

NOT FINAL UNTIL TIME EXPIRES FOR REHEARING, AND IF FILED, DETERMINED

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR PASCO COUNTY
APPELLATE DIVISION

JAMES FREDERICK SCHOOLER,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

UCN: 512019AP000075APAXWS
Appeal No: 19-AP-75
Lower No: 19-CO-1598

_____/

On appeal from Pasco County Court,
Honorable Frank I. Grey

James Frederick Schooler, *pro se*
for Appellant,

No response,
for Appellee.

ORDER AND OPINION

THIS MATTER comes before the Court *sua sponte* pursuant to Florida Rule of Appellate Procedure 9.315(a) (“After service of the initial brief in appeals under rule 9.110, 9.130, or 9.140 . . . the court may summarily affirm the order to be reviewed if the court finds that no preliminary basis for reversal has been demonstrated”).

Because Appellant did not transcribe the hearing before the trial court, Appellant cannot overcome the presumption of correctness in the trial court’s order and the trial court’s judgment is summarily affirmed.

STATEMENT OF THE CASE AND FACTS

This is one of five appeals from trial court judgments that Appellant violated sections of the Pasco County Code. See Appeal Numbers 19-AP-76; 19-AP-77; 19-AP-78; 19-AP-79.

In this particular case, Appellant was cited for three counts of violating section 106-54, Pasco County Code, for storing a white motorcycle with no license plate attached, a black motorcycle with no license plate attached, and a Chevy vehicle with the front left

wheel sunken in the ground. An ordinance violation final hearing was held on August 1, 2019. On August 26, 2019, the trial court issued a written judgment finding Appellant in violation of the charged offenses. The judgment was rendered on September 4, 2019. Appellant timely-appealed.

STANDARD OF REVIEW

Where no transcript of a proceeding is made, an appellate court cannot reverse unless there is an error on the face of the trial court's order. Additionally, the error complained of must be a harmful error resulting in a miscarriage of justice. *Harris v. McKinney*, 20 So. 3d 400, 405-06 (Fla. 2d DCA 2009) (citations and quotations omitted).

LAW AND ANALYSIS

Since the decision of the trial court comes to this appellate court with a presumption of correctness, this court must presume that the trial court's findings are correct unless Appellant can demonstrate that a reversible error was made. *Hirsch v. Hirsch*, 642 So. 2d 20 (Fla. 5th DCA 1994); *Casella v. Casella*, 569 So. 2d 848 (Fla. 4th DCA 1990). Significantly, what is missing from the appellate record is a transcript of the proceedings below or any record that would substantiate any of Appellant's claims. Additionally, there are no errors on the face of the trial court order.

It is therefore **ORDERED AND ADJUDGED** that the trial court's judgment is hereby summarily **AFFIRMED**.

DONE AND ORDERED in Chambers at New Port Richey, Pasco County, Florida this ____ day of _____, 2020.

Original Order entered on February 24, 2020, by Circuit Judges Daniel D. Diskey, Kimberly Campbell, and Lauralee Westine.

Copies furnished to:

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