

Change of Venue

A judge cited this study in his ruling to move the trial from Modesto – not knowing that university students had submitted bogus data to their professor.

**Change of Venue in People versus Scott Peterson:
A Comparison of Prejudgment of Guilt and Penalty in Ten California Counties**

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margin of error

Author's Summary on case knowledge and prejudgment from this poll

A total of 69% of the 122 Stanislaus County participants have formed the opinion that the defendant, Scott Peterson, is either guilty beyond a reasonable doubt (31%) or at least probably guilty (38%), prior to participating in the survey.

There are significant differences between the ten counties on the amount of case knowledge, significant differences on guilt prejudgment, and significant differences in the reported ability to set any opinions of guilt aside. The highest percent of case knowledge and of guilt prejudgment is in Stanislaus County. The lowest percent of claimed ability to set any opinions aside is in Stanislaus County.

The difference between Stanislaus County and San Joaquin County are not statistically significant in the amount of case knowledge guilt prejudgment, or the ability to set their opinions aside.

The difference in case knowledge between Stanislaus County and the Bay Area reaches 20%. The difference in knowledge between Stanislaus County and Southern California reaches 23%.

The difference in the percent who formed the opinion that the defendant is guilty beyond a reasonable doubt between Stanislaus County and Santa Clara County is 20%. The difference in the percent who formed the opinion that the defendant is guilty beyond a reasonable doubt between Stanislaus County and Los Angeles County is 15%.

There is also about a 25% difference between the counties in terms of participant reflection on how much the media allegations would help the jury in deciding the case. There is also just over a 20% difference between the counties in terms of participant reflection on how much talking to friends, family, and co-workers would help a jury in deciding the case.

The percent of participants in the Bay area and Southern California who claimed to have carefully analyzed the allegations in forming their opinions is about half that which occurred in Stanislaus County, 22% versus 11%.

There is also a significant difference between the counties in the percent who have formed an opinion that the defendant deserves to be sentenced to death if found guilty. The highest percent is in Stanislaus County while the lowest percents are in Santa Clara and Alameda. The difference is 17% and 14% respectively which is highly significant. This is particularly useful in view of the Supreme Court's holding in *Fain* (1970), another Stanislaus County case involving death penalty prejudgment.

Summary on all three polls

In May of 2003, a community poll of 156 randomly selected Stanislaus County residents who would likely qualify for jury duty was conducted by California State University, Stanislaus students by telephone. A total of 59% reported that they had formed the opinion prior to participating that Scott Peterson was either guilty beyond a reasonable doubt (24%) or probably guilty (35%).

In December of 2003, a second community poll of 122 randomly selected Stanislaus County who would likely qualify for jury duty was conducted by California State University, Stanislaus students by telephone. A total of 69% reported that they had formed the opinion prior to participating that Scott Peterson was either guilty beyond a reasonable doubt (31%) or probably guilty (37%). This survey also compared the results with residents of nine other counties. There were significant differences in the depth of knowledge, prejudgment of guilt, and prejudgment of penalty. On average, the Bay area communities and Southern California Communities knew about 20% less case-specific allegations, had about 20% less strong prejudgment of guilt; and about 20% less formed opinions as to the sentence that was deserved if the accused was found guilty, however, there were no significant differences between Los Angeles County, Santa Clara County, and Alameda County in spite of all three being significantly lower than Stanislaus.

In December of 2003, a third telephone community poll in Stanislaus County on the Peterson matter was conducted at San Diego State University under Professor Paul Strand who claimed to find that 39% reported a belief that Scott Peterson "did commit" the crime; 3% reported he "did not," 3% refused, and 56% reported that they would want further information to decide. This finding is not inconsistent with the previous two polls. Since moderately different questions were asked, we would expect different responses. The question should be what would be the impact if Professor Strand had asked the 56% who would want "more information" a follow-up question that had asked the following? "Do you believe he is probably guilty but would want more information, or do you believe he is probably not guilty, but would want more information, or do you have no opinion at all?" Most would presume that a few would lean toward not guilty but most would profess an impression of guilty.

In December of 2003, the fourth community poll on 80 randomly selected participants was completed. The poll asked the above question after asking the Strand question on knowledge and the Strand question on guilt. The results showed that 88% had an impression of guilt and 12% an impression of innocence. These data confirm that the results are complimentary. ~~Thirty~~ thirty-nine percent stated "he did it" rather than select the socially appropriate alternative of saying they needed more information to make up their minds. Thirty-one percent there formed opinions were that Scott Peterson was guilty beyond a reasonable doubt while 38% indicated there formed opinion was that he probably was guilty. Finally, 88% indicated they have an impression of guilt.

not guilty or no opinion

9chon
Dec. 03

11/17/03

69%

9chon
Dec. 03

80 people

The 69% level of formed opinions of guilt is 5% higher than found in *Irvin v. Dowd* (1961) and the 88% impression of guilt reported in the that case. The Court held that there was clear and convincing evidence of the need to change venue in that case.

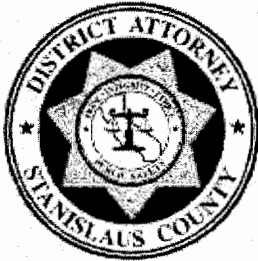
Surprisingly, this level of prejudice alone is not always sufficient to warrant a change in venue. The argument has been made before that the news coverage is so widespread that there is no county in California in which coverage would be any less prejudicial. That argument prevailed. (See *People v Manson* (1976) 61 Cal. 3rd 102, 175). That argument should not prevail in the instant case. Three counties, two of which are adjacent to Stanislaus to the west, have significantly less case knowledge and significantly less prejudice as well as Los Angeles County and three other Southern California counties, but not San Diego.

Legal Conclusion

There is a reasonable likelihood that Scott Peterson will not have a fair and impartial jury in Stanislaus County on two counts of 1st degree murder with special circumstances.

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NEWS RELEASE

For Immediate Release

Date: January 9, 2004

Re: Peterson case

For more information contact:

John J. Goold, Chief Deputy District Attorney

(209) 525-5550

MODESTO, CALIFORNIA – Stanislaus County District Attorney James C. Brazelton announced today that his office is interested in talking with students who participated in any of the several change of venue surveys related to the Peterson case that were conducted by Professor Stephen Schoenthaler of California State University Stanislaus.

CSUS students who participated in any of those surveys are requested to contact the District Attorney's Office at the number listed above so that they may be interviewed in order to confirm allegations contained in the Modesto Bee newspaper story published Friday, January 9th, 2004. This information may be provided to the Superior Court in order to insure that evidence relied upon by the Court to make decisions in this case was properly obtained and introduced.

Due to the court's Protective Order, no press conferences will be held by the District Attorney's Office on this issue. No other comments will be made nor will requests for interviews be granted at this time.

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Garth Stapley

From: Cecilia Zepeda [REDACTED]
Sent: Friday, January 09, 2004 8:51 PM
To: Garth Stapley; John Cote
Subject: survey

Hello,

I am a student at the University of Stanislaus that is majoring in criminal justice. I participated in the survey for change of venue for Mr. Peterson. I am so shocked and upset by the front page this morning. I would like you to know that not everyone "falsified" the info for the surveys. Everyone was well aware of the project months in advance and it was not a last minute assignment dropped on us. As far as the costs it was not that much at all. I was only out a few dollars and its not a big deal, its as if you are buying a book for class which is something all college students do.

There were plenty of us that took our work SERIOUSLY and did the work correctly. This is a very extremely serious matter and not something that you play with. Dr. Schoenthatler is a wonderful teacher who personally put in free hours of hard work and gave us the privilege of working on a project of this sort. I also participated in the survey back in Spring of 03' for Stanislaus County and felt it was a great experience. I don't think that just because a few students said they "falsified" information that the work should be discredited. People who do that sort of think should not be working for the Criminal Justice system period!

Thank You,
CZ

Do you Yahoo!?
Yahoo! Hotjobs: [Enter the "Signing Bonus" Sweepstakes](#)



News from . . .

CALIFORNIA STATE UNIVERSITY, STANISLAUS
Turlock, California 95382

Contact: University Communications (209) 667-3391

FOR IMMEDIATE RELEASE

January 9, 2004

Contact: Don Hansen

or

Mel Taylor

(209) 667-3997

(209) 667-3916

www.newsline.csustan.edu

Statement from Dr. Marvalene Hughes, President of California State University, Stanislaus, regarding the Schoenthaler survey

"This is a very serious matter. We have immediately initiated an inquiry to examine these allegations according to our policies and procedures. We will conduct an extensive review to compile the information necessary to determine exactly what happened and the appropriate course of action. Scientific misconduct and academic dishonesty are serious breaches of professional ethics and research standards that are not tolerated at this university. The University will absolutely follow due process regarding both the faculty member and students."

Garth Stapley

From: [REDACTED]
Sent: Saturday, January 10, 2004 12:10 AM
To: Garth Stapley
Subject: Re: Survey Falsifications!

To Whom It May Concern:

Everything in this e-mail I wish to be kept anonymous. I wish to comment on the survey that was falsified by the students of Dr. Schoenthaler's class. I too, was one of those students.

When the assignment was given, during finals, we clearly voiced our frustrations on this survey and the impact that it would have on us. We stated to him that this would be an impossible task to complete in such a short notice, with no resources. The time also was a hardship as it was given during finals week. The time needed to fulfill the survey per person surveyed was at least 25 minutes, as we timed it during practice, doing this 20 times would have cost a lot of money. The emphasis of the importance of this survey put on us by him, was minuscule. We had no idea the impact of this survey was actually so great. We were merely working for a grade, we didn't expect anything else.

During finals, as a student, I am already short on time to study for exams and do assignments required for other classes. We asked him if we could instead take the final exam and the third exam in lieu of doing the survey, and he did not allow us to. He stated to us that everyone had to do this assignment. It took a significant amount of time to complete, so we just made things up expecting that he probably wouldn't check on the survey and just give us a grade on it, and he said everything was fine after the survey was turned in to him. All we wanted was a grade out of this!

He did not give us the necessary resources. We only received a list of numbers. We wondered how we were going to make all of these long distance phone calls, and we asked him. He stated to us that it was up to us to get the assignment completed. He even suggested to the class, that we use a payphone, which is not realistic!

We had to do what we did, so as to get a grade and be able to come out of not just that class, but also all of our other classes which we were taking, with a passing grade. We could not neglect the rest of our classes because of one instructor's determination to be a public figure. It was his selfish reasons, that the survey was not a "validated" survey. The class as a whole did not expect anything of this magnitude to occur, the class should not be punished. It is the instructor's obligation to find the "flaws" in the students assignments that are turned in. The students should not be subjected to repercussions.

Thank you for your time, you may e-mail me with any comments or questions that you may have.

Sincerely,

Anonymous

Garth Stapley

From: joey jones [joeyjones@sbcglobal.net]
Sent: Saturday, January 10, 2004 1:28 AM
To: Garth Stapley
Cc: John Cote
Subject: survey article

I just wanted to make a few comments about the surveys the CSUS professor administrated. I have written, administered and coded several surveys for the use of statistical analysis. I am a senior at San Diego State University, and have enough experience using the SPSS statistical analysis package to make some general comments about this article.

1) The surveys should have never been administered by valley students, because the students themselves could be biased in the way the tone or mannerism that they ask the questions from the questionnaire. The students are also going to be more likely to fill in answers for themselves, just because it is such an important issue facing the county. However they may have been less likely to "cheat" had they understood this was going to be issued to Giramoli.

2) The students were held under duress to administer a person to person or telephone survey of 35 questions (20 each) without any compensation for telephone expenses, and perhaps photocopying expenses. Additionally the professor used their grade as a tool to get the job done. This project should not have been undertaken at the end of the semester, with students having other finals. It just opens doors for sample errors. The professor is a complete idiot to think this survey would be fit to issue to Stanislaus County Superior Court, and really is inept about the relationship of statistical analysis and potential sample errors created by the bias of the administrators.

3) Judge Giaroloma is ill advised to allow students rather than a professional unbiased market research company, to conduct this survey. The county should have paid to have a company like Nielson, or Gallup conduct the survey from offices outside of California, that could be monitored by an "ethical and reputable" market research firm.

For the Vice Chancellor to investigate, is a joke. Its only an embarrassment that they hired this professor, not the students

filling in answers. Students filling in answers is far different than cheating on a test. Taking it out on students who obviously had ill feelings about administrating the test to begin with, only shows the ignorance of a bureaucracy.

I know first hand that administrating person to person or telephone surveys is a skill that requires experience. I highly doubt these students were trained to administer a telephone survey at the level a marketing research firm would have instructed their employees, not too mention a survey company codes the information in, right away on a computer, so when questions are constructed the way they are in this survey, there is less room for error.

The survey results should have never been turned over to the Judge. If you don't believe me call a marketing research firm, or a private non CSU university. SDSU would probably not comment on another Universities embarrassment. But if you like I have phone numbers of statistic and marketing professors.

Joey Jones

San Diego (used to live in Modesto)

Garth Stapley

From: [REDACTED]
Sent: Tuesday, January 13, 2004 2:32 PM
To: Garth Stapley
Subject: Re: From The Modesto Bee Online: Peterson poll, costs on trial

attached is our press release.

Statement from The American Association for Public Opinion Research

For immediate release

January 13, 2004

The American Association for Public Opinion Research (AAPOR) condemns the unethical and irresponsible practices reported to have been used to conduct a survey introduced as evidence in the Scott Peterson murder trial. "Survey research is one of the most effective tools we have for understanding what the public believes, needs, and wants. It would be a disgrace if the allegations set forth in news reports are correct, and falsified interviews were in fact used to influence an important decision about change of venue in a capital murder trial," said Dr. Elizabeth Martin, President of AAPOR.

"If the reports are correct, then AAPOR would condemn the manner in which this so-called survey was carried out. News reports indicate that students were neither adequately trained nor supervised. Both are necessary to conduct a survey of acceptable quality. Interviewer falsification is a form of scientific misconduct. All reputable surveys monitor or check for the possibility of falsification by directly observing or by calling back a sample of cases to ensure interviews were done," said Dr. Martin.

"Second, it is exploitive to require students to carry out a telephone survey with inadequate supervision and at their own expense. The primary goal of a student-conducted survey should be teaching and training students to use survey methods. Reports indicate that goal was not met in this case."

Background and comment: The Modesto Bee has recently reported that Professor Stephen Schoenthaler of California State University, Stanislaus, required students in his class to conduct interviews by telephone to receive credit for a course, but failed to provide resources and oversight or to validate that the students carried out the interviews. The Bee reported that student interviewers received only an hour of training and were expected to pay for long distance charges. Several students have come forward to say they falsified their interviews because they were pressed for time and would have to make lengthy long distance telephone calls at

their own expense, according to the Bee. Some students made up results, and others interviewed friends and relatives rather than randomly selected respondents, according to the story.

AAPOR is an organization of 1,800 individual members working in public opinion, survey research, and allied fields, which provides education about surveys and other opinion research to its members, the media and the public. AAPOR members subscribe to a professional code of ethics. More information can be found at www.aapor.com or by contacting AAPOR's President Elizabeth Martin (301-763-4905), President-Elect Nancy Belden (202-822-6090), or Past-President Mark Schulman (212-779-7700 x114).



CSU

STANISLAUS

News Release

California State University, Stanislaus

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Turlock, California 95382

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#41

FOR IMMEDIATE RELEASE

January 14, 2004

Contact: Don Hansen

(209) 667-3997

Statement Regarding Allegations of Research Misconduct In Sociology Course, Fall 2003

California State University, Stanislaus has begun its formal inquiry into circumstances surrounding a sociology class survey related to the Scott Peterson case. The decision to move forward with full investigations follows the initial inquiry the University committed to complete within a one-week time frame. Our initial inquiry has led us to the determination that full investigations are required in two parallel tracks: 1) scientific misconduct and adherence to University research policies by faculty and 2) student academic integrity. The full investigations could take several weeks or months, depending on the findings.

"It is imperative that the investigations are thorough, comprehensive, and fair and it is necessary that we allow time for the procedures to be followed," said CSU Stanislaus President Marvalene Hughes.

"CSU Stanislaus remains steadfast in its commitment to public accountability and dedication to academic excellence. We appreciate those who have taken the time to express concerns and support for the University and sincerely regret the disruption this incident has caused."

CSU Stanislaus takes allegations of intellectual dishonesty and research impropriety seriously. The University also affirms that students and faculty have essential rights to due process and to privacy, which the campus is dedicated to upholding.

The conduct of quality research has been a hallmark throughout the University's 44-year history. CSU Stanislaus is proud of the research accomplishments and service to the community rendered by its dedicated faculty. The engagement of undergraduate and graduate students in appropriately supervised research can be a valuable learning experience. More than 236 research proposals were submitted for approval to the Institutional Research Board in the past academic year. Prior to approval, each of these projects underwent rigorous peer review designed to protect the integrity of the research and the rights of the participants. The University will investigate compliance with this policy in relation to the survey in question.

The Institutional Research Board review process regularly includes review of the proposed research hypotheses, purpose of the research, potential participants and their characteristics, methods, instruments, data collection, information to participants and informed consent to participate, protection of data against inappropriate disclosure, foreseeable risks or discomfort to participants, and benefits resulting from the research. As part of the review process, research proposals in which students are described as serving an essential role in data collection typically would include the identification of any costs associated with their responsibilities. Faculty researchers are regularly required to submit research proposals for review. The University remains committed to upholding these high standards.

Scientific Misconduct and Adherence to University Research Policies by Faculty

The review process includes assessment and formal inquiry in accordance with established faculty governance procedures that provide for faculty peer review and administrative action. The Vice Provost has initiated the fact-finding process regarding allegations of

scientific misconduct and violation of University policy for research involving human subjects. Part of the investigation will determine whether procedures were followed in the conduct of the survey in question. Dr. Stephen Schoenthaler will be interviewed, and all course and research materials will be reviewed by the Vice Provost and a committee of faculty peers. Results will be provided to the Provost, who will take appropriate action according to the Collective Bargaining Agreement between the Board of Trustees of the California State University and the California Faculty Association. If the University determines non-compliance with policy, actions could include reprimand, demotion, suspension without pay, or dismissal.

Student Academic Integrity

The process for investigating a violation of the student discipline code follows established California State University policies and practices. Cases are handled through the office of Judicial Affairs, part of the Division of Student Affairs. The investigation includes notifying students about the complaint and interviewing students and witnesses. If a preponderance of evidence establishes a violation of the code of conduct, the Judicial Affairs staff meets with the student to establish an appropriate sanction that may include probation, suspension or expulsion.

If a sanction cannot be agreed upon, a formal hearing is held by a hearing officer. The officer hears evidence presented by each student and the Judicial Affairs staff and then renders a decision. All relevant circumstances are considered in evaluating appropriate sanctions.

Outcomes

The campus will issue a general statement at the conclusion of its investigations, disclosing outcomes in a manner consistent with the law. Federal and state law, including the Federal Family Education Rights and Privacy Act and the California Public Records Act, govern student records. Personnel policies and state law, as well as collective bargaining contracts, govern faculty records. Consistent

with these laws and regulations, individual outcomes of both of these procedures are confidential.

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California State University, Stanislaus

Enrollment Confirmation and Bill

SSN		NAME			TERM	LEVEL	MAJOR		
[REDACTED]		[REDACTED]			FALL 2003	Undergraduate	CJ		
CRN	SUBJ	CRSE	SEC	COURSE TITLE	UN	ST	DAYS	MEETING TIMES	PLACE
40582	CS	4000	001	Personal Computing		WL	TR	02:30P-03:29P	D. 77
41470	CJ	4230	001	Juvenile Justice	4	RV	TR	11:15A-12:4 P	CY1 2
41471	CJ	4233	001	Juvenile Justice		RV	TR		
41495	SOCL	3120	002	Criminology	3	RV	TR	03:40A-11:07A	C 2 4
41547	CJ	3130	002	Administration of Corrections	3	PV	M	02:30P-05:30P	STX SW1
41561	HLTH	4300	001	Family Health	1	PV	TR	12:55-02:22P	G 01

Check grades, account and financial aid at www.csustan.edu/Admin_Service Student

STUDENT ACCOUNT SUMMARY AS OF 06/16/2003 TOTAL= 3 UN: units; ST (status)= RE: registered, WL: waitlisted

DESCRIPTION	CHARGES/PAYMENTS
Fall 2003 Registration Fees	1,150.00

DESCRIPTION	CHARGES/PAYMENTS
BALANCE DUE	1,105.00

DEADLINE FOR RECEIPT OF PAYMENT IN THE CASHIERS OFFICE IS 4:00 PM ON OR BEFORE **July 1, 2003**

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