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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

No. 1:15-cr-10153-WGY

UNITED STATES OF AMERICA

vs.

NICHOLAS A. ROVINSKI

\*\*\*\*\*

For Hearing Before:  
Judge William G. Young

Sentencing

United States District Court  
District of Massachusetts (Boston)  
One Courthouse Way  
Boston, Massachusetts 02210  
Wednesday, December 20, 2017

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REPORTER: RICHARD H. ROMANOW, RPR  
Official Court Reporter  
United States District Court  
One Courthouse Way, Room 5510, Boston, MA 02210  
bulldog@richromanow.com

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A P P E A R A N C E S

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For the defendant

1 P R O C E E D I N G S

2 (Begins, 10:00 a.m.)

3 THE CLERK: Criminal Matter 15-10153, the  
4 United States of America versus Nicholas Alexander  
5 Rovinski.

6 THE COURT: Good morning, would counsel  
7 identify themselves.

8 MS. SIEGMANN: Good morning, your Honor,  
9 Stephanie Siegmann for the United States, and with me at  
10 counsel table is Gregory Gonzalez from the National  
11 Security Division at the Department of Justice.

12 THE COURT: Thank you.

13 MR. FICK: And good morning, your Honor,  
14 William Fick for Mr. Rovinski, who is here next to me.

15 THE COURT: Yes. Good morning.

16 May I talk directly to Mr. Rovinski?

17 MR. FICK: Yes, your Honor.

18 THE COURT: Mr. Rovinski, have you read the  
19 presentence report that's been prepared in your case?

20 THE DEFENDANT: Yes, I have, your Honor.

21 THE COURT: Have you talked it all over with  
22 Mr. Fick?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you believe you understand it?

25 THE DEFENDANT: I believe I do.

1           THE COURT: Nothing's been withheld from the  
2 presentence report under the rules of criminal  
3 procedure?

4           PROBATION OFFICER: No, your Honor.

5           THE COURT: Please be seated.

6           (Defendant is seated.)

7           THE COURT: This matter comes before the Court  
8 on a C-plea. I think it's appropriate to start by  
9 saying I've carefully reviewed all the materials that  
10 are before the Court and I -- so I have before me his  
11 tender of a plea of guilty pursuant to that C-plea  
12 agreement, and now I accept that tender. So that  
13 restricts the Court's, um, the range. I should go  
14 further and say, having read the government's sentencing  
15 memorandum, um, I am inclined -- and I think that's a  
16 sensitive and careful recommendation, to accept that  
17 recommendation, and that is not different than the best  
18 the defendant can do. But I'll hear argument if some is  
19 necessary.

20           It is still my obligation accurately to calculate  
21 the sentencing guidelines. And so, Ms. Siegmann, let me  
22 pose this question to you.

23           Yesterday you argued an issue in the guideline  
24 calculation which, um, raised with the Court its  
25 responsibility independently to analyze the guidelines.

1 As I recall the argument, the government agreed that the  
2 guidelines arithmetically were properly calculated, but  
3 -- and you argued frankly they were wrong and a careful  
4 review of the charge and conviction should lead the  
5 Court to that conclusion. I took the matter under  
6 advisement. And as it turned out, it was moot. That's  
7 my view.

8 Have I got that right?

9 MS. SIEGMANN: Well, I think the government  
10 had -- the calculation was one level higher than what  
11 probation had.

12 THE COURT: True.

13 MS. SIEGMANN: So arithmetically it was  
14 different, because I was at level 43 and the probation  
15 department is at 42.

16 THE COURT: Well, yes, but I guess I'm -- is  
17 that issue present here?

18 MS. SIEGMANN: No, because the plea agreement  
19 has the correct guideline calculation, in the  
20 government's view, and it uses a different guideline  
21 section than Mr. Wright's, and that's because the  
22 parties and probation basically followed the plea  
23 agreement in the calculations. And so that's why there  
24 is no issue here as there was in Mr. Wright's sentence.

25 THE COURT: Thank you. And so if I put it to

1 you, you then agree with the guideline calculation as  
2 set forth in the presentence report?

3 MS. SIEGMANN: For Mr. Rovinski.

4 THE COURT: For Mr. Rovinski?

5 MS. SIEGMANN: Yes, I do.

6 THE COURT: And, Mr. Fick, you agree with the  
7 guideline calculation?

8 MR. FICK: Yes.

9 THE COURT: All right, because that needs to  
10 be established.

11 I think -- it's pure dicta because I don't think  
12 it, um -- well, it did not bear indeed -- it bore but  
13 was of no moment in the sentencing of Mr. Wright, but on  
14 reflection I think the government has the better of the  
15 argument, and I'll say that on the record.

16 All right, I've talked enough. I've accepted the  
17 C-plea. I've indicated my willingness to accept what in  
18 effect is the joint recommendation.

19 Oh, I do have one other question and that is  
20 Mr. Fick has, on Mr. Rovinski's behalf, made a strong  
21 argument for a designation recommendation from this  
22 court.

23 Do you object to that?

24 MS. SIEGMANN: No, your Honor. And actually,  
25 um, one of the points I was going to make today is that

1 the government jointly requests that BOP designation.

2 THE COURT: Thank you. Those are my  
3 questions. And I think I should give the government,  
4 the defense, and Mr. Rovinski a chance to speak, if you  
5 wish. I'm inclined to accept the joint recommendation  
6 and the designation as well, um, so I think it can be  
7 brief, but I think you're entitled to be heard. We'll  
8 start with the government.

9 MS. SIEGMANN: Your Honor, as the government  
10 set forth in its sentencing memorandum, while the crimes  
11 here are very serious, we believe the Section 3553(a)  
12 factors, especially the mitigating factors, support a  
13 sentence of 15 years, 10 years for Count 4 and 5 years  
14 for Count 1 to run consecutively. The government also  
15 urges that the Court impose a term of lifetime  
16 supervised release upon his -- the defendant's release  
17 from prison.

18 I just want, just for the record, to address some  
19 of the factors in this decision and recommendation, let  
20 me just briefly discuss a few of them for the Court.

21 There was no doubt that the defendant and his  
22 conspirators posed a grave threat to the United States  
23 in June 2015. He was a strong supporter of ISIS, he had  
24 twice pledged support for Abu Bakr Al Baghdadi, he made  
25 numerous anti U.S. statements and they were in

1 conspiring to kill a U.S. citizen and in plotting other  
2 violent attacks, but -- and he continued to engage in  
3 some activity in prison, but the mitigating factors here  
4 differentiates this defendant from many other defendants  
5 the government has seen and is aware of.

6 Mr. Rovinski has renounced publicly his support  
7 for ISIS, he has recognized that he himself deserves to  
8 be punished for his conduct, he understands the  
9 wrongfulness of his behaviors, and he cooperated fully  
10 with the government and testified for three days at  
11 trial, the government thinks that testimony was critical  
12 to the jury's convictions, and it's clear that he was a  
13 mere follower compared to Wright, and that Mr. Wright,  
14 the defendant you sentenced yesterday, was the  
15 mastermind and manipulated Mr. Rovinski as he did his  
16 Uncle Rahim.

17 The other issues I think that weigh in favor of  
18 the 15-year sentence is the fact that, by virtue of  
19 testifying and cooperating against an ISIS plotter,  
20 Mr. Rovinski has exposed himself to retribution by ISIS.  
21 ISIS is still operating even though they've lost  
22 territory graphically, they have a robust, robust  
23 presence on the internet and social media and they  
24 continue to recruit people to kill people in the United  
25 States and in the west.



1           Additionally I think that the factors also, um,  
2           from the government's point of view, that also are  
3           important to note, is that Mr. Rovinski never ever  
4           complained despite all the many preparation sessions we  
5           had with him, he was completely forthcoming and  
6           cooperative, and even when he was told about threats  
7           against his life and those of his family members, and  
8           even the fact that Mr. Wright wanted to behead his cat,  
9           he never expressed any reluctance to testify.

10           Lastly, the government believes that his physical  
11           condition, um, of cerebral palsy and cognitive deficits,  
12           although not an excuse for the crimes, may have been one  
13           of the reasons why he was so swayed by the appeals of  
14           ISIS, you know, fame and glory in the afterlife, because  
15           of the troubles he's had over his lifetime. And so for  
16           those reasons the government believes -- and likely he  
17           was deceived by it, many of the representations, because  
18           of those, um, his physical and, um, mental deficits.

19           For those reasons the government is requesting a  
20           sentence of 15 years, and again I jointly request the  
21           BOP designation language that's contained at Page 3 of  
22           the defendant's memorandum. Thank you, your Honor.

23           THE COURT: Thank you. Mr. Fick.

24           MR. FICK: Thank you, your Honor. I'll be  
25           brief and not belabor what's in the papers.

1           You know I'd make the observation that the  
2 government and law enforcement face a very vexing  
3 problem today about what to do about online  
4 radicalization, young people looking for a cause, and  
5 what happens when they lash onto an odious and dangerous  
6 and violent cause, and, you know, one can certainly  
7 understand, stepping back, that it's very difficult for  
8 the government and law enforcement to know both who  
9 might go operational, who might stay within the realm of  
10 ideas. You know we'd like to think in this situation,  
11 given Mr. Rovinski's unique background and  
12 circumstances, that, you know, if he hadn't had the  
13 misfortune of encountering Mr. Wright online, this idea,  
14 this phase, might well have passed unnoticed much like  
15 the -- the notion of joining the teepee community in  
16 Suskatchewan, like Dr. Reid talked about in the  
17 psychiatric evaluation. But unfortunately that's not  
18 what happened, the federal crime of conspiracy is  
19 serious, the elements here are met, Mr. Rovinski is  
20 guilty and pled guilty to that crime, which still  
21 however leaves us with the question of "Well, what do  
22 you do in a situation like this?" And I think it's  
23 important to recognize that 15 years is a very very  
24 substantial punishment. We get inured to huge numbers  
25 in this building sometimes, but 15 years, on any

1 measure, is a very substantial punishment, particularly  
2 for someone coming from where Mr. Rovinski is. You know  
3 the, um -- but certainly I think it's amply sufficient  
4 in the circumstances.

5 And I think one of the best measures of that, and  
6 the most interesting ones, and the one that I'm sort of  
7 the most appreciative of is the measure of -- that the  
8 government and law enforcement itself eventually came  
9 to. You know we entered the plea agreement originally  
10 in the situation where even notwithstanding the  
11 cooperation the government took the position that it was  
12 going to ask for 22 years, although the defense would be  
13 allowed to ask for 15. What I think happened as time  
14 unfolded and as Mr. Rovinski had the opportunity to  
15 spend hour after hour after hour both with the  
16 prosecutors and with law enforcement agents is, um, the  
17 agents, I think in particular, came to have a very -- a  
18 much more nuanced view of what Mr. Rovinski is, what  
19 challenges he faced, where he is now, and what hope he  
20 offers in the future, and I really -- it's a peculiar  
21 position for someone like me to be in, for a defense  
22 lawyer to be in, but I really appreciate the sort of  
23 openmindedness, honesty, and integrity that law  
24 enforcement showed for Mr. Rovinski in this case, and I  
25 think the government's decision to jointly recommend 15

1 years under the C-plea is a reflection of that, and I  
2 think it clearly indicates that that is a sufficient  
3 punishment. You know they are the people here who  
4 really came to best know what Mr. Rovinski went through  
5 and where he's wound up today.

6 The other group of people of course that I look to  
7 in trying to assess, um, you know, what arguments I can  
8 make and how to look at this situation are his family,  
9 his mother, his father, his brother, the people that  
10 have known him since he was born, and, you know, I will  
11 say to them and to the Court, um, that I think I will  
12 probably go to my grave thinking that perhaps I have  
13 failed them in some way because from their point of view  
14 of course 15 is an unthinkable tragedy, they could never  
15 imagine that their son, their brother, would wind up in  
16 this situation. On the other hand I recognize the  
17 challenge that law enforcement faces, these are very  
18 serious crimes, these are very dangerous ideas, and so  
19 some measure of punishment is necessary here and, um,  
20 this is the number we landed on in the circumstances. I  
21 appreciate the Court's inclination to adopt it and I  
22 support that. And once again I simply thank the  
23 government and law enforcement for its, um, recognition  
24 that that is sufficient in the circumstances.

25 THE COURT: Thank you.

1           Mr. Rovinski, you have the right to talk to me  
2 directly. You are not required to. If you want to, if  
3 you want to say anything, you may do so now.

4           THE DEFENDANT: Yes, your Honor, I would like  
5 to. I've prepared a speech for you.

6           (Takes out paper.)

7           THE DEFENDANT: While being incarcerated I've  
8 had ample time to meditate on my circumstances, seeing  
9 what I was planning as being met with malice, animus,  
10 and evil. Since coming to such realization, I'm  
11 starting to be a new man, I've come to accept  
12 responsibility for my actions that brought me here  
13 today.

14           Standing here before you, while it's unfortunate  
15 but necessary to me and my development as a human being,  
16 but utterly condemning the violent acts with which I am  
17 charged, I shall move forward. As for my future, I hope  
18 to contribute to my country in a meaningful way through  
19 career and charity. I was planning to pursue a career  
20 in diesel mechanics, hydraulics, possibly Merchant  
21 Marine, and in doing so I will work diligently to  
22 participate as a productive citizen and member of  
23 society.

24           Pertaining to charity, I wish to volunteer for  
25 programs towards helping the destitute. I wish to

1 volunteer my time for veterans who have fought for the  
2 security and freedom of this country. I want to thank  
3 God for giving me a second chance and to thank the  
4 prosecuting agents for taking their time to talk with me  
5 and to work with me towards my sentencing. Thank you.

6 THE COURT: Thank you.

7 (Pause.)

8 THE COURT: Mr. Nicholas Rovinski, pursuant to  
9 18 United States Code, Section 3553A, the information  
10 from the United States Attorney, your attorney, the  
11 probation department, and, um, yourself, this Court  
12 sentences you to 15 years in the custody of the United  
13 States Attorney General. The Court breaks down that  
14 sentence as follows: On Count 1, I sentence you to 7  
15 years. On Count 4, I sentence you to 8 years from and  
16 after the sentence on Count 1. I, um -- the proposal by  
17 the government makes perfect sense but since I stumbled  
18 in sentencing Mr. Wright, it seems to me to make sense  
19 to certainly not sentence Mr. Rovinski, as a matter of  
20 form, to more than I sentenced Mr. Wright on Count 4.  
21 I'm fully cognizant now that the sentence has to run  
22 from and after. So it's a total of 15 years.

23 The \$200 special assessment required by law. The  
24 -- a lifetime of supervised release, as agreed by the  
25 parties, the Court imposes it, with all the general

1 conditions of supervised release and the following  
2 special conditions.

3 When you are released from prison, you're to  
4 reside for a period of up to 6 months in a residential  
5 reentry center or until such time as a suitable  
6 residence can be located. You must observe the rules of  
7 that facility. You must not knowingly have any contact,  
8 direct or indirect, with Pamela Geller. You're  
9 prohibited from drinking alcohol to the point of  
10 intoxication, as defined by Massachusetts state law as a  
11 .10 blood alcohol level. You must participate in a  
12 program for substance abuse counseling, which program  
13 may include drug testing not to exceed 104 drug tests  
14 per year. You must participate in a mental health  
15 treatment program as directed by the probation office.  
16 You must participate in a vocational services training  
17 program as directed by the probation office. You're  
18 required to contribute to the costs of these special  
19 conditions to the extent of your ability so to  
20 contribute. They'll be no fine due to your inability to  
21 pay a fine.

22 The Court adopts the recommendation and now makes  
23 the recommendation which both parties jointly propose.  
24 The Court strongly recommends that Mr. Rovinski  
25 initially be designated to FCI Danbury and that he

1 participate in the Bureau of Prisons' Skills Program.  
2 The Court recommends that his security level not be  
3 increased outside the parameters of the Bureau of  
4 Prisons' security classification system. If the Bureau  
5 of Prisons does not comply with this recommendation, the  
6 Court requests a letter detailing the specific reasons  
7 for not so complying.

8 Let me explain this sentence to you, Mr. Rovinski,  
9 though both sides in effect agree and you evidence a  
10 real understanding of why this sentence is necessary.  
11 These are most serious crimes. I listened very  
12 carefully to what you said. I'm glad you can  
13 acknowledge how fair the government has been here. And  
14 in his skill as your attorney, I accept and I think  
15 Mr. Fick accurately compliments the government in its  
16 sensitivity toward your position and your specific  
17 circumstances, and I truly respect that.

18 I tried to say yesterday -- I'm not going to  
19 extend this. I tried to say yesterday, and I did so  
20 inartfully, what you, Mr. Fick, have managed to say more  
21 succinctly and more accurately, that this is a problem  
22 beyond individual defendants who seek to put these ideas  
23 into action. Our society is not afraid of ideas, we're  
24 committed to the belief that we have better ideas, ideas  
25 that allow all people the chance both to participate and



1 realize their full potential and, um, have an equal and  
2 just and respectful place in society, and the one thing  
3 -- and I'm sure I did not do this well yesterday, but I  
4 did try to address what you raised, that outside the law  
5 enforcement, which has been superb here in this case,  
6 superb at the level of enforcement of the law and superb  
7 in the prosecution of crimes that justly can be indicted  
8 and proved, we need something, something that's  
9 internet-attractive to young people to convey those  
10 ideas and to convey the self-sacrifice, the heroism, the  
11 daily requirement of what it means to be a citizen in a  
12 republic. In your several roles, the prosecutor and  
13 defense counsel, that's not your direct responsibility,  
14 but it is all of our responsibility as Americans to see  
15 that the truly magnificent system that we have, a system  
16 that is borne out in this proceeding in so many ways,  
17 um, resonates in the hearts and minds of -- I called  
18 them "restless young people" yesterday, and I'll stand  
19 on that.

20 He should have credit toward the service of this  
21 sentence from the 11th of June of 2015 toward the  
22 present, and I do declare such credit.

23 Mr. Rovinski, despite your plea agreement, you  
24 have the right to appeal from any findings or rulings  
25 the Court makes against you. Should you appeal and

1 should your appeal be successful, in whole or in part  
2 and the case remanded, you'll be resentenced before  
3 another judge. Mr. Fick, if an appeal is decided upon,  
4 you want transcript, seek it from this session of the  
5 court because I'll turn it around right away. Do you  
6 understand?

7 MR. FICK: Yes, your Honor.

8 THE COURT: That's the sentence of the Court.  
9 He's remanded to the custody of the marshals. We'll  
10 recess.

11 (Ends, 10:30 a.m.)

12

13 C E R T I F I C A T E

14

15 I, RICHARD H. ROMANOW, OFFICIAL COURT REPORTER,  
16 do hereby certify that the foregoing record is a true  
17 and accurate transcription of my stenographic notes,  
18 before Judge William G. Young, on Wednesday, December  
19 20, 2017, to the best of my skill and ability.

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21

/s/ Richard H. Romanow 1-9-18

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RICHARD H. ROMANOW Date

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