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Congress of the United States
House of Representatives

October 13, 2010

wolf.house.gov

The Honorable Janet Napolitano
Secretary
U.S. Department of Homeland Security
301 7th St SW
Washington DC 20528

Dear Secretary Napolitano:

I was very concerned to read the enclosed *Washington Post* article indicating the Department of Homeland Security will not make public the results of its investigation into how Carlos Martinelly-Montano -- an illegal alien with previous criminal offenses -- had not had a deportation hearing prior to the car crash in which he was involved that killed Sister Denise Mosier and two other Benedictine nuns in August.

I believe the department has an obligation to publicly disclose as much of the report as possible, without compromising any "law enforcement sensitive" information. I would strongly urge you to release this report to the public while respecting the department's obligation to redact any specific sensitive information.

Additionally, I urge you to meet with the Prince William County Board of Supervisors, Police Chief Deane, Governor McDonnell and/or his representatives and the members of Congress that represent the county. It is imperative that that the department fully explain how this tragedy was allowed to occur and what measures are being taken to prevent similar incidents in the future.

I look forward to your prompt response. Please contact me at 202-225-5136 to discuss this matter further.

Best wishes.

Sincerely,

Frank R. Wolf
Member of Congress


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The Washington Post

DHS withholds probe into Prince William drunk driver who killed nun

Advertisement

By Shankar Vedantam
Washington Post Staff Writer
Tuesday, October 12, 2010; 2:33 PM

The Obama administration will not release the results of an investigation into why an illegal immigrant with two drunk driving convictions went almost two years without a deportation hearing before a crash that killed a Virginia nun, a senior official said.

Carlos Martinelly-Montano, 23, who entered the country illegally from Bolivia as a child, is accused of killing Sister Denise Mosier, 66, and injuring two other Benedictine nuns while driving drunk in Prince William County on Aug. 1.

The furor over the way Martinelly-Montano's case was handled by Immigration and Customs Enforcement prompted the agency's boss, Department of Homeland Security Secretary Janet Napolitano, to announce an investigation.

"Why is it that this individual was driving?" Napolitano asked at a news conference Aug. 2, one day after the accident on Bristow Road. "He was in the removal process. Why did the removal process take so long?"

The inquiry is complete, but Homeland Security does not plan to make the results public, according to the senior official, who spoke on condition of anonymity because he was not authorized to speak about the matter.

"It's a document that includes law enforcement sensitivities, so it will not be made public," the official said. He declined to discuss the nature of those sensitivities.

In response to questions about the investigation's conclusions, DHS spokesman Matt Chandler issued an e-mailed statement that said: "The Secretary's Office has received the review of the circumstances by which the individual was released in 2008 and are in the process of looking over the findings. Due to the ongoing criminal matter at hand, it would be inappropriate to comment further."

Told of the government's decision to withhold the investigation's results, Corey Stewart, chairman of the Prince William County Board of Supervisors, expressed outrage.

"Prince William County has never been more frustrated with the Department of Homeland Security and Secretary Napolitano than it is right now," said Stewart, who has been demanding, without success, that ICE detail how many illegal immigrants are being released into the community after they've been charged with crimes. "They say one thing and do another. They say they are going to do something and then backtrack."

After Martinelly-Montano's second drunken driving arrest in October 2008, ICE officials released him on his own recognizance while he was awaiting a deportation hearing. He was in regular touch with immigration officials, even as his hearing was delayed three times.

Martinelly-Montano lost control of his Subaru at 8 a.m. Sunday, Aug. 1, and collided head-on with the car bearing the nuns, who were on their way to a retreat at their Bristow monastery. In addition to Mosier's death, the two nuns with her were critically injured.

Sister Charlotte Lange, 70, who was driving, is still hospitalized at a rehabilitation facility in Richmond but is expected to make a full recovery, according to Sister Cecilia Dwyer, prioress of the Benedictine Sisters.

Sister Connie Ruth Lupton, 75, who was sitting in the front passenger seat, was hospitalized in a long-term acute care hospital and is starting physical therapy, Dwyer said.

"She will certainly survive, but whether she will be 100 percent, we don't know," Dwyer said in an interview.

Lupton has no memory of the accident, Dwyer said, and Lange has only a brief recollection of what happened: "All she remembers is that a car was suddenly in her face."

Dwyer said that the nuns will cooperate with legal proceedings against Martinelly-Montano, but that the order is united in forgiving the drunk driver.

"It comes out of how we live," Dwyer said.

Martinelly-Montano has been charged with felony murder, drunk driving, driving with a suspended license and manslaughter. His case is set to go to trial in March, Prince William authorities said.

Stewart blamed ICE for the accident.

"They didn't deport this [expletive] that killed a nun, and he had been convicted of DUI twice," Stewart said. "It is their policy to not deport people unless they are convicted of serious crimes. They are going to say this is some bureaucratic snafu, but they are only deporting people who commit a violent act and since they don't consider DUI a violent act, they are releasing them."

In statistics released earlier in the week, ICE officials said that in the past year alone, they had deported nearly 28,000 undocumented immigrants who had been convicted of driving under the influence.

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