

**STATE OF NEW HAMPSHIRE**

Coös, SS.

Superior Court

State of New Hampshire

v.

Volodymyr Zhukovskyy

Superior Court Case: 214-2019-CR-78

Charge ID: 1636626C, 1636627C, 1636628C, 1636629C, 1636630C, 1636631C, 1636632C, 1680454C, 1680455C, 1680456C, 1680457C, 1680458C, 1680459C, 1680460C, 16804864C, 1680485C, 1680486C, 1680487C, 1680488C, 1680489C, 1680490C, 1680491C, 1680492C

**STATE'S MOTION TO ADOPT ITS PROPOSED SCHEDULING ORDER**

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Coos County Attorney, John G. McCormick, Coös County Attorney, and states as follows:

1. The State and defense counsel have discussed a scheduling order in this matter and have been unable to reach an agreement on scheduling deadlines in the above-captioned case. The State anticipates that an extensive number of substantive motions will be filed in the case, requiring additional litigation and numerous hearings. The State further anticipates noticing a number of expert witnesses for trial, resulting in additional pleadings, responsive motions, and depositions from both the State and defense counsel. Considering this, the State proposes the below order, to provide time for both parties to properly notice witnesses for hearings, respond to pleadings, and to account for time so that the Court may make and draft findings of law, thus guiding the pre-trial and trial litigation in this matter. Furthermore, based on information or belief, co-counsel for defendant is scheduled to be unavailable due to a pre-arranged trip for the month of May 2020.
2. Accordingly, the State proposes the following scheduling order, and moves the Honorable Court to approve the deadlines listed in a-m below:
  - a. Jury selection: November, 2020
  - b. State to provide Discovery: Completed<sup>1</sup>

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<sup>1</sup> Discovery forthwith to the defense to the extent that any is generated during the pendency of this matter.

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|--|---------------------------------|
| c. Deadline for State expert disclosure/CVs/reports/defendant's criminal record:                   | February 28, 2020 <sup>2</sup>  |
| d. Notice of defenses:   | March 29, 2020                  |
| e. Deadline for any motions to suppress, motions to dismiss, and any additional discovery motions: | April 17, 2020 <sup>3</sup>     |
| f. Deadline for defense expert disclosure/CVs:   | May 29, 2020                    |
| g. Deadline for defense expert reports:  | June 19, 2020                   |
| h. Plea Deadline:  | August 29, 2020                 |
| i. Deadline for anticipated State trial witness list:  | July 31, 2020                   |
| j. Deadline for defense reciprocal discovery:  | August 14, 2020                 |
| k. Deadline for anticipated Defense trial witness list:  | August 14, 2020                 |
| l. Deadline for both sides to depose expert/lay witnesses:   | September 14, 2020              |
| m. Deadline for pretrial motions, including motions <i>in limine</i> :                             | September 18, 2020 <sup>4</sup> |
3. Counsel for the defendant, Attorney Jay Q. Duguay, Esq., was contacted and he objects to the State's Motion.

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<sup>2</sup> State expert disclosure may be supplemented in response to notice of defenses and/or defense expert disclosure.

<sup>3</sup> Parties to provide witness lists 7 days before any scheduled evidentiary hearing on such motions.

<sup>4</sup> Parties to provide witness lists 7 days before any scheduled evidentiary hearing on such motions.

WHEREFORE, the State requests that this Honorable Court:

- A. GRANT the State's Motion; or
- B. HOLD a hearing on the matter; or
- C. Grant any other relief deemed proper and just.

November 15, 2019

Respectfully Submitted,  
STATE OF NEW HAMPSHIRE

/s/ John G. McCormick

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has this day been forwarded to Jay Q. Duguay, Esq., and Sheldon S. Mirkin, Esq., of the New Hampshire Public Defender, as counsel for the Defendant by electronic filing per the Supplemental Rules of the Superior Court of New Hampshire for Electronic Filing, Rule 13(a).

Respectfully Submitted,  
STATE OF NEW HAMPSHIRE

November 15, 2019

/s/ John G. McCormick

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John G. McCormick, Esq  
Office of the Coos County Attorney