



Ohio National Organization for Women

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January 31, 2013

Ohio Attorney General Mike DeWine
30 E. Broad Street, 14th Floor
Columbus, OH 43215

Re: Steubenville Rape Case: Michael Nodianos Should Be Investigated, and if the Evidence Supports It, Should Be Prosecuted for Failure to Report a Crime, Under Ohio Law, Revised Code §2921.22

Dear Mr. DeWine:

I am writing to express the national community's outrage over the apparent failure of your Office to charge Michael Nodianos with Failure to Report a Crime, namely, the Steubenville rape case, under Ohio state law, revised code § 2921.22. As you may be aware, Mr. Nodianos is the man shown laughing and joking about a girl being raped in a 12-minute video, reportedly filmed on the night of the rapes. The leaders of national organizations who have signed onto this letter share this concern, and believe the evidence shows that Mr. Nodianos is criminally liable under Ohio law.

Ohio Law, Revised Code § 2921.22 (A)(1) states:

“No person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities. Whoever violates division (A) or (B) of this section is guilty of failure to report a crime.” <http://codes.ohio.gov/orc/2921.22>

Rape is a felony under Ohio Law, Revised Code §2907.02.
<http://codes.ohio.gov/orc/2907.02>

It is our considered opinion that the Ohio Attorney General's Office should conduct a thorough investigation into the facts surrounding Mr. Nodianos' involvement in the rape; i.e., what did he know, when did he know it, and how did he know about it. If the facts show, as we believe that they will, that Nodianos knew about the rape and failed to report it to the authorities, then we call

upon the Attorney General's office to **immediately file criminal charges against Mr. Nodianos for his failure to report a felony.**

From the information available to the public, there appears to be compelling evidence on the two main issues, in our opinion:

- 1) Did Michael Nodianos know that the rape had occurred?
- 2) Did Nodianos report the rape to the police or law enforcement?

The 12-minute video (reportedly filmed the night of the rapes) provides evidence of the following:

- 1) An individual identified as Michael Nodianos makes statements in the video which strongly suggest he knew the girl had been raped, because he states in the video that "She is so raped right now," and he states numerous times in the video "they raped her."
- 2) Nodianos makes numerous references in the video to how the young rape victim was unconscious during the rapes (and therefore unable to consent), by referring to the girl as "dead" and the "dead girl."
- 3) **Most importantly, Nodianos makes a statement in the video which suggests that he personally witnessed/saw the rape victim being carried out while unconscious at one of the parties.** Specifically, Nodianos refers to the rape victim's unconscious state – he says to a person off camera: "She's dead. **You didn't see how they carried her out! You know, I thought she was Jesus Christ, back from the dead.**" (See 9:01 on video; also see 8:39 for the context of the conversation).

The attorney who represents Michael Nodianos has stated in a January 2013 media interview that Nodianos saw the 16-year-old girl leave a party early August 12th with two young men: "He saw her leave with two guys. I don't know if he saw her being carried out of the house." <http://www.heraldstaronline.com/page/content.detail/id/581881/Attorney--says-client--regrets---stupid--comments.html?nav=5010>

The following is the "Youtube.com" link to the video in question:

<http://www.youtube.com/watch?v=Vp6cirm4buw&bpctr=1357549560>

(Check the box, and click the "Continue" icon to watch the video).

In this video, Michael Nodianos states several times: **"they raped her."**

"They raped her harder than that cop raped Marcellus Wallace in *Pulp Fiction*." (see 4:22)

"They raped her more than the Duke Lacrosse Team." (see 5:02 in video)

"They raped her quicker than Mike Tyson raped that one girl." (see 4:36 in video)

"She is so raped right now." (see 5:17 in video)

Mr. Nodianos refers to the rape victim's vagina being dry from being raped while she was unconscious, that the girl did not move while her attackers anally raped and urinated on her, and he refers to the girl as being "dead." "Dead" is Nodianos' word for "unconscious."

"Her puss is about as dry as the sun right now." (see 6:12 in video)

"There ain't any foreplay with a dead girl -- If it ain't wet now, it ain't ever gonna be wet....trust me I'm a doctor." (see :05 seconds into the video)

"She's dead because there's a naked picture of her – a wang in the butthole, and she wasn't movin. There's usually a reaction to that." (see 1:07 in video)

"They peed on her. That's how you know she's dead, cuz someone pissed on her." (see 1:53 in video)

A person off camera speaks to Michael Nodianos, using Nodianos' apparent nickname, "Nodi."

"Nodi, why isn't she waking up?" Nodianos responds, "She's dead! **There ain't no waking up.**" (see :51 seconds into the video)

"She is deader than Trayvon Martin." (see 5:56 in video)

"She's deader than O.J.'s wife." (see 2:34 in video)

"She is deader than Caylee Anthony." (see 2:41 in video)

Mr. Nodianos makes statements in the video which suggest that the young girl was still being sexually assaulted (that **the rapes were still occurring in real time**) while this video was being **filmed**. Thus, if Nodianos had reported the rape to the police, it is possible he could have prevented further harm to the victim, and his failure to report the crime allowed the rapes to continue.

See 12:02 on the video: Michael Nodianos speaks to a person off camera and says, **"Jake, how do you feel that there's a dead body in your house, like now?"**

This statement by Nodianos suggests that the girl was still being sexually assaulted at the time this video was being filmed and/or that Nodianos was aware that the rapes might still be occurring during the filming of this video.

See 3:32 on the video: Some individuals appear to leave the room or house to check on the rape victim, saying "Come on, bro. We're goin. We're goin' bro." **Michael Nodianos responds to their leaving by saying, "Right now, what they're doin' – they're tryin' to help a dead girl. That's like tryin' to help wood turn into stone."**

See 7:50 on the video: Another person in the video who is apparently angry and disgusted about the girl being allegedly raped by Trent Mays (now charged related to the rape) says "Please don't let me get a hold of Trent" and **Michael Nodianos responds, "Just go over there. Go over there. Why are you raping a dead girl?"**

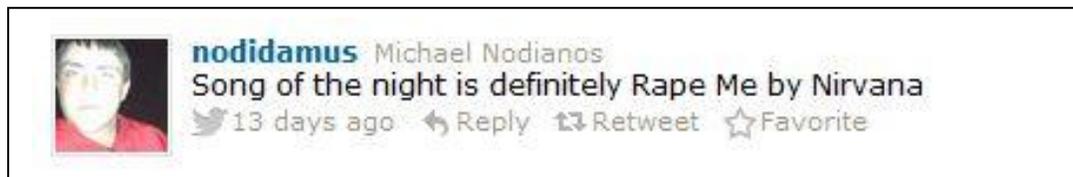
This statement by Nodianos suggests that the girl was still being sexually assaulted at the time this video was being filmed and/or that Nodianos was aware that the rapes might still be occurring during the filming of this video.

The shocking photo below clearly shows that **the rape victim was unconscious** – she is being held by her wrists and ankles by two males.



These screenshots of two public tweets, reportedly sent by Michael Nodianos on Twitter, appear to refer to the girl being raped and how **the rape victim was urinated on** by her attackers.

<http://deadspin.com/5969103/how-an-alleged-rape-involving-ohio-high-school-football-players-unfolded-on-twitter-instagram-and-youtube>



<http://prinniefied.com/wp/bystanders-blamers/#more-1425>

As you know, rape is not only a very serious crime, it is one that is rarely reported and difficult to prosecute because of the victim's reluctance to come forward and further subject herself to public humiliation, and the prospect of a trial where it will be claimed that the sexual act was consensual or never occurred. Accordingly, it is important that those who fail to report knowledge of this crime must be held criminally accountable. As the top law enforcement official in Ohio, we expect that you will take this issue seriously.

Attorney General DeWine, the nation is watching your actions in this Steubenville rape case. The trust that the public places in you as the top law enforcement official in Ohio is based on the expectation that you will enforce the rule of law and hold those who break the law accountable.

On behalf of our organizations, Ohioans, and men and women nationwide, we urge you to demonstrate that the Ohio Attorney General's office takes this matter seriously by conducting a thorough investigation, and, should the evidence demonstrate what we believe to be clear from publicly available sources, **charging the persons responsible for these crimes, including the failure to report**. Only by doing so will a clear message be sent to the community that those who rape a woman, those who aid and abet the crime, and those who fail to report it will be prosecuted to the full extent of the law.

We look forward to your prompt response.

Thank you.

Sincerely,

Jacqueline Hillyer
President, Ohio National Organization for Women

cc: John Kasich, Governor of Ohio

On Behalf of the Following Organizations:

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