In the Missouri Court of Appeals
Eastern District

DIVISION TWO

J.C.T.,	)	ED113730
	)	
Respondent,	)	
	)	
v.	)	
	)	
A.N.G.,	)	
	)	
Appellant.	)	
	)	Filed: June 16, 2026

Appeal from the Circuit Court of Saint Louis County
The Honorable Joseph L. Green, Judge

Introduction

Appellant A.N.G. ("A.N.G.") appeals the trial court's modification judgment awarding sole legal and sole physical custody of the parties' minor child to Respondent J.C.T. ("J.C.T."). A.N.G. raises five points on appeal. A.N.G.'s appellate brief fails to substantially comply with the briefing requirements of Rule 84.04[1] such that it preserves nothing for appellate review.

Accordingly, the appeal is dismissed.

[1] All references are to Missouri Supreme Court Rules (2026).

Background

The underlying matter concerns the modification of a custody judgment entered by the trial court on March 11, 2019 ("2019 Judgment"). In 2021, the parties, separately, moved to modify the 2019 Judgment. On August 26, 2024, the matter was set for trial on January 27 and 28, 2025. On October 15, 2024, another order confirmed the trial date remained set for January of 2025. A trial was held, at which J.C.T. appeared in person with his counsel, but A.N.G. failed to appear.[2] Before hearing the evidence, the trial court dismissed A.N.G.'s motion to modify for failure to prosecute and proceeded on J.C.T.'s amended motion to modify. Subsequently, the trial court entered its modification judgment, awarding J.C.T. sole legal and sole physical custody of the parties' minor child. A.N.G., acting *pro se*, untimely filed a notice of appeal from the trial court's modification judgment, along with a motion for leave to file a late notice of appeal, pursuant to Rule 81.07(a). This Court granted A.N.G.'s motion. After A.N.G. filed her appellate brief and legal file, J.C.T. moved to both strike A.N.G.'s brief and/or dismiss the appeal and strike her legal file. J.C.T.'s motions were taken with the case.

Discussion

Before reaching the merits of A.N.G.'s appeal, this Court must first address J.C.T.'s motions. This Court denies J.C.T.'s motion to strike A.N.G.'s legal file. This Court also denies J.C.T.'s motion to strike A.N.G.'s brief, but grants his motion to

[2] At the time the trial was scheduled, A.N.G. was represented by counsel, but her attorney later withdrew. A.N.G. proceeded *pro se* and asserted she was a "sovereign citizen." At the time of trial, A.N.G. was representing herself.

dismiss the appeal because A.N.G.'s appellate brief fails to sufficiently comply with the briefing requirements of Rule 84.04, which are discussed in more detail below.[3]

Rule 84.04 Violations

Rule 84.04 sets forth the appellate briefing requirements, and compliance with the requirements is mandatory. *Lexow v. Boeing Co*., 643 S.W.3d 501, 505 (Mo. banc 2022); *Pearson v. Keystone Temp. Assign. Group, Inc*., 588 S.W.3d 546, 550 (Mo. App. E.D. 2019). A.N.G. appeals on her own behalf and she has the right to do so. *See Pearson*, 588 S.W.3d at 549. But, this Court cannot relax its standards for non-lawyers. *Mecey v. Harps Food Stores*, 721 S.W.3d 197, 200 (Mo. App. E.D. 2025). *Pro se* appellants "are bound by the same rules as a party represented by an attorney" and thus "must comply with the Supreme Court Rules, including Rule 84.04[.]" *Pearson*, 588 S.W.3d at 549.

This Court cannot and will not penalize A.N.G. for choosing not to retain the assistance of an attorney; but likewise, this Court cannot and will not lend her any assistance in prosecuting her appeal. *See id.* This is not due to a lack of sympathy or a matter of personal preference. *Id*. at 549–50. Rather, it "is necessitated by the requirement of judicial impartiality, judicial economy, and fairness to all parties." *Id.* at 550. Further, the requirement that every appellant comply with the appellate briefing requirements ensures this Court remains steadfast in its role as a neutral arbiter and does

[3] On April 13, 2026, A.N.G. filed a "notice of supplemental authority regarding dismissal of related criminal charges." The motion was taken with the case. This Court grants the motion.

not assume the role of advocate for any party. *Renegar v. Borman,* 712 S.W.3d 33, 37 (Mo. App. E.D. 2025).

This Court cannot reach the merits of this appeal because A.N.G.'s appellate brief falls significantly short of the minimum standards of Rule 84.04. Most notably, A.N.G.'s statement of facts, points relied on, and arguments are all deficient. Each violation is discussed in turn.

Statement of Facts

Rule 84.04(c) requires "[t]he statement of facts shall be a fair and concise statement of the facts relevant to the questions presented for determination without argument." "The primary purpose of the statement of facts is to set forth an immediate, accurate, complete and unbiased understanding of the facts of the case." *Clark v. Aranda*, 730 S.W.3d 222, 227 (Mo. App. E.D. 2025) (quoting *Pearson,* 588 S.W.3d at 550). An appellant's failure to provide a fair and concise statement of "the facts relevant to the issues to be determined by this Court is a sufficient basis to dismiss the appeal." *Kruse v. Karlen,* 692 S.W.3d 43, 48 (Mo. App. E.D. 2024).

A.N.G.'s statement of facts consists of a chronological recitation of some of the procedural history in the underlying matter and the initial custody matter. A statement of facts that provides a timeline and is "nothing more than an abbreviated procedural history fails to provide an understanding of the case and is deficient." *Clark,* 730 S.W.3d at 227 (quoting *Yarnall ex rel. Yarnall v. Choudhury*, 23 S.W.3d 920, 921 (Mo. App. S.D. 2000)).

"An appellant has the duty to define the scope of the controversy by stating the relevant facts fairly and concisely." *Id*. (quoting *Yarnall*, 23 S.W.3d at 921). A.N.G.'s statement of facts falls woefully short of this standard and omits all of the relevant facts this Court needs to review her appeal. In particular, A.N.G. fails to provide any relevant facts pertaining to the modification proceedings and, more importantly, to the questions she presents for determination. Thus, A.N.G.'s statement of facts does not afford this Court "an immediate, accurate, complete and unbiased understanding of the facts of the case." *Id*. (quoting *Pearson*, 588 S.W.3d at 550). "It is the duty of the parties—not this [C]ourt—to search the transcript or record to discover the facts which substantiate a point on appeal." *Campbell v. Woodland Lakes Trusteeship, Inc*., 591 S.W.3d 511, 512 (Mo. App. E.D. 2019).

Additionally, Rule 84.04(c) requires that "[a]ll statements of facts shall have specific page references to the relevant portion of the record on appeal, i.e., legal file, transcript, or exhibits." For instance, when an appellant cites "to the system-generated legal file, it shall include the system-generated appeal document number and page number (e.g., D6 p. 7)." *Id*. A.N.G. fails to properly cite to the legal file. Specifically, A.N.G. cites to the record as if the legal file was system-generated (e.g., LF, D2). However, her legal file is not system-generated so no document numbers were ever generated. Consequently, A.N.G.'s references in her statement of facts do not correspond with any document in the legal file and thus fail to inform this Court of the pages in the legal file to which she is referencing. "Specific relevant cites to the record are mandatory and essential for the effective functioning of appellate courts because courts cannot spend

time searching the record to determine if factual assertions in the brief are supported by the record." *Carmen v. Olsen*, 611 S.W.3d 368, 372 (Mo. App. E.D. 2020) (quoting *P & J Ventures, LLC v. Yi Yu Zheng*, 479 S.W.3d 748, 752 (Mo. App. E.D. 2016)).

On a final note, it is evident to this Court, by A.N.G.'s assertions in her reply brief, she does not understand the purpose or importance of Rule 84.04(c). In her reply brief, A.N.G. fails to acknowledge the ways she violates Rule 84.04(c) and asserts "Respondent had the full opportunity under Rule 84.04(f) … to supplement the Statement of Facts in his Brief, which he did." To be clear, it was A.N.G.'s duty as the appellant–not J.C.T.'s duty–to provide this Court with a fair and concise statement of the facts. J.C.T.'s decision to supplement the statement of facts does not eliminate the deficiencies discussed above or circumvent A.N.G.'s duty to comply with Rule 84.04(c).

A.N.G.'s "failure to provide a fair and concise statement of facts with references to the record on appeal preserves nothing for review and is a sufficient basis to dismiss an appeal." *Shelton v. Shelton*, 717 S.W.3d 810, 815 (Mo. App. W.D. 2025) (quoting *Matter of James A. Long Tr. Dated Dec. 13, 2007 as Amended*, 704 S.W.3d 729, 739 (Mo. App. W.D. 2024)).

Points Relied On

Rule 84.04(d) requires each point relied on: "(A) [i]dentify the trial court ruling or action that the appellant challenges; (B) [s]tate concisely the legal reasons for the appellant's claim of reversible error; and (C) [e]xplain in summary fashion why, in the context of the case, those legal reasons support the claim of reversible error." To ensure

compliance, the rule provides "a 'virtual roadmap' for the preparation of a point relied on…." *Clark*, 730 S.W.3d at 228; *see also* Rule 84.04(d).

"The purpose of the points relied on is to give notice to the opposing party of the precise matters which must be contended with and to inform [this Court] of the issues before it." *Concrete Coring Co. of N. Am., Inc. v. Am. Contractors Indem. Co*., 731 S.W.3d 504, 510 (Mo. App. E.D. 2026) (quoting *Kruse*, 692 S.W.3d at 48). Compliance with Rule 84.04(d) is necessary because "[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*. (quoting *Lexow*, 643 S.W.3d at 505). "A point relied on that does not comply with the mandatory requirements of Rule 84.04(d) preserves nothing for our review and is grounds to dismiss." *Nicol v. Nicol*, 491 S.W.3d 266, 270 (Mo. App. W.D. 2016).

First, all of A.N.G.'s points relied on fail to challenge a single action or ruling made by the trial court. "Rule 84.04(d) requires separate points to challenge separate rulings or actions." *Lewis v. State*, 661 S.W.3d 9, 14 (Mo. App. E.D. 2023) (quoting *Lexow*, 643 S.W.3d at 505–06) (internal quotation marks omitted). All of A.N.G.'s points relied on assert the trial court erred in entering a "default judgment and modification of

judgment." A.N.G. seemingly attempts to challenge two separate actions in each of her points relied on, which is impermissible.[4] *See id*.

Second, A.N.G. fails to challenge the basis for the trial court's ruling. A.N.G.'s points relied on present wholesale allegations of denial of due process and judicial bias, and complaints about the trial court not making specific findings on domestic violence, diagnosing A.N.G. with a mental health condition from the bench, and not correcting opposing counsel when he mislabeled the proceeding as a divorce proceeding.[5] None of her points relied on, however, challenge any of the trial court's findings or grounds for granting J.C.T. sole legal and sole physical custody of the parties' minor child. A point relied on that does not challenge any of the articulated grounds for the trial court's ruling is fatal to the success of an appeal. *See KDW Staffing, LLC v. Grove Constr., LLC*, 584 S.W.3d 833, 837 (Mo. App. W.D. 2019) (finding appellant's points relied on failed to

[4] A review of the docket entries indicates the court clerk incorrectly characterized the trial court's judgment as a "default judgment." Despite this clerical error, the trial court's judgment is not styled as a default judgment and makes no mention of A.N.G. being in default. For understanding, "[a] motion to modify does not require a responsive pleading and failure to file one does not merit default (even when combined with a failure to appear at trial)." *Johnson v. Riley*, 573 S.W.3d 119, 122 n.3 (Mo. App. W.D. 2019). As a result, the trial court's modification judgment was a judgment on the merits and no default judgment was entered in this matter.

[5] This Court notes Point Five asserts the trial court, not opposing counsel, mislabeled the trial as a divorce proceeding. However, in her argument, A.N.G. clarifies and explains she takes issue with the trial court treating the trial as a "dissolution modification" due to opposing counsel's mischaracterization of the proceeding. Specifically, opposing counsel stated, "…And I know I've said it 1,000 times, this is my first sovereign citizen in a divorce." He then stated, "Or a petition." The record does not support A.N.G.'s assertion that the trial court treated or misclassified the proceeding as a divorce or made a finding it was treating the trial as a dissolution of marriage.

challenge any of the independent bases for the trial court's judgment, which was fatal to the success of the appeal).

Last, A.N.G.'s points relied on neither concisely state the legal reasons for the error nor summarize, within the context of the case, how the legal reasons support a claim of reversible error. Under each point relied on, A.N.G. references *Murphy v. Carron*, 536 S.W.2d 30, 32 (Mo. banc 1976), which governs this Court's review of court-tried cases, such as the present one. *See S.W. v. K.H.*, 727 S.W.3d 839, 851 (Mo. App. E.D. 2025) (stating appellate review of a court-tried case is governed by *Murphy v. Carron*). Under this standard, the trial court's judgment will be affirmed unless it is not supported by substantial evidence, is against the weight of the evidence, or it erroneously declared or applied the law. *Id.* Because an appellate court can reverse a judgment on only one of *Murphy v. Carron* grounds, each point on appeal must articulate *one, and only one,* of those grounds. *See Goodpasture v. Goodpasture*, 723 S.W.3d 898, 912 (Mo. App. W.D. 2025); *see also Ebert v. Ebert*, 627 S.W.3d 571, 580 (Mo. App. E.D. 2021). "If a point on appeal fails to identify which one of the *Murphy v. Carron* grounds applies, Rule 84.04 directs us to dismiss the point." *Ebert*, 627 S.W.3d at 580.

None of A.N.G.'s points relied on articulate which *Murphy v. Carron* ground she relies upon in seeking reversal of the trial court's judgment.[6] This Court cannot assign one of the *Murphy* grounds or speculate as to which of the *Murphy* grounds should be

[6] This Court notes Point Five references only one of the Murphy grounds (misapplication of the law), but it is not tethered to any finding made by the trial court. Thus, it does not comply with Rule 84.04(d).

applied to any of the points relied on. To do so "would not only make us an advocate for [A.N.G.], but would also run the risk of interpreting [her] contention differently than [she] intended." *Interest of S.M.W.*, 658 S.W.3d 202, 212 (Mo. App. W.D. 2022) (quoting *T.G. v. D.W.H.*, 648 S.W.3d 42, 48–49 (Mo. App. E.D. 2022)). Thus, A.N.G.'s failure to articulate which *Murphy* ground she relies upon in seeking reversal of the trial court's judgment warrants dismissal. *See Ebert*, 627 S.W.3d at 580; *Goodpasture*, 723 S.W.3d at 912 (dismissing points relied on because appellant failed to articulate which *Murphy* ground she relied upon in seeking reversal of the trial court's judgment).

For all these reasons, A.N.G.'s points relied on fail to substantially comply with the mandatory requirements of Rule 84.04(d).

Argument

Rule 84.04(e) provides, in relevant part, "[f]or each claim of error, the argument shall also include a concise statement describing whether the error was preserved for appellate review; if so, how it was preserved; and the applicable standard of review." Further, while not expressly stated in the rule, an appellant must "satisfy the 'fundamental requirement [of] an appellate argument,' which is to 'demonstrate the erroneousness of the basis upon which a lower court or agency issued an adverse ruling.'" *Estate of Hanks*, 589 S.W.3d 604, 606 (Mo. App. E.D. 2019) (quoting *Rainey v. SSPS, Inc.*, 259 S.W.3d 603, 606 (Mo. App. W.D. 2008)).

A.N.G.'s brief is deficient because her preservation statements, standards of review, and arguments for each point on appeal are all disjointed from one another. Most

notably, A.N.G.'s arguments are not constructed within the context of the appropriate standard of review.

Beginning with her preservation statements, A.N.G. concedes Points Two, Three, and Four are not preserved for appellate review. As to Points One and Five, A.N.G. asserts they are "preserved for full review as a jurisdictional defect" or "[a]lternatively, … constitute[] plain error under Rule 84.13(c)[.]" The preservation statements for Points One and Five violate Rule 84.04(e) because they fail to explain *how* the issues are preserved, leaving this Court to decide whether or not the issues are, in fact, preserved. It is an appellant's duty, not the duty of this Court, to demonstrate her argument is properly preserved for this Court's review. *Hays v. Dep't of Corr.*, 690 S.W.3d 523, 526 (Mo. App. E.D. 2024).

Further, none of A.N.G.'s arguments specify the applicable standard of review. "The standard of review is an essential portion of all appellate arguments; it outlines this [C]ourt's role in disposing of the matter before us." *Northup v. Bakula*, 701 S.W.3d 678, 685 (Mo. App. E.D. 2024) (quoting *In re Marriage of Erickson*, 419 S.W.3d 836, 845 (Mo. App. S.D. 2013)). All of A.N.G.'s standards of review reference the three *Murphy v. Carron* grounds upon which an appellant can rely, but are silent as to which specific *Murphy v. Carron* ground she asserts the judgment violates and, ultimately, governs our review of her point. To make matters more confusing, A.N.G. cites to *Murphy v. Carron* in Points Two, Three, and Four, which she acknowledges are not preserved for review. It is well-established that "Rule 30.20 is the exclusive means by which an appellant can seek review of any unpreserved claim of error and said claim" is evaluated under the

plain error framework without exception. *Interest of J.C.S.*, 658 S.W.3d 260, 265 (Mo. App. S.D. 2023) (quoting *State v. Brandolese*, 601 S.W.3d 519, 530 (Mo. banc 2020)). None of the argument sections for Points Two, Three, and Four set forth the plain error standard of review. The omission of the applicable standard of review, viewed in isolation, may not be fatal to this Court's review of an appellant's claims of error, but it lays the groundwork for an appellant to construct her "entire brief unanchored and unmoored to the applicable standard of review, and most importantly, unrestrained by it." *Northup*, 701 S.W.3d at 685 (quoting *Interest of R.R.S.*, 573 S.W.3d 717, 725 (Mo. App. S.D. 2019)). That is exactly the case here.

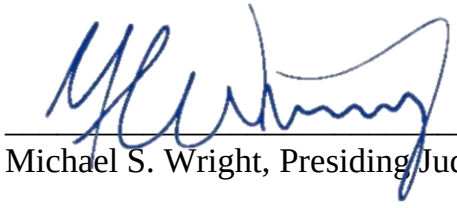
Plain error and each of the *Murphy v. Carron* grounds require a distinct analytical framework and A.N.G.'s arguments are not developed under any of these frameworks. *See Interest of J.C.S.*, 658 S.W.3d at 265; *see also Ebert*, 627 S.W.3d at 580. With respect to Points One and Five, if these points were in fact preserved for appellate review as A.N.G. asserts, the arguments needed to be construed within one of the *Murphy v. Carron* grounds. As a reminder, each *Murphy v. Carron* ground is proved differently and each "is subject to different principles and procedures of appellate review." *Ebert*, 627 S.W.3d at 580 (quoting *Koeller v. Malibu Shores Cond. Ass'n, Inc.*, 602 S.W.3d 283, 287 (Mo. App. S.D. 2020)). A.N.G. fails to assert any cognizable legal reason for reversal because she fails to identify one of the *Murphy v. Carron* grounds and apply the corresponding framework to Points One and Five. As to Points Two, Three, and Four, A.N.G. acknowledges these points are not preserved for appellate review, but provides no argument under the plain error framework. *See State v. Jones*, 725 S.W.3d 577, 582 (Mo.

banc 2025) (explaining the framework used for unpreserved claims of error). A.N.G.'s failure to integrate the applicable framework renders her argument analytically useless and provides no support for her challenge. *See Taldone v. Shephard*, 726 S.W.3d 54, 60 (Mo. App. S.D. 2025); *Koeller*, 602 S.W.3d at 288. If this Court engaged in an analysis under the framework for plain error or under one the *Murphy v. Carron* grounds in the absence of A.N.G. providing this Court with such an argument, this Court "would have to scour the record and devise arguments on [her] behalf, thereby becoming [her] advocate." *State v. Thomas*, 590 S.W.3d 441, 446 (Mo. App. S.D. 2019) (quoting *State v. Massa*, 410 S.W.3d 645, 657 (Mo. App. S.D. 2013)). This is not an appropriate function for this Court. *Id.*

Therefore, A.N.G. fails to comply with Rule 84.04(e).

Conclusion

Due to A.N.G.'s failure to substantially comply with Rule 84.04, this Court cannot review A.N.G.'s appeal without impermissibly assuming the role of her advocate by sifting through the legal record, reconstructing the statement of facts, redrafting her points relied on, and crafting a legal argument. Accordingly, the appeal is dismissed.



Michael S. Wright, Presiding Judge

Virginia W. Lay, Judge and
Kathleen S. Hamilton, Judge concur.