

**IN THE DISTRICT COURT OF APPEAL
SIXTH DISTRICT OF FLORIDA**

**KELLI LYNCH,
DEFENDANT**

**RUSTY MILLER,
NON-PARTY,
Petitioners.**

v.

**Case# 6D2024-1378
Original Case No. 48-2022-CF-00688 AO**

**STATE OF FLORIDA,
RICHARD WALSH**

**HONERABLE JUDGE MADRIGAL III,
Respondents.**

APPENDIX/ AFFADAVIT OF RUSTY MILLER

I, Rusty Miller, being first duly sworn, do hereby depose and say as follows:

1. I am the petitioner in the above-captioned case and a resident of Orlando, Orange County, Florida.
2. During a pre-trial hearing on November 16, 2023, in the case of State vs. Kelli Lynch, Case No. 2022-CF-0688, Judge Diego Madrigal III accused me of filing motions in this case, claiming that I committed crimes in doing so. The evidence in the court records shows that this did not happen.

3. I completely deny that I filed any motions in this case on behalf of Ms. Kelli Lynch.
4. The only pro se motion that was signed was done so by Ms. Lynch herself in open court after Judge Madrigal asked her to sign the motion which was on November 3, 2023.
5. The other pro se motions in this case were confirmed about a month before the judge's incorrect accusation. Richard Walsh, the state attorney in this matter, issued a warning with the Florida Bar saying that James Demeron, a supporter, aided with technical motion filing on October 20, 2023. These e-filed motions did have digital signatures with Mr. Demeron's information at the bottom, but not my own.
6. State Attorney Walsh acknowledged getting a copy of a pro se motion filed on October 20, 2023, stating, "I received a copy of E-filed. Looks like pro se motion to withdraw plea notice for demand for discovery. Motion to continue. They were all filed on October 20th, in the afternoon. (Sentencing transcript dated November 3, 2023).
7. Additionally, on November 3, 2023, during another sentencing hearing, Judge Madrigal stated: "All right, so full disclosure to Mr. Mills and Mr. Walsh. Miss Lynch just handed a document to the deputy. And, Ms. Lynch, just to make sure you wrote this or anything, please sign it." (Sentencing transcript dated November 3, 2023). Ms. Lynch later signed the document in court. Unlike the motion that the judge required Ms. Lynch to sign in court, none of these motions included an actual signature.
8. The motions submitted on October 20, 2023 and November 3, 2023 do not bear my signature and were not drafted by me. Any claims to the contrary are untrue and misleading.

9. After November 3, there were no further motions filed in the case besides the motions that Ms. Lynch signed in front of the judge on this day and placed in the record a few days later, which bear Ms. Lynch's signature on these pro se motions.
10. On November 16, 2023, Judge Madrigal stated: "So it became fairly apparent to me that a character named Rusty Miller was filing motions on your behalf in the court file, which is a crime. To give legal advice without having a proper license is a crime. And he did the state the favor of signing them and putting his name on them. I don't know if the state's going to pursue charges against him, but that's between them."
11. Judge Madrigal, in open court, held up a document purportedly signed by me, which I did not sign, and made statements that were completely fabricated and far from the truth.
12. The statement made was not a mix-up of words. The judge further reiterated his false statement by doubling down that he has received a motion that falsely stated that I signed my name to it.
13. Kelli Lynch: But he's not the one that filed—
14. Judge Madrigal: He put his name and it said, my name is Rusty Miller. I'm filing this.
15. Judge Madrigal: Like I can read. You know, I can read.
16. Kelli Lynch: He didn't write his name on that.

17. Judge Madrigal: He writes like a one president said, I went to really fancy colleges that are really fancy education.
18. The judge clearly states that I wrote the motion. Not only did I write the non-existent motion, I wrote it in bad grammar, that I signed my name to the motion, and then I filed the motion. By doing so, he believes the state attorney should seek charges on me.
19. To which State Attorney Walsh responded with, "I don't think he filed the motions, I think he may have prepared them."
20. While the half-attempt at a correction by the State Attorney is appreciated, he too has placed an opinion in the matter without evidence, which is also concerning.
21. In this act, the judge presented false evidence and perpetuated harassment and intimidation towards me and then by extension Ms. Lynch.
22. I'm asking the authorities to clear up all debate on the matter being there is no motion available to the public on the record that resembles anything of the nature that the judge said I have done, which if I did would have broken the law.
23. It is very concerning to have a judge who presides over criminal cases that decides people's fate of freedom and liberty that a judge can so flagrantly just create false evidence and indict individuals on the false evidence in court in such a manner.
24. For anyone that considers the judiciary a place that requires integrity and impartiality, having Judge Madrigal assigned to the criminal division should be very concerning.

25. To further his smear campaign against me, Judge Madrigal took it upon himself in the middle of the hearing to look up my arrest history, which had no relevance to the case at hand.
26. Not only did Judge Madrigal waste the court's time by looking up a private citizen's arrest history, but he also disclosed the information, which included charges that were neither formally charged nor found guilty of, constituting a serious invasion of privacy and potential violation of my rights under the Fourth Amendment to the U.S. Constitution and Article I, Section 12 of the Florida Constitution.
27. 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 [of Georgia (2005)]- 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 the guy.*
28. Kelli Lynch: *I wasn't aware of all of that.*
29. Judge Madrigal: *Okay- all right. Okay-. He your boyfriend?*
30. Kelli Lynch: *No-*
31. Judge Madrigal made it appear that I had an active warrant for my arrest by disclosing a nearly 20-year-old arrest warrant. This prompted the bailiffs in the courtroom to search the courthouse to locate me. Although I was present before the hearing began, I was not in court during the disclosure of my information or when the judge accused me of crimes. Additionally, I did not have any representation present in court during the judge's accusations.

32. Regardless of the reasons, I believe Judge Madrigal broke the law, and I am asking the FDLE & Florida Attorney General's office to investigate.
33. The Florida Bar should also investigate its members who were present when this occurred (State Attorney Richard Walsh and Atty Gary Schwartz) who allowed misconduct such as this to go unreported, being it is a critical requirement to maintain a functioning judiciary that upholds the rule of law. Failure to do so would only continue the systemic problem that seems to exist in Florida's Ninth Judicial Circuit.
34. I believe the Department of Justice should also investigate any possible Federal Violations, Constitutional Violations, and Civil Rights violations.
35. Perjury is a serious crime when committed by anyone. When committed by a judge, it is even more egregious and should be treated with the utmost seriousness.
36. I urge the court to consider this information when deciding the outcome of this case before the court. It is clear the Fraud in the Court has occurred.
37. Under Section 837.02 of the Florida Statutes, perjury in an official proceeding is classified as a third-degree felony. Any proven falsehood by a judge not only constitutes a crime but also severely undermines the integrity of the judiciary and the rule of law.
38. It is noteworthy that on the record, Judge Madrigal made comments about me or mentioned my name over 25 times.
39. On February 23, 2024, the following conversation took place on the record:
- Judge Madrigal:** She's [Kelli Lynch] supposed to. She's already supposed to be in DOC. [Department of Corrections]

Defense Atty Schwartz: -Well,

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

Defense Atty Schwartz: Judge!

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

Defense Atty Schwartz: (Laughs) I 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—

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

40. When a public official makes false statements about another person, and any reasonable person would know these statements to be false, such actions can be considered harassment if they meet the criteria of being false, defamatory, intentional, malicious, and part of a repeated pattern. This type of harassment can potentially be addressed through both federal and state laws governing defamation, harassment, and civil rights violations.

41. I intend to challenge Judge Madrigal's privilege of immunity and seek damages. While claims for damages against a judge have not been successful in decades, I believe Judge Madrigal's actions have clearly violated my Civil Rights and met all the necessary elements for such a claim. I am confident that success will be achieved in this matter.

I declare under penalty of perjury that the foregoing is true and correct, dated August 5, 2024.

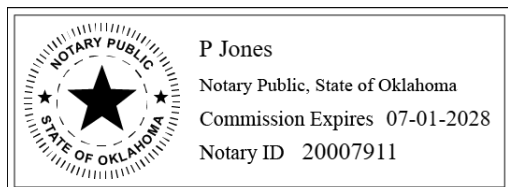
Rusty Miller

RUSTY MILLER
Victim of Judge Madrigal III

State of Oklahoma County of Major
Subscribed and sworn to or affirmed before me
on 08/05/2024

P Jones

Patricia Lynn Jones / notary public
My commission expires 07/01/2028
Type of ID presented: Driver's License



RUSTY MILLER
5640 MASTERS BLVD
ORLANDO, FL 32819
(305) 906-2845

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; Kelli Lynch, KelliLynch5@gmail.com on this 5th day of August, 2024.

RUSTY MILLER
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Signed by: P Jones

Time: 2024-08-05 20:04:25 UTC

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