

SUPERIOR COURT OF PENNSYLVANIA

Matthew Gregro v. Maritza C. Gonzalez

2026 Pa. Super. 86 · No. 1101 MDA 2025 · Decided April 27, 2026

SUMMARY

The Pennsylvania Superior Court reviews Matthew Gregro’s appeal from a Berks County custody order awarding Maritza C. Gonzalez sole legal and primary physical custody and Gregro supervised physical custody of their child. The appeal also challenges provisions restricting the parties and their attorneys from publicly discussing the case, including on social media. The court states that it affirms in part and reverses in part.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Panella, P.J.E.; King, J.; Lane, J.
JURISDICTION	Pennsylvania Superior Court
DECIDED	April 27, 2026
DOCKET	1101 MDA 2025
DISPOSITION	reversed
PROCEDURAL POSTURE	Father appealed from an amended custody order that awarded Mother sole legal custody and primary physical custody, awarded Father professionally supervised physical custody, and imposed a gag order restricting public communications about the custody case.
STANDARD OF REVIEW	Custody determinations are reviewed for abuse of discretion, with deference to the trial court’s factual findings, credibility determinations, and weighing of evidence. Constitutional free-speech issues are reviewed de novo under a plenary scope of review. The court applied intermediate scrutiny to the content-neutral gag order under the four-part O’Brien test.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Matthew Gregro v. Maritza C. Gonzalez

TOPICS

- child custody
- domestic violence
- first amendment
- free speech
- appellate procedure

PRACTICE AREAS

family law

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion in weighing the statutory child-custody best-interest factors and awarding Mother sole legal and primary physical custody.
2. Whether the trial court abused its discretion by requiring Father's physical custody to be professionally supervised and limiting his legal-custody rights.
3. Whether the trial court improperly restricted Father's telephone or electronic communications with K.G.
4. Whether Father waived his challenge to the trial court's consideration of his federal firearm conviction.
5. Whether the trial court's limitation of cross-examination was prejudicial error.
6. Whether the trial court improperly relied on its observation that an additional deputy sheriff was required in the courtroom.
7. Whether the supplemental gag order violated the First Amendment to the United States Constitution and Article I, Section 7 of the Pennsylvania Constitution.

HOLDINGS

1. The trial court did not abuse its discretion in evaluating the statutory custody factors and awarding Mother sole legal and primary physical custody.
2. The trial court acted within its discretion in requiring Father's physical custody to be professionally supervised.
3. The trial court was authorized to award Mother sole legal custody and limit Father's legal-custody rights.
4. Father's challenge to the restriction on telephone and electronic communications failed because the custody order did not absolutely prohibit contact; it permitted communication when K.G. requested it.
5. Father was not entitled to appellate relief on his challenges to the weight given to testimony, the consideration of his simple-assault conviction, the limitation of cross-examination, or the trial court's observation concerning courtroom security.
6. The supplemental gag order was unconstitutional under the First Amendment and Article I, Section 7 of the Pennsylvania Constitution because the record did not establish that Father's speech had harmed or would imminently harm K.G.

KEY QUOTATIONS

"It is not this Court's function to determine whether the trial court reached the 'right' decision; rather, we must consider whether, 'based on the evidence presented, [giving] due deference to the trial court's weight and credibility determinations,' the trial court erred or abused its discretion." (at 7)

"Therefore, the state's interest in restraining Father's speech was never triggered and the restriction cannot further an important governmental interest." (at 33-34)

“Accordingly, we are constrained to conclude that, on this record, the gag order fails the intermediate scrutiny standard and is unconstitutional pursuant to the First Amendment of the United States Constitution and Article I, Section 7 of the Pennsylvania Constitution” (at 34)

FACTUAL BACKGROUND

Matthew Gregro and Maritza C. Gonzalez were unmarried parents of K.G., born in 2020, and had a volatile relationship involving multiple protection-from-abuse petitions. The record included a validated child-services report that K.G. was injured while left unattended during Father’s custody, Mother’s testimony that Father repeatedly physically abused her, and evidence of Father’s criminal history and alleged drug sales. After the trial court awarded Mother primary custody and Father supervised custody, Father posted publicly about the case, disparaged Mother, disclosed hearing evidence, and identified and pictured K.G., prompting the trial court to enter a gag order.

PROCEDURAL HISTORY

Father initiated custody proceedings in March 2021. A December 13, 2021 final custody order awarded the parties shared legal custody, Mother primary physical custody, and Father partial physical custody. Father petitioned to modify custody in June 2024. Following a July 3, 2025 hearing, the Court of Common Pleas entered a custody order awarding Mother sole legal and primary physical custody and Father supervised physical custody, then entered a supplemental gag order on July 30, 2025. The Superior Court affirmed the custody order in part but reversed the gag order.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The custody order was affirmed in part, the gag order was reversed, and jurisdiction was relinquished. No remand instructions were stated.

CASES CITED

- A.V. v. S.T., 87 A.3d 818, 820, 823 (Pa. Super. 2014)
- King v. King, 889 A.2d 630, 632 (Pa. Super. 2005)
- Ketterer v. Seifert, 902 A.2d 533, 540 (Pa. Super. 2006)
- E.B. v. D.B., 209 A.3d 451, 460 (Pa. Super. 2019)
- M.J.M. v. M.L.G., 63 A.3d 331, 339 (Pa. Super. 2013)
- In re R.A.M.N., 230 A.3d 423, 427 (Pa. Super. 2020)
- Fatemi v. Fatemi, 489 A.2d 798, 801 (Pa. Super. 1985)
- Drew v. Work, 95 A.3d 324, 337 (Pa. Super. 2014)
- S.B. v. S.S., 243 A.3d 90, 104-113 (Pa. 2020)
- Shepp v. Shepp, 906 A.2d 1165, 1173 (Pa. 2006)

- United States v. O'Brien, 391 U.S. 367, 377 (1968)

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