THE PENNSYLVANIA STATE UNIVERSITY
SCHREYER HONORS COLLEGE

DEPARTMENT OF SOCIOLOGY AND CRIME, LAW, AND JUSTICE

THE EFFECTS OF GENDER ON JUROR DECISION MAKING

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Abstract

The research uses simulated juror decision making to determine the effects of gender on juror decision making with respect to verdicts and personal beliefs of guilt. Simulated jurors were asked to answer questions after reading four criminal trial scenarios including charges of homicide (manslaughter and murder), cyber stalking, rape, and possession of marijuana. Overall, the majorities of men and women’s verdicts and beliefs agreed. There was a difference however, in the percentages. Both women and men tended to be harsher in their judgments of the defendant if they were of the same gender. It is expected that those who believe the defendant to be guilty will convict and those who believe the defendant innocent will not convict. Men were more likely to fall outside this trend as outliers. Of those men who fell as outliers, more believed the defendant to be guilty but did not convict than those who believed the defendant was innocent but convicted. This suggests that men have higher standards of proof than women when deciphering the meaning of evidence in a trial as proof beyond a reasonable doubt.
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Introduction

As part of our pledge of allegiance Americans vow “liberty and justice for all.” As a nation we take pride in this ideal. We believe in the principles of our justice system and have faith that, in the end, justice will prevail. We believe in fair trials, that the innocent will be set free, and the guilty punished. We rest easy knowing that we have an effective system of justice in place that will follow through the best it can, yet justice has become something that we take for granted as well as the methods for ensuring it. So much is left up to this system that is not always as concrete as Americans may like to think it is.

Justice can mean different things for different people. Some place value in the role of due process while others place more weight in crime control. Those prioritizing due process are more concerned with the justice of the person charged. They want to be sure that they are given every chance at a defense possible and are not wrongly convicted. Those prioritizing crime control are more concerned with public safety and the greater good. They place the greatest value in removing criminals from the streets and ensuring public safety. Both due process and crime control are valuable opinions however they lead to different approaches to evaluating a conviction.

Juries have the least legal training in a court yet ultimately make the largest decision for a defendant. Not only does this not seem strange to Americans but the value of juries was recognized early in our country’s history in the creation of the 6th amendment. Should they find themselves in court, Americans would rather leave their fate up to a collection of their peers rather than those who have extensively studied the law. This is appealing because of the belief that only a collection of one’s peers can accurately judge their actions. This is a large amount of
trust to put in a randomly selected group of people, yet it has solid roots in our judicial system and has been decided to be the best way to come to an impartial conclusion.

Jurors from a random pool are selected and the clearly biased ones removed, however, there is no way to entirely account for the experience and knowledge that the jurors bring in with them that they have gained throughout their lives. This collection of ideas is valued for its diversity of thought. For a lawyer to best present their case they must understand how this diverse group thinks. This is no easy task as it contains many aspects. Theories of juror decision making must also be adaptable as the juror pool drastically changes over periods of time.

One of the largest parts of a juror’s decision making process is where he/she decides to draw the line of reasonable doubt since that is the standard of proof in a criminal trial. I plan to explore the effects of gender in relation to a juror’s opinion of guilt and their willingness to convict. My research will ask: Is there a difference in opinion of guilt and willingness to convict? If so, does gender affect this divide? This will demonstrate where the line of reasonable doubt lies and if it changes based on gender. Understanding this will better aid attorneys in presenting their case to the jury.

Jurors understand their duty within the system to convict a defendant only if the evidence convinces them beyond a reasonable doubt. They could not therefore convict a person of a crime if little to no proof was presented. Some evidence may persuade them to the opinion that the person committed the crime, but there still may be doubt so they will not convict. Other evidence may take away that doubt entirely and so a conviction is unavoidable. Their duties are both fact finding and applying the law. My research will look into the differences in gender that give jurors the idea that it is just for this person to be convicted and the different understandings of reasonable doubt. Are there instances in which men or women are more likely to convict? Is one
gender more likely to acquit even though they personally think the person committed the crime? Is the other gender more likely to convict even though they personally think the person was innocent? Which gender is quicker to find that the line of reasonable doubt has been crossed and in which instances? The presence of justice comes from certainty in where this line lies.

Lawyers try to control the uncertainty a random sample of potential jurors brings through the process of juror selection or voir dire. In order to do this lawyers use various methods, some scientific and others more superstitious. While some methods may be more successful than others there is no completely accurate way to predict a potential juror’s final decision. Many psychological and experiential factors go into the makeup of a juror that weighing them all and their influences on each other would be impossible. However this will not stop lawyers from trying to get the most optimal selection they can. They end up trying to get a jury that is more prone to their way of thinking, rather than a random sample.

Once this less than perfect selection is over lawyers need to figure out how to best present their case to the jury at hand to convince them to be on a certain side of the line of reasonable doubt. This would be much easier with more insight on where people cross from opinion to conviction and more specifically with regards to gender. A certain gender may take more convincing than the other. It may be easy to create an opinion of guilt but not enough support for a conviction. If lawyers better understand where this line is drawn for each case they can better present the evidence at hand.

Understanding the way jurors make decisions can mean the difference between an acquittal and a conviction. Sometimes a trial is avoided altogether due to the unpredictability of a jury and a plea bargain is reached to avoid a more severe penalty (Ulmer, Eisenstein, & Johnson 2010). Juries are the least understood element of the legal system yet hold a considerable amount
of power over defendant’s fates. It may never be completely predictable where a juror will side due to the large quantity of factors involved but a better understanding of some of the key factors is possible.

**Literature Review**

The current literature on gender in courts focuses mainly on the impact of defendant and witness gender rather than the gender of the one making the verdict, the juror. Much research has been done on all characteristics of defendants and witnesses in terms of the effect of their gender, race, age, income, etc. Juror gender became a focus as women’s rights expanded to the right to be considered for jury selection and then to the protection from being excluded purely based on gender. Some research has looked at how female jurors’ decision making differs from male jurors as well as the impact of female judges. Juror perceptions by gender were evaluated as the result of research on attorney presentation style. Finally a study focusing on the value of evidence evaluated the worth of certain factors in trial verdicts.

**Peremptory Challenges**

As is the case in most forms of participation in government, women were not always permitted to serve on juries. It was not until 1975 in *Taylor v. Louisiana* that the Court ruled that women must be included in a jury pool. This may seem like a victory for women’s rights however, the specifics of the decision mentioned that women be included in the venire or jury pool but does not guarantee them a place on the jury (*Taylor v. Louisiana*, 1975). As a result women were included in the jury pool but could easily be removed from serving on a jury through the use of peremptory challenges. Lawyers have a limited number of peremptory challenges, often three. Similar circumstances existed for minority races and in 1986 in *Batson v. Kentucky* it was decided that peremptory challenges used solely on the basis of race violated the
Equal Protection Clause of the Fourteenth Amendment. It was not until *J.E.B. v. Alabama ex rel T. B.* in 1994 that the Court decided that peremptory challenges based solely on gender also violated the Equal Protection Clause and a potential juror could not be removed on the basis of gender alone.

Given the long time coming in gender equality in jury selection it is interesting to note that most jurors believe their experience in the voir dire process was fair (Eigenberg, Garland, Iles, & McGuffee, 2011). Eigenberg et al. (2011) however, found that women were less likely than men to view the juror selection system as fair. This is understandable given the slow progress of women’s rights to gain protection from unfair peremptory challenges.

Research into voir dire methods found that the effectiveness of the method is determined by the variables of the case (Horowitz 1980). Horowitz (1980) compared conventional jury selection and systematic social science methods and found the latter to be more effective when predictive relationships are stronger.

Nesson (2004) provides commentary on the future of voir dire. He describes a computer program called *SmartJury* that uses statistical data to determine the optimal jurors for each case and then goes on to debate its implications (Neeson 2004). This raises questions about whether the program would be held to the provision of the Equal Protection Clause since its decisions are statistically based and, if so, would the attorney be able to use the program to get around it (Neeson, 2004)? Neeson (2004) ends his commentary questioning the fairness of peremptory challenges in general.

**Gender and Decision Making**

This leads to the question, do men and women actually think differently when it comes to deciding on a case? Costantini, Mallery, and Yapundich (1983-1984) completed a study seeking
to find out if gender affected prejudging guilt and found that women are more likely to prejudge guilt. They continued to try to find an explanation for this difference by exploring extent of information, crime and punishment attitudes, and education however none of these reasons explained the fact that women tended more often to prejudge guilt (Costantini et al., 1983-1984).

Carol Gilligan found that men and women reason differently. Fowler (2005-2006) explains this by arguing that men view cases in terms of rights hierarchies while women view cases in terms of relationships (Fowler, 2005-2006). Neither method is right or wrong but providing a variety of methods together with many different viewpoints will give the defendant the best chance for justice. This suggests that men and women will value different aspects of the case. Men may be more concerned with the technicalities of legal parameters whereas women will focus on the relationships of the defendant, victim, and witnesses.

If there is a difference in the way male and female jurors make decisions than there may also be a difference in the way male and female judges make decisions. Songer and Crews-Meyer (2000) found that female State Supreme Court judges tend to vote more liberally and their presence increases the probability that male State Supreme Court judges will vote liberally as well. Women also tended to be surprisingly liberal in obscenity cases (Songer & Crews-Meyer, 2000). All offered explanations were speculative and further research is necessary (Songer & Crews-Meyer, 2000).

Steffensmeier and Hebert (1999) found in a study of Pennsylvania judges that female judges are overall harsher, with 10% more convictions and prison terms that are on average five months longer. Women are also more likely to vary their decision by contextual factors such as the defendant’s race, sex, age, and prior criminal record (Steffensmeier and Hebert 1999). This could tie in Gilligan’s research explaining that male judges are focused on facts and laws while
females focus on relationships which could pull these contextual factors into greater consideration.

**Gender and Perceptions**

While studying the effects of attorney presentation style, Clayton and Hahn (1996) described the effects of different presentation styles on male and female jurors. Aggressive attorneys were found to be more successful overall and male attorneys were more likely to be aggressive (Clayton and Hahn, 1996). Female participants found attorneys to be more aggressive than males did and male participants reacted more favorably to an aggressive attorney especially if the attorney was male (Clayton and Hahn 1996). Attorneys also were more successful with jurors of the same gender, specifically males, due to their favor of aggressive presentation styles (Clayton and Hahn, 1996). This means that an attorney should not only be conscious of what they are saying but how they are saying it and who is listening. An aggressive questioning style that is typically successful may not be so if presented to a jury composed mostly of women. Again, this could potentially pull in Gilligan’s study by explaining the aggressive attorneys as focused on hard facts and laws that appeal to men and the less aggressive attorneys taking more time the explain relationships that appeal to women. Audience reaction is an important component of any presentation and so these perceptions need to be taken into account for an attorney to effectively communicate their point to the audience at hand. Based on the changing nature of juries this could mean a new approach each trial.

**Value of Contribution**

Although some may find that gender plays a role in decisions when isolated, Visher (1987) found that “extralegal factors are not the most salient variables affecting a juror’s judgments.” Visher (1987) looked at variables such as the juror’s characteristics and attitudes,
the victim’s attributes, the defendant’s attributes, and measures of evidence and case statistics when weighing a juror’s decision of guilt prior to deliberations. There is often a lot of speculation as to biases in a case that would prevent justice from being rightly served. Some will argue that a defendant is more likely to be convicted due to their race, gender, or social class. This study proves however that although these factors may come into play, the most important factor in a juror’s decision is the evidence presented (Visher, 1987). That jurors are able to look past demographic factors to put the most weight in evidence presented demonstrates that to an extent justice is still being served and a defendant will not be convicted based on other factors alone. That being said it still leaves the possibility that these factors, although they may not be more important than evidence, may still play a larger role than is appropriate to serving justice.

**Literature Analysis**

Overall, the literature points to a difference between men and women in their reasoning and decisions, however, the actual impact of this is still debatable. It is not enough simply identify a difference between male and female jurors unless that difference means something in the end result, the verdict. Attorneys need to know what effect these differences will have in the court room in order to make use of them. How these differences translate into verdicts is left to be studied in depth.

**Methodology**

My research was conducted through the use of surveys distributed in liberal arts classes. Four classes were used and most were large lecture classes in order to obtain a large sample. The classes were at lower levels, in order to include students from various majors taking the class as an elective. The surveys took about 20 minutes to complete and included multiple choice and fill in responses. In-class surveys were preferred to online surveys to gain more serious
consideration in the controlled classroom environment. Pretests were given to about ten people to test the survey for comprehension and clarity.

The professors asked were in the Sociology and Crime, Law, and Justice departments and were receptive to allowing me to survey their classes since it was relevant to their material. For example, one professor used the survey as an introduction to the day’s lecture and another used it as an extra credit assignment. This difference may have affected the responses however, it was necessary to be accommodating to the professors in order to reach a large sample.

Demographics

Survey participants were asked to complete a section following the scenarios of demographic information. Participants were found to be mostly white, females, full-time students, aged 18-25, from suburban neighborhoods, with moderate political beliefs.

<table>
<thead>
<tr>
<th>Table 1</th>
<th>Survey Participant Demographics</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Frequency</td>
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<tr>
<td>Total Participants</td>
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</tr>
<tr>
<td>Gender</td>
<td></td>
</tr>
<tr>
<td>Female</td>
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</tr>
<tr>
<td>Male</td>
<td>190</td>
</tr>
<tr>
<td>Age</td>
<td></td>
</tr>
<tr>
<td>&lt;18</td>
<td>23</td>
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<tr>
<td>18-22</td>
<td>471</td>
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<td>22-25</td>
<td>21</td>
</tr>
<tr>
<td>&gt;25</td>
<td>5</td>
</tr>
<tr>
<td>Race</td>
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</tr>
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<td>White</td>
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</tr>
<tr>
<td>Black</td>
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<tr>
<td>Asian</td>
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</tr>
<tr>
<td>Hispanic</td>
<td>28</td>
</tr>
<tr>
<td>Other</td>
<td>11</td>
</tr>
<tr>
<td>Hometown Demographic</td>
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</tr>
<tr>
<td>Urban</td>
<td>102</td>
</tr>
<tr>
<td>Suburban</td>
<td>346</td>
</tr>
</tbody>
</table>


Survey Case Scenarios
(see appendix for full survey)

The surveys included four case scenarios with four different charges, evidence, testimony, and the law to be applied. Participants were asked to put themselves in the jury’s place when reading the scenarios. They were then asked a series of questions including willingness to convict, personal opinion of guilt, confidence in these decisions, ranking of evidence in usefulness to these decisions, and other evidence desired.

**Scenario 1 - Homicide.** Donna Osborn is charged with second degree murder for the death of her husband Clinton Osborn. The Sheriff testified to have found her in her son’s room with a gun in her hand saying “He’s . . . in the garage . . . dead . . . he was going to kill us . . . I had to stop him.” Clinton was found dead in the garage next to a 36oz Louisville Slugger and a box of a dozen black roses with a card inscribed “To my Valentine - Goodbye and love always, Clinton.” The ballistics lab found that the bullets found in Clinton match bullets tested with the gun taken from Donna. The fingerprints on the gun were found to be sets of Donna’s, Clinton’s, and a smudged unidentifiable third set. Donna testified that she sustained repeated injuries over
the last few years as a result of Clinton’s abuse. She said that he threatened to kill her the week preceding the incident. After a week of living in fear she hid his hand gun but when he discovered it was missing he threatened to kill her with a bat instead therefore she shot him in self defense. Expert testimony from Kim Lenore suggested that Donna fit the characteristics of a battered woman because she went through the four telltale stages. Expert testimony from Dr. Lynn Johnson suggested that Donna did not fit the “battered wife standard” because as a college educated woman she was not isolated or dependent on her husband and so had the opportunity to call the police or leave. The survey asked participants to determine if Donna was guilty of second degree murder, first degree manslaughter, or not guilty of either. Applicable law was provided (as it was in all scenarios) to clarify the charges. This scenario was adapted from a mock trial by Peter Pappas (2002).

**Scenario 2 - Cyber Stalking.** Kinsley Williams is charged with two counts of Cyber Stalking for allegedly stalking Jamie Anderson via an online campus-sponsored study chat room and sending one threatening email. Chat room transcripts showed multiple threatening statements and knowledge of what Jamie was doing though her second floor window. Jamie reported these conversations to the campus police once a threat was made to her life. She did not tell police who she thought was stalking her but once they suspected Kinsley she confessed she believed it was him all along. The police investigator testified that he used the times and locations of the computers the threats were made on to determine Kinsley as a suspect. Kinsley testified that someone had found his email address and password in a textbook he sold back to the school and was not responsible for the messages. He also said he was at an interview at the time the offending email was sent. This scenario was adapted from a mock trial case from the Illinois State Bar Association (2004).
**Scenario 3 – Rape.** Vince Edwards is accused of first degree rape. Jean Allen testified that Vince raped her after the two met at a nightclub through a mutual friend. She agreed to drive him home as a friend when his ride left early but once they arrived at his house his demeanor changed. He dragged her from the car and demanded sex saying “you better put out honey, so no one gets hurt.” The sexual assault report form indicated that physical signs included “scratched/abrasions noted to surround both wrists with redness and swelling on right wrist”, “two broken fingernails noted on right hand”, and bruising on neck consistent with being choked. The crime scene investigation found broken molding on the door jambs consistent with the paint chips found under Jean’s nails and underwear belonging to Jean was found as well. Blood stains on the couch were similar to Jean’s blood type and semen on the couch matched Vince’s. A torn piece of fabric matched the blouse Jean was wearing. Vince testified that Jean drove him home willingly and that the sex was consensual although rough. Afterwards her demeanor changed and she accused him of being a womanizer. He assumed she felt guilty. This scenario was adapted from a mock trail case by Peter Pappas (2002).

**Scenario 4 – Marijuana Possession.** Alli Johnson is accused of possession of Marijuana after a private investigator found 28 grams in a hidden compartment in her backpack. He was doing a random locker search in response to a recent drug problem in the school. When he asked Alli if the marijuana was hers she said she didn’t know anything about it and looked embarrassed. Alli testified that she knew nothing about the Marijuana and that the backpack was purchased from a garage sale three days prior. Rob Johnson, Ali’s cousin, testified that he was with her when she purchased the backpack. He said the owners of the house where the garage sale was held were “hippies” and that the police have had to break up their parties on occasion. He also claimed that they once offered his mother Marijuana for doing them a favor. This
scenario was adapted from a mock trial by the Minnesota Center for Community Legal education.

Results

Respondents found the defendant in Scenario 1 guilty of manslaughter. An overwhelming majority, of 82%, found the defendant guilty of homicide (either murder or manslaughter).

Manslaughter was the most common verdict with 57%. The defendant in Scenario 2, cyber stalking, was found guilty, however, only by a slight majority of 52.7%. The defendant in Scenario 3 was found guilty of rape by a large majority of 88.5%. The defendant in Scenario 4 was found not guilty of possession of Marijuana by a close vote with 49.6% (this number is below a majority due to missing responses, possibly due to participants rushing to complete the survey).

<table>
<thead>
<tr>
<th>Table 2 Case Verdicts</th>
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</thead>
<tbody>
<tr>
<td>Case</td>
</tr>
<tr>
<td>S1 Murder &amp; Manslaughter</td>
</tr>
<tr>
<td>Murder</td>
</tr>
<tr>
<td>Manslaughter</td>
</tr>
<tr>
<td>S2 Cyber Stalking</td>
</tr>
<tr>
<td>S3 Rape</td>
</tr>
<tr>
<td>S4 Possession</td>
</tr>
</tbody>
</table>

Scenario 1 – Homicide

The homicide case followed the expected trend that those who personally believed the defendant committed the crime were more likely to vote guilty. Only 12.7% of respondents who believed the defendant to be guilty, found the person not guilty as opposed to 74% who believed the defendant to be guilty and convicted her of either manslaughter or murder. Participants who personally believed the defendant to be innocent were actually more likely to vote guilty (either murder or manslaughter). Of the participants who believed the defendant was actually innocent,
55.6% voted guilty. It is interesting to note that almost twice the number of these participants opted for the lesser charge of manslaughter instead of murder. Of the participants who believed the defendant was guilty, only 12.7% found her to be not guilty. This suggests that the respondents were more prone to find guilt even when they thought the defendant innocent.

Table 3*

*Chi Square significant at .000

Table 4 reports that the majority of males in the survey found the defendant guilty of manslaughter at 54.3%. The remainder was split evenly between not guilty and murder. The majority of males also personally believed that the defendant committed the crime at 80.3%. Of men who believed the defendant committed the crime 13.9% did not convict. Of those men who believed the defendant to be innocent, 40.5% found her guilty. These men followed the pattern that twice as many convicted of the lesser charge of manslaughter than murder when believing her innocence. The total percent of outliers to the expected opinion/verdict trend was 19.2%.
The majority of women in the survey found the defendant guilty of manslaughter as well however the remainder was skewed towards convicting of murder with 14.5% voting not guilty and 25.1% convicting of murder. A greater majority of women than men believed the defendant committed the crime at 88.5%. The percentage of women who believed the defendant committed the crime that chose not to convict was slightly less than the men at 12%. Women believing the defendant was innocent were more likely to convict at 66.6%. Of the women believing the defendant was innocent they were only about 1.5 times more likely to choose the lesser sentence of manslaughter over murder. Outliers made up 18.4% of women, only slightly lower than men.

*Chi Square significant at .000

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Scenario 2 - Cyber Stalking

Overall the cyber stalking verdicts followed the pattern of participants believing the defendant committed the crime convicting and those believing the defendant innocent voting not guilty. More of the outliers to this trend believed the defendant committed the crime but did not convict compared to participants who believed the defendant to be guilty but convicted him. Of those believing the defendant committed the crime 23.2% found him not guilty. Of participants believing the defendant was innocent, 10.5% found him guilty.

<table>
<thead>
<tr>
<th>Table 6*</th>
<th>S2 Personal Opinion - S2 Cyber Stalking Verdict Crosstabulation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>S2 Cyber Stalking Verdict</td>
</tr>
<tr>
<td></td>
<td>Guilty</td>
</tr>
<tr>
<td>S2 Personal Opinion Committed Crime Count</td>
<td>272</td>
</tr>
<tr>
<td></td>
<td>% of Row</td>
</tr>
<tr>
<td></td>
<td>% of Total</td>
</tr>
<tr>
<td>Innocent</td>
<td>Count</td>
</tr>
<tr>
<td></td>
<td>% of Row</td>
</tr>
<tr>
<td></td>
<td>% of Total</td>
</tr>
<tr>
<td>Total</td>
<td>Count</td>
</tr>
<tr>
<td></td>
<td>% of Total</td>
</tr>
</tbody>
</table>

*Chi Square significant at .000

The majority of the males in the survey found the defendant guilty by a slim margin of 52.2% to 47.8%. Also the majority of males personally believed the defendant committed the crime by a larger majority of 68.1% to 31.9%. Most of the outliers to the opinion/verdict trend fell into the belief that the defendant committed the crime but did not convict rather than those that believed the defendant to be innocent but convicted him. Outliers were about 6 times more likely to believe the defendant committed the crime but not convict. Of those who believed the defendant committed the crime, 28.2% found him not guilty. Of participants who believed the defendant was innocent, 10.3% found him guilty. Outliers to the trend made up 22.5% of men.
The majority of women in the survey found the defendant to be guilty by a slightly larger margin than the men of 55.1% to 44.9%. The majority of women personally believed the defendant committed the crime by a slightly smaller margin than the men of 63.1% to 36.2%. Most of the outliers in the opinion/verdict trend fell into believing the defendant committed the crime but not convicting, similarly to the men. Outliers were 3 times more likely to believe the defendant committed the crime and not convict than believe innocence and convict. Of women who believed the defendant committed the crime, 20.2% found him not guilty. Of women who believed the defendant was innocent, 11.6% found him guilty. There were less total outliers than men at 17.1%.
Scenario 3 – Rape

The rape verdict was the most one sided with 91% believing the defendant committed the crime and finding him guilty. Outliers were insubstantial at 4.9% of the total number of participants.

The majority of males charged the defendant at 91.6% and the majority also believed he committed the crime at 94%. Of men who believed the defendant committed the crime, only 4.7% were not willing to convict. A larger percentage of men who believed the defendant was innocent were willing to convict at 30%. Only 6.2% of men fell as outliers.
TABLE 10*

*Chi Square significant at .000

The women found the defendant guilty at 94.2% meaning they are slightly more likely to convict than the men. They also believed him to be guilty of the crime with 94.5% which is almost exactly the same as the men. Of the women who believed the defendant committed the crime, only 2.3% were not willing to convict. Of the women who believed the defendant was innocent, 33.3% convicted. Women had even less outliers than men at 3.9%.

TABLE 11*

*Chi Square significant at .001
Scenario 4 – Marijuana Possession

The opinion verdict/trend held in the possession trial however this case has the most outliers at 23.8% of the total. Those believing the defendant committed the crime, but not convicting, comprised 17%. Those believing she was innocent, but convicting her, were 27.4%.

<table>
<thead>
<tr>
<th>S4 Personal Opinion Committed Crime Count</th>
<th>S4 Possession of Marijuana Verdict</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Guilty</td>
<td>Not Guilty</td>
</tr>
<tr>
<td>% of Row</td>
<td>83%</td>
<td>17%</td>
</tr>
<tr>
<td>% of Total</td>
<td>28.3%</td>
<td>5.8%</td>
</tr>
</tbody>
</table>

*Chi Square significant at .000

The majority of the men in the survey found the defendant not guilty at 56.6%. The majority also believed she was innocent at 65.7%. The trend held with the most beliefs corresponding with convictions. The most outliers were in the category of those believing she was innocent but convicting her. The total percentage of outliers was 24%. Of the men believing she committed, the crime 21.7% found her not guilty. Of the men who believed she was innocent, 25.2% found her guilty.
Table 13*

**Males S4 Personal Opinion - S4 Possession of Marijuana Verdict Crosstabulation**

<table>
<thead>
<tr>
<th>S4 Possession of Marijuana Verdict</th>
<th>Guilty</th>
<th>Not Guilty</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>S4 Personal Opinion Committed Crime Count</td>
<td>47</td>
<td>13</td>
<td>60</td>
</tr>
<tr>
<td>% of Row</td>
<td>78.3%</td>
<td>21.7%</td>
<td>100%</td>
</tr>
<tr>
<td>% of Total</td>
<td>26.9%</td>
<td>7.4%</td>
<td>34.3%</td>
</tr>
<tr>
<td>Innocent Count</td>
<td>29</td>
<td>86</td>
<td>115</td>
</tr>
<tr>
<td>% of Row</td>
<td>25.2%</td>
<td>74.8%</td>
<td>100%</td>
</tr>
<tr>
<td>% of Total</td>
<td>16.6%</td>
<td>49.1%</td>
<td>65.7%</td>
</tr>
<tr>
<td>Total Count</td>
<td>76</td>
<td>99</td>
<td>175</td>
</tr>
<tr>
<td>% of Total</td>
<td>43.4%</td>
<td>56.6%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

*Chi Square significant at .000

The majority of women also believed she was innocent with a slightly lower percentage than men at 52.8%. The majority also shared the men’s decision not to convict with a similar percentage of 66.4%. Of women who believed she committed the crime, 15.6% found her not guilty. Of the women who believed she was innocent, 28.4% convicted. Women had 24% total outliers which is exactly the same as the men.

Table 14*

**Females S4 Personal Opinion - S4 Possession of Marijuana Verdict Crosstabulation**

<table>
<thead>
<tr>
<th>S4 Possession of Marijuana Verdict</th>
<th>Guilty</th>
<th>Not Guilty</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>S4 Personal Opinion Committed Crime Count</td>
<td>92</td>
<td>17</td>
<td>109</td>
</tr>
<tr>
<td>% of Row</td>
<td>84.4%</td>
<td>15.6%</td>
<td>100%</td>
</tr>
<tr>
<td>% of Total</td>
<td>28.4%</td>
<td>5.2%</td>
<td>33.6%</td>
</tr>
<tr>
<td>Innocent Count</td>
<td>61</td>
<td>154</td>
<td>215</td>
</tr>
<tr>
<td>% of Row</td>
<td>28.4%</td>
<td>71.6%</td>
<td>100%</td>
</tr>
<tr>
<td>% of Total</td>
<td>18.8%</td>
<td>47.5%</td>
<td>66.4%</td>
</tr>
<tr>
<td>Total Count</td>
<td>153</td>
<td>171</td>
<td>324</td>
</tr>
<tr>
<td>% of Total</td>
<td>47.2%</td>
<td>52.8%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

*Chi Square significant at .000
Discussion

The simulated jurors generally found the defendants guilty except for the possession of Marijuana case. The men and women included in the survey both had overall convictions of manslaughter, cyber stalking, and rape. They also both acquitted the possession of Marijuana charges.

Although the overall charges were the same, the percentages by which these majorities were reached differed by gender. More women convicted the defendant of manslaughter in scenario 1 and more of the remainder convicted of the greater charge of murder. This means that a higher percentage of women than men were willing to convict in this scenario. Conviction percentages were similar in the cyber stalking case. In scenario 3, the rape case, both men and women overwhelmingly convicted the defendant with women slightly more likely to convict. In the possession scenario the percentages of the verdicts of the women were closer than the men’s.

Men and women also varied on their personal beliefs of whether or not the defendant committed the crime. Both men and women believed the defendant committed the crime in homicide scenario however women were more likely to believe so by 8%. In the cyber stalking scenario both men and women believed the defendant committed the crime but this time men had the greater percentage by 5%. Men and women had equal percentages of belief that the defendant committed rape in scenario 3. In the possession scenario, both men and women believed the defendant committed the crime at similar percentages.

Across all scenarios men had a sum of 71.9 when all outlier percentages were added. Women’s overall outlier score was 63.4. When adding up the percentages of people who believed the defendant was innocent but convicted men scored 29.6 which is 41.2% of male outliers and women scored 32.5 which is 51.3% of female outliers. When adding up the
percentages of people who believed the defendant committed the crime but found them not guilty
men scored 42.3 which is 58.8% and women scored 30.9 which is 48.7%.

Implications

The main differences in men’s and women’s verdicts were in the homicide scenario and
the possession scenario. In the homicide scenario women were harsher in their convictions. This
could be because they feel that if her story of abuse was true, she had other alternatives available
or should have acted to protect herself and get help sooner before the violence lead to death.
Women were slightly more conflicted in the possession scenario, potentially because of conflicts
between intent. If they believed her story that she did not know about the drugs, they may have
been conflicted with how to interpret intent in respect to the law.

The main differences in men’s and women’s beliefs were in the homicide scenario and
the cyber stalking scenario. Both were harsher on their own gendered defendant. Women were
more likely to believe the female defendant committed homicide and the men were more likely
to believe the male defendant committed cyber stalking.

Overall men were more likely to fall as outliers to the opinion/verdict trend and therefore
experience higher levels of cognitive dissonance by believing one thing but voting the against
their personal belief. The female outliers were split between categories, however the male
outliers favored believing the defendant committed the crime but not convicting them. This
indicates that men require a higher standard of proof for them to convict. Even though they may
form personal beliefs about a defendant’s guilt, more often than was found in women, this is not
enough for them to convict.
Limitations

There are some limitations in this study that could be adjusted for in further research. First, the genders of the defendants reflected female victims in every case. Either the female was the technical victim or portrayed herself as a victim in her defense. Future studies could include male victims and reversed gender roles. Additionally, the study included mostly female participants as this was the composition of the classes surveyed. Surveying more diverse classes in different colleges and majors would provide a more diverse sample and possibly different results. The timing of the survey also acted as a limitation. The survey was often given out at the end of classes and therefore missing answers were mostly at the end of the answer sheet in scenario 4 or the demographic section. Presumably students either wanted to leave class early or were running late for their next class. Future studies could combine different scenario details, different participant pools, and different timing to see if these factors had any significant effect on the results.
References


You have just been selected for jury duty. Please put yourself in the place of a juror as you read the following cases and answer the questions following about your personal feelings and verdict on the case. It is your duty to convict if you believe that a defendant is guilty of the crime beyond a reasonable doubt.

**SCENARIO 1**
Donna Osborn is accused of Murder in the Second Degree for the death of her husband Clinton Osborn III. Clinton was shot with two 9mm bullets through his back into his heart late at night on Feb 14th.

Chris Powell Sherriff’s Dept: Testifies that he was called to the family’s residence earlier in the year on a call to a family squabble but when he arrived and saw Donna with an open cut on her forehead he was informed that she had fallen down the stairs. He was called back in the early morning on Feb 15th to a shooting and found Donna with the gun in her hand in her son’s room saying “He’s … in the garage … dead … he was going to kill us … I had to stop him.” He then found Clinton dead in the garage next to a 36 oz Louisville Slugger and a box of a dozen black roses with a card inscribed “To my Valentine – Goodbye and love always, Clinton.”

**Evidence:**
Testimony – Donna Osborn: She testifies that her repeated injuries over the last few years were not accidents as she has explained them in the past but rather abuse from Clinton. She says that Clinton had threatened to kill her with his hand gun on Feb 7th and she lived in constant fear after that. On Feb 13th she was so frightened she hid his hand gun and when he realized it was gone he threatened to kill her with a baseball bat instead. When he reached for the bat she pulled out the gun.

Expert Testimony – Kim Lenore (Scholar on Battered Women): She believes that Donna fits the characteristics of a battered woman because she went through the four stages. First was denial where she accepted the abuse. Second was guilt where she felt responsible. Third was enlightenment where she remembered who she was before Clinton and pursued her original career goals. Fourth is responsibility where she took control in getting her own job.

Expert Testimony – Dr. Lynn Johnson (JD & PhD, MA, BA in Psychology): Donna does not fit the “battered wife standard” because she was not isolated since she is a college educated woman and did not experience utter financial dependence since she lived in a wealthy community. She had the opportunity to leave or call the police at any time.

Ballistics: The bullets found in Clinton match bullets tested at the crime lab in the 9mm Beretta pistol taken from Donna.

Fingerprints: The 9mm Beretta pistol taken from Donna contained three sets of fingerprints including Donna’s, Clinton’s, and a smudged unidentifiable third set.
Applicable Law:
A person is guilty of Murder in the Second Degree when:
1. With **intent to cause the death** of another person, he causes the death of such person or of a third person

A lesser-included offense of Murder in the Second Degree is Manslaughter in the First Degree, which reads:
A person is guilty of Manslaughter in the First Degree when:
1. With **intent to cause serious physical injury** to another person, he causes the death of such person or of a third person; or
2. With **intent to cause the death** of another person, he causes the death of such person or of a third person under circumstances which do not constitute murder because he acts under the influence of extreme emotional disturbance, as defined in paragraph (a)
   a. The defendant acted under the influence of extreme emotional disturbance for which there was a reasonable explanation or excuse, the reasonableness of which is to be determined from the viewpoint of a person in the defendant’s situation under the circumstances as the defendant believed them to be

Justification may apply:
1. A person may, subject to the provisions of subdivision two, use physical force upon another person when and to the extent he reasonably believes such to be necessary to defend himself or a third person from what he reasonably believes to be the use of imminent use of unlawful physical force by such other person
2. A person may not use deadly force upon another person under circumstances in subdivision 1 unless:
   a. He reasonably believes that such other person is using or about to use deadly physical force. Even in such case, however, the actor may not use deadly physical force if he knows that he can with complete safety as to himself and others avoid the necessity of so doing by retreating; except that he is under not duty to retreat if he is:
      i. In his dwelling and not the initial aggressor

1) Would you convict the defendant of Murder in the Second Degree?(A) Yes (B) No
2) Would you convict the defendant of Manslaughter in the First Degree?(A) Yes (B) No
3) How confident are you with this decision from 1 meaning not very to 5 meaning extremely?
   (A) 1 (B) 2 (C) 3 (D) 4 (E) 5

Rank the evidence in order of the most useful to this decision from 1 being the most useful to 5 being the least useful (1=A, 2=B, 3=C, 4=D, 5=E):
4) ______ Donna Osborn’s (Defendant’s) testimony
5) ______ Kim Lenore’s expert testimony
6) ______ Dr. Lynn Johnson’s expert testimony
7) ______ Ballistics
8) ______ Fingerprints

9) In your personal opinion do you think the defendant committed the crime?(A) Yes (B) No
10) How confident are you with this decision from 1 meaning not very to 5 meaning extremely?
(A) 1  (B) 2  (C) 3  (D) 4  (E) 5

Rank the evidence in order of the most useful to this decision from 1 being the most useful to 5 being the least useful (1=A, 2=B, 3=C, 4=D, 5=E):
11) ______ Donna Osborn’s (Defendant’s) testimony
12) ______ Kim Lenore’s expert testimony
13) ______ Dr. Lynn Johnson’s expert testimony
14) ______ Ballistics
15) ______ Fingerprints

What other evidence (if any) would have strengthened your conviction or caused you to convict?

SCENARIO 2
Kinsley Williams is charged with two counts of Cyber Stalking. He allegedly stalked Jamie Anderson via an online campus-sponsored study chat room and one threatening email.

Evidence:
Victim Testimony – Jamie Anderson: She testifies that after multiple comments directed about her whereabouts and threats she began to feel uneasy and looked over her shoulder wherever she went. She reported the discussions to the campus police once a threat was made to her life. She did not say who she thought was stalking her until the police had a suspect first but admitted that she suspected Kinsley all along. The messages stopped after Kinsley was arrested.

Chat Room Transcripts: Show multiple threatening statements targeting Jamie and monitoring what she was doing though her second floor window. Chats are meant to be anonymous.

Testimony – Ashton Hopp: Police Investigator Ashton investigated Jamie’s claims. He was able to see the times and locations of the computers where the comments were made from. He was then able to determine Kinsley as a suspect from the user files and sign in dates and times.

Defendant Testimony – Kinsley Williams: He claims that someone found his email address and password in a textbook he sold back to the school and was not responsible for the offending messages. At the time that the only offending email was sent to Jamie he was in an interview.

Applicable Law:
To sustain the charge of Cyber Stalking (transmission threat), the State must prove the following propositions:
1. That the defendant on at least two separate occasions knowingly harassed the victim through the use of electronic communication, and:
2. That the defendant at any time knowingly transmitted a threat to the victim of immediate or future bodily harm
16) Would you convict the defendant of Cyber Stalking?  (A) Yes   (B) No
17) How confident are you with this decision from 1 meaning not very to 5 meaning extremely?
   (A) 1   (B) 2   (C) 3   (D) 4   (E) 5

Rank the evidence in order of the most useful to this decision from 1 being the most useful to 4 being the least useful (1=A, 2=B, 3=C, 4=D):
18) _____ Jamie Anderson’s (Victim’s) testimony
19) _____ Chat Room Transcripts
20) _____ Ashton Hopp’s Testimony
21) _____ Kinsley William’s (Defendant’s Testimony)

22) In your personal opinion do you think the defendant committed the crime?  (A) Yes  (B) No
23) How confident are you with this decision from 1 meaning not very to 5 meaning extremely?
   (A) 1   (B) 2   (C) 3   (D) 4   (E) 5

Rank the evidence in order of the most useful to this decision from 1 being the most useful to 4 being the least useful (1=A, 2=B, 3=C, 4=D):
24) _____ Jamie Anderson’s (Victim’s) testimony
25) _____ Chat Room Transcripts
26) _____ Ashton Hopp’s Testimony
27) _____ Kinsley William’s (Defendant’s Testimony)

What other evidence (if any) would have strengthened your conviction or caused you to convict?

SCENARIO 3
Vince Edwards is accused of Rape in the First degree.

Evidence:
Victim Testimony – Jean Allen: She testifies that she met Vince at a club because he was a friend of the friend she was there with. After her friend had to go home early she agreed to drive Vince home as a friend. When they arrived his demeanor changed and he demanded sex and dragged her from the car inside his apartment. He told her “you better put out honey, so no one gets hurt” before he raped her. She left as soon as possible. When she got home she showered and told her mother (who was babysitting her son) what happened and they called the police.

Sexual Assault Report Form: Physical signs include “scratched/abrasions noted to surround both wrists, with redness and swelling on right wrist”, “two broken fingernails noted on right hand”, bruising on neck consistent with claim of being choked.
Crime Scene: A search warrant was obtained for Vince Edward’s studio. The investigator found broken molding on the door jambs consistent with the paint chips found under Jean’s nails. He also found a pair of underwear belonging to Jean. Blood stains on the couch were similar to the Jean’s blood type. Semen stains on the couch matched Vince’s. A torn portion of fabric was found similar to the fabric of the blouse that Jean was wearing.

Testimony – Vince Edwards: He testifies that he did not need a ride home and that Jean drove him home willingly. Everything was consensual even though it may have gotten a little rough. Afterward her demeanor changed and she accused him of being a womanizer. He assumed she felt guilty.

Applicable Law:
A person is guilty of Rape in the First Degree when he engages in sexual intercourse (any penetration however slight) with another person:
1. By forcible compulsion; or
2. Who is incapable of consent by reason of being physically helpless (unconscious or for any other reason physically unable to communicate unwillingness to act)

28) Would you convict the defendant of Rape?  (A) Yes  (B) No
29) How confident are you with this decision from 1 meaning not very to 5 meaning extremely?
   (A) 1  (B) 2  (C) 3  (D) 4  (E) 5

Rank the evidence in order of the most useful to this decision from 1 being the most useful to 4 being the least useful (1=A, 2=B, 3=C, 4=D):
30) _____ Jean Allen (Victim’s) testimony
31) _____ Sexual Assault Report Form
32) _____ Crime Scene Investigation
33) _____ Vince Edward (Defendant’s) testimony

34) In your personal opinion do you think the defendant committed the crime?  (A) Yes (B) No
35) How confident are you with this decision from 1 meaning not very to 5 meaning extremely?
   (A) 1  (B) 2  (C) 3  (D) 4  (E) 5

Rank the evidence in order of the most useful to this decision from 1 being the most useful to 4 being the least useful (1=A, 2=B, 3=C, 4=D):
36) _____ Jean Allen (Victim’s) testimony
37) _____ Sexual Assault Report Form
38) _____ Crime Scene Investigation
39) _____ Vince Edward (Defendant’s) testimony

What other evidence (if any) would have strengthened your conviction or caused you to convict?
SCENARIO 4
Alli Johnson is accused of possession of marijuana after a random search of her locker found a small amount of Marijuana in a zippered compartment in her backpack.

Evidence:
Testimony – Mr. Tilman: As the private investigator who found 28 grams of marijuana in Alli’s locker he was hired by the school in order to reduce a recent drug problem they had been having. He stated that the zippered compartment where he found the marijuana was a good place to hide it because he almost missed it. When he asked Alli if it was hers she was embarrassed and said she didn’t know anything about it.

Defendant Testimony – Alli Johnson: She testifies to know nothing about the marijuana. She purchased the backpack from a garage sale three days before her locker was searched.

Testimony – Rob Johnson: He is Alli’s cousin and was with her when she purchased the backpack. He says the owners of the house who had the garage sale used to be “hippies” and have loud parties that the police on occasion have had to break up. His mother once did them as a favor and they offered her marijuana as a thank you.

Applicable Law:
It is a petty misdemeanor to possess 30 grams or less of marijuana.

40) Would you convict the defendant on possession of marijuana? (A) Yes (B) No
41) How confident are you with this decision from 1 meaning not very to 5 meaning extremely?
   (A) 1 (B) 2 (C) 3 (D) 4 (E) 5

Rank the evidence in order of the most useful to this decision from 1 being the most useful to 3 being the least useful (1=A, 2=B, 3=C):
42) _____ Mr. Tillman’s testimony
43) _____ Alli Johnson (Defendant’s) testimony
44) _____ Rob Johnson’s testimony

45) In your personal opinion do you think the defendant committed the crime?(A) Yes (B) No
46) How confident are you with this decision from 1 meaning not very to 5 meaning extremely?
   (A) 1 (B) 2 (C) 3 (D) 4 (E) 5

Rank the evidence in order of the most useful to this decision from 1 being the most useful to 3 being the least useful (1=A, 2=B, 3=C):
47) _____ Mr. Tillman’s testimony
48) _____ Alli Johnson (Defendant’s) testimony
49) _____ Rob Johnson’s testimony
What other evidence (if any) would have strengthened your conviction or caused you to convict?

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>50) Age:</td>
<td>(A) &lt;18</td>
<td>(B) 18-22</td>
<td>(C) 22-25</td>
<td>(D) &gt;25</td>
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<tr>
<td>51) Gender:</td>
<td>(A) Male</td>
<td>(B) Female</td>
<td></td>
<td></td>
</tr>
<tr>
<td>52) Hometown:</td>
<td>(A) Urban</td>
<td>(B) Suburban</td>
<td>(C) Rural</td>
<td></td>
</tr>
<tr>
<td>53) Race:</td>
<td>(A) White</td>
<td>(B) Black</td>
<td>(C) Asian</td>
<td>(D) Hispanic</td>
</tr>
<tr>
<td>54) Full-time student:</td>
<td>(A) Yes</td>
<td>(B) No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>55) Political Beliefs:</td>
<td>Rank your political beliefs on a scale of 1 through 5 (1 = purely liberal and 5 = purely conservative)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liberal</td>
<td>Conservative</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(A)1</td>
<td>(E)5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(B)2</td>
<td>(D)4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(C)3</td>
<td>(C) Junior</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>56) Semester Standing at PSU:</td>
<td>(A) Freshman</td>
<td>(B) Sophomore</td>
<td>(C) Junior</td>
<td>(D) Senior</td>
</tr>
</tbody>
</table>

Major(s): ________________________________ _____________________________
Minor(s): _____________________________________________________________
Desired Occupation after Graduation: ________________________________
Parent/Guardian # 1 Occupation: _______________________________________
Parent/Guardian # 2 Occupation: _______________________________________
Academic Vita of Stephanie Marie Cipolla

E-MAIL ID: SMC1043

EDUCATION:
The Pennsylvania State University
Schreyer Honors College
Major: Hotel, Restaurant, and Institutional Management
Minors: Sociology, Law and Liberal Arts
Honors: Sociology
Thesis Title: The Effects of Gender on Juror Decision Making
Thesis Supervisor: Dr. John Kramer

INTERNATIONAL EDUCATION:
Hospitality Studies in Europe Program – Summer 2010
Location: Maastricht, the Netherlands and Le Bouveret, Switzerland
Received Schreyer Ambassador Travel Grant

AWARDS:
Schreyer Honors College Academic Excellence Scholarship
New York State Sons of Italy Grand Lodge Scholarship
Cellini Lodge Prisco 4 Year Gold Scholarship
Joseph A. Sciame Memorial Scholarship
Dean’s List: all semesters

PROFESSIONAL MEMBERSHIPS:
Phi Alpha Delta Pre-Law Chapter
Undergraduate Law Society
Kappa Omicron Nu Honor Society

COMMUNITY SERVICE INVOLVEMENT:
Penn State Dance MaraTHON benefitting the Four Diamonds Fund to fight pediatric cancer
THON 2012: Rules and Regulations Committee
THON 2011: Communications Committee
THON 2010: Operations Committee

WORK EXPERIENCE:

Date: August 2011 – May 2012
Company: The Penn State Bakery
Location: State College, PA
Supervisor’s Name: Cindy Dunsmore
Title: Student Employee
Description: Assist in large scale production of bakery products.
Date: January 2010 – December 2010  
Company: The Penn Stater Conference Center Hotel  
Location: State College, PA  
Supervisor’s Name: Eric Olbrich  
Title: Conference Services Intern  
Description: Planned over 60 catering and conference events from start to finish including speaking with event contacts and creating Banquet Event Orders for each event during the course of line and executive level internships.

Date: May 2009 – August 2009  
Company: Madison Square Garden  
Location: New York, NY  
Supervisor’s Name: Tim Parsaca  
Title: Event Production Intern  
Description: Assisted production managers in the event planning process (ex: attending walk-throughs, production meetings, creating production notes, and acting as production assistant) and created new seating manifests for the arena and theater.

Date: May 2008 – May 2009  
Company: American Eagle Outfitters  
Location: Hicksville, NY  
Supervisor’s Name: April Hughes  
Title: Sales Associate  
Description: Provided effective customer service while maintain store visuals.

Date: July 2007 – August 2011  
Company: Sportsplex  
Location: N. Bellmore, NY  
Supervisor’s Name: Larry Petraglia  
Title: Children’s Party Hostess  
Description: Coordinate children’s sports birthday parties.