

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Case No. 21-cr-20401

Plaintiff,

Hon. David M. Lawson
United States District Judge

v.

Nikolas Boris Mariani,

Defendant.

**THE UNITED STATES OF AMERICA'S
SENTENCING MEMORANDUM**

Mariani is a serial abuser of underage girls that unleashed immense harm to the community. Mariani's use of the internet and manipulation to engage in sex with those who are legally unable to consent makes him no less dangerous than the rapist who hides in a dark alley assaulting strangers.

Mariani relentlessly pursued underage girls on Snapchat, meeting at least three 14-year-olds to engage in illegal sex acts with them. One alleges that he forced her to give him oral sex three times and then dropped her off at a Family Dollar in Detroit, another victim police found nearly naked under Mariani's bed at his residence, and the

mother of the minor victim in this matter claimed that Mariani's actions had a significant negative impact on MV-1's physical, emotional, and mental health.

Since his first arrest at 11-years-old to his arrest in this case, Mariani has been a danger to the public. The Court must provide a significant sentence that reflects the serious nature of Mariani's offense and protects the public from future crimes that he may commit. The Court should sentence Mariani to the top of the guideline range, a 210-month sentence.

I. MARIANI REPEATEDLY SOUGHT SEX WITH MINORS, OFTEN USING DECEPTION

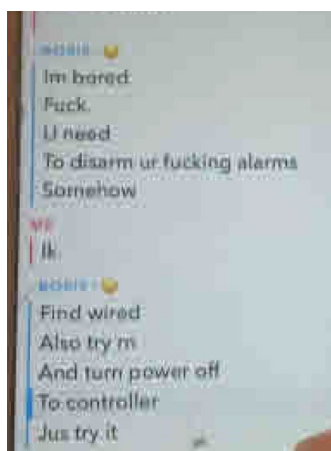
Mariani, with four separate Snapchat accounts and a Discord account, used social media to entice minors into illegal sex acts and to produce child pornography. (R.1, Pg.ID 9). Snap's "quick add" feature to chat with minor females. *Id.* If an individual identified as an age under 16, Mariani would claim that he was younger than his actual age. Mariani met three different minors on Snapchat, all 14-years-old that he sexually victimized, and Mariani requested and obtained sexually explicit images from additional minors.

A. Mariani's admitted offense conduct was serious and disturbing.

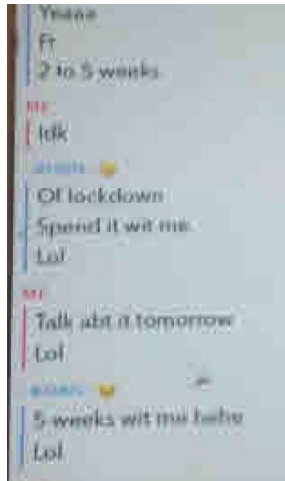
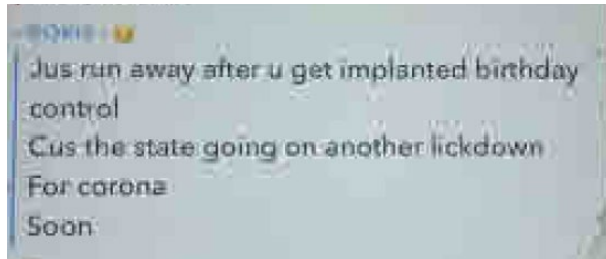
Mariani's offense came to light after MV-1's mother found various disturbing messages on MV-1's cellular phone. (PSR ¶ 12).

On December 8, 2020, MV-1 confirmed in a forensic interview that Mariani knew that she was 14 years old and that Mariani had sex with her. (PSR ¶ 12).

Count One in this matter relates to Mariani attempting to get MV-1 to come to his house and have sex with him, knowing that she was a minor. He sent her his address, and as screenshots from MV-1's phone show, also tried to get her to disarm her alarm to come to his house:



Later he encouraged her to run away after she got on birth control, asking her to spend a Covid lockdown that he believed was imminent:



Mariani also received images the day before of her genitals and of her masturbating, images that constitute child pornography and represent Count 2 of this offense.

This is aggravated since Mariani also had sex with MV-1, as well as the negative effects on MV-1's life. This itself would constitute a serious offense, but Mariani engaged in similar behavior with several other victims.

B. Police look for one runaway but find another at Mariani's residence.

On December 31, 2020, Roseville Police Officers went to Mariani's residence to find a 14-year-old runaway. (R.1, Pg.ID 8). Mariani answered the door wearing nothing but a towel. *Id.* While searching the residence, police officers found another 14-year-old runaway hiding under Mariani's bed, MV-3. MV-3 was wearing a sweatshirt and nothing else. *Id.* In an interview with police, MV-3 told the officers that she had met Mariani over Snapchat, that Mariani knew that she was 14 years old, and that Mariani had sex with her.

C. Mariani takes another minor from Flint to Detroit, leaving her in Detroit.

In a still-uncharged matter, Mariani met another 14-year-old minor in August 2020 on a find-a-friend application. They continued their conversation on Snapchat, and Mariani travelled to Flint, picked her up, and took her to an abandoned house in Detroit. (R.15, Pg.ID. 30). There, Mariani forced her to perform oral sex on him three times. Mariani dropped her off at a Family Dollar in Detroit the next day where her family had to pick her up.

The minor did not know Mariani's name, but a DNA result from the victim's ear indicated that Mariani was the perpetrator.

D. Mariani also produced child pornography with a 13-year-old.

This investigation also resulted in FBI agents reviewing Mariani's electronic devices and social media accounts. They discovered that Mariani requested and exchanged sexually explicit images with another minor. In this case, Mariani asked for and received the images from a 13-year-old. He also expressed a desire to have sex with her after he knew her age, as the portion of the conversation demonstrates:



Mariani's repeated online contact with minors to obtain sexually explicit images and meet them for illegal sex acts is highly aggravating.

II. MARIANI'S MENTAL HEALTH AND JUVENILE RECORD ARE GREAT CONCERNS

The Court also considers the history and characteristics of the defendant when deciding the appropriate sentence. 18 U.S.C. § 3553(a)(1). Here, Mariani's mental health issues and prior record aggravate the serious nature of this offense.

Mariani's adult criminal history consists of convictions for incidents that relate to this case, but his juvenile record is very concerning. His first adjudication---at only the age of 11---involved throwing sharp objects at his mother, which included scissors and pliers. (PSR ¶ 35). He received intensive probation but violated that by committing a new crime just months later. That new crime was throwing a rock at the windshield of a vehicle passing him. (PSR ¶ 36). On October 30 of the same year, Mariani committed an assault and battery, resulting in his placement at a juvenile facility. (PSR ¶ 37). It appears that Mariani remained in juvenile placement until late September 2016. In July 2017, Mariani

pulled a firearm on another individual and demanded money before fleeing. (PSR ¶ 38). Police searched Mariani's bedroom, recovering a loaded firearm, an airsoft gun, a black face mask, and various other concerning items. *Id.*

The PSR, quite understandably, devotes a large portion to Mariani's mental health issues. (PSR ¶¶ 55-62). There is nothing mitigating about his mental health issues, though. Nothing appears to have been effective to treat Mariani's mental health issues, and Mariani voluntarily chose to cease all mental health medications when he turned 18. (PSR ¶ 58). He eschewed these medications for various illicit substances. (PSR ¶¶ 64-65). Mariani's mental health issues have proven stubborn and he has ceased medication to the detriment of the community. His mental health status does not explain this behavior but instead is a cause for greater concern.

Mariani also may claim that he is not a high-functioning individual as well. But he has functioned highly enough to deceive numerous minors and functions at a high enough level to endanger the community.

Mariani's history and characteristics favor a lengthy sentence.

III. THE COURT MUST PROTECT THE PUBLIC FROM MARIANI AND CRAFT A SENTENCE THAT REPRESENTS THE SERIOUS NATURE OF THE OFFENSE

The Court is also to consider other factors, most importantly here the need to protect the public from further crimes that Mariani may commit and to reflect the serious nature of the offense. 18 U.S.C. § 3553(a)(2)(A, C). Those factors favor a sentence at the top of the guidelines. Mariani committed a spree of crimes against minors and did so after numerous juvenile offenses. He committed offenses that had profound effects on the lives of these minor females and their families. He did not just engage in illegal sex acts with them, he often encouraged them to run away from their families to join him. A significant sentence---one at the top of the guidelines—is required to protect the public from Mariani.

VI. CONCLUSION

The Court should sentence Mariani to 210 months' imprisonment.

Respectfully submitted,

DAWN N. ISON

United States Attorney

Date: November 8, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2022, the foregoing document was e-mailed by an employee of the United States Attorney's Office to the following:

Karen Roberts

s/CHRISTOPHER RAWSTHORNE
United States Attorney's Office