

Special Verdict Form

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA

v.

No. 4:97CR141ERW

NORRIS G. HOLDER

SPECIAL VERDICT FORM

COUNT I - BANK ROBBERY RESULTING IN THE DEATH OF  
RICHARD HEFLIN

I. AGE OF DEFENDANT

Instructions: Answer "YES" or "NO." Do you, the jury,  
unanimously find that the government has established beyond a  
reasonable doubt that:

Norris G. Holder was eighteen years of age or older at the  
time of the offenses.

YES YES

NO \_\_\_\_\_

\_\_\_\_\_  
Foreperson

Instructions: If you answered "NO" with respect to the determination in this section, then stop your deliberations, cross out Sections II, III, IV, V and VI of this form, and proceed to Section VII. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to the determination in this Section I, proceed to Section II which follows.

**II. REQUISITE MENTAL STATE**

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that NORRIS G. HOLDER intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Richard Heflin died as a direct result of the act.

YES YES

NO \_\_\_\_\_

\_\_\_\_\_  
Foreperson

Instructions: If you answered "NO" with respect to the determination in this section, then stop your deliberations, cross out Sections III, IV, V and VI of this form, and proceed to Section VII. Each juror should carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to the determination in this Section II, proceed to Section III which follows.

**III. STATUTORY AGGRAVATING FACTORS**

Instructions: For each of the following, answer "YES" or "NO." Do you, the jury, unanimously find that the government has established the existence of the following aggravating factors beyond a reasonable doubt:

1. That NORRIS G. HOLDER, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to Richard Heflin.

YES YES  
 NO \_\_\_\_\_

\_\_\_\_\_  
 Foreperson

2. That NORRIS G. HOLDER committed the offense in the expectation of the receipt of anything of pecuniary value.

YES YES

NO \_\_\_\_\_

Foreperson

Instructions: If you answered "NO" with respect to all of the Statutory Aggravating Factors in this Section III, then stop your deliberations, cross out Sections IV, V and VI of this form, and proceed to Section VII of this form. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you found the requisite age in Section I, the requisite mental state in Section II and answered "Yes" with respect to one or more of the aggravating factors in this Section III, proceed to Section IV which follows.

**IV. NON-STATUTORY AGGRAVATING FACTORS**

Instructions: For each of the following, answer "YES" or "NO." Do you, the jury, unanimously find that the government has established the existence of the following aggravating factors beyond a reasonable doubt:

1. That NORRIS G. HOLDER's conduct in committing the offense was substantially greater in degree than that described in the definition of the crime, apart from the statutory aggravating factors. As you were instructed in the first phase of this trial:

The crime charged in Count I is based on federal law set forth in Title 18, United States Code, Section 2113 which states in pertinent part as follows:

Whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another, or obtains or attempts to obtain by extortion any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank . . . [shall be guilty of the offense].

Whoever, in committing any offense defined in this section, or in avoiding or attempting to avoid apprehension for the commission of such offense, or in freeing himself or attempting to free himself from arrest or confinement for such offense, kills any person, or forces any person to accompany him without the consent of such person, shall be imprisoned not less than ten years, or if death results shall be punished by death or life imprisonment.

As used in this section, the term "bank" means . . . any institution the deposits of which are insured by the Federal Deposit Insurance Corporation.

YES YES

NO \_\_\_\_\_

\_\_\_\_\_  
Foreperson

2. That NORRIS G. HOLDER has committed other criminal acts, in addition to the capital offenses committed in this case.

YES YES

NO \_\_\_\_\_

\_\_\_\_\_  
Foreperson

3. That NORRIS G. HOLDER is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to society.

YES YES

NO \_\_\_\_\_

\_\_\_\_\_  
Foreperson

4. That Richard Heflin's personal characteristics as an individual human being and the impact of the death of Richard Heflin upon his family make this crime more worthy of the death penalty than other murders.

YES \_\_\_\_\_

NO NO

\_\_\_\_\_  
Foreperson

Instructions: Regardless of whether you answered "YES" or

"NO" with respect to the Non-Statutory Aggravating Factors in this Section IV, proceed to Section V, which follows.

**V. MITIGATING FACTORS**

Instructions: For each of the following mitigating factors, indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to have been proved by a preponderance or greater weight of the evidence.

A finding with respect to a mitigating factor may be made by one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such a factor established in considering whether or not a sentence of death shall be imposed, regardless of the number of other jurors who agree that the factor has been established:

**A. Statutory Mitigating Factors**

The statutory mitigating factors the defendant asserts he has proved by a preponderance or greater weight of the evidence are:

1. That Norris G. Holder did not have a significant prior history of other criminal conduct.

Number of jurors who so find 0.

2. Other factors in Norris G. Holder's background, record, or character or any other circumstances of the offenses that mitigate against imposition of the death sentence.

Number of jurors who so find 0.

**B. Non-statutory Mitigating Factors**

The non-statutory mitigating factors the defendant asserts he has proved by a preponderance or greater weight of the evidence are:

1. That in the killing for which Norris G. Holder was convicted, he did not fire the shots which resulted in the victim's death.

Number of jurors who so find 0.

2. That Norris G. Holder did not intend for any person to be killed during the course of the offenses which he committed.

Number of jurors who so find 0.

3. That Norris G. Holder suffered a series of losses in his life which he failed to process, despite recommendations that he receive counseling. These losses include the desertion of his

father at a young age, the loss of his leg, and the death of his grandfather.

Number of jurors who so find 9.

4. That Norris G. Holder's childhood was characterized by inconsistent parenting.

Number of jurors who so find 12.

5. That despite growing up in a rough neighborhood with economic instability, Norris G. Holder was continuously striving to improve his situation and that of his family.

Number of jurors who so find 0.

6. That in the absence of his father, Norris G. Holder assumed the role of the man of the house at a very young age.

Number of jurors who so find 11.

7. That Norris G. Holder lacked a positive male role model while growing up.

Number of jurors who so find 12.

8. That Norris G. Holder felt a sense of responsibility to provide emotional and financial support to his mother, brothers and sister.

Number of jurors who so find 11.

9. That Norris G. Holder's motive for these offenses grew out of his attempt to reduce the impact of his disability, improve his life, and provide care for his family.

Number of jurors who so find 0.

10. That Norris G. Holder provided a positive role model to Norrim Holder, Norrell Holder, Normeka Holder, Tony Sanders, and others.

Number of jurors who so find 2.

11. That Norris G. Holder has been a father figure to his brother Norrim. Due to Norris' influences and efforts, Norrim has made many positive changes in his life.

Number of jurors who so find 12.

12. That Norris G. Holder is a likeable person who provides support and help to many of his extended family, friends, and

associates.

Number of jurors who so find 10.

13. That Norris G. Holder does not have a history of violent behavior and the offenses for which he was convicted are inconsistent with his personality and usual behaviors.

Number of jurors who so find 9.

14. That Norris G. Holder has a large family who is very attentive to and supportive of him and will help him make an adequate adjustment to prison life.

Number of jurors who so find 6.

15. That Norris G. Holder has made an adequate adjustment to being confined in jail and is not a problem inmate.

Number of jurors who so find 6.

16. That Norris G. Holder does not present a substantial risk of being dangerous or violent if confined in prison for life without the possibility of release.

Number of jurors who so find 10.

17. That Norris G. Holder can continue to provide a positive influence in the lives of Norrim, Norrell, and Normeka Holder while incarcerated in prison.

Number of jurors who so find 0.

The following extra spaces are provided to write in any such additional mitigating factors that any one or more jurors find to exist. If none, write "NONE" and line out the extra spaces with a large "X." If more space is needed, write "CONTINUED" and use the reverse side of this page.

\_\_\_\_\_  
\_\_\_\_\_

Number of jurors who so find \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

Number of jurors who so find \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

Number of jurors who so find \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

Number of jurors who so find \_\_\_\_\_.

**VI. DETERMINATION**

Based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient, to justify a sentence of death:

**A. Sentence of Death**

We determine, by unanimous vote, that a sentence of death shall be imposed.

YES YES  
NO \_\_\_\_\_

If you answer "YES," sign your names here, and then proceed to Section VII. If you answer "NO," the foreperson alone should sign, and you should proceed to Section VI (B):

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\_\_\_\_\_  
\_\_\_\_\_

FOREPERSON

Date: \_\_\_\_\_ / \_\_\_\_\_

Special Verdict Form

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA

v.

No.4:97CR141ERW

NORRIS G. HOLDER

SPECIAL VERDICT FORM

COUNT II - USING OR CARRYING A FIREARM DURING AND IN RELATION  
TO A CRIME OF VIOLENCE WHICH RESULTED IN THE MURDER OF  
RICHARD HEFLIN

I. AGE OF DEFENDANT

Instructions: Answer "YES" or "NO." Do you, the jury,  
unanimously find that the government has established beyond a  
reasonable doubt that:

Norris G. Holder was eighteen years of age or older at the  
time of the offenses.

YES YES  
NO \_\_\_\_\_

\_\_\_\_\_  
Foreperson

Instructions: If you answered "NO" with respect to the determination in this section, then stop your deliberations, cross out Sections II, III, IV, V and VI of this form, and proceed to Section VII. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to the determination in this Section I, proceed to Section II which follows.

**II. REQUISITE MENTAL STATE**

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that NORRIS G. HOLDER intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for

YES         
NO       

\_\_\_\_\_  
Foreperson

Instructions: If you answered "NO" with respect to the

determination in this section, then stop your deliberations, cross out Sections III, IV, V and VI of this form, and proceed to Section VII. Each juror should carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to the determination in this Section II, proceed to Section III which follows.

**III. STATUTORY AGGRAVATING FACTORS**

Instructions: For each of the following, answer "YES" or "NO." Do you, the jury, unanimously find that the government has established the existence of the following aggravating factors beyond a reasonable doubt:

1. That NORRIS G. HOLDER, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to Richard Heflin.

YES YES  
 NO \_\_\_\_\_

\_\_\_\_\_  
 Foreperson

2. That NORRIS G. HOLDER committed the offense in the

expectation of the receipt of anything of pecuniary value.

YES YES  
NO \_\_\_\_\_

\_\_\_\_\_  
Foreperson

Instructions: If you answered "NO" with respect to all of the Statutory Aggravating Factors in this Section III, then stop your deliberations, cross out Sections IV, V and VI of this form, and proceed to Section VII of this form. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you found the requisite age in Section I, the requisite mental state in Section II and answered "Yes" with respect to one or more of the aggravating factors in this Section III, proceed to Section IV which follows.

**IV. NON-STATUTORY AGGRAVATING FACTORS**

Instructions: For each of the following, answer "YES" or "NO." Do you, the jury, unanimously find that the government has established the existence of the following aggravating factors beyond a reasonable doubt:

1. That NORRIS G. HOLDER's conduct in committing the offense was substantially greater in degree than that described in the definition of the crime, apart from the statutory aggravating factors.

As you were instructed in the first phase of this trial, the crime charged in Count II is based on federal law set forth in Title 18, United States Code, Section 924(c) which states in pertinent part as follows:

Whoever, during and in relation to any crime of violence . . . for which he may be prosecuted in a court of the United States, uses or carries a firearm, shall, . . . be sentenced [according to law].

As used in these instructions, the term "crime of violence" means an offense that is a felony and

. . . has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or . . .

that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

You are instructed that the crime of bank robbery in which a killing occurs as charged in Count I is a crime of violence.

The crime charged in Count II is also based on federal law set forth in Title 18, United States Code, Section 924(j)(1) which states in pertinent part as follows:

A person who, in the course of [such a violation], causes the death of a person

through the use of a firearm, shall . . .

if the killing is a murder . . ., be punished by death or by imprisonment for any term of years or for life . . . .

YES YES

NO \_\_\_\_\_

\_\_\_\_\_  
Foreperson

2. That NORRIS G. HOLDER has committed other criminal acts, in addition to the capital offenses committed in this case.

YES YES

NO \_\_\_\_\_

\_\_\_\_\_  
Foreperson

3. That NORRIS G. HOLDER is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to society.

YES YES

NO \_\_\_\_\_

\_\_\_\_\_  
Foreperson

4. That Richard Heflin's personal characteristics as an individual human being and the impact of the death of Richard

Heflin upon his family make this crime more worthy of the death penalty than other murders.

YES \_\_\_\_\_

NO NO

\_\_\_\_\_  
Foreperson

Instructions: Regardless of whether you answered "YES" or "NO" with respect to the Non-Statutory Aggravating Factors in this Section IV, proceed to Section V, which follows.

**V. MITIGATING FACTORS**

Instructions: For each of the following mitigating factors, indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to have been proved by a preponderance or greater weight of the evidence.

A finding with respect to a mitigating factor may be made by one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such a factor established in considering whether or not a sentence of death shall be imposed, regardless of the number of other jurors who agree that the factor has been established:

**A. Statutory Mitigating Factors**

The statutory mitigating factors the defendant asserts he has proved by a preponderance or greater weight of the evidence are:

1. That Norris G. Holder did not have a significant prior history of other criminal conduct.

Number of jurors who so find 0.

2. Other factors in Norris G. Holder's background, record, or character or any other circumstances of the offenses that mitigate against imposition of the death sentence.

Number of jurors who so find 0.

**B. Non-statutory Mitigating Factors**

The non-statutory mitigating factors the defendant asserts he has proved by a preponderance or greater weight of the evidence are:

1. That in the killing for which Norris G. Holder was convicted, he did not fire the shots which resulted in the

victim's death.)

Number of jurors who so find 0.

2. That Norris G. Holder did not intend for any person to be killed during the course of the offenses which he committed.

Number of jurors who so find 0.

3. That Norris G. Holder suffered a series of losses in his life which he failed to process, despite recommendations that he receive counseling. These losses include the desertion of his father at a young age, the loss of his leg, and the death of his grandfather.

Number of jurors who so find 9.

4. That Norris G. Holder's childhood was characterized by inconsistent parenting.

Number of jurors who so find 12.

5. That despite growing up in a rough neighborhood with economic instability, Norris G. Holder was continuously striving to improve his situation and that of his family.

Number of jurors who so find 0.

6. That in the absence of his father, Norris G. Holder assumed the role of the man of the house at a very young age.

Number of jurors who so find 11.

7. That Norris G. Holder lacked a positive male role model while growing up.

Number of jurors who so find 12.

8. That Norris G. Holder felt a sense of responsibility to provide emotional and financial support to his mother, brothers and sister.

Number of jurors who so find 11.

9. That Norris G. Holder's motive for these offenses grew out of his attempt to reduce the impact of his disability, improve his life, and provide care for his family.

Number of jurors who so find 0.

10. That Norris G. Holder provided a positive role model to

Norrim Holder, Norrell Holder, Normeka Holder, Tony Sanders, and others.

Number of jurors who so find 2.

11. That Norris G. Holder has been a father figure to his brother Norrim. Due to Norris' influences and efforts, Norrim has made many positive changes in his life.

Number of jurors who so find 12.

12. That Norris G. Holder is a likeable person who provides support and help to many of his extended family, friends, and associates.

Number of jurors who so find 10.

13. That Norris G. Holder does not have a history of violent behavior and the offenses for which he was convicted are inconsistent with his personality and usual behaviors.

Number of jurors who so find 9.

14. That Norris G. Holder has a large family who is very attentive to and supportive of him and will help him make an

adequate adjustment to prison life.

Number of jurors who so find 6.

15. That Norris G. Holder has made an adequate adjustment to being confined in jail and is not a problem inmate.

Number of jurors who so find 6.

16. That Norris G. Holder does not present a substantial risk of being dangerous or violent if confined in prison for life without the possibility of release.

Number of jurors who so find 10.

17. That Norris G. Holder can continue to provide a positive influence in the lives of Norrim, Norrell, and Normeka Holder while incarcerated in prison.

Number of jurors who so find 0.

The following extra spaces are provided to write in any such additional mitigating factors that any one or more jurors find to exist. If none, write "NONE" and line out the extra spaces with a large "X." If more space is needed, write "CONTINUED" and use

the reverse side of this page.

\_\_\_\_.

Number of jurors who so find \_\_\_\_\_.

**VI. DETERMINATION**

Based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient, to justify a sentence of death:

**A. Sentence of Death**

We determine, by unanimous vote, that a sentence of death shall be imposed.

YES YES  
NO \_\_\_\_\_

If you answer "YES," sign your names here, and then proceed to Section VII. If you answer "NO," the foreperson alone should sign, and you should proceed to Section VI (B):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FOREPERSON

Date: \_\_\_\_\_