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PRESS RELEASE

For Immediate Release

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Date: July 20, 2009
Re: Matthew Floyd Pena – Conviction for
Burglary and Petty Theft With Priors

Carol Shipley, Assistant District Attorney
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Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that Matthew Floyd Pena, age 48, of Modesto, was convicted after a three-day jury trial of burglary and petty theft with prior theft convictions. The court also found that the defendant has three prior felony convictions that fall under California's "Three Strikes" law. Deputy District Attorney Jeffrey M. Laugero prosecuted the case for the People.

The case arose out of events that occurred on May 31, 2008. The defendant was driven to the McHenry Ave. Target store by an acquaintance. The defendant entered the store carrying a concealed razor blade. Pena was recognized by Target asset protection agents from previous shoplifting incidents. Target asset protection agents monitored Pena and videotaped his actions in the store. Pena went directly to the electronics department where he used the razor to cut open the security packaging containing an MP3 player. Pena left that aisle when several shoppers entered the aisle. He returned when the aisle was clear and removed the MP3 player from the security packaging. He discarded part of the remaining packaging material on a shelf in the store and concealed the MP3 player and accessories in his pants. Pena left the store through the front entrance without paying for the merchandise. Pena then got into the passenger seat of the waiting car and was driven away. The rear license plate of the car was partially covered with a towel. Responding Modesto PD officers located the suspect vehicle as it was leaving the area. A traffic stop was made and the MP3 player and accessories were recovered from under the seat where Pena had been sitting. Pena was taken into custody and admitted the theft. Pena said he stole the MP3 player in order to sell it for money to buy heroin.

Sentencing is scheduled for August 20th at which time the judge will determine the appropriate sentence for the defendant.

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