

**IN THE TENTH JUDICIAL CIRCUIT COURT
FOR HARDEE, HIGHLANDS, AND
POLK COUNTY, FLORIDA**

**Case No. CI03-001248-XX
CI03-001248-XX**

Appeal No.: FF-14

GEORGE LUNIW(V),

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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OPINION OF THE COURT

This is an appeal from the county court of Polk County, Hearing Officer Amanda Traweek presiding. The Appellant, George Luniw(V), was found guilty of driving at an unlawful speed, in violation of §316.183, Florida Statutes (2003). Appellant seeks review of the judgment. This court has jurisdiction. Fla. R. App. P. 9.030(c).

A judgment of conviction comes to the appellate court with a presumption of correctness. Hitchcock v. State, 413 So.2d 741 (Fla. 1982); State v. Clements, 668 So.2d 980, 981 (Fla. 1996). Weight and credibility are solely within the province of the fact finder; the appellate court's only function is to determine sufficiency as a matter of law. State v. Santomaso, 764 So.2d 735 (Fla. 2d DCA 2000); Stewart v. State, 672 So.2d 865 (Fla. 2d DCA 1996); Chaudoin v State, 362 So.2d 398 (Fla. 2d DCA 1978). Conflicts in evidence and questions about witness' credibility will not justify reversal when evidence is legally sufficient to support conviction. Wetherington v. State, 263 So.2d 294 (Fla. 3d DCA 1972). The reviewing court should not substitute its opinion of the facts for that of the trier of fact. Tibbs v. State, 397 So.2d 1170 (Fla. 1981); State v. McIntyre, 393 So.2d 16 (Fla. 2d DCA 1980). After carefully reviewing the record, the Court finds that the lower tribunal did not err in finding Appellant guilty.

For the foregoing reasons, it is ORDERED and ADJUDGED that the judgment of the lower court is AFFIRMED.

DONE and ORDERED September 28, 2004.

RONALD HERRING, Chief Judge