

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

SUFFOLK, ss.

NO. SJ-2017-

COMMITTEE FOR PUBLIC COUNSEL SERVICES,
and others

v.

ATTORNEY GENERAL,
and others

Affidavit of Nicole Westcott

I, Nicole Westcott, state as follows:

1. I am a resident of the town of ██████████ Massachusetts.
2. I work for ServiceNet, which provides services to people living with addiction in and around Springfield.
3. I am an active member of Alcoholics Anonymous. I attend meetings regularly, work with a sponsor, and have been through the twelve steps. I also help others who suffer from addiction or alcoholism, including by going to inpatient facilities, meetings, and conventions to share my story.
4. As a result of these efforts, I am now 3 years and 9 months clean and sober.
5. I am also the mother of a 4-year-old boy, and in 3 months I will become the mother to a little girl.
6. Unfortunately, my experiences with the criminal justice system have haunted my family and me, and continue to haunt us, throughout my entire sobriety. Because of my criminal record, my career options are more limited. For example, I am interested in medical, pharmaceutical, and educational careers, but due to my convictions I do not know whether I will be able to pursue careers in those fields.
7. In addition, on numerous occasions, I have had to talk about my criminal history when trying to rent a home because I knew that the landlord would check my Criminal Record

Offender Information (CORI). And on many of those occasions, I was denied the chance to rent the home after my criminal history was revealed.

8. Similarly, I am now trying to enroll in community college, and I am applying for financial aid. I worry that I will be found ineligible for aid due to my criminal history.

9. In each of these situations, and more, I feel embarrassed and judged by how other people react to my criminal history. And in each situation, I may be denied an important opportunity to improve my life and the lives of my children. Consequently, the continuing harm of my criminal convictions affects not only my future but the future of my children.

10. I now understand that several of my harmful experiences with the criminal justice system involved former state chemist Sonja Farak.

11. In November 2009, I admitted to sufficient facts and received a “continuance without finding” disposition on a charge of possession of a class A substance. *See Ex. 1* (Springfield District Court Docket Number 0823CR007844).

12. On information and belief, I understand that Ms. Farak signed a drug certificate as a chemist in this Holyoke drug possession case.

13. I also have been made aware of Ms. Farak’s egregious misconduct while she worked at the Amherst lab, including when she worked on this case.

14. If I had known at the time about Ms. Farak’s misconduct, I would not have accepted a “continuance without finding” disposition to drug possession in 2009. But I was not told about Ms. Farak’s misconduct in 2009.

15. In February 2010, I pled guilty to possession of a class C substance. *See Ex. 2* (Holyoke District Court Docket Number 0917CR002924).

16. I was sentenced to be incarcerated for 30 days in the county house of correction.

17. On information and belief, I understand that Ms. Farak signed a drug certificate as a chemist in this Holyoke drug possession case.

18. I also have been made aware that Ms. Farak’s egregious misconduct was

occurring when she worked on this case.

19. If I had known at the time about Ms. Farak's misconduct, I would not have pled guilty to drug possession in 2010. But I was not told about Ms. Farak's misconduct in 2010.

20. In September of 2012 I was convicted of possession of a class A substance. See Ex. 3 (Holyoke District Court Docket Number 1117CR002736).

21. I was sentenced to a term of probation in that matter.

22. On information and belief, I understand that Ms. Farak signed a drug testing certificate in this matter.

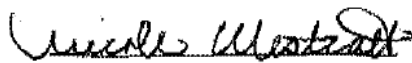
23. I also have been made aware that Ms. Farak's egregious misconduct was occurring when she worked on this case.

24. Finally, I understand that a Superior Court has found that, in 2013, state prosecutors incorrectly claimed that Ms. Farak's misconduct did not begin until 2012. If I had been told about Ms. Farak's misconduct in 2013, and if I had been told at that time that she was committing misconduct when she worked on my cases, then I would have tried to vacate all of my Farak-involved adverse dispositions in 2013.

25. But I did not find out that Ms. Farak worked on and committed misconduct in my cases until September 2017, when defense attorneys provided that information to me.

26. To my knowledge, no prosecutor or other state or county employee has ever told me that I am a "Farak Defendant," or that misconduct was committed in any of my cases.

Signed under the pains and penalties of perjury this 18 day of September, 2017.



Nicole Westcott

Nicole Westcott

