

IN THE
Supreme Court of Florida

CARY MICHAEL LAMBRIX,

Petitioner,

Case Nos.: SC16-8
SC16-56

v.

DEATH WARRANT SIGNED

JULIE L. JONES, SECRETARY,
FLORIDA DEPARTMENT OF
CORRECTIONS

Respondent.

**MOTION FOR LEAVE TO FILE AMICUS BRIEF
BY FLORIDA ASSOCIATION OF CRIMINAL DEFENSE
LAWYERS ON BEHALF OF PETITIONER LAMBRIX
AND MOTION TO EXCEED PAGE LIMIT BY 2 PAGES**

Amicus curiae, Florida Association of Criminal Defense Lawyers (FACDL),
by and through undersigned counsel, hereby file this Motion to File Amicus Brief
pursuant to Florida Rule of Appellate Procedure 9.370 on behalf of Petitioner Cary
Lambrix in the above-styled cases. Amicus also seek leave of the Court to exceed
the page limit by two (2) pages. In support Amicus states:

1. Amicus FACDL respectfully moves the Court for leave to file the
accompanying amicus brief in support of Petitioner Lambrix, whose execution is
scheduled for February 11, 2016. Although the Petition in this matter was filed

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eleven days ago, FACDL's brief in support of Petitioner addresses the issues relevant to the Court's January 15, 2016, Order regarding *Hurst v. Florida*. For this reason, as well as the expedited nature of the developments in this matter, FACDL moves that the Court accept its brief as timely filed.

2. *Statement of Interest.* FACDL's interest in this matter is presented in the Preliminary Statement in the accompanying brief.

3. *How Amici Curiae Can Assist the Court.* FACDL's members represent numerous death row inmates in Florida, as well as defendants charged capitally at the trial level. FACDL has a Death Penalty Steering Committee and holds an annual conference to train Florida capital defenders annually. At issue in Mr. Lambrix's case is the application of the United States Supreme Court's opinion in *Hurst v. Florida*, which FACDL believes impacts every person on death row in Florida.

4. The Court's recent cases in the juvenile, life-without-parole sentencing arena provide an important back-drop for the Court's current need to settle on a remedy to the invalidation of section 921.141(2) and (3) of the Florida *Statutes* by *Hurst*. FACDL not only submitted amicus briefs in several of this Court's cases interpreting *Graham v. Florida* and *Miller v. Graham*, but its members have been on the front lines representing juveniles in resentencing hearings.

5. Based on the foregoing, FACDL has a deep understanding of the issues impacted by the invalidation of a criminal sentencing statute on constitutional grounds. It can therefore be helpful to the Court.

6. Because of the number of unique issues before the Court in this matter and the fact that issues of first impression impacting a defendant whose life is literally at stake, Amicus requests leave to exceed the page limit by two (2) pages.

7. *Consent of Parties.* Counsel for Petitioner Lambrix, William Hennis, has consented to the filing of FACDL's Amicus Brief. Counsel for the Respondent, Scott Browne, has withheld consent.

WHEREFORE, FACDL requests the Court to allow it to file an amicus curiae brief in the instant case that exceeds the page limit by two (2) pages.

CERTIFICATE OF SERVICE

Undersigned counsel hereby certify that a true and correct copy of the foregoing has been furnished to: Scott A. Browne, Assistant Attorney General, Counsel for Respondent, via e-service to scott.browne@myfloridalegal.com and at cappapp@myfloridalegal.com, and to Counsel for Petitioner, William N. Hennis, III, at hennisw@ccr.state.fl.us, this 22nd day of January, 2016.

Respectfully submitted,

/s/Sonya Rudenstine

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