

A-1

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APPENDIX A

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FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D21-2937

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THOMAS J. KELLY,  
Appellant,

v.

UNIVERSITY OF FLORIDA BOARD OF  
TRUSTEES as the public body corporate and  
instrumentality of the University of Florida and  
JOHN HINES in his official capacity as  
University of Florida Director of Public Records,  
Appellees.

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On appeal from the Circuit Court for Alachua  
County.

Monica J. Brasington, Judge.

January 18, 2023

PER CURIAM.

AFFIRMED.

BILBREY, WINOKUR, and LONG, JJ., concur.

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Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

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Thomas J. Kelly, pro se, Appellant.

Shayne A. Thomas, University of Florida Office of General Counsel, Gainesville, for Appellees.

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**APPENDIX B**

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IN THE CIRCUIT COURT  
OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

CASE NUMBER: 01-2021-CA-001190  
Circuit Civil Division W

THOMAS J KELLY,  
Plaintiff,

-vs-

UNIVERSITY OF FLORIDA BOARD OF  
TRUSTEES  
HINES JOHN UNIVERSITY OF FLORIDA  
DIRECTOR OF PUBLI,  
Defendants.

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**ORDER DENYING PETITION FOR WRIT OF  
MANDAMUS AND CLOSING CASE**

THIS CAUSE came before the Court for review upon the Petition for Writ of Mandamus filed by Plaintiff, and the Court having reviewed the specifics of said petition, Defendants' Response to

## B-2

the Court's Order to Show Cause, the Plaintiff's Reply to Defendant's Response, and the supporting affidavits, audio recordings, and other documents submitted in support or objection to the petition, the Court FINDS:

- 1) Plaintiff requested certain public records from Defendants relating to Dr. Austin (a current UF employee) and Ms. Burney (a former UF employee).
- 2) Defendants denied Plaintiff's request, citing "Marsy's Law".
- 3) Plaintiff filed a Petition for Writ of Mandamus to compel Defendants to provide him with the requested information.
- 4) Marsy's Law provides victims of crime with the right to "prevent the disclosure of information or records that could be used to locate or harass the victim. . .or which could disclose confidential information or privileged information of the victim". Art. I, sec. 16 (b)(5), Fla. Const.
- 5) Based on the record before this court, Dr. Austin and Ms. Burney are entitled to the protections of Marsy's Law. Their rights began at the time of their victimization. Although Plaintiff was not prosecuted for his acts against them, there is no requirement that a criminal proceeding must have been initiated against

Plaintiff as a condition precedent to affording these crime victims their constitutional rights. See *Florida Police Benevolent Association, Inc., v. City of Tallahassee*, 314 So.3d 796 (Fla. 1st DCA 2021).

6) Under the facts and circumstances of this case, Defendants acted properly to assert Marsy's Law protections in response to Plaintiff's request for public records relating to Dr. Austin and Ms. Burney. Therefore, it is

**ORDERED:** Plaintiff's petition for writ of mandamus is **DENIED**. The Clerk of Court is requested to **CLOSE** this action as there is no further judicial labor required.

**DONE AND ORDERED** on Wednesday, September 1, 2021.

Monica Brasington, Circuit Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that copies have been furnished by U.S. Mail or via filing with the Florida Courts E-Filing Portal on Wednesday, September 1, 2021 to the following:

THOMAS J KELLY  
3108 MOSS DRIVE

Shayne A. Thomas  
sthomas777@ufl.edu

**Additional material  
from this filing is  
available in the  
Clerk's Office.**