

IN THE SUPREME COURT OF FLORIDA

CASE NO. SC08-64

Cary Michael Lambrix,

Appellant,

v.

State of Florida,

Appellee.

**MOTION FOR LEAVE TO SERVE AS *AMICUS CURIAE* STATUS HEREIN
AND TO PARTICIPATE IN ORAL ARGUMENT ON NOVEMBER 4, 2009**

COMES NOW John B. Thompson (Thompson) and moves this court, pursuant to Rule 9.370, Florida Rules of Appellate Procedure, in this death penalty case for an order granting him leave to participate herein a) as *amicus curiae* on behalf of the appellant and b) to participate in oral argument now scheduled for November 4, 2009, before this court on appellant's behalf. He will file, on an expedited basis, his *amicus* brief on behalf of appellant upon being granted leave to do so. Further:

1. Thompson was a lawyer and a Florida Bar member in continuous good standing for more than 31 years, rated A/V by Martindale-Hubbell, its highest dual rating as to ethics and skill. He is a seasoned trial attorney and an expert in constitutional law involved in a number of death penalty cases. Thompson, despite the illegal efforts of this court and of The Florida Bar to punish him because he blew the whistle, nationally, as to the misconduct of both, is recognized as a highly competent legal advocate who has achieved a number of historic firsts as a lawyer. His effectiveness and high level of ethics are precisely why he was disbarred upon the urging of both the pornography industry and The Florida Bar, the latter of whom paid Thompson money damages the first time it

perverted “bar discipline” into an ideological weapon to protect itself. One of the ring leaders of this recidivist effort to “shoot the messenger,” Bar Governor Ben Kuehne, is presently under indictment by the federal government for money laundering. Thompson is working on getting even more Florida Bar Governors indicted.

2. Thompson’s perseverance in correctly identifying judicial corruption is precisely why this court has used ex post facto rules and bills of attainder to prevent him even from challenging this court’s illegal disbarment of him. Such obstruction of justice by this court, which it now similarly seeks to visit upon the appellant herein, violates various state and federal criminal laws. This court is now a defendant in the U.S. District Court for the Northern District of Florida because of its chronic and consequential refusal to grant parties before it even a modicum of due process. Thompson can further explain to the court, at the hearing now scheduled herein in November, why each and every member of this court must be recused from this matter, as appellant asserts.

3. In that regard, yesterday afternoon Thompson received two bizarre and disturbing e-mails from the husband of this court’s Chief Justice, Peggy Quince. Mr. Buckine, referring to the undersigned as “Jacko,” apparently confusing Thompson with another white person who recently died of a drug overdose, is in fact a lawyer and a former judge, which makes his pronouncements in those two e-mails all the more frightening. Mr. Buckine in these two rambling and snide e-mails asserts that state supreme courts are not bound by the United States Constitution and federal law. He further claims that the US Constitution deals with only three issues—due process, states’ rights, and commerce. Mr. Buckine has forgotten or never heard of the Bill of Rights, the war powers clause, the impeachment clause, the “advice and consent” power of the US

Senate, the treason provision, the census provision, the two amendments pertaining to prohibition, the amendment freeing the slaves, the amendment extending the suffrage to women, the full faith and credit clause, and last but not least the “supremacy clause” which specifically mandates that “state judges” must obey the United States Constitution.

4. Mr. Buckine appears to be speaking on behalf of his wife, the Chief Justice, through these e-mails, as her actions fully comply with his view that state judges can nullify the federal constitution. This was Alabama Governor George Wallace’s view as well, and it appears to be an abiding view among certain judges in the Southern States such as the Chief Justice of the Florida Supreme Court.

5. This bizarre nullification position by the Chief Justice’s lawyer/judge husband, Mr. Buckine, is also corroborative of the appellant’s concerns and position in this case, and thus Thompson, as *amicus curiae*, can lend credence and factual corroboration to the appellant’s position herein that this Supreme Court does not understand or does not want to understand the federal constitution’s requirements that judicial tribunals must be fair and impartial. See *In re Murchison* (citation omitted).

6. Even two Justices on this court, Ricky Polston and Charles Canady, have recently pointed out in the *Liberty Counsel* case, that this court’s majority of Justices has chosen to ignore The Florida Bar’s own Rules and that this court has indeed, in their words, “abdicated its duty to oversee The Florida Bar.” One of this court’s own Justices previously excoriated this court, with his dissent in *Bush v. Gore*, for its flagrant disregard of the United States Constitution and the requirements of equal protection. So, when it comes to appellant herein and his concerns, three of this court’s Justices, and

the undersigned as well, feel his pain in having to deal with this obstructionist, *In re Murchison*-violative Supreme Court.

7. Finally, the appellant may not be aware that many of the Justices sitting on this court have not executed valid state- and federally-mandated loyalty oaths, which failure serves to void, as legal nullities, many of the prior orders entered by this Supreme Court that have adversely affected appellant's rights. This provides important additional grounds for any further relief appellant may wish to seek from the United States Supreme Court should this state supreme court continue to violate the law at the expense of this death row inmate's rights. He not only is entitled to a fair tribunal, he is entitled to a legal tribunal authorized to sit as a court with valid loyalty oaths. See *Marbury v. Madison* (citation omitted).

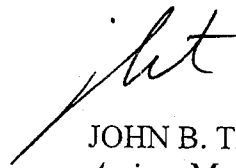
8. In this regard and as this court knows, it decided to rule on its own Justices' proven failures to comply with the state and federal loyalty oath laws. A federal court ruled that this court could not do so and that other judges, sitting as ad hoc Florida Supreme Court judges, would have to rule on that loyalty oath issue. See *Sibley v. Florida Supreme Court*. As is typical for this court, it chose to ignore that clear ruling of the federal court, as Mr. Buckine, speaking for himself and his wife, indicated it should. Appellant finds himself in a nearly identical position as to his death penalty appeal and the impossibility of this court's deciding it fairly as in *Sibley*. Appellant may not know about this court's scofflaw behavior in *Sibley*. Thompson can explain it fully at the November hearing herein both to this court and to appellant.

9. In further compliance with Rule 9.370, Thompson will submit his *amicus* brief on an expedited basis, pursuant to Rule 9.210(b), if this motion is granted and well before

the November hearing herein. Thompson does not know whether the parties consent to the filing of his *amicus* brief herein. He suspects that appellant will agree and that the prosecutor will not.

WHEREFORE, Thompson moves this court to grant him *amicus curiae* status herein, as its refusal to do so would simply indicate it wishes not to hear the truth and it wishes to execute, without due process, what may indeed be an innocent man. Further, this court ruled that Thompson could indeed file an *amicus* brief in SC09-363, long after his disbarment, so any refusal by this court to allow Thompson to participate herein in a matter of life and death would be inconsistent with its prior actions. This would be most foolish in light of this court's defendant status in the Northern District of Florida.

I HEREBY CERTIFY that a copy hereof has been mailed this September 23, 2009, to appellant Gary Michael Lambrix, Inmate #482053, Union Correctional Institution, 7819 NW 228 St., P5111, Raiford, Florida 32026-4440 and to appellee's counsel Carol M. Dittmar, Florida Attorney General's Office, 3507 E. Frontage Rd., Suite 200, Tampa, Florida 33607-7013, and via fax to 813-281-5501, and email to carol.dittmar@myfloridalegal.com.



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