

# NEWS RELEASE

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III**  
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## **Special Victims Team prosecutes 9 defendants for domestic violence and sexual assault**

CHARLOTTE, N.C. – During the course of the October 24, 2022 trial week, the Special Victims Team tried three defendants for domestic violence assaults and one defendant for sexual assault crimes. Additionally, the Special Victims Team obtained several guilty pleas.

The proceedings were held Oct 24, 2022 to Nov 2, 2022, in courtrooms 5370, 5110, 5150 and 5170 before the Honorable Lisa C. Bell, the Honorable Eric L. Levinson, the Honorable Robert C. Ervin, and the Honorable W. Robert Bell, Superior Court Judges.

Sean Davis, 37, pled guilty to 1) second degree kidnapping and 2) assault on a female. Judge Lisa C. Bell sentenced Davis to 30-48 months in prison.

Robert Gaston, 25, pled guilty to discharging a weapon into occupied property. Judge Lisa C. Bell sentenced Gaston to 20-36 months in prison; that sentence was suspended pending his successful completion of 24 months of supervised probation.

Xavier Bell, 22, pled guilty to 1) two counts of false imprisonment and 2) three counts of assault on a female. Judge Lisa C. Bell sentenced Bell to 150 days in the Mecklenburg County Jail.

Matthew Bendana, 40, pled guilty to 1) assault on a female and 2) false imprisonment. Judge Lisa C. Bell sentenced Bendana to 60 days in the Mecklenburg County jail; that sentence was suspended pending his successful completion of 24 months of supervised probation.

Paris Moore, 38, was tried for 1) assault with a deadly weapon inflicting serious injury and 2) assault on a female. The jury found Moore guilty of the lesser-included offense of assault with a deadly weapon and assault on a female. Judge W. Robert Bell sentenced Moore to 150 days in the Mecklenburg County Jail.

Robert Grant, 42, was tried for 1) possession of a firearm by a convicted felon, 2) assault by strangulation, and 3) assault on a female. The jury found Grant guilty of assault on a female and not guilty of the remaining charges. Judge Levinson continued sentencing to another date.

Ibahiym Earnell, 44, was tried for 1) assault by strangulation and 2) assault on a female. The jury convicted Earnell as charged. Judge Ervin sentenced Earnell to 10-21 months in prison; that sentence was suspended pending his successful completion of 30 months of supervised probation. As a condition of probation, Earnell must serve 120 days in the Mecklenburg County Jail. On December 10, 2019, a police officer stopped an assault in progress in a parking lot. The victim reported being strangled while on the ground in the parking lot, as well as in the car just before the officer arrived. She displayed several signs of injury, including scratches on her face and neck, a subconjunctival hemorrhage, and petechiae in her eyes, all consistent with the manner in which she described being strangled. She was evaluated by emergency personnel on scene, and then again by a SANE nurse at the hospital.

Bernardo Pena, 53, was tried for 1) second degree sexual offense, 2) attempted second degree rape, 3) attempted second degree sexual offense, 4) second degree kidnapping and 5) sexual battery. The jury found Pena guilty as charged. Judge Lisa C. Bell sentenced him to 15 to 29 years in prison. He will have to register as a sex offender upon his release. On May 28, 2012, the victim and her family attended a Memorial Day Cookout with Pena and his family. Later that night, Pena invited the victim to another neighbor's home. At the neighbor's home, Pena sexually assaulted the victim. During the assault, the victim dialed 911 on her cell phone and left the phone nearby. The dispatcher was able to hear parts of the sexual assault. Officers were dispatched to the home, where they interrupted the assault and arrested Pena.

*Note: For more information about the District Attorney's Office, visit [www.charmeckda.com](http://www.charmeckda.com). For updates and other information, follow @CharMeckDA on [Facebook](#), [Twitter](#), and [Instagram](#).*

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