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IN THE SECOND DISTRICT COURT OF WEBER COUNTY,
STATE OF UTAH

STATE OF UTAH,

Plaintiff,

vs.

SHANE JESSE PETERSON,

Defendants.

STATE'S SENTENCING
MEMORANDUM
Case No. 241901993

Judge: CAMILLE L. NEIDER

The State, by and through Deputy Weber County Attorneys, Letitia J. Toombs and Kevin W. McGaha, hereby provides the following sentencing memorandum. The purpose of this Memorandum is to further inform the Court as to the aggravating factors underlying this case.

Shane Peterson has entered a guilty plea to a five count Amended Information. With this plea and the Defendant's stipulation to the imposition of consecutive prison sentences the State agreed not to amend to Aggravated Murder or Murder.

Sentencing courts are afforded "wide latitude and discretion in sentencing." *State v. Helms*, 2002 UT 12, ¶8. The Court is explicitly authorized by statute to impose each of these sentences consecutively. U.C.A. §76-3-401(5). Where, as is the case here, the Defendant agreed

to a plea and stipulated to consecutive sentences in order to avoid the risk of a much higher penalty, the Court should give heavy consideration to the negotiated plea. Utah Code instructs that the Court, when considering whether to impose consecutive or concurrent sentences, shall consider the “gravity and circumstances of the offenses, the number of victims, and the history, character, and rehabilitative needs of the defendant.” U.C.A. § 76-3-401(2). While all of these factors must be considered, the Court is not required to weigh all of them equally. For example, a Court may sentence consecutive on a less egregious case based on the history of the defendant and, conversely, based on the nature of the criminal conduct, the Court can sentence consecutively despite there being no prior criminal history. In addition to the statutory guides, the Utah Commission on Criminal and Juvenile Justice has developed Aggravating and Mitigating Circumstances Form which further inform the Court. The form identifies six aggravating circumstances:

1) Offense caused substantial monetary loss.

The potential that Gavin exhibited in his letter to his teachers is significant. Not only did this child show an aptitude for grammar and linguistics, his recall of dates and places indicates he had a full potential for a successful life and career in any number of endeavors had he survived. Any identifiable amount of monetary loss at this point is necessarily speculative. However, the potential that he showed for contributions to family, community, and career leads to the conclusion that a monetary loss of some import is certain. In the event his life had just been allowed to flourish the loss of his contributions could likely have reached into millions.

2) Offense caused substantial physical or psychological injury to the victim

As discussed in greater detail below, Gavin suffered serious physical and psychological injury, leading ultimately to his death. In this case, M.P. suffered both physical and psychological injury from her own abuse but also continues to suffer knowing the pain and torture that Gavin lived in the last years of his life. Additionally, the State has received information that B.P. has also suffered serious emotional trauma and will require years of counseling. The report from Dr. Laskey provides insight into the studies of victims of child torture as well as the impact on siblings.

3) Offense characterized by extreme cruelty or depravity

This is also discussed in greater detail below. This Defendant is the biological father to all three of the named victims. He was the man who was supposed to nurture, protect, teach, and love these victims. Instead, he ignored, “punished”, treated them with utter contempt and disregard for their humanity and “taught” them that parents hurt and abandon their children.

4) Offense involved two or more victims

There are three named victims in this case

5) Offense involved activity which occurred over a significant period of time

We know from the living siblings of Gavin that more subtle forms of abuse began much earlier, but the physical abuse, neglect, food restriction, and isolation began approximately 5 years prior to Gavin’s death – ongoing brutalization of the child for nearly half of his life.

Gravity and Circumstances of the Offenses

The Defendant entered a guilty plea to Child Abuse Homicide, a First Degree Felony for the death of Gavin. On July 9, 2024, law enforcement responded to a 911 call that Gavin had fallen in the bathtub and was non-responsive. Police reports and text messages show Shane Peterson was informed that Gavin “was not breathing” at 14:17. At 14:17 Shane Peterson was also asked “do we call 911? . . . we don’t know what to do.”

Despite being advised Gavin wasn’t breathing and asked if 911 should be called and help summoned, it took twenty-one minutes from when Shane Peterson was informed that Gavin wasn’t breathing to when the 911 call was initiated at 14:38 hours. Law enforcement emergency services arrived at 14:41 hours – three minutes after the 911 call. Rescuers found Gavin unresponsive and cold to the touch. Messages between Shane Peterson and a co-defendant were deleted less than an hour after Gavin was found unresponsive. Phone records show a call between Shane Peterson and Nichole Scott which began immediately after the text message Gavin “isn’t breathing” at 14:17. That call lasted for 11 minutes and 17 seconds and the call was completed before 911 was called at 14:38. Of note, 911 was not called until after Shane arrived home and the locking mechanism was switched and the cameras hidden. As discussed below, further investigation revealed that there had been video surveillance cameras in the room to capture Gavin’s movements through the cell. Shane was aware of the video surveillance equipment and had access to surveil the child, although searches showed he had deleted the applications from his phone.

Additionally, review of text messages between Shane Peterson and co-defendant, Nichole Scott, showed a history of the two complaining about Gavin’s needs. One message

between the two displayed their disgust over Gavin's need for glasses -- with Shane Peterson exclaiming "to hell with that little ass."¹

Dr. Antoinette L. Laskey, a board certified child abuse pediatrician concluded that Gavin was the victim of prolonged suffering. The cause of suffering included food restriction and starvation leading to organ failure. Dr. Laskey's report observes: "The information available in this case is clearly consistent with severe psychological abuse, physical abuse, malnutrition secondary to food restriction and child torture." (Emphasis in the original). The emotional toll from the treatment Gavin received was horrific. Again, Dr. Laskey's report observes:

Considering the psychological abuse GP endured, being isolated from children at school, outside contact with anyone, restriction to his room, constant monitoring with cameras, not being allowed to wear clothes, being forced to wear diapers, being deprived of love, and medical care all would have been profoundly impactful on his psyche. By report of the school contacts, this was an essentially normal child who was driven to a point of psychological breaking. He would have been cognizant of what was happening, understood that it was wrong and that the adults in his life who he should have been able to rely on for all things were in fact his tormentors.

After a DCFS investigation in 2020 found that the locking mechanism on Gavin's room was reversed to keep him from exiting the room, Shane was ordered to install the knob and locking mechanism properly to allow Gavin the freedom to leave the room as he chose. During the investigation of Gavin's death, the officers determined the door of Gavin's cell/room had the locking mechanism reversed to keep Gavin from leaving the room despite DCFS mandating that any locking mechanism be made available to unlock from inside the room. On the day of Gavin's death, co-defendants switched the locking mechanism back to appropriate installation before calling 911. Additionally, Shane Peterson allowed the use of illegal controlled substances

¹ It is important to note that many of Shane's text messages involving GAVIN had been deleted and it was not until much later in the investigation when all the phone records were compared that it became apparent.

in the home as it was openly used and the children in the home exposed not only to illegal substances but to impaired adults.

Throughout the investigation it became clear that Gavin was malnourished and underweight. Through review of text messages and interviews with the other children, M.P. and C.P., investigators learned that Gavin's diet was restricted to mustard and cheese sandwiches and water intentionally including mustard as it was known he found it repugnant. Even at that limited amount, Shane would not take the food to Gavin, making Tyler take him the food and water.

Shane also pled guilty to two counts of Aggravated Child Abuse covering a period of one and a half years for the emotional and physical abuse of Gavin. Additionally, he pled guilty to one count of Aggravated Child Abuse for the abuse perpetrated against M.P. over a two-year period and a Count of Endangerment of a Child for allowing B.P. to be exposed to controlled substances and paraphernalia in the home.

Number of Victims:

The investigation in this case came about as a result of the prolonged abuse, torture, and ultimate death of twelve-year-old Gavin. However, Gavin is but one of three named victims in the Amended Information. As a result of the extended investigation in this case, it became apparent that the older sister of Gavin, identified for purposes of this document as M.P., had been subjected to much of the same abuse while living with the Defendant and co-Defendants. Further, the eleven-year-old half-brother of Gavin, B.P. was the victim of Child Endangerment to the controlled substances located in the home.

GAVIN

Gavin was a twelve-year-old child at the time of his death. His immediate cause of death was listed as “complications of sepsis” with other significant conditions to include “decubitus ulcers, dehydration, organizing and acute pneumonia.” The sepsis was likely caused by the untreated wounds and / or the ingestion of his own feces. He had decreased abdominal subcutaneous fat and thinning of the chest and knee regions, all of which are consistent with malnutrition. The manner of death was ruled a Homicide.

Gavin had many wounds on his body at the time of his death, including severe sores on his lower back, upper back, hips, shoulders, elbows and knees. He also had a number of perfectly round injuries inflicted by an unknown mechanism and multiple contusions and abrasions across his entire body.

Unfortunately, the condition of Gavin’s body at his death tells only a small part of the story of his abuse at the hands of Shane Peterson and his co-defendants. Upon arrival in the home, officers found Gavin laying on the floor of the bathroom, completely naked, cold to the touch, and non-responsive. Officers immediately noted the injuries as well as how thin and frail Gavin appeared. After approximately 15 minutes of life-saving efforts, first-responders were finally able to get a faint pulse and rushed him to the hospital, where one of the doctors remarked to Law Enforcement that Gavin had suffered complete organ failure. Shane commented at the hospital that Gavin had had a seizure a few weeks prior to his death but they did not seek any medical care for him. A co-defendant reported that shortly after that seizure, Shane had made a statement to the effect of needing to “fatten” Gavin up and send him to his mom’s because he was going to die. Despite having that awareness, Shane did not seek out medical care for Gavin,

choosing instead to continue the isolation and maltreatment of Gavin. During autopsy the Medical Examiner noted that Gavin had Hippocampal Neuronal Loss, Chronic, of the Left Hippocampus. The Neuropathology report indicates that this may occur in the setting of seizures and epilepsy but may also be a consequence of other etiologies including ischemic injury.

Investigators conducted a search of the small Peterson home², finding a marked difference in one of the bedrooms from the rest of the home. Gavin's room, unlike the other rooms in the home had no carpeting. The floor was painted plywood subfloor with blue tape marking out a box of less than three feet long and wide. They located cords which led them to suspect that the room had contained surveillance cameras and, ultimately those cameras were located in a shed in the back yard of the property. The room had multiple areas of a black, foul smelling vomit, similar to the black stain found underneath Gavin once his body was removed from the home. Investigators also noted that throughout the home there were many family photographs and photographs of B.P. as well as notes hung in the home reflecting B.P.'s school progress and accolades declaring how much B.P. was loved; *there was not one single photograph, note, or school assignment of Gavin.* It was as if he did not exist in the home. The phone downloads reflected similarly with fun videos of B.P., family vacations, and fun outings, none of which included Gavin. The only images or videos of Gavin were of him locked in the cell, laying in a dirty diaper, covered in feces and wounds. The only text messages regarding Gavin were of how much they hated him, how terrible he was, and the torture they enjoyed putting him through.

² The home is estimated to be under 1000 square feet with two bedrooms, one bathroom, a living room and a kitchen.

A search of the phones belonging to the three co-defendants revealed a horrifying pattern of starvation, isolation, and abuse, both psychological and physical. There were screenshots and photos that showed Gavin laying on the floor wearing only a tattered diaper and covered in feces, some of them showing him eating his own feces. There were videos of Gavin knocking on the door which corresponded to commands to tell Gavin to get back inside his blue-taped square. There were messages about putting an old radio in his room and turning up really loud music that they knew he hated in order to drown out the sound of his knocking and pleas. Throughout, there is never a mention of Gavin's name, rather they referred to him only as "assbag" and other pejoratives. There is a record in the phones of enforced exercise, humiliation, food restriction, and other psychological torture. The picture that emerged from these videos, photos and text messages was that Gavin was not a human in their eyes, and he was not treated with even the slightest care or common decency. Gavin was not allowed to wear clothing. He was left in a diaper and the images recovered from the surveillance cameras show the diaper was disintegrating and dirty. He was not afforded even the luxury of being able to use the restroom when he needed to and would then be punished for making a mess in the room. The pets in the home were given more care than Gavin was afforded. Gavin was an articulate and intelligent child as can be seen in what he wrote for a school assignment.

M.P.

M.P. has described how Shane Peterson would come home from work and Nichole Scott would tell him about the day, including her acts of abuse on the children. M.P. would request to live with her mom to get away from the abuse which would only appear to incite further anger and further abuse which M.P. reports Shane Peterson would watch without intervening. She

describes recognizing that Shane would never come to her rescue when he watched Nichole beating her, including repeatedly punching her in the face. Shane was also an active participant in the abuse, forcing M.P. to kneel on bags of rice for hours and also imposing excessive exercise on her. The abuse of M.P. started when she was 12 and continued until she was finally able to go live with her biological mother when she was nearly 14 years old. Both M.P. and her mother recall the day M.P. was dropped on the doorstep of her mother. Melanie found M.P. thin and frail with bruising and a shaved head. Perhaps M.P.'s salvation was that she would run away from the abuse, leading to more law enforcement and DCFS involvement, which Shane and co- Defendant did not like. The injuries and condition of M.P., had it continued, would have led to a circumstance which they could not make up excuses for. As such, she was released from the prison that was the Peterson household. M.P. was subjected to watching her little brother, Gavin, being abused by Nichole and her own psychological pain as Shane Peterson would do nothing to protect either of them. Gavin was approximately 7 years old when this started. The abuse occurred over a period of five years.

B.P.

Along with his living half siblings, B.P. was victimized not only through the exposure to controlled substances, but also by the life-long exposure to an abusive household. As early as the 1st grade, the disparate treatment between Gavin and B.P. was apparent as the school was notified that they should not allow the two to be together during their time at school. In addition to the separation at school, there was a clear delineation at home, particularly within the last year of Gavin's life as B.P. was allowed to freely move about the house and was included in family

events and trips while Gavin was restricted to a small bedroom with a bare-painted-plywood floor, and frequently forced to stand for hours within the confines of the blue taped box.

A friend of the family describes having developed a lifelong relationship with Shane Peterson which included traveling together, barbeque dinners, and purchasing Lagoon season passes together. This relationship occurred over a period of three-and-a-half years and included at times twice a week get togethers. He was dumbfounded to find out that Gavin had been at the home all along yet not included in these social gatherings. Gavin was never seen or mentioned at these gatherings although the rest of the family, including B.P. and Tyler, regularly attended. Shane Peterson saw that the family, with the exception of Gavin, enjoyed season passes to the Lagoon Amusement Park. With B.P. witnessing the disparate treatment and prolonged abuse of his half-siblings that abuse has had a profound impact on his young mind. As articulated in the report from Dr. Antoinette Laskey:

In many cases of child torture, the other siblings are coopted into the abuse, being told that their sibling deserves what is happening, sometimes having the siblings participate in the abuse by taunting them (e.g., eating in front of them, teasing them, calling them names), or engaging in physical abuse or restraint of the victim. When these things happen, the surviving children learn to scapegoat, victim blame and lack empathy for suffering.

Each of these child victims were supposed to be nurtured in a loving home. Instead, the milieu over which Shane Peterson presided was nothing short of a prolonged death camp for Gavin.

Secondary Victims

As with all homicide cases, there are secondary victims impacted by the death of Gavin. In this case, the secondary victims include the biological mother of Gavin, who tried to get Gavin

back into her custody. She blames herself, despite the fact that she had no ability to stop the abuse where Shane refused to allow her to even see Gavin since 2019.

This case has far-reaching impact and secondary victims include the bus driver who tried to sneak Gavin snacks because he noticed that Gavin was very skinny and always seemed hungry. Shane and his co-defendant responded to this by taking away Gavin's backpack and giving him only a clear backpack so that he was unable sneak food back home. Gavin was punished every time he brought home food, causing him to tell concerned people that he could not take their kind offerings. School staff noticed Gavin would stand by the garbage cans and when he thought he was unseen would find and eat discarded food. Teachers and lunch ladies at the school also noticed his condition and tried to intervene, one person telling law enforcement that Gavin would appear in school dirty, hungry, and his eyes seemed sunken in and dark. Staff and teachers would add money to his lunch account at school so that he would be able to eat lunch at school and give him food themselves. Shane told the school personnel to stop feeding him. When the school expressed concerns to Shane about Gavin he would make excuses, telling them Gavin suffered from trauma from prior abuse while living with his mother. The school offered mental health resources for Gavin which Shane denied. Anytime the school made contact with Shane or Nichole about concerns for Gavin, he would be kept out of school, sometimes for several days. The school personnel were concerned for Gavin's health and with the clear malnutrition that they were seeing, they made reports to DCFS. To stop the reports from school personnel, Shane and Nichole took Gavin out of school in May of 2023, effectively isolating him from anyone who could intervene. Shane also rebuffed the efforts of DCFS to

investigate reports of abuse and neglect in the home by refusing to allow them to enter his home after November of 2020.

History, character, and rehabilitative needs of the Defendant.

Shane has been in the custody of the Weber County Jail since his arrest. Inmates are given a “pin” number to access the phone system. A recent review of the Weber County Jail phone system revealed that since the release of Tyler in March, Shane in violation of jail policy has been consistently using Tyler’s assigned pin to make dozens of phone calls. Another basic rule is that the inmates cannot have three-way calls. Early on in the case, investigators found that Shane and a co-defendant were able to facilitate prohibited phone calls to each other through a third party. Upon that discovery, the third party’s phone number was blocked in an effort to stop the calls, but a later review showed that they had continued to engage in prohibited communications by misusing the phone system. Even these basic rules are flouted by this Defendant as he pursues his own goals and pleasures without regard to rules or regulations.

In monitored jail calls immediately following the Shane’s plea entry Shane Peterson stated that with his plea he had managed to “push out a tear for the judge.” In addition to using Tyler’s pin for phone calls, the State has received information that Shane has used Tyler’s credit card numbers without authorization.

While the State concedes that there is not a substantial criminal history for this Defendant, consideration of the history and character of the Defendant reflects a man who has no consideration for the safety and welfare of his children, and no regard for societal norms. Shane Peterson appears to have no indications of any psychological deficiencies. However, as Gavin’s biological father, Shane Peterson, a well-educated, forty-seven-year-old man, failed to provide

natural affection and care for his own son, and looked-on with approval as that child was starved, secluded, dehumanized, and tortured in his own house and in front of Gavin's siblings. Shane Peterson's ability to engage in appropriate physical or moral decisions regarding the most vulnerable among us, innocent children, does not appear to exist.

For all of these reasons, as well as the stipulation of the parties, the State respectfully requests that this Court impose the maximum possible punishment in this case.

Respectfully submitted this 1st day of May, 2025

/s/ Letitia J. Toombs
Letitia J. Toombs,
Deputy Weber County Attorney

/s/ Kevin W. McGaha
Kevin W. McGaha
Deputy Weber County Attorney

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing *Sentencing Memorandum*, was delivered via mail, email or the Court's *efile* system to:

Logan Bushell
Jason Widdison

DATED this 1st day of May 2025

_____/s/ Letitia J. Toombs