

SUPERIOR COURT OF PENNSYLVANIA

Commonwealth v. Leo Ali McGraw

2025 Pa. Super. 194 · No. 1257 MDA 2024 · Decided September 4, 2025

SUMMARY

The Pennsylvania Superior Court affirmed Leo Ali McGraw’s judgment of sentence for terroristic threats. The court held that the evidence was sufficient to establish that McGraw intended to terrorize a police officer when he threatened to shoot the officer with the officer’s own gun. The court also held that a probation condition requiring compliance with mental-health treatment recommendations, including taking prescribed medications, was authorized and reasonably related to rehabilitation.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Bowes, J.; Stabile, J.; Stevens, P.J.E.
JURISDICTION	Pennsylvania Superior Court
DECIDED	September 4, 2025
DOCKET	1257 MDA 2024
DISPOSITION	affirmed
PROCEDURAL POSTURE	McGraw appealed from a judgment of sentence imposing three years of probation following his jury conviction for terroristic threats.
STANDARD OF REVIEW	The sufficiency of the evidence was reviewed by viewing all evidence admitted at trial in the light most favorable to the verdict winner and determining whether the evidence permitted the fact-finder to find every element beyond a reasonable doubt; the court did not reweigh evidence or substitute its judgment for the fact-finder's. The legality of the sentence was reviewed de novo with plenary scope.
PRECEDENTIAL VALUE	Published and precedential decision of the Superior Court of Pennsylvania
PARTIES	Leo Ali McGraw v. Commonwealth of Pennsylvania

TOPICS

- criminal procedure
- sentencing
- probation
- standard of review
- appellate procedure

PRACTICE AREAS

Pennsylvania criminal law

criminal procedure

sentencing and probation

mental-health treatment conditions

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to prove that McGraw communicated a threat to commit a crime of violence with the intent to terrorize another or with reckless disregard for the risk of causing terror.
2. Whether the trial court had statutory authority to condition probation on compliance with mental-health treatment recommendations, including taking prescribed medications.

HOLDINGS

1. The evidence was sufficient to sustain McGraw's conviction for terroristic threats because his repeated statements about shooting the officer with the officer's own gun, made after an initial struggle and period during which he had an opportunity to calm down, supported the required mens rea.
2. The probation condition requiring McGraw to comply with mental-health treatment recommendations, including taking prescribed medications, was statutorily authorized and therefore constituted a lawful sentence.

KEY QUOTATIONS

"For a defendant to be convicted of terroristic threats, the Commonwealth must prove that 1) the defendant made a threat to commit a crime of violence, and 2) the threat was communicated with the intent to terrorize another or with reckless disregard for the risk of causing terror." (2025 Pa. Super. 194, at 4)

"A trial court must attach conditions of probation "it deems necessary to ensure or assist the defendant in leading a law-abiding life."" (2025 Pa. Super. 194, at 8)

FACTUAL BACKGROUND

Police officers served McGraw with a warrant for involuntary mental-health commitment under section 302 of the Mental Health Procedures Act. During the encounter, McGraw struggled with Patrolman Murphy, struck him with the patrolman's flashlight, attempted to take his firearm, and later, after the situation had de-escalated, again grabbed at Murphy while repeatedly asking, "Do you want me to shoot you with your own gun?" A jury convicted McGraw of terroristic threats and acquitted him of disarming a law enforcement officer; the sentencing court imposed three years of probation with a condition requiring compliance with mental-health treatment recommendations and prescribed medications.

PROCEDURAL HISTORY

The Commonwealth charged McGraw with disarming a law enforcement officer and terroristic threats arising from an altercation during service of a mental-health commitment warrant. A jury convicted him of terroristic threats and acquitted him of disarming an officer. The Cumberland County Court of Common Pleas imposed three years of probation and required compliance with mental-health treatment recommendations, including prescribed medications. McGraw appealed, challenging the sufficiency of the evidence and the legality of the probation condition.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Beasley, 138 A.3d 39, 45-46 (Pa. Super. 2016)
- Commonwealth v. Demulter, 314 A.3d 934, 937-38 (Pa. Super. 2024)
- Commonwealth v. Strouse, 308 A.3d 879, 882-84 (Pa. Super. 2024)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/pennsylvania-superior-court-superior-court-of-pennsylvania/2025/commonwealth-v-leo-ali-mcgraw-ta5ibe6e>