

[J-150-2000]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	Nos. 58 E.D. Appeal Dkt. 1999
	:	
Appellee	:	Appeal from the Judgment of the Superior
	:	Court entered May 11, 1999, at No. 3921
	:	PHL 1996, affirming the Order of the Court
v.	:	of Common Pleas, Criminal Division of
	:	Philadelphia County entered on October
	:	29, 1996, at No. 0103 April Term 1996
RAUL TORRES,	:	
	:	
Appellant	:	ARGUED: October 18, 2000

CONCURRING OPINION

MR. JUSTICE NIGRO

DECIDED: February 21, 2001

I concur in the result reached by the majority. I write separately because the trial court's verdict of guilt in this case is clearly contrary to the evidence, or more specifically, the lack thereof. I fail to see how the trial court could find Appellant guilty of simple assault when the alleged victim, who was on parole for aggravated assault, inexplicably did not appear for trial. Additionally, the police officer's observations at the scene did not establish exactly what transpired between Appellant and the alleged victim, and the parties stipulated that Appellant had a reputation in the community for peacefulness and honesty. This conviction shocks my sense of justice.