



Can Nate Ybanez Ever Be Forgiven?

His childhood was filled with unimaginable abuse. Then one day he snapped and killed his mother. Should it cost him everything?

By Paul Solotaroff, rollingstone.com

Cruelty comes in many shapes, but on these scorched-earth plains of the Rocky Mountains, the misanthropy is panoramic. The heat is a hammer, 102 in the shade, and the baked-brown deadness goes on forever: treeless, drought-choked. What follows you off the ramp from I-76, though, past the slumped motels and up a short turnout to the prison gates, is the odor of livestock waste. The cattle themselves are hiding somewhere, but their stench surrounds you and impedes you, a fence of barbed-wire air you can't climb over.

Inside the reinforced foot-thick walls of the Sterling Correctional Facility in Sterling, Colorado, the meanness is no less bracing.

Stone-eyed guards glare down from their perches as you sign the visitors' log, then follow behind, down the long gray hall that leads to a sliding door. Ahead is a room where, alone at a table, sits a tall young man with mild eyes. "Thanks for coming so far," he says, as though you'd left behind the colonized world to see him on the moon.

Nate Ybanez knows something of harshness. He's been in adult prison since he turned sixteen, when the Department of Corrections saw fit to cell him with murderers and child molesters. At the time, he weighed less than most girls his age, a skeletal boy with rock-star good looks and no clear means of defense.

Still, he fought the thugs who tried to punk him out, earning for his troubles several stretches in solitary confinement. At twenty-five, he's grown to tensile strength, a six-two length of braided steel, and is left alone now by the jailhouse canines who feast on young boys. As rough as this is, with the gangs in the yard, "I'm safer than I was at home," he says.

"Here, at least, I can see them coming. With my father, I just never knew."

He has on his back a stairway of scars from the scapula to the lower spine. Some were put there by his mother, Julie, a strict evangelical who never spared the rod. Others came courtesy of his father, Roger, an ex-soldier who ruled the household by terror. He beat his wife when the mood arose, battered their son with belts and fists, and once tried to strangle him while he slept. The welts on Nate's neck have long since healed, but not the imprint of the deeper crimes: the years of being molested by both his parents, starting in the shower when he was around five.

In 1998, Nate snapped and brutally killed his mother when she foiled his attempt to run away. He was tried and found guilty in less than two days and sentenced to life in prison without parole. His best friend, Erik Jensen, was convicted as an accomplice and is also doing life without parole. Thus condemned, they joined dozens of Colorado teens put away till the end of their natural days for crimes they committed as children. Barring a reversal in appeals court, they will live and someday die within walls like these, taking in the corrosive fumes of a compound built on dung. In a neighboring state like Texas or Kansas, they might have been offered treatment and training in a juvenile facility. But Colorado doesn't believe in such coddling. These boys have a job, it has all but told them: to suffer for their sins till they draw their last breath, and then go straight to hell.

Over the last dozen years, something peculiar has happened in our nation's jurisprudence. Despite crime rates that have dropped in every crucial indicator, America is jailing people at an astonishing clip and keeping them caged for ever-longer stretches in a panoply of vast new prisons. This run-up in convicts -- there are more than 2 million men, women and children locked up now, a 300 percent increase since 1980 -- has spiked most dramatically since the early Nineties, when a series of laws was drafted and passed during the worst of the crack pandemic. Much of that legislation was aimed at teens, whom Republicans identified in the 1990s as the next great scourge of polite society: the so-called "superpredators."

"I was putting together the appeal for [Nate's co-defendant] Erik Jensen when I went to see Ybanez in jail in 2004," says Jeff Pagliuca, a veteran defense lawyer in Denver, whose motion for Jensen was later denied. "I was asking him questions about the physical abuse, and the way he answered and his general demeanor told me there was something more. I turned to my investigator as we left that day and said, 'I'll bet that kid was raped.' "

Dr. Richard Spiegle, a forensic psychologist with decades of experience assessing sex-abuse claims, took on the case. Making the long drive out to Sterling and back, he found in Nate a reluctant witness, someone who would answer his questions curtly or say he didn't remember. One day, during their monthly session, Nate said he was uncomfortable with physical affection and wouldn't take his shirt off around people. Spiegle asked him to do so then and saw groups of horizontal scars on his back, each six to eight inches long. Spiegle had him examined by a child-abuse expert, who confirmed that they were most likely caused by a strap or a belt.

Still, it was a year of sit-downs and letters before Nate confessed that he'd been molested -- first by his father, then by his mother. What came back were memories of showers with Roger, the purpose of which was to teach him proper hygiene.

"Dad's showing me how to put soap on him," says Nate, "and then he tells me to get the soap off him. So I brush it off and he says make sure he's clean everywhere -- put my mouth on his penis. So I have to do what he says. I was really little at the time." Asked how little, he ponders, then holds his hand up, marking the height of a five-year-old boy.

He didn't recall how often that happened or when the incest stopped, only that he took many showers with Dad as a boy.

Then, months later, he met with Spiegle to broach memories more painful still. In all, he recounted five episodes with his mother when he was ten to twelve years old, culminating in intercourse during a rare vacation to Disneyland. He said the incest stopped after they moved to Virginia and his father rejoined them there, but Spiegle sounds skeptical. "It's my experience," he says, that "sex predators don't stop until they're caught and jailed." Regarding the rapes, however, he has no doubt, despite a lack of evidence, which is common in such cases. "Particularly where the abuse is old, you almost never have the benefit of corroboration. It all comes down to whose testimony is credible, and out of the hundreds of cases I've testified in, Nate is right there at the top."

In 1996, the family moved to Colorado, broke and at loose ends. For months, Nate and Julie shared a motel room while Roger struck out on his own. By summer, though, their luck took a turn for the better. Julie found work selling radio ads, Roger was hired as a golf pro in Denver, and the couple reunited and found a shabby two-bedroom in the otherwise opulent suburb of Highlands Ranch. They enrolled Nate, 14, in a Christian prep school, but he got caught smoking dope and left soon after. By then, he was so

depressed that such things ceased to matter. "It was almost unbearable, like drowning," he says, "but with people standing around and watching."

He was getting up the nerve to kill himself when, in the summer of '97, everything changed. Working at a pizza joint in Highlands Ranch, he met a kid who also played guitar. Brett Baker was a boy with a Porsche Carrera and a tight circle of rich, unhappy friends. He introduced Nate to Erik Jensen, who was fronting a band called Troublebound and looking for a kid who could play some rhythm guitar. Nate nailed the audition and was swiftly inducted into the stoned, raucous scene in Erik's basement.

The oldest child of a venture capitalist, Erik lived in a massive house with his own suite of rooms on the ground floor. There was beer in the fridge, his folks were gone during the day, and the boys in the band were tall and lean and played loud enough to loosen wisdom teeth. Within weeks, there were girls camped out in the den, passing a joint around.

"I'm not sure what it was, but Nate slid right in there and everybody took him to heart," says Jensen in the visitor's room of the Arkansas Valley Correctional Facility, at the bottom of the state in tiny Ordway. He's twenty-five years old now, and his hair, once spiked, is buzzed to the scalp in a jailhouse crew, and his former pipe-cleaner arms are carved and inked.

His eyes meet yours in a neutral gaze, but they have the chill remoteness of a hard-shell man who has cast aside all faith in basic fairness. "He was almost like a brother from the day we met," says Jensen. "I knew he was having problems before he said so."

It's not immediately clear what their bond was based on. Erik was a scion of Highlands Ranch, a vast development due south of Denver that might easily pass for the plains states' largest mall. With its knots of seven-figure golf-course villas, resplendent views of the Rocky foothills and ranch-style town homes for the not-yet-rich, it mass-produced overindulged, spendthrift kids who treated their parents like bank cards.

At Highlands Ranch High School, a leviathan place whose architect also helped design a "supermax" prison, the student lot was busy with German coupes, the girls breezed to Neiman Marcus during lunch, and the boys spent their time in the nearby tanning salons and gyms to keep up. But in much of Highlands Ranch there's a tangible substrata of rage behind the gilded doors.

Erik and his friends, a dozen or so kids of varying privilege, seemed to be perpetually pissed off; their anchor was their punk-rock anomie. As a bright, redheaded piano-playing kid in the exurb of Parker, Erik had been picked on a lot by other boys growing up. When the four-year-old Korean girl his parents adopted developed severe emotional problems and needed their full attention, Erik felt himself cast aside and began acting out at school. He smart-mouthed teachers and associated with troubled kids -- "the kind with broken wings," says his mother, Pat. The summer he met Nate, though, he seemed to have blossomed. He'd gotten his braces off and he chopped his long hair, spiking it

blond -- suddenly, almost overnight, girls were calling at all hours. He continued, however, to cleave to his outcast crew, none of whom was any mother's dream.

"Most of us were dealing with our own dysfunctional families, and the music we listened to and the drugs we did were a big 'fuck you' to them," says Lisa Christopherson, a tall, striking blonde who dated Baker that year. "We'd hang in Erik's basement, blasting NOFX, or get someone older to buy us beer and climb this big tower near Brett's house. It got cold up there, especially at night, but we were so baked we hardly felt it."

Nate was dazzled by his new friends' wealth and their license to do as they liked. They had cars and allowances and nonchalant sex, trysting in the park at one a.m. or sneaking girls in for overnights. He, by contrast, had to beg his mom's permission to attend band practice after school. Nate solved the problem by ditching school, drinking and skateboarding with his boys. A number of girls came on strong with him, charmed by his lank good looks and his shyness, but they didn't get very far. "In the five months we dated, we were never intimate, and I tried," says Lindsay Fouty, 26, now a veterinary technician in Durango. "We would start making out, and then he'd suddenly get up and say he was thirsty and get water." Adds Christopherson, a cosmetologist in Denver, "There'd be eight of us in the hot tub in our bras and panties, and Nate would sit on the deck and give that awkward smile, while we wondered why he wasn't coming in."

Nate didn't mention his family often and seldom had kids over, but Erik detected there was trouble. "He'd freeze around his parents, just clam the hell up and stare at the floor," he says. "After a while, he finally admitted that his dad beat him up, and I was all on him to get help. I'd say, 'You don't have to sit there and take this, man. Tell someone—anyone—were taken by surprise."

Says Macy Urbanek, now a cocktail waitress, who dated Brett Baker that year, "One night I was there with Brett and Lisa, and his mom was throwing hot dogs in the fireplace with some of her church-lady pals. They were chanting that these were the dicks of their men and they were freeing themselves from them, and Nate was just so embarrassed. His mom, I think, loved him, but with a weird, sick love, and his dad, who I barely saw, was a vicious guy." Adds Christopherson, "What a scary monster. He'd walk in the house and just give you this look that made your insides flop."

Nate's experiment with freedom, which began that summer, soon came to a screeching halt. Late one night, he was startled awake to find his father's hands around his throat. He fought to wrench free, but Roger had him by eighty pounds and pinned him to the bed frame, squeezing harder. Nate might have died there, half on and off the bed, if his mom hadn't begged for his life. Roger let him up but was far from done, tossing his son off the walls of his room and stomping his possessions underfoot.

Nate took off, vaulting down the steps of their rented two-family and out into the freeze-dried night wearing just his jeans. Roger was hard behind him, having taken the car, but Nate knew those side streets cold. He made it to the woods and tiptoed from there, skulking through dooryards and strip-mall alleys till he turned up, shoeless and shirtless,

at Brett Baker's. There, on the doorstep, he convulsed in sobs and for the first time poured out his story. The beatings, the verbal abuse, the emotional degradations—he couldn't hold back any longer.

Brett's parents, mortified, heard him out, then called the Douglas County sheriff's office, demanding that Nate be placed in care and that deputies arrest his father for assault. (The Bakers declined to speak for this article, but their call to the sheriff was confirmed by the Jensens and Lisa Christopherson.) Within minutes, there were officers at the Bakers' door, ordering them to turn Nate over to his parents and have no further contact with him. As they stuffed him into the back of their cruiser, ignoring his cries to take him "anywhere but home," they warned the Bakers that they'd face arrest if they "harbored a fugitive from another family."

The following morning, there was a knock on the Bakers' door. They opened it to find Nate's dad and a large friend on their stoop, Roger wielding a baseball bat. "Brett called me and said, 'You won't believe this -- that maniac just threatened to kill us,' " says Christopherson. The Bakers promptly dialed the sheriff's office, and again the deputies came out. "But instead of arresting Roger, they asked him politely to go home," says Curt Jensen, who got the story from Brett's father that morning. "I don't know what pull Roger and Julie had with the cops, but they sure seemed to do their damn bidding."

Later that day, the Jensens met at the Baker home, and the two couples discussed their plan of action. "We decided that night to tell the authorities, which for us was a very big step," says Curt Jensen. "We filed a report with the Department of Human Services, saying someone needed to get him the hell out of there. A worker told us she'd go out and take a look, but said nothing came of it. It was the view of the department that boys could fend for themselves -- they didn't have the time or staff to baby-sit guys."

Nate confirms that he never saw a worker. The DHS, through spokeswoman Liz McDonough, says it won't comment on cases involving minors "in order to protect their privacy." As for Jensen's claim that it doesn't start files on boys who are thirteen and older, McDonough said, "That isn't and has never been our policy. If someone said that, they were speaking out of school."

Roger's attack on Nate, and Nate's flight to the Bakers, raised the final curtain on the family drama. The next nine months were a constant siege of fights and botched escapes. By his own calculation, Nate ran away from home a dozen times that year, hiding with friends or walking the streets till the deputies picked him up. In the file turned over to his appeals lawyer, Terrence Johnson, there are records of six "contacts" between Nate and sheriff's officers that fall and the following spring; though the cops themselves note that he asked for "relocation," they either took him home or held him for Julie and never called DHS, as required by law. "Had Nate been a woman who alleged abuse, they'd have arrested her attacker," says Johnson. "But in the case of an abused boy, the cops shrugged their shoulders and didn't pass him on to Human Services. About the best you can say is they were thoroughly incompetent. Or you could call this what it is: criminal negligence."

That winter, Roger left the house for good, moving to a flat across town. Nate and his mother took a small two-bedroom and declared they were starting over. They weren't. Julie put a tap on Nate's phone at home, crank-dialed to report Erik and Bret for arson, and followed Nate over to Erik's place, where she poured out her troubles to his mom. "It was always about how depressed she was and how rotten her life had become," says Pat Jensen. "Or she'd say how worried she was about Nate and ban him from coming here, then turn right around a week or two later and ask if he could come stay with us."

Nate slipped back into a deep depression and began drinking hard before breakfast. "I felt like I couldn't function without it," he says. Friends intervened, but their help didn't take, and besides, they weren't doing much better. "We started out light, with pot and beer," says Urbanek, "but then it got crazy with acid and 'shrooms, and the next thing you know, it's coke and speed and the cops are fucking camped in Erik's driveway. We all just lost it, and none of the parents noticed. It was like, 'Oh, you wrecked your Audi? Here's another.' "

The one bit of leverage Nate's parents still had: the threat of sending him to a Christian boot camp in faraway Missouri. They'd gone to the length of rousting him one winter night, tossing him, barefoot, into the back of their car and driving twelve hours to a sad-sack barracks just south of Kansas City. Nate tried to kick the rear window out, but his father pulled over, said he'd turn the car around and hand him to "a huge ex-con" he knew who'd rape him until he "broke." When they got to the boot camp, it was just as Nate feared, a "bunch of brainwashed kids" milling around, looking like they never wanted to leave. He begged his parents to take him home, agreeing to any terms they laid down for him. Grudgingly, they relented. But five months later, on June 5th, 1998, they woke him up and told him to get packed.

"He called me that morning, totally freaked," says Erik, who'd sworn to protect him like a brother. "The idea I came back with was we'd leave that night, go up to the mountains and camp a while, then head to California and get work. We had our guitars and some cash between us. We could've made a living playing clubs there."

The plan was to meet up after work that day, drive to Nate's place to grab his duffel bag and be gone before his parents came home. But by the time Nate finished his shift at Einstein Bros. Bagels and Erik, who was high, got around to picking him up, Julie's car was parked outside the house. Nate told Erik to sit tight for twenty minutes and come get him if he hadn't made it down by then. Twenty minutes passed, and Erik knocked on the door. Julie answered it wearing a "hateful" glare.

That's the last point the former friends agree on.

What happened next was the subject of two trials and three contradictory versions from those involved. This much is known: Shortly after Erik entered the house, Nate hit his mother in the head from behind with a metal fireplace tool, then held it against her throat

and choked her with it. The cause of death was strangulation, though she'd been struck twenty times in the skull with the weapon and had three fractured fingers as well. She shed so much blood on the walls and floor that it took her son and two of his friends several hours to clean it, and additional hours to hide the evidence -- blood-soaked cleaning materials -- in a scatter of strip-mall dumpsters. There were, however, no witnesses, and the tossed evidence was never recovered, so the trials turned mainly on the accounts of the kids involved, particularly that of Brett Baker.

Erik's was the least persuasive of the bunch, which partly explains why he got life for murder instead of three-to-six for accessory after the fact. He says that Julie asked him to go wait in Nate's room while she and her son had a "family talk." He claims he did as ordered, figuring he'd gather Nate's things while the two of them argued in the parlor. But once down the hall, he heard the "bangs and crashes" of two people "fighting to the death." He insists, however, that he stayed put in the bedroom till Nate yelled out to "bring plastic wrap." Only then, after running to the kitchen across the hall, rummaging the drawers for the box of wrap, did he enter the parlor, he says. There, he saw Nate and Julie bathed in blood and grappling on the red-soaked rug.

"Then I passed out from seeing all that blood, and when I came to, he was behind her with fireplace tongs, choking her to death with it," he told a jury. "We both just sat there, in shock, I guess. Then he passed the thing to me and I guess I dropped it."

Brett Baker, who got a call on his pager from Nate shortly after the killing, told a quite different story. He said that when he got to Nate's home that night, Erik was giving the orders, telling him to grab a wad of paper towels and start cleaning up the gore. Both boys were covered in blood, he said, and though Nate first claimed he'd done the crime alone, Erik later conceded to Brett that he'd struck Julie three times, once so hard the tool lodged in her skull and splattered the wall with blood when he yanked it out. He concocted the cover story they told the cops, provided Nate a shovel and a can of gas to dispose of Julie's corpse, and talked Brett into fleeing with him after Nate was arrested for murder. They ran to Mexico and stayed for a night, then called their fathers to come get them.

In court, Brett was far from an ideal witness. He'd lied to the cops and had been deceptive in a polygraph test, but he managed to cut a sweetheart deal with the prosecution. Still, it was largely his testimony that convicted his friends and sent them to prison for life. Under enormous pressure from the county DA, who threatened for a year to charge him with murder, he took the stand to say that on the day of the crime, he'd visited Nate at the bagel store, where Nate told him he was going to kill Julie that night and Erik knew and was "scared shitless about it." That part of his story rings patently false -- a third friend who was with them never heard the conversation. "I did run into Brett that afternoon," says Nate, "but he lied and said whatever the DA told him to get light treatment in the case. Cops are good at intimidating people, and Brett was easily intimidated."

Perhaps because Nate's version of the events that day is so un-self-serving, it seems the most credible of the three. He takes sole blame for Julie's death. He said his mom had fixed him with that hateful gaze when she opened the door to find Erik, and that seeing it, Nate "snapped" and bashed her skull in. He said as much to the sheriff's deputies who found him before dawn on June 6th, standing beside his mother's body in a park not far from home. Six years later, he repeated it in court when he testified -- against his own best interests -- at Erik's appeal hearing, which failed. And while Erik built a defense around the crackpot notion that he was too stoned to have done the crime, Nate bristles when asked if he was drunk or high the night Julie died: "If I had been intoxicated, I'd have been able to handle things, but it was all too much for me. If my mother hadn't died that day, I would have. Just thinking about it now makes my heart hurt."

No less haunted are Erik's parents, who've made a sort of shrine of his downstairs suite. Lining the shelves of his walk-in closets are clear bins that store every toy he had from middle childhood up, a museum-quality trove of memorabilia in a life stopped short in Act I. "You say to yourself, 'Why would a kid that successful throw it all away for something stupid?'" says Pat, in her sumptuous parlor. "The only thing I've come up with is that, from the time he was little, we urged him to take care of weak kids. He was always befriending boys whose moms were beating them up or whose fathers were coming home drunk, and he was outraged kids could be treated like that. Maybe we did too good a job."

Erik Jensen was convicted in August 1999 in a trial muddied, if not poisoned, by the Columbine shootings, which had happened four months prior and just ten miles south. The drumbeat was no less loud in October, when Nate came up for trial and was tried and convicted in under a day and a half -- less time than it usually takes to select a jury in a case of first-degree murder. Nate was about to be let down again, this time by his attorney. In many states, minors charged with serious crimes are appointed an independent legal counsel. A guardian ad litem, as the adviser is called, can help them reach informed decisions about their own defense and point out any possible conflicts as their trial approaches. Given Nate's lifelong abuse at home, someone should have questioned his father's swooping in and hiring his lawyer. But Nate was charged as an adult offender and thus deemed old enough to make his own choices—even if he was so beclouded after the killing that he sat in the courtroom drawing childlike doodles while being arraigned. A judge had a chance to amend this oversight when Nate's lawyer, Craig Truman, filed a preliminary motion to have his confession tossed. At the hearing, a tape of the interrogation was played to prove that his father left the room before Nate talked, which in fact rendered his admission moot. But before he stormed out, Roger was heard telling Nate, "You're a fuckface and a piece of shit!" "That alone should have been grounds for a guardian ad litem," says Curt Jensen. "When the man paying your legal fees wishes you the worst, what chance have you got to win the trial?"

Mary Ellen Johnson, the director of the Pendulum Foundation, a nonprofit group whose lobbying arm seeks to "restore sanity" to the state's sentencing laws, believes the failure of the system to protect Nate's rights was simply business as usual in Colorado. "I've

never seen a place where the deck is so stacked against kids getting a fair shake in court," she says. "These boys are too young to know their best interests, some are schizophrenic or severely bipolar, and no one ever bothers to check their home background, so the DAs are shooting fish in a barrel. They've got a ninety percent conviction rate when they take them to trial."

To be sure, Nate's lawyer had his work cut out for him: a deeply devout victim whom the DA portrayed as a self-denying saint; a defendant who belonged to a punk-rock band with the jury-baiting name of Troublebound; and prosecutors not the least bit inclined to temper justice with mercy. But Truman had ample weapons himself: Nate's history of battering at the hands of his parents, and relatives eager to vouch for it, along with witnesses like the Jensens, Bakers and others to document the abuse; the police files reflecting his cries for help and the DHS records of home visits; and a roster of highly credentialed experts on the role that abuse plays in parent killings. There are well over 100 teens sitting in jail in America for murdering one or both parents, and discounting the handful with severe mental illness, they fall into two distinct types. In the first and largest group are the kids who suffered years of grotesque cruelty at the hands of their mother and/or father. In the second are what Kathleen Heide, a criminology professor at the University of South Florida and author of *Why Kids Kill Parents*, calls "dangerously anti-social kids, many of whom have been overindulged since childhood and have no tolerance for the word 'no.' They kill for self-interest—for instance, when parents put their foot down and belatedly try to set some limits." Often, says Heide, these trials devolve into a contest between the two types: the defense lawyer working to portray his client as a torture victim who snapped, and the state asserting that he or she was, instead, a spoiled brat.

"Any competent attorney will bring on an investigator and mental-health expert to gather facts," says Heide. "Was the abuse severe and long-lasting? Did other people know about the ongoing harm, at least the physical kind? Did the child make an effort to go get help? Did he or she try to escape the house? If most or all of those factors were present, you have a powerful story to tell the jury, and often enough leverage to reduce the charge to something like manslaughter."

Truman was paid a flat fee of \$90,000, which was more than enough money to shine a hard light on Roger and Julie. But the man signing his checks -- half up front, half on verdict -- was, of course, Roger Ybanez. And so Truman (who declined to speak for this story, claiming attorney-client privilege) hired no investigator, called no abuse experts, and ignored the chorus of pleas from Nate's family, the Jensens and the Bakers to let them testify. He spent virtually no time with Nate before trial (his notes, which ought to have been copious for such a case, ran to exactly four pages). When the trial started that fall, Truman called no witnesses, produced no evidence and only broached the subject of Nate's abuse to deride it as a sham. His entire case consisted of opening and closing statements in which he freely conceded that Nate killed his mom and may have had "a hole in his soul." The jury came back after ninety minutes with its foregone conclusion: guilty.

"If his lawyer had done his job, it could certainly have changed the outcome," says Jerry Huling, a printing-products distributor who served on the jury. Seven years later, he still seems pained by the verdict. "In light of what I know now, I feel Nate needs another trial. I don't even know that he belonged in adult court, based on circumstances that weren't presented. I'm a very private person with nothing to gain by speaking out, but something wasn't right in that courtroom."

Terrence Johnson, Nate's appeals lawyer, puts it more bluntly. "It's one of the worst jobs ever by a trial attorney. You're entitled to a constitutional defense in court, meaning a competent lawyer who puts your interests first and signs a piece of paper that says so. I don't even have to show that he tanked the case. All I have to do is prove the conflict of interest, and there's enough on that to file a motion tomorrow."

Much is riding on the outcome of that hearing. Should a judge find that Nate was denied due process, he would grant him the right to a second trial and ample leverage to negotiate a deal. "The fact is, this should've been a manslaughter case, with a term of eight-to-twelve," says Johnson. "I would hope I could get him out on time served." When and if that happens, Nate's ex-friend Jensen would have grounds to seek a reduction of his own. Says his lawyer, Jeff Pagliuca, "There's no law that says they have to release my guy if his co-compliciter gets out, but it would look bad for the DA to keep Erik in if the kid that swung the poker goes home."

What stands in the way of an appeal, though, is money, or the lack thereof. It costs tens of thousands to fly in expert witnesses on the subject of legal ethics, and Johnson's client is destitute. Nate earns the sum of fifty dollars a month making office furniture in jail, and some of that goes for basic amenities like toothpaste and toilet paper. Johnson was paid a retainer by Jensen's parents, but that money ran out months ago, and he has since been working pro bono. There is an online nonprofit to raise cash for Nate's defense (FriendsOfNathanYbanez.com), but the returns thus far have been negligible. The only other option is an appeal for clemency, but that, say his backers, is the longest of long shots.

In the meantime, Nate doesn't dine out on hope. He's spent about a third of his life behind bars—sixteen months in county awaiting trial, three years in the dust bowl of Arkansas Valley, and five years steeping in the methane fumes in this hog farm of a prison -- but has kept himself busy becoming a scholar. He earned a G.E.D. within months of his arrest, and he reads deeply and widely in abstruse subjects like geology and quantum physics. Raised a lockstep Christian, he has converted to Buddhism, waking up early to meditate, another self-taught art. "When I read the Dalai Lama, my anger, which was horrible, began to dissipate," he says. After several combative sit-downs with Roger in prison, Nate barred him from coming again: "He didn't like the fact that people were helping me and said I should just stay here." Nor does he hear from the rest of the family. He rarely, if ever, gets visitors.

But after years of withdrawal from his high school friends, he has begun again to reach out by mail. They, particularly the girls, were the closest he came to a connection in the

world, and for one brief stint, twelve ravishing months, they brought him fully to life. Recently, he wrote to Lisa Christopherson, thanking her for some photos she'd sent. He described his jailhouse study of the Kabbalah, then recounted a couple of stop-time moments he'd shared with her that summer. Both took place during sudden downpours of "soft, huge droplets of rain," when the two of them dashed out into the street and ran around, soaking wet. Those romps, he writes, "were either a gift from some force or a mistaken shift in the cosmos."

They were also the "only two times in my life I felt safe and happy and complete. Home is the word I like to use, and I've wanted to return to that place ever since."

Tell us: Should Nate Ybanez's revenge cost him everything?