OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

VICTORIA DATT,	)	No. ED109243
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of St. Charles County
vs.	)	
	)	Hon. Michael J. Fagras
NICHOLAS SCHROER,	)	
	)	Filed:
Respondent.	)	October 30, 2020

This is an appeal from the judgment entered after a bench trial finding that Representative Nicholas Schroer of the 107th district in Missouri's House of Representatives is a resident of the 107th district and will remain on the ballot for reelection.

AFFIRMED.

Special Division holds:

The trial court did not misstate or misapply the law when determining whether Representative Schroer intended to abandon his original residency in the 107th district, without any intent to return, and instead make a new permanent or indefinite residence in another district.

The judgment was not against the weight of the evidence. On the facts before the trial court, this case could have gone either way: there were facts supporting the conclusion that Representative Schroer did intend to abandon his original residence and establish a new one and other facts supporting the conclusion that he did not have that intention. This conflict gave rise to a strong presumption in favor of the original domicile, which the trial court properly applied in assessing the facts before it and reaching its conclusion that Representative Schroer did not abandon residency in the 107th district. We must defer to the trial court's assessment of the evidence, including its express finding that Representative Schroer's testimony was credible.

Opinion by: Robert G. Dowd, Jr., C.J.
Gary M. Gaertner, Jr., J. and Kurt S. Odenwald, J., concur.

Attorney for Appellant: Matthew B. Vianello

Attorneys for Respondent: Lowell D. Pearson and Ryan R. Harding

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.