



Juvenile Life Without Parole in Pennsylvania: Age, Cognitive Immaturity, and Culpability

Journal of Criminal Justice and Law: Official
Journal of the Law and Public Policy Section
of the Academy of Criminal Justice Sciences
Volume 7, Issue 2, pp. 42-52 (2024)
©Academy of Criminal Justice Sciences,
Section of Law and Public Policy

Margaret E. Leigey
Marco Granston

Abstract While there has been momentum at both the federal and state levels to curtail extreme punishments for justice-involved juveniles (The Campaign for the Fair Sentencing of Youth, 2023), 22 states continue to permit the sentence of juvenile life without parole (JLWOP). Pennsylvania is among them. This essay focuses on judicial rationale in five JLWOP re-sentencing cases in the state, and more specifically, how the appellant's age and implied adult-level culpability were used by the judge to justify permanent incarceration. In the re-sentencing documents, judges neglected the ample research in the areas of neuroscience and developmental psychology that indicates reduced legal responsibility as a result of cognitive immaturity. In light of the compelling evidence that important bio-psycho-social differences exist between adolescents and adults, juveniles should not be punished with such an extreme sentence as LWOP that almost completely eliminates the possibility of release in the future.

Key Words: juvenile life without parole; cognitive immaturity; legal culpability

Introduction

One single nation. The United States is the only country in the world that permits juveniles to receive sentences of life imprisonment without the possibility of parole (JLWOP; Rovner, 2023). While there has been momentum at both the federal and state levels to curtail extreme punishments for justice-involved juveniles, which has resulted in a majority of states banning permanent incarceration for children, 22 states continue to permit JLWOP (The Campaign for the Fair Sentencing of Youth, 2023). Pennsylvania is among them.¹

¹ In 2012, Pennsylvania amended its law to allow for a juvenile convicted of first-degree murder to receive a maximum punishment of life without parole (see 18 Pa.C.S.A. §1102.1). For those 15-17 years of age, the individual could receive a sentence of 35 years to life or LWOP. For those 14 years of age or younger, they could receive a sentence of 25 years to life or LWOP. As part of the sentencing process, the court must consider the below factors and record its findings:

- (1) The impact of the offense on each victim, including oral and written victim impact statements made or submitted by family members of the victim detailing the physical, psychological and economic effects of the crime on the victim and the victim's family. A victim impact statement may include comment on the sentence of the defendant.
- (2) The impact of the offense on the community.
- (3) The threat to the safety of the public or any individual posed by the defendant.
- (4) The nature and circumstances of the offense committed by the defendant.

In the nation's mid-Atlantic region, Pennsylvania is the only state that has both retained JLWOP and also has individuals currently sentenced to it (Rovner, 2023; The Campaign for the Fair Sentencing of Youth, 2023).² In *Miller v. Alabama* (2012), the United States Supreme Court determined that mandatory JLWOP was a violation of the Eighth Amendment's cruel and unusual punishment clause. However, the Court did not address whether this decision applied to the 2,800 individuals across the country already sentenced to parole-ineligible life sentences for crimes they were convicted of as minors (Juvenile Law Center, 2023). Four years later, in *Montgomery v. Louisiana* (2016), the Court clarified that the proscription of mandatory JLWOP extended to those already sentenced, and Pennsylvania began its resentencing hearings. At the time of *Miller*, the state had 520 individuals serving mandatory LWOP—the most in the nation (Juvenile Law Center, 2023).³ Over the last several years, 491 individuals have been resentenced. Nearly 300 have departed prison, a part of the approximately 1,000 individuals who have been released nationally (Juvenile Law Center, 2023). Six cases have resulted in a resentencing of JLWOP in Pennsylvania.

This essay focuses on judicial rationale in five of these re-sentencing cases, and more specifically, how the appellant's age and implied adult-level culpability were used by the judge to justify permanent incarceration. In the decision-making process, judges neglected the ample research in the areas of neuroscience and developmental psychology that indicates reduced responsibility as a result of juvenile cognitive immaturity. In light of this compelling evidence, LWOP can never be an appropriate sentence for juveniles.

Federal and State Supreme Court Decisions

Nearly two decades ago, the United States Supreme Court explicitly stated in *Roper v. Simmons* (2005) that juveniles do not have the same level of culpability as adults. In abolishing the death penalty for minors, the majority wrote, "The differences between juvenile[s] and adult[s]...are too marked and well understood to risk allowing a youthful person to receive the death penalty despite insufficient culpability" (pp. 572-573). In subsequent years, the Court expanded upon this rationale and applied it to death-in-prison sentences. In *Graham v. Florida* (2010), which prohibited JLWOP for non-homicide offenses, and in the aforementioned *Miller* and *Montgomery* (2016), the Court enumerated the bio-psycho-social differences between juveniles and adults. Among them, juveniles

(5) The degree of the defendant's culpability.

(6) Guidelines for sentencing and resentencing adopted by the Pennsylvania Commission on Sentencing.

(7) Age-related characteristics of the defendant, including:

(i) Age.

(ii) Mental capacity.

(iii) Maturity.

(iv) The degree of criminal sophistication exhibited by the defendant.

(v) The nature and extent of any prior delinquent or criminal history, including the success or failure of any previous attempts by the court to rehabilitate the defendant.

(vi) Probation or institutional reports.

(vii) Other relevant factors.

² New York allows for JLWOP but at present does not have anyone serving the sentence (The Campaign for the Fair Sentencing of Youth, 2023).

³ Currently, Michigan has the largest population of individuals serving JLWOP (The Campaign for the Fair Sentencing of Youth, 2023).

are more impulsive and emotionally driven in their decision-making, more focused on the short-term in their planning, and are more susceptible to peer influence. They also have less agency to escape negative environments, and because their character has yet to be fully formed, a greater capacity to change (The Campaign for the Fair Sentencing of Youth, 2018). *Jones v. Mississippi* (2021) is the Court's most recent decision pertaining to JLWOP. In this case, the majority reiterated that sentencing should reflect the difference in culpability of juveniles and adults. However, the *Jones* majority refused to require a finding of a juvenile's permanent incorrigibility, that they are incapable of reform (Legal Defense Fund, 2021). Its decision represents a departure from the Court's established trajectory of limiting extreme punishment for juveniles, and as described by the dissenting justices, "guts" *Miller* and *Montgomery* (p. 1). Writing for the *Jones* majority, Justice Kavanaugh explained that their decision (pp. 21-22):

does not preclude the States from imposing additional sentencing limits in cases involving defendants under 18 convicted of murder. States may categorically prohibit life without parole for all...under 18. Or States may require sentencers to make extra factual findings before sentencing an [individual] under 18 to life without parole... Or States may direct sentencers to formally explain on the record why a life-without-parole sentence is appropriate notwithstanding the defendant's youth. States may also establish rigorous proportionality or other substantive appellate review of life-without-parole sentences. All of those options, and others, remain available to the states.

Importantly, the majority determined that none of these additional restrictions are constitutionally required, and states can impose JLWOP provided that there is judicial consideration of age, as Pennsylvania judges have.

At the state level, the Pennsylvania Supreme Court has interpreted and reinterpreted JLWOP based on the Court's decisions. As the Court did not address whether *Miller* applied to juveniles who were already sentenced to LWOP, in *Commonwealth v. Cunningham* (2013), the Pennsylvania Supreme Court determined that the Court's decision in *Miller* to prohibit mandatory JLWOP did not apply retroactively. The Court later clarified in *Montgomery* (2016) that *Miller* did in fact include individuals who had already received mandatory sentences of JLWOP, re-sentencing hearings began. Pennsylvania's next JLWOP decision was *Commonwealth v. Batts II* (2017), a follow-up to *Commonwealth v. Batts I* (2013) in which the state supreme court held that the trial court must consider age and age-related factors. In *Batts II*, it established the requirement of a finding of permanent incorrigibility (pp. 415-416):

To effectuate the mandate of *Miller* and *Montgomery*, procedural safeguards are required to ensure that life-without-parole sentences are meted out only to 'the rarest of juvenile[s]...whose crimes reflect 'permanent incorrigibility,' 'irreparable corruption' and 'irretrievable depravity,' as required by *Miller* and *Montgomery*. Thus, as fully developed in this Opinion, we recognize a presumption against the imposition of a sentence of life without parole for a juvenile...To rebut the presumption, the Commonwealth bears the burden of proving, beyond a reasonable doubt, that the juvenile...is incapable of rehabilitation.

However, last year, in *Commonwealth v. Felder* (2022), the state supreme court re-evaluated JLWOP based on the *Jones* decision and determined that “the procedural protections that we adopted in *Batts II* cannot stand in their current, judicially-created form” (p. 1243); consequently, it eliminated the requirement of a finding of permanent incorrigibility in order to impose JLWOP.

To determine the number of individuals who had been resentenced to JLWOP in Pennsylvania, the authors conferred with the Juvenile Law Center.⁴ As of February 2023, there were six. All⁵ were males; three were white, two were Black or African American, and one was Latino. Five were convicted of first-degree murder and one of second-degree murder; each case was decided in a different county of the state. At the time of the crime, five were aged 17 and the other was 16. Their current mean age was 46 years, with two in their thirties, two in their forties, one in his fifties, and the other in his sixties. The amount of time served ranged from 12 to 45 years with a mean of 28 years. One had spent more than one-third of their life incarcerated, four had been confined for at least one-half of their lives, and the final individual had served LWOP for nearly three-quarters of their life. As a group, these six individuals had served a combined 168 years. As one individual opted not to seek sentencing modification pursuant to *Montgomery*, this individual was excluded from our analysis. Re-sentencing hearings and appeals occurred between 2014 and 2021, prior to the Pennsylvania’s Supreme Court decision in *Felder* that eliminated a requirement of permanent incorrigibility. Case documents, specifically judicial re-sentencing decisions and appeals, were obtained in the remaining five cases and were analyzed with a focus on references to the appellant’s age, cognitive development, and culpability.

The Immaturity Gap and Diminished Culpability

Beginning with the Court’s decision in *Roper* to ban the death penalty for juveniles, the Court has relied upon developmental psychology and neuroscience to demonstrate the reduced culpability of youth and to limit the imposition of extreme punishments for them. While a comprehensive examination of the literature is beyond the scope of this essay, a review of the research related to juvenile brain development is required.

The age of 18 is a legal default between adolescence and adulthood with little salience from a developmental perspective, as the *Roper* Court recognized when it stated: “The qualities that distinguish juveniles from adults do not disappear when an individual turns 18” (p. 574). In fact, the maturation of the brain, including its structure, function, and inter-regional connectivity, continues into one’s mid-twenties (Kinscherff, 2022). Due to the immaturity of the brain, juveniles differ in marked ways from adults in their decision-making, self-regulation, and emotional processing. The prefrontal cortex of the brain, “which guides ‘executive functions’ such as complex decision-making, self-control, and higher-order cognitions,” is one of the last areas of the brain to structurally mature (p. 47). As executive functioning is still developing, juveniles are more “susceptible to emotionally driven decisions, impulsive behavior, and poor judgment” (p. 13) and are less able to engage in long-term planning or future-oriented decision-making, especially in emotionally charged situations (Cohen et al., 2016; Kinscherff, 2022). In short, a heightened social-emotional system not tempered by mature cognitive functioning influences juvenile decision-making (Tyler, 2015).

Subcortical regions of the brain such as the striatum, amygdala, and hippocampus work in tandem with the prefrontal cortex. “These regions are important for reward processing, processing

⁴ We thank the staff at the Juvenile Law Center for their assistance with this research project.

⁵ While all re-sentencing documents used in our analysis are publicly available, the names of the appellants are not used in this essay.

of emotionally arousing and salient information, and learning and memory” (Kinscherff, 2022, p. 50). As a result of less connectivity between the striatum and the prefrontal cortex during adolescence, juveniles have a greater focus on immediate rewards and lack the capacity to engage in full consideration of the long-term consequences of their decisions (Kinscherff, 2022). As a group, juveniles are more susceptible to peer pressure (Berryessa, 2019) with still-developing levels of social intelligence and empathy (Tyler, 2015).

An emerging area of neuroscience relates to the effect of trauma on the brain. “There is well known evidence that early childhood abuse, exposure to violence, neglect, and other trauma have significant and lasting negative effects on adolescents’ executive functioning by damaging the developing prefrontal cortex” (Berryessa, 2018, p. 24). This line of research is especially relevant to those serving JLWOP as many have experienced traumatic and negative life events (Daftary-Kapur et al., 2022). Nellis (2012) found that: 4 in 5 had witnessed violence at home; 1 in 2 had regularly witnessed violence in their communities; and 1 in 2 had been victims of physical violence. As noted by the Court, adolescents have reduced agency over their surroundings or their capacity to remove themselves from these or other negative settings. Lastly, as the brain has greater neuroplasticity during adolescence (The Campaign for the Fair Sentencing of Youth, 2018), juveniles are more receptive to pro-social change and rehabilitative efforts. As evidence of the “transient immaturity” of youth (*Roper v. Simmons*, 2005, p. 573), most individuals outgrow risky behaviors, including illegal ones, by their early twenties (The Campaign for the Fair Sentencing of Youth, 2018; Monahan et al., 2015).

Judicial Rationale in Pennsylvania

Age and Culpability

In each of the five Pennsylvania cases, the judge made at least one reference to the appellant’s age at the time of the crime:

“Appellant was 17 years and some odd months so he was 17 years plus I think two or three months, if I remember correctly.” (*Appellant A*)

“Your age at the time of the commission of this horrible, horrible murder was almost adulthood. You were very close.” (*Appellant A*)

“The defendant was 17 years of age at the time and would turn 18 in less than 4 months.” (*Appellant B*)

“Appellant committed the brutal and heinous crimes with a sexual component just 8 months before Appellant’s 18th birthday.” (*Appellant C*)

“I have to consider the juvenile’s age at the time of the offense; he was very close to being an adult.” (*Appellant C*)

“The defendant was almost 17 years old. He was 16 years and 10 months old.” (*Appellant D*)

“Petitioner was 17 years and 7 months old when he murdered [victim], just 5 months shy of legal adulthood.” (*Appellant E*)

In all cases, the judge provided the age of the appellant in units of years and months and/or reported how many months until they reached the age of 18. In doing so, it appears that the judge was inferring that the culpability of the individual was at or approximate to that of an adult. Two judges asserted that the individual's age was a salient factor that worked against the imposition of a lesser punishment, as indicated in the remarks below:

“I don't believe the age should be a factor that would militate in Appellant's case of any kind of parole at 17 plus years.” (*Appellant A*)

“The court finds this [their age] to be significant in its consideration.” (*Appellant B*)

In Appellant E's case, the judge determined that there was no mitigating age-related factor that would suggest reduced blameworthiness: “There is no evidence that he lacked the requisite mental capacity at the time of the murder or that he was lacking in maturity for his biological age.” The judge's reasoning here is not in keeping with the neuroscience research described above that the juvenile's age, and corresponding brain development, *is* the reason for the lack of requisite mental capacity or maturity.

In another example of the dissonance between judicial rationale and neuroscience research, the judge in Appellant A's case implied a bifurcation between younger and older adolescents suggesting that the former had reduced culpability due to their lower age:

[In *Miller* and its companion case], you're talking about kids on the lower end. You're talking 14-year-olds, that sort of thing. [Appellant] was 17 years and some odd months... So when you look at those cases that talk about how children are different and all that, the focus on those—what made those cases maybe more compelling factually was the younger age [of the defendant].

However, neuroscience research has demonstrated that juveniles between the ages of 16 and 17 have a lesser capacity for sound decision-making than younger juveniles—not more. “The immaturity ‘gap’ between adults and juveniles is the largest around age 16 or 17. This means that 16- and 17-year-olds are the most likely to make risky decisions because of social and emotional factors not present in younger juveniles” (Berryessa, 2019, para 5). All six individuals who were resentenced to JLWOP in Pennsylvania were either 16 or 17 at the time of the offense. Rather than being at or close to an adult level culpability, which was the apparent implication of the judge, scientific findings suggest instead that they were further from their adult counterparts in terms of this particular area of cognitive development than younger youth.

The Developing Brain Literature

In only one case was there explicit mention of research on juvenile cognitive immaturity. In Appellant D's case, a mental health professional testified on behalf of the defense and described the results of these studies, according to the re-sentencing report:

She testified about the adolescent brain which she views ranging from age 10 to 25, and how the brain doesn't reach maturity until a later time and what some of the problems are with that. Basically, she supplied all of the background forensic

information that I believe that the Supreme Court of the United States used in *Miller* to come to its conclusion.

The judge critiqued the expert witness's testimony for their discussion of the development of the adolescent brain as being too general and not including an individualized analysis of the appellant:

[She] presented absolutely nothing about this particular defendant. She never tested him. She never offered an opinion about him specifically. She basically gave us the general background information that the *Miller* court relied on.

The judge's assessment that this research had less relevance to the appellant than individual testing is not consistent with the Court's stance. As explained by Carroll (2016, p. 588):

At least in the context of Eighth Amendment jurisprudence, this lack of individualized accounting has not bothered the Court. As the Court noted repeatedly in the *Roper* line, the noted behavior and developmental trends were sufficiently consistent and well documented to forgo an individualized analysis and to permit a categorical prohibition of the considered punishments.

In summary, analysis of the judicial commentary in these five cases indicated little mention of the neuroscience research, and in the one instance that it was, it did not align with the Court's position. As examined below, there was also little in-depth discussion of mitigation related to trauma and negative life events.

Trauma and Negative Life Events

Extant research indicates that trauma is an unfortunate reality for many individuals serving JLWOP (Daftary-Kapur et al., 2022; Nellis, 2012), and this trauma alters brain development and functioning (Berryessa, 2018). In two cases, there was an allusion to—but little specific discussion of—the trauma experienced by the appellant. In Appellant B's and Appellant E's cases, there were lengthier coverages of the profound trauma they experienced, among them physical, emotional, and sexual abuse, neglect, lack of stable housing and education, financial hardship, parental addiction, and discrimination. However, in both cases, no connection was made between trauma and brain functioning (Berryessa, 2018), and a LWOP sentence was re-imposed.

The judge's rationale in Appellant A's case warrants a closer look. They referenced the history of previous trauma with: "you have to look and think what the heck happened during those formative years that caused this to happen." This statement might suggest that the judge's position was in line with the *Roper* and *Miller* Courts' understanding that youth are limited in their ability to remove themselves from a criminogenic environment. However, the judge in Appellant A's case put the onus on the then-minor to leave the situation: "There is no indication that Appellant's family, home or neighborhood life was so dysfunctional as to create an environment out of which Appellant could not extricate *himself*." The judge indicated that despite this trauma and other mitigating evidence related to mental health and substance use, the individual did not warrant a lesser punishment: "Although this Court is sympathetic to Appellant's unfortunate history, it does very little in the way of persuading us to impose a sentence anything other than life without the possibility of parole."

Conclusion

In *Miller*, the majority of the Court maintained “that the distinctive attributes of youth diminish the penological justifications for imposing the harshest sentences on juvenile[s]... even when they commit terrible crimes” (p. 9). The crimes for which the six were convicted of were terrible, as referenced in the resentencing documents. However, in explaining their decision to ban juvenile death penalty, the *Roper* Court cautioned (pp. 573):

An unacceptable likelihood exists that the brutality or cold-blooded nature of any particular crime would overpower mitigating arguments based on youth as a matter of course, even where the juvenile[’s]... objective immaturity, vulnerability, and lack of true depravity should require a sentence less severe than death.

The same caution that the circumstances of the crime could outweigh considerations of immaturity, vulnerability, and capacity to change is also applicable when sentencing juveniles to other extreme sentences.

In considering the re-sentencing of JLWOP cases in Pennsylvania, our analysis indicates there was little mention of the empirical evidence pertaining to the cognitive immaturity of juveniles. When cognitive maturity research was referenced, the judge’s position was inconsistent with or contradictory to the research. In the re-sentencing documents, the judicial decision to report the youth’s age at the time of the offense in years and months and/or the number of months until the age of 18 suggests an inference that the appellants had or were close to adult-level culpability, and as a result, a resentencing to life without parole was justified.

Both the Pennsylvania Supreme Court and the United States Supreme Court have indicated that the imposition of JLWOP should be a rare occurrence (see *Jones, Miller, and Batts II*). A resentence to JLWOP in Pennsylvania has been infrequent—as 6 of 491 individuals have been resentenced to the punishment—which has not been the case in other states such as Michigan (Zhao, 2022). However, the extant scientific evidence on adolescent brain immaturity, and their resulting reduced culpability, casts doubt on whether *any* juvenile should receive a sentence of life without parole.

The authors support The Sentencing Project’s general recommendation of limiting prison sentences to 20 years except in rare cases⁶ and commensurate with an individual’s cognitive maturity and corresponding culpability.

A prohibition against JLWOP is consistent with the sentencing practices of other countries worldwide (Rovner, 2023) and international law conventions. For example, the United Nations *Convention on the Rights of Children* (1989) calls for reform at the international level. In November 2023, the United Nations Human Rights Committee recommended that the United States abolish JLWOP and impose a moratorium on LWOP sentences in general (United Nations, 2023). A moratorium is also consistent with criminological research that consistently demonstrates that individuals serving LWOP, including JLWOP, undergo profound maturation and personal transformation over the years (Johnson & Leigey, 2020) and do not pose a risk either in prison (Cunningham & Sorensen, 2006; Johnson & Dobrzanska, 2005; Sorensen & Cunningham, 2009) or upon release (Pennsylvania General Assembly, 2005; Siegel, 2016; Weisberg et al., 2011). Two

⁶ Nellis (2021, p. 34) provides an example of a rare circumstance: “If, after 20 years of imprisonment, it is clear that an individual remains a substantial public safety risk, a period of civil confinement might follow, as is done in Norway.”

studies have focused on those released from JLWOP. In a 2020 study, Daftary-Kapur and Zottoli (2020) examined the post-release behavior of 174 individuals who had been sentenced to JLWOP in Philadelphia County and were later released. Their recidivism has been extremely low. Only two cases (1%) resulted in convictions for new offenses, contempt, and robbery in the third degree, respectively. Similar findings were noted in a recent study in Louisiana of 68 individuals sentenced to JLWOP and later released. None have been rearrested (Davis & Van Gundy, 2021).

Developing brain research also has legal implications for young adults, as a growing number of jurisdictions have begun to recognize (Zhao, 2022). Some states, through either legislative or judicial action, have restricted LWOP to those beyond the age of 18. For example, Washington, Michigan, and Illinois have eliminated or limited LWOP for those in their late teens and early twenties with variation from state to state (Johnson, 2021; Nellis & Monazzam, 2023). Other jurisdictions, for instance, the District of Columbia, allow for a second look at sentences for those who were below the age of 25 at the time of the offense and have served 15 years or longer (Ghandnoosh, 2021).

The punishment of LWOP almost completely eliminates any future opportunity for sentencing modification or release for those convicted of murder (Seeds, 2023). In their arguments to the courts, the attorneys of the Pennsylvania appellants asked the judge to maintain some chance of release for their clients, as Appellant A's attorney did when they stated:

There's a lot of room for capacity for change, and to ask that we speculate over what might happen over the next 30, 40, 50 years is asking for a bit too much.... We won't know for certain for a long time which is why I'm asking that you do not close the door.

Given research in the fields of neuroscience and developmental psychology, juveniles are not mini-adults. Bio-psycho-social research shows that differences exist that impact the cognition and behavior of juveniles. As such, they should not be punished with such an extreme sentence as life without parole which closes the door to release almost entirely.

Sources Cited

Articles

- Berryessa, C.M. (2019). Why judges need to understand “the developing brain” for juvenile sentencing. Scholars Strategy Network. <https://scholars.org/contribution/why-judges-need-understand-developing-brain-juvenile-sentencing>
- Berryessa, C.M. (2018). Potential impact of research on adolescent development on juvenile judge decision-making. *Juvenile and Family Court Journal*, 69(3), 19-38.
- Carroll, J.E. (2016). Brain science and the theory of juvenile *mens rea*. *North Carolina Law Review*, 94(2), 539-600.
- The Campaign for the Fair Sentencing of Youth. (2023). States that ban life without parole for children. Author. <https://cfsy.org/media-resources/states-that-ban-juvenile-life-without-parole/>
- The Campaign for the Fair Sentencing of Youth. (2018). *Tipping point: A majority of states abandon life-without-parole sentences for children*. Author. <https://cfsy.org/wp-content/uploads/Tipping-Point.pdf>

- Cohen, A.O., Bonnie, R.J., Taylor-Thompson, K., & Casey, B.J. (2016). When does a juvenile become an adult? Implications for law and policy. *Temple Law Review*, 88, 769-788.
- Cunningham, M.D., & Sorensen, J.R. (2006). Nothing to lose? A comparative examination of prison misconduct rates among life-without-parole and other long-term high-security inmates. *Criminal Justice and Behavior*, 33(6), 683-705
- Daftary-Kapur, T., & Zottoli, T.M. (2020). *Resentencing of juvenile lifers: The Philadelphia experience*. Montclair State University.
- Daftary-Kapur, T., Zottoli, T.M., Faust, T., & Schneider, R. (2022). A first look at the reentry experiences of juvenile lifers released in Philadelphia. *Psychology, Public Policy, and Law*. <http://dx.doi.org/10.1037/law0000344>
- Davis, D., & Van Gundy, S. (2021, Apr. 21). It's time for Louisiana to end juvenile life without parole. *Louisiana Illuminator*.
- Ghandnoosh, N. (2021). *A second look at injustice*. The Sentencing Project.
- Johnson, G. (2021, Mar. 11). Court overturns automatic life sentences for young killers. *Associated Press*. <https://apnews.com/article/sentencing-washington-courts-e30b453434673211a9a3d4a826980daf>
- Johnson, R., & Dobrzanska, A. (2005). Mature coping among life-sentence inmates: An exploratory study of adjustment dynamics. *Corrections Compendium*, 30(6), 8-9, 36-38.
- Johnson, R., Leigey, M.E. (2020). The life-course of juvenile lifers: Understanding maturation and development as *Miller* and its progeny guide juvenile life sentence release decisions. *Journal of Criminal Justice and Law*, 3(2), 29-46.
- Juvenile Law Center. (2023). Juvenile life without parole. Author. <https://jlc.org/issues/juvenile-life-without-parole>
- Kinscherff, R. (2022). White paper on the science of late adolescence: A guide for judges, attorneys, and policy makers. Massachusetts General Hospital Center for Law, Brain & Behavior.
- Legal Defense Fund. (2021). Supreme Court rules trial courts not required to make a finding of permanent incorrigibility before sentencing underaged youth to life without parole. Author. <https://www.naacpldf.org/press-release/supreme-court-rules-trial-courts-not-required-to-make-a-finding-of-permanent-incorrigibility-before-sentencing-underaged-youth-to-life-without-parole/>
- Monahan, K., Steinberg, L., & Piquero, A.R. (2015). Juvenile justice policy and practice: A developmental perspective. *Crime and Justice: A Review of Research*, 44, 577-619.
- Nellis, A. (2021). *No end in sight: America's enduring reliance on life imprisonment*. The Sentencing Project.
- Nellis, A. (2012). *The lives of juvenile lifers: Findings from a national survey*. The Sentencing Project.
- Nellis, A., & Monazzam, N. (2023). *Left to die in prison: Emerging adults 25 and younger sentenced to life without parole*. The Sentencing Project.
- Pennsylvania General Assembly. (2005). *Report of the advisory committee on geriatric and seriously ill inmates*. Author.
- Rovner, J. (2023). *Juvenile life without parole: An overview*. The Sentencing Project.
- Seeds, C. (2023, June 1-4). *Death in prison sentencing: An aberrant half century*. Law and Society Association 2023 Annual Meeting, San Juan, Puerto Rico. <https://www.lawandsociety.org/wp-content/uploads/2023/08/2023-Program-Book.pdf>

- Siegel, R. (2016). More than 130 Maryland lifers adjust to freedom after court ruling. *National Public Radio*. <http://www.npr.org/2016/02/17/467118226/more-than-130-maryland-lifers-adjust-to-freedom-after-court-ruling>
- Sorensen, J.R., & Cunningham, M.D. (2009). Once a killer, always a killer? Prison misconduct of former death-sentenced inmates in Arizona. *The Journal of Psychiatry & Law*, 37, 237-267.
- Tyler, M. (2015). Understanding the adolescent brain and legal culpability. American Bar Association. https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-34/august-2015/understanding-the-adolescent-brain-and-legal-culpability/
- United Nations. (2023). *Human Rights Committee Country Report, United States: Concluding observations*. Author. https://ccrjjustice.org/sites/default/files/attach/2023/11/ICCPR_US_Concluding_Observations_2023.pdf
- United Nation. (1989). *Convention on the Rights of Children*. Author. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>
- Weisberg, R., Mukamal, D.A., & Segall, J.D. (2011). *Life in limbo: An examination of parole releases for prisoners serving life sentences with the possibility of parole in California*. Stanford Criminal Justice Center.
- Zhao, R. (2022). Second chances: Why Michigan should categorically prohibit the sentence of juvenile life without parole. *University of Michigan Journal of Law Reform*, 55, 691-727.

Legal Cases

- Commonwealth v. Batts, 66 A.3d 287 (Pa. 2013).
- Commonwealth v. Batts, 163 A.3d 410 (Pa. 2017).
- Commonwealth v. Cunningham, 81 A.3d 1 (Pa. 2013).
- Commonwealth v. Felder, 269 A.3d 1232 (Pa. 2022).
- Graham v. Florida, 560 U.S. 48 (2010).
- Jones v. Mississippi, __U.S.__ (2021).
- Miller v. Alabama, 67 U.S. 460 (2012).
- Montgomery v. Louisiana, 577 U.S. 190 (2016).
- Roper v. Simmons, 543 U.S. 551 (2005).

Statute

18 Pa.C.S.A. Crimes and Offenses §1102.1

Margaret E. Leigey, Professor of Criminology, Department of Criminology, The College of New Jersey. Correspondence at leigeym@tcnj.edu

Marco Granston, Juris Doctorate Candidate, Temple University Beasley School of Law