

## Jacqueline Vizcarrondo

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**From:** Anthony Augustyn  
**Sent:** Thursday, May 27, 2021 2:02 PM  
**To:** Oksana Tsykova; Danielle Jones  
**Cc:** Alexander Golovets, Esq. [REDACTED] Caleb Webster  
**Subject:** RE: Proposed scheduling order in Docket [REDACTED] Breedlove, Brown, Prince-Brown, & Shelton

Hi all,

Upon further review of the dates proposed by Ms. Tsykova I am going to request a different date for the Jury Trial. I actually plan to be out of the country for a wedding from October 20-24. Apologies for not noticing this sooner. As such I would propose a the JT be set either on October 25 or November 1, or a date that works for all counsel.

Also, I haven't heard input from other co-counsel on vacating tomorrow's date and it doesn't sound like we are in full agreement on a scheduling order. As such it appears some guidance/assistance from the court could be useful.

That being the case, I'll reach out to D34 now and cc you all, and inquire as to the court's thoughts / intentions on still holding the special set appearance on zoom tomorrow given that he currently has a trial, or how the court intends to proceed.

Best,

**Anthony E. Augustyn**  
Deputy District Attorney  
Contra Costa County

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**From:** Oksana Tsykova [REDACTED] >  
**Sent:** Thursday, May 27, 2021 1:36 PM  
**To:** Danielle Jones <[REDACTED]>  
**Cc:** Anthony Augustyn <[REDACTED]>; Alexander Golovets, Esq. [REDACTED]  
[REDACTED]; Caleb Webster [REDACTED] >  
**Subject:** Re: Proposed scheduling order in Docket [REDACTED] Breedlove, Brown, Prince-Brown, & Shelton

I am fine with Mr. Augustyn's proposal. I am not in front of my computer this afternoon. Can someone please circulate the proposed order. Thank you so much!

Sent from my iPhone

On May 27, 2021, at 11:47 AM, Danielle Jones [REDACTED] wrote:

Anthony,

At our last court date, this was special set via Zoom in 34 specifically by Judge Marquez, even after Val told him it's typically an in person calendar. Not sure how this is affected by the JT.

In any event, I do not object to vacating tomorrow's appearance, but will defer to my co-counsel.

Thank you,

*Danielle A. Jones*

Attorney at Law  
Law Offices of Danielle Jones  
649 Main Street



**Notice is hereby given that DANIELLE A. JONES will be unavailable for any purpose whatsoever; including but not limited to receiving notices of any kind, responding to *ex-parte* applications, appearing in court or appearing at deposition from July 19, 2021 through and including September 26, 2021.**

*Our office will be closed in observance of the following holidays:*

*~Memorial Day: from 12pm on Thursday May 27, 2021, through and including May 31, 2021;*

*~4<sup>th</sup> of July: July 5, 2021;*

*~Columbus Day: October 11, 2021;*

*~Thanksgiving: from 12pm on Wednesday November 24, 2021, through and including November 28, 2021;*

*~Christmas: December 23, 2021 through and including December 26, 2021; and*

*~New Year's: from 12pm on December 31, 2021 through and including January 2, 2022.*

**NOTICE REGARDING EMAIL:** Our office always makes an effort to respond to email correspondence within 24 to 72 hours of receipt. Please note, however, that given the volume of email correspondence we receive on a daily basis, it is not unusual, despite our best efforts to control it, that some emails may be sent to the spam folder or redirected through other filtering protocol. Therefore, if you do not receive a response to an email within 24 to 72 hours (not including weekends and holidays), please call our office. Please do not assume we have received and read your email correspondence. For an issue that requires immediate attention, please always call our office and request to set-up a phone appointment to speak with me if I am not available in that moment. Responding to our clients needs and concerns with expediency is always our first priority. We thank you for your cooperation in managing our email flow.

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**From:** Anthony Augustyn [REDACTED] >

**Date:** Thursday, May 27, 2021 at 11:22 AM

**To:** Oksana Tsykova [REDACTED] >, "Alexander Golovets, Esq."

[REDACTED], Danielle Jones [REDACTED]

[REDACTED]  
[REDACTED] Caleb Webster

>  
**Subject:** RE: Proposed scheduling order in Docket [REDACTED] Breedlove, Brown, Prince-Brown, & Shelton

Hello all,

Thank you Ms. Tsykova for clarifying.

I noticed that the cases are now appearing on the “Arr/Set” calendar, which is a live calendar, in front of Judge Scanlon. Mr. Webster told me that at the prior trial readiness meeting, when tomorrow’s date was set, the Parties requested a Zoom appearance and Judge Marquez said that was fine. However, I am not certain that Judge Scanlon will have received the message, and she has been expecting attorneys to appear live on these calendars. I believe that Judge Marquez is currently in the middle of a misdemeanor jury trial.

Also, FYI, I will be out of the office tomorrow, and would need to ask someone to appear on my behalf if the date is kept.

I suggest that we send an email to both Dept 34 and Dept 3 with the proposed scheduling order. My request is that the June 10<sup>th</sup> date be removed for the reasons I stated previously. I also suggest that we ask for the matter to be assigned to a department for all purposes. Finally, I suggest that we ask that the setting date for tomorrow be vacated, and that the next court date of June 21 be set.

Best,

**Anthony E. Augustyn**  
Deputy District Attorney  
Contra Costa County

[REDACTED]

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**From:** Oksana Tsykova <[REDACTED]>  
**Sent:** Thursday, May 27, 2021 9:17 AM  
**To:** Anthony Augustyn <[REDACTED]>; Alexander Golovets, Esq. <[REDACTED]>  
<[REDACTED]> Caleb Webster <[REDACTED]>  
**Subject:** RE: Proposed scheduling order in Docket [REDACTED] Breedlove, Brown, Prince-Brown, & Shelton

Good morning Mr. Augustyn,

Thank you for providing your comments about the proposed scheduling order.

1. Outstanding discovery – As Mr. Horowitz noted in his email, he is looking for all discovery relating to the underlying shooting incident, which I believe is Richmond PD docket 2020-11482.

You previously disclosed some discovery related to Richmond PD 2020-11482 but we are not sure if everything has been disclosed.

2. Motion to compel- I understand that Mr. Horowitz wanted to reserve this date if a motion to compel is necessary. I am not aware of any motion to compel that has been filed at this time.
3. I think it makes sense to ask to pre-assign this case to a department. I don't know what position other counsel have on this issue.

Does it still make sense to circulate a proposed scheduling order or would everyone rather prefer to discuss these issues with the Judge tomorrow morning via Zoom?

Regards,  
Oksana

*Oksana Tsykova*  
*Attorney at Law*

[REDACTED]

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**From:** Anthony Augustyn [REDACTED]  
**Sent:** Tuesday, May 25, 2021 1:27:45 PM  
**To:** Oksana Tsykova [REDACTED]; Alexander Golovets, Esq. [REDACTED]  
[REDACTED]  
[REDACTED] Caleb Webster [REDACTED] >  
**Subject:** RE: Proposed scheduling order in Docket [REDACTED] Breedlove, Brown, Prince-Brown, & Shelton

Good afternoon counsel,

Thank you for conferring and selecting those dates. The dates and times are, as far as I am aware at this time, all agreeable. I do have a couple questions / points of clarification, however.

1. I am not sure the June 10<sup>th</sup> deadline for discovery makes sense, given that: a) I have either provided or requested all discovery related to that incident, and will provide what additional evidence comes in in a timely fashion; b) I have an ongoing obligation to provide discovery that extends past any arbitrary deadlines; and c) if there is anything outstanding or that you believe you are entitled to that I have not provided, you can always file a motion to compel. To be clear, I will continue to comply with my discovery obligations, I am just not sure a date needs to be set on a scheduling order.
2. For the June 21 date, you mention “motion to compel discovery” among other topics. I am not aware of a motion to compel discovery having been filed. Can you clarify what is intended by that?
3. Because the Racial Justice Act motion is supposed to be heard “in the trial court” (PC 745(c)), I suggest we ask that this case be assigned to a department, much like the felony cases are now being directly calendared to one department for all stages in the proceedings.

Best,

**Anthony E. Augustyn**

Deputy District Attorney  
Contra Costa County



<image001.png>

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**From:** Oksana Tsykova [redacted] >  
**Sent:** Tuesday, May 25, 2021 10:00 AM  
**To:** Anthony Augustyn <[redacted]>; Alexander Golovets, Esq.  
<[redacted]>  
**Cc:** Nancy Georgiou [redacted]  
**Subject:** Docket [redacted] Breedlove, Brown, Prince-Brown, & Shelton

Good afternoon Ms. Georgiou and Mr. Augustyn,

Judge Marquez requested that we prepare a proposed scheduling order for the Court to consider in this case. If we are in agreement about dates, the court can vacate the May 28<sup>th</sup> "to set" date.

All four defense counsel are proposing 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

Please let me know if these dates work for you.

Kind regards,  
Oksana

*Oksana Tsykova*  
*Attorney at Law*



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**From:** [Anthony Augustyn](#)  
**Sent:** Tuesday, May 18, 2021 11:24 AM

To: [Alexander Golovets, Esq.](#); [Oksana Tsykova](#); [REDACTED]

Cc: [Janet Harkness](#); [Nancy Georgiou](#)

Subject: Additional discovery in 02-334157-5 Breedlove, Brown, Prince-Brown, & Shelton

Good morning all,

In response to our request to the respective agencies that they provide any additional items that we may not already have, yesterday Detective Savannah Steward with Richmond PD provided me a supplemental report she wrote to RPD case 20-11482. It is supplement 13 and consists of 4 pages.

I am attaching it to this e-mail as a PDF.

Best,

***Anthony E. Augustyn***

Deputy District Attorney

Contra Costa County

