THE EFFECT OF A DEFENDANT’S PHYSICAL ATTRACTIVENESS ON Mock JURORS’ EVALUATIONS OF SEXUALLY COERCIVE TACTICS

A THESIS SUBMITTED TO THE GRADUATE SCHOOL IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE MASTER OF ARTS IN CLINICAL PSYCHOLOGY

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Abstract

Research has shown that attractive individuals are viewed more favorably than unattractive counterparts across different types of criminal trials, contributing to the belief that “what is beautiful is good” (Dion, Berscheid, & Walster, 1972). However, this research has not been replicated in cases involving sexually coercive tactics. In the present experiment, participants read a case file that included one of two (attractive or unattractive) digitally altered photographs of a defendant and one of two vignettes (physical or verbal coercion). They then completed a questionnaire about the case. The results indicated that more women than men found the defendant guilty, and jurors assigned significantly longer sentences to the defendant in the physical tactic condition than in the verbal tactic condition. In contrast to two of the hypotheses, the more attractive defendant was evaluated more harshly than the unattractive defendant and an interaction between attractiveness and tactic was not found.
The Effect of a Defendant’s Physical Attractiveness
on Mock Jurors’ Evaluations of Sexually Coercive Tactics

Observers attribute positive characteristics to physically attractive individuals. Dion, Berscheid, and Walster (1972) found that attractiveness is associated with more favorable qualities and better lives (better prospects for happy social and professional lives, finding an acceptable partner, and marrying earlier), which has lead to the belief that “what is beautiful is good.” Within the criminal justice system, research using mock jurors and court data has shown that, compared to unattractive defendants, attractive ones are less frequently convicted, less severely punished when they are convicted, and considered less responsible for the offense (Castellow, Wuensh, & Moore, 1990; Darby & Jeffers, 1988; Mazzella & Feingold, 1994; Stewart, 1985). These effects have been replicated across many different types of crimes, such as murder, manslaughter, rape, kidnapping, armed robbery, robbery, aggravated assault, indecent assault, arson, burglary, conspiracy to sell/deliver illegal drugs, extortion, fraud, theft, and firearms violations (Mazzella & Feingold, 1994; Stewart, 1985). Physical attractiveness can influence other judgments as well. In sexual harassment cases, felony trials, and university hearings involving cheating, shoplifting on campus, malicious release of a dormitory fire alarm, misuse of meal tickets, plagiarism, and computer misuse, attractive defendants are often perceived as calmer, warmer, kinder, stronger, happier, more exciting, more independent, more sincere, more intelligent, more sophisticated (Castellow et al., 1990), more trustworthy (Darby & Jeffers, 1988), cleaner, neater, and better dressed (Stewart, 1985).

However, some research has found limitations to the attractiveness/leniency effect. For example, Sigall and Ostrove (1975) varied the type of crime and the
attractiveness of the perpetrator. In the swindling condition, the defendant became involved with a middle-aged bachelor and convinced him to invest $2,200 in a nonexistent corporation. In this condition, mock jurors may have assumed that her physical appearance helped her commit the crime. In the burglary condition, however, her looks were irrelevant; she obtained an apartment key under false pretenses and entered a neighbor’s apartment to steal $2,200 in cash and merchandise. The results indicated that the nature of the crime may affect the strength of attractiveness when determining sentencing. That is, when the offense was not related to attractiveness (burglary), mock jurors punished the unattractive defendant more severely than the attractive defendant, but when the offense was related to attractiveness (swindling) the attractive defendant was treated more severely than the unattractive defendant.

The seriousness of the crime may also overshadow the effect of attractiveness. McKelvie and Coley (1993) examined the relationship between crime seriousness and physical attractiveness of the offender on the severity of punishment. Robbery was chosen to represent a less serious crime, while robbery that led to murder was used as a more serious crime. The findings suggested an interaction between crime seriousness and attractiveness in which mock jurors treated attractive defendants more leniently than unattractive ones when the crime was robbery, but not when it was murder. Attractiveness had no effect in the more serious crime condition. This implies that physical attractiveness may not always reduce a perpetrator’s sentencing or punishment and that the severity of the crime may be an important moderator.

Other research also suggests that the “what is beautiful is good” stereotype is not as strong as previously believed. Eagly, Ashmore, Makhijani, and Longo (1991)
conducted a meta-analysis by searching through computer-based databases using keywords related to physical attractiveness. In addition, the authors read bibliographies, review articles, books, and book chapters to include research containing information about physical attractiveness. These searches yielded over 600 relevant research reports, which were pared down to include only 76 studies in which participants rated attractive and unattractive targets. An analysis of the literature showed that the average magnitude of the “what is beautiful is good” effect was moderate, ranging from 0.49 to 0.61, and was variable across studies depending on which inferences participants were asked to make about the target individual. The effect was largest for social competence, moderate for potency, adjustment, and intellectual competence, and near zero for integrity and concern for others. Results of this meta-analysis also indicated that participants might not always agree on who is and is not physically attractive and this can vary from study to study.

**Sexual Coercion**

Past research has not examined whether the attractiveness/leniency effect applies to cases involving sexual coercion. Sexually coercive behavior has been defined in different ways. DeGue & DeLillo (2005) define it as a class of inappropriate male behaviors in which nonphysical tactics (e.g., verbal pressure, lying, deceit, and continual arguments) are utilized to obtain sexual contact with an unwilling adult female. These authors also point out how “sexual aggression” and “sexual coercion” have been used interchangeably in research to refer to both physical and nonphysical tactics for obtaining sexual contact. Other researchers have similarly defined sexual coercion as an interaction in which someone (of either sex) is made to engage in a sexual act or activity against his
or her will by using pressure, force or tactics (Glenn & Byers, 2009; Lottes & Weinberg, 1996; Lyndon, White, & Kadlec, 2007; O’Sullivan, Byers, & Finkelman, 1998; Struckman-Johnson, Struckman-Johnson, & Anderson, 2003). These tactics can be broken down into physical force (threat and/or use of physical force to make a victim engage in behaviors against his or her will) and emotional or verbal manipulation (tactics typically described as psychological pressure, such as repeated requests, questions about a person’s sexuality, continual arguing, use of authority, threats of breaking up the relationship, deception, and blackmail) that perpetrators may use to gain unwanted sexual contact, up to and including completed sexual intercourse. For the purposes of this study the definition of sexual coercion will be the use of either physical or verbal tactics to attempt to achieve sexual intercourse with a victim.

The perceived severity of a sexual coercion charge may vary depending on the specific act committed by the perpetrator. Although DeGue and DiLillo (2004) describe nonphysical tactics as being less severe by definition than physically aggressive offenses, Struckman-Johnson and Struckman-Johnson (1991) analyzed the acceptability of five coercive tactics. Participants read scenarios in which a man pressures a woman into sexual intercourse or a woman pressures a man into sexual intercourse using different tactics, including sexual stimulation (the perpetrator proceeds to remove the victim’s clothing, while kissing and sexually stimulating the victim until he or she gives in), verbal pressure (the perpetrator asks repeatedly for sex until the victim gives in), intoxication (the victim eventually passes out from too much alcohol and the perpetrator removes the victim’s clothing, while kissing and sexually stimulating the victim until he or she wakes up and gives in to sex), mock force (the perpetrator proceeds to “forcibly
seduce” the victim by pretending to hold him or her down and playfully removes the victim’s clothing, while kissing and sexually stimulating the victim until he or she gives in), and physical force (the perpetrator proceeds to forcefully hold the victim down and remove the victim’s clothing, while kissing and sexually stimulating the victim until he or she gives in). The authors found that college student participants objected least to verbal pressure and persistent sexual stimulation followed by mock force, intoxication; physical force was viewed as most objectionable. In addition, women were more rejecting of each tactic than were men. This finding that women judge sexually coercive behaviors more harshly than men has also been replicated in other studies (Fitzgerald & Ormerod, 1991; Hippenstele, Adams, & Chesney-Lind, 1992).

**Negative Effects of Sexual Coercion**

Sexually coercive behavior is a prevalent problem. In previous studies, the percentage of men who reported having engaged in some form of sexual coercion has varied from 32% (DeGue & DiLillo, 2004) to 43% (Struckman-Johnson et al., 2003). However, O’Sullivan et al. (1998) found lower rates with 20% of men engaging in any type of sexual coercion. The discrepancy between percentages could be due to differences in the definition and specificity of sexually coercive tactics used by the authors. For example, researchers’ definitions of some of the tactics were vague and somewhat broad (O’Sullivan et al., 1998), while others were organized in increasing levels of exploitation and clearly explained with specific examples (DeGue & DiLillo, 2004; Struckman-Johnson et al., 2003). Within their sample of men who admitted to coercion, DeGue and DiLillo (2004) found that 86% had obtained sexual intercourse with an unwilling woman by making her believe they cared for her more than they really did,
and 25% reported they had persisted in having sexual intercourse even after the woman had made verbal attempts to stop them.

Interestingly, more women report experiencing sexual coercion than there are men who report perpetrating it (Lottes & Weinberg, 1996); survey data indicate nearly half to three-quarters of female respondents say they have been victims of physical or nonphysical sexual coercion (Hartwick, Desmarais, & Hennig, 2007; Lottes & Weinberg, 1996). It could be that men and women view sexual coercion differently in terms of its acceptability, that they define it differently, or that some men who engage in this behavior are unwilling to admit it. In any case, research suggests that victims may suffer a number of negative effects. Livingston, Buddie, Testa, and VanZile-Tamsen (2004) found that nearly one-quarter of women subjected to verbal sexual coercion blamed themselves for the experience, some reported issues with depression or anxiety, and half of the participants reported feelings of anger, disgust, sadness, and feelings of betrayal. Other effects included decreased involvement in social activities and impairment in academic functioning (O’Sullivan et al., 1998).

**Present Study**

Previous literature has examined attractiveness in criminal cases, but not in relation to the varying types of coercive behavior that individuals may engage in. In the present study, participants read case files that varied the tactic used (physical or verbal) and the defendant’s attractiveness (attractive or unattractive). They were asked to make several judgments, including whether the defendant is guilty of intimidation, the confidence in their verdict, the probability that the defendant is guilty, how responsible the defendant and victim are for what happened, and a recommended sentence if the
defendant were to be found guilty. The participants were then asked how attractive they thought the defendant is, what the perpetrator did so the victim would have sex with him, and how coercive they thought the defendant was. I developed four hypotheses for this experiment. First, similar to previous results (Fitzgerald & Ormerod, 1991; Hippensteele et al., 1992; Struckman-Johnson & Struckman-Johnson, 1991), women should evaluate the defendant more negatively and assign more guilt in all scenarios. Second, the attractive perpetrator should be found guilty less often than the unattractive counterpart; past studies that manipulated attractiveness in different criminal trials found similar results (Castellow et al., 1990; Darby & Jeffers, 1988; Mazzella & Feingold, 1994). Third, the defendant should be evaluated more negatively when he uses physical rather than verbal coercion, given that Struckman-Johnson and Struckman-Johnson’s (1991) participants rated physical force as less acceptable than verbal pressure. Fourth, I expected an interaction between attractiveness and tactic such that the discrepancy between the attractive and unattractive defendant would be greater in the less negative condition (verbal pressure) than in the more negative condition (physical force) based on McKelvie and Coley’s (1993) finding that the seriousness of the crime acted as a moderating variable. In addition to these hypotheses, I explored possible interactions between gender and the variables previously listed.

Method

Participants

The participants were 88 male students and 83 female students enrolled in introductory psychology or personality classes at a medium-sized Midwestern university who were completing a course requirement or earning extra credit. The students ranged in
age from 18 to 66 years ($M = 19.81$, $SD = 4.29$). Most participants were White (83%); others identified as Black/African-American (8%), Latino/Latina or Hispanic (3%), Asian-Indian (1%), and Other (6%).

**Vignettes**

Two vignettes about an interaction between two grocery store employees were developed to manipulate the tactic used to obtain sexual intercourse (verbal coercion or physical coercion; see Appendix A). The tactics used in the different conditions were ones previous researchers reported to be commonly used by perpetrators and experienced by victims (O’Sullivan et al., 1998; Struckman-Johnson et al., 2003). In the verbal coercion condition, the defendant (Jeremy) continually argued with the victim (Jayne) and threatened to have their manager (who is a friend of his family) reduce her hours if she did not have sexual intercourse with him. In the physical coercion condition, Jeremy touches Jayne’s arms, twists her arm behind her back, and pushes her against the wall as threats to induce her to have sexual intercourse with him. In both scenarios it was stated that sexual intercourse did eventually occur as a result of the aggressor’s actions, but the victim did not consent to intercourse. This was the first time the two engaged in any type of sexual activity. Jeremy admitted to having sexual intercourse with Jayne, but he did not think it was a problem.

**Photos**

The participants viewed one of two photos, varying in attractiveness, that ostensibly depicts the Caucasian defendant. I conducted a pilot study to create the photos. I found 20 mugshots of men from public police websites that did not have any unusual expression, tattoos, facial hair, piercings, or abnormal hairstyles and morphed the
faces using two computer programs: FaceFilter Studio 2 (Reallusion, 2000) and Portrait Professional 10 (Anthropics Technology Ltd., 2011). Research shows that symmetry and averageness of faces is seen as attractive (Alley & Cunningham, 1991; Grammer & Thornhill, 1994; Langlois & Roggman, 1990; Rhodes, Sumich, & Byatt, 1999), so I altered the faces to appear more or less average and symmetrical. In addition, research suggests that masculine characteristics contribute to male facial attractiveness, and healthy looking skin (no visible skin conditions) is correlated with higher ratings of facial attractiveness (DeBruine, Jones, Smith, & Little, 2010; Jones, Little, Burt, & Perrett, 2004; Rennels, Bronstad, & Langlois, 2008). The attractive photos were changed to reflect these characteristics. After the photos were altered, 36 male and 32 female pilot participants were randomly assigned to rate one of the two versions of each photo on a 9-point scale (1 = very unattractive, 9 = very attractive) to indicate how attractive they think most people would find the individuals. For each participant, the photos were shown in random order with half of the photos being the more average, healthy, and symmetrical version and half being the less average, healthy, and symmetrical version. A mean rating was calculated for each version of each photo, and the photo pair with the largest mean difference between versions and least amount of variance was chosen to represent the defendant in the main study (see Table 1). For this pair, the attractive version was rated as significantly more attractive than the unattractive version, $t(66) = 9.79, p < .001$.

**Procedure**

At the beginning of each testing session, the participants completed an informed consent form and learned they were to assume the role of jurors in a mock trial. The
mock jurors were assured that their responses and identities would be anonymous and that they had the option to terminate their involvement in the experiment at any time during the study without any consequences. The jurors then read a randomly assigned court case file that included one of the two vignettes and one of the two photos of the defendant. The file also contained filler information: photos of the grocery store where the defendant and victim worked and the crime scene (the defendant’s bedroom in his apartment), a police report, a statement from the grocery store manager, and legal instructions for choosing a verdict (see Appendix B). After reading the file, the jurors completed a questionnaire containing several measures (see Appendix C).

**Measures**

**Evaluations of the case.** The participants made five primary judgments about the case. First, given the legal definition of the crime of intimidation, which is the charge that best fits the defendant’s actions (Indiana Code, 2010), the participants decided whether the defendant is guilty or not guilty. They also rated on a 10-point scale (1 = no confidence at all, 10 = complete confidence) how confident they were about their verdict. Next, the participants estimated the probability of the defendant’s guilt. In addition, they made two separate ratings on 10-point scales (0 = no responsibility at all, 10 = complete responsibility) indicating how responsible the defendant and the victim are for what happened. Finally, participants recommended a prison sentence from 0 to 36 months if the defendant were to be found guilty of intimidation. Sentences within this range would be legally appropriate for this charge (Indiana Code, 2010). Although jury members do not directly make sentence judgments in trials, they do elect officials that create the laws citizens must abide by; this includes sentences imposed for different crimes. Learning
what sentence participants would choose, assuming the defendant is convicted of the crime, gives insight to their feelings on how egregious jurors think the defendant’s behavior was.

**Manipulations checks.** The participants answered three questions so that the effectiveness of the manipulations could be evaluated. First, they rated on a 9-point scale (1 = very unattractive, 9 = very attractive) how attractive they thought most people would find the defendant. Second, they responded to an open-ended item that asked what the defendant did so that the victim would have sex with him. Finally, the participants rated on a 10-point scale (0 = not coercive at all, 10 = completely coercive) how coercive the defendant was towards the victim.

**Demographics.** Participants provided basic demographic information about themselves (sex, age, and race).

**Results**

As one manipulation check, mock jurors rated the attractiveness of the defendant. Twenty-two jurors (12 men and 10 women) who failed to rate the attractive defendant as a 5 or higher on the 9-point scale and the unattractive defendant as a 5 or lower were dropped from further analyses. After those jurors were removed, an analysis of variance was conducted using attractiveness, tactic, and participant’s sex as factors to verify that male and female jurors’ ratings of the defendant’s attractiveness were in fact significantly higher in the attractive than the unattractive condition. As shown in Table 2, the predicted main effect was found (Attractive $M = 6.37$, $SD = 1.20$; Unattractive $M = 3.34$, $SD = 1.23$), $F(1, 136) = 220.90, p < .001, \eta^2 = .619$. No other effects were significant ($ps > .20$).
As a second manipulation check, jurors recalled what the defendant did so the victim would have sex with him. Two jurors (1 man and 1 woman) were dropped because they incorrectly recalled this information.

In addition, the data of three jurors (2 men and 1 woman) were excluded because they did not complete all sections of the questionnaire. After the participants listed above were dropped, a total of 73 male students and 71 female students remained to be included in the analyses described below. All dependent variables were analyzed using a 2 x 2 x 2 univariate analysis of variance with three factors: defendant’s physical attractiveness (attractive or unattractive), tactic (verbal or physical coercion), and participant’s sex (male or female; see Tables 2 and 3).

Verdict. The analysis indicated a marginally significant main effect of jurors’ sex, $F(1, 136) = 3.30, p = .072, \eta^2 = .024$. Slightly more women than men found the defendant guilty. No other effects were significant ($p$s > .18).

Confidence in verdict. No significant effects were found ($p$s > .23). Most jurors seemed fairly confident in their verdict (overall $M = 7.87, SD = 1.74$).

Probability of guilt. I obtained no significant effects ($p$s > .18). Most jurors thought the defendant was probably guilty (overall $M = .78, SD = .20$).

Responsibility of defendant. No significant effects were discovered ($p$s > .12). Overall, jurors tended to rate the defendant as responsible for what happened (overall $M = 8.12, SD = 1.82$).

Responsibility of victim. The analysis indicated a marginally significant main effect of jurors’ sex, $F(1, 136) = 3.70, p = .056, \eta^2 = .026$. Men assigned more responsibility to the victim for what happened than women. A marginally significant
main effect of attractiveness was also found, $F(1, 136) = 2.85, p = .094, \eta^2 = .021$. The victim was assigned more responsibility when the defendant was unattractive than when he was attractive. No other effects were significant ($ps > .20$).

**Punishment.** A main effect of tactic was found, $F(1, 136) = 5.34, p = .022, \eta^2 = .038$. Mock jurors in the physical tactic condition assigned a significantly longer sentence to the defendant than jurors in the verbal tactic condition. No other effects were significant ($ps > .40$).

**Coercion.** A marginally significant interaction between tactic and sex was found, $F(1, 136) = 2.85, p = .094, \eta^2 = .021$. In the verbal tactic condition, men and women roughly agreed about how coercive the defendant was. However, in the physical tactic condition, women rated the defendant as being more coercive than men did. No other effects were significant ($ps > .11$).

**Discussion**

**Sex differences.** Similar to previous research (Fitzgerald & Ormerod, 1991; Hippensteele et al., 1992; Struckman-Johnson & Struckman-Johnson, 1991), a higher percentage of women (92%) than men (81%) in the current study found the defendant guilty. Although this effect was only marginally significant, it suggests that women view sexually coercive tactics as being less acceptable than their male counterparts. Additionally, men assigned more responsibility to the victim for what happened than did women. These findings could mean that men do not view sexually coercive tactics as persuasive or serious enough to get someone to engage in actions she would not do if the tactics were not being used, and they are consistent with past research showing that women reported experiencing sexual coercion more than men reported perpetrating it
Attractiveness/leniency effect. Unlike in previous research (Castellow et al., 1990; Darby & Jeffers, 1988; Mazzella & Feingold, 1994; Stewart, 1985), the jurors did not evaluate the attractive defendant more leniently than the unattractive defendant. In contrast, I found several non-significant trends in the opposite direction. More jurors found the attractive defendant guilty (89%) than the unattractive defendant (83%), they assigned more responsibility to the attractive defendant than the unattractive defendant, and the attractive defendant’s behavior was rated as more coercive than the unattractive defendant’s regardless of tactic.

Why did these unexpected results occur? Perhaps, as in Sigall and Ostrove’s (1975) study, participants evaluated the attractive defendant somewhat more negatively because his attractiveness was viewed as a tool to help him commit an offense. Another possibility might be that attractiveness could be less important than other variables in some situations. McKelvie and Coley (1993) found that physical attractiveness had no effect in the more serious crime condition where the defendant robbed and murdered the victim. In the present study, most jurors (86%) chose a guilty verdict, which suggests they thought the crime was serious.

Another point to consider could be the wide variation in observers’ perceptions of attractiveness. Although jurors rated the defendant as significantly more attractive in the attractive than in the unattractive condition, the question asked participants to rate how attractive they think most people would find the defendant, not necessarily how attractive they find the defendant. Thus, the attractiveness manipulation may not have been successful. It might be better to have participants rate their own perceptions of the
defendant’s attractiveness. Alternatively, my attractiveness manipulation, in contrast with previous studies, involved altered photos of the same man instead of photos of different individuals (Castellow et al., 1990; Darby & Jeffers, 1988). Other unmeasured characteristics of the defendants might have been confounded with attractiveness in the previous studies. One possible solution would be to create a larger stimulus set of attractive and unattractive photos to present to participants in a pilot study and find an individual who is found to be more unanimously attractive (i.e., at the high end of the attractive scale with little variance).

**Physical and verbal tactics.** Mock jurors assigned significantly longer sentences to the defendant in the physical tactic condition than in the verbal tactic condition. This suggests that participants find physical tactics to be more severe than verbal tactics. Additionally, the defendant in the physical tactic condition was somewhat more likely to be found guilty, was viewed to have a higher probability of guilt, and was rated as more coercive than the defendant in the verbal condition, although these findings were not significant. A marginal interaction between tactic and gender was also found. In the verbal tactic condition, men and women roughly agreed about how coercive the defendant was. However, in the physical tactic condition, women rated the defendant as being more coercive than did men. This finding fits with previous results that women are more rejecting of any sexually coercive tactic than men (Struckman-Johnson & Struckman-Johnson, 1991). Overall, the data support the hypothesis that physical sexually coercive tactics are viewed more negatively and are evaluated as such.

**Interaction between attractiveness and tactic.** I did not find the predicted interaction between attractiveness and tactic. I did find some non-significant trends.
There was a larger discrepancy between the attractive and unattractive defendant in the verbal tactic condition than in the physical tactic condition for verdict, coerciveness, defendant responsibility, and confidence in verdict. However, these interactions emerged because the unattractive defendant using a verbal tactic was treated more leniently than the defendant in the other three conditions. I had expected, in contrast, that the unattractive defendant using the physical tactic would be evaluated more harshly than the defendant in the other three conditions. One explanation for these results could be based on previous research that showed the attractive defendant was evaluated more negatively because his attractiveness was viewed as a tool to commit the crime (Sigall & Ostrove, 1975). In the present study, the unattractive defendant in the verbal condition could have been judged more leniently because he used the less coercive of the two tactics and jurors probably did not believe he used his attractiveness to commit the crime.

The lack of an interaction in the predicted direction could mean the hypothesis was wrong and more research is needed. Although verbal tactics were evaluated less harshly than physical tactics overall, the attractive defendant was evaluated more harshly than the unattractive defendant. This might mean that being attractive and engaging in sexually coercive tactics is a disadvantage to the defendant because he will likely be viewed as using his attractiveness to commit the crime. However, an unattractive defendant engaging in the same behavior could have a possible advantage, especially if the sexually coercive behavior is less negative (verbal tactics). In other words, attractiveness might not always be beneficial and might actually result in harsher evaluations from mock jurors in some situations. Based on these results, more information should be considered when trying to understand how mock jurors make
decisions and evaluate defendants. In addition to the questions asked in the questionnaire, inquiring whether the participants think the defendant used his looks/appearance to get what he wants would provide more insight. This question could be left open-ended to allow participants to give more detail about whether that is a factor for them. This information could be coded and implemented into a future mock trial case about sexually coercive tactics to see what other variables influence evaluations.

**Victim Responsibility.** Mock jurors assigned more responsibility to the victim when the defendant was unattractive than when the defendant was attractive. While no specific hypothesis was made about how the victim would be evaluated, this finding suggests that a victim of sexual coercion might be held more accountable if the defendant is not perceived to be attractive. Considering that jurors assigned more responsibility to the attractive defendant than the unattractive defendant, they might have viewed the attractive defendant as using his looks to commit the crime with the result that the victim is evaluated as having less responsibility. When the defendant is unattractive, it might mean jurors view him as being less powerful, less sincere, less sophisticated or less trustworthy, so the victim is evaluated as having more responsibility for his offense (Castellow et al., 1990; Darby & Jeffers, 1988).

**Future research.** When considering how to improve research for future studies there are several improvements that can be made. First, there might be better ways to examine attractiveness. The participants could be asked to evaluate the defendant’s attractiveness prior to reading about the assault. This might make the defendant’s attractiveness more clear in the participants’ minds when evaluating the case and choosing a verdict.
Additionally, this study used photos of the defendant’s head and shoulders as stimuli for participants to review and make decisions. Another option would be to use a video of the defendant so participants could see his body, how he presents himself, how he speaks, and how he is dressed. Attractiveness is not usually based only on an individual’s face, so giving more information about the defendant could strengthen the attractiveness manipulation. If a researcher had enough grant money for special effects software so that he or she could alter the same defendant for different conditions (i.e., attractive and unattractive) in a video, this idea could be an exceptional alternative and an upgrade from photographs. Jurors in a real court case have the opportunity to observe the defendant throughout the trial to see how he moves, how he is dressed, and how he speaks, which allows them to get a better view of the defendant’s overall appearance. Since attractiveness is not solely based on a still frame photo of the defendant’s face, this route could have higher external validity.

Another area of improvement involves jurors’ perceptions of sexual coercion. In a future study, participants could be asked their opinion about sexual coercion and how serious they view the behavior. This might allow researchers to examine sexually coercive tactics from a different angle and determine whether participants think this behavior is serious enough to be considered in a criminal trial.

Moreover, participants might be less familiar with intimidation using sexually coercive tactics compared to other crimes. While there is no formal criminal charge for sexually coercive tactics in the state of Indiana, these tactics are components of other crimes that are sexual or threatening in nature. The definition of the crime the defendant was charged with was intimidation, which best fits his actions. However, in a court case
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Jurors are also given information as to why the defendant is being charged with certain crimes rather than others. A solution to this problem could be to include documents about sexually coercive tactics (i.e., definition of what they are) before having participants read through the case file. This way they would be familiar with the topic and could evaluate the defendant’s actions based on what they read about sexually coercive tactics as well as the definition of the crime with which he is being charged.

More levels of coercion could also be included in a future study. If the levels increased from low to high with several types of coercion in between then it would give more insight into when attractiveness does and does not play a role in a court trial concerning sexually coercive tactics. If an effect of attractiveness were found in the lowest level of coercion than it would be easier to see where the attractiveness/leniency effect no longer has any effect as the coercion increased. Furthermore, giving participants questions concerning rape myths and whether or not they think the victim found the defendant attractive would give the researcher the ability to control for attitudes about rape and how the participant viewed the victim in analyses to look for any significant effects.

To make the study as realistic as possible, researchers in the future could facilitate the study like a real jury would be conducted. This would mean that jurors would be run in a group setting and would be allowed to deliberate the case and evidence. While there would be limitations in conducting a study in this manner (i.e., would still not always know how jurors make decisions if they do not discuss it as a factor) it could offer more insight into what variables jurors discuss as important during deliberation. Also, if there was a variable that the researcher wanted to examine, for example attractiveness, there
could be some type of protocol in place to get jurors to begin discussing the defendant’s attractiveness and see where the jurors take the conversation. Jurors could also be allowed to view the defendant in a video or photo as though he was in a courtroom throughout the case and possibly even hear audio of his voice before they deliberate his sentence.
References


Table 1 Ratings of Attractiveness.

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<th>Attractive Defendant</th>
<th>Unattractive Defendant</th>
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<td><strong>Standard Deviation</strong></td>
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Table 2 Proportion Of Guilty Verdicts, Confidence Ratings, Probability of Guilt Judgments, and Ratings of the Defendant’s Attractiveness.

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<th>Condition</th>
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<th>Confidence in Verdict</th>
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<td>Unattractive</td>
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Note: For each variable, means are reported with standard deviations in parentheses. Higher numbers indicate more guilty verdicts, more confidence in verdict, greater probability of guilt, and more defendant responsibility.

* (marginal) p < .08. *** p < .001
### Table 3 Ratings of the Defendant’s and Victim’s Responsibility, Recommended Sentence, and Ratings of Coercion.

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*Note: For each variable, means are reported with standard deviations in parentheses. Higher numbers indicate more victim responsibility, and greater coerciveness by the defendant. Recommended punishment is the number of months of incarceration that were suggested as a sentence.

* (marginal) \( p < .10 \). ** \( p < .05 \).
Appendix A

Vignette

Jeremy and Jayne are college students who work at a large grocery store. They work together approximately three times a month. Jeremy works at the store because the manager is a family friend who gave him the job, while Jayne works there because she is putting herself through school and needs the money.

At the end of one evening while at work, Jeremy and Jayne had to go back to the stock room in order to take inventory together.

[**Verbal Coercion condition:** When they were alone, Jeremy began to tell Jayne that he thought they should engage in sexual intercourse. Jayne stated that she didn’t want to have sex with him and began to walk out of the stock room. Before she could leave, Jeremy repeated that he wanted to have sexual intercourse with her. He then threatened to have the manager (the family friend) reduce Jayne’s hours if she did not have intercourse with him. He told Jayne that he could make things happen to her so she should do what he wanted.]

[**Physical Coercion condition:** When they were alone, Jeremy put his hand on her arm and said he thought they should have sexual intercourse. Jayne stated that she didn’t want to have sex with him and began to walk out of the stock room. Before she could leave, Jeremy repeated that he wanted to have sexual intercourse with her. He then grabbed Jayne’s arm and twisted it behind her back. Jayne immediately tried to pull herself away from him, but Jeremy proceeded to push her up against the wall. He told Jayne that he could make things happen to her so she should do what he wanted.]
Jeremy told Jayne that he did not want to have sex in the stock room because people could walk in. After their shifts ended Jeremy drove Jayne in his car to his apartment to have sex because of his threats. This was the first time Jeremy and Jayne had ever engaged in any type of sexual activity. Later, Jayne filed charges against Jeremy for his actions. Jeremy admitted to having sexual intercourse with Jayne that evening after the shift, but that he did not think it was a problem. Jeremy is being charged with intimidation. According to Indiana law, a person who communicates a threat to another person, with the intent that the other person engage in conduct against the other person’s will, commits intimidation.
Appendix B

Legal Instructions Given to the Jury by the Judge

Members of the jury, the defendant, Jeremy, has been charged with intimidation. He has pleaded not guilty to these charges. It is your task to decide whether he is guilty or not guilty.

When you render your verdict, you must make your decision only on the basis of the testimony presented during the trial. You must not be influenced in any way by sympathy for or prejudice against the defendant. Remember also that anything the lawyers said in their opening or closing remarks is not evidence.

You must consider all of the evidence introduced by the witnesses, but this does not mean that you must accept all of the evidence as true or accurate. You should decide whether you believe what each witness said, and how important that testimony was. In making that decision you may believe or disbelieve any witness, in whole or in part. In deciding whether to believe any witness, you may ask yourself some questions, such as: Did the witness have any reason not to tell the truth? Did he or she have a personal interest in the outcome of the case? Did the witness seem to have a good memory? Did the witness have the opportunity and ability to observe accurately the things he or she testified about? Did the witness' testimony differ from the testimony of other witnesses?

Regarding the defendant’s confession, you must consider the circumstances and decide whether the confession was voluntary and without coercion. If you decide the confession was involuntary, then you should disregard it entirely and not allow it to
influence your judgment of the defendant’s guilt. On the other hand, if you are convinced the defendant confessed freely and without coercion, then you should consider this fact as evidence in the case against the defendant.

The fact that the defendant is charged with a crime is not evidence of guilt. A defendant is presumed innocent unless proven guilty. The law does not require the defendant to prove his innocence. The prosecution has the burden of proving a defendant guilty beyond a reasonable doubt, and if it fails to do so you must find the defendant not guilty. A "reasonable doubt" is a real doubt, based upon reason and common sense, after careful and impartial consideration of all the evidence in the case. Keep in mind, however, that it is not necessary that the defendant's guilt be proven beyond all possible doubt.

I will now present to you the legal definition of the crime of intimidation. If you believe that the defendant's actions constitute intimidation, then you must find him guilty.

A person who communicates a threat to another person, with the intent that the other person engage in conduct against the other person’s will, commits intimidation.

Bailiff, please escort the jury to the deliberation room.
Appendix C

Questionnaire

The purpose of this experiment is to study the way that jurors make decisions during a trial. This questionnaire asks you to give your opinions about the case you just read. Please answer each question carefully. Please answer the questions in the order that they appear on the questionnaire; once you’ve finished with a question, move on to the next one don’t go back and change your answer. Note: your responses will be anonymous, and you will turn in your questionnaire by placing it inside an envelope so that no one, including the experimenter, will know which questionnaire is yours.

SECTION 1

1. In this case, the defendant, Jeremy, is charged with intimidation (which is defined as “communicating a threat to another person with the intent that the other person engage in conduct against the other person’s will”). Based on the testimony you heard and using the legal instructions from the judge, which verdict do you think is appropriate? Please check one:

   _____ guilty of intimidation

   _____ not guilty of intimidation

2. How confident are you that the verdict you chose is appropriate? Please circle one number:

   0   1   2   3   4   5   6   7   8   9   10

   ↑        ↑

   No confidence        Complete confidence at all
3. Based on the testimony you read and using the legal instructions from the judge, please complete the following sentence by circling one number below: I estimate that there is a ____ % chance that the defendant is guilty. Please circle one number:

0 5 10 15 20 25 30 35 40 45 50 55 60 65 70 75 80 85 90 95 100

↑  ↑  ↑

No chance Guilt and Defendant
defendant is guilty innocence are equally likely is definitely guilty

4. How responsible do you believe the defendant (Jeremy) is for what happened? Please circle one number:

0 1 2 3 4 5 6 7 8 9 10

↑  ↑

No responsibility Complete responsibility
at all

5. How responsible do you believe the victim (Jayne) is for what happened? Please circle one number:

0 1 2 3 4 5 6 7 8 9 10

↑  ↑

No responsibility Complete responsibility
at all
6. Imagine the defendant (Jeremy) is found guilty of intimidation and he now has to receive a sentence. Please give a specific number from 0 to 36 months of imprisonment for the defendant (Jeremy) to serve.

Recommended sentence: ________________

7. How attractive do you think most people would find the defendant (Jeremy)?
   1  2  3  4  5  6  7  8  9
   ↑  ↑
   Very unattractive  Very attractive

8. Please write what the defendant (Jeremy) did to the victim (Jayne) in the space provided:

   __________________________________________
   __________________________________________
   __________________________________________
   __________________________________________
   __________________________________________
   __________________________________________

9. How coercive was the defendant (Jeremy) towards the victim (Jayne)?

   0  1  2  3  4  5  6  7  8  9  10
   ↑  ↑
   Not coercive  Completely coercive at all
SECTION 2

Please answer the demographic questions below.

1. Are you male or female? Choose one.
   
   ______ Male  ______ Female

2. How old are you?

3. How would you describe your race?
   
   ______ White/Caucasian
   ______ Black/African-American
   ______ Latino/Latina or Hispanic
   ______ Asian-American
   ______ Native American/American Indian
   ______ Arab/Middle Eastern
   ______ Asian-Indian
   ______ Other (please explain):