

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

Crim. No. 21-CR-160-5 (TJK)  
HON. Timothy J. Kelly

WILLIAM CHRESTMAN

Defendant.

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**TABLE OF AUTHORITIES**

**UNITED STATES CODE**

Title 18 United States Code §115(a)(1)(B)

Title 18 United States Code §1512(c)(2)

Title 18 United States Code §3553(a)

**CASE LAW**

Pepper v. United States, 562 U.S. 476, 477 (2011).

**DEFENDANT WILLIAM CHRESTMAN'S SENTENCING MEMORANDUM**

NOW COMES Defendant WILLIAM CHRESTMAN, by and through his attorney, Michael J. Cronkright, and Cronkright Law, PLLC, and provides the court with the following information to be considered at sentencing in this matter. As the Court is aware, its obligation is to impose a sentence "sufficient but not greater than necessary to comply" with the factors found in Title 18 United States Code §3553(a). Mr. Chrestman's crimes are serious and will result in punishment; however, the punishment imposed must account for his individualized circumstances, in accord with the principle announced by the Supreme Court that "the punishment should fit the offender and not merely the crime." *Pepper v. United States*, 562 U.S. 476, 477 (2011).

**REMORSE AND RESPONSIBILITY**

William Chrestman stands before this Court having been convicted by plea of Obstruction of an Official Proceeding, in violation of 18 U.S.C. §1512(c)(2), and Threatening a Federal Officer, in violation of 18 U.S.C. §115(a)(1)(B). He is eager to address the Court personally about his behavior and his remorse. It is anticipated that this Court will find Mr. Chrestman remorseful and accepting responsibility for his conduct on January 6<sup>th</sup>, 2021. Given the opportunity, Mr. Chrestman is prepared to express his personal apologies to the people most affected by his behavior on January 6<sup>th</sup>, 2021, including all officers involved.

### WILLIAM CRESTMAN'S PERSONAL HISTORY

William Chrestman was born November 16<sup>th</sup>, 1973, in Oxnard, California to Harold Chrestman and Susan Moser. Growing up, Mr. Chrestman was a member of the Boy Scouts of America. Ms. Moser recounts her son as a terrific artist and as such was a member of an art club in school. She also described her son as a skateboarder, a skill he eventually taught all of his daughters. Upon graduating from high school, Mr. Chrestman volunteered for the Army and became an Army Medic. Mr. Chrestman enlisted in the Army from 1992 to 1996 and was stationed in Hawaii.



*Figure 1: Mr. Chrestman is pictured in the Boy Scouts of America Uniform and red beret along with his brother.*



*Figure 3: Mr. Chrestman's Army Photo*



*Figure 2: Mr. Chrestman on active Duty*



*Figure 4: Mr. Chrestman pictured in uniform with his mother and brother*

Sometime after being discharged from the Army, Mr. Chrestman met his first wife, CD. They had a whirlwind romance and quickly moved in together after briefly dating. Together, Mr. Chrestman and CD have two daughters, KC born in 2001 and EC born in 2003. As will be described infra, Mr. Chrestman's relationships with his parents, especially with his father, was tumultuous. In spite of this, and perhaps because of this, Mr. Chrestman has always dreamed of having a family of his own. He described himself as "that weird kid in school who wanted the white picket fence" and expressed his desire to "make up for the childhood [he] didn't have." When Mr.

Chrestman finally had children, he began to see some of his father's attributes in himself, and made the conscious decision to be a better father to his children than his father had been to him.

Mr. Chrestmans's eldest daughter, KC, is lovingly referred to as his "shadow" as they did everything together and have an incredibly close bond. KC refers to her father as "the strongest man [she] has ever known." KC states that she has "never met anyone as caring or someone who loves being a father more" than her father. She reported that she could share anything with her father and that he would even hold her as she cried. KC describes her father as a compassionate man who will continuously go out of his way to help others and will always put others needs before his own. She further reported that her father is not an angry or violent person, but rather as someone who is good at keeping his composure.

KC recalls being caught by surprise when her father was arrested following the events of January 6, 2021. The night before his arrest, KC was at her father's house, as she often was, and they had dinner. Mr. Chrestman had made soup for dinner, and they sat watching a movie together. KC was not aware of her father's arrest until the following evening and was wrought with utter disbelief because Mr. Chrestman was a superhero in her eyes and couldn't believe that anything bad could happen to him. Mr. Chrestman's incarceration has been incredibly difficult on KC as she used to speak with her father every day and now, their communication is limited to messaging only a few times a week. She is devastated that her father has not been able to witness her accomplishments over the last few years, as she knows that he would have been there for every single one. When she does have the ability to speak with Mr. Chrestman, he is always quick to mention that he misses her, and they still find reasons to laugh with one another despite the circumstances.

EC is Mr. Chrestman's middle daughter. She described Mr. Chrestman as a "spectacular dad" and as a man who was "built to be a girl dad." She elaborated that Mr. Chrestman has a unique ability to make his girls feel so special. He would often take his girls on father/daughter dates and allowed them to play with his hair and paint his nails. EC states that her father is someone she could talk to about anything, and he would always make her feel at peace. EC recalls her dad taking her and her sister KC to car shows and on road trips to Ventura, California.

When EC was a child, she suffered from a breathing issue. Her tonsils and adenoids would cause her to stop breathing at night and Mr. Chrestman exhibited extreme concern for her. At night when she would sleep, Mr. Chrestman would often stand by her bedside and watch her sleep for fear she would stop breathing. Both his daughters recounted that before EC had surgery to remove her tonsils, she was incredibly scared, so Mr. Chrestman dressed up as a doctor and played pretend with her to ease her mind about the impending surgery.

Mr. Chrestman's incarceration has been difficult for her as she believes that no matter your age, you always need your father. She is distraught over the fact that her dad has missed two of her graduation ceremonies and especially her 18<sup>th</sup> birthday. Not having her dad around for these pivotal life events has been very difficult for her. KC and EC agree that Mr. Chrestman is proud to be their father, but that they are even more proud that he is their father.

Mr. Chrestman and CD divorced in 2012 due to them wanting different things in life, however they remain close friends. After divorcing from CD, Mr. Chrestman attended his high school reunion in Ventura, California, where he reconnected with a woman he knew in high school. Shortly thereafter, they began a relationship and she relocated to Kansas. They became

engaged and had a daughter, AC. They had a difficult relationship and as a result are no longer together, however Mr. Chrestman remains an active part of AC's life.

Since Mr. Chrestman's incarceration, AC has experienced extreme emotional turmoil leading to behavioral issues which have required her to participate in therapy. The night before his arrest, Mr. Chrestman had expressed frustration with a mess that AC had made, and the following day while she was at school he was arrested. Somehow, AC entertains the idea that her father's arrest was her fault and was due to their disagreement the night before. Since she is only 9 years old, she does not understand the circumstances surrounding her father's incarceration and as a result does not understand why her father cannot return home to her. The fact that she is suffering due to his actions and choices is a source of significant pain for Mr. Chrestman.

Mr. Chrestman has been in a relationship with LG since July 2020. Their time was cut short as Mr. Chrestman was arrested and incarcerated in February 2021. Despite the shortness of their relationship, LG has continued to support Mr. Chrestman throughout the entirety of his incarceration. Mr. Chrestman and LG communicate regularly and still express great love and admiration for one another. Unsurprisingly, she speaks incredibly highly of Mr. Chrestman as a man and father. They look forward to the day Mr. Chrestman is released and they can pick up where they left off; moving forward as a married couple enjoying their combined family and focusing on their children.

SM, Mr. Chrestman's mother, describes him as someone who would do anything and everything for everyone else. She recalled on one occasion they passed a child with a lemonade stand set up to raise money. Upon seeing this, Mr. Chrestman bought out the entire stand of

lemonade to support the child's efforts. On another occasion, after Mr. Chrestman had been discharged from the Army, they were eating in a restaurant together when suddenly a woman began having a heart attack. Mr. Chrestman, a former Army medic, immediately and without hesitation, jumped into action and began performing life-saving measures until paramedics arrived.

Mr. Chrestman's family members know him better than anyone else. They all describe him as a gentle, caring man who loves his family more than anything else in the world. They do not use words such as "violent" or "aggressive" to describe him. Instead, they see him as caring, compassionate and supportive. When interacting with Mr. Chrestman's defense team, his daughters became extremely emotional while discussing what he means to them. Not surprisingly, Mr. Chrestman became emotional when discussing his daughters. It is clear that their relationships are cherished and mutually supportive.

Mr. Chrestman is deeply aware that his incarceration has been devastating to his family. In addition to the separation and loss of support, his family has experienced harassment, embarrassment and hardship. This weighs heavily on Mr. Chrestman. He accepts responsibility for the difficulty he has caused, but that does not lessen the personal turmoil he feels. He continues to experience great anxiety over his family suffering, and requires trazadone in order to sleep at night.

#### **CHILDHOOD HISTORY**

Mr. Chrestman's father is described as controlling, abusive and alcoholic. Mr. Chrestman's paternal grandfather is described in the same way. Mr. Chrestman reports that his father wanted to break the cycle of abuse, however, he was unsuccessful. He reports that his father became unemployed due to a work-related injury and, as a result, he would often drink. On one occasion, Mr. Chrestman witnessed his father slap his mother. Mr. Chrestman was also slapped, and his father would even grab him by the throat and throw him to the ground. His father would also use household items such as dog leashes, belts, and leather straps on him. His mother would often be dismissive of his father's behavior; attributing it to a "rough night at the bar." Mr. Chrestman grew up accustomed to a demeaning and condescending father. There was a glimmer of hope in the relationship when Mr. Chrestman joined the military. For a brief time, his father began to treat him with more respect. Unfortunately, this did not last.

Mr. Chrestman's parents divorced after his father began a relationship with a woman who shared his religious affiliation. Mr. Chrestman reports that since his father re-married, he has become increasingly judgmental. As a result, the relationship has soured and he no longer has contact with his father. Notwithstanding the abusive childhood and difficult adult relationship, Mr. Chrestman still yearns for a positive and loving relationship. Nonetheless, he recognizes that the hardships have left him highly motivated to have exemplary relationships with his own immediate family. He views himself as a family-oriented man who believes strongly in forgiveness. He clings to the hope that his family will forgive him for the difficulty that he brought their way.

#### **PLEA AGREEMENT**

On October 16<sup>th</sup>, 2023, Mr. Chrestman pled guilty to Count Two: Obstruction of an Official Proceeding in violation of Title 18 U.S.C. §1512(c)(2) and Count Four: Threatening a Federal Officer in violation of Title 18 U.S.C. §115(a)(1)(B).

Count Two of the First Superseding Indictment reads:

On or about January 6, 2021, in the District of Columbia and elsewhere, the defendants,

**CHRISTOPHER KUEHNE,  
LOUIS ENRIQUE COLON,  
FELICIA KONOLD,  
CORY KONOLD,  
WILLIAM CHRESTMAN, and  
RYAN ASHLOCK**

attempted to, and did, corruptly obstruct, influence, and impede an official proceeding, that is, a proceeding before Congress, specifically, Congress's certification of the Electoral College vote as set out in the Twelfth Amendment of the Constitution of the United States and 3 U.S.C. §15-18.

Count Four of the First Superseding Indictment reads:

On or about January 6, 2021, in the District of Columbia and elsewhere, the Defendant, **WILLIAM CHRESTMAN**, threatened to assault, kidnap, and murder a federal law enforcement officer, with intent to impede, intimidate, and interfere with such law enforcement officer while engaged in and on account of the performance of official duties.

The plea agreement left open the possibility that the Government would seek U.S.S.G. § 2A6.1(b)(1) enhancement. Defendant asserts that this enhancement is not supported by a preponderance of evidence. On the available video, Mr. Chrestman can be seen amongst a very loud crowd and near a line of officers. Consistent with the Statement of Offense, Mr. Chrestman was holding an ax handle and did make the statement indicated. It is important to note that Mr. Chrestman did not make the statement to the officers nearest him, instead, he was focused on an officer who was

arguably not within earshot. As of this writing and several requests made by the defense, the government was unable to produce any witness who heard the threat or was even aware of it being made. There is no evidence that Mr. Chrestman had any other potential weapon other than the ax handle. The officer was using “less lethal” force to shoot protesters further forward with pellet balls. When the officer appeared ready to fire at another protester, the threatening comment is made. The government may point to the fact that Mr. Chrestman held an ax handle when he made the comment, and that he pointed it in the direction of the officer using less lethal force. Nonetheless, Mr. Chrestman does not follow up on the threat in any way. He does not immediately try to close the distance between himself and the officer. He doesn’t throw the ax handle. He takes no action intended to act on the threat.

Perhaps the best way to assess the intent of Mr. Chrestman to carry out the threat is to look at his behavior throughout the day. Mr. Chrestman carried the ax handle the entire day, never once using it to do anything remotely violent. To date, the worst thing that the government has asserted is that he used it to touch a security gate that was already going up.

#### **Zero Point Reduction § 4C1.1**

The government raises essentially two arguments that Mr. Chrestman does not qualify for this new adjustment. First, it is asserted that he used a “credible threat of violence in connection with the offense.” It is asserted here that, although he made a threat, it was not a credible threat. As stated above, he was not within earshot of the officer. He was not armed with any projectile. He was separated from

the officer by a line of officers with hardened gear. And, there were crowd members in front of him creating an additional barrier.

The government apparently argues that the behavior of the mob and specifically other rioters “threatened the lives of legislators and their staff” and therefore disqualifies Mr. Chrestman for the zero point reduction. Mr. Chrestman’s plea and specifically his acceptance of the Statement of Offense indicates that he is taking responsibility for his behavior. The Government now asserts that he should be held responsible for the behavior of others with whom his only association was that he was present at the same time with them. In advancing that argument, the government is asserting that no January 6 defendant is entitled to the benefit of a clean criminal history under the new provision. It is not Mr. Chrestman’s intent to take up the cause of all January 6 defendants. It is his assertion that he is qualified for this reduction if it is fairly applied to his behavior

#### **JUSTIFICATION FOR VARIANCES**

Mr. Chrestman’s actions on January 6<sup>th</sup> were extremely aberrant. According to Miriam-Webster dictionary, aberrant means “deviating from the usual or natural type” and “a person whose behavior departs substantially from the standard.” Synonyms for aberrant include “atypical” and “abnormal.” He had no violent history before the January 6 events and none since his arrest. His behavior during this now substantial period of incarceration has been exemplary. His life is an illustration of a man abused as a child and trying to get it right with his own family. His family has maintained their support for him and every indication is that he will conclude his

incarceration and find the continued support that is so important to achieving successful re-integration into society. The chances of recidivism are extremely low. He stands before the court fully accepting responsibility for his actions and appropriately remorseful.

**CONCLUSION**

It is respectfully submitted that Mr. Chrestman is an excellent home confinement candidate; and in the alternative, that a substantial variance is warranted on the facts of his personal history.

Respectfully submitted:



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