

**DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, FOURTH
DISTRICT**

Willet Adolphe v. Palm Beach County

No. 4D21-1351 (Fla. 4th DCA Nov. 24, 2021) · No. No. 4D21-1351 · Decided November 24, 2021

SUMMARY

The Fourth District Court of Appeal of Florida affirmed the Palm Beach County court's judgment in a per curiam decision. The court relied on the absence of a transcript and cited Florida precedent explaining that meaningful appellate review of factual and legal issues is not possible without a record of the trial proceedings.

CASE DETAILS

COURT	District Court of Appeal of the State of Florida, Fourth District
WRITING FOR THE COURT	Per Curiam; Chief Judge Conner; Judge Forst; Judge Kuntz
JURISDICTION	Florida
DECIDED	November 24, 2021
DOCKET	No. 4D21-1351
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the County Court for the Fifteenth Judicial Circuit in and for Palm Beach County.
STANDARD OF REVIEW	Meaningful appellate review requires a record of the trial proceedings; without a transcript, the appellate court cannot properly resolve underlying factual issues or determine whether the trial court misconceived the law.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Willet Adolphe v. Palm Beach County

TOPICS

[appellate procedure](#) [standard of review](#) [civil procedure](#)

PRACTICE AREAS

[appellate procedure](#) [civil procedure](#)

QUESTIONS PRESENTED

1. Whether the appellate court could reverse or otherwise meaningfully review the county court's judgment without a record or transcript of the trial proceedings.

HOLDINGS

1. Without a record of the trial proceedings, the appellate court cannot properly resolve the underlying factual issues, determine whether the judgment is supported by the evidence or an alternative theory, or determine whether the trial judge misconceived the law; the judgment was therefore affirmed.

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,” (n.p.)

“The most salient impediment to meaningful review of the trial court’s decision is not the absence of findings, but the absence of a transcript.” (n.p.)

FACTUAL BACKGROUND

The opinion provides no substantive account of the underlying dispute or the evidence presented below. The appeal arose from a county court judgment, but the appellate record did not include a record or transcript of the trial proceedings sufficient to permit review of the factual and legal issues.

PROCEDURAL HISTORY

Willet Adolphe appealed a county court judgment. The appellate court affirmed, relying on the absence of a record or transcript of the trial proceedings that would permit meaningful review of the factual and legal basis for the judgment.

DISPOSITION

affirmed

CASES CITED

- Applegate v. Barnett Bank of Tallahassee, 377 So. 2d 1150, 1152 (Fla. 1979)
- Esaw v. Esaw, 965 So. 2d 1261, 1264 (Fla. 2d DCA 2007)

OPINION

PER CURIAM.

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FOURTH DISTRICT WILLET ADOLPHE, Appellant, v. PALM BEACH COUNTY, Appellee. No. 4D21-1351 [November 24, 2021] Appeal from the County Court for the Fifteenth Judicial Circuit, Palm Beach County;

Ashley C. Zuckerman, Judge; L.T. Case Nos. 50-2018-CO- 008506-AXXX-MB and 50-2020-AP-000011-AXXX-MB. Willet Adolphe, West Palm Beach, pro se.

Helene C. Hvizd, Senior Assistant County Attorney, West Palm Beach, for appellee. PER CURIAM. Affirmed. See Applegate v. Barnett Bank of Tallahassee, 377 So. 2d 1150, 1152 (Fla. 1979) (holding that “[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,” and “[w]ithout knowing the factual context, neither can an appellate court reasonably conclude that the trial judge so misconceived the law as to require reversal”); Esaw v. Esaw, 965 So.

2d 1261, 1264 (Fla. 2d DCA 2007) (“The most salient impediment to meaningful review of the trial court’s decision is not the absence of findings, but the absence of a transcript.”). CONNER, C.J., FORST and KUNTZ, JJ., concur. * * * Not final until disposition of timely filed motion for rehearing.