

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA  
CRIMINAL

2007 JAN 19 9 AM 10:16  
CLERK OF COURTS  
LANCASTER COUNTY PA

IN RE: :  
: :  
LANCASTER COUNTY INVESTIGATING : Investigation No.: CPJ #7, PAGE 53  
GRAND JURY II, 2005 : :

**ORDER**

AND NOW, this 10<sup>th</sup> day of January, 2007, the Court having examined the report of the Lancaster County Investigating Grand Jury II, 2005 dated December 14, 2006, and having examined the record<sup>1</sup> of the Investigating Grand Jury as required by 42 Pa.C.S.A. § 4552(b), the Court:

1. Finds that the report is based upon facts received in the course of an investigation authorized by the Investigating Grand Jury Act and is supported by a preponderance of the evidence<sup>2</sup>; and, accordingly,
2. Accepts the report<sup>3</sup>; and
3. Directs that the responses of Howard "Pete" Shaub and Richard Shellenberger made pursuant to the Court's authorization by Order dated December 19, 2006 be attached

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<sup>1</sup>The testimonial record is 17 volumes of transcripts consisting of over 3400 pages of testimony.

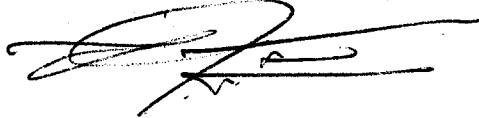
<sup>2</sup>Determinations of the credibility of witnesses who testified before the Grand Jury, that is--who is believable and who is not, is for the Grand Jury, not the Court. The Court's function is to examine the evidence the Grand Jury finds credible and determine whether it is sufficient to support the Grand Jury's findings by a preponderance of the evidence.

<sup>3</sup>The Grand Jury's report makes several recommendations representing the majority view of the Grand Jury that their findings of fact warrant the recommended action by the appropriate governmental body. The Court's acceptance of the report is not a judicial endorsement of the Grand Jury's recommendations as their wisdom is for resolution in the political not judicial arena.

to the report and be made a part thereof; and

4. Directs that the report together with the attached responses are hereby authorized to be published as a public record with the Court of Common Pleas of Lancaster County.

BY THE COURT:



LOUIS J. FARINA  
PRESIDENT JUDGE  
Grand Jury Supervising Judge

ATTEST:

