

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

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

JULIE ANN GAUGER,
Appellant,

v.

CASE NUMBER: 2023-CA-003274

NEW PORT RICHEY POLICE DEPT.,
Appellee.

On appeal from Judgment Infraction Disposition

Julie Gauger, Appellant, *pro se*

ORDER AND OPINION

THIS MATTER came before the Court on the “Appeal Review Final Orders of Lower Tribunals,” filed August 7, 2023, by Appellant, Julie Ann Gauger, in response to the Order to File Initial Brief and Supporting Appendix, entered July 19, 2023. In the one-page unsigned pleading, Appellant argues that the yellow light change intervals were less than the required 3.4 seconds, resulting in her citation for “failure to comply with a steady red signal” from the City of New Port Richey. Appellant requests that the Court dismiss the underlying traffic citation and also demands a jury trial.

The Court finds that the filed documents do not comply with the Order to File Initial Brief and Supporting Appendix, which must include a transcript of the hearing. See Florida Rules of Appellate Procedure, Rules 9.110(f), 9.210(b)(1)-(8), and 9.220. The Judgment Infraction Disposition, finding the Appellant guilty of running a red light, comes to this Court with a presumption of correctness; it is the Appellant’s duty to provide the Court with a record on appeal to support its contention of reversible error. See, e.g., *Applegate v. Barnett Bank of Tallahassee*, 377 So.2d 1150, 1152 (Fla. 1979)(explaining the decision of the trial court has the presumption of correctness and the burden is on appellant to demonstrate reversible error); *Kass Shuler, P.A. v. Barchard*, 120 So.3d 165, 168 (Fla. 2d DCA 2013)(holding that Circuit Court, sitting in its appellate capacity, was obligated to affirm order as appellant failed to provide

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Nikki Alvarez-Sovies
Clerk & Court Reporter
Pasco County, Florida

transcripts of the hearings or approved statement of the evidence). The Court finds that the Appellant is unable to demonstrate reversible error.

Assuming, *arguendo*, that Appellant did provide a complete and adequate record on appeal, the Court has no authority to dismiss the underlying traffic citation, nor proceed with a jury trial, as requested by Appellant. *See Broward County v. G.B.V. International, LTD.* 787 So.2d 838, 844 (Fla. 2001)(finding that when an order is quashed it leaves the controversy pending as if no order had been entered and the parties stand upon the pleadings and proof as it existed when the order was entered).

Therefore, it is hereby,

ORDERED AND ADJUDGED that the Judgment Infraction Disposition is hereby **AFFIRMED**.

DONE AND ORDERED in Chambers at New Port Richey, Pasco County, Florida this _____ day of _____, 2023.e

Original Order entered on August 16, 2023, by Circuit Judges Kimberly Byrd, Daniel Diskey, and Lauralee Westine.

Copies furnished to:

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