

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION

---

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 24-CR-57

BRYAN S. PETERSON,

Defendant.

---

**DEFENDANT'S SENTENCING MEMORANDUM**

---

Bryan S. Peterson, by counsel, hereby submits this sentencing memorandum in support of a sentence for the mandatory minimum permitted under the law, 60 months. At paragraph 22 of the plea agreement, the government also agrees to recommend the mandatory minimum sentence of 60 months, thereby making this a joint recommendation. *See also* PSR @ ¶ 9. In a case like this, there are many reasons to argue as to why the mandatory minimum is too high, especially if one were to focus solely on Peterson and what can only be described as pro-social characteristics. However, as this Court has frequently stated on the record, Peterson is being sentenced for what he did and the offense is serious enough for

FEDERAL DEFENDER SERVICES  
OF WISCONSIN, INC.

Congress to have determined that 60 months is the lowest sentence the court can impose so that is what Peterson is requesting, and the government joins in that recommendation.

As documented in the PSR, Peterson has led an extremely positive life. Peterson has no prior convictions or arrests. Prior to his arrest, he had worked for Oneida Nation as a security officer at the casinos or in their courtrooms for over 23 years. For most of his adult life, he worked as a football coach, at the Varsity level, minor league level, and the indoor professional level. Although admittedly, he took marijuana gummies to help him sleep, that began less than two years ago and stopped when he was arrested for this offense and placed on bond. There is no other substance abuse history, including alcohol.

Most important to him, Peterson is a father who raised three children, caring for them all and providing for them as a father should, both financially and emotionally. His presence has always been a constant for them and he is close with all three of them. His daughter, he adopted as a toddler when he and her mother were planning to marry. A letter she provided speaks to how great he has been and continues to be as her father. All of his children are doing well and all continue

FEDERAL DEFENDER SERVICES  
OF WISCONSIN, INC.

to support their father as he has always supported them.

Peterson is also a good son to his parents and a great brother to his sister. Letters from his family are attached and all describe Peterson as a kind and caring person who puts other's needs above his own. Through the course of representing Peterson, counsel has seen the same. Peterson is grateful that his family and close friends are all there to support him as he serves his punishment and deals with rebuilding his life when he is released.

Peterson does have some physical health problems, all of which are documented in the PSR at paragraphs 57-59. Most serious is the recent issues he has had involving blockage within his kidneys. This resulted in multiple hospitalizations over the past four months, first in April and then in May after surgery. After having a stent placed in his kidneys during surgery, he developed severe sepsis and was admitted into the ICU. Lucky for Peterson, he caught the infection early, the antibiotics worked, and he was able to be discharged after four days in the hospital. A subsequent outpatient surgery was required and that was completed at the end of May. Peterson still has his final follow up with his doctors which is scheduled for the very end of August.

FEDERAL DEFENDER SERVICES  
OF WISCONSIN, INC.

Peterson also suffers from Type 2 diabetes, hypertension, and kidney stones. He currently takes several medications to treat his high blood pressure and diabetes. Peterson has also been taking medication on an as needed basis to deal with stent colic because of the recent stent placed in his kidney. Finally, Peterson did require an inpatient hospitalization for COVID pneumonia in March of 2021. He recalls being unable to breathe and at the same time, not wanting to be intubated because of the fear that he would never leave the hospital alive were that to happen. After five days, he was released and sent home with oxygen and an inhaler. Although he is recovered from his bout with COVID, Peterson is cautious when it comes to isolating himself to avoid getting it again.

After this arrest, Peterson began mental health counseling through a telehealth network. When Peterson was arrested, his entire life came crashing down around him. He lost his job, which meant he lost his insurance, and in turn, his physical health declined. He was so ashamed of what he had done that he didn't want to tell his family or anyone else. He was in a very low state. His mother pushed him to get counseling so he could better deal with his feelings. Through that counseling, he has been able to deal with the stress of this case and is mentally,

FEDERAL DEFENDER SERVICES  
OF WISCONSIN, INC.

in a better place now than even prior to his arrest. Peterson has also been able to start talking about what drove him to his actions in this case. Peterson, and his family, hope he can continue to use treatment and other resources in prison to come out of custody mentally stronger, having addressed underlying issues he has struggled with throughout his life to include depression, and able to have a long, happy, and productive life.

As for the offense itself, Peterson was involved in receiving and distributing child pornography. Although the investigation into Peterson began with him making statements online that he was grooming minors for sex and that he was sexually involved with a minor, none of that was true. Peterson made these false statements to be accepted into these groups that shared child pornography. Peterson denies ever having any sexual contact with any minors, has never been involved in grooming anyone, and doesn't even have any ongoing chats with minors - something which he claimed while on these group chats. Law enforcement investigated these statements made by Peterson and found no evidence whatsoever on his devices nor in his social media or email accounts, that indicated any truth or support as to any of these statements made by Peterson.

FEDERAL DEFENDER SERVICES  
OF WISCONSIN, INC.

While none of that was true, it is true that he distributed images of child pornography through chats to other members of child pornography groups that he was a part of. In looking back on when he got involved in this behavior, Peterson acknowledges he isolated himself and became very depressed during COVID. He began spending more time on the computer and eventually, he began looking at pornography and then that led to child pornography. Peterson's involvement in the offense was short lived and he has no intention of ever getting involved in this type of behavior again.

A sentence of five years (60 months) recognizes this is a serious offense. Five years is a significant amount of time and especially so for someone who has never been in custody before. It serves as a deterrent to him but the public as well. It does provide protection of the public for an extended period based on his custody. Any additional protection will be provided during his time on supervised release, as well as the fact that he will have to register as a sex offender. Finally, Peterson has come to terms with the fact that he will be in custody for what he did. He hopes to use his time in custody in a productive way, either getting involved in some vocational training or pursuing higher education. Five years is the minimum time

FEDERAL DEFENDER SERVICES  
OF WISCONSIN, INC.

in custody allowed under the law and therefore, sufficient but not greater than necessary to meet the needs of sentencing.

Peterson requests the court allow him to self- surrender for a date after September 9, 2024. This request is based on a number of things: First, and most significantly is the fact that Peterson has a follow-up appointment with his surgeon to make sure everything has healed correctly concerning his kidneys. That appointment is scheduled at the very end of August. Prior to going into BOP custody, Peterson wants to make sure the situation involving his kidneys and his other physical health needs are all taken care of. Second, Peterson takes many prescriptions daily. As the Court is well aware, receiving proper medication throughout transportation from county jail to county jail and then into federal institutions is difficult. Self-surrender would alleviate those concerns should he not receive proper medication, making it easier on Peterson but also the institutions within the system that are housing Peterson. Third, the nature of the conviction and the well documented issues that exist for persons with sex offense convictions such as these makes self-surrender a more safe and secure option for Peterson. Fourth, self-surrender also provides Peterson with a better classification

FEDERAL DEFENDER SERVICES  
OF WISCONSIN, INC.

category within the BOP. For someone entering prison for the first time, this is extremely significant. Fifth, Peterson has been on pretrial release since March 13, 2024. For the past 6 months, Peterson has been fully compliant with all conditions of release. Peterson does not present as a risk of flight, nor is the public put more at risk allowing him to remain out of custody prior to a self-surrender date. Sixth, Peterson's grandfather is elderly and has been placed in hospice. Peterson is helping his mother with preparations during this difficult time, while at the same time assisting with helping his grandmother to become more self-sufficient without her husband. Recently, Peterson was called upon because his grandfather had fallen twice within two days, and he was the only one able to lift him and place him back in bed. Finally, Peterson is working now at Alive and Kicking Pizza. He enjoys the work and being able to give a date certain as to when he will terminate his employment allows him to leave on good terms. He also spoke with human resources and they told him that if they have a job available when he is released, they would definitely have him back working with them. Peterson hopes to use the time prior to his self-surrender to earn additional money that his parents can place on his commissary while he is serving time. Pursuant to 18 U.S.C. §

FEDERAL DEFENDER SERVICES  
OF WISCONSIN, INC.



3145(c), these reasons combined establish exceptional reasons as to why Peterson's detention is not appropriate and thus, this request for self-surrender by Peterson should be granted.

Finally, Counsel has reviewed the conditions of supervised release appearing at pages 22-27 of the PSR with Peterson. He has no objection to them based on the reasoning stated therein. Peterson also agrees to waive reading of the conditions at the time sentence is imposed.

Dated at Green Bay, Wisconsin, this 9<sup>th</sup> day of August, 2024.

Respectfully Submitted,

**s/ Krista Halla-Valdes**

Krista Halla-Valdes, WI Bar #1091984

Attorney for Bryan S. Peterson

Federal Defender Services of Wisconsin, Inc.

801 E. Walnut Street, Second Floor

Green Bay, Wisconsin 54301-4401

Tel: 920-430-9900

Fax: 920-430-9901

[krista\\_halla-valdes@fd.org](mailto:krista_halla-valdes@fd.org)

N:\CASES-OPEN\O-P\PETERSON, BRYAN S. - 24-042\SENTENCING\SENT MEMO FINAL.DOCX

FEDERAL DEFENDER SERVICES  
OF WISCONSIN, INC.