

**THE STATE OF NEW HAMPSHIRE  
SUPREME COURT**

Docket No. 2021-0168

State of New Hampshire

v.

Volodymyr Zhukovskyy

**STATE’S OPPOSITION TO  
DEFENDANT’S MEMORANDUM ON BAIL**

The defendant has filed a memorandum on bail seeking reversal of the trial court’s orders that the defendant, Volodymyr Zhukovskyy, remain in preventive detention. The State, by and through the New Hampshire Office of the Attorney General, respectfully requests that this Court affirm the trial court’s orders because: (1) there is no mandate requiring the trial court to conduct an evidentiary bail hearing; and (2) the trial court did not abuse its discretion in denying the defendant an evidentiary bail hearing where the defendant is a flight risk and a danger to himself and the public.

**I. PROCEDURAL HISTORY AND OVERVIEW**

On June 21, 2019, On June 21, 2021, the defendant crashed into a group of motorcyclists, killing seven of them and seriously injuring another. DA 42. At the time of the crash, the defendant was out on a bail after being charged in Connecticut with driving under the influence on May 11, 2019. *Id.*<sup>1</sup> He placed numerous additional motorists in danger of serious

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<sup>1</sup>Citations to the record are as follows:

“DM\_” refers to the defendant’s memorandum and page number.

bodily injury and death. *Id.* The defendant was arrested on June 24, 2019, and charged with seven counts of negligent homicide. *Id.* On June 25, 2019, the trial court (*Bornstein, J.*), based on the agreement of the State and defense counsel, ordered the defendant held in preventive detention. DA 27.

In support thereof, the trial court noted that:

Defendant's criminal and driving history exhibit a pattern of operating a motor vehicle in a dangerous manner. If released, he will likely present a danger to the safety of the defendant or the public.

*Id.* On October 18, 2019, the defendant was indicted on seven counts of manslaughter, seven counts of impaired negligent homicide, seven counts of negligent homicide, one charge of aggravated driving while intoxicated, and one charge of reckless conduct with a deadly weapon. SA 29-52. The defendant waived arraignment on the indicted charges and waived argument as to the State's request for preventive detention. DA 42-43.

#### **A. March 27, 2020 Motion for Bail Hearing**

On March 27, 2020, the defendant filed a motion for evidentiary bail hearing. DA 38-41. The defendant based his request on reciprocal discovery that showed: (1) the crash occurred directly over the centerline, not within the motorcyclists' lane of travel as initially believed; (2) a scuff-type mark on the double centerline was caused by the defendant's deflated front tire, not an evasive maneuver by the lead motorcyclist; and (3) the lead motorcyclist was impaired and had looked behind him prior to the

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"DA\_" refers to the appendix to the defendant's memorandum and page number.

"SA\_" refers to the addendum attached to the State's memorandum and page number.

crash. DA 38-39. The defendant concluded that the “dramatically different factual circumstances” necessitated an evidentiary hearing.

The State objected, noting:

[N]o information released in discovery ha[d] any legal impact on the considerations for requiring the defendant to be held in preventive detention. Nothing about the discovery provided by the State, that form[ed] the basis of the defendant’s motion, change[d] the fact that the defendant was impaired on June 21, 2019; that one month prior to the crash he was released on bail for another charge of driving while under the influence of suspected drugs; and that the defendant’s criminal history prove[d] that he is a danger, and preventive detention is the only way the court can ensure safety of the public, and the defendant.

DA 43. The State further pointed out that the defendant had “a history of drug use and driving while impaired,” and that “he was using illegal street drugs while operating a large commercially operated vehicle, with an attached trailer.” DA 43.

The State also detailed the basis for the defendant’s impairment. The State explained that chemical testing of the defendant’s blood revealed the presence of fentanyl and metabolites of heroin and cocaine, including the presence of “6-MAM,” which is “generally indicative of recent heroin use.”

DA 44. The State also pointed to the defendant’s admissions of recent drug use, including his admission that “he had consumed two ‘superman’ branded baggies of heroin and a half gram of cocaine” on the “morning of the crash.” *Id.* Moreover, the State pointed out that the defendant admitted he could “still feel the effects of the cocaine” about twenty to thirty minutes before, and at the time of, the crash. *Id.* The State informed the trial court that “multiple witnesses observed the defendant driving in a manner

consistent with impairment,” including observations that the defendant was weaving and crossed the double-yellow line on multiple occasions. *Id.*

The State went detailed or the trial court the defendant’s criminal history and “pattern of illicit drug and alcohol use,” which further demonstrated that the defendant’s impairment and reckless disregard for the public was not isolated to the events of June 21, 2019. DA 44-46. The State also explained that the defendant was released on bail at the time of crash, and detailed the circumstances that led to the defendant’s startlingly recent arrest for driving under the influence of drugs in Connecticut. DA 45-46.

The State did not shy away from the defendant’s assertions that newly discovered facts were provided in discovery. Instead, the State explained that the facts “still demonstrate[d] that the defendant was not operating fully within his appropriate lane of travel at the time he collided with the first motorcycle, before his truck and trailer traveled into the oncoming lane of travel, striking, killing, and maiming additional motorcyclists.” DA 46-47. The State pointed out that the defendant should be held in preventive detention based upon the facts surrounding the defendant’s crimes, when considered “in the light of the defendant’s admitted drug use that day, his history or prior drug use, his bail status at the time, and his criminal history.” DA 47.

Moreover, the State detailed that the defendant poses a “significant flight risk.” DA 47. The State informed the trial court that “the defendant is a Ukraine national and has a status as a long-term permanent residence [sic] in the United States.” *Id.* Furthermore, the State asserted that the United States Immigration and Customs Enforcement agency had filed an “active detainer for deportation” against the defendant. *Id.* Based upon the

defendant's readily apparent flight risk, combined with the danger he posed to the public and himself, the State requested the trial court deny the defendant's motion for an evidentiary bail hearing. DA 48.

On April 7, 2020, the trial court denied the defendant's motion. In its order, the trial court did not cite to the State's arguments regarding the defendant's risk of flight. Instead, the trial court relied on the State's argument that the defendant was a danger to himself and the public.

The defendant filed a motion for reconsideration. DA 50-58. The State objected, arguing, *inter alia*, that the defendant's motion for reconsideration should be denied pursuant to New Hampshire Rule of Criminal Procedure "[b]ecause the defendant failed to demonstrate any misapprehension of law or fact" by the trial court. DA 59-62. On April 20, 2020, the trial court denied the defendant's motion for reconsideration, "conclude[ing] that it ha[d] not overlooked or misapprehended any point of law or fact." DA 37 (citing *N.H. R. Crim. P.* 43(a)).

#### **B. September 16, 2020 Renewed Motion for Bail Hearing**

On September 16, 2020, the defendant filed a "renewed motion for bail hearing." DA 65-71. The State noted in its objection that the defendant's renewed motion, "albeit more demanding, remain[ed] largely unchanged in substance from its predecessor. Once again, the defendant argue[d] the merits of the case, by contesting whether the defendant was impaired at the time of the crash." DA 74. Beyond incorporating the arguments within his first motion for bail, the defendant argued he was entitled an evidentiary bail hearing based upon the conclusions in the State's collision reconstruction expert's addendum, and the delays in his

trial, which the defendant noted was not the fault of any of the parties. DA 69.

Regarding the expert's addendum, the defendant pointed out that the State's expert determined the defendant had approximately two to three seconds to react to the motorcyclists. Based upon the available time to react, the addendum concluded that the "time available for hazard analysis and implementation of an emergency [was] limited." DA 68 (quoting the addendum). The defendant also noted that the State's expert found that the defendant "detected, recognized and initiated an emergency response to a hazard prior to the impact" by applying his brakes. *Id.* The defendant postulated that these facts "eviscerated any remaining argument on the issue of impairment." DA 67. Based upon these new facts and "the additional delay of at least four months," the defendant requested an evidentiary hearing pursuant to RSA 597:2.

The State objected to the defendant's renewed bail motion. *See* DA 72-84. The State, again, explained the defendant's risk of flight in detail. *See* DA 81. Beyond the defendant's risk of flight, the State expounded upon the salient points that established the defendant's clear danger to himself and the public in its first objection.

The State addressed the defendant's misguided fixation that his impairment was the lynchpin for his trial, noting that "whether the defendant should be released on bail does not hinge upon whether the State can prove that he was impaired, though the State is capable of doing so." DA 74. Rather, "the critical consideration for purposes of preventive detention is whether there is 'clear and convincing evidence that release will endanger the safety of [the defendant] or the public.'" DA 74 (quoting

RSA 597:2, IV(a)) (brackets in original). The State emphasized that the defendant ignored the facts that “demonstrate[d] the out of control and dangerous behavior of the defendant—prior to, the day of, and immediately following the fatal collision in this case.” DA 78.

Still, the State reiterated the evidence of the defendant’s impairment. *See* DA 77-78. In addition to the facts demonstrating the defendant’s impairment previously delineated in its first objection, the State pointed to eye witness observations of the defendant’s erratic and out-of-control driving “immediately preceding the crash.” DA 78. The State explained that in the instant moments before the defendant caused the crash, an oncoming motorist “had to slam on his brakes and swerve out of the way to avoid the defendant’s truck, which was driving the wrong way in his lane of travel.” DA 78.

While the State detailed facts that established “more than sufficient evidence to prove the defendant was impaired beyond a reasonable doubt, especially given that ‘the State [is] required only to prove that [his] ability to operate [his] vehicle was ‘impaired to any degree.’ *State v. Kelley*, 159 N.H. 449,451 (2009),” DA 79, the State pointed out the defendant’s misplaced preoccupation with his impairment. The State noted that:

Even assuming *arguendo* that the evidence of his impairment was insufficient to prove beyond a reasonable doubt that he was legally impaired, the defendant remains charged with seven charges of manslaughter, seven charges of negligent homicide pursuant to RSA 630:3, 1, and one charge of reckless conduct with a deadly weapon, all charges which do not require proof that he was legally impaired. However, evidence of his impairment would still be admissible to support convictions for those charges.

*Id.* (citing *State v. Kelley*, 159 N.H. 449, 451 (2009)) (italics in original).

The State explained that beyond impairment, “the defendant was inattentive.” DA 79. “The defendant admitted that when he failed to keep his commercial truck in his lane of travel, and smashed into a group of oncoming motorcycles, he had completely diverted his attention from the roadway and oncoming traffic.” DA 81. The State went on to illustrate how egregious the defendant’s inattention was:

[T]he defendant was so distracted that after he careened through a group of motorcycles, dragging bodies and motorcycles across the oncoming lane, he told investigators in an interview conduct [sic] the night of the crash that he did not even know what he had hit. According to him, he thought he had hit another car, not a group of motorcycles.

DA 80. Likewise, the State pointed out that the State’s expert witness’s addendum “further cement[ed] the fact that the defendant caused the collision with the first motorcycle when he failed to keep his commercial motor vehicle in his own lane of travel, which resulted in his truck and trailer veering into the oncoming lane, where he struck, killed, and maimed additional motorcyclists.” DA 80.

In further support of the defendant’s dangerousness, the State reiterated the defendant’s criminal history and pattern of drug and alcohol use. See DA 75-77. The State pointed out that “[t]he dangerousness of the defendant’s drug consumption could not have been made clearer to him than it was on May 5, 2019, [when he survived an overdose in a parking lot] just prior to his arrest in Connecticut [for driving under the influence of drugs], and also the month before the fatal collision at issue.” DA 76. Just as the defendant disregarded the dangerousness of illicit drug use after



having to be revived by three “doses of Narcan,” DA 76, he did not cease taking drugs after the accident, DA 78. In its objection, the State explained that between the accident on June 21, 2019, and his arrest on June 24, 2019, the defendant “returned to his home [in Massachusetts]. . . where he continued to consume what he believed to be heroin.” The State argued that: “[b]ased on the facts surrounding the crash on June 21, 2019, the fact that the defendant was on bail, the defendant’s unyielding drug use, and his prior related criminal history, preventive detention [was] the only sufficient means for this Court to protect the public and the defendant.” DA 80.

In addition to the fact that the defendant was a flight risk and posed a danger to himself and the community, the State noted that the “length of preventive detention is not a consideration enumerated in RSA 597:2.” DA 82.

On October 14, 2020, “[h]aving considered the parties’ pleadings, the applicable law, and all relevant factors, the Court den[ied] the defendant’s [renewed bail motion] for the reasons that the State articulate[d] in paragraphs 1, 4-19.” DA 33. The paragraphs cited to by the trial court concerned the defendant’s dangerousness.

On March 11, 2021, the defendant was re-indicted on the seven counts of manslaughter; seven counts of impaired negligent homicide; seven counts of negligent homicide; and the single count of reckless conduct. *See* SA 53-96. The defendant was aware since early 2020 that the State intended to re-present the case after reviewing the expert addendum to the Grand Jury in order to eliminate certain language from the indictments. DA 111. The expert addendum that led to the re-indictment did not:

[C]hange the facts cited by the State that justifi[ed] preventive detention. The information provided by the [addendum] further cement[ed] the fact that the defendant caused the collision with the first motorcycle when he failed to keep his commercial motor vehicle in his own lane of travel, which resulted in his truck and trailer veering into the oncoming lane, where he struck, killed, and maimed additional motorcyclists.

*Id.*

### **C. April 7, 2021 Motion for Bail Hearing**

On April 7, 2021, the defendant filed a third motion for bail hearing. DA 85-97. The defendant incorporated his prior “assertions of fact.” DA 89. The defendant described the procedural history and delays in the defendant’s trial. DA 85-88. The defendant pointed to the delays as a basis for a bail hearing, arguing that the length of his pretrial detention justified an evidentiary bail hearing. DA 88-89. The defendant conceded that he had: (1) a “history of substance abuse;” (2) a prior driving under the influence conviction (“DUI”); (3) “prior misdemeanor convictions for possession of a controlled substance and possession of a pipe;” and (4) “a pending DUI charged at the time of the incident herein.” DA 89-90. The defendant, however, argued that regardless of his demonstrated pattern of reckless drug use and impaired driving, he was not a danger because he had been “clean and sober” during his pretrial detention. DA 90.

The defendant reasserted his disagreement with the characterizations of the defendant’s admissions that he could feel the effects of cocaine at the time of the crash, arguing that it was “out-of-context.” DA 90. The defendant also claimed that the eye witness observations were either

describing a vehicle not driven by the defendant, or conduct that was not “criminal negligence,” but rather “ordinary negligence.” DA 90 (citing *State v. Shepard*, 158 N.H. 743, 746 (2009)). The defendant further argued that the State’s expert addendum, which was the basis of his prior renewed bail motion, further supported the defendant’s demand for a bail hearing.

In his legal analysis, the defendant argued that the trial court must consider the weight of the evidence of a defendant’s guilt and “must consider less restrictive alternatives to detention without bail.” DA 91-96. Lacking support in New Hampshire RSA 597:2, IV, the defendant looked to the federal bail statute, and cited precedent interpreting said statute. *Id.* The defendant again claimed that he could be released from pretrial detention under conditions that would ensure he was not a danger to himself or the public. DA 95.

The State objected to the defendant’s motion. DA 98–115. At the outset, the State addressed the trial scheduling and the defendant’s “vener of outrage at the trial delays.” DA 101–03. The State also pointed out that the defendant “falsely submitt[ed] that the new indictments confirm[ed] what he characterized as the weaknesses in the State’s case, notwithstanding the fact that the defendant ha[d] been aware since early 2020 that the State intended to re-present the case to the Grand Jury following” the expert addendum. DA 100. The State also addressed the defendant’s dangerousness and risk of flight. DA 103–14.

With regard to the defendant’s “demonstrated threat to the public and himself,” the State reiterated several points articulated in its previous objections, including that at the time he caused the instant fatal crash, he was on bail for DUI in Connecticut; the defendant’s further history of

impaired driving; his pattern of illicit drug use, regardless of his brush with death and related criminal arrests; and the specific circumstances surrounding his charged conduct, including his admitted drug use and reckless driving. DA 103-12. Additionally, the State addressed that the “defendant . . . plainly mischaracterize[d] certain findings” within the addendum by the State’s reconstruction expert. DA 108-09. Specifically, the State quoted the defendant’s assertion that the State’s expert concluded “it was the tire failure resulting from that impact that caused his truck and trailer to veer into the oncoming lane.” DA 108 (quoting the defendant’s April 2021 bail motion, *see* DA 85-97). The State, however, explained that the State’s expert “made no such conclusion.” DA 108. The State detailed the expert’s conclusions regarding the defendant’s front tire, illustrating that contrary to the defendant’s assertion, the expert “did not conclude that the catastrophic loss of air as the result of the initial contact with the lead motorcycles caused him to veer further into the motorcyclists’ lane of travel.” DA 109.

Concerning the defendant’s risk of flight, the State again pointed to the defendant’s United States residency status; the “significant motivation to abscond” based upon the pending deportation detainer; and his international connections, further evinced from jail call translations that demonstrated he had family in Ukraine that would “welcome him with open arms.” DA 112. The State further explained that “[i]f his bail conditions on his driving while impaired charge could not keep from him simply driving again—never mind driving safely—there [were] no conditions [the trial court] could put in place to guarantee his future appearance.” *Id.*

On April 22, 2021, the trial court issued an order denying the defendant's motion for an evidentiary bail hearing. DA 37. The trial court wrote, "Having considered the parties' pleadings, the applicable law, and all relevant factors, the Court DENIES the defendant's motion for the reasons that the State articulates in paragraphs 1, 12-17, 19-30, and 34 of its Objection." *Id.*

This bail appeal followed.

## II. ANALYSIS

The defendant does not argue that the trial court unsustainably exercised its discretion in ordering preventive detention to protect the community and the defendant. *See State v. Spaulding*, 172 N.H. 205, 207 (2019) (holding that on appeal, this Court reviews trial courts' decisions to order detention without bail "under [its] unsustainable exercise of discretion standard"). Instead, the defendant argues that he was entitled to an evidentiary bail hearing as, what he characterizes, a "matter of law" and is therefore entitled to a *de novo* review. DM 13-14. While statutory interpretation is a question of law that is reviewed *de novo* by this Court, the defendant concedes that the bail statute, RSA 597:2, does not "expressly" mandate that the trial court "must, or should, convene an evidentiary bail hearing" under all circumstances. DM 13.

Lacking any statutory mandate, the correct standard by this Court on review, is whether the trial court's decision was an "unsustainable exercise of discretion." *Spaulding*, 172 N.H. at 207. This Court should uphold the trial court's orders because it reasonably exercised its discretion.

### A. The Defendant is not Entitled to an Evidentiary Bail Hearing Pursuant to RSA 597:2.

The defendant argues that there is a question of law regarding whether he was entitled to a bail hearing, which he asserts is dependent upon whether "the factual issues disputed by the parties had any bearing on the determination of [his] dangerousness." DM 14. When the legislature drafted RSA 597:2, it was acutely and demonstrably aware of the option of mandating a hearing under certain conditions. *See State v. Surrell*, 171 N.H.

82, 86 (2018) (noting that differing provisions within RSA 651:20 “demonstrate that the legislature knows how to impose limitations on the trial court when it chooses to do so”). For example, while the bail statute clearly does not mandate, expressly or impliedly, an evidentiary bail hearing for an assessment of a defendant’s dangerousness, it explicitly mandates a bail hearing for violations of probation. *See* RSA 597:2, II (prescribing that “a person charged with a probation violation *shall be entitled to a bail hearing*” (emphasis added)). The legislature did not include a provision requiring trial courts to conduct evidentiary bail hearings to assess a defendant’s dangerousness.

The defendant claims that he was entitled to an evidentiary hearing in his case as a “matter of law,” to evaluate what he characterizes as “disputed facts” that were relevant to the determination of his dangerousness.<sup>2</sup> DM 14-15. The defendant surmises that if this Court finds the “disputed facts” are relevant to the inquiry of his dangerousness, “this Court should remand with instructions to convene an evidentiary hearing.” DM 15. The defendant seems to imply that RSA 597:2 requires a hearing to resolve issues of “relevant” disputed facts. *See* DM 15 (stating that “[t]he starting point for the analysis is the statute” and arguing—based upon the statute’s language that the trial court “may consider all relevant factors”—that the “test” for a hearing is the “relevance” of any disputed facts). The defendant concludes that because these “disputed facts” were “relevant” to the issue of his dangerousness, “the trial court . . . erred in denying requests

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<sup>2</sup> The defendant has not raised a facial challenge to the absence of an evidentiary bail hearing requirement within RSA 597:2. Accordingly, the State limits its analysis to the issues developed by the defendant.

for an evidentiary hearing.” DM 16. Again, RSA 597:2 does not mandate—impliedly or explicitly— an evidentiary bail hearing to assess the defendant’s dangerousness.

As this Court is aware, “[i]n matters of statutory interpretation, [this Court is] the final arbiter[] of the legislature’s intent as expressed in the words of the statute considered as a whole.” *In re State (State v. Johanson)*, 156 N.H. 148, 151 (2007). This Court “examine[s] the statutory language, and, where possible, ascribe[s] the plain and ordinary meanings to the words used.” *State v. Kardonsky*, 169 N.H. 150, 153 (2016) (citing *State v. Maxfield*, 167 N.H. 677, 679 (2015)). This Court “interpret[s] legislative intent from the statute as written and will not consider what the legislature might have said or add language that the legislature did not see fit to include.” *Id.* The Court should deny the defendant’s request to add language to RSA 597:2, because this Court “will not read an exception into a statute that the legislature did not see fit to include.” *State v. Bernard*, 158 N.H. 43, 45 (2008); *see also State v. Hill*, 172 N.H. 711, 718 (2019) (refusing the defendant’s request that the Court “add language to RSA 597:2 that the legislature did not see fit to include”).

“In the absence of a statutory mandate, the superior court has discretion to determine whether a hearing is necessary.” *State v. Tsopas*, 166 N.H. 528, 530 (2014). Since the trial court’s decision was discretionary, “[this Court] review[s] the court’s determination not to hold a hearing under our unsustainable exercise of discretion standard.” *Id.* Based upon this standard, the defendant is not entitled to the relief he seeks. The defendant has failed “to show that the trial court’s decision [was] not sustainable” because he has not “demonstrate[d] that the court’s ruling was



clearly untenable or unreasonable to the prejudice of his case.” *Id.* Rather, as in *Tspoas*, “the defendant argues only that [RSA 597:2] entitled him to a hearing, which it does not. Therefore, the defendant must “demonstrate[] that the court unsustainably exercised its discretion by denying him a hearing,” which he cannot do. *Id.* at 530-31.

**B. The Trial Court Properly Exercised its Discretion in Placing the Defendant in Preventive Detention After Finding him Dangerous Based Upon the Evidence Proffered by the Parties in Their Extensive Pleadings.**

Based upon the facts proffered by the parties in their pleadings, the trial court was well within its discretion to find the defendant was a danger without holding a hearing. The defendant was a commercial truck driver with a documented history of alcohol and/or drug abuse and impaired driving. DA 105. In the month before he caused the fatal crash, he had overdosed on illicit drugs and been arrested for driving while impaired by drugs. DA 104–05. A Grand Jury found probable cause that the defendant—while released on bail for his impaired driving arrest—among other things, recklessly caused the crash that killed seven motorcyclists and maimed another. SA 29-95. Moreover, the defendant admitted to using cocaine and heroin before driving his truck that morning, and there was evidence that he was impaired at the time of the crash. *See, e.g.*, DA 106. Thus, there was ample evidence proffered in the parties’ pleadings to support the trial court’s discretionary determination that the defendant is a danger to himself and the public. *See* RSA 597:2, III(a); *see also Spaulding*, 172 N.H. at 208 (finding the bail statute vests trial courts “with broad discretion to order a defendant to be held without bail”).

Furthermore, the trial court could have appropriately exercised its discretion to place the defendant in preventive detention without a hearing based upon nothing more than the undisputed facts. In his third motion for bail hearing, the defendant agreed that he had: (1) a “history of substance abuse;” (2) a prior DUI conviction; (3) “prior misdemeanor convictions for possession of a controlled substance and possession of a pipe;” and (4) was on bail stemming from “a pending DUI charge.” DA 89-90. These undisputed facts, combined with the serious and reckless nature of his criminal charges that resulted in death and destruction on an unfathomable level, were more than enough to justify the defendant’s preventive detention without a hearing.

**C. There is no Legal Authority That Required the Trial Court to Conduct an Evidentiary Bail Hearing as a Matter of Law.**

The defendant spends much time explaining why he believes the “factual disputes mattered to the issue of dangerousness.” DM 17. In sum, he believes they “mattered” because: (1) the “disputed facts” would make the defendant’s dangerousness “more or less probable”; (2) “the strength of the State’s case for guilt matters in a dangerous inquiry”; and (3) the “factual disputes . . . would shed relevant light on the extent to which the authorities could manage [the defendant] through conditions of release on bail.” DM 14-20. However, even if the Court were to consider the relevance of the “disputed facts,” there is no basis for this Court to reverse the trial court’s decision to deny the requested hearing as a matter of law.

At the outset, while the defendant claims there are questions of disputed fact, he overlooks that the parties did not disagree on the overwhelming majority of facts. The parties simply argued opposing inferences and the sufficiency of those facts to obtain convictions. There is no indication or representation by the defendant that the trial court did not review and consider the arguments made by both parties, which was the extent of its obligation. To the extent there were disputes of fact or characterizations of the facts, the trial court was intimately familiar with the facts surrounding the defendant's criminal conduct and the inferences to draw from those facts because they were comprehensively briefed and argued by the parties throughout numerous pleadings. Ultimately, the issues raised by the defendant reflect his disagreement with the trial court's conclusion that the defendant is a danger to himself and the community, not what the trial court was required to do as a matter of law.

The defendant argues that the disputed facts "mattered" to the assessments of: (1) his "character and on the risk of danger he posed"; and (2) the strength of the State's case. DM 17-18. Neither of these rationales required a hearing as a matter of law. The defendant cites no statutory or constitutional requirement to hold an evidentiary bail hearing based upon these considerations. As discussed above, where there is no mandate, the trial court has discretion to determine whether such a hearing is needed. Here, as detailed above, the trial court properly exercised its discretion in finding this defendant a danger to himself and the community without a hearing. Accordingly, neither of these rationales provides a basis to reverse the trial court's ruling. The defendant has "demonstrated neither legal error

nor an abuse of discretion by the superior court.” *State v. Roy*, 138 N.H. 97, 98 (1993).

Likewise, the defendant’s argument that an evidentiary hearing is required to determine whether there are less restrictive measures than preventive detention is equally unconvincing. DM 19-23. The defendant recognizes that this Court has held that RSA 597:2 “does not require the trial court to consider less restrictive alternatives to detention without bail before ordering such detention.” DM 19 (quoting *Spaulding*, 172 N.H. at 209 (brackets omitted)). Instead, citing *United States v. Salerno*, 481 U.S. 739 (1987), the defendant argues that the Federal and State Constitutions require trial courts to “find by clear and convincing evidence that no conditions of release can reasonably assure the safety of the defendant and the community, before ordering the detention of a defendant without bail.” DM 21-22. The defendant’s reading of *Salerno* fails to appreciate that:

[This Court] do[es] not read *Salerno* to hold that all statutory bail schemes must include an individualized inquiry into a defendant’s dangerousness in order to pass constitutional muster. *Rather than setting a minimum threshold for all bail inquiries*, the Court in *Salerno* was confronted with one specific bail scheme and decided only the narrow issue of whether that particular scheme could survive constitutional scrutiny. The court did not hold that to be constitutional a statute that permits detention without bail must require that the individual defendant’s dangerousness be taken into account.

*State v. Furgal*, 161 N.H. 206, 214 (2010) (emphasis added).

The defendant emphasizes the Supreme Court’s approval of the federal Bail Act’s requirement that trial courts must find no lesser restrictive measures before ordering preventive detention. *See* DM 21.

However, while the Court in *Salerno* determined the federal Bail Act was constitutional, it did not rule that any one aspect of the federal Bail Act is constitutionally *necessary*. This point is also underscored by the fact that the Court, without mention of less restrictive measures, said, “When the Government proves by clear and convincing evidence that an arrestee presents an identified and articulable threat to an individual or the community, we believe that, consistent with the Due Process Clause, a court may disable the arrestee from executing that threat.” *Salerno*, 481 U.S. at 751.

Further demonstrative of the fact that the Court in *Salerno* did not establish the baseline of constitutionally permissible bail schemes, the Court recognized that it had previously upheld more summarily restrictive preventive detention schemes. Specifically, the Court in *Salerno* explained that it had upheld a bail statute that “permitted pretrial detention of any juvenile arrested on any charge after a showing that the individual might commit some undefined further crimes.” *Id.* at 750 (citing *Shall v. Martin*, 467 U.S. 253, 264–65 (1984)).<sup>3</sup> *Salerno* did not hold that trial courts must determine there are no less restrictive measures before ordering preventive detention. Ultimately, “[t]he defendant conflates sufficient conditions with necessary ones.” *Furgal*, 161 N.H. at 214.

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<sup>3</sup> To the extent the defendant may argue the United States Supreme Court applied a heightened scrutiny in *Salerno* for adults, the Court also noted that “[i]n *Schall* . . . [the Court] recognized the strength of the State’s interest in preventing juvenile crime. This general concern with crime prevention is no less compelling when the suspects are adults.” *Salerno*, 481 U.S. at 749. Accordingly, while the Bail Act was even more particularized, *Id.* at 750, the same overarching significant governmental interest was the subject of the Court’s analysis.

Moreover, the trial court did consider less restrictive measures. The defendant repeatedly argued that there were less restrictive means to ensure that he was not a danger to himself or the community. *See* DA 39, 56, 69, and 92-96 (asserting that the trial court must consider alternative, less restrictive measures). The State repeatedly argued that “[b]ased on the facts surrounding the crash on June 21, 2019, the fact that the defendant was on bail, the defendant’s unyielding drug use, and his prior related criminal history, preventative detention is the *only* sufficient means for this Court to protect the public and the defendant.” DA 46, 80, and 110 (emphasis added). In each of its orders, the trial court agreed with the State that preventive detention was the “only” condition to protect the defendant and the community. *See* DA 31, 33, and 37 (citing directly to the State’s arguments that preventive detention was the “only” means to thwart the defendant’s dangerousness). Accordingly, even under the defendant’s interpretation of *Salerno*, the trial court properly determined that there were no lesser restrictive measures that would protect the defendant and the community.

Nevertheless, the defendant insists that “even if the Federal Constitution does not require” trial courts to find there are no lesser restrictive measures, “this Court should nonetheless find that, in refusing to hold the requested evidentiary hearing, the court in this case erroneously failed to consider the nature and gravity of the danger posed by [defendant’s] release.” DM 23 (internal quotations omitted). The defendant, however, does not provide any legal authority *requiring* trial courts to hold a hearing to make such a determination. *See State v. Duquette*, 153 N.H. 315, 317 (2006) (noting that this Court has previously upheld a denial of a

defendant's sentence suspension petition without a hearing because "nothing in the language of [the statute], pertinent Superior Court rules, or prior case law mandated such a hearing"). Absent a legal mandate, it was within the trial court's discretion to deny the defendant's request for a hearing. As detailed above, the defendant has not argued that the trial court abused its discretion. Moreover, the trial court properly exercised its discretion in finding the defendant is a danger to himself and the public without a hearing, based upon the extensive evidence proffered in the parties' pleadings.

Finally, the defendant contends that a hearing is required, but has not articulated what may be accomplished with such a hearing beyond what the parties established in their pleadings. *Tsopas*, 166 N.H. at 530 (holding that "[t]o obtain a hearing, the party seeking it must articulate why a hearing would assist the court."); *see also Roy*, 138 N.H. at 98 (explaining that even where a party is entitled a "chance to be heard," there is no requirement that the party "must be given an *evidentiary* hearing" (emphasis in original)(internal quotation omitted)). Notably, the State would not be required to present live testimony and could establish the defendant's dangerousness by proffering the same facts and arguments in its many objections. *See State ex rel. Torrez v. Whitaker*, 410 P.3d 201, 215 (N.M. 2018) (finding that "[t]he United States Supreme Court has never directly addressed the issue whether live witnesses are required at [pretrial] detention hearings, but decades of federal circuit and district court opinions, as well as state appellate decisions, have consistently answered that question in the negative"). The defendant would likely assert the same facts, by way of proffer or through testimony, and argue the same

inferences as he has in his many pleadings. Accordingly, it was reasonable for the trial court to forgo a hearing where it could reach a conclusion about the defendant's dangerousness based upon the extensive proffers of evidence and legal arguments by the parties in their pleadings. This was an especially judicious use of the trial court's resources given the difficulties of scheduling and managing such a hearing amidst the COVID-19 pandemic.



### III. CONCLUSION

The defendant incorrectly asserts that the trial court was required to hold an evidentiary bail hearing as a matter of law. A plain reading of the bail statute leads to the conclusions that: (1) there is no statutory mandate for a trial court to hold an evidentiary bail hearing to assess the dangerousness of the defendant as a basis for preventive detention; and (2) it is within the trial court's discretion to hold such an evidentiary hearing. The defendant has made no argument that the trial court abused its discretion in denying his motions for an evidentiary bail hearing. Moreover, the facts proffered in the parties' pleadings clearly established that the defendant should be held in preventive detention because he poses a significant danger to himself and the public.

Similarly, the bail statute does not require trial courts to consider lesser restrictive measures before ordering preventive detention. The Supreme Court's holding in *Salerno* did not require the trial court to consider less restrictive measures before placing the defendant in preventive detention. Even still, here, the trial court made the determination that preventive detention was the only means of protecting the defendant and the community.

The trial court was not mandated by law to hold an evidentiary hearing to reach any of its conclusions and it did not abuse its discretion in finding the defendant was dangerous without a hearing. Accordingly, this Court should deny the defendant's request and affirm the trial court's orders.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,

JOHN M. FORMELLA  
ATTORNEY GENERAL

June 4, 2021

/s/Scott D. Chase

Scott D. Chase

N.H. Bar No.: 268772

Assistant Attorney General

Office of the Attorney General

33 Capitol Street

Concord, New Hampshire 03301

(603) 271-3650

**CERTIFICATE OF SERVICE**

I, Scott D. Chase, hereby certify that I have served a copy of this State's opposition to defendant's memorandum on bail to Christopher M. Johnson, Chief Appellate Defender, counsel for the defendant, through this Court's electronic filing system.

June 4, 2021

/s/Scott D. Chase  
Scott D. Chase

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March 11, 2021 Indictments

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Count 15  
RSA 630:2, I(B)  
Offense: MANSLAUGHTER - RECKLESS  
CLASS 5 Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78  
Charge ID:

1680484C

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

**VOLODYMYR ZHUKOVSKYY**

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coös, aforesaid

did commit the crime of **MANSLAUGHTER - RECKLESS**, in that he recklessly caused the death of Albert Mazza, by operating a 2016 Dodge 2500 truck with an attached trailer, upon Route 2, crossing into the opposite lane of travel, thereby causing a collision which caused the death of Albert Mazza

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18, 2019

*Handwritten signature of Foreperson*

Foreperson

*Handwritten signature of Coos County Attorney*

Coos County Attorney  
JGM

*Handwritten signature of Attorney, NH Dept. of Justice, BWM*

Attorney, NH Dept. of Justice, BWM

*Handwritten signature of Attorney, NH Dept. of Justice, SG*

Attorney, NH Dept. of Justice, SG

Arrestment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

2019 OCT 18 10 27

Count 16  
RSA 630:2,I(B)  
Offense: MANSLAUGHTER - RECKLESS  
CLASS S Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78  
Charge ID:

1680485C

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

**VOLODYMYR ZHUKOVSKYY**

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coos, aforesaid

did commit the crime of **MANSLAUGHTER - RECKLESS**, in that he recklessly caused the death of Daniel Pereira, by operating a 2016 Dodge 2500 truck with an attached trailer, upon Route 2, crossing into the opposite lane of travel, thereby causing a collision which caused the death of Daniel Pereira

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18, 2019

*Russell P. Shea*  
Foreperson

*[Signature]*  
Coos County Attorney  
JGM

*[Signature]*  
Attorney, NH Dept. of Justice, BWM

*[Signature]*  
Attorney, NH Dept. of Justice, SG

Arraignment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

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Count 17  
RSA 630:2, I(B)  
Offense: MANSLAUGHTER - RECKLESS  
CLASS S Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78  
Charge ID:

1680486C

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

VOLODYMYR ZHUKOVSKYY

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coos, aforesaid

did commit the crime of MANSLAUGHTER - RECKLESS, in that he recklessly caused the death of Michael Ferazzi, by operating a 2016 Dodge 2500 truck with an attached trailer, upon Route 2, crossing into the opposite lane of travel, thereby causing a collision which caused the death of Michael Ferazzi

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18, 2019

*Russell N. Shea*  
Foreperson

*John M. Mc...*  
Coos County Attorney  
JGM

*[Signature]*  
Attorney, NH Dept. of Justice, BWM

*[Signature]*  
Attorney, NH Dept. of Justice, SG

Arraignment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

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Count 18  
RSA 630:2, I(B)  
Offense: MANSLAUGHTER - RECKLESS  
CLASS S Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78  
Charge ID: 1680487C

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

VOLODYMYR ZHUKOVSKYY

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coos, aforesaid

did commit the crime of MANSLAUGHTER - RECKLESS, in that he recklessly caused the death of Edward Corr, by operating a 2016 Dodge 2500 truck with an attached trailer, upon Route 2, crossing into the opposite lane of travel, thereby causing a collision which caused the death of Edward Corr

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18, 2019

*[Signature]*  
Foreperson

*[Signature]*  
Coos County Attorney  
JGM

*[Signature]*  
Attorney, NH Dept. of Justice, BWM  
*[Signature]*  
Attorney, NH Dept. of Justice, SG

Arraignment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

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Count 19  
RSA 630:2,I(B)  
Offense: MANSLAUGHTER - RECKLESS  
CLASS S Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78  
Charge ID:

1680488C

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

VOLODYMYR ZHUKOVSKYY

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coos, aforesaid

did commit the crime of MANSLAUGHTER - RECKLESS, in that he recklessly caused the death of Joan Corr, by operating a 2016 Dodge 2500 truck with an attached trailer, upon Route 2, crossing into the opposite lane of travel, thereby causing a collision which caused the death of Joan Corr

contrary to the form of the statute, in such case made and provided; and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18, 2019

*Samuel P. Rhea*  
Foreperson

*James M. ...*  
Coos County Attorney  
JGM

*[Signature]*  
Attorney, NH Dept. of Justice, BWM  
*[Signature]*  
Attorney, NH Dept. of Justice, SG

Arrestment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

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Count 20  
RSA 630:2,I(B)  
Offense: MANSLAUGHTER - RECKLESS  
CLASS S Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78  
Charge ID:

1680489C

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

VOLODYMYR ZHUKOVSKYY

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coos, aforesaid

did commit the crime of MANSLAUGHTER - RECKLESS, in that he recklessly caused the death of Aaron Perry, by operating a 2016 Dodge 2500 truck with an attached trailer, upon Route 2, crossing into the opposite lane of travel, thereby causing a collision which caused the death of Aaron Perry

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18, 2019

*Samuel P. Allen*  
Foreperson

*James M. McC...*  
Coos County Attorney  
JGM

*[Signature]*  
Attorney, NH Dept. of Justice, BWM

*[Signature]*  
Attorney, NH Dept. of Justice, SG

Arrestment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

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Count 21  
RSA 630:2,1(B)  
Offense: MANSLAUGHTER - RECKLESS  
CLASS S Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78  
Charge ID: 1680490C

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

VOLODYMYR ZHUKOVSKYY

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coos, aforesaid

did commit the crime of MANSLAUGHTER - RECKLESS, in that he recklessly caused the death of Desma Oakes, by operating a 2016 Dodge 2500 truck with an attached trailer, upon Route 2, crossing into the opposite lane of travel, thereby causing a collision which caused the death of Desma Oakes

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18, 2019

*Arnold P. McKee*  
Foreperson

*John S. Mc...*  
Cooks County Attorney  
JGM

*[Signature]*  
Attorney, NH Dept. of Justice, BWM  
*[Signature]*  
Attorney, NH Dept. of Justice, SG

Arrestment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

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Court 22  
RSA 265-A:3,I(b)  
Offense: Aggravated Driving While Intoxicated  
CLASS B Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78  
Charge ID: 1680491C

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

VOLODYMYR ZHUKOVSKYY

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coös, aforesaid

did commit the crime of **Aggravated Driving While Intoxicated**, in that he drove a 2016 Dodge 2500 truck with an attached trailer, upon Route 2, a way in Randolph, New Hampshire, while under the influence of a controlled drug, or a combination of controlled drugs, thereby causing a motor vehicle collision resulting in serious bodily injury to Joshua Morin

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18, 2019

[Signature]  
Foreperson

[Signature]  
Coos County Attorney  
JGM

[Signature]  
Attorney, NH Dept. of Justice, BWM

[Signature]  
Attorney, AG, NH Dept. of Justice, SG

Arraignment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

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Court 23  
RSA 631:3  
Offense: Reckless Conduct  
CLASS B Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78  
Charge ID: 1680492c

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

**VOLODYMYR ZHUKOVSKYY**

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coos, aforesaid

did commit the crime of **Reckless Conduct** in that he recklessly engaged in conduct which placed or may have placed Manuel Ribeiro; Valerie Ribeiro; Joshua Morin; David Bark; William Hooker; Patricia Sweeney; Steven Lewis; Dawn Brindley; Douglas Hayward; Drenda Hayward; Dana Thompson; Tad Duarte; Debra Duarte; Michael McEachern; or Sarah McEachern in danger of serious bodily injury by means of a deadly weapon as defined in 625:11, by operating a 2016 Dodge 2500 truck with an attached trailer, thereby crossing into the opposite lane of travel, into the path of oncoming vehicles

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18, 2019

*Conrad R. Shea*  
Foreperson

*John A. McC*  
Coos County Attorney  
JGM

*[Signature]*  
Attorney, NH Dept. of Justice, BWM

*[Signature]*  
Attorney, NH Dept. of Justice, SG

Arrestment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

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Count 8  
RSA 630:3,II  
Offense: NEGLIGENT HOMICIDE - DUI  
CLASS A Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78  
Charge ID: 1680454C

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

VOLODYMYR ZHUKOVSKYY

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coos, aforesaid

did commit the crime of NEGLIGENT HOMICIDE - DUI, in that he in consequence of being under the influence of a controlled drug, or any combination of controlled drugs, while operating a 2016 Dodge 2500 truck with an attached trailer, a propelled vehicle as defined by RSA 637:9, III, thereby causing a collision which caused the death of Albert Mazza

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18, 2019

*Russell P. Pheasant*

Foreperson

*James M. [Signature]*

Coos County Attorney  
JGM

*[Signature]*

Attorney, NH Dept. of Justice, BWM

*[Signature]*

Attorney, NH Dept. of Justice, SG

Arrestment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

2019 OCT 18 P 3 27

Count 9  
RSA 630:3,II  
Offense: NEGLIGENT HOMICIDE - DUI  
CLASS A Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78  
Charge ID:

1630455C

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

VOLODYMYR ZHUKOVSKYY

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coos, aforesaid

did commit the crime of NEGLIGENT HOMICIDE - DUI, in that he in consequence of being under the influence of a controlled drug, or any combination of controlled drugs, while operating a 2016 Dodge 2500 truck with an attached trailer, a propelled vehicle as defined by RSA 637:9, III, thereby causing a collision which caused the death of Daniel Pereira

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18, 2019

*Russell A. Shea*  
Foreperson

*James M. McC...*  
Coos County Attorney  
JGM

*[Signature]*  
Attorney, NH Dept. of Justice, BWM

*[Signature]*  
Attorney, NH Dept. of Justice, SG

Arrestment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

214-2019-CR-78  
10/18/2019

9

Count 10  
RSA 630:3,II  
Offense: NEGLIGENT HOMICIDE - DUI  
CLASS A Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78  
Charge ID: 1680456C

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

VOLODYMYR ZHUKOVSKYY

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coos, aforesaid

did commit the crime of NEGLIGENT HOMICIDE - DUI, in that he in consequence of being under the influence of a controlled drug, or any combination of controlled drugs, while operating a 2016 Dodge 2500 truck with an attached trailer, a propelled vehicle as defined by RSA 637:9, III, thereby causing a collision which caused the death of Michael Ferazzi

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18, 2019

*Russell L. Shea*  
Foreperson

*James J. McC...*  
Coos County Attorney  
JGM

*[Signature]*  
Attorney, NH Dept. of Justice, BWM  
*[Signature]*  
Attorney, NH Dept. of Justice, SG

Arrestment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

214-2019-CR-78  
10/18/19 10 3 26



Count 11  
RSA 630:3,II  
Offense: NEGLIGENT HOMICIDE - DUI  
CLASS A Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78  
Charge ID: 1630457C

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

VOLODYMYR ZHUKOVSKYY

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coos, aforesaid

did commit the crime of NEGLIGENT HOMICIDE - DUI, in that he in consequence of being under the influence of a controlled drug, or any combination of controlled drugs, while operating a 2016 Dodge 2500 truck with an attached trailer, a propelled vehicle as defined by RSA 637:9, III, thereby causing a collision which caused the death of Edward Corr

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18, 2019

*Donald P. Allen*  
Foreperson

*James J. Mc...*  
Coos County Attorney  
JGM

*[Signature]*  
Attorney, NH Dept. of Justice, BWM

*[Signature]*  
Attorney, NH Dept. of Justice, SG

Arraignment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

2019 OCT 26 11:31 AM  
1557

Count 12  
RSA 630:3,II  
Offense: NEGLIGENT HOMICIDE - DUI  
CLASS A Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78  
Charge ID:

1680458C

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

VOLODYMYR ZHUKOVSKYY

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coos, aforesaid

did commit the crime of NEGLIGENT HOMICIDE - DUI, in that he in consequence of being under the influence of a controlled drug, or any combination of controlled drugs, while operating a 2016 Dodge 2500 truck with an attached trailer, a propelled vehicle as defined by RSA 637:9, III, thereby causing a collision which caused the death of Joan Corr

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18, 2019

*Arnold P. Rhee*  
Foreperson

*James M. JGM*  
Coos County Attorney  
JGM

*[Signature]*  
Attorney, NH Dept. of Justice, BWM

*[Signature]*  
Attorney, NH Dept. of Justice, SG

Arrestment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

2019 OCT 26 3 26 PM

Count 13  
RSA 630:3,II  
Offense: NEGLIGENT HOMICIDE - DUI  
CLASS A Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78  
Charge ID:

1680459C

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

VOLODYMYR ZHUKOVSKYY

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coös, aforesaid

did commit the crime of **NEGLIGENT HOMICIDE - DUI**, in that he in consequence of being under the influence of a controlled drug, or any combination of controlled drugs, while operating a 2016 Dodge 2500 truck with an attached trailer, a propelled vehicle as defined by RSA 637:9, III, thereby causing a collision which caused the death of Aaron Perry

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18, 2019

*Ronald P. Shea*  
Foreperson

*Jim S. Mc...*  
Coos County Attorney  
JGM

*[Signature]*  
Attorney, NH Dept. of Justice, BWM

*[Signature]*  
Attorney, NH Dept. of Justice, SG

Arraignment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

926 0 3 26

Count 14  
RSA 630:3,II  
Offense: NEGLIGENT HOMICIDE - DUI  
CLASS A Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78  
Charge ID:

1680460C

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

VOLODYMYR ZHUKOVSKYY

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coos, aforesaid

did commit the crime of NEGLIGENT HOMICIDE - DUI, in that he in consequence of being under the influence of a controlled drug, or any combination of controlled drugs, while operating a 2016 Dodge 2500 truck with an attached trailer, a propelled vehicle as defined by RSA 637:9, III, thereby causing a collision which caused the death of Desma Oakes

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18, 2019

*Ronald P. Phee*  
Foreperson

*J. M. Mc...*  
Coos County Attorney  
JGM

*[Signature]*  
Attorney, NH Dept. of Justice, BWM

*[Signature]*  
Attorney, NH Dept. of Justice, SG

Arrestment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

03 0 2019

Count 1  
RSA 630:3,1  
Offense: Negligent Homicide  
CLASS B Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78

Charge ID:

1636626C

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

**VOLODYMYR ZHUKOVSKYY**

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coos, aforesaid

did commit the crime of **Negligent Homicide**, in that he negligently caused the death of Albert Mazza by operating a 2016 Dodge 2500 truck with an attached trailer, on Route 2, crossing into the opposite lane of travel, thereby causing a collision which caused the death of Albert Mazza

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18, 2019

*Samuel P. Albee*  
Foreperson

*David M. ...*  
Coos County Attorney  
JGM

Attorney, NH Dept. of Justice, BWM

Attorney, NH Dept. of Justice, SG

Arrestment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

2019 OCT 18 3 26

Count 2  
RSA 630:3,I  
Offense: Negligent Homicide  
CLASS B Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78  
Charge ID:

1636627C

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

**VOLODYMYR ZHUKOVSKYY**

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coös, aforesaid

did commit the crime of **Negligent Homicide**, in that he negligently caused the death of Daniel Pereira by operating a 2016 Dodge 2500 truck with an attached trailer, on Route 2, crossing into the opposite lane of travel, thereby causing a collision which caused the death of Daniel Pereira

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18, 2019

*Russell P. Shea*  
Foreperson

*John S. Mc...*  
Coos County Attorney  
JGM

*[Signature]*  
Attorney, NH Dept. of Justice, BWM

*[Signature]*  
Attorney, NH Dept. of Justice, SG

Arraignment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

2019 OCT 18 10 26 AM

Count 3  
RSA 630:3,I  
Offense: Negligent Homicide  
CLASS B Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78  
Charge ID:

1636628C

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

VOLODYMYR ZHUKOVSKYY

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coos, aforesaid

did commit the crime of **Negligent Homicide**, in that he negligently caused the death of Michael Ferazzi by operating a 2016 Dodge 2500 truck with an attached trailer, on Route 2, thereby causing a collision which caused the death of Michael Ferazzi

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18, 2019

*Russell P. Shea*  
Foreperson

*[Signature]*  
Coos County Attorney  
JGM

*[Signature]*  
Attorney, NH Dept. of Justice, BWM  
*[Signature]*  
Attorney, NH Dept. of Justice, SG

Arrestment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

2019 OCT 18 3 25

Court 4  
RSA 630:3, I  
Offense: Negligent Homicide  
CLASS B Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78  
Charge ID:

1636629C

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

VOLODYMYR ZHUKOVSKYY

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coos, aforesaid

did commit the crime of **Negligent Homicide**, in that he negligently caused the death of Edward Corr by operating a 2016 Dodge 2500 truck with an attached trailer, on Route 2, crossing into the opposite lane of travel, thereby causing a collision which caused the death of Edward Corr

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18, 2019

*Russell P. Shea*  
Foreperson

*John M. H... IS*  
Coos County Attorney  
JGM

*[Signature]*  
Attorney, NH Dept. of Justice, BWM  
*[Signature]*  
Attorney, NH Dept. of Justice, SG

Arrestment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

2019 OCT 18 PM 3:25

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Count 5  
RSA 630:3,I  
Offense: Negligent Homicide  
CLASS B Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78  
Charge ID: 1636630C

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

**VOLODYMYR ZHUKOVSKYY**

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coos, aforesaid

did commit the crime of **Negligent Homicide**, in that he negligently caused the death of Joan Corr by operating a 2016 Dodge 2500 truck with an attached trailer, on Route 2, crossing into the opposite lane of travel, thereby causing a collision which caused the death of Joan Corr

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18, 2019

*Richard P. Choe*  
Foreperson

*Stephen J. Mc...*  
Coos County Attorney  
JGM

*[Signature]*  
Attorney, NH Dept. of Justice, BWM  
*[Signature]*  
Attorney, NH Dept. of Justice, SG

Arrestment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

214-2019-CR-78  
P 3 25

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Count 6  
RSA 630:3,I  
Offense: Negligent Homicide  
CLASS B Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78  
Charge ID: 1636631C

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

VOLODYMYR ZHUKOVSKYY

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coos, aforesaid

did commit the crime of **Negligent Homicide**, in that he negligently caused the death of Aaron Perry by operating a 2016 Dodge 2500 truck with an attached trailer, on Route 2, crossing into the opposite lane of travel, thereby causing a collision which caused the death of Aaron Perry

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18, 2019

*[Signature]*  
Foreperson

*[Signature]*  
Coos County Attorney  
JGM

*[Signature]*  
Attorney, NH Dept. of Justice, BWM

*[Signature]*  
Attorney, NH Dept. of Justice, SG

Arrestment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

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Count 7  
RSA 630:3,I  
Offense: Negligent Homicide  
CLASS B Felony  
Information Use Only

Superior Court Case: 214-2019-CR-78  
Charge ID: 1636632C

THE STATE OF NEW HAMPSHIRE

COOS, SS.

At the Superior Court held at Lancaster within and for the County of Coos, upon the 18th day of October, in the year of our Lord Two Thousand Nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

VOLODYMYR ZHUKOVSKYY

DOB: 12/21/1995

of or formerly of 90 New Bridge Street, West Springfield, MA 01089, on or about the 21st day of June 2019, at Randolph, in the County of Coos, aforesaid

did commit the crime of **Negligent Homicide**, in that he negligently caused the death of Desma Oakes by operating a 2016 Dodge 2500 truck with an attached trailer, on Route 2, crossing into the opposite lane of travel, thereby causing a collision which caused the death of Desma Oakes

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State.

This is a true bill.

Dated at Lancaster October 18/2019

*Russell P. Hee*  
Foreperson

*James M. ...*  
Coos County Attorney  
JGM

*[Signature]*  
Attorney, NH Dept. of Justice, BWM  
*[Signature]*  
Attorney, NH Dept. of Justice, SG

Arrestment \_\_\_\_\_  
Waiver Date \_\_\_\_\_  
Formal Date \_\_\_\_\_  
Plea of Not Guilty \_\_\_\_\_  
Clerk \_\_\_\_\_

Change(s) of Plea \_\_\_\_\_  
Date(s) \_\_\_\_\_  
Judge \_\_\_\_\_  
Reporter \_\_\_\_\_  
Clerk \_\_\_\_\_

10/18/2019 3:25

7

Charge ID. 1842250C

THE STATE OF NEW HAMPSHIRE  
INDICTMENT

COÖS, SS.  
STATEWIDE GRAND JURY  
HOLDEN AT CONCORD

MARCH TERM, 2021

At the Superior Court, holden at Concord, convened a statewide grand jury, upon the 10th day of March, in the year of our Lord Two Thousand Twenty One,

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

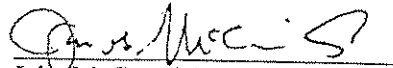
VOLODYMYR ZHUKOVSKYY  
(DOB 12/21/1995)

of or formerly of West Springfield, in the State of Massachusetts, on or about June 21, 2019, at Randolph in the County of Coös aforesaid, with force and arms did commit the crime of

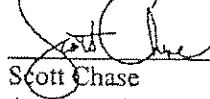
MANSLAUGHTER  
RSA 630:2

in that Volodymyr Zhukovskyy recklessly caused the death of EDWARD CORR by causing a collision while operating a 2016 Dodge 2500 truck with an attached trailer on Route 2.

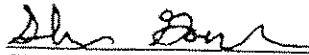
Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.



John McCormick  
Coös County Attorney



Scott Chase  
Assistant Attorney General  
NH Department of Justice



Shane B. Goudas  
Assistant Attorney General  
NH Department of Justice

This is a true bill. 03/11/2021

Daniel Weed  
Foreperson

RECEIVED  
COÖS COUNTY SUPERIOR COURT  
2021 MAR 11 A 11:36

Name: Volodymyr Zhukovskyy  
DOB: 12/21/1995  
Address: 90 New Bridge Street, West Springfield, MA 01089  
RSA: 630:2 - Manslaughter  
Offense level: Felony  
Dist/Mun Ct: N/A

THE STATE OF NEW HAMPSHIRE  
INDICTMENT

COÖS, SS.  
STATEWIDE GRAND JURY  
HOLDEN AT CONCORD

MARCH TERM, 2021

At the Superior Court, holden at Concord, convened a statewide grand jury, upon the 10th day of March, in the year of our Lord Two Thousand Twenty One,

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

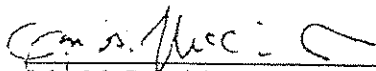
VOLODYMYR ZHUKOVSKYY  
(DOB 12/21/1995)


of or formerly of West Springfield, in the State of Massachusetts, on or about June 21, 2019, at Randolph in the County of Coös aforesaid, with force and arms did commit the crime of

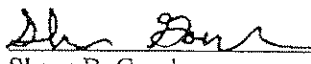
MANSLAUGHTER  
RSA 630:2

in that Volodymyr Zhukovskyy recklessly caused the death of JO-ANN CORR by causing a collision while operating a 2016 Dodge 2500 truck with an attached trailer on Route 2.

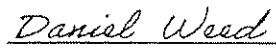
Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.

  
John McCormick  
Coös County Attorney

  
Scott Chase  
Assistant Attorney General  
NH Department of Justice

  
Shane B. Goudas  
Assistant Attorney General  
NH Department of Justice

This is a true bill. 03/11/2021

  
Foreperson

RECEIVED  
COÖS SUPERIOR COURT  
2021 MAR 11 A 11:36

Name: Volodymyr Zhukovskyy  
DOB: 12/21/1995  
Address: 90 New Bridge Street, West Springfield, MA 01089  
RSA: 630:2 – Manslaughter  
Offense level: Felony  
Dist/Mun Ct: N/A

---

THE STATE OF NEW HAMPSHIRE  
INDICTMENT

COÖS, SS.  
STATEWIDE GRAND JURY  
HOLDEN AT CONCORD

MARCH TERM, 2021

At the Superior Court, holden at Concord, convened a statewide grand jury, upon the 10th day of March, in the year of our Lord Two Thousand Twenty One,

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

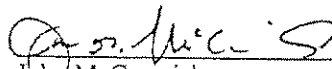
VOLODYMYR ZHUKOVSKYY  
(DOB 12/21/1995)

of or formerly of West Springfield, in the State of Massachusetts, on or about June 21, 2019, at Randolph in the County of Coös aforesaid, with force and arms did commit the crime of


MANSLAUGHTER  
RSA 630:2

in that Volodymyr Zhukovskyy recklessly caused the death of MICHAEL FERAZZI by causing a collision while operating a 2016 Dodge 2500 truck with an attached trailer on Route 2.

Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.

  
John McCormick

Coös County Attorney

  
Scott Chase

Assistant Attorney General  
NH Department of Justice

  
Shane B. Goudas

Assistant Attorney General  
NH Department of Justice

This is a true bill. 03/11/2021

  
Foreperson

RECEIVED  
SUPERIOR COURT  
2021 MAR 11 A 11:36



Name: Volodymyr Zhukovskyy  
DOB: 12/21/1995  
Address: 90 New Bridge Street, West Springfield, MA 01089  
RSA: 630:2 - Manslaughter  
Offense level: Felony  
Dist/Mun Ct: N/A

THE STATE OF NEW HAMPSHIRE  
INDICTMENT

COÖS, SS.  
STATEWIDE GRAND JURY  
HOLDEN AT CONCORD

MARCH TERM, 2021

At the Superior Court, holden at Concord, convened a statewide grand jury, upon the 10th day of March, in the year of our Lord Two Thousand Twenty One,

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

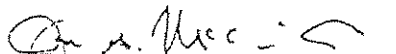
VOLODYMYR ZHUKOVSKYY  
(DOB 12/21/1995)

of or formerly of West Springfield, in the State of Massachusetts, on or about June 21, 2019, at Randolph in the County of Coös aforesaid, with force and arms did commit the crime of

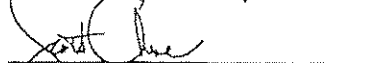
MANSLAUGHTER  
RSA 630:2

in that Volodymyr Zhukovskyy recklessly caused the death of ALBERT MAZZA by causing a collision while operating a 2016 Dodge 2500 truck with an attached trailer on Route 2.

Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.



John McCormick  
Coös County Attorney



Scott Chase  
Assistant Attorney General  
NH Department of Justice



Shane B. Goudas  
Assistant Attorney General  
NH Department of Justice

This is a true bill. 03/11/2021

Daniel Weed  
Foreperson

RECEIVED  
DEPT. SUPERIOR COURT  
2021 MAR 11 A 11:36

Name: Volodymyr Zhukovskyy  
DOB: 12/21/1995  
Address: 90 New Bridge Street, West Springfield, MA 01089  
RSA: 630:2 – Manslaughter  
Offense level: Felony  
Dist/Mun Ct: N/A

THE STATE OF NEW HAMPSHIRE  
INDICTMENT

COÖS, SS.  
STATEWIDE GRAND JURY  
HOLDEN AT CONCORD

MARCH TERM, 2021

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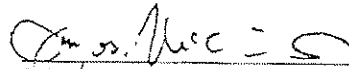
VOLODYMYR ZHUKOVSKYY  
(DOB 12/21/1995)

of or formerly of West Springfield, in the State of Massachusetts, on or about June 21, 2019, at Randolph in the County of Coös aforesaid, with force and arms did commit the crime of

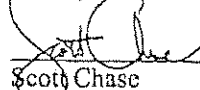
MANSLAUGHTER  
RSA 630:2

in that Volodymyr Zhukovskyy recklessly caused the death of DANIEL PEREIRA by causing a collision while operating a 2016 Dodge 2500 truck with an attached trailer on Route 2.

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John McCormick  
Coös County Attorney



Scott Chase  
Assistant Attorney General  
NH Department of Justice



Shane B. Goudas  
Assistant Attorney General  
NH Department of Justice

This is a true bill. 03/11/2021



Foreperson

RECEIVED  
SUPERIOR COURT  
2021 MAR 11 A 11:37

Name: Volodymyr Zhukovskyy  
DOB: 12/21/1995  
Address: 90 New Bridge Street, West Springfield, MA 01089  
RSA: 630:2 - Manslaughter  
Offense level: Felony  
Dist/Mun Ct: N/A

THE STATE OF NEW HAMPSHIRE  
INDICTMENT

COÖS, SS.  
STATEWIDE GRAND JURY  
HOLDEN AT CONCORD

MARCH TERM, 2021

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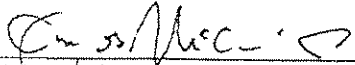
VOLODYMYR ZHUKOVSKYY  
(DOB 12/21/1995)

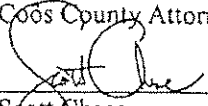
of or formerly of West Springfield, in the State of Massachusetts, on or about June 21, 2019, at Randolph in the County of Coös aforesaid, with force and arms did commit the crime of

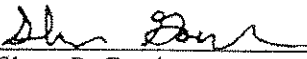
MANSLAUGHTER  
RSA 630:2

in that Volodymyr Zhukovskyy recklessly caused the death of DESMA OAKES by causing a collision while operating a 2016 Dodge 2500 truck with an attached trailer on Route 2.

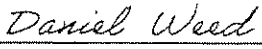
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John McCormick  
Coös County Attorney

  
Scott Chase  
Assistant Attorney General  
NH Department of Justice

  
Shane B. Goudas  
Assistant Attorney General  
NH Department of Justice

This is a true bill. 03/11/2021

  
Foreperson

RECEIVED  
SUPERIOR COURT  
2021 MAR 11 A 11:37

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Address: 90 New Bridge Street, West Springfield, MA 01089  
RSA: 630:2 - Manslaughter  
Offense level: Felony  
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THE STATE OF NEW HAMPSHIRE  
INDICTMENT

COÖS, SS.  
STATEWIDE GRAND JURY  
HOLDEN AT CONCORD

MARCH TERM, 2021

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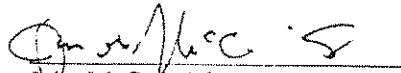
VOLODYMYR ZHUKOVSKYY  
(DOB 12/21/1995)

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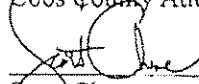
MANSLAUGHTER  
RSA 630:2

in that Volodymyr Zhukovskyy recklessly caused the death of AARON PERRY by causing a collision while operating a 2016 Dodge 2500 truck with an attached trailer on Route 2.

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John McCormick  
Coös County Attorney



Scott Chase  
Assistant Attorney General  
NH Department of Justice



Shane B. Goudas  
Assistant Attorney General  
NH Department of Justice

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Daniel Weed  
Foreperson

RECEIVED  
SUPERIOR COURT  
2021 MAR 11 A 11:37



Name: Volodymyr Zhukovskyy  
DOB: 12/21/1995  
Address: 90 New Bridge Street, West Springfield, MA 01089  
RSA: 630:2 – Manslaughter  
Offense level: Felony  
Dist/Mun Ct: N/A

Charge ID. 1842285C

THE STATE OF NEW HAMPSHIRE  
INDICTMENT

COÖS, SS.  
STATEWIDE GRAND JURY  
HOLDEN AT CONCORD

MARCH TERM, 2021

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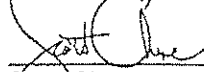
NEGLIGENT HOMICIDE  
RSA 630:3, I

in that Volodymyr Zhukovskyy negligently caused the death of EDWARD CORR by causing a collision while operating a 2016 Dodge 2500 truck with an attached trailer, on Route 2.

Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.



John McCormick  
Coös County Attorney



Scott Chase  
Assistant Attorney General  
NH Department of Justice



Shane B. Goudas  
Assistant Attorney General  
NH Department of Justice

This is a true bill. 03/11/2021

Daniel Weed  
Foreperson

RECEIVED  
COÖS SUPERIOR COURT  
2021 MAR 11 A 11:40

Name: Volodymyr Zhukovskyy  
DOB: 12/21/1995  
Address: 90 New Bridge Street, West Springfield, MA 01089  
RSA: 630:3, I - Negligent Homicide  
Offense level: Felony  
Dist/Mun Ct: N/A

THE STATE OF NEW HAMPSHIRE  
INDICTMENT

COÖS, SS.  
STATEWIDE GRAND JURY  
HOLDEN AT CONCORD

MARCH TERM, 2021

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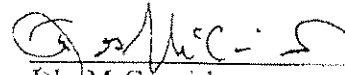
VOLODYMYR ZHUKOVSKYY  
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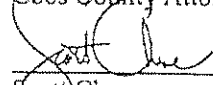
NEGLIGENT HOMICIDE  
RSA 630:3, I

in that Volodymyr Zhukovskyy negligently caused the death of JO-ANN CORR by causing a collision while operating a 2016 Dodge 2500 truck with an attached trailer, on Route 2.

Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.

  
\_\_\_\_\_

John McCormick  
Coös County Attorney

  
\_\_\_\_\_

Scott Chase  
Assistant Attorney General  
NH Department of Justice

  
\_\_\_\_\_

Shane B. Goudas  
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Daniel Weed  
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SUPERIOR COURT  
2021 MAR 11 A 11:40

Name: Volodymyr Zhukovskyy  
DOB: 12/21/1995  
Address: 90 New Bridge Street, West Springfield, MA 01089  
RSA: 630:3, I - Negligent Homicide  
Offense level: Felony  
Dist/Mun Ct: N/A

THE STATE OF NEW HAMPSHIRE  
INDICTMENT

COÖS, SS.  
STATEWIDE GRAND JURY  
HOLDEN AT CONCORD

MARCH TERM, 2021

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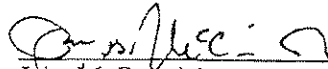
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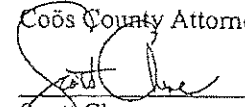
NEGLIGENT HOMICIDE  
RSA 630:3, I

in that Volodymyr Zhukovskyy negligently caused the death of MICHAEL FERAZZI by causing a collision while operating a 2016 Dodge 2500 truck with an attached trailer, on Route 2.

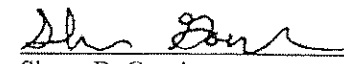
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John McCormick  
Coös County Attorney



Scott Chase  
Assistant Attorney General  
NH Department of Justice



Shane B. Goudas  
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NH Department of Justice

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SUPERIOR COURT  
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Name: Volodymyr Zhukovskyy  
DOB: 12/21/1995  
Address: 90 New Bridge Street, West Springfield, MA 01089  
RSA: 630:3, I - Negligent Homicide  
Offense level: Felony  
Dist/Mun Ct: N/A

THE STATE OF NEW HAMPSHIRE  
INDICTMENT

COÖS, SS.  
STATEWIDE GRAND JURY  
HOLDEN AT CONCORD

MARCH TERM, 2021

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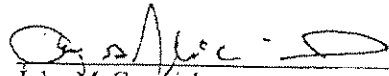
VOLODYMYR ZHUKOVSKYY  
(DOB 12/21/1995)

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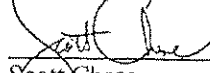
NEGLIGENT HOMICIDE  
RSA 630:3, I

in that Volodymyr Zhukovskyy negligently caused the death of ALBERT MAZZA by causing a collision while operating a 2016 Dodge 2500 truck with an attached trailer, on Route 2.

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John McCormick  
Coös County Attorney



Scott Chase  
Assistant Attorney General  
NH Department of Justice



Shane B. Goudas  
Assistant Attorney General  
NH Department of Justice

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Daniel Weed  
Foreperson

RECEIVED  
SUPERIOR COURT  
2021 MAR 11 A 11:40



Name: Volodymyr Zhukovskyy  
DOB: 12/21/1995  
Address: 90 New Bridge Street, West Springfield, MA 01089  
RSA: 630:3, I - Negligent Homicide  
Offense level: Felony  
Dist/Mun Ct: N/A

THE STATE OF NEW HAMPSHIRE  
INDICTMENT

COÖS, SS.  
STATEWIDE GRAND JURY  
HOLDEN AT CONCORD

MARCH TERM, 2021

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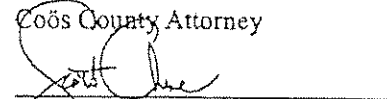
NEGLIGENT HOMICIDE  
RSA 630:3, I

in that Volodymyr Zhukovskyy negligently caused the death of DANIEL PEREIRA by causing a collision while operating a 2016 Dodge 2500 truck with an attached trailer, on Route 2.

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NH Department of Justice



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Assistant Attorney General  
NH Department of Justice

2021 MAR 11 A 11:40  
RECEIVED  
SUPERIOR COURT

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Daniel Weed  
Foreperson

Name: Volodymyr Zhukovskyy  
DOB: 12/21/1995  
Address: 90 New Bridge Street, West Springfield, MA 01089  
RSA: 630:3, I - Negligent Homicide  
Offense level: Felony  
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THE STATE OF NEW HAMPSHIRE  
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STATEWIDE GRAND JURY  
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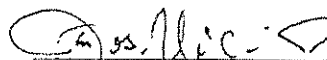
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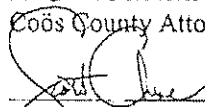
NEGLIGENT HOMICIDE  
RSA 630:3, I

in that Volodymyr Zhukovskyy negligently caused the death of DESMA OAKES by causing a collision while operating a 2016 Dodge 2500 truck with an attached trailer, on Route 2.

Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.



John McCormick  
Coös County Attorney



Scott Chase  
Assistant Attorney General  
NH Department of Justice



Shane B. Goudas  
Assistant Attorney General  
NH Department of Justice

This is a true bill. 03/11/2021

Daniel Weed  
Foreperson

RECEIVED  
SUPERIOR COURT  
2021 MAR 11 A 11:41

Name: Volodymyr Zhukovskyy  
DOB: 12/21/1995  
Address: 90 New Bridge Street, West Springfield, MA 01089  
RSA: 630:3, I - Negligent Homicide  
Offense level: Felony  
Dist/Mun Ct: N/A

THE STATE OF NEW HAMPSHIRE  
INDICTMENT

COÖS, SS.  
STATEWIDE GRAND JURY  
HOLDEN AT CONCORD

MARCH TERM, 2021

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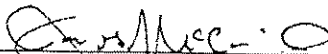
VOLODYMYR ZHUKOVSKYY  
(DOB 12/21/1995)

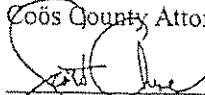
of or formerly of West Springfield, in the State of Massachusetts, on or about June 21, 2019, at Randolph in the County of Coös aforesaid, with force and arms did commit the crime of:


NEGLIGENT HOMICIDE  
RSA 630:3, I

in that Volodymyr Zhukovskyy negligently caused the death of AARON PERRY by causing a collision while operating a 2016 Dodge 2500 truck with an attached trailer, on Route 2.

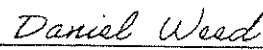
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John McCormick  
Coös County Attorney

  
Scott Chase  
Assistant Attorney General  
NH Department of Justice

  
Shane B. Goudas  
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NH Department of Justice

This is a true bill. 03/11/2021

  
Foreperson

RECEIVED  
SUPERIOR COURT  
2021 MAR 11 A 11:41

Name: Volodymyr Zhukovskyy  
DOB: 12/21/1995  
Address: 90 New Bridge Street, West Springfield, MA 01089  
RSA: 630:3, I - Negligent Homicide  
Offense level: Felony  
Dist/Mun Ct: N/A

THE STATE OF NEW HAMPSHIRE  
INDICTMENT

COÖS, SS.  
STATEWIDE GRAND JURY  
HOLDEN AT CONCORD

MARCH TERM, 2021

At the Superior Court, holden at Concord, convened a statewide grand jury, upon the 10th day of March, in the year of our Lord Two Thousand Twenty One,

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

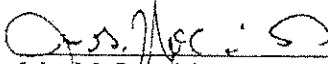
VOLODYMYR ZHUKOVSKYY  
(DOB 12/21/1995)

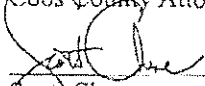
of or formerly of West Springfield, in the State of Massachusetts, on or about June 21, 2019, at Randolph in the County of Coös aforesaid, with force and arms did commit the crime of

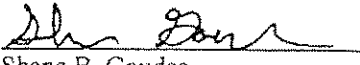
NEGLIGENT HOMICIDE  
RSA 630:3, II

in that Volodymyr Zhukovskyy, in consequence of being under the influence of a controlled drug, or any combination of controlled drugs, while operating a 2016 Dodge 2500 truck with an attached trailer, a propelled vehicle as defined by RSA 637:9, III, caused a collision that caused the death of EDWARD CORR.


Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.

  
\_\_\_\_\_  
John McCormick  
Coös County Attorney

  
\_\_\_\_\_  
Scott Chase  
Assistant Attorney General  
NH Department of Justice

  
\_\_\_\_\_  
Shane B. Goudas  
Assistant Attorney General  
NH Department of Justice

This is a true bill. 03/11/2021

  
\_\_\_\_\_  
Foreperson

RECEIVED  
SUPERIOR COURT  
2021 MAR 11 A 11:41



Name: Volodymyr Zhukovskyy  
DOB: 12/21/1995  
Address: 90 New Bridge Street, West Springfield, MA 01089  
RSA: 630:3, II – Negligent Homicide (DUI)  
Offense level: Felony  
Dist/Mun Ct: N/A

Charge ID. 1842413C

THE STATE OF NEW HAMPSHIRE  
INDICTMENT

COÖS, SS.  
STATEWIDE GRAND JURY  
HOLDEN AT CONCORD

MARCH TERM, 2021

At the Superior Court, holden at Concord, convened a statewide grand jury, upon the 10th day of March, in the year of our Lord Two Thousand Twenty One,

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

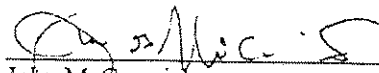
VOLODYMYR ZHUKOVSKYY  
(DOB 12/21/1995)

of or formerly of West Springfield, in the State of Massachusetts, on or about June 21, 2019, at Randolph in the County of Coös aforesaid, with force and arms did commit the crime of

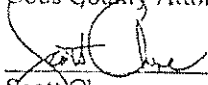
NEGLIGENT HOMICIDE  
RSA 630:3, II

in that Volodymyr Zhukovskyy, in consequence of being under the influence of a controlled drug, or any combination of controlled drugs, while operating a 2016 Dodge 2500 truck with an attached trailer, a propelled vehicle as defined by RSA 637:9, III, caused a collision that caused the death of JO-ANN CORR.

Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.

  
John McCormick

Coös County Attorney

  
Scott Chase

Assistant Attorney General  
NH Department of Justice



Shane B. Goudas  
Assistant Attorney General  
NH Department of Justice

This is a true bill. 03/11/2021

Daniel Weed  
Foreperson

RECEIVED  
SUPERIOR COURT  
2021 MAR 11 A 11:41

Name: Volodymyr Zhukovskyy  
DOB: 12/21/1995  
Address: 90 New Bridge Street, West Springfield, MA 01089  
RSA: 630:3, II – Negligent Homicide (DUI)  
Offense level: Felony  
Dist/Mun Ct: N/A

Charge ID. 1842418C

THE STATE OF NEW HAMPSHIRE  
INDICTMENT

COÖS, SS.  
STATEWIDE GRAND JURY  
HOLDEN AT CONCORD

MARCH TERM, 2021

At the Superior Court, holden at Concord, convened a statewide grand jury, upon the 10th day of March, in the year of our Lord Two Thousand Twenty One,

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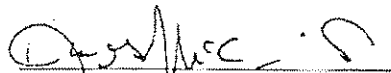
VOLODYMYR ZHUKOVSKYY  
(DOB 12/21/1995)

of or formerly of West Springfield, in the State of Massachusetts, on or about June 21, 2019, at Randolph in the County of Coös aforesaid, with force and arms did commit the crime of

NEGLIGENT HOMICIDE  
RSA 630:3, II

in that Volodymyr Zhukovskyy, in consequence of being under the influence of a controlled drug, or any combination of controlled drugs, while operating a 2016 Dodge 2500 truck with an attached trailer, a propelled vehicle as defined by RSA 637:9, III, caused a collision that caused the death of MICHAEL FERAZZI.

Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.



John McCormick  
Coös County Attorney



Scott Chase  
Assistant Attorney General  
NH Department of Justice



Shane B. Goudas  
Assistant Attorney General  
NH Department of Justice

This is a true bill. 03/11/2021

Daniel Weed  
Foreperson

RECEIVED  
COÖS SUPERIOR COURT  
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Name: Volodymyr Zhukovskyy  
DOB: 12/21/1995  
Address: 90 New Bridge Street, West Springfield, MA 01089  
RSA: 630:3, II - Negligent Homicide (DUI)  
Offense level: Felony  
Dist/Mun Ct: N/A

1842424C

THE STATE OF NEW HAMPSHIRE  
INDICTMENT

COÖS, SS.  
STATEWIDE GRAND JURY  
HOLDEN AT CONCORD

MARCH TERM, 2021

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VOLODYMYR ZHUKOVSKYY  
(DOB 12/21/1995)

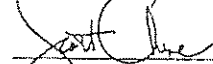
of or formerly of West Springfield, in the State of Massachusetts, on or about June 21, 2019, at Randolph in the County of Coös aforesaid, with force and arms did commit the crime of

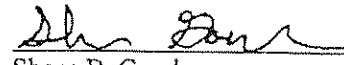
NEGLIGENT HOMICIDE  
RSA 630:3, II

in that Volodymyr Zhukovskyy, in consequence of being under the influence of a controlled drug, or any combination of controlled drugs, while operating a 2016 Dodge 2500 truck with an attached trailer, a propelled vehicle as defined by RSA 637:9, III, caused a collision that caused the death of ALBERT MAZZA.


Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.

  
John McCormick  
Coös County Attorney

  
Scott Chase  
Assistant Attorney General  
NH Department of Justice

  
Shane B. Goudas  
Assistant Attorney General  
NH Department of Justice

This is a true bill. 03/11/2021

  
Daniel Weed  
Foreperson

RECEIVED  
SUPERIOR COURT  
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Name: Volodymyr Zhukovskyy  
DOB: 12/21/1995  
Address: 90 New Bridge Street, West Springfield, MA 01089  
RSA: 630:3, II -- Negligent Homicide (DUI)  
Offense level: Felony  
Dist/Mun Ct: N/A

Charge ID. 1842429C

THE STATE OF NEW HAMPSHIRE  
INDICTMENT

COÖS, SS.  
STATEWIDE GRAND JURY  
HOLDEN AT CONCORD

MARCH TERM, 2021

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THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon their oath, present that:

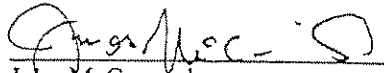
VOLODYMYR ZHUKOVSKYY  
(DOB 12/21/1995)


of or formerly of West Springfield, in the State of Massachusetts, on or about June 21, 2019, at Randolph in the County of Coös aforesaid, with force and arms did commit the crime of

NEGLIGENT HOMICIDE  
RSA 630:3, II

in that Volodymyr Zhukovskyy, in consequence of being under the influence of a controlled drug, or any combination of controlled drugs, while operating a 2016 Dodge 2500 truck with an attached trailer, a propelled vehicle as defined by RSA 637:9, III, caused a collision that caused the death of DANIEL PEREIRA.

Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.

  
John McCormick  
Coös County Attorney

  
Scott Chase  
Assistant Attorney General  
NH Department of Justice

Shane B. Goudas  
Assistant Attorney General  
NH Department of Justice

This is a true bill. 03/11/2021

Daniel Weed  
Foreperson

RECEIVED  
SUPERIOR COURT  
2021 MAR 11 A 11:42



Name: Volodymyr Zhukovskyy  
DOB: 12/21/1995  
Address: 90 New Bridge Street, West Springfield, MA 01089  
RSA: 630:3, II - Negligent Homicide (DUI)  
Offense level: Felony  
Dist/Mun Ct: N/A

THE STATE OF NEW HAMPSHIRE  
INDICTMENT

COÖS, SS.  
STATEWIDE GRAND JURY  
HOLDEN AT CONCORD

MARCH TERM, 2021

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(DOB 12/21/1995)

of or formerly of West Springfield, in the State of Massachusetts, on or about June 21, 2019, at Randolph in the County of Coös aforesaid, with force and arms did commit the crime of

NEGLIGENT HOMICIDE  
RSA 630:3, II

in that Volodymyr Zhukovskyy, in consequence of being under the influence of a controlled drug, or any combination of controlled drugs, while operating a 2016 Dodge 2500 truck with an attached trailer, a propelled vehicle as defined by RSA 637:9, III, caused a collision that caused the death of DESMA OAKES.

Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.



John McCormick  
Coös County Attorney



Scott Chase  
Assistant Attorney General  
NH Department of Justice



Shane B. Goudas  
Assistant Attorney General  
NH Department of Justice

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THE STATE OF NEW HAMPSHIRE  
INDICTMENT

COÖS, SS.  
STATEWIDE GRAND JURY  
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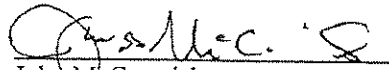
VOLODYMYR ZHUKOVSKYY  
(DOB 12/21/1995)


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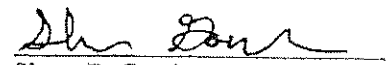
NEGLIGENT HOMICIDE  
RSA 630:3, II

in that Volodymyr Zhukovskyy, in consequence of being under the influence of a controlled drug, or any combination of controlled drugs, while operating a 2016 Dodge 2500 truck with an attached trailer, a propelled vehicle as defined by RSA 637:9, III, caused a collision that caused the death of AARON PERRY.

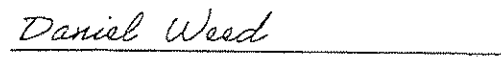
Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.

  
John McCormick  
Coös County Attorney

  
Scott Chase  
Assistant Attorney General  
NH Department of Justice

  
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Foreperson

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SUPERIOR COURT

Name: Volodymyr Zhukovskyy  
DOB: 12/21/1995  
Address: 90 New Bridge Street, West Springfield, MA 01089  
RSA: 630:3, II – Negligent Homicide (DUI)  
Offense level: Felony  
Dist/Mun Ct: N/A

THE STATE OF NEW HAMPSHIRE  
INDICTMENT

COÖS, SS.  
STATEWIDE GRAND JURY  
HOLDEN AT CONCORD

MARCH TERM, 2021

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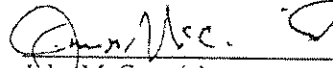
VOLODYMYR ZHUKOVSKYY  
(DOB 12/21/1995)

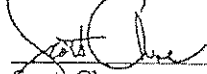
of or formerly of West Springfield, in the State of Massachusetts, on or about June 21, 2019, at Randolph in the County of Coös aforesaid, with force and arms did commit the crime of

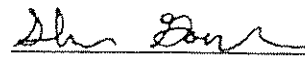
RECKLESS CONDUCT  
RSA 631:3

in that Volodymyr Zhukovskyy recklessly engaged in conduct, to wit operating a motor vehicle in a dangerous manner, which placed or may have placed Manuel Ribeiro; Valerie Ribeiro; Joshua Morin; David Bark; William Hooker; Patricia Sweeney; Steven Lewis; Dawn Brindley; Douglas Hayward; Drenda Hayward; Dana Thompson; Tad Duarte; Debra Duarte; Michael McEachern; or Sarah McEachern in danger of serious bodily injury by means of a deadly weapon as defined in 625:11, to wit a 2016 Dodge 2500 truck with an attached trailer.

Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.

  
John McCormick  
Coös County Attorney

  
Scott Chase  
Assistant Attorney General  
NH Department of Justice

  
Shane B. Goudas  
Assistant Attorney General  
NH Department of Justice

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Daniel Weed  
Foreperson

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Name: Volodymyr Zhukovskyy  
DOB: 12/21/1995  
Address: 90 New Bridge Street, West Springfield, MA 01089  
RSA: 631:3 – Reckless Conduct  
Offense level: Felony  
Dist/Mun Ct: N/A