

Supreme Court of Florida

Case No. SC2024-1179

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

v.

STATE OF FLORIDA,
Respondent(s).

TRANSCRIPT OF PROCEEDINGS

Date: April 13, 2023

Type of Hearing: Trial Case Management

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: Michael Brown for JONATHAN MILLS

Defendant: KELLI LYNCH Not Present

Ninth Judicial Circuit: 482022CF000688000AOX

6th DCA: 6D2024-1378

1 **State Atty Walsh:** Richard Walsh and the State of
2 Florida.

3 **Court Reporter:** Defense.

4 **Michael Brown (for Jonathan Mills):** Michael Brown for
5 the defendant, stepping in for Mr. Mills, Your Honor.

6 **Judge Madrigal:** All right. What are we doing on this
7 one?

8 **Michael Brown (for Jonathan Mills):** Asking for a
9 continuance, Judge.

10 **Judge Madrigal:** What?

11 **Michael Brown (for Jonathan Mills):** State opposes it!
12 Mr. Mills told me he had depositions set for March
13 29th. Subpoenas were not served. The address on the
14 witness list was incorrect. He received one amended
15 address yesterday. He tells me depositions have been
16 re-noticed for May 12th. He is also trying to set up a
17 proffer and is waiting on some information for his
18 client. So, we ask for a continuance to complete these
19 depositions.

20 **Judge Madrigal:** All right, Mr. Walsh.

1 **State Atty Walsh:** Yes, Your Honor. As counsel stated,
2 the state objects. This case is a year and a half old.
3 Mr. Mills has been on the case since June of last year.
4 This is the seventh time it is set for trial, and
5 subpoenas have gone out. Witnesses are getting
6 frustrated, and frankly, so am I. As far as the
7 depositions—

8 **Judge Madrigal:** Frankly, so am I. I'm going to give one
9 final continuance over state objection for a Pre-Trial
10 Conference on May 18th. No more continuances for
11 discovery.

12 **State Atty Walsh:** Can I be heard more on that? Because
13 I believe last time you may have indicated that there
14 was a final continuance over the state's objection on
15 March 10th. We have expended a lot of time preparing
16 for the depositions. Two out of the three people are
17 actually associates affiliated with the crime. They are
18 listed as people who know something about the case, but
19 they will not be called by the state. One of them was
20 just arrested, I believe, last week or the week before,

1 on an unrelated charge. The likelihood of them
2 appearing is slim. The likelihood of them not taking
3 the Fifth Amendment is slim. The other one is an
4 officer who has been available for deposition for a
5 year and a half. The depositions were noticed without
6 any coordination with my office while I am on vacation.
7 I will be out of the country—

8 **Judge Madrigal:** Where are you going?

9 **State Atty Walsh:** I'm going to the Mediterranean.

10 **Judge Madrigal:** Oh, nice.

11 **State Atty Walsh:** So, if we gave a final continuance in
12 March, I'm just not sure what that means if we give a
13 second final continuance. As I said, there is a level
14 of frustration here.

15 **Judge Madrigal:** The motion that was filed in March said
16 you did not object, or is your recollection different
17 that you did object at that time?

18 **State Atty Walsh:** I have final continuance over the
19 state's objection when it was set for today. That's
20 what my notes say.

1 **Judge Madrigal:** The motion—

2 **State Atty Walsh:** Which appeared for Mr. Mills, I
3 believe he was in trial. I'm not sure.

4 **Judge Madrigal:** In Polk County, probably.

5 **State Atty Walsh:** I don't recall. Yes. If my notes are
6 wrong, I apologize.

7 **Judge Madrigal:** No, no, no. I'm just saying what the
8 motion says. I don't know if that's what—

9 **Michael Brown (for Jonathan Mills):** Judge, do you need
10 me to respond?

11 **Judge Madrigal:** I did say final continuance last time.

12 **Michael Brown (for Jonathan Mills):** If I may, I find
13 the state's argument here that they listed a witness,
14 but they've listed them. The defense has the right to
15 investigate that.

16 **Judge Madrigal:** Yeah, but in March, they told me they
17 were deposing him, and they didn't.

18 **Michael Brown (for Jonathan Mills):** And they came back
19 non-served based on the addresses.

20 **Judge Madrigal:** Seems like something that could have

1 been done, I don't know, a year ago. I'm going to deny
2 the continuance. We're going to set it for trial case
3 management next Thursday.

4 **State Atty Walsh:** Judge, can I ask for—I'll probably
5 have to have somebody cover for me because I think I
6 may still be in trial next Thursday in another
7 division. That's right. But I could arrange for
8 somebody to come.

9 --End of Hearing--