

Jasmine Cuenco

From: Matt O'Connor [REDACTED]
Sent: Tuesday, June 15, 2021 4:48 PM
To: Department 36
Cc: Evan Kuluk; Aron DeFerrari; Chris Walpole
Subject: Re: Bryant/Jackson 5-152003-0

Good afternoon Lynwen and thank you for the email.

I think your email just now addressed this, but I wanted to request a courtesy copy of whatever is provided to counsel so that it can be reviewed prior to the hearing as I am the only attorney who did not personally try the case (the People have two attorneys assigned to the matter and one of them was trial counsel.)

Thank you,

Matt

Matthew J. O'Connor, Esq.
O'CONNOR LAW
A Professional Corporation
1390 Willow Pass Road, Suite 1000
Concord, CA 94520
Telephone: [REDACTED]
Facsimile: (925) 938-0505

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On Tue, Jun 15, 2021 at 3:53 PM Department 36 [REDACTED] wrote:

Good Afternoon Counsel:

The Court's Exhibits Clerk has some questions about the preparation of exhibits for upcoming hearings in the Bryant/Jackson matter. As you know, the Clerk is preparing CDs and DVDs for Counsel for the hearings.

1. The DA requested 3 exhibits that were withdrawn and the Court does not have them – 194, 195, & 197 (it was stated as withdrawn on the exhibit list).

2. The DA requested exhibits 12, 16, 108, 114, 115, 116, & 117 which are all oversized posters that the Court cannot scan or make a copy of. **Can we confirm the DA still would like these items?**

3. The DA stated he did not have a need for any CD/DVDs, the PD requested 3 DVDs (Peo. #171 & 172, Def #430), the Court can add those videos to just the PDs copy, but **we need to confirm that the DA did NOT WANT those 3 items?**

The Court has everything minus the above items scanned and needs confirmation about the DVDs before completing the request.

Thank you,

Lynwen Royet

Dept. 36 Clerk

Hon. Clare M. Maier

[REDACTED]

From: Department 36

Sent: Monday, June 7, 2021 11:47 AM

To: 'Evan Kuluk' [REDACTED]; Matt O'Connor [REDACTED]

Cc: Department 36 [REDACTED]; Aron DeFerrari [REDACTED]; Chris Walpole [REDACTED]

Subject: RE: Bryant/Jackson 5-152003-0

Counsel:

The Court is vacating the 6/18/21 and 7/23/21 hearings.

Mr. Kuluk's RJA motions may be filed today and will be heard 7/09/21 at 1:30pm in Dept. 36. The Court will also hold the Readiness Conference for 1170.95 on 7/09/21 at 1:30pm.

The 1170.95 motion will be heard 9/03/21 at 1:30pm in Dept. 36

If Counsel need to change any further dates, they must file a written motion to do so. Otherwise, these are the dates set by the Court.

Thank you,

Lynwen Royet

Dept. 36 Clerk

Hon. Clare M. Maier

Contra Costa Superior Court

[REDACTED]

From: Evan Kuluk [REDACTED]
Sent: Monday, June 7, 2021 9:34 AM
To: Matt O'Connor [REDACTED]
Cc: Department 36 [REDACTED]; Aron DeFerrari <[REDACTED]>; Chris Walpole [REDACTED]
Subject: RE: Bryant/Jackson 5-152003-0

Good morning to all. I would like to be able to get my Racial Justice Act motions filed today, but need a date authorized by the Court before the criminal clerk's office will allow me to file. Please advise.

Thanks,
Evan Kuluk

ADO

From: Matt O'Connor [REDACTED]
Sent: Friday, June 04, 2021 5:43 PM
To: Evan Kuluk [REDACTED]
Cc: Department 36 [REDACTED]; Aron DeFerrari [REDACTED]; Chris Walpole [REDACTED]
Subject: Re: Bryant/Jackson 5-152003-0

Good evening.

I am available at 1:30 on September 3rd.

Best,

Matt

Matthew J. O'Connor, Esq.

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On Fri, Jun 4, 2021 at 3:57 PM Evan Kuluk [REDACTED] wrote:

Good afternoon,

I am available at 1:30 PM on 6/18, 7/9, 8/13 and 9/3. However, Mr. Bryant's Penal Code 745 motion must be heard prior to sentencing. If the if the Court is refusing to schedule this motion for hearing until after 8/13, I will be moving to continue the 1170.95 evidentiary hearing and SB 620 resentencing hearing currently scheduled for 7/23/21.

Sincerely,
Evan Kuluk

Alternate Defender Office

Counsel for Gary Bryant

From: Department 36 [REDACTED]
Sent: Friday, June 04, 2021 3:34 PM
To: Aron DeFerrari [REDACTED]; Department 36 [REDACTED]; 'Matt O'Connor' [REDACTED]; Evan Kuluk [REDACTED]
Cc: Chris Walpole [REDACTED]
Subject: RE: Bryant/Jackson 5-152003-0

Dear Counsel,

The Court does not give approval for Mr. Kuluk's motions under the Racial Justice Act, submitted to the Clerk's office today, to be heard on 6/18/21 with the Readiness Conference. The Court proposes a date for these motions be set, based on the Court's availability, either 8/13/21, 9/03/21 or 9/10/21, all at 1:30pm. If Counsel can please select a mutually agreeable date, the Department will go ahead and calendar it.

In response to Mr. DeFerrari's email regarding his availability on 6/18/21, Counsel are more than welcome to attend the hearing via Zoom. Anyone who would like to appear via Zoom is welcome to do so. The Court will send you the link prior to the hearing date. If Mr. DeFerrari is not available remotely, the Court would have to continue the 6/18/21 hearing to 7/09/21 at 1:30pm.

The 7/23/21 Motion & Remittitur hearing is set at 1:30pm instead of 10:30am.

Thank you,

Lynwen Royet

Dept. 36 Courtroom Clerk

Hon. Clare M. Maier

[REDACTED]

From: Aron DeFerrari [REDACTED]
Sent: Friday, June 4, 2021 9:46 AM
To: Department 36 [REDACTED]; 'Matt O'Connor' [REDACTED]; Evan Kuluk [REDACTED]
Cc: Chris Walpole [REDACTED]
Subject: RE: Bryant/Jackson 5-152003-0

Hello Madame Clerk, Counsel,

I will not be in the area on June 18, 2021, for our planned Readiness Conference in this matter.

My hope is that we can either conduct the RC over email or push it to 6/21/2021 or almost any time that week as I will be available.

Currently, my understanding is we have the OSC hearing date set in this matter for 7/23/21 at 10:30am. The People will be ready to proceed on that date and time.

Sincerely,

Aron J. DeFerrari

Homicide Team

Contra Costa County District Attorney's Office

Direct Line: [REDACTED]

From: Department 36 [REDACTED]
Sent: Thursday, April 29, 2021 12:57 PM
To: 'Matt O'Connor' [REDACTED]; Department 36 [REDACTED]
Cc: Aron DeFerrari [REDACTED]; Evan Kuluk [REDACTED]; Chris Walpole [REDACTED]

[REDACTED]
Subject: RE: Bryant/Jackson 5-152003-0

Counsel:

Do all parties agree to convert the June 18th hearing to a Readiness Conference?

Thank you,

Lynwen Royet

Dept. 36 Clerk

Hon. Clare M. Maier

[REDACTED]
From: Matt O'Connor [REDACTED]

Sent: Thursday, April 29, 2021 12:32 PM

To: Department 36 [REDACTED]

Cc: Aron DeFerrari [REDACTED]; Evan Kuluk [REDACTED]; Chris Walpole [REDACTED]

Subject: Re: Bryant/Jackson 5-152003-0

Good afternoon. I am just following up on my email below from last Wednesday and looking for thoughts/comments for scheduling purposes.

I am still attempting to secure the autopsy photographs so I can have a forensic pathologist review Dr. Ogan's testimony. Mr. DeFerrari was kind enough to provide me with the autopsy report.

Best regards,

Matt O'Connor

Matthew J. O'Connor, Esq.

O'CONNOR LAW

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1390 Willow Pass Road, Suite 1000

Concord, CA 94520

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Facsimile: (925) 938-0505

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On Wed, Apr 21, 2021 at 10:30 AM Matt O'Connor [REDACTED] wrote:

Good morning Lynwen:

My apologies for not responding earlier but I was not copied on the April 7th email where the Court was inquiring about the June 18th court date and asked if any attorney intends to put on evidence (witnesses or new documents, etc.).

As I was not trial counsel for Mr. Jackson, I have had to start from square one in this process. One of the items I was missing when I received the trial file from Mr. Jackson's prior counsel was the autopsy report and accompanying photos. The government has been helpful in helping me secure these items and I now have the autopsy report but still need the photographs.

I am requesting funding from the county to secure a forensic pathologist to review the testimony of Dr. Ikechi Ogan, the reports and accompanying photographs and provide expert testimony at the hearing for resentencing pursuant to Penal Code section 1170.95. In light of this, I would be in agreement with the Court's recommendation that the June 18th court date be converted to a Readiness Conference and discussion regarding the proposed new evidence.

Lastly, while I have also been appointed to assist Mr. Jackson in drafting and arguing a SB 620 motion regarding the gun enhancements, I was under the impression that the June 18th hearing would only be for the PC 1170.95 resentencing petitions filed by both Mr. Jackson and Mr. Bryant. If the Court, out of judicial economy and potential COVID 19 transportation issues of Mr. Byant (who previously requested to appear in-person) would like to have both matters heard at the same time, I would likely not be able to get my pleadings on file in time for the June 18th date. From Mr. Jackson's perspective, this would be another reason to convert the June 18th date to a readiness.

Best regards,

Matt O'Connor

Matthew J. O'Connor, Esq.

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On Wed, Apr 21, 2021 at 10:02 AM Chris Walpole [REDACTED] wrote:

Good morning,

From the People's perspective, I believe the documentary evidence [photos/diagrams] will be helpful and request that they be available for the hearing.

I do not need the actual guns or casings brought to court. Nor do I need any CD/DVDs.

The photos/documents/diagrams should be easy to gather, and include:

Peoples 1 – 19

Peoples 22 – 34

Peoples 39-58

Peoples 60 – 92

People's 94

People's 96 – 108

Peoples 113 – 117

People 119 – 170

People 173

People 192 – 197

Please have those exhibits returned to court.

Of particular help may be exhibit 142, which is a diagram depicting where each bullet entered the body and the path the bullets took.

Chris

From: Department 36 [REDACTED]
Sent: Friday, April 9, 2021 10:57 AM
To: Chris Walpole [REDACTED]; Aron DeFerrari [REDACTED]; Anthony Harris [REDACTED] Evan Kuluk [REDACTED]
Subject: RE: Bryant/Jackson 5-152003-0

Good morning Counsel:

The Court confirms it has the Bryant/Jackson trial exhibits in off-site storage, with the exception of some exhibits we have receipt of return for. The Court requests Counsel review the attached trial exhibit list and let the Court know as soon as possible which exhibits they would like to have available on 6/18/21. Return receipts for certain exhibits are attached at the end of the list. The Court will need to arrange ahead of time for delivery of exhibits from the off-site facility.

Thank you,

Lynwen Royet

Dept. 36 Courtroom Clerk

Hon. Clare M. Maier

[REDACTED]

From: Chris Walpole [REDACTED]
Sent: Wednesday, April 7, 2021 1:54 PM
To: Department 36 [REDACTED]; Aron DeFerrari [REDACTED]
Anthony Harris [REDACTED]; Evan Kuluk [REDACTED]
Subject: RE: Bryant/Jackson 5-152003-0

Mrs. Royet,

The People do not intent to call any additional witnesses or put on any new evidence, but instead will rely on the record presented at trial.

The court should already have the transcripts from the trial.

If the court does not have the trial exhibits, feel free to point me in the right direction and we will track them down.

Assuming the exhibits will be available, the People will be prepared to proceed on June 18th.

Chris Walpole

From: Department 36 [REDACTED]
Sent: Wednesday, April 7, 2021 1:43 PM
To: Chris Walpole [REDACTED]; Aron DeFerrari [REDACTED] Anthony Harris [REDACTED]; Evan Kuluk [REDACTED]
Subject: RE: Bryant/Jackson 5-152003-0

Counsel:

The court set the June 18 date for argument and submission on the remand regarding the gun enhancements from the 1st DCA as well as the sentencing petition. If any attorney intends to put on evidence (witnesses or new documents, etc.), please inform all counsel and we will convert the date to a Readiness Conference and discussion regarding the proposed new evidence. Otherwise, if counsel are comfortable with proceeding on the record and argument, the court is prepared to do so on June 18 at 1:30.

The Court is checking to see if we have the trial exhibits in storage.

Thank you,

Lynwen Royet

Courtroom Clerk

Hon. Clare M. Maier

Dept. 36

[REDACTED]

From: Chris Walpole [REDACTED]
Sent: Wednesday, April 7, 2021 10:05 AM
To: Aron DeFerrari [REDACTED]; Anthony Harris [REDACTED] Department 36 [REDACTED]
Subject: RE: Bryant/Jackson 5-152003-0

Madam Clerk,

Thanks or letting us know.

I assumed the court still had the trial exhibits.

Would you happen to know who I contact to track those down?

And just to clarify, our system shows the 6/18 date as an RC.

Does the court intend to still proceed with the hearing on 6/18?

Chris

From: Department 36 [REDACTED]
Sent: Friday, April 2, 2021 10:39 AM
To: Chris Walpole [REDACTED]; Matt O'Connor [REDACTED] Evan Kuluk
[REDACTED]; Aron DeFerrari [REDACTED]; Anthony Harris
Subject: RE: Bryant/Jackson 5-152003-0

Good Morning Counsel:

Judge Maier is requesting that Mr. Walpole provide to the Court the trial exhibits in the Bryant/Jackson matter.

Thank you,

Lynwen K. Royet

Courtroom Clerk II to

The Honorable Judge Clare M. Maier

Department 36

Contra Costa Superior Court

725 Court Street

Martinez, CA 94553

[REDACTED]

[REDACTED]



From: Chris Walpole [REDACTED]
Sent: Wednesday, March 3, 2021 1:58 PM
To: Matt O'Connor [REDACTED]; Evan Kuluk [REDACTED] Aron DeFerrari
[REDACTED]; Anthony Harris [REDACTED]
Cc: Department 36 [REDACTED]
Subject: RE: Bryant/Jackson 5-152003-0 4/16/21

Your Honor/Counselors,

Aron DeFerrari will be appearing for our office on this matter at the future hearing.

Please include him in any future emails.

Aron,

The court is asking to put this hearing over to June [see email thread below]. Please advise them of your availability.

In addition, Mr. Kuluk has offered scan the photographic trial exhibits for purposes of the record.

It was my impression that the court still had all the exhibits in their possession, which I requested be part of the record of conviction, but it appears I may have been mistaken in that assumption.

Anthony,

Please reach out to the victim's mother on this case determine her availability for any potential future hearing date.

Thanks,

Chris Walpole

From: Matt O'Connor [REDACTED]
Sent: Wednesday, March 3, 2021 1:22 PM
To: Evan Kuluk [REDACTED]
Cc: Department 36 [REDACTED]; Chris Walpole [REDACTED]
Subject: Re: Bryant/Jackson 5-152003-0 4/16/21

Hello Lynwen:

I will be celebrating a graduation on 06/11/21 but would be available on 06/18/2021 and have no objection to continuing the matter until that time.

Best,

Matt

Matthew J. O'Connor, Esq.

O'CONNOR LAW

A Professional Corporation
1390 Willow Pass Road, Suite 1000

Concord, CA 94520

Telephone: ([REDACTED])

Facsimile: (925) 938-0505

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On Wed, Mar 3, 2021 at 1:14 PM Evan Kuluk [REDACTED] wrote:

Given the circumstances, I am okay with postponing to either of those dates in June.

From: Department 36 [REDACTED]
Sent: Wednesday, March 03, 2021 1:08 PM
To: Evan Kuluk [REDACTED] Chris
Walpole [REDACTED]
Subject: RE: Bryant/Jackson 5-152003-0 4/16/21

Mr. Kuluk:

Thank you for your kind offer to scan the photographic evidence for the Appellate Court. At this time, a Court employee who has been involved in assisting the Judge on this case has unexpectedly had to take leave due to a serious family emergency on the east coast. Rather than trying to determine whether this photographic evidence has previously been scanned (or otherwise memorialized), the Court is wondering if all counsel would be willing to postpone the argument until June? As soon as the Court employee returns, we would be able to review the Court's files and determine if we need to scan the photographs.

How would June 11 or June 18 at 1:30pm work for you and the other counsel? Thank you for your consideration of this request.

Lynwen Royet

Courtroom Clerk

The Honorable Clare M. Maier

Dept. 36

[REDACTED]

From: Evan Kuluk [REDACTED]
Sent: Wednesday, March 3, 2021 12:18 PM
To: Department 36 [REDACTED]; Chris Walpole [REDACTED]; Lynwen Royet [REDACTED]
Subject: RE: Bryant/Jackson 5-152003-0 4/16/21

Lynwen,

I have prepared a USB flash drive with the 11 volumes of trial transcript that I can provide to you to lodge as an exhibit whenever is convenient. However, I reached out the appellate attorney for Mr. Bryant, and he informed me that he does not possess scans of all the photographic evidence, and he believes those exhibits remain in the Court's possession. I am happy to come pick up the photos from you and scan them onto a flash drive. Please let me know when and how to go about this.

Thanks,
Evan

From: Department 36 [REDACTED]
Sent: Wednesday, February 24, 2021 10:18 AM
To: Evan Kuluk [REDACTED] Chris Walpole [REDACTED]
Subject: RE: Bryant/Jackson 5-152003-0 4/16/21

Good morning Mr. Kuluk:

I apologize for not responding more promptly to your email. The Court already has 11 physical volumes, plus 3 additional volumes involving jury selection, and another 3 volumes dealing with sentencing. However, if you are intending to lodge these with the Court for the record, could you please do so on a zip drive? The Court would also like to know if you could please lodge all of the photo exhibits on a zip drive.

Thank you,

Lynwen K. Royet

Courtroom Clerk II to

The Honorable Judge Clare M. Maier

Department 36

Contra Costa County Superior Court

725 Court Street

Martinez, CA 94553

[REDACTED]

[REDACTED]



From: Evan Kuluk [REDACTED]

Sent: Friday, February 19, 2021 3:04 PM

To: Lynwen Royet [REDACTED]; Department 36 [REDACTED]

[REDACTED] Chris Walpole [REDACTED]

Subject: RE: Bryant/Jackson 5-152003-0 4/16/21

Good afternoon Court and Counsel,

On behalf of defendant Gary Bryant, it is my intention to lodge the entire trial transcript with the court as evidence of the record of conviction for the 4/16/21 hearing on Judge Maier's order to show cause pursuant to PC 1170.95. The transcript includes 11 volumes totaling approximately 2000 pages and is in .pdf scanned format. Please advise how the court would prefer this evidence to be lodged.

Thank you,

Evan Kuluk

Alternate Defender Office

From: Lynwen Royet [REDACTED]
Sent: Tuesday, January 12, 2021 2:48 PM
To: [REDACTED] Evan Kuluk [REDACTED]; Chris Walpole [REDACTED]
Subject: Bryant/Jackson 5-152003-0 4/16/21

Dear Counsel:

Judge Maier needs to move the hearing time on 4/16/21 to 1:30pm as she has an 8:30am morning Civil calendar. If this new time does not work, please let me know.

Thank you,

Lynwen K. Royet

Courtroom Clerk II to

The Honorable Judge Clare M. Maier

Department 36

Contra Costa County Superior Court

725 Court Street

Martinez, CA 94553

[REDACTED]

