

STATE OF NEW HAMPSHIRE

Coös, SS.

Superior Court

2021 OCT -5 P 2:22
SUPERIOR COURT

State of New Hampshire

v.

Volodymyr Zhukovskyy

Superior Court Case: 214-2019-CR-78

**STATE'S PETITION FOR ISSUANCE OF CERTIFICATE TO SUMMONS WITNESS
FROM STATE OF MAINE**

NOW COMES, the State of New Hampshire, by and through its attorneys, the Office of the Coös County Attorney and the Office of the Attorney General, and petitions the Court to issue a certificate addressed to a Justice of the Peace or Superior Court Justice for the State of Maine for the purpose of summoning a witness, Stephen Piwowarski, to appear to testify at trial in the above-captioned matter. In support of its petition, the State submits the following:

1. On June 21, 2019 the defendant is alleged to have caused a motor vehicle crash that resulted in the deaths of seven people, serious bodily injury to another person, and placed numerous additional motorists in danger of serious bodily injury and death. He has been indicted on multiple felony counts: Negligent Homicide, seven counts; Negligent Homicide – DUI, seven counts; Manslaughter; DUI Aggravated Collision w/ Serious Injury; and, Reckless Conduct – Deadly Weapon.

2. Jury trial is scheduled to commence on November 29, 2021.

3. Stephen Piwowarski is a material witness in the case.

4. Stephen Piwowarski is a resident of Maine, residing at 1600 Alna Road in Alna,

ME.

5. The State of Maine has made provision for commanding persons within its borders to attend and testify in criminal proceedings commenced in this State. See Me. Rev. Stat. Ti. 15, §1411, et seq.

6. Pursuant to the Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings, this Court has the authority to issue a certificate for presentation to a judge or magistrate in the State of Maine having jurisdiction over Annie Baron in order to secure her attendance at trial in this matter. See RSA 613:3.

7. The presence of Stephen Piwowarski is required at the Coös County Superior Court, 55 School Street, Lancaster, New Hampshire on November 29, 2021 at 9 am, and continuing until the trial is completed.

8. Under RSA 613:4, Annie Baron shall not be subject to arrest or the service of civil and/or criminal process in connection with matters that arose prior to his entrance into this State under summons.

9. Consistent with provisions of RSA 613:3, II, Stephen Piwowarski will be reimbursed for his travel expenses incurred in this matter.

10. A proposed certificate and supporting affidavit accompany or are annexed to this petition.

WHEREFORE, the State respectfully requests this Honorable Court grant the following relief:

- A. ISSUE a certificate which is attached to this motion so that the defendant may have the interstate witness described in this motion summoned to trial to testify;
and
- B. GRANT such other relief as this Court deems just and proper.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,

October 5, 2021

/S/ John G. McCormick_____

John G. McCormick, Esq.
Coos County Attorney
NH Bar #16183
Office of the Coos County Attorney
55 School St. Suite 141
Lancaster, NH 03584
(603)788-5559

CERTIFICATION

I certify that this pleading has been provided to Jay Q. Duguay, Esq., and Steve Mirkin, Esq., New Hampshire Public Defender's Office, 134 Main Street, Littleton, NH 03561, through the Superior Court's electronic filing system.

/S/ John G. McCormick_____

John G. McCormick
Coos County Attorney
NH Bar #16183

THE STATE OF NEW HAMPSHIRE

COÖS, SS.

SUPERIOR COURT

OCTOBER, 2021

THE STATE OF NEW HAMPSHIRE,

Plaintiff,

v.

Volodymyr Zhukovskyy

Defendant

CERTIFICATE OF JUDGE
OF REQUESTING STATE
FOR ATTENDANCE OF
OUT-OF-STATE WITNESS

I, Peter Bornstein, Justice of the Coös County Superior Court in and for Coös County, State of New Hampshire, hereby certify:

1. That a criminal prosecution entitled The State of New Hampshire v. Volodymyr Zhukovskyy is now pending in this Court;

2. That the Coös County Superior Court is a court of record in the State of New Hampshire;

3. That the trial of said defendant in the criminal prosecution has been set to begin the 29th day of November, 2021 at 9:00 AM.

4. That I have been informed by John G. McCormick in a sworn declaration, that Stephen Piwowarski is a material witness for the State of New Hampshire and is required for testifying at trial in said criminal prosecution;

5. That Stephen Piwowarski will be called as a witness at the trial of said criminal prosecution beginning the 29th day of November, 2021 at 9:00 AM and everyday thereafter until released at the Coös County Superior Court, State of New Hampshire at 55 School Street, Lancaster, New Hampshire. He will be required to travel from Alna, Maine (round trip). If it is determined that the witness must travel by flight, then travel expenses will be bought and paid on his behalf in advance by the State of New Hampshire. His attendance at the said trial will be required for not more than 3 day(s);

6. That if Stephen Piwowarski comes into the State of New Hampshire in obedience to a summons directing him to attend and testify at said trial, the laws of the State of New Hampshire, and of any other State through which he may be required to pass in order to attend said trial, protect him from arrest or the service of process, either civil or criminal, in connection with matters which arose before his entrance into this State under summons;

7. That this Certificate is made for the purpose of being presented to a Judge of a Court of record in the State of Maine where he is presently employed or residing, for use in a proceeding to compel him to attend and testify at said trial of said criminal prosecution at the time, date and place

set forth in paragraph 5 of this certificate.

Witness the HONORABLE Peter Bornstein, Presiding Justice of the Superior Court of Coös
County, State of New Hampshire this 6th day of October, 2021.

A handwritten signature in black ink, appearing to read "Peter Bornstein", written over a horizontal line.

Peter Bornstein
Presiding Justice

STATE OF NEW HAMPSHIRE

COOS, SS.

SUPERIOR COURT

I, David P. Carlson, Clerk of the Superior Court of the State of New Hampshire for the county of Coos, do hereby certify that the foregoing is a true copy of:

Certificate pursuant to RSA 613 to summons a witness outside of New Hampshire in the matter of State of New Hampshire v. Volodymyr Zhukovskyy, case number 214-2019-CR-78.

In witness whereof I have hereunto set my hand and affixed the seal of said Superior Court this 6th day of October A.D. 2021.



David P. Carlson
Clerk of Court

I, Peter H. Bornstein, Associate Justice of the Superior Court of the State of New Hampshire, do certify that David P. Carlson, Esquire, whose signature is affixed to the foregoing certificate, is clerk of said Superior Court for the county of Coos, and hath the keeping of the files, records and proceedings of said court, and also of the files and records of the Supreme Judicial Court, the Court of Common Pleas, the Superior Court of Judicature, the Circuit Court and the Supreme Court heretofore existing in this state, and is by law the proper person to make out and certify copies thereof, and that full faith and credit are and ought to be given his acts and attestations done as aforesaid; and that his attestation above is in due form.

In testimony whereof, I have hereunto set my hand and caused the seal of the said Superior Court to be hereunto affixed, this 6th day of October A.D. 2021.



Peter H. Bornstein,
Associate Justice
Superior Court

STATE OF NEW HAMPSHIRE
COOS, SS.

SUPERIOR COURT

I, David P. Carlson, Clerk of the Superior Court, in and for said county, in the State of New Hampshire, do hereby certify that Honorable Peter H. Bornstein, whose signature appears to the foregoing certificate, is and was at the time of signing said certificate, an Associate Justice of the Superior Court of the State of New Hampshire, duly commissioned and qualified, in accordance with the laws of the State of New Hampshire.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, this 6th day of October A.D. 2021.



David P. Carlson
Clerk of Court