

THE STATE OF NEW HAMPSHIRE

Coös, SS.

SEPTEMBER 2022

State of New Hampshire

v.

Volodymyr Zhukovskyy

214-2019-CR-00078

STATE'S MOTION TO DISPOSE OF PROPERTY

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 respectfully moves for permission to dispose of property collected and held in the above-captioned case. In support of this motion, the State submits the following:

I. FACTS

1. On August 9, 2022, after a jury trial, the defendant was acquitted of all charges against him in the above-captioned case. The charges arose from a motor vehicle accident that occurred on Rt. 2 in Randolph, NH on June 21, 2019, in which a truck driven by the defendant collided with a group of motorcyclists travelling in the opposite direction. Seven of the motorcyclists died as a result of the collision, and the New Hampshire State Police opened an investigation.

2. During the investigation, the State Police seized numerous items of property, some pursuant to search warrants issued by the Court. The items seized include a number of motorcycles that were involved in the collision, the truck that was driven by the defendant, various pieces of debris from the crash, and the defendant's cell phone.

Granted

/s/ Peter H. Bornstein
Honorable Peter H. Bornstein
September 20, 2022

**Clerk's Notice of Decision
Document Sent to Parties
on 09/20/2022**

3. RSA 595-A:6 provides that property seized by law enforcement shall be kept under the direction of the court for as long as necessary to produce the items as evidence at trial. Since the investigation into this matter and the resulting court proceedings have concluded, it is no longer necessary for these items to be maintained.

4. A list of the items currently in the custody of the State Police is attached hereto as Exhibit A. Table 1 lists the physical items maintained in the evidence room at Troop F. Table 2 lists the motorcycles that were involved in the collision, which are currently stored at a facility in Pembroke, NH. Table 3 lists the truck and trailer that were involved in the collision, and the debris from the crash, also stored at the facility in Pembroke, NH. Tables 1, 2 and 3 represent the entirety of the physical evidence currently in the possession on the State Police with regard to his matter.

5. The families of the motorcyclists involved in the crash have requested that they be allowed to retrieve certain of the motorcycles currently being held in evidence, and potentially some of the debris. The State requests permission to return whichever of the motorcycles and/or debris the families desire.¹ The State also requests permission to return the defendant's cellphone to him, through his counsel.

6. The State further requests permission to destroy all other property currently held in evidence in this case.

7. The defendant, through his counsel, assents to this motion.

¹ The families have not been able to assess which of the motorcycles they would like to retrieve, since they have not yet had an opportunity to assess the damage to each particular motorcycle.

WHEREFORE, the State of New Hampshire respectfully requests that this Honorable Court:

- A. Grant the State's request and allow the State to return the motorcycles and debris selected by the families of the motorcyclists to them;
- B. Allow the State to return the defendant's cellphone to him, through his counsel;
- C. Allow the State to destroy the remaining evidence listed in Exhibit A; and
- D. Order such further relief as this Court deems just and equitable.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,

John M Formella
Attorney General

September 19, 2022

/s/ Joshua L. Speicher
Joshua L. Speicher, NH Bar #273020
Assistant Attorney General
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CERTIFICATION

I certify that a copy of this pleading was provided to counsel of record via email.

September 19, 2022

/s/ Joshua L. Speicher
Joshua L. Speicher

EXHIBIT A

Table 1

| Shelf . | Case Number | Trooper | Name | Exhibit Number | Description | Date Entered | DV O |
|---------|-------------|---------|-----------------------|----------------|----------------------------------|--------------|-------|
| F-4 | CAR19-09674 | Girardi | Zhukovskyy, Volodymyr | BMG2 | Burned log book | 7/31/2019 | FALSE |
| F-4 | CAR19-09674 | Girardi | Zhukovskyy, Volodymyr | BMG3 | Burned tin cans | 7/31/2019 | FALSE |
| F-4 | CAR19-09674 | Girardi | Zhukovskyy, Volodymyr | BMG4 | MA inspection report | 7/31/2019 | FALSE |
| F-4 | CAR19-09674 | Girardi | Zhukovskyy, Volodymyr | BMG5 | Bill of lading | 7/31/2019 | FALSE |
| F-4 | CAR19-09674 | Girardi | Zhukovskyy, Volodymyr | BMG6 | Steering box from 2016 Dodge Ram | 7/31/2019 | FALSE |
| F-4 | CAR19-09674 | Girardi | Zhukovsky, Volodymyr | DLN4 | Samsung S9+ Cell Phone | 7/16/2019 | FALSE |

Table 2

| | |
|-----------------------------|-----------------------------------|
| <u>B1 – MA Reg: VT8176</u> | <u>Registered Owner: Ribiero</u> |
| <u>B2 – NH Reg: K6405</u> | <u>Registered Owner: Mazza</u> |
| <u>B3 – NH Reg: T8902</u> | <u>Registered Owner: Bark</u> |
| <u>B4 – VT Reg: VT3440</u> | <u>Registered Owner: Hooker</u> |
| <u>B5 – MA Reg: 1F4484</u> | <u>Registered Owner: Morin</u> |
| <u>B6 – NH Reg: R2244</u> | <u>Registered Owner: Brindley</u> |
| <u>B7 – RI Reg: USMC4</u> | <u>Registered Owner: Pereira</u> |
| <u>B8 – MA Reg: VT9807</u> | <u>Registered Owner: Lewis</u> |
| <u>B9 – NH Reg: V7100</u> | <u>Registered Owner: Perry</u> |
| <u>B10 – MA Reg: VT4305</u> | <u>Registered Owner: Corr</u> |
| <u>B11 – MA Reg: VT9612</u> | <u>Registered Owner: Hayward</u> |
| <u>B12 – NH Reg: W3905</u> | <u>Registered Owner: Thompson</u> |
| <u>B13 – NH Reg: V7675</u> | <u>Registered Owner: Ferazzi</u> |

Table 3

- Dodge Ram truck driven by Volodymyr Zhukovskyy, and attached trailer.
- Various pieces of debris from the collision on June 21, 2019