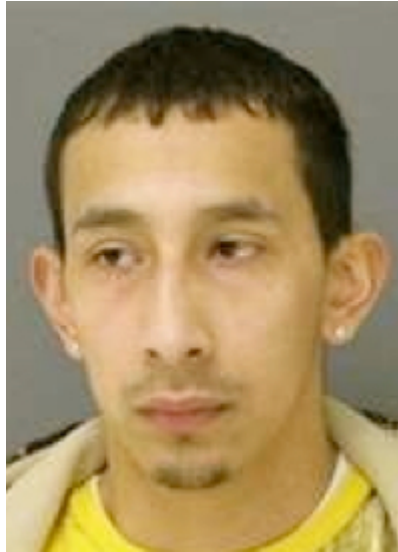




Written by [R. Cort Kirkwood](#) on February 6, 2012

Drunk-Driving Bolivian Gets 20 Years for Killing Nun

Carlos Martinelly-Montano (left), the drunk-driving Bolivian national who killed a Benedictine nun in Virginia in August, 2010, has been sentenced to 20 years in prison. The case became a national scandal after the public learned that Martinelly-Montano was a twice-convicted drunk driver and that federal authorities had twice delayed his deportation hearing. Although authorities had apprehended the Bolivian, they released him because they did not believe he was a flight risk.



Such was the concern about the case that Prince William County, Virginia, sued the federal government to find out what it knew about Martinelly-Montano and when, and why he was released.

The Wreck

Observers have noted that if ever there were a case that deserved public airing about the federal government's adamant refusal to enforce immigration law, this one is it.

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On August 10, 2010, a drunk Martinelly-Montano, driving a 1997 Subaru Outback in Bristow in Prince William County, "swerved off the road, hit a guardrail on the right then crossed into the northbound lane, where [his vehicle] struck a jersey wall and slammed head on into a northbound 2003 Toyota Corolla," InsideNova reported at the time.

Driving the Toyota was Sister Charlotte Lange, who was traveling with two other nuns — Connie Lupton and Jeanette (known as Sister Denise) Mosier — to a religious retreat. Mosier was killed at the scene. Lange's "once-curly hair turned straight" and she suffered brain damage and memory and hearing loss, the [Washington Post](#) reported. Lupton was also severely injured.

Martinelly-Montano emerged unscathed, at least for the long term.

In November, 2011, the Bolivian illegal pleaded guilty to five charges: "involuntary manslaughter, two counts of maiming while driving under the influence, driving on a revoked license and a third DUI offense within five years," the *Post* reported.

Another Deadly Federal Mistake

Authorities are partly to blame for Mosier's death.

When Prince William County sued the federal government for information which would explain why Martinelly-Montano was still in the country, it learned that authorities had twice delayed his deportation hearing.

[According to](#) the *Post*, the Bolivian illegal "had two prior convictions for driving under the influence of



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alcohol, as well as a string of other encounters with police, before the Aug. 1 accident last year.” The article continued,

After Martinelly-Montano was released by authorities in October 2008, immigration courts twice postponed ruling on whether he should be deported or be eligible for residency. The accident that killed Jeanette M. Mosier, 66, occurred weeks before the court had rescheduled a hearing. ...

Martinelly-Montano’s immigration status came to the attention of police in December 2007, when he was convicted for drunken driving in Prince William. In October 2008, he was again booked for driving under the influence.

Even worse, authorities let him slip away when, having determined that he was not a flight risk, they fitted him with a global positioning device.

[The Post](#) noted:

The tracking devices, used widely in lieu of detention, were needed in part because of a lack of detention space, the report said. Martinelly-Montano regularly showed up for court hearings and other procedural matters.

In following months, however, Martinelly-Montano was stopped by police — for driving without a license in Fairfax County in March 2009 and for driving recklessly in Manassas Park in April 2009 — but police and immigration authorities did not communicate with one another about what each knew, the report said.

Outrage

Understandably, a furor ensued when the details about the Bolivian’s career as a drunk-driving illegal alien emerged.

After the crash, Virginia Gov. Bob McDonnell, a moderate Republican, ordered the state Department of Motor Vehicles to stop accepting federal work permits as valid identification to obtain a driver’s license or other ID.

Martinelly-Montano used such a federal permit to procure a Virginia ID card.

And just two days before Martinelly-Montano killed Mosier, Attorney General Ken Cuccinelli gave state and local police the authority to check the immigration status of those they otherwise lawfully arrest or detain.

Feds Learn Nothing

After the [Martinelly-Montano case](#), some observers thought the federal government might change its policy on releasing illegals with tracking devices.

It didn’t.

The insistence on continuing a dangerous policy has left police in Milford, Massachusetts without a witness in a vehicular homicide by another illegal. That case is just as shocking as Martinelly-Montano’s and indeed fits the same profile.

Milford police have charged Nicolas Guaman, an Ecuadorean illegal alien, with killing 23-year-old motorcyclist Matthew Denice. Guaman, authorities allege, mowed the young man down, dragging him a quarter of a mile beneath his truck before stopping. According to police, Guaman then backed up over Denice and fled the scene.



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Like Martinelly-Montano, Guaman was a repeat offender whom police had in custody and repeatedly released. Except Guaman is also a violent criminal, as newspapers have reported. Critics have noted that he too should have been deported.

In the car with Guaman was Luis Acosta, another illegal. Police searched for Acosta for 36 hours after the crash before collaring him. They turned him over to Immigration and Customs Enforcement officials, who fitted Acosta with a tracking device, expecting him to show up for a deportaton hearing.

Local authorities expected him to testify before a grand jury. It wasn't until Acosta didn't appear that local lawmen learned that ICE had released him. His last known location, based on his cell phone, was JFK International Airport. He likely fled to Ecuador, a country with which the United States does not have an extradition treaty.

After that fiasco, ICE simply announced that tracking witnesses for local police isn't that bureaucracy's concern. Said the local police chief, "[ICE] clearly missed it. They don't get it."

Future Martinelly-Montanos

But back to the Bolivian illegal, now in prison for two decades. He landed in the United States as an 8-year-old. He would have qualified to stay in the country under the DREAM Act, an amnesty for illegal aliens for which the radical left and its Democrat allies have been pushing for years.

When the DREAM Act legislation failed in Congress, the Obama administration simply unilaterally enacted it. Homeland Security Secretary Janet Napolitano and her immigration chief, John Morton, [have repeatedly stated](#) they will not deport deportable aliens. In June, [Morton gave](#) ICE agents "prosecutorial discretion" in deportation affairs, using a list of criteria which not only includes but also exceeds that contained the DREAM Act.

After that, President Obama stopped deportation proceedings for 300,000 illegals.

That means the DREAM Act is, as a practical matter, federal law.

Photo: Carlos Martinelly-Montano



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