

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

**PATRICK ALFRED DIGNAM,**

Appellant,

vs.

**STATE OF FLORIDA,**

Appellee.

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**CASE NO. CVA1 08-32**

County Court Case No. 2008-TR-003423-E  
2008-TR-003424

Appeal from the County Court,  
For Orange County,  
Martha Adams, Judge.

Patrick Alfred Dignam, pro se,  
for Appellant.

No appearance,  
for Appellee.

Before POWELL, BLACKWELL, J. ADAMS, J.J.

PER CURIAM.

**FINAL ORDER AFFIRMING LOWER COURT**

After a hearing by the hearing officer, Appellant Dignam was found guilty of two infractions of running a red light, adjudication was withheld, and a fine was imposed in each case. The citations were tried together since they were issued during one continuous driving event. Appellant did not provide a transcript of the hearing testimony.

The sole issue on appeal is credibility of the witnesses, i.e. whose testimony did the hearing officer believe— that of the officer who issued the citations or that of Appellant. Since determining the credibility of witnesses is an issue for the hearing officer and not this appellate court, and since Appellant did not furnish this Court with a transcript of the hearing testimony,

this Court must affirm the two dispositions appealed from. See Hillier v. City of Plantation, 935 So. 2d 105, 107 (Fla. 3d DCA 2006)(citing Adkins v. State, 650 So. 2d 61, 62 (Fla. 2d DCA 1994))(noting that it is for the trial court who heard the testimony below, not the appellate court, to evaluate and weigh the credibility of witness testimony); Hudson Pest Control, Inc. v. Westford Asset Mgmt., Inc., 622 So. 2d 546, 547 (Fla. 5th DCA 1993)(where an appellant has not furnished a transcript, the appellate court must give utmost credence to trial court's findings). The Court also dispenses with oral argument pursuant to Florida Rule of Appellate Procedure 9.320.

**AFFIRMED.**

**DONE and ORDERED** at Orlando, Florida this   25   day of    August                   ,  
2009.

\_\_\_\_\_/s/\_\_\_\_\_  
**ROM W. POWELL**  
Senior Judge

\_\_\_\_\_/s/\_\_\_\_\_  
**ALICE L. BLACKWELL**  
Circuit Judge

\_\_\_\_\_/s/\_\_\_\_\_  
**JOHN H. ADAMS, Sr.**  
Circuit Judge

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing order was furnished via U.S. mail on this 25 day of August, 2009, to the following: **Patrick Alfred Dignam**, 1737 Watauga Avenue #101, Orlando, Florida 32812 and **Office of the State Attorney, Appeals Unit**, 415 N. Orange Avenue, Orlando, Florida 32801.

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/s/  
Judicial Assistant