

For Immediate Release
September 30, 2011

**EL SALVADORAN PLEADS GUILTY TO KILLING COOK
DURING DENNY'S RESTAURANT ROBBERY IN 2009**

Shooter to be Sentenced to 40 Years in Prison Under Plea Agreement

ALBUQUERQUE -- United States Attorney Kenneth J. Gonzales announced that, this morning in Albuquerque federal court, **Marvin Antonio Aguilar-Lopez**, 24, entered a guilty plea and admitted killing Stephanie Anderson during the armed robbery of the Denny's Restaurant located at 1602 Coors Blvd. NW in Albuquerque on June 20, 2009. Ms. Anderson was employed as a cook at the Denny's Restaurant when she was murdered. During today's plea hearing, Aguilar-Lopez entered guilty pleas to Counts 3 and 4 of a 14-count second superseding indictment, charging him with the armed robbery of the Denny's Restaurant and the felony murder of Ms. Anderson committed during the perpetration of that robbery under a plea agreement with the U.S. Attorney's Office.

Under the terms of the plea agreement, Aguilar-Lopez will be sentenced to a 5-year term of imprisonment for the robbery offense and 35 years imprisonment for the felony murder offense. Aguilar-Lopez will serve the sentences on the two offenses consecutively for a total of 40 years imprisonment. After he completes his 40 year prison sentence, Aguilar-Lopez, a citizen of El Salvador, will be deported. Aguilar-Lopez remains in federal custody pending his sentencing hearing, which has yet to be scheduled.

Aguilar-Lopez and co-defendants Pablo De Leon Ortiz, 34, and Francisco Melgar-Cabrera, 29, also citizens of El Salvador, initially were charged in a nine-count indictment that was filed on October 8, 2009. The indictment charged all three defendants with (1) conspiracy to interfere with interstate commerce by robbery; (2) interference with interstate commerce by

robbery and violence, (3) using firearms during and in relation to a crime of violence; and (4) the felony murder of Ms. Anderson during a robbery. The remaining five counts of the indictment charged the three defendants with being illegal aliens in possession of firearms and ammunition. On October 19, 2009, Aguilar-Lopez and De Leon Ortiz, who had been in state custody facing state charges since they were apprehended on June 20, 2009, were arrested. They have been in federal custody since that time.

On April 14, 2010, a ten-count superseding indictment was filed that added Jose "Tito" Humberto Melgar-Cabrera, 32, 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.

On October 14, 2010, a 14-count second superseding indictment was filed. The second superseding indictment added four new offenses arising out of the armed bank robbery of the Lone Star Steakhouse & Saloon located at 10019 Coors Blvd. NW in Albuquerque on June 13, 2009. Count 11 charged Aguilar-Lopez, De Leon Ortiz and Melgar-Cabrera with conspiracy to interfere with interstate commerce by robbing the Lone Star Steakhouse & Saloon, and Count 13 charged the three defendants with interfering with interstate commerce by committing the robbery. Counts 12 and 14 charged them with using firearms during and in relation to crimes of violence.

On September 23, 2011, Jose Melgar-Cabrera entered a guilty plea to Count 10 of the second superseding indictment under a plea agreement with the U.S. Attorney's Office. In entering his guilty plea, Jose Melgar-Cabrera admitted that he assisted his brother flee to avoid apprehension on the day of the armed robbery of the Denny's Restaurant and Ms. Anderson's

felony murder. He faces a maximum sentence of 15 years imprisonment at his sentencing hearing, which has yet to be scheduled. He will be deported after he completes his prison sentence.

De Leon Ortiz has entered a not guilty plea to the superseding indictment and remains in federal custody pending trial. He is scheduled for a change of plea hearing at 3:00 p.m. on October 6, 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 & 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.

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