

IN THE SUPREME COURT OF FLORIDA
TALLAHASSEE, FLORIDA
CASE NO. SC16-56
Lower Tribunal No. 221983CF000012CFAXMX

CARY MICHAEL LAMBRIX,

Petitioner,

v.

JULIE L. JONES, SECRETARY,
FLORIDA DEPARTMENT OF
CORRECTIONS,

Respondent.

**MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF BY
THE CAPITAL HABEAS UNIT OF THE OFFICE OF THE
FEDERAL PUBLIC DEFENDER FOR THE NORTHERN
DISTRICT OF FLORIDA IN SUPPORT OF PETITIONER**

The Capital Habeas Unit (CHU) of the Office of the Federal Public Defender for the Northern District of Florida, as amicus curiae, respectfully moves for leave to file the accompanying brief in support of Petitioner Cary Michael Lambrix, whose execution is scheduled for February 11, 2016.

The Capital Habeas Unit was established with the concurrence of the Chief Judge of the United States Court of Appeals for the Eleventh Circuit (the Honorable Ed Carnes), the Chief Judge of the United States District Court for the Northern District of Florida (the Honorable M. Casey Rogers), and the

Administrative Office of the United States Courts. The Capital Habeas Unit was established because of significant problems relating to the provision of meaningful defense services in a number of capital cases in Florida, a pattern that raised concerns for the Bench and Bar. As the Eleventh Circuit commented:

Establishing a CHU in one of [Florida's] . . . federal districts would have several benefits. Not only could it provide direct representation to capital inmates in some federal habeas proceedings, . . . but it could also provide critical assistance and training to private registry counsel who handle state capital cases in Florida's collateral proceedings.

Lugo v. Secretary, 750 F.3d 1198, 1215 (11th Cir. 2014). The office advises, assists, and trains counsel in capital cases. The office also represents a number of Florida death-sentenced individuals in federal habeas cases, and this Court's resolution may have a life-and-death impact on those clients.

As the institutional federal capital defender office of Florida, our office, as a friend of the Court, hopes that the Court will find helpful our perspective on the retroactivity of the recent federal constitutional decision in *Hurst v. Florida*, No. 14-7505, 2016 WL 112683 (U.S. Jan. 12, 2016), as well as on some of the general "harmless error" questions that the Court will confront in light of *Hurst*.

Counsel for Petitioner has agreed to the filing of the accompanying brief. Counsel for Respondent, representing the State, objects to the filing of the brief.

Respectfully submitted,
/s/ Billy H. Nolas

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was furnished by email to the Office of the Attorney General at *Scott.Browne@myfloridalegal.com*, *capapp@myfloridalegal.com*, and *warrant@flcourts.org*, on January 15, 2016.

/s/ Billy H. Nolas