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ICPSR

**Inter-university Consortium for
Political and Social Research**

**Assessing Local Legal Culture:
Practitioner Norms in
Four Criminal Courts**

Thomas W. Church, Jr.

ICPSR 7808

96109

ASSESSING LOCAL LEGAL CULTURE: PRACTITIONER NORMS
IN FOUR CRIMINAL COURTS

(ICPSR STUDY 7808)

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ACKNOWLEDGEMENT OF ASSISTANCE

All manuscripts utilizing data made available through the Consortium should acknowledge that fact as well as identify the original collector of the data. The ICPSR Council urges all users of the ICPSR data facilities to follow some adaptation of this statement with the parentheses indicating items to be filled in appropriately or deleted by the individual user.

The data (and tabulations) utilized in this (publication) were made available (in part) by the Inter-university Consortium for Political and Social Research. The data for ASSESSING LOCAL LEGAL CULTURE: PRACTITIONER NORMS IN FOUR CRIMINAL COURTS were originally collected by Thomas W. Church, Jr. Neither the collector of the original data nor the Consortium bear any responsibility for the analyses or interpretations presented here.

In order to provide funding agencies with essential information about the use of archival resources and to facilitate the exchange of information about ICPSR participants' research activities, each user of the ICPSR data facilities is expected to send two copies of each completed manuscript or thesis abstract to the Consortium. Please indicate in the cover letter which data were used.

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NCJRS

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ACQUISITIONS

STUDY DESCRIPTION

The project represents an attempt to operationalize the concept of local legal culture and assess its contours in four criminal courts. Existing data show that the four courts typically handle cases at different speeds, use trials and guilty pleas in different proportions, and sentence convicted defendants dissimilarly. It was expected that these differences in actual practice would be reflected in attitudinal differences among judges, assistant district attorneys, and defense attorneys in the courts.

The questionnaire was designed to assess the attitudes of court practitioners by presenting them with 12 hypothetical criminal cases and asking Respondents how these cases should best be handled in a properly functioning and adequately staffed court.

The 12 hypothetical criminal cases consist of:

- 1) A 19 year-old with no criminal record who is charged with breaking and entering with intent to commit grand larceny
- 2) A 19 year-old with a criminal record who is charged with armed robbery
- 3) A 28 year-old with a criminal record who is charged with 1st degree murder
- 4) A 22 year-old with no criminal record who is charged with assault with intent to rape
- 5) A 31 year-old with a criminal record who is charged with armed robbery
- 6) A 20 year-old with a criminal record who is charged with breaking and entering with intent to commit grand larceny
- 7) A 20 year-old with no criminal record who is charged with assault with intent to do great bodily harm
- 8) A 32 year-old with a criminal record who is charged with larceny in a building
- 9) A 19 year-old with no criminal record who is charged with rape
- 10) A 22 year-old with a criminal record who is charged with armed robbery

- 11) A 29 year-old with a criminal record who is charged with assault with intent to murder
- 12) A 19 year-old with a criminal record who is charged with armed robbery

The questions relating to the 12 hypothetical criminal cases ask: the Respondent's opinion on how the case will be resolved, the appropriate sentence should the defendant plead guilty, and probability of conviction should the case go to a jury trial. Ten general attitudinal questions were included to help determine the Respondent's attitudes to the criminal court system.

DATA COLLECTION PROCEDURES

The questionnaires were administered to judges, assistant district attorneys and defense attorneys in four cities: Bronx County (New York), Detroit, Miami and Pittsburgh. The cities were chosen from among those studied previously in the Court Delay Research Project which was done by the National Center for State Courts.

In each city, the presiding judge, prosecuting attorney, and head of the public defender or legal aid office were contacted and told about the project. The defense perspective was represented exclusively by state-funded defense agencies in Bronx, Pittsburgh and Miami. This choice was based primarily on the difficulty of sampling members of the private bar in each city and the fact that between 70 and 90 percent of the adult felony defendants in those cities were represented by such agencies. In Detroit the defense attorney sample was drawn from attorneys who were most frequently appointed by the court to represent indigent defendants since the city maintains no public defender office.

Sample size for each city and category of practitioner varied from 5 (Miami judges) to 42 (Miami prosecuting attorneys). The questionnaires were distributed to all trial attorneys in district attorney and public defender offices by their supervisors. Each judge sitting during the week the project staff was at each court was contacted personally; those on vacation or otherwise absent were left a questionnaire with a cover letter from the presiding judge. Questionnaires were completed anonymously and were returned separately by respondents in an attached stamped envelope. Each questionnaire was then manually checked to eliminate ambiguous or illogical responses before being keypunched and analyzed by computer.

TABLE 1
QUESTIONNAIRE RESPONSES

Returned	Maximum Possible Respondents	Questionnaires Returned	Percent Returned
Bronx			
Judges (Criminal Division)	24	9	38%
Assistant D.A.'s (Felony Trial Divisions and Felony Case Assessment Unit)	85	27	32%
Legal Aid Attorneys (Felony Divisions)	75	12	16%
Detroit			
Judges	23	9	39%
Assistant Prosecutors (Felony Trial, Warrant and Pretrial Divisions)	45	39	87%
Defense Attorneys	70*	31	44%
Miami			
Judges (Criminal Division)	13	5	38%
Assistant State Attorneys (Felony Divisions)	50	42	84%
Public Defenders	28	11	39%
Pittsburgh			
Judges (Criminal Division)	14	7	50%
Assistant D.A.'s (Felony Divisions)	35	30	86%
Public Defenders (Felony Division)	25	20	80%

*Total questionnaires distributed to Detroit defense attorneys.

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FILE STRUCTURE

Assessing Local Legal Culture: Practitioner Norms in Four Criminal Courts data are available from the ICPSR in two formats: a card image file and an OSIRIS dataset. The card image file contains several decks per case in a format based on 80 column punched cards. The data are sorted by facility with all decks for a case together in ascending order.

The OSIRIS dictionary gives the format and other information for each variable in the OSIRIS data file. The dictionary or dictionary-codebook file is used in conjunction with the OSIRIS software package. The OSIRIS data file is constructed with a single logical record for each case. There are 114 variables on 242 cases.

The OSIRIS data file can be accessed directly through software packages or programs which do not use the OSIRIS dictionary by specifying the tape locations of the desired variables. These tape locations are given in the OSIRIS dictionary-codebook.

ICPSR PROCESSING INFORMATION

The study was processed according to the standard ICPSR processing procedures. The data were checked for illegal or inconsistent code values which, when found, were recoded to OSIRIS missing data values. No consistency checks were performed. Statements bracketed in "<" and ">" signs in the body of the codebook were added by the processors for explanatory purposes. The archival processing of this study was done by David Schreiber.

V

CODEBOOK INFORMATION

The example below is a reproduction of information appearing in the machine-readable codebook for a typical variable. The numbers in brackets do not appear but are references to the descriptions which follow this example.

[1] VAR 0006 [2] PRACTITIONER TYPE [3] MD=9
REF 0006 [4] LOC 10 WIDTH 1 [5] DK - COL --

[6] Practitioner type

[7] -----

[8] -----

[9] [10]

- 1. Judge
- 2. Prosecutor/D.A.
- 3. Defense attorney P.D.
- 9. Missing data

- [1] Indicates the variable and reference numbers. A variable and reference number are assigned to each item in the study. In this codebook which documents the archived dataset these numbers are identical. Should the data be disseminated in a different structure, new variable numbers may be assigned or created. The reference number would remain unchanged and correspond to those in this codebook.
- [2] Indicates the abbreviated (24 character maximum) variable label used within OSIRIS to identify each variable. An expanded version can be found in the Variable Description List.
- [3] Indicates the designation of missing data. In this example, code values equal to 9 are missing data (MD=9). Alternative statements for other variables

are "MD=0 OR GE 9", "MD GE 9", or "NO MISSING DATA CODES". Some analysis software packages (including the ICPSR-supported package) require that certain types of data which the user desires to be excluded from analysis be designated as "missing data" e.g., inappropriate, unascertained, unascertainable, or ambiguous data categories. Although this value is defined as within the missing data category, this does not mean that users should not or cannot use this code value in a substantive role if they so desire.

- [4] Indicates the sequential location and width of this variable within the record when the data are stored on magnetic tape. In this example the variable named "PRACTITIONER TYPE" is one column wide and located in the 10th column within the record.
- [5] Indicates the location by deck and column(s) of this variable when the data are stored on cards or in card image format.
- [6] Indicates the full text of the variable description supplied by the original collector of the data. The numbers and letters that may appear at the beginning are question numbers from the survey forms.
- [7] Indicates an additional comment or explanation appended to the variable description.
- [8] A variable which has a footnote associated with it is denoted by the message, "SEE NOTE(S) X" where X is the number of the footnote referenced.
- [9] Indicates the code values occurring in the data for this variable.
- [10] Indicates the textual definitions of the codes.

VARIABLE DESCRIPTION LIST

ASSESSING LOCAL LEGAL CULTURE:
PRACTITIONER NORMS IN FOUR CRIMINAL COURTS

ICPSR PROCESSING VARIABLES

1. ICPSR Study Number - 7808
2. ICPSR Part Number - 1
3. ICPSR Version Number - 1
4. Sequence Number
5. City
6. Practitioner Type

HYPOTHETICAL CASE NUMBER 1

7. R's Preferred Mode of Disposition: Case 1
8. Sentence Type Preferred by Respondent: Case 1
9. Jail Sentence: Case 1
10. Minimum Prison Sentence: Case 1
11. Maximum Prison Sentence: Case 1
12. R Prediction of Actual Time Served: Case 1
13. # Days Preferred Between Arrest and Trial: Case 1
14. R Assessment of Prob of Conviction: Case 1

HYPOTHETICAL CASE NUMBER 2

15. R's Preferred Mode of Disposition: Case 2
16. Sentence Type Preferred by Respondent: Case 2
17. Jail Sentence: Case 2
18. Minimum Prison Sentence: Case 2
19. Maximum Prison Sentence: Case 2
20. R Prediction of Actual Time Served: Case 2
21. # Days Preferred Between Arrest and Trial: Case 2
22. R Assessment of Prob of Conviction: Case 2

HYPOTHETICAL CASE NUMBER 3

23. R's Preferred Mode of Disposition: Case 3
24. Sentence Type Preferred by Respondent: Case 3
25. Jail Sentence: Case 3
26. Minimum Prison Sentence: Case 3
27. Maximum Prison Sentence: Case 3
28. R Prediction of Actual Time Served: Case 3
29. # Days Preferred Between Arrest and Trial: Case 3
30. R Assessment of Prob of Conviction: Case 3

VIII

VARIABLE DESCRIPTION LIST

ASSESSING LOCAL LEGAL CULTURE:
PRACTITIONER NORMS IN FOUR CRIMINAL COURTSHYPOTHETICAL CASE NUMBER 4

- 31. R's Preferred Mode of Disposition: Case 4
- 32. Sentence Type Preferred by Respondent: Case 4
- 33. Jail Sentence: Case 4
- 34. Minimum Prison Sentence: Case 4
- 35. Maximum Prison Sentence: Case 4
- 36. R Prediction of Actual Time Served: Case 4
- 37. # Days Preferred Between Arrest and Trial: Case 4
- 38. R Assessment of Prob of Conviction: Case 4

HYPOTHETICAL CASE NUMBER 5

- 39. R's Preferred Mode of Disposition: Case 5
- 40. Sentence Type Preferred by Respondent: Case 5
- 41. Jail Sentence: Case 5
- 42. Minimum Prison Sentence: Case 5
- 43. Maximum Prison Sentence: Case 5
- 44. R Prediction of Actual Time Served: Case 5
- 45. # Days Preferred Between Arrest and Trial: Case 5
- 46. R Assessment of Prob of Conviction: Case 5

HYPOTHETICAL CASE NUMBER 6

- 47. R's Preferred Mode of Disposition: Case 6
- 48. Sentence Type Preferred by Respondent: Case 6
- 49. Jail Sentence: Case 6
- 50. Minimum Prison Sentence: Case 6
- 51. Maximum Prison Sentence: Case 6
- 52. R Prediction of Actual Time Served: Case 6
- 53. # Days Preferred Between Arrest and Trial: Case 6
- 54. R Assessment of Prob of Conviction: Case 6

HYPOTHETICAL CASE NUMBER 7

- 55. R's Preferred Mode of Disposition: Case 7
- 56. Sentence Type Preferred by Respondent: Case 7
- 57. Jail Sentence: Case 7
- 58. Minimum Prison Sentence: Case 7
- 59. Maximum Prison Sentence: Case 7
- 60. R Prediction of Actual Time Served: Case 7
- 61. # Days Preferred Between Arrest and Trial: Case 7
- 62. R Assessment of Prob of Conviction: Case 7

IX

VARIABLE DESCRIPTION LIST

ASSESSING LOCAL LEGAL CULTURE:
PRACTITIONER NORMS IN FOUR CRIMINAL COURTSHYPOTHETICAL CASE NUMBER 8

- 63. R's Preferred Mode of Disposition: Case 8
- 64. Sentence Type Preferred by Respondent: Case 8
- 65. Jail Sentence: Case 8
- 66. Minimum Prison Sentence: Case 8
- 67. Maximum Prison Sentence: Case 8
- 68. R Prediction of Actual Time Served: Case 8
- 69. # Days Preferred Between Arrest and Trial: Case 8
- 70. R Assessment of Prob of Conviction: Case 8

HYPOTHETICAL CASE NUMBER 9

- 71. R's Preferred Mode of Disposition: Case 9
- 72. Sentence Type Preferred by Respondent: Case 9
- 73. Jail Sentence: Case 9
- 74. Minimum Prison Sentence: Case 9
- 75. Maximum Prison Sentence: Case 9
- 76. R Prediction of Actual Time Served: Case 9
- 77. # Days Preferred Between Arrest and Trial: Case 9
- 78. R Assessment of Prob of Conviction: Case 9

HYPOTHETICAL CASE NUMBER 10

- 79. R's Preferred Mode of Disposition: Case 10
- 80. Sentence Type Preferred by Respondent: Case 10
- 81. Jail Sentence: Case 10
- 82. Minimum Prison Sentence: Case 10
- 83. Maximum Prison Sentence: Case 10
- 84. R Prediction of Actual Time Served: Case 10
- 85. # Days Preferred Between Arrest and Trial: Case 10
- 86. R Assessment of Prob of Conviction: Case 10

HYPOTHETICAL CASE NUMBER 11

- 87. R's Preferred Mode of Disposition: Case 11
- 88. Sentence Type Preferred by Respondent: Case 11
- 89. Jail Sentence: Case 11
- 90. Minimum Prison Sentence: Case 11
- 91. Maximum Prison Sentence: Case 11
- 92. R Prediction of Actual Time Served: Case 11
- 93. # Days Preferred Between Arrest and Trial: Case 11
- 94. R Assessment of Prob of Conviction: Case 11

VARIABLE DESCRIPTION LIST

ASSESSING LOCAL LEGAL CULTURE:
PRACTITIONER NORMS IN FOUR CRIMINAL COURTS

HYPOTHETICAL CASE NUMBER 12

- 95. R's Preferred Mode of Disposition: Case 12
- 96. Sentence Type Preferred by Respondent: Case 12
- 97. Jail Sentence: Case 12
- 98. Minimum Prison Sentence: Case 12
- 99. Maximum Prison Sentence: Case 12
- 100. R Prediction of Actual Time Served: Case 12
- 101. # Days Preferred Between Arrest and Trial: Case 12
- 102. R's Assessment of Prob of Conviction: Case 12

ATTITUDINAL QUESTIONS

- 103. Jury Trials Best for Disposing of Cases
- 104. Delay in the Disposition of Case a Serious Problem
- 105. Cooperative Work Relations are Essential in Court
- 106. Sentence Must be Based on Understanding Defendant's Environment
- 107. Best to Work Out Informally Disposition of Case
- 108. Bad to Speed up Pace of Litigation
- 109. Frequent Use of Probation or Diversion Bad
- 110. Defense and Prosecutors Not Become Friendly
- 111. For Majority of Cases Jury Trial Waste of Time
- 112. Match Punishment to Seriousness of the Offense

RESPONDENT INFORMATION

- 113. Respondent's Years in Current Position
- 114. Respondent's Years in Criminal Justice System

DECK IDENTIFICATION NUMBER IS '01'

DK 1 COL 1- 2

VAR 0001 ICPSR STUDY NUMBER-7808 NO MISSING DATA CODES
 REF 0001 LOC 1 WIDTH 4 DK 1 COL 3- 6

ICPSR Study number

7808. The ICPSR has attached this number as a study identification number.

VAR 0002 ICPSR PART NUMBER-1 NO MISSING DATA CODES
 REF 0002 LOC 5 WIDTH 1 DK 1 COL 7

ICPSR part number

1. The entire study is contained in one file.

VAR 0003 ICPSR VERSION NUMBER-1 NO MISSING DATA CODES
 REF 0003 LOC 6 WIDTH 1 DK 1 COL 8

ICPSR version number

2. This is the second version of this study.

VAR 0004 SEQUENCE NUMBER NO MISSING DATA CODES
 REF 0004 LOC 7 WIDTH 3 DK 1 COL 9-11

Sequence number

The ICPSR has attached a number to every case. This number uniquely identifies each case in this survey.

VAR 0005 CITY NO MISSING DATA CODES
REF 0005 LOC 10 WIDTH 1 DK 1 COL 12

City code

1. Bronx, N.Y.
2. Detroit, MI
3. Miami, FL
4. Pittsburgh, PA

VAR 0006 PRACTITIONER TYPE NO MISSING DATA CODES
REF 0006 LOC 11 WIDTH 1 DK 1 COL 13

Practitioner type

1. Judge
2. Prosecutor/D.A.
3. Defense attorney/P.D.

VAR 0007 MODE OF DISPOSITION: C1 MD=GE 9
REF 0007 LOC 12 WIDTH 1 DK 1 COL 14

INSTRUCTIONS

This questionnaire includes descriptions of 12 hypothetical criminal cases. The information provided summarizes the prosecution's case against each defendant. Also included is antecedent information on the defendant and a brief indication of possible defenses where relevant. No short description can give the full information which a practitioner would require to evaluate an actual case. Please do the best you can with the information provided.

The questions that follow each case are designed to obtain your attitudes and beliefs concerning how the criminal justice system should operate, not necessarily how it does operate in this city. We are thus not interested in your prediction as to how these cases would be handled in this court. Rather, we want your own belief as to how they might best be resolved given adequate, but not unlimited,

(CONTINUED)

resources throughout the court system.

CASE NUMBER 1

A. Complaint: On 8/1/79 at approximately 4:40 a.m., complainant was awakened in her bedroom by a noise. She observed her neighbor, the defendant, standing by her dresser and going through articles in her purse. She screamed and then yelled, "What are you doing? How did you get in here?" Defendant answered, "By the back stairs." She then yelled at him to leave and he left by the front stairway.

The screaming awakened complainant's sister, witness A, asleep in a nearby bedroom. She came out into the hall, observed the defendant leaving, and also recognized him as her neighbor.

Upon checking complainant noted that \$3 was missing from her purse and that the entrance to her upper flat had been gained by forcing a screen off the rear porch window and entering through the open window. She then called the police.

B. Arrest: A police car manned by Officers B and C responded to the radio call. They took the initial report, and photographed the point of entry. After obtaining a warrant, they arrested the defendant at his home, and took him to the precinct station. The defendant was advised of his rights and interrogated by Sergeant D at which time he confessed to breaking into the house and signed a statement to that effect.

C. Witnesses:

1. Complainant will testify to facts surrounding the breaking and entering as reported above.

2. Witness A, complainant's sister, will testify to seeing defendant in the hallway and recognizing him as her neighbor.

3. Officers B and C will testify to responding to the call, making the original report, and arresting the defendant.

4. Sergeant D will testify to advising the defendant of his rights and obtaining a signed confession.

D. Evidence:

(CONTINUED)

1. Written confession, signed by defendant, that he broke into complainant's house and stole \$3.

2. Photographs of point of entry.

E. Defendant Information:

1. Age: 19

2. Prior criminal record: none

3. Other: defendant has stable family background and lives with parents. Parents and pastor can testify as character witnesses. Defendant is currently unemployed.

F. Charge on Information/indictment: breaking and entering with intent to commit grand larceny (felony)

QUESTIONS ON CASE NUMBER 1

1. Assuming that prosecution, defense, and the court have adequate resources to deal with their caseloads in a fair and expeditious manner, how do you believe this case should be resolved?

- 1. Negotiated plea of guilty based on either a reduced charge, or sentence assurance, or both
- 2. Guilty plea without charge reduction or sentence assurance
- 3. Non-jury trial
- 4. Jury trial
- 5. Dismissal or nolle prosequi
- 6. Other
- 7. Diversion, special program
- 9. NA

VAR 0008 SENTENCE TYPE: CASE 1 MD=GE 9
 REF 0008 LOC 13 WIDTH 1 DK 1 COL 15

2. Setting aside your answer to the preceding question, assume that the defendant in this case pleads guilty as charged. What should be the appropriate sentence? You need

(CONTINUED)

not feel bound by the sentencing provisions in effect in your state.

- 1. Suspended sentence
- 2. Fine and/or costs
- 3. Probation and/or special program
- 4. Incarceration in county jail
- 5. Incarceration in state prison
- 9. NA

VAR 0009 JAIL SENTENCE: CASE 1 MD=-1 OR GE 99
 REF 0009 LOC 14 WIDTH 2 DK 1 COL 16-17

2.1. <If coded 4 in Question 2> Indicate sentence in months <for county jail>

Actual number of months coded 1 to 24

- 1. Inap., Coded 1-3,5, or 9 in Question 2
- 99. Missing data

VAR 0010 MINIMUM SENTENCE: C1 MD=-1 OR GE 98
 REF 0010 LOC 16 WIDTH 2 DK 1 COL 18-19

2.2. <If coded 5 in Question 2> Indicate minimum sentence in years <for state prison>

SEE NOTE(S) 1

Actual number of years coded 0 to 12

- 1. Inap., Coded 1-4, or 9 in Question 2
- 98. Missing data
- 99. Life in prison

VAR 0011 MAXIMUM SENTENCE: C1 MD=-1 OR GE 98
REF 0011 LOC 18 WIDTH 2 DK 1 COL 20-21

2.3. <If coded 5 in Question 2> Indicate maximum sentence in years <for state prison>

SEE NOTE(S) 1

Actual number of years coded 2 to 60

- 1. Inap., Coded 1-4,9 in Question 2
- 98. Missing data
- 99. Life in prison

VAR 0012 PREDICT TIME SERVED: C1 MD=-1 OR GE 98
REF 0012 LOC 20 WIDTH 2 DK 1 COL 22-23

2.4. How much of this prison sentence do you predict would be actually served in your state?

Actual number of Years coded 1 to 20

- 1. Inap., Coded 1-4,9 in Question 2
- 98. Missing data
- 99. Life

VAR 0013 PREF DAYS TO TRIAL: C1 MD=GE 999
REF 0013 LOC 22 WIDTH 3 DK 1 COL 24-26

3. Now assume that this case proceeds instead to jury trial:

3a. Bear in mind that the defendant was arrested August 1, 1979. What would be an appropriate date for a jury trial to begin in this case, given adequate staff to handle the caseloads of prosecution, defense, and the court in a fair and expeditious manner?

(CONTINUED)

Actual number of days between arrest and commencement of trial coded 15 to 441

999. Missing data

VAR 0014 PROB OF CONVICT: C1 MD=GE 9
REF 0014 LOC 25 WIDTH 1 DK 1 COL 27

3b. Considering the strength of the prosecution's case as detailed above, what is your best professional estimate as to the likely result of a jury trial?

- 1. Almost certain conviction
- 2. Probable conviction
- 3. 50/50 chance of conviction
- 4. Probable acquittal
- 5. Almost certain acquittal
- 9. Missing data

VAR 0015 MODE OF DISPOSITION: C2 MD=GE 9
REF 0015 LOC 26 WIDTH 1 DK 1 COL 28

CASE NUMBER 2

A. Complaint: On 8/1/79 at approximately 3 p.m. a male, 5 ft. 10 inches, 175 pounds, dark hair, entered Jones' Fried Chicken located at 123 Smith. He was wearing a wide-brimmed hat that partially obscured his face. He approached the service counter operated by complainant and said, "This is a holdup. Give me the money. I'm not playing." The complainant observed that the man had his hand inside a brown paper bag as though he had a gun in it. She took approximately \$207 in assorted bills from her cash register and gave it to the man. The man then moved the bag toward the cashier at the next station, witness A, who then removed approximately \$170 from her register and gave it to the man. He placed all the money into the paper bag and ran out the front door. Employees of the restaurant gave chase and the manager, witness B, observed the subject get into a

(CONTINUED)

dark-colored car with license plate ABC 123 and drive away.

Police Officers C and D, patrolling the area in an unmarked car, observed the employees running out of the restaurant and stopped to investigate. They obtained information on the robbery and canvassed the area for suspects. They found the vehicle used for the escape abandoned in an alley nearby (the car was later found to be stolen.)

B. Arrest: Approximately two hours later in further scouting the area Officers C and D, still driving an unmarked police car, observed a Checker cab parked in front of a house 4 blocks from the scene of the robbery. On the front porch they observed a man answering the description of the man who robbed the restaurant.

The man looked up and down the street, then ran to the cab. Officers C and D followed the cab for several blocks during which time the man looked furtively out the back window. The officers stopped the cab, showed their identification, and ordered the subject from the cab. He was patted down for offensive weapons and the fruits of the crime. The officers observed a large bulge in the defendant's left front pants pocket. They found it to be a roll of bills totalling \$356. The defendant was taken to the police station and advised of his rights. He denied any knowledge of the holdup.

At 8 p.m. on the same day a lineup was held in police headquarters at which the complainant made a positive identification of the defendant as the man who robbed the restaurant. Witness A, the other cashier, was unsure that the defendant was the robber. The defendant's lawyer was present at the lineup.

C. Witnesses:

1. Complainant will testify to being robbed and to identifying the defendant at the lineup.
2. Witness A (the other cashier) will testify to being present at the holdup and to the fact that defendant looks "similar" to the robber. She can neither confirm nor deny that defendant was the man who robbed the restaurant.
3. Witness B (restaurant manager) will testify to being present during the holdup and obtaining the license number of the getaway car.
4. Officers C and D will testify to observing employees

(CONTINUED)

running out of the restaurant, to facts surrounding recovery of the getaway car and to arrest of defendant.

D. Evidence: \$356 in bills obtained from defendant

E. Defendant Information:

1. Age: 19
2. Prior criminal record:
 - 9/17/77 Arrest: breaking and entering occupied dwelling (felony)
Conviction: larceny under \$100 (misdemeanor)
Sentence: 20 days county jail; 1 year probation
 - 4/23/78 Arrest: armed robbery (felony)
Conviction: unarmed robbery (felony)
Sentence: 10 months county jail; 1 year probation
3. Other: defendant has no fixed abode and no employment

F. Charge on Information/indictment: armed robbery (felony)

QUESTIONS ON CASE NUMBER 2

1. Assuming that prosecution, defense, and the court have adequate resources to deal with their caseloads in a fair and expeditious manner, how do you believe this case should be resolved?

-
1. Negotiated plea of guilty based on either a reduced charge, or sentence assurance, or both
 2. Guilty plea without charge reduction or sentence assurance
 3. Non-jury trial
 4. Jury trial
 5. Dismissal or nolle prosequi
 6. Other
 7. Diversion, special program
 9. NA

VAR 0016 SENTENCE TYPE: CASE 2 MD=GE 9
REF 0016 LOC 27 WIDTH 1 DK 1 COL 29

2. Setting aside your answer to the preceding question, assume that the defendant in this case pleads guilty as charged. What should be the appropriate sentence? You need not feel bound by the sentencing provisions in effect in your state.

- 1. Suspended sentence
- 2. Fine and/or costs
- 3. Probation and/or special program
- 4. Incarceration in county jail
- 5. Incarceration in state prison
- 9. NA

VAR 0017 JAIL SENTENCE: CASE 2 MD=-1 OR GE 99
REF 0017 LOC 28 WIDTH 2 DK 1 COL 30-31

2.1. <If coded 4 in Question 2> Indicate sentence in months <for county jail>

Actual number of months coded 6 to 23

- 1. Inap., Coded 1-3,5, or 9 in Question 2
- 99. Missing data

VAR 0018 MINIMUM SENTENCE: C2 MD=-1 OR GE 98
REF 0018 LOC 30 WIDTH 2 DK 1 COL 32-33

2.2. <If coded 5 in Question 2> Indicate minimum sentence in years <for state prison>

SEE NOTE(S) 1

Actual number of years coded 0 to 40

(CONTINUED)

- 1. Inap., Coded 1-4, or 9 in Question 2
- 98. Missing data
- 99. Life in prison

VAR 0019 MAXIMUM SENTENCE: C2 MD=-1 OR GE 98
REF 0019 LOC 32 WIDTH 2 DK 1 COL 34-35

2.3. <If coded 5 in Question 2> Indicate maximum sentence in years <for state prison>

SEE NOTE(S) 1

Actual number of years coded 2 to 80

- 1. Inap., Coded 1-4,9 in Question 2
- 98. Missing data
- 99. Life in prison

VAR 0020 PREDICT TIME SERVED: C2 MD=-1 OR GE 98
REF 0020 LOC 34 WIDTH 2 DK 1 COL 36-37

2.4. How much of this prison sentence do you predict would be actually served in your state?

Actual number of Years coded 1 to 43

- 1. Inap., Coded 1-4,9 in Question 2
- 98. Missing data
- 99. Life

VAR 0021 PREF DAYS TO TRIAL: C2 MD=GE 999
REF 0021 LOC 36 WIDTH 3 DK 1 COL 38-40

3. Now assume that this case proceeds instead to jury

(CONTINUED)

trial:

3a. Bear in mind that the defendant was arrested August 1, 1979. What would be an appropriate date for a jury trial to begin in this case, given adequate staff to handle the caseloads of prosecution, defense, and the court in a fair and expeditious manner?

Actual number of days between arrest and commencement of trial coded 21 to 305

999. Missing data

VAR 0022 PROB OF CONVICT: C2 MD=GE 3
REF 0022 LOC 39 WIDTH 1 DK 1 COL 41

3b. Considering the strength of the prosecution's case as detailed above, what is your best professional estimate as to the likely result of a jury trial?

1. Almost certain conviction
2. Probable conviction
3. 50/50 chance of conviction
4. Probable acquittal
5. Almost certain acquittal

9. Missing data

VAR 0023 MODE OF DISPOSITION: C3 MD=GE 9
REF 0023 LOC 40 WIDTH 1 DK 1 COL 42

CASE NUMBER 3

A. Complaint: On 7/27/79 at approximately 9:40 p.m., witnesses A and B, tenants in an apartment building located at 123 4th Street, heard people running in the second floor hallway outside their flat. They then heard one gunshot, a voice screaming, and two more gunshots. After waiting several minutes they opened the door and observed the body of the victim, a male aged 21 years, lying in the hallway,

(CONTINUED)

fatally injured. Police officers C and D responded to the call from the residents, collected evidence, and made the police report.

B. Arrest: The defendant was arrested at his home on 8/1/79 on a warrant issued as a result of police investigation of the offense. He was taken to police headquarters, advised of his rights, and made no statement.

C. Witnesses:

1. Witnesses A and B, residents of the apartment house, will testify to hearing the shots, discovering the body of the victim, and calling the police.

2. Officers C and D will testify to responding to the radio call, observing the victim lying in the hallway, and making the police report.

3. Witness E will testify to knowing the defendant since high school. E, in partnership with defendant, had opened up a "dope pad" to sell heroin 3 weeks before the incident and deceased was a customer. The pad was robbed 4 days before the incident by a person introduced to E by the deceased.

Witness will testify that he and the defendant were riding in E's van on the evening of the murder and that they saw the deceased on a street corner. They called him over to the van, he entered, and they rode around for several minutes. E asked the deceased if he had set up the robbery; deceased denied it. Defendant then stated that he would find out if he were lying or not and began to beat up the deceased in the rear of the van.

Witness will testify that the defendant went "wild" during the beating of the deceased and scared the witness. Witness drove to an alley behind the scene of the offense and told the defendant to get out. Defendant left, armed with an M-1 .30 calibre rifle that the witness had in the rear of the van.

The defendant told deceased to get out. Witness became very frightened when he saw defendant with the gun and drove off as soon as defendant and deceased left the van. Witness left defendant at the rear door of the apartment holding the rifle.

Witness came forward to police with this report two days after the murder. He is 27 years old, has no adult criminal

(CONTINUED)

record although he has several juvenile convictions for drug-related offenses. His parents demanded that he be granted immunity from prosecution if he is to testify and the prosecution has granted immunity.

4. Dr. F, county morgue, will testify to performing an autopsy on deceased and listing the cause of death as a gunshot wound to the back.

5. Witness G, deceased's brother, will testify to identifying body of deceased at county morgue.

6. Witness H, police crime lab, will testify to performing routine ballistics tests on .30 calibre spent casings found in apartment hallway and .30 calibre shell removed from body of deceased. Both were fired from the same M-1 type rifle. (No gun was recovered.)

D. Evidence:

1. Spent .30 calibre shell found in apartment hallway.
2. .30 calibre bullet removed from body of deceased.

E. Defendant Information:

1. Age: 28
2. Prior criminal record:
 - 10/27/73. arrest: assault with intent to commit murder (felony)
conviction: assault (misdemeanor)
sentence: 30 days county jail; 2 years probation
 - 4/01/75 arrest: armed robbery (felony)
conviction: unarmed robbery (felony)
sentence: 1-3 years state prison
 - 11/13/77 arrest: armed robbery (felony) dismissed
3. Other: defendant has part-time job as a bricklayer.
4. Defenses: alibi--defendant's girlfriend will testify that defendant was with her entire evening of 7/27/79. (Witness has 2 misdemeanor shoplifting convictions.)

(CONTINUED)

F. Charge on Information/indictment: 1st degree murder (felony)

QUESTIONS ON CASE NUMBER 3

1. Assuming that prosecution, defense, and the court have adequate resources to deal with their caseloads in a fair and expeditious manner, how do you believe this case should be resolved?

1. Negotiated plea of guilty based on either a reduced charge, or sentence assurance, or both
2. Guilty plea without charge reduction or sentence assurance
3. Non-jury trial
4. Jury trial
5. Dismissal or nolle prosequi
6. Other
7. Diversion, special program
9. NA

VAR 0024 SENTENCE TYPE: CASE 3 MD=GE 9
REF 0024 LOC 41 WIDTH 1 DK 1 COL 43

2. Setting aside your answer to the preceding question, assume that the defendant in this case pleads guilty as charged. What should be the appropriate sentence? You need not feel bound by the sentencing provisions in effect in your state.

1. Suspended sentence
2. Fine and/or costs
3. Probation and/or special program
4. Incarceration in county jail
5. Incarceration in state prison
9. NA

VAR 0025 JAIL SENTENCE: CASE 3 MD=-1 OR GE 99
REF 0025 LOC 42 WIDTH 2 DK 1 COL 44-45

2.1. <If coded 4 in Question 2> Indicate sentence in months
<for county jail>

Actual number of months coded 0 to 0

- 1. Inap., Coded 1-3,5, or 9 in Question 2
- 99. Missing data

VAR 0026 MINIMUM SENTENCE: C3 MD=-1 OR GE 98
REF 0026 LOC 44 WIDTH 2 DK 1 COL 46-47

2.2. <If coded 5 in Question 2> Indicate minimum sentence
in years <for state prison>

SEE NOTE(S) 1

Actual number of years coded 0 to 90

- 1. Inap., Coded 1-4, or 9 in Question 2
- 98. Missing data
- 99. Life in prison

VAR 0027 MAXIMUM SENTENCE: C3 MD=-1 OR GE 98
REF 0027 LOC 46 WIDTH 2 DK 1 COL 48-49

2.3. <If coded 5 in Question 2> Indicate maximum sentence
in years <for state prison>

SEE NOTE(S) 1

Actual number of years coded 5 to 95

- 1. Inap., Coded 1-4,9 in Question 2

(CONTINUED)

- 98. Missing data
- 99. Life in prison

VAR 0028 PREDICT TIME SERVED: C3 MD=-1 OR GE 98
REF 0028 LOC 48 WIDTH 2 DK 1 COL 50-51

2.4. How much of this prison sentence do you predict would
be actually served in your state?

Actual number of years coded 3 to 40

- 1. Inap., Coded 1-4,9 in Question 2
- 98. Missing data
- 99. Life

VAR 0029 PREF DAYS TO TRIAL: C3 MD=GE 999
REF 0029 LOC 50 WIDTH 3 DK 1 COL 52-54

3. Now assume that this case proceeds instead to jury
trial:

3a. Bear in mind that the defendant was arrested August 1,
1979. What would be an appropriate date for a jury trial to
begin in this case, given adequate staff to handle the
caseloads of prosecution, defense, and the court in a fair
and expeditious manner?

Actual number of days between arrest and commencement of
trial coded 30 to 366

- 999. Missing data

VAR 0030 PROB OF CONVICT: C3 MD=GE 9
REF 0030 LOC 53 WIDTH 1 DK 1 COL 55

3b. Considering the strength of the prosecution's case as

(CONTINUED)

detailed above, what is your best professional estimate as to the likely result of a jury trial?

1. Almost certain conviction
 2. Probable conviction
 3. 50/50 chance of conviction
 4. Probable acquittal
 5. Almost certain acquittal
-
9. Missing data

VAR 0031 MODE OF DISPOSITION: C4 MD=GE 9
REF 0031 LOC 54 WIDTH 1 DK 1 COL 56

CASE NUMBER 4

A. Complaint: Complainant (female, 21 years old), and her boyfriend, witness A, were stranded at the M and M Bar on evening of 7/31/79 when A's motorcycle would not start. Defendant, then drinking at the bar, offered to take them home for \$10. The three drove to witness A's house at 11:30 p.m. and staying for 2 hours eating, drinking, and talking. At 1:30 a.m. defendant left with complainant to drive her home. He drove to the parking lot of a shopping center and put his arms around the complainant but she pushed him off. He then drove to a deserted street, stated that he was "horny," and would "take a piece whether she wanted or not." He then began to grab at her breasts and pull at the zipper of her pants. When she resisted, he hit her in the face. She then kicked him in the groin, escaped from the car, ran across the road, and flagged down a passing motorist. She suffered a black eye but was not treated.

Complainant appeared in the precinct station the following morning and made a complaint against the defendant to Officer C.

B. Arrest: Officers D and E proceeded to defendant's apartment on 8/1/79, arrested him, and brought him to police headquarters. After being advised of his rights by Officer E, he admitted to giving the complainant a ride home and making a pass at her. He asserted that he only hit her after she kicked him in the groin.

C. Witnesses:

(CONTINUED)

1. Complainant will testify to events summarized above.

2. Witness A will testify to being at the bar with complainant and leaving with her and the defendant and to staying at his apartment for 2 hours with complainant and defendant.

3. Witness B will testify to picking up defendant after the assault, giving her a ride home, and to her black eye.

4. Officer B will testify to taking the report from the complainant.

5. Officers D and E will testify to arrest and interrogation of the defendant.

D. Evidence: none

E. Defendant Information:

1. Age: 22

2. Prior criminal record: none

3. Other: defendant has full-time job as teller in local bank, has grown up in the community. Numerous character witnesses available.

4. Defenses: self defense/provocation--see story under "arrest."

F. Charge on Information/indictment: assault with intent to rape (felony)

QUESTIONS ON CASE NUMBER 4

1. Assuming that prosecution, defense, and the court have adequate resources to deal with their caseloads in a fair and expeditious manner, how do you believe this case should be resolved?

1. Negotiated plea of guilty based on either a reduced charge, or sentence assurance, or both
2. Guilty plea without charge reduction or sentence assurance

(CONTINUED)

- 3. Non-jury trial
- 4. Jury trial
- 5. Dismissal or nolle prosequi
- 6. Other
- 7. Diversion, special program
- 9. NA

VAR 0032 SENTENCE TYPE: CASE 4 MD=GE 9
 REF 0032 LOC 55 WIDTH 1 DK 1 COL 57

2. Setting aside your answer to the preceding question, assume that the defendant in this case pleads guilty as charged. What should be the appropriate sentence? You need not feel bound by the sentencing provisions in effect in your state.

- 1. Suspended sentence
- 2. Fine and/or costs
- 3. Probation and/or special program
- 4. Incarceration in county jail
- 5. Incarceration in state prison
- 9. NA

VAR 0033 JAIL SENTENCE: CASE 4 MD=-1 OR GE 99
 REF 0033 LOC 56 WIDTH 2 DK 1 COL 58-59

2.1. <If coded 4 in Question 2> Indicate sentence in months <for county jail>

Actual number of months coded 1 to 24

- 1. Inap., Coded 1-3,5, or 9 in Question 2
- 99. Missing data

VAR 0034 MINIMUM SENTENCE: C4 MD=-1 OR GE 98
 REF 0034 LOC 58 WIDTH 2 DK 1 COL 60-61

2.2. <If coded 5 in Question 2> Indicate minimum sentence in years <for state prison>

SEE NOTE(S) 1

Actual number of years coded 0 to 5

- 1. Inap., Coded 1-4, or 9 in Question 2
- 98. Missing data
- 99. Life in prison

VAR 0035 MAXIMUM SENTENCE: C4 MD=-1 OR GE 98
 REF 0035 LOC 60 WIDTH 2 DK 1 COL 62-63

2.3. <If coded 5 in Question 2> Indicate maximum sentence in years <for state prison>

SEE NOTE(S) 1

Actual number of years coded 2 to 10

- 1. Inap., Coded 1-4,9 in Question 2
- 98. Missing data
- 99. Life in prison

VAR 0036 PREDICT TIME SERVED: C4 MD=-1 OR GE 98
 REF 0036 LOC 62 WIDTH 2 DK 1 COL 64-65

2.4. How much of this prison sentence do you predict would be actually served in your state?

Actual number of Years coded 1 to 4

(CONTINUED)

- 1. Inap., Coded 1-4,9 in Question 2
- 98. Missing data
- 99. Life

.....

VAR 0037 PREF DAYS TO TRIAL: C4 MD=GE 999
REF 0037 LOC 64 WIDTH 3 DK 1 COL 66-68

3. Now assume that this case proceeds instead to jury trial:

3a. Bear in mind that the defendant was arrested August 1, 1979. What would be an appropriate date for a jury trial to begin in this case, given adequate staff to handle the caseloads of prosecution, defense, and the court in a fair and expeditious manner?

Actual number of days between arrest and commencement of trial coded 20 to 366

999. Missing data

.....

VAR 0038 PROB OF CONVICT: C4 MD=GE 9
REF 0038 LOC 67 WIDTH 1 DK 1 COL 69

3b. Considering the strength of the prosecution's case as detailed above, what is your best professional estimate as to the likely result of a jury trial?

- 1. Almost certain conviction
- 2. Probable conviction
- 3. 50/50 chance of conviction
- 4. Probable acquittal
- 5. Almost certain acquittal

9. Missing data

VAR 0039 MODE OF DISPOSITION: C5 MD=GE 9
REF 0039 LOC 68 WIDTH 1 DK 1 COL 70

CASE NUMBER 5

A. Complaint: At 11:30 p.m. on 7/31/79 a male (22-25 years old, 5 foot 10 inches tall, 185 pounds) entered the XY Bar where complainant was working as a barmaid and asked for a bag of potato chips. He then produced a blue steel automatic pistol and announced a holdup. He ordered the complainant to give him all the cash in the till. She gave him \$80. in assorted bills. He then forced two customers in the bar, witness A and B, to give him their wallets (total cash contents: \$53.) The man was not seen after his escape through the front door.

The police were called and Officers C and D responded. In the subsequent investigation they recovered several wallets and identification papers in some shrubbery approximately 30 feet from the front door of the bar. The wallets and identification papers of witnesses A and B were among the material found. In looking through the other papers, the complainant observed a driver's license with a picture of the man who robbed the bar on it.

B. Arrest: Police Officers E and F arrested the man pictured on the driver's license at his home the following morning. He was taken to police headquarters and advised of his rights. He stated that he knew nothing about the robbery and that he lost his wallet and driver's license 2 weeks earlier.

A police lineup was held on 8/7/79. The defendant's lawyer was present. The complainant and witnesses A and B positively identified the defendant as the man who robbed the bar.

C. Witnesses:

1. Complainant will testify to facts surrounding the robbery as indicated above and to identification of defendant from his driver's license and in the police lineup.

2. Witness A and B will testify to holdup and to identification of the defendant as the man who robbed the bar.

3. Officers C and D will testify to responding to the

VAR 0042 MINIMUM SENTENCE: C5 MD=-1 OR GE 98
 REF 0042 LOC 72 WIDTH 2 DK 1 COL 74-75

2.2. <If coded 5 in Question 2> Indicate minimum sentence
 in years <for state prison>

SEE NOTE(S) 1

Actual number of years coded 0 to 70

- 1. Inap., Coded 1-4, or 9 in Question 2
- 98. Missing data
- 99. Life in prison

VAR 0043 MAXIMUM SENTENCE: C5 MD=-1 OR GE 98
 REF 0043 LOC 74 WIDTH 2 DK 1 COL 76-77

2.3. <If coded 5 in Question 2> Indicate maximum sentence
 in years <for state prison>

SEE NOTE(S) 1

Actual number of years coded 2 to 90

- 1. Inap., Coded 1-4,9 in Question 2
- 98. Missing data
- 99. Life in prison

VAR 0044 PREDICT TIME SERVED: C5 MD=-1 OR GE 98
 REF 0044 LOC 76 WIDTH 2 DK 1 COL 78-79

2.4. How much of this prison sentence do you predict would
 be actually served in your state?

Actual number of Years coded 1 to 50

(CONTINUED)

- 1. Inap., Coded 1-4,9 in Question 2
- 98. Missing data
- 99. Life

DECK IDENTIFICATION NUMBER IS '02' DK 2 COL 1- 2

VAR 0001 ICPSR STUDY NUMBER-7808 NO MISSING DATA CODES
 REF 0001 LOC 1 WIDTH 4 DK 2 COL 3- 6

ICPSR Study number

7808. The ICPSR has attached this number as a study
 identification number.

VAR 0002 ICPSR PART NUMBER-1 NO MISSING DATA CODES
 REF 0002 LOC 5 WIDTH 1 DK 2 COL 7

ICPSR part number

1. The entire study is contained in one file.

VAR 0003 ICPSR VERSION NUMBER-1 NO MISSING DATA CODES
 REF 0003 LOC 6 WIDTH 1 DK 2 COL 8

ICPSR version number

2. This is the second version of this study.

VAR 0004 SEQUENCE NUMBER NO MISSING DATA CODES
 REF 0004 LOC 7 WIDTH 3 DK 2 COL 9-11

Sequence number

The ICPSR has attached a number to every case. This number uniquely identifies each case in this survey.

VAR 0045 PREF DAYS TO TRIAL: C5 MD=GE 999
 REF 0045 LOC 78 WIDTH 3 DK 2 COL 12-14

3. Now assume that this case proceeds instead to jury trial:

3a. Bear in mind that the defendant was arrested August 1, 1979. What would be an appropriate date for a jury trial to begin in this case, given adequate staff to handle the caseloads of prosecution, defense, and the court in a fair and expeditious manner?

Actual number of days between arrest and commencement of trial coded 21 to 305

999. Missing data

VAR 0046 PROB OF CONVICT: C5 MD=GE 9
 REF 0046 LOC 81 WIDTH 1 DK 2 COL 15

3b. Considering the strength of the prosecution's case as detailed above, what is your best professional estimate as to the likely result of a jury trial?

1. Almost certain conviction
2. Probable conviction
3. 50/50 chance of conviction
4. Probable acquittal
5. Almost certain acquittal
9. Missing data

VAR 0047 MODE OF DISPOSITION: C6 MD=GE 9
 REF 0047 LOC 82 WIDTH 1 DK 2 COL 16

CASE NUMBER 6

A. Complaint and Arrest: Witness A was sitting on his front porch at 7 a.m. on 8/1/79 when he heard glass breaking at the bar located across the street from his home. He called the police and Officers B and C responded. When they arrived at the scene the officers observed that the rear window of the bar had been broken and glass lay on the ground under it. They also observed a young male running through the field behind the bar. The officers gave chase and followed the suspect to a dwelling two blocks away. The officers were let inside by the suspect's mother who stated that no one was in the house but herself and her daughter. The daughter then came downstairs and told the officers that she had just let her brother into the house and that he was in his bedroom. The mother then allowed officers to look in the room where they found the suspect sitting on a bed with a large number of quarters.

The officers placed the suspect under arrest and returned to the bar to collect evidence. They noted that inside the bar the juke box had been broken into and witness D, the proprietor of the bar (who had been summoned to the scene by witness A) indicated that approximately \$25 in quarters were missing.

The defendant was taken to the police station and advised of his rights. He stated that he did not know anything about the burglary at complainant's bar.

B. Witnesses:

1. Witness A will testify to hearing a noise near the bar and calling the police.
2. Officers B and C will testify to the facts surrounding defendant's arrest and the investigation of the scene.
3. Witness D, the bar owner, will testify to not giving anyone permission to enter the bar and to the fact that it was locked and secure at 2 a.m. the previous morning. He will also testify to the loss of approximately \$25 in quarters.

C. Evidence: 105 quarters

(CONTINUED)

D. Defendant Information:

1. Age: 20

2. Prior criminal record:

7/04/76 arrest: assault (misdemeanor)
conviction: disorderly conduct
(misdemeanor)
sentence: 12 months probation

3/13/77 arrest: breaking and entering occupied
dwelling (felony)
conviction: attempted breaking and
entering (misdemeanor)
sentence: 60 days county jail; 2 years
probation

3. Other: defendant lives with mother, has part-time
job in local auto parts store. Employer will testify as to
good character and responsible position.

E. Charge on Information/indictment: breaking and entering
with intent to commit grand larceny (felony)

QUESTIONS ON CASE NUMBER 6

1. Assuming that prosecution, defense, and the court have
adequate resources to deal with their caseloads in a fair
and expeditious manner, how do you believe this case should
be resolved?

- 1. Negotiated plea of guilty based on either a reduced charge, or sentence assurance, or both
- 2. Guilty plea without charge reduction or sentence assurance
- 3. Non-jury trial
- 4. Jury trial
- 5. Dismissal or nolle prosequi
- 6. Other
- 7. Diversion, special program
- 9. NA

VAR 0048
REF 0048

SENTENCE TYPE: CASE 6
LOC 83 WIDTH 1

MD=GE 9
DK 2 COL 17

2. Setting aside your answer to the preceding question,
assume that the defendant in this case pleads guilty as
charged. What should be the appropriate sentence? You need
not feel bound by the sentencing provisions in effect in
your state.

- 1. Suspended sentence
- 2. Fine and/or costs
- 3. Probation and/or special program
- 4. Incarceration in county jail
- 5. Incarceration in state prison
- 9. NA

VAR 0049
REF 0049

JAIL SENTENCE: CASE 6
LOC 84 WIDTH 2

MD=-1 OR GE 99
DK 2 COL 18-19

2.1. <If coded 4 in Question 2> Indicate sentence in months
<for county jail>

Actual number of months coded 1 to 24

- 1. Inap., Coded 1-3,5, or 9 in Question 2
- 99. Missing data

VAR 0050
REF 0050

MINIMUM SENTENCE: C6
LOC 86 WIDTH 2

MD=-1 OR GE 98
DK 2 COL 20-21

2.2. <If coded 5 in Question 2> Indicate minimum sentence
in years <for state prison>

SEE NOTE(S) 1

Actual number of years coded 0 to 20

(CONTINUED)

- 1. Inap., Coded 1-4, or 9 in Question 2
 98. Missing data
 99. Life in prison

.....
 VAR 0051 MAXIMUM SENTENCE: C6 MD=-1 OR GE 98
 REF 0051 LOC 88 WIDTH 2 DK 2 COL 22-23

2.3. <If coded 5 in Question 2> Indicate maximum sentence
 in years <for state prison>

 SEE NOTE(S) 1

Actual number of years coded 1 to 20

- 1. Inap., Coded 1-4,9 in Question 2
 98. Missing data
 99. Life in prison

.....
 VAR 0052 PREDICT TIME SERVED: C6 MD=-1 OR GE 98
 REF 0052 LOC 90 WIDTH 2 DK 2 COL 24-25

2.4. How much of this prison sentence do you predict would
 be actually served in your state?

 Actual number of Years coded 1 to 20

- 1. Inap., Coded 1-4,9 in Question 2
 98. Missing data
 99. Life

.....
 VAR 0053 PREF DAYS TO TRIAL: C6 MD=GE 999
 REF 0053 LOC 92 WIDTH 3 DK 2 COL 26-28

3. Now assume that this case proceeds instead to jury

(CONTINUED)

trial:

3a. Bear in mind that the defendant was arrested August 1,
 1979. What would be an appropriate date for a jury trial to
 begin in this case, given adequate staff to handle the
 caseloads of prosecution, defense, and the court in a fair
 and expeditious manner?

 Actual number of days between arrest and commencement of
 trial coded 15 to 427

999. Missing data

.....
 VAR 0054 PROB OF CONVICT: C6 MD=GE 9
 REF 0054 LOC 95 WIDTH 1 DK 2 COL 29

3b. Considering the strength of the prosecution's case as
 detailed above, what is your best professional estimate as
 to the likely result of a jury trial?

- 1. Almost certain conviction
 2. Probable conviction
 3. 50/50 chance of conviction
 4. Probable acquittal
 5. Almost certain acquittal

9. Missing data

.....
 VAR 0055 MODE OF DISPOSITION: C7 MD=GE 9
 REF 0055 LOC 96 WIDTH 1 DK 2 COL 30

CASE NUMBER 7 .

A. Complaint: Complainant, a 25 year-old man, has lived
 with defendant's sister for approximately two years.
 Relations between complainant and defendant became strained
 for several months prior to offense as a result of an
 argument in which the defendant allegedly threatened the
 complainant with a gun. This incident was not reported to
 the police.

(CONTINUED)

On 7/31/79 at approximately 10:15 p.m., complainant answered the doorbell of his apartment and went to the lobby to see who was there. He was confronted by the defendant and an argument ensued. During the argument complainant struck the defendant with his fist. At this time defendant reached into his pocket and began removing a handgun. Seeing this, the complainant began to run from the lobby. He went through a set of glass doors and heard a shot behind him. The bullet went through the door and struck complainant in the back of the right leg. It lodged in the calf. The defendant left the scene.

B. Arrest: Police Officers A and B responded to a call from neighbors of complainant who heard a shot. The officers photographed the door and conveyed complainant to General Hospital where he underwent surgery and was hospitalized 3 days. Officers proceeded to defendant's home and arrested him. He was searched at the time of his arrest and a .22 calibre pistol was obtained and confiscated. After being advised of his rights by Sergeant C, defendant stated that he had wanted to see his sister but that complainant had answered the door. After a brief argument and scuffle, complainant ran back to his apartment and was returning with a handgun. Upon seeing complainant with the gun, defendant stated he shot first in self-defense.

C. Witnesses:

1. Complainant will testify to assault by defendant on 7/31. (Complainant has one misdemeanor drug conviction in 1974)
2. Officers A and B will testify to taking complainant to hospital, arrest of defendant, and preparation of report.
3. Sergeant C will testify to interrogation of the defendant.
4. Dr. D will testify to treatment of complainant at General Hospital for a gunshot wound to the rear of the right calf.
5. Officers E from the police crime lab will testify that the bullet removed from complainant's leg was shot from the pistol taken from defendant at the time of his arrest.

D. Evidence:

(CONTINUED)

1. .22 calibre bullet removed from complainant's leg.
2. Photographs of broken door taken by Officer A.
3. .22 calibre pistol.

E. Defendant Information:

1. Age: 20
2. Prior criminal record: none
3. Other: defendant is newly married and has a small baby. He has a job as a security guard in a local factory. His mother will testify that complainant ordered defendant and his family to "stay away from me and my woman."

F. Charge on Information/indictment: assault with intent to do great bodily harm (felony)

QUESTIONS ON CASE NUMBER 7

1. Assuming that prosecution, defense, and the court have adequate resources to deal with their caseloads in a fair and expeditious manner, how do you believe this case should be resolved?

-
1. Negotiated plea of guilty based on either a reduced charge, or sentence assurance, or both
 2. Guilty plea without charge reduction or sentence assurance
 3. Non-jury trial
 4. Jury trial
 5. Dismissal or nolle prosequi
 6. Other
 7. Diversion, special program
 9. NA

.....

VAR 0056	SENTENCE TYPE: CASE 7	MD=GE 9
REF 0056	LOC 97 WIDTH 1	DK 2 COL 31

2. Setting aside your answer to the preceding question, assume that the defendant in this case pleads guilty as charged. What should be the appropriate sentence? You need

(CONTINUED)

not feel bound by the sentencing provisions in effect in your state.

-
1. Suspended sentence
 2. Fine and/or costs
 3. Probation and/or special program
 4. Incarceration in county jail
 5. Incarceration in state prison
9. NA

VAR 0057 JAIL SENTENCE: CASE 7 MD=-1 OR GE 99
REF 0057 LOC 98 WIDTH 2 DK 2 COL 32-33

2.1. <If coded 4 in Question 2> Indicate sentence in months <for county jail>

Actual number of months coded 1 to 24

- 1. Inap., Coded 1-3,5, or 9 in Question 2
99. Missing data

VAR 0058 MINIMUM SENTENCE: C7 MD=-1 OR GE 98
REF 0058 LOC 100 WIDTH 2 DK 2 COL 34-35

2.2. <If coded 5 in Question 2> Indicate minimum sentence in years <for state prison>

SEE NOTE(S) 1

Actual number of years coded 0 to 15

- 1. Inap., Coded 1-4, or 9 in Question 2
98. Missing data
99. Life in prison

VAR 0059 MAXIMUM SENTENCE: C7 MD=-1 OR GE 98
REF 0059 LOC 102 WIDTH 2 DK 2 COL 36-37

2.3. <If coded 5 in Question 2> Indicate maximum sentence in years <for state prison>

SEE NOTE(S) 1

Actual number of years coded 1 to 50

- 1. Inap., Coded 1-4,9 in Question 2
98. Missing data
99. Life in prison

VAR 0060 PREDICT TIME SERVED: C7 MD=-1 OR GE 98
REF 0060 LOC 104 WIDTH 2 DK 2 COL 38-39

2.4. How much of this prison sentence do you predict would be actually served in your state?

Actual number of Years coded 1 to 10

- 1. Inap., Coded 1-4,9 in Question 2
98. Missing data
99. Life

VAR 0061 PREF DAYS TO TRIAL: C7 MD=GE 999
REF 0061 LOC 106 WIDTH 3 DK 2 COL 40-42

3. Now assume that this case proceeds instead to jury trial:

3a. Bear in mind that the defendant was arrested August 1, 1979. What would be an appropriate date for a jury trial to begin in this case, given adequate staff to handle the caseloads of prosecution, defense, and the court in a fair and expeditious manner?

(CONTINUED)

Actual number of days between arrest and commencement of trial coded 21 to 366

999. Missing data

VAR 0062 PROB OF CONVICT: C7 MD=GE 9
REF 0062 LOC 109 WIDTH 1 DK 2 COL 43

3b. Considering the strength of the prosecution's case as detailed above, what is your best professional estimate as to the likely result of a jury trial?

1. Almost certain conviction
2. Probable conviction
3. 50/50 chance of conviction
4. Probable acquittal
5. Almost certain acquittal

9. Missing data

VAR 0063 MODE OF DISPOSITION: C8 MD=GE 9
REF 0063 LOC 110 WIDTH 1 DK 2 COL 44

CASE NUMBER 8

A. Complaint: On 8/1/79 at approximately 8:35 p.m., witness A, a security guard in complainant's department store, observed defendant take several pieces of women's clothing (2 jump suits, 1 blouse, 2 skirts; total value: \$74) from a rack and place them in a large black purse. She then left the store without paying for the merchandise. Defendant was apprehended by the security guard after leaving the store. The police were called.

B. Arrest: Officer B responded to the call, arrested the defendant, and took her to the station. The defendant was advised of her rights and was interrogated by Sergeant C. She stated, "I took the clothes and put them in my purse. I then tried to leave the store without paying for them and I was caught."

(CONTINUED)

C. Witnesses:

1. Witness A, the security guard, will testify to seeing the defendant put the articles in her purse and leave the store without paying for them.

2. Officer B will testify to responding to the call, making the arrest and police report.

3. Sergeant C will testify to advising the defendant of her rights and interrogating her.

D. Evidence: clothing held by security department of complainant department store.

E. Defendant Information:

1. Age: 32

2. Prior criminal record:

2/7/70 - 5 separate misdemeanor convictions for shoplifting
11/3/75 last three with sentences of 30 days in county jail.

4/7/77 arrest: larceny in a building (felony)
conviction: larceny in a building (felony)
sentence: 1-2 years state prison

3. Other: defendant has 4 aliases, no regular employment

F. Charge on Information/indictment: larceny in a building (felony)

QUESTIONS ON CASE NUMBER 8

1. Assuming that prosecution, defense, and the court have adequate resources to deal with their caseloads in a fair and expeditious manner, how do you believe this case should be resolved?

1. Negotiated plea of guilty based on either a reduced charge, or sentence assurance, or both
2. Guilty plea without charge reduction or sentence

(CONTINUED)

- assurance
3. Non-jury trial
 4. Jury trial
 5. Dismissal or nolle prosequi
 6. Other
 7. Diversion, special program
9. NA

.....

VAR 0064 SENTENCE TYPE: CASE 8 MD=GE 9
REF 0064 LOC 111 WIDTH 1 DK 2 COL 45

2. Setting aside your answer to the preceding question, assume that the defendant in this case pleads guilty as charged. What should be the appropriate sentence? You need not feel bound by the sentencing provisions in effect in your state.

1. Suspended sentence
 2. Fine and/or costs
 3. Probation and/or special program
 4. Incarceration in county jail
 5. Incarceration in state prison
9. NA

.....

VAR 0065 JAIL SENTENCE: CASE 8 MD=-1 OR GE 99
REF 0065 LOC 112 WIDTH 2 DK 2 COL 46-47

2.1. <If coded 4 in Question 2> Indicate sentence in months <for county jail>

Actual number of months coded 1 to 90

- 1. Inap., Coded 1-3,5, or 9 in Question 2
- 99. Missing data

VAR 0066 MINIMUM SENTENCE: C8 MD=-1 OR GE 98
REF 0066 LOC 114 WIDTH 2 DK 2 COL 48-49

2.2. <If coded 5 in Question 2> Indicate minimum sentence in years <for state prison>

SEE NOTE(S) 1

Actual number of years coded 0 to 25

- 1. Inap., Coded 1-4, or 9 in Question 2
- 98. Missing data
- 99. Life in prison

.....

VAR 0067 MAXIMUM SENTENCE: C8 MD=-1 OR GE 98
REF 0067 LOC 116 WIDTH 2 DK 2 COL 50-51

2.3. <If coded 5 in Question 2> Indicate maximum sentence in years <for state prison>

SEE NOTE(S) 1

Actual number of years coded 1 to 50

- 1. Inap., Coded 1-4,9 in Question 2
- 98. Missing data
- 99. Life in prison

.....

VAR 0068 PREDICT TIME SERVED: C8 MD=-1 OR GE 98
REF 0068 LOC 118 WIDTH 2 DK 2 COL 52-53

2.4. How much of this prison sentence do you predict would be actually served in your state?

Actual number of Years coded 1 to 25

(CONTINUED)

- 1. Inap., Coded 1-4,9 in Question 2
- 98. Missing data
- 99. Life

.....

VAR 0069 PREF DAYS TO TRIAL: C8 MD=GE 999
REF 0069 LOC 120 WIDTH 3 DK 2 COL 54-56

3. Now assume that this case proceeds instead to jury trial:

3a. Bear in mind that the defendant was arrested August 1, 1979. What would be an appropriate date for a jury trial to begin in this case, given adequate staff to handle the caseloads of prosecution, defense, and the court in a fair and expeditious manner?

Actual number of days between arrest and commencement of trial coded 3 to 366

999. Missing data

.....

VAR 0070 PROB OF CONVICT: C8 MD=GE 9
REF 0070 LOC 123 WIDTH 1 DK 2 COL 57

3b. Considering the strength of the prosecution's case as detailed above, what is your best professional estimate as to the likely result of a jury trial?

- 1. Almost certain conviction
- 2. Probable conviction
- 3. 50/50 chance of conviction
- 4. Probable acquittal
- 5. Almost certain acquittal
- 9. Missing data

VAR 0071 MODE OF DISPOSITION: C9 MD=GE 9
REF 0071 LOC 124 WIDTH 1 DK 2 COL 58

CASE NUMBER 9

A. Complaint: Complainant, a 15 year-old girl, was walking home the three blocks from her aunt's house at 11 p.m. on 7/30/79. In a darkened section of the sidewalk she was approached by a man she had never seen before who pulled out a gun, placed it to the complainant's neck, and stated, "This is a stickup; give me your money." The complainant said she had no money. He then grabbed the complainant's coat and pulled her across the street into a vacant house. She was forced to remove her clothes at gunpoint. The man got on top of her and forced her to submit to sexual intercourse. When he was finished, the man pulled on his pants, told the complainant not to move, and escaped on foot. The victim ran home and told her mother, witness A, what had happened. The mother called the police.

Officers B and C responded to the call and took the report. The complainant was taken to General Hospital for an examination and for treatment of several lacerations and bruises. She described her assailant as a male wearing dark clothes, about 5 foot 5 inches in height with a medium build and dark greasy hair.

B. Arrest: Two days after the incident, on 8/1/79, complainant observed the man who raped her standing in front of a bar two blocks from her house. She notified the police. Officers E and F arrested the defendant and took him to police headquarters. Defendant was advised of his rights and interrogated by Sergeant G. He made no statement. At this time he advised officers that his blood type was "O." Defendant fit the description given by complainant after the rape. On the day of the arrest, complainant positively identified defendant in a lineup as the man who raped her. One week later a "negative" lineup was held in which the defendant was not present and complainant identified no one. Defendant's attorney was present on both occasions.

C. Witnesses:

1. Complainant will testify to events as described above and to positively identifying defendant as the man who raped her.

2. Witness A, complainant's mother will testify to

(CONTINUED)

complainant's return home and description of being raped.

3. Officers B and C will testify to preparing the report and taking complainant to General Hospital.

4. Officers E and F will testify to arrest of the defendant.

5. Sergeant G will testify to advising the defendant of his rights, interrogating him, and conducting the two lineups.

6. Dr. H of General Hospital will testify that a physical examination of complainant's genitals indicated signs consistent with recent sexual intercourse.

7. Officer I from the police crime lab will testify that stains in the panties obtained from complainant at the hospital were sperm from a man with type "O" blood.

D. Evidence: panties obtained from complainant at time of examination.

E. Defendant Information:

1. Age: 19

2. Prior criminal record: none

3. Other: defendant resides with his parents 2 blocks from the scene of the incident. Defendant is a part-time student at a local junior college. He has no verifiable alibi.

F. Charge on Information/indictment: rape (felony)

QUESTIONS ON CASE NUMBER 9

1. Assuming that prosecution, defense, and the court have adequate resources to deal with their caseloads in a fair and expeditious manner, how do you believe this case should be resolved?

- 1. Negotiated plea of guilty based on either a reduced charge, or sentence assurance, or both
- 2. Guilty plea without charge reduction or sentence assurance
- 3. Non-jury trial

(CONTINUED)

- 4. Jury trial
- 5. Dismissal or nolle prosequi
- 6. Other
- 7. Diversion, special program

9. NA

VAR 0072 SENTENCE TYPE: CASE 9 MD=GE 9
 REF 0072 LOC 125 WIDTH 1 DK 2 COL 59

2. Setting aside your answer to the preceding question, assume that the defendant in this case pleads guilty as charged. What should be the appropriate sentence? You need not feel bound by the sentencing provisions in effect in your state.

- 1. Suspended sentence
- 2. Fine and/or costs
- 3. Probation and/or special program
- 4. Incarceration in county jail
- 5. Incarceration in state prison

9. NA

VAR 0073 JAIL SENTENCE: CASE 9 MD=-1 OR GE 99
 REF 0073 LOC 126 WIDTH 2 DK 2 COL 60-61

2.1. <If coded 4 in Question 2> Indicate sentence in months <for county jail>

Actual number of months coded 1 to 36

- 1. Inap., Coded 1-3,5, or 9 in Question 2
- 99. Missing data

VAR 0074 MINIMUM SENTENCE: C9 MD=-1 OR GE 98
 REF 0074 LOC 128 WIDTH 2 DK 2 COL 62-63

2.2. <If coded 5 in Question 2> Indicate minimum sentence
 in years <for state prison>

SEE NOTE(S) 1

Actual number of years coded 0 to 50

- 1. Inap., Coded 1-4, or 9 in Question 2
- 98. Missing data
- 99. Life in prison

VAR 0075 MAXIMUM SENTENCE: C9 MD=-1 OR GE 98
 REF 0075 LOC 130 WIDTH 2 DK 2 COL 64-65

2.3. <If coded 5 in Question 2> Indicate maximum sentence
 in years <for state prison>

SEE NOTE(S) 1

Actual number of years coded 1 to 90

- 1. Inap., Coded 1-4,9 in Question 2
- 98. Missing data
- 99. Life in prison

VAR 0076 PREDICT TIME SERVED: C9 MD=-1 OR GE 98
 REF 0076 LOC 132 WIDTH 2 DK 2 COL 66-67

2.4. How much of this prison sentence do you predict would
 be actually served in your state?

Actual number of Years coded 1 to 50

(CONTINUED)

- 1. Inap., Coded 1-4,9 in Question 2
- 98. Missing data
- 99. Life

VAR 0077 PREF DAYS TO TRIAL: C9 MD=GE 999
 REF 0077 LOC 134 WIDTH 3 DK 2 COL 68-70

3. Now assume that this case proceeds instead to jury
 trial:

3a. Bear in mind that the defendant was arrested August 1,
 1979. What would be an appropriate date for a jury trial to
 begin in this case, given adequate staff to handle the
 caseloads of prosecution, defense, and the court in a fair
 and expeditious manner?

Actual number of days between arrest and commencement of
 trial coded 21 to 214

999. Missing data

VAR 0078 PROB OF CONVICT: C9 MD=GE 9
 REF 0078 LOC 137 WIDTH 1 DK 2 COL 71

3b. Considering the strength of the prosecution's case as
 detailed above, what is your best professional estimate as
 to the likely result of a jury trial?

- 1. Almost certain conviction
- 2. Probable conviction
- 3. 50/50 chance of conviction
- 4. Probable acquittal
- 5. Almost certain acquittal
- 9. Missing data

VAR 0079 MODE OF DISPOSITION: C10 MD=GE 9
 REF 0079 LOC 138 WIDTH 1 DK 2 COL 72

CASE NUMBER 10

A. Complaint: On 8/1/79 at approximately 9 p.m. the complainant, in the company of his mother-in-law, witness A, was entering the lobby of complainant's apartment house. They were approached by a man who asked if they knew the manager. Complainant replied that he did not. The man then produced a knife and said "Give me your money or I'll kill you." The complainant reached into his pocket and removed \$51 in bills and handed it to the defendant. The defendant then stated, "Give me more money or I'll kill you." The complainant then reached out and grabbed the defendant's wrist and wrestled the knife out of his hand. The two grappled; both fell out the front door of the apartment building; the complainant landed on top of the defendant and subdued him. Witness A called the police. Complainant suffered several cuts and bruises from the fight but was not treated.

B. Arrest: A police car manned by Officers B and C arrived at the scene, arrested the defendant, and conveyed him to the police station. They confiscated \$51 from the defendant and a knife. After being advised of his rights, the defendant was interrogated but made no statement.

C. Witnesses:

1. Complainant will testify to being robbed by the defendant, fighting with him, subduing him, and holding him for the police.

2. Witness A, complainant's mother-in-law, will testify to being robbed by defendant, seeing defendant fight with complainant, subdue him, and hold him for the police.

3. Officers B and C and Sergeant D will testify to facts surrounding the arrest.

D. Evidence:

1. \$51 in bills confiscated from defendant.

2. Knife confiscated from defendant.

E. Defendant Information:

(CONTINUED)

1. Age: 22

2. Prior criminal record:

3/13/75 arrest: sale of controlled substance
 (felony)
 conviction: possession of controlled
 substance (misdemeanor)
 sentence: 30 days county jail; 1 yr.
 probation

12/21/75 arrest: sale of controlled substance
 (felony)
 conviction: possession of controlled
 substance (misdemeanor)
 sentence: 2 months county jail

3/9/77 arrest: breaking and entering (felony)
 dismissed

6/6/77 arrest: sale of controlled substance
 (felony)
 conviction: sale of controlled substance
 (felony)
 sentence: 1-2 years state prison

3. Other: defendant has been out of prison for approximately 6 months. He has no fixed abode or employment.

F. Charge on Information/indictment: armed robbery
 (felony)

QUESTIONS ON CASE NUMBER 10

1. Assuming that prosecution, defense, and the court have adequate resources to deal with their caseloads in a fair and expeditious manner, how do you believe this case should be resolved?

-
1. Negotiated plea of guilty based on either a reduced charge, or sentence assurance, or both
 2. Guilty plea without charge reduction or sentence assurance
 3. Non-jury trial
 4. Jury trial
 5. Dismissal or nolle prosequi
 6. Other

(CONTINUED)

7. Diversion, special program

9. NA

.....

VAR 0080 SENTENCE TYPE: CASE 10 MD=GE 9
REF 0080 LOC 139 WIDTH 1 DK 2 COL 73

2. Setting aside your answer to the preceding question, assume that the defendant in this case pleads guilty as charged. What should be the appropriate sentence? You need not feel bound by the sentencing provisions in effect in your state.

1. Suspended sentence
2. Fine and/or costs
3. Probation and/or special program
4. Incarceration in county jail
5. Incarceration in state prison

9. NA

.....

VAR 0081 JAIL SENTENCE: CASE 10 MD=-1 OR GE 99
REF 0081 LOC 140 WIDTH 2 DK 2 COL 74-75

2.1. <If coded 4 in Question 2> Indicate sentence in months <for county jail>

Actual number of months coded 6 to 12

- 1. Inap., Coded 1-3,5, or 9 in Question 2
- 99. Missing data

.....

VAR 0082 MINIMUM SENTENCE: C10 MD=-1 OR GE 98
REF 0082 LOC 142 WIDTH 2 DK 2 COL 76-77

2.2. <If coded 5 in Question 2> Indicate minimum sentence

(CONTINUED)

in years <for state prison>

SEE NOTE(S) 1

Actual number of years coded 0 to 50

- 1. Inap., Coded 1-4, or 9 in Question 2
 - 98. Missing data
 - 99. Life in prison
-

VAR 0083 MAXIMUM SENTENCE: C10 MD=-1 OR GE 98
REF 0083 LOC 144 WIDTH 2 DK 2 COL 78-79

2.3. <If coded 5 in Question 2> Indicate maximum sentence in years <for state prison>

SEE NOTE(S) 1

Actual number of years coded 2 to 80

- 1. Inap., Coded 1-4,9 in Question 2
- 98. Missing data
- 99. Life in prison

DECK IDENTIFICATION NUMBER IS '03' DK 3 COL 1-2

.....

VAR 0001 ICPSR STUDY NUMBER-7808 NO MISSING DATA CODES
REF 0001 LOC 1 WIDTH 4 DK 3 COL 3-6

ICPSR Study number

7808. The ICPSR has attached this number as a study identification number.

VAR 0002 ICPSR PART NUMBER-1 NO MISSING DATA CODES
REF 0002 LOC 5 WIDTH 1 DK 3 COL 7

ICPSR part number

1. The entire study is contained in one file.

VAR 0003 ICPSR VERSION NUMBER-1 NO MISSING DATA CODES
REF 0003 LOC 6 WIDTH 1 DK 3 COL 8

ICPSR version number

2. This is the second version of this study.

VAR 0004 SEQUENCE NUMBER NO MISSING DATA CODES
REF 0004 LOC 7 WIDTH 3 DK 3 COL 9-11

Sequence number

The ICPSR has attached a number to every case. This number uniquely identifies each case in this survey.

VAR 0084 PREDICT TIME SERVED: C10 MD=-1 OR GE 98
REF 0084 LOC 146 WIDTH 2 DK 3 COL 12-13

2.4. How much of this prison sentence do you predict would be actually served in your state?

Actual number of Years coded 1 to 50

- 1. Inap., Coded 1-4,9 in Question 2
- 98. Missing data
- 99. Life

VAR 0085 PREF DAYS TO TRIAL: 10 MD=GE 999
REF 0085 LOC 148 WIDTH 3 DK 3 COL 14-16

3. Now assume that this case proceeds instead to jury trial:

3a. Bear in mind that the defendant was arrested August 1, 1979. What would be an appropriate date for a jury trial to begin in this case, given adequate staff to handle the caseloads of prosecution, defense, and the court in a fair and expeditious manner?

Actual number of days between arrest and commencement of trial coded 21 to 214

999. Missing data

VAR 0086 PROB OF CONVICT: C10 MD=GE 9
REF 0086 LOC 151 WIDTH 1 DK 3 COL 17

3b. Considering the strength of the prosecution's case as detailed above, what is your best professional estimate as to the likely result of a jury trial?

- 1. Almost certain conviction
- 2. Probable conviction
- 3. 50/50 chance of conviction
- 4. Probable acquittal
- 5. Almost certain acquittal

9. Missing data

VAR 0087 MODE OF DISPOSITION: C11 MD=GE 9
REF 0087 LOC 152 WIDTH 1 DK 3 COL 18

CASE NUMBER 11

A. Complaint: The complainant, a 25 year-old woman, went to the home of defendant, her ex-boyfriend, at 10 a.m.

(CONTINUED)

8/1/79 to get a hairdryer she left behind the previous evening when she and defendant broke up. Upon entering the house, defendant dragged her upstairs to his bedroom and began hitting her with a rifle butt. She fled to the street and he shot at her from the upstairs window. She was wounded in the left shoulder but managed to walk to a cousin's house in the neighborhood. The police and an ambulance were called. Officers A and B responded and obtained a report before complainant was taken to General Hospital. Complainant was x-rayed, treated, and discharged.

B. Arrest: Police Officers A and B, after obtaining complainant's report, proceeded to defendant's home. He was arrested, conveyed to the police station, and advised of his rights. He then stated that he shot at the complainant with a .22 calibre rifle after she first shot at him with a handgun. He further stated that he tried to shoot over complainant's head. "I was standing on the side of the house when she shot at me. I hit the ground and returned her fire. She ran down the street."

C. Witnesses:

1. Complainant will testify to facts of the offense as summarized above. (Complainant has a criminal record which includes several misdemeanor convictions and one felony drug conviction.)

2. Officers A and B will testify to obtaining the report from complainant, arresting the defendant, advising him of his rights, and the interrogation.

3. Doctor D of General Hospital will testify to treating complainant on 8/1/79 for a gunshot wound in the left shoulder.

4. There are no known witnesses to the shooting except complainant and defendant.

D. Evidence: x-ray of shoulder.

E. Defendant Information:

1. Age: 29

2. Prior criminal record:

12/15/79 arrest: armed robbery (felony)
conviction: unarmed robbery (felony)
sentence: 30 days county jail; 3 yrs.

(CONTINUED)

probation

8/13/71 arrest: sale of controlled substance (felony)

conviction: possession of controlled substance (misdemeanor)

sentence: 2 months county jail

12/3/72 arrest: assault with intent to murder (felony) (no disposition available)

4/5/73 arrest: armed robbery (felony)
acquitted by jury

6/17/74 arrest: armed robbery (felony)
conviction: armed robbery (felony)
sentence: 3-5 years state prison

3. Other: defendant has been employed 5 months driving a delivery truck.

4. Defenses: self-defense--defendant will testify that complainant first shot at him with a handgun.

F. Charge on Information/indictment: assault with intent to murder (felony)

QUESTIONS ON CASE NUMBER 11

1. Assuming that prosecution, defense, and the court have adequate resources to deal with their caseloads in a fair and expeditious manner, how do you believe this case should be resolved?

-
1. Negotiated plea of guilty based on either a reduced charge, or sentence assurance, or both
 2. Guilty plea without charge reduction or sentence assurance
 3. Non-jury trial
 4. Jury trial
 5. Dismissal or nolle prosequi
 6. Other
 7. Diversion, special program
 9. NA

VAR 0088 SENTENCE TYPE: CASE 11 MD=GE 9
REF 0088 LOC 153 WIDTH 1 DK 3 COL 19

2. Setting aside your answer to the preceding question, assume that the defendant in this case pleads guilty as charged. What should be the appropriate sentence? You need not feel bound by the sentencing provisions in effect in your state.

- 1. Suspended sentence
- 2. Fine and/or costs
- 3. Probation and/or special program
- 4. Incarceration in county jail
- 5. Incarceration in state prison
- 9. NA

VAR 0089 JAIL SENTENCE: CASE 11 MD=-1 OR GE 99
REF 0089 LOC 154 WIDTH 2 DK 3 COL 20-21

2.1. <If coded 4 in Question 2> Indicate sentence in months <for county jail>

Actual number of months coded 6 to 18

- 1. Inap., Coded 1-3,5, or 9 in Question 2
- 99. Missing data

VAR 0090 MINIMUM SENTENCE: C11 MD=-1 OR GE 98
REF 0090 LOC 156 WIDTH 2 DK 3 COL 22-23

2.2. <If coded 5 in Question 2> Indicate minimum sentence in years <for state prison>

SEE NOTE (S) 1

Actual number of years coded 0 to 60

(CONTINUED)

- 1. Inap., Coded 1-4, or 9 in Question 2
- 98. Missing data
- 99. Life in prison

VAR 0091 MAXIMUM SENTENCE: C11 MD=-1 OR GE 98
REF 0091 LOC 158 WIDTH 2 DK 3 COL 24-25

2.3. <If coded 5 in Question 2> Indicate maximum sentence in years <for state prison>

SEE NOTE (S) 1

Actual number of years coded 2 to 90

- 1. Inap., Coded 1-4,9 in Question 2
- 98. Missing data
- 99. Life in prison

VAR 0092 PREDICT TIME SERVED: C11 MD=-1 OR GE 98
REF 0092 LOC 160 WIDTH 2 DK 3 COL 26-27

2.4. How much of this prison sentence do you predict would be actually served in your state?

Actual number of Years coded 1 to 50

- 1. Inap., Coded 1-4,9 in Question 2
- 98. Missing data
- 99. Life

VAR 0093 PREF DAYS TO TRIAL: C11 MD=GE 999
REF 0093 LOC 162 WIDTH 3 DK 3 COL 28-30

3. Now assume that this case proceeds instead to jury

(CONTINUED)

trial:

3a. Bear in mind that the defendant was arrested August 1, 1979. What would be an appropriate date for a jury trial to begin in this case, given adequate staff to handle the caseloads of prosecution, defense, and the court in a fair and expeditious manner?

Actual number of days between arrest and commencement of trial coded 15 to 305

999. Missing data

VAR 0094 PROB OF CONVICT: C11 MD=GE 9
REF 0094 LOC 165 WIDTH 1 DK 3 COL 31

3b. Considering the strength of the prosecution's case as detailed above, what is your best professional estimate as to the likely result of a jury trial?

1. Almost certain conviction
2. Probable conviction
3. 50/50 chance of conviction
4. Probable acquittal
5. Almost certain acquittal
9. Missing data

VAR 0095 MODE OF DISPOSITION: C12 MD=GE 9
REF 0095 LOC 166 WIDTH 1 DK 3 COL 32

CASE NUMBER 12

A. Complaint: On August 1, 1979, at approximately 9 p.m., the complainant parked her car in a parking lot near the entrance to City Medical Clinic, walked to the street, and then proceeded toward the clinic entrance. Two males walked toward her from behind. As they passed her, one of the men pulled a gun from inside his jacket, pointed it at her, and ordered her to give him her handbag. The complainant

(CONTINUED)

refused and the two men began to pull it from her hands. While pulling, the man with the gun (ultimately identified as the defendant) pushed it into her chest, threatening her again. The handbag was finally pulled from her hands and the men began running away.

Witness A, a private security guard, was sitting in his vehicle approximately 30 yards away and observed the entire incident. As the men ran towards the parking lot he left his vehicle and ordered them to stop. One of the men kept running and escaped. The defendant stopped and dropped the complainant's purse and a .30 calibre handgun.

The complainant had left the scene to call the police and was returning to the parking lot as the security guard apprehended the defendant.

B. Arrest: A police squad car manned by Officers B and C responded to the radio call, arrived at the scene, and arrested the defendant in the presence of the complainant. Officers B and C conveyed the defendant to the police station. He was advised of his rights by Sergeant D and interrogated. He made no statement.

C. Witnesses:

1. Complainant will testify to facts surrounding the incident and her identification at the scene of the defendant as one of the men who stole her handbag.

2. Witness A, the security guard, will testify to observing the robbery, never losing sight of the defendant, detaining him and turning him over to the police.

3. Police Officers B and C will testify to facts surrounding the arrest and making the report.

D. Evidence:

1. Brown lady's handbag containing sundries taken from defendant by witness A.

2. \$2 in bills taken from handbag.

3. .30 calibre handgun taken from defendant by witness A.

E. Defendant Information:

1. Age: 19

(CONTINUED)

2. Prior criminal record:

12/20/78 arrest: felonious assault (felony)
conviction: assault (misdemeanor)
sentence: 1 year probation

4/3/79 arrest: sale of controlled substance
(felony)
conviction: attempted sale of
controlled substance (misdemeanor)
sentence: 60 days county jail; 1 years
probation

3. Other: defendant has just been released from
county jail and is on probation. He has not obtained
employment and is living with a friend.

F. Charge on Information/indictment: armed robbery
(felony)

QUESTIONS ON CASE NUMBER 12

1. Assuming that prosecution, defense, and the court have
adequate resources to deal with their caseloads in a fair
and expeditious manner, how do you believe this case should
be resolved?

- 1. Negotiated plea of guilty based on either a reduced
charge, or sentence assurance, or both
- 2. Guilty plea without charge reduction or sentence
assurance
- 3. Non-jury trial
- 4. Jury trial
- 5. Dismissal or nolle prosequi
- 6. Other
- 7. Diversion, special program
- 9. NA

VAR 0096 SENTENCE TYPE: CASE 12 MD=GE 9
REF 0096 LOC 167 WIDTH 1 DK 3 COL 33

2. Setting aside your answer to the preceding question,

(CONTINUED)

assume that the defendant in this case pleads guilty as
charged. What should be the appropriate sentence? You need
not feel bound by the sentencing provisions in effect in
your state.

- 1. Suspended sentence
- 2. Fine and/or costs
- 3. Probation and/or special program
- 4. Incarceration in county jail
- 5. Incarceration in state prison
- 9. NA

VAR 0097 JAIL SENTENCE: CASE 12 MD=-1 OR GE 99
REF 0097 LOC 168 WIDTH 2 DK 3 COL 34-35

2.1. <If coded 4 in Question 2> Indicate sentence in months
<for county jail>

Actual number of months coded 0 to 0

- 1. Inap., Coded 1-3,5, or 9 in Question 2
- 99. Missing data

VAR 0098 MINIMUM SENTENCE: C12 MD=-1 OR GE 98
REF 0098 LOC 170 WIDTH 2 DK 3 COL 36-37

2.2. <If coded 5 in Question 2> Indicate minimum sentence
in years <for state prison>

SEE NOTE(S) 1

Actual number of years coded 0 to 50

- 1. Inap., Coded 1-4, or 9 in Question 2
- 98. Missing data
- 99. Life in prison

VAR 0099 MAXIMUM SENTENCE: C12 MD=-1 OR GE 98
REF 0099 LOC 172 WIDTH 2 DK 3 COL 38-39

2.3. <If coded 5 in Question 2> Indicate maximum sentence
in years <for state prison>

SEE NOTE(S) 1

Actual number of years coded 2 to 80

- 1. Inap., Coded 1-4,9 in Question 2
- 98. Missing data
- 99. Life in prison

VAR 0100 PREDICT TIME SERVED: C12 MD=-1 OR GE 98
REF 0100 LOC 174 WIDTH 2 DK 3 COL 40-41

2.4. How much of this prison sentence do you predict would
be actually served in your state?

Actual number of Years coded 1 to 50

- 1. Inap., Coded 1-4,9 in Question 2
- 98. Missing data
- 99. Life

VAR 0101 PREF DAYS TO TRIAL: C12 MD=99
REF 0101 LOC 176 WIDTH 3 DK 3 COL 42-44

3. Now assume that this case proceeds instead to jury
trial:

3a. Bear in mind that the defendant was arrested August 1,
1979. What would be an appropriate date for a jury trial to
begin in this case, given adequate staff to handle the
caseloads of prosecution, defense, and the court in a fair
and expeditious manner?

(CONTINUED)

Actual number of days between arrest and commencement of
trial coded 21 to 214

999. Missing data

VAR 0102 PROB OF CONVICT: C12 MD=GE 9
REF 0102 LOC 179 WIDTH 1 DK 3 COL 45

3b. Considering the strength of the prosecution's case as
detailed above, what is your best professional estimate as
to the likely result of a jury trial?

- 1. Almost certain conviction
- 2. Probable conviction
- 3. 50/50 chance of conviction
- 4. Probable acquittal
- 5. Almost certain acquittal

9. Missing data

VAR 0103 JURY TRIALS FAIR MD=GE 9
REF 0103 LOC 180 WIDTH 1 DK 3 COL 46

Please indicate the extent to which you agree or disagree
with the following statements by circling the appropriate
response:

1. Jury trials provide the fairest and most accurate method
for disposing of criminal cases.

- 1. Strongly agree
- 2. Agree
- 3. Undecided
- 4. Disagree
- 5. Strongly disagree

- 9. NA

VAR 0104 DELAY IN CASE SER PROB MD=GE 9
REF 0104 LOC 181 WIDTH 1 DK 3 COL 47

2. Delay in the disposition of criminal cases is one of the most serious problems presently facing this court.

- 1. Strongly agree
- 2. Agree
- 3. Undecided
- 4. Disagree
- 5. Strongly disagree
- 9. NA

VAR 0105 CLOSE WORK RELATION GOOD MD=GE 9
REF 0105 LOC 182 WIDTH 1 DK 3 COL 48

3. Close, cooperative working relations among prosecutors, defense attorneys, and judges are essential in any criminal court.

- 1. Strongly agree
- 2. Agree
- 3. Undecided
- 4. Disagree
- 5. Strongly disagree
- 9. NA

VAR 0106 NEED TO UNDERSTAND DEF MD=GE 9
REF 0106 LOC 183 WIDTH 1 DK 3 COL 49

4. Sentences in criminal cases must be grounded in an understanding of the environment and the problems previously faced by defendants.

- 1. Strongly agree
- 2. Agree

(CONTINUED)

- 3. Undecided
- 4. Disagree
- 5. Strongly disagree
- 9. NA

VAR 0107 BEST WORK OUT INFORMALLY MD=GE 9
REF 0107 LOC 184 WIDTH 1 DK 3 COL 50

5. The interests of both the defendant and society are best served when professional counsel can work out informally the disposition of a criminal case.

- 1. Strongly agree
- 2. Agree
- 3. Undecided
- 4. Disagree
- 5. Strongly disagree
- 9. NA

VAR 0108 SPEED UP PACE BAD MD=GE 9
REF 0108 LOC 185 WIDTH 1 DK 3 COL 51

6. Efforts to speed up the pace of criminal litigation inevitably produce unjust and improperly hurried resolution of criminal cases.

- 1. Strongly agree
- 2. Agree
- 3. Undecided
- 4. Disagree
- 5. Strongly disagree
- 9. NA

VAR 0109 FREQ USE OF PROBATION BA MD=GE 9
REF 0109 LOC 186 WIDTH 1 DK 3 COL 52

7. Frequent use of probation or diversion saps the criminal law of its deterrent impact.

- 1. Strongly agree
- 2. Agree
- 3. Undecided
- 4. Disagree
- 5. Strongly disagree
- 9. NA

VAR 0110 DA AND PROS AVOID B PALS MD=GE 9
REF 0110 LOC 187 WIDTH 1 DK 3 COL 53

8. Defense attorneys and prosecutors should avoid becoming too friendly.

- 1. Strongly agree
- 2. Agree
- 3. Undecided
- 4. Disagree
- 5. Strongly disagree
- 9. NA

VAR 0111 MOST CASES WASTE OF JURY MD=GE 9
REF 0111 LOC 188 WIDTH 1 DK 3 COL 54

9. For the vast majority of criminal cases that come into this court a jury trial would be a waste of everyone's time.

- 1. Strongly agree
- 2. Agree
- 3. Undecided
- 4. Disagree

(CONTINUED)

- 5. Strongly disagree
- 9. NA

VAR 0112 MATCH PUNISH TO CRIME MD=GE 9
REF 0112 LOC 189 WIDTH 1 DK 3 COL 55

10. The most important concern in sentencing should be to match the punishment to the seriousness of the offense.

- 1. Strongly agree
- 2. Agree
- 3. Undecided
- 4. Disagree
- 5. Strongly disagree
- 9. NA

VAR 0113 R YRS CURRENT POSITION MD=GE 99
REF 0113 LOC 190 WIDTH 2 DK 3 COL 56-57

Please answer the following questions about yourself:

2. How long have you worked in your present position?

Actual years coded 1 to 24

99. Missing Data

VAR 0114 R YRS JUSTICE SYSTEM MD=GE 99
REF 0114 LOC 192 WIDTH 2 DK 3 COL 58-59

4. What are the total years of experience you have had in the criminal justice system in this city?

(CONTINUED)

Actual years coded 1 to 30

99. Missing data

APPENDIX

*** NOTE 1 ***

Note on preferred prison sentences: In all cities except Miami, sentences are typically expressed as "x to y years" where "x" is the minimum and "y" the maximum sentence. Miami sentences are usually expressed in only one figure, as "z years." For the above data, if both a minimum sentence and maximum sentence were given they were so coded. If only one figure was given, it was coded in both the minimum and the maximum fields. Bronx sentences may have a "00" as the minimum sentence, signifying an indeterminate sentence. Life sentences were coded as "99" in all jurisdictions.

END