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Olivia Robinson
Xavier University

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Defendant Information on Judgments of Simulated Jurors

Olivia Robinson

Abstract

This study examined the relationship between defendant information and the nature of judicial judgments through the use of a simulated trial. Undergraduate students were given one of four possible vignettes to read and evaluate. These vignettes, presented as case files, described the same criminal offense and circumstances, varying only in defendant's race and described socioeconomic status. Participants then rated the defendant on attributed personality traits, perceived culpability, and punishment severity. No significant differences emerged between groups in the measures of perceived culpability or punishment severity. Six of the twelve attributed personality traits were significantly different between groups. These traits were: vulnerable, violent, dangerous, hostile, unlikable, and bad. Overall, the Caucasian defendant of low socioeconomic status received more negative trait ratings than any other defendant. Further research in this area would be beneficial in an effort to create a fair and impartial criminal justice system.

As stated in the Sixth Amendment to the United States Constitution, all citizens accused of criminal behavior have the right to a speedy and public trial by an impartial jury. As such, the jury trial functions as a valuable social institution. Rough estimates suggest that there are more than 300,000 jury trials per year in the United States and that 80% of all jury trials in the world are held in the United States (Pennington & Hastie, 1990). Because juries are comprised of individuals without legal training, psychologists have become interested in the effects of defendants' personal characteristics on jurors' decisions regarding culpability and punishment (Gleason & Harris, 1976; Pennington & Hastie, 1990).

There are only two possible settings in which data concerning juries can be collected. These settings are post trial interviews and surveys, and trial reenactments through the use of mock jurors. Although the use of trial simulations has raised doubts and concerns about generalizability to actual juror behavior, the use of trial simulation has proven beneficial: unlike post trial interviews, archival records, and surveys, trial simulations have allowed researchers to account for

extraneous variables while still manipulating the variable(s) of interest (McCabe, Krauss, & Lieberman, 2010). Some of these variables could include racial identity, socioeconomic status, perceived similarity, and juror decision-making conditions.

Because of the prevalence and reliance on jury trials within the United States it is advantageous to examine and understand factors that may ultimately affect trial outcomes. The current study is interested in the effects of defendants' demographic traits on simulated jurors' judgments when judging an identical offense. Based on previous research it is expected that the defendant being described as African American and from low socioeconomic status will be judged more harshly on attributed personality traits, perceived culpability, and punishment severity.

Background

Demographic studies have indicated that blacks have a higher probability of being convicted of any given crime than whites, and that racial identity of the defendant can affect other juror decisions as well (Kemmelmeier, 2005). DeSantis and Kayson (1997) provided participants with a case that described a fictitious burglary. With the exception of the identified sex of the defendant, the cases were identical. Along with the case, participants received one of eight possible photos: an attractive or unattractive, Euro-American or African-American man or woman. DeSantis and Kayson (1997) found a significant main effect for each independent variable, with African-American defendants receiving longer sentences than Euro-American defendants.

DeSantis and Kayson (1997) provided several possible explanations for these findings. Racial bias and stereotypes of blacks as "common criminals" may be a reason for their harsher sentencing. They also point to other research that suggests participants may have assumed that if the defendant were African-American this would not be his or her first offense, even though no information related to this was given.

Graham and Lowery (2004) found similar results when conducting a series of studies involving police officers and juvenile probation officers. Participants first completed a task on the computer that they believed was a mind-clearing task; this task was actually used as a priming procedure to subliminally expose them to words that related either to the category black or to a neutral category. After completing this task, participants were asked to read a crime report and then respond to a series of questions regarding the juvenile suspect. Graham and Lowery (2004) found that when participants were primed with the black category, they reported more negative trait ratings, greater culpability and expected recidivism, and they suggested harsher punishments for the juvenile suspect. Based on these results, Graham and Lowery (2004) proposed that racial

disparities within the criminal justice system are the result of unconscious racial stereotypes held by those who ultimately decide the fate of those arrested.

Dannefer and Schutt (1982) also studied juvenile cases, only in terms of the social environment and the type of agency involved. They found a substantial racial bias among police officers, with 79% of white juveniles being released, while fewer than half of black and Hispanic juveniles were released. Though this bias was less evident in court decisions, Dannefer and Schutt make an important connection, because a court's decision is not independent of police decisions. They suggest that if at any point racial bias is present in police decisions, it will ultimately affect prior record, which has been shown to have a strong influence on court rulings.

Gleason and Harris (1975) questioned whether blatant inequality in the courtroom is the result of race, socioeconomic status, or a combination of both. Participants were asked to carefully read police files on the background of the defendant which manipulated the socioeconomic status, race, and testimony summary from the mock case, and then respond to the questionnaire at the end of the booklet (Gleason & Harris, 1975).

When judging how guilty the defendant was, participants rated the high socioeconomic defendants, regardless of race, as less guilty than those of low socioeconomic status. The same was found true for leniency and the number of years to be served. Regardless of race, participants indicated that the defendants of high socioeconomic status should be treated with more leniency and were "sentenced" to fewer years in prison (Gleason & Harris, 1975).

Thornberry (1973), concerned with inconsistent previous findings, utilized actual cases in an attempt to discover whether "Blacks and members of a low socioeconomic strata receive more severe dispositions than whites and members of a high socioeconomic strata" (p. 90). Thornberry (1973) found that even when controlling for legal variables, seriousness of the crime, and recidivism, blacks and low socioeconomic juveniles were more likely than whites and high socioeconomic juveniles to receive severe sentences. These findings were observable at all three levels of the juvenile justice system—police, intake hearings, and juvenile court—but were most prominent at the levels of police and the juvenile court. Therefore, nonlegal variables still affect the severity of dispositions, even after legal variables are held constant.

More recently, Kimmelmeier (2005) has added another dimension to the discussion of courtroom inequality. In the first part of Kimmelmeier's study participants were given a one-page trial summary that described the case of a man accused of assault and battery against his girlfriend. There were two separate conditions involved: one in which the defendant was African American and the victim was white, and another in which the defendant was white and the victim was African American. Participants then completed post-trial questions,

addressing the defendant's guilt, a recommended sentence, strength of the evidence, personal attributes of the defendant, expected recidivism, how others would react in a similar situation, and the extent to which they believed that race of a defendant affects the fairness of the trial.

After completing an unrelated filler task, participants completed a modified version of the Social Dominance Orientation (SDO) scale. The SDO is a personal measure that has been constructed based on the Social Dominance Theory (SDT), which assumes that societies are inherently hierarchical. According to the SDT, dominant groups are more likely to accept societal hierarchy and thus discriminate against members of subordinate groups in an effort to maintain their dominance. Research has suggested that the SDO accounts for such "hierarchy-enhancing beliefs," like racial prejudice and support in oppressing subordinate groups (Kemmelmeier, 2005).

Kemmelmeier failed to find a consistent effect for defendant race, but noted that defendant race had an effect that interacted with jurors' SDO level. Participants with a high SDO displayed an anti-black bias, giving black defendants more severe sentences and viewing them as more culpable than white defendants. Participants with a low SDO had mirrored results, displaying a pro-black bias. Though no main effect was found, Kemmelmeier's results suggest that the defendant's racial identity is an important factor affecting juridic decision-making.

Current Study

The current study aims to expand upon previous research and further investigate the relationship between defendants' demographic characteristics and the nature of judicial judgments, through the use of a simulated trial. The following hypotheses will be tested:

H₀1: There is no statistically significant difference in the personality traits attribute to the black defendant versus the white defendant.

H₀2: There is no statistically significant difference in the perceived culpability of the black defendant versus the white defendant.

H₀3: There is no statistically significant difference in the punishment severity of the black defendant versus the white defendant.

H₀4: There is no statistically significant difference in the personality traits attributed to the low socioeconomic defendant versus the high socioeconomic defendant.

H₀5: There is no statistically significant difference in the perceived culpability of the low socioeconomic defendant versus the high socioeconomic defendant.

H₀6: There is no statistically significant difference in the punishment severity of the low socioeconomic defendant versus the high socioeconomic defendant.

Method

Participants

Participants in this study were 98 undergraduate students from Xavier University, a mid-sized, private, Jesuit university located in the Midwest. Table 1 presents the demographic characteristics of the sample. Participants were recruited through the university's study participant pool. All students who were interested had the ability to participate and received course credit for participating in the study. Participants ranged in age from 18 - 24 ($M = 20.17$). The majority of the sample (70.40 %) were women, 82.70 % were Caucasian, and 65.30 % were Catholic.

Materials

Case files. One of four possible vignettes created for this study was given to participants to read and evaluate. These vignettes were presented as case files, describing the same criminal offense and circumstances. Differences across the vignettes were race (black vs. white) of the offender and his described socioeconomic status (high SES; "Hyde Park" vs. low SES; "Evanston"). This information included detailed descriptions of the defendant's family history, previous offenses, and current living and employment status (for one example see Appendix A).

Personality traits. Using a 12-item questionnaire created for this study, participants rated the defendant presented in the case file on several trait dimensions. Participants were instructed to circle on a 5 point scale the extent to which they believed the defendant possessed the given trait, such as honesty, aggressiveness, and impressionability. This questionnaire was intended to measure judgments that participants made about the defendant's personality. These measures were modeled after a previous study (Graham & Lowery, 2004) in which racial stereotypes about adolescent offenders were examined.

Perceived culpability. This questionnaire, created by the author for this study, included items listed on a 5-point scale that required participants to make judgments about the defendant's guilt, blame, and responsibility. Participants circled the extent to which they agreed with the items. These measures also were modeled after a previous study (Graham & Lowery, 2004).

Punishment severity. In this section participants were provided with a 5-point scale that required them to make judgments about the severity of the sentence given to the defendant. Although it was created for this study, this measure was adapted from Graham and Lowery (2004). Participants were then asked to act as the judge and choose between three possible sentences. After making their “ruling” participants were instructed to return to the case file and indicate three passages or facts that contributed to their decision, with 1 being the most important or influential fact, 2 being the second most important or influential, and 3 being the least (of the three) important or influential.

Procedure

After reviewing the consent form, participants were randomly assigned to one of four possible case files. After reading the report, participants were instructed to complete questionnaires on defendant personality traits, perceived culpability, and punishment severity. Participants then provided demographic information about themselves, such as age, race, sex, and political affiliation. After all study measures were completed, participants were given a debriefing form which provided information on the true nature and purpose of the study.

Results

A one-way between subjects ANOVA was conducted to examine the effect of defendant race and socioeconomic status on simulated jurors’ judgments of attributed personality traits, perceived culpability, and punishment severity. Table 2 presents the means, standard deviations, and ANOVA results for each defendant-attributed personality trait. Traits with a p -value of greater than .05 represent those that did not significantly differ across conditions. These traits included gullible, naïve, impressionable, aggressive, dishonest, and unfriendly. However, there were statistically significant differences across the four conditions for the traits of vulnerable, violent, dangerous, hostile, unlikeable, and bad, with all traits having a p -value of less than .05.

Post hoc comparisons using the LSD test were run on each of the statistically significant personality traits to understand which specific conditions differed significantly. Among the various conditions, those with high mean scores represent harsher judgments, while those with lower mean scores represent more lenient judgments. For both the personality traits of dangerous and hostile, the mean score for the Caucasian, low SES defendant was significantly lower than both the African American, low SES and high SES defendants ($p < .05$). However, the mean score for the African American, high SES defendant was the highest ($p < .05$).

For the personality trait of violent, the mean score for the Caucasian, low SES defendant was significantly lower than all other defendants, with the African American, high SES defendant being the highest ($p < .05$).

For the trait of vulnerable, the mean score for the African American, low SES defendant was significantly lower than the Caucasian, high SES defendant ($p < .05$).

For the personality trait of unlikable, the mean score for the African American, low SES defendant and the Caucasian, high SES defendant did not differ, and both were significantly lower than the other two defendants ($p < .05$).

Finally, for the trait of bad, the mean score for the Caucasian, high SES defendant was significantly lower than the Caucasian, low SES defendant and African American, high SES defendant, with the African American, high SES being the highest ($p < .05$). The means and standard deviations are presented in Table 3.

I examined perceptions of the defendant's perceived culpability using four different questionnaire items; none of those differed significantly across conditions. Similarly, the conditions did not differ in the punishment severity or sentencing recommendations. Table 4 presents the means, standard deviations, and ANOVA results for the perceived culpability and punishment severity measures.

The frequencies of information ranked by participants as affecting their judicial judgments are presented in Figure 1. The information is represented by twelve different information categories, of which each have a frequency for ranked first, second, and third by participants. As shown in the figure, participants' most frequently cited influence on their judgment was the actual offense for which the defendant was convicted. The second most frequently cited influence related to information regarding the defendant's parents. The influence cited least by participants was the possible sentences that a judge can impose on the defendant in the state of Ohio.

Discussion

The current study's findings were inconsistent with previous research finding that both low socioeconomic and African American defendants are treated more severely than others (Dannefer & Schutt, 1982; DeSantis & Kayson, 1997; Gleason & Harris, 1975; Gleason & Harris, 1976; Graham & Lowery, 2004; Spohn, Gruhl, & Welch, 1981; Thornberry, 1973). The current results suggest that minority, low socioeconomic status defendants are not consistently treated differently by jurors than defendants from other groups. There were statistically significant differences between conditions for half of the attributed personality traits; however, none supported the proposed hypotheses. Although the pattern of difference varied across traits, in general, the Caucasian, low SES defendant was deemed more hostile, violent, and dangerous than other defendants. The Caucasian, high SES defendant was seen as the most "bad" and obtained the same

rating as the African American, low SES defendant in being unlikeable. Finally, the African American, low SES defendant was seen as the most vulnerable, suggesting that other defendants were considered callous and cold. Across conditions there were no statistically significant differences for any perceived culpability measures, or punishment severity measures, suggesting that all defendants were rated similarly.

Though no hypotheses were made concerning the information participants utilized in their judgments, the data suggested that participants relied on information not directly related to the crime at hand to aid them in their decision making processes. The most frequently ranked piece of information was the actual offense for which the defendant was arrested. However, the second most frequently ranked piece of information related to the defendant's parents and was in no way connected to the crime. It is also important to note that 16 participants directly indicated race and age as affecting their decision.

The present study's results differ from previous studies in suggesting that minority, low socioeconomic status defendants are not always disadvantaged by jurors' perceptions. Though defendant race and socioeconomic status did have some effect on half of the attributed personality traits, the findings were still inconsistent from previous research. The present study found that overall, the Caucasian defendant received more negative trait ratings than the African American defendant, regardless of socioeconomic status.

There are several factors that may have led to inconsistent results with previous research. First, this study was primarily limited by the sample. The sample size (98 participants) could have been larger and the use of undergraduate students only may have affected the results. Participants received credit regardless of whether they were actively engaged or not; this may have led to disinterest and carelessness when participating. The sample was also predominantly female, with 70.4% of participants being women. This most likely affected results and further research should aim at an equal balance between the sexes.

Another limitation of the present study may have been the depicted offense. The defendant, though convicted of drug trafficking, was only selling roughly 3.5 grams of marijuana. Had the defendant been in possession of a larger quantity, or had the offense been violent, the results may have been different. In fact, two participants made spontaneous comments about the nature of the offense, indicating that they did not view it as criminal. One participant argued, "\$50 of weed is about 3.7 grams. That's not worth jail time. Put real criminals behind bars." Another participant stated, "I would give him no penalty because I think marijuana should be legalized. No factor about James (the described defendant) contributed to my punishment if I were judge."

Future research may want to study how jurors respond to a more serious or violent crime. Also, it may be beneficial to include manipulation checks that

ensure participants actively read and understood the given prompt. These manipulation checks could take the form of simple reading comprehension questions and only be checked for accuracy. Further research in this area is both necessary and beneficial. Because the criminal justice system is such an integral part of our society, it is necessary to ensure that all acts carried out under the system are both fair and impartial.

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Table 1

Demographic Characteristics of Participants

Characteristic	n	%	M	SD
Age	98	-	20.17	1.25
Sex				
Men	29	29.60	-	-
Women	69	70.40		
Race				
Caucasian	81	82.70		
African American	9	9.20		
Asian	2	2.00	-	-
Hispanic/Latino	3	3.10		
Other	3	3.10		
Religious Affiliation				
Catholic	64	65.30		
Christian	14	14.30		
Protestant	6	6.10	-	-
Non-Denominational	5	5.10		
Atheist	4	4.10		
Other	5	5.10		
Political Affiliation				
Liberal	7	7.10		
In-Between	14	14.30		
Middle of the Road	40	40.80	-	-
In-Between	16	16.30		
Conservative	9	9.20		
Political Party				
Democratic	13	13.30		
In-Between	12	12.20		
Independent	29	29.60	-	-
In-Between	18	18.40		
Republican	17	17.30		

Table 2

Means, Standard Deviations, and ANOVA Results for Attributed Personality Traits

Attributed Personality Trait	M	SD	F	p
Gullible				
AA/E	3.00	0.89		
AA/HP	2.92	0.93	2.09	.11
C/E	3.48	0.82		
C/HP	2.80	1.38		
Naïve				
AA/E	3.33	1.24		
AA/HP	3.08	0.97	2.60	.06
C/E	3.68	1.18		
C/HP	2.84	1.03		
Impressionable				
AA/E	3.08	1.06		
AA/HP	2.65	0.83	0.91	.44
C/E	3.00	1.00		
C/HP	3.08	1.22		
Vulnerable				
AA/E	2.08	0.65		
AA/HP	2.50	0.78	4.00	.01
C/E	2.48	1.19		
C/HP	3.04	1.13		
Violent				
AA/E	3.38	0.97		
AA/HP	4.04	1.04	4.58	.01
C/E	3.16	1.07		
C/HP	3.96	0.94		
Dangerous				
AA/E	3.08	0.83		
AA/HP	3.75	0.99	3.97	.01
C/E	2.88	0.72		
C/HP	3.24	1.09		

Note. AA/E = African American, low SES defendant; AA/HP = African American, high SES defendant; C/E = Caucasian, low SES defendant; C/HP = Caucasian, high SES defendant.

Table 2 Continued

Attributed Personality Trait	M	SD	F	p
Aggressive				
AA/E	3.17	0.64		
AA/HP	3.29	0.55	0.74	.53
C/E	3.00	0.65		
C/HP	3.24	1.01		
Hostile				
AA/E	3.25	0.61		
AA/HP	3.79	0.83	3.08	.03
C/E	3.08	0.91		
C/HP	3.52	1.09		
Dishonest				
AA/E	2.42	0.65		
AA/HP	2.83	1.20	2.17	.10
C/E	2.36	0.70		
C/HP	2.20	0.96		
Unlikable				
AA/E	2.92	0.65		
AA/HP	3.50	0.93	2.88	.04
C/E	2.00	0.50		
C/HP	2.92	1.04		
Bad				
AA/E	2.79	0.93		
AA/HP	3.29	0.96	3.98	.01
C/E	2.64	0.64		
C/HP	2.48	0.92		
Unfriendly				
AA/E	3.00	0.51		
AA/HP	3.54	0.78	0.86	.47
C/E	4.28	5.60		
C/HP	3.36	0.64		

Note. AA/E = African American, low SES defendant; AA/HP = African American, high SES defendant; C/E = Caucasian, low SES defendant; C/HP = Caucasian, high SES defendant.

Table 3

Means and Standard Deviations for Post Hoc Comparisons

Attributed Personality Trait	M	SD
Vulnerable		
AA/E	2.08	0.65
AA/HP	2.50	0.78
C/E	2.48	1.19
C/HP	3.04	1.13
Violent		
AA/E	3.38	0.97
AA/HP	4.04	1.04
C/E	3.16	1.07
C/HP	3.96	0.94
Dangerous		
AA/E	3.08	0.83
AA/HP	3.75	0.99
C/E	2.88	0.72
C/HP	3.24	1.09
Hostile		
AA/E	3.25	0.61
AA/HP	3.79	0.83
C/E	3.08	0.91
C/HP	3.52	1.09
Unlikable		
AA/E	2.92	0.65
AA/HP	3.50	0.93
C/E	2.00	0.50
C/HP	2.92	1.04
Bad		
AA/E	2.79	0.93
AA/HP	3.29	0.96
C/E	2.64	0.64
C/HP	2.48	0.92

Note. AA/E = African American, low SES defendant; AA/HP = African American, high SES defendant; C/E = Caucasian, low SES defendant; C/HP = Caucasian, high SES defendant.

Table 4

Means, Standard Deviations, and ANOVA Results for Perceived Culpability and Punishment Severity Measures

Item	M	SD	F	p
Perceived Culpability Item 1	1.33	0.64		
AA/E	1.63	1.14	1.27	.29
AA/HP	1.24	0.44		
C/E	1.28	0.68		
C/HP				
Perceived Culpability Item 2				
AA/E	1.46	0.72		
AA/HP	1.29	0.55	0.83	.48
C/E	1.20	0.65		
C/HP	1.24	0.52		
Perceived Culpability Item 3				
AA/E	1.88	0.90		
AA/HP	2.25	1.42	0.82	.49
C/E	2.16	1.25		
C/HP	1.80	1.12		
Perceived Culpability Item 4				
AA/E	1.46	0.66		
AA/HP	1.63	0.97	1.74	.16
C/E	1.64	1.15		
C/HP	1.16	0.37		
Punishment Intensity Item 1				
AA/E	2.17	0.76		
AA/HP	1.88	0.95	1.31	.28
C/E	2.32	0.90		
C/HP	2.32	0.99		
Punishment Intensity Item 2				
AA/E	1.33	0.48		
AA/HP	1.50	0.59	0.72	.54
C/E	1.56	0.65		
C/HP	1.52	0.59		
Jail Sentence Length				
AA/E	7.00	3.70		
AA/HP	10.00	17.71	0.33	.80
C/E	13.10	17.74		
C/HP	8.55	6.44		

Note. AA/E = African American, low SES defendant; AA/HP = African American, high SES defendant; C/E = Caucasian, low SES defendant; C/HP = Caucasian, high SES defendant.

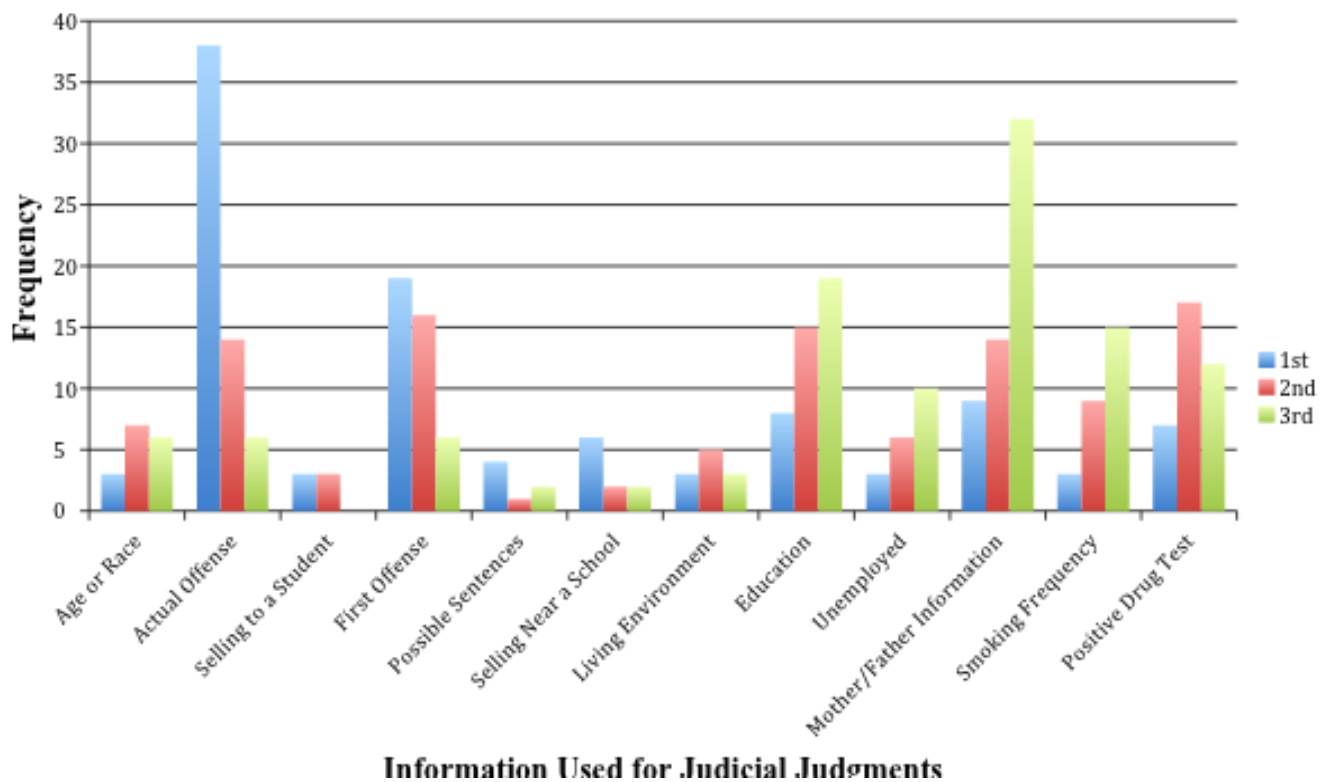


Figure 1. Frequencies of information ranked by participants as affecting their judicial judgments.

Appendix A

The following is a description of a defendant who has been convicted of drug trafficking. Please carefully read the fictional case file and then respond to the following questionnaires.

Case # 3278 - Ohio v. James

James is a 23 year old, African American man who was convicted of drug trafficking. He was apprehended by an undercover policeman after selling \$50 worth of marijuana to what he thought was a Xavier student. This is his first offense as an adult. In Ohio, judges can impose various punishments for this type of offense. Defendants can receive a \$100 fine or a jail sentence ranging from 6 months to 5 years. The penalty can also be increased if one was distributing an illegal substance within 1,000 feet of a school.

James lives in the Evanston area of Cincinnati with his mother and four siblings. Two preschool aged nephews also live in the home. James did not finish high school, but he has enrolled twice in a program to finish his GED; he has not yet completed that program or earned his GED. Although he has applied for many different jobs, he has not been hired. His mother is employed as a cook in a school cafeteria, and although she has worked steadily in this type of position throughout James's life, she does not earn much money. James's father has not been involved in his upbringing. In fact, for most of James's life, his father has been in prison, most recently for armed robbery. James has smoked marijuana since he was in high school; for most of the past several years he has smoked daily. He tested positive for substances (THC) when he was arrested and booked on this charge.

About the Author

Olivia Robinson (Class of 2015) is currently working to earn a B.S. in psychology with a minor in criminal justice. She is part of Xavier Psi Chi and Psychology Club, and aspires to one day work in the Federal Bureau of Investigation. In her spare time she enjoys spending time with friends, reading, and watching movies. "Defendant Information on Judgments of Simulated Jurors" was sponsored by Dr. Kathleen Hart, Professor of Psychology.