Missouri Court of Appeals
Southern District

In Division

AMY RINKER,

Petitioner-Appellant,

v.

CODY RINKER,

Respondent-Respondent.

Number SD38895

Filed: July 30, 2026

APPEAL FROM THE CIRCUIT COURT OF LAWRENCE COUNTY

Honorable Matthew R. Kasper, Judge

DISMISSED

Amy Rinker ("Appellant") seeks to appeal the Judgment and Decree for Dissolution of Marriage entered by the Circuit Court of Lawrence County, Missouri, with respect to her union with Cody Rinker ("Respondent"). While Appellant asserts five points on appeal, Respondent argues that Appellant's brief is deficient and fails to comply with Rule 84.04[1] in multiple respects. We agree. Because Appellant's failure to

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

comply with Rule 84.04 materially impedes impartial appellate review of this case, her brief preserves nothing for our review. The appeal is dismissed.

Analysis

"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." ***Shelton v. Shelton***, 717 S.W.3d 810, 814 (Mo. App. W.D. 2025) (quoting ***B.A. v. Ready***, 634 S.W.3d 653, 656 (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.'" ***Id.*** (quoting ***Lexow v. Boeing Co.***, 643 S.W.3d 501, 505 (Mo. banc 2022)). "An appellant's failure to adhere to the briefing standards outlined in Rule 84.04 preserves nothing for appeal and is grounds for dismissal." ***Id.*** at 814-15 (quoting ***Townsend v. Div. of Emp. Sec.***, 654 S.W.3d 424, 426 (Mo. App. E.D. 2022)).

For the reasons set forth below, we find that the deficiencies in Appellant's brief are significant enough that they impede our ability to dispose of her case on the merits and require dismissal.

Appellant's Statement of Facts

Rule 84.04(a)(3) requires an appellant's brief to contain "[a] statement of facts[.]" This statement of facts "shall be a fair and concise statement of the facts relevant to the questions presented for determination without argument." Rule 84.04(c). The stated

facts must also be accompanied by "specific page references to the relevant portion of the record on appeal, i.e., legal file, transcript, or exhibits." ***Id***.

As this Court explained in ***Chopin v. Am. Auto. Ass'n of Missouri***, "[a]n appellant has the duty to define the scope of the controversy by stating the relevant facts fairly and concisely. The purpose of the statement of facts is to afford an immediate, accurate, complete and unbiased understanding of the facts of the case." 969 S.W.2d 248, 251 (Mo. App. S.D. 1998) (internal citations omitted). "Failure to substantially comply with Rule 84.04(c) preserves nothing for review." ***State v. Yount***, 710 S.W.3d 49, 55 (Mo. App. S.D. 2025).

Here, Appellant's Statement of Facts is neither fair nor accurate. The Statement sets forth multiple purported facts without any corresponding citation to the record on appeal. Where citations are provided,[2] the referenced portions of the record at times do not support the corresponding facts asserted, resulting in, *inter alia*, Appellant twice misattributing the statements of her children's guardian ad litem or her own trial counsel to the trial court. As an example, the last sentence of the Statement of Facts asserts that the trial court denied Appellant's motion to reopen evidence "despite acknowledging that the record was incomplete, that the children had not been

[2] Our review of the Statement of Facts is further complicated by Appellant's inconsistent use of internal transcript page numbers for some citations and true document page numbers for others in addition to her failure to adhere to the citation form prescribed by Rule 84.04 for references to the legal file. *See* 84.04(c) ("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)").

interviewed since January, that there was no record of how the court-ordered therapy went, and that the court had not considered factors relating to the children's mental and physical health." In support of this "fact," Appellant cites two pages of the transcript (likely meaning to include an additional page not referenced in the citation) where her trial counsel made these specific assertions to the trial court. At no point, however, did the trial court "acknowledge" any of these characterizations as accurate.

The inaccuracies of Appellant's Statement are further compounded by her biased presentation of the facts. The Statement is riddled with argumentative and conclusory assertions and characterizations and omits any facts supportive of the trial court's judgment in favor of facts that exclusively favor Appellant's position on appeal. Thus, Appellant's Statement of Facts does not substantially comply with Rule 84.04(c). "Violations of Rule 84.04(c) constitute grounds for dismissal of an appeal." ***Chopin***, 969 S.W.2d at 251.

Appellant's Points Relied On

Rule 84.04(a)(4) requires an appellant's brief to contain "[t]he points relied on[.]" Rule 84.04(d)(1) specifies the following format for a point relied on:

> (1) Where the appellate court reviews the decision of a trial court, each point 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*]."

(italics in original).

An appellant's points relied on are central to the formation of a brief and function "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***, 643 S.W.3d at 505 (quoting ***Wilkerson v. Prelutsky***, 943 S.W.2d 643, 647 (Mo. banc 1997)). Because 84.04(d) provides a simple template for appellants to use, there is no excuse for failing to submit an adequate point relied on. *See* ***Doe Run Co. v. Fenwick***, 599 S.W.3d 906, 907 n.1 (Mo. App. S.D. 2020); ***Nichols v. Belleview R-III Sch. Dist.***, 528 S.W.3d 918, 927 (Mo. App. S.D. 2017). "Points that fail to comply with the requirements of Rule 84.04(d) preserve nothing for review and are subject to dismissal." ***Bourbon v. Benson***, 732 S.W.3d 249, 257 (Mo. App. E.D. 2026) (quoting ***Malin v. Cole Cnty. Prosecuting Atty***, 631 S.W.3d 638, 644 (Mo. App. W.D. 2021)).

As an initial matter, we note that our review of this court-tried case is governed by Rule 84.13(d) and ***Murphy v. Carron***, 536 S.W.2d 30, 31-32 (Mo. banc 1976). *See* ***Wilkerson v. Wilkerson***, 707 S.W.3d 79, 83 (Mo. App. S.D. 2025) ("Our standard of review in a marriage dissolution case is the same as in any other court-tried case."). We

are required to affirm the trial court's judgment unless it is not supported by substantial evidence, it is against the weight of the evidence, or it erroneously declares or applies the law. ***Ivie v. Smith***, 439 S.W.3d 189, 198–99 (Mo. banc 2014). These legal reasons, as outlined in ***Murphy***, constitute the four bases an appellant may assert to challenge a judgment in a court-tried matter. The selection of one of these bases for a challenge is necessary, as we explained in ***Koeller v. Malibu Shores Condo. Ass'n, Inc.***, 602 S.W.3d 283 (Mo. App. S.D. 2020):

> The reason is each challenge involves a distinct analysis. A not-supported-by-substantial-evidence and an against-the-weight analysis are distinctly different. Each of these, in turn, is different from a claim that the trial court erroneously declared or applied the law. This means each *Murphy* ground is proved differently from the others *and* is subject to different principles and procedures of appellate review.

Id. at 287 (internal quotation marks and citations omitted).

Here, Appellant's five points are stated as follows:

POINT [1]

THE TRIAL COURT ERRED IN DESIGNATING THE PARENTING PLAN AS "JOINT PHYSICAL CUSTODY" BECAUSE THE ACTUAL PARENTING TIME AWARDED TO MOTHER—ALTERNATING WEEKENDS, TWO SUMMER WEEKS, AND ALTERNATING HOLIDAYS—DOES NOT CONSTITUTE "SIGNIFICANT PERIODS OF TIME" UNDER § 452.375.1(3) RSMO, THEREBY MISAPPLYING MISSOURI CUSTODY LAW AND RESULTING IN AN ABUSE OF DISCRETION THAT MATERIALLY AFFECTS MOTHER'S CUSTODIAL RIGHTS AND THE CHILD SUPPORT DETERMINATION.

POINT [2]

THE TRIAL COURT ABUSED ITS DISCRETION IN AWARDING FATHER PRIMARY PHYSICAL CUSTODY BECAUSE THE COURT'S OWN FINDINGS SHOW THAT FATHER'S VISITATION DETERIORATED TO LESS THAN THIRTY MINUTES PER VISIT, DEMONSTRATING AN INABILITY TO MAINTAIN A MEANINGFUL RELATIONSHIP WITH THE CHILDREN, CONTRARY TO THE FACTORS GOVERNING THE BEST INTERESTS OF THE CHILD UNDER §452.375.2 RSMO.

POINT [3]

THE TRIAL COURT ABUSED ITS DISCRETION BY REFUSING TO ALLOW THE CHILDREN TO TESTIFY FOLLOWING COURT-ORDERED THERAPY AND THEN DISREGARDING THEIR STATEMENTS BASED ON SPECULATION RATHER THAN EVIDENCE, CONTRARY TO § 452.375.2(8) RSMO, WHICH REQUIRES THE COURT TO CONSIDER THE CHILD'S WISHES AND AFFORDS SUBSTANTIAL WEIGHT TO THE PREFERENCES OF A MATURE CHILD, ESPECIALLY A FIFTEEN-YEAR-OLD.

POINT [4]

THE TRIAL COURT ERRED IN ORDERING MOTHER TO PAY CHILD SUPPORT OF $422.00 PER MONTH WHILE SIMULTANEOUSLY DESIGNATING THE PLAN AS "JOINT PHYSICAL CUSTODY," BECAUSE THE PARENTING SCHEDULE DOES NOT CONSTITUTE JOINT PHYSICAL CUSTODY UNDER § 452.375.1(3) RSMO, AND THE FORM 14 CALCULATION MISAPPLIED RULE 88.01 BY TREATING THE ARRANGEMENT AS A SOLE PHYSICAL CUSTODY PLAN.

POINT [5]

THE TRIAL COURT ABUSED ITS DISCRETION AND COMMITTED REVERSIBLE ERROR BY EXCLUDING HIGHLY PROBATIVE EVIDENCE RELEVANT TO THE BEST INTERESTS OF THE CHILDREN—INCLUDING TESTIMONY FROM THE CHILDREN'S PEDIATRICIAN AND COUNSELOR AND EVIDENCE CONCERNING DOMESTIC ABUSE—BECAUSE SUCH EVIDENCE IS DIRECTLY REQUIRED FOR

CONSIDERATION UNDER § 452.375.2 RSMO AND IS ESSENTIAL TO AN INFORMED CUSTODY DETERMINATION.

Each of these points is deficient in multiple respects. At the outset, none of the stated points substantially follows the provided "because / in that" template under Rule 84.04(d)(1). In addition, four of Appellant's points fail to even nominally reference any of the legal bases outlined in ***Murphy*** as grounds for overturning a judgment in a court-tried case. The one exception, Appellant's Point 1, mentions the trial court "misapplying Missouri custody law," but also asserts the trial court committed an "abuse of discretion," which are separate legal standards of review on appeal with different principles and procedures. This highlights yet another deficiency in Appellant's claims on appeal – most of her points are impermissibly multifarious.

"Rule 84.04(d) … requires separate points to challenge separate rulings or actions." ***Lexow***, 643 S.W.3d at 505–06. Thus, "[a] point relied on should contain only one issue, [and] multiple contentions about different issues should not be combined into a single point." ***Koeller***, 602 S.W.3d at 287 (Mo. App. S.D. 2020). "A point that includes multiple issues is multifarious and preserves nothing for appellate review." ***Id.*** at 287. Likewise, "[a] point that challenges multiple trial court rulings is multifarious, does not comply with Rule 84.04, and preserves nothing for review." ***Buchheit, Inc v. Tiller-Cohen Farm, L.P.***, 391 S.W.3d 888, 889 n.1 (Mo. App. S.D. 2013).

As noted above, Appellant's Point 1 cites multiple legal theories (misapplying the law and abuse of discretion) in its alleged claim of error. Her Points 3, 4, and 5 each

appear to implicate at least two separate rulings by the trial court. Point 3 generally alleges that the trial court both erroneously precluded Appellant's children from testifying and then "disregard[ed]" their statements based on speculation.[3] Similarly, Point 4 appears to challenge both the trial court "ordering [Appellant] to pay child support" and then "designating the [parenting] plan as 'joint physical custody.'" Appellants' Point 5 seemingly complains of the exclusions of multiple discrete items of evidence that the point does not even fully identify.

Additionally, Points 3 and 5 fail to sufficiently "[i]dentify the trial court ruling or action" Appellant challenges on appeal as required by Rule 84.04(d)(1)(A), instead presenting only "generalized statement[s] that the trial court erred in [excluding] evidence."[4] *See* ***Love v. Osage Marine Services, Inc.***, 690 S.W.3d 505, 517 (Mo. App. E.D. 2024) (appellant's point alleging the trial court "erred in admitting evidence about

[3] How the trial court was able to "disregard" statements from the children after preventing them from testifying is not readily apparent from the point as stated.

[4] The corresponding argument sections of Appellant's brief offer little clarity. Point 3's argument appears to complain of some unspecified trial court ruling precluding the children from testifying at trial in addition to the trial court's denial of Appellant's post-trial motion to reopen evidence. Similarly, Point 5's argument complains of some unidentified pre-trial ruling excluding various items of evidence as well as the denial of Appellant's motion to reopen evidence. Thus, not only do Points 3 and 5 fail to adequately identify the trial court actions being challenged on appeal, but Appellant's arguments also confirm both points are impermissibly multifarious. Ultimately, "point[s] that cannot be understood without resorting to the transcript or argument portion of the brief preserve[] nothing for appellate review." ***City of Springfield v. Rogers***, 867 S.W.2d 692, 694 (Mo. App. S.D. 1993).

liability and elements of damages that are not recoverable" failed to sufficiently identify the particular trial court ruling being challenged in violation of Rule 84.04(d)).

> While nothing requires that the identification of a trial court ruling or action in a point relied on include any citation to the record on appeal, [the point] must, nevertheless, sufficiently put the court [of review] and respondent on notice as to which *specific* ruling or action appellant is challenging.

Hale v. Burlington N. & Santa Fe Ry. Co., 638 S.W.3d 49, 60 (Mo. App. S.D. 2021) (emphasis added). A point relied on that requires the appellate court "to speculate and determine what ruling of the [trial] court [the appellant] asserts was error" violates Rule 84.04. ***Boshears v. Saint-Gobain Calmar, Inc.***, 272 S.W.3d 215, 225 (Mo. App. W.D. 2008). "Points relied on that do not comply with Rule 84.04(d) are grounds for dismissal." ***Parkside Fin. Bank & Tr. v. Allen***, 688 S.W.3d 83, 88 (Mo. App. E.D. 2024).

Appellant's Argument

Rule 84.04(e) sets out the requirements for the argument portion of an appellate brief. The Rule requires that "[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." Rule 84.04(e). A party's 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." ***J.D. by and through Storment v. Sanders***, 688 S.W.3d 828, 834 (Mo. App. S.D.

2024) (internal quotation marks and citation omitted). Indeed, Rule 84.04 requires that "[a]ll factual assertions in the argument shall have specific page references to the relevant portion of the record on appeal…." Rule 84.04(e).

The argument sections of Appellant's brief violate each of these requirements. Appellant's brief contains no mention of whether any of the errors she alleges were preserved for appeal, much less how such errors were preserved. "Identifying if and how claims are preserved is necessary because we will not convict a trial court of error on an issue that it had no chance to decide." ***Gan v. Schrock***, 652 S.W.3d 703, 710 (Mo. App. W.D. 2022) (internal brackets and citation omitted). As Appellant's brief fails to address the preservation of her claims on appeal, we are left with nothing to review. *See* ***Dodson v. Aldrich***, 681 S.W.3d 727, 733 (Mo. App. W.D. 2023).

Appellant's brief also fails to include and integrate the applicable standard of review into its arguments. The standard of review is "essential to all appellate arguments as it outlines this [C]ourt's role in disposing of the matter before it." ***Estate of Allen***, 615 S.W.3d 851, 854-55 (Mo. App. E.D. 2020).[5] It "is the guidepost principle of law in considering and resolving every point relied on raised in an appeal." ***Marck Indus., Inc. v. Lowe***, 587 S.W.3d 737, 746 (Mo. App. S.D. 2019). An argument "untethered to

[5] "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." ***Allen***, 615 S.W.3d at 854-55 (quoting ***Waller v. Shippey***, 251 S.W.3d 403, 406 (Mo. App. W.D. 2008)).

that guidepost is nothing more than a collection of abstract legal conclusions unmoored from any coherent legal basis or theory upon which an appellate court can find reversible error." ***Id***.

Here, Appellant's brief makes no reference in its arguments to the standards of review applicable to the asserted allegations of error. These omissions are compounded by, as noted above, the failure of Appellant's points relied on to properly identify and present the legal reasons supporting her claims on appeal. As we are not permitted to supplement a deficient brief with our own research and essentially become an advocate for Appellant, her briefing deficiencies again leave us with nothing to review.

Finally, numerous factual assertions in the argument portion of Appellant's brief are unaccompanied by specific supporting citations to the record on appeal. As just one example, Point 1's argument centers on various assertions regarding the parenting time allocated to Appellant under the custody schedule entered by the trial court but fails to provide us with any record citation to the disputed schedule itself. "[W]e are not permitted to seine the record in an attempt to locate evidence that might support a party's argument." ***Waldner v. Dexter R-XI Sch. Dist.***, 647 S.W.3d 321, 324 (Mo. App. S.D. 2022). Consequently, Appellant's failure to support all of her factual assertions in the argument portion of her brief with specific record citations violates Rule 84.04(e). "[N]oncompliance with Rule 84.04(e) justifies dismissal." ***Burgan v. Newman***, 618 S.W.3d 712, 716 (Mo. App. E.D. 2021).

Conclusion

A trial court's judgment is presumed correct, and an appellant bears the burden of proving his or her claims of error. ***Ray Klein, Inc. v. Kerr***, 272 S.W.3d 896, 898 (Mo. App. S.D. 2008). The numerous and substantial violations of Rule 84.04 in Appellant's brief are so serious as to impede appellate review. *See* ***Reliable Roofing, LLC v. Jones***, 302 S.W.3d 232, 236 (Mo. App. S.D. 2009); ***State ex rel. Greene County v. Barnett***, 231 S.W.3d 854, 856 (Mo. App. S.D. 2007). "This [Court] should not be expected either to decide the case on the basis of inadequate briefing or to undertake additional research and a search of the record to cure the deficiency." ***Davis v. Coleman***, 93 S.W.3d 742, 743 (Mo. App. E.D. 2002). An allegation of error that is not properly briefed cannot be considered in a civil appeal. Rule 84.13(a); ***Martin v. Reed***, 147 S.W.3d 860, 864 (Mo. App. S.D. 2004). Appellant's appeal is dismissed. In light of this decision, the motions filed by the parties and taken with the case are hereby overruled as moot.

MATTHEW P. HAMNER, J. – OPINION AUTHOR

BECKY J. WEST, C. J. – CONCURS

JENNIFER R. GROWCOCK, J. – CONCURS