

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

VICTORIA HILL, Plaintiff	:	NO. 20-20742
	:	
vs.	:	APPEAL NO. 1385 MDA 2020
	:	
DAVID HILL, Defendant	:	CIVIL ACTION - LAW
	:	

Date: December 9, 2020

**OPINION IN SUPPORT OF THE COURT'S ORDER
IN COMPLIANCE WITH RULE 1925(a) OF THE
RULES OF APPELLATE PROCEDURE**

David Hill (hereinafter referred to as "Appellant") files this appeal following the grant of a Final Protection From Abuse Order docketed October 8, 2020. Appellant's Notice of Appeal was timely filed on October 27, 2020. Appellant timely filed his Concise Statement of Errors Complained of on Appeal on November 3, 2020 citing the following matter complained of:

The Court erred in applying an incorrect standard to the facts in granting a Protection from Abuse Order as prescribed by statute.

This statement is extremely generic and does not specify what standard Appellant believes was incorrectly applied to specific facts. The Court's determination was based upon the preponderance of the evidence standard. "A preponderance of the evidence is 'the greater weight of the evidence, *i.e.*, to tip a scale slightly is the criteria or requirement for preponderance of the evidence.' *In re Navarra*, 185 A.3d 342, 354 (Pa. Super. 2018), *citing to Raker v. Raker*, 847 A.2d 720, 724 (Pa. Super. 2004). The Superior Court of Pennsylvania has held that generally, the trial court's judgment regarding credibility of witnesses will be upheld. *Hood-O'Hara v. Wills*, 873 A.2d 757,

762 (Pa. Super. 2005) (“We will not overturn the credibility determination of the judge”); *Com. v. La*, 640 A.2d 1336, 1351 (Pa. Super. 1994) (“Where the credibility of a witness is at issue, the trial court's judgment will remain undisturbed on appeal”). In this case, after hearing all of the evidence, the Court found Plaintiff’s testimony to be more credible and believable than that of the Defendant and Defendant’s witness.

In addition to the above, for purposes of this Opinion, the Court will rely on the October 7, 2020 transcript which addresses the Court’s evidentiary findings and other reasoning for its decision to grant a Final Protection From Abuse.

BY THE COURT,

Ryan M. Tira, Judge

RMT/ads

cc: Superior Court (Original +1)
Court Reporter
Timothy Reitz, Esquire
Jennifer Heverly, Esquire
Gary Weber, Esquire