

**DEFENDANT AGE, PRETRIAL BIAS, AND CRIME SEVERITY
INFLUENCE THE JUDGMENT OF JUVENILE WAIVER CASES**

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This research examined how people with various pretrial predispositions judged defendants for crimes of differed severity. Jury eligible participants read a trial summary about a 16-year-old juvenile tried as an adult, or a 19-year-old adult defendant, charged with either first-degree murder or felony theft. The adult defendant was judged more harshly than the juvenile defendant. Compared to defense-biased participants, prosecution-biased participants rendered harsher judgment. First-degree murder elicited harsher sentencing than felony theft. Pretrial bias and crime severity also interacted. Prosecution-biased participants convicted the defendant more often and had higher confidence in the defendant's guilt when the crime was first-degree murder instead of felony theft. Study implications for juvenile justice were discussed.

Trying juveniles as adults has been in existence since the earliest days of the juvenile justice system (1). Although long in tradition, this practice is short on evaluation. Relatively little is known about how this process works. Nevertheless, the "get tough" attitude on juvenile crimes continues to prevail despite a sustained decrease in violent crimes committed by juveniles in the past decade (2). Consequently, many juveniles are still being tried in this fashion, through either the traditional waiver proceedings or the increasingly popular non-judicial transfer mechanisms (3). The present article reports an experiment aimed at expanding our understanding of how potential jurors judge adult and juvenile defendants charged with crimes of differed severity.

There are generally three means by which juveniles can be tried as adults. The most prevalent strategy is judicial waiver. Judicial waiver allows a juvenile court judge to waive juvenile court jurisdiction after conducting a hearing (4, 5). The second strategy is prosecutorial waiver, which allows the prosecutor to directly file charges against a juvenile defendant in the criminal court. This way, both the juvenile and the criminal courts can share jurisdiction over certain ages and offenses (6, 7). The third strategy is automatic leg-

islative waiver, when a juvenile above a certain age and charged with a certain type of crime can be automatically waived to the criminal court, bypassing the juvenile court completely (4-7).

In a recent report from the Office of Juvenile Justice and Delinquency Prevention, Adams and Addie (3) pointed out that the number of delinquency cases judicially waived peaked in 1994 with 13,100 cases, followed by a decline to 8,500 cases in 2007, representing a 35% drop. As Adams and Addie (3) explained, this decline was partially driven by a decrease in violent crimes committed by juveniles, and partially by the rapid expansion of prosecutorial waiver and automatic legislative waiver mechanisms. Therefore, the actual number of juveniles waived to the adult court per year should be much higher than the 8,500 would suggest.

How is this sizeable group of defendants judged? Do potential jurors treat juveniles tried as adults and adult defendants in a similar fashion? It is arguable that each time a juror deliberates, the end result reflects the impact of defendant-, juror-, and crime-specific information (8, 9). Whereas defendant age is a defendant-specific factor and juror pretrial bias is a juror-specific factor, crime severity is a case-specific factor. Examining all three factors in the same study can link these multiple sources of influence and allow for an investigation of possible interactive effects.

Defendant age has been found to influence mock jurors' judgment, but the manner and extent of its impact is not entirely clear. Past research suggests that age of the defendant is positively correlated with perceived culpability/accountability (10-12): the younger the age, the less culpable/accountable the defendant appears. Be that as it may, when it comes to the most important outcome of juror decision-making, i.e., verdict and sentencing, the picture is more nuanced (Even though actual jurors do not sentence defendants, researchers in the field often examine mock jurors' sentencing recommendations as a gauge of public sentiment).

Ghetti and Redlich (12) recruited undergraduates to read a single paragraph crime scenario varied by defendant age (11, 14, or 17 years old), crime type (shooting or arson), crime outcome (death or injury), and time delay (immediately or one day). Even though respondents regarded younger offenders less accountable and competent, their sentencing recommendations and attitude about punishment were not affected by defendant age. Warling

and Peterson-Badali (13) asked undergraduate and community resident mock jurors and undergraduate mock juries to read a three-page written description of a male defendant (13, 17, or 25 years old) charged with second degree murder. Defendant age did not influence juror or jury verdicts, but mock jurors recommended shorter sentences for younger defendants.

Tang and Nunez (14) classified undergraduate mock jurors as either prosecution-biased or defense-biased, and randomly assigned them to read a seven-page first-degree murder trial summary depicting a 13-, 16-, or 19-year-old defendant. Defendant age did not independently affect juror verdict, but exerted its influence in conjunction with pretrial bias, such that prosecution-biased jurors found the 16-year-old guilty more often and felt more confident about his guilt than the 13-year-old. Moreover, prosecution-biased jurors set a lower standard of proof for the 16-year-old than for the 19-year-old, although the lowered standard of proof did not lead to more guilty verdicts for the 16-year-old. Tang and Nunez (14) thereby concluded that for some jurors (i.e., those with a pretrial bias for the prosecution), young age was a mitigating factor; although the above mitigation was not applied to older juvenile defendants.

More recently, Semple and Woody (15) presented undergraduate mock jurors with a written murder trial summary. Participants were more likely to convict older defendants. Specifically, participants found the 13- and 15-year-old defendants guilty less often than the 17- and 21-year-olds. Unlike verdict, sentencing recommendations were not affected by defendant age. Utilizing a brief written case summary, Walker and Woody (16) investigated the impact of defendant age (14 or 24 years), crime type (aggravated robbery or second-degree burglary), and crime outcome (\$500 or \$50,000 worth of damage) on undergraduate mock jurors' verdict and sentencing decisions. Defendant age did not influence verdict, but influenced sentencing recommendations. The adult defendant was given longer sentences than the juvenile defendant. Overall, then, extant mock juror research revealed that the effect of defendant age on verdict and sentencing decisions was convoluted. Sometimes it was observed, other times it was not; sometimes the effect was direct, other times it was indirect. Therefore, the first purpose of the current study was to shed more light on the influence of defendant age on mock juror decision-making.

Other than the defendant-specific factor of defendant age, the juror-specific factor of pretrial bias also affects juror decision-making. Pretrial bias refers to the tendency toward a guilty verdict or a mistrust of law enforcement, even before trial evidence is presented (17). One measure of pretrial bias is the Juror Bias Scale (JBS), which conceptualizes pretrial juror legal attitudes on a continuum from prosecution-bias to defense-bias (18-20). All things equal, pretrial bias can mean the difference between conviction and acquittal. Several studies (18, 21, 22) found that when presented with the same evidence, prosecution-biased jurors were more likely than defense-biased jurors to convict the defendant. When judging juveniles tried as adults, pretrial bias appeared to work in a similar fashion (13, 14, 16, 23). For example, Tang and Nunez (14) found that when judging a 16-year-old defendant, prosecution-biased jurors rendered more guilty verdicts, had higher confidence in the defendant's guilt, and set a lower standard of proof than defense-biased jurors. In the same vein, Tang et al. (23) found prosecution-biased participants to judge all defendants (juveniles and adults) more harshly than defense-biased participants.

However, prosecution-biased jurors are not always more conviction prone than defense-biased jurors (18, 24, 25), much like when other extralegal factors (such as demographic and personality information) were used to predict verdicts (26, 27). According to Myers and Lecci (20), modest verdict predictability of these extralegal factors is good news for the jurisprudence, suggesting that trial evidence is the most influential factor in verdict determination (as it should be). Since the variance available for extralegal factors (such as pretrial bias) to explain is small, consistent prediction of verdict is bound to be difficult for any extralegal factor.

Even so, it is interesting and meaningful when an extralegal factor such as pretrial bias systematically relates to verdict at all. In cases involving ambiguous evidence, pretrial bias effects have been found to be more pronounced (19, 22). In such cases, even accounting for a small percentage of the variance is significant if it means the difference between a "guilty" and a "not guilty" verdict (28). Bolstering this argument, De La Fuente et al. (22) observed that most cases that reached the jury were without clear evidence supporting either the defense or the prosecution (allowing extralegal factors such as juror pretrial bias to possibly exert a small but meaningful influence);

were the opposite true, the case would probably be dismissed or plea bargained out.

Moreover, it adds to our understanding of individual differences in jurors to know the conditions under which pretrial bias is most predictive of verdict. For example, in addition to a main effect of pretrial bias on verdict and confidence in the defendant's guilt, pretrial bias and defendant age also interacted in Tang and Nunez (14) to influence verdict, confidence in the defendant's guilt, and reasonable doubt standard. The predictions of pretrial bias were most evident when the defendant was an older juvenile. In accord with Kassin and Wrightsman's (18) and Weir and Wrightsman's (25) observation that contrary to expectation, prosecution-biased jurors tended to be less sympathetic to rape victims, Lecci and Myers (19) found both the original and revised versions of the JBS scales predicted verdict in a murder and an armed robbery case, but not in a rape case. Finally, when deliberating on a simulated murder trial, prosecution-biased jurors did not convict the defendant more often than defense-biased jurors, but they did set a lower reasonable doubt standard in the relevant crime scene video condition (24). Hence, the second purpose of the current study was to see how pretrial bias predicts juror decision-making, and whether pretrial bias predicts juror decision-making interactively with defendant age and/or crime severity.

When a juvenile is waived to the adult court, the charged crime is often serious (i.e., violent and person-related), although this is not always the case. For example, Adams and Addie (3) reported that in 2007, 27%, 13%, and 11% of the juvenile cases judicially waived to the adult court involved property, drugs, and public disorder offenses, respectively. In addition, under the "once an adult, always an adult" mandate endorsed by some states, so long as a juvenile was once tried as an adult, the juvenile would always be tried as an adult for future offenses, even if the offense was not serious. Nonetheless, there was a tendency for the mass media to negatively portray juveniles tried as adults. For example, although about 48% of the juveniles were waived to the adult courts for person related offenses, and only about 11% of the juveniles in adult courts were charged with murder (29), the mass media often exclusively portrayed murder cases, such as those of Lionel Tate, the Washington-area sniper John Lee Malvo, and Jordan Brown.

Consequently, the public may associate juveniles in adult court with murder, therefore with maliciousness and callousness. Indeed, Tang et al. (23) found in two experiments using both undergraduates and community residents that compared to adult defendants and juveniles retained in the juvenile court, juveniles tried as adults were believed to have committed more serious crimes, more dangerous, and more likely to have a criminal record. Under the circumstances, how potential jurors evaluate juveniles charged with serious as well as light crimes in the adult court becomes a valid and informative topic of inquiry. The third purpose of the current study was to investigate just that.

When researching juror decision-making on adult defendants, Sanderson and colleagues (30) showed in two studies with college students and community residents that crime severity predicted mock jurors' evaluation of defendant culpability. The more severe the crime, the more the defendant was judged to be culpable. Likewise, Gebotys and Dasgupta (31) observed a positive correlation between crime severity and mock juror ratings of criminal intent and defendant culpability. When examining juror decision-making on juvenile waiver cases, Ghetti and Redlich (12) found participants allocate more severe sentences to juveniles charged with shooting than with arson; participants also more severely sentenced juveniles who killed than juveniles who injured. Similarly, Walker and Woody (16) found mock jurors more likely to convict both the juvenile and adult defendants when the charged crime was aggravated robbery rather than second-degree burglary. Mock jurors also recommended longer sentences to defendants charged with aggravated robbery than second-degree burglary, and to defendants charged with crimes that resulted in \$50,000 rather than \$500 worth of damage. Whereas both Ghetti and Redlich (12) and Walker and Woody (16) created their trial summaries for their research, the current study used an actual case as the starting point, in an attempt to increase the trial summary's ecological validity. This was a distinct feature of the current study.

Another unique characteristic of the current study was the deliberate contrast between a very serious (first-degree murder) and a very light (felony theft) crime. Felony theft (usually when the value of the stolen goods exceeds a certain dollar amount, such as \$400) was chosen over petty theft (when the stolen amount is less than, for example, \$400) to increase the

study's ecological validity, given that one of the trial versions depicted juveniles tried as adults for a light crime. Petty theft, although light, seemed less realistic for that scenario. With as big a difference as possible in crime severity, it was hoped that any interactive effects with defendant age and/or pretrial bias could be revealed, considering that these interactive effects were likely to be small, as suggested by prior research on extralegal factors (14, 20, 22).

To recapitulate, the following were the four hypotheses for the study. First, an adult defendant would be judged more harshly than a juvenile defendant waived to the adult court, consistent with Semple and Woody (15), Warling and Peterson-Badali (13), and Walker and Woody (16). Second, prosecution-biased jurors would judge the defendants more harshly than defense-biased jurors, supported by prior research on both adult (18, 21, 22) and juvenile (13, 14, 16, 23) defendants. Third, defendants charged with a severe crime would be judged more harshly than defendants charged with a light crime, in accord with the research of Gebotys and Dasgupta (31) and Sanderson et al. (30) on adult defendants and the research of Ghetti and Redlich (12) and Walker and Woody (16) on juveniles. Finally, pretrial bias would interact with defendant age and/or crime severity to predict juror decision-making, as implied by Tang and Nunez (14), Kassin and Wrightsman's (18), Weir and Wrightsman (25), and Lecci and Myers (19), although it was difficult to make a directional prediction due to limited prior research on this topic.

PRETESTING OF STIMULI

To ensure that our study stimuli were appropriate for our study purpose, we pre-tested the stimuli by recruiting 264 undergraduate students enrolled in Introductory Psychology at a Rocky Mountain region public university in the United States.

Our study stimuli included two trial summaries, each approximately 1000 words in length. The undergraduate students were randomly assigned to read one of the trial summaries. The first trial summary presented a first-degree murder case (very loosely based on the trial of *Massachusetts v. O'Brien* [32]), in which a 16-year-old juvenile named "Shawn Davis" was being tried as an adult. The second trial summary was constructed by modi-

ifying the first summary to turn the defendant's charged crime to felony theft. Instead of being charged in the stabbing death of his best friend's mother, the defendant was charged with the theft of \$400 from his best friend's house. The information provided in the two trial summaries was only different to make them appropriate for the crime depicted.

We found that among the participants who rendered a verdict, only 34.2% found the defendant guilty. There was no difference in the percent of guilty verdicts between the first-degree murder and the felony theft cases. Since pretrial bias is believed to exert the strongest influence when the case evidence is ambiguous (19, 22), we strengthened the prosecution evidence for the two cases, aiming for a conviction rate closer to 50%. With the above modifications completed, we conducted the experiment.

METHOD

Participants

Two hundred and eighty one undergraduate volunteers ($M = 21.59$, $SD = 3.46$) taking general education courses, or registered in the psychology program's subject pool from a public liberal arts college in the East coast of the United States were recruited. Some students received partial course credits. There were 89 males and 190 females: 79.6% were White, 5.4% were Black, 5.0% were Asian, 5.7% were Hispanic, and 3.9% fell under the "Other" category. Participants were jury eligible in the state in which they lived.

Materials and Procedure

After signing informed consent forms, participants first completed the JBS per instructions from Kassin and Wrightsman (18). JBS contains 22 items rated on a 5-point scale, with "strongly agree" scoring 5 and "strongly disagree" scoring 1. Higher scores on the JBS indicate a generalized supportive attitude toward the prosecution, whereas lower scores reflect a more sympathetic lean toward the defense. The original version of the JBS was used instead of the revised JBS (19, 20) because the original version contained all of the items on the revised version. After participants completed the JBS, they were randomly assigned to read one of the four trial summaries that varied by defendant age (16- or 19-year-old) and crime severity (first-degree murder or felony theft).

To manipulate defendant age, at the top of each of the trial summaries was a sentence printed in bold and 14-point font (whereas the rest was printed in regular 12-point font), stating that "The 16-year-old juvenile defendant is currently being tried as an adult" or that "The 19-year-old adult defendant is currently being tried in the criminal court," and that each of the participants would serve as a criminal court juror.

To set up for the independent variable of crime severity, we used the pre-tested two versions of the trial summary. The summary included statements from the prosecutor and the defense attorney, and testimonies from the witnesses. For the severe crime of first-degree murder, a defendant named "Shawn Davis" was charged with the stabbing death of his best friend's mother, who lived across the street. The prosecution portrayed the defendant as having an unusual sexual interest in the victim, which drove him to spy on her frequently. On the night in question, when the victim caught him spying on her, he felt compelled to kill her. For the light crime of felony theft, the defendant was charged with the theft of \$400 from his best friend's house to satisfy his desire to purchase a popular video game console.

Otherwise identical evidence was presented, such as how the defendant knew of a means to gain access into the house through a broken cellar door lock, an eyewitness who placed the defendant at the crime scene, fingerprint evidence that was left by the defendant at the victim's house, three eyewitnesses who provided a partial alibi for the defendant, and the defense claim that the police investigators rushed to judgment and mistakenly arrested and charged the defendant without checking out other possible suspects, such as the victim's drug dealing brother-in-law who was just kicked out of the house. The trial summaries were written with the aim of keeping the evidence balanced between the prosecution and the defense.

After reading through the trial summary, participants filled out a questionnaire. They answered five questions. The first was to choose between a "guilty" and a "not guilty" verdict. The second was to rate their confidence on the verdict using a 10-point scale ranging from 0 to 9, with "0" meaning "not at all confident" and "9" meaning "completely confident." The third and fourth questions were fill-in-the-blanks for the statements of "There is a _____% likelihood that Davis committed the crime." and "Davis should be found guilty if there is at least a _____% chance that he committed the

crime." The fifth question was for the participants to answer the following question on a 0 (minimum sentence allowed by law) to 9 (maximum sentence allowed by law) scale: "Assume that Davis was guilty, what would be your sentencing recommendation?" Finally, demographic information was requested from the participants. Participants were given approximately fifteen minutes to complete the study, and were asked to do so independently. Participants were debriefed orally and in writing before they left.

RESULTS

Participants' JBS scores ranged from 29 to 69 with a mean of 52.58 (SD = 6.30) and a median of 53. The median was similar to those reported by Kassin and Wrightsman (18) of 51.47 to 56.32, Chapdelaine and Griffin (21) of 50.14, Tang and Nunez (14) of 51, De La Fuente et al. (22) of 52, and Tang et al. (23) of 53. Even though JBS scores could be used as a continuous variable (13, 16), they were used as a dichotomous variable in this study to enable clearer examination of any interaction between pretrial bias, defendant age, and/or crime severity. A median split on the JBS scores classified the participants as either prosecution-biased or defense-biased, a procedure previous studies often used (14, 18, 21-24): 120 participants who scored above the median of 54 were classified as prosecution-biased, whereas 141 were classified as defense-biased.

Verdict

We used logistic regression to analyze verdict, with all main effects of defendant age, pretrial bias, crime severity, and all interactions amongst defendant age, pretrial bias, and crime severity entered into the equation. There was a significant main effect of defendant age. Participants found the 16-year-old defendant (47%) guilty less often than the 19-year-old defendant (61%), Wald = 5.47, $p = .019$, OR = .56, Cox and Snell $R^2 = .06$. Table 1 shows all relevant descriptive and inferential statistics for the study.

There was also a significant main effect of crime severity, such that participants rendered more guilty verdicts in the first-degree murder case (62%) than in the felony theft case (48%), Wald = 6.22, $p = .013$, OR = 1.90, Cox and Snell $R^2 = .06$. However, this main effect was qualified by a significant two-way interaction between pretrial bias and crime severity (see

Table 1. Case Judgment as a Function of Defendant Age, Pretrial Bias, and Crime Severity

Dependent Variables	16-year-old				19-year-old			
	Prosecution-biased		Defense-biased		Prosecution-biased		Defense-biased	
	Murder	Theft	Murder	Theft	Murder	Theft	Murder	Theft
Verdict ^{acd} (N = 279)	68%	47%	37%	43%	80%	48%	65%	57%
Confidence in the defendant's guilt ^{acd} (N = 276)	13.24 (6.48)	10.48 (7.20)	8.60 (6.46)	9.86 (6.58)	14.77 (4.87)	10.30 (6.84)	12.36 (5.60)	11.93 (7.18)
Probability of commission estimation ^{ab} (N = 279)	58.40 (27.13)	53.97 (26.88)	47.32 (21.98)	47.68 (25.35)	67.90 (20.63)	52.78 (26.79)	58.63 (19.68)	54.61 (26.59)
Reasonable doubt standard ^b (N = 275)	82.04 (20.90)	87.56 (13.86)	93.82 (10.51)	90.27 (17.47)	84.53 (17.05)	85.80 (15.16)	91.02 (16.71)	89.00 (17.22)
Sentencing recommendation ^{bc} (N = 274)	7.56 (1.61)	4.15 (2.06)	7.35 (1.70)	3.03 (1.98)	7.53 (1.41)	3.59 (2.12)	7.04 (1.56)	3.42 (2.05)

Note. Verdict was percentage of guilty votes. Confidence in the defendant's guilt ranged from 1 (not guilty, completely confident) to 20 (guilty, completely confident). Probability of commission estimation ranged from 0 (0% probability that the defendant committed the crime) to 100 (100% probability that the defendant committed the crime). Reasonable doubt standard ranged from 0 (defendant should be found guilty if there was a 0% chance that he committed the crime) to 100 (defendant should be found guilty if there was a 100% chance that he committed the crime). Sentencing recommendation ranged from 0 (minimum sentence allowed by law) to 9 (maximum sentence allowed by law).

^a Significant main effect of defendant age, Wald = 5.47, $p = .013$; $F_s \geq 5.20$, $ps < .05$.

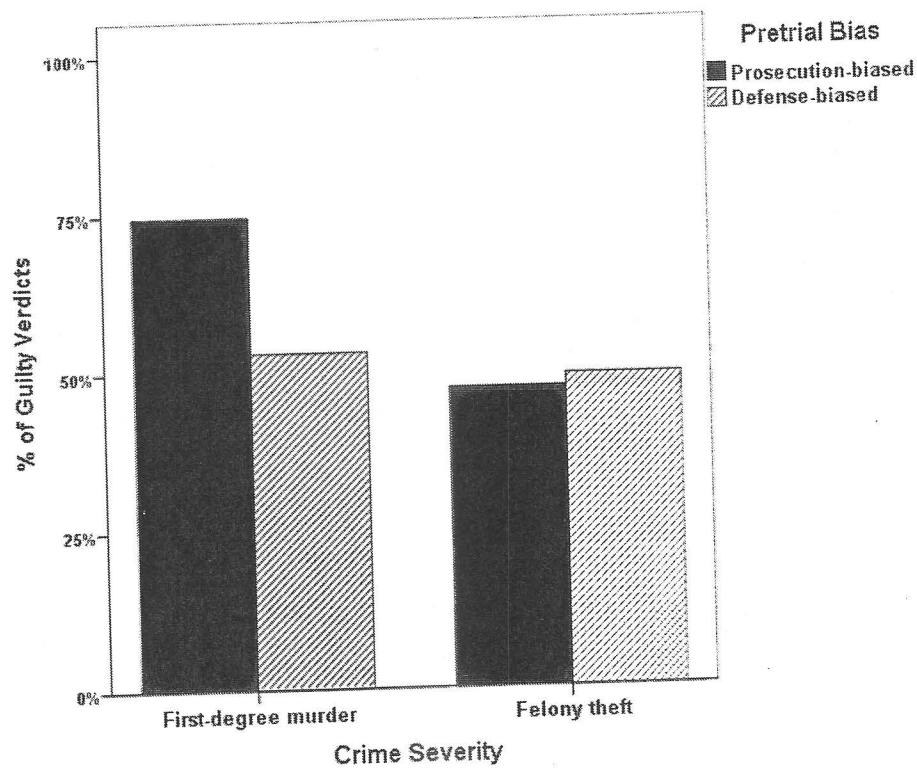
^b Significant main effect of pretrial bias, $F_s \geq 4.39$, $ps < .05$.

^c Significant main effect of crime severity, Wald = 6.22, $p = .019$; $F_s \geq 4.12$, $ps < .05$.

^d Significant interaction between pretrial bias and crime severity, Wald = 4.78, $p = .029$; $F(1, 268) = 6.56$, $p = .011$.

Figure 1). Simple effects analyses revealed that prosecution-biased participants rendered more guilty verdicts in the first-degree murder case (75%) than in the felony theft case (47%), Wald = 4.78, $p = .029$, OR = 3.09, Cox and Snell $R^2 = .06$. There were no other significant main or interactive effects, Walds ≤ 2.79 , ns, ORs ≤ 1.67 .

Figure 1. Significant Two-Way Interaction between Pretrial Bias and Crime Severity on Verdict

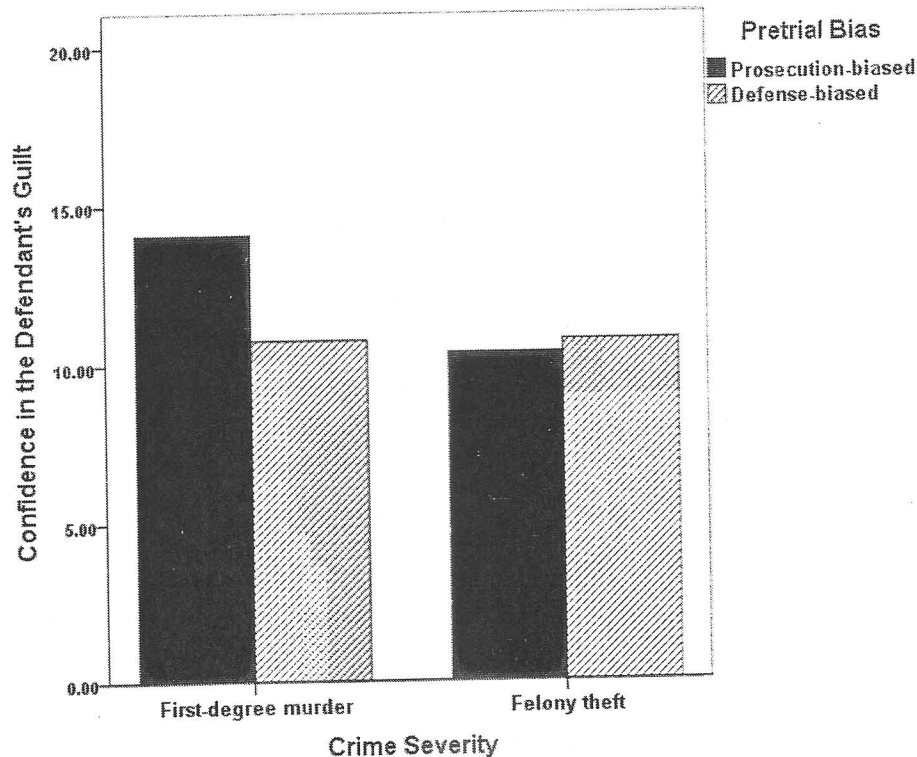


Confidence in the Defendant's Guilt

A variable representing participant confidence in the defendant's guilt was created by combining the participant's verdict with confidence in the verdict (e.g., 14, 33, 34). The resultant variable could range from 1 (not guilty, completely confident) to 20 (guilty, completely confident). We conducted a 2 (Defendant Age: 16-year-old, 19-year-old) X 2 (Pretrial Bias: prosecution-biased, defense-biased) X 2 (Crime Severity: first-degree mur-

der, felony theft) ANOVA with the newly computed confidence in the defendant's guilt as the dependent variable.

Figure 2. Significant Two-Way Interaction between Pretrial Bias and Crime Severity on Confidence in the Defendant's Guilt



The pattern of findings mirrored those obtained on the verdict. There was a main effect of defendant age, so that participants were more confident in the defendant's guilt when he was portrayed as a 19-year-old ($M = 12.21$, $SD = 6.30$) than a 16-year-old ($M = 10.33$, $SD = 6.80$), $F(1, 268) = 5.20$, $p = .023$, $\eta_p^2 = .02$. There was also a significant main effect of crime severity, in that participants were more confident in the defendant's guilt in the first-degree murder case ($M = 12.09$, $SD = 6.21$) than in the felony theft case ($M = 10.57$, $SD = 6.90$), $F(1, 268) = 4.12$, $p = .043$, $\eta_p^2 = .02$. However, as can be seen in Figure 2, this main effect was qualified by a significant interaction between pretrial bias and crime severity, $F(1, 268) = 6.56$, $p = .011$, $\eta_p^2 =$

.02. Simple effects analyses revealed that prosecution-biased participants felt more confident in the defendant's guilt when he was charged with first-degree murder ($M = 14.07$, $SD = 5.66$) than when charged with felony theft ($M = 10.38$, $SD = 6.96$), $t(126) = 3.21$, $p = .002$. There were no other significant main or interactive effects, $F_s \leq 3.68$, ns.

Probability of Commission Estimation

A 2 (Defendant Age: 16-year-old, 19-year-old) X 2 (Pretrial Bias: prosecution-biased, defense-biased) X 2 (Crime Severity: first-degree murder, felony theft) ANOVA on participants' probability of commission estimation scores uncovered a main effect of defendant age. The 19-year-old defendant ($M = 58.09$, $SD = 23.85$) was estimated to have a higher probability of having committed the charged crime than the 16-year-old defendant ($M = 51.29$, $SD = 25.38$), $F(1, 271) = 5.02$, $p = .026$, $\eta_p^2 = .02$. There was also a main effect of pretrial bias. Prosecution-biased participants ($M = 57.70$, $SD = 25.98$) gave a higher probability of commission estimation than defense-biased participants ($M = 52.53$, $SD = 23.49$), $F(1, 271) = 4.39$, $p = .037$, $\eta_p^2 = .02$. There were no other significant main or interactive effects, $F_s \leq 3.84$, ns.

Reasonable Doubt Standard

A 2 (Defendant Age: 16-year-old, 19-year-old) X 2 (Pretrial Bias: prosecution-biased, defense-biased) X 2 (Crime Severity: first-degree murder, felony theft) ANOVA on participants' chosen reasonable doubt standard found a main effect of pretrial bias. Prosecution-biased participants ($M = 85.27$, $SD = 16.42$) averaged a lower reasonable doubt standard than defense-biased jurors ($M = 91.03$, $SD = 15.78$), $F(1, 267) = 9.30$, $p = .003$, $\eta_p^2 = .03$. There were no other significant main effects or interactions, $F_s \leq 2.43$, ns.

Sentencing Recommendation

A 2 (Defendant Age: 16-year-old, 19-year-old) X 2 (Pretrial Bias: prosecution-biased, defense-biased) X 2 (Crime Severity: first-degree murder, felony theft) ANOVA on participants' sentencing recommendation revealed a main effect for pretrial bias. Prosecution-biased participants ($M = 5.45$, $SD = 2.61$) recommended harsher sentencing than defense-biased participants ($M = 5.37$, $SD = 2.68$), $F(1, 266) = 4.50$, $p = .028$, $\eta_p^2 = .02$. The main effect of

crime severity was also significant. Participants recommended a harsher sentence for defendants in the first-degree murder case ($M = 7.33$, $SD = 1.57$) than in the felony theft case ($M = 3.54$, $SD = 2.07$), $F(1, 266) = 289.22$, $p = .000$, $\eta_p^2 = .52$. There were no other main or interactive effects, $F_s \leq 1.89$, ns.

DISCUSSION

The aim of the current research is to expand our understanding of how potential jurors with certain pretrial predispositions judge juveniles tried as adults for crimes of differed severity. We had four main research hypotheses for this research. First, an adult defendant would be judged more harshly than a juvenile defendant waived to the adult court. Second, prosecution-biased jurors would judge the defendants more harshly than defense-biased jurors. Third, defendants charged with a severe crime would be judged more harshly than defendants charged with a light crime. Finally, pretrial bias would interact with defendant age and/or crime severity to influence juror decision-making. All four hypotheses were supported via two or more of the dependent variables.

As predicted, participants were more likely to convict the adult defendant than the juvenile tried as an adult, they were more confident in the adult defendant's guilt, and they estimated a higher probability of crime commission for the adult defendant. Our findings thus echoed those of Crosby et al. (10), Finkel et al. (11), Ghetti and Redlich (12), Walker and Woody (16), and Warling and Peterson-Badali (13), which showed mock jurors regarding younger defendants as less culpable, less accountable for the charged crimes, and/or deserving of less severe punishment than older defendants. Even though sentencing recommendations (using a relative standard, i.e., minimum/maximum sentencing allowed by law) for juvenile and adult defendants did not differ in the current study, Finkel et al. (11), prior to *Roper v. Simmons* (35) when the death penalty was still a possible sentencing option for juvenile offenders, found mock jurors reluctant to give the death penalty (a more absolute standard, as are probation and life imprisonment) to a young offender. Also using the more absolute standard of "years in prison," Walker and Woody (16) and Warling and Peterson-Badali (13) found mock jurors allocated longer sentences to older defendants. Due to the particular goals of the current research, we chose a relative instead of an absolute standard; we also contrasted between an arguably very severe and a very light crime.

These differences can explain why we did not detect an influence of defendant age on sentencing recommendations.

We were, however, able to detect the impact of defendant age on the more important and ecologically valid dependent variable of verdict, replicating Semple and Woody (15) for the first time (so far as we know) that older defendants were more likely to be found guilty than younger ones, albeit using a different sample, a dissimilar research method, and a distinct stimulus that was based on an actual case. Therefore, the current study added convergent validity to the conclusion that a defendant's young age, if ever influential, appeared to serve as a mitigating factor in the adult court.

Consequently, the current research lessened the concerns raised by some researchers (14, 23, 36) that trying juveniles as adults might be unfairly harsh to these juveniles. There has been the concern that all things equal, waiving juveniles to the adult court may result in a harsher verdict. For example (as mentioned in the introduction), Tang et al. (23) found that when presented with simple but identical information, mock jurors rated juveniles waived to adult courts as having committed more serious crimes, being more dangerous, and more likely to have a criminal record than adult defendants or juveniles retained in the juvenile court. Similarly, Levine and colleagues (36) informed mock jurors simply that an 11-year-old individual who could have been tried either as a juvenile or an adult was being tried as an adult for murder. A high percentage of the mock jurors formed negative impressions of the defendant, including the defendant having a criminal history. What was more, almost all of the mock jurors admitted that they would be influenced toward voting guilty upon knowing that the defendant had a criminal history.

Therefore, the current research demonstrates that even though potential jurors can hold negative stereotypes about juveniles tried as adults (14, 23, 36), these stereotypes do not seem to negatively impact the youthful defendant in the context of a trial simulation with individual deliberations. In fact, potential jurors continue to consider young age a mitigating factor in the adult court. Of course, whether a mock jury trial with group deliberations works the same way is an empirical question that is worthy of future research. Group deliberations may dramatically affect the trial process and outcome. Studies (22, 37-39) have shown that decisions reached by individual jurors and deliberating juries can diverge. For example, group deliberations

can amplify individual mock juror decisions (22, 37), temper mock jurors' susceptibility to inadmissible court evidence (38), or improve mock jurors' reasoning abilities (39).

In addition to defendant age, pretrial bias was found to predict participants' judgment both directly and interactively with crime severity. Specifically, compared to defense-biased participants, prosecution-biased participants gave a higher estimation that the defendant committed the charged crime, set a lower reasonable doubt standard, and recommended more severe sentencing. The finding that prosecution-biased participants estimated a higher probability of commission and employed a lower reasonable doubt standard than defense-biased participants provided additional support for the construct validity of the JBS. A novel finding of the current research was that pretrial bias predicted sentencing recommendations, such that prosecution-biased jurors sentenced the defendants more harshly than defense-biased jurors. Given prior observation that the JBS was not related to attitudes toward capital punishment (18), this original finding supported the predictive validity of the JBS in a new context.

Pretrial bias in the current study did not predict verdict and confidence in the verdict directly, but did so in conjunction with crime severity. Prosecution-biased participants convicted the defendant more and had higher confidence in the defendant's guilt when the defendant was charged with first-degree murder rather than felony theft. Defense-biased participants reacted similarly across crime severity. This interesting interaction between pretrial bias and crime severity indicated that individual attitudinal differences predicted the critical verdict related judgments in a nuanced, rather than straightforward, manner. Despite their general bias for the prosecution, prosecution-biased jurors did not differ from defense-biased jurors when judging a light crime. It would thus seem that prosecution-biased participants were more sensitive to crime severity than defense-biased participants, so that a severe crime really brought out their pretrial tendency to vote guilty. Therefore, when it comes to verdict related judgments, in addition to direct prediction (18, 19), pretrial bias also predicts juror decision-making interactively with defendant age (14), crime type (18, 19, 25), and crime severity (this study). Clearly, additional research is needed to further our understanding of the process through which the above interaction takes place.

Finally, crime severity was found to influence judgment. Participants were more likely to find the defendant guilty, have higher confidence in the defendant's guilt, and recommend harsher sentencing when he was charged with first-degree murder than felony theft. We were relatively confident about the influence of crime severity on sentencing recommendations because the impact of crime severity on sentencing recommendations was direct and with a large effect size ($\eta_p^2 = .52$). As a result, our study complemented those of Walker and Woody (16) and Warling and Peterson-Badali (13) by showing that whether a relative (this study) or an absolute (13, 16) sentencing standard was chosen, more severe crime elicited harsher sentencing. It would thus seem that the principle of proportionality (40), in that people often intuitively want to have a punishment that fits the crime, applies to juveniles tried in the adult criminal court as well.

The question of how the public perceives juveniles tried in the adult court has important implications for the legal system. Most extant research on juveniles transferred to adult courts centers on developmental issues. Studying the public perception of juvenile waiver cases in the context of juror/jury decision-making (an important but under-researched topic) offers a refreshing perspective.

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