

# North Carolina Court of Appeals

## Docket Sheet

State v. Pena

**Case Number:** P15-567

**As of:** 04/26/2024

**Case Closed:** Yes

**Close Date:**

**Case Type:** Criminal (Crim\_othr)

**Mediation:** No

STATE OF NORTH CAROLINA

V.

BERNARDO ROBERTO PENA,  
AKA MARTIN RANGEL PENA

<b>Docket Date:</b>		<b>File Date:</b>		<b>File Time:</b>		<b>Acquired Date:</b>	07-27-2015
<b>Bond Collected:</b>	No	<b>Docket Fee:</b>	No	<b>Pauper:</b>	Yes	<b>Print Deposit:</b>	No
						<b>State Appeals:</b>	No

### History

**Venue:** Mecklenburg (26) **Heard In:** Superior Court

**To SC:** **From SC:**

### Lower Court Number(s)

**Location:** Mecklenburg (26)

**Judge:**

**Case #:** 12CRS223248-51

### Tracking/Argue

### Opinion

### Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) M-EXTTRANS	07-27-2015	07-27-2015					Allowed	07-27-2015
(2) M-EXTTRANS	08-26-2015	08-26-2015					Allowed	08-26-2015
(3) M-EXTTRANS	09-22-2015	09-22-2015					Allowed	09-23-2015
(4) M-EXTTRANS	10-26-2015	10-26-2015					Allowed	10-27-2015
(5) M-EXTTRANS	01-11-2016	01-11-2016					Allowed	01-12-2016
(6) M-EXT-PR	02-05-2016	02-05-2016					Allowed	02-05-2016
(7) M-EXT-PR	03-07-2016	03-07-2016					Allowed	03-08-2016
(8) M-EXT-PR	04-07-2016	04-07-2016					Allowed	04-08-2016
(9) M-GEN	05-06-2016	05-06-2016					Allowed	05-09-2016
(10) M-EXT-PR	05-26-2016	05-26-2016					Allowed	05-26-2016
(11) M-GEN	06-07-2016	06-07-2016					Allowed	06-08-2016

(12) M-EXT-PR	06-16-2016	06-16-2016					Allowed	06-20-2016
(13) M-EXT-PR	07-21-2016	07-21-2016					Allowed	07-22-2016
(14) M-EXT-PR	08-16-2016	08-16-2016					Allowed	08-17-2016

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1 - M-EXTTRANS (Allowed) - 07-27-2015

Filed: 07-27-2015 @ 09:45:11

FOR: Defendant-Appellant Bernardo Roberto Pena, aka Martin Rangel Pena

BY : Mr. Andrew J. DeSimone

N.C. APPELLATE DEFENDERS OFFICE

The following order was entered:

The motion filed in this cause on the 27th of July 2015 and designated 'Motion for Extension of Time on Preparation of Transcripts' is allowed. Transcript shall be produced and delivered on or before 28 August 2015.

By order of the Court this the 27th of July 2015.

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2 - M-EXTTRANS (Allowed) - 08-26-2015

Filed: 08-26-2015 @ 09:42:17

FOR: Defendant-Appellant Bernardo Roberto Pena, aka Martin Rangel Pena

BY : Mr. Andrew J. DeSimone

N.C. APPELLATE DEFENDERS OFFICE

The following order was entered:

The motion filed in this cause on the 26th of August 2015 and designated 'Motion for Extension of Time on Preparation of Transcripts' is allowed. Transcript shall be produced and delivered on or before 28 September 2015.

By order of the Court this the 26th of August 2015.

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3 - M-EXTTRANS (Allowed) - 09-23-2015

Filed: 09-22-2015 @ 12:48:49

FOR: Defendant-Appellant Bernardo Roberto Pena, aka Martin Rangel Pena

BY : Mr. Andrew J. DeSimone

N.C. APPELLATE DEFENDERS OFFICE

The following order was entered:

The motion filed in this cause on the 22nd of September 2015 and designated 'Motion for Extension of Time on Preparation of Transcripts' is allowed. Transcript shall be produced and delivered on or before 28 October 2015.

By order of the Court this the 23rd of September 2015.

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4 - M-EXTTRANS (Allowed) - 10-27-2015

Filed: 10-26-2015 @ 11:21:42

FOR: Defendant-Appellant Bernardo Roberto Pena, aka Martin Rangel Pena

BY : Mr. Andrew J. DeSimone

N.C. APPELLATE DEFENDERS OFFICE

The following order was entered:

The motion filed in this cause on the 26th of October 2015 and designated 'Motion for Extension of Time on Preparation of Transcripts' is allowed. Transcript shall be produced and delivered on or before 30 November 2015.

[b]A copy of this order and the motion shall be mailed to the Honorable Marion Warren, Director of the Administrative Office of the Courts, David F. Hoke, Assistant Director of the Administrative Office of the Courts, and Court Reporting Manager David Jester.[b]

By order of the Court this the 27th of October 2015.

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5 - M-EXTTRANS (Allowed) - 01-12-2016

Filed: 01-11-2016 @ 14:59:57

FOR: Defendant-Appellant Bernardo Roberto Pena, aka Martin Rangel Pena

BY : Mr. Andrew J. DeSimone

N.C. APPELLATE DEFENDERS OFFICE

The following order was entered:

The motion filed in this cause on the 11th of January 2016 and designated 'Motion for Extension of Time on Preparation of Transcripts' is allowed as follows: Proposed record on appeal shall be served on or before 10 February 2016.

By order of the Court this the 12th of January 2016.

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6 - M-EXT-PR (Allowed) - 02-05-2016

Filed: 02-05-2016 @ 10:00:50

FOR: Defendant-Appellant Bernardo Roberto Pena, aka Martin Rangel Pena

BY : Mr. Andrew J. DeSimone

N.C. APPELLATE DEFENDERS OFFICE

The following order was entered:

The motion filed in this cause on the 5th of February 2016 and designated 'Motion for Extension of Time on Service of Proposed Record' is allowed. Proposed record on appeal shall be filed on or before 11 March 2016.

By order of the Court this the 5th of February 2016.

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7 - M-EXT-PR (Allowed) - 03-08-2016

Filed: 03-07-2016 @ 12:30:19

FOR: Defendant-Appellant Bernardo Roberto Pena, aka Martin Rangel Pena

BY : Mr. Andrew J. DeSimone

N.C. APPELLATE DEFENDERS OFFICE

The following order was entered:

The motion filed in this cause on the 7th of March 2016 and designated 'Motion for Extension of Time on Service of Proposed Record' is allowed. Proposed record on appeal shall be served on or before 11 April 2016.

By order of the Court this the 8th of March 2016.

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8 - M-EXT-PR (Allowed) - 04-08-2016

Filed: 04-07-2016 @ 11:17:53

FOR: Defendant-Appellant Bernardo Roberto Pena, aka Martin Rangel Pena

BY : Mr. Andrew J. DeSimone

N.C. APPELLATE DEFENDERS OFFICE

The following order was entered:

The motion filed in this cause on the 7th of April 2016 and designated 'Motion for Extension of Time on Service of Proposed Record' is allowed. Proposed record on appeal shall be served on or before 11 May 2016.

By order of the Court this the 8th of April 2016.

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9 - MOTION MOTION FOR EXTENSION OF TIME ON SERVICE OF PROPOSED RECORD (Allowed) - 05-09-2016

Filed: 05-06-2016 @ 14:57:35

FOR: Defendant-Appellant Bernardo Roberto Pena, aka Martin Rangel Pena

BY : Mr. Andrew J. DeSimone

N.C. APPELLATE DEFENDERS OFFICE

The following order was entered:

The motion filed in this cause on the 6th of May 2016 and designated 'Motion for Extension of Time on Service of Proposed Record' is decided as follows: Proposed record on appeal shall be served on or before 1 June 2016.

By order of the Court this the 9th of May 2016.

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10 - M-EXT-PR (Allowed) - 05-26-2016

Filed: 05-26-2016 @ 09:57:20

FOR: Defendant-Appellant Bernardo Roberto Pena, aka Martin Rangel Pena

BY : Mr. Andrew J. DeSimone

N.C. APPELLATE DEFENDERS OFFICE

The following order was entered:

The motion filed in this cause on the 26th of May 2016 and designated 'Motion for Extension of Time on Service of Proposed Record' is allowed. Proposed record on appeal shall be served on or before 1 July 2016.

By order of the Court this the 26th of May 2016.

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11 - MOTION MOTION TO WITHDRAW AS APPELLATE COUNSEL (Allowed) - 06-08-2016

Filed: 06-07-2016 @ 10:36:25

FOR: Defendant-Appellant Bernardo Roberto Pena, aka Martin Rangel Pena

BY : Mr. Andrew J. DeSimone

N.C. APPELLATE DEFENDERS OFFICE

The following order was entered:

The motion filed in this cause on the 7th of June 2016 and designated 'Motion to Withdraw as Appellate Counsel' is allowed. Assistant Appellate Defender Andrew DeSimone is permitted to withdraw, and retained counsel W. Rob Heroy shall be substituted as counsel of record.

By order of the Court this the 8th of June 2016.

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12 - M-EXT-PR (Allowed) - 06-20-2016

Filed: 06-16-2016 @ 15:46:21

FOR: Defendant-Appellant Pena, Bernardo Roberto

BY : Mr. W. Rob Heroy

The following order was entered:

The motion filed in this cause on the 16th of June 2016 and designated 'Motion to Extend Deadline for Service of Record on Appeal' is allowed. Proposed record on appeal shall be served on or before 1 August 2016.

By order of the Court this the 20th of June 2016.

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13 - M-EXT-PR (Allowed) - 07-22-2016

Filed: 07-21-2016 @ 11:31:02

FOR: Defendant-Appellant Pena, Bernardo Roberto

BY : Mr. W. Rob Heroy

The following order was entered:

The motion filed in this cause on the 21st of July 2016 and designated 'Motion for Additional 15-Day Extension for Service of Record on Appeal' is allowed. Proposed record on appeal shall be served on or before 16 August 2016.

By order of the Court this the 22nd of July 2016.

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14 - M-EXT-PR (Allowed) - 08-17-2016

Filed: 08-16-2016 @ 06:34:58

FOR: Defendant-Appellant Pena, Bernardo Roberto

BY : Mr. W. Rob Heroy

The following order was entered:

The motion filed in this cause on the 16th of August 2016 and designated 'Motion for Additional 30-Day Extension for Service of Record on Appeal' is allowed. Proposed record on appeal shall be filed on or before 15 September 2016.

By order of the Court this the 17th of August 2016.

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<b>Financial Information</b>
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<b>Receipts</b>
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Date Charged	Charge Type	Amount Chaged	Amount Paid	Document	Pages	Receipt #	Date Paid
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### Exhibits

### Parties

Party Name	Role
State of North Carolina	Plaintiff-Appellee
Pena, Bernardo Roberto	Defendant-Appellant

### Attorneys

#### Attorney for Defendant-Appellant - Bernardo Roberto Pena, aka Martin Rangel Pena

Mr. Andrew J. DeSimone [Primary Attorney]  
Assistant Appellate Defender  
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#### Attorney for -

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#### Attorney for -

Mr. Staples Hughes [Primary Attorney]  
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#### Attorney for Plaintiff-Appellee - State of North Carolina

Attorney General [Primary Attorney]

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**Attorney for -**

Ms. Kristen Northrup [Primary Attorney]  
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Charlotte, NC 28202

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**Attorney for -**

Mr. David N. Hoke [Primary Attorney]  
Supreme Court  
Raleigh, NC 27602

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**Attorney for -**

Mr. David Jester [Primary Attorney]  
Court Reporting Manager  
David.E.Jester@nccourts.org  
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P.O. Box 2448  
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**Attorney for -**

Hon. Marion R. Warren [Primary Attorney]  
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Raleigh, NC 27602

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**Attorney for Defendant-Appellant - Pena, Bernardo Roberto**

Mr. W. Rob Heroy [Primary Attorney]  
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