MISSOURI COURT OF APPEALS
WESTERN DISTRICT

WD88729

R.A.W.,
Respondent,

v.

S.R.W.,
Appellant.

Opinion Filed: November 10, 2026

Appeal from the Circuit Court of Boone County, Missouri
The Honorable Jayne Anne Pearman, Judge

Before Division One: Alok Ahuja, Presiding Judge,
Thomas N. Chapman, Judge, and Janet Sutton, Judge

S.W. appeals a judgment of the Circuit Court of Boone County that entered a full order of protection against her. In her *pro se* appeal, S.W. argues that the trial court erred by finding jurisdiction, by depriving her of due process, by finding a full protection order was warranted, by deciding the case on an incomplete record, and by imposing unworkable terms. The judgment is affirmed.

Background

On January 13, 2026, R.W. filed a petition for an order of protection against his spouse, S.W. R.W. alleged that S.W. had placed or attempted to place him in fear of immediate physical harm. The petition indicated that S.W. had started yelling and screaming at him the previous night, so that R.W. began to record their interaction because he had been subjected to worsening verbal and emotional abuse. R.W. alleged that his recording upset S.W. "very much" and that she attempted to "smack" the phone out of his hand. R.W. testified that S.W. followed R.W. into the restroom attempting to take the phone and broke the phone case during the encounter. R.W. alleged that S.W. left the restroom yelling that she was going to call the police and that he then locked himself in the bedroom and called the police. R.W. alleged that the police watched the video and took S.W. to jail. R.W. checked a box on the petition form that indicated that he was afraid of S.W.

On January 13, 2026, the circuit court granted an *ex parte* order of protection, directing that S.W. not commit or threaten domestic violence and not communicate with or be within fifteen feet of R.W.

On January 30, 2026, the circuit court held a hearing on R.W.'s request for an order of protection. R.W. appeared *pro se*. S.W. appeared in person and with counsel.

R.W. testified that S.W. was his spouse and that she had been yelling and screaming a lot. R.W. testified that he was worried about it "because of [his] size and everything." R.W. testified that S.W. was getting mad and yelling on January 12, 2026,

so he sat in bed covered up so he was not intimidating. R.W. testified that he pulled his phone out and recorded S.W., which upset her, and that S.W. smacked the phone out of his hand. R.W. indicated that he then got up and went to the bathroom and that S.W. chased him around the bathroom trying to grab his phone. At some point, S.W. went upstairs and R.W. heard S.W. asking "Alexa" for the phone number to the police department. R.W. testified that he was "terrified" that S.W. was trying to get him arrested for "sitting there and getting hit," so R.W. called 911 and locked himself in the bedroom. R.W. testified that the officers arrived, watched R.W.'s phone recording, and then took S.W. away in the police car.

R.W. also testified regarding a subsequent event that occurred at the shared residence of R.W. and S.W. R.W. indicated that he had arrived home from work to see S.W.'s vehicle in the driveway with S.W.'s daughter's sister and S.W.'s daughter's sister's boyfriend standing at the vehicle. R.W. testified that he felt uncomfortable and began recording, and that when he entered the house, S.W. was standing by the front door. R.W. testified that he backed out of the house and stood in the yard while S.W. screamed at him. R.W. attested that he did not say anything to S.W., and that he then reported the incident to police.

S.W. did not testify.

Following the hearing, the trial court indicated that it had decided to enter a full order of protection. S.W. then requested that the trial court include language in its order that would allow S.W. to retrieve her belongings from the shared residence. The parties

then discussed with the court what property S.W. would be allowed to take and the conditions under which it could be retrieved.

On January 30, 2026, the trial court entered judgment granting a full order of protection, which directed S.W. not to communicate with R.W. or enter the marital residence except to retrieve the property identified in the order. S.W. was further directed not to come within 100 feet of R.W. or enter the premises of his place of employment.

S.W. now appeals to this court.

Standard of Review

An appellate court will affirm the trial court's judgment in a court-tried civil case "unless there is no substantial evidence to support it, unless it is against the weight of the evidence, unless it erroneously declares the law, or unless it erroneously applies the law." *Brown v. Brown*, 423 S.W.3d 784, 787 (Mo. banc 2014) (quoting *Murphy v. Carron*, 536 S.W.2d 30, 32 (Mo. banc 1976)).

Analysis

S.W. raises six points on appeal. She argues (1) that the trial court lacked jurisdiction due to service irregularities; (2) that she was deprived of due process when the trial court granted relief in response to requests made in a motion to modify; (3) that the trial court erred in finding a full protection order was warranted; (4) that the trial court erred in deciding the case based on an incomplete evidentiary record; (5) that the trial court erred in imposing terms that are unworkable and prejudicial; and (6) that meaningful relief should be granted on appeal. We address these points in turn.

Point One

In her first point, S.W. argues that the trial court lacked jurisdiction due to what she asserts are irregularities in the record regarding service of the *ex parte* order. It is not clear what argument S.W. is making. S.W. does not appear to argue that she was not served, but instead takes issue with entries in the service documentation filed with the court. However, S.W. fails to cite legal authority or present a clear legal argument that indicates that service was improper so as to deprive the court of personal jurisdiction. Moreover, S.W. waived any defenses on the basis of a lack of personal jurisdiction or the sufficiency of service of process.

"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." *In re Marriage of Fritz*, 243 S.W.3d 484, 487 (Mo. App. E.D. 2007) (citation omitted). "If a party fails to support a contention with argument beyond conclusions, the point is considered abandoned." *Id.* (citation and ellipsis omitted). Further, an appellant must cite relevant legal authority to support an argument raised in a point relied on or else explain the absence of citations if none are available. *Id.* at 488. If an appellant fails to do so, the appellant's argument preserves nothing for review. *Id.*

S.W.'s argument in support of her first point fails to include any legal citations or relevant authority supporting her argument that the trial court lacked jurisdiction. Although S.W. argues that there were "irregularities" in the service documentation, S.W.

fails to set forth any legal authority regarding what is required for such documentation. S.W. further fails to make any particular argument about the legal effect of any of the circumstances that she asserts constitute irregularities. S.W.'s first point preserves nothing for review.

Additionally, S.W. has waived any objections relating to personal jurisdiction. A party may waive defenses based on a lack of personal jurisdiction by consenting to the court's exercise of *in personam* jurisdiction. *State ex rel. Norfolk Southern Railway Co. v. Dolan*, 512 S.W.3d 41, 46 (Mo. banc 2017) (citing *State ex rel. Heartland Title Servs., Inc. v. Harrell*, 500 S.W.3d 239, 241 (Mo. banc 2016)). A party "waives personal jurisdiction when [the party] is before the court and fails to properly raise the issue." *Interest of A.R.B.*, 586 S.W.3d 846, 859 (Mo. App. W.D. 2019) (quoting *Campbell v. Francis*, 258 S.W.3d 94, 98 n.1 (Mo. App. W.D. 2008)).[1] Similarly, a party waives the defense of lack of sufficiency of process when the party fails to raise the issue at the first opportunity. *See Interest of A.R.B.*, 586 S.W.3d at 859 (citation omitted).

[1] When a responsive pleading is required, "[a] defendant must raise any challenges to the trial court's personal jurisdiction, the sufficiency of process, and the sufficiency of service of process in either a pre-answer motion or as a defense in the answer." *Interest of A.R.B.*, 586 S.W.3d at 859 (citing Rule 55.27(g)(1)). "The failure to raise these issues at the first opportunity results in waiver of any challenges to the trial court's personal jurisdiction, the sufficiency of process and the sufficiency of service of process." *Id.* (citing Rule 55.27(g)(1) and *Stiens v. Stiens*, 231 S.W.3d 195, 199 (Mo. App. W.D. 2007)). Although no responsive pleading was filed (nor required) in this case, S.W. did not raise issues regarding personal jurisdiction or service of process at any time prior to the judgment becoming final, and certainly not at the first opportunity to challenge personal jurisdiction.

In this matter, S.W. appeared in person at the protection order hearing, yet did not raise the issues of the sufficiency of service of process or personal jurisdiction at any point prior to the time that the judgment from which she appeals became final.[2] S.W. has thus waived the defenses of personal jurisdiction or the sufficiency of service of process.

Point denied.

Point Two

In her second point, S.W. argues that she was deprived of due process when the trial court entered an order that incorporated relief sought by R.W. in a motion to modify filed after the trial court's entry of the *ex parte* order but prior to the hearing on the protection order.

S.W. argues that this issue is preserved for appeal because her attorney indicated at the hearing that neither the attorney nor S.W. had seen the motion to modify prior to the hearing. However, S.W. did not object at the hearing to the trial court's inquiry regarding the events underlying the motion to modify and did not argue to the trial court that the restrictions requested in the motion to modify should not or could not be considered.

"Rule 78.09 requires a party, at the time the ruling or order of the court is made or sought, to make known to the court the action that the party desires the court to take or objections to the action of the court and grounds therefore." *Brown v. Brown*, 423 S.W.3d

[2] S.W. asserts that the issue is preserved because she raised it in a motion to set aside the judgment filed on March 13, 2026. However, judgment was entered on January 30, 2026. The judgment became final on March 2, 2026. Thus, the motion to set aside was not filed until after the judgment became final.

784, 787 (Mo. banc 2014) (internal quotations and citation omitted). "Failure to do so precludes a party from obtaining appellate review of error in the trial court's ruling or order." *Id.* (citation omitted). "It is well recognized that a party should not be entitled on appeal to claim error on the part of the trial court when the party did not call attention to the error at trial and did not give the court the opportunity to rule on the question." *Id.* (citations omitted). "This requirement is intended to eliminate error by allowing the trial court to rule intelligently and to avoid the delay, expense, and hardship of an appeal and retrial." *Id.* (citation omitted).

By failing to object to the trial court's consideration of the restrictions requested in the motion to modify, S.W. failed to draw the trial court's attention to any such objection, which in turn failed to give the trial court the opportunity to rule on any such issues. Consequently, S.W. has failed to preserve her objections for appeal.

Moreover, aside from broadly asserting in her second point that this lack of awareness presented a due process problem, S.W. fails to make any particular legal arguments regarding why the motion to modify was not properly before the court, why the trial court was prohibited from considering the restrictions requested in the motion to modify, or why the trial court lacked the authority to impose the restrictions requested in the motion to modify based on the evidence presented at the hearing. S.W. has not cited legal authority in the argument section following her second point relied on that would indicate that she was deprived of due process based on the circumstances of the case. The failure to present relevant legal authority in support of her arguments or to explain

the absence of such authority renders S.W.'s arguments unpreserved for review. *See In re Marriage of Fritz*, 243 S.W.3d at 488.

Point denied.

Point Three

In her third point, S.W. argues that the trial court misapplied section 455.040 and that the record does not support the statutory findings required for a full protection order.

S.W. fails to make clear what kind of challenge she is raising. The only case referenced (without citation) is *Murphy v. Carron*, from which she asserts the potential grounds for reversal authorized therein. *See Murphy*, 536 S.W.2d at 32. While S.W. correctly identifies the four grounds on which an appellate court may reverse a judgment in a court-tried civil case, S.W. fails to recognize that these are distinct grounds that require distinct arguments in support in order to establish reversible error. S.W. fails to make clear what type of argument she is making -- indicating at times that she is asserting that the trial court misapplied the law, yet at other times indicating that she is raising an evidentiary challenge.

A point on appeal is multifarious when it "groups together multiple, independent claims rather than a single claim of error." *Macke v. Patton*, 591 S.W.3d 865, 869 (Mo. banc 2019) (citation omitted). "Multifarious points relied on are noncompliant with Rule 84.04(d) and preserve nothing for review." *Id.* (citation omitted). Each of the four distinct grounds upon which a judgment may be reversed under *Murphy v. Carron*

presents a separate and distinct inquiry that requires a discrete legal analysis. *See id.* at 869-70 (citations omitted).

By failing to make clear what type of challenge she is raising and by failing to present a distinct legal analysis for any particular legal challenge, S.W. has failed to preserve the arguments in her third point for appeal. Although appellate courts have discretion to review noncompliant points gratuitously despite technical deficiencies in a point relied on when such deficiencies do not impede review on the merits, *see Lexow v. Boeing Co.*, 643 S.W.3d 501, 508 (Mo. banc 2022), S.W. fails to present the legal analysis necessary to establish reversible error on any of the grounds underlying her multifarious third point relied on.

Although S.W. labeled her third point as a misapplication of law,[3] much of her argument section would indicate that she was attempting to make an argument regarding the evidentiary support underlying the trial court's judgment. However, the briefing in her argument section fails to recognize the standards for either a substantial evidence challenge or an against the weight of the evidence challenge and fails to present an analysis that would establish reversible error under either standard.

The Southern District of this Court has synthesized the legal principles surrounding such evidentiary challenges and set forth the distinct analytical steps

[3] Rule 84.04(e) requires that points relied on be "restated at the beginning of the section of the argument discussing that point." S.W. did not restate any of her points relied on at the beginning of the argument sections discussing those points.

necessary to sustain a substantial evidence challenge or an against-the-weight-of-the-evidence challenge:

> A not-supported-by-substantial-evidence challenge requires completion of three sequential steps:
>
> (1) identify a challenged factual proposition, the existence of which is necessary to sustain the judgment;
>
> (2) identify all of the favorable evidence in the record supporting the existence of that proposition; and,
>
> (3) demonstrate why that favorable evidence, when considered along with the reasonable inferences drawn from that evidence, does not have probative force upon the proposition such that the trier of fact could not reasonably decide the existence of the proposition.
>
> On the other hand, an against-the-weight-of-the-evidence challenge requires completion of four sequential steps:
>
> (1) identify a challenged factual proposition, the existence of which is necessary to sustain the judgment;
>
> (2) identify all of the favorable evidence in the record supporting the existence of that proposition;
>
> (3) identify the evidence in the record contrary to the belief of that proposition, resolving all conflicts in testimony in accordance with the trial court's credibility determinations, whether explicit or implicit; and,
>
> (4) demonstrate why the favorable evidence, along with the reasonable inferences drawn from that evidence, is so lacking in probative value, when considered in the context of the totality of the evidence, that it fails to induce belief in that proposition.

Houston v. Crider, 317 S.W.3d 178, 187 (Mo. App. S.D. 2010).[4]

[4] More recently, the Missouri Supreme Court has expressly adopted the *Houston* framework. *Weeks v. City of St. Louis*, 721 S.W.3d 873, 877 (Mo. banc 2025).

In this matter, S.W. failed to identify what type of evidentiary challenge she was making, failed to make clear what particular factual proposition she was challenging, failed to gather the evidence in the record supporting the trial court's judgment along with the reasonable inferences to be drawn therefrom, and failed to give effect to the trial court's role in resolving credibility determinations. In light of these deficiencies, S.W.'s arguments on appeal are insufficient to establish reversible error.

Point denied.

Point Four

In her fourth point, S.W. argues that the trial court erred by deciding the case based on an incomplete record. Although it is not altogether clear what specific arguments S.W. is making, it appears that she is arguing that the trial court made errors in admitting evidence. It also appears that S.W. is arguing that the trial court erred in considering or giving weight to the evidence presented due to the absence of other evidence, such as video recordings that were never offered into evidence by R.W.[5] However, S.W. fails to make clear what evidence she is asserting the trial court erred in admitting, the standards that would apply to the admission of such evidence, or how she preserved any such argument for appeal.

[5] Although S.W.'s precise arguments are not clear, it does appear that S.W. attempts to raise multiple distinct challenges in her fourth point relied on such that S.W.'s fourth point relied on is multifarious and preserves nothing for appeal. *See Macke*, 591 S.W.3d at 869.

S.W.'s preservation statement argues that she preserved the issue for appeal because her counsel objected to hearsay regarding what non-testifying law enforcement officers said, and pointed out that the recordings were not introduced into evidence. However, S.W. fails to make a specific argument regarding the trial court's improperly admitting hearsay. Rather, S.W.'s citation to her counsel's hearsay objection indicates that the trial court took corrective action upon the objection and instructed R.W. that he was not to talk about what somebody not present in the courtroom said to him.

S.W.'s fourth point also argues that the trial court erred in issuing judgment based on an "incomplete record." In this argument, S.W. suggests that the trial court erred in deciding the case without the admission of the video recordings. However, S.W. cites nothing indicating that the trial court lacked authority to decide the case based on the evidence presented because additional evidence might have been (but was not) presented.

R.W. testified regarding two distinct events that involved R.W. recording the events. When the court asked R.W. if he had anything else to add following cross-examination, R.W. testified that he had video evidence of all of it, but that he did not know how to submit it to the Court. The Court then responded that it understood and inquired whether R.W. had any other testimony to present or witnesses to call. When R.W. stated that he did not, the Court indicated its understanding that R.W. rested his case.

S.W. was then given an opportunity to present evidence and presented one witness. S.W. did not testify regarding the events.

S.W. fails to make a discernible argument regarding how the trial court improperly considered evidence that was admitted, which included R.W.'s testimony regarding the events in question. As discussed in our analysis of S.W.'s third point, S.W. failed to establish that the judgment was unsupported by substantial evidence. In her fourth point, S.W. fails to cite to any relevant legal authority indicating that the trial court committed error in deciding the case based on the evidence presented. *See In re Marriage of Fritz*, 243 S.W.3d at 488. S.W. has failed to establish reversible error in her fourth point on appeal.

Point denied.

Point Five

In her fifth point on appeal, S.W. argues that the terms of the full order of protection relating to an exchange of property are unworkable.

The order of protection included language that provided for the retrieval of S.W.'s personal property from the shared residence of S.W. and R.W. After the trial court indicated that it would grant an order of protection prohibiting S.W. from entering the marital residence, but prior to the trial court's entry of the judgment, S.W. made a request that she be allowed to retrieve personal property from the residence. Following the request, the trial court inquired with the parties regarding the property that the parties could agree that S.W. could take from their residence at that time. The court and the parties then discussed such property at length as well as the terms under which the property could be retrieved. Throughout the discussion, the trial court reiterated that it

was attempting to include in the order an agreement of the parties regarding the property that S.W. could take. During this discussion, which was instituted at the request of S.W., S.W. did not raise an objection to the terms on which she now seeks to complain on appeal and did not request that the trial court take a different action than the court took with respect to the retrieval of property.

S.W. fails to cite to any legal authority for her argument that the trial court erred regarding the terms for the retrieval of her property. S.W. fails to include any legal arguments that the trial court misapplied any particular law or abused its discretion by including terms in its order. S.W. fails to cite any legal sources that support her argument that the trial court was required to implement different or additional terms. The failure to present relevant legal authority or to explain the absence of such authority renders S.W.'s arguments unpreserved for review. *See In re Marriage of Fritz*, 243 S.W.3d at 488.

Additionally, S.W. failed to preserve her arguments regarding the terms of the order being unworkable. S.W. made a request on the record that the trial court include in its order terms relating to her retrieval of personal property. In response to this request, the trial court indicated that it would include terms in the order based on agreement of the parties and discussed such terms with the parties at length while welcoming the input of the parties in formulating the agreed upon terms. S.W. fails to identify an instance where she objected to the terms included in its order or where she requested that the trial court implement terms differently than it did, so as to call attention to what she now asserts was error. *See Brown*, 423 S.W.3d at 787-88. S.W. fails to cite where or how she gave the

trial court the opportunity to address her objections now asserted in the fifth point of her appeal. *See id.*

Point denied.

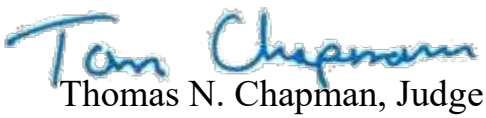
Point Six

In her sixth point, S.W. argues that this Court should grant meaningful appellate relief if it reverses or vacates the full order of protection. S.W. fails to assert trial court error in this point relied on and fails to assert a ground for reversal in her sixth point. *See* Rule 84.13(b) ("No appellate court shall reverse any judgment unless it finds that error was committed by the trial court against the appellant materially affecting the merits of the action."). Rather, as her argument recognizes, this point makes an argument regarding the relief that this Court should provide in the event that reversible error was found based on the arguments presented in her first through fifth points. Although this court could potentially consider the arguments made in her sixth point if S.W. were to establish reversible error in one of her other points, this Court is unable to find reversible error in her sixth point without an allegation of trial court error.

Point denied.

Conclusion

The judgment is affirmed.



Thomas N. Chapman, Judge

All concur.