

McDonald's shooter handed 15-year sentence

Written by Staff Reports
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Other suspect trial pending

One man recently received a prison sentence for his involvement in a shooting that occurred at the McDonald's at 2009 W. Hwy. 66 on March 6, 2023.

On April 5, Rodger Martinez Jr. was sentenced to 15 years in prison. Martinez, 25, pled guilty to 20 fourth-degree felonies, including 17 counts of aggravated assault with a deadly weapon. The other charges are shooting from a motor vehicle, shooting at an occupied dwelling, and property damage.

The charges were found to be Serious Violent Offenses, requiring that Martinez serve 85% of his prison sentence. After he has finished his sentence, Martinez will be on parole for one year and supervised probation for five more after that.

Koby Delgarito, the other suspect involved in the shooting, has not entered a plea deal and his case is still pending.

TIMELINE OF EVENTS

The two men are facing prison time for an incident that occurred around 7:15 pm on March 6, 2023.

Officers were dispatched to the scene after a restaurant employee was allegedly assaulted with a firearm. As officers were responding to the call, Metro Dispatch told them that shots were being fired at the business. Shots were fired from a dark blue Chevy Malibu with temporary tags. Two people were seen in the car as it left the McDonald's parking lot.

When officers arrived on scene, they found 17 employees hiding in the back of the business. Two bullet holes that entered a wall on the west side of the building and exited through an east side wall. Bullet holes were also found in some of the kitchen equipment.

Gallup Police Officer Christopher Dawes arrived at the scene, he met with an employee who said he'd walked an order out to a dark blue Chevy Malibu. The employee said the driver asked him who was working the front of the restaurant.

The employee said the driver was slurring his words and looked like he was either stoned or intoxicated. After he asked who was working again, the man pulled out a rifle, pointed it at the employee, and said "What's good?"

The man then proceeded to rack the gun, and the employee said it sounded real to him. The employee backed off slowly and walked back into the McDonald's. He said he didn't argue with the man.

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The car reportedly stayed in the parking lot for a while and then left, heading east on Highway 66. The employee told his manager what happened and asked him to call the police.

While the manager was on the phone with the police, another employee said the car was coming back. The employees went to the back of the business when the driver and a male passenger walked into the restaurant.

The men walked out of the restaurant, but then a while later the employees reportedly heard shots being fired.

An employee who was working the drive-thru register said that when the Malibu drove up to the window the driver paid with cash. The car was reportedly parked a little too far from the window, and the employee had to reach for the money. The employee asked the driver to "reach out further" so that he could give him his change. The employee said that might have angered the driver, who allegedly had bloodshot eyes.

Gallup Police were given surveillance footage of the incident, and they put together an "Attempt to Locate" flier.

The next day, GPD received an anonymous tip about who owned the Malibu.

Police officers went to the Malibu owner's house March 8 and spoke to the owner. He said that his son had been driving the car the night of March 6.

The son was identified as 20-year-old Delgarito, but GPD still didn't know who Delgarito's passenger was. Court documents state Delgarito was taken into custody on March 8.

When GPD released a photo of the passenger from the McDonald's surveillance video, they received an anonymous tip that the man in the video was Martinez. Officers also met Martinez while they were searching for Delgarito, and detectives were able to confirm his identity through

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body cam footage.

Officers were able to get an arrest warrant signed by a judge March 13, 2023 and Martinez was arrested March 23, 2023.

Delgarito's jury trial is scheduled for May 28.

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