NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

IMANI MISTY	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
DETOMAS HARRIS	:	
Appellant	:	No. 2004 EDA 2025

Appeal from the Order Entered July 10, 2025
In the Court of Common Pleas of Philadelphia County Domestic Relations
at No(s): 2503V7193

BEFORE: PANELLA, P.J.E., NICHOLS, J., and KING, J.

MEMORANDUM BY NICHOLS, J.: **FILED NOVEMBER 10, 2026**

Appellant DeTomas Harris, proceeding *pro se*, appeals from a final order entered against him pursuant to a Protection From Abuse[1] (PFA) petition filed by Appellee Imani Misty. Appellant claims that the trial court erred in admitting video evidence, its credibility determinations, finding that Appellee was in "reasonable fear" of Appellant, and abused its discretion in imposing a three-year term to the PFA final order. We affirm.

The trial court provided the following relevant facts and procedural history:

> [Appellee] and [Appellant] were involved in a romantic relationship for approximately a year and a half [until] March of 2025. The parties' relationship was on and off and also contentious at times.

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[1] ***See*** 23 Pa.C.S. §§ 6101-6122.

On or about May 3, 2024, the parties argued while out having drinks and [Appellee] decided to go home to her apartment in Philadelphia. [Appellant], rather than going home himself, appeared at [Appellee's] apartment, unannounced and uninvited – which [Appellee] could see via her pet camera. [Appellee] pretended that she was not home and sent [Appellant] a text message telling him that she was not there. [Appellant] insisted that he had left his keys in [Appellee's] apartment and despite [Appellee] telling him she did not have his keys and reminding him that he did not need keys to get into his house, [Appellant] remained outside [Appellee's] apartment. [Appellant] continued to knock on [Appellee's] door for over an hour; at one point [Appellant] began trying [t]o use [Appellee's] security code to get into the apartment. Even when told by [Appellee that] she did not want him at her residence, [Appellant] insisted he would stay in the stairwell of the building until [Appellee] returned home.

In early December of 2024, [Appellee] tried to end her relationship with [Appellant]. The parties exchanged text messages until [Appellee] told [Appellant] she no longer wanted to hear from him. Afterwards, [Appellant] continued to contact [Appellee] via lengthy text messages, emails, and letters. [Appellee] largely did not respond, or she responded to [Appellant] with short non-engaging answers. [Appellee] also reiterated to [Appellant] that she no longer wanted to speak with him and that she no longer wanted to be in a relationship with him.

In February of 2025, the parties attempted to rekindle their relationship and even discussed trying to have a child together. On February 21, 2025, [Appellant] picked [Appellee] up from her apartment in Philadelphia and drove her to his house in Deptford, New Jersey where [Appellee] stayed the night.

On February 22, 2025, in celebration of [Appellee's] birthday, the parties went shopping and then to a restaurant near [Appellant's] residence. At dinner, an argument ensued, and the argument continued as they left the restaurant and entered [Appellant's] vehicle. When it became clear to [Appellant] that [Appellee] was going to get out of the car and take a cab home to Philadelphia, [Appellant] sped out of the parking lot and drove toward his residence. During the drive, [Appellee] pulled out her phone, which [Appellant] deliberately removed from her possession. [Appellee] attempted to regain possession of her phone from [Appellant], but was unsuccessful, even when the phone fell out

of [Appellant's] grasp and onto the floor on the driver's side of his vehicle.

When the parties arrived at [Appellant's] house, [Appellee] continued to ask for the return of her phone. The dispute continued, and [Appellant's] dogs appeared to become agitated. One of the dogs, who was described as a guard dog, became aggressive with [Appellee], resulting in [Appellant] pulling the dog away by the collar and removing the dog from the room. [Appellee] continued to attempt to regain possession of her phone from [Appellant], but she was unsuccessful in doing so.

[Appellee], under a significant amount of distress from the situation, had what she described as a "panic attack," which caused her to faint. [Appellant] told [Appellee] he was going to call 9-1-1 to get her assistance, but [Appellee] stopped him, stating that she did not want [Appellant] to run into trouble with the police for taking her phone and preventing her from leaving his house. Finally, [Appellant] returned [Appellee's] phone, but she remained in distress. Despite telling [Appellant] not to touch her, [Appellant] continued to touch and grab [Appellee], even going so far as to pin her down while she struggled to free herself.

After [Appellee] told [Appellant] she was going to call a ride share service in order to leave [Appellant's] house, she attempted to exit the house via the front door. However, [Appellant] pulled her hand from the door and began pushing her away from the door, in an effort to physically prevent her from leaving. [Appellee] began pushing back and continued her attempt to open the door. Finding the front door blocked, [Appellee] ran to the back door of the house. Upon reaching it, she placed both hands on the handle, but before she could open the door, [Appellant] pulled her off the door hard enough for the door handle to break off.

[Appellee] threatened to start screaming for help if [Appellant] did not permit her to leave the house. [Appellant] then grabbed [Appellee] by the hair and pulled her back, throwing her to the ground before climbing on top of her. In that moment, [Appellee] became concerned that [Appellant] was going to hit her, and she believed that she would not be permitted to leave the house that night. [Appellant] became even more upset and started yelling. [Appellee] attempted to calm [Appellant] down, bringing him into a bathroom, where he proceeded to punch a hole in a cabinet.

Eventually, the incident [calmed down and Appellee] decided to remain in [Appellant's] house overnight, due to the late hour and

> her physical exhaustion. On the morning of February 23, 2025, [Appellant] drove [Appellee] back to Philadelphia. That same day, [Appellant] sent [Appellee] text messages apologizing for the incident; [Appellee] did not immediately respond.
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> On February 24, 2025, [Appellee] sent [Appellant] a message expressing that she was upset and made it clear to [Appellant] that she did not see a future to their relationship. On February 25, 2025, [Appellant] appeared uninvited and unannounced at [Appellant's] apartment in Philadelphia.
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> [Appellee] reached out to [Appellant] one more time on March 10, 2025 to let [Appellant] know that she was not pregnant. The parties continued to communicate over the course of the next day, speaking about the events of February 22, 2025 and their relationship.
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> Eventually, [Appellee] made her intent to report the incident known to [Appellant]. On March 13, 2025, [Appellee] filed the instant PFA petition against [Appellant]. Following an *ex parte* hearing on the same day as her filing, [Appellee] was granted a temporary *ex parte* protection order[.]

Trial Ct. Op., 11/13/25, at 1-5. The trial court held hearings on Appellee's PFA petition on April 28, 2025 and July 10, 2025, and entered a three-year no-contact final PFA order on July 10, 2025. Appellant filed for reconsideration before filing a timely notice of appeal. The trial court ultimately did not grant reconsideration. Both Appellant and the trial court complied with Pa.R.A.P. 1925.

On appeal, Appellant raises the following claims for our review:

1. Did the trial court commit reversible error by admitting secret video recordings made in Appellant's private bedroom in violation of New Jersey's Wiretap Act, and by then claiming any error was "harmless" while simultaneously using the recordings as the basis for a key factual finding of abuse?
2. Did the trial court violate Appellant's due process rights by abandoning judicial neutrality, as evidenced by its application

of a biased double standard for evidentiary relevance, its disregard of objective evidence that impeached [Appellee's] credibility, and its inclusion of pejorative *ad hominem* attacks against Appellant in its judicial opinion?

3. Did the trial court err as a matter of law by finding the evidence legally sufficient to meet the objective "reasonable fear" standard under the PFA Act, where [Appellee's] undisputed post-incident conduct—including pursuing Appellant, consoling him, voluntarily remaining overnight, and later initiating contact—was objectively inconsistent with such fear?

4. Did the trial court abuse its discretion by imposing a maximum three-year PFA order that served as a punitive measure rather than a remedial one, where the record showed Appellant had no history of violence or threats, perfectly complied with a prior voluntary no-contact agreement and the temporary order, and demonstrating no ongoing threat?

Appellant's Brief at 9-10.

Admissibility of Video Recordings

In his first claim, Appellant argues that the trial court erred in admitting Appellee's video recordings because he did not consent to be recorded nor did his later receipt of the video recordings constitute consent and, further, the recordings were of Appellant's bedroom in which he had a heightened expectation of privacy under the New Jersey wiretap statute. ***See id.*** at 26-29.

Before addressing the merits of this issue, we review whether Appellant has preserved it for appeal, as "[i]ssues not raised in the trial court are waived and cannot be raised for the first time on appeal." Pa.R.A.P. 302(a); ***see also*** Pa.R.E. 103(a) (requiring a "timely objection" to preserve for appeal a claim of error regarding an evidentiary ruling). To challenge an evidentiary ruling,

a party must first raise a timely, contemporaneous objection before the trial court, and failure to do so results in waiver of the claim. ***See Commonwealth v. Pacheco***, 227 A.3d 358, 373 (Pa. Super. 2020).

Here, as noted by the trial court and reflected in the record, Appellant did not object to the admission of Appellee's video recording evidence at trial. ***See*** Trial Ct. Op., 11/13/25, at 13; N.T., 7/10/25, at 62-80. Nor does Appellant's brief direct this Court to where in the record he lodged such an objection. Because Appellant has failed to establish that he objected to Appellee's video evidence before the trial court and as it is not this Court's role to "comb through the record" to find items to support a claim, we conclude that Appellant's first claim is not preserved for appeal and is, therefore, waived. ***See*** Pa.R.A.P. 302(a); Pa.R.E. 103(a); ***see also Pacheco***, 227 A.3d at 373; ***Irwin Union Nat'l Bank & Trust Co. v. Famous***, 4 A.3d 1099, 1103 (Pa. Super. 2010) (noting that "[i]t is not this Court's responsibility to comb through the record seeking the factual underpinnings of [a] claim" (citation omitted)); ***Wilkins v. Marsico***, 903 A.2d 1281, 1284-85 (Pa. Super. 2006) (noting that, "[a]lthough this Court is willing to liberally construe materials filed by a *pro se* litigant, *pro se* status confers no special benefit upon the appellant. To the contrary, any person choosing to represent himself in a legal proceeding must, to a reasonable extent, assume that his lack of expertise and legal training will be his undoing" (citation omitted)).

Due Process

In his due process claim, Appellant argues that the trial court applied inconsistent standards, improperly limited his cross-examination of Appellee, disregarded impeachment evidence, and demonstrated bias against Appellant. ***See*** Appellant's Brief at 56. In terms of evidentiary rulings, Appellant identifies numerous instances of 'contradictions' in Appellee's own testimony as well as between the parties' versions of events. ***See id.*** at 31-35, 37-40. For example, Appellant characterizes Appellee's testimony as contradictory where she stated that she was afraid of Appellant because he was forcing himself into her life but "also testified that[,] during this same period, she was actively attempting to conceive a child with him." ***Id.*** at 31 (citing N.T., 7/10/25, at 37). In another example, Appellant states that Appellee testified that "Appellant yanked her by the hair off the door with such force that the door handle came off" but that this was "impossible, because she would have a significant injury" if that had occurred. ***Id.*** at 32 (citing N.T., 4/28/25, at 7; N.T., 7/10/25, at 59, 100). In a third example, Appellant characterizes Appellee's testimony that she suffered a panic attack as contradicted by evidence that Appellant had "left the house entirely, leaving Appellee alone and unrestrained inside for a period of time while he was outside working on his car." ***Id.*** at 34 (citing N.T., 7/10/25, at 57, 98; Ex. R-6).

Appellant also argues that the trial court lacked a proper evidentiary basis to find that "Appellant pinned [Appellee] down while she struggled to free herself" because her video recordings "were largely just audio and contained very little usual visual imagery." ***Id.*** at 35-36 (citing Trial Ct. Op.,

11/13/25, at 4, 18. Appellant further contends that the trial court erred in finding that Appellant took Appellee's "phone to withhold access" because, "while Appellant did temporarily take Appellee's phone during the car ride[,] . . . he returned it at her request after the alleged panic attack." ***Id.*** at 37-38 (citing N.T. 7/10/25, at 57, 97; Exs. P-6, P-7).

Appellant argues the trial court applied a "double standard" when it found that he had "engaged in a pattern of unwanted contact," based on Appellant failing "'to respect [Appellee's] decision to end the relationship," as evidenced by his "'continual contact' [with Appellee] during both the pre- and post-incident periods." ***Id.*** at 41 (citing Trial Ct. Op., 11/13/25, at 23, 26). For example, Appellant argues that he proffered "the full context of text messages, photos, and call logs" and characterized this evidence as showing that "the communication was mutual, reciprocal, and often initiated by Appellee." ***Id.*** at 41-42. Appellant contends that the trial court erred in finding "that this evidence 'did not bear much weight in its decision' and was unrelated to the 'most substantial factual issue.'" ***Id.*** at 42 (citing Trial Ct. Op., 11/13/25, at 16). Appellant also contends that the trial court failed to direct Appellee to answer Appellant's questions on cross examination when Appellee became "evasive and non-responsive," instead stating that Appellant had failed to "ask a relevant question." ***Id.*** at 44-45 (citing N.T., 7/10/25, at 79-83).

We review final PFA orders to determine if the trial court committed an error of law or abuse of discretion. ***See E.K. v. J.R.A.***, 237 A.3d 509, 519 (Pa. Super. 2020)

> The PFA Act does not seek to determine criminal culpability. A petitioner is not required to establish abuse occurred beyond a reasonable doubt, but only to establish it by a preponderance of the evidence. A preponderance of the evidence standard is defined as the greater weight of the evidence, *i.e.*, enough to tip a scale slightly.
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> When a claim is presented on appeal that the evidence was not sufficient to support an order of protection of abuse, we review the evidence in the light most favorable to the petitioner and[,] granting her the benefit of all reasonable inferences, determine whether the evidence was sufficient to sustain the trial court's conclusion by a preponderance of the evidence. This Court defers to the credibility determinations of the trial court as to witnesses who appeared before it.
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> A PFA petitioner's testimony alone, if believed by the trial court, may constitute sufficient evidence of abuse.

E.K., 237 A.3d at 519, 523 (citations omitted and some formatting altered). We recognize that the weight "to be accorded to [a witness'] testimony is within the exclusive province of the trial court as the fact finder." ***S.G. v. R.G.***, 233 A.3d 903, 907 (Pa. Super. 2020) (citations omitted).

Here, Appellant disputes the weight assigned to the evidence by the trial court, including credibility determinations, and proffers his judgments in place of that of the trial court. For example, Appellant characterized Appellee's testimony as conveying that "Appellant yanked her by the hair off the door with such force that the door handle came off" and argued that the testimony

was "impossible, because she would have a significant injury" if that had occurred." Appellant's Brief at 32.

At the places in the record cited by Appellant for this interaction, Appellee testified as follows:

> We were arguing. I was trying to get my phone back. It became physical. I tried to leave the home with him just giving him my phone and just trying to leave, and he did not allow me to. Him and his dog then became very aggressive towards me, and he ended up pulling my hair when I was trying to escape from his backyard door and the handle then broke. That's how much pressure he was using to take my hands off the handle, and he pulled my hair and shoved me to the ground and started raging out and that's why I'm here.

N.T., 4/28/25, at 7.

> I go – I go to the front door to open it, not thinking he's gonna stop me and he yanks my hand off the front door and I turn around . . . . So I turn around and I start getting, I start pushing him back and trying to leave, and he will lock the door and he's like pushing me back. . . . I started running to the back and I kid you not, this man started running after me, so I wouldn't escape his home.
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> I go to the back door and that's when I put both my hands on the door 'cause I knew he was gonna yank me off of it, and that's when the door handle broke. When I realized he was not letting out or that he was not going to let me go, I turn around and I told him, if you don't let me out of this apartment, I'm gonna start screaming for help.
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> The next thing I know, he grabs me by my hair because apparently he didn't like that, that I said that, he grabs me by my hair throws me to the ground and gets on top of me. He gets on top of me and . . . at that moment, I just gave up. I was like, I'm not gonna make it out of this house tonight or right now, he's gonna strike me in such a way that like I just was ready for whatever was coming.

N.T., 7/10/25, at 58-60.

The record reflects that Appellee testified that the door handle came off when Appellant tried to take Appellee's hands off the handle and that Appellant pulled Appellee's hair after he yanked her hands off of the handle. ***See*** N.T., 4/28/25, at 7; N.T., 7/10/25, at 58-60. Rather than illustrating that Appellee's narrative changed and that she was therefore not credible, the record comfortably supports the trial court's crediting of Appellee's version of events. Accordingly, after our review of the record, we find no merit to this or any of Appellant's other arguments in support of his due process claim. ***See E.K.***, 237 A.3d at 519, 523; ***S.G.***, 233 A.3d at 907.[2]

Abuse – 'Reasonable Fear'

In challenging the trial court's finding of "abuse," Appellant contends that Appellee's conduct before and after the incident of February 22-23, 2025 was inconsistent with her having a "reasonable fear of imminent serious bodily injury." ***See*** Appellant's Brief at 56-62. Specifically, Appellant claims that Appellee's 'reasonable fear' must be demonstrated by conduct consistent with "what a reasonable person experiencing genuine fear would do." ***Id.*** at 57. Purporting to cite to ***Fonner v. Fonner***, 731 A.2d 160, 163 (Pa. Super. 1999), Appellant argues that the trial court "erred as a matter of law" when it

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[2] Appellant also argues that the trial court erred in crediting Appellee's testimony that she suffered a panic attack without "expert testimony to establish a causal link between an event and a specific medical condition." Appellant's Brief at 36. Because Appellant fails to identify where in the record he raised an objection to this testimony, we find this argument waived. ***See*** Pa.R.A.P. 302(a); ***see also*** Pa.R.E. 103(a); ***Pacheco***, 227 A.3d at 373.

"credit[ed Appellee's] subjective explanation that she was 'so physically exhausted that she agreed to stay overnight'" because the 'reasonable fear' "standard is objective, not subjective." ***Id.*** at 56-57 (citing Trial Ct. Op., 11/13/25, at 22). Because Appellee proactively engaged with Appellant "in the days leading up to" the events of February 22-23, 2025, Appellant contends that "Appellee did not fear [him]." ***Id.*** at 59. Rather, in Appellant's view, the evidence "supports an inference that the PFA petition was filed in retaliation for [Appellee's] grievances, not out of reasonable fear." ***Id.*** at 52.

Appellant claims that the most obvious example that Appellee did not fear "imminent serious bodily injury" was that she failed to use a "clear opportunity to escape" when Appellant temporarily left his house during the incident to attend to his vehicle. ***Id.*** at 62. Rather, Appellant finds that Appellee's conduct reflected that she "felt safe enough to remain, to sleep beside [him], to accept assistance, and to later voluntarily re-engage in communication" and, further, Appellant provides an itemized list of what he would have done differently that evening had he been Appellee. ***Id.*** at 62-63. Appellant argues he did not 'abuse' Appellee because she voluntarily entered his house on the evening of February 22, 2025, the incident was "the only time Appellant was ever physical during their entire relationship," and Appellee did not file her PFA petition until three weeks after the incident. ***Id.*** at 64-65.

The PFA Act defines 'abuse,' in relevant part, as "acts between . . . sexual or intimate partners[,]" that place the petitioner "in reasonable fear of

imminent serious bodily injury." 23 Pa.C.S. § 6102(a)(2). This Court has recognized that the "primary goal" of the PFA Act is to prevent "physical and sexual abuse" and that a trial court's objective in PFA proceedings "is to determine whether the victim is in reasonable fear of imminent serious bodily injury." ***E.K.***, 237 A.3d at 519 (citations and quotation marks omitted).

Preliminarily, we note that Appellant references ***Fonner*** for the proposition that whether a PFA petitioner had a reasonable fear of serious bodily injury "is an objective standard—the petitioner's subjective feelings are insufficient; the fear must be one that a reasonable person in the same circumstances would experience." ***See*** Appellant's Brief at 56 (purporting to cite ***Fonner***, 731 A.2d at 163). ***Fonner***, however, does not support this proposition. The closest that ***Fonner*** comes to supporting this proposition is where it states that "the victim's fear of serious bodily injury must simply be reasonable" in the view of the trial court and the victim need not establish "actual physical violence." ***Fonner***, 731 A.2d at 163; ***see also*** Pa.R.A.P. 2119(a) (requiring that argument in appellant's brief cite to pertinent authority).

Here, Appellant's arguments both mischaracterize precedential authority and attempt to appropriate the trial court's authority to weigh evidence and determine credibility. After our review of the record, we conclude that the trial court was comfortably within its discretion to credit Appellee's testimony about being in "reasonable fear of imminent serious bodily injury" as a result of Appellant's conduct – conduct that Appellant

concedes included him 'getting physical' with Appellee – to conclude that Appellant had abused Appellee. ***See*** 23 Pa.C.S. § 6102(a)(2); ***see also E.K.***, 237 A.3d at 519, 523; ***S.G.***, 233 A.3d at 907; ***Fonner***, 731 A.2d at 163.[3]

Three-Year PFA Term

Lastly, objecting to the maximum three-year term of the final PFA order, Appellant argues that "PFA orders must be remedial, not punitive" and that the maximum term was unjustified because he had "no history of prior or subsequent violence, perfect compliance [in terms of no contact with Appellee during the term of the temporary PFA order], and [posed] no ongoing threat." ***See*** Appellant's Brief at 70-72 (purporting to cite to ***Snyder v. Snyder***, 629 A.2d 977, 980 (Pa. Super. 1993).

Appellant's purported supporting authority in ***Snyder***, however, does not support this proposition; instead, it states that "the primary goal of the Act is not retrospective punishment but advance prevention of physical and sexual abuse" or, in other words, "to bring about a **cessation of abuse**." ***Snyder***, 629 A.2d at 981 (citations omitted and some formatting altered); ***see also*** Pa.R.A.P. 2119(a) (requiring that argument in appellant's brief cite

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[3] In challenging the finding of 'abuse,' Appellant also argues that Appellee failed to establish abuse pursuant to the "course of conduct" definition under the PFA Act. ***See*** Appellant's Brief at 66-70; ***see also*** 23 Pa.C.S. § 6102(a). Because 'abuse' may be established by "[t]he occurrence of one or more of the [enumerated] acts" under the statute," Appellee was only required to prove one of the those acts to establish her right to a PFA order and, here, the trial court credited Appellee's testimony that she was in reasonable fear of imminent serious bodily injury, an enumerated act. ***See*** 23 Pa.C.S. § 6102(a); ***see also*** Trial Ct. Op., 11/13/25, at 21-22.

to pertinent authority). Accordingly, after our review of the record and mindful of the PFA Act's goal of preventing future abuse, we find no merit to Appellant's arguments. ***See*** 23 Pa.C.S. § 6102(a)(2); ***see also E.K.***, 237 A.3d at 519, 523; ***Snyder***, 629 A.2d at 981.

Finding no merit to any of Appellant's claims, we affirm the PFA order.

Order affirmed. Jurisdiction relinquished.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/10/2026