

IN THE SUPREME COURT OF FLORIDA

CASE NO. SC01-879

STATE OF FLORIDA,

Appellant,

v.

GREGORY MILLS,

Appellee.

_____ /

**RESPONSE TO STATE'S MOTION TO
EXPEDITE APPELLATE PROCEEDINGS**

COMES NOW THE APPELLEE, GREGORY MILLS, by and through his undersigned counsel, and herein files his response to the State's Motion to Expedite Appellate Proceedings. In support thereof, Appellee would state:

1. Appellant moves for an expedited briefing schedule; however, it has made no attempt to the undersigned's knowledge to have the record prepared or order the transcripts. "The burden to ensure that the record is prepared and transmitted in accordance with these rules shall be on the petitioner or appellant." Fla. R. App. P. 9.200 (3).

2. The reasons set forth by the State for expedited briefing are not sufficient to warrant the relief it has requested. A valid stay of execution is in effect, and Mr. Mills' sentence of death has been vacated. There is no reason that this appeal by the State should not proceed in due course as any other appeal would under

similar circumstances.

WHEREFORE, the Appellee submits that the State's Motion should be denied.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by fax transmission to all counsel of record on May 3, 2001.

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