

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D17-2217

MICHAEL ANTHONY PADGETT,
Former Husband,

Appellant,

v.

RETHA ANN PADGETT, Former
Wife,

Appellee.

On appeal from the Circuit Court for Baker County.
Stanley H. Griffis, III, Judge.

May 2, 2019

PER CURIAM.

Michael Padgett (the former husband) appeals the trial court's denial of his petition to modify his alimony obligation to Retha Padgett (the former wife), arguing that the evidence does not support the trial court's finding that he was capable of earning additional income. We cannot determine whether the trial court's finding was supported by the evidence due to the lack of transcript in the record on appeal, and must affirm. *See Applegate v. Barnett Bank of Tallahassee*, 377 So. 2d 1150, 1152 (Fla. 1979) ("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.”).

AFFIRMED.

B.L. THOMAS, C.J., and KELSEY and WINOKUR, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Joseph L. Mannikko of Mannikko & Baris, Macclenny, for Appellant.

No appearance for Appellee.