

IN THE SUPREME COURT OF FLORIDA

GREGORY MILLS,

Petitioner,

v.

CASE NO. SC01-338

MICHAEL W. MOORE, Secretary,  
Florida Department of Corrections,

Respondent.

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RESPONSE TO APPLICATION FOR STAY OF EXECUTION

Comes now the State of Florida, and responds as follows to Mills' Application for a Stay of Execution "pending final disposition by this Court of Mr. Porter's [sic] petition for habeas corpus and other extraordinary relief." For the reasons set out below, the stay should be denied.

1. The issues pending before this Court in the above-styled petition for writ of habeas corpus are not complex, contrary to the assertions made by Petitioner. In fact, those issues involve a straight-forward application of settled state law. Sufficient time remains before the scheduled May 2, 2001, execution in which the issues can be resolved. There is no need for a stay of execution, and, of course, this Court is well able to issue those orders necessary to effectuate its review of cases. A stay is unnecessary in this one.

2. To the extent that Mills refers to "the disparate conclusions of the few courts that have addressed *Apprendi's* impact

on capital sentencing schemes", neither the courts, nor their disparate conclusions, are identified in Mills' stay motion. This issue, like any other, can be timely addressed by this Court without the necessity of a stay of execution. Moreover, it is worth noting that over the twenty-plus year history of this case, at least fifty-two state and federal judges have reviewed the issues raised by Mills as grounds for setting aside his conviction and sentence of death. Throughout that review process, his first degree murder conviction, and his death sentence, have never been disturbed. It is time for the sentence to be carried out.

Respectfully submitted,

ROBERT A BUTTERWORTH  
ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above Response has been furnished by U.S. Mail to Todd G. Scher, Litigation Director, Capital Collateral Regional Counsel, 101 N.E. 3<sup>rd</sup> Avenue, Suite 400, Ft. Lauderdale, FL 33301, on this \_\_\_\_\_ day of March, 2001.

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Of Counsel