

For Immediate Release
December 14, 2011

**SALVADORAN MAN SENTENCED TO 48 MONTHS IN PRISON
FOR HELPING BROTHER FLEE AFTER DENNY'S SHOOTING**

ALBUQUERQUE – U.S. Attorney Kenneth J. Gonzales announced that, earlier today, **Jose "Tito" Humberto Melgar-Cabrera**, 34, a citizen of El Salvador, was sentenced to 48 months in prison for being an accessory after the fact. Specifically, Jose Melgar-Cabrera pled guilty to assisting his brother avoid apprehension following the June 20, 2009 armed robbery of an Albuquerque-area Denny's Restaurant and murder of a restaurant employee. Jose Melgar-Cabrera will be deported after he completes his prison sentence.

On October 8, 2009, **Marvin Antonio Aguilar-Lopez**, 24, **Pablo De Leon Ortiz**, 34, and **Francisco Melgar-Cabrera**, 28, all citizens of El Salvador, were charged with robbery, felony murder and firearms offenses in a nine-count indictment. The charges in the indictment stemmed from the armed robbery of the Denny's Restaurant located at 1602 Coors Blvd. NW on June 20, 2009, and the murder of Stephanie Anderson, a cook at the restaurant. Aguilar-Lopez and De Leon Ortiz, who had been in state custody since June 20, 2009, were arrested on the federal charges on October 19, 2009. They have been in federal custody since that time.

On April 14, 2010, a ten-count superseding indictment was filed that added Jose Melgar-Cabrera, Francisco Melgar-Cabrera's brother, as a defendant. Jose Melgar-Cabrera was charged as an accessory after the fact for assisting his brother avoid apprehension. He was arrested on April 21, 2010, and has been in federal custody since that time.

A 14-count second superseding indictment was filed on October 14, 2010. The new indictment added four new robbery and firearms offenses against Aguilar-Lopez, De Leon Ortiz and Francisco Melgar-Cabrera. The new charges arose out of the armed robbery of the Lone

Star Steakhouse & Saloon located at 10019 Coors Blvd. NW in Albuquerque on June 13, 2009.

Jose Melgar-Cabrera entered a guilty plea to Count 10 of the second superseding indictment charging him with being an accessory after the fact on September 23, 2011. In entering his guilty plea, he admitted assisting his brother to flee to avoid apprehension on the day of the armed robbery of the Denny's Restaurant and Ms. Anderson's felony murder.

On September 30, 2011, Aguilar-Lopez entered a guilty plea to Counts 3 and 4 of the second superseding indictment charging him with the armed robbery of the Denny's Restaurant, and the felony murder of Ms. Anderson. Under the terms of his plea agreement, Aguilar-Lopez will be sentenced to a 40-year prison term, and will be deported after he completes his prison sentence. Aguilar-Lopez's sentencing hearing is scheduled for February 13, 2012.

De Leon Ortiz is scheduled to enter a guilty plea at 9:30 a.m. on December 19, 2011. Francisco Melgar-Cabrera has yet to be apprehended and is considered a fugitive. The charges in the second superseding indictment against De Leon Ortiz and Francisco-Cabrera are only accusations. All criminal defendants are presumed innocent until proven guilty beyond a reasonable doubt.

The case was investigated by the Albuquerque Police Department, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Federal Bureau of Investigation. The case is being prosecuted by Assistant United States Attorneys Louis E. Valencia, Presliano A. Torrez and Roberto D. Ortega.

###

11-485