

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
TREVOR A. BUTCHER	:	
	:	
Appellant	:	No. 2841 EDA 2025

Appeal from the Judgment of Sentence Entered June 12, 2025
In the Court of Common Pleas of Montgomery County Criminal Division
at No(s): CP-46-CR-0004778-2024

BEFORE: SULLIVAN, J., BECK, J., and BENDER, P.J.E.

MEMORANDUM BY BENDER, P.J.E.:

FILED SEPTEMBER 22, 2026

Appellant, Trevor A. Butcher, appeals from the judgment of sentence imposed following his conviction for one count of summary harassment, 18 Pa.C.S. § 2709(a)(1). We affirm.

The trial court set forth the facts and procedural history of this case as follows:

The victim is a thirty-three (33) year old male who suffers from cardio facio cutaneous syndrome, is on the autism spectrum and is selectively mute. These disabilities cause the victim to be a care dependent person who requires assistance to meet his daily needs for food, shelter, clothing and other necessities. The victim's parents had hired [Appellant] around 2021 to drive [the victim] from the family home in Devon to Frog Hollow Farm in Phoenixville on certain days. Frog Hollow Farm provides a program for individuals with special needs in which they are employed to perform tasks such as clearing trails and completing light farm work.

On March 28, 2024, [Appellant] was transporting the victim from his family home to Frog Hollow Farm when he decided to take a detour to a parking lot located within the Valley Forge National

Park. [Appellant] parked the vehicle in the vicinity of an individual named Robert Smith, who was seated in his parked car. Mr. Smith heard screaming emanating from [Appellant's] vehicle and subsequently observed [Appellant] strike the victim on the left side of his face, causing his head to hit the window. Mr. Smith indicated [Appellant's] strike to the victim's face created a loud thump type noise. Mr. Smith also stated the window significantly vibrated after being contacted by the victim's head. Mr. Smith began to record the altercation with his cell phone and observed [Appellant] subsequently push the victim outside of the car while yelling at [the victim] that he would not be able to eat unless he "did a certain thing." The victim began to hold his ears and cry and remained outside the vehicle for approximately three (3) minutes while [Appellant] continued to yell at him. The victim eventually made his way back into the vehicle and, while [Appellant] was backing up the car, he smacked the victim on the side of his head. [Appellant] subsequently drove away with the victim.

On March 14, 2025, the court held a jury trial in which the jury found [Appellant] not guilty of [abuse of a care dependent person, 18 Pa.C.S. § 2713.1(a)(1)(i), and simple assault, 18 Pa.C.S. § 2701(a)(1)]. The court subsequently found [Appellant guilty] of the summary charge of harassment[, 18 Pa.C.S. § 2709(a)(1)]. On June 12, 2025, the court imposed a sentence of ninety (90) days of probation and fifty (50) hours of community service.

On June 18, 2025, [Appellant] filed timely post-sentence motions. On October 1, 2025, the court denied [Appellant's] post-sentence motions. On October 30, 2025, [Appellant] filed a timely notice of appeal.

Trial Court Opinion, 1/5/26 at 1-2 (footnote omitted). Both Appellant and the trial court have complied with Pa.R.A.P. 1925.

Appellant raises one issue on appeal, as follows:

Did the trial court err in finding the Appellant guilty of summary Harassment where the Commonwealth failed to prove beyond a reasonable doubt that the Appellant intended to harass, annoy or alarm the victim?

Appellant's Brief at 3.

Appellant challenges the sufficiency of the evidence. Our standard of review for a claim challenging the sufficiency of the evidence is well-established:

Because a determination of the sufficiency of the evidence presents a question of law, our standard of review is *de novo* and our scope of review is plenary. Further, we analyze this issue under the following guidelines:

When reviewing challenges to the sufficiency of the evidence, we evaluate the record in the light most favorable to the Commonwealth as the 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. Moreover, 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.

Commonwealth v. Henck, 342 A.3d 726, 731–32 (Pa. Super. 2025) (internal citations and quotation marks omitted).

The trial court convicted Appellant of harassment¹ under 18 Pa.C.S. § 2709(a)(1), which provides, in pertinent part:

§ 2709. Harassment

¹ This procedure is permissible under our rules: “If there is a summary offense joined with the misdemeanor, felony, or murder charge that was tried before the jury, the trial judge shall not remand the summary offense to the issuing authority. The summary offense shall be disposed of in the court of common pleas, and the verdict with respect to the summary offense shall be recorded in the same manner as the verdict with respect to the other charges.” Pa.R.Crim.P. 648(F).

(a) Offense defined.--A person commits the crime of harassment when, with intent to harass, annoy or alarm another, the person:

(1) strikes, shoves, kicks or otherwise subjects the other person to physical contact, or attempts or threatens to do the same[.]

18 Pa.C.S. § 2709.

Although Appellant frames his issue as a challenge to the sufficiency of the evidence, the substance of his argument is that the trial court's harassment verdict cannot stand in light of the jury's acquittals on the remaining charges.² The argument section of his brief is reproduced below, after he defined the crimes with which he was charged:

In the case at bar, the jury unanimously found that when [] Appellant came into contact with [the victim] he did so without intentionally, knowingly or recklessly attempting to cause or cause bodily injury to [the victim]. Thus, [] Appellant was found not-guilty of simple assault. Further, the jury unanimously found that when [] Appellant came into contact he did not strike, shove, or kick [the victim] with the intent to harass, annoy or alarm. Thus, the Appellant was found not-guilty of abuse of a care-dependent person.

Similar to simple assault and abuse of a care-dependent person, harassment requires a specific intent to harass, annoy or alarm subject the other person to physical contact. Here it is without question that the jury would have found [] Appellant not-guilty of harassment given the not-guilty verdicts on simple assault and abuse of care-dependent person. In other words, if [] Appellant

² In his Rule 1925(b) statement, Appellant argued that the guilty verdict was barred by collateral estoppel. **See** Rule 1925(b) Statement, 11/24/25. As Appellant's brief does not properly analyze the issue of collateral estoppel, we will not address this assertion. **See Commonwealth v. Sipps**, 225 A.3d 1110, 1112 n.2 (Pa. Super. 2019) (citing **Commonwealth v. Bullock**, 948 A.2d 818, 823 (Pa. Super. 2008) for the proposition that issues are waived if raised in the 1925(b) statement but not raised and developed in the appellate brief).

did not attempt to cause a simple assault and did not intend to harass, annoy or alarm [the victim] with physical contact then surely the jury would have found [] Appellant not-guilty of summary harassment. Shockingly, the trial judge went against the jury's intent and convicted [] Appellant of summary harassment.

As a result, the conviction and sentence for harassment should be vacated.

Appellant's Brief at 16-17 (some formatting altered).

In essence, Appellant asserts that the trial court should have been bound by the jury verdicts in his case. He is incorrect. Appellant's argument fails to appreciate that the trial judge acted as the finder of fact for purposes of the summary charge, and thus what the jury determined is irrelevant. "It was for the trial court in this case, sitting as fact finder, to weigh the evidence and render a verdict on the summary charges." ***Commonwealth v. Wharton***, 594 A.2d 696, 699 (Pa. Super. 1991). Thus, Appellant cannot establish that his harassment conviction is unsustainable merely because the jury acquitted him of the remaining charges. ***Id.*** (stating that "the trial court is not required to defer to the findings of the jury on common factual issues."). Additionally, while Appellant has not squarely presented a separate claim regarding double jeopardy, we note that inconsistent verdicts are permitted for purposes of the Double Jeopardy Clause. ***See Commonwealth v. Jordan***, 256 A.3d 1094, 1097 (Pa. 2021) (holding that trial court's finding of guilt on severed firearms charge did not violate double jeopardy protections despite jury acquitting the appellant of all other possessory firearms offenses).

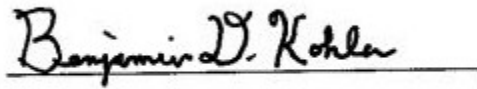
Turning to whether the evidence, considered independently from the jury verdicts, was sufficient to support Appellant's summary harassment conviction, we find that it was. While Appellant argues that the Commonwealth failed to establish his intent to harass, annoy, or alarm the victim, such intent may be inferred from the totality of the circumstances.

See *Commonwealth v. Coniker*, 290 A.3d 725, 734 (Pa. Super. 2023).

Viewed in the light most favorable to the Commonwealth as verdict winner, the evidence here established that Appellant struck the victim in the face with sufficient force to cause his head to hit the vehicle's window, pushed him from the vehicle while yelling that he would not be permitted to eat unless he complied with Appellant's demand, continued yelling as the victim cried and held his ears, and subsequently struck him again after he returned to the vehicle. From these circumstances, the trial court could reasonably infer that Appellant acted with the specific intent to harass, annoy, or alarm the victim. ***Id.*** (finding sufficient evidence to support a harassment conviction where the defendant told the 911 operator that he was in his attorney's office with a gun, as it was a reasonable inference that he intended to alarm other people in the office, despite the defendant's contrary testimony); ***Commonwealth v. Bennett***, 827 A.2d 469, 480 (Pa. Super. 2003) (finding sufficient evidence for harassment where the defendant pushed the victim in a confrontational manner). Accordingly, Appellant's challenge to the sufficiency of the evidence merits no relief.

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: 9/22/2026