

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
AMERICAN CIVIL LIBERTIES UNION CAPITAL PUNISHMENT
PROJECT AND AMERICAN CIVIL LIBERTIES UNION OF FLORIDA IN
SUPPORT OF PETITIONER**

The American Civil Liberties Union Capital Punishment Project (ACLU-CPP) and the American Civil Liberties Union of Florida (ACLU-FL), as amici curiae, respectfully move for leave to file the accompanying brief in support of Petitioner Cary Michael Lambrix, whose execution is scheduled for February 11, 2016.

The ACLU is a nationwide nonpartisan organization of nearly 500,000 members dedicated to protecting the fundamental liberties and basic civil rights

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guaranteed by the state and federal Constitutions, while the ACLU-CPP focuses on upholding those rights in the context of death penalty cases. The ACLU-FL is the ACLU's state affiliate and has approximately 15,000 members in the State of Florida equally dedicated to the principles of liberty and equality embodied in the U. S. Constitution and the Florida Constitution.

Both the ACLU-CPP and the ACLU-FL have long been committed to protecting the constitutional rights of persons facing the death penalty. The ACLU-CPP has litigated issues of constitutional significance to capital punishment in numerous state courts. Both have filed amicus curiae briefs in the U.S. Supreme Court in recent death penalty cases. *See, e.g., Hurst v. Florida*, __ U.S.__, No. 14-7505, 2016 WL 112683 (Jan. 12, 2016); *Holland v. Florida*, 560 U.S. 631 (2010); *Lawrence v. Florida*, 549 U.S. 327 (2007). Jointly, both currently represent a Florida death row prisoner on direct appeal.

The proposed amicus curiae brief would address a question this Court has asked the parties to brief in this case – “the effect of *Hurst* in light of the aggravating factors found by the trial court in Lambrix's case.” Because of amici's expertise with the litigation of constitutional issues concerning the death penalty, including as applied in Florida, it is our hope that the accompanying brief will assist the Court in addressing this important issue for Petitioner and for numerous potentially similarly situated death row prisoners.

Counsel for Petitioner consents to the filing of the accompanying brief, but
counsel for respondent does not.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that a true and correct copy of the
foregoing has been furnished to Scott A. Browne, counsel for respondent, and to
counsel for Petitioner Lambrix, through the Florida Electronic Portal, this the 21st
day of January, 2016.

/s/ N. ADAM TEBRUGGE