

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
August 11, 2026 Session

TRAVIS LEE DAVIS v. JENNIFER HOPE DAVIS

Appeal from the Circuit Court for Knox County
No. 149210 Gregory S. McMillan, Judge

No. E2025-00362-COA-R3-JV

This appeal arises from the court's modification of a permanent parenting plan in which the trial court designated the father as the primary residential parent. We now dismiss the appeal due to the deficiencies in the appellant's brief.

Tenn. R. App. P. 3 Appeal as of Right; Appeal Dismissed; Case Remanded

JOHN W. MCCLARTY, P.J., E.S., delivered the opinion of the court, in which FRANK G. CLEMENT, JR., C.J., and THOMAS R. FRIERSON, II, J., joined.

Jennifer Hope Davis, Knoxville, Tennessee, pro se appellant.

Jon C. Fromke, Knoxville, Tennessee, for the appellee, Travis Lee Davis.

MEMORANDUM OPINION¹

Travis Lee Davis ("Father") and Jennifer Hope Davis ("Mother") were divorced by order of the court in June 2021. Together, they have three children. One child attained the age of majority prior to this action, while a second has since attained the age of majority. Prior to this action, the parties adhered to a permanent parent plan that designated Mother as the primary residential parent and provided Father with 90 days of co-parenting time.

¹ Rule 10 of the Rules of the Court of Appeals of Tennessee provides:

This Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION", shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

On February 9, 2023, Mother filed the instant petition in which she sought to reduce Father's co-parenting time and prohibit any overnight time due to allegations of emotional harm. Father denied the allegations and responded with his own petition for modification, alleging a material change in circumstances that necessitated his designation as the primary residential parent. During the pendency of the proceedings, Mother filed a petition for dependency and neglect against Father; however, this petition was dismissed as unfounded.

The hearing on the competing petitions for modification was delayed multiple times due to Mother's failure to secure counsel and her alleged health issues. Meanwhile, the court ordered Mother to provide documentation to establish the Children's educational progress. The documentation provided established that the two minor children performed below grade level, prompting the court to order their enrollment in public school.

Having reset the hearing multiple times, the hearing finally proceeded over Mother's objections on December 4, 2024. Following the hearing, the court found that a material change in circumstances had occurred that necessitated a change in the permanent parenting plan. The court designated Father as the primary residential parent and awarded him sole decision-making authority over the Children's education, non-emergency care, and extracurricular activities. The court removed Father's child support obligation and ordered Mother to remit payment in the amount of \$230 per month. The court awarded Father attorney fees in the amount of \$12,000, finding that Mother had unnecessarily prolonged litigation through her discovery noncompliance, unfounded court filings, and delays based upon alleged medical issues that were not supported by evidence. This appeal followed the filing of an amended order that fixed typographical errors.

As a threshold issue, Father asserts that this appeal should be dismissed for failure to adhere to the Tennessee Rules of Appellate Procedure and the Rules of this Court. We agree that Mother's brief contains several deficiencies that hinder our ability to meaningfully review this case. Tennessee Rule of Appellate Procedure 27 instructs that the appellant's brief "shall contain:"

* * *

(6) A statement of facts, setting forth the facts relevant to the issues presented for review *with appropriate references to the record*;

(7) An argument, which may be preceded by a summary of argument, setting forth: (A) the contentions of the appellant with respect to the issues presented, and the reasons therefor, including the reasons why the contentions require appellate relief, *with citations to the authorities and appropriate references to the record* (which may be quoted verbatim) relied on; and (B) for each issue, a concise statement of the applicable standard of review (which may appear in the discussion of the issue or under a separate

heading placed before the discussion of the issues);

Tenn. R. App. P. 27(a)(6), (7) (emphasis added). Additionally, Rule 6 of the Tennessee Court of Appeals states in part:

(a) Written argument in regard to each issue on appeal shall contain:

(1) A statement by the appellant of the alleged erroneous action of the trial court which raises the issue and a statement by the appellee of any action of the trial court which is relied upon to correct the alleged error, with citation to the record where the erroneous or corrective action is recorded.

(2) A statement showing how such alleged error was seasonably called to the attention of the trial judge with citation to that part of the record where appellant's challenge of the alleged error is recorded.

(3) A statement reciting wherein appellant was prejudiced by such alleged error, with citations to the record showing where the resultant prejudice is recorded.

(4) A statement of each determinative fact relied upon with citation to the record where evidence of each such fact may be found.

(b) No complaint of or reliance upon action by the trial court will be considered on appeal unless the argument contains a specific reference to the page or pages of the record where such action is recorded. No assertion of fact will be considered on appeal unless the argument contains a reference to the page or pages of the record where evidence of such fact is recorded.

Tenn. Ct. App. R. 6(a), (b).

Mother, appearing pro se at trial and now on appeal, provided a table of contents in accordance with the Rules of Appellate Procedure and some citations to legal authorities in her standard of review. However, she never once cited the record throughout the entirety of her initial brief or in her reply brief, in which she claimed that dismissal was not warranted because she adhered to the applicable rules. Mother's argument section consists of a few conclusory sentences of argument in support of each claim with neither citations to legal authority nor citations to the record in support of such arguments.

On June 26, 2026, Mother issued a reply brief, which contained some statutory citations in her argument section and a mention of this court's decision in *Bean v. Bean*, 40 S.W.3d 52 (Tenn. Ct. App. 2000). She also submitted a filing of supplemental authority with additional case citations and argument. It is well-settled that appellants may not use

reply briefs to correct deficiencies or raise new arguments. *See, e.g., Adler v. Double Eagle Properties Holdings, LLC*, No. W2014-01080-COA-R3-CV, 2015 WL 1543260, at *6 (Tenn. Ct. App. Apr. 2, 2015) (ruling that a reply brief could not correct the errors in an initial brief); *Denver Area Meat Cutters & Emp'rs Pension Plan v. Clayton*, 209 S.W.3d 584, 594 (Tenn. Ct. App. 2006) (refusing to consider an argument raised for the first time in a reply brief). The same reasoning holds true for filings of supplemental authority.

“Pro se litigants who invoke the complex and sometimes technical procedures of the courts assume a very heavy burden.” *Irvin v. City of Clarksville*, 767 S.W.2d 649, 652 (Tenn. Ct. App. 1988). It is well-settled that “[w]hile a party who chooses to represent himself or herself is entitled to the fair and equal treatment of the courts, [p]ro se litigants are not . . . entitled to shift the burden of litigating their case[s] to the courts.” *Chiozza v. Chiozza*, 315 S.W.3d 482, 487 (Tenn. Ct. App. 2009) (internal citations omitted). Instead, pro se litigants are held to the same procedural and substantive standards to which lawyers must adhere. *Diggs v. Lasalle Nat’l Bank Assoc., et al.*, 387 S.W.3d 559, 563 (Tenn. Ct. App. 2012); *Young v. Barrow*, 130 S.W.3d 59, 63 (Tenn. Ct. App. 2003).

Ordinarily, “failure to comply with the Rules of Appellate Procedure and the Rules of this Court” constitutes a waiver of the issues raised by the appellant. *Bean*, 40 S.W.3d at 55. “Courts have routinely held that the failure to make appropriate references to the record and to cite relevant authority in the argument section of the brief as required by Rule 27(a)(7) constitutes a waiver of the issue.” *Bean*, 40 S.W.3d at 55; *see also Hawkins v. Hart*, 86 S.W.3d 522, 531 (Tenn. Ct. App. 2001) (“[F]or an issue to be considered on appeal, a party must, in his brief, develop the theories or contain authority to support the averred position.”). “An issue may be deemed waived, even when it has been specifically raised as an issue, when the brief fails to include an argument satisfying the requirements of Tenn. R. App. P. 27(a)(7).” *Hodge v. Craig*, 382 S.W.3d 325, 335 (Tenn. 2012). Nevertheless, our Supreme Court has directed this court “to excuse technical deficiencies that do not significantly impede the appellate process.” *DiNovo v. Binkley*, 706 S.W.3d 334, 336–37 (Tenn. 2025) (overruling this court’s dismissal of the appeal when the appellant provided record citations in the statement of the case and the statement of facts but not in the argument section of the brief); *see also Trezevant v. Trezevant*, 696 S.W.3d 527, 530–31 (Tenn. 2024) (overruling this court’s dismissal of an appeal when the arguments set forth in the appellate brief fell within the scope of the stated issues).

Here, Mother presented conclusory arguments with neither citations to legal authority nor citations to the record. This court is “under no duty to blindly search the record to find . . . evidence,” nor can an appellant shift their burden of developing their arguments to us. *See Pearman v. Pearman*, 781 S.W.2d 585, 588 (Tenn. Ct. App. 1989). With these considerations in mind, we conclude that dismissal of this appeal is warranted based upon Mother’s failure to comply with Tennessee Rule of Appellate Procedure 27(a) and Rule 6 of the Rules of the Court of Appeals.

Father also contends that Mother has filed a frivolous appeal, rendering her liable for damages pursuant to Tennessee Code Annotated section 27-1-122, which provides as follows:

When it appears to any reviewing court that the appeal from any court of record was frivolous or taken solely for delay, the court may, either upon motion of a party or of its own motion, award just damages against the appellant, which may include but need not be limited to, costs, interest on the judgment, and expenses incurred by the appellee as a result of the appeal.

Tenn. Code Ann. § 27-1-122. Exercising our discretion in such matters, we respectfully deny the request for attorney's fees on appeal.

For the reasons stated above, the appeal is dismissed. The case is remanded to the trial court for such further proceedings as may be necessary. Costs of the appeal are taxed to the appellant, Jennifer Hope Davis.²

s/John W. McClarty

JOHN W. McCLARTY, JUDGE

² Appellant proceeded with this appeal without paying costs in advance due to this court's finding of indigency. However, she may now be held responsible for such costs at the conclusion of the appeal. *See* Tenn. Code Ann. § 20-12-127(b) ("The filing of a civil action without paying the costs or taxes or giving security for the costs or taxes does not relieve the person filing the action from responsibility for the costs or taxes but suspends their collection until taxed by the court.").