IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

WADE S. CHRISTOFFERSON,

Defendant.

Case No. 2:26-cr-00108-EAS

Judge Edmund A. Sargus, Jr.

DEFENDANT'S SENTENCING MEMORANDUM

I. PRELIMINARY STATEMENT

Wade S. Christofferson, through counsel, respectfully submits this sentencing memorandum pursuant to 18 U.S.C. § 3553(a), Federal Rule of Criminal Procedure 32, and the advisory Sentencing Guidelines. Mr. Christofferson pleaded guilty to a profoundly serious offense involving his minor granddaughter. Nothing in this memorandum seeks to minimize the wrongfulness of the offense or the trauma suffered by the children and their families. The Court must impose a substantial custodial sentence, not less than the ten-year statutory minimum. The issue is what individualized sentence is sufficient, but not greater than necessary, and whether an additional $250,000 discretionary fine is justified on a reliable record after accounting for mandatory restitution.

Mr. Christofferson is 73 years old, has no scored prior criminal convictions, and has serious documented orthopedic limitations requiring multiple reconstructive procedures and medically necessary footwear. He has accepted responsibility by pleading guilty and remains willing to undergo appropriate treatment. The Defense requests a finite sentence below the presently calculated advisory range, an appropriate term of supervised release with treatment and protective conditions, and waiver of the discretionary fine or, alternatively, a substantial

reduction after a reliable ability-to-pay determination. Restitution to the victims must take priority over a fine. See 18 U.S.C. §§ 3553(a), 3572(a)–(b); U.S.S.G. § 5E1.2.

II. PROCEDURAL BACKGROUND AND THE DISPUTED GUIDELINES

On June 29, 2026, the Government filed a one-count Information alleging coercion and enticement of a minor under 18 U.S.C. § 2422(b). ECF No. 32. Mr. Christofferson pleaded guilty on July 9, 2026, pursuant to a Rule 11(c)(1)(A) plea agreement. ECF Nos. 33, 38. The final Presentence Investigation Report ("PSR") is dated October 19, 2026, and an addendum addresses the remaining objections. The Court entered a preliminary order forfeiting the identified iPhone, letters, and drawings on November 2, 2026. ECF No. 48. This forfeiture is distinct from the discretionary fine at issue here.

The parties' contemplated Guidelines calculation was offense level 39 and Criminal History Category I. Final PSR ¶ 114. Probation instead applies a two-level computer-related enhancement under § 2G1.3(b)(3)(A) and a five-level enhancement under § 4B1.5(b), yielding an adjusted total above level 43 and an advisory term of life imprisonment. Final PSR ¶¶ 43–63, 113; Addendum at 4. The Defense's September 9 and September 28 objections preserved challenges to those additions; the Government responded on October 2 and revised its § 4B1.5 position on October 5, 2026.

Probation identifies the following outcomes under the version of the Guidelines used in the final PSR:

Enhancements sustained	Offense level	CHC I advisory range
Both § 2G1.3(b)(3)(A) and § 4B1.5(b)	43 (cap)	Life
Only § 4B1.5(b)	43 (cap)	Life
Only § 2G1.3(b)(3)(A)	41	360 months–life
Neither disputed enhancement	39	262–327 months

The Court must independently determine the correct Guidelines calculation before considering the § 3553(a) factors. *Gall v. United States*, 552 U.S. 38, 49–50 (2007). Whichever range is adopted remains advisory; it is not a presumption that a life sentence is appropriate for every defendant at offense level 43. See *United States v. Booker*, 543 U.S. 220, 245 (2005); *Nelson v. United States*, 555 U.S. 350, 352 (2009) (per curiam).

A. The two-level computer-use enhancement

The Government expressly acknowledged in its September 2 response and October 2 response that the § 2G1.3(b)(3)(A) enhancement was omitted when it negotiated the plea agreement and that it stands by the Guidelines calculation stated in that agreement. The Defense relies on that undertaking. The Government has characterized the computer-use provision as legally applicable; the Defense does not misstate that concession as a factual finding in its favor. The Court, rather than the parties, makes the ultimate Guidelines determination. Final PSR ¶ 114.

The Defense asks the Court to consider the precise promise made in the plea agreement and the Government's repeated position that it stands by that negotiated calculation. Prosecutorial promises that induced a guilty plea must be honored. *Santobello v. New York*, 404 U.S. 257, 262 (1971); *United States v. Barnes*, 278 F.3d 644, 648 (6th Cir. 2002); *United States v. Warren*, 8 F.4th 444, 448–50 (6th Cir. 2021). The Defense requests that the Court decline this two-level addition insofar as supported by the agreement and governing law, while recognizing that the Court's independent calculation obligation remains controlling.

B. The five-level pattern-of-activity enhancement

The Defense preserves its September 28 objection to § 4B1.5(b). The Government's October 5 response argues that paragraph 8(c) of the plea agreement expressly reserved the

parties' ability to argue Chapter Four and that the record establishes prohibited sexual conduct on multiple separate occasions. Probation adopts that position. The Defense recognizes that § 4B1.5(b) may apply to conduct on separate occasions during the same offense, without a separate conviction; mere omission from the negotiated Chapter Two calculation does not, by itself, establish inapplicability.

Accordingly, the Court should resolve this issue under the actual text of § 4B1.5(b), the definition of prohibited sexual conduct, and supported findings concerning at least two separate qualifying occasions, rather than either treating the plea agreement as automatically dispositive or mechanically adopting an enhancement without independent findings. See Fed. R. Crim. P. 32(i)(3)(B); U.S.S.G. § 4B1.5(b) & comment. (n.4). If the Court sustains the enhancement, the Defense alternatively requests that it recognize the substantial difference between the statutory and advisory ranges and determine under § 3553(a) that a life term is greater than necessary in the individual circumstances of this case.

C. Specific factual corrections, without retreat from the admitted offense

The Defense incorporates its submitted September 28 corrections to the extent consistent with the signed Statement of Facts and the final PSR. The two Guidelines enhancement objections addressed in Parts II.A and II.B remain contested in this memorandum. The points below are offered not to reopen matters Probation has treated as resolved, but to clarify characterizations relevant to an accurate sentencing record. To the extent the Court intends to rely upon any material disputed factual assertion, the Defense requests a ruling under Federal Rule of Criminal Procedure 32(i)(3)(B), or a determination that a ruling is unnecessary because the matter will not affect sentencing or will not be considered. These clarifications do not retreat from Mr. Christofferson's sworn adoption of the Statement of Facts.

The film *Cider with Rosie*. The final PSR reports the child's characterization of the material as pornographic and later describes it categorically as adult pornography. Final PSR ¶¶ 16, 28, 130. That characterization is inaccurate and should be corrected. As the defense identifies it, *Cider with Rosie* is the 1998 British television dramatization of Laurie Lee's well-known autobiographical memoir, produced by Carlton Television and broadcast on ITV to a general television audience, mainstream programming, not pornography. The defense understands the scene at issue to involve brief, non-sexual nudity associated with a young character going skinny-dipping in a rural setting. The Defense does not dispute, minimize, or diminish the child's account of what she was shown or why she experienced it as disturbing, and it does not ask the Court to find that showing any film to the child was appropriate. It asks only that the record describe the film accurately, as a mainstream television production rather than pornography, so that the Court's findings rest on an accurate characterization of the underlying material.

The 2023 internet search. The Government confirmed that the internet search regarding leaving the United States occurred in 2023, before the charged conduct, and did not oppose adding that temporal context. Government Response (Oct. 2, 2026), at 2. The Defense has explained that the search concerned a planned family vacation to England and Denmark rather than flight from prosecution.

The contemplated Arizona travel. To the extent the record suggests that Mr. Christofferson's later travel to Arizona reflected an effort to flee, the defense submits that the inference is unsupported. According to the defense, Mr. Christofferson traveled to Arizona to stay briefly with his brother while defense counsel arranged his orderly surrender to the Utah authorities, and he did not attempt to leave the country, conceal his location, or evade law enforcement. The Defense asks the Court to decline any flight-risk characterization on the

present record. The Defense requests no factual finding inconsistent with Mr. Christofferson's sworn adoption of the Statement of Facts.

III. THE § 3553(a) FACTORS CALL FOR AN INDIVIDUALIZED, FINITE SENTENCE

A. Seriousness of the conduct and acknowledgment of harm

The offense represents a grave betrayal of familial trust, involved a very young child, and has caused lasting injury. The final PSR describes the impact upon MV1, including changes in her demeanor and continuing treatment, and the reported harm to MV2. Final PSR ¶¶ 30–36, 64–66; Sentencing Recommendation at 1–2. Mr. Christofferson does not ask the Court to discount that harm. The mandatory minimum reflects the seriousness Congress attributed to this offense; the need for punishment, deterrence, protection of the public, and sex-offender treatment remains substantial.

At the same time, Congress requires an individualized assessment of a person's characteristics and the entire sentence, not simply a match between the offense and the highest available number. 18 U.S.C. § 3553(a)(1), (a)(2), (a)(3), (a)(6). The Court may impose a variance after a reasoned evaluation of the statutory factors and an adequate explanation. *Gall*, 552 U.S. at 49–50.

B. Advanced age, serious orthopedic impairment, and the need for consistent medical care

Mr. Christofferson was born May 23, 1953, and is 73 years old. The final PSR documents significant chronic joint disease and multiple operations. He underwent bilateral total knee replacements, left in 2002 and right in 2010, followed by a revision of the left total knee replacement on August 10, 2020; hindfoot surgery on December 9, 2021; a right ankle fusion on December 5, 2022; a left total ankle replacement on March 18, 2024; and flexor tenotomies to

the right great and second toes on October 9, 2024. Final PSR ¶¶ 87–90. The supporting records in counsel's file include operative reports from the Orthopedic Foot & Ankle Center.

The March 20, 2026 letter from his orthopedic specialist, Patrick E. Bull, D.O., specifically states that Mr. Christofferson must be permitted to wear orthopedic shoes while weight-bearing and active because of his extensive foot-and-ankle surgical history and reconstruction. Medical Letter (Mar. 20, 2026) (available to counsel). The PSR further describes a fused right ankle, artificial left ankle, persistent mobility limitations, and prescribed orthopedic footwear. He also suffers from arthritis in his left wrist, for which he wears a brace. These are concrete functional impairments, not merely an asserted diagnosis. Final PSR ¶ 90.

Mr. Christofferson also reports hypertension, hyperlipidemia, dry-eye syndrome, declining hearing, and the need for prescription eyeglasses. He takes medication for high blood pressure and continues to use prescription eye drops for chronic dry eye. His reported medications include labetalol, amlodipine, gemfibrozil, potassium, Flomax, and Xiidra eye drops. Final PSR ¶¶ 87, 91. These ailments require continuity of medications, fall-risk and mobility accommodations, and specialty orthopedic care during imprisonment. No claim is made that the Bureau of Prisons is categorically incapable of providing such care; the Defense asks the Court to consider these needs when fashioning the sentence and to make appropriate designation and treatment recommendations under § 3553(a)(2)(D).

At his age, even a term below the advisory range represents a profound loss of liberty. Age and deteriorating mobility neither excuse his conduct nor diminish the need for protection, but they bear directly on the actual severity of the punishment and on whether an otherwise extremely long sentence would be greater than necessary. The Court may weigh these

documented circumstances as part of the ordinary § 3553(a) analysis. See *Pepper v. United States*, 562 U.S. 476, 487–93 (2011).

C. Acceptance of responsibility, treatment, and protection of the public

Mr. Christofferson entered a guilty plea and the PSR awards all three acceptance-of-responsibility levels. Final PSR ¶¶ 61–62. He has expressed remorse and willingness to pursue mental-health and specialized sex-offense treatment. Final PSR ¶¶ 92–94. The PSR also notes a reported suicide-related event following the disclosure of his conduct, which further supports evaluation and appropriate mental-health care; the Defense does not offer that account as an excuse. Mr. Christofferson accepts that protective conditions are necessary to ensure the safety of the children and community.

Appropriate imprisonment, a substantial period of supervised release within the statutory five-year-to-life range, no contact with MV1 or MV2, restrictions on contact with other minors, electronic monitoring where authorized, and sexual-offense and mental-health treatment can serve punishment and prevention. The Court should consider those tools together with his age and needs, rather than assuming a life term is the only mechanism that could protect the public. 18 U.S.C. §§ 3553(a)(2)(B)–(D), 3583(k).

D. Designation to a facility providing necessary medical care and reasonable proximity to family

Mr. Christofferson's advanced age, documented physical condition, and the length of any sentence bear directly on where the Bureau of Prisons should designate him to serve his term. His wife of fifty-one years, Becky Christofferson, has sold the family's Dublin, Ohio home and relocated to Utah, where she is establishing a residence in Payson, Utah. Family contact and support are among the factors the Bureau of Prisons weighs in designation, and they carry added significance for a 73-year-old defendant with serious orthopedic and other medical needs who

will depend heavily on the continuity of outside support. The Defense respectfully requests that the Court include in its judgment a recommendation that the Bureau of Prisons designate Mr. Christofferson, consistent with its security and programming requirements, to a facility that can provide his necessary orthopedic and medical care and that is located as near as practicable to his family in Utah. Such a recommendation is advisory to the Bureau but is an appropriate exercise of the Court's role under 18 U.S.C. §§ 3553(a)(2)(D) and 3621(b).

E. Third-party letters provide a broader, but not exculpatory, account

The Defense submits eight letters of support as Exhibit A. Dr. Joseph W. Moody, a brother-in-law, recounts decades of family support, acts of service, and Mr. Christofferson's long-standing joint pain. Greg Christofferson, his brother, describes the family relationship and his understanding of the gravity of the offense. Brad Phister, Mark Low, Dean E. Ryan, and G. Jay Lipovich describe years of neighborhood, church, charitable, and practical assistance, often despite physical limitations. Rebecca Christofferson, his wife of fifty-one years, describes his devotion to their six children, their family's volunteer service, his expressions of remorse, and his significant mobility limitations. Dennis Johnson, a former bishop and longtime friend, describes organized community service and his first-hand observations of Mr. Christofferson's remorse and acceptance of responsibility during visits at the jail. Ex. A (letters of Moody, Greg Christofferson, Phister, Low, Ryan, Lipovich, Rebecca Christofferson, and Johnson).

The letters do not contradict the guilty plea or negate the harm done to the victims. They are offered solely to give the Court a fuller picture of the defendant's background, available support, and longstanding habits of service.

IV. THE COURT SHOULD DECLINE PROBATION'S RECOMMENDED $250,000 FINE

A. The statutory factors and restitution-first rule require an individualized finding

Probation recommends the statutory maximum $250,000 fine, on top of mandatory restitution and the distinct assessments, and proposes that funds previously held in Mr. Christofferson's Charles Schwab IRA be liquidated. Final PSR ¶¶ 120–27; Sentencing Recommendation at 2–4. The Government's correspondence contained in the present record does not itself establish a separate request for a maximum fine. A fine is discretionary under the statutory framework, subject to the applicable guideline and proof of financial capacity.

Section 3572(a) directs the Court to consider actual income, earning capacity, financial resources, burdens upon financially dependent persons, pecuniary loss, restitution, and other relevant factors. Most importantly, where a defendant owes restitution to a victim other than the United States, § 3572(b) authorizes a fine only to the extent it will not impair the ability to make restitution. U.S.S.G. § 5E1.2(a), (d)–(e) likewise require a reasoned ability-to-pay analysis. Because the PSR leaves restitution to be determined, the Court should not simply assume that up to $250,000 can be removed from the available pool without impairing compensation to the victims.

The Defense acknowledges that it bears the burden of establishing inability to pay, and it does not contend that Mr. Christofferson is destitute. It asks instead that the Court make its own individualized ability-to-pay determination under § 3572(a) and U.S.S.G. § 5E1.2 on a corrected and reliable record, and that it decline to adopt the Probation Officer's pre-drafted finding that "the defendant has the ability to satisfy a $250,000 fine" before that determination is made. Sentencing Recommendation at 4.

B. The PSR asset schedule mixes historical balances, spousal assets, and disputed interests

Probation reports $1,363,900 in assets and labels that figure "net worth." Final PSR ¶ 104. But the schedule includes accounts expressly identified as spousal, an automobile titled to Mrs. Christofferson, historical balances of accounts that the PSR later confirms were closed, the proceeds of a house previously transferred to a trust in Mrs. Christofferson's name, and a retirement account undergoing compulsory institutional closure and transfers. Those categories must be traced, not added together as though every dollar were a current asset wholly owned and freely available to Mr. Christofferson.

Residence. The PSR says that the home was transferred in 2021 to a trust in Mrs. Christofferson's name, four years before the charged conduct; that the property sold on July 13, 2026 for $575,000; and that Probation assigns $287,500 to Mr. Christofferson as an assumed "share" of a marital asset. Final PSR ¶ 105. The Defense disputes the assumption of a one-half accessible interest on the present documentary record. The governing deed, trust instrument, beneficial-interest terms, sale closing statement, disbursement records, and whether Mr. Christofferson retained any legal power over the trust or proceeds are essential to a proper attribution. The Defense does not argue that title in a spouse's name conclusively defeats consideration of a real beneficial interest. Rather, the Court should not assign $287,500 to this defendant without evidence of such an interest, especially where the reported 2021 arrangement predates the investigation. Ohio's equal-division framework, moreover, arises only in the divorce context; Ohio is not a community-property state, and spouses may hold and dispose of property as if unmarried. Ohio Rev. Code § 3103.07. Courts applying Ohio law outside the divorce setting have accordingly declined to presume a one-half marital interest. Cf. United States v. Satava, 99 F. Supp. 3d 761, 766 (N.D. Ohio 2015) (in a criminal-forfeiture ancillary proceeding, holding that a spouse's claim to a one-half interest in marital property "is speculative until such a

determination has been made" in divorce). Satava arose in a different procedural posture and did not address the valuation of trust-held property for a sentencing fine, but its reading of Ohio property law applies here by analogy: Probation's assignment of a one-half $287,500 share imports a divorce-court presumption into a determination it does not govern. This does not resolve the attribution in the defense's favor. The deed, the trust instrument, and the disposition of the sale proceeds remain essential to determining what interest, if any, is properly attributed to Mr. Christofferson, particularly where the PSR now acknowledges the 2021 transfer of the residence into Mrs. Christofferson's trust, years before the offense conduct.

Chase accounts. The final PSR confirms that Chase elected to close the couple's joint accounts on May 7, 2026, issued a check for an aggregate $9,000, and that Mrs. Christofferson reported applying those funds toward property taxes. Final PSR ¶ 106. The balances appearing as assets in ¶ 104 therefore cannot be treated as if they were still sitting in open Chase accounts at sentencing. The involuntary closure matters to the chronology, but does not itself establish ownership of whatever funds remained afterward.

Schwab IRA. The PSR describes an IRA with an approximately $900,000 balance at the time of arrest, a compelled closing of the account initiated by Charles Schwab, unsuccessful efforts by Mrs. Christofferson and the family's adviser to arrange another institutional transfer, and a transfer into an account associated with Mrs. Christofferson. Probation reports an approximately $495,000 transfer initiated in May 2026 and a proposed transfer of the remainder in January 2027. Final PSR ¶ 107. The Court should distinguish the historical balance from the present owner, present location, and present legal availability of funds, including any tax consequences of withdrawal. The Defense does not claim that transfer from an account in Mr.

Christofferson's name necessarily extinguishes his beneficial interest or makes the funds unavailable for restitution or lawful collection.

The $900,000 figure is a historical, gross account balance. Section 3572(a) directs the Court to consider the defendant's actual financial resources. The Court should determine whether the Schwab funds remain in a tax-deferred account, were transferred, or have been distributed, and what ordinary income-tax consequences, if any, would result from the withdrawals necessary to satisfy a fine or restitution. Cf. United States v. Konrad, 730 F.3d 343, 348–49 (3d Cir. 2013) (considering tax and potential penalties when assessing IRA funds under the Criminal Justice Act, a distinct context). The PSR states that a $4,000 gross monthly withdrawal resulted in $2,986 after taxes. Final PSR ¶ 109. That example does not establish the effective tax rate on a large distribution or the tax treatment of any prior transfer. Because Mr. Christofferson is over age 59½, the ordinary 10-percent early-distribution additional tax generally would not apply. Current account statements, distribution records, and relevant tax documents are necessary to determine the account's present status and the net funds actually available.

The institution's own correspondence is now before the Court. In a February 6, 2026 notice, Schwab announced that it had decided to close Mr. Christofferson's account effective March 6, 2026, and directed him to transfer or withdraw the remaining assets. In a February 20, 2026 final notice, Schwab reiterated that closure would proceed even without further account-holder action and that trading was limited to liquidating orders. Ex. B at 2–4. These contemporaneous notices corroborate that the closing decision and restrictions originated with Schwab, not with a voluntary decision by the Christoffersons to shield assets. The notices do not themselves establish any later transfer, the legal ownership of an account receiving funds, or whether Mr. Christofferson retains a beneficial interest; those questions require current

statements and underlying transfer documentation. Nor do the notices establish an absence of assets from which court-ordered restitution may be paid.

C. Retirement income, advanced age, and spousal household needs matter

Mr. Christofferson is retired. The PSR reports a $450 monthly pension and $2,986 in net monthly IRA distributions received by Mrs. Christofferson, after a larger gross withdrawal, while Social Security payments reportedly ceased following his arrest. Final PSR ¶¶ 99, 109–10. The $3,436 described as monthly "cash flow" should not be equated automatically with expendable resources of the defendant. The Court should determine who receives and controls the IRA distributions, their actual tax burden, how those distributions are used for Mrs. Christofferson's housing and living expenses, and whether the defendant has any realistic future earning ability given his age and expected incarceration. The pre-retirement salary described in the PSR does not establish his current earning capacity.

The Defense is further informed, and will supplement the record, that no monthly IRA distribution has been received since February 2026. Schwab reportedly will not make periodic distributions and requires full liquidation of the account; the family's financial adviser has arranged for approximately half the IRA to be liquidated in 2027, without any resumption of monthly distributions. Accordingly, the household's only current recurring income is the $450 monthly pension, while Mrs. Christofferson's Medicare premium is increasing. Counsel is further informed that proceeds from the former Ohio home sale were used to purchase a replacement home in Utah, titled in Mrs. Christofferson's name, rather than retained as liquid funds. The interruption of retirement payments has severely impaired her ability to support herself, and a discretionary fine would compound that hardship.

The Defense recognizes that retirement assets may support a fine where a sufficient present interest and ability to pay are proven. The Schwab letters eliminate one factual uncertainty, the institution directed that the account be closed, but do not resolve how the account's value is now held or controlled. The Court should not infer fraudulent intent merely from compliance with institution-directed closure, nor should it infer nonownership solely from a spousal transfer. Before ordering liquidation in addition to victim restitution, it should receive a reliable accounting and evaluate the foreseeable effect on the defendant's genuine resources, any financially dependent person, and the restitution obligation. 18 U.S.C. § 3572(a)(1)–(4), (b). See Ex. B.

D. The 2026 Guidelines preserve the prior fine table for this 2025 offense

The final PSR reports an advisory fine table of $50,000 to $500,000 for the offense level at issue, subject to the $250,000 statutory maximum. Final PSR ¶¶ 120, 123. Although the 2026 Guidelines Manual became effective November 1, 2026 and ordinarily lists a higher $70,000-to-$700,000 table for offense levels 38 and above, its special instruction expressly directs courts sentencing offenses committed on or after November 1, 2015 but before November 1, 2026 to use the fine table in the November 1, 2025 Manual. U.S.S.G. § 5E1.2(h)(2) (2026). Because the charged conduct occurred in 2025, the $50,000-to-$500,000 advisory table identified in the PSR remains the operative fine table, subject to the lower $250,000 statutory ceiling. This guidance also avoids unnecessary ex post facto concerns. The statutory ceiling is not an individualized determination of what fine should be imposed, and §§ 3572(a)–(b) and 5E1.2(d)–(e) remain controlling considerations.

E. Requested resolution of the financial issue

The Defense asks that the Court (1) determine victim restitution and the assets actually available to satisfy it; (2) exclude or correct historical balances and any unsupported attribution of spousal or trust-owned property; (3) determine the current location, ownership, access, tax consequences, and availability of the IRA funds through the Schwab closure directives (Ex. B), transfer records, and current account statements; (4) decline the additional maximum fine because the present record does not establish that it can be imposed without impairing restitution; and (5) decline to adopt the Probation Officer's pre-drafted finding that Mr. Christofferson "has the ability to satisfy a $250,000 fine" until the Court has made its own individualized determination on a corrected record. The Defense requests waiver of the discretionary fine to the extent inability to pay is established under U.S.S.G. § 5E1.2(a) and (e). Alternatively, if the Court concludes that inability to pay has not been shown as to every fine, the Defense requests a substantially reduced discretionary amount, based upon verified present resources and a reasoned payment schedule, that will not impair restitution. If material ownership or control facts remain contested, the Defense requests a focused Rule 32 determination rather than a summary assumption based on the PSR asset table. The Defense is gathering and will supplement the record with the available supporting documentation bearing on these interests, including the trust instrument and deed for the former residence, the sale closing and disbursement statements, and current statements and transfer records for the Charles Schwab IRA, so that any attribution of assets to Mr. Christofferson rests on documented ownership and present availability rather than historical balances.

V. REQUESTED SENTENCE AND CONCLUSION

For these reasons, Mr. Christofferson respectfully asks the Court to: (a) resolve the preserved Guidelines objections to the two-level computer-use enhancement under § 2G1.3(b)(3)(A) and the five-level pattern-of-activity enhancement under § 4B1.5(b) on the governing record and the plea agreement's actual terms, making the findings required by Federal Rule of Criminal Procedure 32(i)(3)(B) as to each disputed enhancement; (b) consider his age, documented mobility limitations, access to necessary treatment, acceptance of responsibility, lack of scored criminal history, and the support letters in Exhibit A alongside the grave seriousness of the offense and the harm to the victims; (c) impose a finite, below-Guidelines prison term sufficient but not greater than necessary, subject to the ten-year statutory minimum, followed by appropriate supervision and protective treatment conditions; (d) order restitution as required by law; and (e) decline Probation's proposed $250,000 discretionary fine, or alternatively impose only a supported lesser amount that will not impair compensation of the victims, after considering the actual property interests and the Schwab closure notices in Exhibit B. The Defense does not seek to disturb the forfeiture of the specified offense-related property previously ordered by the Court.

Respectfully submitted,



Darren L. Meade (0063660)
Counsel for Defendant Wade S. Christofferson
THE MEADE LAW GROUP
1625 Bethel Road, Suite 102
Columbus, Ohio 43220
Telephone: (614) 964-0350
Facsimile: (614) 957-0853
darren@themeadelawgroup.com

CERTIFICATE OF SERVICE

I certify that on the date of filing, the foregoing document, including Exhibits A and B, will be filed through the Court's CM/ECF system, which will serve notice of the filing on all registered counsel of record, including Assistant United States Attorney Emily Czerniejewski.

/s/ Darren L. Meade
Darren L. Meade (0063660)

EXHIBIT A

LETTERS OF SUPPORT

United States v. Wade S. Christofferson
Case No. 2:26-cr-00108-EAS

1. Joseph W. Moody — Aug. 4, 2026

2. Greg Christofferson — Oct. 10, 2026

3. Brad Phister

4. Mark Low

5. Dean E. Ryan

6. G. Jay Lipovich

7. Rebecca Christofferson

8. Dennis Johnson

Letters reproduced as provided to counsel.

August 4, 2026

To the Hon. Judge Sargus,

My friend and brother-in-law Wade Christofferson is appearing before you for sentencing. May you be guided by providence in rendering judgement upon him.

The Wade Christofferson that I know has a history of kindness and virtue. He and I worked together on a cement crew decades ago. It was a rough environment and the work in the hot desert sun was grueling. But he worked hard and long and remained upbeat, always with a kind word to help out other workers when needed.

When I moved as a newly-wed from Utah to Michigan in 1980 I had a trailer with all my belongings stolen in Iowa. Wade and my sister who lived in Chicago gave my wife and I a home to recoup in and gathered many articles to replace those that were stolen. He introduced me to the Midwest and its culture, making the transition feasible and pleasant. He offered assistance freely and without thought of reward, like a true brother.

Wade is a family man who spent years making a daily 2-hour commute into Chicago to provide for them. He has spent years in the service of faith and community, volunteering years of his time to counsel and elevate the weary and discouraged. Even now in his letters to me from prison he talks often about the situations of his cell-mates. He informs me about how at least he has a supportive wife and family members. Most of the others have no support and nothing to go to once they are released.

Then and throughout his life he has had significant joint pain which eventually became so great he had to have his knees and ankles replaced or fused. I do not know what it is like to live with constant pain like he has and can only wonder if it contributed to his change in morality in the past few years.

Your Honor, I do not know what causes people to make the mistakes they do. I just wish Wade could have the counseling necessary to restore him to who he really is as shown by how he has acted for nearly all his life. I and many of us love him and stand ready to welcome him back into society if that is possible. We understand and respect the law. We praise those like you who honor the law and execute judgement in accordance with its demands. I do pray, though, that there might be some mercy for a good man who, I am confident, will rise from his transgressions if given the chance.

Thank you.

Joseph W Moody

Dr. Joseph W. Moody, Professor Emeritus of Astrophysics, Brigham Young University

October 10, 2026

Hon. Edmund A. Sargus, Jr.
Chief Judge of the Southern District of Ohio

Dear Judge Sargus,

My name his Greg Christofferson. Defendant Wade S. Christofferson is my bother.

We are a family of five brothers (no sisters). Over the years, as we have gone our separate ways, we have made it a priority to get together as often as possible, many times on special "brothers weekends." If you had a view into those times, you would see Wade as the jokester and originator of much of the good-natured ribbing that took place. His special sense of humor was a catalyst for much of the enjoyment of our time together.

Wade was aware and very helpful of the needs of our parents while they were living.

Wade enjoyed road trips, putting many miles on the family van and stopping at every roadside historical monument.

Whenever he visited California, he made it a point to visit me anomy family, as well as my children attending college in Utah when he passed through there.

It has been said that the totality of our lives should not be judged by the actions of our weaker moments. While I cannot deny he perpetrated these horrific acts, I personally consider these acts to be an aberration from his true character. This is such a shock to me because I have only seen the good parts of his character and not this addiction.

I appreciate your consideration of my letter.

Sincerely,

Greg Christofferson
Lehi, Utah

Dear Judge Sargus,

I am writing to you to share what I know of Wade Christofferson's character.

I have known Wade Christofferson for the past 15 years, having attended church with him since our family moved to the Dublin, Ohio area. During that time, Wade has been a close family friend. I have known him to be diligent in the way he served in church callings or assignments. For a time, he had a church assignment as a "home teacher" to our family. As such, he faithfully visited our home monthly to check in and make sure we were doing alright and to see if we had any needs. On these occasions he would often share a gospel message which was a great strength to our family. All family members, parents and kids, were appreciative of service he provided to us.

Over the years, Wade has often stopped by our home to bring our family fresh baked bread. Wade is thoughtful and selfless. One of the last times I saw him was at the home of a fellow church member whose family was moving out of the area. Wade was there to help load the truck and offer assistance in any way he could even though the issues with his feet and ankles make it hard for him to move.

Wade has been a great help to our family. On one occasion when my wife and I were out of town, we came to learn that our furnace was not working. We called Wade and he promptly went to our home and made sure all was okay.

Sincerely,

Brad Phister

Judge Sargus,

I am writing regarding Wade Christofferson. Wade and I have known each other for over 20+ years. Our families are close friends. His wife Becky and I worked together at Franklin Covey for a number of years and our daughters were best friends growing up. Wade treated my daughter (who is now 40) as one of his own with the utmost kindness, love and respect.

Wade and I spent many hours together doing community, Scouting, and church service projects. He is always willing to help others when he sees a need. He was the first to arrive for neighbor moves, and one of the last to leave. If he saw a need at church, he filled it happily and with passion. We served together on many different occasions helping youth complete their Eagle Scout projects.

We would often be asked to help with community projects. Wade would actively contribute when his health allowed. As we aged, his health began to decline and made it difficult for him to do much of the physical labor, although he was always willing to contribute where possible. His sense of humor and positive outlook on life made it more enjoyable for the rest of us serving alongside him.

Wade always thought of others and would visit those in need to see how he might lighten their burdens. That is just the way he is and he helped others many times overcome the challenges they faced.

Wade is a good neighbor and a meticulous gardener and always keeps his yard clean for his neighbors. He finds peace and tranquility through gardening. He lives on a corner lot on a busy road and he takes pride in keeping a great looking yard for the community to enjoy.

Wade is active in his faith where he draws strength from his beliefs. I have had many discussions with him regarding his beliefs and have seen his faith in action while constantly helping others. He is a good husband, father, and grandfather. His family has always come first in his life.

I appreciate the opportunity to provide some additional insight about Wade.

Regards,

Mark Low

To the Honorable Judge Sargus,

I am writing to provide a character reference for Wade Christofferson. Wade and I have been members of the same church congregation for over two decades and have become good friends. I have observed him putting others first often and have been together with him when members of our congregation or community needed help. Whether cutting up a downed tree, raking leaves for those that are physically unable to do so, cleaning the church building or helping someone to move, Wade was always willing to help.

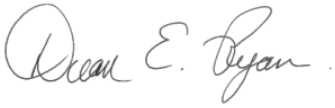
Despite personal health challenges, Wade would often take the time to visit our family to see how we are doing. I remember the times he would hobble to our front door following foot surgery to hang out and talk for a while. There were many occasions when he remembered my birthday or that of a member of my family by bringing baked goodies to our home. He has always been a welcome and beloved friend.

I have often appreciated learning from Wade as he taught a lesson or spoke during Sunday worship services. I came to love his warm soft-spoken demeanor. I have never observed Wade lose his temper or speak unkindly of another, and I have always felt uplifted when I am around him.

I have observed Wade and his wife, Becky, raise their children with love and nurturing. The greatness of their children is a testament to their parentage. We have entrusted our own children to their daughter when we were away.

Judge Sargus, I would like for you to know that I have, and do, consider Wade a dear friend. He has earned my devotion by simply being there for my family year after year. By treating me, my wife and our children with love, kindness and respect. Two decades of knowing Wade has earned him a permanent place in my heart.

Sincerely,



Dean E. Ryan

Your Honor,

I write to provide some insight into the character of Wade Christofferson.

I have known Wade for approx. 15+ years. During that time I have observed the following examples of his character:

1. On several occasions, he bid for items being offered to raise money for teenage camps and activities, in which he paid many times the actual value of the items in order to show support for and generous funding of the youth activities.
2. In his role as a ministering caretaker for our family, for a number of years he and his teenage young man companion would visit our home consistently each month. During that visit, they would prepare a message, and frequently Wade had his young companion deliver the message. Wade provided an opportunity for the young man to grow and develop skills, mentored him and supported the young man's delivery to help ensure his comfort in doing so.
3. On a nearly every week basis he would inquire about the health and condition in our family and offer assistance with any issues we were encountering.

Hopefully this will provide you with additional insights into the character of Wade.

Respectfully Submitted,

G Jay Lipovich

Judge Sargus,

I appreciate the chance to be able to let you know a little more about Wade Christofferson.

I have known him for 55 years and been married to him for 51 years. He is intelligent, kind, compassionate and caring. He has been a wonderful father to our 6 children and a good husband. Through his teaching and example, he has taught our children to be hardworking, independent, caring people who are quick to see the needs of others and help them. When our 3 youngest children were still at home, we all volunteered to deliver meals on wheels on a monthly basis for several years. Wade wanted our children to learn the importance of serving others just because we were in a position to help, with no expectation of a reward.

In an effort to help our children understand different cultures and people, he sought a career opportunity that allowed us to live in another country and culture (Dubai-United Arab Emirates) for 2 ½ years. This was from July 1983 through the end of 1985 when our four oldest children were young. Over the years he planned many experiences to teach our children about the world around them and an appreciation for our country.

His faith and church activity have always been very important to him and have been instrumental in making sure our children had a strong religious foundation. Being able to continue to associate with other members of our faith would be a source of strength to him in his coming time of incarceration. He has also frequently expressed great remorse for his actions.

He has a quick wit, a dry humor and looks to see the good in others. He has mentored many people over the years. He is an excellent teacher and has been able to help many others learn and understand concepts that would help them succeed in their careers. He was well respected in his own career.

He does have several health challenges. Both knees and one ankle are artificial. His foot that does not have the artificial ankle has a fused ankle. Because of this and his age it is becoming more painful for him to walk and move. He also has challenges with his eyes and with high blood pressure.

Wade has had a very positive impact in the lives of many, many people, people who still love and care about him.

Thank you,
Rebecca Christofferson

Dear Judge Sargus,

My name is Dennis Johnson. I am a former Naval Officer with twelve years of military service and currently serve as the Chief Executive Officer of a private company. I am writing on behalf of Wade Christofferson, whom I have known personally for approximately twelve years. During that time, I have known him in several capacities, including as his bishop in The Church of Jesus Christ of Latter-day Saints, as a close friend, and as a fellow volunteer in community and church service activities. These relationships have allowed me to observe his character, conduct, and interactions with others over an extended period. It is based on those first-hand observations that I respectfully offer this letter for the Court's consideration.

During my time as Wade's bishop, I had many opportunities to witness the impact of his dedicated service to others. I participated in several service projects that Wade helped organize and lead, including Wagons Ho Ho Ho, which involved approximately forty members of our congregation; monthly volunteer efforts at the Plain City Food Pantry involving approximately twenty participants; and our annual Memorial Day Breakfast honoring veterans in the Dublin community. Throughout the years I have known him, Wade consistently devoted significant time and energy to serving those around him.

Wade has also been a trusted friend and confidant to my family. He has offered perspective, encouragement, and support to my wife and me, our teenage and adult children, and others in our circle during difficult times. One lesson I often heard him repeat was that "church is a hospital for people in need of healing." That perspective influenced my own efforts to serve others with greater compassion and understanding. Over the past several years, as Wade's health declined and he transitioned into retirement, I regret that I did not fully recognize the struggles he was experiencing or find more opportunities to support him during that period.

There is no minimizing the seriousness of the offense for which Wade now stands before the Court. During the seven months he has been incarcerated in the Butler County Jail, I have visited him regularly, typically once or twice each month. In those conversations, I have observed genuine remorse for his actions, deep regret for the pain he has caused his family and others, and a consistent desire to make amends where possible. He has frequently asked me to give aid, assistance, and support to others on his behalf. Based on my observations, Wade has accepted responsibility for his conduct and understands the consequences of his actions. I believe he will make meaningful use of opportunities for treatment, rehabilitation, and personal growth as they become available to him.

Thank you for your consideration and for your service. I respectfully ask that the Court consider my observations of Wade's character, his long history of service to others, his acceptance of responsibility, and his efforts toward personal accountability.

Sincerely,

Dennis Johnson

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO, EASTERN DIVISION

United States v. Wade S. Christofferson
Case No. 2:26-cr-00108-EAS

EXHIBIT B

CHARLES SCHWAB ACCOUNT-CLOSURE NOTICES

February 6 and 20, 2026

Private financial-account and home-address information redacted.

charles SCHWAB

February 06, 2026

Questions? Call 1-800-435-4000.

Wade Christofferson

Action required: Your account(s) will be closed on March 6, 2026.

Dear Wade Christofferson,

Based on the terms of the applicable account agreement(s), Charles Schwab & Co., Inc. ("Schwab") has decided to **close the account(s) listed below effective March 6, 2026** ("the closure date").

Account number(s):

_____

_____

What this means.

You may continue to purchase new account positions until February 20, 2026. After that date, you may only place closing/sell trades to liquidate any remaining positions in your account.

Your next steps for asset distribution.

We ask that you take one of the following steps to remove the remaining assets from your account(s) prior to the closure date.

- **Transfer your assets to another financial institution.** To request this option, please contact the other financial institution as soon as possible to initiate transfer. They will start the transfer process once they've received your authorization.

- **Request a check or wire transfer.** To request this option, please log in to your account at **Schwab.com** and select **Transfers & Payments**. From there, you can choose the distribution method of your choice (such as *Send a Wire* or *Request a Check*). If you don't have online access, you may also call us at the number below to request a distribution.

We regret any inconvenience this may cause. If you have any questions about the information provided here, please call us at 1-800-435-4000.

Sincerely,

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charles SCHWAB

February 20, 2026

Questions? Call 1-800-435-4000.

Wade Christofferson

Final Notice: Your account(s) will be closed on March 6, 2026. You must take action.

Dear Wade Christofferson,

We're writing to follow up on our letter dated February 6, 2026, which notified you that we were **closing your account(s) listed below effective March 6, 2026** ("the closure date").

In our original letter, we noted that transactions in your account(s) would be restricted to liquidating transactions only and that the assets must be transferred to another financial institution or withdrawn from the account(s) by the closure date. As of the date of this letter, these actions have not been completed in all of the accounts.

Please understand that if you don't take the action(s) requested below by the closure date, we will still close your account(s).

Account number(s):

_____

_____

What this means for activity in the account(s).

- The trading activity in the account(s) is now limited to liquidating orders only.
- You may not buy additional securities or make additional deposits to the account(s).
- If you have any scheduled electronic payments to or from the account(s), you must cancel any future transfers; this does not apply to a transfer of balance request.

Your next steps for asset distribution.

We ask that you take one of the following steps to remove the remaining assets from your account(s) prior to the closure date.

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- **Transfer your assets to another financial institution.** To request this option, please contact the other financial institution as soon as possible to initiate transfer. They will start the transfer process once they've received your authorization.

- **Request a check or wire transfer.** To request this option, please log in to your account at **Schwab.com** and select **Transfers & Payments**. From there, you can choose the distribution method of your choice (such as *Send a Wire* or *Request a Check*). If you don't have online access, you may also call us at the number below to request a distribution.

We regret any inconvenience this may cause. If you have any questions about the information provided here, please call us at 1-800-435-4000.

Sincerely,

Charles Schwab & Co., Inc.

This information does not constitute and is not intended to be a substitute for specific individualized tax, legal, or investment planning advice. Where specific advice is necessary or appropriate, Schwab recommends consultation with a qualified tax advisor, CPA, financial planner, or investment manager.

All account assets must be transferred to another institution or withdrawn on or before the stated closure date. If any assets remain in the account after the stated closure date, Schwab reserves the right to transfer the assets to the appropriate Transfer Agent, sell the securities in the account(s), and/or mail a check for the entire account balance to the address of record for the account(s). You will be responsible for the tax consequences of any such sales, and you agree that Schwab will not be liable for any future appreciation of the securities that were sold. There may be tax consequences for (a) selling securities positions in your brokerage account(s), including realizing capital gains/losses and (b) withdrawing funds from certain account types, such as an Individual Retirement Account. You will be responsible for any tax consequences. Please consult with your tax advisor.

Please be aware that, if applicable, any Schwab Bank High Yield Investor Checking® accounts, Schwab Bank High Yield Investor Savings® accounts, Schwab Bank BillPay™, Schwab Bank Visa® debit cards, and any other associated Schwab Bank products will be closed/discontinued as a part of this process.

Charles Schwab Bank, SSB and Charles Schwab & Co., Inc. are separate but affiliated companies and subsidiaries of The Charles Schwab Corporation. Brokerage products, including the Pledged (Asset) Account, are offered by Charles Schwab & Co., Inc., Member SIPC; are not insured by the FDIC; are not deposits or obligations of Charles Schwab Bank, SSB; and are subject to investment risk, including possible loss of the principal invested. Deposit and lending products are offered by Charles Schwab Bank, SSB, Member FDIC. Charles Schwab Bank, SSB is not acting or registered as a securities broker dealer or investment advisor.

If you are currently receiving benefit payments into your account(s) (as defined by 31 CFR 210.2), please make arrangements to change your deposit instructions. In addition, please notify us immediately so any necessary accommodations can be made. A benefit payment is defined as a payment for a federal entitlement program or for an annuity, including, but not limited to, payments for Social Security, Supplemental Security Income, Black Lung, Civil Service Retirement, Railroad Retirement annuity and Railroad Unemployment and Sickness benefits, Department of Veterans Affairs Compensation and Pension, and Worker's Compensation.

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