

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY FLORIDA

APPELLATE DIVISION (CRIMINAL): AC
CASE NO.: 2014AP900029AXXXMB
L.T. NO.: 2013TR232895AXXXSB

EVELYN PEZZO,
Appellant,

v.

PALM BEACH COUNTY
SHERIFF'S OFFICE,
Appellee.

Opinion filed: **DEC 10 2015**

Appeal from County Court in and for Palm Beach County,
Traffic Hearing Officer Parnel Auguste

For Appellant: Evelyn Pezzo, *pro se*
4438 Colony View Drive
Lake Worth, FL 33463
eviepezzo@gmail.com

For Appellee: N/A

Appellant, Evelyn Pezzo, was cited for unlawfully speeding on a county road in violation of section 316.189(2), Florida Statutes (2013). The traffic citation indicated that Pezzo was stopped at the "7400 block of 441." The Traffic Hearing Officer found Pezzo guilty of violating section 316.189(2), Florida Statutes, withheld adjudication, and imposed a fine of \$100.00.

On appeal, Pezzo argues that the Hearing Officer erred in finding her guilty of speeding on a county road because, she asserts, she was on a state road. "In appellate proceedings, the decision of a trial court has the presumption of correctness and the burden is on the appellant to demonstrate error." *Applegate v. Barnett Bank of Tallahassee*, 377 So. 2d 1150, 1152 (Fla. 1979). Pezzo has not supplied this Court with an adequate record on appeal from which to

determine whether she is correct. There is no transcript of the lower court proceedings, and the only evidence that Pezzo points to is the traffic citation which states, "7400 block 441," but does not indicate whether the 7400 block of 441 is a county road or a state road.

Without a transcript of the trial proceedings to review the testimony and other evidence presented, this Court is not in a position to conclude that the trial court's decision is not supported by the evidence. Under these circumstances, this Court, in its appellate capacity, must assume that the trial court correctly decided the factual issues. *Crusaw v. Crusaw*, 637 So. 2d 949, 950 (Fla. 1st DCA 1994).

Accordingly, the lower court's decision is **AFFIRMED**.

FEUER, VOLKER, MILLER, JJ., concur.