

Name: John Henry Yablonsky AL-0373

Address: Box 8500
Coalinga, Ca. 93210

CDC or ID Number: AL-0373

SUPREME COURT
FILED

MAY 1 2014

Frank A. McGuire Clerk
Deputy

SUPREME COURT OF THE STATE OF California
HABEAS CORPUS DIVISION

(Court)

| | | |
|------------|------------------------------|-------|
| _____ | <u>John Henry Yablonsky</u> | _____ |
| Petitioner | vs. | |
| _____ | <u>S. Fraueheim (Warden)</u> | _____ |
| Respondent | CDCR Superintendant | |

PETITION FOR WRIT OF HABEAS CORPUS

No. S218253
(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 only need to file the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal and you are an attorney, file the original and 4 copies of the petition and, if separately bound, 1 set of any supporting documents (unless the court orders otherwise by local rule or in a specific case). If you are filing this petition in the Court of Appeal and you are *not* represented by an attorney, file the original and one set of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and 10 copies of the petition and, if separately bound, an original and 2 copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.

RECEIVED

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.

CLERK SUPREME COURT

Page 1 of 6

Ca
TWS

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? CDCR Pleasant Valley State prison
3. Why are you in custody? Criminal conviction Civil commitment

Answer items a through i 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 WITH SPECIAL CIRCUMSTANCES

- b. Penal or other code sections: P.C.187(A)PC_F, 190.2(a)(17)

- c. Name and location of sentencing or committing court: SUPERIOR COURT OF CALIFORNIA
VICTORVILLE DIVISION IN SANBERNARDINO COUNTY

- d. Case number: FVI900518

- e. Date convicted or committed: verdict 2/3/11

- f. Date sentenced: 2/24/12

- g. Length of sentence: lwop

- 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(public defender)

14344 Cajon # 201, victorville ca. 92393

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

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 Division of Superior Court"):
4TH APPELLATE COURT COURT OF APPEAL IN THE STATE OF CALIFORNIA

b. Result: DENIED c. Date of decision: 112/3/13

d. Case number or citation of opinion, if known: E055840 6215572

e. Issues raised: (1) see page 5(b) (next 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 Levy, 3868 W Carson st.#205 Torrance Ca. 90503

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

a. Result: denied b. Date of decision: 3/17/14

c. Case number or citation of opinion, if known: unknown

d. Issues raised: (1) same as above
(2) _____
(3) _____

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:

This matter was the records that were not apparrant to the record or disputed more effectively in the habeas arena

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.) 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.

Johñ Henry Yablonsky AL-0373
Box 8500
Coalónga, 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 1985 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*

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 court of california (San bernardino)

(2) Nature of proceeding (for example, "habeas corpus petition"): habeas corpus

(3) Issues raised: (a) see 6(b) NEXT PAGE

(b) _____

(4) Result (attach order or explain why unavailable): ATTACHMENTS (A) (B)

(5) Date of decision: July 12, 2013

b. (1) Name of court: 4th Appellate division Ca. Court of Appeals

(2) Nature of proceeding: Habeas corpus

(3) Issues raised: (a) see 7(b)

(b) _____

(4) Result (attach order or explain why unavailable): Denied (no explanation)

(5) Date of decision: Jan. 14, 2014

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:

see attachments (A)(B)

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.)

I just received the trial transcripts this last month, so the recorded filings were only by memory, now I have the truth in my possession.

16. Are you presently represented by counsel? Yes No If yes, state the attorney's name and address, if known:

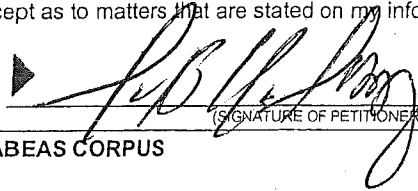
17. Do you have any petition, appeal, or other matter pending in any court? Yes No If yes, explain:

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

THIS APPEAL AND HABEAS WERE ADDRESSED IN ALL THE LOWER COURTS
SEE ATTACHMENTS

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: 4/9/14


(SIGNATURE OF PETITIONER)

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;

SUPREME COURT OF THE STATE OF CALIFORNIA
CLERK OF THE COURT
350 McALLISTER ST,
S.F., CA. 94102

This service contained the following documents;

APPLICATION FOR OVERSIZED HABEAS WRIT

This service was conducted by an 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

93210

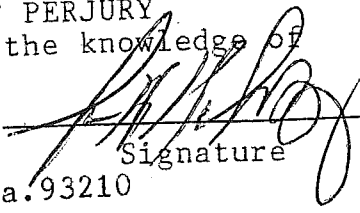
ZIP CODE

This service was conducted on the MONDAY day of 28 of the month of APRIL, 20 14

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 AL-0373
Print Name


Signature

MY ADDRESS IS Box 8500 coalinga, ca. 93210

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

Superior court #FVI900518

4 IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

5 PEOPLE OF THE STATE
6 OF CALIFORNIA
7 plaintiff, respondent

Court of appeal #E055840
Habeas writ sup. #WHC1200311
Habeas writ App. #E060202

8 Vs.

Application for oversized Writ
of Habeas Corpus

9 John Henry Yablonsky,
10 defendant, Petitioner

11 PETITIONERS APPLICATION TO FILE AN OVERSIZED
12 WRIT OF HABEAS CORPUS

13 Petitioner is in propria persona on this matter,

14 This is a special circumstance murder case in
15 which the defendant was sentenced to imprisonment for life without
16 parole. (Opn, at p.1) Defendant was charged in 2009 for the murder
17 committed in 1985 based primarily on a newly discovered DNA match.
18 (Opn. at p.3) Defendant filed an appeal in the court of appeals
19 that was denied except for the striking of the parole revocation
20 fine (P.C. §1202.45) The defendant's attorney filed an oversized
21 brief in the appellate court on twelve arguments.

22 Defendant filed twelve grounds in the superior court habeas
23 division at the same time that the appeal was being decided, and
24 the court ordered an informal order on grounds One, Three, Four,
25 Seven and Nine, where ADA Ferguson from the appellate division
26 of that county's district attorney's office filed his informal.

27 The district attorney mistated facts that the courts considered
28 and the petitioner in that matter stated that they were mistated,
but the court ignored the petitioners observations to the records
mistatements. This case evolved from the illegal collection of
evidence,

1 an interrogation that was held outside the defendants rights as
2 per (MIRANDA WARNING) and that interrogation was recorded. The
3 state transcribed that recording and altered it's actual content
4 which appeared to show the interrogation was correct.

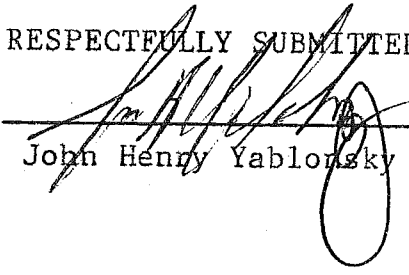
5 The trial attorney that was assigned to the defendant did not
6 follow up on any of the investigatyions that were discuseed by
7 the defendant and the attorney, and therefore was not prepared for
8 trial. The attorney made numerous mistakes in motion preperations
9 and lied to the defemdant on numerous occaisions that are outlined
10 in this Habeas Writ. Thje trial records reflect that there were
11 intentional violations in the defendant interests and that the
12 record does reflect Constitutional violations that injure the
13 defendant's constitutional interests, and were conducted by the
14 defendants attorney and the state prosecutor and his lead invest-
15 igator in this case. The defndant repeatedly stated in the interro-
16 gation and throughout the trials process that he is innocent and
17 thaty the state knew that the altered recording was the only evid-
18 ence that the defendant was guilty on any level. His summation
19 to the court was that his intention was to present to the court
20 that he denied having sex with the victim, and that denial makes
21 him guilty of this murder. The states own witnesses that said in
22 their testimony that the defendants DNA was [DAYS] older than the
23 murder to Rita CObb, as many as 1½ days older. The state expert
24 stated that there is evidence that was taken from the crime scene
25 and that other evidence was collected in a contamoning manner
26 and thereby contaminated some of the evidence. The states presented
27 false evidence and evidence that didn't belong to the defendant,
28 and allowed the County District Attorney to ude the defendant's

1 cae in his re-election campaign that flooded the entire county
2 homes with mailers that he mailed (3) of to every household in
3 succession of a weeks time , over thirty days after the trial was
4 on calendar and just fourty days before the trial was to begin.
5 The trial was conducted just six months later, but the effect of
6 that mailing still lurked in the minds of the jurors that lied
7 about the receival; of those mailings, even though ~~four~~ stated
8 that there were suggestive complications to their opinions of the
9 defendant because of those mailers.

10 The petitioner anticipates it will take almost 211 pages to effic-
11 iently state his case in this matter, along with the attachments
12 and discovery that will accompany this filing.

13 This petiton will be the truth and sworn under the penalty
14 of perjury.

15
16 I AM INNOCENT OF THESE CHARGES !!

17
18 RESPECTFULLY SUBMITTED:
19  4/2/14
20 John Henry Yablonsky Pro-Se
21
22
23
24
25
26
27
28

John Henry Yablonsky AL-0373
A-3-250
Box 8500
Coalinga, Ca.93210

Superior court#FVI900518.

UNDISPUTABLE FACTS

Rita Cobb was a widower that had frequented the local bars, and had been sexually involved with numerour men throughout the town, social events and local taverns. She had been seen in numerous disputes on several occaisions which could be interpreted as hostile and aggressive, and even antagonistic.

Rita had an insatiable appetite for alcohol, and carnal involvements with a variety of partaers, wgere age, race, and sexual orientation were of no consideration to her. Her close friends gave statements on several occaisions as the particular behavior she inclined once she bacame intoxicated, and even had been considered a real "BallBuster" towards men that engaged in conflictual arguements with her while she was drunk.

Rita had worked at a country club outside of AppleValley and Victorville, where she had played golf with the patrons of the club on occaisions. Rita had also been sexually involved with at least three of her co-workers, and dated numerous men frequently with a variety of men throughout the county. Rita had a home outside of the town she lived in LucerneValley on highway 18, where she lived alone, but frequently rented out her back house, a studio style bungalo which had an intercom system between the homes. In the early year of 1985, she rented this bungalo to a couple that had a son, around the age of two. This couple had famöly in this yown and the man, John Yablonsky worked as a carpenter with his father, while Holly(His wife) stayed home with the child.

UNDISPUTABLE FACTS (1)

1 John and Holly's relationship had its challenges, and it was an
2 assumption that Rita had listened in on the arguments between
3 the couple, where John had caught Holly cheating on him when she
4 frequented visits to her grandparents in Downey California through
5 out their marriage. This assumption was confirmed by the way
6 Rita had spoke to John when he went to her house to pay the monthl
7 rent for the back house. Rita had on several occasions attempted
8 to introduce John to several of her friends that would be at her
9 home when these rental attempts were made.

10 Offered friendship to just listen if John needed to talk, or
11 to drink were offered several times throughout the tenancy.
12 After a few months of rental, John and Holly moved onto Fairlane
13 road, just down from the wolf sanctuary home.

14 The heart of John and Holly's arguments were that Holly would
15 accuse John of being unfaithful, when he wasn't and that he held
16 back affections from her throughout the marriage. John had been
17 accused of "FUCKING" a variety of women in the local area and even
18 Holly's own cousin in order to cover up the fact that she was the
19 one that was actually cheating on John, with a High School friend
20 of hers, "Mike", from Downey California. John up to this point was
21 faithful to Holly, and cast her accusations off as lack of her
22 own self esteem. At some point Holly was caught with a local man
23 in our bed, and John decided to go down the list of women that
24 Holly had named all along, and try to become sexually involved.

25 There was at one point that Holly had accused John of "Fucking"
26 Rita, amongst all the other women in town.

27 One day when Holly was visiting her relatives, and Mike
28 in Downey California, John had taken advantage of that opportunity,

1 and did in fact begin to mess around on Holly to get "Even" with
2 her. John worked his way down the list that his wife had accused
3 him of. The list included two girls from the LucerneValley Market,
4 one local barfly that frequented the CB radio chanel and Rita
5 along with her own cousin that lived in Cypress. John's first
6 encounter with Rita Cobb was during one of Holly's trips to Downey
7 John had engaged in sexual activity with Rita where we woul;d meet
8 and "FUCK", once was in AppleValley(The first time)and the others
9 were spontaneous encounters. We had been involved at my house whil
10 Holly was in Downey, and the others were met at her home. On the
11 last time we had had sex, Holly was at her grandparents, and John
12 had gotten off work early to make the drive to pick Holly up from
13 Downey, because she was getting ready to have our second baby,
14 and was going to stay the weekend down the hill with the in-laws
15 that weekend. It was the middle/end of the week. After Joh had gotten
16 off work and changed cloths, he stopped at the Lucerne Market to
17 buy refreshments for the long drive. This was on a wednsday or
18 thursday late afternoon/earlyevening. Rita was at the market when
19 John went in, and she asked him if he would stop by her place and
20 look at her bathroom, that she was having a party at her house
21 that evenoing and that the plumbing wasn't working properly. I
22 told her that I was in a hurry and had a long drive ahead of me,
23 but she insisted that it was urgent and that ot would only take
24 a few precious moments. I had done a few things at her home in
25 the past months, and figured that she was in true need and I thought
26 it would only take a few moments, and I agreed to go to her house
27 once I checked out at the counter, and she left, while I followed
28 when the checker was done.

UNDISPUTABLE FACTS #)(3)

1 When I got to her house, there was another truck there in her
2 driveway and the front door was wide open. I walked directly to
3 the bathroom on the northerly part of the house. I did not notice
4 Rita in the front area of the house at the time, or the other
5 woman that was there with Rita. While in the restroom, there was
6 no plumbing issues that I could find, and I started to leave. As
7 I left the bathroom area, I could see directly into the livingroom
8 area and saw two people in the commission of affectionate behavior
9 in the livingroom entrance. Then I noticed that it was Rita and
10 another woman in the grips of kissing, and clinging to each other
11 making out. I was shocked at first, and instead of saying there
12 was nothing wrong with her restroom, I said something else.
13 As I approached the women, Rita extended her hand in my direction
14 invitingly and the rest was unspoken. At some point the display
15 of activity moved towards the dining table and desk area. During
16 this threesome of "FUCKING" this other woman said her husband was
17 coming soon, and that she wanted him to meet me. This sexual encoun
18 never entered the other rooms, Bathroom , Bedroom, Kitchen or out
19 side, and when this other woman that I had never met again said
20 that her husband was on his way soon, I told the woman (Rita and
21 oteher woman) I wasn't into the men thing and got dressed and left.
22 On my way out the door, I told Rita that that was a dirty trick,
23 and she said that she knew. When I laeft Ritas house that day,
24 Wednesday or Thursday late afternoon it was still light outside,
25 and both women were alive and still in the commission of kissing
26 on another. I found out thaty next week that she was murdered and
27 was told by several people that she was strangled with a Nylon.
28 I was not contacted by anyone for several days or weeks, but
eventually,

1 spoke to someone from lawenforcement or detectives office over
2 the phone and told them everything that I knew at the time.

3 I lived on Fairlane for the next few years and never heard and
4 word of the crime or rumors of who or what had happened.

5 Rita had had horrible relationships with her son, always fight
6 and him abusing her, and about six weeks before she was murdered,
7 she had had a violent physical dispute in her driveway, that was
8 interupted by the local propane man. He said he interupted a [man
9 which he found out later to be her son, violently harming his
10 customer in her drive way while she was defendeless.

11 Rita had had another man that woul;d frequent her residence,
12 and become violent wiioth her, and I had persomally interviened
13 when I saw him trying to push his way into her home as I was driv
14 by,.I could see Rita at her door inside trying to push the dood
15 closed, while Dave Leftwhich was on the outside trying to push
16 his way in. I drove the extremely drunk into town that day and
17 told him that I would tell the police what I had seen him doing.

18 Again, just weeks later I seen Dave Leftwhich in her front yard
19 as I was driving by, and Rita on her front porch flailing her arms
20 to someone attention, and as I drove ontop her driveway I could
21 hear her screams for hepl to get this maniac off her property.This
22 time Dave was more aggressive, and I had to struggle in order to
23 convince him to leave before the police were called . I followed
24 him in my truck as he walked the highways sandy edge towards town
25 for what I feltz was a safe distance, and then Iturned around and
26 went home, just up the street from Rita's on Fairlane. I had not
27 heard one word for this case, about this case for nearly twentyfiv
28 years,, and was approached by two Detectives on March 8, 2009

1 at my home in LongBeach California, while another Detective sat
2 against his car hood parked in front of my house at the breezeway

3 These detectives asked if I could help them and answer a few
4 of their questions. I had no idea what they were talking about,
5 and invited them into my house to see what they were talking about

6 They introduced themselves as Detectives from SanBernardino
7 Sheriff's Department, and revealed that they were interested in
8 the murder of Rita Cobb, and asked if I knew anything,. I told
9 them I had already spoke to someone about the case and didn't know
10 anything else.

11 I explained that ther were conflicts she had with Dave Leftwhic
12 but couldn't remember his name at the time. While these men inter
13 ogated me about who I knew, where I lived, how I knew Rita, and
14 our relationship, that detective in front of my housekept gaurd.

15 I tried to end the interrogation that was becoming accusational
16 and they showed me some pictures of different people and one of
17 them was Rita. I only... identified Rita because she was all I had
18 known of the pictures.It had been a long time so I couldn't --
19 remember any of the others.They told me some of the names but that
20 didn't help my memory, and then they asked me whether I had had
21 sexual relations wqith rita, had we kissed, and were we emotionally
22 involved.

23 My wife that I was currently married to was in the livingroom,
24 with her mother, and possibly our children, just ten feet away
25 so I denied any sexual activity with Rita and that we had been
26 involved. I again tried to end the interrogation by telling the
27 officers that I would see what I could remember, or what my father
28 remembers and get back to them, but they wouldn't leave.

UNDISPUTABLE FACTS (6)

1 Again the questions were becoming more accusational, that they
2 wanted to know about my sexual involvement with Rita, and again
3 I denied having sexual contact with Rita, because my wife was just
4 in the next room listening to these questiuons and the entire
5 conversation.

6 My wife then entered the kitchen where we were, and I introduced
7 her to them, as she looked at me as if "What's going on ", and
8 I agve the detectives her name, introducing them. When she left
9 the room, I excused myself to go outside and smoke, and the detecti
10 followed just steps behind, while the detective Alexander stated
11 that this was an uncomfortable conversation and atmosphere to answ
12 these types of questions wioth my wife listening. He suggested
13 that we go somewhere more comfortable to talk and I offered the
14 corner Cafe "Spires" just around the corner, where everyone could
15 would fit, since there were at least three of them and myself.

16 Detective Alexander said that it had to be more comfortable
17 than that, and asked how about the police station as I responded
18 "more comfortasble for whom". He said that we had to go to the
19 police station and that he would bring me and then bring me back
20 when he was done, but I refuse, and they again insisted that they
21 would take me there and then bring me back. I knew that I was arres
22 and that I needed to contact my family and my attorney to see what
23 the hell was going on. My wife came out to the driveway and I discus
24 that they wanted to take me to the police station to continue talkin
25 and she offered to drive me. Again the detective tried to convince
26 ud that they would take me and bring me back, but we insisted that
27 we drive our own vehicle.

28

1 When in the truck and driving we noticed the corner was flooded
2 with police vehicles from LongBeach police department, and we dro:
3 to the signal hill station, as the two detectives from SanBernard:
4 and the one from Signal hill followed us along with others from
5 the lonbeach division, as I watched in the rearview mirror.

6 I gave my wife my wallet i was carrying and she was trying
7 to arrange the bailbonds man that she knew , as I spoke to my fath
8 and told him that I was going to the police station In Signal Hill
9 for the murder of Rita Cobb to be interrogated.

10 Inside the station there was a video camera that was recording
11 the interrogation, and again I was asked of my sexual involvment
12 with Rita Cobb. I had already lied to the detectives at my house
13 because my family was in the next room listening, and I had not
14 been read my Miranda warning, I lied again being that it was none
15 of their buisness. What was I suppose to say tell them, that "Yea
16 I fucked Rita",and the last timæ we fucked there was another woman
17 there and we fucked together in the diningroom in front of the
18 open bay window", or was I suppose to tell them that "Yea I had
19 sex with Rita several tinmes while I was married to my firs wife",
20 while I was just feet from my children and wife, and mother in-
21 law ????????

22 I again triad to end the interrogation by saying that I ahd to
23 use the restroom, and when I entered the entrance of the station,
24 where the one-way door was, that was monitored personally and
25 electronically, I was pointed to return to the interrogation
26 and did so. I repeatedly told these detectives that I wasn't the
27 person that kilæed Rita Cobb, andnumerous other statements. There
28 was several debates with regards to their assumptions, and the

1 interrogation ended without me being read my miranda warnings,
2 and i was placed under arrest for the murder of Rita Cobb.

3 This interrogation was over three hours long, and was conducted
4 in two separate locations, and was done against my will since they
5 refused to allow me to end the interrogation, and was done in viol
6 of my constitutional rights by the United States Constitution.

7 When I was arraigned in Victorville court, that state assigned
8 a public defender to represent me. Geoff Canty entered a plea of
9 not guilty. I spoke to this attorney a few days later when he came
10 to the county jail, and we talked about this case. He told me that
11 there was no evidence that I committed this crime to Rita, and
12 that there was several suspects and DNA's that came from this
13 crime scene. I told this attorney the whole truth of my involvement
14 with Rita and all that I knew of the relationships that she had.
15 He told me that there was hair collected from the body that was
16 red and had the roots attached. He told me that there were several
17 suspects that were attached and tied to this case, and that there
18 was a man on deathrow that had been questioned about this crime
19 some time back, and when he answered the detectives questions of
20 his "whereabouts" that he said he was in jail the time that the
21 murder was committed. From December of 1984 until December of
22 1985, which would have relieved him of suspicion, except the
23 truth after investigations was that Mr. Edwards was not incarcerated
24 until 3 months after Rita Cobb was killed, from Dec. 85 until
25 Dec. 86. We discussed that my attorney's suggestions from Downey
26 Calif. was necessary, that the DNA's need to be tested and the
27 hair off the body should be tested also.

28 Mr. Sandeers was assigned a few months later, to replace Mr. Canty,

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1 and we met to discuss this case and the needs for investigations.

2 He came to the county and we talked for almost an hour about
3 what Canty had suggested and he agreed that this was the defense
4 he would provide and investigations path that he would follow,

5 * Test the DNA from the body for possible contaminations.

6 * Test the DNA from the red hair that had the root bulb attached.

7 * Give me all the discovery evidences from this case for me to
8 review, except the forensics reports.

8 A month later after several calls to his office for the evidence
9 begging that he give me the evidence to this case so that I can
10 decide what my needs were, hire an attorney with borrowed money,
11 or what the state believed was the evidence that I committed this
12 crime. I was given 300 pages (and nothing more) in the mail in
13 one envelope, which included 113 pages of the interrogation,
14 phone transcripts of my jail calls, and interview with my ex-
15 mother in-law, and ex-wife along with some police reports from
16 Texas and Longbeach. When I seen the interrogation transcript
17 and the jail calls transcript I noticed that they were very inacc-
18 urate. I called Attorney Sanders and told him on several phone
19 messages, and one call that we spoke, that he needed to come down
20 to the jail and see what I was talking about. He told me that
21 the transcripts were unimportant and that if this case went to
22 trial that verbatim transcripts would be used during the trial
23 if needed. The other transcripts were unimportant and would not
24 be any good to anyone if they were verbatim. That he was very
25 busy and didn't have time to talk, that he would see me in the
26 courtroom (CT:59) He eventually told me that he was ready for trial.

27 On April 2, 2010, Dept. V2, trial dates motion was granted and
28 the trial was to begin July 12, 2010 in the Dept. V3,-

1 Readiness Calendar was set for 7/09/10 in the same dept.

2 On or about May 19, 2010, Michael A Ramos mailed to the entire
3 county's population the beginning of his three mailers mailings
4 of flyers that he stated that he was going to prosecute Yablonsk
5 later that year, and that he would finally give the family closure

6 These mailers had photos of the defendant that was to begin
7 trial on July 12, 2010 in the Victorville courts.

8 (Habeas writ EO60202, Ex-B)

9 I wrote a lawsuit against the County District Attorney Michael
10 A Ramos for injunctive relief and change of venue, and 5 Million
11 dollars for using my case and name in his re-election campaign.
12 The lawsuit case was filed in the same county case #CIVDS1010254.

13 Attorney Sanders, when I asked him what was going on about
14 the flyers that the county DA was mailing out to the [ENTIRE]
15 county population, he said that he tried to place an article in
16 the local paper to counter-respond, but the paper wouldn't listen
17 to him. He wrote a motion to recuse the entire county DA's office,
18 and then he made his second and last visit to me in the county
19 jail, which was for only 10 minutes to sign a document.

20 The DA Grover D. Merritt argued on behalf of the DA's office
21 that there was ["NO"] conflict existing because the particular
22 election was already over by the time that the Recusal hearing
23 was to be heard on Oct. 4, 2010, and that the election was over
24 by June 2010, and that the county DA had already won the election.
25 (CT. Aug. 15:23-27). This lawsuit against the county DA was
26 scheduled for an OSCSV Hearing on Oct, 10, 2010 in dept. S35 at the
27 same county's court.

28 There was an augmented record that states that there was no,

1 opposition filked by the State Attorney General because the
2 trial Attorney Sanders did not serve them the copy of the Recusal
3 Motion that is required by the California State courts rules.

4 The Attorney General did not appear to this recusal hearing,
5 and the hearing itself was not held in the presence of the defend-
6 ant or on the official records, and they ddd not file an opinioon
7 either because of the lack of that service by the Attorney.
8 (Cal.Crim.Law Pro,&Pract. §2.36,2.37)and to be in compliance
9 withABA rules 5-120,5-320(A,B,F) aboput attorney's comments outsid
10 the courtroom with regards to defendnat that are being prosecuted.
11 (Pen.C.§95,1424) The augmented record was signed by the judge,Sand
12 and Merritt(CTaug.15:6-15)

13 I asked the attorney if he could find outt how many flyers the
14 county DA mailed out, because I was having discovery issues in
15 the civil court against Ramos. Sanders later told me that the
16 County DA had only mailed out 3000 flyers for his entire election,
17 and repeateded this number fopr a second tome , saying that he
18 asked someone from the County Office, and that was the answer
19 they gave him.. When Merritt stated that there was no conflict
20 between the County District Attorney and the defendant, which
21 was his reason that the motion shouild be denied, when in fact
22 There was the account of \$5,000,000 in monetary damages on the
23 grounds that he prejudiced my trial rights, and the request for
24 and injunction for change of venue.
25 Sanders wrote and filed a motion for speedy trial on Sept.27,2010,
26 and a 995 motion on Sept.28,2010(CT:81,97).

27 This hearing was held and heard before the honorable judge
28 NAKATA in deept.#3.

S=Atty.Sanders C=Court DDA T=DDA Thomas

S 1 -Your honor, if we may, we have selected some dates. We are
2 here today to set trial dates. With the courts permission, what
3 we would like to do is set this ---

C 4 -Theres a motion.

DDA T 5 - Did the court want to hear that motion ?

C 6 -I have read and considered the preliminary hearing transcript,
7 the motiion, and the opposition. I didn't get a 1050 from anybody
8 telling me the motion would be continued. " I don't slough
9 off my work like some people".

S 10 - I'm impressed, your honor. I did not think that the court looked
11 at the motion.

C12 -I have read and considered the preliminary hearing transcript
13 dated July 28,2009 consisting of some 37 pages. I have read and
14 comnsidered the motion to dismiss special, circumstances pursuant
15 to P.C.§995 filed by Mr.Sanders consisting of 5 pages, a opposit-
16 ion fuiled by Mr Thomas of four pages. Is there anything else
17 I need to rea or consider ?

S 18 -If you have read the transcripts and these things, I don't think
19 so.

C 20 - There is. I guess the district attorney's office has gotten
21 into the habit of having their exhibits returned to them. Thjis
22 is a case when, I belkieve, given there are a hõlding order,
23 a document was marked and stipulated to by counsel, I believe
24 a DNa record. The contents of that record were not admitted into
25 evidence. I don't know what it is. "[Absent that record, I don't
26 see a link between Mr. Yablonsky and the case]."

DDA T 27 - I think that counsel and I would be willing to represent to
28 the court that the results from the vaginal swabs taken,

1 from Rita Cobb match Mr. Yablonsky.(RT3:2-24)

C 2 -[" THAT'S NOT ON TH RECORD "]. you gave the stipulation of 1
3 in m7 billion caucaision males, less than 1 in 7 billion African
4 Americans males, so on and so forth, on page 27 of the preliminary
5 hearing transcript, but the identifitaton, theres no stipulation
6 to that. So arte you willing to stipulate ?

S 7 - I don't have that document in front of me

C 8 - wheres is the document ??

DDA T 9 -Back in my office down the hill.

C 10 - Why doesn't that suprise me ?

DDA T 11 - But i think that I can get you a copy of that pretty quickly
12 I think.

C 13 - I guess we'll hear this at 1:30 p.m. (RT3:24)

14 My lawsuit against the county DA office had caused extreme
15 interest with the Sheriff's dept. , and they ttok personal interest
16 in my detentionm and housing. I was repeatedly being harrassed
17 and retaliated against, to thge point that civil interests weee
18 brought against them. The facil;ity commander personally terminated
19 my official visit priveledges and kept access to the phones extreme
20 limited to early morning hours before 9 a.m.(Before Atty. Ph.Hrs)

21 This interfered with my ability to communicate with MR. sanders
22 other than voicemail messages. I wrote to the civil court judge
23 to havce this restriction lifted, but the request wasd denied,
24 and I triued to get the criminal court judge to grant an injunction,
25 which was also denied. (CT:153)(CT:159-160)(CT:165) resent to
26 the criminal court and denied 12/6/10.

27 When I told the attorney they terminated my official visists
28 rights,he said that he spoke to Captaon Wiggim and was told,

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1 that if Sanders had a problem with the jail's decisions to
2 terminate my official visits, that he should have his boss call
3 their boss, the county Superintendent.

4 Again Sanders had told me that the investigations were done,
5 and that we were ready for trial, and this case should move
6 forward, and that he was counting on my testimony in the trial
7 to undermine the state's evidence. I asked him when he would finally
8 discuss this case and its procedures and the witnesses that he in-
9 tended to use, and he gave me a list of seven people.

10 He assured me that we were ready for trial and that he would
11 address all of my questions before the trial ever began.

12 During the pre-trial motions that were being discussed with regard
13 to third party culpability issues that were being discussed and
14 attempted by Sanders, he told the courts that he didn't have
15 the third party culpability evidence when there was more than
16 sufficient evidence had he done his investigations that this
17 man told me that he had already done. (RT15:21-22) When there
18 was fingerprint reports, cigarette butts that Gregory Randolph's
19 DNA on them, the Redhair with the root bulb attached, the
20 waypin that was found next to the victim's head, and the confession
21 that led to an arrest that Gregory Randolph being arrested for
22 the murder of Rita Cobb, and the VICAP report from FBI Criminal
23 department that linked this Cobb case to the Helen Brooks case.

24 The court argued the hearsay admissibility of the state's
25 witnesses and their expected testimonies when they were on the
26 stand. (RT19:12-25) Where the judge argued, quoting the federal
27 authority on exceptions to hearsay evidence, and that the standard
28 for hearsay rules there is an exception to the admissibility,

1 of traditional hearsay standaerds, that the need to bring forth
2 evidence before the jury falls within the exceptoin statements
3 against penal interests, quoting Miller v.Stranger,757 f3d 988.
4 Which quoted Su Chia v. Cambra,360 f3d 997(2004) with regards
5 to Rita Cobbs drunken behavior and demeanor.

C 6 - Four, whether the information is the sole evidence on issue
7 or merely cumulative. Seems like everyone talks about Ms.Cobbs
8 drinking h̄abit, but we're going to have evidendce that she was
9 drinking at the party, right, Mr.Sanders ? (RT10:22-11:5)

C 10 _- Mr. Thomas, I believe I can sum up your objection by saying
11 you believe that in order to be admissiblke these -- any of these
12 statements would have to fall on a recognized exception to the
13 hearsay rule, .Is that your position ?

DDA T 14 - That's my position. Then I would argue 352 on this issue as
15 far as the relevamcy of any of this,. The-- I know wqe talked
16 abotu this back on chambers, the fact that she drank alcohol
17 and the way she acted when she drank alcohol, I don't think that
18 relevant in this case until it comes out that she was drunk at
19 the time that is in question in this case.(RT410:23-411:9)
20 Bruce Nash testimony (BN=Bruce Nash)

DDA T 21 -Do you recall what if-- what you guys were doing friday evening??

BN 22 -Just a get together I believe. I believe John and my sisiter Fran
23 and Rita were drinking some hard liquor.

DDA T 24 -When you say hard liquor what type of liquor ?

BN 25 -Either whiskey or white lightning.

DDA T 26 - do you recall during the interview back in 1985 you saw Rita
27 consuming Jim Beam ?

BN 28 I don't necessarily remember JimBeam, But I remember it was hard
liquor.

DDA T 1 -When you say you don't remember, JimBeam, that's today ?

BN - Exactly
DDA T 2 - Back in 1985, three daYS after- on this monday when you were inte
3 viewed, that would have been something you probably would have rem-
4 embered ?

BN 5 - Probably.

6 (RT414:27-415:10) Cross Examination by Sanders

S 7 _ But you distinctly remember that Rita was fairly intoxicated and
8 you offered her a ride home ?

BN 9 - That's right.

S 10 _I think the words you used were that she seemed to be more drunk
11 than usual.

BN 12 - Yes.

S 13 -And you offered her a ride home, she said she didn't want a ride
14 home, is that correct /?/

BN 15 - That's correct.

16 John Sullivan said she came to hios house with a bottle of Bourbon
17 but the bottle wasn't full(RT426:15-17)(RT427:13-21) While John
18 Sullivan stated that she drank the bottle of bourbon by herself
19 then asked for more alcohol, which John found and gave her some
20 white lightning. (RT428:4-8)(RT432:26-433:6) While her friends stated
21 that Rita was extremely lonely and was promiscuous with almost any-
22 one. John Sullivan in 1985 told the detectives that he had fallen
23 asleep around 10:30 p.m. . John Sullivan was known to have been
24 sexually involved with Rita Cobb, and had carried on their affair
25 over the years, even while John was with Francesca Drake(Now Married)
26 and was more than likely known by Rita's son, which is probably
27 why he sped to John's house when he first found his mother was killed
28 or dead, that John might be involved in her death.

undisputable facts (17)

1 (CT(1)86-87:CT(2)359-360:RT(2)279:5-23) That stated that Rita
2 was commonly known bt everyone to have sexual relations with
3 just about anyone and with several other partners.(CT(1)86)(CT91)
4 86) She'd had sex with the local bartenders at the local taverns
5 and bars. That she had had relations with at least three of her
6 co-workers from the country club (CT9187) And that it was not
7 uncommon for her to have male guests at her home(RT(2)279:5-12).

8 Her neighbor from across the street where she lived said that
9 he had heard screams from Rita in the middle of the nite, while
10 she lived with her boyfriend Bedard(RT(1)7:19-:(1)132:21-132:21-
11 133:5)

12 There were so many avenues for Sanderss to investigate and research
13 before this trial was to begin, and according to every one of
14 our conversations in the court and on the phone he told me that
15 he was, and that he would spend time preparing me to testify,
16 that he would go over the questions that he expected the DA to
17 ask and the questions that we would ask.

18 Sanders wrote a declaration of fudiciary duty to me as my counsel
19 and filed it on Oct.5,2010, then wrote a discovery formal demad
20 of discovery, two witnesses in question and their contact infor-
21 mation on Oct.8,2010 along with the proposed order for the judge
22 to sign when he granted the demand, that his discovery needed
23 to be delivered to the defense no later than Oct. 15,2010.

24 On Jan.12,2010 Sanders wrote a motion to continue the hearing
25 set in Dept.V3 on the 14th, but wrote that motion in another
26 persons name and another case number. The district attorney's
27 lead investigator sent the discovery that was ordered to Sanders
28 on Jan.13,2011. The hearing to schedule the trial readiness

1 and court room assignment was held in Dept.V3, and because the
2 P.C.§1050 motion was wrote in the wrong name and case number
3 it was not honored, and instead Sanders announced trial readiness.

4 Again I was ensured that he had conducted all of the investigati
5 that we discussed and that he was in fact- ready for trial. I
6 asked him when he would discuss the testifying part of this trial
7 and he told me "just before testifying"

8 When the trial day came Sanders placed onto the table [43]
9 three ringed binders and I asked him what they were. He told
10 me that that was the evidence from this case. There had to be
11 at least 3 or 4 thousand pages in these binders.

12 I sat and asked if I could read the evidence and he said that
13 it would be alright, and said that this was the evidence that
14 he had already sent me. As I turned from page to page finding
15 that this was nothing like the evidence that he sent me almost
16 two years earlier, saying "that that was all the discovery he
17 had already sent," [300 pages] I started becoming sick to my stomach
18 and aksed him why he didn't send this, he said he felt that it
19 wasn't important. I told him that I wanted to fire him or get
20 a marsden hearing and he told me that this judge would not grant
21 it.

22 As the trial was beginning, the judge told me that if I inter-
23 upted the trial in any way, that he would have me held in a cell
24 at the end of the hall and that I could listen to the trial
25 through a speaker system that was installed for that purpose
26 and that they would have this trial outside of my presence, and
27 asked me did I understand what he was saying, and I said yes.

28 "

1 I asked my attorney if I could write notes from this trial
2 and keep them, and he said that I could and that he would give
3 me the paper to write it and I had to borrow the pen from the
4 bailiff.

5 Daryll Kramer was the first witness, and said that he had gotten
6 a phone call asking for his help by his mother on the Friday
7 before she was murdered(RT108:28-109:4) and that he tried to
8 return her calls , only to find out that when he called her work
9 on moday that she hadn't come to work.

10 Said that when he entered the house that it was hotter than
11 usual. When questioned by the state he said he wasn't sure who
12 turned off the heater or whether it was even on, and that Marta
13 probably turned it off. While later when Marta was on the stand
14 she said that thinks that Daryll turned off the heater.(RT114:17-
15 18)(RT115:8-10)(RT114:19-24)(RT184:26-185:1)

16 Daryll repeatedly said that his mother was suicidal(RT119:20)
17 (RT153:23-28)(RT175:17) The state coached his testioimony by
18 influencing his remembrance of the stereo being on and blaring,
19 (RT125:1-11) and that it was not unusual for her to leave her
20 home unlocked while she was home(RT127:21-23). Daryll did state
21 that had lived with his mother from 1981 until 1983, and that
22 Don Stow lived directly across the street from her(RT133:1-2).

23 Daryll said that he didn't know all the people that his mother
24 dated or was seeing(RT150:13-15) Daryll did tell the jury that
25 his relations with his mother was good and that the last time
26 he'd seen her before she was murdered, was about six weeks. This
27 was odd because the Propane repairmen stated that the last time
28 he went to the Cobb residence on hwy.18,, that he Ronald Kobs

1 made the statement to detective Woods in 1985 that when he arrived
2 to the Cobb residence, that he seen Rita (his customer) being
3 beaten in her driveway by a man that had a beard, and that it
4 wasn't until he had interrupted the attack on Rita that it was
5 her own son Daryll that was being violent and attacking his helpless
6 mother in her own driveway.(states evidence pg.#107)

7 Dianne Flagg testified that she had seen a [SILVER] pinto
8 car in the driveway of Rita's at the time that this murder was
9 being committed or around the time that it was being committed,
10 (RT202:20-22)(RT203:22-26)(RT204:4-8)(RT207:20-26)(RT208:8-13)
11 (RT209:3-4) which was extremely interesting to the fact that
12 John Yablonsky owned a [DARK BLUE] pinto and the detectives knew
13 this in the interrogation, but since the interrogation recording
14 was doctored, it wasn't played to the jury(pg.#85:16) of the
15 interrogation transcript that was transcribed in November 2010.

16 Roger McCoy , a retired S.b.s.d. Detective stated that there
17 was another 6-pack of beer missing from the crime scene, from
18 the toime that he initially walked the crime scene and the time
19 that the crime s cene was photographed, and the evidences were
20 collected (RT224:23-26)

21 McCoy- Yea, it seems there was another 6-pack of beer or something.

22 DDA T- Would that have been indicated in your report ?

23 M- Should be, yes.

24 Both parties, state and defense stipulated that McCoys statements
25 and police reports could be admissible in his absence for further
26 record (RT243:18-244:14)

27 Criminalist Don Jones, stated that ther was a watsh pin located
28 near the victims head(RT255:14-15) (exhibit photo#53 Watchpin)

1 While this watchpin did not belong to the defendant in any kind
2 of way, there was a separate profile that was on that watchpin
3 than the defendant's. The criminalist again stated that they
4 collected other evidence (Tape lifts, item #A1 (red hair with root
5 bulb attached) and (cigarette butts from the crime scene ashtrays)
6 which had matched DNA profile from the man Gregory Randolph)
7 (Page #378 states discovery) and there an arrest of Randolph as
8 a result of his confession on 8/6/1988.

9 This criminalist stated that there were technologies that (today)
10 could produce DNA profiles from hair, cigarette butts, sweat,
11 (RT292:13-20)(RT293:25-26) Jones stated that he did not conduct
12 the analysis that was performed on the watchpin that was found.
13 Gregory committed suicide a few years after his initial arrest
14 for the murder of Rita Cobb, and when his suicide scene was pro-
15 cessed dozens of photographs of murdered women were recovered
16 from his home (possibly his victims)

17 The criminalist was questioned with regards to the length
18 of time the DNA that belonged to the defendant was at the crime
19 scene before the murdered victim was killed. His statement was
20 that the DNA that belonged to Yablonsky was at the crime scene
21 and on the victim for [days[] before the murder was ever committed
22 to Rita. (RT317:21-25)

23 Jones- I would say it wasn't days before in terms of she did
24 have intercourse, several days passed and then she died

25 Sanders_ - Right.

26 Jones- I'm certain of that.

27 This criminalist also stated that there was no indication that
28 any type of sexual deviance was committed and that there was

1 in fact no proof that this was a rape case, or signs that this
2 victim had been raped by the defendant. (indicating that
3 Yablonsky was not at this crime scene when the murder was committed
4 to Rita) This criminalist testified in the preliminary hearing
5 that the [felt pad] that was located at this scene from the
6 right of the victims leg (CT19:21-24) and that he had collected
7 this felt pad and placed it into the same bag as other evidence
8 without first separating them (CT21:5-9) (CT 29:24-30:11) that
9 he did not examine the felt pad himself (CT33:12-16) and that
10 the cross contamination was called [transference[]

11 Dr. Saukel, the states pathologist testified that, (RT490:25-491:5)

12 DDA Thomas- as far as the sex was concerned, based on your

13 training and experience and based on you termed as
14 a moderate amount of sperm, can you say this occurred
15 a week prior to death?

16 Dr. Saukel - It would have been shorter than that.

17 DDA T- How short ?

18 Dr. S - It could have been up to a day , a day and a half.

19 DDA T - Within a day and a half ?

20 Dr. S - Yes.

21 Both these experts and criminalist and pathologist stated
22 that the DNA that belonged to the defendant Yablonsky was placed
23 at this crime scene up to a day and a half before the murder
24 was committed to Rita.

25 The criminalist did state that there were at least 16 other
26 different suspect to this case and that those suspects were tied
27 to this case by names (RT319:9-14)

28 Sanders- These 16 different profiles, there are likely potential
suspects ?

D. Jones- They could be. But I don't know what they truly were

1 in the minds of the investigators.

2 Sanders - Alright.

3 Jones - There were at[least] 16 subjects.

4 (RT320:1-4) This states expert said that the other 16 reference
5 samples that the state had collected, had analyzed, did in fact
6 have names assigned to them.

7 (RT325:8-11) Monica Siewertsen, the states expert pathologist
8 tells the jury that DNA can be collected from the Roots of hair
9 samples and tissues. (The red hair with the root bulb attached
10 that was recovered off the body) (RT347:13-15) Monica states that
11 it is possible that you could find someone in the worlds populat-
12 ion that had the same DNA profile (as Yablonsky's) (RT350:27-351:1)

13 Sanders- You did not extract that sample ? It was just given to
14 you, you just received a little vial, correct ?

15 Monica - That's correct. (RT351:28-352:1)(RT353:17-24)

16 (RT352:10-16)

17 Sanders- Do you know how large a sample of persons you would
18 have to have that statistically you could expect to
19 find two of these (DAN profile?

20 Monica_ No, it could be a sample of two or it could be a sample
21 of billions and billions.

22 Sanders- Theres no way for you to know ?

23 Monica- No.

24 (RT362:8-10) Susan Anderson, states pathologist.

25 DDA Thomas- Where did you get these samples from ?

26 Susan - They were previously extracted DNA from another a
27 analysis,....

28 (RT365:6-11)

Susan - The profiles have to match exactly at every location
that I test for it to be a match.

1 DDA Thomas- okay, so if one -- at one location it doesn't match
2 that totally excludes the person for being the donor
3 or that particular profile ?

4 Susan - Correct.

5 The second read on table II D3S1358 , from J-1 to A-18a are
6 different, Amel,TPOX,CSF1PO,D16S539,D7S820, are different and
7 apply to this Experts statements. This states expert [NEVER]
8 received official training from any kind of Scientific Authorized
9 facility such as the FBI training facility where VICAP or any
10 other forensics labratory training facility is proficient to
11 train Scientists in the field of DNA structures and the analysis
12 of breaking down chromosome which would produce these profiles
13 that she is testifying to (RT356:5-11) Her Expert Qualifications

14 Susan - My DNA training entailed aproximately one year of train-
15 ing [in-house] at our labratory under direct supervision
16 of our DNA technical leader. Upon the completion of my
17 training, I completed a qualifying test, which I correctly
18 completed and commenced working.(???? Expert)

19 (RT380:22-23) she states that there are only[1.1 Million] DNA's
20 in the states CODIS data base.(RT381:7) and that the entire
21 United States DATA Base only had just over 3 Million DNA's.

22 (RT382:8-10) She states that other countries are not allowed
23 to participate in the CODIS DNA data base system.

24 Fran Sullivan testified that Joseph Saunders was at the party,
25 and that everyone was drinking(RT397:8-10)(RT400:17-20)

26 (RT436:12-19) Dr.Franey Deputy Coroner of SanBernardinoCounty

27 DDA Thomas- So if a person- let's say a person's on their back
28 you would expect to see lividity appearing on their back ?

29 Franey- Yes, but not completely. If they're in that spot,

1 there may be no lividity in that area, but other areas where
2 theres no pressure, then you will find lividity.

3 (Must see states exhibits photo exhibit #34, lividity on victims
4 right arm on the outside of the arm)
5 (RT446:5-9)

6 DDA Thomas- abd then as far as the roll was concerned and the
7 photo, you see what appears to be the discoloratoin on the victims
8 right side. Do you see that ?

9 Franey- Yes, sir.

10 The relevance to these questions and witnesses that the
11 state presented was that This crime was committed by Yablonsky
12 while in the commission of rape or attempted rape, except that
13 the states witnesses repeatedly testified that Yablonsky' DNA
14 was older than the murder to Rita by at least 1½ full days. The
15 state did expect that since the victim' was found in the back
16 laid posistion that this murder was sexual in nature, but his
17 own witness stated that the body was roll to reveal that she
18 died on her side, by the location of the lividity that was on
19 her outter arm.

20
21 (RT136:2-137:14) Sanders tried to declare a mistrial that the
22 state prosecutor said that he expected the defendant to state
23 something specific during the trial, and that when the defendant
24 said "???".

25 Sanders- I'm going to object to the opening statement and ask
26 for a mistrial to be declared on the grounds that Mr Thomas refered
27 to my clients' statement, which was not a statement against inter-
28 est, but may become a statement against interest and has put-

1 me in a position that I may have to put my client on the stand.

2 Court- Your clients statements is always a statement against
3 his interest.

4 Sanders- But it wasn't. It was like we were talking about the
5 other day when I wanted to put in a guy's statement,
6 and he said you want to put his statement in.

7 Court.- Your clients a party to this action, anything he says
8 is admissible against him.

9 Sanders- Yes, but the way that the DA phrased it, I know have
10 to put him on the stand because of the manner in which
11 in which he told the jury things.

12 Court_ Either he told the jury your client said or didn't. If
13 he told the jury your client said something your client
14 didn't say, that's the grounds for you to show he hasn't
15 proven his case, That's not grounds for a mistrial. If
16 he told the jury something your client said that your
17 client did say, then it's admissible. It's free game
18 unless theres an issue of admissibility, and I assume
19 that you wouldn't make a motion regarding violation
20 of Miranda at this point in the proceeding without
21 having mentioned it during our opportunity to have
22 motions on limine. Am I wrong about that ?, The Miranda
23 issue?

24 Sanders- No.

25 Court_ Mr. Sanders , whatever your client said is totally fair
26 game to reference by Mr. Thomas. If he misquotes the client
27 , then that's fodder for you.....

28 So your motion is going to be denied.

29 Sanders- Thankyou.

30 (Must see the alteration of the interrogation where defendant
31 invoked miranda and that was doctored out of the interrogation)

1 (RT409:23-27) Bruce Nash testified

2 DDA Thomas - And then Friday nite when you saw Rita over John
3 Sullivan's house, who else was present ? if you
4 recall ?

5 Nash- My sisiter Fran Sullivan, John Sullivan, I was , and
6 Cynthia Hooper and Rita.

7 (RT 413:26-414:2)

8 T- Okat, do you recall offering Rita a ride home ?

9 N- Yes, I do, because I offered--yes.

10 T- do you recall whether or not she accepted your offer ?

11 N- Yes, she did not accept.

12 Rt414:10-12)

13 Sanders- Since that evening. Do you recall Joe Saunders being
14 there at the party ?

15 Nash- No. I do not.

16 (interesting because Joseph Saunders told the police that he
17 was invited to this party by Rita, and that he attended the
18 party and that she had in fact told him that she didn't mind
19 a platonic relationship with him and that she invited him to
20 her house after the party. While Nash testified that he left
21 the party about an hour or so before Rita Allegedly left, that
22 Saunders arrived after Nash and Cynthia had already left the
23 party, while Saunders told the detectives he went and left the
24 party and went straight home for the nite and that he didn't
25 go to rita's. His previous statements were that he arrived at
26 the party around 6:30 p.m. when everyone said Rita arrived around
27 7:30 pm.. He stated that he was only there for 10-20 minutes,
28 but that they picked pistachio's, while it was dark outside at
this time of the nite. Joseph Saünder committed suicide just weeks
after the murder of Rita Cobb and detectives found a journal
of Saunders relationship with Rita, when he previously told the
detectives that there was [no] established relationship, and
that they had never discussed the topic of SEX. He told the
detectives that he did touch a glass in the kitchen, which is
reflected in the Latent Fingerprint report.)

1 (RT414:11-420:1) Where sanders asked Bruce Nash where she had
2 told him she was going, when she turned down his offer of a ride
3 home, and that state entered an objection on the grounds of
4 hearsay, when in fact the Ca.Ev.Code§ 1250 ,1203, 1201, and 1202
5 admit this type of questioning with regards to previous statements
6 by a specific witness, and the reliability of that witnesses
7 statements with regards to the declarants intent to do certain
8 acts [is admissible] to prove that she did those acts. The peculiar-
9 iarness of this was that Rita did tell Bruce Nash that she was
10 going to go to a bar in town called the Zodiac Lounge. There
11 were witnesses that seen her at the bar in a confrontation with
12 a man. Interestingly enough is that this is exactly where the
13 Gregory Randolph said that he met her at when they decided to
14 go back to her place, and ended up in an arguement over her
15 telling him that she was sexually turned off by him. That he
16 became so infurriated that he strangled her till she turned black
17 and then he said that he raped her, and mutilated her body.
18 She was found strangled and there was a wire wrapped around her
19 neck. His DNA was located from this crime scene on cigarette
20 butts that were located in an [ashtray on the dining table.] His
21 police report did say that the last time that he was at her
22 house, 2 weeks ago before her death, and in a smokers house with
23 an ashtray in the living common area, it would be extraordinary
24 to find an ashtray in that area with only 6-8 smoked butts in
25 that tray that had been there in a smokers house for two weeks
26 without it having been emptied. The fact that this ashtray only
27 had 6-8 butts in it and this ashtray was located in the high
28

1 trafficked zone of the common area of the house and the propincity
2 of all the company that came through this house in the previous
3 days preceding the murder would indicate that this ashtray that
4 the cigarette butts were collected from, were in fact the butts
5 from the previous days before the murder was committed. ONE day
6 two days tops, but here the cigarette butts that were collected
7 and processed for DNA matching, [got a match] for Gregory Randolph
8 on two of them and one of the butts had Randolphi's DNA on top
9 of Rita's DNA from the same butt. The possibility that these
10 butts were the result of being in that ashtray from the visit
11 two weeks earlier are highly unlikely and quite possibly impossible
12 for a normal person to believe. The truth of the matter is, that
13 if those cigarette butts did belong to Randolph, they had to
14 be the result of his carelessness when he left them there that
15 night that he killed Rita, and not from his visit two weeks
16 earlier. Ashtray in the common area of a smokers house, where
17 nearly everyone smokes that visits would net an ashtray full
18 [everyday]!!! (RT425:18-428:26) John Sullivan testified

20 That when Rita showed up at his house that she had brought a
21 bottle of bourbon that she drank [alone] and when she finished
22 that bottle that he gave her some white lightning to drink, and
23 that he did not remember Joseph Saunders coming to the house
24 that Friday before Rita was murdered and that it was in fact
25 on the following Monday after she was found murdered. John did
26 say that he remembers seeing Bruce Nash driving Rita home, and
27 that he was right there when Bruce offered Rita the ride home,
28 but that he witnessed Bruce driving Rita as Bruce's wife followed.

1 John also testified that he met with Det. Alexander the Friday
2 before testifying to go over how he should testify, that he was
[COACHED].

3 (RT 508:22-509:4) Detective Alexander Testified

4 DDA Thomas- As far as the digital audio portion, have you had
5 an opportunity to review the transcript, along with
6 the recording, to ensure that it was [accurate]?
Det. Alexander- Yes.

7 DDA Thomas - As far as exhibit 49A, which is the recording do
8 you believe that that's accurate to the best of your
ability ?

9 Det. Alexander- Yes.

10

11 The court then addressed the jury with regards to the recording
12 they were about to listen to,

13 Court - My point is, if you hear something on the tape that you
14 believe is different than what you are seeing on the
15 board, you go by what's on the tape because that's the
16 actual conversation.

17 (HERE THE "ACTUAL CONVERSATION" WOULD IMPLY ACCURATE, VERBATIM)

18 (RT517:9-518:20) Cross examination

19 Sanders- Detective Alexander, you were familiar with the entire
20 investigation that had been done up to 2009 when you
21 spoke to my client ?

21 Det. Alexander- Yes

22 S- All of the reports that had ever been generated in this case
23 were in your possession ?

24 A- All of the reports that I knew about were in my possession, yes.

25 S- Did you, later find out that there were others you didn't know
about ?

26 A- No.

.....

27 S- In fact, you already knew whose fingerprints were at Rita Cobb's
28 house ?

1 Det. Alex.- I'm not sure if there were any fingerprints developed.
2 S- You didn't read the fingerprint reports ?

3 A- I probably did, but I don't remember all the names.

4 S- Do you remember one of the glasses in the kitchen had a print
5 on it ?

6 A- Yes. (THE RESULTS DATE 8/9/88 SHOW ONLY TWO SETS OF PRINTS)

7 (At this point the state entered an objection on grounds of hearsay
8 California Evidence code § 1280 makes this states employee testimony
9 admissible

10 Code of civil procedure § 1920 + 1926 Declare unequivocally that
11 entries in public records are
12 prima facie evidence of the
13 facts stated.

14 The state then played the recording of the interrogation to the
15 jury, and during this playing I noticed that this was [VERY]
16 wrong and entirely different than the way the interrogation actually
17 happened. I mentioned this to my attorney Dave Sanders and he
18 said that he had given them permission to alter the interrogation.
19 When the recording was finished, I noticed that there were (20)
20 pages missing according to the page counter on the screen, and
21 the pages that were in front of me in those (binders). I told
22 Sanders that I never gave him permission to change it, and he
23 said " TOO LATE"

24 (RT402:25-28) (This was conducted on the day of the trial 1/25/11)

25 DDA Thomas-... I need to wait for Mr Sanders to take out any redac-
26 tions that he has in the recording because that's
27 what I was going to play on Thursday, and at that
28 point the people will rest

Court- Can those redactions, I am not sure why the redactions cannot
be done before Thursday.

Thomas- Because Mr. Sanders has to look at them , then I need to
make the redactions.

Sanders- I can do those tonight.

1 DDA Thomas- Then I can get it done tomorrow. I'll do that when
2 I get home tomorrow night.

3 Court- You don't have a secretary to do that ?

4 DDA Thomas- No, I have to do it because I have to ensure that every-
5 thing's taken out that [NEEDS] to be taken out. I don't
6 want to leave that up to somebody else.

6 (RT454:3-456:2) S=Sanders, C=Court, T=Thomas

7 S- Thank you, your honor I had indicated to the prosecutor the
8 parts of the statements that I felt should be redacted.

9 C- Let's talk about a little information before we make assumption.

10 S- I believe we agree.

11 C- Statements that going to be offered by the prosecution, and
12 it's a statement by your client, is that correct ?

13 S- Yes, your honor.

14 C- Alright, your not going to object to the entry of the statements
15 but you believe there should be some things taken out(removed)
16 from the statement, is that correct ?

17 S- Mostly statements by the police officers but some statements
18 by my client.

19 C- Mr. Thomas, youve seen that, and do you have any reason to
20 disagree with the ---

21 T- No, as far as ---

22 C- Statements that Mr. Sanders---

23 T- as far as Sanders has provided, I dom't have any problem with
24 the redaction the stuff. The only question I did have for Sanders
25 id there's reference at the end of the interview where Yablonsky
26 is invoking(MIRANDA). I was plannning on taking that out unless
27 you want to keep it in.

28 S- I did this very late last night, and I did forget when he
invoked MIRANDA, to take that out.

C- Other than that, that sounds like we're in accord on what should
be done. No disagreement between the two of you ?

S- I believe so.

C_ Alright that can't be don e until tomorrow.

T- I wouldn't be be able to do it untiol tonight.

1 T- I'm going to start this afternoon once we're done.

2 C- How much is it ?

3 S- It's about a 3 hour interview. I'm requesting that ten minutes
4 but in different parts of the interview

5 T- So I gotta go through everything and find out where I got
6 to cut the interview out and make sure it sounds good.

7 C- Can't be done between 11:05 and noon?

8 T- No, I'll be up late tonight doing it.

9 (RT497:18-23)

10 Court- I understand your not offering it, but there isn't any
11 grounds to exclude anything except for certain things
12 you've asked to have redacted and Mr Thomas agreed. There-
13 forew, "[Everyone knows what the EVIDENCE is going to
14 be in this case]"

15 (RT499:16-20)

16 Court- get that set up tomorrow morning at 9:00 so we can hit
17 the play button.

18 Thomas- I got to put Detective Alexander on the stand first then
19 I can hit the play button after I ask his some questions.

20 (RT528:5-10)

21 Sanders- I gave him a long list of things to be redacted from
22 this statement. This is the only thing that I noticed
23 that he failed to redact. Again accidental. I'm sure
24 it's not because he was trying to be dishonest. It's
25 because he had alot to do.

26 (RT 530:2-7)

27 Court- The only thing that's--just like here, what's important
28 is what your client says. What his-- whatm detective
Alexander or Myler said to Mr. Yablonsky is only evidence
to the extent that it helps understand the answer that
your client gave.

(RT531:20-532:13)

Court- The tape ended when the detective said to the defendant,
quote" your under arrest for the murder of Rita Cobb"
the question by the jury was. Question: was the defendant
read the miranda right at that time ?Please let us know

1 on Monday or when convenient. Thanks.

2 Court - I worry about little thing like this. I don't want the
3 juror to be worried about little things like this. And I tell you
4 quite frankly, I wish that I had had this before I let them go. I
5 may very well let and allow either one of you to reopen to discuss
6 this. I don't want the jury to be confused on something that is
7 of no moment and should not enter onto their consideration. I
8 don't know how we're going to do it.

9 Thomas- I think that we can draw up a stipulation that he was
10 read his miranda rights, and everything was done properly.

11 Court- Maybe you guys can do what ever you want to do. I don't
12 know the answer to what your going to want to do. I need
13 to have you here at 8:30a.m. in the morning on Monday so
14 we can get these things straight.

(RT533:17-534:19)

15 Court - Fine, did anybody want to do something like write a stipul-
16 ation regarding the MIRANDA issue ?

17 Sanders-I like the courts suggestion and I thought the words you
18 used were even appropriate words.

19 C- Since I never listened to myself, I have no idea what I said.

20 S- Something to the affect of i'll instruct the jury that they
21 are to disregard that issue.

22 C- You want me to do it formally or do you want "[TO WRITE ' SOME
23 THING UP]"

24 S- If you prefer, i'll write something up, but I think it'dbe
25 fine if you do it formally.

26 T- In the past, I used to do the drug cases, and an issue would
27 come up would be whether or not the defendant's vehicle or
28 a person or house was searched in accordance to the law....

29 C- Yea, but that's not really what i'm asking you. I'm asking
30 you whether you want to write something up or for me to informally
31 advise them.

32 T- I'm fine with the court informally advising them.

33 S- As am I

34 (RT550:18-23) Courts address to the jurors.

35 Court- I haven't been in the 21st century for long yet, I'm kinda
36 low tech generally. Remember when you saw the transcript??
37 see it helps you understand what's on the tape, but the
38 recording media is the [ORIGINAL]

1 (RT32:13-22) The States entire case was based on this.

2 DDA Thomas- The Peoples' position is that with Mr.Yablonsky's inter-
3 view, he was given at least four oppertunities to say
4 he had sex with the victim, and that Detective's were
5 very clear, we don't care if you had sex with the victim.
If you had sex with the victim, we need to know, and
he repeatedly denied having sex with the victim.

6 (RT33:13-19)

7 Sanders- one occaision.

8 Thomas- that's correct. One occaision but four different times
during that interview.

9 Court- During that interview, he makes a false statement ? That's
10 the evidence of his guilty conscious ?

11 Thomas- Um-Hmm !

(RT33:22-27)

12 Court-...Put a little meat on this skeleton for me because I don't
13 see how they necessarily--How it's...

14 Thomas- It's basically propincity is what it is.

(RT34:12-22)

15 Thomas- From the lie the jury can infer that the sex that he had
16 with the victim in this case was non-consensual.

17 Court_ How ?

18 Thomas- Because.

19 Court- Tell me how that is .

20 Thomas- The argument that i'm going to put forth is basically,
i if it was consensual sex, he would have admitted there
was consensual sex.

21 Court- No. Because that would have tied him to the murder.

22 Thomas_ - That's something that the defense can argue, but my arguem-
23 ent is going to be, basically, he denied having consens-
ual sex. (RT35:11-13)

24 (RT35:28-36:6)

25 Court- So, if he admitted that, I had consensual sex, he would
26 have been admitting that he killed her ?

27 Thomas_ That's up for him.

28 Court- I don't think that you can do that. I don't think that
you can say it's up to him.

1 (RT37:18-19)

2 Thomas- I don't have any cases specifically on 1108 as far as these
3 facts.....

4 The fact that they altered the interrogation to erase that
5 Yablonsky's wife was at the residence when John was interrogated
6 in the [next] room, shows that they were intentionally trying to
7 hide the evidence that explains why the lies were told

8 (Page 51:1-3) Detective Alexander Interrogation transcript.

9 DA- Think some things we're gonna talk about are gonna be a little
10 private, embarrassing and I just wanna make sure that we're in
11 a comfortable location um, kinda away from your [WIFE]. Do you
12 mind going with us ?

12 (Page 53:17) Detective Alexander's transcript of interrogation

13 JY- Hey Melody ?

14 Greg Myler_ Hi, how are you ?

15 This is where Melody entered the kitchen from the living room
16 just 10 feet away, and after they had just asked me for the [second]
17 time whether I had had sex with Rita Cobb.

18 The original interrogation was altered and I told the attorney
19 Sanders the day after he gave me the copy, in the late 2009 when
20 I asked him for the [evidence] to this case.

21 California Evidence Codes §403, 403(a), 404, 405(a), 904, 1421, 1401(a),
22 1401(b), 1402

23 California Penal Code §132, 134, 135, 182(a)(1)(2)(5)

24 Discuss that this interrogation must be authenticated, and that
25 all copies of that interrogation must be authenticated before they
26 can be admitted into evidence. while the later of the Penal code
27 States the details of [CONSPIRACY]

28 ABA Rule 1.4 A lawyer shall explain to the extent necessary to permit
a client informed decisions regarding the representation
ABA Rule 4.2 Decisions that an attorney should make [only] after
consultations with the client, witnesses to call,

1 what question should be asked during cross-examinations, jury to
2 accept, motions to write and what the evidences are in the defense,
3 and what strategy if any should be taken but only after fully
4 divulging the evidences in the case.

5 The state did not present one piece of evidence in this case
6 to support his position that was not altered or lied about through
7 out this entire trial.

8 (RT498:22-28)

9 Court- So therefore, I'll say this again if Mr Sanders says "I'm going
10 to rely on the state of the evidence" That means you are
11 going to be having him speak for you and that statement that
12 he's going to be making is going to include implicitly that
13 you waive your right to give testimony in this case and you
14 understand that it's your right and not his ?

15 After the states presentation Sanders took me to the side and asked
16 if I wanted to testify, and I told him YES. He said that the judge
17 had recommended that I didn't, and the statement that I would give
18 would hurt me as much as help me, and told me that I had three days
19 to decide on the matter. I told him that I would tell him on Monday
20 following because I wanted to discuss this with my family.

21 After the People rested their case there was no discussion from
22 Sanders or statements " I'm going to rely on the state of the
23 evidence" He just blurted out "AT THIS POINT DEFENSE RESTS"
24 (RT523:4-5) Right after he just told me 5 minutes before that I
25 had three days to decide whether I was going to testify, and I had
26 just had him give my father a note asking what he saw in the trial
27 and what he thought.

28 The jury deliberated for four days and returned to the court room
stating that they were [solid] in their position and that they
were [hopelessly deadlocked]

1 The court asked the jury would they mind coming back the next day
2 for just 30 more minute and try to resolve this and they all agreed.

3 The next day they came out of the deliberations room three more
4 times , still dead-locked. The court kept sending them back to deli-
5 berate long and try to reach a verdict, but this was all after the
6 judge already knew and the jurors knew that the court knew that
7 the count in the vote was 8 for guilty and four for not guilty,
8 therby forcing them through being badgered by the jurors to [just]
9 come up with a verdict or the court wont kick the jury loose.

10 After 8 more hours of deliberation the jury came back with a
11 verdict of guilty. In the hall way after the deliberations the jury
12 members told the PRESS that there wasn't enough evidence for them
13 to decide in this case.

14 I postponed the sentencing so that I could write some motions
15 after I wrote a motion to "TERMINATE" my attorney and served everyone
16 that was requized, Court, Attorney General, District Attorney, and
17 even the Judicial review board and the Appellate courts. I was not
18 sentenced but instead given a Marsden hearing where I spoke to the
19 judge for over and hour about the errors that Sanders Had committed
20 that would reveal him as incompetant, and Ineffectife on my case
21 as follows, where Sanders lied repeatedly denying my statements
22 that this record [DOES] reflect.

23 Written Marsden Motion, titled " To Terminate Court Appointed Atty"
24 Filed on fEb.25,@011. Where I begged the court to hear my request
25 for motion to recuse the Attorney Dave Sanders. In htis 8 page motion
26 to terminate, 20 grounds for the courts to consider were supplied
27 on (MY1:3-26) that were on all fours with regards to every accusation
28 in the violation to my VI Ameddment US Constitution.

1 There was a Marsden hearing that was conducted on April 15, 2011,
2 wherer in the opening of that hearing Tomberlin stated that he had
3 just gotten that motion the day before while the courts were served
4 that motion on 2/25/11.

5 (MH3:11-17) I told the court that Sanders had postponed the trial
6 until the County Prosecutor had used my casee in the Re-election
7 campaign, and then when he filed the recusal motion that he failed
8 toeven serve the Attorney General as the state courts required.

9 (MH3:19-4:11) I told the court what had happened in the 995 hearing
10 infront of Judge Nakata, that he didn't even wabt the judge toi
11 hear the motion that he had wrote, 995, and a Speedy trial motion.
12 That the judge had at one point stated that there, according to
13 the records that he had in front of him there was no connection
14 of Yablonsky to this case , and that he would give the state 1½
15 hours to produce this evidence. That he had reviewed all the transcri
16 from the preliminary hearing ((filed and held 7/28/09) and the
17 (speedy trial motion Filed 7/27/10)(motion to dismiss filed7/28/10)
18 and that this hearing was conducted in DeptV3 on 7/30/10.

19 (MH17:16-19)

20 Sanders- I have nō idea what Mr. Yablonsky is talking about, the
21 995 motion.I never heard-- I think it's proposterous that
22 judge NAKATA so, oh, I'm going to grant that motion. That
23 just didn't happen.(RT2-RT12)

24 (MH1, 4:12-21) I told the courts that in the voir dire that there
25 were only four of the 30 jurors that were selected that
26 were homnest enough to admit their receiving the flyers that the
27 County DA mailed out, meaning that there were 26 jurors
28 that were dishonest to the point that they would lie in
order to be on this jury.

1 Proving that they were dishonest and that I had told Sanders this
2 but he just ignored my statements.

3 (MH1,5:8-12) I had to beg Sanders to ask any of the questions that
4 were needed for these jurors, and that he just wouldn't ask them
5 anything unless I prodded him into it. That I had to beg this man
6 for the discovery in this case and that he gave me 300 pages saying
7 that that was all there was, then after the trial I seen how much
8 he had held back and that I again had to beg him for the discovery
9 to this case. (MH1,16:9-12)(MH1,6:21-23) Then after the trial he
10 gave me 1300 more pages of the evidence that I had never seen until
11 the trial(4-3 ring binders) I told the courts that they could verify
12 this begging from the jails phone records and that the calls that
13 I made to him were recorded.

14 (MH1,15:26-16:1)

15 Sanders- I went through all of the discovery and I copied all of
16 the statements, which he initially wanted and requested
17 That 300 pages. And I gave those to him

18 (MH1,16:3-5)

19 Sanders- After he was convicted he made another request, a separate
20 request, he did say, could I please have all the discovery.

21 (MH1,18:1-2)

22 Sanders- Before the trial I thought that he would have to probably
23 take the stand...

24 (MH1,18:7-9)

25 Sanders- He did beg me to ask questions, hundreds of questions.

26 He wrote tons of questions while the witnesses were
27 on the stand,

28 I repeatedly told the court that I didn't kill this person and
that the state didn't even show that I had anything to do with
this murder(MH1,6:19-20) "[I] didn't kill this person, I can't
say who did,

1 The evidence shows something else. It didn't matter what you
2 presecuted me of, if you did it right, I don't care but do it
3 honestly. I don't care what you do, get me for the John Gotti
4 murders, as long as you do it honestly. This man has been lying
5 to me all along.

6 (MH1, 7:24-26) I'm scared to death. I'm fixing to lose my life
7 over something I didn't do because a man didn't do his job.

8 (MH1, 7:13-22) I told this court that this man allowed that man
9 (DDA Thomas) to take 23 pages out of my interrogation and allowing
10 this man to reorganize those statements to make it look more
11 guilty than it was. It's just wrong, your honor. This man just
12 sat there and watched this inveestigator for the state lie on
13 the stand aboput a fingerprint report while he had those documents
14 to show that he was lying.

15 (MH1, 18:22-)

16 Sanders- I did take thoise pages out of his statement with mr.-
17 we redacted his statement before it even went to the
18 jury because there were feferences to other criminal
19 activity, alleged criminal activity, use of drugs, things
20 like that and we redacted a number of pages before
21 it went to the jury. I felt that it was in his best
22 interest.

23 (MH1, 8:18-23)

24 Court- Mr Sanders. I want to ask you one thing because I don't
25 want any misunderstanding, did I give you legal advise ?

26 Sanders- No, sir.

27 Court- So, Mr. Yablonsky stated that you told him that the judge
28 said it would be in his best interest not to testify, did
29 you tell him that??

30 Sanders- No, your honor, I never told him that.

31 MH1, 9:14-16)

32 John- That is what I maede my decision based on sanders lie.

33 I already knew this man was a liar.

1 (MH1,14:1-7)(MH1,14:8-9) Sanders did say that he met with me
2 very seldom, but he said that he met me in the jail 4-5 times
3 which is a flat out lie, my official visits were terminatewd almost
4 a year before thew trial ever occured. Sanders also said that
5 most of our meeting wwere in the courtroom and admits that he
6 met with me more than his other clients, when I said that he met
7 me for less than 6 total hours, including the courtroom and his
8 two visits in the jail that between them were less than one hour
9 combined. *LESS THAN 6 HOURS OVER TWO YEARS ON A FEDERAL MURDER CASE!
1 HOUR IN JAIL, 5 HOURS IN COURT ROOM TALKS.*
10 MH1,19:17-26) I told the courts that he could verify my statements
11 through the jails phoine system and in the transcripts in the
12 courtroom from the 995 hearing to verify that this attorney was
13 lying andd that he was lying right now to the judge.

14 The courts denied my marsden hearing and decided to sentence
15 me. when a representative from the state spoke on behalf of the
16 rughts that "I WAS TRWIONG TO PROTECT!"

17 The courts assigned an attorney from the states conflict panel
18 to review the records to see if there were in fact grounds to
19 motion a New Trial based on ineffective assistance of counsel
20 and write the motion. Hal Smith was detained and did review the
21 records and found that Sanders [was] in fact Ineffective in his
22 representation and even incompetant. Smith placed on the record
23 where Sanders failed to investigate [ANY] of the evidence from
24 thisa case, namely a red hair with the root bulb attached., the
25 watchpin that was located near the victim and explained in detail
26 how these investigations were [Mandatory] for any counsel to be
27 considered effective. The motion was submitted and the state
28 conceded that Sanders may have failed in his investigations,

1 and presented the thirdparty culpability reasoning that the courts
2 asked for but sanders didn't have his case ready to present because
3 he failed to investigate this case on [ANY] realistic level. The
4 motion was denied and I was sentenced for the murder that was
5 coimmitted by someone else, and the states position was that because
6 I lied in the interrogation, that I was guilty for this murder,
7 when they erased the proof that this was not an interview.

8 This interrogation was the product of three agencies from three
9 different policing interests and that it was conducted in violation
10 of FEDERAL STATUES AND CONSTITUTIONS, and then violated further
11 by reformatting the entire interrogation and presenting the FALSE
12 evidence to a jury that also deserved the TRUTH.

13 THE TRUE VICTIMS IN THIS CASE ARE THE VICTIMS FAMILY THAT WERE
14 LIED TO INORDER TO GIVE THEM CLOSURE, AND THE MILLIONS THAT DIED
15 FOR THIS COUNTRY'S RIGHTS THAT THESE STATE ACTORS IGNORED ON
16 EVERY CONCEIVABLE LEVEL, AND THE TRUE VICTIM JOHN HENRY YABLONSKY

17 Every word in this declaration is the truth, sworn under
18 the penalty of perjury, and the quotes from the transcripts are
19 verbatim or what they say, I am innocent of this crime and the
20 states own evidence and experts say the exact same thing as I
21 am declaring....." THAT I AM INNOCENT OF THIS CHARGE"

22
23
24 SINCERELY:

25
26 _____
27 John Henry Yablonsky

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;

ATTORNEY GENERAL
1515 K. ST, No. 511
SAC. CA. 95814

Supreme Court Of the State of Calif
Clerk of the court
350 McAllister
S.F., Ca. 94102

This service contained the following documents;

Undisputable facts for case No, #FVI900518

This service was conducted by an 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

(93210)

CITY

ZIP CODE

This service was conducted on the MONDAY day of 28TH of the month of APRIL, 20 14

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 AL-0373

Print Name

Signature

MY ADDRESS IS

Box 8500 Coalinga, Ca. 93210

PCS
27X2
DOUBLE SIDED