



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

OCTOBER TERM, 2026

Richard Welch, Jr.* v. Dylan Bowen	}	APPEALED FROM:
	}	Superior Court, Rutland Unit, Civil Division
	}	CASE NO. 26-CV-01658
		Trial Judge: Susan A. McManus

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

Plaintiff, self-represented, appeals from the dismissal of his complaint. We affirm.

Plaintiff filed suit against defendant in March 2026, seeking damages for defendant's alleged violation of various criminal laws by taking plaintiff's property. Plaintiff filed a similar suit against defendant in December 2025, which was dismissed for failure to state a claim on which relief could be granted. Defendant moved to dismiss the instant complaint and the court granted his request.

As the court explained, plaintiff alleged that defendant violated 13 V.S.A. § 2561 (possession of stolen property) and 23 V.S.A. § 1094 (operating without owner's consent) and he sought monetary damages and compensation. Plaintiff also referenced various alleged criminal violations of federal law related to the criminal statutes he cited. In April 2026, defendant moved to dismiss the complaint.

In ruling on the motion, the court recognized that dismissal was appropriate only when it is "beyond doubt that there exist no facts or circumstances that would entitle the plaintiff to relief." Union Mut. Fire Ins. Co. v. Joerg, 2003 VT 27, ¶ 4, 175 Vt. 196 (quotation omitted). It "assume[d] that all factual allegations pleaded in the complaint [were] true," "accept[ed] as true all reasonable inferences that m[ight] be derived from plaintiff's pleadings[,]" and assume[d] that all contravening assertions in defendant's pleadings [were] false." Id. (quotation omitted).

In this case, plaintiff alleged violations of criminal statutes as civil causes of action but criminal proceedings in Vermont could only be initiated by the Attorney General or a State's Attorney's Office. See, e.g., State v. Gurung, 2025 VT 52, ¶ 19 (recognizing that these "two offices share equal authority to initiate criminal prosecutions" (quotation omitted)). Plaintiff lacked authority to initiate criminal proceedings. Even if the criminal offenses cited by plaintiff gave rise to a private cause of action under common-law torts, the court found that plaintiff

failed to identify specific civil causes of action or specific factual allegations that satisfied the elements of any such claims. The court thus concluded that dismissal was warranted because plaintiff failed to state a claim upon which relief could be granted. The court further found that, as the civil division, it lacked subject-matter jurisdiction over plaintiff's claims, which sounded in criminal law. This appeal followed.

Plaintiff raises no claim of error on appeal. Instead, he filed what appears to be a copy of his complaint, along with what appears to be an additional page identifying and valuing certain property. "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 brief must contain "an argument" that contains "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"). Plaintiff failed to meet his burden here and we thus affirm the court's decision.

Affirmed.

BY THE COURT:

Harold E. Eaton, Jr., Associate Justice

Nancy J. Waples, Associate Justice

Christina E. Nolan, Associate Justice