



IN THE MISSOURI COURT OF APPEALS WESTERN DISTRICT

CLAY CHASTAIN,	)	
	)	
Appellant,	)	
	)	
v.	)	WD87587
	)	
CITY OF KANSAS CITY,	)	Opinion filed: October 21, 2025
MISSOURI, ET AL.,	)	
	)	
Respondent.	)	

APPEAL FROM THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI THE HONORABLE SARAH A. CASTLE, JUDGE

Before Division One: Janet Sutton, Presiding Judge,
Gary D. Witt, Judge and W. Douglas Thomson, Judge

Clay Chastain (“Chastain”) appeals *pro se* from the trial court’s entry of summary judgment in favor of the City of Kansas City, Missouri, Mayor Quinton Lucas, and City Manager Brian Platt (the respondents collectively referred to as the “City”).¹ Chastain presents three points on appeal. However, because Chastain

¹Chastain sued Mayor Quinton Lucas and City Manager Brian Platt in their official capacities. Thus, we will treat the suit as one against the City of Kansas City. *See Hafer v. Melo*, 502 U.S. 21, 25 (1991) (noting “the real party in interest in an official-capacity suit is the governmental entity and not the named official”); *see also Vescovo v. Kingsland*, 628 S.W.3d 645, 658 (Mo. App. W.D. 2020) (“Civil actions against public officials in their official capacity are treated as suits against the [government entity]”) (citing *Hafer*, 502 U.S. at 25).

has submitted a brief that violates nearly every provision of Rule 84.04,² we dismiss without reaching the merits of his appeal.

Factual and Procedural Background³

As an initial matter, we note that Chastain has extensive experience with our Court. *See, e.g., State ex rel. Chastain v. City of Kansas City*, 968 S.W.2d 232 (Mo. App. W.D. 1998); *Chastain v. Kan. City Star*, 50 S.W.3d 286 (Mo. App. W.D. 2001); *Chastain v. Kan. City Mo. City Clerk*, 337 S.W.3d 149 (Mo. App. W.D. 2011); *Chastain v. James*, 463 S.W.3d 811 (Mo. App. W.D. 2015); *Chastain v. Geary*, 539 S.W.3d 841 (Mo. App. W.D. 2017); *State ex rel. City of Kansas City v. Harrell*, 575 S.W.3d 489 (Mo. App. W.D. 2019). He is considered “a long-time community activist in Kansas City,” *Harrell*, 575 S.W.3d at 490, and often represents himself *pro se* throughout appellate litigation.

The instant case originated from a dispute at City Hall in early 2023. Chastain ran for mayor of Kansas City in the 2023 mayoral election against

² All rule references are to Missouri Court Rules (2025).

³ “Our review of summary judgment is limited to the undisputed material facts established in the process set forth in Rule 74.04(c); we do not review the entire trial court record.” *Bracely-Mosley v. Hunter Eng’g Co.*, 662 S.W.3d 806, 810 (Mo. App. E.D. 2023) (citing *Green v. Fotoohigham*, 606 S.W.3d 113, 117 (Mo. banc 2020)). The trial court noted that Chastain’s response to the City’s motion for summary judgement failed to comply with Rule 74.04(c), and thus, all numbered paragraphs in the City’s motion for summary judgement were deemed admitted. *See Bracely-Mosley*, 662 S.W.3d at 810 (“If the non-movant does not properly deny a statement of fact, that fact is deemed admitted.”). We review these facts “in the light most favorable to the party against whom summary judgment was entered, and that party is entitled to the benefit of all reasonable inferences from the record.” *Green*, 606 S.W.3d at 116 (citation omitted). The Court may also consider pleadings and exhibits properly referenced in Rule 74.04(c) paragraphs and responses, as well as the procedural history of the case found in Court records. *Id.* at 118; *Murphy v. Steiner*, 658 S.W.3d 588, 590 n.1 (Mo. App. W.D. 2022).

incumbent Mayor Quinton Lucas. On February 23, 2023, Kansas City held a public City Council hearing at City Hall. Chastain entered City Hall on February 23, intending to ask Mayor Lucas why he refused to debate him. Security warned Chastain that he was not allowed to campaign in City Hall and asked him to leave. Chastain refused to leave and was subsequently arrested for trespassing. He was later acquitted of the trespassing charges.

In response to the City Hall incident, Chastain filed a lawsuit in the United States District Court for the Western District of Missouri against Kansas City and Mayor Lucas under 42 U.S.C. § 1983, alleging a violation of his First and Fourth Amendment rights. The defendants filed a motion to dismiss for failure to state a claim upon which relief can be granted. The United States District Court granted the motion and the Eighth Circuit affirmed.⁴

Undaunted, Chastain next filed the instant lawsuit in the Circuit Court of Jackson County against the City of Kansas City, Missouri, Mayor Lucas, and City Manager Brian Platt, bringing claims of malicious arrest, malicious prosecution, and election interference. The City brought a motion to dismiss for failure to state a claim upon which relief can be granted. The trial court then granted the motion to dismiss Chastain's claim of election interference, but denied the motion as it related to the claims of malicious prosecution and false imprisonment.⁵ The City

⁴ See *Chastain v. City of Kansas City*, No. 23-00490-CV, 2023 WL 9285472 (W.D. Mo. Nov. 21, 2023), *aff'd*, No. 24-1080, 2024 WL 3406149 (8th Cir. Mar. 13, 2024).

⁵ The circuit court construed Chastain's malicious arrest claim as a claim for false imprisonment.

subsequently filed a motion for summary judgment which was granted by the trial court.

Chastain appeals. His original appellate brief was stricken for multiple, specific violations of Rule 84.04. Chastain filed an amended brief, making only slight modifications in response to the Court's order. Because Chastain's amended brief remains riddled with Rule 84.04 violations, we decline to reach the merits of this appeal.

Analysis

Rule 84.04 sets forth the mandatory requirements for filing an appellate brief. *Lexow v. Boeing Co.*, 643 S.W.3d 501, 505 (Mo. banc 2022). These requirements are not mere technicalities, but rather preserve the proper role of an appellate court. *Murphree v. Lakeshore Ests., LLC*, 636 S.W.3d 622, 624 (Mo. App. E.D. 2021). “Deficient briefing runs the risk of forcing this Court to assume the role of advocate by requiring us to sift through the legal record, reconstruct the statement of facts, and craft a legal argument on the appellant’s behalf.” *Id.* Such an exercise is inappropriate and requires the Court to “speculat[e] on facts and arguments that have not been made.” *Acton v. Rahn*, 611 S.W.3d 897, 901 (Mo. App. W.D. 2020). Further, “[e]nforcement of the briefing requirements reduces instances where the [C]ourt is required to create precedent based upon incomplete and unsupported arguments.” *Green v. Shiverdecker*, 514 S.W.3d 41, 45 (Mo. App. W.D. 2017) (quoting *Lueker v. Mo. W. State Univ.*, 241 S.W.3d 865, 867 (Mo. App. W.D. 2008)).

We are mindful that Chastain is appearing *pro se*. However, “[j]udicial impartiality, judicial economy, and fairness to all parties necessitates that we do not grant *pro se* litigants preferential treatment with regard to their compliance with . . . procedural rules.”⁶ *R.M. v. King*, 671 S.W.3d 394, 397 (Mo. App. W.D. 2023) (quoting *Deere v. Deere*, 627 S.W.3d 604, 607 (Mo. App. W.D. 2021)).

“Although this Court prefers to reach the merits of a case, excusing technical deficiencies in a brief, it will not consider a brief ‘so deficient that it fails to give notice to this Court and to the other parties as to the issue presented on appeal.’” *Maxwell v. Div. of Emp. Sec.*, 671 S.W.3d 742, 747 (Mo. App. W.D. 2023) (quoting *Lexow*, 643 S.W.3d at 505). “[A]s the Missouri Supreme Court has recently reminded us, ‘[t]he appellate courts’ continued reiteration of the importance of the briefing rules without enforcing any consequence implicitly condones continued violations and undermines the mandatory nature of the rules.’” *Id.* (alteration in original) (quoting *State v. Minor*, 648 S.W.3d 721, 728–29 (Mo. banc 2022)). “The failure to substantially comply with Rule 84.04’s requirements preserves nothing for our review and is grounds for dismissing the appeal.” *King*, 671 S.W.3d at 397.

We discuss each Rule 84.04 violation in turn.

Jurisdictional Statement

Rule 84.04(a)(2) requires an appellant brief to contain a “concise statement of the grounds on which jurisdiction of the review court is invoked.” In addition,

⁶ Chastain should be aware of this fact. *See Chastain v. Kan. City Mo. City Clerk*, 337 S.W.3d at 155 n.4 (“Although Chastain is self-represented, he is subject to the same briefing standards as represented parties.”).

Rule 84.04(b) states, “The jurisdictional statement shall set forth sufficient factual data to demonstrate the applicability of the particular provision or provisions of article V, section 3, of the Constitution upon which jurisdiction is sought to be predicated.” While Chastain has attempted to provide a jurisdictional statement, he has not identified the constitutional provision providing this Court with jurisdiction. *See In re Marriage of Shumpert*, 144 S.W.3d 317, 319 (Mo. App. E.D. 2004) (holding a jurisdictional statement violated Rule 84.04(a)(2) and (b) when it failed to, among other things, identify a constitutional provision giving rise to jurisdiction). Further, his statement “does not identify what final judgment, if any, [is] being appealed, or the court that entered that judgment.” *Id.*; *see P & J Ventures, LLC v. Yi Yu Zheng*, 479 S.W.3d 748, 752 (Mo. App. E.D. 2016) (“Defendants’ jurisdictional statement does not clearly identify what final, appealable judgment of the circuit court is being appealed”). The jurisdictional statement is thus inadequate. “This in and of itself would be a sufficient basis for us to dismiss [Chastain’s] appeal.” *Finnical v. Finnical*, 81 S.W.3d 554, 558 (Mo. App. W.D. 2002).

Statement of Facts

Rule 84.04(c) requires the appellant to include “a fair and concise statement of the facts relevant to the questions presented for determination without argument.” When appealing a grant of summary judgment “an appellant’s brief should [] set forth the material facts established by Rule 74.04(c)(1) and (2), together with the pages in the legal file where such facts were established.” *J.D. ex*

rel. Storment v. Sanders, 688 S.W.3d 828, 833 (Mo. App. S.D. 2024) (alteration in original) (internal quotation marks and citation omitted). “A statement of facts that fails to identify the material facts established by a motion for summary judgment, or properly denied by the opposing party’s response, violates Rule 84.04(c).” *Bracely-Mosley v. Hunter Eng’g Co.*, 662 S.W.3d 806, 811 (Mo. App. E.D. 2023). “The primary purpose of the statement of facts is to afford an immediate, accurate, complete and unbiased understanding of the facts of the case.” *Marvin v. Kensinger*, 682 S.W.3d 788, 795 (Mo. App. W.D. 2023) (quoting *Acton*, 611 S.W.3d at 901).

Chastain’s one-page statement of facts does not provide us any insight into the nature of the case. Instead, Chastain merely provides us with a brief procedural history, with no reference to the underlying facts predicated his appeal. “Failure to include the facts upon which an appellant’s claim of error is based fails to preserve the contention for appellate review.” *Id.* at 795–96 (quoting *Estate of Allen*, 615 S.W.3d 851, 854 (Mo. App. E.D. 2020)) (internal quotation marks omitted); *see also Gan v. Schrock*, 652 S.W.3d 703, 708 (Mo. App. W.D. 2022) (citation omitted) (“A statement of facts that consists of nothing more than an abbreviated procedural history fails to provide an understanding of the case and is deficient.”).

Additionally, the statement of facts does not contain specific page references, but instead cites to entire documents within the legal file. Ultimately, the Court’s only insight into the facts of this case are provided in the jurisdictional

statement, which does not contain a single citation to the record. “It is not the function of the appellate court to search the record to discover the facts that substantiate a point on appeal.” *Marvin*, 682 S.W.3d at 796 (quoting *Sharp v. All-N-One Plumbing*, 612 S.W.3d 240, 245 (Mo. App. W.D. 2020)). “A violation of Rule 84.04(c), standing alone, constitutes grounds for dismissal of an appeal.” *Gan*, 652 S.W.3d at 708 (quoting *Washington v. Blackburn*, 286 S.W.3d 818, 820 (Mo. App. E.D. 2009)).⁷

Point Relied On

Rule 84.04(d)(1) requires an appellant’s point relied on to “(A) Identify the trial court ruling or action that the appellant challenges; (B) State concisely the legal reasons for the appellant’s claim of reversible error; and (C) Explain in summary fashion why, in the context of the case, those legal reasons support the claim of reversible error.” The Rule provides a template to ensure compliance with these requirements, which provides that the point should be stated as follows: “The trial court erred in [*identify the challenged ruling or action*], because [*state the legal reasons for the claim of reversible error*], in that [*explain why the legal reasons, in the context of the case, support the claim of reversible error*].” *Id.* The point relied on is intended to “give notice to the opposing party of the precise

⁷ We further note Chastain’s statement of facts is argumentative and largely focused on criticizing the findings of the trial court. See *In re Marriage of Smith*, 283 S.W.3d 271, 273 (Mo. App. E.D. 2009) (noting a statement of facts may not contain argument or improperly criticize the trial court). Rule 84.04(c) provides that the statement of facts is to be “presented for determination without argument.” Chastain fails to pay heed to that portion of the Rule requiring the facts to be presented *without argument*, which further detracts from the minimal facts he presents.

matters which must be contended with and to inform the court of the issues presented for review.” *Lexow*, 643 S.W.3d at 505 (quoting *Wilkerson v. Prelutsky*, 943 S.W.2d 643, 647 (Mo. banc 1997)). A point that “does not state ‘wherein and why’ the trial court erred does not comply with Rule 84.04(d) and preserves nothing for appellate review.” *Storey v. State*, 175 S.W.3d 116, 126 (Mo. banc 2005) (citation omitted). Chastain’s points relied on violate Rule 84.04(d) in multiple respects.

First, none of his three points follow the template provided. Chastain fails to identify which specific trial court ruling he is challenging. Additionally, each point fails to state why, in the context of *this* case, his stated legal reasons require reversal. Point I broadly states that the trial court erred in narrowly construing his petition instead of giving it a liberal construction, given that he is *pro se*. Ignoring the questionable merit of such a claim, Chastain never details *how* the court misconstrued the petition. Point II alleges trial court error in ruling on an issue not brought forward by the City in its motion for summary judgment. Yet, he does not include what issue the trial court erroneously ruled upon nor what issue the trial court allegedly should have considered. “A point relied on that cannot be understood without resorting to the record or the argument portion of the brief preserves nothing for appellate review.” *In re Marriage of Smith*, 283 S.W.3d 271, 274 (Mo. App. E.D. 2009). Point III *itself* spans over a page and a half in length and asserts both that the trial court erred in ruling in a confusing manner and in ruling that the City was protected by sovereign immunity. The point is not

“concise” nor stated in “summary fashion.” See Rule 84.04(d)(1); *White v. Darrington*, 91 S.W.3d 718, 722 (Mo. App. W.D. 2002) (holding a point relied on that was over a page long and nearly incomprehensible did not comply with Rule 84.04(d)). It is also multifarious in that it has combined multiple claims into a single point. See *Lexow*, 643 S.W.3d at 506. “Multifarious points relied on are noncompliant with Rule 84.04(d) and preserve nothing for review.” *Id.* (citation omitted).

Each point relied on also violates Rule 84.04(d)(4) in that it merely includes abstract statements of law without stating wherein and why they are applicable.⁸ The appellant’s interpretation of abstract legal principles, untethered to the case at hand, are insufficient. *Marvin*, 682 S.W.3d at 797. Finally, Chastain has violated 84.04(d)(5) by failing to include “a list of cases, not to exceed four, and the constitutional, statutory, and regulatory provisions or other authority upon which [he] principally relies,” following each point relied on. This omission has left the Court “to speculate as to the pertinent authority” at issue. *Murphree*, 636 S.W.3d at 625.

This Court warned Chastain of several of his aforestated briefing deficiencies in its order striking his initial brief, specifically noting that his points relied on did not comply with 84.04(d) and that he failed to include a list of authorities following each point. While Chastain attempted to modify his points relied on in his

⁸ Here, we *generously* refer to the point having “statements of law” *of any sort*. As discussed below, the legal principles Chastain refers us to are merely supported by an “AI Overview,” not legal authority.

amended brief, he did nothing more than add abstract statements of law, which remain inadequate as discussed above. He did not add a list of authorities. “Where a party has been warned of briefing deficiencies and persists in repeating the same errors, we should not act as an advocate for [the appellant] to overcome these problems.” *Pickett v. Bostwick*, 667 S.W.3d 653, 661 (Mo. App. W.D. 2023) (alteration in original) (internal quotation marks and citation omitted). “This Court has an obligation to create and maintain a level playing field for all parties. One of the surest ways to do this is to consistently enforce this Court’s simple, straightforward rules governing points relied on.” *City of Harrisonville v. Mo. Dep’t of Nat. Res.*, 681 S.W.3d 177, 183 (Mo. banc 2023). “Given [Chastain’s] extensive experience of litigating before this Court, basic requirements of each point relied on should not surprise or be new to him.” *Brown v. Brown*, 645 S.W.3d 75, 83 (Mo. App. W.D. 2022).

A violation of Rule 84.04(d) is grounds for dismissal. *Acton*, 611 S.W.3d at 902. While a court may be more likely to review an insufficient point relied on if the argument section of the brief clarifies the defects, that is not possible here as Chastain’s argument is wholly inadequate, as discussed below. *See Gan*, 652 S.W.3d at 709; *Marvin*, 682 S.W.3d at 797.

Argument

Rule 84.04(e) requires that each claim of error include a concise statement describing whether and how error was preserved for appellate review. While Chastain includes a section labeled “preservation statement,” he appears to have a

fundamental misunderstanding of the requirement. “The preservation statement must ‘precisely identify with specific page references to the relevant portion of the record on appeal both’ the challenged trial court ruling or action and how the appellant presented the alleged error to the trial court before appeal.” *Sanders*, 688 S.W.3d at 834 n.6 (quoting *Hale v. Burlington N. & Santa Fe Ry. Co.*, 638 S.W.3d 49, 61 (Mo. App. S.D. 2021)). Chastain’s statement instead states that his notice of appeal was timely filed, the trial court’s order is final, and he has presented certified copies of all trial court filings to this Court. He does not direct us to portions of the record which demonstrate any of his purported errors were preserved. “Identifying if and how claims are preserved is necessary because [w]e will not convict a trial court of error on an issue that it had no chance to decide.” *Gan*, 652 S.W.3d at 710 (alteration in original) (internal quotation marks and citation omitted).

Rule 84.04(e) also requires that *each* claim of error include the *applicable* standard of review. “This requirement is not satisfied by setting out a statement of the standard of review once at the beginning of the argument portion of a brief,” as Chastain has done. *In re Marriage of Smith*, 283 S.W.3d at 275. Chastain also sets forth multiple standards of review—including “clear error,” “firmly convinced,” and “de novo”—none of which are supported by legal authority. While the only reference to legal authority in Chastain’s *entire* brief is located in the

standard of review, it is simply not helpful.⁹ “While it would be easy enough for this [C]ourt to determine the applicable standard of review, it is not our duty to supplement the deficient brief with our own research.” *King*, 671 S.W.3d at 399 (alteration in original). Further, determining the standard of review ourselves would place us in the position of guessing what standard Chastain intended and advancing an argument he has not made. We cannot do this. The standard of review is an essential component of any appellate argument, the omission of which is “itself a deficiency worthy of dismissal.” *Steele v. Schnuck Mkts., Inc.*, 485 S.W.3d 823, 824 (Mo. App. E.D. 2016).

Most egregiously, Chastain’s argument is inflammatory, unprofessional, and completely devoid of any legal authority. “An argument must explain why, in the context of the case, the law supports the claim of reversible error. It should advise the appellate court how principles of law and the facts of the case interact.” *Marvin*, 682 S.W.3d at 798 (citation omitted). “An appellant has an obligation to cite appropriate and available precedent if he expects to prevail, and, if no

⁹ For instance, Chastain first cites to “409.846,” which provides the standard of review for the security commissioner’s orders. That standard is not applicable here. Chastain also cites “*Sauvain v. Indem. Ins. Co.*,” for the proposition that “an Appellate Court will only overturn a trial court judgment if they are firmly convinced it is wrong,” yet he does not provide a corresponding reporter citation. The necessity of proper citations to caselaw is exemplified here as we located *three* Missouri cases by the name of *Sauvain v. Acceptance Indemnity Insurance Company*. Chastain’s lack of citation is of no help in discerning which of the three he intends to utilize. One of the cases we found does provide similar standard-of-review language, however it is discussing the standard of review for a bench-tried case, not a summary judgement appeal. See *Sauvain v. Acceptance Indem. Ins. Co.*, 437 S.W.3d 296, 302 (Mo. App. W.D. 2014). In short, Chastain has failed to provide the applicable standard of review.

authority is available to cite, he should explain the reason for the absence of citations.” *Brown v. Ameristar Casino Kan. City, Inc.*, 211 S.W.3d 145, 148 (Mo. App. W.D. 2007). “When an appellant fails to cite relevant law and explain how it applies to the applicable facts, we deem the point abandoned.” *Murphy v. Steiner*, 658 S.W.3d 588, 593 (Mo. App. W.D. 2022) (citation omitted). Here, Chastain has failed to cite to a single source of legal authority in the argument section of his brief. His argument contains no meaningful analysis and is instead limited to unsupported legal conclusions. He also makes no reference to the underlying facts of this case within the argument section discussing his points relied on.¹⁰

Further, instead of citing existing precedent, Chastain directs the Court to several “AI overviews” of the law. He does not specify the source, but these quotations appear to be derived from a basic Google search and refer to artificial intelligence (AI) overviews. This is not legal authority. Any person who makes a filing with this Court certifies that to the best of their knowledge, “[t]he claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law

¹⁰ We note that Chastain’s brief contains two sections of unrelated, additional argument that are not associated with *any* of his points relied on. We decline to review this material. See *Geiler v. Liberty Ins. Corp.*, 621 S.W.3d 536, 549 (Mo. App. W.D. 2021) (“[Appellant] improperly includes a string of unrelated additional arguments that are not included in the point relied on and, therefore, are not subject to our review.”); *Marvin*, 682 S.W.3d at 799 n.6 (alteration in original) (citations omitted) (“[C]laimed errors that are raised only in the argument portion of the brief but not contained in a point relied on are not preserved for our review.”). Additionally, while these sections do contain factual assertions, they lack “specific page references to the relevant portion of the record on appeal[.]” Rule 84.04(e). We will not act as an advocate and comb the record to find support for his assertions. See *King*, 671 S.W.3d at 399 (citation omitted).

....” Rule 55.03(b)(2); *see* Rule 84.06(c)(1); *see also* *Kruse v. Karlen*, 692 S.W.3d 43, 52 (Mo. App. E.D. 2024) (opining that a *pro se* appellant still certifies compliance with Rules 55.03 and 84.06(c) as a self-represented person). Chastain had a duty to verify the accuracy of the AI results with legal authority and to supply the Court with such authority, not a simple “AI Overview.”¹¹ Because Chastain has made no effort to supply the Court with legal authority, his argument is entirely unsupported.¹² “It is not our duty to supplement the deficient brief with our own research, thus noncompliance with Rule 84.04(e) justifies dismissal.”¹³ *Murphree*,

¹¹ Indeed, simply stating “AI Overview” gives us no legal citation. In the similar context of citing to fictitious cases, our sister court has recently warned litigants about the unfettered use of AI without an independent review. *Kruse*, 692 S.W.3d at 52; *Stevens v. BJC Health Sys.*, 710 S.W.3d 602, 604 n.1 (Mo. App. E.D. 2025) (“Accordingly, in light of artificial intelligence’s increasing prevalence, we warn litigants that using artificial intelligence to draft a legal document may lead to sanctions if the user fails to perform a critical review of the end-product to ensure that fictitious legal authorities or citations do not appear in filings with this Court or any other court.”). Federal courts have done the same. *See Willis v. U.S. Bank Nat’l Ass’n*, 783 F. Supp. 3d 959, 961 (N.D. Tex. 2025) (internal quotation marks and citation omitted) (“And because artificial intelligence synthesizes many sources with varying degrees of trustworthiness, reliance on artificial intelligence without independent verification renders litigants – attorneys and *pro se* parties alike – unable to represent to the Court that the information in their filings is truthful.” (contained within the trial court’s “Standing Order Regarding Use of Artificial Intelligence”)).

¹² The Court has previously informed Chastain of this problem. *See Chastain v. Kan. City Mo. City Clerk*, 337 S.W.3d at 158 (“Chastain has failed to provide legal authority or argument in support of his contention It is not the role of the circuit court, or of this Court, to act as an advocate for Chastain, and develop a legal argument he has failed to adequately raise.”); *Chastain v. James*, 463 S.W.3d at 821 (“If a party does not support contentions with relevant authority or argument beyond conclusory statements, the point is deemed abandoned.” (citation omitted)).

¹³ Various portions of Chastain’s brief direct us to his suggestions in opposition to the City’s writ of prohibition filed with this Court in a separate case. However, he does not include this document in his legal file, nor is it otherwise found in the record on appeal. “We cannot and will not consider documents outside the record.” *Sharp*, 612 S.W.3d at 244. We also note that Chastain’s legal file violates Rule 81.12(b)(2)(E) in that it does not maintain chronological order.

636 S.W.3d at 625 (citation omitted).¹⁴

Occasionally, we will “review non-compliant briefs of *pro se* appellants *ex gratia*.” *King*, 671 S.W.3d at 400 (citation omitted). We will do so only when “we can ascertain the gist of an appellant’s arguments, notwithstanding minor shortcomings in briefing.” *Deere*, 627 S.W.3d at 609 (citation omitted). Chastain’s violations of Rule 84.04 are not minor. The Court is “mindful that a party’s sense of justice is not met when their case is not decided upon the merits.” *Sharp*, 612 S.W.3d at 246. However, addressing the merits of Chastain’s appeal would requires us “to comb the record for support for his factual assertions, decipher his points on appeal, and locate legal authority for his arguments.” *King*, 671 S.W.3d at 400 (citation modified) (quoting *Aydin v. Boles*, 658 S.W.3d 223, 227 (Mo. App. W.D. 2022)). In short, we would become Chastain’s advocates. This, we cannot do.

¹⁴ Further, we observe that Rule 84.04(e) first requires the applicable point relied on to be “restated at the beginning of the section of the argument discussing that point.” Chastain has included only the first sentence of his point relied on at the beginning of each argument section. This is insufficient as the whole point must be restated. *In re Marriage of Shumpert*, 144 S.W.3d at 320. This Court’s order initially striking Chastain’s brief informed Chastain that his point relied on must be restated at the beginning of the argument section for each point. Still, his amended brief remains inadequate in this regard.

Finally, Chastain’s conclusion fails to comply with Rule 84.04(a)(6) as it is not a “short conclusion stating the precise relief sought.” Chastain’s conclusion spans approximately two pages in length, is dramatic, inflammatory, and includes additional unsupported legal conclusions and factual assertions without any citation to the legal file. It too, violates Rule 84.04.

Conclusion

Chastain's brief substantially fails to comply with Rule 84.04 and thus preserves nothing for our review. The appeal is dismissed.



W. DOUGLAS THOMSON, JUDGE

All concur.