

URGENT ACTION

CLEMENCY SOUGHT AFTER 31 YEARS ON DEATH ROW

Michael Lambrix is seeking commutation of his death sentence. If he is denied clemency, the Florida authorities will set an execution date. He has spent over half of his life on death row. Twenty-three years old when he was sent there in 1984, he turns 55 in March.

Clarence Moore and Aleisha Bryant were killed on 6 February 1983 and buried in a shallow grave near the trailer home that **Cary Michael Lambrix** shared with Frances Smith. The latter was arrested three days later on an unrelated matter and led police to the grave, a tire iron allegedly used as a murder weapon, and a shirt belonging to Michael Lambrix with blood on it. Michael Lambrix was charged with murder. His trial in 1983 ended in a mistrial after the jury could not agree on a verdict. At retrial in 1984, the jury voted to convict him of two counts of first-degree murder and recommended the death penalty, by 10 votes to two for one murder and eight to four for the other. Michael Lambrix maintains his innocence of pre-meditated murder, claiming that he acted in self-defence when Clarence Moore fatally attacked Aleisha Bryant and came at him when he tried to stop the assault.

The prosecution's key witness for its case against Michael Lambrix was Frances Smith, who testified that Lambrix had killed the victims. The judge did not allow the defence to raise prior inconsistent statements she had given to police. Deborah Hanzel, who was living with Smith's cousin at the time, testified that Michael Lambrix had told her that he killed the victims. She recanted this in 2003, saying that Lambrix "never told me at any time or in any manner indicated to me that he killed the victims". She said that Frances Smith had told her "she didn't really know what happened outside but that Mr Lambrix had told her that the guy [Moore] went nuts and he had to hit him". Deborah Hanzel said that she had lied because she had been asked by Smith to corroborate her story and had done so "due to the fear instilled in me" about Lambrix "by Frances Smith and state officials". She was recanting now, she said, because "I cannot run from the truth. I do not want to feel the guilt anymore".

The trial jury did not hear compelling mitigating evidence of Michael Lambrix's severely abusive childhood. According to evidence raised on appeal through numerous affidavits, he bore the brunt of his alcoholic father's violence, which on occasion required the boy's hospitalization. When Michael Lambrix was two years old his father kicked him off his tricycle and through a plate glass window, causing serious cuts and bleeding. On another occasion, he threw the boy against a wall that caused a cut "so deep that I could see his skull", according to his mother, who "thought he was dead". Physical and later sexual abuse continued after Michael Lambrix's parents divorced and his father obtained custody of the children.

Please write immediately in English or your own language:

- Calling for Cary Michael Lambrix to be granted clemency and for his death sentence to be commuted;
- Noting the circumstantial nature of the state's case, the Hanzel recantation, and the non-unanimous jury;
- Expressing concern that the jury did not hear compelling mitigating evidence about his background.

PLEASE SEND APPEALS BEFORE 26 MARCH 2015 TO:

Governor Rick Scott

Office of the Governor, The Capitol

400 S. Monroe St.

Tallahassee, FL 32399-0001, USA

Email: Rick.scott@eog.myflorida.com

Salutation: Dear Governor

Office of Executive Clemency

Florida Parole Commission, 4070 Esplanade Way

Tallahassee, FL 32399-2450, USA

Email: ClemencyWeb@fpc.state.fl.us

Fax: +1 850 414-6031 or +1 850 488-0695

Salutation: Dear Members of the Clemency Board

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Cary Michael Lambrix was one of seven children. In a sworn statement made during appeals, his mother recalled that after the birth of their first child, "my husband began using threats of violence toward the baby if I did not do what he wanted. These threats intensified with each child". His mother contracted polio in 1957, leaving her "paralyzed on my right side from the waist down". In her statement, she said that her husband would rape her on the special bed she had to use for polio treatment. She said that during her pregnancy with Michael, conceived in such a rape, her husband "constantly assaulted me". Michael was born in March 1960 and his mother filed for divorce in 1965, obtaining a temporary restraining order against her husband. However, after a five-month hospitalization required when he threw her against a wall, she became less able to parent, and he was given custody of the children on the condition that he hire a full-time housekeeper. The father and housekeeper subsequently married, and according to the family she was also violent. "Though most of us got beaten by both our father and our stepmother," one of Michael's sisters said in an affidavit, "Cary got beaten much more often, really every day, and he got it much worse too. He always had black and blue marks on his legs and back". Neighbours and others also recognized signs of abuse, and signed affidavits to that effect. For example, one person wrote: "Through the years I recall seeing Cary come to school with black eyes and bruises up and down his arms... I recall one time I was with Cary and his father at a fast food restaurant. Cary was standing next to his father, who was ordering food. For no reason at all Cary's father turned around and struck Cary hard in the face in front of me and others..." Another person who met Michael Lambrix as a young teenager and who became friends with him recalled in another affidavit "I learned very quickly that Cary was physically abused by his father... I remember being shocked and disgusted when I saw the bruises that covered Cary. Most of his body was discoloured and raw... I had never seen anything like this, and I couldn't understand how a father could do that to his son".

Michael Lambrix was first introduced to alcohol at the age of nine or 10 by a middle aged male neighbour who befriended and sexually molested him, according to the evidence raised on appeal. At age 18, Michael Lambrix married and enlisted in the US Army. However, he was discharged due to head and back injuries he sustained in a fall. Soon after, his daughter was born with serious complications. His marriage broke up, he became further dependent on alcohol and drugs, and was convicted of writing bad checks. While in prison, he was "beaten and gang raped by several inmates", according to an affidavit signed by his lawyer in 1998. The crime for which he faces execution was committed after he left a work release program and began drinking again. He was intoxicated at the time of the crime. A doctor who reviewed the case wrote that there are "strong mitigating factors" that should be considered as a result of Michael Lambrix's abusive background, "neurological abnormalities", and his alcoholism.

Michael Lambrix has written from death row: "I came to this crypt with a death wish, as I saw death as an escape. It would allow me to end the continuous cycle of adversity that plagued my pathetic life. As a crutch enabling me to survive, I had come to accept that I was not at fault for the way my life had painfully twisted its way through one nightmare after another. Responsibility for my personal actions was also an alien concept.... Yet, ever so slowly over the years I've gained a new and refreshing understanding... In the ignorance of my youth, I had adopted the use of intoxicants as my crutch from reality. Rather than confront the problems of life, I had turned in weakness to the closest form of deception. Alcohol. Drugs. It didn't matter. I would use either without hesitation. And somewhere along that river of intoxicated stupor, I continued to flow even further apart from the person within... Now I look at the person within, and find someone I can identify with... And as I see more of the true self emerge from the dark recesses of the past, I am inspired and motivated to push even harder toward a future".

In Florida, an execution date is set after an inmate's ordinary judicial appeals are exhausted and after clemency is denied. Michael Lambrix's petition for clemency is currently before the Governor and other officials. There have been 1,402 executions in the USA since 1976, 90 of them in Florida. Amnesty International opposes the death penalty in all cases, unconditionally.

Name: Cary Michael Lambrix

Gender m/f: m

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