

**IN THE SUPREME COURT OF FLORIDA
CASE NOS. SC16-8 & SC16-56**

CARY MICHAEL LAMBRIX,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

CARY MICHAEL LAMBRIX,

Petitioner,

v.

JULIE L. JONES, etc.

Respondents.

MOTION FOR LEAVE TO FILE ACCOMPANYING REPLY

COMES NOW the Appellant/Petitioner, **CARY MICHAEL LAMBRIX**, by and through counsel, and herein files this motion for leave to file the accompanying reply. As grounds therefore, Mr. Lambrix would state:

1. In the State's response to Mr. Lambrix's motion to relinquish, it takes a different position as to whether Mr. Lambrix has a "potentially cognizable" Rule 3.851 claim than the position that the State took ten days earlier in its response to the habeas petition. In light of the State's change of position, Mr. Lambrix seeks an

opportunity to address the State’s new position under well-established due process principles. Of course, the touchstone of due process is notice and reasonable opportunity to be heard. The right to due process entails “notice and opportunity for hearing appropriate to the nature of the case.” *Cleveland Bd. of Ed. v. Loudermill*, 470 U.S. 532, 542 (1985), quoting *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313 (1950). Thus, Mr. Lambrix seeks leave to file the accompanying reply.

WHEREFORE, the Appellant/Petitioner respectfully request this Court to accept the accompanying reply to the State’s response to the motion to relinquish jurisdiction.

Respectfully submitted,

NEAL A. DUPREE
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Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been provided to: Scott A. Browne, Assistant Attorney General, Office of the Attorney General, 3507 East Frontage Road, Ste. 200, Tampa, FL 33607-7013, *Scott.Browne@myfloridalegal.com*; Capital Appeals Intake Box, *capapp@myfloridalegal.com*; via email service at *warrant@flcourts.org* this 26th day of January 2016.

/s/ William M. Hennis, III
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