

70304-8

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COA No. 70304-8-I

Cause #70304-8-1

Adult Drug Court Program
(ADCP)

FILED
CLERK OF SUPERIOR COURT
OCT 21 PM 1:21
EVERETT, WA

STATEMENT OF ADDITIONAL GROUNDS

Your Honors and To Whom It May Concern,

I believe this is what caused the turn of events when the Snohomish County ADCP decided to terminate me from the drug program.

I Alexander S. Nichelin opted into the Adult Drug Court Program in March of 2012. During my time in the program I was responsible for a rigorous schedule including the required random urinalysis (UA) drug testing. The testing was done at the Sterling Labs in Everett, WA. This company was contracted by the Snohomish County (ADCP). Each and every time my UA's were clean. There were several times I was called up to 11 days in a row and each and every time my UA's were clean.

On July 16, 2012 at 11:15 a.m. I was at Sterling Labs on Wall St. in Everett submitting a U.A. The employee at Sterling Labs that day, Cameron, was supposed to observe my UA given. Instead of observing from a distance as was the appropriate procedure, he insisted on touching me around my groin area, buttocks, legs and chest. I asked him to stop, that this was not normal procedure. He said to me that he had the "right" to do this. He approached me and yanked my pants down to my ankles and lifted my shirt to my neck. I stood there completely naked as he man-handled me. I asked him if I could cover myself back up and he replied NO! And added that if I didn't do what he asked I would be in compliance by the Snohomish County ADCP. This went on for approximately ten minutes. Cameron continued to yell at me and threatened me to pee in the cup, when I was finally able to produce a UA sample.

I reported this incident to my ADCP Coordinator, Karla Rasmussen immediately after the assault. I also spoke to Judge George N. Bowden in his chambers. He said that this was unfortunate and should not have happened and if I pursued a

law suit that I had the right to do that. I also spoke to Janelle, The Director of Snoh. Co. ADCP. We spoke about all these things and she apologized again on Sterling Labs behalf for this assault. She encouraged me to see a doctor or counselor for the anxiety issues that were building in me. I was given one week off from Sterling Labs to avoid this man while he was still employed. He was fired one week later.

I started to feel extreme anxiety and fear from this sexual harassment incident and could not sleep. I followed through with counseling and went to my doctor's office. She diagnosed me with post-traumatic stress disorder (PTSD) from this tragedy. I had chronic anxiety for the next few months and couldn't sleep.

At this point I sought out attorney Rafe Schwimmer for council on how to proceed with Sterling Labs. He began attending the ADCP court hearings and asked Director Janelle several questions. At this point it became clear that the relationship with my ADCP directors and coordinators changed. I began to notice the cold shoulder from people I had grown to trust and I believed what I did was disapprovingly judged.

I continued to be strong and follow the letter of the ADCP law. I attended all and more meetings to keep my steadfast progress. I did not resort to relapse with narcotic drugs. I saw my doctor again and was told about Kratom to relieve my anxiety that was unbearable. There was nothing bad about this supplement, actually I'd heard good things about it. It was legal, over the counter, all natural. And it was not listed as something we could not take in the Snoh. Co. ADCP contract.

When I spoke to my defense attorney, Laura Martin, she called Sterling Labs and asked if they had a manual for protocol on the premises and they responded "no". She then went on line and printed a copy of their protocol and gave it to me. It said on the very first page that the **"employees of Sterling Labs were to watch and observe from a distance and at no time were they to engage in physical contact at any point what so ever."**

An important point of fact during this time is that the entire Snoh. Co. ADCP committees had voted for me stay in the program after I served one week in jail.

The following week at my court hearing Judge Bowden asked if my mental health counselor could speak to the committee the following week before they made the decision to whether to terminate me or not. The committee voted for me to stay in the program and continue the good work evidenced in earlier months. Judge Bowden kept me in jail another week. The mental health counselor had an emergency, and was not able to do that. Judge Bowden kept me in jail another week. When the committee finally voted to keep me in the program, Judge Bowden disagreed with their vote for me to stay in the program. He said it was "undecided". My defense attorney advised me that Judge Bowden had asked his superior to change the 1998 standing rule, since the beginning of the ADCP, of the vote procedure. He wanted the final and only vote. They changed the rule at mid-stream. Judge Bowden said he would take the councils opinions into consideration but the only vote would be his. After several meetings with my counselors and their agreement to keep me in the program because of the "admirable job" I was doing, also stated by Judge Wilson in hearings afterwards, I was terminated.

In summary, I think I have been unfairly targeted by higher level officials, afraid of the reaction from the possible lawsuit involving Sterling Labs who was hired on contract by Snohomish County Adult Drug Court Program. The drug court knowing if I was terminated from their program I would have no credibility for my word against Sterling Labs which could possibly back fire to ADCP.

Your Honor, I worked hard in this program and would like the opportunity to finish and graduate so I can move on with my life. I realize I will have to complete an additional rigorous schedule which I welcome. I ask you to please allow me to complete this program in another county because of the prejudice I have received in Snohomish County. Please your Honor give me this opportunity to finish well and continue to be a productive citizen in society.

Most Grateful,

Alexander Nichelin

A handwritten signature in black ink, appearing to read "A. Nichelin". The signature is written in a cursive, somewhat stylized font with a large initial "A" and a long, sweeping underline.

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON)

Respondent,)

v.)

ALEXANDER NICHELIN,)

Appellant.)

COA NO. 70304-8-1

DECLARATION OF SERVICE

I, PATRICK MAYOVSKY, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING IS TRUE AND CORRECT:

THAT ON THE 21ST DAY OF OCTOBER 2013, I CAUSED A TRUE AND CORRECT COPY OF THE **STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW** TO BE SERVED ON THE PARTY / PARTIES DESIGNATED BELOW BY EMAIL AND/OR DEPOSITING SAID DOCUMENT IN THE UNITED STATES MAIL.

[X] SNOHOMISH COUNTY PROSECUTOR'S OFFICE
3000 ROCKEFELLER AVENUE
EVERETT, WA 98201
Diane.Kremenich@co.snohomish.wa.us

SIGNED IN SEATTLE WASHINGTON, THIS 21ST DAY OF OCTOBER 2013.

X *Patrick Mayovsky*

21 OCT 21 11:4:21