

Third District Court of Appeal

State of Florida

Opinion filed June 24, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-1154
Lower Tribunal No. 12-1241-K

Cash W. Pawley, Sr.,
Appellant,

vs.

Janice Marie,
Appellee.

An Appeal from the Circuit Court for Monroe County, Bonnie J. Helms,
Judge.

Cash W. Pawley, Sr., in proper person.

Janice Marie, in proper person, precluded from oral argument.

Before EMAS, C.J., and FERNANDEZ and LOGUE, JJ.

EMAS, C.J.

Cash Wallace Pawley appeals the trial court's order denying his motion to modify an injunction for protection against domestic violence. The trial court held a hearing on the motion and, in the exercise of its discretion, denied the motion to modify. On appeal, Pawley urges this court to consider issues of fact and to draw conclusions about the evidence presented below. However, the record on appeal does not include a transcript of the hearing on the motion to modify. In the absence of the transcript, this court cannot provide meaningful appellate review of the issues raised, and we must therefore affirm unless there is error apparent on the face of the order on appeal. Applegate v. Barnett Bank of Tallahassee, 377 So. 2d 1150, 1152 (Fla. 1979); Aspiazu v. Ringel, 54 So. 3d 547 (Fla. 5th DCA 2011) (affirming final judgment of injunction for protection against domestic violence where there was no transcript of the lower court proceedings provided); Bisnauth v. Leelum, 233 So. 3d 1275, 1276 (Fla. 3d DCA 2017) (observing: "Generally, where an appellant fails to provide the appellate court with a trial transcript, the trial court's judgment must be affirmed. Notwithstanding the absence of a transcript, however, an appellate court may review a lower court judgment for error apparent on its face") (quoting Hall v Calderin, 47 So. 3d 852, 854 (Fla. 3d DCA 2010)).

Finding no such error, we affirm.