

THE INFLUENCE OF SOCIAL DOMINANCE ORIENTATION, CITIZENSHIP
STATUS, AND ETHNICITY ON JUROR PUNITIVENESS

by

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A thesis submitted to the Graduate Council of
Texas State University in partial fulfillment
of the requirements for the degree of
Master of Science
with a Major in Criminal Justice
December 2020

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DEDICATION

To my siblings, my pride and joy, this one is for you, thank you for your continuous support. Every achievement of mine will always be partially dedicated to you as you are one of my biggest motivators. I hope this inspires you to keep reaching for the stars and never stop chasing your dreams. I'm rooting for each and every one of you. Mom, thank you for encouraging me and pushing me to be my best, this is your accomplishment too.

I wouldn't be where I am today without the help of my mentors, Mrs. Amie Dillawn, Mrs. Tera Hogan, and Dr. Christine Norton. I owe you all the world. You each hold a special place in my heart, and I will be forever grateful for your love and unwavering support, thank you for believing in me. I feel so lucky to have not one but three amazing women to guide me through college and life. I love you all.

To my friends that I've grown with, and the ones I made in college, thank you for being on this journey with me. You've all played a part in pushing me to be the best version of myself while also reminding me to live a little, I cherish that. Your friendship means the world to me and I'm excited to see what the future holds for us.

Last but not least, a very special thank you to my younger self for turning my dream of college into a reality. To my future self, take more credit and pride in your accomplishments and never stop reminding people how much they mean to you.

ACKNOWLEDGEMENTS

First and foremost, I'd like to thank Dr. Angela Jones for taking the time to guide me through this process. You were an amazing pillar of support I am grateful that I had the opportunity to have such an exemplary chair. Dr. Shayne Jones, I'll never forget the day I uttered the words, "I think I don't know" in your class (for future reference that translates to "You gave me the tools to succeed in your class but I don't know how or haven't practiced how to apply them yet"). Thank you for making statistics easier to digest and for giving me the skills to take what I learned in your class and apply it to my thesis.

Dr. Scott Bowman, you were one of the people who inspired me to apply to graduate program. Although we didn't interact much, your input and advice were instrumental to my success, thank you. Dr. Lucia Summers, thank you for your mentorship, academic advice and for making my transition from undergraduate to the graduate program smooth. Dr. Toni Watt, Dr. Christine Norton, and Dr. Donna Vandiver, thank you for helping me brainstorm thesis ideas and offering additional support if needed. Last but certainly not least, I'd like to thank Dr. Stephen Tillotson, formerly known as T-Swizzle, for being the best graduate assistant assignment I could ever ask for.

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ABSTRACT

There are an estimated 44 million immigrants (both illegal and legal) living in the United States as of 2017 (Jones, 2019; Radford, 2019). Paired with the current immigration policies and political climate, there is concern for due process and equal protection for all, especially for the immigrant population. Various theories suggest that those who are high in the social hierarchy will assign unfair punishments to others they see as political or economic threats, and as a way to maintain social control. In the context of criminal trials, factors such as the citizenship status and ethnicity of a defendant may bias juror decision making, threatening a defendant's right to a fair trial. Thus, the purpose of this study was to understand how factors such as social dominance orientation, citizenship status, and ethnicity impact punitive attitudes amongst jurors. A total of 878 racially diverse students were recruited to read one of six trial transcripts that varied in a defendant's citizenship status (documented, legal non-citizen, undocumented) and ethnicity (Mexican or White Canadian). Citizenship status did not affect jurors. However, the Canadian defendant was convicted more, given a longer sentence, and found more culpable and less credible than the Mexican defendant. These results suggest extralegal factors such as ethnicity affect jurors' decision-making, albeit in unexpected ways, which poses a threat to defendants' due process protections and equal treatment.

Keywords: Immigration, citizenship, ethnicity, juror decisions, punitiveness

I. LITERATURE REVIEW

Introduction

The overall immigrant population in the United States is an estimated 44.4 million as of 2017, with about 77% of those immigrants residing in the country legally (Jones, 2019; Radford, 2019). When analyzed by country of origin, Mexico accounts for the highest immigrant population with an estimated 11.2 million immigrant inhabitants (Radford, 2019). Of those Mexican immigrants, an estimated 6.9 million are considered unauthorized inhabitants, which accounts for less than half of the unauthorized immigrant population in the United States (Krogstad et al., 2019). The number of unauthorized Mexican immigrants declined between the years 2007 and 2017, with an estimated loss of 2 million immigrants (Krogstad et al., 2019; Radford, 2019).

Most Americans have positive attitudes of immigrants and believe that they strengthen the country through their hard work (Jones, 2019; Radford, 2019). However, stark differences in political affiliation exist. About of 11% of democrats and 49% of republicans believe that immigrants are burdening the country's economy, health care, and housing systems intended for American citizens (Jones, 2019; Radford, 2019). Negative perceptions of immigrants may be due in part to their portrayal in the media, particularly for Latino immigrants (Valentino et al., 2013). For example, media coverage has suggested that immigrants are stealing jobs from Americans and are dangerous to society, leading to a push for more restrictive immigration policies (Abrajano et al., 2017; Chomsky, 2007; Cisneros, 2008; Farris et al., 2018).

The media's emphasis on the association between illegal immigration and Latino immigration overshadows the fact that less than half of the unauthorized immigrant population in the United states are Latino (Farris et al., 2018; Krogstad et al., 2019;

Perez, 2016). Additionally, there is a lack of empirical evidence that illegal or legal immigration increases crime (Adeleman et al., 2017; Bersani et al., 2018; Orrenius, 2017). Compared to native-born Americans in Texas, the conviction rates for illegal immigrants was 50% *lower*; similarly, legal immigrants had conviction rates 66% *lower* than native-born Americans (Nowrasteh, 2018). Illegal immigrants practice more law-abiding behaviors than their native-born peers likely because the cost of committing crime could result in punishments such as deportation (Bersani et al., 2018; Gottfredson, 2004; Piquero et al., 2014).

Negative narratives in the media contribute to anti-immigrant sentiments and fuel the fears and perceptions of those who feel threatened by immigrants (Brader et al., 2008; Farris et al., 2018; McKeever et al., 2012). These anti-immigrant sentiments and perceptions may manifest themselves in the criminal justice system. For example, such perceptions may threaten due process and equal protection guaranteed to all when an immigrant has been accused of a crime. The current study sought to examine the effects of jurors' social dominance orientation, a defendant's citizenship status and ethnicity on jurors' decision making.

Defining Immigration Status

Mexico accounts for the largest group of immigrants in the United States, both legal and illegal; as of 2015, there were 3.3 million legal and 6.6 million illegal Mexican residents (Baker, 2018; Census Bureau, 2009). In comparison, Canada accounts for an estimated 320,000 legal non-citizens. There is no estimate for illegal Canadian immigrants (Baker, 2018). The terms Hispanic and Latino have been used interchangeably in prior research when referring to those of Mexican descent; it is

important to note that the term Hispanic excludes those from Brazil, while the term Latino excludes those from Spain (Mitchell & MacKenzie, 2004). This study will be focusing on immigrants who are of Mexican descent who fall into both the Hispanic and Latino category (Mitchell & MacKenzie, 2004).

The immigration status of a person can be defined several ways, including naturalized citizen, legal non-citizen, and undocumented. Naturalized citizens are those who were once lawful permanent residents (green card holders), but later received citizenship (Baker, 2019). Legal non-citizens are those who live in the United States with special permissions such as school or work visas. Sometimes these immigrants are granted lawful permanent residency; after which, they can apply to naturalize (Alvarez & Miller, 2017). Undocumented immigrants are sometimes referred to as illegal aliens; these immigrants reside in the United States illegally (Baker, 2018).

Theoretical Framework

Adverse Racism

Unlike traditional racists who openly support discrimination, aversive racists support racial equality, justice, and fairness (Bobo, 2001). However, despite their good intentions and egalitarian beliefs, aversive racists unconsciously find themselves anxious and uneasy when interacting with those from other races (Dovidio & Gaertner, 2010). These feelings of unease and anxiety emerge in more rational, subtle, and indirect ways such as using non-race related factors to rationalize and disguise decision making processes that were originally race focused (Espinoza et al., 2015). For example, when reviewing college applications, White college administrators are more likely to be

discriminatory towards, and place a greater weight on the negative qualities of black candidates compared to their White counterparts (Dovidio & Gaertner, 2010).

Group Threat

The group threat perspective argues that majority groups perceive growing minority groups as potential political and economic threats and as a result, they act on their prejudices (Blalock, 1976). Lack of citizenship is viewed as a form of deviance, especially in today's political climate, and stance on immigration policies (Farris et al., 2018). As a result, citizens may perceive non-citizen criminals as more deserving of harsher punishments and longer sentences than criminals that are citizens (Light et al., 2014). Perceptions of increased immigration, media coverage, and feelings of threat have all contributed to perceived fear and increased punitive attitudes among the public (Brader et al., 2008; Chiricos et al., 2004; Farris et al., 2018; Light et al., 2014; McKeever et al., 2012; Wang et al., 2013). Among those who have been accused of crimes, non-citizens are more likely to be met with prejudicial attitudes and be treated more harshly in the criminal justice system (Chavez, 2008; Rumbaut & Ewing, 2007). What is less clear is how legal non-citizens accused of crimes are treated by the public.

Ethnic minorities also fall victim to these acts of discrimination and sentencing disparities (Blalock, 1976; Feldmeyer & Ulmer, 2011). For instance, Black defendants are more likely to experience higher rates of conviction and sentencing disparities in communities with increasing rates of Black residents (Feldmeyer & Ulmer, 2011; Ulmer & Johnson, 2004). Hispanic defendants, however, are more likely to experience these disparities when they represent a small percent of the community's population

(Feldmeyer & Ulmer, 2011). These disparities in conviction and sentencing are prevalent at both the state and federal level (Feldmeyer & Ulmer, 2011; Johnson et al., 2008).

Social Dominance Theory

Social dominance theory suggests that everyone has a social dominance orientation that either favors dominance over others and social inequality, or denounces it (Pratto et al., 1994; Pratto et al., 2006). This theory also argues that members of society find themselves in hierarchies where those in a high position of dominance have a disproportionate share of power and social status while those in a low position of social dominance are denied equal access to desirable materials and symbolic resources (Ho et al., 2015; Pratto et al., 2006). In other words, those in subordinate groups are more likely to receive disproportionate punishments, lack access to fundamentals like healthcare and education, and be villainized by society (Ho et al., 2015; Pratto et al., 2006).

In order to maintain dominance, those with high social dominance orientations support social ideologies or legitimize myths that promote discrimination and social inequality (Danson et al., 2007; Pratto et al., 1994; Pratto et al., 2006). This is a concern for immigrant populations because ingroup members (groups of people who are high in the social hierarchy or those whose members share similar thoughts and beliefs) may find themselves feeling threatened by large groups such as immigrants (Danson et al., 2007; Hevean & St. Quintin, 2003; Riek et al., 2006). In response, the intergroup attributes issues like economic difficulties to immigrants to legitimize their discriminatory actions towards them (Pratto et al., 2006; Riek et al., 2006; Stephan et al., 2006). Social dominance orientation is a powerful predictor of discriminatory perceptions, socio-political attitudes, and racism (Danson et al., 2007; Ho et al., 2015; Pratto et al., 2006).

The adverse racism, group threat, and social dominance theories are instrumental to this study because they provide insight into how jurors may use immigration and ethnicity related information to make punitive decisions. The adverse racism perspective is used to understand how modern forms of racism influences bias in the decision-making process. The group threat theory is utilized to understand how perceptions of the majority population influence minority populations in the justice system. The social dominance theory puts the adverse racism and group threat theories into perspective by giving insight into how and why those with high social dominance orientations feel threatened by subordinates and retaliate with racism and other discriminatory practices.

Racial and Immigration Differences in Sentencing

Archival data has been instrumental in revealing the racial, ethnic, and immigration differences in sentencing. Blacks and Hispanics are at a disadvantage regarding sentencing outcomes when compared to their White counterparts; this holds true even when controlling for offense severity and criminal history (Mitchell & MacKenzie, 2004; Walker et al., 2012). At the state level, Black defendants are 6.5 times more likely than Caucasians to be incarcerated while Latino defendants are 2.6 times more likely than Caucasians to be incarcerated (Espinoza et al., 2015; Walker et al., 2012). At the federal level, minority defendants are still overrepresented; Latinos are the largest ethnic group of offenders, mostly due to immigration violations (Lopez & Light, 2009).

The sentencing gap between immigrants and citizens is greater than the gap for minority offenders and White offenders (Light, 2014; Light et al., 2014). An examination of punishment trends over the 1992-2009 period found that non-citizens (specifically

Hispanics) received harsher sentencing compared to both citizens and legal non-citizens (Light, 2014). Undocumented immigrants in this study had the highest odds, being seven times more likely than U.S citizens to be incarcerated, while legal non-citizens were twice as likely to be incarcerated (Light et al., 2014).

A shortcoming of archival data is its reliance on federal data to describe racial and immigration differences in sentencing. This is problematic because federal offenders only represent approximately 12% of the overall prison population in the United States (Carson, 2020). Most offenders reside in state prisons, but citizenship status is not recorded at the state level (Light et al., 2014; Lopez & Light, 2009). Thus, it is unclear whether racial differences in sentencing for federal offenses generalize to the majority of (non-federal) offenses. Additionally, archival studies cannot explain *why* citizenship status influences punitiveness. This is the focus of simulated juror decision making studies discussed next.

Juror Perceptions and Impactful Factors

Disparities in the criminal justice system may stem from biases. For example, extralegal factors such as race, ethnicity, and socio-economic status (SES) are known to impact juror decision making processes (Espinoza et al., 2015; Esqueda et al., 2008). Participants with negative attitudes and greater beliefs of criminality for Mexican immigrants are more likely to rely on these extralegal factors (Espinoza et al., 2015; Short & Magana, 2002; Short, 2004). Unlike archival data, hypothetical designs can explore how jurors evaluate evidence, perceive different types of defendants, and reveal what factors are most impactful to their decision-making (Bornstein et al., 2017).

The use of hypothetical vignettes in experimental designs allow researchers to draw cause and effect conclusions, which archival data cannot do. For example, in one study, participants were presented with a hypothetical trial summary that varied the ethnicity, crime status, and the SES of a defendant (Esqueda et al., 2008). European American mock jurors were biased against a low SES Mexican American defendant (Esqueda et al., 2008). European American mock jurors rendered higher culpability ratings, longer sentences, and more guilty verdicts to low SES Mexican American defendants compared to high SES Mexican American or Euro-American defendants of either SES (Esqueda et al., 2008).

In a follow up study, Mexican American mock jurors rendered similar decisions for defendants regardless of defendant ethnicity, defendant SES, and crime type (Esqueda et al., 2008). These findings suggest that European Americans have biases against Mexican Americans (Esqueda et al., 2008). In a related study, actual venire persons were more likely to convict low SES undocumented Mexican immigrants and find them more culpable of a crime compared to high SES Mexican documented immigrants and Canadian undocumented and documented immigrants regardless of SES (Espinoza et al., 2015). Also using a hypothetical vignette design, mock jurors found both documented and undocumented immigrant defendants more deserving of the death penalty than U.S. citizen defendants (Alvarez & Miller, 2017). Liberal venire persons were more lenient towards American citizens and naturalized immigrants while conservative venire persons found all defendants equally deserving of the death penalty (Alvarez & Miller, 2017).

The citizenship status and ethnicity of defendants remain a commonality between prior research and current research that focuses on the discriminatory treatment of

Hispanics in the criminal justice system. A recent study analyzed how a defendant's citizenship status interacted with aggravators, mitigators, and jurors' cognitive processing traits in a capital trial (West et al., 2020). While no interactions between any of the independent variables emerged, mock jurors focused more on aggravators as opposed to mitigators when the defendant was either a Latino citizen or an undocumented immigrant (West et al., 2020). This focus on aggravators increased sentencing length (West et al., 2020).

Experimental studies have been instrumental in identifying the factors that impact greater punitive attitudes towards Mexican immigrants. However, more research is needed to understand the underlying motivations of jurors when a defendant is of minority status. The current study examined how a defendant's ethnic identity and citizenship status impacts jurors' punitive attitudes as well as whether SDO is related to jurors' decisions (e.g., guilt, sentence). The following hypotheses are proposed:

Hypothesis 1: *There will be a main effect of citizenship status on punitiveness. Jurors' decisions (e.g., guilt, sentence) will be harsher for a defendant who has an illegal citizenship status (undocumented) compared to a defendant who is a naturalized citizen or a legal non-citizen.*

Hypothesis 2: *There will be a main effect of ethnicity on punitiveness. Jurors' decisions will be harsher for a Mexican defendant compared to a Canadian defendant.*

Hypothesis 3: *There will be an interaction between defendant ethnicity and citizenship status. Jurors' decisions will be harshest for an illegal Mexican defendant compared to all other combinations of ethnicity and citizenship status.*

Hypothesis 4: *There will be a positive correlation between SDO and punitiveness.*

II. METHODOLOGY

Sample

The current study recruited a convenience sample of 877 students in Spring 2020. A total of 90 participants failed to complete any of the dependent variables. Thus, they were removed from the analysis. The remaining sample of 787 was utilized for descriptive and inferential statistics. Students were awarded course credit for participating. Refer to Table 1 for demographics.

Table 1

Descriptive Statistics (N = 787)

	Mean or %	<i>SD</i>
Age	19.94	2.50
Gender (Female)	72.3%	
Race		
White- European- American	39.8%	
Hispanic/Latino	38.2%	
African American	14.4%	
Other	7.6%	
US Residence		
All my life	91.5%	
Less than all my life	8.5%	
Childhood Neighborhood		
Urban	30%	
Rural	19.1%	
Suburban	50.9%	
At Least Some Friends Are		
African Americans	88.3%	
Hispanic	96.3%	
Asian	58.7%	
Native American	34.4%	
White	94.8%	

Design

Participants were randomly assigned to one condition in a 2 (defendant ethnicity: Mexican, White-Canadian) x 3 (defendant citizenship status: documented, legal non-citizen, undocumented) between-subjects factorial design.

Independent Variables

The independent variables in this study are the defendant ethnicity (Mexican or White Canadian) and the defendant's citizenship status (documented, legal non-citizen, undocumented). The name of the defendant was varied in the transcript; Michael Leflore was described as a White Canadian immigrant while Miguel Hernandez was described as a Mexican immigrant. Participants were provided with a headshot of the two male defendants that did not differ in attractiveness based on previous studies (Espinoza et al., 2015). In the transcript, the defendant's citizenship status was explicitly stated (e.g. "Michael has been living in the United States since 2014, he entered the country illegally"). Manipulation checks were included at the end of the study that asked participants to indicate the defendant's citizenship status and ethnicity. Refer to Appendix A and B for trial transcripts.

Social Dominance Orientation (SDO) was also measured in this study. Participants were asked to rate their level of opposition or favor to 16 SDO statements on a 7-point Likert scale designed by Ho et al. (2015). These 16 items were broken down into four facets: pro-trait dominance (e.g., "Some groups must be kept in their place."), con-trait dominance (e.g., "Groups at the bottom are just as deserving as groups at the top"), pro-trait anti-egalitarianism (e.g., "We should not push for group equality"), and con-trait egalitarianism (e.g., "We should work to give all groups an equal chance to

succeed”; Ho et al., 2015; see Appendix C for full questionnaire). Four items that measured anti-egalitarianism and four items that measured social dominance were reversed coded which allowed for all 16 items to be averaged together to create a single scale with higher values indicating a higher level of social dominance orientation and anti-egalitarianism ($M = 2.22$; $SD = 1.04$; $\alpha = .91$).

Dependent Variables

Dependent variables include verdict, sentence length, defendant culpability, and defendant credibility. When rendering verdict, participants were asked to provide a dichotomous response (1 = Not guilty, 2 = Guilty). For those who voted guilty, participants were asked to determine a sentence within the range recommended by Texas Penal Code 12.32 (5 years to 99 years in prison; $M = 36.02$; $SD = 26.98$).

Regardless of the verdict, participants were asked to provide responses on items measuring defendant culpability and credibility using 5-point Likert scales adapted from Espinoza et al. (2015). Six items measured culpability (e.g., “To what degree do you think the defendant intentionally meant to kill the victim?”). One item was reverse coded (“How believable is the defendant’s version of the crime?”). Once recoded, the items were averaged to create a single scale, with higher values indicating more culpability ($M = 3.47$; $SD = 1.12$; $\alpha = .90$). Participants also rated the defendant’s credibility using 10 bipolar adjective pairs (e.g., selfish-unselfish) that were averaged to create a single scale, with the higher values indicating more credibility ($M = 2.78$; $SD = .68$; $\alpha = .88$). The full questionnaire is provided in Appendix C.

Procedure

The participants were informed that they were participating in a study that examines the way jurors make decisions, and that they should make decisions as if they were real jurors. Before beginning the study, student participants provided informed consent.

After completing the informed consent, participants read the trial transcript. The transcript provided a description of the crime (murder), type of victim (ex-girlfriend), and a definition of the charge along with sentencing options. Evidence from the crime included weapon used, fingerprints at the crime scene, and an eyewitness who saw the defendant and victim arguing as they entered their home (Espinoza et al., 2015). Participants read that the defendant had a rocky relationship with his ex-girlfriend. Participants were randomly assigned to one of six trial transcripts, modeled after Espinoza et al. (2015). The two manipulations were contained within the transcript.

After reading the trial transcript, participants were asked to render a verdict, provide a sentence if they convicted, determine the defendant's culpability and credibility, and rate their level of opposition or favor to SDO statements. Participants then answered manipulation check questions for the defendant's ethnicity and citizenship status followed by being asked to provide demographic information such as age and ethnicity. After completing all measures, participants were debriefed and thanked for participating.

Data Analysis Plan

A chi-square test of independence was conducted to determine if participants could correctly answer the manipulation checks for defendant citizenship status and

ethnicity. Bivariate correlations were used to analyze relationships between guilt, sentence length, culpability, credibility, and SDO. To examine main and interaction effects of defendant ethnicity, citizenship status (dummy coded), and SDO on verdict, a logistic regression analysis was conducted. An analysis of covariance (ANCOVA) was used to determine any main or interaction effects of defendant ethnicity and citizenship status on culpability, credibility, and sentence length with SDO as a covariate. These analyses were repeated separately for participants who identified as White or Hispanic.

III. RESULTS

Manipulation Checks

Participants correctly identified the defendant's citizenship status 95.8% of the time for undocumented, 79.8% of the time for naturalized citizen, and 79.5% of the time for legal resident status ($\chi^2_{(4)} = 950.88, p < .001, \phi = 1.11$). For ethnicity, participants correctly identified the Canadian defendant 96.2% of the time and the Mexican defendant 99% of the time ($\chi^2_{(1)} = 708.80, p < .001, \phi = -.95$).

Correlations

Correlations were first examined between guilt, sentence length, culpability, credibility, and SDO (see Table 2). There was a strong, positive relationship between culpability and conviction. There was a moderate, positive relationship between culpability and sentence. There was a weak, negative relationship between credibility and sentence. Defendant credibility exhibited a strong, negative relationship with conviction and culpability. Lastly, SDO was unrelated with all other variables: conviction, sentence, culpability, and credibility.

Table 2

Correlations for Study Variables (N = 782)

Variable	1	2	3	4
1. Verdict (Guilty)	-			
2. Sentence Length	-	-		
3. Culpability	.77*	.25*	-	
4. Defendant Credibility	-.51*	-.18*	-.61*	
5. SDO	.05	.05	.03	-.04

Note. Correlations with an asterisk are significant at $p < .05$.

Sentence $n = 371$

The Effect of Defendant Ethnicity, Citizenship Status, and SDO on Verdict

I first ran a logistic regression to examine verdict decisions. The omnibus test examining the effect of defendant ethnicity, citizenship status, and SDO on verdict was significant, $\chi^2(5, N = 787) = 16.09, p = .007$, Nagelkerke $R^2 = .03$ (see Table 3). The Canadian defendant was 1.71 times more likely to be convicted than the Mexican defendant, Wald $\chi^2(1, N = 787) = 9.06, p = .003, Exp(\beta) = 1.71, 95\% CI [1.21, 2.42]$. There were no differences in verdict across citizenship status levels, Wald $\chi^2(1, N = 787) < .373, p > .05, Exp(\beta) < 1.08$. In addition, there were no significant interactions between defendant ethnicity and citizenship status, Wald $\chi^2(1, N = 787) < .262, p > .05, Exp(\beta) < 1.17$. Finally, there was no significant relationship between SDO and verdict, Wald $\chi^2(1, N = 787) = 1.78, p = .18, Exp(\beta) = 1.10, 95\% CI [.96, 1.26]$.

The Effect of Defendant Ethnicity, Citizenship Status, and SDO on Culpability, Credibility, and Sentence

There was a significant effect of defendant ethnicity on culpability ($F_{(1, 775)} = 23.39, p < .001, \eta_p^2 = .03$) and credibility ($F_{(1, 774)} = 23.43, p < .001, \eta_p^2 = .03$; see Table 3). Participants deemed the Canadian defendant more culpable ($d = .35, 95\% CI [.21, .49]$) and less credible ($d = -.35, 95\% CI [-.49, -.21]$) than the Mexican defendant. There was no significant effect of citizenship status on culpability ($F_{(2, 776)} = .72, p = .49, \eta_p^2 = .03$) nor credibility ($F_{(2, 774)} = .69, p = .50, \eta_p^2 = .002$). There was no significant interaction between defendant ethnicity and citizenship status on culpability, ($F_{(2, 775)} = .26, p = .77, \eta_p^2 = .001$), or credibility, ($F_{(2, 774)} = .38, p = .69, \eta_p^2 = .001$). Finally, SDO did not predict defendant culpability, ($F_{(1, 775)} = .18, p = .49, \eta_p^2 = .002$) or credibility ($F_{(2, 774)} = .83, p = .36, \eta_p^2 = .001$).

For sentence, there was a significant effect of defendant ethnicity ($F_{(1,364)} = .6.68$, $p = .01$, $\eta_p^2 = .02$). Participants delegated longer sentences to the Canadian defendant compared to the Mexican defendant ($d = .26$, 95% CI [.06, .47]). There was no significant effect of citizenship status on sentence length ($F_{(2,364)} = 1.05$, $p = .35$, $\eta_p^2 = .01$). There was no significant interaction between defendant ethnicity and citizenship status on sentence length ($F_{(2,364)} = .37$, $p = .69$, $\eta_p^2 = .002$). Finally, SDO did not predict sentence length ($F_{(1,364)} = .49$, $p = .49$, $\eta_p^2 = .001$).

Table 3

Sample Means, Standard Deviations and Percentages for the Main and Interactive Effects (N = 783)

	Naturalized	Legal Non-Citizen	Undocumented	Total
Guilty Verdict				
Mexican	42%	43%	40%	41% _a
Canadian	52%	56%	55%	55% _b
Total	46%	49%	47%	48%
Sentence Length				
Mexican	31.98 (22.31)	33.43 (25.97)	30.96 (26.19)	32.15 (24.75) _a
Canadian	41.40 (29.00)	42.00 (30.07)	34.65 (24.75)	39.30 (28.39) _b
Total	36.81 (26.27)	38.18 (28.53)	33.02 (25.90)	36.02 (26.98)
Culpability				
Mexican	3.38 (1.08)	3.22 (1.16)	3.26 (1.12)	3.29 (1.12) _a
Canadian	3.72 (1.11)	3.69 (1.09)	3.61 (1.07)	3.67 (1.09) _b
Total	3.54 (1.11)	3.45 (1.15)	3.43 (1.10)	3.47 (1.12)
Credibility				
Mexican	2.89 (0.68)	2.93 (0.69)	2.84 (0.71)	2.89 (0.69) _a
Canadian	2.61 (0.69)	2.69 (0.64)	2.66 (0.62)	2.65 (0.65) _b
Total	2.76 (0.69)	2.81 (0.67)	2.75 (0.67)	2.78 (0.68)

Note: Participants who convicted had the option of sentencing between 5-99 years. Culpability and credibility were measured on 5-point Likert scales with higher values indicating higher culpability and credibility. SDO was included as a covariate for these models. Means with different subscripts were significantly different at $p < .05$.

The Effect of Participant Race on Jurors' Decisions

The analyses above were repeated separately for participants who identified as White or Hispanic. Unlike the results for the full sample, ethnicity no longer predicted verdict for White participants, Wald $\chi^2(1, N = 313) = 3.11$ $p = .08$, $Exp(\beta) = 1.49$, 95% CI [.96, 2.35]. All other results replicated among White participants only. Among

Hispanic participants, citizenship status was a significant predictor of culpability, $F_{(2,292)} = 3.57, p = .03, \eta_p^2 = .02$. Naturalized immigrants ($M = 3.66; SD = 1.05$) were found more culpable compared to undocumented immigrants ($M = 3.24; SD = 1.13; d = .38, 95\% CI [.10, .67]$). All other results replicated among Hispanic participants only.

IV. DISCUSSION

H₁: Citizenship Status and Punitiveness

This study sought to understand how factors such as social dominance orientation, citizenship status and ethnicity impact punitive attitudes amongst jurors. This study builds on and extends past research done by Espinoza et al. (2015). The original study only analyzed documented and undocumented citizens; I included legal non-citizenship (Espinoza et al., 2015). Additionally, I analyzed participant's social dominance orientation. Based on prior research, I first hypothesized that participants would be more punitive toward an undocumented defendant than the other citizenship types. However, citizenship status did not affect perceptions of guilt, defendant culpability, credibility, or sentence length. Thus, my first hypothesis was not supported.

H₂: Ethnicity and Punitiveness

My second hypothesis predicted that Mexican immigrants, regardless of citizenship status, would be met with more punitiveness than Canadian immigrants. The opposite occurred; participants were more punitive towards the Canadian defendant instead of the Mexican defendant. Specifically, the Canadian defendant was convicted more, given a longer sentence, and found more culpable and less credible than the Mexican defendant. Thus, my second hypothesis was not supported. Additionally, when analyzing data from White and Hispanic participants separately, results indicated that the defendant's ethnicity no longer predicted verdict for White participants. All other findings for White participants were consistent with the findings from the main sample. This null effect indicates that punitiveness towards the Canadian defendant, as reflected in verdict decisions, was largely driven by non-White participants, though both results

contradict prior research which finds that White participants are more likely to convict and give longer sentence lengths to ethnic minorities compared to participants who are minorities (Espinoza et al., 2015; Esqueda et al., 2008).

H₃: Citizenship Status, Ethnicity and Punitiveness

My third hypothesis stated that a Mexican defendant residing in the United States illegally would receive the harshest punishment compared to all other combinations of citizenship status and ethnicity. Results indicated no interaction between defendant ethnicity and citizenship status on punitiveness. Consequently, my third hypothesis was not supported. This finding conflicts with prior research that finds anti-immigrant sentiment and prejudice to be prevalent in the juror decision making process (Alvarez & Miller, 2017; Espinoza et al., 2015; Esqueda et al., 2008; West et al., 2020). The null effect of citizenship status also contradicts the theoretical framework and prior research used to inform this study (Chavez, 2008; Dovidio & Gaertner, 2010; Espinoza et al., 2015; Rumbaut & Ewing, 2007; Light et al., 2014).

The general finding of preferential treatment for one ethnicity over another is an extra-legal factor that threatens due process and equal protection. The use of a defendant's ethnicity to make legal decisions contributes to disparities in sentencing (Espinoza et al., 2015; Walker et al., 2012; Lopez & Light, 2009). Additional research is needed to better understand what factors influenced mock jurors in this study. One potential explanation may be the fact that 96% of participants reported having at least some Hispanic friends. Contact theory suggests that contact between those in ingroups and outgroups promotes a reduction of prejudicial attitudes and practices within ingroups (Allport, 1954; Pettigrew & Tropp, 2006).

Additionally, intergroup contact reduces prejudice when people in ingroups and outgroups have personal contact, similar interests, or social status (Allport, 1954; Pettigrew & Tropp, 2006). The sample for this study was selected from Texas State University, which is a Hispanic Serving Institution. Hispanics are the second largest demographic at the university, with an undisclosed number of immigrants. In comparison, the university has a very small population of Canadian students (International Students and Scholar Services, 2019). Frequent contact with students with different citizenship statuses and of different races may explain why participants in this study did not take citizenship status in consideration and may explain why the Mexican defendant was less likely to be convicted, found less culpable, received a shorter sentence, and was found to be more credible than the Canadian defendant.

H4: SDO and Punitiveness

Finally, I hypothesized that there would be a positive correlation between SDO and punitiveness. SDO did not predict conviction, sentence length, culpability, nor credibility. Thus, hypothesis four was not supported. The adverse racism perspective, group threat perspective, and social dominance theory were utilized in this study because they explained how subliminal racist ideologies and hierarchy enhancing myths manifest in the criminal justice system (Dovidio & Gaertner, 2010; Espinoza et al., 2015; Light et al. 2014; Pratto et al., 2006; Rumbaut & Ewing, 2007). However, the results of this study do not support these theories. Citizenship status did not affect juror decision making (for the full sample), participants were more punitive towards the Canadian defendant opposed to the Mexican defendant, and SDO had no correlation to punitiveness. As previously mentioned, the contact theory may explain the current study's findings as the

majority of the sample reported having at least some Hispanic friends (Allport, 1954; Pettigrew & Tropp, 2006).

Additional Findings

Separate from the main findings, data analyzed by White and Hispanic participants separately indicated that Hispanic participants found naturalized defendants more culpable than undocumented defendants. The black sheep effect may be useful in explaining this finding as it states that individuals who do not conform or pose a threat to the positive reputation or success of the ingroup will find themselves ostracized (Marques & Paez, 1994; Marino et al., 2020). The black sheep theory also states that unfavorable behaviors of ingroup members are judged more harshly than the unfavorable behaviors of outgroup members (Marino et al, 2020). Although both defendants in this study were accused of the same crime, Hispanic participants found the naturalized defendant more culpable than the undocumented defendant.

V. Limitations and Future Directions

There are limitations in this study that must be addressed in future research. First, unlike a traditional jury, mock jurors in this study made decisions independent of each other. To get a more precise understanding of the jury decision making process, future research should include jury deliberations; research indicates that jury deliberations may influence different outcomes in punitiveness due to factors like comprehension of juror instructions or trial transcripts (Caprathe, 2011; Keller & Wiener, 2011; Wiener et al., 2011). Second, the findings may not be generalizable to the United States population because the participants in this study were 20 years of age on average and had higher than average education (Bornstein et al., 2017; Weaver, 2008). Prior research comparing student mock jurors and non-students indicates few differences between the two groups regarding conviction rates and sentencing lengths (Bornstein et al., 2017). However, this study is examining how citizenship and ethnicity, among other factors, influence juror punitiveness. To improve the generalizability of the findings, it would be beneficial to expand the sample to include community members, with a broader composition of races.

The demographics of Texas and its proximity to the border of Mexico may also account for the findings in this study. As of 2018, Texas's population is 42% White, 40% Hispanic, and 12% Black, with an estimated 4.85 million immigrants (Valencia, 2019). With Texas's proximity to the border, and large population of Hispanics and immigrants, it is likely that residents have had contact with Hispanics and those of various degrees of citizenship status. Future research should take into account how proximity to the border and exposure to Hispanics affects punitiveness. Additionally, contact theory should be utilized to examine the relationship between ethnicity and juror punitiveness. Those from

different areas may be more or less punitive towards certain ethnicities or people with varying degrees of citizenship status (Espinoza et al., 2015; Stephan. 2012).

The majority of participants in this study (72.3%) indicated that they identified as female, which is notable because historically, women jurors were thought to place emphasis on the characteristics of defendants and be lenient towards them, whereas men were seen as more strict and placed more emphasis on justice and fairness (Forman, 1992, Toro, 2015). Empirical evidence suggests this is not the case (Hickerson & Gastil, 2008; York & Conwell, 2006), though this depends on the type of case. Women tend to be more punitive for cases involving family matters, rape, or any form of child abuse (Toro, 2015). Since this study involves a male defendant who committed a deadly act of violence towards his partner, it would be beneficial for future researchers to include gender of participants in all analyses to determine if women are more punitive towards defendants compared to men.

Finally, this study did not consider political affiliation or media consumption as independent variables. Prior research suggests that a relationship between political affiliation and defendant citizenship status exists (Alvarez & Miller, 2017; Jones, 2019; Radford; 2019). There are stark differences in the support of immigrants living in the U.S., with 11% democrats and 49% republicans disapproving of their presence (Jones, 2019; Radford; 2019). Perceptions are shaped in part by the negative portrayal of immigrants in the media and these biases have made their way into the justice system (see Alvarez & Miller, 2017; Valentino et al., 2013).

Conclusion

The purpose of this study was to understand how factors such as SDO, citizenship status, and ethnicity impact juror decision making. Prior research and theoretical perspectives, such as adverse racism, group threat and social dominance orientation theory, suggest that those who are in positions of power, either politically or economically, will assign disproportional punishments to others they see as a threat to their status, and as a way to maintain social control. My hypotheses were not supported by the results of this study, conflicting with past research (Dovidio & Gaertner, 2010; Espinoza et al., 2015; Esqueda et al., 2008; Light et al. 2014; Pratto et al., 2006; Rumbaut & Ewing, 2007).

Instead, the Canadian defendant was convicted more, given a longer sentence, and found more culpable and less credible than the Mexican defendant. Defendant ethnicity did not predict verdict for White participants, suggesting that non-White participants were responsible for convicting Canadian defendants. Hispanic participants found the naturalized citizen more culpable compared to an undocumented immigrant, regardless of ethnicity. This finding may be the result of the black sheep effect, as it suggests that group members who are problematic or bad representatives of the group will be outcasted to protect the population and success of the group (Marques & Paez, 1994; Marino et al., 2020).

The contact theory suggests that interactions between ingroups and outgroups reduce prejudice, which may explain why 1) citizenship status was not a significant predictor of punitiveness in the main sample, 2) punitiveness towards the Canadian defendant was largely driven by non-White participants for verdict decisions, and 3)

ethnicity no longer predicted verdict for White participants (Allport, 1954; Pettigrew & Tropp, 2006). Future studies should improve upon this study by expanding survey locations, considering location relative to the border, gender of mock jurors, and how political association influences punitiveness. Incorporating these suggestions in future research will result in a greater understanding of how discrimination and biased attitudes manifest in the criminal justice system.

**APPENDIX SECTION
APPENDIX A
Mexican Trial Transcript**

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

Dallas Division
Case No. LS-MD-IL2018

INDICTMENT

STATE OF TEXAS



vs.

MIGUEL HERNANDEZ,

Defendant

Age 22
Sex Male
Race Hispanic

The grand jury in and for Dallas, State of Texas, upon their oath and in the name and by the authority of the State of Texas, does hereby charge the following offense under the Criminal Code of the State of Texas:

That on September 1, 2017, at and within Dallas in the State of Texas, MIGUEL HERNANDEZ of Oaxaca, Mexico who has been in the United States illegally (legally with a green card; as a naturalized citizen), committed the crime of

MURDER in the FIRST DEGREE

IN VIOLATION OF SECTION 19.02 OF THE Texas Criminal Code, as amended, in that he after deliberation and with the intent to MURDER, had willfully attacked and

murdered Ms. Rebecca Miller, age 18, by shooting the victim to death on the date of August 31, 2017.

CASE SUMMARY

On the morning of September 1, 2017, the victim's mother, DARLA MILLER, came home to her condominium that she shares with her daughter after working the night shift at her place of employment. She entered the apartment and noticed that the deadbolt was not locked. She found her daughter in her bedroom, lying in a pool of blood, with what appeared to be a gunshot wound to her head.

The coroner's report stated that the 18 year old victim, REBECCA MILLER, had one gunshot wound to her head and one gunshot wound to her torso. Based on toxicology reports on the temperature of the victim's liver, the time of death was estimated at approximately 9pm on August 31, 2017.

Police investigation revealed a stormy relationship between the victim and her former boyfriend by testimony of several of the victim's friends and the victim's mother. No police reports had ever been filed against the defendant by the victim, and based on the testimony of the victim's friends and mother, no known physical violence had ever occurred. However, during questioning of the victim's friends and relatives, it was corroborated that after REBECCA MILLER had broken up with MIGUEL HERNANDEZ, the defendant had been threatening the victim and stated he could not live without her and that if he could not have her no one else would.

The State's evidence for arrest was based on fingerprints found at the scene, an eyewitness, TOM CUNNINGHAM, who stated he saw the defendant enter the victim's home around the date and time the murder occurred, and from the victim's friends and mother, DARLA MILLER, who stated in a police interview that the relationship between the victim and the defendant was sometimes volatile, but no physical abuse had occurred to her knowledge. The mother goes on to state that her daughter had recently broken off the one year relationship with the defendant and that since the breakup her daughter had received harassing and threatening phone messages and emails.

The District Attorney of Dallas County has charged MIGUEL HERNANDEZ with the murder of REBECCA MILLER after the Dallas County police investigation unit presented the gathered evidence to the District Attorney's Office. A warrant for MIGUEL HERNANDEZ'S arrest was issued by the Dallas County courthouse and MIGUEL HERNANDEZ was arrested at his home without incident. The gun used in the shooting has yet to be found.

Defendant Background

The defendant, MIGUEL HERNANDEZ, is a 22 year-old undocumented immigrant from Mexico (legal resident in the United States; naturalized citizen). He lives in Dallas in a studio apartment in a rundown neighborhood of East Dallas. He grew up in

Mexico City, Mexico and entered the United States illegally in (legally with a green card; has had citizenship status in the United States since) 2014.

Defendant Plea

The defendant is represented by defense attorney Harold Sullivan, an attorney in Dallas County. The defendant, MIGUEL HERNANDEZ, by suggestion of his counsel, Harold Sullivan, has entered a plea of Not Guilty. He vigorously asserts his innocence and claims he is innocent of all charges.

SUMMARY CASE FOR THE PROSECUTION

The case for the **Prosecution** was based on the testimony of the following parties:

Police Investigator James Smith: Lead Crime Scene Investigator who arrested Mr. Hernandez

Darla Miller: Mother of victim

Tom Cunningham: Witnessed the defendant go into the apartment building at approximately the date and time of the murder

Jennifer Banks: Friend of victim

District attorney for the Prosecution, **John Thompson**, offers the following testimonial evidence:

Investigator James Smith testified that he was called to the crime scene at approximately 10am on September 1, 2017. At the crime scene he gathered information regarding possible suspects from interviewing the victim's mother. Investigator Smith states that it did not appear to be a break-in but the victim's purse was missing. Though the victim appeared to fight off the attacker, there were no other visible signs of a struggle. The gun wound to the victim's head and torso appeared to be that of a small caliber firearm. However, there were fingerprints of the defendant found on some of Rebecca Miller's personal effects, though these could have been from earlier times. Investigator Smith interviewed the eyewitness, TOM CUNNINGHAM, who stated he was sitting on the entrance steps to his apartment building which is located across the street and south of the condominium entrance of the Miller's. He was having a beer on the night in question when he saw the victim enter the condominium building. The witness then stated he went into his apartment and heard nothing else the rest of the evening. Investigator also interviewed the victim's mother who stated that the relationship between the victim and the defendant was often volatile and that the victim had recently ended the relationship. After gathering this evidence, testimony, and information an arrest warrant was requested by the District Attorney's office and granted by Judge, QUENTIN THOMAS, of the Dallas County court. The defendant was apprehended at his home without incident.

Darla Miller testified that she came home from work after an overnight shift on September 1, 2017 and noticed that the front door was not locked. Upon entering the apartment she called out for her daughter and went into her daughter's bedroom where she found the victim on the side of the bed in a pool of blood and what appeared to be a gunshot wound to her daughter's head. She immediately called the police. She also testifies that during the police questioning she revealed that her daughter had recently broken up with her long-time boyfriend and that the boyfriend had started harassing her daughter with threatening phone calls and emails. She goes on to state that during the relationship that her daughter never mentioned being physically abused but that the victim and defendant had argued often.

Tom Cunningham testified that on the night of August 31, 2017 he was sitting on the entrance steps across the street from the Riverview Gardens condominium complex, where the victim's body was found. He said he had been sitting on his apartment entrance steps drinking a 'couple of beers' when he saw the defendant, wearing a dark sweatshirt and Levis, enter the complex at about 8pm. He states he was on the steps for an additional 30 minutes or so and then went back into his apartment. He states he didn't hear or see anything else that night that was suspicious.

Jennifer Banks, a friend of the victim, stated that she had known the victim for years and that she knew the defendant as well. She states her and her boyfriend often double-dated with the victim and the defendant and never saw any physical abuse between the victim and defendant. She states after the victim broke off the relationship she states that Rebecca confided in her that the defendant was harassing her and leaving threatening messages on her phone answering machine.

SUMMARY OF CASE FOR THE DEFENSE

The case for the **Defense** was based on the testimony of the following parties:

MIGUEL HERNANDEZ: Defendant, currently undocumented immigrant (legal resident; naturalized citizen)

Jay Moore: Friend and neighbor of defendant

Defense attorney, **Harold Sullivan**, offers the following testimonial evidence for the defendant:

MIGUEL HERNANDEZ testified that on the night in question he had met with the victim and that they had discussed their breakup but that it was amicable and he left about an hour later knowing that the relationship was over. He said he was never threatening or harassing to the victim and that he was merely upset that the relationship was over. He testified that though the breakup was not pleasant he still loved the victim and would never hurt her. He goes on to state that there has never been a history of violence between the victim and himself and that he has no prior history of arrests.

Jay Moore testified that on the night in question Mr. Moore was working on his car in his driveway and saw the defendant leave his house about 6:30 p.m. on August 31, 2017, but that he didn't take any particular notice to this as Mr. Hernandez was always coming and going. He also testified that the defendant returned approximately an hour or so later and did not appear agitated in anyway, as the two exchanged waves. He goes on to state that Mr. Hernandez is an upstanding person of the community, and has never shown any aggressive behavior.

CLOSING ARGUMENTS FOR THE PROSECUTION

The district attorney, John Thompson, for the prosecution summarized his case against MIGUEL HERNANDEZ by arguing that the evidence and testimony against the defendant was overwhelming. That there is no physical evidence against any other person for this murder and that his fingerprints were found around the apartment. He goes on to state that the defendant had motive and was identified to be in the apartment at the approximate time of the murder. He states that the defendant was harassing the victim and leaving threatening phone messages after the breakup. "All of this evidence clearly points out that the undocumented immigrant defendant (legal resident; naturalized citizen), MIGUEL HERNANDEZ, is guilty of Murder, as he willfully killed the victim, Rebecca Miller," district attorney, John Thompson, stated.

CLOSING ARGUMENTS FOR THE DEFENSE

The defense attorney, Harold Sullivan, summarized his defense of MIGUEL HERNANDEZ by stating that the prosecution did not prove without a shadow of a doubt that the defendant committed the crime. First, the investigation never bothered to look for any other suspects. He goes on to state that the defendant's fingerprints were around the apartment because he was over there quite often during their relationship. He goes on to state that the neighbor noticed no difference in demeanor when he returned home, and saw no noticeable traces of blood on the defendant. In addition, the weapon that was used in the murder has never been found. "All of this evidence adds up to one thing: there is plenty of reasonable doubt about who committed the crime," defense attorney Harold Sullivan stated.

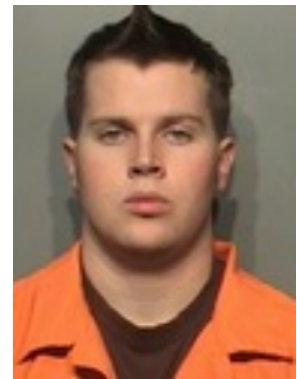
APPENDIX B
Canadian Trial Transcript

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

Dallas DIVISION
Case No. LS-MD-IL2018

INDICTMENT

STATE OF TEXAS



vs.

MICHAEL LEFLORE,

Defendant

Age	22
Sex	Male
Race	White

The grand jury in and for Dallas, State of Texas, upon their oath and in the name and by the authority of the State of Texas, does hereby charge the following offense under the Criminal Code of the State of Texas:

That on September 1, 2017, at and within Dallas in the State of Texas, MICHAEL LEFLORE of Montreal, Canada who has been in the United States illegally (legally with a green card; as a naturalized citizen), committed the crime of

MURDER in the FIRST DEGREE

IN VIOLATION OF SECTION 19.02 OF THE Texas Criminal Code, as amended, in that he after deliberation and with the intent to MURDER, had willfully attacked and murdered Ms. Rebecca Miller, age 18, by shooting the victim to death on the date of August 31, 2017.

CASE SUMMARY

On the morning of September 1, 2017, the victim's mother, DARLA MILLER, came home to her condominium that she shares with her daughter after working the night shift at her place of employment. She entered the apartment and noticed that the deadbolt was not locked. She found her daughter in her bedroom, lying in a pool of blood, with what appeared to be a gunshot wound to her head.

The coroner's report stated that the 18 year old victim, REBECCA MILLER, had one gunshot wound to her head and one gunshot wound to her torso. Based on toxicology reports on the temperature of the victim's liver, the time of death was estimated at approximately 9pm on August 31, 2017.

Police investigation revealed a stormy relationship between the victim and her former boyfriend by testimony of several of the victim's friends and the victim's mother. No police reports had ever been filed against the defendant by the victim, and based on the testimony of the victim's friends and mother, no known physical violence had ever occurred. However, during questioning of the victim's friends and relatives, it was corroborated that after REBECCA MILLER had broken up with MICHAEL LEFLORE, the defendant had been threatening the victim and stated he could not live without her and that if he could not have her no one else would.

The State's evidence for arrest was based on fingerprints found at the scene, an eyewitness, TOM CUNNINGHAM, who stated he saw the defendant enter the victim's home around the date and time the murder occurred, and from the victim's friends and mother, DARLA MILLER, who stated in a police interview that the relationship between the victim and the defendant was sometimes volatile, but no physical abuse had occurred to her knowledge. The mother goes on to state that her daughter had recently broken off the one year relationship with the defendant and that since the breakup her daughter had received harassing and threatening phone messages and emails.

The District Attorney of Dallas County has charged MICHAEL LEFLORE with the murder of REBECCA MILLER after the Dallas County police investigation unit presented the gathered evidence to the District Attorney's Office. A warrant for MICHAEL LEFLORE'S arrest was issued by the Dallas County courthouse and MICHAEL LEFLORE was arrested at his home without incident. The gun used in the shooting has yet to be found.

Defendant Background

The defendant, MICHAEL LEFLORE, is a 22 year-old undocumented immigrant from Canada (legal resident in the United States; naturalized citizen). He lives in Dallas in a studio apartment in a rundown neighborhood of East Dallas. He grew up in Montreal,

Canada and entered the United States illegally (legally with a green card; has had citizenship status in the United States since) 2014.

Defendant Plea

The defendant is represented by defense attorney Harold Sullivan, an attorney in Dallas County. The defendant, MICHAEL LEFLORE, by suggestion of his counsel, Harold Sullivan, has entered a plea of Not Guilty. He vigorously asserts his innocence and claims he is innocent of all charges.

SUMMARY CASE FOR THE PROSECUTION

The case for the **Prosecution** was based on the testimony of the following parties:

Police Investigator James Leflore: Lead Crime Scene Investigator who arrested Mr. Leflore

Darla Miller: Mother of victim

Tom Cunningham: Witnessed the defendant go into the apartment building at approximately the date and time of the murder

Jennifer Banks: Friend of victim

District attorney for the Prosecution, **John Thompson**, offers the following testimonial evidence:

Investigator James Smith testified that he was called to the crime scene at approximately 10am on September 1, 2017. At the crime scene he gathered information regarding possible suspects from interviewing the victim's mother. Investigator Smith states that it did not appear to be a break-in but the victim's purse was missing. Though the victim appeared to fight off the attacker, there were no other visible signs of a struggle. The gun wound to the victim's head and torso appeared to be that of a small caliber firearm. However, there were fingerprints of the defendant found on some of Rebecca Miller's personal effects, though these could have been from earlier times. Investigator Smith interviewed the eyewitness, TOM CUNNINGHAM, who stated he was sitting on the entrance steps to his apartment building which is located across the street and south of the condominium entrance of the Miller's. He was having a beer on the night in question when he saw the victim enter the condominium building. The witness then stated he went into his apartment and heard nothing else the rest of the evening. Investigator also interviewed the victim's mother who stated that the relationship between the victim and the defendant was often volatile and that the victim had recently ended the relationship. After gathering this evidence, testimony, and information an arrest warrant was requested by the District Attorney's office and granted by Judge, QUENTIN THOMAS, of the Dallas County court. The defendant was apprehended at his home without incident.

Darla Miller testified that she came home from work after an overnight shift on September 1, 2017 and noticed that the front door was not locked. Upon entering the apartment she called out for her daughter and went into her daughter's bedroom where she found the victim on the side of the bed in a pool of blood and what appeared to be a gunshot wound to her daughter's head. She immediately called the police. She also testifies that during the police questioning she revealed that her daughter had recently broken up with her long-time boyfriend and that the boyfriend had started harassing her daughter with threatening phone calls and emails. She goes on to state that during the relationship that her daughter never mentioned being physically abused but that the victim and defendant had argued often.

Tom Cunningham testified that on the night of August 31, 2017 he was sitting on the entrance steps across the street from the Riverview Gardens condominium complex, where the victim's body was found. He said he had been sitting on his apartment entrance steps drinking a 'couple of beers' when he saw the defendant, wearing a dark sweatshirt and Levis, enter the complex at about 8pm. He states he was on the steps for an additional 30 minutes or so and then went back into his apartment. He states he didn't hear or see anything else that night that was suspicious.

Jennifer Banks, a friend of the victim, stated that she had known the victim for years and that she knew the defendant as well. She states her and her boyfriend often double-dated with the victim and the defendant and never saw any physical abuse between the victim and defendant. She states after the victim broke off the relationship she states that Rebecca confided in her that the defendant was harassing her and leaving threatening messages on her phone answering machine.

SUMMARY OF CASE FOR THE DEFENSE

The case for the **Defense** was based on the testimony of the following parties:

MICHAEL LEFLORE: Defendant, currently undocumented immigrant (legal resident; naturalized citizen)

Jay Moore: Friend and neighbor of defendant

Defense attorney, **Harold Sullivan**, offers the following testimonial evidence for the defendant:

MICHAEL LEFLORE testified that on the night in question he had met with the victim and that they had discussed their breakup but that it was amicable and he left about an hour later knowing that the relationship was over. He said he was never threatening or harassing to the victim and that he was merely upset that the relationship was over. He testified that though the breakup was not pleasant he still loved the victim and would never hurt her. He goes on to state that there has never been a history of violence between the victim and himself and that he has no prior history of arrests.

Jay Moore testified that on the night in question Mr. Moore was working on his car in his driveway and saw the defendant leave his house about 6:30 p.m. on August 31, 2017, but that he didn't take any particular notice to this as Mr. Leflore was always coming and going. He also testified that the defendant returned approximately an hour or so later and did not appear agitated in anyway, as the two exchanged waves. He goes on to state that Mr. Leflore is an upstanding person of the community, and has never shown any aggressive behavior.

CLOSING ARGUMENTS FOR THE PROSECUTION

The district attorney, John Thompson, for the prosecution summarized his case against MICHAEL LEFLORE by arguing that the evidence and testimony against the defendant was overwhelming. That there is no physical evidence against any other person for this murder and that his fingerprints were found around the apartment. He goes on to state that the defendant had motive and was identified to be in the apartment at the approximate time of the murder. He states that the defendant was harassing the victim and leaving threatening phone messages after the breakup. "All of this evidence clearly points out that the undocumented immigrant defendant (legal resident; naturalized citizen) , MICHAEL LEFLORE, is guilty of Murder, as he willfully killed the victim, Rebecca Miller," district attorney, John Thompson, stated.

CLOSING ARGUMENTS FOR THE DEFENSE

The defense attorney, Harold Sullivan, summarized his defense of MICHAEL LEFLORE by stating that the prosecution did not prove without a shadow of a doubt that the defendant committed the crime. First, the investigation never bothered to look for any other suspects. He goes on to state that the defendant's fingerprints were around the apartment because he was over there quite often during their relationship. He goes on to state that the neighbor noticed no difference in demeanor when he returned home, and saw no noticeable traces of blood on the defendant. In addition, the weapon that was used in the murder has never been found. "All of this evidence adds up to one thing: there is plenty of reasonable doubt about who committed the crime," defense attorney Harold Sullivan stated.

APPENDIX C

Questionnaire

DEMOGRAPHIC QUESTIONS:

What is your age? (please only enter the number)

What is your race/nationality/ethnicity?

- ☐ White-European-American
- ☐ Hispanic/Latino
- ☐ Asian
- ☐ African-American
- ☐ Native-American
- ☐ Other _____

What is your gender?

- ☐ Male
- ☐ Female
- ☐ Other _____

How long have you lived in the United States?

- ☐ All my life
- ☐ Most of my life
- ☐ Some of my life
- ☐ Only a short while

I would describe the population of the town/city I grew up in as:

- ☐ Urban (City)
- ☐ Rural (Country)
- ☐ Suburban (Family Neighborhood)

Please indicate how many of your friends represent each race/ethnicity listed below.

	I have no friends that belong to this group	I have some friends that belong to this group	All of my friends belong to this group
African American	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hispanic	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Asian	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Native American	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
White	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

GUILT QUESTION & SENTENCING QUESTIONS:

The state of Texas has charged the defendant with Murder. To prove that charge, it must be shown that:

1. The defendant intentionally or knowingly caused the death of an individual;
2. The defendant intended to cause serious bodily injury and committed an act clearly dangerous to human life that caused the death of an individual; or
3. The defendant committed or attempted to commit a felony, other than manslaughter, and in the course and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he committed or attempted to commit an act clearly dangerous to human life that caused the death of an individual

If you find from your consideration of all the evidence presented that each of the above three propositions has not been proved, then you should find the defendant **not guilty** of murder.

I, acting as a juror in this case return the following verdict:

- ☐ NOT GUILTY
- ☐ GUILTY

(IF NOT GUILTY SELECTED, SKIP NEXT QUESTION)

If you found the defendant guilty of Murder in the First Degree, the state provides for one sentencing option. **Imprisonment in the Texas Department of Criminal Justice for any term not more than 99 years or less than 5 years. Please indicate your sentencing decision (the number of years only).**

JUROR OPINION QUESTIONS:

To what degree do you think the defendant intentionally meant to kill the victim?

- ☐ Not at all
- ☐ A little
- ☐ A moderate amount
- ☐ A lot
- ☐ A great deal

How confident are you that you have made a correct verdict decision?

- ☐ Not at all confident
- ☐ A little
- ☐ A moderate amount
- ☐ A lot
- ☐ Completely confident

How likely is it that the defendant committed the crime?

- ☐ Extremely unlikely
- ☐ Somewhat unlikely
- ☐ Neither likely nor unlikely
- ☐ Somewhat likely
- ☐ Extremely likely

In your opinion, how responsible is the defendant for committing this crime?

- ☐ Not at all responsible
- ☐ A little
- ☐ A moderate amount
- ☐ A lot
- ☐ Completely responsible

How believable is the defendant's version of the crime?

- ☐ Extremely unbelievable
- ☐ Somewhat unbelievable
- ☐ Neither believable nor unbelievable
- ☐ Somewhat believable
- ☐ Extremely believable

How much of the blame for the incident should the defendant receive?

- ☐ None at all
- ☐ A little
- ☐ A moderate amount
- ☐ A lot
- ☐ All of it

PERSONAL EVALUATION QUESTIONS:

Based on the testimony that you heard, carefully rate your impressions of the defendant as best you can on each of the following dimensions:

	1	2	3	4	5	
Untrustworthy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Trustworthy
Unlikable	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Likeable
Incompetent	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Competent
Unethical	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Ethical
Selfish	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Considerate
Unattractive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Attractive
Unintelligent	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Intelligent
Cold	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Warm
Insensitive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Sensitive
Lazy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Industrious
Aggressive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Not aggressive

SOCIAL DOMINANCE ORIENTATION QUESTIONS:

Rate your level of opposition or favor to the following:

	Strongly Oppose	Somewhat Oppose	Slightly Oppose	Neutral	Slightly Favor	Somewhat Favor	Strongly Favor
1. Some groups of people must be kept in their place.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. It's probably a good thing that certain groups are at the top and other groups are at the bottom.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. An ideal society requires some groups to be on top and others to be on the bottom.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. Some groups of people are simply inferior to other groups.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Rate your level of opposition or favor to the following:

	Strongly Oppose	Somewhat Oppose	Slightly Oppose	Neutral	Slightly Favor	Somewhat Favor	Strongly Favor
5. Groups at the bottom are just as deserving as groups at the top.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. No one group should dominate in society.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. Groups at the bottom should not have to stay in their place.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8. Group dominan ce is a poor principle.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Rate your level of opposition or favor to the following:

	Strongly Oppose	Somewhat Oppose	Slightly Oppose	Neutral	Slightly Favor	Somewhat Favor	Strongly Favor
9. We should not push for group equality.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. We shouldn't try to guarantee that every group has the same quality of life.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. It is unjust to try to make groups equal.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12. Group equality should not be our primary goal.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Rate your level of opposition or favor to the following:

	Strongly Oppose	Somewhat Oppose	Slightly Oppose	Neutral	Slightly Favor	Somewhat Favor	Strongly Favor
13. We should work to give all groups an equal chance to succeed.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
14. We should do what we can to equalize conditions for different people.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15. No matter how much effort it takes, we should strive to ensure that all groups have the same chance in life.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
16. Group equality should be our ideal.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

MEMORY CHECK QUESTIONS:

What was the immigration status of the defendant?

- ☐ Undocumented Immigrant
- ☐ Naturalized Citizen
- ☐ Legal Resident

What was the ethnicity of the defendant?

- ☐ Canadian
- ☐ Mexican

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