



## **NEWS RELEASE**

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### **Man Sentenced to Life without Parole as a Juvenile is Resentenced to 19 Years**

Giselle Gutierrez-Ruiz, convicted of first-degree murder as a juvenile and sentenced to life in prison without parole, was resentenced Thursday to 19 years, 19 days in prison, the exact amount of time he has been incarcerated since his conviction in 1998.

The District Attorney's Office did not contest the defense motion that asserted the defendant received ineffective assistance of counsel at his 1998 trial and asked the court to vacate his conviction. Under a plea agreement, Gutierrez-Ruiz pleaded guilty to second degree murder (F2) and menacing (F5) with a sentencing range of 16 to 48 years in prison.

"The uniqueness of this case in comparison to other murder cases that I have prosecuted is exceptional," District Attorney Dave Young told the court. "In 25 years of prosecuting murder cases, I have never had the widow come to me and say I want this man out of prison. I feel this disposition with a sentence of 16 to 48 years is the right thing to do in this case. I ask the court to seek justice in this case as the court sees fit."

Gutierrez-Ruiz (DOB ), then 17, was charged as an adult and convicted of first-degree murder for his role in the October 17, 1997 shooting death of Rumaldo Castillo-Hernandez. Gutierrez-Ruiz was the driver and maneuvered the vehicle when his passenger, Able Martinez-Sanchez, fired at a car they were chasing, killing Castillo-Hernandez. Prior to this shooting, they chased another vehicle and Martinez-Sanchez also fired shots at that driver, Eloy Valles, who was wounded but survived. Gutierrez-Ruiz was sentenced to life in prison without parole.

Gutierrez-Ruiz was convicted of first-degree murder under the complicity theory. A person may be convicted under the complicity theory if he or she aids, abets, advises or encourages the other person in committing the offense.

Gutierrez-Ruiz is among a group of Colorado juveniles who were charged and convicted of first-degree murder and sentenced to life in prison without parole. His new plea and sentencing came as a result of changes in Colorado law after the U.S. Supreme Court held that mandatory sentences of life in prison without parole are unconstitutional for juveniles.

District Attorney Dave Young said he traveled to the Limon Correctional Facility to meet with Gutierrez-Ruiz so he could look him in the eye, judge his character and decide how to proceed with the case after motions for post-conviction relief were filed. Young said that while Gutierrez-Ruiz was not innocent, “he is now a completely different person than he was at age 17.” He also noted that Gutierrez-Ruiz cooperated with law enforcement after he was arrested and that a plea offer was improperly communicated to him by his former defense attorney before the trial.

Castillo-Hernandez’ widow asked the court to release Gutierrez-Ruiz so that he could return to his home in Mexico. She noted that he became an artist in prison and donates proceeds from his paintings to Children’s Hospital. “If my husband were here, his wish would be the same,” she said. “He was a teenager. His whole life got destroyed coming to the U.S. He didn’t get any opportunity in this life. He has helped the community. He does have the right to have a new life. With his resentencing, my husband will rest in peace and I will have peace.”

Gutierrez-Ruiz, now 37, said he has changed since his actions contributed to the crimes for which he was convicted. “Nineteen years ago I was a kid without any experience. I didn’t understand how beautiful life was or the damage I could cause. Because of me a man lost his life. Today I’m a different man. My biggest dream is to do good in life and to share my experience to help others.”

Adams County District Judge Thomas Ensor commended Gutierrez-Ruiz for making something of himself while he was incarcerated. “You did it all yourself,” he said. “I feel the sentence already served more than makes up for your conduct.” Ensor imposed a sentence of 19 years and 19 days, the amount of time Gutierrez-Ruiz has been incarcerated.

“This case really is the case that we come to work for, that we went to law school for,” Ensor remarked. “We all decided we wanted to do something with our lives where we could make a difference in someone’s life, where we could help someone.” He commended District Attorney Dave Young and the defense team for bringing the case to justice.

“My role as district attorney is to seek justice for victims of crime, the community and criminal defendants,” Young said. “This plea agreement gives the court an opportunity to impose justice under the unique facts and circumstances of this case.”

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