

Circuit Court for Baltimore City
Case No.: C-24-FM-24-001219

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1503

September Term, 2025

DONALD BRYAN MITCHELL

v.

CHRISTA JACKLYN MITCHELL

Nazarian,
Leahy,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 29, 2026

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Pursuant to an order entered on July 30, 2025, the Circuit Court for Baltimore City granted Donald Bryan Mitchell (“Husband”), appellant, and Christa Jacklyn Mitchell (“Wife”),¹ appellee, an absolute divorce. Among other things, the court found that a cat named Salem was the “pre-marital property” of Wife and ordered Husband to deliver Salem, then in his possession, to Wife. After the court denied Husband’s motion to alter or amend the judgment with respect to the cat, Husband noted this appeal. He raises three questions for our review, which we consolidate and rephrase as follows: Did the court err in classifying Salem the cat as the pre-marital property of Wife? ² For the reasons to be discussed, we answer the question in the negative and affirm the judgment.

¹ The court also granted appellee’s request to resume use of her maiden name, that is, Christa Jacklyn Bragg.

² Husband phrased the questions as follows:

1. Did the trial court err as a matter of law in classifying Salem the cat as marital property or as property belonging to Appellee, where record evidence, including testimony from both parties, established that Appellee gifted Salem to Appellant in 2013, two years before the marriage, making Salem non-marital property under Md. Code, Fam. Law § 8-201(e)?
2. Did the trial court clearly err in disregarding corroborated evidence such as Appellee’s admissions, third-party testimony, and HomeAgain voicemail and email correspondence showing that Salem was Appellant’s premarital property?
3. Did the trial court abuse its discretion by relying on caregiving, emotional testimony, and subjective inferences from post-separation communications—rather than applying § 8-201(e) and determining ownership based on acquisition, donative intent, delivery, and pre-marital possession?

BACKGROUND

When Husband and Wife began dating in or around 2013, both owned two cats. In November of 2013, before the couple began living together, Wife and a friend found a black kitten while on a walk. Wife took the cat to a “Petco or Petsmart,” which determined that there was no microchip in the animal. The next day, she took the kitten to a veterinary hospital whose staff also confirmed the absence of a microchip. Then, after no one responded to her internet posting about a found kitten, Wife testified that she decided to “keep [the kitten] as my own.” She testified that she named the cat Salem, a name she chose based on the television show “Sabrina the Teenage Witch” who had “a male cat named Salem.” The kitten was black and “was found right after Halloween” so Wife “thought the name was pretty fitting.”

Because she had just began leasing an apartment when she found Salem and was awaiting approval from the landlord to allow her two existing cats to reside there, Wife asked Husband, whom she was dating at the time, if Salem could stay with him “for the time being[.]” Wife testified that Husband agreed, but she was “pretty much there every day” and about five months later (around April 2014) Wife moved in with Husband, bringing her two other cats (male) with her. Husband at the time also had two cats (female) of his own. Wife denied that she had ever gifted Salem to Husband. The couple married in October 2015.

Wife took Salem to the veterinary hospital on various occasions for vaccines, to be microchipped, and a wellness exam. Wife submitted paperwork from the facility that reflected that Wife was the “client” and “Salem” the patient. Some of the paperwork also

noted the pet's name as "Salem Bragg." Bragg was Wife's maiden name and her name at the time she found Salem.

Husband and Wife separated in February 2024, when Wife asserted that Husband "kicked her out" of the marital home. Wife moved in with friends temporarily, leaving behind most of her possessions, including Salem and another cat. (A third cat belonging to Wife when the parties married had since died.) Around May of 2024, Husband relocated to Minnesota after securing a job there. Prior to his final move, Wife flew to California to visit her family. Because both Husband and Wife would be out-of-town at the same time, Wife engaged a friend to look after the cats—all of whom were still at the marital home.

In email communications with Husband after the separation but before what she was led to believe would be his final departure from Maryland (and the marital home), Wife made clear to Husband that she'd like the opportunity to say goodbye to "Rio and Samuin," the female cats belonging to Husband. Husband did not convey in any of their communications around this time that he considered Salem to be his cat or that he intended to take Salem with him when he moved to Minnesota. When Husband departed for Minnesota, however, he took with him three cats, including Salem. Upon learning that he took Salem, Wife immediately demanded that he return her cat.

Husband agreed that Wife had found Salem when the cat was a kitten. He asserted, however, that Wife had asked whether he wanted Salem and he agreed to take the animal. In fact, he claimed that Wife had texted him saying, "Hey, I found this cat, do you want it" and he replied, "Bring her home." (He testified that initially Wife had identified Salem as female, when in fact he is male.) He insisted that Salem was always his cat and they had

him (but not their other cats) microchipped because he was the only one of the cats that went outside. He testified that the “microchip was registered to” him, and that “after it was formally decided that [he and Wife] were going to be a thing, then [Wife] was added as a secondary contact [on the microchip registration] under her maiden name.” Years later, after the separation, Husband claimed that he received a voicemail message and an email from HomeAgain (the company that monitored the microchip) inquiring whether he had authorized a “transfer of ownership” of Salem. That voicemail message and email communication were entered into evidence. Wife, in contrast, testified that she had Salem microchipped and produced a document from HomeAway reflecting her as the “pet parent.” Husband, in response, testified that HomeAway “undid the transfer” and the microchip account was presently in his name.

Husband acknowledged that he, himself, never took Salem to the veterinarian. And Wife claimed that she never took Husband’s cats (Rio and Samuin) to the veterinarian.

Husband’s sister, Krystyn Mitchell, testified that she met Salem for the first time about 13 years ago when visiting her brother in his apartment prior to his marriage to Wife. It was her understanding at the time that Salem belonged to Husband. Wife’s friend, Alison Trainor, who met the couple after they were married and had moved to Baltimore, testified that Wife “talked about the cats regularly” and she had “cat sat” for them a couple of times. It was her understanding that the two male cats (Salem and Bandit) were Wife’s and the two female cats (Rio and Samuin) were Husband’s.

In closing statements Wife’s counsel argued that Salem was “her premarital cat” and requested that he be returned to Wife. Husband’s counsel argued that Salem was

Husband’s “premarital property,” acknowledging that although Wife had found the cat, she offered it to Husband and he took it.

In its oral ruling, the court noted that it makes “all findings of fact based on the preponderance of the evidence, and [after] having had the opportunity to observe the witnesses, to judge their credibility through, among other things, observation of their demeanor.” With regard to the cat, the court noted that “Maryland law reduces the status of a pet to a piece of property.” The court stated that, at one point, the couple had five cats between them and found that “they both loved those cats very much and that the cats have played an important part [in] their lives.” The court further noted that Husband and Wife “have each shown sympathy and caring about those animals.” The court continued:

The difficult question, primarily because it is undisputed that [Wife] was the one who found Salem as a kitten. It is undisputed that she’s the one who named Salem. It is also undisputed that Salem lived in [Husband’s] apartment for some period of months while the parties were in a relationship, but before they got married, and that since pre-marriage, [Wife] moved into his apartment, that the cats have lived with both of them all the way up to the separation. And in fact, Salem lived with [Husband] for some months after the separation, but I think that is more less a consequence of ownership and more a consequence just of the arrangement of the households after the separation occurred.

Because so much of the cat’s life has been with both parties, there wasn’t always the need to identify him as the property of one party or the other. And so that makes the question of deciding whose premarital property that particular cat is more difficult. As a result, I’m searching for small shreds of evidence that might bear on that issue, and I don’t want to pretend that I’m overplaying any of those items of evidence.

But one of the significant items of evidence is that it was [by Wife] that the cat was found, who took the cat to the vet, and the cat was identified by her name, at that point, that may - - her last name, that may be a simple accident of she was the paying customer of the animal hospital and therefore the cat got her last name, as opposed to her explicit designation of the cat as

Salem Bragg. But that is, nevertheless, what is in the veterinary records from that period of time.

Again, this is a shred of evidence, but it is significant to me that in one of the email exchanges that occurred in early May of 2024, right before the significance of whose cat this was would gain such central importance in this case, that - - and I'm referring to Plaintiff's Exhibit 5, the first page - - that [Wife] wrote, "Can you answer my email about when you plan to leave tomorrow so I can spend some time with the cats," meaning presumably all of them, "and also when you plan to move Rio and" I'm sorry if I mispronounce it, "Samuin so I can see them." While he might be excused for not focusing exactly on that message, there was no objection, and certainly no explanation from [Husband] at that point to say, "Actually, I'm moving three cats, not just the two of them." And as the evidence indicates, at some time - - at some point, he did - - his immediate response when he got around to responding about the cats, is that the cats are staying put, that is, he wasn't taking them on that trip, so that she could come and visit them. I don't take his message to mean I'm not taking any of them, but just that he wasn't taking them that day.

But at some point in those next several days, he decided to take Salem to Minnesota, as well, and did not tell [Wife] that he was going to do that. And then we had the, because of the lack of information going back and forth, then we had the very unfortunate incident that Bandit was left in the house . . . for several days, about four days without anyone caring for him. Fortunately, he survived and is fine.

But I take from that, two things. One is that [Husband] did not immediately assert his ownership of Salem. And the other is that, frankly, his taking Salem was out of spite. I find, based on the facts, that the parties, through the marriage, regarded the two male cats as [Wife's] cats, and the two female cats as [Husband's] cats and that Salem is, in fact, the property of [Wife], and needs to be returned to her.

STANDARD OF REVIEW

Appellate review of a bench trial is governed by Rule 8-131(c), which provides:

When an action has been tried without a jury, an appellate court will review the case on both the law and the evidence. It will not set aside the judgment of the trial court on the evidence unless clearly erroneous, and will give due regard to the opportunity of the trial court to judge the credibility of the witnesses.

“The clearly erroneous standard does not apply, however, when we are reviewing the circuit court’s legal conclusions.” *SVAP II Pasadena Crossroads LLC v. Fitness International LLC*, 260 Md. App. 77, 89 (2023). “We accord no deference to the circuit court’s legal conclusions but instead our review is for legal correctness.” *Id.* (cleaned up).

DISCUSSION

On appeal, Husband maintains the court failed to determine whether Salem was marital or non-marital property and asserts that the facts establish that Wife gifted Salem to him prior to their marriage. He also maintains that the court’s finding that Wife “had a superior ownership claim to Salem” was clearly erroneous because “the evidence supporting [his] ownership was substantial, documentary, and corroborated.” Although acknowledging that there was some conflicting testimony by Husband and Wife, Husband asserts that “the court made **no credibility finding** resolving” the conflict “and instead relied on implication rather than evidence.” Husband characterizes the court’s ruling as based on “equitable reasoning unrelated to ownership,” and asserts that the decision reflects “an abuse of discretion requiring reversal.”

We disagree with Husband on all points. The parties agreed at the outset that Salem was not marital property. Their dispute centered on whether Salem was the pre-marital property of Wife or the pre-marital property of Husband. Wife testified that she found Salem and decided to keep him after her attempts to locate an owner proved fruitless. Because she was then seeking permission from her landlord to allow her other two cats to live with her, Wife testified that she asked Husband if Salem could live with him for the time being and he agreed. Wife denied ever gifting Salem to Husband. Husband, in contrast,

testified that, upon finding Salem, Wife inquired if he would like the cat and he said yes, bring it home. Credibility determinations were for the court to make, and we disagree that that the court failed to make such a determination in this case.

“In assessing the credibility of the witnesses who testify at a . . . hearing, the circuit court is ‘entitled to accept—or reject—*all, part, or none* of’ their testimony, ‘whether that testimony was or was not contradicted or corroborated by any other evidence.’” *Hripunovs v. Maximova*, 263 Md. App. 244, 263 (2024) (quoting *Omayaka v. Omayaka*, 417 Md. 643, 659 (2011)) (emphasis in the original). This is so, at least in part, because the trial judge has “the opportunity to gauge and observe the witnesses’ behavior and testimony during the trial.” *Barton v. Hirshberg*, 137 Md. App. 1, 21 (2001) (quotation marks and citation omitted). Here, although the court did not expressly state it found Wife credible and Husband not, it is obvious that was the case.

Moreover, we are not persuaded that the court’s finding that Salem was property acquired by Wife prior to the marriage was clearly erroneous. In addition to Wife’s testimony, the court had evidence that Wife, not Husband, took Salem for veterinary services and the veterinary facility’s paperwork listed Christa Bragg as the client. Although there was some conflicting evidence related to the HomeAgain account—with both parties presenting evidence in their own favor—there was nothing in the record before the court that definitively established that Husband, not Wife, was the owner of Salem.

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE CITY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**