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Getting a Break from Forever: Chapter 828 Provides an Opportunity for Juveniles Sentenced to Life Without Parole to Get Their Lives Back

Roman Edwards

Code Section Affected

Penal Code § 1170 (amended).
SB 9 (Yee); 2012 STAT. Ch. 828.

I. INTRODUCTION

Christian Bracamontes is a thirty-one-year-old inmate at Lancaster State Prison in California.¹ He is serving a life sentence and will presumably die behind bars.² When he was sixteen years old, Bracamontes and his nineteen-year-old friend, James, rode their bicycles down to a stream bed to paint graffiti.³ While they were painting graffiti, another youth approached and offered to sell them marijuana.⁴ After declining the offer, James asked Bracamontes if they should rob the youth.⁵ Bracamontes replied that he did not care and followed James over to the other youth.⁶ James pulled his gun out and the other youth brazenly dared him to shoot.⁷ Bracamontes, who assumed both teenagers were bluffing, turned away.⁸ As he picked up his bike, a shot rang out—a shot that killed the youth who had offered to sell them marijuana, and a shot that would ultimately lead to Bracamontes' conviction and life sentence for aiding and abetting murder.⁹

There are over three-hundred inmates serving life sentences in California prisons for crimes they committed as juveniles.¹⁰ A large body of research shows

1. Marisa Lagos, *Bill Would Let Some Inmates Appeal Lifetime Terms*, S.F. CHRON. (Aug. 7, 2011), available at <http://www.sfgate.com/default/article/Bill-would-let-some-inmates-appeal-lifetime-terms-2334960.php> (on file with the *McGeorge Law Review*).

2. *Id.*

3. CHRISTINE BACK & ELIZABETH CALVIN, HUM. RTS. WATCH, WHEN I DIE, THEY'LL SEND ME HOME: YOUTH SENTENCED TO LIFE WITHOUT PAROLE IN CALIFORNIA 23 (2008).

4. *Id.*

5. *Id.*

6. *Id.*

7. *Id.*

8. *Id.*

9. *Id.*

10. CHRISTINE BACK & ELIZABETH CALVIN, HUM. RTS. WATCH, WHEN I DIE, THEY'LL SEND ME HOME: YOUTH SENTENCED TO LIFE WITHOUT PAROLE IN CALIFORNIA, AN UPDATE 1 (2012). Forty-five percent of these inmates, including an inmate who sat in the getaway car during a burglary and an inmate who stood at a garage door as a lookout during a car theft, were convicted for aiding and abetting murders that they did not actually commit. *Id.* at 4.

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the adolescent brain has comparatively reduced capacity to resist impulses and social pressures, make sound judgments, and appreciate consequences.¹¹ Chapter 828 provides an opportunity for release for those offenders who made tragically poor decisions as juveniles, but have grown into responsible adults.¹²

II. LEGAL BACKGROUND

Under California law, the juvenile justice system processes most juvenile offenders.¹³ However, offenders fourteen years of age or older charged with murder or specified sex offenses are prosecuted in a court of general jurisdiction.¹⁴ Additionally, juveniles accused of other offenses may also be tried in a court of general jurisdiction based on a finding that they are not fit and proper subjects for juvenile court treatment.¹⁵

California law provides for punishment by either death or life imprisonment without parole for certain murders committed under special circumstances.¹⁶ Additionally, a murder committed by any accomplice during the commission of specified felonies can result in a sentence of death or life without parole (LWOP) for all accomplices.¹⁷

In 2005, the United States Supreme Court held that it is unconstitutional to execute an offender for a crime committed as a juvenile, notwithstanding that capital punishment would be available for an adult offender who had committed the same crime.¹⁸ This left LWOP as the default punishment for juveniles who committed these specified capital offenses.¹⁹ Within the past decade, the United States Supreme Court has trended towards further restricting the punishment of juvenile offenders and, where state courts have chosen to try juvenile offenders as adults, the Court has drawn a bright line between punishments for adult and juvenile offenders.²⁰ In 2010, the Court held that LWOP sentences for juveniles

11. ASSEMBLY COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF SB 9, at 10–11 (May 27, 2011).

12. *Id.*

13. CAL. WELF. & INST. CODE § 602(a) (West 2008).

14. *Id.* § 602(b). This is often referred to as being charged as an adult. *Id.*

15. *Id.* § 707 (listing factors considered in this determination include the minor's criminal sophistication and prior criminal history, severity of the crime, and whether the court believes the minor can be rehabilitated within the time the juvenile court has jurisdiction over the minor).

16. CAL. PENAL CODE § 190.2(a) (West 2008) (stating special circumstances include the use of explosives, drive-by shootings, torture, and lying in wait; or against certain victims, such as police officers, firefighters, judges, or prosecutors).

17. *Id.* § 190.2(a)(17) (listing specified felonies including burglary, robbery, rape, or arson).

18. *Roper v. Simmons*, 543 U.S. 551 (2005).

19. *See* PENAL § 190.2 (requiring a punishment of either death or LWOP for first-degree murder under special circumstances; if death is not permitted, then life without parole becomes the presumptive sentence for those convicted of these crimes as juveniles).

20. *See generally Roper*, 543 U.S. 551 (holding the death penalty unconstitutional for offenses committed by juveniles); *Graham v. Florida*, 130 S. Ct. 2011 (2010) (holding LWOP sentences unconstitutional

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convicted of non-homicide offenses are unconstitutional.²¹ In 2012 the Court held that *mandatorily imposed* LWOP sentences for juvenile offenders are unconstitutional.²² California law, however, gives judges the discretion to sentence a juvenile capital offender to a term of twenty-five years to life in lieu of LWOP and is therefore compliant with the Supreme Court ruling.²³

III. CHAPTER 828

Chapter 828 amends California's determinate sentencing law²⁴ to allow inmates serving LWOP sentences, for crimes committed when they were under the age of eighteen, to have their sentences considered for reduction.²⁵ Under the amended law, an inmate who has served at least fifteen years of his life sentence for a crime committed as a juvenile can petition the court for recall and resentencing²⁶ if he or she is able to demonstrate any one of a list of qualifying conditions.²⁷ The court, after considering several factors,²⁸ may, in its discretion, recall the LWOP sentence and resentence the inmate to a term of twenty-five-to-life.²⁹ Under Chapter 828, an inmate has three opportunities to petition the court: after fifteen, twenty, and twenty-five years of incarceration.³⁰ Finally, this opportunity is unavailable to any inmate whose crimes included torture of a victim or murder of a police officer or other public safety official.³¹

for non-homicide offenses committed by juveniles); *Miller v. Alabama*, 132 S. Ct. 2455 (2012) (holding mandatory imposition of LWOP sentences unconstitutional for offenses committed by juveniles).

21. *Graham*, 130 S. Ct. at 2011.

22. *Miller*, 132 S. Ct. 2455.

23. PENAL § 190.5.

24. *Id.* § 1170(a)(1) (West 2004) ("The Legislature . . . finds . . . that the elimination of disparity and the provision of uniformity of sentences can best be achieved by determinate sentences fixed by statute in proportion to the seriousness of the offense as determined by the Legislature to be imposed by the court with specified discretion.").

25. *Id.* § 1170 (amended by Chapter 828).

26. *Id.* § 1170(d)(2)(A)(i) (amended by Chapter 828).

27. *Id.* § 1170(d)(2)(B) (amended by Chapter 828) (qualifying conditions include that the inmate was convicted of felony murder as an aider or abettor, that the inmate did not have any other juvenile adjudications for violent crimes, that the inmate was with an adult codefendant when they committed the crime, or that the inmate has demonstrated rehabilitation and remorse through education and vocational training while incarcerated).

28. *Id.* § 1170(d)(2)(F) (amended by Chapter 828) (factors that the court may consider include, but are not limited to, childhood trauma or stress experienced by the inmate, the inmate's psychological or developmental disabilities, the inmate's maintenance of family ties while incarcerated, and the inmate's disciplinary history in prison).

29. *See id.* § 1170(d)(2)(G) (amended by Chapter 828) (permitting the court to "resentence the defendant in the same manner as if the defendant had not previously been sentenced"); *see also id.* § 190.5(b) (West 2008) (allowing the court to sentence an offender convicted of first degree murder under special circumstances as a juvenile to a term of twenty-five-to-life as an alternative to LWOP).

30. *Id.* § 1170(d)(2)(H) (amended by Chapter 828).

31. *Id.* § 1170(d)(2)(A)(ii) (amended by Chapter 828).

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IV. ANALYSIS

Chapter 828 is based on accepted scientific principles of child psychology and neurological development;³² it provides a narrowly-tailored pathway to release for some juvenile offenders that is responsive to public safety concerns.³³ Chapter 828 also brings California law closer in line with international norms of juvenile justice, and perhaps anticipates the trajectory of the United States Supreme Court rulings in this area.³⁴ However, in passing Chapter 828, the legislature significantly limits the discretionary authority of prosecutors, judges, and the governor.³⁵

A. *The Developing Brain: Chapter 828 Applies Scientific Knowledge to a One-Size-Fits-All Sentencing Scheme*

Senator Leland Yee, child psychologist and author of Chapter 828,³⁶ has stated that much of our juvenile sentencing law “ignores neuroscience and well-accepted understandings of adolescent development”³⁷ Researchers report that significant changes in both hormone levels and brain development impact a juvenile’s ability to control aggression and other impulses, and to make sound judgments.³⁸ Also, the development of areas of the brain that control cognitive function continues into a person’s early twenties.³⁹

Although opponents of Chapter 828 have criticized these findings as “junk science,”⁴⁰ the United States Supreme Court has accepted similar findings, writing in a 2010 decision:

32. See *infra* Part IV.A (discussing scientific studies that have found that juvenile hormone levels and brain development impair decision-making ability).

33. See *infra* Part IV.B (discussing the restrictions and requirements placed on inmates seeking resentencing under Chapter 828).

34. See *infra* Part IV.C (discussing international standards on juvenile sentences and the trajectory of U.S. Supreme Court cases in this area).

35. See *infra* Part IV.D (discussing how the presence of charging and sentencing alternatives prior to Chapter 828 ensured that those juveniles sentenced to LWOP were appropriately sentenced).

36. Interview with Adam Keigwin, Chief of Staff for Cal. Sen. Leland Yee, in Sacramento, Cal. (Aug. 1, 2012) [hereinafter Keigwin Interview] (notes on file with the *McGeorge Law Review*).

37. ASSEMBLY COMMITTEE ON PUBLIC SAFETY, BILL ANALYSIS OF SB 9, at 10 (May 27, 2011).

38. ADAM ORTIZ, AM. BAR ASS’N JUVENILE JUSTICE CTR., “ADOLESCENT BRAIN DEVELOPMENT AND LEGAL CULPABILITY” (2004), available at www.abanet.org/crimjust/juvjus (on file with the *McGeorge Law Review*).

39. Adam Ortiz, *Juvenile Death Penalty: Is It Cruel and Unusual in Light of Contemporary Standards*, 17 CRIM. JUST. 21, 23 (2003).

40. *Juvenile Life Without Parole*, NAT’L ORG. OF VICTIMS OF JUVENILE LIFERS, <http://www.teenkillers.org/index.php/legislation/california-2/> (last visited Aug. 10, 2012) (on file with the *McGeorge Law Review*).

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[D]evelopments in psychology and brain science continue to show fundamental differences between juvenile and adult minds. For example, parts of the brain involved in behavior control continue to mature through late adolescence Juveniles are more capable of change than are adults, and their actions are less likely to be evidence of “irretrievably depraved character” than are the actions of adults.⁴¹

If these findings are true, they suggest that younger offenders have a greater capacity for rehabilitation and that determinate life sentence are inappropriate for them.⁴²

B. A Modest Piece of Legislation: Chapter 828 Takes a Measured Approach to Solving a Problem

A Los Angeles Times editorial described Chapter 828 as “astonishingly modest.”⁴³ Finally passing in its third reincarnation as a bill, Chapter 828 is a very narrowly focused piece of legislation that hardly throws open the prison doors for all violent offenders.⁴⁴ The new law applies only to about three-hundred inmates.⁴⁵ Of those, it excludes the most serious offenders: those who tortured their victims or murdered a law enforcement officer.⁴⁶ For inmates who remain eligible, Chapter 828 does not automatically provide a pathway to freedom, but requires them to overcome significant obstacles.⁴⁷ Resentencing is only available to those offenders who can demonstrate their remorse and rehabilitation to the sentencing court.⁴⁸ Even so, resentencing is not guaranteed; it is entirely in the discretion of the sentencing court whether to grant recall and resentencing.⁴⁹ For the few offenders who are successful in this endeavor, Chapter 828 does grant a shorter sentence than others not sentenced to LWOP; they must serve no less than twenty-five years behind bars before becoming eligible for parole.⁵⁰

Furthermore, eligibility for parole does not guarantee parole. Whether or not parole is granted is a discretionary decision of the parole board, to whom the

41. *Graham v. Florida*, 130 S. Ct. 2011, 2026 (2010).

42. *See id.* at 2029 (stating that an LWOP sentence requires a finding that the offender is incorrigible. If the offender’s brain has not fully matured at the time of the offense, such a finding would not be possible.).

43. *For Juvenile Lifers, A Chance*, L.A. TIMES (Aug. 21, 2011), <http://articles.latimes.com/2011/aug/21/opinion/la-ed-sb9-20110821> (on file with the *McGeorge Law Review*).

44. *Id.*

45. *See supra* note 10 (stating that there are presently approximately three-hundred inmates in California prisons serving LWOP sentences for crimes they committed as juveniles; these inmates—and any offenders similarly sentenced in the future—are the only inmates to whom the new law applies).

46. CAL. PENAL CODE § 1170(d)(2)(A)(ii) (amended by Chapter 828).

47. *Id.* § 1170(d)(2)(A)–(J) (amended by Chapter 828).

48. *Id.* § 1170(d)(2) (amended by Chapter 828).

49. *Id.* § 190.5 (West 2008).

50. *Id.* § 3046(a)(2) (West 2011).

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offender must demonstrate that they are suitable for release.⁵¹ The parole board does not grant parole to many inmates on their first attempt.⁵² Additionally, the governor may veto the recommendation of the parole board.⁵³ According to California Department of Corrections and Rehabilitation statistics, the average time served before parole for first-degree murder is over twenty-seven years.⁵⁴ Once paroled, parole agents supervise the offender for a period ranging from seven years to life.⁵⁵ During this period, the offender is subject to warrantless searches by police, drug testing, and other conditions, the violation of which could result in his or her return to incarceration.⁵⁶

Chapter 828's authors concede that because juvenile offenders enter the prison system at such a young and impressionable age, it is unlikely many will develop the interpersonal and communication skills necessary to be successful in the rigorous resentencing process.⁵⁷ The psychological and behavioral impact of spending so many formative years in a prison may make these offenders unsuitable for release and at a high risk for recidivism, but the process is designed to screen out these individuals.⁵⁸ These safeguards prevent unsuitable offenders from being released, without foreclosing the prospect of freedom for the exceptional juvenile offender who has chosen the path of rehabilitation.⁵⁹

C. *Supreme Court Rulings and International Standards: Is Chapter 828 Progressive Legislation?*

The United States Supreme Court has placed restrictions on the punishment of juvenile offenders, but states may offer greater protections than those minimally set by the Court.⁶⁰ Recent Supreme Court cases regarding the punishment of juvenile offenders indicate that the trajectory of the Court is towards limiting the punishment allowable for offenses committed by juveniles,⁶¹

51. *Id.* § 3041.

52. CAL. DEP'T OF CORR. & REHAB., PAROLE SUITABILITY HEARING HANDBOOK 2 (rev. Dec. 2010), available at http://www.cdcr.ca.gov/Victim_Services/docs/BPHHandbook.pdf (on file with the *McGeorge Law Review*).

53. PENAL § 3041.2.

54. CAL. DEP'T OF CORR. & REHAB. DATA ANALYSIS UNIT, TIME SERVED ON PRISON SENTENCE 2 (2012), available at http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Annual/TIME6/TIME6d2011.pdf (on file with the *McGeorge Law Review*).

55. PENAL § 3000.1.

56. *Id.* § 3453.

57. Keigwin Interview, *supra* note 36.

58. *Id.*

59. *Id.*

60. 16 AM. JUR. 2D *Constitutional Law* § 88.

61. See generally *Miller v. Alabama*, 132 S. Ct. 2455 (2012) (holding mandatory imposition of LWOP sentences unconstitutional for offenses committed by juveniles); *Graham v. Florida*, 130 S. Ct. 2011 (2010) (holding LWOP sentences unconstitutional for non-homicide offenses committed by juveniles); *Roper v. Simmons*, 543 U.S. 551 (2005) (holding the death penalty unconstitutional for offenses committed by

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perhaps even eliminating LWOP for juvenile offenders in the future.⁶² While Chapter 828 does not go so far as to eliminate LWOP sentences for juvenile offenders, it allows these sentences to be revisited and adjusted in cases where appropriate.⁶³

The recent trend in the Supreme Court cases to limit juvenile punishments began in 2005, when the Court held that application of the death penalty for offenses committed by juveniles was unconstitutional.⁶⁴ In that case, the Court pointed out three major differences between adults and juveniles: juveniles have a less-developed sense of responsibility that results in “ill-considered” decisions, juveniles are more susceptible to peer pressure and negative influences, and the personality traits of juveniles are transitory and not yet fixed.⁶⁵ The result of these differences, the Court noted, was that juvenile offenses were “not as reprehensible as [those] of an adult.”⁶⁶

In 2010, the Court held that LWOP sentences for juveniles convicted of non-homicide offenses are unconstitutional.⁶⁷ The Court noted that “the sentence alters the offender’s life by a forfeiture that is irrevocable” and “whatever the future might hold in store for the mind and spirit of [the convict], he will remain in prison for the rest of his days.”⁶⁸ To justify LWOP sentences for a juvenile “requires the sentencer to make a judgment that the juvenile is incorrigible. The characteristics of juveniles make that judgment questionable.”⁶⁹

Continuing this trend, the Court most recently held in 2012 that mandatorily imposed LWOP sentences for juvenile offenders are unconstitutional.⁷⁰ The Court noted that these sentences “preclude consideration of [the offender’s] chronological age and its hallmark features . . . immaturity, impetuosity, and failure to appreciate risks and consequences.”⁷¹

While these cases fall short of declaring LWOP sentences for juveniles unconstitutional per se, Justice Alito, in his *Miller* dissent, predicts that is exactly where this line of cases may be headed:

The majority goes out of its way to express the view that the imposition of a sentence of life without parole on a “child” (*i.e.*, a murderer under the age of 18) should be uncommon. Having held in *Graham* that a trial

juveniles).

62. *Miller*, 132 S. Ct. at 2489–90.

63. Keigwin Interview, *supra* note 36.

64. *Roper*, 543 U.S. 551.

65. *Id.* at 569–70.

66. *Id.* at 570.

67. *Graham v. Florida*, 130 S. Ct. 2011, 2011 (2010).

68. *Id.* at 2027.

69. *Id.* at 2029.

70. *Miller v. Alabama*, 132 S. Ct. 2455 (2012).

71. *Id.* at 2468.

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judge with discretionary sentencing authority may not impose a sentence of life without parole on a minor who has committed a nonhomicide offense, the Justices in the majority may soon extend that holding to minors who commit murder. We will see.⁷²

Chapter 828 also brings California juvenile sentencing closer in line with international norms. Presently, the United States is the only nation in the world that has inmates serving LWOP sentences for crimes committed as juveniles.⁷³ The majority of the world's nations have outlawed the practice and condemned it through ratification of the Convention on the Rights of the Child.⁷⁴ The United States and Somalia are the only nations that have not ratified this treaty.⁷⁵ In addition to these two countries, ten other nations still have laws that allow juvenile LWOP sentences, but do not currently have any inmates serving these sentences.⁷⁶ The United States, on the other hand, has nearly 2,500.⁷⁷ The United States Supreme Court has held that “[t]he climate of international opinion concerning the acceptability of a particular punishment [is] not irrelevant,”⁷⁸ and has “looked beyond our Nation’s borders for support for its independent conclusion that a particular punishment is cruel and unusual.”⁷⁹

D. Prosecutorial, Judicial, and Gubernatorial Discretion: Is Chapter 828 Really Necessary?

A major criticism of Chapter 828 is that it is unnecessary legislation⁸⁰ because there are already numerous safeguards to protect juveniles who deserve leniency from LWOP sentences.⁸¹ First, prior to commencement of criminal proceedings, juveniles enter into a hearing to determine whether they are fit to be processed as a juvenile.⁸² Those juveniles who, because of their age, are not able

72. *Id.* at 2489–90.

73. Connie de la Vega & Michelle Leighton, *Sentencing Our Children to Die in Prison: Global Law and Practice*, 42 U.S.F. L. REV. 983, 985 (2008).

74. Convention on the Rights of the Child, art. 37(a), Sept. 2, 1990, 1577 UNTS 3, 55–56.

75. UNITED NATIONS, SIGNATORY STATUS OF CONVENTION ON THE RIGHTS OF THE CHILD 3, available at http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en (last visited Sept. 9, 2012) (on file with the *McGeorge Law Review*).

76. de la Vega & Leighton, *supra* note 73, at 990.

77. *Id.*

78. *Enmund v. Florida*, 458 U.S. 782, 796 (1982).

79. *Graham v. Florida*, 130 S. Ct. 2011, 2033 (2010).

80. Press Release, Office of the Dist. Attorney, Sacramento Cnty., Clemency Case Is Proof that Legislation to End Life Sentences for Teen Killers Is Wrong (Jan. 4, 2011), available at <http://www.sacda.org/assets/pdf/pr/advisories/JLWOP.pdf> (on file with the *McGeorge Law Review*).

81. Letter from Jan Scully, Sacramento Cnty. Dist. Attorney, to Loni Hancock, Cal. Senator (Mar. 25, 2011), available at http://www.sacda.org/assets/pdf/pr/advisories/SCULLY_SB_9_3_.pdf (on file with the *McGeorge Law Review*).

82. CAL. WELF. & INST. CODE § 707 (West 2008).

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to appreciate the severity of their actions, among other factors, should be adjudicated under the juvenile system.⁸³ Secondly, prosecutors have the discretion not to pursue LWOP sentences.⁸⁴ Because the death penalty is unconstitutional for juvenile offenders, LWOP is the most severe sentence available for juveniles; a lesser punishment is available where mitigating factors exist.⁸⁵ Thirdly, the sentencing judge has the discretion to sentence the offender to a lesser sentence in cases where they feel LWOP is not appropriate.⁸⁶

Finally, the governor can grant pardons,⁸⁷ such as in the recent case of Sara Kruzan.⁸⁸ Kruzan was a sixteen-year-old sex trafficking victim who murdered the man who had been pimping her since she was thirteen years old.⁸⁹ Kruzan was convicted of first-degree murder and sentenced to LWOP.⁹⁰ In 2010, Governor Schwarzenegger commuted Kruzan's sentence to twenty-five-to-life, making her eligible for parole in 2020.⁹¹ Prior to 2010, Kruzan had been the poster child of Chapter 828's predecessor bills.⁹²

V. CONCLUSION

Chapter 828 will probably only benefit a small percentage of inmates, those whose crimes were so grave that they were given LWOP sentences, but whose actions were more the result of adolescent delinquency rather than inherent evil.⁹³ While critics argue that other safeguards render the law redundant, the benefit it bestows on these few individuals is one of profound importance: giving them their life back, rather than forfeiting it to terminal incarceration.⁹⁴ Chapter 828 provides a glimmer of hope and a source of motivation for young adults who have thrown their lives away at a very young age.⁹⁵ Chapter 828 also embraces modern scientific knowledge, international consensus, and the trajectory of our own nation's Supreme Court, that adolescents lack the same culpability as adults

83. *Id.*

84. Letter from Jan Scully, *supra* note 81.

85. CAL. PENAL CODE § 190.5(a) (West 2008).

86. *Id.*

87. CAL CONST. art. V, § 8 (West 1996).

88. Amita Sharma, *AG Reverses Decision on Woman Who Killed Her Pimp*, KBPS (Apr. 17, 2012), <http://www.kpbs.org/news/2012/apr/17/ag-reverses-decision-woman-who-killed-her-pimp/> (on file with the *McGeorge Law Review*).

89. *Id.*

90. *Id.*

91. *Id.*

92. Keigwin Interview, *supra* note 36.

93. *Id.*

94. *See* *Graham v. Florida*, 130 S. Ct. 2011, 2027 (2010) (discussing the harshness of a LWOP sentence on a juvenile offender).

95. Keigwin Interview, *supra* note 36.

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and should not be subject to penalties that foreclose any opportunity of redemption.⁹⁶

^{96.} *See supra* Part IV (discussing the scientific basis of Chapter 828, recent Supreme Court cases regarding juvenile sentencing, and international norms in juvenile sentencing).