladies and gentlemen of the jury, we will send you back to the jury room for your deliberations. When you have reached a verdict, please advise the bailiff. Thank you.

Appendix D

Verdict and Sentence Recommendation

Directions: For the following questions please answer as though you were a member of the jury in the trial of A.G.W.

1. I find the defendant, A.G.W....

(Please choose one. Remember, a guilty verdict means that you think the juvenile committed the crime you just read about; and a not guilty verdict means you do not think the juvenile committed the crime you just read about.)

Guilty Not Guilty

If you chose **Guilty**, please continue to the next question. If you choose **Not Guilty**, please inform the researcher.

2. I sentence the defendant to...

(Please choose one. You may sentence the defendant to probation or incarceration. Remember, probation is characterized by community service, restrictions on the juvenile's behavior and monitoring of his activities and behavior by a parole officer; incarceration is when the defendant would be sent to a secure detention facility.)

Probation Incarceration

2a. If you chose **probation**, please recommend an appropriate length for the juvenile defendant to be placed on probation. You may recommend that he be on probation for between 6 and 12 months. (Please choose one of the following.)

6 months 7 months 8 months 9 months
10 months 11 months 12 months

2b. If you chose **incarceration**, please recommend an appropriate length for the juvenile to be in incarceration. You may recommend that he be sentenced to between 1 and 20 years. Remember, the defendant will begin serving his sentence at a juvenile detention facility and not be transferred to an adult facility until his 19th birthday. (Please chose one of the following.)

1 yr 2 yrs 3 yrs 4 yrs 5 yrs 6 yrs 7 yrs 8 yrs 9 yrs 10 yrs
11 yrs 12 yrs 13 yrs 14 yrs 15 yrs 16 yrs 17 yrs 18 yrs 19 yrs 20 yrs

Appendix E

Post Trial Questionnaire

Directions: Now that you have read the closing arguments of the trial involving A.G.W. please answer the following questions.

1. How old was the juvenile defendant?

13 yrs 15yrs 17yrs 19yrs Don't Remember

2. What crime was the juvenile defendant accused of?

Theft Burglary Attempted Murder Unlawful Carrying of a Weapon
Don't Remember

3. How many students were injured in the shooting?

1 2 3 4 Don't Remember

4. What did the defendant have in his possession when the police found him?

The gun The knife The rifle Don't Remember

4. Were the defendants finger prints found on the weapon used to commit the crime?

Yes No Don't Remember

Curriculum Vita

Catherine Rieman Camilletti was born in Glen Dale, WV. The only daughter of Paul Thomas Camilletti and Teresa Rieman Camilletti, she graduated from Mount de Chantal Academy, Wheeling, WV in the spring of 2002 and entered Washington and Lee University, Lexington, VA with the J. Edward Lewis Scholarship. She received her bachelor's of art degree in psychology and art history from Washington and Lee in the spring of 2006. While she was an undergraduate, she published *The effect of temporal focus on affective forecasts regarding the outcome of the 2004 Presidential Election* in 2006 in the *Psi Chi Journal of Undergraduate Research*. In the fall of 2006 she entered the Graduate School at the University of Texas at El Paso.

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