

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

ANTHONY P. HARRIS, Appellant, ) No. ED99276  
 ) Appeal from the Circuit Court of  
vs. ) St. Louis County  
 ) Honorable John N. Borbonus, III  
GLORIA M. HARRIS, Respondent. ) Filed: October 29, 2013

Anthony Harris (Father) appeals the trial court's judgment and decree of dissolution of marriage. Father claims the trial court erred in: (1) calculating Father's child support obligation because Father was entitled to an adjustment for overnight visitation; (2) characterizing the physical custody award as sole physical custody to the mother; and (3) awarding the mother her entire pension. We reverse and remand as to Father's first point on appeal. With respect to Father's second and third points, we affirm the trial court's judgment pursuant to Rule 84.16(b).<sup>1</sup>

REVERSED AND REMANDED.

Division Four Holds: The Supreme Court has held that, where the paying parent has custody or visitation of the child between 92 and 109 days per year, the trial court must make a ten percent adjustment in the child support obligation. Russell v. Russell, 210 S.W.3d 191, 198 (Mo. banc 2007). Additionally, where the paying parent has custody or visitation of the child for more than 109 days per year, he or she may receive an adjustment of over ten percent. Id. Because Father has visitation with the parties' son for more than 109 days per year, the trial court abused its discretion in failing to adjust Father's child support obligation by at least 10 percent.

Opinion by: Patricia L. Cohen, J.  
Lisa S. Van Amburg, P.J., and Gary M. Gaertner, Jr., J., concur.

Attorney for Appellant: Joseph F. Yeckel

Attorney for Respondent: Gloria M. Harris, Pro Se

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.**

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<sup>1</sup> We have reviewed Father's second and third points on appeal and find no trial court error. An extended opinion as to those points would have neither precedential nor jurisprudential value. Therefore, Father's second and third points are affirmed in accordance with Rule 84.16(b). We have furnished the parties a memorandum setting forth the reasons for our decision.