MISSOURI COURT OF APPEALS
WESTERN DISTRICT

JAMES BAKER,	)	
	)	
Appellant,	)	**WD88301**
	)	
v.	)	**OPINION FILED:**
	)	
CITY OF MAYSVILLE, ET AL.,	)	**July 28, 2026**
	)	
Respondents.	)	
	)	

Appeal from the Circuit Court of Dekalb County, Missouri
Honorable Ryan W. Horsman, Judge

Before Division Two: Janet Sutton, Presiding Judge,
Lisa White Hardwick, Judge, and W. Douglas Thomson, Judge

James Baker (Baker) appeals from the judgment of the Circuit Court of Dekalb County, Missouri, (circuit court) granting the City of Maysville, et al.,'s (collectively, Respondents) motion to dismiss and dismissing the matter with prejudice. This Court struck Baker's initial brief for its failure to comply with the appellate briefing requirements of Rule 84.04.[1] Because Baker's amended brief still substantially violates Rule 84.04, the appeal is dismissed.

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

Factual and Procedural Background[2]

Baker worked as a police officer for the City of Maysville (the City) from approximately August 2022 through May 2023. In March 2023, the city council received two complaints about Baker's conduct as a police officer from community members. The first statement was written by the father of an alleged victim, and two additional handwritten reports were later provided to the city council. Baker was placed on a three-day suspension without pay in late March 2023.

On May 10, 2023, the city council conducted an additional hearing with Baker and his counsel present to address the complaints. The city council elected to terminate Baker after the hearing and notified the Peace Officer Standards and Training Division (POST) of the Missouri Department of Public Safety that Baker was terminated because of "multi[ple] complaints and harassment of females."

Baker filed a petition in the circuit court in June 2025, alleging defamation (Count I); false light invasion of privacy (Count II); intentional infliction of emotional distress (Count III); breach of contract (Count IV); and "forcing plaintiff to sign a contract of adhesion" (Count V). Respondents filed a motion to dismiss for failure to state a claim upon which relief could be granted in July 2025, and the circuit court entered its judgment dismissing the matter with prejudice on August 18, 2025.

Baker appeals.

Discussion

On January 28, 2026, this Court issued an order striking Baker's initial brief because it did not comply with Rule 84.04's briefing requirements for the following reasons: "(1) the Points

[2] When reviewing a motion to dismiss, we liberally construe the pleadings, accept all alleged facts as true, and view the facts in the light most favorable to the pleading party. *Matthews v. Harley-Davidson*, 685 S.W.3d 360, 370 (Mo. banc 2024) (citation omitted).

Relied On are not in compliance with the specific requirements of Rule 84.04(d); and (2) the argument does not include a concise statement describing whether the error was preserved for appellate review and if so how it was preserved as required by Rule 84.04(e)."

We granted Baker fifteen days to file an amended brief correcting the violations set out above. Baker's amended brief is still noncompliant with Rule 84.04 for the reasons we discuss *infra*.

Rule 84.04 Violations

Rule 84.04 provides the mandatory requirements for all briefs filed in Missouri's appellate courts. *Alagha v. Cottle Auto. Repair, Inc.*, 715 S.W.3d 580, 584 (Mo. App. W.D. 2025). We prefer to address appeals on the merits when minor shortcomings do not impair our ability to understand the arguments, but "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." *Republic Fin., LLC v. Ray*, 698 S.W.3d 184, 186-87 (Mo. App. E.D. 2024) (internal quotation marks and citation omitted). The failure to adhere to Rule 84.04 does not preserve allegations of error and warrants dismissal. *Id.*

Baker's amended brief contains multiple Rule 84.04 violations warranting dismissal of his appeal.

Appendix

A party's brief shall be accompanied by an appendix containing the following materials:

(1) The judgment, order, or decision in question, including the relevant findings of fact and conclusions of law filed in a judge-tried case or by an administrative agency;
(2) The complete text of all statutes, ordinances, rules of court, or agency rules claimed to be controlling as to a point on appeal; and
(3) The complete text of any instruction to which a point relied on relates.

Rule 84.04(h).

Including improper documents in an appendix "defeats the value of the appendix and increases the amount of paper the court must manage in attempting to locate the relevant and pertinent material in an appendix." *Interest of S.M.W.*, 658 S.W.3d 202, 205 n.2 (Mo. App. W.D. 2022) (citation omitted). Additionally, and of most importance here, "[t]he mere inclusion of documents in an appendix to a brief does not make them part of the record on appeal." *Hunter v. Transimpex Translators Interpreters Eds. Consultants Inc.*, 731 S.W.3d 607, 611 (Mo. App. W.D. 2026) (citation omitted). We will not consider documents that are in the appendix but not in the record on appeal. *Id.*

Here, Baker's appendix is noncompliant with Rule 84.04(h) because it includes multiple documents that are not included in the record on appeal. One of those documents, which Baker designates as "A8," is a handwritten complaint alleging Baker parked outside a house "in a manor [sic] in which he is able to see into [complainant's daughter's] room." Two additional written statements by female complainants, designated "A11" and "A12," describe their interactions with Baker. Baker additionally includes photographs in the appendix that are not otherwise included in the record on appeal. Baker references all of the aforementioned documents in his statement of facts, stating he is "offering the three (3) handwritten statements along with two (2) photographs involving the Casey's Store in Maysville and the parking lot next to one of the complainants' houses where the alleged misconduct of Baker occurred in the Appendix."

Also included in the appendix, but not in the record on appeal, is email correspondence between Baker's counsel and the Missouri Commission on Human Rights (the Commission) as well as a determination and notice of rights issued by the Commission. Baker references the

"letter" in the statement of facts and argument sections.[3] Although the appendix can include additional materials that are "pertinent to the issues," the "authorized record on appeal is the firm boundary of our consideration [and] materials cannot be shoehorned into the record via the appendix[.]" *Sharp v. All-N-One Plumbing*, 612 S.W.3d 240, 244 (Mo. App. W.D. 2020) (citation omitted). An attempt to do so may be stricken by reviewing courts. *Id.* Baker attempts to shoehorn documents that were not included in the record on appeal by including the documents in the appendix and referencing such documents throughout his appellate brief.

Baker's inclusion of additional documents in the appendix is especially problematic because these documents were never presented to the circuit court. "[W]e do not consider documents that were not before the [circuit] court when it entered the appealed-from decision[.]" *City of St. Peters v. Lienemann*, 658 S.W.3d 58, 64 (Mo. App. E.D. 2022) (citing *Greene v. Pinetree/Westbrooke Apartments, LLC*, 480 S.W.3d 434, 436 n.1 (Mo. App. E.D. 2016)). *See also Rose v. Summers, Compton, Wells & Hamburg, P.C.*, 887 S.W.2d 683, 684 n.1 (Mo. App. E.D. 1994). While Baker did attach exhibits to his petition filed in the circuit court, those exhibits did not include the three handwritten complaints against Baker, photographs, correspondence between Baker's counsel and the Commission, the determination and notice of rights issued by the Commission, and two memoranda from the City to Baker's counsel—all of which were included in the appendix. Therefore, such documents in the appendix cannot be considered.

[3] We note that although Baker references the appendix documents throughout his appellate brief, he does not refer to the documents using the designations he has given the documents in the appendix itself. For example, he states in his argument section, "The Right to Sue Letter is included in the addendum," instead of citing the document as "A3" as he designated. As we will further discuss *infra*, specific page references are required in the statement of facts and argument sections. *See* Rule 84.04(c) and (e).

Statement of Facts

Rule 84.04(c) provides that the statement of facts must be "a fair and concise statement of the facts relevant to the questions presented for determination without argument." "All statements of facts shall have *specific* page references to the relevant portion of the record on appeal, i.e., legal file, transcript, or exhibits." Rule 84.04(c) (emphasis added). Rule 84.04(c) clearly requires that citations to a system-generated legal file "shall include the system-generated appeal document number and page number (e.g., D6 p. 7)," and for documents in the appendix, "a page reference to the appendix shall also be included (e.g., D6 p. 7; App 9)." "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." *Whitehead v. Moore*, 728 S.W.3d 871, 876 (Mo. App. W.D. 2025) (citation omitted). Failing to substantially comply with Rule 84.04(c) preserves nothing for review and is a sufficient basis for dismissal. *Id.*

Baker only sporadically includes citations throughout his statement of facts. For example, Baker's first page of the statement of facts includes only one citation to a supporting document. "Sporadic references are insufficient under Rule 84.04(c) because every statement of fact requires a specific page reference, and the lack of page references requires us to improperly speculate on the facts." *Hunter*, 731 S.W.3d at 612.

Additionally, some of Baker's references are insufficient under Rule 84.04(c) because they do not mention a specific document or page number. For instance, Baker states: "The very same council that reached the first decision without any additional investigation or testimony elected to terminate the Appellant. The letter of Termination is also marked as an Exhibit and included by reference in the Brief." Stating a document is "included by reference in the Brief,"

without including any other citation to a document and/or page number significantly falls short of the specificity that Rule 84.04(c) demands. Furthermore, many of the insufficient references attempt to cite documents that were included in the appendix but were not included in the record on appeal nor presented to the circuit court and, thus, we disregard such documents. *See Sharp*, 612 S.W.3d at 244; *Lienemann*, 658 S.W.3d at 64.

Points Relied On

> Under Rule 84.04(d), each point relied on shall:
>
> (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 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*]."

One point relied on may not consolidate multiple, independent claims. *Lexow v. Boeing Co.*, 643 S.W.3d 501, 506 (Mo. banc 2022). Such a multifarious point does not comply with Rule 84.04(d) and preserves nothing for review. *Id.*

In Baker's fourth point on appeal, he argues that the circuit court erred in granting Respondents' motion to dismiss in that Baker's petition sets forth different causes of action with sufficient specificity that the Respondents did not refute. Within that single point on appeal, Baker groups together all of his independent claims that were raised in his petition: defamation; intentional infliction of emotional distress; breach of contract; and forced signing of an adhesion

contract.[4] Baker's fourth point on appeal is multifarious because it challenges distinct rulings: the circuit court's ruling on Counts I, III, IV, and V. *See Bi-Nat'l Gateway Terminal, LLC v. City of St. Louis*, 697 S.W.3d 593, 598 (Mo. App. E.D. 2024). Due to its multifarious nature, point four preserves nothing for review. *Lexow*, 643 S.W.3d at 506.

Argument

Under Rule 84.04(e):

> All factual assertions in the argument shall have specific page references to the relevant portion of the record on appeal, i.e., legal file, transcript, or exhibits. If the citation is to the system-generated legal file, it shall include the system-generated appeal document number and page number (e.g., D6 p. 7). If the portion cited is contained in the appendix, a page reference to the appendix shall also be included (e.g., D6 p. 7; App 9).

Like the statement of facts, Baker's argument section makes generalized references to supporting documents instead of specific page references as Rule 84.04(e) requires. For instance, in the argument subsection addressing point one which spans five pages, Baker only includes one specific citation to a supporting document. Otherwise, Baker makes general references to documents stating, for example, "Attached, and included as an exhibit in the Addendum, is the cover letter regarding the filing of the Complaint." Later, in that same argument subsection, he states: "The Right to Sue Letter is included in the addendum . . . ." Neither of the documents Baker describes were included in the record on appeal nor presented to the circuit court. Baker makes similar references to documents in the argument subsection for point two. Baker's argument addressing point three is almost entirely devoid of any citation to the record on appeal, or to any supporting document for that matter.

[4] Baker states in his argument section that he is no longer pursuing Count II, false light invasion of privacy.

In short, both Rule 84.04(c) and (e) require relevant and specific page references to the legal file or transcript in the statement of facts and argument sections to ensure "effective functioning of appellate courts, which cannot spend time searching the record to determine if factual assertions stated in the brief are supported by the record." *Amrine v. Progressive Cas. Ins. Co.*, 726 S.W.3d 800, 808 (Mo. App. W.D. 2025) (citation omitted). "To do so would be to act impermissibly as an advocate by scouring the record for facts to support [Baker's] contentions." *Id.* (internal quotation marks and citation omitted).

Conclusion

Due to the multiple Rule 84.04 violations in Baker's amended appellate brief, the appeal is dismissed.



Janet Sutton, Presiding Judge

Lisa White Hardwick and W. Douglas Thomson, JJ. concur.