

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellee	:	
	:	
v.	:	
	:	
COREY MAXEY,	:	
	:	
Appellant	:	No. 2821 EDA 2014

Appeal from the Judgment of Sentence August 7, 2014
In the Court of Common Pleas of Philadelphia County
Criminal Division at No(s): CP-51-CR-15146-2013

BEFORE: BOWES, PANELLA , AND FITZGERALD, JJ.*

CONCURRING STATEMENT BY FITZGERALD, J.: **FILED JANUARY 05, 2016**

I agree with the learned majority that the evidence did not sustain Appellant’s conviction for terroristic threats. I write separately to state my view that under appropriate circumstances, physical gestures or other symbols may “convey” a threat to commit a crime of violence with the intent to terrorize another. **See** 18 Pa.C.S. § 2706(a)(1), (e). However, such circumstances were not present in this case. Thus, I concur.

* Former Justice specially assigned to the Superior Court.