

The Supreme Court of Florida

Case No. SC2024-1179

RUSTY MILLER, et al.,
Petitioner(s),

v.

STATE OF FLORIDA,
Respondent(s).

TRANSCRIPT OF PROCEEDINGS

Date: June 6, 2023

Type of Hearing: Plea Hearing

State of Florida v. Kelli Lynch

Case #: 482022CF000688000AOX (Orange County)

Original Hearing Location: Orange County Courthouse 6C

425 N. Orange Avenue, Orlando, Florida 32801

Presiding Judge: HONORABLE DIEGO MADRIGAL III

Appearances:

For the State: RICHARD WALSH,

For the Defense: JONATHAN MILLS,

Defendant: KELLI LYNCH

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

1 **Judge Madrigal:** Miss Lynch, how are you doing?

2 **Kelli Lynch:** Okay, I guess best I can.

3 **Judge Madrigal:** Just make sure you speak into that mic
4 so the record can pick you up. All right, Miss Lynch, I'm
5 going to ask you a few questions. First one is, what's
6 your full name and date of birth?

7 **Kelli Lynch:** Kelly Renee Lynch, May 20, 1979.

8 **Judge Madrigal:** Miss Lynch, in this case, you were
9 charged originally with four counts. I'm going to go
10 through those, and then we'll discuss the ones you're
11 actually going to plead to. The first one was fraudulent
12 use of personal identification information, more than
13 \$50,000. That was a first-degree felony punishable by up
14 to 30 years in the Department of Corrections and a \$10,000
15 fine. The second one was trafficking in 14 grams or more
16 of amphetamines. That's a first-degree felony punishable
17 by up to 30 years in the Department of Corrections and a
18 \$10,000 fine. The third one was grand theft, second-
19 degree, a second-degree felony punishable by up to 15

1 years in the Department of Corrections and a \$10,000
2 fine. The last one was possession of an unauthorized
3 driver's license, a third-degree felony punishable by up
4 to five years in the Department of Corrections and a
5 \$5,000 fine. What are you going to plead to?

6 **State Atty Walsh:** Your Honor, before you get there, could
7 you also inform her that count one as charged carries a
8 five-year mandatory prison sentence?

9 **State Atty Walsh:** And count two could carry a three-year
10 minimum prison sentence.

11 **Judge Madrigal:** So on count one, as you were originally
12 charged, that carried a five-year mandatory minimum. That
13 means the lowest we could impose would be five years,
14 with no credit for good behavior, what they call gain
15 time. On count two, it had a three-year minimum
16 mandatory. Again, no gain time, and that would be the
17 lowest sentence we could impose. And that one's still in
18 play, or that one's going.

1 **State Atty Walsh:** To be nolle pros. But, Your Honor, I
2 think these are the types of mandatory charges where she
3 could get gain time. I think it's on the firearm offenses
4 where the statute—

5 **Judge Madrigal:** The more I learn.

6 **State Atty Walsh:** That's my understanding.

7 **Judge Madrigal:** My mistake. So, you could get gain time
8 on those but it would be a minimum mandatory sentence on
9 those two charges. Okay. What you're going to plead to
10 is fraudulent use of personal identification greater than
11 \$5,000, which is a second-degree felony, and the lesser
12 included under 817.568(2)(b)1. So that's a 15-year
13 maximum sentence and a \$10,000 fine.

14 **State Atty Walsh:** And that carries, Your Honor, the five-
15 year—three—three, I'm sorry. Thank you. And that will.

16 **Judge Madrigal:** Carry a three-year minimum mandatory on
17 that count. Count two will be nolle pros, which means the
18 state's going to drop the charges on count two. On count

1 three, you're going to plead as charged to grand theft
2 of \$20,000 or more. Again, that's a second-degree felony
3 offense. 15 years, \$10,000. On count four, you're going
4 to plead as charged to possession of an unauthorized
5 driver's license. That's a five-year maximum and a \$5,000
6 fine. So your maximum penalties as charged are 35 years
7 and \$25,000 in fines. Do you understand those maximums?

8 **Kelli Lynch:** I'm sorry.

9 **Judge Madrigal:** Do you understand the maximum penalties?

10 **Kelli Lynch:** Yes.

11 **Judge Madrigal:** Your attorney tells me you wish to change
12 your plea from not guilty to no contest today. Is that
13 accurate?

14 **Kelli Lynch:** Yes.

15 **Judge Madrigal:** Are you under the influence of any drugs
16 or alcohol?

17 **Kelli Lynch:** No.

1 **Judge Madrigal:** Are you taking any medication today for
2 any reason?

3 **Kelli Lynch:** No.

4 **Judge Madrigal:** Do you suffer from any mental illness or
5 emotional disturbance?

6 **Kelli Lynch:** No.

7 **Judge Madrigal:** All right. And how far did you get in
8 school?

9 **Kelli Lynch:** I graduated from high school.

10 **Judge Madrigal:** Okay, so in my hands, I have your plea
11 form right here. It looks like K.L. to me. Those are your
12 initials?

13 **Kelli Lynch:** Yes.

14 **Judge Madrigal:** Right. Those initials are throughout the
15 four-page document. Did you place those initials
16 throughout the four-page document? On the last page,

1 there's a signature line for the defendant at the top.

2 On the bottom, it's filled in. Is that your signature?

3 **Kelli Lynch:** Yes.

4 **Judge Madrigal:** That tells me you read and understood

5 everything in your plea form. Is that correct?

6 **Kelli Lynch:** Yes.

7 **Judge Madrigal:** Did you go over it with your attorney?

8 **Kelli Lynch:** Yes.

9 **Judge Madrigal:** Did he answer all questions you have?

10 **Kelli Lynch:** Yes.

11 **Judge Madrigal:** Are you satisfied with his services?

12 **Kelli Lynch:** Yes.

13 **Judge Madrigal:** Do you understand that you're giving up

14 certain rights by entering your plea?

15 **Kelli Lynch:** Yes, I do.

1 **Judge Madrigal:** Do you understand that includes the right
2 to have a trial where the state has the burden of proving
3 that you committed these offenses beyond a reasonable
4 doubt?

5 **Kelli Lynch:** I do.

6 **Judge Madrigal:** Do you understand you're giving up the
7 right to appeal most issues in this case?

8 **Kelli Lynch:** Yes.

9 **Judge Madrigal:** Do you understand that if you're not a
10 U.S. citizen, you could be deported based on your plea?

11 **Kelli Lynch:** Yes.

12 **Judge Madrigal:** If you've ever been convicted of a
13 sexually motivated offense, you could be committed to the
14 state hospital based on your plea.

15 **Kelli Lynch:** I'm sorry.

16 **Judge Madrigal:** If you've ever committed a sexually
17 motivated offense previously, we could send you to the

1 state hospital under the state's Jimmy Ryce Act. You
2 could be involuntarily civilly committed as a sexual
3 predator if you were a sexual predator.

4 **Kelli Lynch:** Right. Okay.

5 **Judge Madrigal:** Okay. Do any of these carry driver's
6 license suspension?

7 **State Atty Walsh:** Not that I'm aware of, Your Honor.

8 **Judge Madrigal:** All right. So, are you entering your plea
9 freely and voluntarily?

10 **Kelli Lynch:** Yes.

11 **Judge Madrigal:** Is anyone forcing you into entering your
12 plea?

13 **Kelli Lynch:** No.

14 **Judge Madrigal:** Has anyone promised you anything in
15 exchange for your plea other than the offer the state's
16 made?

1 **Kelli Lynch:** No.

2 **Judge Madrigal:** Okay. I did review your affidavit. I do
3 find there's a sufficient factual basis for acceptance
4 of your plea. Mr. Mills, are you aware of any DNA evidence
5 that would exonerate Miss Lynch?

6 **Atty Mills:** No.

7 **Judge Madrigal:** State?

8 **State Atty Walsh:** None.

9 **Judge Madrigal:** All right, Miss Lynch. Do you know of any
10 DNA evidence that may exist that would show your
11 innocence?

12 **Kelli Lynch:** No.

13 **Judge Madrigal:** Okay, so, Miss Lynch, to the charge of
14 fraudulent use of personal identification greater than
15 \$5,000, which is a lesser included under 817.568(2) (b)1,
16 how do you plead?

17 **Kelli Lynch:** No contest.

1 **Judge Madrigal:** To the charge of grand theft of \$20,000
2 or more, which is a second-degree felony, how do you
3 plead?

4 **Kelli Lynch:** No contest.

5 **Judge Madrigal:** And to the charge of possession of an
6 unauthorized driver's license, how do you plead?

7 **Kelli Lynch:** No contest.

8 **Judge Madrigal:** All right. I'll accept your pleas. I find
9 your plea to be knowing and intelligent, freely and
10 voluntarily entered. You understand the nature of the
11 charges against you, and you are represented by competent
12 counsel with whom you say you're satisfied. I do find a
13 sufficient factual basis for acceptance of your plea. We
14 are not going to sentence you today, so we'll put off
15 sentencing and enter into something called a Quarterman's
16 agreement. I'm going to go over the terms of that with
17 you. Your attorney has already gone over this, so I may
18 be just repeating what you already know. What that means

1 is we'll set a date for you to come back. Are we setting
2 a date today, or will it be coordinated with the J.A.?

3 **State Atty Walsh:** I think coordinating would probably be
4 best.

5 **Judge Madrigal:** Okay, so if you commit any new offenses
6 between now and whatever date that is, you're still
7 entering your plea. But I can sentence you to any maximum
8 legal sentence. If you don't show up on that day, whatever
9 day we set, the same terms apply. I could sentence you
10 to any legal sentence under these charges. And if you
11 are, I guess, if you're late, the same thing would apply.
12 Is that right?

13 **State Atty Walsh:** It is an open plea already, so the
14 court could have the flexibility that you feel is
15 appropriate.

16 **Judge Madrigal:** All right. Do you have any questions?

17 **Kelli Lynch:** No.

1 **Judge Madrigal:** Okay. So we're going to put off
2 sentencing, and you'll coordinate it with Kayla. We'll
3 see you all soon.

4 **Atty Mills:** Your Honor, it just occurred to me she's
5 entitled to a PSI. Since we're setting off sentencing
6 anyway, I request a pre-sentence investigation.

7 **Judge Madrigal:** So that'll put it out. What, six weeks
8 usually?

9 **Court Reporter:** Okay, I think.

10 **Court Reporter:** Let me come back.

11 **Judge Madrigal:** Yeah. So we'll order a PSI and see what
12 comes back.

13 **Kelli Lynch:** Okay.

14 **Court Reporter:** Two questions. Are you deferring
15 adjudication until the sentencing date?

16 **Judge Madrigal:** Yes.

1 **Court Reporter:** Secondly, is the state nolle prossing
2 now, or are you going to wait until—

3 **State Atty Walsh:** Wait until sentencing.

4 **Court Reporter:** Thank you.

5 **Judge Madrigal:** Okay. So I'm going to defer adjudication
6 until the sentencing date.

7 **Judge Madrigal:** We keep this room?

8 **Court Reporter:** We keep.

9 **Judge Madrigal:** Thank you. All right. Thank you, Ms.
10 Lynch. Thank you, Mr. Mills.

11 **Atty Mills:** Thank you, Your Honor.

12 **Judge Madrigal:** Excused. Thank you, Mr. Walsh.

13 --End of Hearing--