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The Denver Post

Aragon accepts plea bargain Lengthy trial, death penalty avoided

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Ginny McKibben Denver Post Staff Writer

ARAPAHOE COUNTY - Convicted drug peddler Ruben Gonzales Aragon sidestepped a murder trial and possible death penalty for the slaying of a federal drug witness Wednesday when he accepted a last-minute plea bargain from Arapahoe County prosecutors. Aragon, who already is serving 66 years in prison for earlier convictions, agreed to plead guilty to second-degree murder and distribution of cocaine.

In exchange, prosecutors Steve Lee and Brian McHugh agreed to drop charges of first-degree murder, conspiracy and retaliation against a witness in the Dec. 13, 1992, death of Norma Jean Lopez. Prosecutors said the case had become increasingly difficult to prosecute.

District Judge James Macrum Jr., accepted the plea and sentenced Aragon to a 70-year stipulated sentence to run concurrent with his previous sentences.

Outside the courtroom, defense attorneys **Jim Castle** and Mike Root hailed the plea agreement as a "significant victory for the defense."

"This is basically a sentence of four years to a guy who was charged with the death penalty," Root said.

Root said he was convinced that Aragon was innocent of the slaying and the convict "truly had a change of heart."

"It is the first time in my 18 years practicing law that I have believed that," Root said.

District Attorney **Jim** Peters said the plea bargain made the best of the case, which was hurt when Macrum ruled the defense could present an "alternate suspect" theory that Lopez was slain by convicted drug dealer Eugene Velarde.

The prosecution also was hampered, Peters said, when one of the eyewitnesses changed his story and supported the defense theory.

"There is no corroborating physical evidence, no blood, no hair, or fingerprints to link Aragon to the crime," Peters said.

"I think it is fair to say we are disappointed, but given all the circumstances, it is an appropriate resolution," Peters said. "Our goal was to obtain a murder conviction, a significant sentence to protect the public and one which would bring closure to the victim's family."

Aragon, 39, must serve 35 years before he can apply for parole, Peters said.

The body of Lopez was found strangled and injected with a lethal dose of heroin in a motel on South Broadway in 1992. Two conspirators, Charles McMillian and Russell Ingram, told Englewood police they lured Lopez to the motel room, then held her down while Aragon injected the drug.

Lopez, a 34-year-old mother and drug addict turned government informant to avoid prison, was slated to disappear into a witness program. She had participated in drug stings against Aragon and other drug dealers, according to court documents.

In weeks of pretrial hearings, DEA agents were called to testify that Lopez was involved in a controlled buy against Velarde on Dec. 9, 1992, three days before she was found slain.

The defense contended that Velarde and his associates have been implicated in at least two other similar slayings of drug informants.

Defense attorneys said outside the courtroom that they also believed their lives could be in danger had they revealed their full case to a jury.

"These are dangerous people," Root said.

Peters said the family of Lopez also expressed concern for their own safety during a lengthy trial.

Authorities say Aragon fled Colorado after masterminding the murder of Lopez. He was returned after his conviction in 1995 for the attempted murder of two police officers in Hopkinsville, Ky. He was sentenced to 40 years in prison.

Aragon pleaded guilty to shooting at officers Cary Hayes and Roger Robinson when they stopped him and his brother on suspicion of drunken driving.

Aragon opened fire with a handgun, shooting Hayes six times. He was saved by his bulletproof vest.

Aragon has been sentenced to additional prison terms for convictions of distribution of cocaine and heroin, a 14-year term in Arapahoe County and a 10-year federal sentence.

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