

Supreme Court of Florida

Case No. SC2024-1179

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

v.

STATE OF FLORIDA,
Respondent(s).

TRANSCRIPT OF PROCEEDINGS

Date: October 4, 2023 Part 1

Type of Hearing: Sentencing

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, Not Present

Ninth Judicial Circuit: 482022CF000688000AOX

6th DCA: 6D2024-1378

1 ---PRIOR OFF RECORD CONVERSATION NOT RECORDED---

2 **State Atty Walsh:** Do you want to say what you said?

3 **Atty Mills:** Thank you. Um, so, uh, Miss Lynch contacted
4 me a few minutes ago and indicated that she is going to
5 try to or ask to withdraw her plea. Um, so, you know,
6 we're set for sentencing this morning, and I don't know
7 the specific grounds that, at least at this point, she
8 would be asking to withdraw her plea for.

9 **Judge Madrigal:** I'm not going to give an advisory
10 opinion. Um.

11 **Atty Mills:** I'm not. Yeah, I'm certainly not asking,
12 certainly.

13 **Judge Madrigal:** If she's not going to be sentenced
14 today, if she wants out of the deal she proposed
15 herself to... Well, she's just felt a lot of pressure.

16 **State Atty Walsh:** Judge, the state's position is that
17 she entered a plea open to the court with, uh, no
18 sentencing date for the purpose of having a proffer.
19 She did, uh, attend the proffer, and the state does not
20 wish to go forward with any information that she's

1 provided. So, uh, I think the case fell off the radar,
2 and it fell off my radar for a few months, and that was
3 back in June. She entered her plea, and so now here we
4 are in October on sentencing day. And of course, the
5 inevitable—she does look at the mandatory minimum
6 sentence. The state has agreed to nol pros one count
7 with the mandatory minimum of the other count—

8 **Judge Madrigal:** Have you agreed to those?

9 **State Atty Walsh:** I did— Well—

10 **Judge Madrigal:** If she wants out of the plea...

11 **State Atty Walsh:** Well, as far as the plea that is
12 entered, the state agreed to nol. Pros. the drug
13 trafficking charge, and she would plead guilty to the
14 lesser mandatory minimum. If she wants to withdraw her
15 plea—

16 **Judge Madrigal:** I think we have to hear her motion to
17 withdraw.

18 **State Atty Walsh:** Well—I agree with that. I agree with
19 that. I'm just going to ask that she be remanded and—so
20 that she be remanded today, because we've been wasting

1 all this time to really show up on the day of
2 sentencing and to say that she wants it and then
3 postpone the sentencing—allow the defense time to file
4 whatever motion is appropriate. Counsel doesn't even
5 know what the grounds are. And I understand that. And I
6 respect you zealously representing this client, but I
7 don't think his client should be able to just
8 forestall.

9 **Judge Madrigal:** Maybe I can talk to her. (whispers) Let
10 me talk to her, and talk to you too.

11 **State Atty Walsh:** Certainly. You certainly can talk to
12 her. I just—I just don't want this to be a stalling
13 tactic, because I strongly suspect that.

14 **Judge Madrigal:** Thirty-five years is a long time.

15 **Atty Mills:** She has. I mean—so it's all out there. I
16 mean—she has—you remember, right? She has a
17 prescription for the drug trafficking, um, for the
18 controlled substance in that count. But, I mean, even
19 if she does withdraw her plea—

20 **Judge Madrigal:** Believe me she would. Is she

1 withdrawing—and obviously, there's attorney-client
2 privilege, so I need to ask this carefully. Um, are we
3 seeking a better deal? Are we seeking a trial? I don't
4 know if Mr. Walsh would be keen on giving her a better
5 deal. So, do we just set it for trial, and—

6 **Atty Mills:** Well, I mean, I always think if you're
7 going to withdraw your plea, then you're going to go to
8 trial.

9 **Judge Madrigal:** Well, no, you know, you're a skilled
10 attorney. I'm not saying—I'm not going to—I don't know
11 your client. That's all I'm saying. I don't know your
12 client. But... Yeah. Um, so what would be the authority
13 to remand her at this point? I mean, is she—how is she
14 out right now?

15 **Atty Mills:** Uh, she's just out on bond.

16 **Judge Madrigal:** You want me to revoke her bond? On what
17 grounds?

18 **State Atty Walsh:** I believe she is playing games with
19 the court, to come in a little late on the day of
20 sentencing, and to say that she wants to do it. Um, she

1 now knows she's going to prison. So at a minimum, the
2 bond should be increased commensurate to the risk of
3 being a flight risk. I assume she's right outside the
4 door, so I assume she's here.

5 **Judge Madrigal:** Is she here?

6 **Atty Mills:** Should be.

7 **State Atty Walsh:** This discussion may be moot if she's
8 not here.

9 **Atty Mills:** I guess they're going through security
10 right now.

11 **Judge Madrigal:** What time is she?

12 **State Atty Walsh:** 10:45 on the docket.

13 **Judge Madrigal:** We got nine minutes. That changes
14 things.

15 **State Atty Walsh:** As I'm saying, that might be easier.

16 **Judge Madrigal:** She better actually get here. People
17 tell me you're at security all the time. You show up,
18 like, 45 minutes later.

19 **Atty Mills:** Right, it's like a flat tire.

20 **Judge Madrigal:** Security at your house?

1 **State Atty Walsh:** The parking garage. I'm in the
2 parking garage at my house.

3 **Atty Mills:** The tires just fall off the cars on the way
4 to court, it seems. I don't know.

5 **Judge Madrigal:** Okay, um, let's talk to her first. Um,
6 to be honest with you, I'm not going to sentence her
7 today. Once she's here, you can do a motion to revoke
8 the bond, so we can do that on the record. Um, this
9 next hearing is an hour. It was originally set for
10 nine.

11 **Atty Mills:** I think so, she usually shows up, and I've
12 got really good contact with her.

13 **Judge Madrigal:** Because this is going to be a quick
14 hearing that's going to be here. Um, so. Um.

15 **State Atty Walsh:** If you want us to come back at 11:45
16 and have her—

17 **Judge Madrigal:** No, no, let's see if she actually shows
18 up at 10:45, because that would make things easier.

19 Okay. She was set for sentencing today.

20 **State Atty Walsh:** Yes.

1 **Judge Madrigal:** Okay. Yeah. I mean, there's an order
2 setting her to be sentenced at 10:45 today. So let's
3 see if she, um, if she shows up at 10:00. Okay. I like
4 that better if she doesn't.

5 --End of Hearing--