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UNIVERSITY OF KENTUCKY
LEWIS HONORS COLLEGE

College Athletes as Defendants in Rape Trials: The Impact on Legal Decision-Making

by

Sophia Salyers

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Approved by the following:

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Faculty Advisor Professor,

LEXINGTON, KENTUCKY
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College Athletes as Defendants in Rape Trials: The Impact on Legal Decision-Making

University of Kentucky

Sophia D. Salyers and Dr. Jonathan Golding

College Athletes as Defendants in Rape Trials: The Impact on Legal Decision-Making

The issue of rape continues to be of concern in the United States. Rape is defined as any unwanted or forcible penetration without consent (United States Department of Justice, 2017). More specifically, rape can include sexual violence tactics such as force, threats, manipulation, or coercion (National Sexual Violence Resource Center, 2022). The magnitude of the issue of rape has been demonstrated, with adult rape data showing that on average, 319,950 people over the age of 12 were raped or sexually assaulted in the United States annually in 2020 (Morgan, 2021). Furthermore, every sixty-eight seconds an American is raped (Morgan). Finally, one in six women have been victims of rape or attempted rape in the United States in their lifetime (Tjaden & Thoennes, 1998) and 90% of rape victims are female (Planty, 2013).

As stated above, females are at a greater risk for becoming victims of rape, but more specifically, college women are a rising subpopulation of victims. At the collegiate level, 26.4% of females will experience rape or sexual assault through physical force, violence, or incapacitation during their time in college (Rape, Abuse, & Incest National Network, 2016). Within the college community, the questioning of “Who?” and “Why?” must come about. Huff (2022) claimed that college is a new environment, full of pressure to adjust, take part in social life, and feel compelled to conform, particularly for first year and second-year students, making them more vulnerable to sexual violence and assault. It was also found that college women were especially at risk for becoming victims of sexual violence and assault due to various factors including being unmarried, frequently drinking to get drunk, and living on-campus (Fisher et al., 2000). Although these factors play a role, it is critical to notice the culprits of these issues.

It's apparent that women are more likely to experience rape by men during their time in college, but it is also important to note highlight who is committing these crimes. Colleges

include a diverse population of students. This includes student athletes, given that college athletics are part of the culture and core identity of colleges. Data indicates that male college athletes rape female students relatively often. For example, Johnson (1991) found that a male college athlete raped a female once every 18 days and these males were 40% more likely to commit rape than the average male college student (Johnson, 1991). Other data indicates that male athletes were more likely to have higher rates of using sexual coercion compared to non-athletes (Young, 2017). Finally, college athlete data also indicates that male athletes have a lower attitude toward women, meaning they view women with less respect and value—a risk factor for sexual violence (Kimble et al., 2010). Despite the above points about male college athletes, only two empirical studies have looked at potential connections between male student-athletes and the perpetration of sexual assaults (McCray, 2019). The purpose of the present study is to examine how collegiate athlete status impacts perceptions of rape cases in the courtroom.

Legal Decision-Making in Rape Cases

Despite very little research examining male college athletes and perceptions in the courtroom, there is a great deal of research that has investigated legal decision-making and rape. For example, Golding et al. (2022) reviewed experimental research to better understand factors that impact legal decision-making in adult rape cases in which a victim and defendant know one another. Legal decision-making includes aspects of a case or the legal system that could have an impact on judgments and legal decision-making. Rape laws are dynamic and changing, and this plays a role in how legal decision-making occurs in the courtroom, as well as the treatment of rape victims in court.

Further, it is imperative to recognize that people take the perspective of victims in sexual assault cases, often using this to assess whether justice was provided or not. O'Neal (2015) analyzed qualitative data surrounding cases of rape, determining that obtaining

substantial evidence and corroboration of a victim's testimony are major aspects for legal decision-making in rape cases. It was also found that legal decision-making has an impact on extra-legal factors, such as credibility (O'Neal). Golding et al. (2022) called attention to the importance of evidentiary issues in rape trials, as well, such as confessions and rape shield laws. With more substantial evidence, legal decision-making can heavily impact a rape case. Golding et al. (2022) also discussed the importance of expert testimony in concurrence with a victim's testimony in court, to increase guilty verdicts. The judgments made by jurors are not solely determined by legal factors, however. It is crucial to consider factors (i.e., extra-legal factors) outside of the legal system itself in rape cases, as well.

Extra-legal factors are not evidentiary issues, but they can still impact legal decision-making within the courtroom (see Golding et al., 2022). Extra-legal factors include characteristics of the defendant and/or victim, such as intention and attitudes. For example, rape cases not involving a stranger often lead to not-guilty verdicts (Golding). These extra-legal factors could potentially be found in rape cases involving college athletes, among other factors. A profound impact on legal decision-making and rape involving athletes is based on acquaintance rape. Acquaintance rape was discussed in length by Golding et al. (2022) as a vital role in extra-legal decision making, defined as a rape case in which the victim and offender know one another. Acquaintance rape can be a friend, co-worker, date, or any person the victim might know, whereas the other extreme, stranger rape, involves a person that the victim did not have previous recognition of or any sort of relationship, not necessarily romantic (Golding et al., 2022). In a guide created by Sampson (2002) to better understand acquaintance rape and college students, it was suggested that male athletes are commonly involved with acquaintance rape with female non-athletes, mostly due to being in the same places alone, such as studying in a dorm or leaving a party. Athletes are also more likely to

live in separate living spaces, where the rooms are more private, and they can easily persuade others to visit due to their sometimes higher-status and victims' curiosity.

College Athletes and Rape

Data on the prevalence of college athletes and rape have not been published, however, there are several cases that involve college athletes and rape that have received national attention more recently. Brock Turner, a Stanford University student, and champion swimmer turned heads with his trial. Chanel Miller was unconscious due to intoxication after attending a fraternity party at Stanford. Later, she learned that two bikers found Turner sexually assaulting her in an ally. The bikers witnessed the act and held Turner, who was fighting to get away, until the police arrived (Neary, 2019). The victim provided powerful testimony at trial, stressing that the six-month recommended sentence by the judge was a soft-time out and did not level to the amount of pain that she had been through, and she also emphasized that the sentence was a mockery of the seriousness of his actions (Kebodeaux, 2017). Turner was found guilty of three counts of sexual assault. He was sentenced to six months in county jail but was released after serving only three months (Kebodeaux). The public quickly disagreed with this six-month sentence, sharing their discontent with legislators and news outlets, becoming even more upset after he only served three months (Vitiello, 2018). Eventually the California legislature defined new minimum sentences for sexual assault, as well as passed an additional bill to extend the definition of rape to include more than threatening and/or using physical force (Kebodeaux). The average sentence for rape is now 178 months, a stark comparison to the three months Brock Turner received (United States Sentencing Commission, 2018).

Turner, however, was not the first college athlete to receive national attention for his rape trial and unjustified sentence. Solomon (2018) examined the Baylor football scandal of the early 2010's in depth. During this time, several Baylor University football players were

accused of sexual assault. In one case in 2012, linebacker Tevin Elliot was arrested for raping a Baylor female student at a party. During his trial, four additional women came forth, claiming Elliot had also raped them, the rapes dating back to 2009. Elliot's trial was the first of the Baylor scandals to gain public attention, but by 2015, multiple cases against Baylor football players were brought to light. Elliot was sentenced to twenty years in state prison. Sam Ukwuachu transferred to Baylor after facing a violent interaction at Boise with his girlfriend at the time, allegedly attacking her after using drugs and alcohol. Ukwuachu was later convicted of sexual assault after raping a fellow Baylor female student, the charges not publicized or addressed until twenty-months afterwards. Baylor hired a law firm to review the college's response to these acts of sexual violence, and they were found to be violating Title IX, as well as mishandling the rape allegations against the football players, neglecting to protect victims from these situations, as well as persuading victims to not file complaints. The NCAA did not punish the college or launch any form of action for consequences for Baylor (Hernandez, 2021). In 2017, a federal lawsuit was filed by an anonymous female student, at the time, claiming 31 Baylor football players committed over 52 acts of rape between 2011 and 2014, also alleging that Baylor bribed and silenced victims of these assaults (O'Neill, 2018). No further information has been published regarding the outcome of this lawsuit.

Another sexual assault event on another college campus occurred at Florida State University. In a review by Novkov (2016), it is described that in late 2012, Erica Kinsman was having drinks with a football player from the Florida State University team— Jameis Winston. Winston, the team's star quarterback, left with Kinsman in a taxi. Kinsman recalled awaking to laying in an apartment, with Winston sexually assaulting her, then dressing her, and taking her back to her dorm. She stated that she did not give consent for these sexual actions. Kinsman then posted online, making others aware of her story, and contacted the police the night of the incident. Despite these actions, the investigation against Winston was

ultimately suspended, the police stating that the alleged victim was not being cooperative with them, although she had contacted them multiple times for a status update on her case. When Florida State University did not launch an investigation in addition to the police department, Kinsman went to the school's office that handled Title IX, leading to a student conduct investigation against Winston. Winston was cleared completely by Florida State University of any wrongdoing, based on the preponderance of evidence standard, and he did not receive any legal punishment for his alleged actions. Winston went on to win the Heisman trophy, a prestigious and nationally recognized award given to one collegiate quarterback per year, won a national championship with the Florida State University football team, and was drafted into the NFL. While many fans still stand by his side, the public did not necessarily agree with the lack of consequence given to Winston and raised questions of how long rape cases involving athletes have been dismissed so easily (Novkov, 2016).

A great deal of these questions led to more attention, particularly reaching one author. Krakauer (2015) wrote a book titled *Missoula* describing the typical mishandling of sexual assault cases in colleges, focusing on the University of Montana. Between January 2008 and May 2012, hundreds of students reported being victims of sexual assault. In 2010, Alice Huguet reported that after attending a party with her childhood friend and classmate, Beau Donaldson, she was raped while she was sleeping. Donaldson was a member of the University of Montana football team. Due to his massive size, she did not fight back, but ran out of the house immediately after, calling her mother while being chased by Donaldson. She completed a forensic exam to collect evidence of the sexual assault, then met with Donaldson before going to the police. She recorded the conversation without the alleged offender knowing, Donaldson admitting his actions and being encouraged by Huguet to receive professional help for his behavior. The court, however, would not accept this recording by Huguet, as it was not warranted by Montana law officials. Donaldson was later recorded

during an interrogation, admitting his guilt, as well as recorded in a phone call by police between Donaldson and Huguet, again admitting his guilt. A previous victim also agreed to shed light on the sexual assault that Donaldson committed previously with her to better support the case. The District Attorney, however, was extremely hesitant to bring the case to trial, as Donaldson was a popular collegiate football player (Storch & Stagg, 2016). Plea bargains and negotiations were then discussed, with the District Attorney wanting to avoid a trial at all costs. Donaldson agreed to ten years in prison, but the sentence was reviewed multiple times. Huguet had to relive the assault again and again. This raises concerns for other connections at colleges between collegiate athletes and rape, as well as questions as to why this pattern occurs.

Athlete Personalities and Stereotypes

The increasing patterns involving male college athletes committing sexual assault have led some researchers to investigate perceptions of athletes, especially male athlete personalities. In one such study, Aamodt et al. (1982) analyzed the personality profiles of 51 college non-athletes, as well as athletes from different sports, including college football, baseball, and track team members. The Personality Profile System was utilized— a 24-item personality inventory that measures personality on four dimensions: dominance, influence, compliance, and steadiness. The study found that across all three collegiate sports, the athletes were more dominant and active and less patient and calm than non-athletes.

Another trait of athletes was studied by Dijkstra. Dijkstra et al. (2009) conducted a cross-sectional study utilizing a sample group that was measured biennially from preadolescence until age 25 to understand correlations between popularity and various aggressive behaviors, as well as to understand the impact of positive features, such as athletic ability, on perceptions of popularity. The participants were asked to rank their peers based on a series of questions relating to specific characteristics (i.e., popularity, bullying, norm-

breaking behavior, athletic ability). The study concluded that popularity rankings increased as rankings of athletic ability increased. This positive correlation between popularity and athletic ability demonstrated that the common stereotype that athletes are more popular than the average person holds true.

While this personality research plays a large role in better understanding athlete defendants, it is also important to highlight the impact of stereotypes. “Dumb jocks” is a term used frequently to represent a frequent stereotype— athletes are not academically inclined or capable of performing well in educational settings, which is what Wininger and White (2015) aimed to address. Their study included a survey of 493 college students, looking to receive feedback about academic expectations of athletes, professors’ academic expectations of athletes, and views of the academic abilities of their peers. They found that students held lower academic expectations for athletes and believed that their professors would provide athletes with more support and preferential treatment. They also found that non-athlete students ranked themselves as the most academically successful. The non-athlete students ranked their fellow non-athlete peers slightly lower than themselves individually in terms of academic success, but the student athletes were ranked the lowest of all by the non-athlete students. (Wininger & White).

An additional common stereotype of athletes is that they are cocky and privileged. Yukhymenko-Lescroart and Sharma (2022) conducted interviews among thirteen undergraduate, non-athlete students from a Division I university, meaning athletics were a prominent part of the campus for the participants. The students were interviewed and asked a series of questions relating to privilege and cockiness, for example, “What three words would you use to describe student-athletes?”. Results showed that these non-athlete students believed that student athletes at their college received more institutional provisions, with supports not available to all students, exhibiting greater levels of privilege than the rest of the

student population. Athletes were also perceived by the participants to embody negative and positive stereotypes, non-athletes highlighting the level of dedication to their sport, but also the lack of care for academics.

Athletes and Legal Research

There is one outlet that has been dedicated to athletes, both in positive and negative lights—the media. Athletes are frequently in the media spotlight, oftentimes in the news due to connections to a crime. Chamberlain, Miller, and Jehle (2006) conducted research based on existing data and studies to determine if athletes that have “celebrity status” (professional athletes) would receive less harsh sentences in the courtroom, and if so, how did the participants get to these decisions as jurors. It was determined that celebrity status yields three responses in the courtroom: 1) Compliance- Going along with social influence without internal acceptance of perceptions of celebrity athletes, 2) Identification- Temporary, genuine change in opinion of celebrity athlete based on affinity or admiration, and 3) Internalization- Genuine, long-lasting opinion change made more permanent; want to believe the celebrity’s innocence is enduring and status clouds perceptions (Chamberlain et al., 2006). Even though this study utilized pro-athletes, the results yielded responses that could be compared when examining collegiate athletes, thus explaining possible perceptions of collegiate athletes in rape cases.

In addition to the above findings, Withers (2010) chose to examine professional athletes and cases of domestic violence, and consequences provided in the courtroom and the league. When examining past cases, consequences given in both the courtroom and in the league were not as harsh, were inconsistent, and were sometimes even completely absent compared to the general population involved in cases of domestic violence in relation to their own lives (i.e., loss of job, longer sentences). This could show a potential relation to courtroom decisions and perceptions of athletes involved in rape at the collegiate level.

The Present Study

The present study will use a 3 (collegiate athlete status: football, hockey, control [non-athlete]) x 2 (status: star vs. no-star) x 2 (participant gender) between-subjects design. For the collegiate sport condition, defendants will be assigned to one of the three conditions. Football was chosen for its popularity and professional-level history of crimes (White, 2020). For comparison, hockey was chosen, as it is a popular sport, but not as high-profile as football. Hockey requires aggression and some contact while playing. For the status condition, the defendant will be assigned as a “star” or “no-star.” “Star” meaning that for the athlete condition, nominated for a nationally recognized athletic award, and for the student condition, nominated for a nationally recognized academic award. The “no-star” condition indicates that for the athlete status condition, they are a practice player, and the student condition is an average college student.

Based on prior research, there are three main hypotheses:

Hypothesis 1: Collegiate Athlete Status

I predict a main effect of collegiate athlete status. Being an athlete should be associated with lower pro-victim judgments than non-athletes, for example, there will be lower pro-victim judgments of guilty verdicts and victim credibility. This hypothesis was based on previous research that has discovered that athletes tend to receive fewer guilty verdicts, despite their stereotypical reputation (Repetto, 2016). This indicates that the football and hockey conditions should receive lower pro-victim judgments, lower number of guilty verdicts and more negative victim characteristics, such as lower believability, compared to the control (non-athlete) condition.

Hypothesis 2: Star Status

Star status should also lead to a main effect. Stars should be associated with lower pro-victim judgments than no-stars and will be rated higher for more positive characteristics

such as credibility and honesty. This prediction was based on logic that "star" athletes have more money, fame, and popularity, which leads to a bias (Robinson, 1998).

Hypothesis 3: Participant Gender

I predict a main effect of participant gender; such that female participants will be more pro-victim than male participants. This is based on previous data of the impact of gender on rape case legal decision-making (see Golding et al., 2022).

Exploratory Analyses

The present study will examine all two-way interactions in an exploratory fashion. I took this approach, as rape cases involving collegiate athletes have not yet been researched in a published study and thus there are no clear data to guide predictions. One potential interaction will be between collegiate athlete status and participant gender, such that men will be more likely to rate football highest for pro-victim verdicts, hockey players rated slightly lower for pro-victim verdicts, and non-athletes slightly lower than hockey players (but all lower than women), but females will rate all collegiate sports (football, hockey, non-athlete) equally for pro-victim verdicts (but all higher than men). More pro-victim verdicts will be associated with more guilty verdicts.

Method

Participants

Male and female participants will be recruited through Amazon Mechanical Turk. They will be awarded \$1 for completing the online survey. Based on prior research investigating rape and legal decision-making (Lynch et al., 2019), we will recruit 200 participants, 25 per cell.

Design

The experiment will use a 3 (collegiate athlete status) x 2 (status) x 2 (participant gender) between-subjects design. The collegiate athlete status condition will consist of: 1)

football condition- the defendant will be collegiate student involved in the college football team, 2) hockey condition- the defendant will be a collegiate student involved in the college hockey team, and 3) control condition- the defendant will be a collegiate student not involved in any college athletic team. The status condition will consist of: 1) star-condition- the collegiate student will be a star. If they are an athlete, they will be nominated for a nationally recognized athletic award. If they are a student, they will be nominated for a nationally recognized academic award, and 2) no-star condition- the defendant will be considered average, meaning the collegiate sport conditions will consist of the defendant being a practice player, and the control will be an average college student. Participants will be randomly assigned to one of the eight conditions. Primary dependent variables will consist of measures such as participant's verdict and ranking-based questions regarding the victim and defendant.

Procedure

Participants will complete the experiment online through the survey site Qualtrics. First, there will be a study introduction, including an informed consent. Second, the participants will read a brief thank you paragraph, including a direction to ensure they read all information and their answer cannot be changed. Next, participants will then be assigned a condition at random and begin reading the trial summary. Throughout the trial, the participants will be supplied with comprehension questions to validate that they are reading and comprehending the trial. Comprehension questions will be asked to ensure that participants are sufficiently paying attention. Manipulation-check questions will be asked, as well, to make sure that participants are complying with manipulation of the independent variables. For a full list of questions, see Appendix A.

Materials

Rape Trial Summary. The study will contain a trial summary of a fictional rape trial. Within the rape trial, there will be the prosecution's case, the defendant's case, as well as

instructions per the trial judge. Witnesses will receive both direct examination and cross-examination. The trial will describe a case in which the defendant raped the victim in her dorm after being invited over to do homework. The victim's testimony will maintain the same story across conditions, with differences in the description of the defendant. The defendant's testimony will maintain the same story across conditions, with differences in the description of himself, for instance, stating he is a member of the football practice squad team. Closing arguments from both the prosecution and defense will be the same, with the caveat of stating the details about the defendant based on the condition. For an example trial summary, see Appendix B.

Trial Questionnaire. Following the trial, the participants will be asked to answer three questions about their verdict. They will rate on a scale of 1 (*not at all*) to 7 (*completely*) of how guilty they believe the defendant is. They will then select a guilty or not guilty verdict for the case. Afterwards, they will be asked to write a brief explanation describing what led to their verdict. Then there will be ten rating-based questions regarding the victim (i.e., physical helplessness, ability to communicate, extent of ability to consent) The scale for these ten questions will be 1 (*not at all*) to 7 (*completely*). Next, there will be eleven rating-based questions regarding the defendant (i.e., characteristics such as ego, cockiness, aggressiveness, popularity), the scale again being 1 (*not at all*) to 7 (*completely*). There will be questions that will be asked for both the defendant and the victim (i.e. credibility, believability, honesty, responsibility, blame, sympathy, anger). Finally, demographic questions will be presented, asking for citizenship status, residing state, gender, age, race, whether or not they have been on a jury, and details surrounding this. A full list of these questions is located in Appendix C. A survey end section will then appear, providing more information and details about their participation, as well as further instructions to receive financial compensation.

Planned Analyses

A univariate analysis of variance (ANOVA) will be used in the present study to analyze all dependent variables. A three-way ANOVA will be utilized to test the three potential main effects, as they may produce multiple interactions, influencing the results.

Results

The data for the present study was analyzed using analyses of variance (ANOVA).

Hypothesis 1: Collegiate Athlete Status

It was hypothesized that there would be a main effect of college athlete status, such that athletes would be associated with lower pro-victim judgments (e.g., victim sympathy) and rated higher for negative characteristics (e.g. ego, cockiness, etc.) than non-athletes. The results did not support this hypothesis.

Hypothesis 2: Star Status

It was hypothesized that there would be a main effect of star status, such that a star would be associated with lower pro-victim judgments and rated higher for positive characteristics (e.g. honesty, credibility, etc.) than a non-star. Again, the results did not support this hypothesis.

Hypothesis 3: Participant Gender

It was hypothesized that there would be a main effect of participant gender, such that female participants would be more pro-victim compared to male participants. There was strong support for this hypothesis, such that this difference was significant for twenty out of twenty-five dependent variables. See Table 2 for participant gender means and standard deviations for all dependent variables, and Table 3 for the ANOVA statistics for all dependent variables.

Discussion

The purpose of the present study was to examine how collegiate athlete status impacted perceptions of rape cases in the courtroom. There are no published studies regarding courtroom these perceptions in the literature. Although we hypothesized a main effect of Athlete Status and Star Status, neither of these factors impacted the results. However, the prediction of a main effect of Participant Gender was strongly supported.

Regarding Participant Gender, the results showed that female participants were more pro-victim compared to male participants. The prediction of a Participant Gender main effect was based on previous rape data that has indicated that this was a robust finding involving legal decision-making research involving rape cases (Golding et al., 2022). In the present study, female participants provided more guilty verdicts compared to male participants, regardless of condition. Also, female participants rated the defendant lower for positive characteristics, such as credibility and honesty, compared to males, and higher for negative characteristics, such as cockiness. Finally, female participants rated victims higher regarding positive characteristics, such as believability and credibility. All of these findings are consistent with previous studies that have studied the significant impact of gender on rape in the courtroom (Hockett et al., 2016). Moreover, the results of the present study extend support for significant gender differences in evaluating judgments in a yet to be examined rape case involving a collegiate athlete.

The absence of main effects for Athlete Status and Star Status was perplexing. With regard to the former, it was predicted that there would be a main effect of Athlete Status, such that athletes would be associated with lower pro-victim judgments and rated higher for negative characteristics compared to non-athletes. This hypothesis was based on previous research that showed athletes receive fewer convictions, despite the seemingly negative stereotypes that are associated with them (Repetto, 2016). As there was no difference found

in the present study between athletes and non-athletes, it could be argued that participants had negative feelings toward rape as a whole, not sensitive to the defendant being an athlete or not. Regarding the latter, Star Status, it was hypothesized that there would be a main effect of this factor, such that stars (athlete or typical student) should be associated with lower pro-victim judgments than non-stars, and stars should be rated higher for positive characteristics. This prediction was based on past research that star athletes have larger reputations, fame, and better financial stability, leading to partiality (Robinson, 1998). However, the absence of a main effect of Star Status may have been due to reasoning similar to that for Athlete Status— participants did not care about the status of the defendant charged with rape, rather they were fueled by the fact the evidence in the rape case.

Limitations

While this present study did provide support for one main effect, it is important to note that there were limitations to the present methodology. First, the race of the defendant and the victim were not manipulated in the present study. Both were described as White individuals to participants. This variable could impact perceptions of athletes in rape cases, as previous rape studies have found that race can impact legal decision-making (Golding et al., 2023). Moreover, Golding et al. mentioned that while consistent results regarding the interaction of defendant and victim race have not yet been shown, there have been key studies (e.g., Feild, 1979; Klein & Creech, 1982) that have generated indications that these interactions can exist within legal decision-making. For example, when a victim was White, prison sentences were longer when the defendant was Black (Feild, 1979). Furthermore, defendants that committed rape involving a White female victim were rated as more probable to be guilty than those who committed a crime against a Black woman (Klein & Creech, 1982). Manipulating race in the present study could have impacted the results, particularly as diversity in college athletics is increasing (Lapchick, 2022).

A second limitation involving the present study was that the location of the rape was not manipulated. The location of the rape was designated as the victim's dorm room. The Rape, Abuse, & Incest National Network (2013) reported that 55% of rapes occurred at or near the victim's home. In the context of a college campus, this could include a dorm, a peer's place of residence, a near-campus party, or other related college-based locations. Extending the present study to manipulate the site of the rape at one of these possible locations could impact results. For example, when looking at reasoning for verdicts in the current study, participants commented that she invited him to her dorm, insinuating that she wanted to have sex. It is possible that this dorm room context could have decreased some pro-victim judgments, or the opposite, if participants felt the opposite and had sympathy for the victim, as she invited him to her place of residence for homework and was attacked in her own home. Manipulation of the location could also impact opinions of a defendant-- the defendant could receive lower pro-defendant judgments if he invited her to his dorm or to a party near campus.

A final limitation of the current study was presenting a rape by a single perpetrator involving a single victim, although there have been cases of athletes involved in gang rapes. Recently, three San Diego State football players, including a top punter, Matt Araiza, were accused to gang raping a seventeen-year-old girl at an off-campus party. (Shalby & Lopez, 2022). Despite a great deal of attention, no charges were filed against any players involved due to a lack of evidence by prosecutors; the case is ongoing in civil court. In the present study, increasing the number of assailants might have led to more pro-victim judgments. As Golding et al. (2023) mentioned, people are more likely to take the perspective of the victim in cases of rape. With an increased number of assailants, it is possible that people will feel more sympathy for the victim due to the enhanced trauma of the rape by multiple assailants compared to a single assailant.

Implications

The primary implication of the present study is that given the present results did not find that athletes gain an advantage in the courtroom, it is important to better understand when and why athletes are prosecuted. At a collegiate level, athletes appear to receive lesser punishments, or not even make it to court for sexual assault cases. For example, as previously mentioned, Brock Turner, champion Stanford University swimmer, received a six-month sentence for raping an unconscious peer. The public quickly disagreed with this sentence, took to news outlets to express their outrage, even more so after his sentence was shortened to three months (Vitiello, 2018). Some athletes even have charges dropped completely, such as Boston University hockey player, Max Nicastro. Nicastro was accused of raping a female peer in her dorm on campus. A Brighton (MA) District Court judge dismissed Nicastro of all charges and the Suffolk (MA) County District Attorney's office claimed that they could not on a good-faith basis prove anything beyond a reasonable doubt. Boston University did take action, expelling Nicastro, but the public felt that the courts did not do enough, bringing this case to national attention (Barlow, 2012). Many colleges appear to take a "hands-off" approach, not issuing statements or providing any indication of punishment when rape cases involve a male athlete. Jacoby (2019) touches on this issue, indicating that the National Collegiate Athletic Association (NCAA), the largest governing body for collegiate athletics in the United States, has absolutely no penalties or punishments mentioned in their 440-page Division I rulebook for sexual, violent, or criminal misconduct. Not wanting to take the liability for these cases, the NCAA hands off the responsibility to the college. The college, in turn, does not want the liability of ruining its reputation or facing lawsuits, so they then look to the justice system for responsibility. Even if a college expels an athlete, it is possible for the athlete to play at another school. This occurred with LaDarrius Jackson, a college football player, who after being expelled from the University of South Florida for violating their

“non-consensual sexual intercourse policy”, went on to play at Tennessee State University, even with an ongoing criminal case. This case is still ongoing, but Jackson maintains his eligibility (Jacoby, 2019). The concerns of college officials surrounding their reputation and image to the nation seem to triumph justice in rape cases involving athletes, as they are often the face of the college. Lawrence (2023) reports that recently, a University of Alabama star basketball player, Brandon Miller, was involved in a criminal case in which he drove the murder weapon to the scene of the crime, gave the gun to the suspect, and left. There was later a shooting that left one woman dead, and yet Miller is not facing any charges and continued playing basketball for the team.

It should be noted that some cases involving athletes are settled in civil court rather than criminal court. This pertains to both professional and collegiate athletes, although there are clear distinctions that must be noted between professional and college athletes. Professional athletes are full-time athletes, committing themselves to a private-owned company as an employee. College athletes are students first, athletes second--they have to be an enrolled student at a college (Wakefield, 2014). Settling in civil court has been a common theme for athletes. Kobe Bryant, a professional basketball player for the Los Angeles Lakers, was accused of raping a 19-year-old woman. After several private pieces of information and documents were spread about the woman (e.g., public release of sealed documents, identity revealed) the criminal case eventually disappeared, and a monetary settlement was reached and agreed upon by both Bryant and the victim (Bublick, 2006). While professional athletes typically receive high salaries, college athletes receive some financial assistance from their schools (e.g., colleges, such as free housing, scholarships, and food) giving them a financial advantage compared to the average college student (Jacoby, 2019). With the money they earn from their athletic status, it is more common to see cases involving professional athletes, such as Bryant's, end up with a settlement resulting from civil court, avoiding criminal court

completely. Still, colleges also get involved in civil settlements for their athletes. Robinson (1998) noted that many schools settle with alleged victims in return for their promise to not file criminal charges with the police. Colleges persuade the victim to settle by providing the collegiate athlete with a punishment, miniscule to the athlete, but seemingly not to the victim. An example of this was involving former University of Vermont basketball star, Anthony Lamb. Now a forward for the Golden State Warriors, Lamb was accused of rape by a female peer. When the victim took her concerns to the school officials, she was presented with misleading options. This resulted in strong encouragement by the school to sign a “resolution agreement” that would refrain Lamb from some activities and locations for a short period of time, still allowing Lamb to play, closing any school-based investigations toward the allegations. The victim is now pursuing a lawsuit against the University of Vermont, as she felt her allegations were mishandled by the college (Andrews, 2022). Colleges will continue allowing the athlete to play, more focused on their image and athletic success, knowing that the college has the financial stability to settle.

As it stands, a common theme for rape cases involving athletes is that these cases do not make it to criminal court. Many cases result in no consequence for the college or reach a civil settlement instead. It is imperative to recognize that more cases involving college athletes need to make it to criminal court, as well as gain athletic consequences for their criminal actions. The present study will hopefully inspire future research regarding perceptions of college athletes as defendants in the courtroom. It is a first step to achieving justice in the courtroom for the victims of collegiate athlete rape, as well as to bring attention to this growing issue and the potential factors at play.

Table 1

Descriptive Statistics- Overall Means and Standard Deviations for all Dependent Variables

DV	N	Mean	Standard Deviation
Defendant Guilty Rating	215	5.01	1.72
Verdict	215	0.61	0.49
Victim's Physical Helplessness	215	5.14	1.72
Victim's Ability to Communicate	215	5.13	1.63
Victim's Ability to Consent	215	4.49	2.17
Victim Credibility	215	5.39	1.60
Victim Believability	215	5.47	1.67
Victim's Honesty	215	5.34	1.66
Victim's Responsibility	215	2.58	1.70
Victim's Blameworthiness	215	2.39	1.71
Sympathy for Victim	215	5.60	1.73
Anger Toward Victim	215	1.90	1.54
Defendant Credibility	215	3.43	1.62
Defendant Believability	215	3.27	1.72
Defendant's Honesty	215	3.16	1.70
Defendant's Responsibility	215	5.53	1.68
Defendant's Blameworthiness	215	5.58	1.70
Sympathy for Defendant	215	2.59	1.76
Anger Toward Defendant	215	4.59	2.27
Defendant's Ego	215	4.68	1.89
Defendant's Cockiness	214	4.31	2.04
Defendant's Aggression	215	4.70	1.96
Defendant's Popularity	215	4.40	1.38

Table 2

Descriptive Statistics for Participant Gender- Means and Standard Deviations

DV	Gender					
	Males			Females		
	N	Mean	Standard Deviation	N	Mean	Standard Deviation
Defendant Guilty Rating	101	4.56	1.75	114	5.41	1.60
Verdict	101	0.50	0.50	114	0.72	0.45
Victim's Physical Helplessness	101	4.76	1.74	114	5.48	1.64
Victim's Ability to Communicate	101	5.26	1.57	114	5.03	1.68
Victim's Ability to Consent	101	4.83	1.98	114	4.18	2.30
Victim Credibility	101	5.04	1.72	114	5.69	1.43
Victim Believability	101	5.08	1.77	114	5.82	1.51
Victim's Honesty	101	4.93	1.75	114	5.70	1.49
Victim's Responsibility	101	3.05	1.80	114	2.16	1.48
Victim's Blameworthiness	101	2.85	1.88	114	1.97	1.42
Sympathy for Victim	101	5.23	1.87	114	5.93	1.53
Anger Toward Victim	101	1.95	1.50	114	1.85	1.58
Defendant Credibility	101	3.96	1.54	114	2.96	1.56
Defendant Believability	101	3.84	1.70	114	2.76	1.57
Defendant's Honesty	101	3.71	1.63	114	2.67	1.62
Defendant's Responsibility	101	5.26	1.70	114	5.66	1.64
Defendant's Blameworthiness	101	5.19	1.82	114	5.93	1.51
Sympathy for Defendant	101	3.06	1.79	114	2.17	1.62
Anger Toward Defendant	101	3.89	2.14	114	5.20	2.21
Defendant's Ego	101	4.14	1.79	114	5.16	1.86
Defendant's Cockiness	101	3.69	1.86	114	4.86	2.03
Defendant's Aggression	101	4.30	1.94	113	5.05	1.92
Defendant's Popularity	101	4.22	1.25	114	4.56	1.46

Table 3

Regression Values for Gender Predictor for all Dependent Variables

DV	N	<i>F</i> (df)	<i>p</i> -value
Defendant Guilty Rating	215	<i>F</i> (1, 203) = 13.52	<0.001
Verdict	215	<i>F</i> (1,203) = 11.34	<0.001
Victim's Physical Helplessness	215	<i>F</i> (1, 203) = 9.80	0.002
Victim's Ability to Communicate	215	<i>F</i> (1,203) = 1.09	0.30
Victim's Ability to Consent	215	<i>F</i> (1,203) = 4.46	0.04
Victim Credibility	215	<i>F</i> (1,203) = 9.75	0.002
Victim Believability	215	<i>F</i> (1,203) = 11.36	<0.001
Victim's Honesty	215	<i>F</i> (1,203) = 11.28	<0.001
Victim's Responsibility	215	<i>F</i> (1, 203) = 14.43	<0.001
Victim's Blameworthiness	215	<i>F</i> (1,203) = 14.81	<0.001
Sympathy for Victim	215	<i>F</i> (1,203) = 9.81	0.002
Anger Toward Victim	215	<i>F</i> (1,203) = 0.39	0.53
Defendant Credibility	215	<i>F</i> (1,203) = 20.83	<0.001
Defendant Believability	215	<i>F</i> (1,203) = 22.11	<0.001
Defendant's Honesty	215	<i>F</i> (1,203) = 21.69	<0.001
Defendant's Responsibility	215	<i>F</i> (1,203) = 4.71	0.03
Defendant's Blameworthiness	215	<i>F</i> (1,203) = 9.62	0.002
Sympathy for Defendant	215	<i>F</i> (1,203) = 14.92	<0.001
Anger Toward Defendant	215	<i>F</i> (1,203) = 20.42	<0.001
Defendant's Ego	215	<i>F</i> (1,203) = 16.99	<0.001
Defendant's Cockiness	214	<i>F</i> (1,203) = 19.56	<0.001
Defendant's Aggression	215	<i>F</i> (1,202) = 8.53	0.004
Defendant's Popularity	215	<i>F</i> (1,203) = 2.27	0.13

References

- Aamodt, M. G., Alexander, C. J., & Kimbrough, W. W. (1982). Personality characteristics of college non-athletes and baseball, football, and track team members. *Perceptual and Motor Skills*, 55, 327–330. <https://doi.org/10.2466/pms.1982.55.1.327>
- Andrews, K. (2022). *Warriors' Anthony Lamb named in relation to title IX lawsuit*. ESPN. Retrieved April 13, 2023, from https://www.espn.com/nba/story/_/id/35219649/warriors-anthony-lamb-named-sexual-assault-civil-lawsuit
- Associated Press. (2022). *Former bills punter Matt Araiza won't be charged in alleged gang rape*. Retrieved April 10, 2023, from <https://www.nfl.com/news/former-bills-punter-matt-araiza-won-t-be-charged-in-alleged-gang-rape>
- Barlow, R. (2012). Rape charges against former hockey player dismissed. Boston University. Retrieved April 10, 2023, from <https://www.bu.edu/articles/2012/rape-charges-against-former-hockey-player-dismissed/#:~:text=Max%20Nicastro's%20BU%20status%20unaffected%20by%20decision&text=A%20Brighton%20District%20Court%20judge,its%20prosecution%20of%20the%20case.>
- Bublick, E. M. (2006). Tort suits filed by rape and sexual assault victims in civil courts: Lessons for courts, classrooms and constituencies. *SMUL Rev.*, 59, 55-122.
- Chamberlain, J., Miller, M. K., & Jehle, A. (2006). Celebrities in the courtroom: Legal responses, psychological theory and empirical research. *Vanderbilt Journal of Entertainment and Technology Law*, 8, 551-572.
- Cooper, W. S. (1999). *Kentucky instructions to juries*. Anderson Publishing Co.

- Dijkstra, J. K., Lindenberg, S., Verhulst, F. C., Ormel, J., & Veenstra, R. (2009). The relation between popularity and aggressive, destructive, and norm-breaking behaviors: Moderating effects of athletic abilities, physical attractiveness, and prosociality. *Journal of Research on Adolescence, 19*, 401–413. <https://doi.org/10.1111/j.1532-7795.2009.00594.x>
- Fisher, B.S., Cullen, F. T., & Turner, M. G. (2000). *The sexual victimization of college women*. U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.
- Feild, H. S. (1979). Rape trials and jurors' decisions. *Law and Human Behavior, 3*, 261-284. <https://doi.org/10.1007/BF01039806>
- Golding, J. M., Lynch, K. R., Renzetti, C. M., & Pals, A M. (2022). Beyond the stranger in the woods: Investigating the complexity of adult rape cases in the courtroom. Bornstein, B. H., & Miller, M. K. (Eds.). *Advances in Psychology and Law, 6*, Springer.
- Hernandez, J. (2021). *NCAA won't punish Baylor for failing to report sexual assault claims against players*. NPR. <https://www.npr.org/2021/08/12/1027070133/ncaa-baylor-sexual-assault-claims-failure-to-report>
- Hockett, J. M., Smith, S. J., Klausning, C. D., & Saucier, D. A. (2016). Rape myth consistency and gender differences in perceiving rape victims: A meta-analysis. *Violence Against Women, 22*, 139–167. <https://doi.org/10.1177/1077801215607359>
- Huff, C. (2022). A crisis of campus sexual assault. *Monitor on Psychology, 53*. <https://www.apa.org/monitor/2022/04/news-campus-sexual-assault>

- Jacoby, K. (2019). *NCAA looks the other way as college athletes punished for sex offenses play on*. USA Today. Retrieved April 7, 2023, from <https://www.usatoday.com/in-depth/news/investigations/2019/12/12/ncaa-looks-other-way-athletes-punished-sex-offenses-play/4360460002/>
- Johnson, C. (1991). When sex is the issue. *U.S. News & World Report*, 111, 34-36.
- Kebodeaux, C. (2017). Rape sentencing: We're all mad about Brock Turner, but now what. *Kansas Journal of Law & Public Policy*, 27, 30-47.
- Kentucky Revised Statute 510.040, Rape in the first degree.
[https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=19761#:~:text=\(2\)%20Rape%20in%20the%20first,Acts%20ch.](https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=19761#:~:text=(2)%20Rape%20in%20the%20first,Acts%20ch.)
- Kimble, N., Russo, S., Bergman, B., & Galindo, V. (2010). Revealing an empirical understanding of aggression and violent behavior in athletics. *Aggression and Violent Behavior*, 15, 446–462. <https://doi.org/10.1016/j.avb.2010.08.001>
- Klein, K., & Creech, B. (1982). Race, rape, and bias: Distortion of prior odds and meaning changes. *Basic and Applied Social Psychology*, 3, 21-33.
https://doi.org/10.1207/s15324834basp0301_2
- Krakauer, J. (2015). *Missoula: rape and the justice system in a college town*. First edition. Doubleday.
- Lapchick, R. (2022). *The 2022 racial and gender report card: College sport*. TIDES. Retrieved April 6, 2023, from https://www.tidesport.org/_files/ugd/c01324_d0d17cf9f4c7469fbe410704a056db35.pdf

Lawrence, A. (2023). *An Alabama basketball star allegedly supplied the gun in a murder.*

Why is he still playing? The Guardian. Retrieved April 7, 2023, from

<https://www.theguardian.com/sport/2023/feb/23/brandon-miller-alabama-basketball-murder-jamea-harris>

Lynch, K. R., Golding, J. M., Jewell, J. A., Lippert, A., & Wasarhaley, N. E. (2019). She is

his girlfriend—I believe this is a different situation’: Gender differences in

perceptions of the legality of intimate partner rape. *Journal of Family Violence, 34,*

213-230. <https://doi-org.ezproxy.uky.edu/10.1007/s10896-018-0006-0>

McCray K. L. (2019). Sexual assault and intercollegiate athletes. In P. Schewe & W.

O’Donohue (Eds.), *Handbook of sexual assault and sexual assault prevention* (pp. 733–744). Springer.

Morgan, R. E., & Thompson, A. (2021). *Criminal victimization, 2020*. Washington, DC:

National Crime Victimization Survey, Bureau of Justice Statistics.

National Sexual Violence Resource Center. (2022). *Lifespan: What is sexual violence?*

NSVRC. Retrieved October 5, 2022, from <https://www.nsvrc.org/lifespan-what-sexual-violence>

Neary, L. (2019). *Victim of Brock Turner sexual assault reveals her identity*. NPR. Retrieved

October 10, 2022, from <https://www.npr.org/2019/09/04/757626939/victim-of-brock-turner-sexual-assault-reveals-her-identity>

Novkov, J. (2016). Equality, process, and campus sexual assault. *Maryland Law Review, 75,*

590-619.

O’Neal, E. N., Tellis, K., & Spohn, C. (2015). Prosecuting intimate partner sexual assault:

Legal and extra-legal factors that influence charging decisions. *Violence Against*

Women, 21, 1237–1258. <https://doi.org.ezproxy.uky.edu/10.1177/1077801215591630>

O'Neill, E. (2018). When winning comes first, students and the community lose: Handling student-athlete sexual assault scandals. *Sports Lawyers Journal*, 25, 199-216.

Planty, M., Langton, L., Krebs, C., Berzofsky, M., & Smiley-McDonald, H. (2013). *Female victims of sexual violence, 1994-2010* (3-4). Washington, DC: US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Retrieved from <https://bjs.ojp.gov/content/pub/pdf/fvsv9410.pdf>

Rape, Abuse, & Incest National Network. (2016). *Campus sexual violence: Statistics*. RAINN. Retrieved October 5, 2022, from <https://www.rainn.org/statistics/campus-sexual-violence>

Rape, Abuse, & Incest National Network. (2013). *Campus sexual violence: Statistics*. RAINN. Retrieved April 6, 2023, from <https://www.rainn.org/statistics/scope-problem>

Repetto, N. K. (2016). *Domestic violence, sexual assault, and elite athletes: Analyzing arrest and conviction rates*. Retrieved from <https://commons.emich.edu/cgi/viewcontent.cgi?article=1483&context=honors>

Robinson, L. (1998). Professional athletes-held to a higher standard and above the law: A comment on high-profile criminal defendants and the need for states to establish high-profile courts. *Indiana Law Journal*, 73, 1313-1351.

Sampson, R. (2002). *Acquaintance rape of college students*. Washington, DC: US Department of Justice, Office of Community Oriented Policing Services. Retrieved from http://www.ncdsv.org/COPS_Acquaintance-Rape-of-College-Students-17_2002.pdf

- Shalby, C., & Lopez, R. (2022). NFL punter Matt Araiza and two San Diego State football players accused in gang-rape lawsuit. *Los Angeles Times*. Retrieved April 10, 2023, from <https://www.latimes.com/california/story/2022-08-25/nfl-matt-araiza-sdsu-football-players-accused-rape-lawsuit>
- Solomon, A. T. (2018). Preventing recurrences of the cover-ups at Penn state & Baylor (and now Michigan state): Where does it end. *Marquette Sports Law Review*, 28, 379-432.
- Storch, J., & Stagg, A. (2016). Missoula: Jon Krakauer's story of college sexual violence that is both complex and entirely common. *Journal of College and University Law*, 42, 451-478.
- Tjaden, P.G., & Thoennes, N. (1998). *Prevalence, incidence, and consequences of violence against women: Findings from the national violence against women survey*. The United States Department of Justice. Retrieved from <https://www.ojp.gov/pdffiles/172837.pdf>
- United States Department of Justice. (2017). *An updated definition of rape*. The United States Department of Justice. Retrieved from <https://www.justice.gov/archives/opa/blog/updated-definition-rape#:~:text=%E2%80%9CThe%20penetration%2C%20no%20matter%20how,the%20consent%20of%20the%20victim.%E2%80%9D>
- United States Sentencing Commission. (2018). *Quick facts: Sexual abuse offenders*. The United States Sentencing Commission. Retrieved from https://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Sexual_Abuse_FY18.pdf
- Vitiello, M. (2018). Brock Turner: sorting through the noise. *University of the Pacific Law Review*, 49, 631-660. <https://doi.org/10.2139/ssrn.3034730>

- Wakefield, K. (2014). Six differences between working in college versus pro sports (and why they may change). Retrieved April 10, 2023, from <https://sites.baylor.edu/baylors3/2014/01/01/working-in-collegiate-athletics-versus-pro-sports/>
- White, D.C. (2020). *An Exploratory Examination of Violent Crime in the National Football League*. ProQuest Dissertations Publishing. Retrieved from <https://www.proquest.com/docview/2487836758?pq-origsite=gscholar&fromopenview=true>
- Winger, S. R., & White, T. A. (2015). An examination of the dumb jock stereotype in collegiate student-athletes: A comparison of student versus student-athlete perceptions. *Journal for the Study of Sports and Athletes in Education, 9*, 75–85. <https://doi.org/10.1179/1935739715z.00000000036>
- Withers, B. (2010). The integrity of the game: professional athletes and domestic violence. *Harvard Journal of Sports & Entertainment Law, 1*, 146-179.
- Young, B. R., Desmarais, S. L., Baldwin, J. A., & Chandler, R. (2017). Sexual coercion practices among undergraduate male recreational athletes, intercollegiate athletes, and non-athletes. *Violence Against Women, 23*, 795–812. <https://doi.org/10.1177/1077801216651339>
- Yukhymenko-Lescroart, M. A., & Sharma, G. (2022). An examination of stereotypes toward varsity student-athletes based on student perceptions. *Group Dynamics: Theory, Research, and Practice, 26*, 24–42. <https://doi.org/10.1037/gdn0000174>

Appendix A

List of Comprehension Questions

Ms. Smith testified that she invited Mr. Johnson to...

Based on what you read, what was true? (victim gave consent or did not give consent)

Major Wright took Ms. Smith to:

Manipulation-check: Based on what you read, what was true? (collegiate sport x status conditions given)

Mr. Miller testified that during the class prior to the evening in question, Mr. Johnson:

According to the Judge, forcible compulsion involves

The Defense stated the evidence was:

Appendix B

Example Trial Summary (football, no-star)

Trial Summary

This is a criminal trial for the alleged rape of Ms. Samantha Smith by Mr. Ryan Johnson. The prosecution alleges that Mr. Ryan Johnson raped Ms. Samantha Smith on the evening of November 7, 2020 at approximately 8:00 PM at her dorm. At the time of the alleged rape, Ms. Smith was 20 years old and Mr. Johnson was 20 years old.

Ms. Samantha Smith is a 20-year-old white female. Mr. Ryan Johnson is a 20-year-old white male.

The State is charging Mr. Johnson with Rape in the First Degree. Mr. Johnson pleaded “not guilty” to the charge of rape. The defense attorney will argue that Mr. Johnson is a trustworthy and law-abiding student. He is an organized and focused collegiate football practice player. They will argue he is a man that values responsibility and integrity. They argue he was just trying to be a kind peer and work on homework with Ms. Smith. He will deny any force and claim that what happened between the two of them was consensual.

Prosecution's Case

Witness No. 1: Ms. Samantha Smith

Direct Examination:

Ms. Samantha Smith testified that on the afternoon of November 7, 2020 at approximately 1:00 PM, she was approached by Mr. Ryan Johnson in the math course that they both took at the university. He frequently sat near her in class. He asked how homework was going for her. Ms. Smith responded, as they had communicated with each other before, and said it was not going well. Mr. Johnson replied and claimed that he was struggling, as well. Ms. Smith then invited him to come to her dorm room that evening to work on the

homework assignment together for a couple of hours. Mr. Johnson agreed and arrived at her dorm at approximately 7:00 PM.

Prosecution's Case

Witness No. 1: Ms. Samantha Smith

Direct Examination (continued):

Ms. Smith and the Defendant began to work on the assignment together at a desk in her bedroom. Then after approximately 20 minutes, they got off-topic and began to talk about the stress that Mr. Johnson was experiencing. He stated that he was anxious due to his busy schedule as a member of the university football team's practice squad and he hoped to be assigned to the regular team. Ms. Smith was sympathetic to his concerns, both in her words and her behavior.

Prosecution's Case

Witness No. 1: Ms. Samantha Smith

Direct Examination (continued):

She hugged Mr. Johnson to show support for his stress. Mr. Johnson accepted the hug, but then began to kiss her. Ms. Smith claims that the interaction quickly escalated. Ms. Smith remembered that the defendant forced her to take her clothes off and began to forcibly initiate sexual intercourse with her. She did not want to have sex with the defendant, nor did she consent to have sex. Ms. Smith tried to stop the defendant from having this penetrative sex, but when she did so the defendant became angry. The assault continued for approximately half an hour, at which time the defendant dressed himself and left. Ms. Smith's roommate came home shortly after and the police were called at that time.

Prosecution's Case

Witness No. 1: Ms. Samantha Smith

Cross Examination:

She admitted that Mr. Johnson might have gotten the impression that she was interested in him. Ms. Smith also recognized that her compassion could have been mistaken for flirtatiousness.

Prosecution's Case

Witness No. 2: Lieutenant Tom Wright, Chief of Police

Direct Examination:

After being contacted by Ms. Smith's roommate, police arrived at Ms. Smith's dorm. Lieutenant Tom Wright testified that when he arrived at the dorm at approximately 9:00PM, Ms. Smith seemed disheveled and was shaking while tightly grasping a blanket. He stated that her clothes were somewhat unkempt. Lieutenant Wright testified that he drove Ms. Smith to the university hospital so that Ms. Smith could be examined, and any available evidence collected.

Prosecution's Case

Witness No. 2: Major Wright

Cross Examination:

Major Wright acknowledged that he could not say exactly why Ms. Smith was disheveled and tightly holding a blanket.

Defendant's Case

Witness No. 1: Mr. Ryan Johnson

Direct Examination:

The Defendant testified that he is a member of the college football practice squad. Throughout the school year he developed a friendly relationship with Ms. Smith. Mr. Johnson also testified that he was just trying to be a good student with Ms. Smith by working on homework with her. The defendant continued by stating that when he mentioned doing homework together, Ms. Smith invited him to her dorm.

Defendant's Case**Witness No. 1: Mr. Ryan Johnson****Direct Examination (continued):**

The defendant testified that he initially came to her dorm only to do homework, but that when he entered her dorm room Ms. Smith asked him if he wanted to have sex. Mr. Johnson agreed and stated that the sex was somewhat rough. He remembers that afterwards he had scratches on his body. Finally, Mr. Johnson stated that although the sex was rough, at no time did he force Ms. Smith to have sex. Mr. Johnson stated that he would not want to jeopardize his position on the practice squad or his future.

Defendant's Case**Witness No. 1: Mr. Ryan Johnson****Cross Examination:**

Mr. Johnson admitted that he could not prove that the scratches were from consensual sex. He also recognized that he might have misread Ms. Smith's compassion and interest in him.

Defendant's Case**Witness No. 2: Mr. Stuart Miller****Direct Examination:**

Mr. Miller is a close friend of Mr. Johnson. Mr. Miller testified that he was in the same math course as Ms. Smith and Mr. Johnson at the university. During their math class, both before and after the incident, Mr. Miller stated that Ms. Smith and Mr. Johnson talked after Mr. Johnson sat near her. Mr. Miller claims that they frequently sat near one another in class. Mr. Miller said that he was able to see and hear most of what Mr. Johnson and Ms. Smith were talking about during the time the two were together. At no time did Mr. Miller

notice Mr. Johnson show any sign of aggressive behavior toward Ms. Smith or say anything of a sexual nature.

Defendant's Case

Witness No. 2: Mr. Stuart Miller

Cross Examination:

Mr. Miller stated that it was possible that Mr. Johnson could have been aggressive toward Ms. Smith or spoke to her in a sexual manner that he was not able to hear or observe.

Judge's Instructions:

Judge Wallace charged the jurors with the following instructions:

You will find the Defendant guilty of First-Degree Rape under this instruction if, and only if, you believe from the evidence beyond a reasonable doubt all of the following:

A. That in this county on or about November 7th, 2020 and before the finding of the Indictment herein, he engaged in First-Degree Rape with Ms. Samantha Smith. Rape in the first degree "engaging in nonconsensual sexual intercourse with another person." AND

B. That he did so by forcible compulsion. "Forcible compulsion" means physical force or threat of physical force, express or implied, which places a person in fear of immediate death, physical injury to self or another person, fear of the immediate kidnap of self or another person, or fear of any sexual offense. Physical resistance on the part of the victim shall not be necessary to meet this definition.

Closing Arguments: Prosecution

The prosecution concluded that Mr. Johnson should be found guilty and convicted of rape in the first-degree. The law states that a person is guilty of first-degree rape when he engages in sexual intercourse with another person by forcible compulsion OR the person (Ms. Smith) was physically helpless. Ms. Smith says that Mr. Johnson used force to have sexual intercourse with her. The prosecution emphasized that although Ms. Smith met with

Mr. Johnson for academic purposes, it does not mean she had any intention of having sexual relations with Mr. Johnson.

Closing Arguments: Defense

The Defense argued that there was no evidence other than Ms. Smith's allegations to convict Mr. Johnson of rape in the first-degree. The Defense noted that this crime must be proven beyond reasonable doubt. However, the Defense repeated that the evidence was weak, and there was more than reasonable doubt that Mr. Johnson forced Ms. Smith to engage in sexual intercourse. Therefore, the Defense argued that a not guilty verdict should be rendered, and that Mr. Johnson should be freed. Moreover, the Defense argued that Mr. Johnson would never hurt anybody, not wanting to endanger his extracurricular activities and academic life, and his participation in a sexual encounter does not make him a rapist.

Closing Arguments: Prosecution

The Prosecution restated that Ms. Smith's testimony is a crucial aspect of this case. Ms. Smith's testimony made it clear that the Defendant, Mr. Johnson, committed this rape and he should consequently be convicted of this crime. Moreover, the Prosecution argued that Ms. Smith had no reason to lie about the circumstances of this horrible crime. Ms. Smith was forcibly raped by Mr. Johnson. Mr. Ryan Johnson should be convicted and serve time in prison.

Appendix C

Trial Questions

Verdict:

How guilty is the defendant?

- Likert Scale (1 = *Not at all*, 7 = *Completely*)

What is your verdict in this rape case?

- Guilty
- Not Guilty

What led to your verdict?

- Open-response text box

Victim:

Rate how physically helpless you feel the victim was during the incident.

- Likert Scale (1 = *Not at all*, 7 = *Completely*)

Rate how capable the victim was to communicate during the incident.

- Likert Scale (1 = *Not at all*, 7 = *Completely*)

To what extent was the victim able to consent?

- Likert Scale (1 = *Not at all*, 7 = *Completely*)

How credible was the victim?

- Likert Scale (1 = *Not at all*, 7 = *Completely*)

How believable was the victim?

- Likert Scale (1 = *Not at all*, 7 = *Completely*)

How honest was the victim?

- Likert Scale (1 = *Not at all*, 7 = *Completely*)

How responsible was the victim for the incident?

- Likert Scale (1 = *Not at all*, 7 = *Completely*)

How much was the victim to blame for the incident?

- Likert Scale (1 = *Not at all*, 7 = *Completely*)

How sympathetic are you toward the victim?

- Likert Scale (1 = *Not at all*, 7 = *Completely*)

How angry are you toward the victim?

- Likert Scale (1 = *Not at all*, 7 = *Completely*)

Defendant:

How credible was the defendant?

- Likert Scale (1 = *Not at all*, 7 = *Completely*)

How believable was the defendant?

- Likert Scale (1 = *Not at all*, 7 = *Completely*)

How honest was the defendant?

- Likert Scale (1 = *Not at all*, 7 = *Completely*)

How responsible was the defendant for the incident?

- Likert Scale (1 = *Not at all*, 7 = *Completely*)

How much was the defendant to blame for the incident?

- Likert Scale (1 = *Not at all*, 7 = *Completely*)

How sympathetic are you toward the defendant?

- Likert Scale (1 = *Not at all*, 7 = *Completely*)

How angry are you toward the defendant?

- Likert Scale (1 = *Not at all*, 7 = *Completely*)

How egotistical was the defendant?

- Likert Scale (1 = *Not at all*, 7 = *Completely*)

How cocky was the defendant?

- Likert Scale (1 = *Not at all*, 7 = *Completely*)

- How aggressive was the defendant?
- Likert Scale (1 = *Not at all*, 7 = *Completely*)

How popular was the defendant?

- Likert Scale (1 = *Not at all*, 7 = *Completely*)

Demographics:

Are you a citizen of the United States?

- Yes
- No

What state do you live in?

- Open-response text box

Are you: (gender)

- Male
- Female
- Transgender
- Other

What is your age?

- Open-response text box

What is your race?

- Caucasian
- African American
- Native American/ Alaska Native
- Asian or Pacific Islander
- Hispanic/Latino
- Other

Have you ever served on a jury?

- Yes
- No

If “yes” to the previous question, how many times?

- Open-response text box

For each case you served as a juror, what was the crime charged and what was the verdict?

- Open-response text box