

PROOF OF SERVICE

WEI SIGN EVERY COPY OF THIS P.O.S.  
KEN FILL IN THE X'S AND SIGN  
INCLUDE THIS IN YOUR COPIES

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I Kenneth Yablonsky am an adult over the age of 18, and not a party to this action. I swear under the penalty of perjury that the following documents were copied and served to the parties listed below according to regular U.S.P.S. mail services. The papers served by certified mail were sent to me by John Yablonsky for this service, and these items were mailed in postage fully prepaifd envelopes and mailed from the city of X  
CITY  
on X, zip code X  
DATE ZIP CODED

My address is the following,

Ken Yablonsky  
6 Warmspring lane  
Aliso Viejo, ca. 92656.

The items were served upon the parties listed below,

U.S. DISTRICT COURT  
#3470 twelfth st, room 134  
Riverside ,Ca./92501

CALIFORNIA ATTORNEY GENERAL  
attn. Delgado  
Box 85266  
S.D.,CA. 92186

ATTORNEY FOR SAN BERNARDINO  
JOHN THOMAS  
303 W. 3<sup>RD</sup> ST. 6<sup>TH</sup> FL.  
S.B. CA, 92415

The above is sworn under the penalty of perjury by the understanding and belief to be accurate and the truth by myself.

Date X

X  
Kenneth Yablonsky

SWORN AFFIDAVIT UNDER THE PENALTY OF PERJURY

1  
2 I John Yablonsky on November 9, 2014 mailed a motion to my  
3 brother Ken Yablonsky at , 6 warmspring lane , aliso Viejo, ca. 92656  
4 to be mailed officially to the district court and attorney general  
5 for case number EDCV 14-01877-PA(DTB). This mailing was placed  
6 into a postage fully prepaid envelope to be copied and served  
7 upon the party and court named. This service was conducted because  
8 of facility lockdown and program interruptions that interfere  
9 with mailing and filing schedules. This mailing was mailed out  
10 by regular institution mail practices and processed according  
11 to institution mail policy.

12 The documents in this mailing are for the case listed  
13 above and are in compliance with the courts rules.

14 I swear under the penalty of perjury this action to be the truth  
15 under the penalty of perjury on this 9th day of November 2014.

16  
17 Date

11/9/14

Sincerely;

  
John Henry Yablonsky

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23 THIS WAS MAILED FROM CORALINA, 93210  
24 BY ADDRESS IS JOHN YABLONSKY ALO373  
25 BOX 8500  
26 CORALINA CA. 93210  
27





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

4 IN THE UNITED STATES DISTRICT COURT OF CALIFORNIA  
5 CENTRAL DISTRICT COURT

6 John Henry Yablonsky,  
7 Petitioner

8 VS.

9 Scott Fraeunheim(warden),  
10 Respondent

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

RULE 6 OF HABEAS CORPUS MOTION  
REGARDING DISCOVERY OF STATE  
POINTS AND AUTHORITIES

Filed September 4, 2014  
The honorable Magistrate D. Bristow

11  
12  
13 With good cause showing in petitioners [many] grounds  
14 on records in Habeas form, petitioner moves the court for an order  
15 on and against the State team in control of the said discovery  
16 with regards to these [many] claims. In the following motion the  
17 petitioner requests the evidences and discovery be released to  
18 petitioner immediately.

19 There are several ways in which rule 6 authorities under  
20 discovery than Harris. Although language in Harris suggests that  
21 the petitioner might establish "Prima Facie case for relief" as  
22 a prerequisite to discovery, 394 U.S. 286(1969). Rule 6(a)'s "good  
23 cause" standard permits the use of discovery to establish prima  
24 facie case for relief. Coleman v. Zant, 708 f.2d 541, 547 n.9(11th  
25 cir. 1983)(applying "Good cause" standard) The Supreme Court decision  
26 in Bracy v. Gramley rather clearly rejects any requirement of  
27 "prima facie" case for relief in advance of discovery.

Discovery 1



Discovery motion reasons for request

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- 1) There was a recording of the interrogation/interview by two separate methods and devices, the production of these devices will reveal the recordings were altered before the [transcripts] were first created from those recording devices into paper form.
- 2) There was at least one [other] arrest with regards to this crime against Rita Cobb, with regards to Gregory Randolph a.k.a. William Backhoff/George Backhoff/or any other name of same man
- 3) The state declares the interview was not an interrogation and the [unaltered] recording device/s will show that the defendant was not allowed to terminate the interview and the contact was in [true] form an interrogation conducted of a murder suspect without MIRANDA.
- 4) There were several witnesses that were interviewed while the state relied on at least two, Bruce Nash and John Sullivan. These witness had made several statements over the years that were consistent with one another, but during trial both witnesses admitted they were [coached,] by the state team, and both testified differently than their previous statements to police and defense investigator.
- 5) The state altered the interrogation before trial and presented a [version] of the interrogation to the jury in two forms, one on screen as a visual tool and one audio over the courts speakers. The trial version used was different than the (exhibits 49 and 49A). The actual recording disc used in the trial will and should be compared with the jury members questionnaire sent by petitioner and or an investigator deposition at a later time to show the exhibits 49 and 49A are not what was shown to the jury.



- 1 6) The state presented evidence in the trial that did not belong  
2 to the petitioner and told the jury that it was evidence that  
3 belonged to the petitioner. [ Watch -pin] The DNA report from  
4 thi s pin will show who had committed this crime, and that it  
5 was not the petitioner. That the prosecutor withheld that data.
- 6 7) The state presented evidence in the trial of a MURDER  
7 WEAPON that was not touched by the petitioner and had another  
8 DNA located on the weapon, showing who committed this crime,  
9 and that the prosecutor withheld that information.
- 10 8) The state presented evidence there was no other suspects to  
11 the case and that Yablonsky was the only suspect in this case,  
12 that a struggle had occurred, which a (watch-pin) and (red-hair)  
13 with the root bulb attached, and the DNA from the murder weapon  
14 will show that neither belonged to the petitioner.

15 The above stated reasons will support the petitioner  
16 request and use of Rule 6(b) *Lynott v. Story*, 929 F.2d 228, 232-  
17 33 (6th Cir. 1991) To justify discovery petitioner must make specific  
18 allegations, not present here, but are in the petitioner's Habeas  
19 writ and Brief filed on September 4, 2014 in the local district  
20 court. That petitioner would be entitled relief if facts are  
21 fully developed.

22 Discovery may be particularly useful in establishing out of court  
23 misconduct by Law enforcement personnel. For example prosecutorial  
24 suppression of exculpatory evidence or presentation of false  
25 inculpatory evidence, extraction of involuntary confessions, or  
26 illegal searches. *Strickler v. Greene*, 572 U.S. 263, 788 (1999);  
27 *White v. Helling*, 194 F.3d 937, 943 (8th Cir. 1999) (Discussions in  
Federal Habeas Procedures Produce "notes of memoranda from police  
records and or files" that showed the eyewitness had originally  
identified persons other than the petitioner and was coached  
by police to identify the petitioner)

Discovery 3



1 United States v. Weintraub, 871 F.2d 1257, 1259 (5th Cir. 1989) (discovery  
2 prosecutions suppression of evidence); Strickler v. Greene, 527  
3 U.S. 263, 278 (1999) District court grant of discovery of "all police  
4 and prosecutor files in the case " led to counsels uncovering  
5 prior inconsistent statements by key witness that were suppressed  
6 by the prosecutor.

7  
8 THE FOLLOWING IS A LIST OF DISCOVERY REQUESTED  
9 BY THE [ENTIRE] PROSECUTION TEAM

- 10 1) All notes, records, logs and or ledgers (content copies) regard-  
11 ing existing evidence/s inculpatory and exculpatory about  
12 the murder of Rita Cobb.
- 13 2) All notes and or records of existing witnesses that were  
14 reported and interviewed about the murder of Rita Cobb.
- 15 3) List of all phone calls and recordings/records or e-mail  
16 contact with witnesses, Donald Jones, Monica Seiwertson, Detective  
17 Alexander, Detective Myler, David Stockwell, Long Beach police,  
18 Signal Hill police, any other agency.
- 19 4) Exact copy of disc played to the jury of the interrogation/  
20 interview between Detectives and Yablonsky on March 8, 2009.
- 21 5) Copy of [every] transcript produced of the interrogation/inter-  
22 view between detectives and Yablonsky on March 8, 2009, and  
23 who transcribe them.
- 24 6) All records of all arrests and or investigations of Gregory  
25 Randolph, a.k.a. William Backhoff, William Backoff, George  
26 Backhoff (any other alias for this person). This list of  
27 records is to include probable cause filings, arrest reports,

Discovery 4



1 police reports, noted by [any] officers between 1985 and 2009. The  
2 list of requests are to include the contents found in the  
3 investigations of his suicide scene, i.e. Photos, letters etc.

4 7) All phone contact with any other agencies in the investigations  
5 of Yablonsky, who, when, and any recordings of those contacts.

6  
7 8) Copies of all radio communications between [any] officers  
8 of the San Bernardino Sheriff's department or police station,  
9 Detective Alexander, and Det. Myler or [any] officers of [any]  
10 other agency on March 8, 2009. *FOR THIS CASE*

11 9) All phone and or records of personal contact with Bruce  
12 Nash and John Sullivan, or Kramer/s

13 10) List of all equipment and or program or services used to  
14 alter the interrogation recordings, by any party.

15 11) Original recording devices and or cam-corder cartridge cassette  
16 used for the interrogation of Yablonsky on March 8, 2009.

17  
18 12) a copy of any wire tap or phone trace warrants or applications  
19 with regards to Yablonsky and his involvement of the murder  
20 of Rita Cobb, [any time] (this to include jail phone recordings)

21 13) List of all evidences, profiles for the murder of Rita Cobb.

22 14) Copy of all forensics report of the murder weapon.

23 15) Copy of all forensics reports of the watch-pin that was  
24 presented in this trial.

25 16) -Copy of all forensics reports of the red-hair with root  
26 bulb attached that was recovered from this crime scene, and  
27 any other hairs tested.

Discovery 3





Parties this discovery are requested from

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- Deputy District Attorney John Thomas
- Any and all District attorney's for the county of Sanbernardino
- Sanberaardino county Sheriff's department
- Detective Robert Alexander
- Detective Greg Myler
- California Attorney General D. Delgado (any Attorney General)

The discovery in question pertain to grounds two, four, five, six, seven, eight, twenty-six, twenty-seven which are substancial violations to the petitioners Constitutional Guarantees of the United States Constitution, in dispute in the United States District Court case number# EDCV 14-01877-PA(DTB).

These discovery requests are under the authority of Coleman/Bracy courts, and in good showing of Strickler v. Greene, 572 U.S. 263, 788(1999).

The above requested discovery are hereby demanded from the state in dispute of the [many] errors suffered by the state unto the petitioner. Failure to release these evidences make good and fair showing the state intentionally withheld these evidences in the defense of John Henry Yablonsky in the case #FVI900518, People v. John Henry Yablonsky.

Date 11/9/14  AL0373

Discovery 6

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IN THE UNITED STATES DISTRICT COURT OF CALIFORNIA  
CENTRAL DISTRICT COURT

John Henry Yablonsky,  
Petitioner

VS.

Scott Fraeunheim(warden),  
Respondent

Case no.EDCV 14-01877-PA(DTB)  
Filed;September 4,2014

[Proposed] ORDER

The honorable Magistrate D.Bristow

With good showing the petitioner's request for discovery is hereby granted and ordered for the above stated case from the California Attorney General and State Authority in Sanbernardino county.The discovery should be released and presented in good order to petitioner by \_\_\_\_\_ from the date of this order.

Date \_\_\_\_\_

The Honorable Magistrate

