

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

NICOLE LYNN MARTIN,

Respondent,

v.

MATTHEW RAY MARTIN,

Appellant.

DOCKET NUMBER WD79044

Date: October 11, 2016

Appeal from:
Cole County Circuit Court
The Honorable Patricia S. Joyce, Judge

Appellate Judges:
Division Three: Lisa White Hardwick, Presiding Judge, Gary D. Witt and Edward R.
Ardini, Jr., Judges

Attorneys:
Jessica M. Christiansen, Jefferson City for respondent.
Matthew R. Martin, appellant pro se.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

NICOLE LYNN MARTIN

Respondent,

v.

MATTHEW RAY MARTIN,

Appellant.

WD79044

Cole County

Before Division Three: Lisa White Hardwick, Presiding Judge, Gary D. Witt and Edward R. Ardini, Jr., Judges

Matthew Martin ("Father") appeals from a judgment finding him in contempt and another judgment dissolving his marriage to Nicole Lynn Martin ("Mother"). Regarding the contempt judgment, Father contends that he was not in contempt, the judgment did not set forth the facts and circumstances that constituted contempt, and the court erred in ordering him to pay attorney's fees as part of the judgment. Concerning the dissolution judgment, Father argues that the court erred in awarding Mother sole physical custody of their daughter and in valuing his retirement plans.

**APPEAL OF CONTEMPT JUDGMENT DISMISSED.
DISSOLUTION JUDGMENT AFFIRMED.**

Division Three holds:

(1) The contempt order is not a final, appealable judgment because it has never been enforced; therefore, we must dismiss Father's appeal as it pertains to the contempt judgment.

(2) The circuit court did not err in awarding Mother sole physical custody; Mother and Father joint legal custody; and visitation as agreed upon between Father and the

child. Given the child's advanced age and the fact that she planned to attend college full time, substantial evidence supported the court's determination that the custody arrangement and parenting plan were in the child's best interests.

(3) The circuit court did not err in valuing Father's retirement accounts. The court was free to accept Mother's evidence that Father had squandered these accounts during the parties' separation and reject Father's contrary evidence, and we must defer to the court's decision to do so.

Opinion by: Lisa White Hardwick, Judge

October 11, 2016

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