



**THE FOURTH DAUPHIN COUNTY
INVESTIGATING GRAND JURY**

IN RE: : IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
:
: NO. M.D. 2006
:
THE FOURTH DAUPHIN COUNTY :
INVESTIGATING GRAND JURY : **NOTICE NUMBER: 04-2004-04**

TO THE HONORABLE TODD A. HOOVER, SUPERVISING JUDGE:

PRESENTMENT NO. 2

We, the Fourth 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.

Foreperson – Fourth Dauphin
County Investigating Grand Jury

DATED: 11/22, 2006

Certified: A True Copy

NOV 22 2006

(Clerk of the Court)

INTRODUCTION

We, the members of the Fourth Dauphin County Investigating Grand Jury, having received evidence pertaining to a possible violation of robbery, possession of instruments of crime, and simple assault by physical menace sections of the Pennsylvania Crimes Code, occurring in Dauphin County, Pennsylvania, pursuant to Notice of Submission of Investigation 04-2006-04, do hereby make the following findings of fact and recommendation of charges.

FINDINGS OF FACT

The Grand Jury heard credible testimony that on July 2, 2006, Eric Englehart went to the Wendy's Restaurant, 615 Park Avenue, Hershey, Pennsylvania. While one Wendy's employee was attempting to transfer the day's receipts from the restaurant, Englehart approached and pointed a pellet gun at the employee. He demanded the money while pointing the pellet gun at the employee. The employee turned over the bag of receipts to Englehart, and he fled from the scene.

RECOMMENDATION OF CHARGES

Based upon the evidence we have obtained and considered, which establishes a prima facie case, we, the members of the Fourth Dauphin County Investigating Grand Jury, recommend that the District Attorney or his designee, institute criminal proceedings against Eric Englehart, and charge him with violating Title 18 and Section 3701(a)(1)(ii)(robbery), Section 907(a) (possession of instruments of crime), and Section 2701(a)(3)(simple assault by physical menace).