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Community Sentiment and the Juvenile Offender: Should Juveniles Charged with Felony Murder be Waived into the Adult Criminal Justice System?

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Abstract

Juveniles are more likely than adult offenders to commit crimes in groups. This tendency makes the juvenile offender more susceptible to the felony murder rule. In three experiments we tested the notion that juveniles arrested and charged under the felony murder rule would be transferred into the adult criminal justice system based on an equalistic (i.e., the application of the felony murder rule) or a proportional (i.e., the just deserts philosophy) rule. Participants read case descriptions of an armed robbery (no death, accidental death, or intentional death) in which defendants had different levels of involvement in the crime (getaway driver, lookout, sidekick, or triggerman). Involvement was manipulated within subjects in Experiment 1 (i.e., participants rendered judgments for each defendant) and between subjects in Experiment 2 (i.e., each participant judged one of the defendants). The participants in Experiments 1 and 2 were undergraduate psychology students selected from a public university located in the mid-west. The purpose of Experiment 3 was to determine if the results of the first two experiments could be generalized to a community sample. The community sample was randomly selected from the rural and urban areas in the same geographical region as the university samples. The results indicated that the community participants were more likely to transfer the defendants to adult court than the student participants. However, the same pattern of results emerged for all of the samples indicating that the triggerman was more likely to be transferred to adult court than the other defendants especially if an intentional or accidental death occurred. These results support the conclusion that the defendants were transferred based on their involvement in the crime thus supporting the proportional rule or the just deserts philosophy.

Community Sentiment and the Juvenile Offender: Should Juveniles Charged with Felony Murder be Waived into the Adult Criminal Justice System?

Community Sentiment and the Waiver Process

The United States juvenile court system began in 1899 (Foster, 2000; Thomas & Bilchik, 1985). By 1945, all the states within the union and the federal government had adopted a juvenile court system. However, juvenile arrest rates dramatically increased between 1960 and 1975 and support for the juvenile court system declined and a reform movement began (Thomas & Bilchik, 1985). Community sentiment shifted from a rehabilitation philosophy to a 'get tough' or just deserts philosophy reflecting the notion that the punishment should fit the crime (Bishop, Frazier, Lanaz-Kaduce & Winner, 1996; Fagan & Deschenes, 1990; Stalans & Henry, 1994). Under this philosophy the defendant's level of responsibility is used to decide punishment. The sentence or punishment that the offender receives must be in proportion to the damage done to society by the criminal act (Stalans & Henry, 1994), a view that is consistent with a basic tenet of attribution theory that punitive reactions are a result of the attribution of blame (Shaver, 1985; Weiner, 1995) Although many state juvenile courts have now adopted a just deserts philosophy, originally for a youth to be sentenced under this philosophy, the youth was removed from the juvenile court and tried in the adult criminal court. Therefore, a waiver system was created so that juvenile offenders could be transferred to the adult criminal court system (Bishop et al. 1996; Peterson, 1988; Stalans & Henry, 1994). Typically, the responsibility for waiving a juvenile into adult court was handled by a judge, with jurors having no role in the matter.

Following the first juvenile crime wave of the 1960's, legislation was passed making the transfer of juveniles into the criminal system less stringent and restrictive with the result that most juvenile waivers are now due to prosecutorial and/or legislative actions (Flynn, 2007). Although

prosecutors are responsible for deciding charges it is also important to recognize that prosecutorial waiver (also known as direct file or concurrent jurisdiction) allows the prosecutor the choice in determining whether the charges should be filed in adult or juvenile court (Flynn, 2008). Furthermore, in many states new statutes were created that lowered the minimum age of transfer and added circumstances that allowed a prosecutor to file for a waiver directly, without bringing the case before a judge for review (Flynn, 2008; Thomas & Bilchik, 1994).

Another juvenile crime wave occurred in the early 1990s. During this period, juvenile crime steadily rose reaching an all time high in 1994 (FBI, 2000). The community responded by "getting tougher" with new laws that reduced the minimum age for transfer. In 2000, Foster (2000) reported that the minimum age required for transfer varied from state to state with a range of 10 to 16 years of age. Also, laws were passed allowing juveniles to be waived into the criminal justice system for committing a variety of offenses (e.g., drug sales and weapons law violations) that were previously not deemed serious enough to allow the juvenile defendant to be transferred (Jensen & Metsger, 1994; Peterson, 1988; Poulus & Orchowsky, 1994). Prior to these new statutes, juveniles were only eligible for transfer if they committed murder or a federal offense. Finally, this new legislation allowed for automatic legislative waivers (Stalans & Henry, 1994).

The transfer of juveniles to adult courts continues to increase with 50 states allowing for transfer (Fagan, Zimring, 2000, Patapis, 2006). Factors that predict transfer include the offender's age, the age at onset of delinquent behavior, dangerousness, sophistication-maturity, presence of a prior record, previous detainment in a juvenile detention center, using a firearm in the commission of the offense, being charged with murder, manslaughter, or drug sales, committing an heinous or injurious offense, and having more than one victim (Brannen, Salekin, Zapf, Salekin, Kubak, & DeCoster, 2006; Fagan & Deschenes, 1990; Fritsch, Caeti, & Hemmens,

1996; Poulos & Orchowsky, 1994; Salekin, 2002; Salekin, Yff, Neumann, Leistico, & Zalot, 2002). The one factor that is most predictive of transfer tends to remain the same across the United States: juvenile offenders charged with murder are the most likely of all defendants to be transferred into the criminal justice system (Fagan & Deschenes, 1990; Fritsch et. al., 1996; Fagan et. al., 1987; Rudman, Hartstone, Fagan, & Moore, 1986). Specifically, 40% of juveniles arrested for murder each year are transferred into the criminal justice system (Zimring, 1999). Furthermore, juveniles tend to commit crimes in groups (Fagen & Deschanes, 1990; Zimring, 1999) and therefore these offenders may be at a higher risk of being charged under the felony murder rule than adult offenders who are less likely to commit crimes in groups. The felony murder rule states that if during the commission of a felony a death results, all those who partook in the commission of that felony may be charged with murder (Zimring, 1999). The felony murder rule is present in all jurisdictions with only three states without the rule (Flynn (2008). Although juveniles convicted in adult court can no longer be executed because of the Supreme Court's decision (*Roper v. Simmons,* 2005) to ban the death penalty, juveniles are now being sentenced to life without parole (LWOP) (Fagan, 2007). For example, in Pennsylvania, Bilingit (2008) reported that over 400 minors are serving life sentences that were convicted using the felony murder rule. More generally, it has been reported (Amnesty International and Human Rights Watch, 2008) that 26% of the juveniles sentenced to LWOP were charged with felony murder. Finally, Flynn (2008) has estimated that of the approximately 2225 youthful offenders in state or federal facilities as of 2004, 25 to 50 percent of the LWOP sentences were a result of convictions under the felony murder rule.

What is the justification for the get tough policy? Legislators, legal personnel, and researchers report that the new laws are in accord with community sentiment. The claim is that

the statues are in harmony with popular public opinion, that is, the public supports the just deserts philosophy under which the new laws were created (Bishop et al.1996; Sanborn, 1994). Recent research (Alter, Kernochan, & Darley, 2007; Darley, Carlsmith, & Robinson, 2000; Carlsmith, Darley, & Robinson, 2002) supports this view. Stalans and Henry (1994) addressed the relationship between community sentiment and the automatic waiver policy. This policy was enacted as part of get tough on crime campaign that called for the creation and implementation of harsher sentences and stricter statutes to handle juvenile crime. Forty-six states and the District of Columbia allow for automatic waivers (Flanagan & Maguire (1992). The policy requires very little if any individual case review by a judge or prosecutor. Instead a calculus is performed using the offender's age and the offense with which the defendant is being charged. Various age-offender combinations identify offenders as beyond the scope of rehabilitation within the juvenile system and therefore they are automatically transferred into the criminal system (Foster, 2000; Orenstein & Levinson, 1966). In the Stalans and Henry (1994) studies, large samples (n>800) of community residents read case descriptions of a defendant who was charged with first-degree murder. The defendant's age (14 or 16), race (white or black), prior record (no previous conviction or two previous convictions), type of victim (father or next door neighbor), and the defendant's history of abuse (no abuse or abuse by the father for the previous ten years) were manipulated. Inconsistent with the automatic waiver policy, Stalans and Henry found that (a) defendants with a prior criminal history were more likely to be transferred than first time offenders, (b) non-abused offenders were transferred more often than abused offenders, and (c) offenders who murdered their neighbor were more likely to be transferred than offenders who murdered their father. These results support the notion that community sentiment is not consistent with the automatic transfer process. Potentially mitigating factors, for example, prior

abuse, are not addressed under the automatic legislative waiver policy. Therefore, if these cases were to occur in a state with automatic transfer, abused and non-abused defendants would be transferred at equal rates, a practice in opposition to community sentiment.

Supreme Court Rulings, Community Sentiment, and the Felony Murder Rule

Although the following research and opinion dealt with adult defendants tried in adult criminal court, this information is important to our research because of the issues surrounding community sentiment and the felony murder rule. Furthermore, our methodology is modeled after the Finkel and Duff (1991) study. Finkel and Duff examined the Supreme Court Justices' rulings in the cases of *Enmund v Florida* (1982) and *Tison v Arizona* (1987). In the Tison case, the Court cited community sentiment as support for upholding the death sentences of Ricky and Raymond Tison who were charged under the felony murder rule. However, in the interim the Supreme Court reached a decision in *Enmund v. Florida* (1982), a case that also involved the felony murder rule. The Supreme Court reversed Enmund's death sentence stating that it was cruel and unusual punishment because Enmund was not aware that a murder has been planned. The Tison brothers entered an appeal claiming that the Enmund case required the reversal of their death sentences as well under the Eighth Amendment's cruel and unusual punishment clause. The Tison Court upheld the death sentences stating that, in contrast to Enmund, the Eighth Amendment did not apply.

The majority of Supreme Court justices in the Tison case supported their ruling by stating that their decision, in part, was reflective of community sentiment. Citing current legislation and past jury decisions as indicative and reflective of popular public opinion, the Court argued that a "combination of factors may justify the death penalty even without a specific intent to kill." (p. 146). Furthermore, the court stated that the combination of reckless indifference for human life

and a major role in a felony may be sufficient grounds for the death penalty. In the Court's view, the Tison brothers were aware that deadly force could have been used and they did not attempt to prevent it from occurring. Therefore, even though a specific intent to kill may be virtually absent from a case, the Tison Court ruling indicated that defendants who exhibit reckless indifference for human life and play a major role in the felony could be charged and sentenced equally, making all persons involved in the felony equally responsible for a victim's death if such a death should occur.

Finkel and Duff (1991) designed two experiments to test the assumptions articulated in the Tison opinion. The researchers were interested in assessing popular opinion regarding the sentencing of defendants charged under the felony murder rule. Undergraduate and non-student adult participants were given a case to read involving the robbery and murder of a clerk in a liquor store by four individuals. The participants were then asked to decide a verdict and a sentence for each defendant individually for the charges of murder and robbery. Defendants differed in their level of involvement and knowledge regarding the crime: (a) The getaway driver had the least involvement/ knowledge about what was actually going to take place at the store and also had less intent related to the killing and robbery, (b) the lookout knew that a crime had been planned but thought that he would be involved in shoplifting not robbery, (c) the sidekick knew that he would be committing a robbery and supplied the bullets that were loaded into the triggerman's gun, and (d) the triggerman planned the crime and was the only defendant with a loaded gun. Finkel and Duff (1991) found that as the defendant's level of involvement/knowledge increased guilty verdicts and sentence severity increased (e.g., the triggerman was more likely to be found guilty and sentenced more severely than the getaway driver). In their second experiment (again using undergraduate and non-student adults), the authors asked whether major participation and reckless

indifference to human life, as discussed in Tison, were synonymous with or at least sufficient to fulfill the required intent to kill clause discussed in Enmund (*Enmund v. Florida*, 1982). They tested these variables by increasing the level of knowledge and culpability for the sidekick, look out, and getaway driver. Again, the results were consistent with the view that punishment should be proportional to the level of involvement in the commission of a crime. Based on these two studies, Finkel and Duff concluded that the community acts more in accordance with the just deserts philosophy (i.e., the application of the proportional rule) than the felony murder rule (i.e., the application of the equalistic rule). Finally, research by Finkel and Smith (1993) also tested the assumptions of the Tison Court. Again using undergraduates and non-student adults these authors reported that their results were consistent with the just deserts philosophy.

The Present Studies

Finkel and Duff (1991) and Finkel and Smith (1993) used adult offenders in their hypothetical cases. Because 40% of all juveniles arrested for murder are transferred into the criminal justice system, and because 20% of all juveniles arrested for murder have been detained under the felony murder rule (Zimring, 1999), there is a strong need for social scientists to gauge community sentiment about the transfer of juveniles into the criminal justice system. Legal scholars such as Zimring (1999) have expressed a strong desire for research that can inform legal professionals working in the juvenile justice system as to public opinion regarding which defendants in a felony murder case should be tried as adults. The major purpose of the present research was to assess whether society would like juvenile offenders arrested under the felony murder rule to be transferred in an equalistic or a proportional manner. The following hypotheses were tested in three experiments. First, the community would transfer defendants to the criminal justice system in a manner proportional to their involvement rather than transferring all

defendants as though they were equally culpable[1]. Consistent with the predictions from attribution theory (Shaver, 1985; Weiner, 1995) and in the language of Finkel and Duff (1991) and Finkel and Smith (1993), the triggerman would be transferred more often than the sidekick, lookout or getaway driver. Second, because defendants who are charged with homicide are most likely to be transferred to the criminal system (Fagan & Deschenes, 1990; Fagan et al., 1987; Fritsch et al., 1996; Zimring, 1999), it was expected that those defendants in the accidental death and premeditated death conditions would be transferred more often than the defendants in the no death condition. Third, because the triggerman in the premeditated-death condition would be perceived as having a greater level of intent to kill [and as a consequence more blame (Shaver, 1985; Weiner, 1995)] than the triggerman in the accidental-death and the no-death conditions, the triggerman in the premeditated death condition would be transferred more often than the triggerman in the accidental and no death conditions. Although the predictions are consistent with attribution theory, it is important to note that the demand for punishment has been found even when the harm was accidental (Green & Darley, 1998). However, more recent evidence (Oswald, Orth, Aeberhard, & Schneider, 2006) has indicated that relationship between harm and punishment was not mediated by perceived blame. Therefore, in the present research the comparison between the intentional and accidental conditions for the triggerman will be a test of these conflicting views. Although we were primarily interested in the relationship between community sentiment and the waiver process, we also asked our participants in the first two experiments to act as mock jurors and a reach a verdict individually. In addition, we asked each participant to assign the perceived degree of responsibility each defendant possessed for armed robbery and murder[2]. These data were collected for two reasons. First, we wanted to know whether the results of Finkel and Duff (1991) and Finkel and Smith(1991) that adults were guilty

proportional to their level of involvement could be replicated with juveniles. Second, we thought there would be a connection between transfer decisions and jury decision making. The rationale for this assumption is that the community will be more likely to transfer someone who is perceived as guilty. We used verdict as our measure of the perception of guilt. Consistent with attribution theory (Shaver, 1985; Weiner, 1995), we hypothesized that a moderated relationship would exist between perceived responsibility (i.e., in the language of attribution theory, perceived blame), perceived guilt, and transfer decisions. We expected that as responsibility increased, transfer and guilty verdicts would increase. Overall, we hypothesized that a stronger relationship would be present between verdict and transfer when responsibility was high rather than low. This model was tested in the first two experiments[3].

It is important to note that the questions concerning verdict and responsibility occurred after the participants had completed their transfer decisions, thus allowing us to collect these additional data without contaminating the transfer decisions. Finally, because our participants in the first two experiments were college students, we tested the hypotheses of community sentiment and the waiver process using a community sample in Experiment 3.

Experiment 1

Experiment 1 assessed sentiment regarding the transfer of juvenile defendants charged under the felony murder rule. Specifically, we tested the notion that all defendants charged with felony murder would be transferred and sentenced in proportion to the defendant's specific involvement in a crime. The independent variables were case (no death, accidental death, and intentional death) and involvement (triggerman, sidekick, lookout, and getaway driver); the dependent variables were transfer, verdict, and responsibility.

Method

Participants

Participants were 252 (65 males and 187 females) undergraduate psychology students who were from a university with about 17,000 on campus students located in the mid-west. The composition of the student body is largely Euro-American (88%) with the remainder largely comprised of African-Americans (4%) and Hispanic-Americans (2%). The participants were of an age typical of first and second year students Participants were randomly assigned to one of three conditions with 84 participants per cell. The ratio of females to males in each cell was approximately 3 to 1. The students were given extra credit for their participation.

Procedure

Each participant received a booklet containing one of three case summaries each involving the same four defendants. Each of the three cases contained four 15-year-old defendants with varying levels of involvement in an armed robbery. Level of involvement was a within subjects variable and corresponded to the defendant's role in the commission of the crime. Each participant read a case involving a triggerman, sidekick, lookout, and getaway driver. The triggerman was the leader of the group in each case and therefore had the highest level of involvement among the defendants across conditions. The sidekick was less involved than the triggerman but more so than the lookout and getaway driver. The getaway driver had the least amount of involvement.

Case was a between subjects variable with three conditions (armed robbery no-death, armed robbery accidental-death, and armed robbery intentional-death). Each case followed the same story line. Four gang members arrive at a liquor store with the intention of stealing cash and alcohol. All four defendants were involved in planning the robbery and each carried a gun to the scene. The defendants successfully rob the store of $2000 and 6 cases of beer. However, the

storeowner had set off a silent alarm during the robbery and the police pursued the defendants in a high-speed chase for several blocks until they disabled the vehicle and apprehended the four suspects.

In the armed robbery no death condition, the storeowner lived and the defendants were charged with conspiracy to commit robbery and armed robbery. The armed robbery accidental death condition follows the same story line with one exception; the storeowner jumps over the counter and struggles with the triggerman to get his gun. During the struggle, the gun goes off and the storeowner is fatally shot. In this case, all four defendants were charged with conspiracy to commit robbery, armed robbery, and felony murder. The final condition was that of armed robbery premeditated or intentional death. In this case the triggerman decided prior to entering the liquor store and, unbeknownst to his co-conspirators, that he will kill the storeowner on his way out to the getaway car. He believes that this act will earn him the respect and praise of his friends. Therefore, on his way out he turns around and empties six shots into the storeowner fatally wounding him. The sidekick, lookout, and getaway driver are charged with conspiracy to commit robbery, armed robbery, and felony murder. The triggerman is charged with conspiracy to commit robbery, armed robbery, and first-degree murder.

After reading a case description, participants read a sheet of legal definitions adapted from Random House Webster's *Dictionary of the Law* (Clapp, 2000) for the crimes with which the defendants had been charged. Participants were also informed that the juveniles were eligible for transfer into the adult criminal justice system because they had been charged with armed robbery. They were informed that it was their responsibility to decide whether these defendants should be transferred into the criminal justice system. They were told that they did not have to transfer the juveniles into the adult criminal system. The participants were given a separate questionnaire for

each defendant and were asked to indicate their transfer decisions, their verdicts on each charge, and each defendant's level of responsibility for the crimes. The questionnaires were counterbalanced using a Latin square design.

Results

The results[4] are presented in three sections: transfer decisions; verdicts; and tests of the relationship between responsibility, verdict, and transfer.

Transfer

A 3(case) x 4 (involvement) mixed affects ANOVA was conducted on the transfer decisions (See Table 1for the cell frequencies) with case as between-subject variable and involvement as within-subjects variable.[5]

There were significant effects for involvement, $F(2, 615) = 123.09$, $p < .001$, $\eta^2 = .337$, and case x involvement, $F(5, 615) = 9.87$, $p < .001$, $\eta^2 = .075$. The main effect of involvement indicated that transfer decreased as involvement in the crime decreased (triggerman = 69%, sidekick = 38%, lookout = 26%, and getaway driver = 23%). The case x involvement interaction was analyzed by conducting separate one-way ANOVAs on case for each level of involvement. The analyses revealed that only the case for triggerman was significant, $F(2, 249) = 14.96$, $p < .001$, $\eta^2 = .107$. Independent t-tests (one-tailed) indicated that the triggerman was significantly more likely to be transferred in the intentional death condition (86%) than in the accidental death condition (71%), $t(166) = 2.28$, $p = .024$, or the no death condition (49%), $t(166) = 5.51$, $p < .001$. Also, more transfers occurred in the accidental condition than in the no death condition, $t(166) = 3.059$, $p = .003$ (See Figure 1- Experiment 1).

Verdicts

See Table 1 for the cell frequencies. Separate 3 (case) x 4 (involvement) mixed effects ANOVAs were conducted on verdicts for conspiracy to commit armed robbery and armed robbery. Felony murder was analyzed using a 2 (case) x 4 (involvement) mixed effects ANOVAs on verdicts.

Conspiracy to Commit Armed Robbery. The analysis of verdicts for conspiracy to commit armed robbery failed to reveal any significant effects; over 98% of the verdicts were guilty (See Figure 2-Experiment 1).

Armed Robbery. The analysis for armed robbery revealed significant effects for case, $F(2, 243)$, 5.43, $p = .005$, $\eta^2 = .043$, involvement, $F(2, 569) = 113.95$, $p < .001$, $\eta^2 = .319$, and the case x involvement interaction, $F(5, 569) = 6.22$, $p < .001$, $\eta^2 = .049$. The percentage of guilty verdicts for case was 83%, 80%, and 70% for intentional, accidental, and no death, respectively. The percentage of guilty verdicts for involvement was 99%, 91%, 66%, and 54% for the triggerman, sidekick, lookout, and getaway driver, respectively. The case x involvement interaction was analyzed by conducting separate one way ANOVAs on case for each level of involvement. There were no significant effects for the triggerman or the sidekick, but there were significant effects for the lookout, $F(2, 249) = 7.97$, $p < .001$, $\eta^2 = .060$, and the getaway driver, $F(2, 249) = 5.98$, $p = .003$, $\eta^2 = .046$. Tukey's HSDs indicated that the lookout and getaway driver were significantly more likely to be found guilty if a death occurred (lookout = 74%, getaway driver = 62%) than if no death occurred (lookout = 50%, getaway driver = 39%). There was no significant difference between the accidental and intentional death conditions (See Figure 2-Experiment 1).

Felony Murder. The analysis for felony murder revealed significant effects for case, $F(1, 162) = 9.83$, $p = .002$, $\eta^2 = .057$, and involvement, $F(3, 416) = 283.86$, $p < .001$, $\eta^2 = .637$. The main effect for case indicated that guilty verdicts occurred more often for the intentional death condition (49%) than the accidental death condition (35%). The main effect for involvement indicated that guilty verdicts were proportional to involvement (triggerman = 95%, sidekick = 30%, lookout = 24%, and getaway driver = 18%). Paired *t*-tests were conducted on all of the possible combinations of involvement (modified Bonferroni = .03)[6] and all were significant {*t*s (df=251) ranged from 2.5 to 19.86 and the *p*s ranged from .012 to .001} (See Figure 2-Experiment 1).

Responsibility, Verdict, and Transfer

We tested the hypothesis that a stronger relationship would be present between verdict and the transfer decision when perceived responsibility was high rather than low. Separate moderated regression analyses were conducted on armed robbery and felony murder. Transfer as the criterion variable was regressed on the predictor variable of verdict for armed robbery (or felony murder) and on responsibility (the moderator variable) and then the interaction term (verdict x responsibility) was entered into the equation (Aiken & West, 1991). The data were centered to control for multicolinearity.

In the case of armed robbery, verdict, responsibility, and the verdict x responsibility interaction did not account for a significant portion of the variance in the transfer decision, $R^2 = .02$, $F(3, 248) = 2.05$, $p = .108$. When all variables were entered into the equation, verdict significantly predicted transfer, $\beta = .14$, $t(252) = 2.16$, $p = .032$, whereas responsibility, $\beta = .05$, $t(252) = .765$, $p = .44$, and the interaction, $\beta = .02$, $t(252) = .24$, $p = .809$, did not. In the case of murder, the final R-square approached significance, $R^2 = .04$, $F(3, 164) = 2.55$, $p = .06$. However,

contrary to the armed robbery analysis, responsibility predicted transfer, β = .20, t (168) = 2.45, p = .015, and verdict did not, β = .00, t(168) = .016, p = .99. Consistent with the armed robbery analysis, the interaction was not significant, β = .03, t(168) = .38, p = .708.

Overall, we failed to find any evidence consist with predictions from attribution theory that responsibility (i.e., blame) moderated the relationship between verdict and transfer for either armed robbery or murder.

Preliminary Discussion

Transfer

In general, the analyses indicated that the likelihood of being transferred into the adult criminal justice system increased as the defendant's level of involvement in the crimes of armed robbery and felony murder increased. Thus, the hypothesis that the defendants would be transferred in a manner that was proportional to their involvement was supported. The triggerman was by far the most likely to be transferred into the adult criminal justice system with substantial decreases in transfer for the sidekick, lookout, and getaway driver.

Involvement interacted with case indicating that the triggerman was transferred more often in the intentional than in the accidental death condition. Furthermore, the triggerman was transferred more often in the accidental than in the no death condition. In contrast, the type of case did not influence transfer for the sidekick, lookout, or getaway driver. Therefore, we found support for the hypothesis that the triggerman in the intentional death condition would be transferred more often than the triggerman in the accidental and no death conditions. Particularly important is the significance difference between the intentional and accidental death conditions. This finding supports the attribution theory prediction that more transfer would occur in the intentional than in accidental condition. Finally, we found no support for the hypothesis that

more transfer would occur in the intentional and accidental death conditions than in the no death condition for the other defendants.

Verdicts

Consistent with Finkel and Duff's (1991) findings, the defendants were found guilty of conspiracy to commit armed robbery at similar frequencies. The overall percentage collapsed across levels of involvement was 98%. The type of case and instruction did not influence verdict decisions. The effect is most likely due to all of the defendants having similar knowledge about the crime as well as all of the defendants being equally involved in the planning of the armed robbery.

Verdicts for armed robbery were not measured in the Finkel and Duff study. In the present study, armed robbery verdicts were similar for the triggerman and sidekick as well as for the lookout and getaway driver. However, the triggerman and sidekick were found guilty of armed robbery more often than the lookout and the getaway driver. More guilty verdicts were given to the lookout and the getaway driver in the accidental and intentional death cases than in the no death case. It is important to note that in contrast to the lookout and getaway driver, the triggerman and sidekick entered the store and each physically took something out of the liquor store. Therefore, there are two possible explanations for our verdict results: (1) juveniles are perceived as guilty of armed robbery more often if they are in close physical proximity to the robbery, and (2) juveniles are perceived as guilty of armed robbery if they actually steal something. However, when a death occurs during the commission of the crime, defendants who played peripheral roles in the crime may be treated more punitively to compensate for the death. Our results indicated that the lookout and getaway driver in the accidental and intentional death conditions were found guilty more often than in the no death condition.

Felony murder guilty verdicts occurred more often for the intentional death condition than the accidental death condition, and guilty verdicts were proportional to involvement. In general, the verdict findings were consistent with the Finkel and Duff findings. However, contrary to Finkel and Duff, in our research the sidekick was found guilty of felony murder more often than the getaway driver It is possible that the getaway driver was less likely to be found guilty of felony murder because this defendant was the farthest in distance from the crime (he never left the getaway car), whereas the lookout was outside the door to the store and the sidekick was in the store but not as close to the clerk as the triggerman.

Responsibility, verdict and transfer

We failed to support the hypothesis that responsibility or blame moderates the relationship between verdict and transfer. In the case of armed robbery, the correlations between verdict and transfer and verdict and responsibility were significant. In contrast, in the case of murder, the correlations between responsibility and transfer and responsibility and verdict were significant. Particularly surprising is the near zero correlation between verdict and transfer for murder.

Experiment 2

The main purpose of Experiment 2 was to replicate and extend the findings of Experiment 1. In Experiment 1 we used a mixed design with involvement as a within-subjects variable and case as a between-subjects variable. Although the Latin square procedure used in Experiment 1 attempts to control for possible order effects associated with the involvement variable, the procedure does not safe guard against possible comparison effects. That is, being asked to decide transfer and verdict for four individual defendants who differ in their involvement in a crime may produce a proportional effect simply because the participants could compare and rank-order all of the defendants before deciding transfer and verdict. Therefore, to reduce the possibility that our

findings in Experiment 1 were due to comparison effects rather than community sentiment, Experiment 2 was conducted using a between-subjects design. Of course it is important to note that comparison effects cannot entirely be ruled out because even though each participant is only evaluating one defendant, each participant is aware that four defendants participated in the crime.

Method

Participants were 240 (41 males, 199 females) undergraduate students selected from the same source as the participants in Experiment 1. Participants were randomly assigned to one of 12 conditions with 20 participants in each condition. The range of males in each cell was between 1 and 5. The students were given extra credit for their participation. Participants read the same case summaries and legal definitions that were used in the first experiment. The questionnaires were similar to the first experiment. After reading a case summary and the legal definitions, participants completed one questionnaire.

Results

Transfer

Consistent with the results of our first study, defendants were transferred in a manner proportional to their involvement in the crimes of armed robbery and murder. A 3 (case) x 4 (involvement) ANOVA was conducted on the transfer decisions (See Table 2 for cell frequencies). There was a significant effect for involvement, $F(3, 228) = 7.91$ $p < .001$, $\eta^2 = .094$, and the case x involvement interaction approached significance, $F(6, 228) = 1.92$, $p = .078$, $\eta^2 = .048$. The transfer percentages for triggerman, sidekick, lookout, and getaway driver were 68%, 40%, 33%, and 32%, respectively.. Although the interaction was not significant, the interaction was analyzed because we had hypothesized that more transfers could occur in the intentional and accidental death conditions than in the no death condition for all defendants, and that more

transfers would occur in the intentional and accidental conditions than in the no death condition for the triggerman. Separate one way ANOVAs on case for each level of involvement indicated that only the transfer for the triggerman was significant, $F(2, 57) = 3.54$, $p = .036$, $\eta^2 = .104$. Independent t-tests (one-tailed) indicated that the triggerman was significantly more likely to be transferred if an intentional death (90%) occurred than an accidental (60%) death, $t(38) = 2.28$, $p = .029$, or no death (55%) occurred, $t(38) = 2.62$, $p = .012$. The accidental-no death comparison was not significant, $t(38) = .31$, $p = .312$ (See Figure 1- Experiment 2).

Verdicts

See Table 2 for cell frequencies. Verdicts for conspiracy to commit armed robbery and armed robbery were entered into separate 3(case) x 4 (involvement) ANOVAs. A 2 (case) x 4 (involvement) ANOVA was conducted on verdicts for felony murder.

Conspiracy to Commit Armed Robbery. The analysis of verdicts did not reveal any significant effects. Over 99% of the verdicts were guilty (See Figure 2-Experiment 2).

Armed Robbery. The analysis revealed significant effects for case, $F(2, 228) = 3.57$, $p= .030$, $\eta^2 = .030$, and involvement, $F(3, 228) = 11.34$, $p < .001$, $\eta^2 = .130$. The percentages of guilty verdicts for intentional, accidental and no death cases were 85, 72, and 69, respectively. Tukey's HSD conducted on case indicated that more guilty verdicts occurred for intentional death than no death. No other comparisons were significant. Tukey's HSD conducted on involvement indicated that the triggerman (97%) was guilty more often than the lookout (67%) and getaway driver (57%), and the sidekick (82%) was guilty more often than the getaway driver. No other comparisons were significant (See Figure 2-Experiment 2).

Felony Murder. This analysis only revealed a significant effect for involvement, $F(3, 152) = 16.58$, $p < .001$, $\eta^2 = .247$. Tukey's HSD indicated that the triggerman (88%) was guilty

more often than the sidekick (45%), lookout (42%), and getaway driver (20%). No other comparisons were significant (See Figure 2-Experiment 2).

Responsibility, Verdict and Transfer

As in Experiment 1, we tested the hypothesis, using moderated regression analyses, that a stronger relationship would occur between verdict and transfer when responsibility or blame was high compared to when it was low. Transfer was regressed on verdict for armed robbery (or felony murder) and on responsibility, and then on the moderator variable (i.e., the interaction term, verdict x responsibility; Aiken & West, 1991). The data were centered to control for multicolinearity.

In the case of armed robbery, the overall F test was significant, R^2 =.04, $F(3, 236) = 3.20$, $p = .024$. Consistent with Experiment 1, verdict significantly predicted transfer, $\beta = .18$, $t(240) = 2.76$, $p = .006$, whereas responsibility, $\beta = .03$, $t(240) = .42$, $p = .678$, and the interaction, $\beta = .06$, $t(240) = .96$, $p = .340$ did not. In the case of murder, the overall F test was significant, $R^2 = .20$, $F(3, 156) = 12.59$, $p < .001$. However, contrary to the armed robbery analysis and consistent with the murder analysis in Experiment 1, responsibility predicted transfer, $\beta = .34$, $t(160) = 3.99$, $p < .001$, and verdict did not, $\beta = .13$, $t(160) = .1.63$, $p = .105$. Furthermore, (and consistent with the armed robbery analyses in both experiments), the interaction was not significant, $\beta = .09$, $t(160) = 1.18$, $p = .239$. Therefore, the moderation hypothesis was not supported.

Preliminary Discussion

Transfer

Similar to Experiment 1 (See Figure 1-Experiments 1 and 2) the triggerman was transferred more often than the sidekick, lookout, and getaway driver. However, in Experiment 1 there was a systematic decrease in transfer as level of involvement decreased from the triggerman

to the getaway driver, whereas there were no significant differences in Experiment 2 between the sidekick, lookout, and getaway driver. These discrepant findings are most likely due to methodological differences in that Experiment 1 required participants to judge each of the four defendants rather than only one. Participants who judged only one defendant may have been less likely to qualify their transfer decisions based on the acts of the other three defendants. It is possible, therefore, that participants in Experiment 1 ranked the four defendants hierarchically but did not do so in Experiment 2.

Although not all of the comparisons were significant, transfer across the intentional, accidental, and no death conditions was very similar for the two experiments; transfer was highest in the intentional death condition, followed by the accidental death and the no death conditions. These findings supported the hypothesis that the triggerman in the intentional death condition would be perceived as having a greater level of intent to kill [and as a consequence more perceived responsibility or blame (Shaver,1985; Weiner, 1995)] than the triggerman in the accidental-death condition and the no-death condition. We found no evidence to support the hypothesis that the other defendants would be transferred more frequently in the death conditions than in the no death condition.

Verdicts

Similar to Experiment 1 (See Figure 2, Experiments 1 and 2), the type of case and the level of a defendant's involvement in the crime did not predict verdict decisions for the conspiracy charge. In both experiments, the conviction percentage exceeded 98%.

In the case of the charge of armed robbery, the results again were very similar to Experiment 1. In both experiments, intentional death produced more guilty verdicts than accidental death which in turn produced more guilty verdicts than the no death condition. Also

consistent across experiments, the results indicated that (1) guilty verdicts systematically decreased as level of involvement decreased from triggerman to the getaway driver, (2) the triggerman was found guilty of armed robbery more often than the lookout and the getaway driver, and (3) guilty verdicts between the triggerman and sidekick did not differ. Finally, a noticeable difference in the two experiments involved the case x involvement interaction: in Experiment 1, the case x involvement interaction indicated that the lookout and getaway driver were more likely to be found guilty if a death occurred compared to no death. In Experiment 2, the interaction was not significant.

In the case of the charge of felony murder, no differences were noted between intentional and accidental death in Experiment 2 whereas intentional death led to more guilty verdicts than accidental death in Experiment 1. In terms of involvement, the results of both experiments indicated that, despite some minor differences, as involvement decreased guilty verdicts decreased.

Responsibility, verdict, and transfer

As in Experiment 1, we failed to find any evidence consistent with attribution theory (Shaver, 1985; Weiner, 1995) that responsibility or blame moderated the relationship between guilt and transfer for either armed robbery or murder. In other words, we did not find an interaction indicating a stronger relationship between verdict and transfer when responsibility was high compared to when responsibility was low. What is particularly puzzling is that in the case of armed robbery, and for both experiments, the beta was significant for the verdict-transfer relationship whereas the beta was not significant for the responsibility-transfer relationship. In contrast, in the case of murder, and again consistent across experiments, the beta for responsibility-transfer was significant whereas the beta for verdict-transfer was not significant.

We had expected that the perception guilt (as reflected in the verdict decision) would be related to transfer for both armed robbery and murder. It is possible that when deciding to transfer a juvenile for a lesser crime (i.e., armed robbery rather than murder) the perception of guilt is an important precursor, and possibly a simple decision heuristic, for transfer. In contrast, when deciding transfer for the charge of murder, the increased seriousness of this charge compared to armed robbery negates the importance of deciding the innocence or guilt of the defendant. Simply stated, all charges of murder by juveniles should be handled in adult court once responsibility or blame for the act has been assigned to the defendant.

Overall, the results for Experiments 1 and 2 are consistent for transfer and verdict. The minor discrepancies between the experiments are most likely a by-product of design differences leading participants in Experiment 1 to directly compare and make judgments about all of the defendants, whereas in Experiment 2, this opportunity was not as obvious. The failure to find significant effects for the moderation hypothesis based on attribution theory was also consistent across experiments. However, we did find some evidence to indicate that the seriousness of the charge may play a role in the decision to transfer juveniles to adult court. More research will be needed before much credence can be attached to this conjecture.

Experiment 3[7]

The purpose of Experiment 3 was to determine if the results of Experiments 1 and 2 would replicate using a sample of individuals from the community. As in Experiment 1, the independent variables of case as a between-subjects variable (no death, accidental death, and intentional death) and involvement as a within-subjects variable (triggerman, sidekick, lookout, and getaway driver) were included. We decided to use involvement as a within-subjects variable because the effects

between the first two experiments were similar and it would be less costly to conduct the survey. The dependent variable was transfer.

Method

Three different packets were developed based on the same information that was contained in the first two experiments. Each packet contained instructions, one of three different case summaries, and the legal definitions (no death, accidental, or intentional) combined with the same levels of involvement (i.e., triggerman, sidekick, lookout, and getaway driver). Participants were instructed to read the case summaries, legal definitions and answer the questions of transfer for each defendant. The order of presentation of the four defendants was counter balanced using a Latin square design to control for order effects. The last two pages of the survey contained questions concerning demographics and a question about having their name entered into a drawing for one of two gift certificates of $50.00 each from a local store. If their answer was in the affirmative, they were asked to submit their name and address. After completing the survey participants were instructed to submit the questionnaire in a self-addressed and stamped envelope.

One thousand Mid-Michigan community members were randomly selected from a recent mid-Michigan phone book and sent the survey. One hundred and fifty participants returned the survey for a 15% return. A return rate that is typical for this area (personal communication, Mary Senter, Center for Applied Research & Rural Studies, Central Michigan University). Of these returns nine participants did not provide transfer judgments for all of the defendants. Data from these participants were not used in any of the subsequent analyses. A summary of the demographic data indicated that the average age was 51 with an equal number of males and females, 95% white, about 50% from rural areas and communities smaller than 15,000, and about

50% from cites that ranged in size from 15,000 to 65,000, an average level of education of about 13-14 years, and average income of about 40,000-50,000. The demographics were similar to the sampled region with the exception that African-Americans were underrepresented in the sample largely because the African-American population in Saginaw County is about 19%.

Results

Transfer

A 3 (case) x 4 (involvement) mixed effects ANOVA (See Table 3 for cell frequencies) revealed a significant main effect of involvement, $F(2.16, 297.97) = 32.85$, $p < .001$, $\eta^2 = .192$, and a case x involvement interaction, $F(4.31, 297.97) = 5.05$, $p < 001$, $\eta^2 = .068$. The interaction was analyzed by conducting one way ANOVAs on case for each level of involvement. The analyses failed to reveal any significant effects. However, the effects were marginally significant (both *p*s < .10) for the lookout and getaway driver. Tukey's HSD indicated that for both the lookout and getaway driver, the comparisons were marginally significant (both *p*s < .10) with transfer more likely for the no death condition than the intentional death condition. The analysis of involvement using paired *t*-tests (modified Bonferroni = .03) revealed that all of the comparisons were significant with the exception of the lookout-getaway driver, $t(140) = .000$, $p = 1.000$. The significant *t*-tests ranged from 4.37 to 7.15 and all probabilities were less than .001. The transfer percentages for triggerman, sidekick, lookout, and getaway driver were 81%, 74%, 55%, and 55% respectively supporting the hypotheses that transfer was proportional to involvement (See Figure 1 - Experiment 3). .

Preliminary Discussion

Consistent with the first two experiments (See Figure1), we found in Experiment 3 that the triggerman was more likely to be transferred than the sidekick, lookout, and getaway driver. One minor discrepancy was that in the community sample, the sidekick was more likely to be

transferred than the lookout and getaway driver whereas in Experiments 1 and 2, the sidekick, lookout, and getaway driver elicited similar frequencies. Another discrepancy was that across the levels of involvement the community sample was more likely to transfer the defendants than the college samples.

More importantly, the results of Experiment 3 were not consistent with the first two experiments when the variable of case was examined. In first two experiments the transfer of the triggerman was dependent on the type of case (accidental, intentional, or no death) whereas the results in Experiment 3 only showed marginal case effects for the lookout and getaway driver (these defendants were somewhat more likely to be transferred in no death condition than in intentional death condition). In contrast to the first two experiments, the failure to find any significant differences between the three case conditions in Experiment 3 (See Figure 1) appears to be a result of the propensity of the community sample to transfer more defendants in the no death and accidental conditions community than in the university samples. In other words, from the communities' perspective if you are the defendant who is perceived as primarily responsible for the crime (i.e., triggerman), then you should be transferred regardless of the conditions of the crime. This interpretation is consistent with the Green and Darley (1998) results which indicated that punishment was still forthcoming even if the harm was accidental. Still it should be noted that the pattern of transfer across case was similar for the triggerman across the three experiments.

General Discussion

Three hypotheses were tested. First, consistent with attribution theory (Shaver, 1985; Weiner, 1995) and based on the data in Finkel and Duff (1991) and Finkel and Smith (1993), we expected, based on the proportional notion (i.e., just deserts), that the triggerman would be transferred more often than the sidekick, lookout, or getaway driver. Second, based on the

findings of Fagan and Deschenes (1990), Fagan et al. (1987), Fritsch et al. (1996), and Zimring (1999) that defendants who are charged with homicide are most likely to be transferred to the criminal system, we expected that the defendants in the accidental death and premeditated death conditions would be transferred more often than the defendants in the no death condition, that is, transfer would occur more often when a death occurred than when no death occurred. Third, the triggerman would be transferred more often in the intentional death condition than in the accidental death condition because the perceived intent to kill and perceived blame for the killing exists in the former and not in the latter.

In our studies, juveniles were consistently transferred based on their perceived involvement in the crime. First, in all three experiments the triggerman was much more likely to be transferred than the other three defendants (See Figure 1). This pattern is identical to the Finkel and Duff (1991) and Finkel and Smith (1993) verdict results and is consistent with the predictions from attribution theory (Shaver, 1985; Weiner, 1995). More specifically, Finkel and Smith (1993) noted that the variables of role, intention, effort, control, and criminal history determine the extent to which the defendants are attributed responsibility and morale blame. It is therefore understandable that the triggerman would be convicted (or transferred) more often than the other defendants because of the increased role, intent, effort, and control exhibited by the triggerman. Secondly, although transfer, in general, declined starting with the triggerman and ending with the getaway driver, differences among the sidekick, lookout, and getaway driver were not appreciable. Collapsed across experiments transfer percentages for the triggerman, sidekick, lookout and getaway driver were 75, 46, 41, and 38, respectively. It is possible that involvement is less distinguishable in our experiments because in all of our experiments, all four defendants were armed. This was not the case in the Finkel and Duff experiments where in Experiment 1,

only the triggerman possessed a weapon and in Experiment 2, the triggerman, sidekick, and lookout carried a weapon. In spite of these differences, however, the results are remarkable similar.

The transfer percentages for the triggerman were also quite similar across the three experiments for intentional, accidental, and no death (See Figure 1). In each experiment, transfer was highest for intentional death, followed by accidental death, and finally no death. Collapsed across experiments, the percentages of transfer for intentional, accidental, and no death were 88, 69, and 59, respectively. Although more defendants were transferred in the intentional and accidental death conditions than in the no death condition, the only statistical support we found for the hypothesis that more transfer would occur for the death conditions than the no death condition occurred in Experiment 1 and only for the triggerman. Basically, the sidekick, lookout, and getaway driver were more likely to be transferred based on their involvement, and not on the basis of whether a death occurred. Finally, it is important to note that the same pattern of results occurred for the student samples in Experiments 1 and 2 and the community sample in Experiment 3 showing that the pattern of results from the student sample may be applicable to the community (Bornstein, 1999; Kerr, & Bray, 2005). However, it is important to note that overall, the community sample (65%) was more likely to transfer the defendants than the student samples (42%). The literature comparing student and community samples, at least for mock jurors, has been inconsistent (Bornstein, 1999). However, when differences have been found, they generally indicate that students are less punitive than a typical community sample (Bornstein, 1999). A variety of reasons have been provided for this difference including the possibilities that students are more idealistic, more educated, and more liberal than the typical community sample (Bornstein, 1999). Our community sample possessed about 13-14 year of formal education which

is similar to the educational levels of our student samples. We have no data about the possibility that the samples differed based on idealism or political beliefs. Another possibility is that, in contrast to the average age of our community sample (M = 51), the age of our student samples were relatively close to the age of the defendants in our scenarios. Therefore, students may be able to identify and sympathize more with the plight of these defendants than mature adults.

The evidence was also mixed for the third hypothesis, based on the notions of intent and blame, that the triggerman would be transferred more often in the intentional than in the accidental death condition. The hypothesis was supported in Experiments 1 and 2 but not in Experiment 3. It is clear from Figure 1 that the failure to find support for the hypothesis is due to the community sample transferring the triggerman more often in the accidental and no death conditions than the student sample did. The failure to find a significant difference between the intentional and accidental conditions in Experiment 3 is consistent with the findings of Greene and Darley (1998). The most obvious interpretation of the discrepant findings among the studies is that the communities' demand for punishment is independent of perceived harmfulness (at least within the limits of present research paradigm) whereas it is not the case for the university. Further research will be needed to test this interpretation.

Another purpose of the present investigations was to determine if we could find the same results as Finkel and Duff (1991, Experiment 2) and Finkel and Smith (1993, Experiment 1). In these studies, participants were asked to act as mock jurors and reach a verdict concerning crimes committed by adults. In the case of conspiracy to commit armed robbery, guilty verdicts exceeded 98% in our studies whereas it was 100 % in the Finkel and Duff study (conspiracy to commit armed robbery was not measured in the Finkel and Smith study). In the case of armed robbery, we found a systematic decline in guilty verdicts as involvement decreased whereas Finkel and Smith

(armed robbery was not measured in the Finkel and Duff study) found that guilty verdicts were consistently high for all of the defendants (the lowest guilty percentage was 88 for the lookout). It should be noted that guilty verdicts were also high in our study for the triggerman (collapsed across the two experiments, the percentage was 98) and sidekick (collapsed across the two experiments the percentage was 86) but declined for the lookout and getaway driver (collapsed across the defendants and the two experiments, the percentage was 61). We have no plausible explanation for this discrepancy. In fact, we expected, if anything, that the percentage of guilty verdicts would be higher in our studies because all of the defendants were armed. In the case of felony murder, the results were consistent: the triggerman was much more likely to be found guilty than the other three defendants. However, in the Finkel and Duff and Finkel and Smith studies, the number of guilty verdicts dropped substantially for the three defendants with little appreciable difference among the defendants. In contrast, in our two studies, guilty verdicts did not drop that much for the sidekick (86%). This discrepancy may be accounted for by the fact that in our studies, the sidekick was armed. Overall, the results from the compared studies are quite similar suggesting that juveniles and adults are treated in a similar manner, at least within the context of the present research paradigm.

Finally, we tested the hypothesis based on attribution theory (Shaver, 1985; Weiner. 1995) that responsibility or blame would moderate the relationship between verdict and transfer. In Experiments 1 and 2 we did not find any evidence for this hypothesis. However, we did find for armed robbery, in both experiments, a significant relationship between verdict and transfer. In contrast, for murder, in both experiments, we found a significant relationship between responsibility and transfer. We suggested that transfer for the lesser crime of armed robbery is dependent on the perception of guilt whereas transfer for the more heinous crime (murder) is

dependent on responsibility. More research is needed before the veracity of the notion can be ascertained.

Overall, the most important conclusion from these studies is that the defendant's level of involvement in a crime and the heinousness of that crime influenced transfer decisions. Furthermore, defendants were transferred in a manner proportional to their involvement and the severity of the crimes. Therefore, community sentiment does not support the assumption that all defendants charged under the felony murder rule should be regarded as equally culpable and sentenced in an equalistic manner. Defendants in the present studies were transferred in a manner proportional to their level of involvement in the crimes that were committed. As previously mentioned, current automatic legislative waiver policy does not allow for mitigating factors such as a defendant's level of involvement in a given crime to be evaluated. Therefore, we recommend, in accordance with Stalans and Henry (1994), that the courts make note of mitigating or aggravating factors prior to issuing a transfer decision. Furthermore, community sentiment is not in accord with the automatic legislative waiver policy because this policy does not take mitigating factors such as a defendant's level of involvement in a crime into consideration when making a transfer decision.

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Table 1

Frequency of Transfer and Guilty Verdicts for Conspiracy to Commit Armed Robbery, Armed Robbery, and Felony Murder by Case and Involvement-Experiment 1.

	Involvement															
	Triggerman				**Sidekick**				**Lookout**				**Getaway**			
Case	**T**	**CAR**	**AR**	**FM**	**T**	**CAR**	**AR**	**FM**	**T**	**CAR**	**AR**	**FM**	**T**	**CAR**	**AR**	**FM**
No Death	41	82	84		31	82	77		24	82	42		19	81	33	
Accidental Death	60	84	81	77	35	84	74	19	24	83	60	12	22	84	52	9
Intentional Death	72	82	84	83	30	82	78	31	18	82	64	28	17	80	52	22

Note: Maximum number of transfers or guilty verdicts for each cell was 84.
T = Transfer, Verdicts; CAR = Conspiracy to Commit Armed Robbery; AR = Armed Robbery; FM = Felony Murder

Table 2

Frequency of Transfer and Guilty Verdicts for Conspiracy to Commit Armed Robbery, Armed Robbery, and Felony Murder by Case and Involvement-Experiment 2.

	Involvement															
	Triggerman				**Sidekick**				**Lookout**				**Getaway**			
Case	**T**	**CAR**	**AR**	**FM**	**T**	**CAR**	**AR**	**FM**	**T**	**CAR**	**AR**	**FM**	**T**	**CAR**	**AR**	**FM**
No Death	11	20	19		8	20	15		3	20	10		6	19	11	
Accidental Death	12	20	19	16	11	20	17	9	9	20	13	7	7	20	9	7
Intentional Death	18	20	20	19	5	20	17	9	8	20	17	10	6	19	14	1

Note: Maximum number of transfers or guilty verdicts for each cell was 20.
T = Transfer, Verdicts; CAR = Conspiracy to Commit Armed Robbery; AR = Armed Robbery; FM = Felony Murder

Table 3

Frequency of Transfer by Case and Involvement-Experiment 3

	Involvement			
Case	Triggerman	Sidekick	Lookout	Getaway
No death	34	31	30	30
Accidental death	35	30	24	24
Intentional death	45	36	24	24

Note: Maximum number of transfers for each cell for no death, accidental death, and intentional death were 44, 46, and 51 respectively.

Footnotes

[1] All of the defendants in our scenario had planned and participated in the crime and carried a gun (See the *Procedure* subsection of the Method Section for the description of the basic scenario). We assumed that these actions met the criteria of the Tison court that all of the defendants played a major role in the felony and acted with reckless indifference to human life.

[2] The original design also included the variables of instructions and confidence in verdict. These variables were not relevant to the major focus of the present research, and therefore, were not included. For a copy of these results, please contact the second author.

[3] In hindsight, in order to test the model a third time, it would have been wise to include verdicts in Experiment 3.

[4] We used ANOVA to analyze the dichotomous dependent variables of transfer and verdict. The outcomes from ANOVAs are similar to the outcomes from logistic regression especially if cell sizes are similar and cell percentages are equal to or greater than 20% (Lunney, 1970). Although our data did not always meet these assumptions, when the outcomes were compared from the two approaches, the effects were the very similar with both approaches producing the same significant effects.

[5]In all of the analyses involving within subjects, we used epsilon (Huynh-Feldt) to adjust the degrees of freedom.

[6] The modified Bonferroni is a correction for alpha inflation but it is not as strict as the traditional Bonferroni test (Keppel, (1991).

[7]Experiment 3 was supported by a grant from the Faculty Research and Creative Endeavors Committee, Central Michigan University