

RECORD IMPOUNDED

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This opinion shall not "constitute precedent or be binding upon any court." Although it is posted on the internet, this opinion is binding only on the parties in the case and its use in other cases is limited. R. 1:36-3.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-2981-22

A.C.,

Plaintiff-Respondent,

v.

A.J.R.,

Defendant-Appellant.

Submitted May 21, 2024 – Decided May 28, 2024

Before Judges Gooden Brown and Haas.

On appeal from the Superior Court of New Jersey,
Chancery Division, Family Part, Bergen County,
Docket No. FV-02-2119-23.

The Tormey Law Firm, attorneys for appellant (Louis
J. Keleher, on the briefs).

A.C., respondent pro se.

PER CURIAM

Plaintiff commenced this action, pursuant to the Prevention of Domestic
Violence Act, N.J.S.A. 2C:25-17 to -35, based on an allegation that defendant

harassed her after she broke up with him by sending her numerous emails, letters, and postcards despite her many unequivocal requests that he stop contacting her. Defendant also sent her unwanted flowers on several occasions and even had his therapist call plaintiff to ask if she would "meet with [defendant] in a couple's session that he will pay for." Plaintiff asserted these repeatedly committed acts frightened her and she sought a final restraining order (FRO) because defendant refused to stop bothering her despite her pleas that he do so.

At the conclusion of a final hearing at which only the parties testified, the trial judge rendered detailed findings of fact and entered an FRO in plaintiff's favor. On appeal, defendant argues that the judge "committed reversible error, against the interests of justice, when [he] entered an FRO against . . . defendant." We find insufficient merit in this argument to warrant discussion in a written opinion. See R. 2:11-3(e)(1)(E). We affirm substantially for the reasons set forth by the judge in his comprehensive oral decision. We add the following brief comments.

Our review of a trial judge's fact-finding function is limited. Cesare v. Cesare, 154 N.J. 394, 411 (1998). A judge's findings of fact are "binding on

appeal when supported by adequate, substantial, credible evidence." Id. at 411-12.

Deference is particularly warranted where, as here, "the evidence is largely testimonial and involves questions of credibility." Ibid. (quoting In re Return of Weapons to J.W.D., 149 N.J. 108, 117 (1997)). Such findings become binding on appeal because it is the trial judge who "sees and observes the witnesses," thereby possessing "a better perspective than a reviewing court in evaluating the veracity of witnesses." Pascale v. Pascale, 113 N.J. 20, 33 (1988) (quoting Gallo v. Gallo, 66 N.J. Super. 1, 5 (App. Div. 1961)). Therefore, we will not disturb a judge's factual findings unless convinced "they are so manifestly unsupported by or inconsistent with the competent, relevant[,] and reasonably credible evidence as to offend the interests of justice." Rova Farms Resort v. Invs. Ins. Co., 65 N.J. 474, 484 (1974) (quoting Fagliarone v. Twp. of N. Bergen, 78 N.J. Super. 154, 155 (App. Div. 1963)).


After considering the parties' testimony, the judge found plaintiff to be a credible witness because "the accuracy of [her] testimony [was] thorough and complete." On the other hand, the judge determined that defendant was not credible due to the "confusing" and inconsistent nature of his testimony.

In light of plaintiff's credible testimony concerning defendant's conduct, the judge found that defendant's repeated communications with plaintiff were "incessant, delusional and harassing." That determination was plainly supported by the record and we discern no principled reason for second-guessing it.

After careful examination of the record, we are also satisfied that this same evidence more than amply supported the judge's finding that plaintiff was in need of an FRO to protect her from further domestic violence. Silver v. Silver, 387 N.J. Super. 112, 126-27 (App. Div. 2006).

Affirmed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office



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