NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

IRINA HOTT	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
JOSEPH ZOLNA	:	
Appellant	:	No. 387 WDA 2026

Appeal from the Order Dated February 18, 2026
In the Court of Common Pleas of Blair County Civil Division at No(s): 2026 GN 371

BEFORE: DUBOW, J., KUNSELMAN, J., and BECK, J.

MEMORANDUM BY DUBOW, J.: **FILED: NOVEMBER 25, 2026**

Joseph Zolna ("Appellant") appeals from the February 18, 2026 order entered in the Blair County Court of Common Pleas that granted the petition for protection from abuse ("PFA") that Irina Hott filed against Appellant pursuant to the PFA Act, 23 Pa.C.S. §§ 6101-6122. Appellant challenges the sufficiency of the evidence and alleges evidentiary errors. Upon careful review, we affirm.

The relevant factual and procedural history is as follows. On February 9, 2026, Ms. Hott filed a PFA petition against Appellant. Ms. Hott and Appellant were former intimate partners who lived together for approximately five years.

The PFA court held a hearing on February 18, 2026. Ms. Hott appeared with counsel, testified on her own behalf, and presented testimony from Jim Houch, a work colleague. Appellant appeared *pro se* and testified on his own behalf.

Relevant to this appeal, Ms. Hott testified that she ended her romantic relationship with Appellant in 2022 after Appellant "body slammed" her during an argument. N.T. Hr'g, 2/18/26, at 4. Ms. Hott explained that after she broke up with Appellant, he repeatedly attempted to contact her even though she informed Appellant she did not want contact and blocked him from several forms of communication. Specifically, Ms. Hott testified that Appellant texted her in December 2023 regarding mail that he had received addressed to her, and she "first told him this is my official notice to you to cease and desist any contact[.]" ***Id.*** at 8. Ms. Hott explained that Appellant contacted her two more times after that text. Approximately a year later, in February 2025, Appellant sent Ms. Hott a lengthy text declaring his love for her and urging her to go to therapy. Ms. Hott explained that Appellant sent her six additional texts asking to have contact with her and she continued to refuse. Ms. Holt testified that she blocked Appellant's number after informing him that she was going to do so. Ms. Hott testified that two days later, Appellant began sending her messages via Facebook messenger. Two days after Ms. Hott blocked Appellant from sending messages on Facebook, he began to send her emails. Ms. Hott explained one email that had the subject line, "burying your emotions in someone else's bed will never help you." ***Id.*** at 12-13. She testified that she had just started dating someone, which made her suspect that Appellant was watching her. Ms. Hott further testified that, around the same time, Appellant also began "texting" her through "WhatsApp" and asked her "you still single?" ***Id.*** at 13. She did not respond to Appellant and blocked him

from WhatsApp. Ms. Hott informed the court that in April 2025 and July 2025, Appellant forwarded a stroke survivor survey to her email and included his cell phone number. In response, Ms. Hott contacted the organization to have him removed from the mailing list and again emailed Appellant a formal "cease and desist" notice. ***Id.*** at 16. Appellant responded by sending her a fabricated "delivery failure" message from his own email address. ***Id.*** at 16-17.

Ms. Hott testified to several in person encounters with Mr. Hott. In March 2025, she was dining at the Stone Cellar restaurant, and Mr. Hott appeared. In October 2025, Ms. Hott was shopping at Martin's grocery store and when she exited the store, Appellant's car was parked bumper-to-bumper facing Ms. Hott's car and he began yelling at her. Ms. Hott explained that when she got into her car and left the parking lot, Appellant followed her until she slowed down to 15 miles per hour, prompting him to pass her. Ms. Hott testified to another incident on Christmas Eve morning when she was driving and noticed Appellant following her. Ms. Hott explained, "I constantly notice[d] him following me around and driving behind me in Altoona [and it] no more could be brushed off as a coincidence, and I don't care to let him know where I am going . . . so I started taking different routes from my house leaving." ***Id.*** at 21.

Ms. Hott explained that she worked as an engineer at the Altoona Water Authority, and, in July 2025, Appellant contacted her employer claiming that she had turned his water off.

Finally, Ms. Hott testified that the incident which prompted her to file a PFA petition occurred in January 2026 when she was in Pittsburgh for the day and noticed Appellant following her. She testified that she was scared and contacted the police non-emergency line the next day. During her testimony, Ms. Hott entered into evidence exhibits 1 through 7, which were copies of messages that Appellant sent her through various platforms.

Jim Houch testified that he is the building supervisor at the Altoona Water Authority and confirmed that he received a phone call from Appellant in the summer of 2025 claiming that Ms. Hott, who worked in a different department, terminated Appellant's water service. Mr. Houch explained that, to the contrary, Altoona Water Authority cut off Appellant's water service for non-payment. Finally, he testified that terminating a customer's water service without cause would be a fireable offense.

Appellant testified and denied physically abusing Ms. Hott, denied parking bumper-to-bumper with her at the grocery store and subsequently following her, and explained that he forwarded the "stroke survey" emails to her to be helpful. Appellant further testified that he and Ms. Hott had been dating on and off since their split in 2022, which explained some of his attempts to contact her. He testified that he helped Ms. Hott care for a cat that she was unable to keep, which was another reason for contacting her. Finally, Appellant denied following Ms. Hott in Pittsburgh and explained that he was in Pittsburgh for a work conference that day. He testified that he did not notice Ms. Hott's car until they were both pulling out of the Wendy's

parking lot and it was coincidental that both of them were in the same parking lot at the same time.

At the end of the hearing, the court granted the PFA petition and issued a final PFA order that, *inter alia*, prohibited Appellant from having contact with Ms. Hott for a period of six months. On March 4, 2026, the PFA court denied Appellant's motion for reconsideration.

Appellant timely appealed. The PFA court did not order Appellant to file a Pa.R.A.P 1925(b) statement, and Appellant did not do so. The PFA court, in a letter in lieu of a Rule 1925(a) opinion, directs us to its reasoning on the record at the February 18, 2026 hearing and its rationale in its March 4, 2026 order denying reconsideration.

Appellant raises the following issues for our review:

> 1. Whether or not the trial court erred by finding that there was sufficient evidence to support the granting of the petition for [PFA] and entry of a final [PFA] order?
>
> 2. Whether or not the trial court erred by suppressing evidence of testimony from [A]ppellant's co-worker concerning a trip to Pittsburgh that would show that [A]ppellant was not following the victim back from Pittsburgh?

Appellant's Br. at 4 (some capitalization omitted).

In a PFA action, this Court reviews the PFA court's "legal conclusions for an error of law or an abuse of discretion." ***Custer v. Cochran***, 933 A.2d 1050, 1053-54 (Pa. Super. 2007) (*en banc*). A PFA court does not abuse its discretion for a mere error of judgment; rather, we will find an abuse of discretion "where the judgment is manifestly unreasonable or where the law

is not applied or where the record shows that the action is a result of partiality, prejudice, bias[,] or ill will." ***Mescanti v. Mescanti***, 956 A.2d 1017, 1019 (Pa. Super. 2008) (citation omitted). Moreover, on appeal, this Court will defer "to the credibility determinations of the trial court as to witnesses who appeared before it." ***Karch v. Karch***, 885 A.2d 535, 537 (Pa. Super. 2005) (citation omitted). It is well-settled that "the trier of fact while passing upon the credibility of witnesses and the weight of the evidence produced, is free to believe all, part or none of the evidence." ***Commonwealth v. Walsh***, 36 A.3d 613, 619 (Pa. Super. 2012) (citation omitted).

In considering the sufficiency of the evidence supporting a grant of PFA relief, "we review the evidence of record in the light most favorable to, and grant all reasonable inferences to, the party who prevailed before the PFA court." ***Kaur v. Singh***, 259 A.3d 505, 509 (Pa. Super. 2021). The petitioner need only establish his case by a preponderance of the evidence to be entitled to relief. ***Custer***, 933 A.2d at 1058; ***see also Raker v. Raker***, 847 A.2d 720, 724 (Pa. Super. 2004) (defining preponderance as "the greater weight of the evidence, *i.e.*, to tip a scale slightly"). Indeed, "[t]he petitioner's testimony is sufficient if it is believed by the trial court." ***Custer***, 933 A.2d at 1058.

"Abuse" is defined, in relevant part, as "[t]he occurrence of one or more of the following acts" between former intimate partners, including "[p]lacing another in reasonable fear of imminent serious bodily injury" or "[k]nowingly engaging in a course of conduct or repeatedly committing acts toward another

person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury." 23 Pa.C.S. § 6102(a)(2), (5).

"In the context of a PFA case, the court's objective is to determine whether the victim is in reasonable fear of bodily injury." ***K.B. v. Tinsley***, 208 A.3d 123, 128 (Pa. Super. 2019). The intent of the abuser is irrelevant to this determination. ***Id.*** "Actual physical harm is not a prerequisite for entry of a PFA order; the victim need only be in reasonable fear of [harm]." ***Thompson v. Thompson***, 963 A.2d 474, 477 (Pa. Super. 2008).

In his first issue, Appellant avers that there was insufficient evidence for the PFA court to grant Ms. Hott's PFA petition and issue a final PFA order. Appellant's Br. at 10. Appellant argues that Ms. Hott failed to demonstrate by a preponderance of the evidence that he knowingly engaged in a course of conduct that placed her in reasonable fear of bodily injury. ***Id.*** at 12. Appellant contends that he did not travel to Pittsburgh with the intent of following Ms. Hott but, rather, he was on a business trip. ***Id.*** at 13. Appellant argues that the other contacts "were not of such [a] nature that abusive conduct can be assumed or found" and that he did not have "malicious intent." ***Id.*** at 13-14. Appellant's arguments are devoid of merit.

The PFA court found that Ms. Hott had established her case by a preponderance of the evidence and placed weight on Exhibits 1 through 7, which demonstrated "a pattern of [Appellant] not being able to not have contact with [Ms. Hott]" even after Ms. Hott's clear and repeated requests for

no contact. N.T. at 60. The PFA court credited Appellant's testimony that he was in Pittsburgh for work but concluded that the events leading up to the "coincidental" Pittsburgh incident were enough to issue a PFA order. ***Id.*** The PFA court found Ms. Hott's testimony to be more credible than Appellant's and concluded that Appellant's actions "scared" Ms. Hott. ***Id.*** at 63.

Reviewing the evidence of record in the light most favorable to and granting all reasonable inferences to Ms. Hott, we find that there was sufficient evidence of abuse as defined in the PFA Act. The PFA court credited Ms. Hott's testimony and evidence regarding Appellant's repeated attempts to contact her through text messages, Facebook messenger, email, and WhatsApp, even though Ms. Hott blocked him and repeatedly requested no contact. The court further credited Ms. Hott's testimony that Appellant—who had previously physically abused her—repeatedly followed her around Altoona, prompting her to take different routes from her home. Moreover, the court credited Mr. Hough's testimony that Appellant called her place of employment in an attempt to get her fired. In totality, this supports the PFA court's conclusion that Appellant engaged in a course of conduct that placed Ms. Hott in reasonable fear of bodily injury. As stated above, the PFA Act focuses on the reasonableness of the victim's fear rather than the intent of the abuser, and, therefore, Appellant's arguments that he did not intend to scare Ms. Hott provide no basis for relief. ***See K.B.***, 208 A.3d at 128. The PFA court did not commit an error of law or abuse its discretion in granting the PFA order.

In his second issue, Appellant avers that the PFA court erred when it denied Appellant's request to call his co-worker as a witness during the hearing. Appellant's Br. at 14. Appellant failed to object and preserve this issue during the hearing, and, therefore, it is waived. ***See*** Pa.R.E. 103; ***Commonwealth v. Spone***, 305 A.3d 602, 612 (Pa. Super. 2023) (explaining "a party must make a timely and specific objection at trial in order to preserve an issue for appellate review").

Order affirmed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

DATE: 11/25/2026