

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO.: F22015012

SECTION: 06

Plaintiff,

JUDGE: LAURA ANNE STUZIN

v.

RONALD LEE MILLER

Defendant.

ORDER ON MOTION TO DISMISS

THIS CAUSE came before the Court on Defendant, Ronald Lee Miller's ("Defendant"), Motion to Dismiss ("Motion"). The Court has reviewed the Motion as well as all pleadings filed and is fully advised in the premises.

I. PROCEDURAL HISTORY

On August 29, 2022 an Amended Information was filed by the Office of the Statewide Prosecutor ("OSP") for the State of Florida charging Defendant Ronald Lee Miller with Count 1, False Affirmation in Connection with Election, Section 104.011(1) of the Florida Statutes (2020) and Count 2, Voting by Unqualified Elector, Section 104.15, Florida Statutes (2020).

On October 18, 2022, Defendant filed its Motion to Dismiss for Lack of Subject Matter Jurisdiction.

On October 20, 2022, OSP filed its Motion to Strike Defendant's Motion to Dismiss.¹

On November 1, 2022, OSP filed its Response to Defendant's Motion to Dismiss.

On November 1, 2022, OSP and Defendant entered into a Joint Stipulation of Facts ("JS"). The State and Defendant placed the following facts within the JS before the Court in lieu of an evidentiary hearing:

Defendant signed a Florida Voter Registration Application on or about October 2, 2020, containing his name, date of birth, and listing his residence in Miami-Dade County, Eleventh Judicial Circuit. JS¶1. That Florida Voter Registration Application was

¹ This Motion to Strike was withdrawn in Court at a hearing on November 2, 2022.

submitted by a Third-Party Voter Registration Organization and transmitted to the Broward County Supervisor of Elections in the Seventeenth Judicial Circuit on October 5, 2020. JS¶2. The Broward Supervisor of Elections then forwarded information from Defendant's Florida Voter Registration Application via internet to the Florida Secretary of State in Leon County, Second Judicial Circuit for review on or about October 11, 2020. JS¶3. On or about October 20, 2020, the Florida Secretary of State's office completed its review (sic) notified the Miami-Dade Supervisor of Elections in the Eleventh Judicial Circuit. The Miami-Dade Supervisor of Elections approved Defendant's Florida Voter Application and sent him a voter ID card on October 21, 2020. JS¶4. Defendant early voted in the 2020 general election in Miami-Dade County, Eleventh Judicial Circuit on or about November 3, 2020. JS¶5. Defendant's vote, along with all of the other votes from Miami-Dade County, were forwarded to the Florida Department of State's Division of Elections in Leon County, Second Judicial Circuit for the purposes of determining the outcome of the November 2020 election, which included candidates for statewide and federal offices. JS¶6. At no point between on or about October 2, 2020 and on or about November 3, 2020 did Defendant physically enter the Second or Seventeenth Judicial Circuit, nor did he himself mail or electronically transfer anything to the Second or Seventeenth Judicial Circuit. JS¶7. The acts charged in the State's Information did not include a criminal conspiracy. (emphasis added) JS¶8.

On November 7, 2022 the Defendant filed its Reply Memorandum.

II. OFFICE OF STATEWIDE PROSECUTION

The controlling statute governing this Court's decision is found in Fla. Stat. § 16.56(1)(a). The pertinent sections of the statute are outlined as follows:

- (1) There is created in the Department of Legal Affairs an Office of Statewide Prosecution. The office shall be a separate "budget entity" as that term is defined in chapter 216. The office may:

- (a) Investigate and prosecute the offenses of:

- (13). Any crime involving voter registration, voting or candidate or issue petition activities;

The office shall have such power only when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a **related transaction** (*emphasis added*), or when any such offense is connected with an organized criminal conspiracy affecting two or more judicial circuits. Fla. Stat. § 16.56 (2020).

III. ISSUE BEFORE THE COURT

May OSP investigate and prosecute the Defendant as part of a related transaction which occurred in two or more judicial circuits?

IV. RULING AND LEGAL ANALYSIS

The *JS* concedes the following facts: This Defendant never physically entered the Second or Seventeenth Judicial Circuit. This Defendant never mailed or electronically transferred anything to the Second or Seventeenth Judicial Circuit. This Defendant was not part of a criminal conspiracy.

The case law cited to by OSP and Defendant in their memorandums of law are factually distinguishable and dissimilar to the case before this Court. Fla. Stat. § 16.56(1)(a) is clear on its face and unambiguous. This Court relies on Fla. Stat. § 16.56(1)(a). OSP does not have jurisdiction to investigate and prosecute the Defendant as part of a related transaction in two or more judicial circuits.

WHEREFORE, Defendant Ronald Lee Miller's motion to dismiss is granted.

DONE and ORDERED in Miami-Dade County, Florida this 7th day of December,
2022.



Circuit Court Judge
Laura Anne Stuzin

cc: Robert I. Barrar, Attorney for Defendant
Raul De La Heria, Attorney for Defendant
Jeremy B. Scott, Chief Assistant Statewide Prosecutor