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DAUPHIN COUNTY
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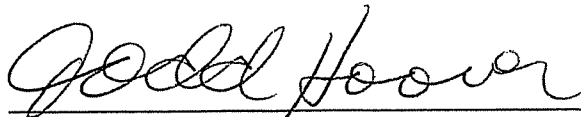
IN RE: : IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
:
: NO. CP-22-MD-1425-2009
:
THE SIXTH DAUPHIN COUNTY :
INVESTIGATING GRAND JURY : **NOTICE NUMBER: 06-2009-05**

ORDER OF COURT

AND NOW, this 7th day of April, 2010, upon recommendation of the Sixth Dauphin County Investigating Grand Jury;

IT IS HEREBY ORDERED that Presentment Number 1 is accepted. This Presentment shall be sealed and no person shall disclose a return of the Presentment except when necessary for issuance and execution of process, or as otherwise directed or permitted by order of the supervising judge. The Court finds that as a matter of law the facts stated in the Presentment establish a *prima facie* case on the charges recommended. Disclosure is authorized for issuance and execution of process.

BY THE COURT:



TODD A. HOOVER J.
SUPERVISING JUDGE

DISTRIBUTION:

Francis T. Chardo, First Assistant District Attorney (3 certified copies)

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Acting, Clerk of the Court



**THE SIXTH DAUPHIN COUNTY
INVESTIGATING GRAND JURY**

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TO THE HONORABLE TODD A. HOOVER, SUPERVISING JUDGE:

PRESENTMENT NO. 1

We, the Sixth Dauphin County Investigating Grand Jury, duly charged to inquire into offenses against the criminal laws of the Commonwealth, have obtained knowledge of such matters from witnesses sworn by the Court and testifying before us. We find reasonable grounds to believe that a violation of the criminal laws has occurred. So finding with not fewer than twelve concurring, we do hereby make this presentment to the Court.

Foreman – Sixth Dauphin
County Investigating Grand Jury

DATED: April 7, 2010

INTRODUCTION

We, the members of the Sixth Dauphin County Investigating Grand Jury, having received evidence pertaining to a possible violation of various sections of the Pennsylvania Crimes Code, occurring in Harrisburg City, Dauphin County, Pennsylvania, pursuant to Notice of Submission of Investigation 06-2009-05, do hereby make the following findings of fact and recommendation of charges.

FINDINGS OF FACT

On September 14, 2009, Shelton McNeil was in the company of Rochelle McClurkin in front of her residence at 2135 Green Street in the City of Harrisburg. After McClurkin became involved in a dispute with her boyfriend, Terrance Danner, outside the residence, McNeil intervened. McNeil drew a handgun concealed on his person and held it pointed to the ground in front of Danner. McClurkin was present but did not see the firearm. McClurkin was behind McNeil such that she could not see the firearm. McClurkin and McNeil then left in a minivan and went to S & D's Bar, 621 Wiconisco Street in the City of Harrisburg.

Danner promptly called the Harrisburg Bureau of Police who responded. On September 14, 2009, Danner truthfully and accurately described the handgun that McNeil displayed as black in color. Before the grand jury, Danner claimed that the gun was silver in color. Danner did not want to be involved in the investigation and had been threatened if he cooperated with the prosecution.

After arriving at S & D's Bar, as they sat at the bar, McNeil placed the handgun within McClurkin's purse, as police arrived at the bar. This occurred approximately 20 minutes after the incident on Green Street. Police removed McNeil from the bar. McNeil gave the false name of Shawn Goodwin to the officers. McClurkin left her purse on the bar and went outside briefly. While she was outside, someone hid the gun in the trash can in the ladies' bathroom within the bar. With the assistance of the bar owner, Sheila Bennett, police recovered the firearm that was hidden in the trash can. The weapon was an CDM Products .22 caliber revolver bearing serial number 0055591. It was black in color with white handgrips.

The defendant, who resided within Dauphin County, did not have a valid license to carry a firearm. The defendant had previously been convicted of an offence under the Controlled Substance, Drug, Device, and Cosmetic Act that is punishable by term of imprisonment exceeding two years. At Dauphin County Court of Common Pleas Docket 3297 CD 1992, the defendant has a January 4, 1993, conviction for possession of a controlled substance, 35 P.S. §780-113(a)(16). At Dauphin County Court of Common Pleas Docket CP-22-CR-3991-2008, the defendant has a December 2, 2008, conviction for possession of a controlled substance, 35 P.S. §780-113(a)(16). Since it was a second or subsequent conviction, the 2008 conviction was punishable by up to three years of imprisonment. 35 P.S. §780-113(b). Under 18 Pa. C.S. §6105(c)(2), the defendant was prohibited from possessing, using, or controlling any weapon which is designed to or may readily be converted to expel any projectile by the action of an

explosive or the frame or receiver of any such weapon.

RECOMMENDATION OF CHARGES

Based upon the evidence we have obtained and considered, which establishes a ***prima facie*** case, we, the members of the Sixth Dauphin County Investigating Grand Jury, recommend that the District Attorney or his designee, institute criminal proceedings against Shelton McNeil and charge him with persons not to possess a firearm and carrying a firearm without a license, tampering with physical evidence, and false identification to law enforcement authority under the Crimes Code, 18 Pa.C.S.A. §§ 6105, 6106, 4910, and 4914.