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Abstract

Previous research has shown different conclusions on jurors being biased towards defendants because of their group status or similarities/differences. The purpose of this study was to determine whether the similarity of religion between a defendant and mock juror will affect the perceived guilt of the defendant as well as if the religion of the defendant affects the verdict. In this study, if participants met the qualifications to be a potential jury member in the state of Texas, they read a mock trial in which the fictional defendant is facing the death penalty for first-degree murder. The religion of the defendant was either Christian, Satanic, or N/A depending on what version of the script the participant was randomly given.

Findings indicate that the more a juror saw themselves like the defendant, the less likely they were to convict. Furthermore, participants were most likely to find the Satanic defendant guilty, followed by defendant with no religious affiliation, and then the Christian defendant. Larger implications of this study and suggestions for future research were discussed.

Introduction

Capital punishment is a legal penalty in the United States, currently used by 29 states. The state with the highest number of executions, Texas, saw a total number of 13 in 2018, more than half the total number of executions in the entire United States. The United States' Criminal Justice system, when determining the innocence or guilt of someone on trial, functions by a decision being made by a jury of your peers, meaning, everyday citizens are participants in cases where capital punishment is a possibility.

By employing peremptory challenges, attorneys in criminal and civil jury trials have the potential to influence the composition of juries and in all cases, the attorneys look towards characteristics of jurors that may lean toward a favorable or unfavorable verdict (Reider, 2006; Leshem, 2019). These challenges show just how influential lawyers can be in cases and how much they believe different jury members can provide different verdicts. Previous research has suggested an overall relationship between characteristics of juror demographics (Golash, 1992), personality (Fitzgerald & Ellsworth, 1984; Fulero & Penrod, 1990) and verdict.

Overview of Study/Hypothesis

This study will hope to extend the literature regarding juror bias (e.g., religious in-group bias) and fill in the gaps previous research has not touched on. This study was a survey of a mock trial that manipulated the defendant's religion via his alibi. The alibi witness testified that at the time of the crime, the defendant and witness were discussing an upcoming (a) Christian Band, (b) Satanic Band, or (c) band (control condition). This manipulation was designed to determine whether mock jurors would treat the defendant differently based on his religion. The participants could express in-group bias towards the suggested Christian defendant by convicting him less often, or prejudicial bias against the suggested Satanic defendant by convicting him more often. Conversely, participants could display the black-sheep effect by convicting the suggested Christian defendant more often. This research was designed to answer the following questions:

1. Are mock jurors more lenient towards a defendant they see as similar to themselves?
2. Does the defendant's suggested religion affect verdicts in a capital case? It was hypothesized that there will be a positive correlation between juror-defendant similarity and level of guilt. Additionally, it was hypothesized that there will be a negative bias towards the suggested Satanic defendant and a positive bias towards the suggested Christian defendant.

Methodology

The participants in this study were self-identified Christians from three different churches and staff from one summer camp in the east region of Texas. This group of participants were selected because Christianity is the most common religion in Texas and to date the largest amount of death penalty executions occurs in Texas. Potential participants were emailed a survey describing the study. If the participant was at least 18 years old, is a U.S. citizen, a resident of Texas, had never been convicted of a felony, and identifies as a Christian, they were asked to read a mock trial scenario describing a defendant that is on trial for capital murder. After reading the scenario, they were asked to provide a verdict, how certain they are of this verdict, how believable the defendant's alibi is, and how similar they believe they are to the defendant.

The mock scenario included a description of the crime, charges the defendant is facing, testimony by witnesses, a police report, and juror instructions. The three scenarios were identical except for the testimony of the alibi witness, who testified that the defendant could not have committed the crime because at the time of the murder the pair were in the store room of their workplace talking about an upcoming: (a) Christian band, (b) Satanic band, or (c) band that they wanted to see. Each participant was randomly generated one of the three alibis via Qualtrics randomizer.



Media



Former/current staff members of Camp Peniel were one of the groups of participants surveyed for this study. Camp Peniel is a non-denominational ministry that runs camp year-round with a mission to teach youth about Christ while also having fun.

Christianity is the most widely practiced religion in The United States, with over 200 million members. Christians believe in the birth, death, and resurrection of Jesus Christ. Additionally, they believe that there is only one God and he alone created the heavens and the earth. The cross is the symbol of Christianity.



Satanism is a modern religion based on artistic, literary, and philosophical interpretations of evil and Satan. The first official Satanic church was built in the 1960s by Anton LaVey. This image is of Baphomet, who is a figure of occultism and Satanism.

Findings

Of the 40 participants, 85% were female. They ranged in age from 19 to 89 with an average age of 37 and were largely Caucasian (93.5%). Five participants were excluded from this survey because they stated they were not a current resident of Texas. Eliminating these participants did not affect the outcome of the study.

A "verdict certainty" variable was created by manipulating a participant's verdict (-1= guilty; 1= not guilty) with certainty in that verdict (1-5 scale). Scores ranged from -5 (highly certain in a guilty verdict) to 5 (highly certain of a non-guilty verdict). This procedure has been used in other jury-making studies (Miller, Maskaly, Green, & Peoples, 2010)

Believability of Alibi

In order to confirm that all three alibis were equally believable, an ANOVA test was performed with the defendant's alibi as the independent variable and the question "How believable is the defendant's alibi?" as the dependent variable. The difference between the groups was not significant ($p > .05$). The Satanic-alibi condition was the least believable ($M = 2.15$), followed by the Christian-alibi condition ($M = 2.66$), and the control-alibi condition ($M = 2.75$). This analysis shows that although the Satanic-alibi condition was the least believable out of the three, the participants did not perceive any alibi as more believable than the others.

Similarity Effect

The first research question investigated whether jurors are more lenient towards defendants who they view as similar to themselves. A positive correlation indicated that the more similar participants saw themselves to the defendant, the more lenient they were on the verdict certainty score (i.e., less likely to convict) ($r = .354, p = .038, p < .05$). This result was consistent with the initial hypothesis.

Effects of Defendant's Religious Identity

The second research question assessed whether the defendant's religious identity affected verdicts. An ANOVA was conducted using the verdict certainty score as the dependent variable and defendant's religious identity as the independent variable. Results indicate that participants exhibited a more lenient bias towards the Christian defendant and exhibited a more punitive bias towards the Satanic defendant, $F(2, 37) = .002, p < .05$. This result was consistent with the initial hypothesis.

In sum, findings indicate that perceptions of similarity to the defendant on trial influence the certainty of verdict. The more participants saw themselves as similar to the defendant, the less likely and certain they were to convict. Furthermore, participants were most likely to find the Satanic defendant guilty, followed by the control alibi, then the Christian defendant.

One overall purpose of conducting this study was to further investigate whether Christian mock jurors demonstrate bias in their verdicts in capital cases, either by being more lenient or more harsh towards in-group members who assume to share the same religion with them, or being more harsh towards out-group members who assume to have polar opposite religious views. Based on the results, jurors did show a statistically significant in-group bias towards the Christian defendant and an out-group bias towards the Satanic defendant. Additionally, the more similar the juror saw themselves to the defendant, the more lenient their verdict.

Conclusion

This study was designed in order to determine whether the similarity of religious beliefs between the defendant and mock juror will affect the perceived guilt of the defendant as well as if the religion of the defendant affects the verdict. This research supports the leniency-hypothesis as well as in-group and out-group bias. Although there were limitations to this study, it is important to note the effects that religion and similarity between a defendant and a juror can have on the outcome of a trial.

So What?

There are several limitations that deserve mention. The current study uses data collected from a sample of mock jurors who read a mock trial and then gave their verdict. In contrast, real jurors experience lengthy testimony from real witnesses, cross examination, see intense and sometimes disturbing evidence and autopsy photos, and deliberate with other jurors that can last anywhere from a couple hours to days. Because of these major differences, there is a possibility that real jurors might not be affected in the same way as these mock jurors.

To address these limitations, realistic stimuli and scenarios should be used. For example, participants could be asked to watch a lengthy live simulation of an "actual" trial, and then be assigned to a group of eleven other participants and deliberate on a verdict similarly to this study to see if similar results occur. Despite these limitations, the current study is useful, as it presents further insight on the topic of juror-defendant similarity and the effects religion has on capital cases.

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