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Juror Decision Making: The Impact of Attractiveness and Socioeconomic Status on Criminal Sentencing and an Examination of Motivated Reasoning in Mock Jurors

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**JUROR DECISION MAKING: THE IMPACT OF ATTRACTIVENESS AND
SOCIOECONOMIC STATUS ON CRIMINAL SENTENCING AND AN
EXAMINATION OF MOTIVATED REASONING IN MOCK JURORS**

PROFESSIONAL DISSERTATION

SUBMITTED TO THE FACULTY

OF

**THE SCHOOL OF PROFESSIONAL PSYCHOLOGY
WRIGHT STATE UNIVERSITY**

BY

JENNIFER M. KUTYS, PSY.M.

**IN PARTIAL FULFILLMENT OF THE
REQUIREMENTS FOR THE DEGREE
OF
DOCTOR OF PSYCHOLOGY**

Dayton, Ohio

September, 2013

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July 15, 2012

I HEREBY RECOMMEND THAT THE DISSERTATION PREPARED UNDER MY SUPERVISION BY **JENNIFER M. KUTYS** ENTITLED **JUROR DECISION MAKING: THE IMPACT OF ATTRACTIVENESS AND SOCIOECONOMIC STATUS ON CRIMINAL SENTENCING AND AN EXAMINATION OF MOTIVATED REASONING IN MOCK JURORS** BE ACCEPTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF DOCTOR OF PSYCHOLOGY.

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Abstract

Individuals are bombarded with stereotypes every day in the United States. It is impossible to eliminate the effect of these stereotypes in any situation; however, the criminal justice system strives to find ways to minimize the impact of these stereotypes in the courtroom. In this study, the effects of socioeconomic status and attractiveness of a female defendant on sentencing severity, perceived recidivism, and deservedness of punishment in a murder trial were examined. The study was also designed to investigate how jurors may engage in cognitive processes such as motivated reasoning when biases are pointed out to them. Attractiveness and socioeconomic status did not affect sentencing severity, perceived recidivism, or deservedness of punishment. However, several general trends were evident indicating that females and Caucasians may be harsher in their sentencing overall, though results were not significant. Jurors did engage in motivated reasoning when they were confronted with their biases. In fact, to moderate cognitive dissonance that arises from that awareness, participants altered their ratings of socioeconomic status for the defendant. A more evenly distributed gender pool may enhance the study and findings.

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Juror Decision Making: The Impact of Attractiveness and Socioeconomic Status on Criminal Sentencing and an Examination of Motivated Reasoning in Mock Jurors

In a multicultural society, the past experiences of individuals shape their views of others in many ways. Some of these experiences can lead to stereotypes that cause members of the dominant culture to mistreat individuals who hold a minority status. Stereotypes about race, gender, sexual orientation, attractiveness, socioeconomic status and other variables flood our judgments on a day-to-day basis.

One branch of society that is assumed to be free of stereotypes that lead to bias is the criminal justice system. In fact, jury trials in the United States are, by their very nature, expected to be unbiased. However, legal professionals often find objectiveness hard to ensure (Fein, Morgan, Norton, & Sommers, 1997; Johnson, Whitestone, Jackson, & Gatto, 1995). Just as stereotypes influence other judgments, researchers have found that diversity variables and the internal motivations of jurors often impact sentencing in criminal trials (Mazzella & Feingold, 1994). For example, diversity variables such as gender, age, race, and other demographics that are not related to the actual crime or law, have influenced sentencing recommendations (Gebotys & Roberts, 1987). Conversely, internal motivations of the jurors themselves, such as belief in a just world, and differences in locus of control, may affect the severity of the sentence they recommend (Freeman, 2006). A considerable amount of literature examines the area of diversity variables and of internal motivations of jurors.

This study examined the effect of attractiveness and socioeconomic status of a female defendant on severity of sentencing in a murder trial. Measures were also taken to examine whether or not the participants of the study experienced (and attempted to resolve) cognitive dissonance caused when they were confronted by the presence of their stereotypes.

Literature Review

Diversity Variables

Attractiveness. Attractiveness has been examined in relation to legal proceedings. In an early study, Landy and Aronson (1969) found that an attractive defendant was treated differently than an unattractive defendant in a negligent homicide trial. The authors varied the physical facial attraction of a male defendant and asked participants to act as mock jurors and rate the degree of guilt of the defendant and then sentence him. Indeed, the attractive defendant was sentenced less harshly than the unattractive defendant, even when they were similarly rated as guilty of the crime.

Dion, Bersheid, and Walster (1972) surveyed undergraduate students and found that individuals who were attractive were judged to have more socially desirable characteristics and were assumed to live better lives (i.e., be better partners, have better jobs, and so on) than their unattractive counterparts. They dubbed this phenomenon the “what is beautiful is good” hypothesis. In a subsequent study, Sigall and Ostrove (1975) tested the “what is beautiful is good” hypothesis in the forensic arena. They varied attractiveness and type of crime in a sentencing study. Participants received a small card with demographic information which was identical in all conditions. The only piece of information that varied, based on condition, was the attractiveness of the female defendant and the type of crime (either swindle or burglary). After reading their assigned case account, participants sentenced the defendant to a term of imprisonment.

Participants sentenced the defendant by filling in the following statement with a number between 1 and 15: "I sentence the defendant, Barbara Helm, to ___ years of imprisonment." No further questions were present during this part of the study.

Sigall and Ostrove found that attractive defendants were only treated more leniently when their attractiveness was unrelated to the crime they committed (i.e., burglary). That is, when the defendant committed a crime that was related to beauty (i.e., swindle), attractive defendants were actually sentenced more harshly. For several years, data supported this idea that attractive defendants were only treated more leniently when they committed a crime unrelated to attractiveness (Gerbasi, Zuckerman, & Reis, 1977; Seligman et al., 1977). However, further research supported the conclusion that attractiveness is a significant disadvantage to defendants only if the jury believes that the defendant used his or her good looks to aid in the trial or in committing the crime (i.e., the defendant used his or her good looks to seduce a victim to a hotel room to burglarize the victim; Smith & Hed, 1979).

Friend and Vinson (1974) found that the harshness of sentencing based on the attractiveness-bias may depend on the type of instructions given to the jury at the time of deliberation. They used the same scenario as Landy and Aronson (1969), but had a female defendant and varied the instructions given to the mock jurors. Participants who were given no instructions on how to judge guilt and assign sentencing, judged and sentenced the attractive defendant less harshly than the unattractive defendant, supporting the attractiveness-leniency effect. However, when jurors were specifically told to disregard the defendant's physical appearance and remain impartial in their judgment, they sentenced the attractive defendant to more years in prison than the unattractive

defendant. These results suggest that the cognitive processes used to judge the defendant may significantly impact the severity of the sentence assigned to that defendant.

Further research has supported the idea that, regardless of crime, attractive defendants receive preferable treatment regarding sentencing. Specifically, it has been proposed that jurors see attractive defendants as generally more righteous than unattractive defendants. Therefore, jurors will be more lenient with their sentencing regardless of the offense. Indeed, Desantis and Kayson (1997) created a fictitious criminal case and asked mock jurors to sentence an attractive and unattractive defendant to a 1, 5, 10, 15 or 20 year sentence. Their study supported the idea that attractive defendants receive less harsh sentences than that of their unattractive counterparts.

More recent research has combined other diversity variables such as race, gender, and socioeconomic status with attractiveness to examine the interaction of these variables. Abwender and Hough (2001) examined the interactions between defendant attractiveness and juror gender as well as between the defendant's race and juror race on sentencing among African-American, Hispanic, and Caucasian participants. Participants were given vignettes describing a vehicular-homicide and were provided with photographs of a female defendant that varied in race and attractiveness. They found no significant differences in sentencing across all conditions. However, they found a trend that suggested that female jurors treated the unattractive defendant more harshly than they treated the attractive defendant, whereas the male jurors treated the attractive defendant more harshly than the unattractive defendant. There was also a trend for African-American participants to treat the Caucasian defendant most harshly and the African-American defendant least harshly (conforming to in-group bias). The Hispanic

participants tended to treat the Caucasian defendant least harshly and the African-American defendant most harshly, while the White participants showed no race-based leniency, but these were only trends.

Facial expression, one factor that contributes to perceived physical attraction, was found to influence sentencing as well. Abel and Watters (2005) varied the gender and facial expressions of defendants and hypothesized that smiling defendants would receive a less harsh sentence than non-smiling defendants. Participants were provided with a vignette regarding a defendant charged with Driving Under the Influence (DUI) and were asked to act as jurors and assign sentencing to the defendant. Participants viewed the smiling, male defendants as more attractive overall. Overall, it appeared that the participants favored the smiling defendant of the opposite sex. That is, females sentenced the smiling, male defendant least harshly, and showed no other differences in sentencing based on race and/or smiling differences. Men sentenced the smiling, male defendant most harshly and the female, smiling defendant least harshly. It is possible that gender bias affected the judgment of the female defendants more than the “smile-leniency effect.” That is, males may be socialized to weigh the emotional expression of females more than males because emotional expression is congruent with female gender roles. Thus, a female defendant who is expressing emotion (smiling) is gender congruent and, thus, receives a lesser sentence from male participants. However, a male showing emotion (smiling) is gender incongruent and is therefore sentenced more harshly. Further, the type of crime (DUI) may be more gender-congruent with males, thus suggesting that males must be “more guilty” of the crime than females, particularly when they are “happy” about it (smiling).

Overall, past research (Sigall & Ostrove, 1975) supports the presence of an “attractiveness bias” where attractive defendants receive generally less punishment than unattractive defendants. However, studies suggest that type of crime, instructions given to jurors, or other variables may either amplify or reduce the effect of the attractiveness bias (Gerbasi, Zuckerman, & Reis, 1977; Seligman et al., 1977). Research on other diversity variables, such as SES, has also rendered somewhat inconsistent results.

Socioeconomic Status (SES). Research on the importance of the socioeconomic status of the offender on juror decision making in criminal cases is scarce and findings are conflicting. There is evidence that suggests that defendants of low socioeconomic status are at a disadvantage with regard to sentencing. For example, participants in the Landy and Aronson (1969) study read a scenario about an alcohol-related automobile accident. In that scenario, the defendant worked as either an insurance assessor or a janitor, and participants sentenced the defendant to imprisonment for 1 to 25 years. Even though the evidence was identical in all vignettes, participants sentenced the defendant who was an insurance assessor (high socioeconomic status) to a shorter prison term.

Similarly, Bray (1978) found that defendants of low socioeconomic status received harsher sentences than defendants of high SES. However, one interesting variable created an opposite trend. That is, when defendants of high socioeconomic status committed a crime that violated their expected role (i.e., a doctor who committed murder), they were punished more harshly than their low socioeconomic status counterparts were. It seems that, similar to Abel and Watters’ (2005) results regarding smiling male defendants, jurors tend to be harsher on defendants who violate social norms.

D'Alessio and Stolzenberg (1993) examined what variables may cause high socioeconomic status offenders to receive harsher sentences than low socioeconomic status offenders. They reviewed approximately 2,800 criminal cases, including violent, property, and moral order offenses (such as manslaughter and possession of narcotics). They found that some factors resulted in high socioeconomic status defendants being punished more harshly than expected. For example, sentences for high SES status offenders were harsher in the crimes of manslaughter and possession of narcotics. They found that socioeconomic status impacted the sentencing of violent and moral order offenders while prior criminal record was more influential in the sentencing of property offenders. It is possible that this impact is due to the fact that defendants with a high socioeconomic status are assumed to be of higher morality as found by Dion, Bersheid, and Walster (1972). Possession of drugs and manslaughter are crimes that many individuals have strong moral reactions to; thus, these crimes are more incongruent with beliefs about high SES offenders, leading to a harsher sentence assignment. That is, individuals of high SES (and assumed high moral character) may be sentenced less harshly in crimes such as traffic violations because there is less of a moral component to those behaviors. However, some recent research has found that defendants of low socioeconomic status are sentenced more harshly regardless of crime (Willis-Esqueda, Espinoza, & Culhane, 2008).

Similar to research on attractiveness, research on socioeconomic status is not only conflicting, but complicated, as SES is always paired with another variable. That is, Willis-Esqueda et al. (2008) varied defendant and participant ethnicity, socioeconomic status (SES), and crime in order to examine the effects of diversity variables on

sentencing. European Americans provided a low SES Mexican American defendant with more guilty verdicts, a harsher sentence, and higher responsibility ratings than the high SES Mexican American or a European American defendant, regardless of crime. Mexican Americans showed no differences for guilty verdicts, sentence severity, or perceived responsibility of the defendant.

Thus, diversity variables may affect all stages of the legal process. Indeed, physical attractiveness and socioeconomic status seem to affect sentencing decisions, but there is some confusion as to how internal drives or motivations of the juror may affect sentencing recommendations.

Motivated Reasoning. Past research has been conflicting on attractiveness and SES of a defendant – it appears that it may be a benefit to the defendant sometimes, but a detriment other times. Another thing that is not clear is how the cognitive processes of the jurors may interact with how they perceive and sentence these defendants.

Festinger (1957) suggested that the motivation to reduce unpleasant tension between conflicting thoughts or opinions about oneself may alter an individual's attitudes, behaviors, and judgments (i.e., I believe I am a non-biased person, but I just had a sexist thought). He called this tension cognitive dissonance. Researchers have further examined cognitive dissonance and have found that the need to reduce dissonance will lead individuals to narrow their thinking and select only pieces of information that support their desired conclusion (Locke & Latham, 1990; Tetlock & Kim, 1987). Kunda and Sinclair (1999) used the term “motivated reasoning” to refer to the impact of conflicting goals on an individual's judgment. That is, following the example above, an individual may reason that, “I believe I am a good person, but I just had a sexist thought.

No, that woman really is incompetent; see how she just lost that document? I would never have said that just because she's a female. She just really is unorganized".

Kunda and Sinclair (1999) stated that often the type of conclusion individuals wish to make (because they feel it is just, fair, or right) dictates the type of reasoning and motivation they will utilize for the given task. For example, when a stereotype is available that supports an individual's desired conclusion (i.e., only "bad" people commit crimes), motivation can lead an individual to activate that stereotype, even if it may be inaccurate. Conversely, if a stereotype one would normally utilize in a given situation threatens the conclusion one wishes to make (i.e., "I am a good person"), motivation can inhibit the activation of that stereotype. That is, individuals pick and choose which assumptions they will utilize in a given situation in order to arrive at the conclusion they feel is best.

For example, Sinclair and Kunda (1996) found that students showed no difference in ranking the competency of male and female professors when the professor had given them a good grade. However, when the professors gave them a poor grade, students ranked the female instructor less competent than the male instructor. This suggests that students in the second scenario may have chosen to apply the negative stereotype of women (i.e., women are less competent and intelligent than men) to the instructor when she gave them a poor grade. Further, this suggests that individuals can actively choose when and where they will utilize available stereotypes in order to reach their desired conclusion (i.e., "I am a good student").

Similarly, Freeman (2006) studied the interaction between jurors' belief in a just world and defendants' socioeconomic status. After completing a just world measure,

participants answered questions related to guilt, responsibility, and confidence in their ratings regarding an aggravated murder case. Overall, she found that defendants of low socioeconomic status were assigned harsher punishments than those with a high socioeconomic status. Further, participants with a high belief in a just world tended to assign the harshest punishments to defendants of low socioeconomic status when compared to individuals with a lower belief in a just world.

Schaller (1992) found that, even when faced with statistical evidence to the contrary, individuals selectively interpreted data in order to arrive at conclusions consistent with in-group favoritism. Specifically, participants read statements about individuals and abilities that were clearly stereotypically “male” or “female” (i.e., Jane Smith is a good office worker or Jonathan Jones is a good executive). Participants then responded to questions asking them about the relationship between gender and leadership ability (i.e., would it be better to hire a male or female as an executive?). Results showed that participants responded to these questions in a way that was consistent with in-group favoritism rather than using unbiased statistical reasoning. For example, males appeared to be unaware of, or motivated to agree with, the stereotypes that place women at a disadvantage, whereas women may have been more attentive to these issues and appeared to take them into account when making judgments about the relation between gender and certain abilities or traits.

Adjusting previous decisions when confronted with information to the contrary is consistent with Festinger’s (1957) theory of Cognitive Dissonance. Individuals are motivated to believe that they are fair and objective people (especially if they are involved in sentencing a defendant). However, past experiences, stereotypes, and

cognitive dissonance may impact people's judgments. Therefore, when individuals are confronted with the fact that they were likely biased by attractiveness or socioeconomic status, they may alter their sentencing decisions in an effort to reduce the tension caused by these conflicting ideas. This may mean that participants in a study convince themselves that a person is less attractive or of lower socioeconomic status in order to support the severity of sentence they assign, or they may alter their judgment in the criminal case in order to reduce the tension caused by cognitive dissonance.

In conclusion, there is some research examining the effects of both attractiveness and socioeconomic status (independently). However, results are conflicting regarding the effect of both attractiveness and socioeconomic status in the sentencing of a defendant. Some of the attractiveness research suggests that defendants of high attractiveness are at an advantage when it comes to sentencing. On the other hand, attractive defendants may be at a disadvantage if the jury feels they used their good looks to aid them in their crime or trial. Unfortunately, most research uses crimes such as swindle, where participants could infer that good looks would be utilized in committing the crime (Smith & Hed, 1979). Attractiveness and SES are also variables that tend to be fluid and changing over time. Thus, they likely need to be studied more often than other variables.

The research on socioeconomic status is conflicting in that the overwhelming assumption is that a defendant of high socioeconomic status is at an advantage when it comes to sentencing. However, the opposite trend is seen in circumstances where a role conflict is present (i.e., a doctor committing murder; Bray, 1978). Unfortunately, in the research, most of the high socioeconomic status occupations used were in the medical field, where a common assumption is that workers have an obligation to preserve life.

Thus, it is unclear whether harsher sentences were truly due to socioeconomic status or to punishment for a role violation (Bray, 1978).

While there is literature on motivated reasoning and its affects on judgment, no research could be found that examined its role in a forensic arena. That is, until recently, most research focused on whether or not the concept actually existed and not in examining its implications or reach (Kunda & Sinclair, 1999).

The present study combined socioeconomic status and attractiveness of a defendant, and did not utilize occupations that contained inherent role conflicts, or a crime that was related to attractiveness. Further, the present study examined presence of motivated reasoning in a forensic situation.

It was hypothesized that an unattractive defendant would receive a more severe sentence than an attractive defendant. Second, it was hypothesized that a defendant with a low socioeconomic status would receive a more severe sentence than a defendant with a high socioeconomic status. Third, it was believed that a defendant who was deemed unattractive and of a low socioeconomic status would receive the most severe sentence.

Additionally, it was hypothesized that when participants were made aware of the fact that attractiveness and SES may have played a role in their sentencing, they would claim that they did not find the defendant attractive or of high socioeconomic status. That is, in order to keep their actions and beliefs about themselves in harmony (i.e., “I am a fair, just person”), they would convince themselves that they did not believe the defendant was attractive, and therefore attractiveness could not have affected their sentencing.

Clinical Relevance

Research on diversity variables affecting the outcome of sentencing is an extension on diversity training that many clinical programs emphasize. For example, many programs spend time and effort addressing privilege related to race, gender, and sexual orientation. However, these programs may spend less time regarding socioeconomic status and/or attractiveness. These variables likely affect psychologists' judgments of clients inside and outside of the typical therapy session. Research in this area will expand upon the literature base regarding diversity variables and may lead to the inclusion of SES and/or attractiveness in discussions regarding diversity.

It is important for clinical psychologists to be aware of their own biases and prejudices for several reasons. These biases and prejudices may impact the therapeutic process. For example, not recognizing cultural differences in clients can impact diagnosis, treatment, and assessment due to assumptions clinicians may make based on their own prejudices (i.e., underestimating the intellectual functioning of a client due to biases associated with low socioeconomic status).

Additionally, clinical psychologists are often called upon to work in forensic settings. These roles require that clinicians make judgments regarding a defendant's mental status. For this reason, it is essential that clinicians are aware not only of the factors (i.e., SES, attractiveness) that may affect these judgments, but also of

the processes they may engage in regarding these judgments (i.e., motivated reasoning). This level of interpersonal awareness is essential for clinicians who may be called to testify in order to ensure that they do not allow those biases to affect the objectivity required of them during trial. That is, if SES and attractiveness alter the severity of sentencing assigned to defendants, it could also alter expert witness testimony of an unaware clinician.

Method – Phase One

This study was completed in several phases. In the first phase, preliminary research was conducted in order to select which occupations and photographs would be utilized in the high and low SES and attractiveness conditions.

Participants

Forty-seven individuals participated in preliminary research for this experiment. All participants were volunteers enrolled in an undergraduate psychology course at a local university. All participants voluntarily consented to participate in the study. Of the 47 participants in the study, there were 19 males (40%), 26 females (55%) and 2 individuals (4%) who did not indicate their sex. Participants ranged in age from 18 to 53 years old; however the mean age was 22.41 years. A diverse sample was collected with 55% of participants identifying as Caucasian, 15% as African-American, 2% as Biracial (African/Asian), 26% as Asian, and 2% as Hispanic.

Materials and Procedure

Participants were asked to rate 14 photographs from 1 (*not at all attractive*) to 10 (*extremely attractive*) and 14 occupations on a scale from 1 (*very low socioeconomic status*) to 10 (*very high socioeconomic status*; see Appendix A). The 14 occupations selected ensured equal representation of all salary brackets consistent with the *Occupational Outlook Handbook from the United States Bureau of Labor Statistics* (2008). The 14 photographs were obtained from public records and internet rating sites

(see Appendix B). Photographs selected were of females from the shoulders up who were directly facing the camera. Each participant received materials and was asked to rate the 14 photographs and the 14 occupations.

Results

The photograph deemed most attractive received the highest mean rating (7.49 out of 10) with the lowest standard deviation (1.38) of all photographs shown (see Appendix B). The “unattractive” photograph received the lowest mean rating (2.08 out of 10) with the lowest standard deviation (1.30) of all photographs shown. The occupations were selected following the same process. The high socioeconomic status occupation (Aerospace Engineer) received the highest mean rating (6.40 out of 10) with the lowest standard deviation (0.95) of all occupations shown (see Appendix B). The low socioeconomic status occupation (Janitor) received the lowest mean rating (1.94 out of 10) with the lowest standard deviation (1.07) of all occupations shown.

Method – Phase Two

Participants

Different participants were used for this phase than for the phase one. There were 78 participants in this phase. This number of participants was chosen because 75-100 are the standard numbers used by similar studies in the literature. All participants were volunteers enrolled in an undergraduate psychology course at a local university. All participants voluntarily consented to participate in the study. Of the 78 participants in the study, there were 11 males and 67 females. Participants ranged in age from 18 to 53 years old, with the majority (72%) of participants ranging from 19 to 23 years old. A diverse sample was collected: 71% of participants identified as Caucasian, 15% identified as African-American, 6% identified as Biracial, 5% identified as Asian, and 3% identified as Latino/Latina.

Participants ranged from first-year students (freshmen) to fifth-year students (advanced students), with 94% of participants identifying as second, third, or fourth year students. Most participants indicated that the highest degree they held was a high school diploma (78%); however, 12% of participants indicated that they received an Associate's degree, 8% indicated they obtained a Bachelor's degree, and 3% of participants indicated they received a graduate/doctorate degree, but had returned to school for a second degree. Twelve percent of participants indicated that their other degree was in a scientific field,

4% reported their previous degree was in the arts, one individual held a social work degree, and one individual held a business degree. Four percent of participants reported they had been incarcerated in the past and 73% of participants reported they had known someone who was incarcerated in the past.

Materials

Each participant received a file folder containing, in order, an instruction sheet, a “court document” containing a photograph of the defendant, and a survey (see Appendices C, D, and E). The first sheet was designed to inform participants that there is a current movement in forensic psychology to have two separate juries decide guilt and sentencing for a single defendant. This first sheet also explained that the purpose of the study was to investigate whether participants in the study would sentence the defendant the same as the “real” jury did, in order to determine whether or not two separate juries may be more objective than the current use of one jury for both tasks.

The “court document” contained an ambiguous murder case summary and a photo of the female defendant (see Appendix D). After viewing the summary and photograph, participants were asked to recommend a sentence for the defendant using a scale developed by Rucker, Polifroni, Tetlock and Scott (2004) ranging from 1 (*minimum sentence*) to 7 (*maximum sentence*). In order to disguise the true nature of the study, other questions were inserted after the initial sentencing question (see Appendix E). Such questions asked participants how deserving the defendant was of the sentence, how likely the defendant was to commit this crime again, and what sentence the participant thought that the average person would give to that defendant. All questions were measured on the same scale. There was also an attractiveness question that was be measured on a standard

1 to 10 scale, with 10 being extremely attractive (See Appendix F). At the end of the survey, participants were asked to provide basic demographic information about themselves such as gender, age, and ethnic background before returning their surveys (see Appendix G).

Procedure

In the first step, the participants were asked to pretend to be jurors in a courtroom, where the judge had instructed them to make a sentencing recommendation based on the evidence and information provided. They were instructed to read all the materials provided and to fill out all questions on the survey (see Appendices C-G).

In order to create cognitive dissonance and measure the use of motivated reasoning by the participants, upon returning their initial materials, they were given a survey that read, “Sometimes the attractiveness and socioeconomic status of the defendant can affect people’s judgments on sentencing.” This survey then asked participants to rate the defendant from 1-10 on the basic attraction scale and to provide what socioeconomic status they believed the defendant to be, using the scale from 1 (*very low socioeconomic status*) to 10 (*very high socioeconomic status*). These questions measured whether or not participants would rate attractiveness and SES significantly different than the baseline from phase I, once they were made aware that they may have been biased (i.e., whether or not the participants engaged in motivated reasoning to decrease the cognitive dissonance created by the statement above). Finally, participants were asked to re-sentence the defendant using the same scale as they initially did to measure whether or not they changed their sentence once cognitive dissonance was created and motivated reasoning was used. Participants then returned their surveys and

completed a demographic survey. Following completion of the experiment, participants were debriefed (See Appendix H).

Design

In this 2 x 2 completely between design, participants were randomly assigned to one of four conditions. For the first condition, participants were shown the attractive photo and read that the defendant had an occupation in the high socioeconomic status category. For the second condition, participants were shown the attractive photo and read that the defendant was of low socioeconomic status. Groups three and four were shown the unattractive photo and read that the defendant was either of high or low socioeconomic status, respectively. The dependent variables being measured included sentencing and the use of motivated reasoning.

Results

Data regarding the main dependent variables of sentencing, perceived recidivism, and deservedness of sentence as well as data regarding the demographics and cognitive processes of the participants was collected during the study. Results regarding the main dependent variables were analyzed first, and are therefore discussed first below as “main analyses.” Following the analysis of the dependent variable data, the demographic and cognitive process of the participant’s data was analyzed.

Main Analyses

Sentencing. A two-way ANOVA with attractiveness and socioeconomic status (SES) as independent variables yielded no significant main effect for SES on the amount of sentencing as assigned by participants ($F < 1$). That is, a higher SES defendant (Aerospace Engineer) did not receive a different sentence than a low SES defendant (Janitor; See Table I1). The mean sentence given to the defendant with a low SES (janitor) was 4.76 years, while the defendant with a high SES (Aerospace Engineer) had a mean sentence of 4.85 years. Attractiveness also did not affect sentencing [$F(1, 65) = 1.49, p = .23$]. The mean sentence given to the defendant with high attractiveness was a 4.59, whereas the defendant with low attractiveness received a mean sentence of 5.01. Twelve (15.38%) individuals indicated they did not have enough information to recommend a sentence. For the interaction of attractiveness and SES, no significant effect on participant punishments was found ($F < 1$).

Deservedness of Sentence. A two-way ANOVA with the effect of attractiveness and socioeconomic status (SES) as independent variables on deservedness of the sentence did not yield a significant main effect for SES ($F < 1$). Participants in both the high and the low SES conditions felt that the defendant was equally deserving of the sentence they had given. The mean deservedness of sentence for the high SES defendant was 5.14, while the defendant with a low SES had a mean deservedness of 5.16 (See Table I2). Attractiveness did not have a significant main effect on deservedness of crime ($F < 1$). The mean deservedness of the defendant with a high attractiveness was 5.06, while the defendant with a lower attractiveness had a mean deservedness of 5.24 (See Table I2). For the interaction of attractiveness and SES, no significant effect on deservedness of sentence was found [$F(1, 65) = 1.20, p > .01$]. Eleven (14.10%) participants reported that they did not have enough information to offer an opinion on deservedness.

Perceived Recidivism. A two-way ANOVA with the effect of attractiveness and socioeconomic status (SES) on perceived recidivism did not yield a significant main effect [$F(1, 65) = 2.54, p > .01$]. That is, participants who rated the defendant with the low SES defendant (Janitor) did not believe that she was more likely to re-offend than those who received the high SES defendant (Aerospace Engineer; See Table I3). The mean likelihood to re-offend of the defendant with a low SES (janitor) was a 3.80 on a scale of 1 to 7 with 7 being the very likely. The defendant with a high SES (Aerospace Engineer) had a mean of a 3.10. Attractiveness did not have a significant main effect on perceived recidivism ($F < 1$). The mean perceived recidivism of the defendant with a high attractiveness was 3.09, while the defendant with a lower attractiveness had a mean perceived recidivism of 3.81. For the interaction of attractiveness and SES, no significant

effect on perceived recidivism was found [$F(1, 65) = 2.65, p > .01$]. Nineteen (24%) participants indicated they did not have enough information to offer an opinion regarding recidivism.

Motivated Reasoning – Socioeconomic Status. Recall that there were two phases to this study. In the first phase, participants rated occupations based on the perceived socioeconomic status of that occupation. Upon completion of phase two, participants in phase II were asked to rate the defendant's occupation based on SES. The mean scores from phase one and phase two were compared to examine whether the participants in phase two rated the defendant's attractiveness and SES significantly different than participants did in phase one (thereby using motivated reasoning to resolve cognitive dissonance). A t-test showed a significant difference in the ratings for both the high and low socioeconomic status defendants, suggesting that the jurors utilized motivated reasoning in both the high and low SES conditions. The mean SES rating for the high SES defendant was a 6.40 during phase I of the study, whereas the mean SES rating for the low SES defendant was a 1.94. However, when confronted with the statement that biases related to SES may have impacted sentencing, participants rated the high SES defendant significantly lower, at a 4.52, ($t(75) = 6.186$). The same held true for the low SES defendant who was rated as having a significantly higher SES, a 2.82 ($t(78) = 3.58, p < .05$) than she was rated as during phase I. Thus, participants significantly adjusted the ratings of the SES of the defendant when cognitive dissonance was created.

Motivated Reasoning - Attractiveness. In the first phase of this study, participants also rated photographs based on attractiveness. Upon completion of phase two, participants were again asked to rate the defendants attractiveness and the mean

scores from phase one and phase two were compared to examine whether the participants in phase two rated the defendants attractiveness differently than participants did in phase one. A t-test showed a significant difference in the ratings for both the high and low attractiveness defendants, suggesting that the jurors utilized motivated reasoning in both the high and low attractiveness conditions. The mean attractiveness rating for the highly attractive defendant was a 7.49 during phase I of the study, whereas the mean for the low attractiveness defendant was a 2.08. However, when confronted with the statement that biases related to attractiveness may have impacted sentencing, participants rated the high attractiveness defendant significantly lower, at a 4.97 ($t(68) = 7.243, p < .05$). The same held true for the low attractiveness defendant who was rated as significantly higher on attractiveness, at a 4.70 ($t(68) = 4.054, p < .05$) than she was rated as during phase I. Thus, participants significantly adjusted the ratings of the attractiveness of the defendant when cognitive dissonance was created.

Secondary Analyses

Following the analyses of the main effects, noteworthy trends were observed when participants were separated into groups based on their demographic information.

Acquaintances with a History of Incarcerations. A two-way ANOVA with the effect of a participant's knowledge of someone who had been incarcerated as the independent variable on sentencing yielded significant results. That is, participants who indicated that they knew someone who had been incarcerated in the past sentenced the defendant more harshly than participants who had never been incarcerated. The mean sentence for defendants by participants who knew someone who was incarcerated was 6.33 [$F(1, 64) = 1.98, p < .05$] whereas the participants who had never known anyone

who had been incarcerated had a sentencing mean of 4.78. While there were not significant results regarding the perceived recidivism and deservedness of sentence, the same trend was present, with individuals who knew of someone who had been incarcerated tending to be harsher with the defendant in this study.

When data were analyzed based on participants' academic standing or history of having a loved one incarcerated, there were no significant differences in sentencing, perceived recidivism, or deservedness of sentence. Juror gender also did not significantly affect outcomes (though there was an overlying trend of females tending to be harsher than males in all scenarios). Similarly, ethnicity did not yield significant results. However, there was again an overall trend of Caucasians to be harsher in their sentencing in all scenarios.

Interestingly, when asked outright, 12% of participants admitted that they felt that the SES of the defendant had effected their sentencing recommendations and 16% admitted that they believed that the attractiveness of the defendant effected their sentencing recommendations. When asked to resentence the defendant after cognitive dissonance was created, 71% of participants recommended the same sentence as they had initially, while 8% recommended a harsher sentence, and 10% recommended a less harsh sentence.

Discussion

Attractiveness and Socioeconomic Status

The hypothesis that an unattractive defendant would receive a more severe sentence than an attractive defendant was not supported, nor was the hypothesis that a defendant with a lower socioeconomic status would receive a more severe sentence than a defendant with a high socioeconomic status. Further, the results of this study did not support the hypothesis that a defendant who is deemed unattractive and of a low socioeconomic status would receive the most severe sentence. However, results of this study do suggest that individuals may engage in motivated reasoning when they are motivated to reach a certain conclusion (i.e., “I am a good person and do not allow biases to affect my judgment.”).

In many previous studies, researchers found that physical attraction, socioeconomic status and juror gender have affected decision making (Abwender & Hough, 2001; Desantis & Kayson, 1997). Prior researchers have found that sentencing recommendations were lower for attractive defendants than for unattractive defendants (Percer et. al, 2005). Additionally, Sigall and Ostrove’s (1975) found that physical attractiveness of defendants reduces the severity of the judgments made against them. Research on socioeconomic status has produced much the same results (Chiricos & Waldo, 1975). In light of these previous findings, it would be expected that attractiveness and socioeconomic status, when combined, would yield the same results.

There are several reasons why differences may not have been found regarding sentencing severity, perceived recidivism, and deservedness of sentencing during this experiment. First and foremost, it is possible that society as a whole is finally moving away from these stereotypes and that individuals are not allowing stereotypes about gender, attractiveness, socioeconomic status, or other variables cloud their judgment. Certainly, society has seen an increase on the emphasis of social responsibility and equality in recent years. Further, in very recent years, there has clearly been an emphasis on equality based on social class (i.e., an emphasis on expanding the middle class and treating members of all financial statuses equally – for better or for worse). It is possible that we have simply moved past acting on negative stereotypes based on certain diversity variables. It is, perhaps, even more possible that individuals are at least not acting on stereotypes as overtly as they have in the past. Lastly, it is possible that individuals receive equal treatment when the outcome is negative, in an effort to say, “You want equality? You’ve got it.” That is, we treat individuals of minority status equally when sentencing them to a crime or firing them from a job, but not when promoting them or accommodating for them in public.

Another explanation for the findings may be the type of crime used in this study. It is possible that the crime of murder is too severe and that one may find different results if a lesser crime were used. That is, participants may have strong religious views or diverse personal opinions on murder that may outweigh the effects of the SES and attractiveness of the defendant. If a less emotional crime was utilized, such as petty theft, results may have supported the original hypotheses, as belief systems and strong moral reactions would be less likely with a lesser crime. Thus, it may be beneficial to vary the

type of crime used in these scenarios. Indeed, prior research indicates that lesser crimes may result in sentencing differences based on the attractiveness and SES of the defendant (Abwender & Hough, 2001; Willis-Esqueda et al., 2008).

The findings in the present study could also be related to the fact that participants consisted of mostly advanced psychology undergraduate students. The majority (65%) of the participants were in their Junior or Senior year in their undergraduate program. Further, the vast majority of the participants (95%) had taken at least three prior psychology classes. Individuals that are this advanced in the program and have taken several psychology classes may have a higher awareness of multicultural issues and issues regarding fair treatment of others due to the emphasis on oppression and mistreatment in social sciences courses. This is particularly true at Wright State University, where the emphasis on diversity variables and training culturally competent students is at the forefront of the mission statement. Perhaps these individuals have had even more courses that emphasize these issues than their younger counterparts. Indeed, when asked outright, 12% of participants admitted that they felt that the SES of the defendant had effected their sentencing recommendations and 16% admitted that they believed that the attractiveness of the defendant effected their sentencing recommendations. This suggests that individuals in this cohort were at least somewhat aware of the fact that biases may exist and that those biases may have effected decision making processes in this scenario.

It is possible that different results would have been found if undergraduates from different courses of study, or from different universities, were asked to participate. This is particularly likely if the participants were not in their senior years of study, but rather

were freshman, in their first year of study, or were recent High School graduates who had not yet attended college courses. Because individuals at this level of training may have less experience with social science courses, they may be more susceptible to the stereotypes emphasized here, and may indeed sentence “unattractive” or “low SES” defendants more harshly.

Of course, it is also possible that there were no differences in the defendant variables because motivated reasoning was occurring throughout the study.

Motivated Reasoning

Past research (Sinclair & Kunda, 1996) has indicated that participants are likely to convince themselves that a person is in fact less attractive or of lower status in order to support the severity of sentencing that they assigned and to maintain a positive self-image. Participants in this study seemed to have engaged in motivated reasoning when sentencing the defendant. That is, participants in this study rated the defendant’s attractiveness and SES differently than participants in the pilot study. This may have been in an effort to resolve the tension they experienced when they were made aware of their biases about these diversity variables. These results were consistent with previous research and with the hypothesis stated for the current study (Sinclair & Kunda, 1996).

Because this study supports prior research in asserting that motivated reasoning does in fact alter judgments individuals make in many areas, it becomes important that individuals become aware of these processes in much the same way as individuals are taught about racism and other beliefs that effect judgments. Thus, increasing awareness becomes the ultimate goal. This can be achieved by, first, focusing more research on this area so that we can be clearer on the situations in which motivated reasoning is most

likely to occur. Second, teachers and professors in psychology, sociology, and other classes can integrate the topic of motivated reasoning and how to combat it in their discussions of cognitive dissonance, belief in a just world, and other similar cognitive processes. In fact, O’Leary (n.d.) suggests that instructors in a social or cognitive psychology course conduct a smaller-scale replication of an activity similar to the current study with students during one class period. She then suggests that the instructor present the results and process the activity with the students during the next class period. In ways like this, awareness (and therefore counteraction) of motivated reasoning would be increased.

Other Variables

One variable that did affect sentencing severity was the incarceration status the participant’s acquaintances. Participants who knew someone who had been incarcerated prior to taking the survey were harsher in their sentencing than participants who had not known anyone who had been incarcerated, indicating that once an individual has an acquaintance who has been incarcerated, he or she is likely to be less lenient on others. Perhaps individuals feel that, because their acquaintances, friends, or family members had to suffer the consequences of their actions, others do as well. Or, perhaps, they felt that their acquaintances deserved their punishment and were more convinced of the fairness of the criminal justice system.

Indeed, research supports the idea that individuals with negative statuses (i.e., depression) prefer to be around other individuals of the same negative status (Rosenblatt, A, & Greenberg, J, 1991). Downward social comparison theory states that individuals look to others who are considered to be less fortunate in order to “dissociate themselves

from perceived similarities” and increase self-esteem or feelings about their personal situation (Wills, 1981). For example, Wood, Taylor, and Lichtman (1985) found that cancer patients chose to compare themselves with patients with a worse prognosis than themselves. Therefore, making themselves feel better about their own situation. Perhaps, in the same way, individuals who have seen a friend go through the difficulty of incarceration prefer to see other individuals “do their time” as well so as to not feel negatively for associating with someone who has broken the law.

Clinical Relevance

Research, such as the present study, on diversity variables in the legal system is an extension on diversity training that many clinical programs emphasize. These variables likely affect psychologist’s judgments of clients inside and outside of the typical therapy session. Most importantly, it is important for clinical psychologists to be aware of their own biases and prejudices as well as their own engagement in motivated reasoning.

This study has several obvious implications for clinical and forensic psychologists. Psychologists are often called upon to work in forensic settings. These roles require that clinicians make judgments regarding a defendant’s mental status, a client’s capacity to make decisions, care for children, or other competency areas. For this reason, it is essential that psychologists working in forensic settings are aware not only of the factors (i.e., SES, attractiveness) that may affect these judgments, but also of the processes they may engage in regarding these judgments (i.e., motivated reasoning). This level of interpersonal awareness is essential for clinicians who may be called to testify in order to ensure that they do not allow those biases to affect the objectivity required of

them during trial. That is, if SES and attractiveness alter the severity of sentencing assigned to defendants, it could also alter expert witness testimony of an unaware clinician.

Moreover, individuals who know someone with a history of incarcerations are harsher on defendants in a murder trial. Psychologists often act as trial/jury consultants, and this information will be extremely useful during jury selection. Jury consultants will now have more information about juror variables and how those variables effect sentencing decisions. Though no significant results were found, there was a clear trend toward females and Caucasians rendering harsher sentences on the defendant in this trial. Again, this information will provide trial consultants with more data to use in jury selection and consultation. Finally, the findings in this study suggest that attractiveness and SES did not affect sentencing recommendations from jurors. Thus, forensic psychologists and legal professionals may be able to reduce the amount of time "grooming" defendant's regarding appearance and behavior in the courtroom to counteract these effects, and can spend their time, perhaps more productively, elsewhere (i.e., by using juror instructions to educate the court on the importance of motivated reasoning).

The most fascinating results of this study, regarding motivated reasoning, may also be the most helpful in the forensic arena. Forensic psychologists, lawyers, and court professionals need to take the cognitive process of motivated reasoning into account throughout every step of the trial. During jury selection, lawyers and trial consultants may take steps to eliminate individuals who may be more susceptible to motivated reasoning (i.e., individuals with a high belief in a just world) and to include individuals

who may be more aware of these cognitive processes and, thereby, more apt to notice and correct them before suggesting a sentence (i.e., psychologists, social science professionals, and other diversity savvy individuals). During the trial, lawyers or judges may incorporate some explanation of motivated reasoning into their instruction to the jurors pre-deliberation. The explanation and understanding of motivated reasoning could reduce any effects it may have on sentencing or the perception of the defendant.

Strengths, Limitations, and Future Directions

Future researchers could attempt to find a stronger manipulation of the independent variable. It is likely possible to find a more universally “attractive” photograph and it would be ideal to find a more drastic difference between attractive and unattractive defendants as well as high and low SES occupations. That is, the study may have produced more dramatic results if the high SES occupation and/or high attractiveness photograph had received a 9 – 9.5 on a scale from 1 to 10 and the low SES occupation and low attractiveness photograph had received a 0 – 1 rating. These more drastic differences may have been more successful in activating stereotypes of the participants, leading to a harsher sentence for the low SES/attractive defendant.

Similarly, another limitation of the current study is the difficulty in operationalizing the independent variables. That is, the investigators in this study decided to operationalize SES by occupation; however, other options are present and it is difficult to find a way to fully encompass SES. For example, a full picture of SES would include power, prestige, income, desirability of the work and other variables. Because SES is an abstract and fluid concept, it is difficult to be sure that it is fully operationalized.

One clear limitation to the current study is that the same individuals were not used in both phases of the study. That is, in order to establish the high and low SES and photographs, a "pre-study" (phase I) was required to achieve the materials and baseline ratings for the "actual" (phase II) study. The same participants from phase I could not be used in phase II for fear that they would guess the true nature of the study and results would not be valid, as they had just rated SES and attractiveness and would likely infer that those results had something to do with phase II. Therefore, a new pool of participants had to be selected. Unfortunately, this meant that the ratings of attractiveness and SES from phase I had to be compared to the ratings of attractiveness and SES from phase II. This limitation directly impacts findings regarding motivated reasoning, where the study examined if the individual rated SES and attractiveness significantly different than the baseline. While results remain convincing and valid, it would be most helpful to discover a way to have the same participant rate SES and attractiveness during phase I and phase II so that the investigators were provided with "time one" and "time two" ratings from a single participant; thereby ensuring that the individual was in fact altering their own rating and engaging in motivated reasoning.

Another possible limitation in the current study is that the occupations used have clear gender biases attached to them. That is, both Aerospace Engineers and Janitors are stereotypically male positions. However, in this study, the pictures provided and associated with these occupations were of females. It is possible that the gender role violation because of the incongruence with sex and occupation overrode the effects on sentencing in the study. That is, it is possible that gender roles and occupations are so engrained in our society that participants couldn't look past the gender role violation to

truly sentence the defendant based on attractiveness and SES. In other words, one would have to sort out what stereotypes (SES versus attractiveness versus gender stereotypes) "trump" the others. It would be helpful to run this study with gender congruent occupations by either using male defendants, changing the occupations or language used to reflect congruency with female pictures (i.e., housekeeping or maid rather than janitor) or, perhaps more preferably, adding a condition using male defendant photographs.

The present study adds to the literature regarding diversity as well as motivated reasoning, a fascinating phenomenon that is not often studied. While the results of this study were not as expected regarding attractiveness and SES, it did shed light on the fact that attributes (i.e., incarceration history) as well as other diversity variables of jurors may effect sentencing recommendations in an area that is supposed to be fair and just. This experiment offers a foundation for future studies to expand and revisit the idea that extralegal variables may affect outcomes in the criminal justice system.

Appendix A

Occupation Rating for Preliminary Research

Please rate the following jobs based on their socio-economic status (income + status).

Teacher

Low Status										High Status
1	2	3	4	5	6	7	8	9	10	

Janitor

Low Status										High Status
1	2	3	4	5	6	7	8	9	10	

Sanitation Worker

Low Status										High Status
1	2	3	4	5	6	7	8	9	10	

Cashier

Low Status										High Status
1	2	3	4	5	6	7	8	9	10	

Bartender

Low Status										High Status
1	2	3	4	5	6	7	8	9	10	

Accountant

Low Status										High Status
1	2	3	4	5	6	7	8	9	10	

Zoologist

Low Status										High Status
1	2	3	4	5	6	7	8	9	10	

Appendix A Continued

Historian

Low Status									High Status
1	2	3	4	5	6	7	8	9	10

Aerospace Engineer

Low Status									High Status
1	2	3	4	5	6	7	8	9	10

Mechanical Engineer

Low Status									High Status
1	2	3	4	5	6	7	8	9	10

Financial Advisor

Low Status									High Status
1	2	3	4	5	6	7	8	9	10

Aerospace Engineer

Low Status									High Status
1	2	3	4	5	6	7	8	9	10

Florist

Low Status									High Status
1	2	3	4	5	6	7	8	9	10

Appendix B

Photograph Rating Scale for Preliminary Research*



Please rate this person based on attractiveness.

Not at all attractive

1 2 3 4 5 6 7 8 9

Very attractive

10



Please rate this person based on attractiveness.

Not at all attractive

1 2 3 4 5 6 7 8 9

Very attractive

10



Please rate this person based on attractiveness.

Not at all attractive

1 2 3 4 5 6 7 8 9

Very attractive

10



Please rate this person based on attractiveness.

Not at all attractive

1 2 3 4 5 6 7 8 9

Very attractive

10

*Photographs retrieved from www.photobucket.com

Appendix B Continued



Please rate this person based on attractiveness.

Not at all attractive 1 2 3 4 5 6 7 8 9 10 Very attractive



Please rate this person based on attractiveness.

Not at all attractive 1 2 3 4 5 6 7 8 9 10 Very attractive



Please rate this person based on attractiveness.

Not at all attractive 1 2 3 4 5 6 7 8 9 10 Very attractive



Please rate this person based on attractiveness.

Not at all attractive 1 2 3 4 5 6 7 8 9 10 Very attractive

*Photographs retrieved from www.photobucket.com

Appendix B Continued



Please rate this person based on attractiveness.

Not at all attractive

1 2 3 4 5 6 7 8 9

Very attractive

10



Please rate this person based on attractiveness.

Not at all attractive

1 2 3 4 5 6 7 8 9

Very attractive

10

*Photographs retrieved from www.photobucket.com

Appendix C

File Contents for Experiment

Instructions and Purpose of Study

There is a current debate in forensic psychology regarding the process of sentencing in criminal cases. Currently the “one jury only” method is used. In this method, one jury is used to determine guilt or innocence and to sentence a defendant. However, some members of the field argue that the current method is less objective than a proposed, new method. In this new method, two separate juries would be used. One jury would determine the guilt or innocence of a subject, and a separate jury (consisting of all new people) would sentence the defendant if they were indeed found guilty by the first jury.

In a moment you will be provided with a case. In this case, the “one jury only” method was used to determine guilt and sentencing of the defendant. The purpose of this study is to test whether or not a second, different jury (you) would recommend the same sentence for this defendant. Therefore, it is very important that you read all the materials provided here very carefully and thoroughly in order to ensure that you have all the information that the real jury had prior to sentencing. At two points during the survey, you will see the phrase, “STOP. Please return this part of the survey now,” at the end of the page. When you see this phrase, please stop and return your materials to the examiner. At that time, you will hand in what information you have and you will receive the next part of the survey. Please take your time, fill out all questions, and read all information provided to you by the judge on the following page.

Appendix D

“Court Document”

IN THE CRIMINAL COURT OF ██████████, OHIO
 ██████████, Ohio ██████████-7231
 State of Ohio *
 vs. * Case # 01 ██████████
 ██████████, * Judge ██████████, Jr.
 *
 *

Photograph of Inmate #08-215678

Case Information	
Date:	Of Crime: 01/03/2008
	Of Trial: ██████████/2009
Time:	1430 hours
Place:	██████████-County Courthouse
Courtroom:	219B
Trial Length:	200 hours (5 weeks)
Jury Deliberation Length:	12.3 hours
Verdict:	Unanimous / Guilty

Photograph of
 “defendant”
 placed here

Attorney for Defendant

██████████, Attorneys at Law
 ██████████-Avenue, Ste. 545
 ██████████, Ohio 42424
 ██████████-4281

Summary of Crime, Trial, and Other Comments from Presiding Judge:

On January 3, 2008 at approximately 6:25 p.m., the defendant, a (occupation), was involved in an altercation with another individual inside a parking garage. As both parties were getting into their cars an altercation ensued which led to the death of one person. The defendant was subsequently charged with murder* (see below). During the trial, there were no mitigating or aggravating circumstances** presented. The trial lasted 5 weeks after which the jury deliberated for approximately 12 hours. The jury was unanimous with their guilty verdict. The defendant now awaits sentencing. The defendant is NOT eligible for the death penalty.

* Murder is described by the Ohio Revised Code (ORC) [2903.02 Murder] as: (1) A person purposely causing the death of another or the unlawful termination of another’s pregnancy.

**A mitigating factor, in law, is any information or evidence presented to the court regarding the defendant or the circumstances of the crime that might result in reduced charges or may warrant special consideration regarding sentencing. An aggravating factor is any information or evidence presented to the court regarding the defendant or the circumstances of the crime that may result in increased charges or may warrant special consideration regarding sentencing.

Appendix E (Survey)

Instructions: Please fill out the following questions to the best of your ability.

Please recommend a sentence below by circling the corresponding number.

No Basis For Judgment	Minimum Sentence							Maximum Sentence
N/A	1	2	3	4	5	6	7	

Please rate how deserving the defendant is of the sentence recommended above.

No Basis For Judgment	Not at All Deserving							Extremely Deserving
N/A	1	2	3	4	5	6	7	

Please rate how likely the defendant is to commit this crime again.

No Basis For Judgment	Not at All Likely							Extremely Likely
N/A	1	2	3	4	5	6	7	

Please rate what sentence you feel the average person would recommend for this defendant.

No Basis For Judgment	Minimum Sentence							Maximum Sentence
N/A	1	2	3	4	5	6	7	



STOP. Please return this part of the survey now.



Appendix F

Second part of experiment (given to participant after previous survey handed in)

Please use the previous information regarding the defendant to complete the final part of this survey.

Sometimes attractiveness and socioeconomic status affect people's judgment on defendants' sentencing.

Please rate the defendant's attractiveness by circling the corresponding number.

No Basis For Judgment	Not at All Attractive										Very Attractive
N/A	1	2	3	4	5	6	7	8	9	10	

Please rate the defendant's socio-economic status (income + status) by circling the corresponding number.

No Basis For Judgment	Low Status							High Status
N/A	1	2	3	4	5	6	7	

Please recommend a sentence for this defendant by circling the corresponding number.

No Basis For Judgment	Minimum Sentence						Maximum Sentence
N/A	1	2	3	4	5	6	7



STOP. Please return this part of the survey now.



Appendix G

Demographic Information

Thank you for participating in this study. Please provide the following information for statistical purposes only (any identifying data will be kept strictly confidential).

Age: _____

Ethnicity: _____

Gender: _____

Academic Standing (please circle one): Freshman Sophomore Junior Senior

Please indicate how many of the following college courses you have completed:

NOTE: please do NOT include courses you are currently enrolled in this quarter

___ Psychology

___ Criminology

___ Sociology

Highest Degree **Completed**: (circle one) H.S. Diploma B.A./B.S. Master's Doctorate

*If you hold a degree other than a H.S. Diploma, please indicate in what area:

Have you ever been incarcerated? (circle one): Yes No

If yes, how many times? _____

Have you ever known anyone who has been incarcerated? (circle one): Yes No

In this case, do you think the defendant's socioeconomic status affected your judgment? Yes No

In this case, do you think the defendant's attractiveness affected your judgment? Yes No



STOP. Please return this part of the survey now.



Appendix H

Debriefing Statement

- A. Sometimes in research it is necessary not to tell the participants the hypothesis. We can't always tell people about the purpose of the experiment because it might affect our results--If we tell people the purpose of the experiment or how we predict people will act in the experiment, they may deliberately do whatever it is they think we want them to do, just to help us out and give us the results that they think we want. Or, it is also possible that the opposite might occur. That is, if we tell people our predictions; they might deliberately act in the opposite direction to show us that we can't figure them out. Either way, we would not have a very good indication of how they would act in situation in everyday life.
- B. Because you have now completed the study, we would like to inform you of the purpose of this study.

This is a 2x2x2 design study, which means we are looking at three different things:

1. What we are most interested in is whether attractiveness and socioeconomic status of the female defendant will affect how severe of a sentence she received. We predict that defendants of high socioeconomic status and of high attractiveness will receive less harsh sentences than defendants of low socioeconomic status and of low attractiveness.
 2. We are also interested in gender differences of "mock jurors." So, we will be looking at whether or not female participants and male participants sentenced the defendant differently.
 3. Lastly, we are interested in whether or not participants would engage in what is called "motivated reasoning" in the last part of the study. This means that, research has shown individuals may change their ratings of attractiveness, socioeconomic status, and sentencing when they are made aware that those factors may affect decision making. This is why we gave you a page with the statement "Sometimes attractiveness and socioeconomic status affect people's judgment in sentencing." We predicted that this statement would make you wonder if you had allowed those factors to "cloud" your judgment, and that you would adjust your ratings in order to prove that wasn't so.
- C. There are four conditions to our study: an attractive defendant with a high socioeconomic status, an attractive defendant with a low socioeconomic status, an unattractive defendant with a high socioeconomic status, and an unattractive defendant with a low socioeconomic status. We predict the first condition will yield the least harsh punishments and the last condition listed here will yield the harshest punishments.

Obviously, if we tell people outright what we are studying, it might affect their behavior. Thus we had to conceal the real purpose of the experiment until now.

We have lots of people participating in this study during this quarter and across the next few quarters. The success of this study requires that the people who participate have no idea in advance what the study is about and that we are really interested in SES, attractiveness, and motivated reasoning. What this means is that we request that you **not to say anything about the study to anyone else because:**

1. If you talk to others about the purpose of the study it would be the same as if I told them at the beginning all about the purpose of the study. Their responses wouldn't be spontaneous and natural. So if you discuss this study with others, we wouldn't have enough valid data to draw any conclusions about how people naturally behave in this situation. In short, the study would be wasted; your time would be wasted and our time would be wasted.
2. We want everyone to get some educational value out of being in this experiment and so I am telling you what our true hypothesis was. However, if you tell someone else what happened and they or a friend of theirs participates in this study, then they won't get the same experience from this experiment that you do. Part of your requirement is based on learning a deeper understanding of how research is done and the importance of aspects of research (like deception and debriefing, like this one), if a person enters the study knowing the true hypothesis, he or she would be robbed of this aspect.
3. You may wonder what difference it makes to tell a friend or roommate or boyfriend or girlfriend because they will never be in the study. But they may say something to someone else who will be in the study. Or they may be in the study or a similar study down the road. I realize you may have an urge to tell people about what happened in this experiment. However, I ask that you keep what happened and the purpose of the experiment a secret.
4. In short what this means, is after you leave this door I am asking you to not discuss the details of this experiment. We have, in the past, overheard students talking around campus, in the building, waiting for a T.A, or in the Reitz Union talking about studies. Keep in mind one reason we ask you not to tell anyone, is you never know who else is hearing you.
5. If anybody asks you about the experiment, just tell them that it was an experiment on how jurors make decisions. Don't make a big mystery about the study. Just say that you were in an experiment and that you are not at liberty to discuss the nature of the experiment.

At this time, if you wish to withdraw your data from the experiment, you have that right, and please see me if this is the case. If you have any other questions or concerns please contact me or Dr. Meyer at the numbers listed on your copy of the consent form. Thank you for your help in this study!

Appendix I

Tables

Table I1. *Mock Juror Mean Sentences*

Attractiveness	High SES	Low SES	Average
High	4.75	4.43	4.59
Low	4.94	5.08	5.01
Average	4.85	4.76	

Note: Numbers are means based on a 7-point scale (1 = very low/very little; 2 = very high/extremely).

Table I2. *Mock Juror Mean Deservedness of Punishment*

Attractiveness	High SES	Low SES	Average
High	5.27	4.85	5.06
Low	5.00	5.47	5.24
Average	5.14	5.16	

Note: Numbers are means based on a 7-point scale (1 = very low/very little; 2 = very high/extremely).

Table I3. *Mock Juror Mean Perceived Recidivism*

Attractiveness	High SES	Low SES	Average
High	2.73	3.45	3.09
Low	3.47	4.15	3.81
Average	3.10	3.80	

Note: Numbers are means based on a 7-point scale (1 = very low/very little; 2 = very high/extremely).

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