

Third District Court of Appeal

State of Florida

Opinion filed September 16, 2026.
Not final until disposition of timely filed motion for rehearing.

No. 3D25-2369
Lower Tribunal No. 24-204856-SP-25

Hong Chen Lai,
Appellant,

vs.

Ruowen Shen,
Appellee.

An Appeal from the County Court for Miami-Dade County, Gloria Gonzalez-Meyer, Judge.

Hong Chen Lai, in proper person.

Ruowen Shen, in proper person.

Before LOGUE, LOBREE, and GOODEN, JJ.

LOGUE, J.

Appellant seeks review of a judgment for damages entered after a non-jury trial in a small claims landlord-tenant dispute. Appellant has not provided

a transcript of the trial and his proposed Statement of Evidence was never approved by the trial court. Appellant maintains the issues presented are pure issues of law. His arguments, however, repeatedly rely upon disputed interpretations of trial exhibits. For example, he argues that the trial court erred in interpreting literally his statements to the tenant in various emails that she should “move out asap” and “I can refund your deposit in full” due to a mold problem.

Even assuming these statements are subject to a non-literal interpretation, the problem with Appellant’s argument is that it is “not the function of the appellate court to substitute its judgment for that of the trial court through re-evaluation of the testimony and evidence from the record on appeal before it.” Shaw v. Shaw, 334 So. 2d 13, 16 (Fla. 1976). Instead, it is the Appellant’s burden to overcome the presumption of correctness of the trial court’s findings by showing the trial court’s findings of fact are not supported by substantial competent evidence. Metro. Dade Cnty. v. Bleaufontaine, Inc., 332 So. 2d 143, 144 (Fla. 3d DCA 1976). This burden cannot be met without providing a record of the evidence considered by the trial court. Zarate v. Deutsche Bank Nat’l Tr. Co. as Tr., 81 So. 3d 556, 558 (Fla. 3d DCA 2012) (“Where there is no record of the testimony of witnesses or of evidentiary rulings, and where a statement of the record has not been

prepared pursuant to Florida Rule of Appellate Procedure 9.200(a)(3) or (b)(3), a judgment which is not fundamentally erroneous on its face must be affirmed.”). See, e.g., Applegate v. Barnett Bank of Tallahassee, 377 So. 2d 1150, 1152 (Fla. 1979) (noting that the burden is on the appellant to demonstrate error and, without a transcript, the appellate court cannot conclude whether the trial court's judgment is not supported by the evidence or alternative theory).

Affirmed.