



STATEMENT ON LOZANO-MONTANO SENTENCING

Over the past eight months, some of us have had the privilege to meet Guadalupe Galeno-Hernandez, a sparkling and bubbly young girl. Sadly, the circumstances of meeting her are as an innocent victim of gang violence. On the evening of November 12, 2010, Lupe was on her front steps with a group of family and friends, when a single bullet fired from a passing car, struck her in the neck, injuring her spine and causing her to be paralyzed.

Today the individual who fired that shot, Marlon Lozano-Montano was sentenced to nearly 13 years in prison for shooting Lupe. He did not know her. She did not know him. Lupe was an innocent bystander in the world of gang violence that has claimed the lives of all too many of our children and teens and changed forever the lives of their families.

And although the Defendant was only 16 years old when he pulled the trigger of that gun, he had been a gang member, since his early teens. Gang culture fosters an atmosphere of violence which is then inflicted upon both intended and unintended victims. And even more insidious, it creates fear in those who witness that violence. They fear that should they cooperate with law enforcement, there will be retaliation.

This was a difficult case. But thanks to the hard work of the Minneapolis Police Department, and in particular Sgt. Jane Moore, we were able to charge the Defendant. We were also able to certify him to stand trial as an adult. And, because of the evidence obtained during that police investigation, Defendant took responsibility for his actions and pleaded guilty to Assault in the First Degree Committed in Association with a Criminal Gang. And today, we were successful in obtaining a 155 month sentence, an Upward Departure under Minnesota sentencing laws.

We were able to achieve this result because the community resisted the fear of retaliation by gang members and joined with law enforcement, and with us, to help us solve a senseless crime and bring the offender to justice. Working together as a community is essential, as we heard in Court today the pain and anguish caused by gang violence.

In the victim impact statement shared with Court today, Lupe movingly described the fear, pain and fatigue she deals with every day now that she can no longer use her arms or legs.

She concluded by saying, “what I miss the most from my life before is playing, dancing and going to the park. I wish I could write. I wish I could hold and carry little babies in my arms like I used to. There isn’t any part of my life now that I like better than before.”

Lupe’s mother, Hilda Hernandez, also shared with the Court the impact the single bullet, the single random act of reckless violence had on their family. Lupe, her youngest child, on the brink of self-sufficiency, is dependent on her once again. Housing, transportation, education – everyday tasks – present enormous challenges. They must struggle against anger, frustration and exhaustion.

Ms. Hernandez also shared with the Court a very important message for all of us, for our community:

“Tell the people who did this, please leave your gangs. Stop hurting innocent people. I know that there is something wrong with them, normal people would not do this kind of thing.”

We echo Mrs. Hernandez’s sentiments.

We cannot and will not allow gang violence to go unchecked. The Hennepin County Attorney’s Office remains committed to vigorously prosecuting violent offenders, and working to provide justice for victims of crime and our community.