

U. S. DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FILED

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

FEB 18 1998

CHRIS R. JOHNSON, CLERK  
BY: DEPUTY CLERK

UNITED STATES OF AMERICA )  
 )  
 vs. )  
 )  
 STEVEN W. WOOLDRIDGE )

Cr. No. 4:97cr40013-001

GOVERNMENT'S MOTION TO AMEND  
NOTICE OF INTENT TO SEEK THE DEATH PENALTY

Comes now the United States of America, by and through P.K. Holmes, III, United States Attorney for the Western District of Arkansas, and pursuant to Title 18, United States Code, Section 3593(a) by and through its undersigned counsel, moves this honorable court to allow the government to amend its notice of intent to seek the death penalty filed January 6, 1998 to include an additional statutory aggravating factor enumerated under Title 18, United States Code, Section 3592(c). In support of this motion, the government would state to the court the following:

1. On January 6, 1998, the government filed a Notice of Intent to Seek the Death Penalty setting forth statutory proportionality factors pursuant to 18 U.S.C. § 3591(a)(2)(A-D) and aggravating factors pursuant to 18 U.S.C. § 3592(c). In addition, the government set forth in this notice various non-statutory aggravating factors pursuant to 18 U.S.C. § 3593(a)(2).

2. As to the statutory factor set forth in the government's notice pursuant to 18 U.S.C. § 3592(c), the government cited the factor of heinous, cruel, and depraved manner of committing offense

as set forth in 18 U.S.C. § 3592(c)(6) and substantial planning and premeditation as set forth in 18 U.S.C. § 3592(c)(9).

3. By this motion, the government seeks to add under 18 U.S.C. § 3592(c) the aggravating factor of pecuniary gain. The defendant committed the offense in the expectation of the receipt of something of pecuniary value, see Section 3592(c)(8). The government is allowed to amend its notice to seek the death penalty in aggravating factors where good cause can be shown, see 18 U.S.C. § 3593(a). The recent analysis by the government prosecutor of existing evidence and newly received evidence, indicates that the defendant is alleging that one of his motives for kidnaping the victim Hollie Miller was to force her to utilize her ATM card to rob her account of available funds. The government feels that such a motive and conduct by the defendant supports the aggravating factor of pecuniary gain as set forth in Section 3593(c)(8).

4. The government moving to amend its notice of aggravating factors is determined to be good cause where it is shown that the amendment is sought not in bad faith and sufficient time remains to allow the defendant to adjust his strategy prior to trial or sentencing. In United States v. Pretlow, 770 F.Supp. 239 (D.N.J. 1991), the trial court found that even though the evidence was originally available to the government to identify the aggravating factor now sought to be added, the analysis of the investigation by the prosecutor where sufficient time remains for the defendant to respond to an amended notice is sufficient to allow such a notice

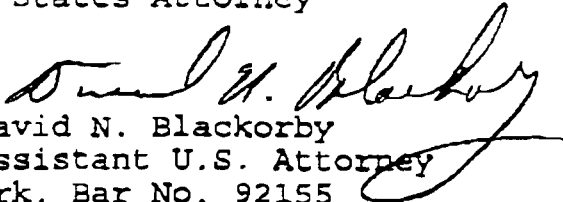
to be amended with the inclusion of an additional aggravating factor. See Pretlow at 242.

WHEREFORE, the United States would move that the court to allow the government to amend its notice of intent to seek the death penalty filed in January 6, 1998 to add the statutory aggravating factor enumerated in Title 18, United States Code, Section 3592(c)(8) (pecuniary gain) to the aggravating factors set forth in Section B of the government's previously filed notice.

Respectfully submitted,

P.K. Holmes, III  
United States Attorney

By:

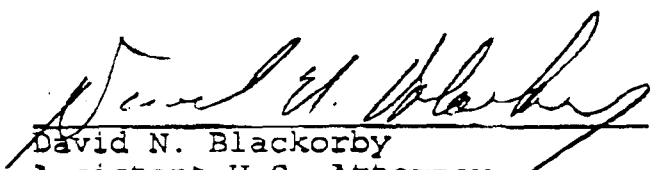
  
David N. Blackorby  
Assistant U.S. Attorney  
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading has been mailed this 18<sup>th</sup> day of February, 1998 to:

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Assistant U.S. Attorney

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

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UNITED STATES OF AMERICA )  
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NOTICE OF INTENT TO  
SEEK THE DEATH PENALTY

Comes now the United States of America, by and through P.K. Holmes, III, United States Attorney for the Western District of Arkansas, and pursuant to 18 U.S.C. § 3593(a), by and through its undersigned counsel, notifies the court and the defendant Steven W. Wooldridge that the government believes the circumstances of the offense charge in the indictment are such that, in the event of conviction, a sentence of death is justified under Chapter 228 (§§ 3591 through 3598) of Title 18 of the United States Code, and that the government will seek the sentence of death for the offense of kidnaping Hollie Calhoun Miller and willfully transporting her in interstate commerce from Texarkana, Arkansas to rural Cass County, Texas subsequently causing the death of Hollie Calhoun Miller, in violation of 18 U.S.C. § 1201.

The government proposes to prove the following factors as justifying a sentence of death.

A. Statutory Proportionality Factors Enumerated Under 18 U.S.C. § 3591(a)(2)(A)-(D).

1. Intentional Killing. The defendant intentionally killed Hollie Calhoun Miller. § 3591(a)(2)(A).

B. Statutory Aggravating Factors Enumerated Under 18 U.S.C. § 3592(c).

1. Heinous, Cruel, or Depraved Manner of Committing Offense. The defendant committed the offense in an especially heinous, cruel, and depraved manner in that it involved serious physical and psychological abuse of Hollie Calhoun Miller. § 3592(c)(6).

2. Substantial Planning and Premeditation. The defendant committed the offense after substantial planning and premeditation to cause the death of Hollie Calhoun Miller and to commit an act of terrorism to cause the death of Hollie Calhoun Miller. § 3592(c)(9).

C. Other, Non-Statutory, Aggravating Factors Identified Under 18 U.S.C. § 3593(a)(2).

1. Future Dangerousness of the Defendant. The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to society. Simmons v. South Carolina, 114 S.Ct. 2187, 2193 (1994).

a. Other Acts of Violence. The defendant has committed, attempted to commit, and/or threatened to commit other acts of violence, in addition to the capital offenses committed in this case and the statutory factors alleged in this Notice, including but not limited to one or more of the following:

- Attempted rape and assault on a female in an apartment in Houston, Texas in 1992.
- In the spring of 1997, the stalking of other female potential victims in the Texarkana, Texas/Arkansas area.
- In the spring of 1997, the multiple burglaries in the Texarkana, Texas/Arkansas area.

b. **Successfully Eluding Capture.** The defendant successfully eluded capture by local authorities and the Federal Bureau of Investigation until his arrest on April 23, 1997.

c. **Lack of Remorse.** The defendant has demonstrated a lack of remorse for the capital offense committed, in this case, by statements and/or actions, including but not limited to one or more of the following:

i. The defendant in continuing to deceive Hollie Calhoun Miller that he would eventually release her, allowed her to dress in clothes that he purchased and put back on her jewelry which he immediately removed after he shot her.

ii. The defendant admitted that once he shot her he stated he felt good about it.

iii. The defendant since his arrest has referred to Hollie Calhoun Miller and other potential victims in vulgar and insulting sexual terms.

iv. The defendant, while incarcerated, indicating that he would continue to perpetuate such crimes if and when released.

d. Obstruction of Justice. The victim, Hollie Calhoun Miller, was killed to prevent the defendant from being identified as the perpetrator of her kidnaping.

2. Victim Impact Evidence. The victim's personal characteristics as an individual human being and/or the impact of the death upon the victim's family. Payne v. Tennessee, 111 S.Ct. 2597, 2608-09 (1991).

a. Characteristics. The victim's personal characteristics as an individual human being included but are not limited to one or more of the following:

- i. Recently married.
- ii. College student.
- iii. Strongly involved with her husband in developing a home and family.

b. Impact of Death. The family of the victim has suffered injury and loss, as a result of the victim's death, including but not limited to one or more of the following:

- i. Disruption of order.
- ii. Reality of violence.
- iii. Wanting to be isolated.
- iv. A stunning, troubling experience.
- v. Indescribable feeling of loss.

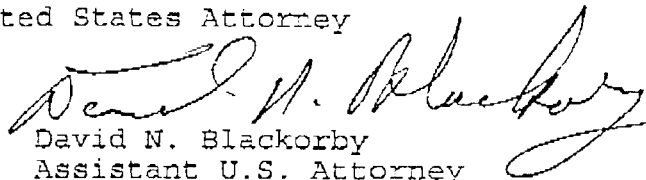
vi. Psychological trauma requiring ongoing treatment.

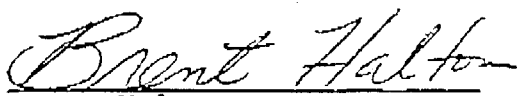
vi. Indescribable horror and revulsion of what was done to the victim prior to her death.

Respectfully submitted,

P.K. Holmes, III  
United States Attorney

By:

  
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Brent Haltom  
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Special Asst. U.S. Attorney

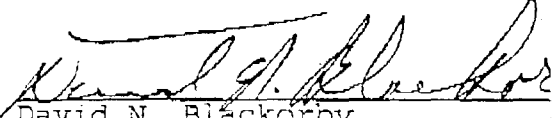


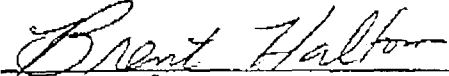
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading has been mailed this 5 day of January, 1998 to:

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Brent Haltom  
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