

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Leticia Lopez v. Pedro Fernandez

No. 3D25-486 (Fla. 3d DCA July 23, 2025) · No. 3D25-486 · Decided July 23, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed a final order granting Pedro Fernandez a permanent injunction for protection of the parties’ minor child. Because the appellant provided no transcripts or statement of the evidence, the court reviewed only the lower court’s order and found no legal error apparent on its face.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	Fernandez; Gordo; Lobree
JURISDICTION	Florida Third District Court of Appeal
DECIDED	July 23, 2025
DOCKET	3D25-486
DISPOSITION	affirmed
PROCEDURAL POSTURE	Leticia Lopez appealed a final order of the Circuit Court for Miami-Dade County granting Pedro Fernandez a permanent injunction for protection of their minor child.
STANDARD OF REVIEW	When the appellate record does not include transcripts or an acceptable statement of the evidence or proceedings, the appellate court is limited to reviewing the lower court's order and presumes the trial court's decision is correct. The appellant bears the burden of demonstrating reversible error.
PRECEDENTIAL VALUE	Published
PARTIES	Leticia Lopez v. Pedro Fernandez

TOPICS

- family law
- injunctions
- appellate procedure
- standard of review
- child custody

PRACTICE AREAS

- family law
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether the final order granting a permanent injunction for protection of the minor child should be reversed on the appellate record.
2. Whether the absence of transcripts or an acceptable statement of the evidence or proceedings limited appellate review to legal error apparent on the face of the lower court's order.

HOLDINGS

1. When an appellant provides no transcripts and no statement of the evidence or proceedings, the appellate court is limited to reviewing the lower court's order and cannot resolve underlying factual issues or determine that the judgment lacks evidentiary support.
2. The permanent-injunction order was affirmed because no legal error appeared on its face.

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. Without knowing the factual context, neither can an appellate court reasonably conclude that the trial judge so misconceived the law as to require reversal.” (2)

FACTUAL BACKGROUND

The parties are the parents of a minor child. The father sought and obtained a permanent injunction for protection of the child. The trial court’s findings were predicated on the child's best interests, and the appellate record contained no transcripts or statement of the evidence or proceedings.

PROCEDURAL HISTORY

The circuit court entered a final order granting the father's request for a permanent injunction protecting the minor child. The mother appealed. Because no transcripts or statement of the evidence or proceedings were provided, the Third District reviewed only the face of the lower court's order and affirmed.

DISPOSITION

affirmed

CASES CITED

- Applegate v. Barnett Bank of Tallahassee, 377 So. 2d 1150, 1152 (Fla. 1979)
- Saenz v. Diaz, 50 Fla. L. Weekly D1379, D1380 (Fla. 3d DCA June 25, 2025)
- Sheikh v. Mughal-Sheikh, 114 So. 3d 212, 213 (Fla. 5th DCA 2012)

OPINION

Leticia Lopez v. Pedro Fernandez

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed July 23, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-486 Lower Tribunal No. 19-13547-FC-04 _____ Leticia Lopez, Appellant, vs. Pedro Fernandez, Appellee. An Appeal from the Circuit Court for Miami-Dade County, Stacy D. Glick, Judge. Leticia Lopez, in proper person. Craig E. Weissberg, P.A., and Craig E. Weissberg, for appellee. Before FERNANDEZ, GORDO and LOBREE, JJ. PER CURIAM. Leticia Lopez, the mother, appeals from a final order granting a permanent injunction sought by the father Pedro Fernandez, for protection of their minor child. We have jurisdiction. See Art. V, § 4(b)(1), Fla. Const.; Fla. R. App. P. 9.130(a)(3)(B). We affirm. No transcripts were provided nor was any statement of the evidence or proceedings prepared pursuant to Florida Rule of Appellate Procedure 9.200(b)(4), (5). Without an adequate record, we are limited to a review of the order entered by the lower court. See *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. Without knowing the factual context, neither can an appellate court reasonably conclude that the trial judge so misconceived the law as to require reversal.”). The trial court’s findings were predicated upon the best interests of the child. Finding no legal error apparent on the face of the order, we affirm. See *Saenz v. Diaz*, 50 Fla. L. Weekly D1379, D1380 (Fla. 3d DCA June 25, 2025); *Sheikh v. Mughal-Sheikh*, 114 So. 3d 212, 213 (Fla. 5th DCA 2012). Affirmed. 2