Racial Bias in Jury Deliberations: Conversational Patterns Underscoring Biased Convictions in the U.S.

Ari Hawkins*

NYU Abu Dhabi, Class of 2022

alh8@nyu.edu

Abstract

Scholarship recognizes disproportionate prosecution of African Americans in the United States' legal system, but research is lacking on the role of prejudice in the jury discussions that lead to convictions. This study focuses on a mock jury who deliberated and assigned guilt status to a fictionalized version of the real-life case of Fair Wayne Bryant; a Black man who received a life sentence for stealing a pair of hedge-clippers as a result of the Habitual Offender law in Louisiana. In this study, all groups were shown a case file that mimicked the key facts of the case, with racial indicators swapped to indicate a defendant who is Black, Caucasian, or with racial identifiers absent. The study found that jurors assigned the Black defendant guilt status which would result in at least 20 more years in prison, compared to the punishments allocated in both other groups. Through analysis of deliberations and interviews, this research found links between recognition of racial stereotypes and lower concern for fairness in the criminal justice system, slanted against Black defendants.

Keywords: Criminal Justice System, Implicit Bias, Habitual Offender laws, Raceblind

1. Introduction

Race has historically played a role in convincing a jury and the public of a defendant's guilt or innocence. The long history of racism and application of stereotypes make this clear. Notably, a racial dynamic between the Caucasian woman and the Black male has been especially acute. In pre-Civil Rights literature, this narrative is shown through repetition of tropes relating to the inherently barbarous Black Beast [1] who preys on the vulnerable damsel in distress. This sentiment is explained in the 1903 work by the eugenicist Dr. William Howard in the once respected journal "Medicine." The author argued that "the attacks on defenseless white women are evidence of racial instincts." Elliott and Smith 2004

This exact sentiment was used to rationalize lynching[2], a common occurrence in the United States South.

Historically, charges of rape between African American males and Caucasian women were routinely fabricated and advanced the stereotypes of Black men as violent, hyper-sexual aggressors. Smångs 2019 The general nature of how such attitudes were conveyed is shown in the words of eugenicist Charles H. Smith, writing in 1893 that "A bad negro is the most horrible creature upon the earth, the most brutal and merciless." Smiley and Fakunle 2016

Lynching, however, would begin to fall out of fashion as the decades progressed, and while previously, lynchers would seldom face trial, this began to shift in the 1940s. All too often the result was a not-guilty verdict. Tyson 2019 A prominent historical example is shown in the Trial of Emmett Till[3]. His murder occurred in 1954 at the hands of J. W. Milam and Roy Bryant, in response to alleged sexual harassment directed at Carolyn Bryant, one of the murders' spouse.

[1]The Black Beast rapist is a caricature of African Americans that stems from either a single movie or a collection of racist Southern horror movies which both captured and bolstered the perspective of African American males as inherent predators, specifically brutes who routinely raped helpless Caucasian women.

[2]Lynching in the U.S. is defined by the National Association for the Advancement of Colored People as an extrajudicial killing of a minority group meant to cause fear and intimidation in response to alleged social or legal infractions, often the rape of white women.

[3]Emmett Till was the fourteen-year-old African American boy who was lynched for whistling at Carolyn Bryant, a Caucasian store-front owner based in Money, Mississippi. His murder and the public reaction was seen as a key catalyst in the burgeoning Civil Rights movement.

Upon hearing of a coquettish whistle directed at Bryant from Till, the two men kidnapped Till from his house, beat and tortured him until his head caved in, and shot him in the back of the head before dumping his body over the Bayou Bridge. Till's corpse was found by a fisherman days later in the Tallahatchie River. Bloated to the point of being disfigured, he was only identified by a ring in his left hand that featured his initials.

The men who murdered him (J. W. Milam and Roy Bryant) saw trial but were acquitted in a brief deliberation by an all-white jury, largely based on the testimony of the star witness, Carolyn Bryant. When Bryant testified, she evoked the exact perspectives used to justify lynchings just decades earlier, hoping to convince the jury that the murder was justified. The historian Timothy Tyson wrote, "the story she told at the trial using imagery from the classic Southern racist horror movie of the 'Black Beast' rapist." (200) This is shown in quotes from the transcript of the trial, which Bryant explicitly evokes racist dynamics about Black men and the threat they pose to Caucasian women. Portions of the transcript are shown below.

"CB: This nigger man came in the store and he stopped there at the candy case. . .

CB: Well, he put his left hand on my waist, and he put his other hand over on the other side. . .

CB: He said, How about a date, baby?...

CB: He said, What's the matter, baby? Can't you take it?" (40)

It would be Tyson who would finally gather a confession from Bryant in a rare interview in 2018, where she remarked that, with regards to her allegations of assault, "that part's not true . . . nothing that boy did could ever justify what happened to him." (201) Byrant's exploitation of racial narratives was successful when the men were judged not guilty, highlighting the effectiveness of her application of racial tropes, as well as the bias of the time. Protected by double jeopardy, the men would later admit to the crime in an interview with Look Magazine in 1956. (68)

Racism and white supremacy were alive and well in New York City in the 1980s, but the racial dynamic was comparatively much more implicit than what could be observed in the 1950s tragedy. There was no explicit use of racial slurs by witnesses, no verbatim dictation copy-pasted from the Black Beast, and no explicit justification for extrajudicial violence in the mainstream press. However, the role of the association of stereotypes was still notable, specifically in the danger that Black men pose to white women, and of the broader Black lifestyle depicted as inherently violent and criminal. This was pushed by then-prosecutors Linda Fairstein and Elizabeth Lederer, in a much more implicit way. Prominently,

this was the focus on the group dynamic of the crime – that of a "wolf pack" Toobin 2022 which invoked a narrative of Black brutish gangs terrorizing the innocent. The public perception, as invoked by Fairstein and Lederer, can be summed through the words of the journalist Peter Hamill, who wrote the following for The New

York Post the year of the trial:

"They were coming downtown from a world of crack, welfare, guns, knives, indifference, and ignorance. They were coming from a land with no fathers. ... They were coming from the anarchic province of the poor. And driven by a collective fury, brimming with the rippling energies of youth, their minds teeming with the violent images of the streets and the movies, they had only one goal: to smash, hurt, rob, stomp, rape. The enemies were rich. The enemies were white." Wikinson 2019

The five were found guilty and eventually had their conviction overturned when the real perpetrator came forward. Serial rapist Matias Reyes matched the DNA evidence provided, unlike any of the five boys who were wrongly imprisoned for a period between 5 and 12 years.

The 1955 Trial of Emmett Till illustrated the explicit intention of a prosecutor to drive home racial narratives. This was enough to convince a jury that two white men who brutally tortured and murdered Till were not to be blamed. In contrast, the 1989 Central Park 5 trial featured reliance primarily on surrounding societal racism of the time and exploited racial bias in a manner that was much less explicit, despite being similarly effective.

These past cases should be compared with those that are much more recent. The same opportunities for racial tropes to be tapped were available but subsequently rejected by a jury and popular perception in 2020. The trial in question followed the fatal shooting of Ahmad Arbery. Arbery, an African American man, was jogging in a predominantly white neighborhood when he paused his exercise to peer into a construction site, only to continue his jog a few moments later. It was at this point that Greg McMichael and his son Travis McMichael wrongly assumed a crime had been committed, chased the jogger down, drew their guns to supposedly entrap Arbery, and attempted to perform a citizen's arrest. This is an act that – while legal in the state of Georgia where the incident occurred – requires a felony to have taken place. (Cineas 2021) When Arbery refused to be arrested, he was gunned down by the two brothers and left to bleed out on the sidewalk, before they called the county's police to report the incident. Nguyen et al. 2021

A racial narrative was attempted to be pushed by

some of the prosecutors, notably Laura Hogue, a lawyer for Gregory McMichael who invoked racial stereotypes of the Black Brute. Her remark tapped into similar racial stereotypes as the past two cases, in an attempt to indicate the killing was justified. She declared the following in the trial room during oral arguments.

"Turning Ahmaud Arbery into a victim after the choices that he made does not reflect the reality of what brought Ahmaud Arbery to Satilla Shores in his khaki shorts with no socks to cover his long, dirty toenails." Craig and Knowles 2021

According to the Civil Rights attorney Charles Coleman, her description of Arbery was akin to how one would classify a runaway slave, specifically that of the inherently dirty and barbaric nature of Black men, a persona that justifies killing. Waldrop and Kallingal 2021 A key witness that indicates that this racial narrative did not successfully develop comes through the testimony of Kelly Par. She testified as having seen Arbery peering into the construction site before, in a manner that did not warrant one of burglary. The most telling portion of the testimony is shown below.

KP: He was a Black man. He was very tall. From what I remember he had basketball shorts on. I remember thinking he looked very tall because of the door frame.

KP: I remember having a dialogue in my head. I thought 'what was he doing in there?' And then I thought 'no don't be racist... he's just standing there'. . . and then I just kept driving." 8 2021

Here we see a different dynamic at play. Racial indicators could have taken root. A lawyer attempted to use racial stereotypes to cast Arbery as deserving of murder, tapping racial stereotypes made more salient by his physicality being that of a large Black man in basketball shorts. Parr herself admits the squashing of an internal dialogue that would have muddied her perception of him. Nevertheless, the jury was not convinced, and the men were found guilty of murder, among other charges.

The progression of the three trials above all indicate the various ways racism has been and is used with regards to convincing a jury of higher or lower punishment allocation. The case that featured the explicitly racist testimony from Carolyn Bryant was fabricated explicitly and required lies on the witness stand to evoke the racial dichotomy most terrifying to the white men on the jury at the time – the danger of Black men towards Caucasian women. The case involving the Central Park Jogger in contrast relied on comparatively less explicit racial prejudice, and much more on that of the surrounding society – thus allowing the explicit racism to have the veneer of being absent from inside the pros-

ecuting room. The Trial of Ahmad Arbery – the only trial listed where the outcome was viewed positively by activists, differed from the former two. In this trial, we saw potential indicators of racial bias that could have come into play – those that surround the perception of danger that bodes a large-framed African American male. Ultimately however, they were not convincing.

It is this lack of consistency that this research explores. When it comes to racial dynamics in a courtroom, when are they salient? Is this just an issue of the past? Why do racial narratives not always develop? Why do such narratives convince people to convict in some instances but not in others? What specific nuances sway such a change?

These questions are tackled through the use of three sessions of jury deliberations, each of which includes 12 jurors. One where a mock jury is meant to deliberate and assign guilt status to a Black defendant (Black Group E), a white defendant (White Group E), and a defendant whose face and name was not shown (Blind Group C).[4]

2. THE ACADEMIC CONSENSUS AND RACIAL STEREOTYPES

THE academic consensus confirms the reality of racial bias in the U.S criminal legal system at virtually all levels. A recent wide-ranging analysis finds that for murder, innocent African Americans are seven times more likely to be wrongfully convicted when compared to their innocent white counterparts, and of those figures, Black people are 22 percent more likely to experience police misconduct at some point in the case. For the crime of sexual assault, an African American convicted is more than three times more likely to be innocent than compared with his similarly convicted Caucasian counterpart, and African Americans are wrongly convicted of assault at more than double the rates of Caucasians. For robbery, the numbers are also extreme, with Blacks being exonerated of non-violent drug offenses at more than three times the rate of their white counterparts. Samuel R. Gross 2017

Most central to this research is the so-called Habitual Offender law, a law that differs from state to state, and significantly raises the penalty for subsequent offenses if a felony or another violent crime was committed in succession. Research from 2008 indicates that Habitual Offender laws were introduced as part of the 3-strike policy from the United States Justice Department's Anti-Violence Strategy, and exist in differing forms in 23 states in North America. Crow and Johnson

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[4]The formation of these groups are Experimental, Experimental, and Control, respectively.

2008 States including California, Alabama, Delaware, and Texas require a minimum life sentence if a past felony conviction was violent. Tennessee, along with Georgia and South Carolina have a notorious two-strike policy that mandates a life sentence for broadly defined "serious" crimes. Nellis 2013 A meta-analysis that includes data across the U.S. confirmed that Black and Hispanic offenders were more likely to fall victim to Habitual Offender laws even when a location's economic status was held constant. According to the paper:

"Blacks odds of being habitualized are 28 percent greater than Whites' odds of being habitualized. The results presented here also indicate that Hispanic offenders are also more likely to be sentenced as Habitual Offenders. Crow and Johnson 2008"

We can understand from the literature that African Americans face higher rates of bias against them in the legal system, and there are several competing theories on what perpetuates this. An important perspective is the role and pervasiveness of racial bias in the contemporary U.S. psyche. Perhaps the strongest point of reference in this regard is how the Black populace was featured in the first minstrel shows shown in New York City in the 1830s, performed by Caucasian performers in Black-face[4]. Smithsonian 2017 The performance was done to mock the enslaved Africans who were at the time on Southern plantations – this was almost two decades before race-based enslavement was officially recognized as an absolute in the landmark Dred Scott v. Sanford[5] in 1858, the primary precursor to the Civil War. Sandford 1856 According to historians:

"These performances characterized blacks as lazy, ignorant, superstitious, hypersexual, and prone to thievery and cowardice," and are considered to be indicative of the wide range of negative stereotypes applied to the Black populace, most of which are still relevant in some scope today. Lott 1993

The theory and inherent association against the African American populace with most if not all of these exact stereotypes were indicated as relevant in modern times according to recent research. The study shared two representative samples of the U.S. two different images of President Barack Obama, one of which featured his skin significantly darkened, and one where his skin was lightened, and asked participants to fill out a form to complete a word that featured either an option that tapped racial stereotypes or one that was racially neutral. An example is the participants who received the letters"L" and "A" and had the option of filling in a four-letter word, either "LAZY" or "LAND."

When subjects were presented with an image of President Obama with light skin, 33 percent of people completed a word with an anti-Black stereotype. When participants were shown a dark image of President Obama, 45 percent selected a word with a racial stereotype. The research indicates that being presented material that more acutely highlights Black features, may bring out negative racial attitudes in the American populace. Chirco and Buchanan 2009

But how does this translate to punishment allocation?

The academic consensus also confirms the reality of out-group bias that translates to a range of negative outcomes for such groups. Recent work demonstrates human tendencies to favor same-group members from a young age. Jordan, McAuliffe, and Warneken 2014 But the notion of being an 'out-group' is an incomplete analysis of how these perspectives translate to negative outcomes in the form of legal punishment, especially given the unique experience of identity groups in the United States. Blacks in America are not an 'out group' or a neutral third party who has yet to be integrated. Rather, vicious stereotypes have embedded a form of othering, that draws out this complexity to render the identity of the African American as uniquely perceived. This difference is explained by sociologist Robin Diangleo.

"Prejudice consists of thoughts and feelings, including stereotypes, attitudes, and generalizations that are based on little or no experience and then are projected onto everyone from that group. Our prejudices tend to be shared because we swim in the same cultural water and absorb the same messages. . . I am often asked if I think the younger generation is less racist. No, I don't. In some ways, racism's adaptations over time are more sinister than concrete rules such as Jim Crow. The adaptations produce the same outcome (people of color are blocked from moving forward) but have been put in place by a dominant white society that won't or can't admit to its beliefs." DiAngelo 2016

The enduring nature of racism consists of a seemingly endless sea of study, but it is not without gaps. Research confirms the existence of stereotypes targeted at the non-white populace, and it confirms the pervasiveness of bias in the U.S. psyche. At the same time, we also know that negative resource allocations are granted towards the out-group and non-white individuals as they are punished more significantly when acting out the same crime under the same circumstances compared to their white counterparts. The gap in the literature,

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[4]A way of darkening one's face often using burnt cork or shoe polish, a costuming intentionally made to exaggerate the most negatively perceived features of African Americans.

[5]This legal classification followed local-level laws and country-wide norms that racialized U.S. slavery since before the 1600s.

however, is indicated in the ambiguity between the prior stated cases involving the 1955 case of Emmett Till, the 1989 case surrounding The Central Park 5, and the 2020 case involving Ahmad Arbery. The different reactions from jurors show it is still undetermined what key aspects of the case draw an audience to render racist outcomes. Such a quagmire is especially relevant when identifying racial prejudice in a society where explicit forms of racial prejudice are gradually being replaced by more implicit bias applications. The qualitative reasoning for such a phenomenon is the primary purpose of this study. It seeks to gain insight into this chain of impact.

3. Research Methodology

The aim of this study is to render the dynamic that exists within a typical jury room, which includes 12 individuals who all must come together to vote unanimously with regard to the innocence or guilt of a respective defendant. The research in this study included 36 participants sourced from the data mining function Prolific. Prolific ensured that the participants were randomized geographically and reflected an equalized gender ratio. Additionally, the jury also reflected the traditional racial make-up of the U.S., with eight Caucasian jurors, one African American juror, one Hispanic juror, and an additional juror who was of any racial group other than Caucasian. Each group was assigned a Presiding Juror who was given instructions to guide the conversation. The participants had 20 minutes to read the case file which listed the key facts of the case and arguments from all sides. Participants were then asked to debate the guilt status of an individual involved with a property crime, which also included the presence of a young white woman. (The subject matter is her witnessing the crimes of thievery and trespassing.) Specifically, a Black man stole an object from a neighbour's garage. The case in question was chosen for multiple reasons. Notably, the case taps multiple stereotypes such as those that relate to Black thievery, Black criminality, and the Black threat to Caucasian women. All three groups were given the same case file to review, except for racial indicators including images and names. This included a ten-page document that highlighted relevant testimony, and a summarized version of the relevant facts as shown to a real-life jury who decided the guilt of a real-life African American, from which this fictitious case was pulled. One group of 12 participants received the case file with information indicative of a Black defendant (Black Group E) and one group of 12 participants received the case sheet with information indicative of a Caucasian defendant (White Group E), with the images and names changed to reflect this difference. The names reflected common names from the respective racial groups, and the mugshots were taken from a publicly available Alabama website of real-life convicts. Blind Group C, in contrast, received a case sheet where racial aspects were blacked out, and the alleged criminal was referred to as "the defendant," while all names of key individuals showed only the word "[redacted]." The opening page of the case file for both racial groups is shown below. What Black Group E received was on the left and what White Group E received was on the right.

Figure 1: *The pictures and information of the defendants of the mock trial*

The case presented for the mock jury was a modified version of a real-life trial. The trial in question surrounded Fair Wayne Bryant, an African American man sentenced to life in prison for stealing hedge clippers valued at less than 100 dollars (USD). The reason for the harsh sentencing was Louisiana's controversial Habitual Offender statute. The law requires a minimum life sentence for anyone found guilty of a felony, who had been convicted of three or more felonies previously – of which Bryant had four. (Waller) While Bryant had his sentence reduced on appeal, versions of the Habitual Offender law exist not just in Louisiana but also in 28 other states, including California and New York. (Rivera 2021) The law has been sharply criticized by racial justice advocates, including Louisiana Supreme Court Chief Justice, Bernette Johnson. She described the law in the following manner:

"The Habitual Offender [law is a] modern manifestation of 19th-century "Pig Laws" designed to re-enslave African Americans for committing minor crimes." Schwartz 2020

While the sentencing of Fair Wayne Bryant received news coverage, the fact sheet for this mock trial was

modified to make it unidentifiable, even for someone familiar with the initial case. Not only were names and mug-shots changed, but so was the location of the crime, specificities of Bryant's prior offenses, the object said to be stolen, the witnesses, and several other key factors. Briefly, the version shown to the participants included the following:

Mr. Ray, the alleged victim, had a set of drills, valued at around 150 dollars (USD) stolen from his open garage. Another individual spotted someone thought to be a criminal in the garage at the time of the incident. The following day, the defendant (titled either "Matt Smith," "Jamal Johnson," or [Redacted]"), was searched despite not matching the physical description given by the witness. The key witness was a Caucasian teenage woman.

A set of drills were found on the defendant and identified by the witness as his, due to a unique white paint stain. Later in police custody, the defendant confirmed that he was in the garage, but did not confirm (or deny) that he had stolen the drills. It was also relayed that the defendant had been convicted of four past felonies, including one violent crime, an armed robbery. On this basis, the defendant in the case faced four charges:

1. First-Degree Trespassing.
2. Misdemeanor Larceny.
3. Felony Larceny.
4. Habitual Offender.

The following definitions were pulled from a collection of legal sources, all of which exist in specific forms, but the full body of descriptions below for each of the charges is reflected in any one state. (These were the definitions given to the jury to help decide guilt assignments.)

First-degree trespass: "To be found guilty of first-degree trespass, a person must have entered or remained on the property or building of another that was secured or enclosed in a manner that showed the owner's intent to keep out intruders. First-degree trespassing is considered a felony offense and can result in up to 60 days in jail and a 1,000 dollars fine. (USD)" (DA Coalition)

Misdemeanour Larceny: "A person may be arrested for second-degree trespassing if he was asked by the owner not to remain on the property or signs indicated that intruders were not welcome, such as a no trespassing sign. The maximum penalty is 120 days in jail and a fine that is at the judge's discretion to assess." Browning 2023

Felony Larceny: "This offense is classified as a crime where the offender takes the property of another, that is valued at more than 1000 dollars (USD) and the defendant is determined to deprive the owner of the property

from the subjective position of the jury. The penalty can range from a minimum of 24 months in jail, up to 39 months." (ACLU of Louisiana)

Habitual Offender: "The person shall be sentenced to imprisonment for the third or subsequent felony for a determinate term not less than the longest prescribed for a first conviction but in no event less than twenty years and not more than his natural life." "Habitual Offender" 2023

Following the jury deliberation sessions, interviews were conducted with all participants. They were questioned on a range of topics. The exact questions asked varied on the flow of the conversation to increase the participant's level of comfort. The overarching goal was to find patterns in several speakers on why exactly their vote followed the way it did. Some of the key questions asked fell into some of the following categories:

1/ What was your rationale for the choice of the verdict?

2/ What key facts of the case compelled your decision? Why were these most important? How confident were you in your answer? Explain.

3/ Was the outcome completely fair in your opinion? How could it have been fairer? Did you think the penalties associated with the law itself were too harsh? Why? Were their conversations with regard to the recidivism of the individual? What are your thoughts on the Habitual Offender clause?

4/ What is your opinion about the effectiveness of the criminal justice system? Was the topic of race discussed at all? In what ways?

4. The Reality of Racial Bias (Hypothesis)

THE complexities of the case indicate a variety of options for participants to choose from with regard to the defendant's guilt or innocence. In total, four charges were levied against each of the defendants, including allegations of First-Degree Trespassing, Misdemeanor Larceny, Felony Larceny, and being a Habitual Offender. Regarding the real-life version of the case, the defendant was found guilty of the majority of charges, excluding the charge of 'Felony Larceny' where the defendant was found 'not guilty' as the value of the item stolen was under 1,000 dollars (USD). Therefore, the defendant was found guilty of First-Degree Trespassing, Misdemeanor Larceny, and being a Habitual Offender. These facts help inform the following hypothesis:

H1: Juries for all three groups (the Control Group, Black Group E and White Group E) will find the defen-

dant not guilty of Felony Larceny.

The reality of racial bias is of central concern when considering the likelihood of guilt assignment status for all three groups, especially Black Group E, the group pre sented with a Black defendant. As noted prior, African Americans are discriminated against at every level of the Criminal Justice System in the U.S., including non-violent crimes, as well as the habitual offender law in the places it is present. At the same time, research found that when reviewing the images of Black and white children, U.S. adults perceive African Americans as more likely to have been accused of a felony than a misdemeanor when presented with the option, while the inverse is true when shown that of a white individual. (Rehavi 2014)

The literature, as it relates to disparities in racial bias in incarceration, and perceptions of criminality, inform the following hypotheses.

H2: Black Group E will find the Black defendant guilty of a higher concentration of the minor crimes (First-Degree Trespassing, Misdemeanor Larceny and Felony Larceny) compared to Blind Group C or White Group E.

H3: White Group E will find the white defendant guilty of a lower concentration of the minor crimes (First-Degree Trespassing, Misdemeanor Larceny, and Felony Larceny) when compared to Blind Group C or Black Group E.

Research also confirms disproportionate conviction rates for more serious crimes and the Habitual Offender law, with 28 percent more application when the defendant is African American compared to when they are Caucasian. For the third charge being a Habitual Offender, there is no question that this will be a major subject of discussion in all three sessions, likely due to what the overarching literature indicates is dissatisfaction with the Criminal Justice System. (Brenan 2014) At the same time, research on punishment allocation denotes that out-group membership can result in more negative punishment allocation when compared to that of the in-group. Based on the background of racial bias in the criminal legal system, the prevalence of stereotypes, and their application placing African Americans as a type of extreme out-group, the following hypotheses were formed:

H4: Black Group E will find the Black defendant guilty of being a Habitual Offender.

H5: White Group E and Blind Group C will find their defendant not guilty of being a Habitual Offender.

As part of the qualitative portion of this study, each jural participant engaged in an interview where their opinion on the case was scrutinized. Notably, the hypotheses for this stem from the long list of racial stereotypes against African Americans. Relevant for the purposes of this case include stereotypes that encourage the perception of African American violence, criminality, and sexual aggression towards Caucasian women, that stem from the perspective of the Black Brute and the Black Beast. With reference to the specifics of the case, many potential instances for such tropes to become salient emerge. This includes key factors such as a prior violent crime committed by the defendant, the presence of a young Caucasian woman witness to the crime, and the nature of the defendant's repeated offense record. The result of this information forms the following hypotheses.

H7: Jural discussion from Black Group E will focus more heavily on the past violence of the Black defendant, compared to that of the defendant in both White Group E and Blind Group C.

H8: Jural discussion will indicate higher expectancy for recidivism directed toward the defendant in Black Group E compared to the defendant in White Group E or the Control Group.

H9: Jural discussions from Black Group E will focus concern on the Caucasian woman witness, more heavily compared to that of the participants in both White Group E and Blind Group C.

With regards to wider arguments posed throughout the jural session and indicated in the interviews afterward, statistics indicate wide discontent with the criminal justice system, and this will likely be reflected by the participants. (Brenan 2014) On this note, the statistics indicating wide gaps in perception of criminal justice from Caucasian and African American participants of the jury sessions, inform the perception that minor differences will emerge with regards to the different racial groups represented within the mock trial. Gramlich 2019 The latter claim is also indicated in qualitative accounts of the experience of being a minority in deliberations, with participants feeling as if they are talked over, or not listened to as intimately. (Williams 2020) Such evidence is reflected in the hypotheses below.

H11: Wide agreement will emerge from all three groups that the criminal justice system requires serious reform.

H12: Disagreement will emerge from the racial and gender minorities on the jury, but this agreement will be pushed past by others, and the minority jurors will ultimately acquiesce to the dominant perspective.

The hypotheses, as indicated in this section stem from the academic research that confirms the reality and application of racial bias in punishment application, and key stereotypes relating to perceptions of Black criminality, violence, and the danger posed to-

wards Caucasian women, as well as the past experiences of minorities and their role in decision-making settings.

5. Jural Voting Outcomes

This capstone features both quantitative and qualitative elements. The quantitative element is shown in the official guilty or not guilty vote, indicated by the respective jurors verbally following deliberations. The jury was informed that while the judge's final sentencing will fall within the minimum to maximum charges, the judge (rather than the jury) has discretion for the exact penalty. Therefore, the jury could only provide a statement indicating a defendant's innocence or guilt. Below is a chart[6] of the results of each session. (Figure 2).

·Characteristics of the defendant:	Black Group (E)	White Group (E)	Blind Group (C)
First-Degree Trespassing	Guilty	Guilty	Guilty
Misdemeanor Larceny	Guilty	Guilty	Guilty
Felony Larceny	Not-Guilty	Not-Guilty	Guilty
Habitual Offender	Guilty	Not-Guilty	Not-Guilty

Figure 2: *The results of each mock trial session*

The final results indicate that for the charge of First-Degree Trespassing, jurors for all three groups found the defendant 'guilty.' For the charge of Misdemeanor Larceny, jurors for all three groups also found the defendant 'guilty.' For Felony Larceny, however, jurors in Black Group E and White Group E found their defendant 'not guilty' while Blind Group C found their defendant 'guilty.' The charge that carries the heftiest penalty is that of being a Habitual Offender. For this, both White Group E and Blind Group C found their defendant 'not guilty' while Black Group E, the group where the defendant is Black, found their defendant 'guilty.'

The impact of such a discrepancy is significant. As the jury was privy to, the crime of First-Degree Trespassing carries a maximum sentence of 60 days in jail and a fine of 1000 dollars. (USD) The maximum sen-

tence for Misdemeanor Larceny is 120 days in jail and a fine to be determined by the judge. Felony Larceny carries a maximum sentence of 34 months in prison, with a minimum sentence of 24 months, along with a fine. In contrast, the Habitual Offender law mandates a minimum 20-year sentence and a maximum of the rest of the defendant's natural life. The prison-time disparity is shown below[7].

·Applicable Punishments	Black Group (E)	White Group (E)	Blind Group (C)
JAIL TIME: 20+ Years	MAYBE	NO	NO
JAIL TIME: At least 20 Years	YES	NO	NO
JAIL TIME: At most 34 months	NO	NO	MAYBE
JAIL TIME: At least 24 months	NO	NO	YES
JAIL TIME: At most 60 days	MAYBE	MAYBE	MAYBE
JAIL TIME: At most 120 days	MAYBE	MAYBE	MAYBE

Figure 3: *The prison-time disparity among all mock trials*

The penalties affecting the white defendant range from zero jail time and a fine of 1,000 dollars (USD) to 180 days and a fine of an amount not significantly more than 2,000 dollars. (USD) For the control group who did not have their race disclosed, their penalty ranges from a 24-month jail sentence with a fine of 1,000 dollars (USD), to up to 34 months with a fine of not significantly more than 2,000 dollars. (USD)

The Black defendant's charges stand out as charges range from a minimum of a 20- year sentence with a fine of 1,000 dollars (USD), to the rest of the defendant's natural life (as well as an additional 180 days) along with a fine of an amount not significantly more than 2,000 dollars (USD), based on the judge's discretion.

6. Jural Deliberation Outcomes

The results from the qualitative portion of the study indicate potential reasons for unequal punishment decisions. Participants agreed during jury deliberations and interviews that the nature of the criminal justice system

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[6]The chart shows the guilt statuses assigned to the defendants in the three groups. The category of accusation is indicated in the vertical axis, while the defendant centered in each of the three groups are shown in the horizontal. "YES" refers to a charge that the jury assigned guilt status to, and "NO" refers to charges that the respective jural group found the defendant "not guilty" of.

[7]Figure 3 shows the possible range of punishments applied to the defendant on the vertical axis. The category of accusation is indicated in the vertical axis, while the defendant centered in each of the three groups are shown in the horizontal "YES" refers to required penalties that a judge would deliver on the basis of this jury's verdict, "MAYBE" refers to potential charges that are up to the judge's discretion on the basis of the verdict, and "NO" refers to charges that are out of bounds given the jury's decision.

was flawed and in need of serious reform in some capacity. This was expressed through the reactions to the question, "What are your thoughts on the efficacy of the criminal justice system?," which was posed in each interview for all groups. The responses below indicate the overall tone of the majority of participants in the respective groups. All of the following are direct quotes from the participants. For privacy reasons, while the numbers refer to the juror in question, titles used are all pseudonyms.

Blind Group C: JUROR 7, Noah, Caucasian, Male: "I think over the last few months, we see how the power that some police have really is pretty extravagant, and I'd agree with that being addressed in some substantial way."

Black Group E: JUROR 1, Ava, Caucasian, Female: "I have a lot of opinions on the criminal justice system, but I generally think they do very little the right way so that definitely should be addressed."

White Group E: JUROR 5, Todd, African American, Male: "Most people prefer [the criminal justice system] the way it is because their idea of caring for the victim is to help them get revenge. They don't understand how the state relies on its ability to punish to assert its power and affirm its authority. . . We need to completely rework our system for the good of us all." Similar responses emerged with regards to overall unfairness. Participants generally agreed that on average, inequities exist with regard to criminal justice, whether those participants focused on race, class, education, or other characteristics.

Blind Group C: JUROR 6, Liam, Caucasian, Male: "We should consider the role of class, race, or whatever when any of those factors come up. I think our criminal justice system is slated against many kinds of people."

Black Group E: JUROR 6, Kathy, Caucasian, Female: "Definitely there's bias in the system and things like police misconduct are something a lot of people, especially Black people have had to face, which is completely terrible."

White Group E: JUROR 6, Sara, Caucasian, Female: "Something like education for instance, especially for someone who has been in and out of the justice system, could definitely play a role in outcomes, just not in every instance, but definitely many."

A crucial distinction that should be drawn here, is that these perspectives were significantly different when asked about such factors with regard to this specific case, where they agreed that such differences were likely, not relevant. In other words, the above quotes indicate the jury's understanding of unfairness broadly. However, participants did not link such perspectives to this specific case.

Blind Group C JUROR 4, Jake, Caucasian, Male: "I think the claims he made about education and misunderstandings proved he was if anything, more disingenuous because they seem pretty clear cut to me."

Black Group E: JUROR 4, Charlotte, African American, Female: "I really thought when you first showed the mug shot that this was going to be another instance of a biased police system, but for me, when he admitted [to trespassing] I felt sort of relieved. That. feature of the case basically took away the perspective that racism mattered here."

Black Group E: JUROR 4, Kevin, Caucasian, Male: "I guess his education could impact it theoretically, but there wasn't really any reason for me to think that especially since he said [he was trespassing] himself."

In line with perspectives on the criminal justice system, feelings of harshness extended to such perspectives on the Habitual Offender law, including its use in this specific case. The rationale for the overall use of the Habitual Offender clause was more mixed, but the majority expressed it is only necessary for instances where a defendant had several charges of violence. The following responses were expressed in interviews in response to the question. "What are your thoughts on the Habitual Offender clause?"

Blind Group C: JUROR 2, Seth, Caucasian, Male: "I think in this case in par ticular, it was just such an extreme punishment to have for a pretty minor crime, which is most of why I was ready to argue against it."

Black Group E: JUROR 4, Sage, Caucasian, Female: "As with most things related to incarceration, I think [the law is] overkill except in specific circumstances. It makes more sense for violent offenders than people committing petty crimes."

White Group E: JUROR 10 Lily, Hispanic, Female: "I don't oppose the law in theory, but I do oppose its application in instances like this."

White Group E: JUROR 4, Jerry, African American, Male: "Think about it. This is a kid who seems like he was in and out of jail his entire life. That definitely drives my empathy. He's really never gotten a chance to live in society without jail."

Additional areas of disagreement emerged regarding perspectives on the responsibility of ameliorating the criminal justice system. Notably, this included both Blind Group C and White Group E participants acknowledged levels of individual responsibility to fix the system. In contrast, participants in Black Group E agreed that this was not the responsibility of the jury to fix the system, even if the system was flawed. The following two quotes from each section are either responses to the question "Whose responsibility is it to fix the criminal justice system?" or from deliberations

when the harsh nature of the Habitual Offender law was discussed.

Blind Group C: JUROR 4, Jake, Caucasian, Male: "It's everyone's job. We can view it as 'not our problem' if we aren't affected by its flaws, racial inequalities, but biased [jurors], hurt everyone." JUROR 12, Mary, Caucasian, Female "If everyone agrees the Habitual Offender law is too harsh, I don't see a reason for us to force it on him."

Black Group E: JUROR 4, Charlotte, African American, Female: "Not the jury's responsibility and it's not their place to express opinions. Their role is to come to a decision based on the evidence. Hard for people to accept that when compassion kicks into play."

JUROR 6, Kathy, Caucasian, Female: "I think the way some of us are talking here, is as if we're the judge or making the laws when we need to focus on if this defendant is guilty, and judge him based on that."

White Group E: JUROR 4, Jerry, African American, Male: "Responsibility lies with the jury, and broader society by being part of it, which empowers people and politicians to keep the current system in place."

JUROR 11, Julie, Caucasian, female "If I'm reading this correctly, it seems like if he sounds guilty he faces a life sentence? Even if that's what it says on the books, that seems pretty ridiculous."

The role of stereotypes may help us understand some of the unequal convictions of the defendants, as these were among the most significant differences between interview answers and the focus of the deliberations themselves. Firstly, different levels of focus on the defendant's past record can be observed by the different lengths of time issues were discussed. In both Blind Group C and White Group E, the focus on past criminality, and the violence present in the armed robbery, was minimal and was discussed briefly when the Habitual Offender law came up. In contrast, the focus on past criminality was much more significant in Black Group E.

The audio for Blind Group C shows that the topic of past criminality was spoken about for roughly 7 minutes.

Figure 4: *The audio of Blind Group C*

Rendering similar results in White Group E, past criminality only took up three and a half minutes, and consisted of the presiding juror simply reading off the charges with nothing more intimately discussed[8].

Figure 5: *The audio of White Group E*

The focus on past criminality with regards to the defendant in Black Group E differed sharply, as indicated below. Here we can see the topic discussed for a longer period of time, not only during the initial charges being listed near the start of the discussion but also in the context of the final decision when individuals were discussing guilt assignment. The time stamps show the topic discussed for a total of 19 minutes.

Figure 6: *The audio of Black Group E (cont)*

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[8]The chart indicates that for the group with the white defendant indicates that criminality was discussed for just from the 7:10 minute mark to the 10:40 minute mark, as indicated in the portion of the audio highlighted in purple.

[9]The chart above indicates that for the defendant with the Black defendant, the topic of criminality was discussed significantly more than the other two sessions. As shown in the highlighted time-stamps in purple, which are from 5:38 to 14:57 and were discussed with regards to the reading of the initial charges, and then again from 36:16 to 45:44.

The actual conversations with regards to criminality were similar, however, and participants stated that such a perspective did not drive their decision-making. While they were discussed most in Black Group E[9], the qualitative rationale did not indicate they were a driving reason for their decision of a guilty verdict for the Habitual Offender, or any other charge.

Blind Group C: JUROR 8, David, Caucasian, Male "An armed robbery is obviously worse than the others, but it was pretty clear he didn't have a pattern of that."

Black Group E: JUROR 4, Sam, Caucasian, Male "While the violence was concerning, ultimately, it was only once, so to me it wasn't a [deciding factor.] If more of the past crimes had been like the robbery, it would have made me more confident in the guilt."

White Group E: JUROR 11, Julie, Caucasian, female "If he had murdered someone it would be different, but just having a gun, doesn't really make it violent enough for me, if no one was actually hurt, so it really isn't that big of a deal in the end for me."

More striking were the different levels of focus on a key witness, a Caucasian teenage woman who spotted the defendant in the garage and gave a description, according to the case file. Crucial as a point of discussion, was that her description did not match that of the defendant, although this was indicated as a false perception on her part, as a key facet of the case was the defendant admitting to having been in the garage at the moment of contention. Interestingly, the witness and her well-being were not topics of discussion outside of a brief recount of the key facts of the case by participants in White Group E or Blind Group C. In Black Group E, however, this was a major topic of discussion, and her safety and well-being were referenced throughout the deliberations. The timestamps below indicate that this subject matter took up 16 minutes, despite her presence being a relatively uncomplicated aspect of the case. The relation of this topic with regard to the other portions of the deliberation is shown below.

When questioned in the interview, it became clear that this was not a topic of contention for White Group E or Blind Group C and did not impact their perspective on the guilt status of the defendant. For Black Group E, however, the role of the witness was significant[10]. The below quotes are from both the deliberation in the case of Black Group E, as well as the interviews after the fact as the witness was not intimately dis cussed during the deliberations for Blind Group C or in White Group E. All participants were asked: "To what extent did the key witness play into your decision?"

Figure 7: *The audio of Black Group E (cont)*

Blind Group C: JUROR 4, Jake, Caucasian, Male: "No, that didn't play into my thought process, if anything, it was a mark for him since I think her description was wrong."

White Group E: JUROR 12, Jeffrey, Caucasian, Male: "I didn't remember any thing about the witness." Markedly different reactions are found in the group with the Black defendant. Below are both the responses to the previously-stated question, and quotes from the deliberations themselves.

Black Group E: JUROR 4, Sam, Caucasian, Male "One thing that I think is being left out is the trauma that was probably experienced by the little girl."

JUROR 1, Ava, Caucasian, Female: "I think it's more relevant whenever a victim is present, so of course, it played into my decision at least a bit."

JUROR 4, Charlotte, African American, Female: "I was definitely worried for her. That definitely mattered for me.

A table indicating the key factors of agreement and disagreement is shown below. Broadly, all groups agreed that the justice system was unfair and needed reform and that the Habitual Offender law was unnecessarily harsh in most cases. With regards to this specific case, the respondents in the three sessions agreed that the Habitual Of fender clause was too harsh to be applied in the stealing of such a low-value item, and that the violent nature of one of the past charges was not a major point of focus in their decision for guilt assignment. Points of disagreement were wide, however. This included indicators of empathy for Black Group E and White Group E but not for Blind Group C (where a mug shot was not shown and all racial indicators were hidden). The notion that compassion and empathy should be involved in the decision-making process was also

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[10]The chart above indicates the three portions where the topic of the Caucasian teenage woman was discussed among the jural participants in the group with the Black defendant. When the subject was discussed for longer than a simple exchange (one person speaking and another responding before moving on to another topic), the timestamps can be indicated by the following: most prominently in 17:57 - 25:41 as well as 3:00 - 6:38 and 44:00 - 48:41, for a total discussion time of roughly 16 minutes.

indicated in Blind Group C and White Group E, but not Black Group E. More notable points of difference include the realm of racial stereotypes as focus on past criminality and inquiries into the potentially violent nature of past crimes were more expressed in Black Group E compared to both White Group E and Blind Group C. The role of the witness, a Caucasian teenage woman, was also a topic of conversation and a driver in the decision-making process for Black Group E, but virtually not present in both Blind Group C and White Group E.

Characteristics of the defendant:	Black Group (E)	White Group (E)	Race Blind Group (C)
Agreement the justice system (broadly) requires reform	PRESENT	PRESENT	PRESENT
Agreement the justice system (broadly) is unfair towards disadvantaged groups.	PRESENT	PRESENT	PRESENT
Agreement the Habitual Offender law is unfairly harsh	PRESENT	PRESENT	PRESENT
Indicators of empathy towards the defendant	PRESENT	PRESENT	NOT PRESENT
Agreement that empathy should play a role in sentencing by the jury	NOT PRESENT	PRESENT	PRESENT
Agreement that the violent nature of a past crime by the defendant is NOT significant in rendering guilt status	PRESENT	PRESENT	PRESENT
Focus on past violence and criminality	PRESENT	NOT PRESENT	NOT PRESENT
Agreement that the role of the witness was significant in rendering guilt status	PRESENT	NOT PRESENT	NOT PRESENT
Focus on the role of the Caucasian woman teenager	PRESENT	NOT PRESENT	NOT PRESENT
Agreement that flaws in the criminal justice system should be changed by their action in deliberation	NOT PRESENT	PRESENT	PRESENT

Figure 8: *The prison-time disparity among all mock trials*

7. Understanding The Role of Race in Sentencing and Deliberations

The quantitative portion of this study underscores the academic consensus on race and criminality, including recent research showing that African Americans face prosecution for low-level drug use at three times the rate of their Caucasian counterparts despite similar rates of usage and evidence confirming disproportionate sentencing rates for the same crime with other relevant factors held constant. Samuel R. Gross 2017 Additionally, with regards to Black Group E, the outcome mirrors exactly the outcome of the real-life case involving defendant Fair Wayne Bryant, who faced a charge that included life in prison for theft of inexpensive hedge clippers. Waller 2020 These results are an extreme example of what the academic consensus has already confirmed as expected, the disproportionate conviction rate and disproportionate punishment allocation faced by people of color in the United States. For such a reason, the following two hypotheses are confirmed.

H2: Black Group E will find the Black defendant guilty of a higher concentration of the minor crimes (First-Degree Trespassing, Misdemeanor Larceny and Felony Larceny) compared to Blind Group C or White Group E.

H3: White Group E will find the white defendant guilty of a lower concentration of the minor crimes (First-Degree Trespassing, Misdemeanor Larceny and Felony Larceny) when compared to Blind Group C or Black Group E.

Interestingly, while in both Black Group E and White Group E, guilt status was not assigned on the count of Felony Larceny, in Blind Group C, the defendant was found guilty, rendering him a greater prison time penalty. While the count is less severe than the main charge of the inquiry, the Habitual Offender law, this is significant as it was not charged as such in the real-life case. This is because, as explained to the jury, the charge for doing so requires an item to be stolen that is above the price threshold of 1000 dollars (USD), which the head clippers (or drills in the case of this study), fell significantly below. This coincided with lower levels of empathy directed towards Blind Group C, indicating a potential problem when discussions of race-blind juries emerge, as there may be a correlation between not seeing a defendant's face, and perceiving them with less empathy and concern, which results in a harsher verdict. Such results are hinted at in a recent study that shows mask coverings are associated with people being less attuned and reactive to the emotional state of others. Birch-Hurst, Rychlowska, and Lewis 2022 Alternative solutions to this hurdle have been proposed, such as blinding the face (and therefore race) to the prosecutor, but not the jury, to limit the potential of a racial narrative being weaponized. Sah, Robertson, and Baughman 2015 This is a key area for research, and the following hypothesis was thus not confirmed.

H1: Juries for all three groups (Blind Group C, Black Group E and White Group E) will find the defendant not guilty of Felony Larceny.

Most significant is the guilty verdict for Black Group E with regard to the Habitual Offender law, and the not-guilty verdict for the same charge for White Group E and Blind Group C. In this study, the isolated vari-

able is race, and the Black defendant facing a harsher sentence on this basis lines up both with the statistics indicating unfair treatment of racial minorities in the legal system, and specifically, the frequency of which this charge is assigned to Black defendants.

It should be highlighted that the sample in this study is only that of three groups (N=3) and should thus not reflect the overarching rate of disproportionate verdicts or application of the Habitual Offender clause. Keeping this in mind, the hypotheses below were confirmed.

H4: Black Group E will find the Black defendant guilty of being a Habitual Offender.

H5: White Group E and Blind Group C will find the defendant not guilty of being a Habitual Offender.

The qualitative section of this study was conducted to achieve insight into the nature of the criminal justice system and the role of decision-making from the perspective of the jury. The mock jury's opinions on the judicial system mostly mirrored broader society. Notably, statistics indicate distrust of the criminal justice system from all racial groups and statistics showing that most individuals in the U.S. believe reform is necessary. Brenan 2014 and Gramlich 2019

The participants also showed agreement that the criminal justice system is broadly unfair, as it relates to issues such as race, class, education, or other factors. Thus, the following hypothesis was confirmed:

H11: Wide agreement will emerge from all three groups, that the criminal justice system requires serious reform.

Interestingly, the different races of the jurors were not associated with different perspectives. There was no clear indication that Black respondents felt as if their voice was heard less, and no persistent pattern of domination of Caucasian male participants. Instead, participants who spoke most frequently were typically those who spoke at the beginning, which resulted in conversations featuring prominently only a handful of voices.

As the identity of the different jurors was concealed due to privacy concerns, the fact that gender (which in many cases can be observed based on voice), was more likely to be known by the other participants, and still did not yield a significant difference in perceptions/experience, is an opportunity for further inquiry. Currently, these results counter the academic consensus on power dynamics within group decision-making, which typically attributes Caucasian and male perspectives to dominate discussions. Elliott and Smith 2004 However, a growing body of research indicates a variety of subtle ways social minorities are spoken past, indicating a potential new avenue for observation, that may become more salient in studies that involve group

decision-making over a longer period, and are scrutinized more intimately. Pardal, Alger, and Latu 2020 The following hypothesis was thus not confirmed:

H12: Disagreement will emerge from the minorities on the jury, but this agreement will be pushed past by others, and the minority jurors will ultimately acquiesce to the dominant perspective.

A key area of focus for this study was based on stereotypes, which became acute for Black Group E, the jural group with the Black defendant, but were mostly absent in Blind Group C and White Group E, the group with the Caucasian defendant.

Such a pattern is seen throughout history, as racial narratives are commonly absorbed by the U.S. public and applied to render harsher reactions, including in the Trial of Emmett Till, which played on the supposed danger Till posed to Carolyn Bryant, a Caucasian woman. Tyson 2019 A similar dynamic was shown on the Central Park 5, the five teenagers involved being described with terms like 'thug' and collectively as a 'wolf pack,' by popular media, who assumed them guilty of violently assaulting a Caucasian woman, despite conflicting testimony and lacking DNA evidence. Harris and Jacobs 2019 Most recently, the trope of the Black Brute, the stereotype denoting African Americans as dirty, savage, and inhuman, was invoked by prosecutor Laura Hogue who attempted to justify the murder of Ahmad Arbery on behalf of the now-imprisoned duo of George McMichael and Travis McMichael. Craig and Knowles 2021

The repetition of the trope denoting the inherent criminality and violence of the defendant in Black Group E is intriguing, as it was ultimately determined in all three groups as not a key factor in the guilty verdict. It is worth noting, however, that the time period spent focused on this specific aspect for Black Group E was significantly more than that of White Group E or Blind Group C. Notably, the focus on reviewing and receiving clarification with regards to the nature of one of the defendant's past crimes, including the violent nature of one of the past crimes, registered at around 16 minutes, more than double that of the other groups. Perhaps more notably, it was discussed closer to the end of the deliberations when the final verdict was announced. This heightened focus is a subject for further inquiry, as the role of implicit bias becomes better understood. The following hypothesis was thus confirmed:

H7: Jural discussion from Black Group E will focus more acutely on the past violence of the Black defendant, compared to that of both White Group E and Blind Group C.

While the focus was more acute on the criminal record of the defendant in Black Group E, wide agree-

ment emerged with regards to the likelihood of re-offense for all three groups, regardless of the penalty applied. This is in contrast to the common understanding of stereotypes encouraging the perspective of the inherently criminal nature of the African American and may indicate a need for more investigation. This perspective emerged alongside jural participant's mention of the defendant being in and out of the criminal justice system, a reality reflected in high recidivism rates in the U.S. How this perception impacts guilt allocation is also an opportunity for further research. The following hypothesis was not confirmed on this basis:

H8: Jural discussion will indicate higher expectancy for recidivism directed towards the defendant in Black Group E compared to the defendant in the control group or White Group E. In a more obvious instance of racial type-casting, the focus on the Caucasian woman witness differed significantly and was almost absent in Blind Group C and White Group E. In such groups, the role of the witness was not a significant factor in assessing the guilt of the defendant and was noted only in the context of describing the defendant as "inaccurate" and therefore potentially not credible. This was different in Black Group E, which focused on her role, including her safety for 16 minutes, despite only a brief mention of her on the fact sheet. In fact, safety of the white teenage witness was discussed extensively, and seemed to correlate with the verdicts. The perception of the danger Black men pose to white women has been a central to racial analysis since before the Civil Right movement. It was this dynamic that was often linked to lynchings, occurring primarily in the U.S. South, and as noted, was used deliberately by witnesses and attorneys hoping to tap into racial tropes.

In all, Black Group E focused on aspects that relate to criminality, violence, and the danger towards Caucasian women, which were virtually not present in the groups with non-Black defendants. The following hypothesis was thus confirmed to be correct.

H9: Jural discussions from Black Group E will focus concern on the Caucasian woman witness, more heavily compared to that of the participants in both White Group E and Blind Group C.

8. Limitations of this Research

There are several limitations to this research. One key limitation is the sample size, which equals N = 3 with regards to the number of deliberations, and only features 36 total participants. Thus, the quantitative results of this research should not be used to determine the outcomes of the U.S. court system broadly.

More practical limitations are also present. This includes the length of time for deliberations, which included just 20 minutes of pre-reading material, and an additional hour-long deliberation. This does not match the real-world conditions of jury deliberations, which range from a couple of minutes to more than a week, and are entirely dependent on the nature of the case and the discretion of legal researchers. Brunell, Dave, and Morgan 2009 Moreover, deliberation also follows hours or days of debate between the prosecutor and defense. In this manner, it is not possible to mimic this level of back and forth considering budgetary and schedule restrictions. Thus, it is unknown the extent to which different perspectives may have been highlighted during deliberations if a more realistic timeline for trials was followed. In line with this practical limitation, another emerges when observing the potential participants who use Prolific. While participants were selected based on U.S. citizenship status, race, gender, and some other factors, deciding who is on and not on a jury is an intense process in the legal field and has often been dubbed as biased, as all-white juries are still common in less diverse regions in the United States. Stevenson 2010 In this manner, the application of the 'average' jury composition based on the country's demographics, does not represent how the composition of the jury might look like in white rural America. Additionally, users of Prolific tend to be both younger and more educated, potentially biasing the results. "Prolific.ac—A subject pool for online experiments" 2018

Lastly, privacy concerns may also hinder the collaborative process of the deliberation. To ensure privacy, participants were asked to take themselves off their camera on Zoom, use a pseudonym for their name, and only speak through their microphone. Such a process does not reflect the more personal interactions that are common in the legal system with groups who are more familiar with each other both because of the extended nature of the deliberation and the face-to-face contact. How this may have changed the collaborative process is a matter of further inquiry.

9. Conclusion

The academic consensus confirms the reality of discrimination against African Americans in the criminal legal system in virtually all areas. Specifically, this includes Habitual Offender laws that incarcerate criminals with a minimum life sentence with 28 percent higher frequency when compared to the Caucasian populace. A key example of its application is the real-life case of FairWayne Bryant who was imprisoned for life, because of this statue in Louisiana despite

stealing a low-value item.

This survey used a modified version of this real-life case-file which was shown to three groups of 12 mock jury participants. One group received racial indicators of an African American defendant,(Black Group E) one a Caucasian defendant, (White Group E) and one who was not shown any mug shots or names to remove all racial identifiers. (Blind Group C) The most prominent finding was that participants in Black Group E rendered a verdict that would imprison the Black defendant for a minimum of 20 years longer than the defendant in White Group E or Blind Group C. (Less significantly, the defendant in Blind Group C was also given a charge of 34 months in prison, which was more than the defendant in White Group E).

Through analysis of the hour-long deliberation and interviews with all participants, different patterns emerged that highlight how interpersonal perspectives and stereotype association may play a role in sentencing outcomes. Notably, this study found that jurors in Black Group E had a higher focus on the past criminality and violence of the defendant, and extensively, on the role of a Caucasian woman witness, who they acknowledged the potential trauma and fear of was a key catalyst for their guilty verdict. Both factors were virtually absent from both Blind Group C and White Group E.

Mimicking the history of racial tropes and their application in legal trials, application of racial stereotypes appeared to be salient in the decision-making process especially when such tropes were explicit, rendering lower levels of concern for overall fairness in the Criminal Justice System, when compared to the adjacent opinion of the participants in Blind Group C of White Group E.

The results of this study feature implications for future research determining the pervasiveness of racial stereotypes in perceptions of criminality, as well as our understanding of how fairness and empathy is generated from the perspective of a racially-biased U.S. jury.

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