

From: [Anthony Augustyn](#)
To: [Briana Waite](#)
Cc: [Caleb Webster](#)
Subject: "TO SET" tomorrow for My PA: File 013-1019018, Court Case Number 02-334157-5 For Defendant Breedlove, Omar Jamal
Date: Thursday, May 27, 2021 5:14:25 PM

Hi Bri,

My PA is on TO SET tomorrow morning. There is some confusion as to whether this is going to occur on zoom with D34, or in D3. It is on the D3 9 AM arraignment calendar, but previous notes indicate D34 is to handle.

If it occurs on zoom Caleb has been kind enough to volunteer to handle the appearance since I am out of the office. I just wanted to give you a heads up in case D3 wonders what is happening with the case, or if for some reason D34 punts the matter to D3.

I've updated a PBK note, but this is what is happening:

Note for the 05/28/2021 TO SET Deputy:

This was a date that D34 wanted a proposed scheduling order for futures dates by:

DC Tsykova advised by email that all 4 DC propose to the following dates:

"June 10, 2021 – deadline to provide any remaining discovery from the shooting case that gave rise to the events in Docket 02-334157-5.

June 21, 2021 -hearing on STD compliance/motion to quash/motion to compel discovery.

September 10, 2021 - supplemental briefing on the Racial Justice Act motion, if needed.

September 24, 2021- People's reply to supplemental briefing on the Racial Justice Act

October 8, 2021 – Hearing on motion to dismiss under PC 745, Racial Justice Act

October 18, 2021 – Jury Trial, general time waiver"

Our position is the following (Please advise the court of these items):

- A deadline for discovery is not necessary as we have an ongoing obligation to provide it.
- DC mentions a MOT to compel discovery to be heard 06/21 yet no such MOT has been filed at this time.
- Because the Racial Justice Act motion is supposed to be heard "in the trial department" we would suggest and ask that this case be assigned to a department, much like the felony cases are not being directly calendared, for all stages in the proceedings.
- **Also, AUGUSTYN is planning to be on vacation and out of the country during the proposed JT date, so he would ask the JT be set ideally Nov 1, Oct 25 if necessary, or any subsequent date.**

Case 013-

1019018(<https://cagov.hostedbykarpel.com/CAContraCosta//Reports/RedirectToCaseInfo.aspx?cid=0131019018>), Court Case Number 02-334157-5 For Defendant Breedlove, Omar Jamal

I'll be in the car tomorrow morning but please feel free to call or text if any issues come up.
I'll also print a copy of this e-mail and leave in in your office.

Thank you,

Anthony E. Augustyn

Deputy District Attorney
Contra Costa County