

URGENT ACTION

EXECUTED AFTER 33 YEARS ON DEATH ROW

Michael Lambrix was executed in Florida late on 5 October. Twenty-three years old when he was sent to Florida's death row in 1984, he was 57 at the time of his death.

Clarence Moore and Aleisha Bryant were killed on 6 February 1983 and buried near the trailer home that **Cary Michael Lambrix** shared with Frances Smith. Michael Lambrix was charged with murder. His 1983 trial 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 maintained his innocence of pre-meditated murder, claiming he acted in self-defence when Clarence Moore fatally attacked Aleisha Bryant and came at him when he tried to stop the assault.

Michael Lambrix's execution date in early 2016 was stayed after the US Supreme Court, on 12 January 2016 in *Hurst v. Florida*, ruled Florida's capital sentencing scheme unconstitutional because it gave juries only an advisory role in sentencing. This, it said, was incompatible with its 2002 *Ring v. Arizona* decision that the US Constitution requires juries, rather than judges, to make the factual findings necessary to sentence a defendant to death. In December 2016, the Florida Supreme Court ruled that *Hurst* applied retroactively to those whose sentences were not yet final (affirmed on mandatory appeal) when the *Ring* ruling was handed down. Justice James Perry dissented, arguing that the majority had decided "to arbitrarily draw a line between June 23 and June 24, 2002 – the day before and the day after *Ring* was decided ... The majority's application of *Hurst v. Florida* makes constitutional protection depend on little more than a roll of the dice." Justice Barbara Pariente also argued that *Hurst* should apply retroactively to all death sentences, pointing out that "we must be extraordinarily vigilant in ensuring that the death penalty is not arbitrarily imposed".

In March 2017, the Florida Supreme Court ruled that the *Hurst* ruling did not apply to Michael Lambrix, whose death sentence was "final" in 1986. On 29 September 2017, it decided that he could not get back into court to argue that *Hurst* was being applied in an arbitrary fashion. Justice Pariente again dissented, saying that she would have granted him a new sentencing and reiterating that "the right to a unanimous jury recommendation of death announced in *Hurst* under the Eighth Amendment requires full retroactivity", that "a death sentence imposed without a unanimous jury verdict for death is inherently unreliable", and that "the statute under which Lambrix was sentenced, which only required that a bare majority of the twelve-member jury recommend a sentence of death, was unconstitutional, and therefore unreliable". The federal District Court dismissed Michael Lambrix's appeal on 2 October and on 5 October the US Court of Appeals did the same. The US Supreme Court dismissed it at about 9.30pm on 5 October. The execution went forward and Michael Lambrix was pronounced dead at 10.10pm, local time, just over four hours after the original scheduled time for the execution.

There have been 1,461 executions in the USA since the US Supreme Court upheld new capital statutes in 1976. Florida accounts for 94 of these executions and two of the 19 carried out so far this year. Executive clemency has not been granted in a Florida capital case since 1983.

No further action by the UA Network is requested. Many thanks to all who sent appeals.

This is the third update of UA 31/15. Further information: <https://www.amnesty.org/en/documents/amr51/7138/2017/en/>

Name: Cary Michael Lambrix

Gender m/f: m

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