

Jacqueline Vizcarrondo

Sent: Tuesday, June 29, 2021 8:54 AM
To: Venus D. Johnson
Subject: RE: Vera Institute and PC 745

Thanks Venus.
I have forwarded that information.

I have been working with Law and Motion on my Racial Justice Act response.
It is a PC 745 motion based on a PC 187 case that I took to trial a few years ago, but it has been kicking around appeal/PC 1170 land for a while.
In the motion, defense counsel contends that both myself, the police officer, and the judge personally violated PC 745 during trial.
They also ask for statistical evidence in their motion.

I have drafted a response to the alleged PC 745 motion, and I am still working on the discovery motion response.
Law and motion is aware and is reviewing the draft.
Attached to this email is the draft. As I mentioned to Ryan: sorry about any typos. I have yet to thoroughly proof it.
I will send you defense counsel's motion momentarily.

My apologies for not including you earlier, although Law and Motion has been aware, I obviously did not recall your prior email where you outlined the procedures and asked that you be forwarded a copy.

The motion is set for 7/9. From a timing perspective, I was working with Ryan to get this filed tomorrow.

Chris

From: Venus D. Johnson [REDACTED]
Sent: Tuesday, June 29, 2021 8:20 AM
To: Chris Walpole [REDACTED]
Cc: Scott Alonso [REDACTED] Ryan Wagner [REDACTED]
Subject: Re: Vera Institute and PC 745

Hey Chris -

Chad and Jason need to reach out to Scott and Ryan for assistance in responding to these motions. I sent out an office wide email a few months ago directing everyone to do so. Chad's statement below is incorrect. So that we are all unified in our response please ask your teams to review the initial email sent out and take those steps listed therein.

Thank you!

Venus D. Johnson
Chief Assistant District Attorney
Contra Costa County District Attorney's Office

On Jun 28, 2021, at 10:56 AM, Chris Walpole [REDACTED] wrote:

Venus,

Take a quick look at this Chad/Jason email below.

As far as I am aware, on the small handful of cases we have where a PC 745 discovery motion has been filed, (I am actually responding to one myself) we have taken the position that we are not turning over any statistical information b/c the defense fails to make a prima facia showing.

I am Including you in the loop just in case things have shifted on this topic.

I have drafted a response that I have not yet send to Jason/Chad. Take a look below and let me know if I should revise.

Thanks

Jason/Chad,

We have had a small number of PC 745 discovery motions filed on various cases in the last few months. For all of the ones that I am aware of, we believe that PC 745 was not violated, and that the defense fails to make a prima facia showing to turn over any statistical records.

Assuming the both of you agree that this is true in this particular case, to be consistent in how we respond to these matters, this is how I believe we should respond.

If you think there is potential PC 745 issue at play, let me know and we can figure out if/how we will respond to the Vera request.

Thanks,
Chris

From: Jason Peck [REDACTED]
Sent: Monday, June 28, 2021 10:26 AM
To: Chad Mahalich [REDACTED]; Chris Walpole [REDACTED]
Subject: RE: [REDACTED] Clark

I'll defer to Chris on this since I do not have any knowledge about Vera other than what was shared office wide.

Vera was scheduled to observe a CVRU Unit meeting and FTA'd.

From: Chad Mahalich <[REDACTED]>
Sent: Monday, June 28, 2021 10:04 AM
To: Jason Peck [REDACTED]; Chris Walpole <[REDACTED]>
Subject: [REDACTED] Clark

Good Morning,

Linda Fullerton has served me with an informal discovery request for the Vera Institute report and findings (to support her racial discovery motion). My understanding is that Vera did not actually submit a report, because they could not support their initial hypothesis that racial bias existed in our office. If I am incorrect about this; how does our office plan to get said report? Or if we do not, how would she file a request for it?

Sincerely,

Chad Mahalich