IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT

COMPLETE TITLE OF CASE

FREDRICO LOWE BEY,

Appellant,

v.

ANNE PRECYTHE, et al.,

Respondents.

DOCKET NUMBER WD83693

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DATE: October 27, 2020

APPEAL FROM

The Circuit Court of Cole County, Missouri
The Honorable Cotton Walker, Judge

JUDGES

Division Two: Hardwick, P.J., and Newton and Mitchell, JJ. CONCURRING.

ATTORNEYS

Fredrico Lowe Bey, Bonne Terre, MO, Appellant, *pro se*.

Eric S. Schmitt, Attorney General, and Shannon R. Gamble, Assistant Attorney General, Jefferson City, MO, Attorneys for Respondents.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

FREDRICO LOWE BEY, Appellant,
v.
ANNE PRECYTHE, et al., Respondents.

WD83693 **Cole County**

Before Division Two Judges: Lisa White Hardwick, Presiding Judge, and Thomas H. Newton and Karen King Mitchell, Judges

Fredrico Lowe Bey, who appears *pro se*, appeals the dismissal of his petition alleging that the Missouri Department of Corrections (DOC) and its Director Anne Precythe violated the Missouri Merchandising Practices Act (MMPA). Bey raises one point on appeal; he claims the court erred in granting the defendants' motion to dismiss for failure to state a claim because his petition adequately alleged a violation of the MMPA, the defendants are subject to the MMPA, the doctrines of sovereign immunity and official immunity do not shield the defendants from liability, the court improperly denied several motions made by Bey, and the court abused its discretion. Because of significant deficiencies in Bey's appellate brief, which prevent us from conducting a meaningful review of his claims, we dismiss his appeal.

APPEAL DISMISSED.

Division Two holds:

1. Bey, who appears *pro se*, is subject to the same procedural rules as parties represented by counsel, including Rule 84.04 governing the contents of appellate briefs.

2. Compliance with Rule 84.04 briefing requirements is mandatory, and failure of an appellant to substantially comply with Rule 84.04 constitutes grounds for dismissal of the appeal.

3. Bey's sole point on appeal violates Rule 84.04(d) because the point groups together multiple, independent claims rather than stating a single claim of error, *i.e.*, the point is multifarious. Multifarious points are subject to dismissal.

4. Bey's point also violates Rule 84.04(d) because the point does not contain the information required by the rule or substantially follow the form prescribed by the rule. Although Bey's point identifies a ruling challenged—dismissal of his petition for failure to state a claim—and the point cites *some* legal reasons supporting his claim of reversible error, the point does not explain why, in the context of the case, those legal reasons support his claim of reversible error.

5. Bey's statement of facts is deficient in that it does not provide "a fair and concise statement" of the relevant facts as required by Rule 84.04(c) but instead consists primarily of legal arguments and conclusions.

6. Bey's brief does not contain "[a] concise statement of the grounds on which jurisdiction of the review court is invoked" as required by Rule 84.04(a)(2).

7. The argument portion of Bey's brief does not include a concise statement describing whether and how each claim of error was preserved for appellate review, as required by Rule 84.04(e).

8. Where a brief is so defective as to require the court to speculate about appellant's arguments and the legal support for them, we cannot reach the merits because to do so would require us to become the appellant's advocate by searching the record for the relevant facts, hypothesizing about the possible claims of error, and crafting a legal argument on appellant's behalf.

Opinion by: Karen King Mitchell, Judge October 27, 2020

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THIS SUMMARY IS **UNOFFICIAL** AND SHOULD NOT BE QUOTED OR CITED.