

1                    PROOF OF SERVICE ACCORDING TO PRISONER MAIL BOX RULE

2  
3 This service and mailing was conducted by a party to this action,  
4 and was conducted in accordance with facility practice and the  
5 Title 15,div.3 section §3142, also Penal Code § 2601(b).

6                    This mailing was inspected and sealed in the presence  
7 of an on duty correctional officer, in a fully pre-paid envelope  
8 that was addressed to the following,

9  
10                    *To Ken Yablonsky Comensating in Aliso Viejo, CA. 92656 For CERTIFIED MAIL*  
11 H.Charles Smith  
12 550 Orange st.# B  
13 Redlands ,ca.92374

14 This service contained the following ;

15                    Questionnaire

16  
17 This service was conducted by an adult over the age of 18 years  
18 of age,, and mailed in compliance with ordinary daily mail pract-  
19 ices and routines that are processed and del;ivered by the  
20 U.S.P.S. from the city of;

21                    Coalinga, and 93210  
22                    city                    zip code

23 This service was conducted on ))) 11/3/14 Date

24                    ACCORDING TO THE PRISONER MAIL BOX RULE

25                    THIS SERVICE IS CONSIDERED FILED ON THE DATE OF THE SERVICE

26                    UNDER THE PENALTY OF PERJURY

27                    The forgoing of this proof of service is the truth to  
28 the best and direct knowledge of;

29                    *John Henry Yablonsky*

30                    11-3-14  
31                    Date

32 My adress is Box 8500 Coalinga,ca.93210

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

RE:Case no.FVI .900518  
People v. Yablonsky

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Mr. Hal Smith;

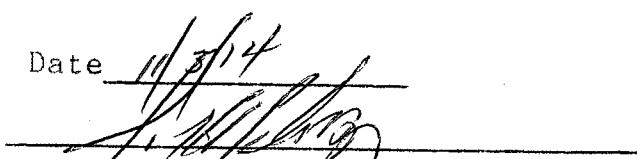
Your office represented Mr.Yablonsky for a motion based on Ineffective Assistance of Counsel, with regards to the case number listed above. The state released transcripts and discovery with regards to this case, and it has been brought to the attention of the defendant in that matter, there are discrepancies to that data provided by the state.

Defendant has filed a writ of habeas corpus in the District Court, and is requesting your office answer a set of questions with regards to this [data].

Please provide the answers as soon as possible for they are being disputed now.Your office has no interest in this matter and the questions are self explaining.

On the following page are a few questions that is required of your office.Please be thorough in your answers and accurate.Your assistance is greatly appreciated.

Date 11/3/14

  
John Henry Yablonsky

Case No.EDCV 14-01877-PA(DTB)

Mr. Hal Smith (attorney at law)

state of california v. Yablonsky Case # FVI900518/EDCV 14-01877-PA

1  
2 Your office was appointed to review the case #FVI900518  
3 for Mr. Yablonsky to (court instructed) review the case for  
4 possible presence of Ineffective Assistance of Counsel. Your office  
5 was then given trial transcripts and discovery.

6 1) Did your office receive exhibits 49 (113 page transcript of  
7 the interrogation) and exhibit 49A a copy of the interrogation  
8 recording ?

9 2) Did your office verify that exhibit 49 (113 page) and exhibit  
10 49A (the recording) were accurate in content ?

11 3) Did your office notice that the recording copy (disc) had  
12 over 136 pages of information ?

13 4) Was your office given a copy of the transcripts of the inter-  
14 rogation ( One 113 pages) and (one 136 pages) ?

15 5) When detective Alexander under cross examination swore that  
16 exhibit 49A was accurately transcribed for the exhibit 49,  
17 knowing they were not accurate by at least 23 pages, could  
18 that be considered as a misstatement by the detective ?  
19 And could that be considered as IAC ?

20 6) In the trial transcripts, detective Alexander commented during  
21 cross examination about the existence and content of the  
22 fingerprint report. Yet the defendant's attorney and prosec-  
23 utor's closing statements are consistent with each other  
24 but not consistent with that cross examination ( about the  
25 existence and content of the fingerprint report) could that  
26 imply the transcripts were not recorded accurately or altered  
27 after the closing statements ?

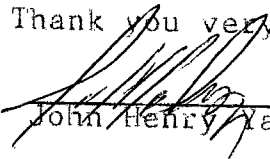


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- 7) When the recording had been played to the jury and the court gave the jury an instruction the recording they listened to was the [original media] knowing it was altered before it was played to them, could that be considered as an erroneous instruction ? And could that have been considered IAC ?
- 8) Had you been informed by the defendant that detective Alexander's cross examination statements in the trial transcripts were not what was asked or answered, would that have affected your your interpretations of the transcripts ?
- 9) If the attorney trial notes are consistent with the attorney's and the prosecutor's closing statements (about the existence and content of the fingerprint report) "showing there was no evidence of a fingerprint report presented in this trial" but that the trial transcripts show one full page in content of discussions of the existence and content of that report, could that imply that the trial transcripts were altered after the closing statements or recorded incorrectly ?
- 10) Is there anything you noticed in this evidence that was given you that should be brought to light ?

THIS CASE IS IN FRONT OF THE DISTRICT COURT, YOUR IMMEDIATE RESPONSE IS GREATLY APPRECIATED.

Date 11/3/14

Thank you very much:  
  
John Henry Yablonsky

(2)

PROOF OF SERVICE ACCORDING TO PRISONER MAIL BOX RULE

This service and mailing was conducted by a party to this action, and was conducted in accordance with facility practice and the Title 15,div.3 section §3142, also Penal Code § 2601(b).

This mailing was inspected and sealed in the presence of an on duty correctional officer, in a fully pre-paid envelope that was addressed to the following,

TO KEN YABLONSKY 6 WHEATLAND LN. A. V. CA. 92656 FOR CERTIFIED MAILING TO

Superior court Of California

Attention Shawna Manning Office reporter CSR 12827

Victorville Superior court

303 W. 3<sup>RD</sup> ST  
S.B. CA. 92415

This service contained the following ;

Questions with regards to transcripts

This service was conducted by an adult over the age of 18 years of age,, and mailed in compliance with ordinary daily mail practices and routines that are processed and delivered by the U.S.P.S. from the city of;

Coalinga and 93210

city

zip code

This service was conducted on ))) 11/3/14 Date

ACCORDING TO THE PRISONER MAIL BOX RULE

THIS SERVICE IS CONSIDERED FILED ON THE DATE OF THE SERVICE

UNDER THE PENALTY OF PERJURY

The forgoing of this proof of service is the truth to the best and direct knowledge of;

John Henry Yablonsky

11/3/14  
Date

My adress is J Box 8500 Coalinga,ca.93210

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

Superior Court Case No. FVI900518  
Dept. V-2 The Honorable Judge  
John Tomberlin

1 RE; Court Trial Transcripts  
2  
3

4 REQUEST FOR SWORN AFFIDAVIT UNDER THE PENALTY OF PERJURY  
5

6 The case noticed above is under dispute in the federal court  
7 and concerns of authenticity are required with regards to a court's  
8 reporters notes by Shawnaa Manning, Office reporter CSR No.12827.

9 This officer of the court recorded trial transcripts  
10 from case number FVI900518 of the Victorville Superior court in  
11 department V-2, People v. Yablonsky on January 27, 2011.

12 The following questions are requested under the author-  
13 ity of C.Ev.Code §§ 135,1401 and 1402 of the local rules of evidence  
14 with regards to the content of Ms. Mannings work product and it's  
15 authenticity.

16 The party in dispute (John Henry Yablonsky) is asking the party  
17 in response (Shawnaa Manning Office Reporter CSR No.12827) to answer  
18 the following questions under the penalty of perjury with regards  
19 to case number EDCV 14-01877-PA(DTB) in the Federal District court.

20 1) Were you the court reporter for the case People vs. Yablonsky  
21 on January 27, 2011 ?

22 2) Was your licence and certification current and valid at the  
23 time this reporting was conducted ? You must show proof.

24 3) The reporting was conducted for this trial date how ?

25 4) Were you the only person that had access to those records  
26 before they were transcribed ?

27 5) Did you use a computer with regards to that date of recording,  
and was this recording accessible through Wi-Fi ?

- 1 6) Is this recording device under your possessive control at  
2 all times during and after your work product had been installed  
3 onto the equipment ?
- 4 7) Did you personally record the information that was conducted  
5 that day in Department V-2 of the Victorville Superior Court  
6 room for Case No.FVI900118 People vs.Yablonsky on January  
7 27,2011 P.M. session ?
- 8 8) Is it possible there were recording errors during that recording  
9 session as the record was being inserted into the device you  
10 used for this type of hearing ?
- 11 9) Were you able to hear the trial clearly during that hearing ?
- 12 10)Is it possible that you input incorrect information the trial  
13 was presenting on this specific day ?
- 14 11)Is it possible that clerical errors occur during your course  
15 of work,occaisionally ?
- 16 12) During this specific day in question January 27,2011, the  
17 court was conducting witness testimony as well as recording  
18 devices with regards to interviews that were conducted by the  
19 Detectives of the case and Mr.Yablonsky.The state presented  
20 on the screen (visual) and over court speaker (audio) of that  
21 interview/Interrogation.Did your equipment record the segment  
22 played to the jury (The interrogation recording) ? WHERE IS THAT  
23 INFORMATION, THE VISUAL DISC AND AUDIO DISC USED FOR THE INTERVIEW  
24 THAT WAS USED IN THE COURTROOM THAT DAY? PROVIDE COPIES.
- 25 13)With regards to that same session and day, there was testimony  
26 by Detective Alexander while being cross-examined by Defense  
27 attorney Dave Sanders. Pages 517 and 519 of that recording.  
Your records show a section that is incorrect, is it possible  
there was an error in recording this informatiopn. ?

- 1 14) When was this transcript first transcribed for defense purposes  
2 and who was it for ? *WHO CREATED IT?*
- 3 15) How many times was this section of the transcripts transcribed  
4 for any purposes ?
- 5 16) Did you have complete control of your equipment at all times  
6 from the trial dates until they were transcribed ?
- 7
- 8 17) Is there a password that protects your computer that holds  
9 these court recordings of trials ? *WHAT KIND OF PROTECTION IS THERE?*
- 10 18) Mr. Yablonsky noticed that when you took your breaks, you  
11 left your computer unattended, and left the room. Is it possible  
12 that when you leave your computer, you leave the computer program  
13 running and on, to preserve records that were recorded ? *NOT YET  
SAVED, FOR BREAK PURPOSES?*
- 14 19) Have you ever left the court room where your computer was  
15 located during a court session, while the attorney's and judge  
16 stayed behind, leaving your program on and servicable ?
- 17 20) Is there a recording device or program that records the amount  
18 of access and by whom, and for how long on your program ?  
19 On your computer for the information you install ? *OR ANY  
OTHER EQUIPMENT? THIS WOULD INDICATE AND ALTERING OF SOME  
KIND? (ANSWER ALL)*
- 20 21) Do you still have the computer program the information in  
21 question was recorded on ? and if not where is the entire  
22 computer used during that session ?
- 23 22) Your computer uses a hard drive while in use, where is the  
24 hard drive that was in the computer that was used during this  
25 specific trial ?
- 26 23) Is it possible that your program was accessed after information  
27 was input by yourself, by someone else to alter the actual  
recording to something else ?



- 1 24) Since the interrogation recording was played during your appointed  
2 session, was it your responsibility to control the recordings  
3 that ewere played to the jury ? ~~where~~ ARE THOSE DISC/S ?
- 4 25) Do you store your computer at your personal residence when  
5 your not at work ?
- 6 26) Do you have any other personal information on this recording  
7 device in question, that does not relate to criminal or civil  
8 recordings ?
- 9 27) Does anyone have acces to your equipment when your not working  
10 and at the courthouse ?
- 11 28) ~~Wh~~ When you prepare transcripts of the recording you make into  
12 your equipment, is there a way you verify the content before  
13 you print and send the transcripts ?  
14 What is that process ?
- 15 29) There~~e~~ is a serious discrepancy in the trial transcript with  
16 regards to the "cross - examination" by defencdants attorney  
17 Dave Sanders and Detective Alexander, with regards to several  
18 lines and correspondences on pages 517-519 of that recording.  
19 Is it possible the transcripts were altered after you ~~e~~prepared  
20 them ?
- 21 30) Is it possible your equipment went unprotected and an alter-  
22 ation was made without your knowing ?
- 23 31) Did you know the transcripts were altered ?
- 24 32) Do you know who altered the transcripts ?
- 25
- 26 -Final question and i'm sorry for haveng to ask, but it pertains  
27 to your equipment and access to this INFORMATION
- 30) Did you alter the content of that cross examination between  
Detective Alexander and Sanders on PAGES 517~~0~~519 ?



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

RE; Case No. #FVI900518

EDCV 14-01877-PA(DTB)

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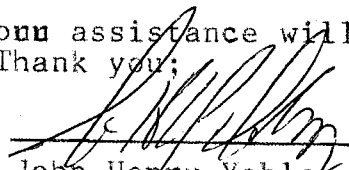
Mr. Levy;

Your office represented Mr. Yablonsky in his appeal, and the state released information regarding the case to your office. The following questions are required of your office with regards to this data that the state released to your office and its content. On the following pages are a set of questions with regards to this data, please answer them in full and return them to Mr. Yablonsky as soon as possible.

Your assistance is greatly appreciated.

Your assistance will help  
Thank you;

Date 11/3/14

  
John Henry Yablonsky

1 Mr levy;

2 Your office was assigned to represent Mr Yablonsky in  
3 an appeal of his trial in state courts. Your office was given  
4 information with regards to this case in the form of trial  
5 transcripts and discovery.

6 1) Were you given a set of trial transcripts and exhibits 49  
7 and 49A of the discovery ?

8 2) Did you cross reference exhibit 49 to 49A for their contents  
9 for their accuracy in [content] from one to the other ?

10 3) If you did cross reference them, did you find any discrepancies  
11 in their over all content ?

12 4) Were the discrepancies found, that exhibit 49 and 49A were  
13 not [accurate] in their content ?

14 5) Had their content not been accurate from one to the other  
15 and they were to be accurately transcribed from exhibit 49  
16 (113 page transcript copy) to exhibit 49A ( a copy of the  
17 interrogation recording ) would this have affected your opinion  
18 in your appeal, and how ?

19 6) If exhibit 49 and 49A were sworn by the prosecutions lead  
20 detective to accurately transcribed in their content and your  
21 office found this statement to be false by the detective,  
22 would that information have affected your decisions in your  
23 appeal ? How?

24 7) If the courts gave the jury an instruction that the recording  
25 they listened to was the [original media] when it was missing  
26 at least 23 pages, would that have affected your appeal decisions??

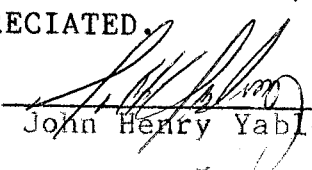
27 8) Did your office get two separate copies of the interrogation  
transcripts (one 113 pages) and (one 136 pages) ?



- 1 9) Did your office release exhibit 49A as you had gotten it  
2 to the Yablonsky family ?
- 3 10) Your office was given a set of the trial transcripts, and  
4 had your office been informed there was a discrepancy in  
5 the content of the transcript accuracy, would that have influenced  
6 your appeal decisions ?
- 7 11) In the trial transcripts, Detective Alexander testimony  
8 under cross examination shows that there was discussion of  
9 the fingerprint report from this case, but during the closing  
10 arguments by the prosecutor and defense attorney (were  
11 alike) and stated there was no evidence of a fingerprint  
12 report in this case, could that indicate the transcripts  
13 were recorded incorrectly or that they were altered after  
14 trial ?
- 15 12) The attorney trial notes, the attorney closing statements  
16 are the same as the prosecutor's closing statements, that  
17 there was no <sup>FINGERPRINT</sup> evidence discussed in this case, could that  
18 be interpreted that the transcripts were recorded incorrectly  
19 or altered after the closing statements ?
- 20 13) Could your office say for certain that the trial transcripts  
21 were not altered before they were given to you ?
- 22 14) If your office had known the transcripts had errors before  
23 you wrote your appeal, would this information have affected  
24 your decisions ? how?
- 25 15) Is there any other discrepancies your office noticed that  
26 was not addressed in your appeal or in this request ?

27 THIS CASE IS IN FRONT OF THE DISTRICT COURTS ON 43 ERRORS,  
YOUR PROMPT REPLY IS GREATLY APPRECIATED.

Date 11/3/14

  
John Henry Yablonsky

(2)