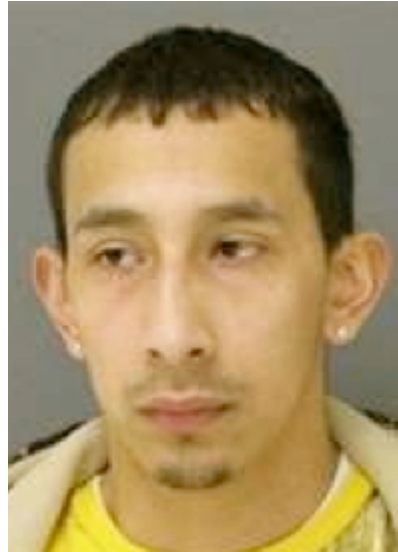




Written by [R. Cort Kirkwood](#) on November 2, 2011

## DUI Illegal Guilty of Felony Murder In Nun's Death

The drunk-driving illegal alien who killed a nun in August 2010 may go to prison for 70 years. On Monday, a judge convicted him of felony murder. Carlos Martinelly-Montano (left), a 24-year-old Bolivian illegal and habitual drunk driver, was convicted in Prince William County, Virginia's circuit court of killing Sister Denise Mosier, a Benedictine nun.



Martinelly-Montano [plowed into](#) Mosier and two fellow sisters in Bristow, Virginia, on Aug. 1, 2010.

### National Rage

After Martinelly-Montano killed Sr. Mosier, a national outrage ensued when the public learned the details of his criminal career behind the wheel.

He had been twice convicted of drunk driving and was awaiting a deportation hearing when he killed Mosier and sent the two other sisters, Charlotte Lange and Connie Ruth Lupton, to the hospital. Although immigration authorities had him in custody, the [Washington Post reported](#) at the time, they released him when they determined he wasn't a flight risk.

Prince William County, as [The New American reported](#) last week, [sued the Department of Homeland Security](#) to determine how Martinelly-Montano escaped deportation. It learned that [DHS twice delayed](#) his deportation hearing, which is why he was still in the country and in the position to kill Sr. Mosier.

### [Reported the Post:](#)

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.

Immigration authorities determined at the time that he was an undocumented immigrant and began deportation proceedings, even as he was petitioning the court to legalize his status.

As Martinelly-Montano awaited a hearing, authorities fitted him with a Global Positioning System device and released him.

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.

After the truth about Martinelly-Montano emerged, Virginia didn't waste any time altering state law to crack down on bogus licenses and identification cards. Gov. [Bob McDonnell](#), a moderate Republican,



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[ordered the state department of motor vehicles](#) to stop accepting federal work permits as identification to obtain licenses and state IDs.

Just two days before Martinelly-Montano killed Sr. Mosier, Virginia's Attorney General Ken Cuccinelli [issued a legal opinion](#), in response to a request from a state legislator, authorizing state and local enforcement authorities, upon reasonable suspicion of illegal presence, to check the immigration status of those they lawfully stop, detain, or arrest.

### **Sentencing On Feb. 3**

But now Martinelly-Montano's long career of drunk-driving is over.

When he landed in court on Monday, the illegal alien pleaded guilty to five charges, the [Post reported](#): "involuntary manslaughter, two counts of maiming while driving under the influence, driving on a revoked license and a third DUI offense within five years."

But Martinelly-Montano and his lawyer, the [Post noted](#), then made the mistake of going to trial on the felony murder charge, "unintentionally killing someone while committing a felony. Because the drunken-driving conviction was Martinelly-Montano's third, it is considered a felony under Virginia law."

Defense attorneys argued that Martinelly-Montano's actions did not rise to the level of a felony murder, and that he could not be convicted of both manslaughter and felony murder.

In the end, Circuit Court Judge Lon E. Farris found Martinelly-Montano guilty in what prosecutors said was a rare instance of the charge being applied in a drunken-driving case.

He will be sentenced on Feb. 3 and his attorneys, naturally, plan to appeal his conviction, said the [Post](#).

### **Other DHS Bungling on Drunk Driving Illegals**

Martinelly-Montano's isn't the only case of rank ineptitude in Janet Napolitano's DHS.

As [The New American reported on Oct. 23](#), [Immigration and Customs Enforcement](#) permitted an Ecuadoran illegal and witness to vehicular murder to escape from custody before he was to appear in front of a grand jury hearing testimony on the case. In that case, Ecuadoran Nicolas Guaman [is charged](#) with killing Matthew Denice while the latter was driving his motorcycle. [Police allege](#) that Guaman dragged Denice a quarter of a mile after hitting him.

The witness, Luis Acosta, was in the car with Guaman. But Immigration and Customs Enforcement, having detained him, fitted him with an electronic tracking device. He promptly [removed it and fled](#). As with Martinelly-Montano, authorities didn't think Acosta would flee. He did, and local police believe he has returned to Ecuador.

ICE stated that its job is not to worry about small matters such as grand juries investigating the deaths of American citizens at the hands of illegal aliens, or whether illegals should be kept in custody until they can testify as witnesses in crimes. [Said ICE](#):

While Acosta came to our attention after the tragic death [of] Matthew Denice, local jurisdictions have the responsibility for keeping track of possible witnesses in their criminal investigations. ICE only detains and places individuals on alternative to detention programs (i.e., monitoring devices) in order to monitor aliens going through removal proceedings.

Because Martinelly-Montano crossed the border with his parents in 1996, when he was just eight years



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old, he may well have been eligible to stay under the failed [DREAM Act](#), or at least under its criteria, which are now law because of orders [directly from](#) the head of ICE, [John Morton](#).

In June, [Morton ordered](#) ICE agents to use “prosecutorial discretion” in deporting illegals. He offered a lengthy list of criteria, exceeding those in the DREAM Act, which permits them to stay. After Morton set the wheels for an unauthorized amnesty in motion, [President Obama made it](#) official, ordering a moratorium on 300,000 deportation cases.

So despite his record of drunk driving and other infractions, Martinelly-Montano would likely not be deported under this new regime. Then again, he wasn’t deported anyway. That is why Sister Mosier is dead.



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