

Third District Court of Appeal

State of Florida

Opinion filed August 21, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D18-2291
Lower Tribunal No. 17-5627

Orlando Perez,
Appellant,

vs.

The Bank of New York Mellon,
Appellee.

An appeal from the Circuit Court for Miami-Dade County, William Thomas,
Judge.

Orlando Perez, in proper person.

Akerman LLP, Nancy M. Wallace (Tallahassee), and William P. Heller (Fort
Lauderdale), for appellee.

Before SALTER, LINDSEY, and MILLER, JJ.

PER CURIAM.

Affirmed. See Echols v. State, 484 So. 2d 568, 572 (Fla. 1985) (“The granting or denial of a motion for continuance is within the sound discretion of the trial court and will not be overturned absent a palpable abuse of discretion.”) (citations omitted); Canakaris v. Canakaris, 382 So. 2d 1197, 1203 (Fla. 1980) (“Discretion, in this sense, is abused when the judicial action is arbitrary, fanciful, or unreasonable, which is another way of saying that discretion is abused only where no reasonable man [or woman] would take the view adopted by the trial court. If reasonable men [or women] could differ as to the propriety of the action taken by the trial court, then it cannot be said that the trial court abused its discretion.”) (citation omitted); see also Applegate v. Barnett Bank of Tallahassee, 377 So. 2d 1150, 1152 (Fla 1979 (“In appellate proceedings the decision of a trial court has the presumption of correctness and the burden is on the appellant to demonstrate error . . . Without a record of the trial proceedings, the appellate court can not properly resolve the underlying factual issues so as to conclude that the trial court's judgment is not supported by the evidence or by an alternative theory. Without knowing the factual context, neither can an appellate court reasonably conclude that the trial judge so misconceived the law as to require reversal.”); Pensacola Beach Pier, Inc. v. King, 66 So. 3d 321, 325 (Fla. 1st DCA 2011) (“In order to be preserved for further review by a higher court, an issue must be presented to the lower court and

the specific legal argument or ground to be argued on appeal or review must be part of that presentation if it is to be considered preserved.”) (citations omitted).