

## GPD locates another suspect allegedly involved in McDonald's shooting

Written by Staff Reports  
Friday, 21 April 2023 03:32

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Another arrest connected to the March 6 shooting at the McDonald's at 2009 W. Hwy. 66 has been made.

Rodger Martinez Jr., 24, was arrested March 13 in connection with the incident.

Officers were dispatched to the McDonald's around 7:15 pm March 6 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.

When 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.

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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.

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

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his son had been driving the car the night of March 6.

The son was identified as Koby Delgarito, 20. He was arrested and charged with shooting from a motor vehicle, shooting at an occupied dwelling, 17 counts of aggravated assault with a deadly weapon, and property damage. His first court appearance was scheduled for March 10. His case was eventually moved to district court April 3.

But the GPD still didn't know who Delgarito's passenger was.

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 body cam footage.

Officers were able to get an arrest warrant signed by a judge March 13, and Martinez was arrested March 23. He was charged with the same crimes as Delgarito, along with conspired to shoot an inhabited dwelling, conspired to shoot at or from a motor vehicle, 17 counts of conspired to aggravated assault, and conspired to criminal damage to property.

His preliminary hearing was scheduled for April 5.

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