



**In the Missouri Court of Appeals
Eastern District
DIVISION ONE**

ROBERT KEITH BENNETT,)	No. ED108335
)	
Appellant,)	
)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	Cause No. 18SL-AC17169
)	
LUCRETIA SHARON TAYLOR and)	Honorable John F. Newsham
DAJAH RENEE KING,)	
)	
Respondents.)	Filed: December 22, 2020

OPINION

Robert Keith Bennett (“Bennett”) appeals the trial court’s judgment dismissing his rent and possession action.¹ However, Bennett’s failure to substantially comply with the appellate briefing requirements of Rule 84.04 preserves nothing for our review; therefore, we must dismiss the appeal.²

I. Discussion

Rule 84.04 sets forth the requirements for appellate briefing, and compliance with those requirements is mandatory for all appellants. *Waller v. A.C. Cleaners Mgmt., Inc.*, 371 S.W.3d 6,

¹ We find it important to note that “[a] natural person ordinarily is entitled to appear and assert claims on his own behalf in Missouri’s courts[.]” *Naylor Senior Citizens Hous., LP v. Side Const. Co., Inc.*, 423 S.W.3d 238, 243 (Mo. banc 2014). However, it is well established that a corporation may appear only through an attorney licensed or admitted to practice in Missouri by the Supreme Court of Missouri. *Id.*

² All references are to Missouri Supreme Court Rules (2020).

9 (Mo. App. E.D. 2012). In summary, all appellate briefs must include: (1) a detailed table of contents; (2) a jurisdictional statement; (3) a statement of facts; (4) the points relied on; (5) an argument; and (6) a short conclusion stating the precise relief sought. Rule 84.04(a)(1)–(6). Our preference is to decide an appeal on the merits where disposition is not hampered by rule violations and the argument is readily understandable. *Moseley v. Grundy County Dist. R-V Sch.*, 319 S.W.3d 510, 511 (Mo. App. E.D. 2010); *Nicol v. Nicol*, 491 S.W.3d 266, 271 (Mo. App. W.D. 2016). However, “[a]n appellant’s failure to substantially comply with Rule 84.04 preserves nothing for our review and is grounds for dismissing the appeal.” *Bruce v. City of Farmington*, 551 S.W.3d 65, 66 (Mo. App. E.D. 2018) (internal quotations omitted).

Although Bennett appears *pro se*, he is held to the same standard as attorneys and is subject to the mandatory appellate briefing requirements of Rule 84.04. *Richardson v. Div. of Employment Sec.*, 573 S.W.3d 125, 128 (Mo. App. E.D. 2019); *Porter v. Santander Consumer USA, Inc.*, 590 S.W.3d 356, 357 (Mo. App. E.D. 2019). “Judicial impartiality, judicial economy, and fairness to all parties necessitates that we do not grant *pro se* litigants preferential treatment with regard to their compliance with those procedural rules.” *Hamilton v. Archer*, 545 S.W.3d 377, 379 (Mo. App. E.D. 2018) (quoting *Ward v. United Eng’g Co.*, 249 S.W.3d 285, 287 (Mo. App. E.D. 2008)).

Bennett’s appellate brief violates Rule 84.04 in several respects, such that we cannot address the merits of this appeal without speculating about the nature of his claims on appeal and assuming the role of his advocate, which we cannot do. *See id.* at 381 (“[T]he function of an appellate court is not to serve as an advocate for the parties on appeal, and this Court must carefully safeguard its role as a neutral adjudicator.”).

First, Bennett’s statement of facts fails to contain “a fair and concise statement of the facts relevant to the questions presented for determination without argument.” Rule 84.04(c). While Bennett provides some facts, his statement of facts is argumentative and fails to afford our court “an immediate, accurate, complete and unbiased understanding of the facts of the case.” *Fleddermann v. Casino One Corp.*, 579 S.W.3d 244, 247 (Mo. App. E.D. 2019) (quoting *In re Marriage of Shumpert*, 144 S.W.3d 317, 320 (Mo. App. E.D. 2004)).

Second, Bennett’s “Points Relied On” do not substantially comply with the requirements of and template provided in Rule 84.04(d). Bennett raises three points on appeal, but those “Points Relied On” do not “[s]tate concisely the legal reasons for [his] claim of reversible error” nor do they “[e]xplain in summary fashion why, in the context of the case, those legal reasons support the claim of reversible error.” *See* Rule 84.04(d)(1)(B)–(C). Rather, for each point, Bennett states the trial court erred in entering its judgment and provides his opinion of what the trial court should have found or concluded instead of dismissing his case. The purpose for clearly stating the issues on appeal “is to provide notice to the opposing party as to the precise matters that must be contended with and to inform the court of the issues presented for review.” *Kieffer v. Gianino*, 301 S.W.3d 119, 120–21 (Mo. App. E.D. 2010) (internal quotations omitted). “Given that a template is specifically provided for in Rule 84.04(d)(1), appellants simply have no excuse for failing to submit adequate points relied on.” *Scott v. King*, 510 S.W.3d 887, 892 (Mo. App. E.D. 2017). Also, Rule 84.04(d)(5) requires that each point relied on be followed by “a list of cases, not to exceed four, and the constitutional, statutory, and regulatory provisions or other authority upon which that party principally relies.” None of Bennett’s “Points Relied On” contain a list of authorities upon which he relies.

Lastly, to comply with Rule 84.04(e), the argument portion of an appellate brief must:

substantially follow the order set out in the points relied on, restate the point relied on at the beginning of any paragraph section discussing such point, include a concise statement of the applicable standard of review for each claim of error, and advise the court how the facts of the case and principles of law interact.

McGuire v. Edwards, 571 S.W.3d 661, 667 (Mo. App. E.D. 2019) (internal quotations omitted).

Bennett fails to comply with the requirements of Rule 84.04(e) because he does not follow the order set out in any of his “Points Relied On” nor does he restate his points in any section of his argument. Bennett also fails to identify and include the applicable standard of review, which “is essential to all appellate arguments, as it outlines this court’s role in disposing of the matter before it.” *Porter*, 590 S.W.3d at 358. “While it would be easy enough for this court to determine the applicable standard of review, it is not our duty to supplement the deficient brief with our own research.” *Waller v. Shippey*, 251 S.W.3d 403, 406 (Mo. App. W.D. 2008).

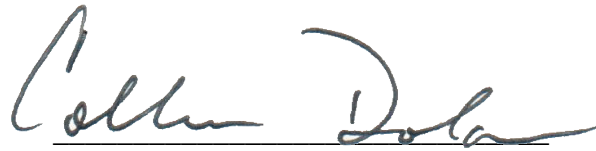
Most importantly, Bennett does not sufficiently develop a legal argument for reversal. His argument contains a continuous stream of summaries of cases and statutes that conclude with either short paragraphs responding to several of the paragraphs in the opposing party’s motion to dismiss or statements containing bare conclusions with no legal basis upon which we can find reversible error. “Mere conclusions and the failure to develop an argument with support from legal authority preserves nothing for review.” *Porter*, 590 S.W.3d at 358 (quoting *Wallace v. Frazier*, 546 S.W.3d 624, 628 (Mo. App. W.D. 2018)). Overall, Bennett’s argument fails to show the interaction between the relevant principles of law and the facts of this particular case, requiring us and opposing counsel to hypothesize about his argument. *See Hoover v. Hoover*, 581 S.W.3d 638, 641 (Mo. App. W.D. 2019).

“Because of [his] substantial failure to comply with Rule 84.04, [Bennett’s] brief is inadequate to allow us to conduct a meaningful review without improperly advocating for [him].” *Prosser v. State*, 243 S.W.3d 496, 498 (Mo. App. E.D. 2008). We emphasize that “[t]his

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.” *Id.*

II. Conclusion

Therefore, we find Bennett’s violations of Rule 84.04 substantially impede our ability to determine the merits of the issues presented and consequently preserve nothing for our review. Accordingly, the appeal is dismissed.

A handwritten signature in cursive script, reading "Colleen Dolan". The signature is written in black ink and is positioned above a horizontal line.

Colleen Dolan, P.J.

Robert M. Clayton III, J., concurs.
Michael E. Gardner, J., concurs.