

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
IN AND FOR OSCEOLA COUNTY, FLORIDA

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Case No. 2022 AP 000001 TR  
Lower Tribunal Case No. 2021 TR 024265

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JEAN DOMINIQUE MORANCY,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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Civil Infraction Appeal from the Traffic Court,  
Osceola County, Florida,  
Sharon Thomas, Hearing Officer.

Jean Dominique Morancy, *pro se*, Appellant.

No appearance by Appellee.

PER CURIAM.

Appellant Jean Dominique Morancy (“Morancy”) appeals the disposition of a civil traffic infraction rendered by a Civil Traffic Infraction Hearing Officer (the “hearing officer”). This Court has jurisdiction. §318.33, Fla. Stat.; Fla. R. Traf. Ct. 6.630(d); Fla. R. App. P. 9.030(c)(1)(A).

Morancy was issued a Florida Uniform Traffic Citation for unlawful speed violating section 316.187(2)(a), Florida Statutes. At the infraction hearing, Morancy and the citing officer were present. When the hearing concluded, the hearing officer withheld an adjudication of Morancy's guilt but sentenced him to pay a \$281.00 fine, pay \$33.00 in court costs, and attend a four-hour traffic school within 60 days. This appeal followed.

A violation of section 316.187(2)(a), Florida Statutes, is a noncriminal traffic infraction that must be proven beyond a reasonable doubt. §318.14(6), Fla. Stat. Morancy argues, in essence, that the disposition in his case should be reversed because the testimony and evidence presented at the hearing did not prove the violation beyond a reasonable doubt and for other various reasons. Appellee has not appeared in this case.

Morancy failed to record the proceedings below pursuant to Florida Traffic Court Rule 6.460(b) and instead attempted to produce a substituted record of the proceedings via a statement of the evidence pursuant to Florida Rule of Appellate Procedure 9.200(b)(5). When Appellee did not object to Morancy's proposed statement, Morancy argued that the hearing officer was required to approve the statement as a ministerial act. We disagree. *See Woliner v. Wilmington Sav. Fund Soc'y, FSB*, 49 Fla. L. Weekly D2003b (Fla. 4th DCA Oct. 2, 2024); *Rivera v. Rivera*, 863 So. 2d 489, 490 (Fla. 4th DCA 2004). The hearing officer indicated

that they did not have sufficient recollection of the infraction hearing in this case to settle and approve Morancy's proposed statement.

Since the resolution of Morancy's appeal rests on the testimony and evidence presented below and since Morancy has not presented this Court with a proper record of the proceedings, he has failed to establish error. *Applegate v. Barnett Bank of Tallahassee*, 377 So. 2d 1150, 1152 (Fla. 1979). Further, even after evaluating the record of the proceedings below and including the unofficial statement of the evidence proposed by Morancy, we find that the decision below must be affirmed. From the provided unofficial statement, the hearing officer had competent, substantial evidence for their decision in the form of the citing officer's testimony. It is not the appellate court's job to reweigh the evidence and substitute its own factual findings for those of the lower tribunal. *Crain & Crouse, Inc. v. Palm Bay Towers Corp.*, 326 So. 2d 182, 182 (Fla. 1976).


We have considered the other issues raised by Morancy, and we find them to be without merit.<sup>1</sup>

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<sup>1</sup> Morancy's successive motion for rehearing, filed on July 1, 2024, is DENIED. In addition, within that motion, Morancy seeks a referral of Judge Carsten to the Florida Judicial Qualifications Commission. However, complaints about members of the judiciary and assertions of any misconduct may be filed with the Judicial Qualifications Commission at any time. There is no referral necessary.

**AFFIRMED.**

DONE and ORDERED in Chambers, at Kissimmee, Osceola County,  
Florida, on this 12 day of November, 2024.

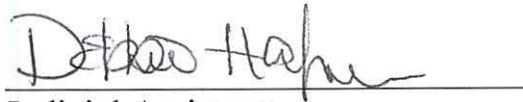


**KEITH CARSTEN**  
**Circuit Judge**

**MADRIGAL, III, and EGAN, JJ., concur.**

**CERTIFICATE OF SERVICE**

I CERTIFY that the foregoing was filed with the Clerk of the Court this 13 day of November, 2024, by using the Florida Courts E-Filing Portal System. Accordingly, a copy of the foregoing is being served on this day to all attorney(s)/interested parties identified on the ePortal Electronic Service List via transmission of Notices of Electronic Filing generated by the ePortal System, including to **JEAN DOMINIQUE MORANCY** at ubmojedo@yahoo.com and to **TRAFFIC COURT HEARING OFFICER** at TrafficHO@ocnjcc.org, and served via U.S. Mail to **FLORIDA HIGHWAY PATROL – TROOP K**; Attn: Trooper M.P. Marcella, P.O. Box 613070, Turkey Lake Svc. Plz., Law Enforcement Bldg. #5318, Ocoee, FL 34761-3070.



**Judicial Assistant**