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FOR IMMEDIATE RELEASE

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Tuesday, December 19, 2023

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Press Release

Noel Montalvo Enters Guilty Plea

York, PA – Today I approved an agreement by my office to have Noel Montalvo enter a guilty plea to Tampering With Or Fabricating Physical Evidence before the Honorable Harry M. Ness for Noel Montalvo's role in the aftermath of his brother Milton Montalvo's brutal murder of Miriam Ascencio and Manuel Santana, a/k/a Nelson Lugo on April 19, 1998. Noel Montalvo was originally convicted of crimes including two counts of First-Degree Murder and received a death sentence, as did his brother Milton Montalvo at an earlier separate trial.

After years of appeals and post-conviction proceedings where the Attorney General's Office represented the Commonwealth, a new trial for Noel Montalvo was granted. From the moment we received Noel Montalvo's case to proceed with a new trial, my office in conjunction with the York City Police Department investigated this case in preparation for a new trial.

Unlike the trial against Milton Montalvo, which included forensic DNA evidence to place him as committing these murders, the homicide case against Noel Montalvo lacked such scientific evidence and primarily relied upon witness testimony that was extensively and thoroughly attacked through cross-examination at the original trial. This testimony continued to diminish over time and now lacked sufficient reliability to sustain a murder conviction in the absence of forensic evidence tying Noel Montalvo to the homicide. The reliable witness testimony fully supported Noel Montalvo's tampering charges for his conduct after the murders and served as consciousness of guilt evidence, but no reliable evidence existed at this point to actually tie Noel Montalvo to participating in the homicides with his brother.

My office reviewed all of the physical evidence and original forensic testing performed in this case. We determined that there were items from the crime scene where further DNA testing would be necessary to determine if any physical evidence existed linking Noel Montalvo to the murders of Miriam Ascencio and Manuel Santana. This review of the physical evidence was exhaustive and numerous items were submitted for DNA evidence through state and private laboratories. We now have the results of these tests and none of the evidence at the crime scene possessed DNA belonging to Noel Montalvo. We did find further DNA matches belonging to Milton Montalvo on the physical evidence from the homicide.

Given the lack of any forensic evidence tying Noel Montalvo to the murders and the lack of reliable witnesses concerning the homicide charges, a plea to tampering was the only fair, just, and ethical result for this case. We would note that the further forensic testing greatly strengthened the basis for Milton Montalvo's murder convictions. Milton Montalvo died in prison while awaiting a new penalty phase, wherein we were continuing to seek a sentence of death for committing torture as a part of his multiple first-degree murder convictions.

I want to offer my sincere appreciation and gratitude for the great work performed by the York City Police Department, both during the original police investigations and the renewed one in preparing for a new trial. The original investigating officers tirelessly and meticulously investigated this case, including gathering and preserving physical evidence from the crime scene. Because of their efforts, we had the evidence to analyze for DNA at the present time. Additionally, current officers, led in this case by Detective Chris Perry, understood the critical reasons for thoroughly engaging in this case as an ongoing investigation. I also want to thank Chief Deputy Prosecutor Stephanie Lombardo and Senior Deputy Prosecutor Kadin Brown for their dedication to this case and working diligently to see that justice is done.

Finally, I want to continue to offer my deepest condolences and support to the families and friends of Miriam Ascencio and Manuel Santana. After suffering such a devastating loss of loved ones at the hands of Milton Montalvo's utter depraved cruelty, they went through years of having each turn of the criminal justice system force them to relive this deeply traumatic and horrific loss. We must never forget the toll that our criminal justice system can take on victims of crime, and we need to make sure that we utilize every resource possible to ensure that the truth is revealed, and justice is pursued.

Milton Montalvo remains convicted of first-degree murder for the brutal slaying of Miriam Ascencio and Manuel Santana, and all recent evidence further supports his guilt. Based upon this same evidence, Noel Montalvo pled guilty to tampering with evidence and no longer is charged with homicide. As District Attorney, I and my office will always carry out our solemn duty to exhaustively pursue the truth and seek justice. I am proud of my office and the York City Police Department for doing so in this case.