

FLORIDA THIRD DISTRICT COURT OF APPEAL

Justin Robert Muoio v. Jessica Lynn Safinya

377 So. 2d 1150 (Fla. 3d DCA 2026) · No. No. 3D25-2068 · Decided June 10, 2026

SUMMARY

The Third District Court of Appeal of Florida affirmed a non-final order denying Justin Robert Muoio’s motion to dissolve a domestic violence injunction. The court held that it was compelled to affirm because the appellant failed to provide an appendix or transcript sufficient to review the alleged error.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Chief Judge SCALES; Judge FERNANDEZ; Judge MILLER
JURISDICTION	Florida Third District Court of Appeal
DECIDED	June 10, 2026
DOCKET	No. 3D25-2068
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a non-final order denying the appellant's motion to dissolve a domestic violence injunction.
STANDARD OF REVIEW	The appellate court could not conduct meaningful review without an adequate record; the trial court's decision is presumed correct, and the appellant bears the burden of demonstrating error.
PRECEDENTIAL VALUE	Published
PARTIES	Justin Robert Muoio v. Jessica Lynn Safinya

TOPICS

- domestic violence
- appellate procedure
- interlocutory appeal
- family law procedure

PRACTICE AREAS

- family law
- domestic violence
- appellate procedure

QUESTIONS PRESENTED

1. Whether the circuit court's non-final order denying the motion to dissolve the domestic violence injunction should be reversed when the appellant failed to provide an appendix or hearing transcript sufficient to review the alleged error.

HOLDINGS

1. When an appellant fails to provide an adequate record, including pertinent record materials or a transcript necessary to evaluate the alleged error, the appellate court cannot properly resolve the underlying factual issues and must affirm the lower court's order.

KEY QUOTATIONS

“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.”

FACTUAL BACKGROUND

A domestic violence injunction was in place, and Muoio moved to dissolve it. The circuit court denied that motion in a non-final order dated October 3, 2025. On appeal, Muoio did not furnish an appendix containing pertinent record portions or a transcript of the hearing.

PROCEDURAL HISTORY

The Circuit Court for Miami-Dade County entered an October 3, 2025 non-final order denying Muoio's motion to dissolve a domestic violence injunction. Muoio appealed, but failed to provide an appendix containing pertinent record materials or a transcript of the hearing. The Third District Court of Appeal affirmed because the absence of an adequate record prevented review of the claimed error.

DISPOSITION

affirmed

CASES CITED

- Applegate v. Barnett Bank of Tallahassee, 377 So. 2d 1150, 1152 (Fla. 1979)
- Fernandez v. Gonzalez, 405 So. 3d 531, 532-33 (Fla. 3d DCA 2025)

OPINION

Justin Robert Muoio v. Jessica Lynn Safinya

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed June 10, 2026. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-2068 Lower Tribunal No. 14-21027-FC-04 _____ Justin Robert Muoio, Appellant, vs. Jessica

Lynn Safinya, Appellee. An Appeal from a non-final order from the Circuit Court for Miami-Dade County, Marie Elizabeth Mato, Judge. Justin Robert Muoio, in proper person. No appearance, for appellee. Before SCALES, C.J., and FERNANDEZ and MILLER, JJ. PER CURIAM. Appellant Justin Robert Muoio appeals an October 3, 2025 non-final order denying his motion to dissolve a domestic violence injunction. Appellant has not furnished this Court an appendix reflecting the pertinent portions of the record or a transcript of the October 3, 2025 hearing. We, therefore, are compelled to affirm the lower court's order. *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."); *Fernandez v. Gonzalez*, 405 So. 3d 531, 532-33 (Fla. 3d DCA 2025). Affirmed. 2