Missouri Court of Appeals
Southern District

In Division

In Re the Marriage of: HEIDI JO CLANTON, Petitioner-Respondent, v. DANIEL PAUL CLANTON, Respondent-Appellant.	No. SD38889 Filed: February 13, 2026

APPEAL FROM THE CIRCUIT COURT OF NEWTON COUNTY

Honorable Joseph W. Schoeberl, Senior Judge

DISMISSED

Daniel Paul Clanton ("Husband") appeals from the judgment of the Circuit Court of Newton County, Missouri ("trial court"), dissolving his marriage to Heidi Jo Clanton ("Wife"). Husband raises one point on appeal concerning the nonmodifiable maintenance award that the trial court made in Wife's favor. Because Husband's point is multifarious and alleges three different reasons for the trial court's alleged error within a single point, we dismiss his appeal.

Analysis

Husband's single point on appeal claims as follows:

> The trial court erred in ordering that the maintenance award be nonmodifiable because there is no substantial evidence to support the award; the court erroneously applied the law; and the order was an abuse of discretion in that there was no testimony, documentary evidence, or other substantial evidence presented as to the parties' future financial circumstances which would support designating the maintenance award as nonmodifiable; the parties' future financial circumstances, Wife's future financial resources and needs, and Husband's future financial resources and needs were all speculative; and any inference or conclusion as to the parties' future circumstances is speculation that does not support an award of nonmodifiable maintenance.

"Compliance with Rule 84.04 briefing requirements is mandatory in order to ensure that appellate courts do not become advocates by speculating on facts and on arguments that have not been made." ***In re Marriage of Flood***, 707 S.W.3d 75, 77 (Mo. App. S.D. 2025) (quoting ***Brown v. Ameristar Casino Kansas City, Inc.***, 211 S.W.3d 145, 147 (Mo. App. W.D. 2007)).[1]

With respect to points relied on, Rule 84.04 requires that each point relied on:

> (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.
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> The point shall be in substantially the following form: "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*]."

[1] All references to rules are to Missouri Court Rules (2025).

Rule 84.04(d).

"The function of [points relied on] is to give notice to the opposing party of the precise matters which must be contended with and to inform the court of the issues presented for review." ***Lexow v. Boeing Co.***, 643 S.W.3d 501, 505 (Mo. banc 2022) (quoting ***Wilkerson v. Prelutsky***, 943 S.W.2d 643, 647 (Mo. banc 1997)). "A deficient point relied on requires the respondent and appellate court to search the remainder of the brief to discern the appellant's assertion and, beyond causing a waste of resources, risks the appellant's argument being understood or framed in an unintended manner." ***Id.*** at 505.

"An appellant is not permitted to consolidate multiple, independent claims into a single point[,]" and separate issues must be stated in separate points. ***Flood***, 707 S.W.3d at 77. "This is so because separate and distinct inquiries … require discrete legal analyses." ***Id.*** (internal quotations omitted) (quoting ***Hale v. Burlington N. & Santa Fe Ry. Co.***, 638 S.W.3d 49, 61 (Mo. App. S.D. 2021)). Multifarious points violate Rule 84.04(d) and preserve nothing for review. ***Macke v. Patton***, 591 S.W.3d 865, 869 (Mo. banc 2019).

Husband's point violates Rule 84.04 by combining multiple allegations of error into a single point relied on. Husband's point claims that the trial court's award of nonmodifiable maintenance was not supported by substantial evidence, erroneously applied the law, and was an abuse of discretion. Each of these allegations requires a separate legal analysis, yet Husband's point impermissibly conflates them into one single

issue. *See* ***Sercl v. Dir., Dep't of Soc. Services, Children's Div. of State***, 477 S.W.3d 85, 88 (Mo. App. S.D. 2015) (providing that "a substantial-evidence challenge, a misapplication-of-law challenge, and an against-the-weight-of-the-evidence challenge are distinct claims that must appear in separate points relied on in the appellant's brief to be preserved for appellate review"). This alone is fatal to Husband's claim. *See* ***In re Marriage of Blanchard***, 613 S.W.3d 879, 886-87 n.8 (Mo. App. S.D. 2020) (internal quotation and citation omitted) (claims of abuse of discretion, erroneous application of the law, not supported by substantial evidence, and against the weight of the evidence are separate inquiries and require discrete legal analyses; "a point relied on that raises more than one of these claims is multifarious and preserves nothing for appellate review").

In addition, the argument section of Husband's brief does not follow the order of his point relied on, as required by Rule 84.04(e), nor does it tie his multiple allegations of trial court error to the facts in this case. His brief does not set forth the legal standards for any of his claims of error, nor does it follow the mandatory not-supported-by-substantial-evidence analysis required by ***Houston v. Crider***, 317 S.W.3d 178, 187 (Mo. App. S.D. 2010), rendering it "analytically useless[.]" ***McElvain v. Stokes***, 623 S.W.3d 769, 775 (Mo. App. W.D. 2021) (quoting ***Langston v. Langston***, 615 S.W.3d 109, 116 (Mo. App. W.D. 2020)).

To examine and attempt to understand the potential merits of Husband's point would require this Court "to determine and clarify the nature of the contentions asserted," which places this Court in the untenable position of Husband's advocate. ***Thummel v. King***, 570 S.W.2d 679, 686 (Mo. banc 1978). It also creates the risk that this Court will

"interpret the thrust of the contention differently than [Wife] or differently than was intended by [Husband]." ***Id.*** This Court is prohibited from assuming such a role. ***Id.*** For these reasons, Husband's appeal is dismissed.

JENNIFER R. GROWCOCK, C.J. – OPINION AUTHOR

BECKY J. WEST, J. – CONCURS

BRYAN E. NICKELL, J. – CONCURS