

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JANUARY TERM 2009

JOYCE MIRABILE,

Appellant/Cross-Appellee,

v.

Case No. 5D08-807

PAUL J. MIRABILE, PERSONAL, ETC.,

Appellee/Cross-Appellant.

_____ /

Opinion filed February 20, 2009

Appeal from the Circuit Court
for Seminole County,
Alan A. Dickey, Judge.

Joyce Mirabile, Orlando, for
Appellant/Cross-Appellee.

F. Douglas McKnight, Orlando, for
Appellee/Cross-Appellant.

GRIFFIN, J.

Joyce M. Mirabile ["Joyce"] appeals the trial court's entry of final judgment in favor of John L. Mirabile¹ ["John"], finding that Joyce violated Florida's Adult Protective Services Act, section 415.101-415.113, Florida Statutes (2006) and awarding actual and compensatory damages, pre-judgment interest, costs, and attorney's fees that totaled \$177,494.47. John cross-appeals the trial court's entry of final judgment as to the trial court's award of damages. John died on September 11, 2008, and this Court

¹ John is Joyce's father.

granted Paul J. Mirabile's² motion for his substitution as the appellee/cross-appellant in the instant case.

We affirm in all respects. The evidence is ample to support the trial court's conclusion that John was a "vulnerable adult" under the statute. The question whether he was exploited turned on the credibility of the witnesses, which was a matter for the trial court. The trial court chose to believe John's version of events.³

AFFIRMED.

MONACO and COHEN, JJ., concur.

² Paul is John's son and the personal representative of John's estate.

³ We find no merit to the cross-appeal.