

**IN THE CIRCUIT COURT OF THE  
TWENTIETH JUDICIAL CIRCUIT, IN  
AND FOR GLADES COUNTY,  
FLORIDA**

**CASE NO. 83-12 CF  
(File Previously Kept in Lee County)**

**STATE OF FLORIDA,**

**Plaintiff,**

**v.**

**CARY MICHAEL LAMBRIX,**

**Defendant.**

\_\_\_\_\_/

**REQUEST FOR HEARING ON MOTION  
TO WITHDRAW DUE TO CONFLICT OF INTEREST**

**COMES NOW** the **DEFENDANT, CARY MICHAEL LAMBRIX**, and hereby moves this Court to set a hearing date on undersigned counsel's pending motion to withdraw and to allow the case to be re-assigned to other qualified capital postconviction counsel as it deems appropriate and in support thereof states as follows:

1. On October 6, 2009 undersigned counsel served a motion to withdraw from both the above captioned case in Circuit Court and the pending appeal at the Florida Supreme Court, SC-08-64, based on a conflict of interest which prevents effective representation of Mr. Lambrix. The motions set forth that Mr. Lambrix has filed a civil rights complaint naming among others as defendants the Capital Collateral Regional Counsel for the Southern Region, Neal Dupree and CCRC-South Litigation Director and litigation team lead member, William Hennis. The complaint includes charges of criminal conspiracy and collaboration and requests money damages. The motion further represented that this conflict cannot be resolved. As a result,

postconviction counsel must request leave to withdraw.

2. On October 8, 2009, undersigned counsel received by email a copy of an *Order Of Reassignment* entered on October 7, 2009 by G. Keith Cary, Chief Judge, Twentieth Judicial Circuit, reassigning the above captioned case to the Honorable Christine Greider. The Order also cancelled all hearing scheduled before the Honorable R. Thomas Corbin, including the case management conference set for Wednesday, October 14, 2009 in Ft. Myers.

3. Additionally, on October 5, 2009 counsel received a *pro se* motion filed by Mr. Lambrix in this Court. The motion asserted that Mr. Lambrix wishes to waive his right to postconviction counsel and proceed with self-representation and requests that the Circuit Court conduct a hearing pursuant to *Durocher v. Singletary*, 623 So. 2d 482 (Fla. 1993).

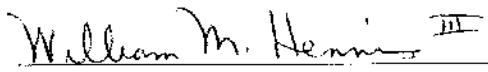
4. Finally, as noted *supra*, an appeal is pending in the Florida Supreme Court based on Judge Corbin's prior denial of relief following an evidentiary hearing in the above captioned case, with briefing completed and oral argument presently set for Wednesday, November 4, 2009. If counsel is allowed to withdraw from representation in the Circuit Court, counsel can only assume that the Florida Supreme Court would take note of that development and allow substitute counsel to represent Mr. Lambrix before that Court.

5. Given these circumstances, undersigned counsel requests that a hearing date be set as soon as possible to resolve the issue of representation of Mr. Lambrix before the newly appointed Judge.

6. As noted in the prior Motion to Withdraw, undersigned counsel assures this Court and Mr. Lambrix that every effort will be made to promptly assist any newly appointed counsel with any matters that new counsel should deem necessary for a smooth transition.

**WHEREFORE**, for the foregoing reasons, Cary Michael Lambrix, through undersigned counsel, requests that this Court set a hearing date as soon as possible on the pending Motion to Withdraw Due to Conflict of Interest.

NEAL A. DUPREE  
Capital Collateral Regional Counsel - South  
Fla. Bar No. 311545

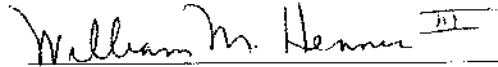
  
WILLIAM M. HENNIS III  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by United States Mail, first class postage prepaid, to the following this 8th day of October, 2009.



WILLIAM M. HENNIS III  
Fla. Bar No.: 0066850  
Litigation Director

Copies provided to:

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Hon. Christine H. Greider  
Circuit Court Judge  
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