



**THE THIRD DAUPHIN COUNTY  
INVESTIGATING GRAND JURY**

IN RE: : IN THE COURT OF COMMON PLEAS OF  
: DAUPHIN COUNTY, PENNSYLVANIA  
THE THIRD DAUPHIN COUNTY :  
INVESTIGATING GRAND JURY : NO. 487 M.D. 2004  
: :  
: **NOTICE NUMBER: 03-2004-16**

TO THE HONORABLE LAWRENCE F. CLARK, JR., SUPERVISING JUDGE:

PRESENTMENT NO. 3

We, the Third 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.

*James J. Clary*  
Foreperson - Third Dauphin  
County Investigating Grand Jury

DATED: AUGUST 9, 2005

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## INTRODUCTION

We, the members of the Third Dauphin County Investigating Grand Jury, having received evidence pertaining to a possible violation of the Pennsylvania Crimes Code, pursuant to Notice of Submission of Investigation 03-2004-16, do hereby make the following findings of fact and recommendation of charge.

## FINDINGS OF FACT

On August 17, 2004, Earl Brown was with his four year old step-daughter at the gas station at 6<sup>th</sup> and Division Streets in the City of Harrisburg. A person known to him as "Gary" confronted him and blocked Brown from getting in his car. Brown identified "Gary" as Gary Gibson, Jr. Gibson was accompanied by approximately six other males. Gibson had attempted to purchase Brown's car the week before. At the gas station, Gibson informed Brown that, "this is a car jacking," and that he was taking his car. Gibson and one of his companions threatened Brown's step-daughter. Brown then punched Gibson in the temple and left

On the same day, Gibson went to Brown's residence, 2643 N. 4<sup>th</sup> Street, Harrisburg, and approached Brown's wife, Kimberly. Gibson indicated to Kimberly Brown that he was going to kill her husband. When Earl Brown arrived home, he was summoned outside by Gibson and his companions. Brown and Gibson entered into a fist fight. During the altercation, Gibson threw rocks and a "for sale" sign at Brown. One of Gibson's companions handed him a handgun. Gibson pointed the gun at Earl Brown. Brown retreated

into the house. As he did so, seconds after Gibson had pointed the gun at him, Brown heard at least two gunshots. The Harrisburg Police recovered a discharged .380 caliber cartridge case from the street where the shooting occurred.

Subsequent to the shooting Harrisburg police officers searched the Gibson's residence. Within his bedroom, officers recovered a .380 caliber semi-automatic pistol from the hamper. Trooper David A. Krumbine, a firearm and tool mark examiner with the Pennsylvania State Police, determined that the cartridge case recovered from the shooting scene had been discharged within the .380 caliber pistol found in Gibson's bedroom. Police also found a handwritten letter in Gibson's bedroom. The letter bore the fingerprints of Gary Gibson, Jr. In the letter, Gibson described an incident that followed a fight with "the dude" at a gas station. Gibson described how "the dude" wanted to fight and how, after he threw six big rocks at "the dude", he was still "talkin' shit", so Gibson expended his entire clip.

Based on the evidence, the Grand Jury concludes that Gibson fired shots at Brown as he entered the residence. Gibson was twenty years old at the time of the incident and was ineligible to have a license to carry firearms.

### RECOMMENDATION OF CHARGES

Based upon the evidence we have obtained and considered, which establishes a prima facie case, we, the members of the Third Dauphin County Investigating Grand Jury, recommend that the District Attorney or his designee, institute criminal proceedings against Gary Gibson and charge him with violating sections 901 (2 counts) (relating to criminal attempt to commit murder and robbery of a motor vehicle), 2702(a)(1) (relating to aggravated assault), 2707.1(a) (relating to discharge of a firearm into an occupational structure), 2705 (relating to recklessly endangering another person), and 6106 (relating to carrying a firearm without a license).