

# STATE OF COLORADO

## OFFICE OF THE GOVERNOR

136 State Capitol  
Denver, Colorado 80203  
Phone (303) 866-2471  
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John W. Hickenlooper  
Governor

C 2018 149

## EXECUTIVE ORDER

Commutation of Sentence  
Nathan G. Ybanez

Pursuant to the authority vested in the Governor of the State of Colorado by Article IV, Section 7 of the Colorado Constitution, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order commuting the sentence of Nathan G. Ybanez.

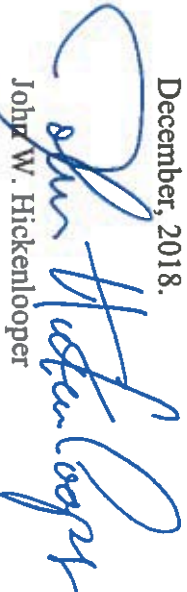
### I. Background

In 1999, Nathan G. Ybanez, DOC Reg. No. 102794, was sentenced to life without the possibility of parole in the Department of Corrections for first degree murder (F-1). Mr. Ybanez was a juvenile at the time of the offense. Mr. Ybanez currently has no parole eligibility date. The statute under which Mr. Ybanez was sentenced is unconstitutional pursuant to *Miller v. Alabama*, 567 U.S. 460 (2012). The constitutional and statutory conditions for granting this clemency petition have been satisfied, and granting this commutation is in the interest of justice.

### II. Grant of Clemency

- A. Nathan G. Ybanez be and hereby is granted a limited commutation such that he shall be parole eligible on December 1, 2020.
- B. This grant of clemency is limited to making Mr. Ybanez parole eligible on December 1, 2020, and shall not in any way affect the underlying criminal sentence.

GIVEN under my hand and the  
Executive Seal of the State of  
Colorado this twenty-first day of  
December, 2018.

  
John W. Hickenlooper  
Governor



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December 21, 2018



John W. Hickenlooper  
Governor

Colorado State Board of Parole  
1600 W. 24<sup>th</sup> Street, Bldg. 54  
Pueblo, CO 81003

Dear Members of the Colorado State Board of Parole:

I am writing this letter in support of Nathan G. Ybanez, DOC #102794. After learning about his case and his character, I commuted Mr. Ybanez's sentence by granting him a parole eligibility date of December 1, 2020. The purpose of this commutation is two-fold: it will give Mr. Ybanez an opportunity to take advantage of programming that will prepare him for success in the world beyond DOC, and it will also give him time to show the community—including you, the members of the Parole Board—that he is ready for reentry into society.

I believe Mr. Ybanez is a worthy candidate for parole. I strongly encourage you to grant Mr. Ybanez the opportunity to reintegrate into our Colorado community.

As of the date of this letter, Mr. Ybanez has served approximately 19 years in prison. I decided to commute his sentence after a thorough evaluation of his clemency application, as well as a thorough understanding of the facts and circumstances surrounding his incarceration. The crime committed is serious. Nonetheless, I believe Mr. Ybanez deserves parole for several reasons.

At the time of his crime, Mr. Ybanez was 16 years old. He was sentenced to life in prison without the possibility of parole. The statute under which Mr. Ybanez was sentenced has since been deemed unconstitutional by the United States Supreme Court in *Miller v. Alabama*, 567 U.S. 460 (2012). In Colorado, we no longer give juveniles mandatory life sentences without the possibility of parole; yet, Mr. Ybanez continues to serve his time with no hope for release.

There were many mitigating factors in Mr. Ybanez's case related to his family situation and home life, but none of this came to light during his trial. While this in no way excuses his criminal conduct, it provides important context for the circumstances surrounding his actions.

One important aspect of each clemency decision is an examination of who the applicant is now, compared with who the applicant was at the time of the crime. While incarcerated, Mr. Ybanez has obtained his GED and enrolled in college courses. He has completed numerous programs, including Seven Habits on the Inside. He is an active participant in Words Beyond Bars, an educational program offering book discussions to offenders. He writes poetry that has helped him come to terms with his past and the crime he committed. He has had a significant impact on almost everyone who has come into contact with him, including other offenders, DOC staff, his

pro bono attorneys, and others. Mr. Ybanez has been a model offender for more than 10 years. Significantly, Mr. Ybanez has a strong support network in Colorado that is prepared to assist him when he is released from DOC.

Mr. Ybanez is a prime example of extraordinary rehabilitation and illustrates our hope for every offender who spends time in the Department of Corrections.

Mr. Ybanez has demonstrated that he will respect Colorado's laws and productively contribute to our state and to our society. He has taken full accountability for his actions and recognizes the mistakes he made in the past. He is remorseful, and ready to advance to a new phase of life. I urge you to release Mr. Ybanez.

Clemency decisions are among the most difficult we have had to make in my time as Governor, weighing the values inherent in our justice system – retribution, deterrence, rehabilitation, and incapacitation. We have reflected deeply on these values and the principles of justice, and see no purpose in continuing to confine Mr. Ybanez after December 1, 2020.

Thank you for your important work.

Sincerely,



John W. Hickenlooper  
Governor