

IN THE SUPREME COURT OF THE STATE OF DELAWARE

TEREK MIKESON,¹

Petitioner Below,
Appellant,

v.

MERTYLE UMBRINGTON,

Respondent Below,
Appellee.

§

§ No. 37, 2026

§

§ Court Below—Family Court
§ of the State of Delaware

§

§ File No. CN24-02516

§ Petition No. 25-15900

§

§

§

Submitted: June 19, 2026

Decided: August 31, 2026

Before **SEITZ**, Chief Justice; **LEGROW** and **GRIFFITHS**, Justices.

ORDER

Upon consideration of the parties’ briefs, the appellant’s motions for supervisory authority and modification of the case name, and the record on appeal, it appears to the Court that:

(1) The petitioner below-appellant, Terek Mikeson, filed this appeal from a Family Court order dismissing his petition for a protection-from-abuse (“PFA”) order. We find no error or abuse of discretion in the Family Court’s decision and therefore affirm.

¹ The Court previously assigned pseudonyms to the parties under Supreme Court Rule 7(d).

(2) In April 2024, Mikeson filed a PFA petition against his former partner Mertyle Umbrington. He alleged that Umbrington had physically assaulted him in February. In May 2024, the Family Court entered the parties' PFA consent order against Umbrington. The expiration date of the order was May 16, 2025.

(3) On March 19, 2025, Mikeson moved to extend the PFA consent order for two more years. He alleged that he suffered serious injuries when Umbrington assaulted him in February 2024, Umbrington wrongly denied assaulting him, and he feared running into Umbrington in Delaware. A Family Court commissioner extended the PFA consent order until July 18, 2025 to allow for scheduling of a hearing. After a hearing on July 16, 2025, the commissioner denied Mikeson's motion for an extension of the PFA consent order.

(4) Instead of seeking review of the commissioner's ruling, Mikeson filed a petition for a new PFA. Mikeson alleged that he suffered serious injuries in the February 2024 incident and that Umbrington was engaging in a pattern of harassment and retaliation against him. Umbrington then filed a petition for a PFA, alleging that Mikeson was making false and defamatory statements about him online. A commissioner dismissed both petitions. Mikeson sought review of the commissioner's decision. The Family Court found that Mikeson was deprived of his procedural due process right to a trial on his petition and scheduled a trial for December 4, 2025.

(5) At the December 4, 2025 trial on his PFA petition, Mikeson testified that Umbrington seriously injured him in February 2024 and that Umbrington's denial of this conduct in other forums was abusive. The Family Court denied Mikeson's petition. The court found that Mikeson's allegations concerning the February 2024 incident were duplicative of his allegations leading to the expired PFA consent order and did not justify a new PFA. As to Mikeson's contentions concerning Umbrington's conduct since the February 2024 incident, the court concluded that none of that conduct constituted abuse under 10 *Del. C.* 1041(1).

(6) Mikeson filed a motion for reargument. Mikeson also filed a motion for referral for criminal charges, alleging that Umbrington had provided a false address and should be charged with perjury and other crimes. The Family Court denied both motions. This appeal followed.

(7) The Court's review of a Family Court decision includes a review of both the law and the facts.² Conclusions of law are reviewed *de novo*.³ Factual findings will not be disturbed on appeal unless they are clearly erroneous.⁴

(8) On appeal, Mikeson argues that: (i) the Family Court erred by excluding the police report concerning the February 2024 incident; (ii) the Family

² *Mundy v. Devon*, 906 A.2d 750, 752 (Del. 2006).

³ *Id.*

⁴ *Id.*

Court deprived him of a fair tribunal by questioning the relevance of his cell phone recording of the February 2024 incident; (iii) Umbrington submitted false addresses to the Family Court and this Court; and (iv) there was cumulative error. Mikeson has waived appellate review of claims that he raised below but does not argue on appeal.⁵

(9) The Family Court found that the police report concerning the February 2024 incident was inadmissible hearsay in the absence of the police officer who prepared the report or a records custodian from the police department. Mikeson argues that the Family Court erred because the report was admissible as a public record under Rule 803(8) of the Delaware Rules of Evidence (“D.R.E.”). Rule 803(8) exempts qualifying public records from the hearsay rule. Rule 803(8)(A) excludes investigative reports prepared by police from this exception to the hearsay rule, but Mikeson contends that the police report was not an investigative report.

(10) Mikeson did not include a copy of the police report with his appendix so we are unable to determine whether it is an investigative report or not. But even if the report was admissible under Rule 803(8), the outcome of the proceeding would not change. As the Family Court recognized, Mikeson had already obtained a PFA consent order based on the February 2024 incident. A commissioner denied Mikeson’s motion to extend that order. Mikeson could have sought review of the

⁵ *Somerville v. State*, 703 A.2d 629, 631 (Del. 1997); *Murphy v. State*, 632 A.2d 1150, 1152 (Del. 1993).

commissioner's order, but did not do so. He could not then obtain a new PFA based on the same incident underlying the expired PFA consent order.

(11) Contrary to Mikeson's contentions, the Family Court did not deprive him of a fair tribunal by questioning the relevance of evidence he offered concerning the February 2024 incident with Umbrington. Mikeson asked the court to watch video he recorded on his cell phone of the February 2024 incident that led to the PFA consent order. The Family Court questioned whether the video was relevant, but still viewed the video as Mikeson requested. The relevance of the video was in fact questionable given that Mikeson had already obtained a PFA consent order based on the February 2024 incident and had not sought review of the commissioner's order denying his motion for extension of that order. The Family Court did not err in questioning the relevance of the video of the February 2024 incident.

(12) Mikeson next contends that Umbrington made false statements and falsely certified his address in the Family Court. He has also moved for this Court to require Umbrington to provide documentary evidence and a sworn statement concerning his address because he allegedly provided a false address to this Court. The Family Court denied Mikeson's motion for referral for criminal charges, finding that Umbrington's allegedly false statements were not related to dismissal of the PFA petition. We find no error in the Family Court's denial of this motion. In light

of our rulings above, Mikeson has not established cumulative error. Nor has he demonstrated good cause for modification of the pseudonyms assigned in this case or for requiring Umbrington to submit documentary evidence and a sworn statement concerning his address.

NOW, THEREFORE, IT IS ORDERED that Mikeson's motions are DENIED and the judgment of the Family Court is AFFIRMED.

BY THE COURT:

/s/ N. Christopher Griffiths
Justice