

**THE STATE OF NEW HAMPSHIRE**

**COÖS, SS.**

**SUPERIOR COURT**

No. 214-2019-CR-00078

State of New Hampshire

v.

Volodymyr Zhukovskyy

**ORDER**

Having considered the particular circumstances of this case, the parties' arguments, and the applicable law, the Court will give the jurors the attached instruction concerning Charges No Longer Before You at the close of the evidence and prior to counsels' closing arguments. The defendant's request that the Court so instruct the jury prior to the close of the evidence is DENIED.

So Ordered.

Date: 8/5/22



Hon. Peter H. Bornstein  
Presiding Justice

Clerk's Notice of Decision  
Document Sent to Parties  
on 08/05/2022

## **CHARGES NO LONGER BEFORE YOU**

You will recall that at the beginning of the trial the Clerk read to you seven indictments charging the defendant with the crime of Negligent Homicide as a consequence of being under the influence of a controlled drug or combination of controlled drugs, and one indictment charging him with the crime of Aggravated Driving Under the Influence of a controlled drug or combination of controlled drugs. Those charges are no longer before you. You should not concern yourselves with these charges and should not speculate as to why they are no longer before you.

Insofar as you have heard testimony or other evidence regarding those offenses, or testimony or other evidence regarding the defendant's alleged use of, or impairment by, drugs, you may not consider such testimony or evidence as proof concerning the guilt or innocence of the defendant on the charges that remain before you or for any purpose whatsoever.