

FLORIDA THIRD DISTRICT COURT OF APPEAL

Daniel Garcia Gelati v. Estate of Edmundo Henriquez Ron

No. 3D25-1243 (Fla. 3d DCA Apr. 15, 2026) · No. No. 3D25-1243 · Decided April 15, 2026

SUMMARY

The Florida Third District Court of Appeal affirmed the denial of Daniel Garcia Gelati’s motion to vacate a final judgment entered against him in proceedings supplementary. The court held that, absent a hearing transcript or proper substitute, it could not review the trial court’s factual findings, and no fundamental error appeared on the face of the order.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Lindsey; Lobree; Bokor
JURISDICTION	Florida Third District Court of Appeal
DECIDED	April 15, 2026
DOCKET	No. 3D25-1243
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order denying the appellant's motion to vacate a final judgment entered against him in proceedings supplementary.
STANDARD OF REVIEW	The appellate court applies the presumption of correctness to the trial court's findings and affirms when the appellant fails to provide a record sufficient to overcome that presumption, absent fundamental error apparent on the face of the judgment or order.
PRECEDENTIAL VALUE	published
PARTIES	Daniel Garcia Gelati v. Estate of Edmundo Henriquez Ron, et al.

TOPICS

- appellate procedure
- preservation of error
- standard of review
- civil procedure

PRACTICE AREAS

- civil procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court's order denying Gelati's motion to vacate the final judgment should be reversed when the appellate record contains no transcript or proper substitute for the hearing at which the trial court made findings supporting liability.
2. Whether any fundamental error appears on the face of the order or final judgment requiring reversal despite the inadequate appellate record.

HOLDINGS

1. An appellant who challenges factual findings or the evidentiary basis for a trial court's judgment must provide a transcript of the relevant proceedings or a proper substitute; absent such a record, the appellate court cannot review the underlying factual issues and must presume the judgment is correct.

KEY QUOTATIONS

“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 [whole] factual context, neither can an appellate court reasonably conclude that the trial judge so misconceived the law as to require reversal.” (2)

“Where there is no record of the testimony of witnesses or evidentiary rulings, and where a statement of the record has not been prepared . . . a judgment which is not fundamentally erroneous on its face must be affirmed.” (2)

FACTUAL BACKGROUND

The trial court imposed liability against Gelati in a final judgment entered in proceedings supplementary. Gelati moved to vacate the judgment, and the trial court denied that motion after a hearing at which it made specific findings supporting liability. Gelati appealed, but the appellate record contained no transcript of the hearing or proper substitute, and no fundamental error appeared on the face of the order appealed.

PROCEDURAL HISTORY

The circuit court for Miami-Dade County entered a final judgment against Gelati in proceedings supplementary and later denied his motion to vacate that judgment after a hearing. Gelati appealed, challenging the trial court's findings, but did not provide a transcript of the hearing or a proper substitute for the record.

DISPOSITION

affirmed

CASES CITED

- Applegate v. Barnett Bank of Tallahassee, 377 So. 2d 1150, 1152 (Fla. 1979)
- Fernandez v. Gonzalez, 405 So. 3d 531, 533 (Fla. 3d DCA 2025)
- Gaspard v. Innocent, 389 So. 3d 638, 639 (Fla. 3d DCA 2023)
- Mijares v. Echeverria, 365 So. 3d 426, 426 (Fla. 3d DCA 2023)

OPINION

Daniel Garcia Gelati v. Estate of Edmundo Henriquez Ron
PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed April 15, 2026. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-1243 Lower Tribunal No. 19-36014-CA-01 _____ Daniel Garcia Gelati, Appellant, vs. Estate of Edmundo Henriquez Ron, et al., Appellees. An Appeal from the Circuit Court for Miami-Dade County, Jason Emilios Dimitris, Judge. Richard Sierra & Associates, PA, and Richard Sierra (Boca Raton), for appellant. Sordo & Associates, P.A., and Cesar R. Sordo, for appellee Servicios Instrumentals CA, LLC. Before LINDSEY, LOBREE, and BOKOR, JJ. PER CURIAM. Daniel Garcia Gelati appeals the trial court's order denying his motion to vacate a final judgment entered against him in proceedings supplementary. The order was entered after a hearing for which there is no transcript. In the order, the trial court makes specific findings as to why it imposed liability against him. Gelati's contest of these findings is of no avail because he did not provide the hearing transcript and nothing irregular appears on the face of the final judgment. See *Applegate v. Barnett Bank of Tallahassee*, 377 So. 2d 1150, 1152 (Fla. 1979). On these facts, we are constrained to affirm. As we explained in *Fernandez v. Gonzalez*, Florida Rule Appellate Procedure 9.200(e) imposes the burden on the appellant to ensure that the record is prepared and transmitted in accordance with these rules. See 405 So. 3d 531, 533 (Fla. 3d DCA 2025). Indeed, "[w]ithout 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 [whole] factual context, neither can an appellate court reasonably conclude that the trial judge so misconceived the law as to require reversal." *Applegate*, 377 So. 2d at 1152. 2 Here, affirmance is required because no transcript, or proper substitute, is provided and no fundamental error appears on the face of the order appealed. See *Gaspard v. Innocent*, 389 So. 3d 638, 639 (Fla. 3d DCA 2023); *Mijares v. Echeverria*, 365 So. 3d 426, 426 (Fla. 3d DCA 2023) (quotation omitted) (reiterating appellant's burden of presenting a record that overcomes the presumption of correctness afforded to the trial court's findings and finding "[w]here there is no record of the testimony of witnesses or evidentiary rulings, and where a statement of the record has not been prepared . . . a judgment which is not fundamentally erroneous on its face must be affirmed."). Affirmed. 3