

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
MATTHEW SNYDER	:	
	:	
Appellant	:	No. 1385 MDA 2025

Appeal from the Judgment of Sentence Entered September 25, 2025
In the Court of Common Pleas of Northumberland County
Criminal Division at No: CP-49-MD-0000379-2025

BEFORE: LAZARUS, P.J., STABILE, J., and BENDER, P.J.E.

MEMORANDUM BY STABILE, J.:

FILED: OCTOBER 26, 2026

Appellant, Matthew Snyder, appeals from his judgment of sentence of six months' probation for indirect criminal contempt¹ arising from his violation of a Protection From Abuse ("PFA") order. We affirm.

On May 9, 2025, Appellant was charged with strangulation, simple assault, aggravated assault, terroristic threats, and disorderly conduct stemming from an incident where Appellant allegedly assaulted his wife, Shelbie Snyder ("Shelbie"). On May 28, 2025, before Appellant's preliminary hearing, the Commonwealth amended Appellant's charges to include attempted homicide and three counts of strangulation. All charges were bound over at Appellant's preliminary hearing.

¹ 23 Pa.C.S.A. § 6114.

On May 21, 2025, the court issued a PFA order protecting Shelbie from Appellant, which included the parties' minor child as a protected party. PFA, 5/21/25, at 1. The PFA provided:

Except as provided in Paragraph 5² of this order, [Appellant] is prohibited from having ANY CONTACT with Plaintiff, or any other person protected under this order either directly or indirectly, at any location, including but not limited to any contact at Plaintiff's or other protected party's school, business, or place of employment.

Id. at 2. The PFA was entered against Appellant, by agreement, for a period of three (3) years. ***Id.*** at 4.

On August 20, 2025, Appellant was charged with indirect criminal contempt for violating the PFA order on August 16, 2025. On September 25, 2025, the court held a hearing on the contempt complaint.

Shelbie, the first witness during the hearing, testified that she has known Appellant for about eight years. N.T., 9/25/25, at 9. She stated that the following took place on August 16, 2025, while she was boating on the Susquehanna River:

It was raining that day[.] Most of us were under the Bimini Top trying to stay away from the rain and dry. All of a sudden we looked out and we saw my Jet Ski, and [Appellant] and another woman were on it. They were in close proximity and they slowly drove by all of us. They proceeded to go to the point, it is called Party Cove. We were in between where a rope swing was and Party Cove. We were about in the middle. He proceeded to go to the point of Party Cove. At that point we did not see them shortly

² Paragraph 5 pertained to custody arrangements concerning the parties' child and is not at issue in this case.

after. We stayed for about 20 to 30 minutes waiting out the rain. The rain did not stop, so we pulled our anchor and decided that we were going to go back in and go home. When we left we did drive by Party Cove to see if there was anybody that we knew there to see if maybe anybody messaged him or something and said that I was out on the river that day. We did not see [Appellant] and the woman on my Jet Ski and didn't see anybody that I know, so we left. On our way back to the marina I saw [Appellant] flying on the Jet Ski heading our direction, so I pulled out my phone and I took a video and him and the woman were smiling and he waved at us and our son said, "Hi, dad." They proceeded to pass us on the boat and then pulled off. Once we drove by them they proceeded to follow us into the marina. At that point as I got close to the marina I did call Stonington State Police and they stayed on the phone with me until I got out of the boat. At that point I went and got my vehicle and backed the trailer up into the water. [Appellant] and the woman were sitting out on the Jet Ski watching us. The water was swift that day, so another gentleman was helping us get the boat on the trailer and they continued to watch. Once we got the boat on I pulled [the] boat out of the water, stopped so I could put the straps on. At some point they left. I finished getting the boat situated. Once we left the marina, as we were leaving there is a spot that you can see all of the vehicles exiting and I could see [Appellant] and the woman sitting out on the water watching. And as soon as they saw us drove by, he took off. As we looped around to go over the bridge to head home, they were coming into the no wake zone as if they were going to be loading the Jet Ski.

N.T., 9/25/25, at 8-9. Shelby testified that Appellant was familiar with the boat that she was on, because the boat belonged to her mother, and Appellant and Shelby had gone boating on it before. **Id.** at 10. When asked whether Appellant noticed the boat the first time he rode by, Shelby answered, "Without a doubt. There is no way you could have missed it. There was direct eye contact with all parties." **Id.** The second encounter at the marina took place about forty-five minutes after the first encounter. **Id.** at 10-11. During the second encounter, Appellant was in close proximity to Shelby's boat when

he waved and smiled. **Id.** at 11 (“he was from me to those people in the first pews”). Shelbie found Appellant’s conduct “triggering” and “traumatizing” because of “knowing what he is capable of and what he has done to me in the past...” **Id.** at 12-13.

At the conclusion of the hearing, the court held that Appellant violated the PFA order and entered sentence. This appeal followed. Both Appellant and the trial court complied with Pa.R.A.P. 1925.

Appellant raises the following issues in this appeal:

1. Did the Northumberland County Court of Common Pleas abuse its discretion by finding the Appellant guilty of an indirect criminal contempt of a [PFA] order where the Commonwealth of Pennsylvania did not meet its burden and prove, beyond a reasonable doubt, that the Appellant acted volitionally and with wrongful intent?
2. Did the Northumberland County Court of Common Pleas abuse[] its discretion in failing to apply the holding in [**Commonwealth**] **v. Haigh**, 874 A.2d 1174 (Pa. Super. 2005)[,] and failing to find that if any contact was made between the parties, it was *de minimis* and cannot be prosecuted as an indirect criminal contempt of a [PFA] order.
3. Did the trial court abuse its discretion in convicting the Appellant of an indirect criminal contempt when the language of the [PFA] order at issue did not specifically prohibit his actions in a public setting, and was not clear, direct, specific, or definite about how Appellant was to act in a public place.

Appellant’s Brief at 4.

Appellant’s first argument challenges the sufficiency of the Commonwealth’s evidence on the elements of volitional acts and wrongful intent. The following standard governs our review:

When reviewing challenges to the sufficiency of the evidence, we evaluate the record in the light most favorable to the Commonwealth as verdict winner, giving the prosecution the benefit of all reasonable inferences to be drawn from the evidence. Evidence will be deemed sufficient to support the verdict when it establishes each material element of the crime charged and the commission thereof by the accused, beyond a reasonable doubt. However, the Commonwealth need not establish guilt to a mathematical certainty, and it may sustain its burden by means of wholly circumstantial evidence. In addition, this Court may not substitute its judgment for that of the factfinder, and where the record contains support for the convictions, they may not be disturbed. Lastly, we note that the finder of fact is free to believe some, all, or none of the evidence presented.

Commonwealth v. Smith, 146 A.3d 257, 261-262 (Pa. Super. 2016).

A charge of indirect criminal contempt “consists of a claim that a violation of an order or decree of court occurred outside the presence of the court. Where a PFA order is involved, an indirect criminal contempt charge is designed to seek punishment for violation of the protective order.”

Commonwealth v. Smith, 288 A.3d 126, 131 (Pa. Super. 2022). To establish indirect criminal contempt, the Commonwealth must prove that “1) the order was sufficiently clear to the contemnor as to leave no doubt of the conduct prohibited; 2) the contemnor had notice of the order; 3) the act must have been one prohibited by the order; and 4) the intent of the contemnor in committing the act must have been wrongful.” ***Id.*** Other decisions on this subject state that the violation must be “volitional.” ***Commonwealth v. Baker***, 722 A.2d 718, 721 (Pa. Super. 1998). Appellant contends that the evidence failed to demonstrate that his acts were volitional or with wrongful

intent. Construed in the light most favorable to the Commonwealth, the evidence refutes Appellant's argument.

The PFA order explicitly stated that "[Appellant] is prohibited from having ANY CONTACT with [Shelbie], or any other person protected under this order [such as the parties' minor child] either directly or indirectly, at any location, including but not limited to any contact at [Shelbie's] or other protected party's school, business, or place of employment." PFA Order at ¶ 4. Despite this order, Appellant *twice* approached the boat in which Shelbie and the parties' minor child were sitting. During the first encounter, Appellant slowly motored his jet ski close by the boat and made eye contact with Shelbie. Forty-five minutes later, during the second encounter, Appellant motored his jet ski close by the boat and waved and smiled at Shelbie and the parties' son. Appellant then sat watching while Shelbie docked her boat at the marina. This constituted volitional "contact" with Shelbie and the minor child with wrongful intent to violate the PFA order. The fact that there were two encounters within forty-five minutes, strongly supports a finding that Appellant intended to scare and/or harass Shelbie in clear violation of the PFA order.

Next, citing ***Haigh***, Appellant contends that he did not violate the PFA order because the encounters with Shelbie were "*de minimis*." We conclude that ***Haigh*** is distinguishable.

The defendant in ***Haigh*** entered into a PFA order prohibiting him from having any contact with his wife. Appellant was charged with violating this

order by attempting to contact his wife from prison by letter and phone after their son wrote to him that his wife had had a mass removed from her breast. The letter did not state whether the mass was malignant or benign. The defendant was brought into the courtroom in shackles for the violation hearing. He shuffled over to his wife in shackles, leaned over, and asked, "Are you okay on top?" A deputy sheriff pulled the defendant away. Neither the deputy sheriff nor the defendant's wife testified that the defendant said or did anything threatening. The defendant's wife testified that she did not feel threatened by his words and actions. We held that the defendant did not act with wrongful intent, because he did not make any threatening movements or gestures, and because his questions arose from his concern for the health of his wife of thirty-one years, even though they were estranged. ***Id.***, 874 A.2d at 1177.

In contrast, Appellant's conduct in the present case satisfied the element of wrongful intent. The fact that Appellant *twice* motored slowly by Shelbie's boat, smiling and waving, within forty-five minutes indicates that he intended to menace and intimidate her. In this he succeeded. Unlike the defendant's wife in ***Haigh***, Shelbie felt terrorized. N.T., 9/25/25, at 12-13 (Appellant's conduct was "triggering" and "traumatizing"). The defendant's conduct in ***Haigh*** was innocuous; Appellant's conduct was not.

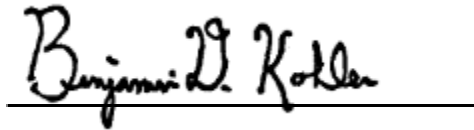
Finally, Appellant argues that the PFA order did not specifically prohibit his actions in a public setting, and was not clear, direct, specific, or definite

about how Appellant was to act in a public place. The PFA order clearly prohibited “any contact...directly or indirectly, at any location,” language that clearly proscribed contact in a public place such as the river or the marina. The evidence, viewed in the light most favorable to the Commonwealth, demonstrates that Appellant violated the PFA order.

Accordingly, we affirm Appellant’s judgment of sentence for indirect criminal contempt.

Judgment of sentence affirmed.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is written over a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 10/26/2026