

STATE OF NEW HAMPSHIRE

COÖS, SS.

NOVEMBER 2021

State of New Hampshire

v.

Volodymyr Zhukovskyy

214-2019-CR-78

**AGREEMENT ON PROTECTIVE ORDER**

NOW COMES the State of New Hampshire, by and through the Offices of the Coös County Attorney and the Attorney General, and the defendant, by and through his counsel, with this agreement on the terms of a protective order concerning certain discovery to be provided to defense counsel in this matter. In support thereof, the parties submit the following:

1. The State has obtained certain employment records relative to defense witness Stephen Benanti. Those records include references to disciplinary actions, including disciplinary actions regarding other co-workers and subordinates of Mr. Benanti. The State has agreed to provide those records to defense counsel, but such records are generally confidential and not otherwise public records. Accordingly, the parties seek the following protections:

- a. The discovery may be viewed by the defendant, his counsel, and Mr. Benanti in anticipation of this criminal litigation and/or for preparation for trial.
- b. The files shall not be further copied, published, transmitted, uploaded or duplicated in any manner, or further disseminated without prior authorization of this Court, with notice given to the State of such an application.
- c. The discovery shall not, at any time and under any circumstance, leave the care and custody of counsel for the defendant and shall not at any time or under any circumstance be released to the custody of the defendant or Mr. Benanti.

- d. If for any reason defense counsel withdraws from this case, the discovery shall be returned to the Office of the Attorney General contemporaneously with such a withdrawal.
- e. The discovery remains the property of the Office of the Attorney General. The materials shall be returned to the Office of the Attorney General within 30 days of a change of plea, verdict, or resolution of appeal in the above criminal case, or immediately upon request by the State upon a resolution of this matter.

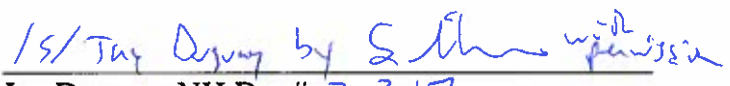
2. Any violation of the terms of this Order shall be deemed contempt of Court. If

defense counsel fails to timely return the discovery, the State shall notify the Court and the Clerk shall schedule a show cause hearing to determine whether defense should be held in contempt.

Date: 11/5/2021  
  
\_\_\_\_\_ for John McCormick  
John G. McCormick, NH Bar #16183  
Coos County Attorney

Date: 11/5/2021  
  
\_\_\_\_\_ Scott D. Chase, NH Bar #268772  
Assistant Attorney General

Date: 11-3-21  
  
\_\_\_\_\_ Steve Mirkin, NH Bar # 1771  
Counsel for the Defendant

Date: 11-3-21  
  
\_\_\_\_\_ Jay Duguay, NH Bar # 20347  
Counsel for the Defendant