

ATTENTION

THE APPEAL ON THIS CASE NO.#FVI900518 CRIMINAL
NO LONGER EXISTS IN THIS COURT AND WAS RULED ON OR ABOUT 12/3/13

PETITIONER IN THIS INSTANT CASE WISHES TO PROCEED IN PRO_SE

ALL CORRESPONDENCES SHALL BE ADDRESSED DIRECTLY WITH THE PETITIONER
AT THE FOLLOWING ADDRESS
JOHN HENRY YABLONSKY AL-0373
BOX 8500
COALINGA, CA. 93210

THIS FILING INCLUDES THE FOLLOWING

- PROOF OF SERVICE MAILINGS
- LETTER TO THE CLERK
- REQUEST FOR TRIAL TRANSCRIPTS
- [PROPOSED] ORDER TO SHOW CAUSE
- HABEAS WRIT APPLICATION MC- 275 FROM THE LAW LIBRARY
- LEDGER OF DISCOVERY FOR THIS FILING IN THE 4 th APPELLATE DISTRICT COURT
- LEDGER OF GROUNDS BEING BROUGHT FOWARD IN THIS FILING
- ATTACHMENTS A THROUGH F
- EXHIBITS A THROUGH V
- ADDITIONAL COVER SHEET FOR THE COURT TO RETURN (stamped filed) S.A.S.E.

MAY GOD BLESS THE COURTS AND THE CLERKS FOR THE HOLIDAYS

MERRY CHRISTMAS AND HAPPY NEWYEAR!!!!!!!!!!!!!!!!!!!!!!

1ST PAGE OF WRIT

John Henry Yablonsky AL-0373
Box 8500
Coalinga, Ca. 93210

New Habeas Filing In
COURT OF APPEAL 4th DISTRICT

NEW HABEAS CORPUS PETITION FILING IN THE STATE APPEAL COURT
PETITIONER FILING IN PROPRIA PERSONA ON THIS PETITION

- * These are the grounds that petitioner wishes this court to address.
 - * This filing includes Motion for court to order Trial Transcripts for petitioner in this case, to include augmented records.
 - * This petition filing has an Order To Show Cause [proposed order]
 - * This petition was exhausted in the Superior Court Level of the state
- EXCEPT FOR THE THIRTEEN GROUNDS THE COURT DENIED EXPANSION*
** EQUALS EXPANDED RECORD (MORE ISOLATED ARGUMENTS)*
- THIS PETITION INCLUDES THE FOLLOWING GROUNDS

- Ground one- County District Attorney committed prosecutorial misconduct using the defendants case in the public while the trial was on calendar voicing his opinion of guilt VI and XIV Amendments
- Ground Two - county Sheriff altered evidence and presented it to the court without verification of authenticity XIV Amendments
- Ground Three - DDA Thomas committed prosecutorial misconduct by mistating facts during Inlimine hearing V and XIV Amendments
- Ground Four - DDA Thomas committed prosecutorial misconduct presenting perjuring witness Detective Alexander VI and XIV Amendments
- Ground Five - DDA Thomas committed prosecutorial misconduct presenting perjuring witness Bruce Nash VI and XIV Amendments
- Ground Six - DDA Thomas committed prosecutorial misconduct presenting perjuring witness John Sullivan VI and XIV Amendments
- Ground Seven - DDA Thomas committed prosecutorial misconduct presenting perjuring witness Daryll Kramer VI and XIV Amendments
- Ground Eight - DDA Thomas committed prosecutorial misconduct with County District Attorney on cumulative errors V, VI, and XIV Amendments
- Ground Nine - Trial attorney committed IAC failing to object to DDA Thomas' mistatement of facts, inadmissible evidence VI and XIV Amend.
- Ground Ten - Trial attorney committed IAC failing to object to States perjuring witness, false evidence VI and XIV Amend. (detective alexander)
- Ground Eleven - Trial attorney committed IAC failing to object to states perjuring witness Bruce Nash VI and XIV Amendments
- Ground Twelve - Trial attorney committed IAC failing to object to states perjuring witness John Sullivan VI and XIV Amendments
- Ground Thirteen - Trial attorney committed IAC failing to object to states perjuring witness Daryll Kramer VI and XIV Amendments
- Ground Fourteen - Trial attorney committed IAC failing to be present at all critical stages of trial VI and XIV Amendments
- Ground Fifteen- Trial attorney committed IAC by failing to release trial discovery to the defendant until after the trial VI and XIV Amendments

- Ground Sixteen- Trial attorney committed IAC by failing to verify or authenticate DNA evidence found inside victim VI and XIV Amendments
- Ground Seventeen- ~~XXXXX~~ Trial attorney committed IAC failing to test or verify or authenticate DNA that was located on separate item at scene VI and XIV Amendments (desk blotter) DNA
- Ground ~~XXX~~ Eighteen- Trial attorney committed IAC failing to test and verify evidence of (watch-pin) that was used in trial VI and XIV Amendments DNA
- Ground nineteen- Trial attorney committed IAC failing to test or verify DNA that was the product of (red hair with root-bulb) in tact VI and XIV Amendments
- Ground Twenty - Trial attorney committed IAC for failing to investigate states witness Lori Amaro VI and XIV amendments
- Ground Twenty one- Trial attorney committed IAC for failing to investigate states witness Sun KYe VI and XIV Amendments
- Ground Twenty two- Trial attorney committed IAC for failing to perfect recuaal motion VI and XIV Amendments
- Ground Twenty three - Trial attorney committed IAC for failing to perfect P.C. 1050 continuance motion, writting motion in another persons name VI and XIV Amendments
- Ground Twenty ~~XXXXX~~ four - Trial attorney committed IAC for failing to subpena crucial witnesses for trial VI and XIV Amendments
- Ground twenty five- Trial attorney committed IAC when he intensionally mis-stated facts during Marsden hearing VI and XIV Amendments
- Ground ~~XXXXX~~ Twenty six - Trial attorney committed IAC on cumulative errors throughout trial and pre-trial phases VI and XIV Amendments
- Ground Twenty Seven - Trial attorney and DDA Thomas, and Det. Alexander committed conspiracy to alter evidence IV, VI and XIV Amendments
- Ground Twenty ~~XXXX~~ Eight- State conducted an interrogation outside the defendants IV Amendment and used it in trial
- Ground Twentynine - Courts committed prejudicial error and prosecuted defendant under less than Reasonable doubt sstandards V and XIV Amendments
- Ground Thirty - Trial court committed prejudicial error denying defendant Self representation rights VI and XIV Amendments
- Ground Thirty one - Trial court committed prejudicial error violating Sixth Amendment Confrontation Clause of states witness
- Ground Thirty two - County jail violated defemdenats VI Amendment right to have direct and confidential access to defense counsel during pre-trial and trial phase of the case

Petitioner in this case requested the state superior court to expand the record in the motion to rule response to the courts order requesting reason to not stay the petition. Petitioner then requested the court to allow the record to expand thirteen more grounds, the request was denied.

APPELLATE COURTS HABEAS (2)

Name JOHN YABLONSKY ALC0373

Address A-3-138

Box 8500

CORLINGA CA. 93210

CDC or ID Number AL-0373

COURT OF APPEAL STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
(Court)

PETITION FOR WRIT OF HABEAS CORPUS

FILED ON

JOHN HENRY YABLONSKY
Petitioner

No. _____
(To be supplied by the Clerk of the Court) 12/10/13

vs.
WARDEN PUSP
S. FRAUHEIM (ACTING)
Respondent
CDCR SUPERINTENDANT

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court [as amended effective January 1, 2007]. Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

BEFORE 3 PAGE SUPERIOR
FILING (1) AP

This petition concerns:

- A conviction
- Parole
- A sentence
- Credits
- Jail or prison conditions
- Prison discipline
- Other (specify): _____

1. Your name: JOHN HENRY YABLONSKY
2. Where are you incarcerated? PLEASANT VALLEY STATE PRISON
3. Why are you in custody? Criminal Conviction Civil Commitment

Answer subdivisions a. through l. to the best of your ability.

a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

FIRST DEGREE MURDER w/SPECIAL CIRCUMSTANCES

b. Penal or other code sections: P.C. 187(A) PC-F, 190.2(a)(12)

c. Name and location of sentencing or committing court: SUPERIOR COURT OF CALIFORNIA
VICTORVILLE DIVISION OF SAN BERNARDINO COUNTY

d. Case number: FVI 900518

e. Date convicted or committed: VERDICT 2-3-11 ~~SENT~~

f. Date sentenced: 2-24-12

g. Length of sentence: L.W.O.P.

h. When do you expect to be released? UPON NEW TRIAL / VACATION OF CONVICTION

i. Were you represented by counsel in the trial court? Yes. No. If yes, state the attorney's name and address:

DAVE SANDERS, 14344 CAJON #201, V. U. CA 92392
(760) 241 0413

4. What was the LAST plea you entered? (check one)

- Not guilty
- Guilty
- Nolo Contendere
- Other: _____

5. If you pleaded not guilty, what kind of trial did you have?

- Jury
- Judge without a jury
- Submitted on transcript
- Awaiting trial

A

8. Did you appeal from the conviction, sentence, or commitment? Yes. No. If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"): COURT OF APPEAL 4TH APP. DISTRICT

b. Result DENIED c. Date of decision: 12/3/13

d. Case number or citation of opinion, if known: E055840

e. Issues raised: (1) SEE NEXT PAGE 5(b) (1-PAGE)

(2) _____

(3) _____

f. Were you represented by counsel on appeal? Yes. No. If yes, state the attorney's name and address, if known:

RICHARD A LEVY 3868 W. CARSON ST. #205 TORR. CA. 90503

9. Did you seek review in the California Supreme Court? Yes No. If yes, give the following information:

a. Result BEING FILED NOW b. Date of decision: N/A

c. Case number or citation of opinion, if known: N/A

d. Issues raised: (1) SAME

(2) _____

(3) N/A

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

THESE ARE MATTER THAT WERE BEHIND THE RECORD AND ARE MORE APPROPRIATELY DISPUTED IN THE WRIT OF HABEAS CORPUS

11. Administrative Review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:

CRIMINAL

b. Did you seek the highest level of administrative review available? Yes. No. Attach documents that show you have exhausted your administrative remedies.

A

Johj Henry Yablonsky AL-0373
Box 8500
Coalonga, Ca. 93210

Appeal on case # FVI900518
Criminal in Superior court
Appeal in 4th App. Dist.
No. E055840

ISSUES DISPUTED IN THE 4th APPELLATE DISTRICT

FILED AND SERVED OCT. 3, 2012

- I. Courts prejudicial error in special circumstances
- II. Courts prejudicial error excluding evidence of third party culpability
- III. Courts prejudicial error excluding evidence of victims promiscuity
- IV. Courts prejudicial error excluding third party hearsay of culpability
- V. Courts prejudicial error excluding evidence of victims last destination
- VI. Courts prejudicial error admitting evidence of crime that never charged against defendant
- VII. Courts committed error instructing the jury to continue deliberations after the jury foreman disclosed the count and for which way
- VIII. Courts prejudicial in questioning jury out of the presence of defendant counsel
- IX. Courts misapplication of new trial motion legal standard
- X. Court committed error in denying motion to recuse entire district attorney office
- XI. Counsel was ineffective for failing to file change of venue
- XII. Court imposed restitution on 1085 L.W.O.P. case error

these issues were disputed by the attorney and are of issues that were a matter of record during this trial

*NOW BEING PREPARED FOR STATE SUPREME
BY ATTY LEVY*

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12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? Yes. If yes, continue with number 13. No. If no, skip to number 15.

13. a. (1) Name of court: SUPERIOR COURTS OF CALIFORNIA SAN BERN. DIVISION
 (2) Nature of proceeding (for example, "habeas corpus petition"): HABEAS CORPUS PETITION
 (3) Issues raised: (a) SEE NEXT PAGE (b) (3 PAGES)
 (b) (SEE) ATTACHMENT (A)(B)(C)(D)
 (4) Result (Attach order or explain why unavailable): (SEE) ATTACHMENT (E)
 (5) Date of decision: (SEE) ATTACHMENT (E)
- b. (1) Name of court: N/A
 (2) Nature of proceeding: _____
 (3) Issues raised: (a) _____
 (b) _____
 (4) Result (Attach order or explain why unavailable): _____
 (5) Date of decision: N/A
- c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:
THERE WERE EXTENSIONS OF TIME, AND COURT ASKED FOR EVIDENTIARY HEARING, BUT DECLINED TO CONDUCT HEARING OR TRANSFER PETITIONER

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)
THE RECORDS WERE WITHHELD UNTIL AFTER TRIAL, I WAS ONLY GIVEN (1000) OF THE OVER 4000 PAGES IN EVIDENCE

16. Are you presently represented by counsel? Yes. No. If yes, state the attorney's name and address, if known:
ON APPEAL DENIAL BEING FILED IN STATE SUPREME ON SEPERATE GROUNDS AND ARGUMENTS OF THE RECORD. ATTY RICHARD LEVY 3868 W. CARSON #205 TARP, CA 90503

17. Do you have any petition, appeal, or other matter pending in any court? Yes. No. If yes, explain:
DENIED APPEAL #E055840 BEING DISPUTED IN STATE SUPREME ON SEPERATE ISSUES THAT AROSE FROM CASE # FVI 900518

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:
WAS DENIED IN SUPERIOR COURT LEVEL, MUST SEE ATTACHMENTS A-F HERE

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: 12/10/13  (SIGNATURE OF PETITIONER)

A

John Henry Yablonsky AL-0373
Box 8500
Coalinga, Ca. 93210

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
HABEAS CORPUS DIVISION

Dear clerk;

Please accept and file this petition in this court, file the discovery that is included, and the motions for Trial Transcripts, and Order to Show Cause. The petition is invaluable as is the discovery that is included in this filing, so please be patient with me. I am an inmate that is housed on a state prison yard that has very minimal access to law library facilities, or material and the copies are extremely limited access. I am an indigent inmate that relies on the facility for research and materials. Please stamp (filed), on the cover sheet of this petition and return the stamped copy to me in the S.A.S.E.

My appeal was exhausted in this court and has been forwarded to the State Supreme Court. I am proceeding in propria persona on this matter and all correspondences shall be forwarded to me directly at the above listed address, and I will send a change of address request should my housing change to a different institution.

If there are specific rules that need apply, please relate them to me or where I may locate them, so I can conduct myself appropriately according to the courts requirements.

I have taken the liberty to hole punch the top boarder to this filing for your convenience.

Please have a nice day, and thank you for your professionalism and patience.

RESPECTFULLY

John Henry Yablonsky Pro-Se

John Yablonsky AL- 0373
Box 8500
Coalinga, Ca. 93210

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
HABEAS CORPUS DIVISION

Re;

John Henry Yablonsky
for/ Writ of Habeas Corpus
petitioner,

Super.Ct.No.FVI900518

REQUEST FOR TRIAL TRANSCRIPTS

The petitioner in this matter comes forth, with good cause, praying this court to order the County of San Bernardino to surrender full and verbatim transcripts to the hearing conducted in the Superior Court, with regards to case number # FVI900518, that were conducted in the Victorville Branch of the Superior Court of California. This Request relates to [all] hearings conducted in the presence of and out of the presence of John Henry Yablonsky. Motion Hearings, Marsden Hearings, Chamber meetings, Bench ruling/meetings, Recusal Hearings, and all matters on the record of this case, which should include any and all augmented records that were conducted for the purposes of this case.

Petitioner formally requested these transcripts from the Superior Court, and the informal arguments were based on the contents of these transcripts. Since the petitioner reflected to [notes] and memory, some of the claims in dispute weighed on the accuracy of these transcripts, and injury that was sustained as a result of the conduct that was conducted on and off the record in the petitioners Writ, for this case.

Although the petitioners claims are accurate the state relied on verbatim recollection, when they were not necessary, and as a result, the state relied on the defense "That's not what they said'" instead of relating to the exact wordings of certain claims. It is also the petitioners belief that these transcripts would reveal further violations to the Substantial Rights of the Petitioner in this case.

RESPECTFULLY SUBMITTED;

John Henry Yablonaky Pro-Se

John Henry Yablonsky AL-0373
Box 8500
Coalinga, Ca. 93210

Writ of Habeas Corpus
CASE # FVI9005187

LEDGER OF DISCOVERY
EXHIBITS AND ATTACHMENTS

- Attachment A - Order requesting informal response, grounds 1,3,4,7, and 9
- Attachment B- Second order requesting whether petition should be stayed
- Attachment C- Petitioners motion requesting ruling, and expansion of record, for thirteen more prima-facie grounds
- Attachment D- Order declining to stay petition
- Attachment E- Order denying petition for Writ of Habeas Corpus
- Attachment F- District Attorney's response to petitioners Writ
- Exhibit A - Campaign flyer copies
- Exhibit A2- Copies of News Paper Covers before the trial ever occurred
- Exhibit B - News Paper covers of lawsuit and D.A.'s attorney comments
- Exhibit C - Portions of the interrogation transcripts that were altered
- Exhibit C2- Copy of witness report
- Exhibit D - Two pages of weather climate requests by states lead investigator
- Exhibit E - Gregory Randolph/William Backoff confession and DNA, and arrest interview, and investigation reports.
- Exhibit F - Two page finger-print report Detective Alexander lied about
- Exhibit G - Joseph Saunders police report, and suicide report, DNA request
- Exhibit H - Bruce Nash report in 1985 to Detective Knapp
- Exhibit I2- Bruce Nash report in 2009 to Detective Myler
- Exhibit I - John Sullivan report in 1985 on 9-26, and 9-30 to Det. Tuttle
- Exhibit I2 - John Sullivan report in 2009 to Detective Myler
- Exhibit J - Francesca Drake report in 1985 to Detective Tuttle
- Exhibit K - Daryll Kramer reports to detectives in 1985 and 2009, and DNA requests
- Exhibit K2 - Reports by Dawn Dismore stating she didn't see Rita Cobb, report by Ronald Kobs that undermines the statement by Daryll Kramer that his mother/son relationship was good
- Exhibit L - Two page report from VICAP of the FBI
- Exhibit M - Fred Holbrook statement to police that Rita Was seen at the Zodiac Lounge on the Friday prior to be murdered, and having been seen in an argument with a male person
- Exhibit N - Ruling minute sheet and articles before the trial and after
- Exhibit O - Sworn affidavits by family
- Exhibit P - Copy of trial attorney's request for Expert Technologies assistance and the rejected proposal from Human Identifications Technologies
- Exhibit P2 - Copies of evidences that were collected from this case that had DNA capabilities
- Exhibit Q - Evidence ledger of location where felt pad was located
- Exhibit R - Trial attorney's motion, showing he knew of evidences
- Exhibit S - Trial attorney's request for evidences, and witness locations
- Exhibit S2 - Alleged accurate transcripts of phone interviews to Lori Amaro, and Kye Kwon or Kye sun
- Exhibit T - Trial attorney's Declaration of fiduciary obligation and failed motion in another's name
- Exhibit U - Filing of Death Penalty
- Exhibit V - News paper cover after verdict declaring the need for more evidence to support the conviction

HABEAS CORPUS FILED JUNE 21, 2012
TWELVE GROUNDS FILED IN THE SUPERIOR COURT
DEPARTMENT S-24

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2 INFORMAL ORDER FOR INFORMAL RESPONSE AS TO GROUNDS ONE, THREE,
3 FOUR, SEVEN, AND NINE. ORDERED ON AUGUST 20, 2012

4 GROUNDS

5 ONE: PROSECUTORIAL MISCONDUCT WHEN THE COUNTY DISTRICT ATTORNEY
6 USED PETITIONERS CASE IN HIS CAMPAIGN FOR RE-ELECTION
7 TWO: DETECTIVE ALEXANDER ALTERED INTERIGATION EVIDENCE
8 THREE: IAC WHERE TRIAL ATTORNEY FAILED INVESTIGATIONS (MANY)
9 FOUR: PROSECUTORIAL MISCONDUCT DDA THOMAS' WITNESSES PERJURED
10 TESTIMONY (FIVE)
11 FIVE: MIRANDA VIOLATION
12 SIX: INSUFFICIENT EVIDENCE TO PROSECUTE
13 SEVEN: IAC WHERE TRIAL ATTORNEY, DDA THOMAS, AND DETECTIVE CONSPIRE
14 TO ALTER EVIDENCE
15 EIGHT: IAC WHERE TRIAL ATTORNEY WITHHELD EVIDENCE
16 NINE: IAC WHERE TRIAL ATTORNEY FAILED TO OBJECT TO PERJURED
17 TESTIMONY OF STATES WITNESSES
18 TEN: JUDICIAL MISCONDUCT WHEN TRIAL JUDGE DENIED FERETTA RIGHT
19 ELEVEN: PREJUDICIAL MISCONDUCT / IAC WHEN DURING MARSDEN THE
20 TRIAL ATTORNEY MISTATED FACTS AND THE JUDGE FAILED TO
21 SUFFICIENTLY INVESTIGATE, TAKING THE ATTORNEY' WORD
22 TWELVE: IAC WHERE TRIAL ATTORNEY WAS NOT PRESENT AT ALL CRITICAL
23 STAGES OF TRIAL

24 DURING THE INFORMAL RESPONSE REQUESTS FOR TRANSCRIPTS WERE
25 IGNORED AND NOT HONORED.

26 AFTER THE INFORMAL RESPONSE WAS ORDERED A MOTION TO INDICATE
27 INNERAGENCY BIAS WAS FILED AND SERVED UPON THE DISTRICT ATTORNEY
28 FROM THE SAME AGENCY THAT PETITIONERS WRIT NAMED EXTREME ACTS
OF PROSECUTORIAL MISCONDUCT, AND THE MOTION WAS IGNORED.

CONSEQUENTLY THE DISTRICT ATTORNEY ADA FERGUSON THAT WAS
ASSIGNED TO ARGUE FOR THE PEOPLE DIRECTLY MISTATED FACTS AND
INJECTED EXTREME INACCURATE STATEMENTS INTO HIS ARGUMENT.

THE COURTS ORDERED EXTENSION OF TIME FOR THE COURTS TO REVIEW
FACT INTENSIVE CLAIMS AS PER CAL. RULE OF COURT 4.551(F), AND
THEN AGAIN CAL. RULE OF COURT 4.551(H) EVIDENTIARY HEARINGS THAT
PETITIONER WAS NOT PRESENT DURING THEM HEARINGS.

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1 THE COURT FURTHER ORDERED ON APRIL 12, 2013 AS TO
2 WHETHER THE COURTS SHOULD NOT STAY THE PETITION UNTIL THE APPEAL
3 HAS EXHAUSTED IT'S RESOLUTION, AND ORDERED A TWO PAGE LIMIT ON
4 THAT BRIEFING.

5 IN THE PETITIONERS MOTION FOR THE COURTS TO RULE THAT WAS
6 FILED REQUESTING THE COURTS GRANT A LEAVE TO AMMEND THE PETITION
7 AND INCORPORATE THIRTEEN MORE GROUNDS THAT THE PETITIONER FELT
8 WOULD MEET PRIMA FACIE STANDARDS , AND THESE GROUNDS BECAME
9 APPARENT AND VERIFIABLE DURING THE BRIEFING STAGES OF THIS
10 PETITION AND THE BRIEFING STAGES IN THE APPELLATE COURTS.

11 THIS REQUEST TO EXPAND THE RECORD WAS DENIED, AND A RULING
12 WAS ENTERED ON THE FIVE OF THE TWELVE GROUNDS THAT THE COURT
13 CONSIDERED IN THE INFORMAL ARGUEMENTS.

14 THE COURTS RULING IS AS FOLLOWS:

- 15 1) DENIED DUE TO JURISDICTION
- 16 2) DENIED STATING INSUFFICIENT EVIDENCE
- 17 3) DENIED STATING THAT I HAD NOT MET THE IAC REQUIREMENTS
- 18 4) DENIED STATING THAT THERE WAS INSUFFICIENT EVIDENCE LACK
19 JURISDICTION
- 20 5) DENIED LACKS JURISDICTION
- 21 6) DENIED STATING THIS GROUND IS NOT COGNIZABLE
- 22 7) DENIED STATING LACK OF SUFFICIENT EVIDENCE
- 23 8) DENIED STATING THAT IAC CLAIMS REQUIREMENTS NOT MET
- 24 9) DENID STATING THAT IAC REQUIREMENTS WERE NOT MET
- 25 10) DENIED STATING LACK OF JURISDICTION
- 26 11) DENIED STATING LACK OF JURISDICTION
- 27 12)DENIED STATING LACK OF JURISDICTION

28 IN THE COURTS CONCLUSION THE JUDGE COMMENTED THE STATEMENTS
MADE BY THE PERJURING WITNESSES SHOULD NOT BE CONSIDERED AS
PERJURY BECAUSE OF THE LENGTH OF TIME FROM THEIR LAST STATEMENT
AND FAILED TO RECOGNIZE THAT THESE STATEMENTS WERE MADE TWENTY
FIVE YEARS PRIOR TO TRIAL AND THAT IDENTICAL STATEMENTS WERE MADE
ONE AND TWO YEARS PRIOR TO THE TRIAL BY THE SAME PERJURING
WITNESSES, AND THAT ONE OF THE PERJURING WITNESSES WAS THE
INVESTIGATING DETECTIVE, THE STATES LEAD INVESTIGATOR THAT WAS

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ASSIGNED TO THIS CASE FOR PROSECUTION PURPOSES AND WAS AN ACTIVE DETECTIVE WITH THE SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT AND ASSIGNED AS PROSECUTIONS LEAD INVESTIGATOR FOR ALL INTENTS PURPOSES WITH REGARDS TO THIS TRIAL.

THE COURTS THEN DENID THIS PETITION VERY PREJUDICIALLY, FURTHER VIOLATING RIGHTS THAT ARE GUARANTEED TO THE PETITIONER IN THE UNITED STATES CONSTITUTION AS WELL AS THE CALIFORNIA CONSTITUTIONS