

IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Case No.: 16-2022-AP-8

Division: AP-A

RICHARD ROSE
Appellant,

vs.

STATE OF FLORIDA
DEPARTMENT OF MOTOR
VEHICLES AND HIGHWAY SAFETY
Appellee.
_____ /

On appeal from a decision of a Traffic Court Hearing Officer,
County Court, Duval County

For Appellant: Richard Rose, Pro Se

For Appellee: Linsey Sims-Bohnenstiehl, Esq.

Opinion

June 20, 2023

PER CURIAM.

Richard Rose appeals from the decision of a traffic court hearing officer, after a contested evidentiary hearing, finding the Appellant committed a civil traffic infraction, specifically speeding, and imposing a civil penalty. In his appeal, Appellant alleges the Florida Highway Patrol Trooper, who issued the citation and testified at the infraction hearing, committed perjury. Appellant also appears to challenge the sufficiency of the evidence to support the traffic hearing officer's findings. Finally, Appellant suggests that he was compelled to speed, in any event,

because the particular part of the roadway on which he was traveling is particularly dangerous due to poor lighting and previous incidents of gun violence.

The decision of a traffic court hearing officer comes before us with a presumption of correctness. The burden is on the Appellant to demonstrate reversible error and to present an adequate record for review. *See* s. 318.33, Fla. Statutes (prescribing that, on appeal, the Appellant is responsible for producing the record of the hearing beyond that which normally results from the civil traffic infraction hearing process).

In this case, the Appellant did not provide a transcript of the proceedings. *See* Rule 6.460(b), Florida Rules of Traffic Court (making clear that the traffic court is not responsible for recording the proceedings or producing a transcript). As such, and because no reversible error appears on the face of the record presented to us on appeal, we are compelled to affirm. *See Applegate v. Barnett Bank of Tallahassee*, 377 So. 2d 1150, 1152 (Fla. 1979) (explaining that “[i]n appellate proceedings the decision of a trial court has the presumption of correctness and the burden is on the appellant to demonstrate error,” so “the lack of a trial transcript or a proper substitute” results in a record that is “inadequate to demonstrate reversible error” and requires affirmance). *See also Fortune v. Pantin*, 851 So. 2d 274 (Fla. 5th DCA 2003) (“In the absence of a transcript, this court is unable to evaluate the sufficiency of the evidence considered by the trial court in support of its factual findings, and instead presumes such findings to be correct.”).

AFFIRMED.

CHARBULA, KALLAHER, AND HEALEY J.J. concur.