

June 3, 2025

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

No. 57541-8-II

Respondent,

v.

VLADIMIR VASILYEVICH NIKOLENKO,

Consolidated with:

Appellant.

No. 58865-0-II

In the Matter of the Personal Restraint of:

VLADIMIR VASILYEVICH NIKOLENKO,

UNPUBLISHED OPINION

Petitioner.

enough time for Nikolenko to assault FT.

The jury convicted Nikolenko of indecent liberties with forcible compulsion and entered a special verdict finding that he was armed with a deadly weapon at the time of the crime. The trial court imposed an indeterminate sentence at the middle of the standard sentencing range of 84 months to life.

Nikolenko appeals his conviction, arguing that the trial court should have admitted the evidence regarding FT's U visa application.

C. CrR 7.8 MOTION/PRP

After appealing, Nikolenko filed a CrR 7.8 motion in the trial court. He argued that the trial court should vacate his conviction because he received ineffective assistance of trial counsel

SUPERIOR COURT OF WASHINGTON - COUNTY OF CLARK

STATE OF WASHINGTON, Plaintiff,

v.

VLADIMIR VASILYEVICH NIKOLENKO,
Defendant,

SID: WA28544619
DOB: 11/11/1966

NO. 18-1-01096-9

WARRANT OF COMMITMENT TO STATE
OF WASHINGTON DEPARTMENT OF
CORRECTIONS

THE STATE OF WASHINGTON, to the Sheriff of Clark County, Washington, and the State of Washington, Department of Corrections, Officers in charge of correctional facilities of the State of Washington, Department of Children, Youth, and Families (DCYF):

GREETING:

WHEREAS, the above-named defendant has been duly convicted in the Superior Court of the State of Washington of the County of Clark of the crime(s) of:

COUNT	CRIME	RCW	DATE OF CRIME
01	INDECENT LIBERTIES (WITH FORCIBLE COMPULSION)	9A.44.100(1)(a)	11/26/2016 to 11/30/2016

and Judgment has been pronounced and the defendant has been sentenced to a term of imprisonment in such correctional institution under the supervision of the State of Washington, Department of Corrections, as shall be designated by the State of Washington, Department of Corrections pursuant to RCW 72.02, and the defendant was under 18 at the time of the offense and shall initially be placed in the custody of the Department of Children, Youth and Families (DCYF), all of which appears of record; a certified copy of said judgment being endorsed hereon and made a part hereof,

NOW, THIS IS TO COMMAND YOU, said Sheriff, to detain the defendant until called for by the transportation officers of the State of Washington, Department of Corrections, Department of Children, Youth, and Families, authorized to conduct defendant to the appropriate facility, and this is to command you, said Superintendent of the appropriate facility to receive defendant from said officers for confinement, classification and placement in such correctional facilities under the supervision of the State of Washington, Department of Corrections and Department of Children, Youth, and Families, for a term of confinement of :

COUNT	CRIME	TERM
01	INDECENT LIBERTIES (WITH FORCIBLE COMPULSION)	74 Months <i>To LIFE</i>

(b) **Confinement.** RCW 9.94A.507 (Sex Offenses only): The court orders the following term of confinement in the custody of the DOC:

Count 01 minimum term 84 MONTHS maximum term Statutory Maximum

(c) **Confinement.** RCW 10.95.030 (Aggravated murder and under age 18.) The court orders the following:

Count _____ minimum term: _____ maximum term: Life

(d) **Credit for Time Served:** The defendant shall receive credit for eligible time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The jail shall compute time served.

(e) **Work Ethic Program.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic program. The court recommends that the defendant serve the sentence at a work ethic program. Upon completion of work ethic program, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions in Section 4.2. Violation of the conditions of community custody may result in a return to total confinement for remaining time of confinement.

4.2 Community Custody. (To determine which offenses are eligible for or required for community placement or community custody see RCW 9.94A.701)

(A) The defendant shall be on community placement or community custody for the longer of:

(1) the period of early release. RCW 9.94A.728(1)(2); or
(2) the period imposed by the court, as follows:

Count(s) _____, 36 months for Serious Violent Offenses

Count(s) _____, 18 months for Violent Offenses

Count(s) _____, 12 months (for crimes against a person, drug offenses, offenses involving the unlawful possession of a firearm by a street gang member or associate, or a felony failure to register under RCW 9A.44.132(1) that is a first felony violation).

Count(s) _____, _____ months. RCW 9.94A.701(9)

(Sex offenses, only) For count(s) 01, sentenced under RCW 9.94A.507, for any period of time the defendant is released from total confinement before the expiration of the statutory maximum.

The total time of incarceration and community supervision/custody shall not exceed the statutory maximum for the crime.

Community custody on all counts shall be served concurrently, except for the following counts which shall be served consecutively: _____

The community custody terms of this sentence shall run consecutively with the community custody term in the following cause numbers (see RCW 9.94A.589(2)(a)): _____

(B) While on community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while on community custody; (6) not own, use, or possess firearms or ammunition; (7) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; (8) for sex offenses, submit to electronic monitoring if imposed by DOC; and (9) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706. The defendant's residence location and living