

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

Case No. 8:15-CR-256-T-23JSS

v.

NATHAN ALEXANDER BRYAN

**NOTICE OF MAXIMUM PENALTY, ELEMENTS OF OFFENSE,
PERSONALIZATION OF ELEMENTS AND FACTUAL BASIS**

COUNT ONE

Enticement of a Minor to Engage in Illegal Sexual Acts

The essential elements of Count One, which charges the defendant with using a facility of interstate or foreign commerce to attempt to entice a minor for illegal sexual activity, in violation of 18 U.S.C. § 2422(b), are as follows:

- First: The defendant knowingly attempted to persuade, induce, entice or coerce an individual he believed to be under the age of eighteen (18), to engage in sexual activity, as charged;
- Second: That the defendant used a cell phone as alleged in the indictment to do so;
- Third: That had the proposed sexual activity occurred with a minor, one or more of the individuals engaging in the sexual activity could have been charged with a criminal offense under the laws of the state of Florida;
- Fourth: That the defendant engaged in conduct which constituted a substantial step toward the commission of the crime and which strongly corroborated the defendant's criminal intent, and,
- Fifth: That the defendant acted knowingly and willfully.

COUNT TWO
Production of Child Pornography

The essential elements of Count Two, which charges the defendant with production and attempted production of child pornography, in violation of 18 U.S.C. § 2251(a), are as follows:

- First: The defendant employed, used, persuaded, induced, enticed or coerced, a minor to engage in sexually explicit conduct for the purpose of the production and attempted production of a visual depiction of the conduct; to wit: a video.
- Second: An actual minor is, that is, a real person under the age of 18 years old, is depicted; and
- Third: The visual depiction, in this case, a video, was produced using materials that had been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer.

PENALTY

The penalty for a violation of 18 U.S.C. § 2422(b), as charged in Count One, is a minimum mandatory of 10 years up to a maximum of life imprisonment, a fine of \$250,000, a minimum of 5 years of supervised release up to life, and a special assessment of \$100.00.

The penalty for a violation of 18 U.S.C. § 2251(a), as charged in Count Two, is a minimum mandatory 15 years up to a maximum of 30 years of imprisonment, a fine of \$250,000, a minimum of 5 years of supervised release up to life, and a special assessment of \$100.00.

Additionally, if the defendant is determined to be a non-indigent person, an

additional \$5,000.00 special assessment per count shall be imposed pursuant to 18 U.S.C. 3014.

FACTUAL BASIS

In April, 2014, a Detective from the Bradenton Police Department learned that the subject, NATHAN ALEXANDER BRYAN, an individual who had been previously investigated for sexual exploitation of children, was attempting to obtain babysitting jobs by answering online ads seeking same. Based on this information, the Detective began a criminal investigation of BRYAN. Specifically, on April 24, 2014, the Detective acted in an undercover capacity as a “bad dad” named “Brett” who was in his forties and who was looking for an adult male to engage in sex acts with his 8 year old stepson. For ease of reference herein, the detective will be referred to herein as “Brett” when discussing his work while undercover. “Brett” posted an online advertisement on a popular website’s “domestic gigs” section and indicated that he was a single dad, who was looking for a male babysitter to watch his 8-year-old stepson, in the Bradenton/ Sarasota, Florida area. On April 24, 2014, “Brett” received a response to the online advertisement by email to his undercover Gmail account from the BRYAN, who stated that he was responding to the babysitting ad, and left his telephone number for “Brett” to contact him.

Using a law enforcement investigative tool, the Detective learned that the telephone number provided was assigned to BRYAN, at the residence located at 2109 10th Street West, Bradenton, Florida. The Detective checked the address of

2109 10th Street West, Bradenton, Florida, through the Bradenton Police Department records and confirmed that the records showed that BRYAN resided at this address.

From on or about April 24, 2014 through on or about June 21, 2015, BRYAN communicated with "Brett" primarily via text messaging over the internet. During the communications BRYAN utilized the following moniker "Nathan Bryan", and cellular telephone messaging services, using three telephone numbers and discussed meeting "Brett" and his purported stepson for sex. For example, BRYAN utilized a Metro PCS cellular provider telephone number and sent text messages to "Brett" and discussed various sex acts that BRYAN wanted to perform on the child, including oral sex. BRYAN agreed that he would not perform anal sex on the child given his young age. BRYAN indicated that "Brett" could tape the sex acts, but indicated that "Brett" had to be careful and not get BRYAN's face in the video and expressed concerns that he could be identified by others on video given his numerous tattoos.

On June 18, 2014, BRYAN sent "Brett" a message stating that he had to move to Orlando, but would be coming back to the area. "Brett" continued to communicate with BRYAN from June 18, 2014 through July 9, 2014, when communication ceased from BRYAN. On June 2, 2015, the Bradenton Police Department received an email from BRYAN, using email address, pheonix1055@gmail.com. The email was in regards to BRYAN being robbed in the city of Bradenton. Law enforcement recognized the name "NATHAN

BRYAN” as the subject who was previously under investigation.

On June 4, 2015, the same Detective who had previously investigated BRYAN again acted in an undercover capacity as “Brett,” the same “bad dad” and posted an online advertisement on a popular website’s “childcare” section and indicated that he was looking for a male babysitter to watch his “9” year old stepson in the Bradenton/Sarasota, Florida area, to ascertain if BRYAN was still attempting to meet and engage in sexual acts with a child. On June 4, 2015, the Detective received a response to the online advertisement by email to his undercover Gmail account from BRYAN, who stated, “Hi my name is nathan ..and i would like to apply for the position please”. On June 5, 2015, the Detective responded to this email from his undercover Gmail account, “Hey Nathan this is Brett. How have you been? I thought you moved to Orlando. Are you back for good now? Hope to hear back from you”. On June 5, 2015, BRYAN wrote back to “Brett” at his undercover Gmail account. BRYAN wrote, “I figured it was. I been back for five months almost i lost your number.... I’m back and i wanna meet” and gave his phone number. On June 21, 2015, BRYAN showed up at a local store in Bradenton to meet who he thought was the “bad dad, Brett”, to meet and have sex with his purported 9-year-old stepson and was arrested. Among the proposed sexual acts that BRYAN indicated he wanted to engage in with the child was oral sex, which between an adult male and an 8 or 9 year old boy is illegal under the laws of the state of Florida (Florida Statute Section 794.011(2)(a)(capital sexual battery). Before

being placed under arrest, BRYAN showed the Detective a video of a naked approximately six to seven-year-old child that he babysat, which BRYAN produced on or about June 6, 2015. BRYAN surreptitiously taped the child in the bathroom while the child was changing clothes. The video child shows the child's penis and buttocks and the camera was zoomed in and focused on the child's genitals. The ZTE phone used to take the video and to text with the detective was manufactured outside of the state of Florida. BRYAN used the following items in the commission of the offenses charged in Counts One and Two: one generic black computer tower with a New Age Technology Solutions #2164 sticker on the side of the computer; one Hitachi 320GB SATA hard drive, S/N 111022E20342331014NP, removed from generic black computer tower; and, one white ZTE cell phone, model 2740G, S/N 322540822742. The defendant used his computer and phone to post and to respond to babysitting advertisements and to communicate with the undercover detective.

Respectfully submitted,

A. LEE BENTLEY, III
United States Attorney

By: /s/ Amanda C. Kaiser
Amanda C. Kaiser
Assistant United States Attorney
Florida Bar Number: 0083984
400 North Tampa Street, Suite 3200
Tampa, Florida 33602
Phone No.: (813) 274-6000
Fax No.: (813) 274-6103
Email: Amanda.Kaiser@usdoj.gov

U.S. v. Nathan Alexander Bryan

Case No. 8:15-CR-256-T-23JSS

CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2015, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

Adam J. Nate, Esq.

/s/ Amanda C. Kaiser

Amanda C. Kaiser

Assistant United States Attorney

Florida Bar Number: 0083984

400 North Tampa Street, Suite 3200

Tampa, Florida 33602

Phone No.: (813) 274-6000

Fax No.: (813) 274-6103

Email: Amanda.Kaiser@usdoj.gov