

**IN THE SUPREME COURT OF FLORIDA**

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**Case No. SC2024-1179**

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**RUSTY MILLER, et al.,**

**Petitioner(s),**

**v.**

**STATE OF FLORIDA,**

**Respondent(s).**

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**PETITIONER'S RESPONSE TO SHOW CAUSE ORDER**

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

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Petitioner, RUSTY MILLER, acting solely on his own behalf and not on behalf of Kelli Lynch, hereby responds to this Court's order to show cause dated September 30, 2024, as follows:

1. Petitioner's Status: I, Rusty Miller, am not a party to the underlying criminal case (Case No. 482022CF000688000AOX) against Kelli Lynch. I am a non-party who has been directly affected by judicial actions in that case.

2. Inapplicability of Logan and Johnson: The cases cited by this Court (Logan v. State and Johnson v. State) do not apply to this petition because:
  - a. I am not a criminal defendant seeking relief in a pending case.
  - b. I am not represented by counsel in any related criminal proceedings.
  - c. These cases specifically restrict pro se filings by criminal defendants represented by counsel, which does not describe my situation.
3. Standing: As a non-party directly affected by judicial action, I have standing to bring this petition because:
  - a. Judge Madrigal publicly disclosed and commented on my personal information, including alleged criminal history, despite my non-party status.
  - b. This unauthorized disclosure has caused significant harm to my reputation and personal life.
  - c. Florida law recognizes the right of non-parties to seek mandamus relief when directly affected by judicial action. See, e.g., *Petition of Kilgore*, 65 So. 2d 30 (Fla. 1953) (recognizing non-party's right to mandamus).
4. Authorization of Petition: This petition should be considered authorized because:
  - a. As a non-party, I have no other legal recourse to address the harm caused by Judge Madrigal's actions.
  - b. Florida courts have recognized mandamus as an appropriate remedy for non-parties affected by judicial overreach. See, e.g., *State ex rel. Sarasota County v. Boyer*, 360 So. 2d 388 (Fla. 1978).
  - c. The extraordinary nature of Judge Madrigal's actions - disclosing and commenting on a non-party's alleged criminal history - warrants the extraordinary remedy of mandamus.
5. Core Issue: The essence of this petition is to correct a clear instance of judicial overreach that has caused direct harm to a non-party. Judge

Madrigal exceeded his authority by publicly disclosing and commenting on my personal information, despite my non-party status in the case before him.

6. Clarification Regarding Kelli Lynch: a. This petition does not seek any relief for Kelli Lynch. Her criminal case has concluded, and this mandamus action will not interfere with any current proceedings. b. Although Ms. Lynch is listed as a petitioner in the case caption, she has been incarcerated throughout these proceedings and is not actively involved in this petition. c. The updated petition filed on October 15, 2024, requests no relief for Ms. Lynch. d. This petition solely seeks to address the harm done to me, Rusty Miller, as a non-party affected by judicial actions in Ms. Lynch's concluded case.

WHEREFORE, I respectfully request that this Court allow the petition for writ of mandamus to proceed on its merits, as it represents an authorized filing by a non-party seeking to correct a clear instance of judicial overreach for which no other adequate remedy exists.

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 15th 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**

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