NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

AMY M. LORD	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
DANIEL E. VAXTER	:	
Appellant	:	No. 1116 MDA 2026

Appeal from the Order Entered July 2, 2026
In the Court of Common Pleas of Berks County Civil Division at No(s): 26 10910

BEFORE: BOWES, J., DUBOW, J., and SULLIVAN, J.

MEMORANDUM BY DUBOW, J.: **FILED: NOVEMBER 12, 2026**

Appellant, Daniel E. Vaxter, appeals *pro se* from the July 2, 2026 order entered in the Berks County Court of Common Pleas that granted the petition for protection from abuse ("PFA") that Amy M. Lord filed against Appellant pursuant to the PFA Act, 23 Pa.C.S. §§ 6101-6122. Appellant challenges the weight of the evidence, asserts that the PFA court exceeded its statutory authority, and raises an evidentiary challenge. Upon review, we affirm.

The relevant procedural and factual history is as follows. On June 24, 2026, Ms. Lord filed a PFA petition against Appellant on behalf of herself and the parties' seven-year-old son, A.V. ("Child"), after an incident that occurred at Ms. Lord's home the day before.

On the same day, after an *ex parte* hearing, the PFA court entered a temporary PFA order against Appellant. On July 1, 2026, the PFA court held a hearing on Ms. Lord's petition.

Relevant to this appeal, Ms. Lord testified to an incident which occurred on June 23, 2026, at approximately 4:50 PM at her home. Ms. Lord testified that earlier in the day, Appellant had been "very irate" and was "screaming" at her over the phone because he was upset that she was encouraging Child to have contact with Child's half-sibling ("Brother").[1] N.T. Hr'g., 7/1/26, at 7-8. When Ms. Lord asked Appellant to "stop talking to me like that," Appellant responded, "I'll talk to you however the fuck I want to talk to you [and t]here's nothing you can do about it." ***Id.*** at 9.

Ms. Lord further testified that later that day, at approximately 4:50 PM, Appellant arrived at Ms. Lord's home to take Child to a kickboxing class. Ms. Lord answered the door and informed Appellant that Child would be out to meet him shortly. Ms. Lord explained that Appellant then "pushed his way into the house and started yelling about court papers" and about Ms. Tjarks, Brother's biological mother. ***Id.*** at 10-11. Appellant was cursing and "getting pretty vulgar." ***Id.*** at 11. Ms. Lord was not comfortable with him inside the house and asked Appellant if he could wait outside. Child heard Appellant screaming, which prompted him to come downstairs and sit on the couch. Ms. Lord described Appellant's behavior as "very aggressive" and "going from zero to a hundred." ***Id.*** at 11. Ms. Lord observed Child "getting stressed out" and freezing because he did not know what to do. ***Id.*** Ms. Lord once again asked

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[1] Appellant is the biological father to both Child and Brother. Both children live with their respective mothers; Child lives with Ms. Lord and Brother lives with Laura Tjarks. Appellant has an adversarial relationship with Ms. Tjarks and does not have visitation or contact with Brother.

Appellant to "please leave the house" and requested that he stop yelling in front of Child. ***Id.*** Appellant went out on to the front porch and yelled at Child to come outside. Child complied with Appellant's request, and the pair began walking towards the car. Ms. Lord observed that Appellant was "under the influence of something" and was not comfortable with Child getting into Appellant's car. ***Id.*** She testified that Appellant smelled "very strong of marijuana" and that "he stank up my entire living room." ***Id.*** at 11.

Ms. Lord explained what happened next:

> So, I got scared for [Child] to go with [Appellant]. So I said, [Child] come here, and [Child] started walking towards me. And then [Appellant] quickly turned around and kind of charged at us, and I – and he said what are you doing. And I got scared. So I said, I was just giving him a hug. So [Child] gave me a hug, and I turned him around and put him behind my back and I said, go in the house. And then I got [Child] in the house, and then [Appellant] took his phone out and started recording and then started changing the way he was talking and tried to pretend like he was acting calm, you know, and said oh, you're not going to let me take him. I said, no, I'm not going to let you take him. You're raging and high as a kite, and I don't want him going in the car with you. Then – he's still outside screaming on my sidewalk.

Id. at 12. Ms. Lord testified that a landscaper pulled up, which prompted Appellant to get into his car and drive away. Ms. Lord and Child were both "very upset" and once they were both inside the house Child said, "Mommy please don't make me go with him anymore." ***Id.*** at 13.

Ms. Lord explained that she was afraid of Appellant that day because his behavior was "erratic" and "aggressive" and "he's been violent with us in the past." ***Id.*** She testified that she was afraid that Appellant was going to be

violent that day. Ms. Lord explained that Child was "hysterical" and "crying" after the incident. ***Id.*** at 13-14.

Ms. Lord further testified that "[Appellant] waits until you are extremely upset or reactive, and then he will turn on the camera. And then he will start talking calmly so he can record." ***Id.*** at 29. Ms. Lord explained that on the day in question, Appellant was screaming before he turned on the camera, which prompted multiple neighbors to come outside.

Ms. Lord testified to past incidences of abuse and explained that Appellant threw her into a wall when Child was six months old, hit Child on the leg and screamed at him while they were in his car, hit Child on the hand to discipline him, and recalled multiple incidents of "raging, screaming . . . verbal assault." ***Id.*** at 16. Ms. Lord explained that Child "is always afraid of [Appellant]" and tells her that "[a]ll the time" that he is afraid. ***Id.*** at 15. Ms. Lord testified that she fears for Child's safety when he is with Appellant. ***Id.*** at 18. Ms. Lord acknowledged that, on the day in question, Appellant did not have any physical contact with her.

Appellant testified to a slightly different version of events. He explained that on June 23, 2026, he went to Ms. Lord's house to pick up Child and drive him to a kickboxing class. He testified that Ms. Lord opened the door and he walked into the house. Appellant acknowledged that he and Ms. Lord were having a disagreement about Brother and Ms. Lord "didn't like the tone of voice and the way that I was saying things, which triggered her, which then caused us to argue more." ***Id.*** at 37. Appellant testified that Ms. Lord told

him to get out of the house and he called for Child to come with him. Appellant observed Ms. Lord hug Child inside the house and then they all ended up on the porch. Appellant explained that Ms. Lord said something about him being "abusive" and he pulled his camera out because "I'm black, and we know how those things can go sometimes. So that's why – that's the whole reason for me pulling the camera out. I wasn't even thinking about pulling the camera out before that." ***Id.*** at 37-38. Appellant entered the video recording into the record as Exhibit D-1.

The PFA court describes Exhibit D-1 as follows:

> The recording begins with both parties on the porch of [Ms. Lord]'s Residence and [Ms. Lord] has her arm on [Child], whom she has positioned behind her in what this Court perceives to be a protective capacity. Both parties were speaking in animated, loud voices and gestured at each other. Appellant exhibited pressured speech as he accused [Ms. Lord] of "playing games," accused [Ms. Lord]'s sister of selling weed, asked someone to "call the police," alleged that the parties have "been coparenting all this time" and accused [Ms. Lord] of "lying," saying "you know I'm a great dad" and called [Ms. Lord] "Karen" at least twice. Appellant continued to yell at [Ms. Lord] as he walked off her porch and continued to film the encounter.

Tr. Ct. Op., 8/13/26, at 6 (some punctuation corrected).

At the conclusion 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. Lord and Child for a period of three years.

Appellant timely appealed. Both Appellant and the PFA court complied with Pa.R.A.P. 1925.

In his *pro se* brief, Appellant raises the following issues for our review:

1. Did the trial court commit an abuse of discretion and err as a matter or law by finding that an act of "abuse" occurred under 23 Pa.C.S. §6102, where the objective video record (Exhibit D-1) directly contradicted [Ms. Lord's] subjective testimony, demonstrating a peaceful parental discussion devoid of physical violence, threats, or a reasonable fear of imminent serious bodily injury?

2. Did the trial court err as a matter of law and exceed its statutory authority under the [PFA] Act by entirely severing Appellant's contact and custodial access to [Child] without evidentiary support establishing that Appellant posed a direct risk of harm to the child?

3. Did the trial court violate Appellant's due process rights and abuse its discretion by permitting [Ms. Lord] to introduce and by entering highly prejudicial, extrajudicial evidence regarding an unrelated, eight-year-old custody matter involving a non-party (*Laura Tjarks v. Daniel Vaxter*) and an unrelated gag order to establish an improper character inference?

Appellant's Br. at 2-3 (reordered for ease of disposition).

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). 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.

The PFA Act defines "abuse," 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 imminent serious bodily injury[.]" ***Raker***, 847 A.2d at 725. The intent of the abuser is irrelevant to this

determination. ***Id.*** "Actual physical harm is not a prerequisite for the entry of a PFA order; the victim need only be in reasonable fear of imminent serious bodily injury." ***Thompson v. Thompson***, 963 A.2d 474, 477 (Pa. Super. 2008).

In his first issue, Appellant avers that the PFA court abused its discretion when it found that Appellant committed an "act of abuse" pursuant to Section 6102 and placed Ms. Lord in reasonable fear of imminent serious bodily injury when the video (Exhibit D) of the interaction between Appellant and Ms. Lord "directly contradicts" Ms. Lord's version of events. Appellant's Br. at 4 (citing 23 Pa.C.S. § 6102). Specifically, Appellant asserts that the video "contains no physical blows, no lunging, no property destruction, and no credible threats of violence" and Ms. Lord's "own in-court admissions conceded that zero physical contact took place." ***Id.*** Appellant's arguments lack merit.

Appellant fails to recognize that the video only depicts a portion of the interaction between Appellant and Ms. Lord. The PFA court credited Ms. Lord's testimony regarding Appellant's conduct prior to the recording of the video. The court found that "Appellant yelled at [Ms. Lord] earlier in the day, hung up on her, pushed his way into her house, charged at her and [Child], yelled and refused to leave, all of which put [Ms. Lord] and [Child] in reasonable fear of imminent serious bodily injury[.]" Tr. Ct. Op. at 9-10. The court also credited Ms. Lord's testimony that Appellant was verbally and physically abusive in the past and that his conduct on June 23, 2026, scared both her and Child.

Reviewing the evidence of record in the light most favorable to Ms. Lord, and granting all reasonable inferences to her, we find that there was sufficient evidence of abuse as defined in the PFA Act. Appellant's argument that there was no physical abuse is unavailing. As stated above, actual physical harm is not a prerequisite for entry of a PFA order. ***Thompson***, 963 A.2d at 477. Ms. Lord's testimony regarding Appellant's past abusive behavior, combined with her testimony that Appellant was verbally aggressive, pushed his way into her house, lunged at her and Child, and that she and Child were both scared is sufficient to demonstrate that she was in reasonable fear of imminent serious bodily injury. We decline to usurp the court's credibility determinations or reweigh the evidence. Accordingly, the PFA court did not abuse its discretion when it granted the PFA order.

In his second issue, Appellant avers that the PFA court exceeded its statutory authority and abused its discretion when it severed his contact and custodial access to Child "without evidentiary proof of direct harm" and "without conducting a formal risk-of-harm evaluation, best-interests analysis, or dependency inquiry[.]" Appellant's Br. at 5. Appellant argues that the PFA court "engaged in an unconstitutional custodial amputation under the guise of an emergency PFA." ***Id.*** Appellant fails to adequately develop this issue for our review.

"The Rules of Appellate Procedure state unequivocally that each question an appellant raises is to be supported by discussion and analysis of pertinent authority." ***Coulter v. Ramsden***, 94 A.3d 1080, 1088 (Pa. Super.

2020) (citation omitted); ***see*** Pa.R.A.P. 2111 (listing briefing requirements for appellate briefs) and 2119 (listing argument requirements for appellate briefs). Although this Court liberally construes materials filed by *pro se* litigants, this does not entitle a *pro se* litigant to any advantage based on his lack of legal training. ***Satiro v. Maninno***, 237 A.3d 1145, 1151 (Pa. Super. 2020). An appellant's *pro se* status does not relieve him of the obligation to follow the Rules of Appellate Procedure. ***Jiricko v. Geico Ins. Co.***, 947 A.2d 206, 213 n.11 (Pa. Super. 2008). As this Court has made clear, we "will not act as counsel[.]" ***Commonwealth v. Kane***, 10 A.3d 327, 331 (Pa. Super. 2010) (citation omitted). "We shall not develop an argument for an appellant, nor shall we scour the record to find evidence to support an argument; instead, we will deem [the] issue[s] to be waived." ***Milby v. Pote***, 189 A.3d 1065, 1079 (Pa. Super. 2018).

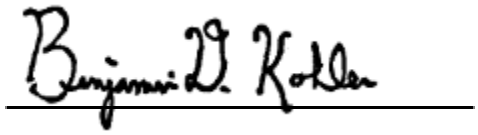
Appellant offers no legal authority to support his position that the PFA court exceeded its statutory authority in issuing a final PFA order prohibiting contact between Appellant and Child and, therefore, this issue is waived. Moreover, the record reflects that there is not a pending custody order between Appellant and Ms. Lord, making Appellant's argument regarding "custodial amputation" unclear. We decline to act as counsel and develop this issue for Appellant. Accordingly, we find the issue to be waived.

In his final issue, Appellant avers that the PFA court erred when it took judicial notice of an eight-year-old custody order involving Brother and Ms. Tjarks. Appellant failed to object and preserve this issue during the hearing,

and, therefore, it is also waived. ***See*** Pa.R.E. 103(a)(1) (requiring a timely objection to preserve a claim of evidentiary error); ***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, Esq.
Prothonotary

Date: 11/12/2026

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