

**IN THE SUPREME COURT OF FLORIDA**

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**Case No. SC2024-1179**

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**RUSTY MILLER, et al.,**

**Petitioner,**

**v.**

**STATE OF FLORIDA,**

**Respondent(s).**

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**MOTION TO AMEND PETITION FOR WRIT OF MANDAMUS**

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

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Petitioner, RUSTY MILLER, pro se, hereby moves this Honorable Court for leave to file an Amended Petition for Writ of Mandamus, and in support of this motion states:

1. On August 13, 2024, Petitioner filed an Emergency Motion to Approve Writ of Mandamus, which this Court treated as a Petition for Writ of Mandamus.

2. Petitioner now seeks to amend the petition to address potential concerns about the petition's admissibility and to incorporate new information regarding the conclusion of the underlying criminal case (State v. Lynch, Case No. 482022CF000688000AOX).

3. The proposed amended petition includes the following changes:

- a. Clarifies Petitioner's status as a non-party to the underlying criminal case;
- b. Establishes Petitioner's standing to bring this action;
- c. Demonstrates why the petition should be considered authorized;
- d. Updates the factual background to reflect the conclusion of the State v. Lynch case;
- e. Removes any requests for relief related to Kelli Lynch or her criminal case;
- f. Focuses solely on the harm done to Petitioner as a non-party affected by judicial actions;
- g. Adds a new Jurisdictional Statement section to explicitly address this Court's authority to hear the case;
- h. Revises the Prayer for Relief to focus specifically on actions related to Rusty Miller as a non-party;
- i. Expands the Evidence section to include more detailed transcripts of relevant court proceedings;
- j. Enhances the Argument section to more clearly outline how the petition meets the requirements for a writ of mandamus.

4. The amended petition complies with Florida Rule of Appellate Procedure 9.100, including the 50-page limit.

5. This amendment is necessary to ensure that all relevant facts and legal arguments are properly presented to the Court for consideration.

6. The amendment is not sought for purposes of delay and will not prejudice any party to this action.

**Furthermore, Petitioner respectfully submits that the amended petition fully satisfies all requirements for mandamus relief, as follows:**

**1. Clear Legal Right:** The amended petition clearly establishes Petitioner's 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. This right is grounded in the due process and privacy protections guaranteed by both the U.S. and Florida Constitutions.

**2. Indisputable Legal Duty:** The petition identifies the respondents' indisputable legal duties, including Judge Madrigal's duty to conduct proceedings impartially and protect the constitutional rights of all individuals affected by court proceedings, as mandated by the Florida Code of Judicial Conduct.

**3. Lack of Alternative Remedy:** As a non-party to the underlying criminal case, Petitioner lacks standing to seek relief through normal appellate procedures. The petition emphasizes that no other adequate legal remedy is available to address the violations of Petitioner's rights.

**4. Immediacy and Urgency:** The petition stresses the immediate need for relief, highlighting the ongoing harm to Petitioner's reputation and the potential chilling effect on individuals who might otherwise assist defendants or report judicial misconduct.

**5. Standing:** The amended petition unequivocally establishes Petitioner's standing to bring this action as a non-party whose constitutional rights were directly and egregiously violated by judicial actions in a case to which he was not a party.

**6. Mootness:** The petition addresses potential mootness concerns by emphasizing that the harm to Petitioner's rights and reputation continues even after the conclusion of the underlying criminal case, and that the issues raised are capable of repetition yet evading review.

**7. Ripeness:** The petition demonstrates that the issues raised are ripe for review, as the harm to Petitioner has already occurred and continues to occur, and is not based on speculative future events.

**8. Exhaustion of Administrative Remedies:** The petition outlines Petitioner's attempts to address these issues through proper channels, including complaints to the Judicial Qualifications Commission and the Chief Judge of the Ninth Judicial Circuit, demonstrating that administrative remedies have been exhausted or are futile.

**9. Specificity in Relief Sought:** The amended petition includes a revised Prayer for Relief that specifies clear, actionable items within the Court's power to grant, focused on remedying the violations of Petitioner's rights and preventing future similar occurrences.

**10. Jurisdictional Basis:** The new Jurisdictional Statement section in the amended petition clearly establishes this Court's authority to issue the writ, citing Article V, Section 3(b)(8) of the Florida Constitution and Florida Rule of Appellate Procedure 9.030(a)(3).

Petitioner acknowledges the extraordinary nature of mandamus relief. However, the egregious violations of constitutional rights, the systemic failures in judicial oversight, and the lack of alternative remedies make this an appropriate case for such extraordinary relief. The issues raised in this petition transcend the interests of the individual parties involved and concern the fundamental integrity of Florida's judicial system, making them matters of great public importance worthy of this Court's consideration.

WHEREFORE, Petitioner respectfully requests that this Court grant leave to amend the Petition for Writ of Mandamus and accept the attached Amended Petition.

Respectfully submitted,

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

**Rusty Miller**

**Petitioner**

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## **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; State Attorney Richard Walsh, division12@sao9.org; Allen Holland, allenholland@bellsouth.net; Jonathan Mills, floridalaw2009@gmail.com; Amanda Kazzi, amanda@kazzilaw.com; Gary Schwartz, 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.

**Rusty Miller**  
**Petitioner**

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