



*Note: In the case title, an asterisk (\*) indicates an appellant and a double asterisk (\*\*) indicates a cross-appellant. Decisions of a three-justice panel are not to be considered as precedent before any tribunal.*

## **ENTRY ORDER**

JANUARY TERM, 2022

John Martell, Jr. v. Liza Simpson\* } APPEALED FROM:  
} Superior Court, Chittenden Unit,  
} Civil Division  
} CASE NO. 20-CV-00705  
Trial Judge: Samuel Hoar, Jr.

In the above-entitled cause, the Clerk will enter:

Defendant appeals pro se from a trial court order declaring plaintiff the owner of a dog. We affirm.

Plaintiff filed a complaint against defendant in November 2020 seeking the return of a dog that he alleged belonged to him. Plaintiff stated that he had a bill of sale for the dog and that defendant refused to return the animal to him. Following a bench trial, the court found that plaintiff was the rightful owner of the dog and ordered defendant to return the dog to him. The court made findings and conclusions on the record. This appeal followed.

Defendant argues on appeal that plaintiff submitted false evidence at trial. She contends that she did not receive copies of plaintiff's evidence before trial and could not review it or defend against it. Defendant further asserts that a bank statement that plaintiff offered should not have been accepted into evidence because it did not bear plaintiff's name. She questions why her evidence was considered hearsay while defendant was allowed to present similar forms of evidence, such as veterinarian bills. Defendant states that she had other evidence to present but she could not obtain it before trial due to the pandemic. Defendant argues that the dog in question is an emotional support dog for her and her minor son and she contends that the court should have ruled in her favor.

Our "review of a trial court's findings . . . following a bench trial is limited." Lofts Essex, LLC v. Strategis Floor & Decor Inc., 2019 VT 82, ¶ 17, 211 Vt. 204 (quotation omitted). The court's findings will stand "unless clearly erroneous when viewed in the light most favorable to the prevailing party." Id. (quotation omitted). "A finding will not be disturbed merely because it is contradicted by substantial evidence; rather, an appellant must show there is no credible evidence to support the finding." Id. (quotation omitted). We "defer to the court's determinations regarding the credibility of witnesses and . . . the persuasive effect of the evidence." Id. (quotation omitted). We will affirm the trial court's conclusions "where they are reasonably drawn from the evidence presented." Id. (quotation omitted).

We cannot engage in this review here because defendant provides no citations to the record of the nearly two-hour bench trial in support of her arguments, and she also fails to show how her claims of error were preserved. “It is the burden of the appellant to demonstrate how the lower court erred warranting reversal” and “[w]e will not comb the record searching for error.” In re S.B.L., 150 Vt. 294, 297 (1988); see also V.R.A.P. 28(a)(4) (explaining that appellant’s brief must contain “the issues presented, how they were preserved, and appellant’s contentions and the reasons for them—with citations to the authorities, statutes, and parts of the record on which the appellant relies” (emphasis added)). Defendant fails to support her contention that the trial court committed reversible error and “[w]e decline to search the record” on her behalf. Livingston v. Town of Hartford, 2009 VT 54, ¶ 10, 186 Vt. 547 (mem.). We note that, to the extent that defendant challenges the court’s assessment of the weight of the evidence, any such argument would be unavailing. The letter from defendant’s doctor, submitted after the court’s decision, describes the adverse effect on defendant’s health the doctor believes would occur if the dog was removed from defendant’s care. It sheds no light on who is the rightful owner of the dog nor does it draw into question any portion of the trial court’s decision. Finally, the record indicates that plaintiff filed his admitted exhibits with the court, as directed, five days prior to the bench trial. Defendant makes no showing to the contrary. We find no error in the court’s decision granting judgment to plaintiff.

Affirmed.

BY THE COURT:

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Paul L. Reiber, Chief Justice

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Harold E. Eaton, Jr., Associate Justice

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Karen R. Carroll, Associate Justice