

**IN THE SUPREME COURT OF PENNSYLVANIA  
WESTERN DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 1 WAL 2013
	:	
Respondent	:	
	:	
v.	:	Petition for Allowance of Appeal from the
	:	Order of the Superior Court
	:	
	:	
ERNEST SIMMONS,	:	
	:	
Petitioner	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 17th day of September, 2013, the Petition for Allowance of Appeal is **GRANTED**. The issue, as stated by petitioner, is:

Whether the evidence presented at the probation violation hearing sufficed to prove by a preponderance of the evidence the violation of probation, *viz*, the general condition of refraining from assaultive behavior, inasmuch as the threats were not communicated to the object, nor was any action taken to implement the threats.