

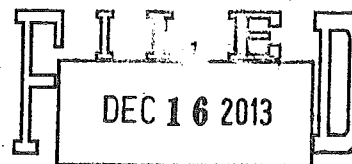
Name JOHN YABLONSKY ALC373

Address A-3-138

Box 8500

COALINGA CA. 93210

CDC or ID Number AK-0373



COURT OF APPEAL FOURTH DISTRICT

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

PETITION FOR WRIT OF HABEAS CORPUS

JOHN HENRY YABLONSKY
Petitioner

(A) vs.

S. FRAUEHEIM (WARDEN)
Respondent
CDCR SUPERINTENDANTS

No. E060202
(To be supplied by the Clerk of the Court)

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.

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

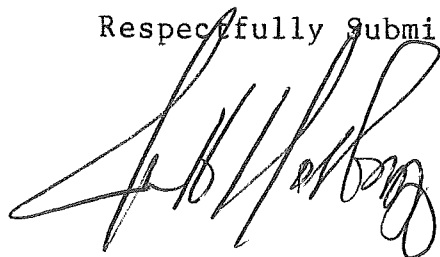
Case No. # EO 60202
Habeas Corpus Writ

Dear Clerk;

Please file these two separate motions, and stamp filed to the attached separate copies, and return them to the petitioner in this case. If there are any dates that these will be heard, please stamp the dates on the attached copies.

Thank you for the efforts that you provide and the professionalism.

Respectfully Submitted;



1/9/14

50

PROOF OF SERVICE BY AN INMATE
ACCORDING TO PRISONER MAILBOX RULE

This service and mailing was conducted by a party to this action, and was conducted according to ordinary California State Prison Title 15, Div. 3 Section § 3142, and with Penal Code § 2601 (b). This mailing was inspected and sealed in the presence of an on duty correctional officer, in a fully-prepaid envelope that was addressed as follows;

California Appellate Courts
4th Appellate District
3389 Twelfth St.
R.S., Ca. 92501

This service contained the following documents;

- * Request to deny request for trial transcripts
- ⊗ Formal request for Evidentiary Hearing

This service was conducted by and of an adult over the age of Eighteen, and mailed according to ordinary daily mail routines to be delivered by the United States Postal service, from the city of;

COALINGA
CITY

~~XXXX~~ 93210
ZIP CODE

This service was conducted on the Wednesday day of 8th of the month of January, 2014

ACCORDING TO THE PRISONER MAILBOX RULE
THIS SERVICE IS FILED WITH THE COURTS ON THIS DAY

UNDER THE PENALTY OF PERJURY
The forgoing is truthful and accurate to the knowledge of

John Henry Yablonsky

Print Name

Signature

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

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

Filed Dec. 16, 2013
In Re;
Habeas Corpus Writ
EO 60202

1
2
3 IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
4 FOURTH APPELLATE DISTRICT
5 HABEAS CORPUS DIVISION

6 John Henry Yablonsky,
petitioner

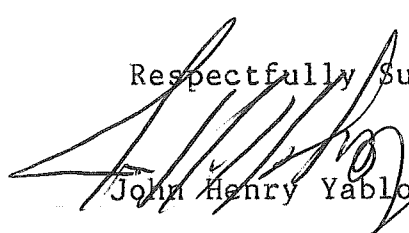
7 Vs.

8 S. Frauehim (warden) CDCR
respondent

Formal Request to Deny
Petitioners Request
for Trial Transcripts

9
10
11 Petitioner at this time humbly requests the appellate
12 court to deny his previous request for the court to order
13 the state trial court to release and provide the petitioner
14 with a full set of trial transcripts that were the result
15 of the case #FVI900518. Petitioner at this time has in his
16 possession a full and certified copy of the complete trial
17 transcripts that were the work product of the courts sten-
18 ographer Shawna Manning CSR No. 12827*** according to
19 government code 69954(d)).
20
21
22
23

24 Respectfully Submitted

25 
26 John Henry Yablonsky (pro-se)
27
28

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

In Re;
Habeas Corpus Writ
EO 60202
Filed 12-16-13

1
2 IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
3 FOURTH APPELLATE DISTRICT
4 HABEAS CORPUS DIVISION

5 John Henry Yablonsky,
6 petitioner
7 Vs.
8 S. Fraueheim (warden)CDCR
9 respondent

FORMAL REQUEST FOR
APPELLATE COURT TO
GRANT ORDER TO SHOW
CAUSE AND ORDER
EVIDENTIARY HEARING

10
11
12 Comes now petitioner with good cause and humbly
13 requests this court to consider granting an order to show
14 cause with regards to this petition #EO 60202, that sets
15 before the petitioners application for Writ of Habeas Corpus
16 in this. The petitioner has read the full transcripts and
17 believes that his 32 (thirty-two) grounds are on point and
18 weigh merit for such an order before the courts at this
19 time.

20 After the pleadings have been filed, if factual issues
21 are in dispute, the court may order an evidentiary hearing,
22 see In Re Lawler(1979)23 C3d 190,194,151 CR 833. A superior
23 court entertaining a habeas petition is required to conduct
24 an evidentiary hearing if a reasonable likelihood exists
25 thatthe petitioner is entitled to relief and the entitlement
26 depends on resolving a factual issue/s.Cal.Rules of Ct.4.551(f)

27 Because neither court of appeal nor the supreme court
28 can take ,

Request for evidentiary hearing (1)

1 testimony directly, an order to show cause issued by either
2 tribunak calling for an evidentiary hearing is generally
3 made returnable before a superior court. Pen C §1508;In
4 Re Hochberg(1970)2 C3d 870,873,87 CR 681. The issuance of
5 an order to show cause by an appellate court is a determination
6 that the allegations stated prima facie case for relief.
7 Afterward, the petition may not be denied summarily by a
8 trial court.Rose v. Superior court(2000)81 CA4th 564,96
9 Cr2d 843. Alternatively, the reviewing court may appoint
10 a referee to determine facts necessary for adjudication
11 of the petition.See In Re Weber(1974)11 C3d 703,114 CR 429.
12 See also,e.g.,In Re Bell(2007)42 C4th 630,67 CR3d 781.
13 A referee's findings are not binding on the court but are
14 entitled to great weight when supported by substancial
15 evidence (InRe Miranda (2008)43 C4th 541,554,76 CR3d 172),
16 especially those findings involving credibility issues and
17 determoinations. InRe Bell (2007) 42 C4th 630,639,67 CR3d
18 781.
19 Here in the petitioners application for writ in the superior
20 court, and during the informal arguements, the ADA Ferguson
21 stated facts regarding the petitioners claims as insufficient
22 or inaccurate, or thereby intensionally mistating the truths
23 himself in order to satisfy the courts influencial opinions
24 with regards to grounds that the superior honorable judge
25 had requested. The attorney Ferguson told the courts that
26 the trial court conducted sufficient Voir dire to purge
27 out the biased jurors from the election flyers that the
28 County District Attorney mailed to the entire,

1 county's voter population, when in fact there was not one
2 question from the trial court with regards to the Re-election
3 flyers that the County District Attorney flooded his opinion
4 of the defendants guilt after the defendants trial was scheduled
5 to begin in just over 40 days and over one month after the
6 trial was placed on the calendar by his office to prosecute
7 the defendant for the murder of a local woman. ADA Ferguson
8 again stated that there was evidence issues that were found
9 under the victim when in fact that was untrue, and was only
10 an attempt to influence the courts opinion about the trails
11 record, and the actual evidence in this case. ADA Ferguson
12 again mistated the fact that there were only one or two
13 jurora that identified with the existance of the flyers
14 that were mailed to them, and that none of these jurora
15 sat in the trial, when in fact there was at least one that
16 sat in this trial. ADA Ferguson then stated that the wording
17 in the defendants petition was not verbatim according to
18 the trial transcripts and that being so that the ground
19 fails without merit, when there were at least four requests
20 by the petitioner for the courts to order trial transcripts,
21 and this being so, that Detective Alexander intentionally
22 mistated the existance of the fingerprint report, which
23 shows that the defendants prints were not at the scene and
24 that [only] the victims and one other persons were located
25 at this scene. The probative value of this perjured testimony
26 by the states prosecutors lead investigator is that the
27 states entire case was bolstered by the DDA Thomas that
28 the defendant Yablonsky was the only suspect to this case,
repeatedly throughout the trial.

1 ADA Ferguson stated that there was no proof that there was
2 any discrepancy in the interrogation recording transcripts, yet
3 in the sworn testimony by Detective Alexander that the transcripts
4 were accurate the trial attorney Sanders and the trial
5 judge The Honorable Tomberlin stipulated that they were
6 altered, and the record does not reflect [any[] formal
7 authentication or entry onto the record of these transcriptions
8 of the interrogation, either of the original or either of
9 the altered versions that were presented to the jury for
10 trial purposes during the trial. The fact that the interrogation
11 was altered and the defendant told the trial attorney that
12 it was in fact altered according to the version he was given
13 two years before the trial, indicates the [mandatory] need
14 to have the interrogation devices authenticated, while there
15 exists one portion that was conducted under a video camera
16 that would have shown the deception without any formal audio
17 specialists.

18 These recording devices ,had they been verified would
19 have produced 4th Amendment violatiuons, Miranda violations,
20 that the defendant was not allowed to terminate the interrogation
21 and that a formal request for non-custodial continuance
22 of the interrogation was denied and that the defendant
23 was forced to the police station, ad well as shown that
24 the police knew that the defendant owned a dark blue pinto
25 and not the silver one the states witness seen at the scene
26 of the crime when the crime was to have been committed.
27 ADA Ferguson stated that the states witnesses Bruce Nash
28 and John Sullivan didn't give perjured testimony,

1 while the record does reflect that both parties had given,
2 on two separate occasions, either same or influenced testimonial
3 statements to the police 3 days after the crime was committed
4 and then again only 25 years after the crime was committed.
5 John Sullivan differently 25 years later than his 3 days
6 later than, and then Bruce Nash identical statements 3 days
7 and 25 years after the crime, and these statements were
8 perjured in front of the jury, either by the influence of
9 the prosecutor or the abuse of discretion of the state courts.

10 The petitioner was told by the trial attorney that he
11 was going to perform specific investigations and interview
12 certain witnesses that would support his defense and would
13 have provided evidence for the courts during his on and
14 off the records arguments in the defense of his client,
15 but [none], not one effort to support his legal disputes
16 when had his investigations been done he would have had
17 the proof to support his disputes, when these evidences
18 were available to just put forth his required efforts to
19 defend his client. The state presented evidence that directly
20 proved that his client was innocent, but because he failed
21 to provide the very minimal investigations, these evidences
22 were used to prosecute his client, when his investigation
23 would have shown that his client was not there when this
24 crime was committed, and that the person that owned and
25 belonged to the watch pin found at the scene that the prosecutor
26 states was the direct evidence of the struggle that occurred
27 in this murder, and that that watch pin did not come from
28 or belong to the defendant in this case.

1 The red hair that was recovered from the body that had the
2 entire root-bulb attached would have also proved that this
3 hair was not from the defnedant, and would have given the
4 defendant an oppertunity to show the jury that while the
5 DDA Thomas was declaring throughout the entire trial that
6 John Yablonsky Was the only suspect in this case, the forensics
7 report from the watch pin, and the forensice report from
8 the red hair with the root bulb attached that was pulled
9 from the perpetrator as they killed Rita Cobb over one
10 and a half days after the defendant had been with Rita was
11 proof that John Henry Yablonsky was not the suspect in this
12 case on any level, and that the District Attorney was lying
13 through his teeth to the jury when he declared that Yablonsy
14 was the states only suspect.

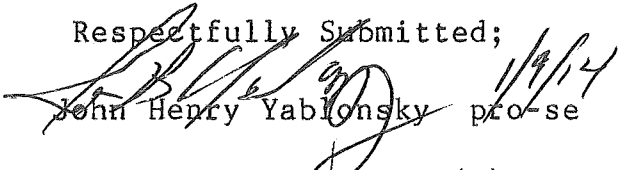
15 The factual merits of this case were disguised by the states
16 influence on the defendants attorney'd interests. While during
17 the first and second sessions of the Marsden hearing that
18 were conducted that prove the attorney lied to the trial
19 judge about occurances in fronv of the Hónorable judge Nakata
20 in department three. The basis of the attorney's intensional
21 mistatement of facts during the marsden hearing weighed heavily
22 on the courts decision to grant or deny the marsden hearing,
23 while these mistatements go to the credibility of the attorney's
24 entire basis of attorney client relationship throughout the
25 entire case. (That this attorney Dave Sanders lied to me
26 constantly to prevent himself from having to do the work
27 needed to defend his clients constitutional interests in
28 this case, while his client is factually and legally innocent.)

1 Without further burdening this court of reading material
2 that would support the petitioners interests in this case,
3 petitioner feels this case to weigh serious merit claiming
4 proof and showing of prima facice claims the petition has
5 and hopes this court to consider the merits of this claim
6 and either grant an order to show cause, and order an evidentiary
7 hearing to be conducted in the states superior court.

8 The superior copurt in the petitioners first filing had
9 ordered an extension of time under the Calif. Rules of court
10 4.551 (f) in order for the court to review the petitioners
11 substancial claims in his Writ of Habeas Corpus filing, but
12 this was conducted out of the presence of thje petitioner
13 or the states ADA Ferguson and was only used as an effort
14 for the court to read the extensive filing by the petitioner
15 and did not allow further legal pleadings by either parties
16 or designate a referee to review the records. The Petitioner
17 did file an ammended complaint and reply to the court declaring
18 that ADA Ferguson was a liar for mistating fact as the record
19 reflects.

20 Petitioner in this instant case will control his verbal
21 expressions in his pleading to reflect professionalism and
22 make every effort to meet the court required guidelines with
23 the Rules Of the Habeas Corpus Writ proceedings before them.
24
25
26

27 Respectfully Submitted;

28  1/9/14
John Henry Yablonsky pro-se

Request for evidentiary hearing (7)