

FLORIDA THIRD DISTRICT COURT OF APPEAL

Sasha Benlolo v. Judith Levy

No. 3D25-1338 · No. No. 3D25-1338 · Decided May 13, 2026

SUMMARY

The Florida Third District Court of Appeal affirmed a final judgment of dissolution of marriage. The court held that the husband's failure to provide transcripts of the relevant hearings prevented appellate review of his challenges, and he did not establish that the judgment was fundamentally erroneous on its face.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Per Curiam; Lindsey; Miller; Lobree
JURISDICTION	Florida Third District Court of Appeal
DECIDED	May 13, 2026
DOCKET	No. 3D25-1338
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a final judgment of dissolution of marriage entered by the Circuit Court for Miami-Dade County.
STANDARD OF REVIEW	An appellate court cannot resolve factual issues, determine whether a judgment is supported by the evidence, or review alleged abuse of discretion or harmful error without an adequate transcript or reconstructed record. In the absence of such a record, a judgment that is not fundamentally erroneous on its face must be affirmed.
PRECEDENTIAL VALUE	Published
PARTIES	Sasha Benlolo v. Judith Levy

TOPICS

- dissolution of marriage
- family law procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- family law
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the final judgment failed to conform to an oral settlement allegedly stated on the record at the final hearing.
2. Whether the final judgment improperly failed to incorporate contempt findings made by the general magistrate and adopted by the trial court.
3. Whether the financial obligations imposed by the final judgment exceeded the husband's ability to pay.
4. Whether the appellate court could review these challenges without transcripts of the relevant hearings.

HOLDINGS

1. When an appellant fails to provide transcripts or a reconstructed record of the proceedings necessary to evaluate factual and evidentiary challenges, the appellate court cannot review those challenges and must affirm a judgment that is not fundamentally erroneous on its face.

KEY QUOTATIONS

“We are compelled to affirm as the husband’s failure to provide this court with the transcripts of the final hearing and the hearing on his rehearing motion renders us unable to review his challenges to the final judgment, and the husband has not otherwise shown that the final judgment is fundamentally erroneous on its face.”

“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.” (1152)

“In the absence of an adequate transcript on appeal, a judgment that is not fundamentally erroneous must be affirmed.” (525)

FACTUAL BACKGROUND

The appeal arose from competing petitions for dissolution of marriage involving minor children. The husband challenged the final judgment based on an alleged oral settlement stated on the record, contempt findings adopted after the final hearing, and financial obligations that he claimed exceeded his ability to pay. The appellate court had no transcripts of the final hearing or the hearing on the husband's rehearing motion.

PROCEDURAL HISTORY

The parties litigated competing petitions for dissolution of marriage with minor children. After a February 20, 2025 final hearing, a general magistrate made contempt findings that were adopted by the trial court, which then entered a final judgment of dissolution. The husband appealed, challenging the judgment's conformity with an alleged oral settlement, its failure to incorporate contempt findings, and the financial obligations imposed; the Third District affirmed because the appellate record lacked transcripts of the final hearing and rehearing hearing.

DISPOSITION

affirmed

CASES CITED

- Applegate v. Barnett Bank of Tallahassee, 377 So. 2d 1150, 1152 (Fla. 1979)
- Haddad v. Khan, 54 So. 3d 524, 525 (Fla. 3d DCA 2010)
- Mayfield v. Mayfield, 929 So. 2d 671, 672 (Fla. 5th DCA 2006)
- Cardona v. Casas, 225 So. 3d 384 (Fla. 3d DCA 2017)

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