

‘You Guys Are Coming Home’

Sentenced to life in prison without parole as teenagers, these inmates never thought they’d be free—now they’re preparing for a life outside.

By [Katya Cengel](#) January 9, 2019



A guard tower at Corcoran State Prison in Corcoran, California. *(Reuters / Robert Galbraith)*

Six inmates sat in the visiting room of California’s Corcoran State Prison, and each one held a piece of paper. The information in their hands was basic enough; it’s what anyone could find out about them on the California Department of Corrections and Rehabilitation website. But for these inmates meeting in September, the sheets contained something new. Sentenced to life in prison without the possibility of parole (LWOP) as juveniles, they grew up behind bars and expected to die behind bars. But now where once was written “LWOP,” there was a parole-hearing date. All of them would have a chance

for release.

For some, that date was coming soon; for others, it was more than a decade away. But it was there—a date.

The room was large and sunny, an open space not unlike a school cafeteria. In one corner, several guards stood watch. In the center, the inmates, a half-dozen law students, three former inmates, a law professor, and a human-rights worker sat in chairs arranged in a circle. They were here for a workshop designed to prepare juvenile LWOPs for parole, and the date on the paper was the first step.

To acknowledge its significance, the inmates walked around the circle receiving congratulatory handshakes. When the men reached Joel Aguilar, a former juvenile LWOP who was released in December 2015, they received a bear hug.

“You guys are my family,” Aguilar said to everyone, then addressing just the inmates, he added, “I know what it is to walk around that track thinking that this is where you’re going to die. You know what? It’s over. You guys are coming home.”

Aguilar, though, knew that it wasn’t really over. Although recent laws and court decisions mean those sentenced to LWOP as juveniles in California are now entitled to a parole date, that doesn’t mean they will all be released. In fact, juvenile LWOPs are at a distinct disadvantage; most are ill prepared for both parole-board hearings and life outside.

That’s why Elizabeth Calvin, a senior advocate in the Children’s Rights Division of Human Rights Watch and law professor Heidi Rummel started these workshops. Calvin and Rummel first set out to change the laws that kept the inmates behind bars forever. Now that they have accomplished that, the fight has moved to ensuring juvenile LWOPs are released and able to flourish.

“I look at them, there’s so much potential,” said Rummel, who is co-director of the Post-Conviction Justice Project at University of Southern California (USC) Gould School of Law.

In 2006, Calvin started writing letters to these inmates. She asked about their crimes, trials, and sentencing hearings, as she gathered information that would help her raise awareness about juvenile LWOPs. The inmates can all remember what facility they were in when they received their first letter from her and how it made them feel.

“I called her Mother Bear, because she never gave up on us,” said Aguilar, who sat to Calvin’s right dressed in skinny jeans and a fitted black sweater.

Calvin told the inmates how their correspondence helped her write two Human Rights Watch reports on juvenile LWOPs in California. Soaring crime in the 1980s and 1990s led to tougher sentencing nationwide, including the adoption of juvenile LWOP sentences. At the time, academics, politicians, and policy-makers would refer to young offenders as “super predators.” According to a 2008 Human Rights Watch report, as many as 45 percent of Californians sentenced to life without parole as children had not killed anyone. Calvin’s report also found that when they were tried along with adult co-defendants, minors tended to receive longer sentences than the adults. Many were first-time offenders, and few fully understood what was going on. By 2012, there were around 2,570 inmates serving juvenile LWOP sentences across the country, with about 300 in California.

Researchers now say the idea of “super predators” is largely a myth and that the area of the brain that controls good judgment and awareness of long-term consequences is not fully developed during one’s teenage years. These

findings helped pave the way for a 2005 Supreme Court decision that abolished the death penalty for minors. Seven years later, the Supreme Court ruled that juveniles couldn't be sentenced to life without parole, except in rare cases. In California in 2013, Senate Bill 9 went into effect, allowing juveniles sentenced to LWOP to request a resentencing hearing. Three years later, another Supreme Court ruling declared that those already serving such terms must be given the chance to argue for release.

The courts had ruled that juvenile LWOPs were entitled to a second chance, but Rummel found they weren't getting it. She was winning only half of her resentencing hearings. "There were counties where we could just never win," Rummel told me. "There were judges who, no matter what my clients said or did or had done, we were never going to win the case."

One judge kept reimposing LWOP over and over again in clear violation of the law. Something was needed to help ensure the law was followed. Luckily, that something was passed in October 2017: Senate Bill 394, which requires that LWOPs in California be given a parole hearing after 24 years. The new legislation affected at least 243 inmates, including the six men seated with Calvin and Rummel.

Now Calvin and Rummel are working to help those still behind bars prepare for parole hearings that they never expected to have and a life outside prison that they never expected to live. That is why the pair went to Corcoran in September and were at Kern Valley State Prison a few weeks prior.

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At Corcoran they met with three separate groups of inmates throughout the day. Each inmate was given the chance to speak individually with a law student and talk informally with Aguilar and the other two former juvenile LWOPs present, Ruben Ruiz and Ellis Cohen Curtis. Rummel also walked them through a mock parole hearing.

After introductions, Rummel started with the basics. There are two people on

a parole board. Be prepared for the family members of your victim to show up. You'll need to answer three questions: *What did you do? Why did you do it? How did you change?*

The questions are easy, she said, but the answers are not. The last question is particularly hard for juvenile LWOPs. The parole board looks for inmates to demonstrate reformed behavior by having taken part in rehabilitation programs. But those programs are prioritized for those close to release. This means LWOPs are almost never allowed into them. Aguilar served 21 years, and during the first 18 he had no access to education or any other programs.

“Not only do we say, ‘We’re going to throw you away,’” Rummel explained to me earlier. “We literally threw them away with nothing to do but sit around in a cell or be out in the yard with the gangs.”

At Corcoran she pretended to be a member of the parole board interviewing Aguilar. They went through an abbreviated mock hearing three times. In the first version, Aguilar was defensive and dishonest; in the second, he was a little more forthcoming; in the third, he “owned” his crime.

“You guys can do this,” said Rummel. “You’ve got to do this. Start letting yourself imagine.”

Aguilar is one of about 14 California juvenile LWOPs who have been released, two of whom have been deported. None of them have been convicted of another crime, but that doesn’t mean they haven’t struggled. While all ex-convicts experience an adjustment, juvenile LWOPs face a particularly hard learning curve. “They don’t even know what’s out there,” Rummel said.

Calvin has served as a mentor for Aguilar. And several years after his release, he still calls her at least once a week, and he insists on calling her “Mrs. Calvin,” not “Elizabeth,” “because,” he said, “I respect and love her so much.”

“She gave me so much hope,” he said earlier, tearing up. “I used to wrestle

with her letters. And I used to argue with her letters, just because there were a lot of ups and downs over the years.”

Aguilar was 17 when he took part in an attempted robbery with two accomplices, during which the victim was shot and killed. When he was paroled in 2015, he was 41. His father was dead, his mother elderly, his brother a virtual stranger. Home was a transitional living center. Even now, several years later, Aguilar said he still doesn't really know his brother: “I mean, I know my brother when we were kids, and we would wrestle and we would play. But now he's married and has kids.”

Aguilar has neither a wife nor children. He lives in the San Fernando Valley where he works as a resident adviser in a housing program for formerly incarcerated young people. Although he is at least a decade older than most of the residents, he said that in many ways he is in the same place in life, his development stunted when he was incarcerated as a teenager. Like them, he has had to learn how to budget and live independently.

Aguilar was one of the first few to be released in California, and he likes to talk about his new life cooking squash with a brown-sugar reduction, studying philosophy, and watching the TV-drama *Downton Abbey* and the tear-jerker film *The Notebook*. It is a different persona than the one he had as a teenager when he told me he was “good at the bad things.”

Aguilar has leaned on Calvin for help during his transition to the outside, and Ruben Ruiz has likewise relied on Rummel. In the spring of 2018, Ruiz, 43, sat in Rummel's office at USC. He had short, spiky hair and tattooed biceps. Rummel said that if Aguilar took the high road in prison, not once getting a write up, then Ruiz took the low road, spending years in solitary confinement. In some ways, it was a conscious decision. “I went into prison knowing I was going to die in prison. I had no hope of ever getting out,” Ruiz explained.

Ruiz said he had to pick: Become a survivor or be a victim. “And so I made a choice almost instantly, when I was there, to align myself with a prison gang.”

In prison his youth made him vulnerable, and he said he acted out so he wouldn't be messed with. He made weapons and sold drugs. He was 19 when he served his first stretch in the SHU, the Special Housing Unit better known as solitary confinement. That was at Corcoran, a prison that he said used to hold "gladiator days" where guards would stage fights between inmates and bet on the outcome. He was eventually placed in solitary indefinitely for being in a prison gang.

"And there are three ways out of solitary confinement at that time," Ruiz told me. "You're in there until you parole, drop out, or die."

Ruiz was there 11 years before he left the gang, a dangerous choice because you lose protection against prison violence and often face retaliation. In 2014, with Rummel's help, he was resentenced to 25 years to life. Because he had already served 24 years, he was automatically eligible for parole and was granted it at his first hearing. But Governor Jerry Brown reversed the decision because of confidential information that indicated illegal activity in prison. He served two more years before being granted parole a second time after an investigation showed the confidential information was insufficient and unreliable.

A month and a half before he was released from prison in November 2017, he made an acrylic painting that hangs in Rummel's office. In the center of the piece, a boy with a ball and chain around his ankle looks down the corridor of Pelican Bay State Prison. And a skull on the right side of the painting represents the person Ruiz killed, Azim Teherian, a liquor-store worker who tried to stop him and a friend from hurting his colleague. Ruiz beat Teherian with a baseball bat, and he died from his injuries 12 days later. The other clerk was injured, but survived.

Ruiz started drawing when he was in the SHU. It was also where he started to reflect on his past. He thought about his childhood growing up in Pasadena, California. His father was a veteran of the Vietnam War and an alcoholic. Ruiz was 13 when he got involved with gangs. He was 17 when he killed a

man.

Now he is in his 40s and once again living at home. He helps manage properties that his family owns and takes care of his elderly mother. His father died while he was in prison. The nieces and nephews who used to visit him when he was incarcerated are no longer children. Building relationships with them and his two sisters is proving more difficult than he imagined.

“Being in prison you detach from a lot of your feelings and emotions. And you deal with people in a different way than I guess most people deal with each other outside,” he explained. In prison, for instance, you speak candidly. Ruiz said it’s a habit he is starting to realize isn’t always the best way to speak with family: “I’ve got a little ways to go I guess with being more in tune with their emotions and the things that I say.”

It isn’t just what he says. When he told his family he wanted to visit prisons to help prepare juvenile LWOPs for parole and life outside, they asked him not to go. They worried that, because he dropped out of a gang, the group’s current members might target him. He said he understands their fear, but that he feels he is needed. He knows what Rummel has told him—that not everyone with a life sentence can rise above it on their own.

Rummel said, “There were so many guys who the weight of that sentence [tells them] ‘You’re worthless. You’re going to die here.’ Even when we were fighting for them in court, they couldn’t believe. They couldn’t let themselves believe that there was a chance they were going to go home.”

That lack of hope can make it harder to overcome the gangs and violence inside prisons. Ruiz wants to help them understand there is hope. At one prison Rummel remembered standing next to Ruiz when an inmate approached her. “You brought me a unicorn,” the inmate said, gesturing toward Ruiz. “It’s like people talk about it, and you hear stories about it, but you never see a unicorn. And here he is.”

Not everyone is happy about that. At Ruiz's resentencing hearing in August 2014, Los Angeles County Deputy District Attorney Joseph Musso read a letter written by Azim Teherian's family members, describing what it felt to learn that Ruiz and his accomplice might someday be released: "When the tears refuse to stop and pain is thick and angry and we have lost all sense of understanding of what it means to be strong and hold tight, we find out that the murderers might become eligible for parole."

The family members go on to request the court's help in keeping the perpetrators in prison: "Because of their complete disregard for human life and the brutality of the crime, justice demands that these convicted murderers be denied parole."

An earlier letter written by the victim's brother, Amir, goes even further: "The whole family wants to see the defendants receive the death penalty."

It was to ensure that the voices of families like the Teherians are heard that the National Organization of Victims of Juvenile Murderers (NOVJM) formed in 2006. Although they don't take an official stand on individual cases, the group believes retroactively introducing parole reviews into LWOP murder sentences violates victims' rights.

By reopening LWOP cases, the family members of victims are re-traumatized, according to NOVJM leader Jennifer Bishop-Jenkins. Bishop-Jenkins said she still remembers exactly what she was wearing in 1990 when she learned that a teenager had murdered her sister and brother-in-law and the couple's unborn child. The reason for this, she said, is that recalling trauma is not like processing other memories. Whenever there's any mention of her sister's murder, her heart races, her stomach churns, and she can't think about anything else.

"It feels like it's happening now, because it's not normal memory," Bishop-Jenkins said. "So there it is again, just the same as it was 28 years ago."

For years she advocated against the death penalty—something she said she was comfortable doing because she knew her sister’s killer would never get out. When she learned he might one day be released, she was shocked: “I believe that there are a few very dangerous people in this world and that age has nothing to do with their dangerous aspect.”

Back in Corcoran, Ruiz talked to several inmates. They wanted to know if he has to wear an ankle bracelet. (No.) How long he was on parole. (Seven years.) And if he still does the same things on the outside that he did on the inside. (He doesn’t have as much time to work out or read.) Ruiz mentioned how a recently released friend called him in a panic from the DMV; the friend was overwhelmed by the crowds. Ruiz said he advised his friend to go outside and get some air.

Sitting to the side of the group, an inmate gripped the paper on which his parole date was written. He ran his finger back and forth over the words, reading to himself the date when he will be able to argue his case for release.

“It’s surreal,” he told me. “Just seeing everything on paper, it gives gravity to it happening.”