

Third District Court of Appeal

State of Florida

Opinion filed January 8, 2025.
Not final until disposition of timely filed motion for rehearing.

No. 3D24-0455
Lower Tribunal No. 22-5096-FC-04

Carlos Ernesto Rojas,
Appellant,

vs.

Carolina Mejia Londono,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Christina Marie DiRaimondo, Judge.

Ilene F. Tuckfield, P.A. and Ilene F. Tuckfield, for appellant.

Sarmiento Law, PLLC and Francesca L. Sarmiento (Fort Lauderdale), for appellee.

Before LOGUE, C.J., and LINDSEY and GORDO, JJ.

GORDO, J.

Carlos Ernesto Rojas (the “Husband”) appeals a final order denying his petition for annulment of marriage against Carolina Mejia Londono (the “Wife”). We have jurisdiction. Fla. R. App. P. 9.030(b)(1)(A). Finding no error in the trial court’s order, we affirm.

On appeal, the Husband asserts that an annulment is proper because the parties never consummated the marriage and the Wife married him solely for immigration benefits, committing fraud.¹ Because the record contains ample evidence supporting the trial court’s findings that the parties consummated the marriage and the Wife did not enter the marriage to commit fraud, we find the trial court properly denied the Husband’s petition for annulment of marriage. See In re Amendments to Florida Rule of Civil Procedure 1.530, 346 So. 3d 1161, 1162 (Fla. 2022) (“To preserve for appeal a challenge to the sufficiency of a trial court’s findings in the final judgment, a party must raise that issue in a motion for rehearing under this rule.”); Sack v. Sack, 184 So. 2d 434, 436 (Fla. 3d DCA 1966) (“Where a marriage is validly contracted it should not be dissolved other than by divorce, or by a decree of annulment supported by allegation and proof of recognized grounds for annulment of marriage. The record of this case discloses no asserted ground or evidence to justify a decree of annulment in favor of the

¹ We affirm the other issues raised without further discussion.

husband . . . Here the parties, according to the allegations and proof, entered into a valid marriage contract . . . The evidence does not establish existence of any of the grounds for annulment as outlined above.”).

Affirmed.