

Commonwealth of Kentucky
Court of Appeals

NO. 2026-CA-0534-ME

TAMMY THOMAS

APPELLANT

v. APPEAL FROM BULLITT CIRCUIT COURT
HONORABLE MONICA K. MEREDITH, JUDGE
ACTION NO. 25-D-00265-002

ALEXANDER WAYNE THOMAS;
C.T., A MINOR CHILD; H.T., A
MINOR CHILD; AND L.T., A MINOR
CHILD

APPELLEES

AND

NO. 2026-CA-0793-ME

TAMMY THOMAS

APPELLANT

v. APPEAL FROM BULLITT CIRCUIT COURT
HONORABLE MONICA K. MEREDITH, JUDGE
ACTION NO. 26-D-00133-001

ALEXANDER THOMAS

APPELLEE

OPINION
AFFIRMING

** ** *

BEFORE: THOMPSON, CHIEF JUDGE; EASTON AND ECKERLE, JUDGES.

EASTON, JUDGE: In these consolidated appeals, Appellant (Tammy), *pro se*, challenges two orders of the Bullitt Family Court. In the first case, Tammy appeals the family court's issuance of a Domestic Violence Order (DVO) against her on behalf of Appellee (Alex) and his children. In the second case, Tammy appeals the family court's order which denied the issuance of a DVO against Alex. After a thorough review of the record, we find no error and affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Tammy is Alex's mother. Alex is married to Megan, and they have three minor children. On March 5, 2026, Alex filed a petition for an Emergency Protective Order (EPO), which was granted the same day by the Bullitt Family Court. The petition alleges that Tammy's concerning behavior had been escalating over the course of the last several months, causing Alex's family concern that she would confront them in their home or in public. Alex wrote this would scare the children and put them in danger. He alleged Tammy has made references to violence and criminal behavior that has caused him to fear for his and his children's safety. He said Tammy would call or text him repeatedly, even after he wrote her a letter directing her not to contact his family. Alex claimed Tammy has

shown up at their door, and their Ring doorbell camera captured sixteen minutes of her knocking on the door and “speaking hatefully.” She had left him multiple voicemail messages that concern him.

While not included in the record for our review, Tammy then filed a petition for a protective order against Megan, on behalf of Alex and Megan’s minor children. An EPO was denied, but a summons was issued. The family court opted to hear both petitions at the same time, and a hearing was held on March 24, 2026. Both Tammy and Alex proceeded without the benefit of counsel at the hearing.

Alex testified first. He stated that his mother had been harassing and intimidating him and his family since about April of the prior year. He described the incident where she banged on his front door for sixteen minutes when they were not home. This occurred in July 2025. Her behavior continued to escalate, and Alex told her via text, letter, and in person that he wanted no contact with her. Tammy had been telling others that Megan was manipulating Alex. Tammy believed Megan had sent Tammy messages from Alex’s phone, which Alex denied.

Alex and Tammy had a confrontation on November 25, 2025. Alex went to Tammy’s home to inform her that he was the one who sent the letters and text messages and to tell her again not to contact his family. Alex stated Tammy

got angry and yelled at him. He attempted to leave, but she followed him to his car. He told her not to follow him. Upon opening his door and attempting to get into his car, Tammy would not allow Alex to close the door. He told her several times to let him leave and to get off his car, but she refused. Alex then told the family court that he took an audio recording of the altercation, and he asked to play it for the court.

The family court allowed Alex to play the audio with no objection from Tammy. In the recording, you can hear both parties speaking. Alex told Tammy he does not want any contact with her. He is heard to say “don’t touch me” at one point toward the beginning of the recording. Tammy then begins to sound angry, and she asked Alex if he had seen the pictures that his father had taken that “promote demonic and transgender and gangs and sexuality.” She asked Alex if he is “ok with that.” The conversation continues to escalate, and Alex can be heard saying “don’t follow me.” Tammy then responds: “you’re on my property; I will follow you if I want to follow you.” She tells him that he is allowing evil spirits into his house. At this point in the recording, the parties can be heard yelling at one another. Alex states “get off my car” several times. You can hear when Alex is able to get into his vehicle and start it. Tammy can still be heard yelling as Alex drives away.

Alex then continued his testimony. He claimed Tammy was in his face during this altercation and refused to let him leave. He believed she was going to hurt him. Alex had not attempted any contact with her since that altercation, as he believed there was a potential for violence. Alex further testified that his family has a tradition of going to Norton Hospital every year to honor his son who passed away. He stated that Tammy came to the hospital, despite not being invited. They found a note she had left in the prayer chapel.

Alex also testified to voicemails that Tammy had left him. He stated those have escalated as well. Alex told the family court that she had said she is willing to go to prison to address this “evil” that they are involved with. She stated that if he does not reach out to her, she will show up at their door, which Alex said she has done in the past. He is afraid for his children’s safety. Tammy is using social media to harass them; she posts pictures of the children after they have told her not to do so, and she has been writing negative posts about them.

Alex then played one of the voicemails Tammy left, again without objection. The date of this voicemail is March 4, 2026. In the voicemail, Tammy is heard stating that Alex’s dad is hanging out with devil worshippers and promoting Satan, yet he calls her crazy. Tammy can clearly be heard stating:

I will fight this until my last breath. So, if you want to take me to court, please take me to court. Please, please take me to court. And if I don’t hear from you soon, if you don’t come talk to me in person like the grown man

that you are, like the grown Christian man that you are, if you don't come and have a discussion, civilly, I will be at your front door. And you know I'll do it.^[1]

She can also be heard saying "I will keep getting crazier if you don't do something about it."² Alex stated to the family court that her behavior and escalation have made him scared, and he believes a protection order is necessary for his family's safety.

At the conclusion of Alex's testimony, Tammy was given the opportunity to cross-examine him. Her first statement was "it is unclear to me your relationship with Jesus Christ." The family court stopped her, and it informed Tammy that her *questions* must be about Alex's testimony regarding his petition for domestic violence. The family court had to direct Tammy several times to ask questions, as it was not yet her turn to testify. It also explained to her that the documents she kept attempting to introduce could not be entered as she had not provided them at least five days in advance, which is required by the rules. Alex did concede in response to one of Tammy's questions that she had not physically harmed him.

During Tammy's testimony, she claims she did not believe the letters or texts were from Alex, because they did not sound like him and his signature did

¹ Hearing of March 24, 2026, Video Record (VR) beginning at 10:32:02 a.m.

² *Id.* at 10:33:28 a.m.

not appear to be his signature. She said many of the statements she made that he claimed concerned him were jokes, and that the two of them have a history of saying such things to one another. Tammy testified that all her actions come from a place of love for her grandchildren and that she wants to protect them. She states she has pictures taken by Alex's father of Satanic images.³ The family court again admonished Tammy to focus on the petition. Tammy stated she would never hurt her children or grandchildren. She concedes sometimes her words are "strong." "If I use strong language, it is out of deep love and wanting to get to the bottom of everything."⁴

At the conclusion of Tammy's testimony, the family court addressed the petition Tammy filed on behalf of her grandchildren. As this petition is not part of this appeal, we need not address it. It is sufficient to say the family court dismissed that petition.

The family court determined that Alex established a case of domestic violence as legally defined. It entered the DVO for a period of three years on March 25, 2026. Tammy then filed her Notice of Appeal as to this case on April 24, 2026.

³ Alex's father has a photography business, and many of the images included in the record that Tammy claims are "Satanic images" appear to be photographs of a wrestling event.

⁴ *Id.* at 11:03:32 a.m.

On April 29, 2026, Tammy then filed a petition for a protective order against Alex. No EPO was issued, but a summons for a hearing was issued. The allegations in this petition revolve around the altercation that occurred at Tammy's home on November 25, 2025, which was testified to in the prior proceedings.

Another hearing was held on May 26, 2026. Again, both Tammy and Alex proceeded *pro se*. Prior to taking testimony, the family court advised Tammy that her second set of exhibits filed for the hearing was not filed in time to be introduced at the hearing. The family court stated they must be filed at least five business days in advance of a hearing, whereas her documents were filed five days in advance, which included a holiday weekend.⁵ The family court further explained that most of the documents Tammy wished to introduce were hearsay, and that unless Tammy had the author of the documents there to testify, they would not be admitted. Tammy requested a continuance, to which Alex objected. The family court denied Tammy's request for a continuance, and the hearing continued.

Tammy began her testimony. Tammy claims Alex and Megan antagonize her into arguments, and they call her derogatory names. She claims they are not credible, misled the court, made false claims, and covered up evidence to hide the behavior of Alex's father and stepmother. Essentially, Tammy was

⁵ The day prior to the hearing was Memorial Day. Again, we are not directed to the source of this rule and cannot say with certainty how the five-day period was calculated here.

attempting to relitigate the DVO that was issued by the family court on March 25. She also attempted to bring in information and claims about Alex's father and stepmother. The family court, on multiple occasions, explained to Tammy that they were not there to readdress the first DVO petition, and that they could not do so, as it was on appeal.

When specifically asked about the allegations of November 25, 2025, she claimed she feared Alex, even though she admitted she did want a conversation with him on that date. The altercation was referenced, and the same audio recording that was played at the prior hearing was played again. Tammy testified that Alex is emotionally and psychologically abusing her by keeping her from her grandchildren.

At the conclusion of the hearing, the family court found Tammy had not met her burden that an act of domestic violence had occurred. The family court stated Tammy only referenced physical abuse once, and no details were given, but rather a vague assertion. It denied the DVO. Tammy then filed her second Notice of Appeal.

STANDARD OF REVIEW

A review of a trial court's decision regarding the entry of an order of protection is limited to "whether the findings of the trial judge were clearly erroneous or that [she] abused [her] discretion." *Caudill v. Caudill*, 318 S.W.3d

112, 115 (Ky. App. 2010). Likewise, admissibility of evidence is reviewed for abuse of discretion. *Kentucky Guardianship Administrators, LLC v. Baptist Healthcare Sys., Inc.*, 635 S.W.3d 14, 20 (Ky. 2021). “Abuse of discretion occurs when a court’s decision is unreasonable, unfair, arbitrary or capricious.” *Dunn v. Thacker*, 546 S.W.3d 576, 578 (Ky. App. 2018). A trial court’s findings of fact are not clearly erroneous if supported by substantial evidence. *Moore v. Asente*, 110 S.W.3d 336, 354 (Ky. 2003).

ANALYSIS

Tammy now challenges both family court orders. Before we proceed further, we should note that both of Tammy’s briefs are substantially deficient in multiple ways. Starting with the first appeal, her brief includes no statutes or case law to support her arguments. In contravention of RAP⁶ 32(A)(3), her brief lacks “[a] statement of the case consisting of a summary of the facts and procedural events relevant and necessary to an understanding of the issues presented by the appeal, with ample references to the specific location in the record supporting each of the statements contained in the summary.” Tammy’s statement of the case contains very few references to the hearing that took place, and it instead dives straight into her arguments, many of which reference claims or evidence that were not presented at the hearing.

⁶ Kentucky Rules of Appellate Procedure.

RAP 32(A)(4) requires that an Appellant's brief contain:

An argument conforming to the statement of points and authorities, with ample references to the specific location in the record and citations of authority pertinent to each issue of law and which shall contain at the beginning of the argument a statement with reference to the record showing whether the issue was properly preserved for review and, if so, in what manner.

There are no citations to any testimony presented at the hearing.

There is also no preservation statement. Tammy's Appellant Brief in the second appeal suffers from the same deficiencies.

“When an appellate advocate fails to abide by the appellate briefing rules, this Court has the option to: (1) ignore the deficiency and proceed with the review; (2) strike the brief or its offending portions, or (3) to review the issues raised in the brief for manifest injustice only, if the briefing deficiency pertains to the appellant's statement of preservation of error.” *Swan v. Gatewood*, 678 S.W.3d 463, 469 (Ky. App. 2023) (citation omitted). “The decision as to how to proceed in imposing such penalties is a matter committed to our discretion.” *Roberts v. Bucci*, 218 S.W.3d 395, 396 (Ky. App. 2007). *Pro se* litigants are not exempt from the rules. *Koester v. Koester*, 569 S.W.3d 412, 415 (Ky. App. 2019). “While *pro se* litigants are sometimes held to less stringent standards than lawyers in drafting formal pleadings, Kentucky courts still require *pro se* litigants to follow the

Kentucky Rules of [Appellate] Procedure.” *Watkins v. Fannin*, 278 S.W.3d 637, 643 (Ky. App. 2009) (citation omitted).

Tammy’s brief lacks any attempt at substantial compliance with our Rules. “It is a dangerous precedent to permit appellate advocates to ignore procedural rules. Procedural rules ‘do not exist for the mere sake of form and style. They are lights and buoys to mark the channels of safe passage and assure an expeditious voyage to the right destination. Their importance simply cannot be disdained or denigrated.’” *Hallis v. Hallis*, 328 S.W.3d 694, 696 (Ky. App. 2010) (citing *Louisville and Jefferson County Metropolitan Sewer Dist. v. Bischoff*, 248 S.W.3d 533, 536 (Ky. 2007)).

We would be well within our discretion to strike Tammy’s briefs and dismiss her appeals without addressing the merits. But we note that Alex’s Appellee Briefs are also deficient, as they also lack references to the record or any citations to controlling law. The record is not voluminous, and the appeals involve important issues about proper use of the DVO process. The safety of children is at issue. We will exercise leniency and proceed with review.

DVOs are governed by KRS⁷ Chapter 403. In order to enter a DVO, a trial court is required to find by a preponderance of the evidence that domestic violence has occurred and is likely to occur again. KRS 403.740. “The

⁷ Kentucky Revised Statutes.

preponderance of the evidence standard is satisfied when sufficient evidence establishes the alleged victim was more likely than not to have been a victim of domestic violence.” *Dunn*, 546 S.W.3d at 580. “The definition of domestic violence and abuse, found in KRS 403.720(1) [now KRS 403.720(2)], includes ‘physical injury, serious physical injury, sexual abuse, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault between family members.’” *Abdul-Rahman v. Peterson*, 338 S.W.3d 823, 825 (Ky. App. 2011).

As to Tammy’s first appeal, she first alleges the family court violated her First Amendment rights when it did not allow her to ask Alex about his relationship with Jesus Christ. She claims: “It is important because the case is based upon an argument regarding the Appellee letting someone that promotes the satanic temple caring for his children, the Appellant’s grandchildren.”⁸ The First Amendment protects Tammy’s rights to express *her* religious beliefs to others; it does not excuse her threatening behavior. The case was about whether Tammy committed an act of domestic violence against Alex and his children. The question (actually a statement) was not germane to this issue, and it was not an abuse of discretion for the family court to limit this line of inquiry.

⁸ Appellant’s Brief in No. 2026-CA-0534-ME, Page 3.

“We will not disturb the trial court’s decision to admit evidence absent an abuse of discretion.” *Richmond v. Commonwealth*, 534 S.W.3d 228, 231 (Ky. 2017) (citing *Anderson v. Commonwealth*, 231 S.W.3d 117, 119 (Ky. 2007)) (internal quotation marks omitted). “[T]rial courts retain broad discretion to regulate cross-examination.” *Commonwealth v. Maddox*, 955 S.W.2d 718, 721 (Ky. 1997). A trial court may “impose reasonable limits on such cross-examination based on concerns about, among other things, harassment, prejudice, confusion of the issues, the witness’ safety, or interrogation that is repetitive or only marginally relevant. In defining reasonable limitations on cross-examination, this Court has cautioned: a connection must be established between the cross-examination proposed to be undertaken and the facts in evidence.” *Davenport v. Commonwealth*, 177 S.W.3d 763, 768 (Ky. 2005) (internal quotation marks and citations omitted).

The remainder of Tammy’s brief essentially disagrees with the family court’s weighing of the evidence and the credibility of the witnesses. “It has long been held that the trier of fact has the right to believe the evidence presented by one litigant in preference to another.” *Commonwealth v. Anderson*, 934 S.W.2d 276, 278 (Ky. 1996). “The trier of fact may take into consideration all the circumstances of the case, including the credibility of the witness[es].” *Id.* “A family court operating as finder of fact has extremely broad discretion with respect

to testimony presented, and may choose to believe or disbelieve any part of it. A family court is entitled to make its own decisions regarding the demeanor and truthfulness of witnesses, and a reviewing court is not permitted to substitute its judgment for that of the family court, unless its findings are clearly erroneous.”

Bailey v. Bailey, 231 S.W.3d 793, 796 (Ky. App. 2007).

In the second appeal, Tammy appeals the family court’s order of May 26, 2026, which dismissed her petition for a protective order against Alex. Her brief for this appeal, while at many times hard to follow, makes many references to certain actions of Alex’s father and stepmother, neither of which were parties to the underlying action. She also again disputes Alex’s credibility and the family court’s acceptance of his testimony. But again, judging the credibility of witnesses is “within the exclusive province of the trial court.” *Moore*, 110 S.W.3d at 354. Even if there is conflicting testimony before the family court, “we may not substitute our decision in place of the judgment made by the trial court.” *Truman v. Lillard*, 404 S.W.3d 863, 869 (Ky. App. 2012).

Tammy also alleges the family court erred in not allowing her to introduce her exhibits, claiming the family court did not follow its own rules, as she filed the documents five days in advance of the hearing. Regardless, whether it was error to allow the documents in terms of timing of filing, the family court also explained to Tammy that the documents could not be introduced due to them being

hearsay. Most of the documents Tammy attempted to introduce were texts, Facebook posts, or snippets of conversations with individuals not parties to the proceedings, and none of these individuals were there to testify. Furthermore, Tammy had polluted the documents with her own handwritten notations on most of the documents. Many of them had no relevance whatsoever to the matter being decided. Tammy claims that the family court allowed Alex to introduce documents that were unauthenticated, but Alex did not move to introduce any of his filed documents into evidence. At any rate, numerous documents are included in the record for this Court's review. The family court did not abuse its discretion in not allowing Tammy to introduce these documents.

CONCLUSION

The family court's findings of fact are supported by the evidence and are not clearly erroneous. The family court also acted within its discretion. For the foregoing reasons, we AFFIRM both orders of the Bullitt Family Court.

ALL CONCUR.

BRIEF FOR APPELLANT:

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BRIEF FOR APPELLEE:

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