

COÖS, SS.

SUPERIOR COURT

State of New Hampshire

v.

Volodymyr Zhukovskyy

214-2019-CR-078

ASSENTED MOTION IN LIMINE: CELL PHONE USE

NOW COMES the accused, by and through counsel, Jay Duguay and Steve Mirkin, Esq., and respectfully moves the Court for an Order *in Limine* precluding the State from introducing evidence of, or making reference to, any allegation of the accused having used his cellphone improperly while driving a vehicle on occasions other than directly related to the crash of June 21, 2019.

The State, John McCormick, Esq., has indicated its ASSENT to the relief sought, but reserving the right to seek the Court's approval to introduce such evidence only for purposes of impeachment of the accused.

WHEREFORE, the accused respectfully prays the Court to grant this Motion *in Limine*, and for such further relief as may be just.

Respectfully submitted,



Steve Mirkin
NH Bar Id #1771
NH Public Defender
485 Route 10
Orford, NH 03777
603 353-4440

Granted

/s/ Peter H. Bornstein
Honorable Peter H. Bornstein
October 20, 2021

Clerk's Notice of Decision
Document Sent to Parties
on 10/20/2021

Jay Duguay
NH Bar Id #20347
NH Public Defender
134 Main St., Third Floor
Littleton, NH 03561
603 444-1185

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been forwarded this 18th day of October, 2021, to John G. McCormack, Esq., Coös County Attorney, and Scott Chase, Esq., Assistant Attorney General.



Steve Mirkin