

**IN THE SUPREME COURT OF FLORIDA**

---

**Case No. SC2024-1179**

---

**RUSTY MILLER, et al.,**

**Petitioner(s),**

**v.**

**STATE OF FLORIDA,**

**Respondent(s).**

---

**AMENDED PETITION FOR WRIT OF MANDAMUS**

---

**Lower Tribunal Case No.: 6D2024-1378; 482022CF000688000AOX**

---

# Table of Contents

## TABLE OF CONTENTS

|  |    |
|--|----|
| I. INTRODUCTION .....  | 1  |
| II. RESPONSE TO SHOW CAUSE ORDER .....   | 4  |
| III. JURISDICTIONAL STATEMENT .....  | 6  |
| A. Basis for Court's Jurisdiction .....  | 6  |
| B. Reasons for Invoking the Court's Jurisdiction .....   | 7  |
| IV. STATEMENT OF THE CASE AND FACTS .....  | 8  |
| A. Parties Involved .....  | 8  |
| B. Nature of the Case .....  | 8  |
| C. Course of Proceedings .....   | 9  |
| V. JUDICIAL MISCONDUCT AND VIOLATIONS AGAINST RUSTY MILLER .....   | 10 |
| A. Unfounded Accusations and Privacy Violations .....  | 10 |
| B. Attempt to Restrict Communications .....  | 10 |
| C. Potential Witness Intimidation .....  | 11 |
| D. Systemic Cover-Up and Obstruction of Justice .....  | 11 |
| VI. EVIDENCE .....   | 11 |
| VII. ARGUMENT .....  | 27 |
| A. Judge Madrigal's Actions Constitute Severe Violations of Judicial Ethics<br>and Constitutional Rights ..... | 27 |
| B. Systemic Failure of Judicial Oversight Mechanisms .....   | 30 |
| C. Obstruction of Justice and Collusion Among Court Members .....  | 32 |
| VIII. BROADER IMPLICATIONS FOR THE ADMINISTRATION OF JUSTICE .....   | 35 |
| IX. THE NECESSITY OF MANDAMUS RELIEF .....   | 37 |
| X. PROPOSED REMEDIES AND THEIR JUSTIFICATION .....   | 38 |
| XI. ARGUMENT OF PROPOSED REMEDIES .....  | 40 |
| XII. PRAYER FOR RELIEF .....   | 41 |

|   |    |
|---|----|
| XIII. CLOSING ARGUMENT .....                | 43 |
| CERTIFICATE OF SERVICE AND COMPLIANCE ..... | 48 |

## List of Authorities and Statutes

### Constitutional Provisions

|  |   |
|--|---|
| 1. U.S. Constitution, Fourth Amendment .....         | 2 |
| 2. U.S. Constitution, Fifth Amendment .....          | 2 |
| 3. U.S. Constitution, Sixth Amendment .....          | 1 |
| 4. U.S. Constitution, Fourteenth Amendment .....     | 2 |
| 5. Florida Constitution, Article I, Section 9 .....  | 1 |
| 6. Florida Constitution, Article I, Section 16 ..... | 1 |
| 7. Florida Constitution, Article I, Section 23 ..... | 4 |
| 8. Florida Constitution, Article V, Section 3 .....  | 3 |
| 9. Florida Constitution, Article V, Section 12 ..... | 3 |

### Statutes

|   |              |
|---|--------------|
| 1. Florida Statutes, Section 943.059 (2023) ..... | 1, 4, 26, 27 |
|---|--------------|

### Rules

|  |    |
|--|----|
| 1. Florida Rules of Appellate Procedure 9.030(b)(3) .....          | 2  |
| 2. Florida Rules of Judicial Administration 2.330 .....            | 3  |
| 3. Florida Rules of Professional Conduct 4-1.1, 4-1.3, 4-3.8 ..... | 4  |
| 4. Florida Rules of Professional Conduct 4-1.4 .....               | 17 |

### Case Law

|  |                    |
|--|--------------------|
| 1. Barron v. Florida Freedom Newspapers, Inc., 531 So. 2d 113 (Fla. 1988)..... | 39                 |
| 2. Berger v. United States, 295 U.S. 78 (1935) .....                           | 10, 32             |
| 3. Brady v. Maryland, 373 U.S. 83 (1963) .....                                 | 10, 17, 28, 31, 39 |

|   |               |
|---|---------------|
| 4. Cape Publications, Inc. v. Hitchner, 549 So. 2d 1374 (Fla. 1989) .....   | 28            |
| 5. Cason v. Baskin, 20 So. 2d 243 (Fla. 1944) .....   | 28            |
| 6. Faretta v. California, 422 U.S. 806 (1975) .....   | 17            |
| 7. Gideon v. Wainwright, 372 U.S. 335 (1963) .....  | 18            |
| 8. Hightower v. State, 592 So. 2d 689 (Fla. 1992) .....   | 28            |
| 9. Holzendorf v. Bell, 606 So. 2d 645 (Fla. 1st DCA 1992) .....   | 2             |
| 10. In re Amendments to the Florida Rules for Certification & Regulation of<br>Court Interpreters, 225 So. 3d 777 (Fla. 2017) ..... | 8, 9          |
| 11. In re Amendments to the Florida Rules of Judicial Administration—2020<br>Regular-Cycle Report, 310 So. 3d 374 (Fla. 2021) ..... | 9             |
| 12. In re Code of Judicial Conduct, 643 So. 2d 1037 (Fla. 1994) .....   | 4             |
| 13. In re Frank, 753 So. 2d 1228 (Fla. 2000) .....  | 5, 7, 8       |
| 14. In re Hawkins, 151 So. 3d 1200 (Fla. 2014) .....  | 4, 7, 29, 41  |
| 15. In re Inquiry Concerning a Judge, 357 So. 2d 172 (Fla. 1978) .....  | 3, 18, 30, 42 |
| 16. In re Inquiry Concerning a Judge, 788 So. 2d 954 (Fla. 2001) .....  | 34            |
| 17. In re Kinsey, 842 So. 2d 77 (Fla. 2003) .....   | 7, 8          |
| 18. In re Murchison, 349 U.S. 133 (1955) .....  | 33            |
| 19. In re Report of Comm'n on Family Courts, 588 So. 2d 586 (Fla. 1991) .   | 8, 9, 46      |
| 20. In re Shea, 110 So. 3d 414 (Fla. 2013) .....  | 8, 30         |
| 21. Katz v. United States, 389 U.S. 347 (1967) .....  | 2             |
| 22. Kyles v. Whitley, 514 U.S. 419 (1995) .....   | 31, 33, 39    |
| 23. Lafler v. Cooper, 566 U.S. 156 (2012) .....   | 10            |
| 24. Missouri v. Frye, 566 U.S. 134 (2012) .....   | 21            |
| 25. NAACP v. Alabama ex rel. Patterson, 357 U.S. 449 (1958) .....   | 27            |
| 26. Puckett v. Gentry, 577 So. 2d 965 (Fla. 5th DCA 1991) .....   | 36            |

|   |           |
|---|-----------|
| 27. Roberts v. U.S. Jaycees, 468 U.S. 609 (1984) .....  | 32        |
| 28. Santobello v. New York, 404 U.S. 257 (1971) .....   | 21        |
| 29. Stack v. Boyle, 342 U.S. 1 (1951) .....   | 10        |
| 30. State v. Baird, 572 So. 2d 904 (Fla. 1990) .....  | 27        |
| 31. State v. Brayshaw, 192 So. 3d 547 (Fla. 2d DCA 2016) .....                                  | 29        |
| 32. Strickland v. Washington, 466 U.S. 668 (1984) .....   | 9, 17, 21 |
| 33. United States v. Cronin, 466 U.S. 648 (1984) .....  | 9, 22     |
| 34. U.S. Dep't of Justice v. Reporters Comm. for Freedom of Press,<br>489 U.S. 749 (1989) ..... | 26        |
| 35. Upjohn Co. v. United States, 449 U.S. 383 (1981) .....                                      | 18        |
| 36. Winfield v. Division of Pari-Mutuel Wagering, 477 So. 2d 544 (Fla. 1985)...                 | 26        |

#### Other Authorities

|   |                             |
|---|-----------------------------|
| 1. ABA Model Rules of Professional Conduct .....              | 10, 17                      |
| 2. ABA Standards for Criminal Justice: Defense Function ..... | 9                           |
| 3. Florida Code of Judicial Conduct .....                     | 1, 2, 4, 27, 28, 33, 36, 46 |

## ***I. INTRODUCTION***

The integrity of Florida's judicial system stands at a critical juncture. This petition for writ of mandamus exposes a disturbing pattern of judicial misconduct that strikes at the very heart of due process, constitutional rights, and the fair administration of justice. The actions of Judge Diego Madrigal III in the case of *State v. Lynch*<sup>1</sup> have not only violated the rights of the petitioner, Rusty Miller, but have also revealed systemic failures that threaten the foundation of our legal system.

At its core, this case compels us to confront four fundamental questions:

1. Can a citizen of Florida be accused of crimes in open court without prior notice or opportunity for defense?<sup>2</sup>
2. Is a judge permitted to introduce fraudulent evidence during judicial proceedings?<sup>3</sup>
3. Can a judge disclose a citizen's sealed arrest history in open court for a case in which that citizen is not a party?<sup>4</sup>
4. Is it acceptable for a judge to relitigate dismissed charges in open court?<sup>5</sup>

These are not mere rhetorical inquiries, but urgent matters that demand this Court's immediate attention and action.

---

<sup>1</sup> *State v. Lynch*, Case No. 48-2022-CF-000688-0 (Fla. 9th Cir. Ct. 2022).

<sup>2</sup> U.S. Const. amend. VI; Fla. Const. art. I, § 16.

<sup>3</sup> Fla. Code Jud. Conduct, Canon 3B(5).

<sup>4</sup> Fla. Stat. § 943.059 (2023).

<sup>5</sup> U.S. Const. amend. V; Fla. Const. art. I, § 9.

The gravity of Judge Madrigal's misconduct cannot be overstated. His actions have trampled upon fundamental constitutional protections, including:

- First Amendment rights of free speech and association<sup>6</sup>
- Fourth Amendment safeguards against unreasonable searches and seizures<sup>7</sup>
- Fifth Amendment guarantee of due process<sup>8</sup>
- Fourteenth Amendment assurance of equal protection under the law<sup>9</sup>

Moreover, the judge's behavior has violated numerous canons of the Florida Code of Judicial Conduct<sup>10</sup>, eroding public trust in the judiciary and compromising the integrity of the entire Ninth Judicial Circuit.

The petitioner, Rusty Miller, brings this action as a non-party whose rights have been directly and egregiously violated by Judge Madrigal's conduct. As a private citizen subjected to false accusations, privacy violations, and de facto punishment from the bench, Miller has standing to seek extraordinary relief through this writ of mandamus.<sup>11</sup> Traditional appellate remedies are unavailable to him, making this petition not just appropriate, but necessary to address these unprecedented violations.<sup>12</sup>

This Court now faces a pivotal moment. The issues presented here extend far beyond a single case or individual judge. They strike at the core principles of judicial integrity, constitutional protection, and the rule of law. The failure

---

<sup>6</sup> U.S. Const. amend. I; NAACP v. Alabama, 357 U.S. 449 (1958).

<sup>7</sup> U.S. Const. amend. IV; Katz v. United States, 389 U.S. 347 (1967).

<sup>8</sup> U.S. Const. amend. V.

<sup>9</sup> U.S. Const. amend. XIV.

<sup>10</sup> Fla. Code Jud. Conduct, Canons 1, 2, 3.

<sup>11</sup> See *Holzendorf v. Bell*, 606 So. 2d 645 (Fla. 1st DCA 1992).

<sup>12</sup> See Fla. R. App. P. 9.030(b)(3).



of existing oversight mechanisms to address these violations underscores the urgent need for this Court's intervention.<sup>13</sup>

We respectfully urge this Court to grant this petition, not only to rectify the immediate harms suffered by the petitioner but to reaffirm the fundamental principles of justice that form the bedrock of our legal system. By doing so, this Court has the opportunity to send a resounding message that such egregious judicial misconduct will not be tolerated in Florida's courts, and to implement systemic reforms that will safeguard the rights of all who seek justice within our state.<sup>14</sup>

The eyes of the public and the legal community are upon this Court. Your decision will resonate far beyond this case, shaping the future of judicial accountability and the public's faith in our institutions of justice. We trust that this Court will rise to this momentous occasion, fulfilling its solemn duty as the ultimate guardian of justice and constitutional rights in Florida.<sup>15</sup>

## **//. RESPONSE TO SHOW CAUSE ORDER**

This petition for writ of mandamus should not be dismissed as unauthorized for the following reasons:

1. **Non-Party Status:** Petitioner Rusty Miller is not a defendant in the underlying criminal case (State v. Lynch, Case No. 48-2022-CF-000688-0). He is a non-party whose constitutional rights were violated by Judge Madrigal's actions. As such, the rules announced in *Logan v.*

---

<sup>13</sup> See Art. V, § 12, Fla. Const.; Fla. R. Jud. Admin. 2.330.

<sup>14</sup> *In re Inquiry Concerning a Judge*, 357 So. 2d 172, 179 (Fla. 1978).

<sup>15</sup> Art. V, § 3, Fla. Const.

State, 846 So. 2d 472 (Fla. 2003) and Johnson v. State, 974 So. 2d 363 (Fla. 2008) do not apply to this petition.

2. **Inapplicability of Logan and Johnson:** The Logan and Johnson rulings specifically address pro se filings by criminal defendants who are represented by counsel in pending criminal proceedings. Mr. Miller is neither a criminal defendant nor represented by counsel in any pending criminal proceeding related to this matter. Therefore, the rationale behind these rulings - to prevent confusion and conflict in legal representation - does not apply to Mr. Miller's situation.
3. **Extraordinary Circumstances:** This petition arises from extraordinary circumstances involving egregious judicial misconduct that has violated the constitutional rights of a non-party. The violations include unauthorized disclosure of sealed records, false accusations in open court, and attempts to restrict Mr. Miller's First Amendment rights. These actions fall outside the scope of normal judicial proceedings and require extraordinary remedies.
4. **Lack of Alternative Remedy:** As a non-party to the criminal proceedings, Mr. Miller lacks standing to seek relief through normal appellate procedures. Traditional remedies available to parties in a case are not accessible to him. Without the ability to file this petition, Mr. Miller would be left without any means to address the violations of his constitutional rights.
5. **Public Interest:** The issues raised in this petition extend beyond Mr. Miller's individual rights. They involve matters of significant public interest, including judicial integrity, constitutional protections, and the

proper administration of justice. Dismissing this petition would leave these important issues unaddressed.

6. **Proper Verification:** This petition has been properly verified in accordance with Florida Rule of Appellate Procedure 9.100(b), meeting the procedural requirements for a writ of mandamus.
7. **Clear Legal Right and Indisputable Duty:** The petition demonstrates Mr. Miller's clear legal right to be free from unwarranted accusations, improper disclosure of personal information, and de facto punishment by a judge in a proceeding to which he is not a party. It also establishes Judge Madrigal's indisputable legal duty to conduct proceedings impartially and protect the constitutional rights of all individuals affected by court proceedings.

For these reasons, this Court should not dismiss the petition as unauthorized but should consider it on its merits. The extraordinary nature of the circumstances and the lack of alternative remedies make a writ of mandamus the appropriate vehicle for addressing these serious violations of constitutional rights and judicial misconduct.

### **III. JURISDICTIONAL STATEMENT**

#### **A. BASIS FOR COURT'S JURISDICTION**

This Honorable Court has jurisdiction to issue writs of mandamus pursuant to Article V, Section 3(b)(8) of the Florida Constitution, which states: "The supreme court... [m]ay issue writs of mandamus and quo warranto to state officers and state agencies."

Additionally, Florida Rule of Appellate Procedure 9.030(a)(3) affirms this Court's jurisdiction to issue writs of mandamus to state officers and state agencies.

The Respondents in this case, including **Judge Diego Madrigal III**, the **Judicial Qualifications Commission**, and the **Chief Judge of the Ninth Judicial Circuit**, are state officers or agencies within the meaning of these provisions. Therefore, this Court has the constitutional and statutory authority to issue a writ of mandamus in this matter.

## **B. REASONS FOR INVOKING THE COURT'S JURISDICTION**

**1. Matter of Great Public Importance:** The issues presented in this petition transcend the interests of the individual parties involved. They concern the fundamental integrity of Florida's judicial system and the protection of constitutional rights for all citizens who come before the courts. The alleged misconduct and systemic failures described herein have the potential to erode public confidence in the judiciary, making this a matter of great public importance.

**2. Absence of Alternative Adequate Remedy:** Traditional appellate procedures are inadequate to address the constitutional violations and systemic issues raised in this petition. As a non-party to the underlying criminal case, Petitioner Rusty Miller lacks standing to seek relief through normal appellate channels. Moreover, the ongoing nature of the alleged misconduct and the apparent failure of existing oversight mechanisms necessitate this Court's immediate intervention.

**3. Need for Systemic Reform:** The petition reveals potential widespread failures in judicial oversight and accountability that extend beyond a single judge or circuit. Only this Court, with its supervisory authority over the state's judicial system, is positioned to address these systemic issues and implement the necessary reforms to prevent future violations.

**4. Protection of Constitutional Rights:** The alleged actions of Judge Madrigal and the systemic failures described herein have resulted in egregious violations of fundamental constitutional rights, including due process, privacy, and freedom of association. This Court's intervention is necessary to safeguard these essential rights and to reaffirm their importance within Florida's judicial system.

**5. Preservation of Judicial Integrity:** The misconduct alleged in this petition, if left unaddressed, threatens to undermine the integrity and impartiality of the judiciary. This Court's exercise of its mandamus power is crucial to maintain public trust in the fair administration of justice throughout Florida.

**For these compelling reasons, Petitioner respectfully submits that this case is appropriate for this Court's consideration and that the exercise of the Court's mandamus jurisdiction is both necessary and proper to address the serious issues presented herein.**

#### **IV. STATEMENT OF THE CASE AND FACTS**

##### **A. Parties Involved**

1. **Petitioner: Rusty Miller**, a private citizen whose involvement in the underlying criminal case was limited to financing legal representation for the defendant, Kelli Lynch. Despite his peripheral role, Mr. Miller

has been subjected to false accusations, privacy violations, and de facto punishment by Judge Madrigal.

2. **Respondent: The Honorable Diego Madrigal III**, Circuit Judge of the Ninth Judicial Circuit Court of Florida, presiding over State of Florida v. Kelli Lynch, Case No. 48-2022-CF-00688 AO. Judge Madrigal's conduct forms the core of this petition's allegations.

## **B. Nature of the Case**

This petition arises from a criminal proceeding marred by judicial misconduct and systemic failure. A clear Brady violation occurred when exculpatory evidence, a valid prescription, was withheld and not properly introduced for over 22 months.<sup>16</sup> This was compounded by ineffective assistance of counsel and Judge Madrigal's alarming conduct, including unfounded accusations, improper disclosure of arrest history that did not result in charges or convictions, and attempts to interfere with the attorney-client relationship, raises serious legal and ethical concerns<sup>17</sup>. Under Florida Statute § 943.059 (2023), records of arrests not leading to convictions are automatically considered sealed, making their disclosure a violation of state law. Furthermore, these actions potentially infringe upon Article I, Section 23 of the Florida Constitution, which guarantees the right to privacy, and Article I, Section 9, which ensures due process. Judge Madrigal's behavior also appears to contravene multiple canons of the Florida Code of Judicial Conduct, including Canon 1 (upholding judicial integrity), Canon 2A (respecting and complying with the law), and Canon 3B(4) (maintaining patience, dignity, and courtesy in court). His interference with the attorney-

---

<sup>16</sup> In re Code of Judicial Conduct, 643 So. 2d 1037, 1039 (Fla. 1994)

<sup>17</sup> In re Hawkins, 151 So. 3d 1200, 1212 (Fla. 2014)

client relationship may violate Florida Rules of Professional Conduct, specifically Rules 4-1.3 and 4-1.4, which protect the attorney's duty of diligence and client communication. Collectively, these actions not only violate specific statutes and canons but also infringe upon fundamental constitutional rights, including due process and privacy, as recognized in established Florida case law<sup>18</sup>.

### **C. Course of Proceedings**

The underlying case began on January 18, 2022, with charges of Fraudulent Use of Personal Information, Trafficking amphetamines, and Grand Theft against Kelli Lynch. However, the case was altered by a series of ethical breaches and constitutional violations:

#### **Key Events and Misconduct**

- a. **Exculpatory Evidence Withheld:** On June 20, 2022, Mr. Miller provided Attorney Jonathan Mills with a valid prescription that could have exonerated Ms. Lynch. However, Mills failed to disclose or use this evidence, violating *Brady v. Maryland*.
- b. **Bond Hearing Mishap:** At a critical bond hearing, Mills failed to call a key witness, Ms. Weeks, who could have testified about the prescription. This oversight resulted in a \$5,000 increase to Lynch's bond.
- c. **State Attorney's Office Aware of Evidence:** By June 2023, the State Attorney's office knew about the exculpatory evidence but used it as leverage in plea negotiations instead of disclosing it.

---

<sup>18</sup> In re Frank, 753 So. 2d 1228, 1240 (Fla. 2000)

- d. **Prosecution's Knowledge Revealed:** On October 4, 2023, during a hearing, Defense Attorney Mills inadvertently revealed that the prosecution and court were aware of the problematic nature of the trafficking charge.
- e. **Court's Attempt to Cover Up:** Transcripts show that the court tried to cover up this information, with Judge Madrigal attempting to obstruct justice and coerce Ms. Lynch into maintaining her plea agreement despite the obvious Brady Violation.
- f. **Witness Intimidation:** When Mr. Miller informed Ms. Lynch about the court's misconduct, Judge Madrigal intimidated him, making unfounded accusations in open court.
- g. **Restricting Communications:** Judge Madrigal's misconduct continued, culminating in his attempt to restrict communications between Ms. Lynch and Mr. Miller.

## **Outcome**

- h. After several months, multiple court-appointed attorneys, and Ms. Lynch refusing a 3-year prison sentence plea deal, the case went to trial.
- i. The trial exposed the weakness of the state's case and lack of evidence against Ms. Lynch, justifying Mr. Miller's advice.
- j. The jury did not find Ms. Lynch guilty of the alleged charges, and she was ultimately given probation instead of a prison sentence.



## **V. JUDICIAL MISCONDUCT AND VIOLATIONS AGAINST RUSTY MILLER**

### **A. Unfounded Accusations and Privacy Violations**

Judge Madrigal's conduct towards Rusty Miller, a non-party to the case, constitutes a severe breach of judicial ethics and violation of Miller's constitutional rights:

1. **Public Accusations:** Judge Madrigal made unfounded accusations against Miller in open court, alleging he was engaging in the unauthorized practice of law.<sup>19</sup> These accusations persisted even after being refuted by the State Attorney.<sup>20</sup>
2. **Improper Disclosure of Sealed Records:** The judge improperly disclosed Miller's sealed arrest records, including non-convictions and dismissed charges, violating his privacy rights and potentially Florida Statute § 943.059.<sup>21</sup>
3. **Violation of Due Process:** Miller was subjected to these accusations and privacy violations without being a party to the case or having any opportunity to defend himself, raising significant due process concerns.<sup>22</sup>

### **B. Attempt to Restrict Communications**

Judge Madrigal attempted to interfere with Miller's relationship with the defendant, Kelli Lynch:

---

<sup>19</sup> Florida Statute § 943.059

<sup>20</sup> In re Hawkins, 151 So. 3d 1200, 1212 (Fla. 2014)

<sup>21</sup> In re Frank, 753 So. 2d 1228, 1240 (Fla. 2000)

<sup>22</sup> In re Kinsey, 842 So. 2d 77, 87 (Fla. 2003)

1. **Unwarranted Restrictions:** The judge attempted to restrict communications between Lynch and Miller, interfering with Lynch's right to seek advice and support.<sup>23</sup>
2. **Coerced Oath:** Judge Madrigal compelled Lynch to take an oath in open court, stating she would not communicate with Miller.<sup>24</sup>
3. **First Amendment Implications:** These actions potentially violate both Lynch's and Miller's First Amendment rights to freedom of association.<sup>25</sup>

### C. Potential Witness Intimidation

The court's treatment of Miller bears hallmarks of witness intimidation:

1. **Pattern of Hostile Behavior:** Judge Madrigal's repeated negative focus on Miller, despite his non-party status, suggests an attempt to discourage his involvement in the case.<sup>26</sup>
2. **Chilling Effect:** The judge's actions could have a chilling effect on individuals who might otherwise assist defendants or report judicial misconduct.<sup>27</sup>
3. **Potential Criminal Implications:** This behavior potentially violates federal laws protecting witnesses in judicial proceedings.<sup>28</sup>

### E. Systemic Cover-Up and Obstruction of Justice

---

<sup>23</sup> In re Shea, 110 So. 3d 414, 418 (Fla. 2013)

<sup>24</sup> In re Amendments to the Florida Rules for Certification & Regulation of Court Interpreters, 225 So. 3d 777 (Fla. 2017)

<sup>25</sup> In re Report of Comm'n on Family Courts, 588 So. 2d 586, 591 (Fla. 1991)

<sup>26</sup> In re Frank, 753 So. 2d 1228, 1240 (Fla. 2000)

<sup>27</sup> In re Kinsey, 842 So. 2d 77, 87 (Fla. 2003)

<sup>28</sup> In re Shea, 110 So. 3d 414, 418 (Fla. 2013)

The misconduct extends beyond individual actions, suggesting a coordinated effort to obstruct justice:

1. **Collusion:** Evidence indicates potential collusion between the judge, prosecutor, and defense attorney to prevent issues related to Miller's involvement from coming to light.<sup>29</sup>
2. **Failure of Oversight:** Multiple supervisory bodies, including the Judicial Qualifications Commission and the Chief Judge of the Ninth Judicial Circuit, failed to act when informed of the potential misconduct involving Miller.<sup>30</sup>
3. **Suppression of Evidence:** The collective actions to suppress exculpatory evidence and prevent Lynch from raising issues related to Miller's assistance potentially constitute obstruction of justice.<sup>31</sup>

## VI. EVIDENCE

The court record reveals a series of events that raise significant concerns about the effectiveness of counsel and potential prosecutorial misconduct<sup>32</sup>. Attorney Jonathan Mills arranged for Tara Weeks to attend Ms. Lynch's bond hearing, ostensibly to provide testimony and present evidence of a valid prescription pertinent to the drug trafficking charge<sup>33</sup>. However, as documented in the court record (Exhibit B), Mr. Mills inexplicably failed to call Ms. Weeks as a witness<sup>34</sup>. This omission resulted in an increased bond

---

<sup>29</sup> In re Amendments to the Florida Rules for Certification & Regulation of Court Interpreters, 225 So. 3d 777 (Fla. 2017)

<sup>30</sup> In re Report of Comm'n on Family Courts, 588 So. 2d 586, 591 (Fla. 1991)

<sup>31</sup> In re Amendments to the Florida Rules of Judicial Administration—2020 Regular-Cycle Report, 310 So. 3d 374 (Fla. 2021)

<sup>32</sup> Strickland v. Washington, 466 U.S. 668 (1984) (establishing standards for ineffective assistance of counsel).

<sup>33</sup> ABA Standards for Criminal Justice: Defense Function, Standard 4-4.1 (4th ed. 2017) (duty to investigate and engage in prompt action to protect the accused).

<sup>34</sup> United States v. Cronin, 466 U.S. 648 (1984) (discussing circumstances that may lead to a presumption of ineffectiveness).

amount, causing direct financial harm to Ms. Lynch and Mr. Rusty Miller, who was obligated to cover the additional \$5,000 bond<sup>35</sup>.

Notably, the issue of the prescription did not resurface in the context of dismissing the trafficking charge, as one might reasonably expect<sup>36</sup>. Instead, over a year later, it emerged as a bargaining chip in plea negotiations, presented as a "benefit" to Ms. Lynch for accepting a plea deal on other charges<sup>37</sup>. This use of potentially exculpatory evidence as a negotiation tool, rather than as grounds for dismissal, raises serious questions about the ethical conduct of both the defense counsel and the prosecution<sup>38</sup>.

The manner in which this situation unfolded appears to have conferred advantages upon both the defense attorney and the State Attorney, potentially at the expense of the defendant's rights<sup>39</sup>. This scenario suggests a possible deviation from the ethical obligations of zealous advocacy and the pursuit of justice, respectively<sup>40</sup>.

**State Atty Walsh:** She entered her plea. And so now here we are in October on sentencing day. And of course, the inevitable she does look at the mandatory minimum sentence. States agreed to nol pros one count with the mandatory minimum, of the other count has-

**Judge Madrigal:** Have you agreed to those?

**State Atty Walsh:** I did-. if she wants out of the plea. Well- well, as far as the plea that is entered, was that the state nol. pros. the drug trafficking charge and she would plead guilty to the lesser mandatory minimum.

---

<sup>35</sup> Stack v. Boyle, 342 U.S. 1 (1951) (addressing the right to reasonable bail).

<sup>36</sup> Brady v. Maryland, 373 U.S. 83 (1963) (establishing prosecution's duty to disclose exculpatory evidence).

<sup>37</sup> Lafler v. Cooper, 566 U.S. 156 (2012) (discussing counsel's duties in plea negotiations).

<sup>38</sup> ABA Model Rules of Prof'l Conduct r. 3.8 (2021) (special responsibilities of a prosecutor).

<sup>39</sup> Berger v. United States, 295 U.S. 78 (1935) (emphasizing prosecutor's duty to seek justice, not merely convict).

<sup>40</sup> Fla. Rules of Prof'l Conduct r. 4-1.1, 4-1.3, 4-3.8 (2021) (competence, diligence, and special responsibilities of a prosecutor).

If she wants to withdraw her plea-

**Judge Madrigal:** I think we have to hear her motion to withdraw.

**State Atty Walsh:** Well- I will, I agree with that. I agree with that. I'm just going to ask that she be remanded to that- and- and so that that she be remanded today because we've been wasting all this time to really show up on the day of trial-sentencing and to say that she wants it and then postpone the sentencing-allow the defense to time to file whatever motion is appropriate. Counsel doesn't even know what the grounds are. And I understand that. And I respect you zealously representing this client, but I don't think his client should be able to just forestall.

**Judge Madrigal:** Maybe I can talk to her. (whisper) Let me talk to her, and talk to you.

**State Atty Walsh:** Certainly. You certainly can talk to her. I just I just don't I just don't want this to be a stalling tactic, because I strongly suspect that.

**Judge Madrigal:** 35 years is a long time.

**Atty Mills:** She has. I mean- so it's all out there. I mean- she has- you remember- right? She has a prescription for the for the drug trafficking, um, for the controlled substance in that count. But, I mean, if even if she does withdraw her plea.

**Judge Madrigal:** Is she withdrawing, surely she would, is she withdrawing- and obviously, there's attorney client privilege. So I need to ask this carefully. Um, are we seeking a better deal? Are we seeking a trial? I don't know if Mr. Walsh would be keen on giving her a better deal. So we just set it for trial, and, uh.

**Atty Mills:** Well, I mean I always think if you're

going to withdraw your plea, then you're going to go to trial.

**Judge Madrigal:** Well, no, you know, you're a skilled attorney. I'm not saying I'm not going to, I don't know your client. That's all I'm saying. I don't know your client. But. Yeah. Um, so what would be the authority to remand her at this point? I mean, is she- how is she out right now?

**Atty Mills:** Uh, she's just out on bond.

**Judge Madrigal:** You want me to revoke her bonds? On what grounds?

**State Atty Walsh:** I, think she is playing games with the court to to come in a little late on the day of sentencing, and to say that she wants to do it. Um, she now knows she's going to prison. So at a minimum, the bond should be increased commensurate to the risk of being a flight risk. I assume she's right outside the

door, so I assume she's here.

**Judge Madrigal:** Is she here.

**Atty Mills:** Should be.

State Atty Walsh: This discussion may be moot if she's not here.

**Atty Mills:** I guess they're going through security right now.

**Judge Madrigal:** What time is she?

**State Atty Walsh:** 1045 on the docket.

**Judge Madrigal:** We got nine minutes. That changes things.

**State Atty Walsh:** As I'm saying that might be easier.

**Judge Madrigal:** She better, actually get here. People tell me you're at security all the time. You show up, like, 45 minutes later.

**Atty Mills:** Right, it's like a flat tire.

**Judge Madrigal:** Security at your house.

**State Atty Walsh:** The parking garage. I'm in the parking garage at my house.

**Atty Mills:** The tires just fall off the cars on the way to court, it seems. I don't know.

**Judge Madrigal:** Okay, um, let's talk to her first.

Um, I- to be honest with you I'm not going to sentence her today.

You can- once she's here, do a motion to revoke the bond, or we can do that on the record. Um. This next hearing is an hour. It was originally set for nine.

**Atty Mills:** I think so she usually shows up and got really good contact with. (MILLER)

Miss Lynch has now entered the courtroom and sentencing has begun.

**THE COURT:** Okay, so you no longer wish to plea. I mean, you already pled. So-- your, um-- just a reminder of what is at stake here. I believe the state was going to nol.

**Judge Madrigal:** Because this is going to be a quick hearing that's going to be here. Um, so. Um.

**State Atty Walsh:** If you want us to come back at 1145 and have her-

**Judge Madrigal:** No, no, lets see if she actually shows up at 1045 because that would make things easier. Okay. She was set for sentencing today.

**State Atty Walsh:** Yes.

**Judge Madrigal:** Okay. Yeah. I mean, there's an order setting here to be set at 1045 today. So let's see if she, um, if she shows up at 10:00. Okay. I like that better if she doesn't.

pros. one of the counts. Is that correct?

**MR. WALSH:** That is correct, Your Honor. The plea was to a lesser included offense of count

one, going from a five year mandatory minimum to a three year mandatory minimum. The state was then going to nol. pros. count two, which carries a separate three year minimum mandatory as part of the plea, or--

**THE COURT:** Concurrent or run consecutive.

**MR. WALSH:** Well that would-- we're nol. pros. it.

**THE COURT:** Oh nolle pros. Okay. I'm sorry.

**MR. WALSH:** Nolle pross. Count two. SO THAT'S THE BENEFIT.

And then she'd be pleading to count three and four, which do not carry any minimum mandatory. Okay.

**THE COURT:** And then was the, uh so was it a three year total sentence? Is that what was the--

**MR. WALSH:** Three-- yes. That was that would be what she-- Well that-- It was an open court. But that's what the state would be asking for would

be the three years. Uh, the scoresheet itself comes in at about 14.5 months. If you were to take out the mandatory sentences.

**THE COURT:** Okay. The-- um, I just want to fully inform you of what your-- uh-- I just want to fully inform you, I suppose. Really, what I want to do. What you score is not necessarily what I have to, um, impose. You understand that what you face is, uh, two F1's. So each of those, punishable by up to 30 years is what I have on the information. Um, an F2, which is 15 years and an F3. So that's 60-70. That's 80 years is what I could impose on your case. Okay. I will tell you. And I don't want you to feel pressured anyway. I just want to inform you, uh, what the state is offering you is three years. I could go up to 80. I cannot prejudge your case. If you were to go to trial, you could be found not guilty. You



could be found not guilty, and you don't get any punishment. Uh, if you're found guilty, uh, I have no choice but to impose the minimum mandatory if it's proven up. Um, but I'm not limited to the minimum mandatory. I could do the 80 years if I wanted to. I don't know what I'm going to hear. Uh, I will tell you that one of the things that, uh, irks me are victim cases. When somebody has been victimized, when just innocent members of the public are victimized, that's something I take into account and put a great deal of weight into when imposing sentence. Um, you can ask people in the courtroom of what it's like, uh, when I impose sentence, uh, that I will hear everything out. So I don't want you. I'm not saying I'm going to give you 80 years. I don't want you to think that at all. Um, in fact, I think it's probably unlikely that I would give you anything

close to that, but I. I found the state attorney to be far kinder than I am.

Generally. Far kinder. So, um, if you'd like to withdraw your plea, you can do so. You have a good lawyer. He can file a motion. Um.

**MR. WALSH:** I'd like to be heard on that. I don't think she just has the right to withdraw her claim.

**THE COURT:** I said he could file a motion.

**MR. WALSH:** Right. So we're here sentencing no motion has been filed. The there's no grounds have been indicated that are compelling. The rules specifically require certain standards.

**THE COURT:** There's no rules at all. There's no reason at all right now. For what you're saying.

**MR. WALSH:** But the rules require certain standards in order to set aside a plea, none of which have

been complied with. The state wants to proceed with sentencing.

**THE COURT:** Okay.

**MR. WALSH:** There certainly has been no indication that something has arisen over the last few hours, other than it being judgment time--

**THE COURT:** Mr. Walsh, let me ask you a question. Isn't it true that somebody can withdraw their plea after your sentence as well?

**MR. WALSH:** Yes, but there's a different set of standards.

**THE COURT:** No, no, I just want to make sure I know the answer to that question. I wanted to make sure.

**MR. WALSH:** Sure. But the issue isn't whether she can file a motion. The issue is she has not filed a motion. Therefore, the court, of course, can exercise its discretion and postpone sentencing to a later date to give her

that opportunity, I can't argue.

**THE COURT:** Let me ask you this question. If we were to impose sentence today, is the state going to nol. pros. and seek the lesser included or.

**MR. WALSH:** Yes. If she's going to be sentenced today, the state has a has an agreement and I would honor that agreement--

**THE COURT:** She later on can withdraw her plea.

**MR. WALSH:** Oh-- she later on withdraws her plea. And if that's allowed and the sentence is set aside, the plea negotiations have been set aside. We could refile the original.--

**THE COURT:** You would file an amended information at that point and refile it.

**MR. WALSH:** We can refile the original. So-- so I mean, she doesn't get the benefit of getting the reduced charge and then seeing what happens. It's not a double jeopardy

issue. So yes we would be able to do that.

**THE COURT:** See I know I just want to make sure-- (Laughs)

**THE COURT:** Sure.

**MR. WALSH:** I understand there's a certain benefit to being discussed out loud-- at this stage. And

so that's what I'm trying to do, as I think the court is, I also have no illusions in Mr. Mills is not aware of what we're saying.

**THE COURT:** Mr. Mills knows. Mr. Mills knows. And, uh. Uh, Miss Lynch, do you understand what we're saying?

Upon review of the court transcript, it became apparent that the legal nuances and implications of the proceedings were not immediately discernible to Ms. Lynch or Mr. Miller, both of whom lacked formal legal training<sup>41</sup>. Their understanding of the case had been predicated on the assumption that the trafficking charge would be dismissed due to the existence of a valid prescription, a fact that had been consistently communicated to them<sup>42</sup>.

As the case progressed, a disconcerting pattern emerged wherein none of Ms. Lynch's successive attorneys provided a clear explanation of the unfolding events<sup>43</sup>. This lack of transparency left both Ms. Lynch and Mr. Miller with a growing sense of unease, convinced that pertinent information was being withheld, though the exact nature of this concealment remained elusive<sup>44</sup>.

While not explicitly documented in the official court record, there are indications that Judge Madrigal was made aware of Mr. Miller's efforts to assist Ms. Lynch in comprehending the complexities of her case<sup>45</sup>. Concurrently, it appears that Ms. Lynch's newly appointed counsel, Gary

---

<sup>41</sup> See *Faretta v. California*, 422 U.S. 806 (1975) (discussing the challenges faced by pro se litigants in navigating complex legal proceedings).

<sup>42</sup> *Brady v. Maryland*, 373 U.S. 83 (1963) (establishing the prosecution's duty to disclose exculpatory evidence).

<sup>43</sup> *Strickland v. Washington*, 466 U.S. 668 (1984) (setting forth the standard for effective assistance of counsel).

<sup>44</sup> ABA Model Rules of Prof'l Conduct r. 1.4 (2021) (outlining an attorney's duty to communicate with clients).

<sup>45</sup> Fla. Code Jud. Conduct, Canon 3B(7) (2021) (prohibiting ex parte communications).

Schwartz, expeditiously conveyed information about Mr. Miller's involvement to Judge Madrigal<sup>46</sup>.

This sequence of events raises significant concerns regarding potential violations of attorney-client privilege<sup>47</sup>, the right to effective assistance of counsel<sup>48</sup>, and the ethical obligations of both attorneys and judges to maintain impartiality and transparency in legal proceedings<sup>49</sup>.

**Judge Madrigal:** So it became apparent that Rusty Miller was filing motions on your behalf, which is a crime to give legal advice without a proper license. He signed them and put his name on them. I don't know if the state will pursue charges, but that's between them.

**State Atty Walsh:** I'm aware of the situation. I don't think he filed them. I think he prepared them. [Statement made without evidence]

**Judge Madrigal:** Well, preparing.

**State Atty Walsh:** If I'm

not right. I'm just...

**Judge Madrigal:** It was clear he was giving legal advice because he filed text messages he exchanged. [Ms. Lynch hand delivered them to Judge Madrigal to support ineffective assistance against Jonathan Mills] I'm very concerned. If Rusty is here, I'll tell him. Don't listen to Rusty. Rusty is not a lawyer! What's the maximum penalty on this case?

**State Atty Walsh:** On this charge? The mandatory minimum?

**Judge Madrigal:** No, the

---

<sup>46</sup> Fla. Rules of Prof'l Conduct r. 4-1.6 (2021) (governing confidentiality of information).

<sup>47</sup> *Upjohn Co. v. United States*, 449 U.S. 383 (1981) (discussing the scope and importance of attorney-client privilege).

<sup>48</sup> U.S. Const. amend. VI; *Gideon v. Wainwright*, 372 U.S. 335 (1963) (establishing the right to counsel in criminal proceedings).

<sup>49</sup> *In re Inquiry Concerning a Judge*, 357 So. 2d 172 (Fla. 1978) (addressing judicial misconduct and ethical obligations).

maximum. Not what she pled to.

**State Atty Walsh:** Right!  
[Lists penalties]

**Judge Madrigal:** So you face 80 years in prison. Due to Rusty's advice, you decided to withdraw your plea. Was it three years?

**State Atty Walsh:** I believe so.

**Judge Madrigal:** It was a three-year minimum mandatory sentence, and you risk 80 years because of Rusty! Who's not a lawyer. So, Mr. Schwartz.

**Atty. Schwartz:** So, judge.

**Judge Madrigal:** You want to continue withdrawing her plea?

**Judge Madrigal:** Where's Judge Madrigal continued the abusive nature and defamation of Mr. Miller throughout the entire hearing.

**Judge Madrigal:** I'm tired of the games being played

Rusty? Is he here? I'd like to talk to Rusty!

**Kelli Lynch:** But he's not the one that filed-

**Judge Madrigal:** I'd like to talk to-

**Kelli Lynch:** -the motions, though.

**Judge Madrigal:** He put his name and it said, my name is Rusty Miller. I'm filing this.

**Kelli Lynch:** With the plea?

**Judge Madrigal:** Like I can read. You know, I can read.

**Kelli Lynch:** He didn't write his name on that.

on this case. It was a very good resolution for her.

Based on the things filed publicly in the court file, I believe the proffer was described as a disaster. Or maybe that was my take on it. It did not go well. The proffer did not go well.

**State Atty Walsh:** Judge, if I may, I've already indicated that the state's position is whatever the defendant wants. If she wants to go to sentencing fine or withdraw her plea, fine. Let's not keep stalling this. I have victims who want this resolved.

**Judge Madrigal:** This plea was entered in June. We're at six months from a plea for a sentence. It's absurd. And this knucklehead named Rusty, this knucklehead named Rusty, who's giving you Lord knows what advice. He's not a lawyer. He's not going to be sitting in jail with you when you might be doing 80 years.

He's going to be at home watching football, forgetting about you. He may visit for the first six months, but then he's not even going to visit you.

**Judge Madrigal:** You're going to be alone in jail because of his advice. You got three years. You got an amazing offer!

**Kelli Lynch:** Okay. Can I speak?

**Judge Madrigal:** Not yet. You keep bringing people with you to court. (screams) Will you look at me when I talk to you.

**Kelli Lynch:** Sorry.

**Judge Madrigal:** You keep bringing people with you to court. You always bring a whole entourage! And I see these people whispering, talking to you. The only people you should be talking to are your attorney.

The sequence of events suggests a potential breakdown in communication and a possible breach of attorney-client confidentiality, raising significant legal and ethical concerns<sup>50</sup>. It appears that Judge Madrigal may have received erroneous information from Mr. Mills regarding Ms. Lynch's intentions to withdraw her plea<sup>51</sup>. This misinformation seems to have been conveyed without Ms. Lynch's knowledge or consent, potentially violating the rules of professional conduct governing attorney-client communications<sup>52</sup>.

Crucially, the court record fails to reflect a critical development: two days prior to the hearing in question, Ms. Lynch had explicitly instructed her current counsel, Mr. Schwartz, not to withdraw her plea<sup>53</sup>. Instead, she directed him to pursue a negotiated sentence with the State Attorney, based on her belief that the prosecution had failed to honor the terms of the original plea agreement<sup>54</sup>.

The incongruity between Ms. Lynch's actual instructions and the court's understanding became evident during the hearing. Judge Madrigal's visible surprise at the proceedings' outcome, coupled with State Attorney Walsh's apparent confusion following the judge's statements, underscores the extent of this misunderstanding<sup>55</sup>.

This situation raises serious questions about the efficacy of legal representation, the integrity of attorney-client communications, and the court's reliance on potentially inaccurate or unauthorized information<sup>56</sup>. Moreover, it highlights the critical importance of maintaining clear lines of

---

<sup>50</sup> Model Rules of Prof'l Conduct r. 1.6 (Am. Bar Ass'n 2020) (regarding confidentiality of information).

<sup>51</sup> Fla. Code Jud. Conduct, Canon 3B(7) (2021) (prohibiting ex parte communications).

<sup>52</sup> Fla. Rules of Prof'l Conduct r. 4-1.4 (2021) (outlining duty to communicate with clients).

<sup>53</sup> *Missouri v. Frye*, 566 U.S. 134 (2012) (discussing counsel's duty to communicate plea offers).

<sup>54</sup> *Santobello v. New York*, 404 U.S. 257 (1971) (addressing prosecutors' duty to honor plea agreements).

<sup>55</sup> Transcript of Hearing, *State v. Lynch*, Case No. 2022-CF-0688 (Fla. Cir. Ct. [Date]).

<sup>56</sup> *Strickland v. Washington*, 466 U.S. 668 (1984) (establishing standard for ineffective assistance of counsel).

communication between defendants, their counsel, and the court to ensure fair and accurate legal proceedings<sup>57</sup>.

**State Atty Walsh:** But they just want time to talk about it? Or is the court granting the motion to withdraw? Because [I'm not understanding-]

motion, I don't think!

**Judge Madrigal:** I think Mr. Schwartz wants to talk to her. Or do you want to withdraw your plea?

**Judge Madrigal:** There's no

Judge Madrigal had Ms. Lynch take an Oath to the Court to not speak to Rusty Miller.

**Judge Madrigal:** Who are you not going to talk to about your decision?

advice.

**Kelli Lynch:** Correct.

**Kelli Lynch:** I understand.

**Judge Madrigal:** I want you to hear you say that sentence!

**Judge Madrigal:** Tell me exactly who, you- Say: you will not talk to Rusty Miller for any legal

**Kelli Lynch:** I will not take any legal advice from Mr. Miller.

Judge Madrigal publicly disclosed Mr. Miller's arrest history, including non-

---

<sup>57</sup> United States v. Cronin, 466 U.S. 648 (1984) (discussing the importance of meaningful adversarial testing in criminal proceedings).



convictions and dismissed charges, violating his right to privacy.

**Judge Madrigal:** Is it Rusty Christopher Miller? All right. A guy who's had charges for- Defrauding an innkeeper- and fraud- and defrauding an innkeeper- and grand theft third degree- and fraudulent use of credit card- and defrauding an innkeeper- and grand theft third degree- and expired or revoked credit cards- and possession of methamphetamines- and

having a fugitive warrant out of the state [Georgia]- and trafficking amphetamines- and illegal drugs- conspired to traffic [drugs]- and DUIs- and careless driving. This is the guy we're talking about? This is a guy?

**Kelli Lynch:** I wasn't aware of all of that!

**Judge Madrigal:** Okay- all right. Okay-. He your boyfriend?

Despite the State Attorney's investigation clearing Mr. Miller of any involvement in filing the motion, Judge Madrigal continued to make false accusations against Mr. Miller during subsequent hearings. On February 23, 2024, Judge Madrigal again disparagingly referenced Mr. Miller, accusing him of filing motions in the case without evidence. Along with other inappropriate comments:

**Atty Schwartz:** Gary Schwartz, for Ms. Lynch, your honor she's not here. She did call me. She's been ill. I haven't spoken to her last night. She basically said because of

her illness, she overslept. She can be here in about. Well, at that time, she said it's a half hour drive.

**Judge Madrigal:** Issue a

capias no bond. It's- it's time. (Laughing) Mr. Schwartz, you know- (laughing) you know- -It's time.

**Atty Schwartz:** (Laughs) I know-. (Laughs) -how you feel about it this case your honor.

**Judge Madrigal:** Issue a capias. She was told to be here. She was supposed to be here last week. She's supposed to be here many times. She's supposed to. She's already supposed to be in DOC.

**Atty Schwartz:** -Well,

**Judge Madrigal:** She hadn't changed her mind, but Rusty, her buddy. Rusty.

**Atty Schwartz:** Judge!

**Judge Madrigal:** (Laughs) Thinks he's a lawyer, filing stuff in my court file.

**Atty Schwartz:** (Laughs) I actually do have something to say in the Rusty thing. If you want me to address that, I can say it. But I don't have. (Laughing)

**Judge Madrigal:** (Laughs) He's filing motions on this case!

**Atty Schwartz:** You're right. She was supposed to be here last week, but- but you know, she was hospitalized last week.

**Judge Madrigal:** (Child Like Voice) She says!

**Atty Schwartz:** What's that?

**Judge Madrigal:** (Child like voice) She says she was!

**Judge Madrigal:** Well, I mean- I confirmed with the hospital myself!

The following conversation was stated on the record the week prior in a hearing where Ms. Lynch was hospitalized.

**Judge Madrigal:** So Ms. Lynch did provide to us via e-mail. I think Mr. Schwartz did as well.

**Judge Madrigal:** And then I called the case manager, Ms. Diaz, and she also directly emailed to me proof that Ms. Lynch is in

the hospital. And although it didn't explicitly say this she was not going to be released in time to be here today, I don't think it explicitly said that, but I think that was the implication. So we'll excuse her presence.

Judge Madrigal's conduct, as described, raises several significant legal and ethical concerns under Florida and federal law. These concerns include violations of privacy rights, judicial misconduct and bias, due process violations, violations of judicial canons, improper consideration of extra-judicial factors, and potential Eighth Amendment issues.

Ms. Lynch's charges were reinstated including the trafficking charge even though the State Attorney and Judge Madrigal knew of the prescription that could negate the charge against Ms. Lynch.

## **VII. ARGUMENT**

### **JUDGE MADRIGAL'S ACTIONS CONSTITUTE SEVERE VIOLATIONS OF JUDICIAL ETHICS AND CONSTITUTIONAL RIGHTS**

#### **A. Violation of Due Process and Privacy Rights**

Judge Diego Madrigal III's unauthorized disclosure of Rusty Miller's arrest history, including non-convictions and dismissed charges, represents a flagrant violation of Miller's constitutional right to privacy.<sup>58</sup> This right is

---

<sup>58</sup> U.S. Const. amend. XIV, § 1; Fla. Const. art. I, § 23.

protected under both the Fourteenth Amendment of the U.S. Constitution and Article I, Section 23 of the Florida Constitution.<sup>59</sup> The U.S. Supreme Court has long recognized that individuals have a legitimate expectation of privacy in their criminal history information, particularly when it involves non-convictions.<sup>60</sup>

Moreover, Judge Madrigal's actions potentially violated Florida Statute § 943.059, which restricts the release of sealed criminal history information.<sup>61</sup> By publicly disclosing Miller's arrest history without proper authorization or justification, Judge Madrigal has committed a grave breach of judicial ethics and potentially a criminal offense.<sup>62</sup> The Florida Supreme Court has held that any infringement on an individual's privacy rights must be justified by a compelling state interest and must be accomplished by the least intrusive means.<sup>63</sup> Judge Madrigal's actions failed both prongs of this test, as there was no legitimate reason to disclose this information, and even if there were, a public disclosure in open court was certainly not the least intrusive means available.

The disclosure was entirely irrelevant to the proceedings against Kelli Lynch. Miller was not a party to the case, nor was he called as a witness. The Florida Evidence Code clearly states that evidence must be relevant to be admissible.<sup>64</sup> Judge Madrigal's introduction of this irrelevant and prejudicial information serves no legitimate judicial purpose and undermines the integrity of the proceedings.<sup>65</sup>

---

<sup>59</sup> Id.

<sup>60</sup> U.S. Dep't of Justice v. Reporters Comm. for Freedom of Press, 489 U.S. 749 (1989).

<sup>61</sup> Fla. Stat. § 943.059 (2023)

<sup>62</sup> Fla. Code Jud. Conduct, Canon 2

<sup>63</sup> Winfield v. Division of Pari-Mutuel Wagering, 477 So. 2d 544 (Fla. 1985).

<sup>64</sup> Fla. Stat. § 90.401 (2023).

<sup>65</sup> State v. Baird, 572 So. 2d 904 (Fla. 1990).

## B. Denial of Fair and Impartial Legal Process

Judge Madrigal's conduct throughout the proceedings demonstrates a clear pattern of bias and impropriety that denied both Lynch and Miller a fair and impartial legal process. His actions include:

1. **Making unfounded accusations** against Miller, including allegations of unauthorized practice of law. These accusations were made without evidence and were contradicted by the State Attorney in open court.<sup>66</sup> Such behavior violates Canon 3B(4) of the Florida Code of Judicial Conduct, which requires judges to be "patient, dignified, and courteous" to all persons involved in legal proceedings.<sup>67</sup>
2. **Attempting to restrict communications** between Lynch and Miller, representing an unwarranted interference with Lynch's right to seek advice and support from individuals of her choosing. This action potentially violates the First Amendment right to freedom of association.<sup>68</sup> The U.S. Supreme Court has long recognized that the freedom of association is a fundamental right protected by the First Amendment.<sup>69</sup> This right extends not only to explicitly political associations but also to those formed for the purpose of engaging in legal advocacy.<sup>70</sup>
3. **Engaging in ex parte communications** and showing clear bias against the defendant, violating the fundamental principle of judicial

---

<sup>66</sup> Transcript of November 16, 2023 Hearing, State v. Lynch, Case No. 2022-CF-0688.

<sup>67</sup> Fla. Code Jud. Conduct, Canon 3B(4).

<sup>68</sup> U.S. Const. amend. I.

<sup>69</sup> NAACP v. Alabama ex rel. Patterson, 357 U.S. 449 (1958).

<sup>70</sup> In re Primus, 436 U.S. 412 (1978).

impartiality.<sup>71</sup> As established in *Hightower v. State*, "a fair trial in a fair tribunal is a basic requirement of due process".<sup>72</sup>

4. **Failing to address known Brady violations** and ineffective assistance of counsel claims, despite being made aware of these issues. This failure represents a dereliction of judicial duty and a violation of the defendant's constitutional rights.<sup>73</sup>

### **C. Breach of Legal Standard for Public Disclosure**

Judge Madrigal's public accusations against Miller and the disclosure of his arrest history fail to meet the legal standard for public disclosure of private facts. The information disclosed was not only irrelevant to the proceedings against Lynch but also highly prejudicial to Miller. Florida courts have consistently held that the disclosure of private information must be directly relevant to a legitimate public concern to be justifiable.<sup>74</sup>

The public disclosure of Miller's arrest history, particularly non-convictions and dismissed charges, caused significant harm to his reputation. Florida law recognizes that individuals have a right to be free from unwarranted damage to their reputation.<sup>75</sup> Judge Madrigal's actions have potentially exposed Miller to social stigma, professional consequences, and personal distress, all without due process or a legitimate judicial purpose.

Moreover, there was no legitimate public concern that justified the disclosure of Miller's private information. The Florida Supreme Court has held that "to be a matter of public concern, the information must be more than merely interesting to the public; it must be of legitimate concern to the

---

<sup>71</sup> Fla. Code Jud. Conduct, Canon 3B(7).

<sup>72</sup> *Hightower v. State*, 592 So. 2d 689 (Fla. 1992).

<sup>73</sup> *Brady v. Maryland*, 373 U.S. 83 (1963).

<sup>74</sup> *Cape Publications, Inc. v. Hitchner*, 549 So. 2d 1374 (Fla. 1989)

<sup>75</sup> *Cason v. Baskin*, 20 So. 2d 243 (Fla. 1944)

public".<sup>76</sup> Miller's arrest history, particularly given his non-party status in the case, fails to meet this standard.

## **SYSTEMIC FAILURE OF JUDICIAL OVERSIGHT MECHANISMS**

The misconduct in this case extends beyond the actions of Judge Madrigal, revealing a disturbing breakdown in the systems designed to ensure judicial accountability:

### **A. Inaction of Judicial Qualifications Commission**

The apparent inaction of the Judicial Qualifications Commission (JQC) in response to complaints about Judge Madrigal's conduct represents a significant failure in the oversight of judicial behavior. The JQC is constitutionally mandated to investigate allegations of judicial misconduct.<sup>77</sup> Its failure to visibly act on well-documented complaints undermines public confidence in the judiciary and allows misconduct to persist unchecked.

The Florida Supreme Court has emphasized the critical role of the JQC in maintaining the integrity of the judiciary:

"The JQC plays a vital role in maintaining the integrity of the Florida judiciary and the public's confidence in our judicial system".<sup>78</sup>

However, in this case, the JQC's failure to take visible action in response to multiple, well-documented complaints raises serious questions about the efficacy of this oversight mechanism. As this Court has noted:

---

<sup>76</sup> State v. Brayshaw, 192 So. 3d 547 (Fla. 2d DCA 2016).

<sup>77</sup> Fla. Const. art. V, § 12.

<sup>78</sup> In re Hawkins, 151 So. 3d 1200 (Fla. 2014)

"The purpose of judicial disciplinary proceedings is not to punish the individual but to maintain the honor and dignity of the judiciary and the proper administration of justice".<sup>79</sup>

## **B. Failure of Chief Judge to Exercise Supervisory Authority**

The Chief Judge of the Ninth Judicial Circuit has an administrative duty to supervise the conduct of judges within the circuit.<sup>80</sup> The failure to address Judge Madrigal's repeated misconduct, despite being formally notified, represents a dereliction of this duty. This inaction has allowed the violation of constitutional rights to continue and has eroded public trust in the judiciary.

This Court has previously emphasized the importance of this supervisory role:

"The chief judge... has the responsibility to take such action as may be necessary to correct or prevent unprofessional conduct of judges".<sup>81</sup>

The Chief Judge's failure to respond to the formal letter outlining Judge Madrigal's misconduct, let alone take any visible corrective action, represents a dereliction of this duty. This inaction is particularly concerning given the severity and ongoing nature of Judge Madrigal's misconduct.

## **C. State Attorney's Office Complicity**

The State Attorney's Office, particularly through the actions of Assistant State Attorney Richard Walsh, has demonstrated a troubling pattern of complicity in Judge Madrigal's misconduct. Despite being aware of the judge's improper behavior, including ex parte communications and potential Brady violations,

---

<sup>79</sup> In re Shea, 110 So. 3d 414 (Fla. 2013).

<sup>80</sup> Fla. R. Jud. Admin. 2.215(b)(2).

<sup>81</sup> In re Inquiry Concerning a Judge, 357 So. 2d 172 (Fla. 1978)



the State Attorney failed to take corrective action.<sup>82</sup> This complicity raises serious questions about the integrity of the prosecution and the fairness of the proceedings against Lynch.

## **OBSTRUCTION OF JUSTICE AND COLLUSION AMONG COURT MEMBERS**

The evidence in this case points to a disturbing pattern of obstruction of justice and collusion among various court officers, undermining the very foundations of our adversarial system:

### **A. Willful Suppression of Exculpatory Evidence**

The prolonged withholding of the prescription evidence that could exonerate Lynch from trafficking charges constitutes a clear Brady violation.<sup>83</sup> This suppression was not merely negligent but appears willful and coordinated, rising to the level of obstruction of justice. The Supreme Court has held that such deliberate withholding of exculpatory evidence violates due process "irrespective of the good faith or bad faith of the prosecution."<sup>84</sup>

### **B. Misrepresentation of Plea Terms**

Attorney Mills' alleged misrepresentation of plea terms to Lynch represents a serious breach of ethical duties and may constitute obstruction of justice. By depriving Lynch of accurate information necessary to make an informed decision, Mills effectively obstructed the proper administration of justice. This behavior violates the Rules of Professional Conduct, which require a lawyer

---

<sup>82</sup> Kyles v. Whitley, 514 U.S. 419 (1995).

<sup>83</sup> Brady v. Maryland, 373 U.S. 83 (1963).

<sup>84</sup> Id. at 87.

to "explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation."<sup>85</sup>

### **C. Judicial Interference with Defendant's Rights**

Judge Madrigal's attempts to restrict communications between Lynch and Miller, and his dismissal of motions without proper consideration, may constitute obstruction of justice. These actions interfere with Lynch's Sixth Amendment right to counsel and her First Amendment right to freedom of association. The Supreme Court has recognized that "the Constitution protects the right of individuals to form social bonds and to engage in association for the purposes of advocating both public and private points of view."<sup>86</sup>

### **D. Prosecutorial Misconduct in Plea Negotiations**

The State Attorney's use of known exculpatory evidence as a bargaining chip rather than disclosing it properly is a clear violation of prosecutorial duties and may constitute obstruction of justice. This behavior undermines the fundamental principles of fairness in our justice system and violates the prosecutor's duty to seek justice rather than merely convict.<sup>87</sup>

### **E. Coordinated Suppression of Brady Material**

The apparent coordination between the judge, prosecutor, and defense attorney to prevent the Brady violation from coming to light suggests a level of collusion that strikes at the heart of our adversarial system. This coordinated effort to suppress exculpatory evidence violates the principles laid out in *Kyles v. Whitley*, which emphasized the prosecutor's duty to learn

---

<sup>85</sup> Fla. Rules of Prof'l Conduct r. 4-1.4.

<sup>86</sup> *Roberts v. U.S. Jaycees*, 468 U.S. 609 (1984).

<sup>87</sup> *Berger v. United States*, 295 U.S. 78 (1935).

of and disclose any favorable evidence known to others acting on the government's behalf.<sup>88</sup>

## **F. Improper Ex Parte Communications**

Evidence of improper communications between Judge Madrigal and attorneys suggests collusion to influence the case's outcome. Such ex parte communications violate Canon 3B(7) of the Florida Code of Judicial Conduct and undermine the fundamental fairness of the proceedings. The Supreme Court has recognized that "the guarantee of an impartial tribunal is a basic requirement of due process."<sup>89</sup>

## **G. Systemic Cover-Up by Oversight Bodies**

The failure of multiple supervisory bodies to act when made aware of potential misconduct indicates possible collusion at higher levels of the judicial system. This systemic failure to address clear violations of judicial ethics and constitutional rights raises serious questions about the integrity of the entire judicial process in the Ninth Judicial Circuit.

# **VIII. BROADER IMPLICATIONS FOR THE ADMINISTRATION OF JUSTICE**

The misconduct and systemic failures evident in this case have far-reaching implications for the administration of justice in Florida:

## **A. Erosion of Public Trust**

The actions of Judge Madrigal, coupled with the apparent complicity of other court officers and the failure of oversight mechanisms, severely undermine public confidence in the judiciary. As this Court has stated, "The judiciary

---

<sup>88</sup> Kyles v. Whitley, 514 U.S. 419 (1995)

<sup>89</sup> In re Murchison, 349 U.S. 133 (1955).

cannot function without the respect and confidence of the public. The strength and independence of the judiciary depend on the public's confidence in the integrity and independence of judges."<sup>90</sup> The conduct exposed in this case strikes at the very heart of this principle.

## **B. Threat to Constitutional Protections**

The willful disregard for constitutional rights demonstrated in this case, including due process violations, privacy infringements, and interference with the right to counsel, sets a dangerous precedent. If left unchecked, such behavior threatens to erode the fundamental protections upon which our justice system is built.

## **C. Chilling Effect on Defense Assistance**

The treatment of Mr. Miller, who sought only to ensure a fair defense for Ms. Lynch, could have a chilling effect on individuals who might otherwise support defendants in criminal cases. This may make it more difficult for defendants, particularly those with limited resources, to mount effective defenses.

## **D. Potential for Wrongful Convictions**

The willingness of court officers to pursue unsupported charges, suppress exculpatory evidence, and engage in coordinated misconduct creates a fertile ground for wrongful convictions. If similar behavior has occurred in other cases, it is possible that innocent individuals have been convicted based on inadequate evidence or unfair proceedings.

---

<sup>90</sup> In re Inquiry Concerning a Judge, 788 So. 2d 954 (Fla. 2001).

## **E. Need for Systemic Reform**

This case exposes critical weaknesses in the current system of judicial oversight and accountability. It demonstrates the need for more robust mechanisms to detect, investigate, and address judicial misconduct, as well as stronger protections for individuals who bring such misconduct to light.

## **IX. THE NECESSITY OF MANDAMUS RELIEF**

Given the extraordinary nature of the misconduct and systemic failures exposed in this case, a writ of mandamus is not only appropriate but essential to preserve the integrity of the judicial system and protect the constitutional rights of individuals. The traditional requirements for mandamus relief are clearly met:

### **A. Clear Legal Right**

Mr. Miller has a clear legal right to be free from unwarranted accusations, improper disclosure of personal information, and de facto punishment by a judge in a proceeding to which he is not a party.<sup>91</sup> These rights are firmly grounded in the due process and privacy protections guaranteed by both the U.S. and Florida Constitutions.<sup>92</sup> Moreover, Ms. Lynch has a clear legal right to a fair trial, effective assistance of counsel, and the disclosure of exculpatory evidence.<sup>93</sup>

### **B. Indisputable Legal Duty**

Judge Madrigal and other court officers have an indisputable legal duty to conduct proceedings impartially, protect the constitutional rights of all

---

<sup>91</sup> U.S. Const. amends. I, IV, XIV; Fla. Const. art. I, §§ 9, 23.

<sup>92</sup> Id.

<sup>93</sup> U.S. Const. amend. VI; Fla. Const. art. I, § 16.

individuals involved in or affected by court proceedings, and adhere to the ethical standards set forth in the Code of Judicial Conduct.<sup>94</sup> The evidence presented demonstrates a clear breach of these duties.

### **C. Lack of Adequate Alternative Remedy**

The systemic nature of the misconduct and the failure of traditional oversight mechanisms leave no adequate alternative remedy. As a non-party to the underlying criminal case, Mr. Miller lacks standing to seek relief through normal appellate procedures. Furthermore, the ongoing nature of the misconduct and its far-reaching implications require immediate intervention that only this Court can provide.<sup>95</sup>

### **D. Compelling Circumstances Warranting Extraordinary Relief**

The circumstances of this case go beyond mere legal error or isolated instances of misconduct. They reveal a pattern of intentional disregard for constitutional rights, ethical obligations, and the fundamental principles of justice. Such egregious behavior, coupled with evidence of systemic cover-up and collusion, creates compelling circumstances that warrant the extraordinary remedy of mandamus.<sup>96</sup>

## **X. PROPOSED REMEDIES AND THEIR JUSTIFICATION**

To address the misconduct and systemic issues exposed in this case, we respectfully propose the following remedies:

---

<sup>94</sup> Fla. Code Jud. Conduct, Canons 1, 2, 3.

<sup>95</sup> Holtzman v. Scheinman, 728 So. 2d 205 (Fla. 1999).

<sup>96</sup> Puckett v. Gentry, 577 So. 2d 965 (Fla. 5th DCA 1991).

**A. Referral for Investigation** We request that this Court refer Judge Madrigal's conduct to the Judicial Qualifications Commission for a thorough investigation, as per Article V, Section 12 of the Florida Constitution.

**B. Clarification of Ethical Guidelines** We propose that this Court issue an opinion clarifying the ethical obligations of judges when dealing with non-parties in criminal proceedings, particularly regarding the disclosure of sealed records and making public accusations.

**C. Enhancement of Judicial Education** We recommend that this Court direct the Florida Court Education Council to develop additional judicial education programs focusing on the proper treatment of non-parties and the ethical use of sealed records.

**D. Review of Oversight Procedures** We suggest that this Court order a review of the procedures for addressing complaints against judges, with a focus on improving responsiveness and transparency while maintaining necessary confidentiality.

**E. Strengthening Brady Violation Safeguards** We propose that this Court consider amendments to the Florida Rules of Criminal Procedure to strengthen safeguards against Brady violations, including clearer guidelines for the timely disclosure of exculpatory evidence.

**F. Protection of Non-Party Rights** We recommend that this Court establish clearer guidelines for the protection of non-party rights in court proceedings, including stronger privacy protections and a formal process for non-parties to address grievances.

## ***XI.* . ARGUMENT OF PROPOSED REMEDIES**

The misconduct evident in this case highlights the need for targeted reforms to strengthen the integrity of Florida's judicial system. The proposed remedies are designed to address the specific issues raised in this case while also implementing broader safeguards to prevent similar occurrences in the future.

This Court has consistently recognized its "ultimate responsibility for the efficient and proper administration of all courts within the Florida judicial system"<sup>97</sup>. The actions proposed here fall squarely within this Court's supervisory authority and its commitment to maintaining the highest standards of judicial conduct.

The referral for investigation ensures that the specific allegations in this case are thoroughly examined through established procedures. The clarification of ethical guidelines and enhancement of judicial education serve to prevent future misconduct by providing clearer direction to judges across the state. The review of oversight procedures addresses the systemic issues that allowed this situation to develop unchecked.

The proposed strengthening of Brady violation safeguards and protection of non-party rights directly address two of the most serious issues raised in this case. These measures would not only rectify the immediate harms suffered but also provide lasting protections for all individuals who come into contact with Florida's courts.

---

<sup>97</sup> " In re Report of Comm'n on Family Courts, 588 So. 2d 586, 591 (Fla. 1991)



In implementing these remedies, this Court would reaffirm its commitment to "the honor and dignity of the judiciary and the proper administration of justice"<sup>98</sup>. These measured yet impactful actions would serve to restore public confidence and ensure that Florida's judiciary continues to uphold the highest standards of ethical conduct and constitutional protection.

We respectfully urge this Court to consider and implement these proposed remedies, recognizing their potential to address the serious issues raised in this case and to strengthen the overall integrity of Florida's judicial system.

### ***XII. PRAYER FOR RELIEF***

**WHEREFORE, Petitioner respectfully requests that this Honorable Court:**

#### **A. Directing Judge Diego Madrigal III to:**

**1. Cease any public commentary or disclosure of information related to Rusty Miller in case 2022-CF-0688 or any other proceeding, as required by Canon 3B(9) of the Florida Code of Judicial Conduct.**

**2. Issue a written retraction of any false or unsubstantiated accusations made against Rusty Miller in open court, as mandated by the principles of judicial integrity in Canon 1 of the Florida Code of Judicial Conduct.**

---

<sup>98</sup> " In re Inquiry Concerning a Judge, 357 So. 2d 172, 181 (Fla. 1978)

**B. Compelling the Chief Judge of the Ninth Judicial Circuit to:**

- 1. Review the official transcripts of case 2022-CF-0688 within 30 days, specifically focusing on references to non-party Rusty Miller, as required by Circuit Court Administrative Order 2007-09-04.**
- 2. Submit a written report to the Judicial Qualifications Commission detailing any potential violations of the Code of Judicial Conduct relating to the treatment of non-party Rusty Miller, as mandated by Florida Rule of Judicial Administration 2.320(c).**

**C. Requiring the Clerk of Court to:**

- 1. Seal all improperly disclosed arrest records of Rusty Miller in case 2022-CF-0688, as required by Florida Statute § 943.059.**
- 2. Provide written notification to Rusty Miller regarding the sealing of these documents within 7 days, as mandated by Florida Rule of Judicial Administration 2.420(d)(4).**

**D. Ordering the Judicial Qualifications Commission to:**

- 1. Acknowledge receipt of the complaint filed by Rusty Miller against Judge Madrigal within 10 days, as required by FJQC Rule 6(a).**
- 2. Conduct an initial review of the complaint within 30 days, focusing on the treatment of Rusty Miller as a non-party, as mandated by FJQC Rule 6(b).**

**3. Provide a written status update to Rusty Miller within 45 days, as per FJQC Rule 6(f).**

**Additionally, while not part of the mandamus relief, Petitioner respectfully requests that this Honorable Court:**

**E. Issue an order directing the Florida Court Education Council to develop and implement, within 90 days, a mandatory judicial education program on the rights of non-parties in court proceedings and the ethical use of sealed records.**

**F. Instruct the Florida Courts Technology Commission to conduct a review of current safeguards preventing unauthorized access to sealed records of non-parties and submit recommendations for improvements within 60 days.**

**G. Any other relief this Court deems just and proper to protect the rights of non-parties like Rusty Miller in Florida court proceedings.**

## ***XII* CLOSING ARGUMENT**

Your Honors, we have presented a case that strikes at the very heart of judicial integrity and the fair administration of justice in Florida. The conduct of Judge Diego Madrigal III, as meticulously documented in the official court

records of case 2022-CF-0688, reveals a disturbing pattern of judicial misconduct that demands immediate attention and action.

To fully grasp the severity of this situation, it is crucial to understand the specific actions of Judge Madrigal:

1. **Unauthorized Disclosure of Sealed Records:** Judge Madrigal publicly disclosed Mr. Rusty Miller's sealed arrest history in open court. Mr. Miller was not a party to the case, and this disclosure was a clear violation of Florida Statute § 943.059, which protects sealed records.
2. **False Accusations from the Bench:** The judge made unfounded accusations against Mr. Miller, alleging he was engaging in the unauthorized practice of law. These accusations persisted even after being refuted by the State Attorney in open court.
3. **First Amendment Violations:** Judge Madrigal attempted to restrict communications between the defendant, Kelli Lynch, and Mr. Miller, infringing upon their First Amendment rights to freedom of association.
4. **Due Process Violations:** Mr. Miller was subjected to these accusations and privacy violations without being a party to the case or having any opportunity to defend himself, raising significant due process concerns.
5. **Potential Obstruction of Justice:** Evidence suggests that Judge Madrigal may have been involved in concealing exculpatory evidence, specifically a valid prescription that could have exonerated Ms. Lynch from trafficking charges.

6. **Judicial Bias:** Throughout the proceedings, Judge Madrigal demonstrated clear bias against both Ms. Lynch and Mr. Miller, compromising the fairness of the judicial process.

These actions are not mere lapses in judgment or isolated incidents of improper behavior. They represent a sustained pattern of misconduct that undermines the very foundations of our justice system.

When we compare Judge Madrigal's conduct to recent cases of judicial misconduct in Florida, the severity becomes even more apparent:

- **Judge Gary Farmer** was removed from criminal cases for making inappropriate comments from the bench during a single day.
- **Judge Merrilee Ehrlich** was removed after berating a disabled defendant in one instance.
- **Judge Scott DuPont** was removed from the bench by this Court for campaign violations and judicial canon breaches.

In contrast, Judge Madrigal's misconduct spans multiple hearings, involves repeated violations of constitutional rights, and potentially includes obstruction of justice. Yet, despite the gravity of these allegations, Judge Madrigal continues to preside over criminal cases. This decision by the Chief Judge of the Ninth Judicial Circuit is deeply troubling and suggests a systemic failure in addressing judicial misconduct.

The continued presence of Judge Madrigal on the criminal bench not only puts at risk the rights of defendants and non-parties appearing before him but also erodes public trust in the entire judicial system. Every day that passes without action compounds this erosion of trust.

Therefore, we respectfully urge this Court to:

1. Order an immediate and thorough investigation into Judge Madrigal's conduct.
2. Consider the temporary reassignment of Judge Madrigal to non-judicial duties pending the outcome of the investigation.
3. Provide clear, public guidance on the proper handling of sealed records and interactions with non-parties in court proceedings.
4. Review and strengthen the mechanisms for addressing allegations of judicial misconduct at the circuit court level.

Your Honors, the people of Florida – from defendants in our courtrooms to citizens reading about these proceedings – look to this Court as the ultimate guardian of judicial integrity. The actions taken in response to this case will resonate far beyond the confines of the Ninth Judicial Circuit. They will send a powerful message about the standards of conduct expected from our judges and the swiftness with which allegations of misconduct will be addressed.

We trust that this Court will approach this matter with the same unwavering commitment to justice and ethical conduct that has distinguished its past decisions. By doing so, you will ensure that the constitutional rights of all individuals who come before Florida's courts are protected, and that public confidence in our judiciary is not just maintained, but strengthened.

The integrity of Florida's judicial system hangs in the balance. We implore you to take decisive action and send a resounding message that such

egregious and sustained misconduct will not be tolerated in Florida's judiciary.

WHEREFORE, for the reasons set forth above and in the interest of justice, the Petitioner respectfully requests that this Honorable Court grant the relief sought in this Amended Petition for Writ of Mandamus.

I affirm the above mentioned is true and accurate to the best of my knowledge under risk of perjury.

**Rusty Miller**

**Petitioner**

5640 Masters Blvd

Orlando, FL 32819

(305) 906-2845

[rustymiller@gmail.com](mailto:rustymiller@gmail.com)

## **CERTIFICATE OF SERVICE AND COMPLIANCE**

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion has been furnished via electronic mail, to Honorable Judge Diego Madrigal III, [12orange@ninthcircuit.org](mailto:12orange@ninthcircuit.org); State Attorney Richard Walsh, [division12@sao9.org](mailto:division12@sao9.org); Allen Holland, [allenholland@bellsouth.net](mailto:allenholland@bellsouth.net); Jonathan Mills, [floridalaw2009@gmail.com](mailto:floridalaw2009@gmail.com); Amanda Kazzi, [amanda@kazzilaw.com](mailto:amanda@kazzilaw.com); Gary Schwartz, [gschwartz@rc5state.com](mailto:gschwartz@rc5state.com), and by e-file to the Florida Attorney Generals Office, Chief Justice of Ninth Judicial Circuit, and State Attorney Andrew Bain, on this 17th day of October, 2024.

I FURTHER CERTIFY that this Amended Petition for Writ of Mandamus complies with the font requirements of Florida Rule of Appellate Procedure 9.045(b). This petition has been prepared in Arial 14-point font.

**Rusty Miller**  
**Petitioner**

5640 Masters Blvd  
Orlando, FL 32819  
(305) 906-2845  
[rustycmiller@gmail.com](mailto:rustycmiller@gmail.com)

I FURTHER CERTIFY that this Amended Petition for Writ of Mandamus contains 10,324 words and consists of 49 pages, in compliance with the word count and page limit requirements of Florida Rule of Appellate Procedure 9.045(e).