

1 John Henry Yablonsky AL-0273  
2 Box 8500  
3 Coalinga, ca. 93210

4 FIRST AMENDED COMPLAINT

5 UNITED STATES DISTRICT COURT  
6 CENTRAL DISTRICT OF CALIFORNIA

8 John Henry Yablonsky,  
9 Plaintiff,

EDCV 15-00197-PA(DTB)

10 FIRST AMENDED COMPLAINT

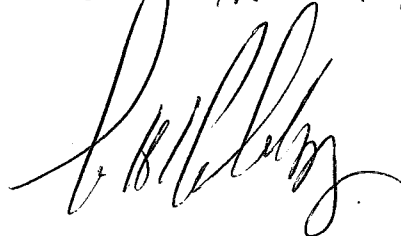
11 vs.

12  
13 Michael Ramos,  
14 et al.  
Defendants

15  
16  
17  
18 John Henry Yablonsky  
19 In Propria persona.  
20 In Forma Pauperis  
21 Box 8500  
Coalinga, Ca. 93210

22  
23  
24 John YABLONSKY

25  
26  
27 3/18/15



FIRST AMENDED COMPLAINT

EVIDENCE TO SUPPORT THIS CLAIM HAS ALREADY BEEN FILED IN THIS COURT

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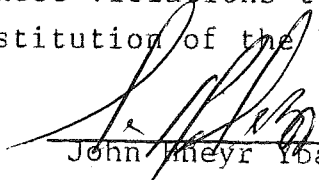
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SWORN DECLARATION UNDER THE PENALTY OF PERJURY

20  
21  
22  
23  
24  
25  
26  
27

I John Henry Yablonsky, a plaintiff and party to this action swear under the penalty of perjury the complaints in this compla suit are the truth as plaintiff knows them, and swears this to be the true and accurate occurances and acts violated against him by the parties in this suit lised as defendant.I am competant, and understand my rights, and know these violations to redressable under the Firss Amendment of the comstitution of the United States.

Date 3/18/15

  
 \_\_\_\_\_  
 John Henry Yabalonsky

FIRST AMENDED COMPLAINT

John Henry Yablonsky AL-0373

FULL NAME

N/A

COMMITTED NAME (if different)

Box 8500 Coalinga, Ca. 93210

FULL ADDRESS INCLUDING NAME OF INSTITUTION

Pleasant Valley state prison

AL-0373

PRISON NUMBER (if applicable)

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

John Henry Yablonsky

PLAINTIFF,

v.

Michael Ramos, et al,

DEFENDANT(S).

CASE NUMBER

5:15-cv-00197-PAOTB

To be supplied by the Clerk

CIVIL RIGHTS COMPLAINT

PURSUANT TO (Check one)

42 U.S.C. § 1983

Bivens v. Six Unknown Agents 403 U.S. 388 (1971)

A. PREVIOUS LAWSUITS

1. Have you brought any other lawsuits in a federal court while a prisoner:  Yes  No

2. If your answer to "1." is yes, how many? N/A

Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on an attached piece of paper using the same outline.)

N/A

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- a. Parties to this previous lawsuit:  
 Plaintiff \_\_\_\_\_ N/A  
 \_\_\_\_\_  
 Defendants \_\_\_\_\_  
 \_\_\_\_\_
- b. Court \_\_\_\_\_  
 \_\_\_\_\_
- c. Docket or case number \_\_\_\_\_
- d. Name of judge to whom case was assigned \_\_\_\_\_
- e. Disposition (For example: Was the case dismissed? If so, what was the basis for dismissal? Was it appealed? Is it still pending?) \_\_\_\_\_
- f. Issues raised: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- g. Approximate date of filing lawsuit: \_\_\_\_\_
- h. Approximate date of disposition \_\_\_\_\_

**B. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

1. Is there a grievance procedure available at the institution where the events relating to your current complaint occurred?  Yes  No

2. Have you filed a grievance concerning the facts relating to your current complaint?  Yes  No

If your answer is no, explain why not N/A  
 \_\_\_\_\_  
 \_\_\_\_\_

3. Is the grievance procedure completed?  Yes  No

If your answer is no, explain why not N/A  
 \_\_\_\_\_  
 \_\_\_\_\_

4. Please attach copies of papers related to the grievance procedure.

**C. JURISDICTION**

This complaint alleges that the civil rights of plaintiff John Henry Yablonsky  
 (print plaintiff's name)

who presently resides at Box 8500 Coalinga, Ca. 93210  
 (mailing address or place of confinement)

were violated by the actions of the defendant(s) named below, which actions were directed against plaintiff at  
Victorville California, San Bernardino California  
 (institution/city where violation occurred)

on (date or dates) March 8, 2009 (Claim I), (Between March 2009 and March 2012) (Claim II),  (Claim III)

NOTE: You need not name more than one defendant or allege more than one claim. If you are naming more than five (5) defendants, make a copy of this page to provide the information for additional defendants.

1. Defendant Michael Ramos resides or works at  
(full name of first defendant)  
316 N. Mountain View, Sanbernardino, Ca. 92415  
(full address of first defendant)  
County District Attorney  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both):  individual  official capacity.

Explain how this defendant was acting under color of law:

This party is an elected official as County District attorney  
and at all time relevant to this action acted under the color

2. Defendant Robert Alexander resides or works at  
(full name of first defendant)  
222 W. Hospitality Lane, Sanbernardino, Ca, 92415  
(full address of first defendant)  
County Sheriff, Detective  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both):  individual  official capacity.

Explain how this defendant was acting under color of law:

This officer of the law was an active officer of the county  
sheriff's department, at all times relevant to this action acted  
under color

3. Defendant Greg Myler resides or works at  
(full name of first defendant)  
222 W. Hospitality Lane, Sanbernardino, Ca. 92415  
(full address of first defendant)  
County Sheriff, Detective  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both):  individual  official capacity.

Explain how this defendant was acting under color of law:

This officer was an active detective of the county sheriff, at  
all times relevant to this action acted under color

4. Defendant John Thomas resides or works at  
(full name of first defendant)  
316 N. Mountain view, Sanbernardino Ca. 92415  
(full address of first defendant)  
Deputy District attorney  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both):  individual  official capacity.

Explain how this defendant was acting under color of law:

This officer of the coput court controlled the case in this complaint  
core as a county district attorney.

5. Defendant David Sanders resides or works at  
(full name of first defendant)  
14455 Civic Dr. #600 Victorville Ca, 92392  
(full address of first defendant)  
County appointed public defender  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both):  individual  official capacity.

Explain how this defendant was acting under color of law:

This party was an active public defender and was appointed from  
the public defenders office

6. Defendant Captain Wickam  
9500 Etiwanda Rancho Cucamonga Ca. 91739  
This facility commander was an active sheriff of San Bernardino  
This person is being sued in his individual capacity  
This party was an active county sheriff deputy that was assigned  
as commander of the county jail

7. Defendant John Tomberlin  
14455 Civic dr. Dept. V-2 Victorville Calif. 92392  
This person was an appointed judge for the state of California  
This person is being sued in his individual capacity  
This party was assigned to the trial of plaintiff

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

4 FIRST AMENDED COMPLAINT

5 UNITED STATES DISTRICT COURT  
6 CENTRAL DISTRICT OF CALIFORNIA

7 John Henry Yablonsky,  
8 Plaintiff,

Case Number EDCV 15-00197-PA\_DTB

(FIRST AMENDED COMPLAINT)  
CIVIL RIGHTS ACTION

9 vs.

10 Michael Ramos, et al,  
11 Defendants,

28 U.S.C. §§1331, 1343  
42 U.S.C. § 1983

12 Plaintiff John Henry Yablonsky, a resident  
13 of California and listed above as plaintiff. Rights were violated  
14 by the defendants listed above. The defendant are and or were  
15 appointed as agents of the government, and directly acted on  
16 behalf of the government when they violated plaintiff's rights  
17 guaranteed under the United States Constitution.

18 1) This court has jurisdiction of this case under 28  
19 U.S.C. §1331 and 42 U.S.C. § 1983.

20 SHORT DECLARATORY OF FACTS

21 2) Defendants in this complaint acted under the cloth  
22 of authority beginning on March of 2009, and interrogated plaintiff  
23 outside his Fourth Amendment rights. This act was conducted  
24 by trained officials and against mandatory and ordinary practices

Amended 1

1 of the County Sheriff's departments policies regarding rights  
2 of the accused plaintiff, while both Robert Alexander (Alexander)  
3 and Greg Myler (Myler) interrogated plaintiff for four hours  
4 in two separate locations, recording this interrogation. The plaintiff  
5 was assigned an attorney as an indigent defendant, out of the  
6 county's public defender pool by the name of David Sanders (Sanders)  
7 who deliberately withheld evidences from the plaintiff after being  
8 asked for [all] the discovery to this case, and withheld those  
9 evidences until after the state conviction and appeal process.

10 This attorney agreed to make certain and critical  
11 investigations, and to file critical pleadings in the defense  
12 of plaintiffs rights, and failed at every phase of his appointment.

13 This attorney's actions were reckless and deliberate,  
14 in direct violations to plaintiff's Sixth Amendment right.

15 When the plaintiff case came up for trial, defendant  
16 Michael Ramos used plaintiff case for his own personal use in  
17 his re-election campaign, violating plaintiffs right to a fair  
18 trial guaranteed under the Sixth Amendment. This defendant mailed  
19 prejudicial flyers to the entire counties population residences  
20 depicting his own personal opinion of the plaintiffs guilt in  
21 a trial being held later that year, (Just over 40 days away). This  
22 act conduct was against all regulations of the Government and  
23 Jurisdictional regulations regarding defendants under his appointment,  
24 in direct violation to plaintiff's rights. Michael Ramos (Ramos)

25 The prosecutor assigned to this case withheld factual  
26 matter with regards to defense mechanisms regarding evidences  
27 which were relevant and material to the case in chief. The prosecutor



1 presented evidence to the courts and jury as facts, but  
2 or withheld their content from the records. Plaintiff will move  
3 this court for an injunction ordering the prosecutor to release  
4 these evidences in support of plaintiffs post conviction challenge.  
5 The evidence plaintiff asks this court to order defendant John  
6 Thomas to release to the plaintiff and the courts in support  
7 of the records withheld or recklessly misused by John Thomas(Thomas)  
8 will support plaintiffs post conviction challenge.

9 While plaintiff was housed in the county jail, the comm-  
10 ander of that facility Captain Wickam (Wickam) terminated the  
11 official visit rights of plaintiff, impeding on the plaintiffs  
12 right of access to the court, which was against all institution  
13 policy and regulations of the departments regarding pre-trial  
14 detainees.

#### 15 JURISDICTION AND VENUE

16 3) This civil rights action to redress the deprivation  
17 of rights guaranteed to plaintiff by defendants while they acted  
18 under the cloth of authority.

19 Violating rights ,privileges and immunities under the United  
20 States Constitution. This court has jurisdiction pursuant to 28  
21 U.S.C. §§1131 and 1343. *42 usc. §1983*

22 4) Venue is proper in the central district courts of  
23 California under 28 USC§ 1391(b)(2) because substantial part  
24 of the events giving rise to this complaint occurred in the same  
25 district.

#### 26 I. PARTIES

27 *L* )-Plaintiff John Henry Yablonsky is at all times relevant

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1 to this complaint addressing facts that will not invalidate his  
2 conviction and moves this court for injunctive orders against  
3 the state prosecutor to re;lease evidences to this courts jur-  
4 isdiction for habeas review, in support of current and active post  
5 conviction challenge.

6 6) Defendant Michael, Ramos was at all times relevant  
7 to this complaint, an appointed County District attorney and is  
8 being sued in his individual capacity under 42 U.S.C. § 1983.

9 7) Defendant John Thomas is at all times relevant  
10 to this complaint the county prosecutor and is being sued in  
11 his official capacity and individual capacity under \_\_\_\_\_  
12 for the release of evidences withheld from the trial in support  
13 of plaintiff's post conviction challenge.

14 -8) Defendant Robert Alexander was at all times relevant  
15 to this complaint, an officer of the county sheriff's department  
16 and is being sued in his individual capacity under 42 U.S.C. § 1983

17 9) Defendant Greg Myler was at all times relevant  
18 to this complaint an officer of the county sheriff's department  
19 and is being sued in his individual capacity under 42 U.S.C. § 1983

20 10) Defendant David Sanders was at all times relevant  
21 to this complaint, an officer of the county as a public defender  
22 and is being sued in his individual capacity under 42 U.S.C. § 1983

23 11) Defendant Captain Wickam was at all times relevant  
24 to this action, an officer of the county sheriff and assigned  
25 as county jail facility commander, and is being sued in his individual  
26 capacity under 42 U.S.C. § 1983.

27 12) Defendant John Tomberlin was at all times relevant  
to this complaint, an officer of the court as a judge and is

Amended 4

1 being sued in his individual capacity, under 42 U.S.C. §1983.

2

3

4

## II. FACTUAL ALLEGATIONS

5 13 ) On March 4, 2009 detective Robert Alexander swore  
6 an affidavit in front of Judge Makata for probable cause on an  
7 arrest warrant for plaintiff Yablonsky. The warrant was issued  
8 that same day.

9 14) Between March 4, 2009 and March 8, 2009 Alexander coordin-  
10 ated with other agencies to arrest plaintiff and search the home  
11 with the Long Beach Police Departments and Signal Hill police  
12 Departments.

13 15) On or about March 8, 2009 at 0900 hours, Alexander  
14 and Myler approached plaintiff at his residence with escorting  
15 agencies from the Signal Hill departments and Long Beach depart-  
16 ments to arrest plaintiff and search his residence at 1700 E. Silva  
17 Long Beach California 90807.

18 16) Defendants Alexander and Myler entered the home  
19 while another agency officer stood guard outside the residence  
20 forbidding passage by other parties to and from the residence.

21 17) Defendants Alexander and Myler began interrogations  
22 tactical of plaintiff against his Fourth Amendments rights and  
23 against ordinary procedures and practices of the San Bernardino  
24 sheriff's department without Miranda waivers.

25 18) Both officers identified themselves as on duty officers  
26 from the San Bernardino sheriff's homicide division, and monitored  
27 plaintiff's movements within the residence.

1 19) Alexander and Myler interrogated plaintiff for  
2 over one hour in the residence, and when plaintiff tried to  
3 end interrogation, the detectives would not leave the residence  
4 or end the interrogation.

5 20) This interrogation was recorded. *AUDIO + AUDIO/VISUAL*

6 21) When plaintiff tried to exit the residence to smoke  
7 and make a call, the detectives, \_\_\_\_\_ followed closely  
8 and did not allow the plaintiff to leave their presence.

9 22) Upon exiting the residence, plaintiff was closely  
10 followed by Alexander who said, (Page 51:26-P.52:3)(transcript)  
11 (speaking to Myler, then plaintiff)

12 " You wanna after you discuss this a little bit more in detail  
13 with him I wanna ask him some more questions." (M) " I'd like to  
14 go down to um, the other location to speak (M)" I think some  
15 things we're gonna talk about are gonna be a little bit private  
16 embarrassing and I just wanna make sure that we're comfortable  
17 location um, kind of away from your wife" (Plaintiff)( P.52:5)  
18 " Go down to Signal Hill police department so we can sit down  
19 there and talk."

20 23) Plaintiff was not allowed to leave the detectives  
21 or Signal Hill detectives presence while this interrogation at  
22 the residence was being conducted outside Miranda.

23 24) Plaintiff was allowed to drive his own vehicle with  
24 his wife to the police station, but the vehicle was escorted  
25 by numerous officers from three different agencies, San Bernardino,  
26 Long Beach, and Signal Hill departments for the entire duration  
27 of the ride from the plaintiffs residence, to the police station.

Amended 6

1           25) The following communications was recorded durin g  
2 the drive from the residence to the police station, by Alexander,  
3 and Myler (Page 55-56)  
4 GM\_ They'll be in a white Ford Expedition, four, yellow, queen, victor,  
5 one, two, six (4YQV126)  
6 RA-Melody is driving.  
7 Radio- Looks like his wife or girl friend is driving and uh, apparently  
8 he's a passenger they're gonna follow behind. (Copy)  
9 GM-Yeah, why don't you call them it sounds like their watching  
10 us but....  
11 RA- Call who ?  
12 GM- Call Scott let him know what's going on. I'll get him. Hey  
13 guys uh, we're following him to Signal hill, P.D..... Hold off  
14 on the search warrant...."  
15 RA-Have them contact....  
16 Radio; Copy  
17 RA- Ok hey scott could you do me a favor contact Signal Hill  
18 P.D. and let them know that we're on our way.

19           26) This transcript of the recording does indicate  
20 that there was at least six different parties involved in this  
21 escort, and that an arrangement was pre-determined to take plaintiff  
22 to the police station indicating officers knowing controlled  
23 custody status, and custodial factors.

24           27) Plaintiff was escorted the entire length of the  
25 five mile drive through the city to the police station.

26           28) Plaintiff was then escorted into a locked facility  
27 and into a controlled environment and placed into a cubical

Amended 7

1 area of the secured police station.

2 29) This location was monitored under a cam-corder recording  
3 device, and the recorder was on according to the unit light.

4 30) The detected continued the interrogation without  
5 miranda, for an additional two and three quarters of an hour,  
6 and plaintiff was not allowed to terminate the interrogation.

7 31) Plaintiff tried to leave the police station when  
8 he went to the restroom , but was not allowed to leave through  
9 the locked door and was directed to return to the interrogation  
10 area of the police station.

11 32) Plaintiff was not allowed to end the interrogation  
12 or allowed to leave or make phone calls, as detailed in the following,  
13 (Page 124:10-11)

14 JY-"Can I come and talk to my wife ? Can I please smoke a cigarette?

15 I didn't do this guys ?"

16 (Page 126:9)

17 JY-"Can I at least go outside and smoke a cigarette right to  
18 this point ?I know their not going to let me smokle in here"

19 (Page 131:11-12)

20 JY\_" I wanna talk to my wife and I want her to contact an attorney  
21 because you guys are telling me i've done something that I know  
22 I didn't do and that's...."

23 33) Plaintiff was interrogated without miranda and against  
24 his Fourth Amendment @rights for almost four hours in two seperate  
25 laocations while under direct visual control by at the least  
26 three seperate agencies, escorted into a lacked police station,  
27 and was not allowed to end the interrogation or leave, or make  
phone calls.

Amended 8

1 34)) Plaintiff was placed under arrest with physical  
2 restraints and placed into a cell after this almost four hour  
3 interrogation, without Miranda, and against plaintiff Fourth Amendment.

4 35) This interrogation recording was placed into the  
5 trial against plaintiffs Fifth Amendment right against self compul-  
6 sory incriminating statements.

7 <sup>. III</sup>  
8 36) Plaintiff was assigned an attorney from the county's  
9 pool of public defenders, and David Sanders was appointed.

10 37)-Plaintiff asked the attorney for all the discovery  
11 to this case nine days after he was arrested, this request was  
12 recorded on the attorney's log. *APPROX MARCH 17, 2009*

13 38) Defendant Sanders released only three hundred pages  
14 of the evidence, and withheld over three thousand and seven hundred  
15 pages on June 26, 2009.

16 39) Plaintiff discussed critical investigations needed  
17 for this case, and the attorney agree to have the DNA's tested. The  
18 list was comprised from the evidences that Sanders had revealed  
19 existed by the discussions he had with the other public defender  
20 from the same office Mr. Canty. *HAIR ON BODY, DNA IN TWO LOCATIONS*

21 40) Defendant Sanders agreed to conduct certain  
22 investigations regarding the evidences located at this scene  
23 and as time passed had told plaintiff he had conducted these  
24 investigations, when he had not [lying] to the plaintiff.

25 41) Defendant Sanders had agree to write a motion for  
26 change of venue, and did not, but told the plaintiff the motion  
27 was not allowed [Lying] to plaintiff.

42) Sanders had made critical errors of judgement and  
action regarding pleadings at critical stages of the investigations,  
Amended 9

1 that are against mandatory professional rules of court,  
2 by writing motions in another persons name when he filed them  
3 on behalf the the plaintiff, failing crucial pretrial investigations  
4 oppertunities. A MOTION TO CONTINUE FOR INVESTIGATIONS. DENIED

5 43) Sanders wrote a motion under the incorrect  
6 standards during a critical pretrial phase, arguing for recusal  
7 of the County District Attorney, using police mis conduct instead  
8 of the correct standard under the use of pretrial publicity  
9 for the County District attorney's use of plaintiffs case, then  
10 failed to serve the ATTORNEY GENERAL, appropriate parties according  
11 to mandatory rules of court, forfeiting plaintiffs right to recuse.

12 45) Sanders made critical decisions in this case without  
13 first discussing their content, purpose, or possible exposures  
14 or consequences throughout this entire case. The attorney's disparaged  
15 conduct forfeited numerous vulnerable points throughout the pretrial  
16 phases, waiving critical investigations oppertunities, and failed  
17 to thoroughly investigate this case to [any] degree.

18 46) Sander repeatedly made critical; decisions regarding  
19 witnesses and evidence without first discussing them with plain-  
20 tiff, or explaining the exposures for these decisions or other  
21 possible avenues of defense that could have been valuable  
22 and meritorious. ALIBI WITNESS, DNA EVIDENCES, STATES KEY WITNESSES.  
23 LORI AMARO, SUN KYE DELGADO.

24 47) Sanders lied to plaintiff regarding his want and  
25 need to testify, agreeing that plaintiff [would] testify, but failed  
26 to instruct plaintiff on procedures, or prepare plaintiff for  
27 this testimony which was required because of the avanue of case  
presentation by prosecutor of the facts.



1 48) Sanders had released 300 pages of the discovery  
2 to plaintiff for which plaintiff was to make rational and critical  
3 decisions based from for his defense regarding this case, and  
4 hid the remainder 3700 pages until after the appeal process had  
5 run it's course, and only released the evidences due to the instructio  
6 by the Bar Association. *To PREVENTS HIS CLIENTS REALISTIC UNDERSTANDING*

7 49) Sanders released in the 300 pages, only [one] of the  
8 [two] sets of interrogation transcripts in June of 2009, while  
9 the second set had a date of November 2010, and held over 23 MORE  
10 pages in transcript. *(1 SET 113 PAGES, ANOTHER SET 136 PAGES)  
NEITHER ARE REMOTELY IDENTICAL TO STATE EXHIBIT 49 (CD DISC)*

11 50) Sanders released the first set of interviews by Nash,  
12 Saunders, Sullivan and withheld the [others] from plaintiff, hiding  
13 the fact that they were identical by Nash, but [different] by Sullivan  
14 and Saunders.

15 51) Sanders would not listen to plaintiffs pleas of  
16 questions during cross examination of states witnesses, and  
17 because he had withheld the second sets of statements by these  
18 witnesses in the 3700 pages he withheld, he prevented his client  
19 from exercising his right to a compulsory right to confront them.

20 *ABA RULE 45.2*  
21 52) In April of 2010 plaintiff was told that all investi-  
22 gations had been completed and the case was ready for trial,  
23 and trial dates were scheduled for June 2010.

24 *. IV*  
25 53) The defendant Ramos for his personal and private  
26 gain, fabricated, designed, manufactured, and distributed prejudicial  
27 matter into the entire community through flyers he directly  
participated in or authorized this flooding of the community.

1           54) Ramos participated and or organized the creations  
2 of the flyers for [his] campaign he used in his re-election campaign  
3 and mailed them into the entire pool of addresses in the entire  
4 county, and did so [after] he had had his Deputy Prosecutor agree  
5 to schedule trial dates for the plaintiff.

6           55) The flyers contained the opinion of the County  
7 prosecutor in his own personal use and capacity, that he believed  
8 the plaintiff to be guilty of the charges plaintiff faced in  
9 that upcoming trial, promising the victims family closure in  
10 that trial. "WITH A CONVICTION"

11           56) The content of that promise based his personal career  
12 and official position as county D.A. that he could promise the  
13 closure to a family of a victim of the charges filed against  
14 plaintiff, while plaintiff had not had a trial for yet, and made  
15 the community believe plaintiff was guilty before the trial ever  
16 took place.

17           57) Ramos after fabricating hundreds of thousands of  
18 copies of illustrative material containing his personal stake  
19 in this trial of plaintiff, then mailed into the homes three  
20 separate styles of these flyers, which there was three separate  
21 formats to his personaged stake. THIS ACT WAS INTENTIONAL AND METHODICAL.

22           58) Ramos knew this case was scheduled for trial before  
23 he arranged to fabricate these materials because it was his own  
24 personal (unit) of the cold case division that the prosecutor was  
25 representing, as outlined in that same flyer he sent through  
26 the federal division of communications into the residences of  
27 the entire county, or their personal mail boxes.

Amended 12

1 59) During a press release it was the attorney for Ramos  
2 that admitted that these flyers did in fact contain the County  
3 District Attorney's personal opinion of the plaintiffs guilt  
4 before ~~the~~ trial was heard for the charged offense.

5 60) Plaintiff was forced into cancelling his scheduled  
6 trial because the mailed flyers began mailing thirty days after  
7 the trial was scheduled, and the last of the three prejudicial  
8 mailers were mailed in the end of May. Just [days] before the  
9 trial was to begin. VIOLATING RIGHT TO SPEEDY TRIAL.

10 61) On or about September of 2010, plaintiff's right  
11 of access to the courts and his attorney were interfered by the  
12 facility commander where he was a pre-trial detainee.

13 62) Plaintiff had arranged to sue the County District  
14 attorney in his personal and individual capacity, and was being  
15 retaliated to by the sheriffs of that county jail, which influenced  
16 suit against them for relief.

17 63) Plaintiff had conducted these suits through attorney's  
18 and registered servants of the courts (i.e. Investigators, notary's,  
19 process servers) and the facility commander had terminated plaintiff's  
20 right of access to the courts and his criminal attorney because  
21 of the suits against the County District attorney, and the County  
22 Jail.

23 64) Plaintiff was not allowed assistance by certified  
24 courts authorized servants, or confidential environment to discuss  
25 his case with his criminal attorney while he was housed in the  
26 county jail because of these orders by the facility commander  
27 Captain Wickam.

Amended 13

1           65) Because of the commanders orders, plaintiff was  
2 denied right of access to the courts or his attorney, while  
3 the officer too denied plaintiff legal materials, books ,and research  
4 access of the Law Library, supporting the commanders orders to  
5 deny plaintiff right of access to the courts. *IN VIOLATION OF COURT ORDERS.*

6           66) Plaintiff twice moved sepearate courts to have injunc-  
7 tive relief lifting the restriction of right of access, and both  
8 motions were denied, by the Criminal courts,, and the civil Courts.

9           67) During trial defense attempted to cross examine state  
10 witness Bruce Nash, but this cross examination was interruted  
11 by the courts judge, erroneously.

12           68) Defendant John <sup>VI</sup> Tomberlin interrupted plaintiffs  
13 right of <sup>f</sup>confronmtation to witness Nash and witness Sullivan  
14 by instructing the defense attorney (RT416:26-467) (Tomberlin)  
15 " You don't have any other basis for determining that she went  
16 to a bar. In fact, the [evidence ] would be that she was not seen  
17 in a bar that night, and that there were people that could testify  
18 that -- that what she said was not what happened"

19           69) The court, nor the prosecutor presented one witness  
20 who had said that the alleged victimn was not seen in a bar that  
21 nite, and the only witness that remotley testified she had been  
22 seen doing anyhting did not mention anything about a bar.

23           70) The only witness that testified about the victims  
24 destination was Sullivan who not only was not reliabæe, but either  
25 gave perjured testimony, or impeached witness Nash, but nobody  
26 said they had not seen her in a bar as the courts instructed  
27 the defense attorney "She was not seen in a bar that nite" or

Amended 14

1 " There were [people] that could testify to that"(going to a bar).

2 71)Sullivan's testimony was not identical like Nash',  
3 who made three separate [like] statements, while Sullivan made  
4 two separate statements to the police, and both were different,  
5 that were nothing alike.

6 72)Sullivan's second statement was like his second statements  
7 to police in 2009, but was nothing like [all] the other statements  
8 that had [ever] been collected, while Sullivan's only credible  
9 statement was that he had fallen asleep before Nash or Rita Cobb  
10 had left his party, that he fell asleep around 9:30 p.m. while  
11 Rita had left at 11:30 p.m./ verifiably by several other statements  
12 to police.

13 ] 73) When the court interrupted the cross examination  
14 of Nash instructing the attorney the evidence would be that [nobody]  
15 had seen Rita in a bar that night, Sanders had had [two] separate  
16 witnesses that gave testifiable statements to police and investi-  
17 gators that she was in fact seen at a bar that night in question.

18 74)The instruction of Tomberlin was beyond his knowledge  
19 and jurisdiction, while he intentionally interrupted the plaintiffs  
20 rights to cross examine witnesses against his interests.

21 75)Then this defendant did not confront or challenge  
22 the testimony given by Sullivan who just impeached the witness  
23 he had instructed the defense he could not examine, and preventing  
24 the defense from further examining Sullivan as well. The interference  
25 carried over to the courts alleged reliable witness, while the  
26 court had just asked the defense attorney to look for an indica-  
27 of reliability. DEFENSE INTERPRETED THIS LYING WITNESS AS TO WHO THE  
COURTS INSTRUCTION WAS.

Amended 15

VII

1           76) Defendant John Thomas as a representative of the  
2 states interest presented a case, and withheld supporting evidences  
3 to his foundations. The evidences withheld were directly related  
4 to his arguments, but not supported by the historical facts,  
5 or relevant materials.

6           77) Plaintiff moves this court to order the release  
7 of material, reliable, and authentic evidences that pertain to  
8 the conviction defendant sought.

9           78) Defendant Thomas presented photographic evidence  
10 of the alleged struggle that left behind a [Watch-pin keeper]  
11 which was located next to the alleged victims head on her bed sheet  
12 and told the jury that this item was proof of the struggle, and  
13 that it was left behind by plaintiff, because it did not belong  
14 to the alleged victim.

15           79) Thomas withheld the DNA results from this item because  
16 he knew it did not belong to plaintiff, and opined that it had  
17 never been tested. *BUT WAS FORCED TO REVEAL IT BECAUSE IT WAS IN THE  
18 SCENE PHOTOGRAPHS. (WATCH PIN KEEPER.)*

18           80) This watch-pin keeper was left behind by the killer,  
19 and was found on a bed where a horrific struggle occurred as the  
20 perpetrator killed the victim. This keeper was found on an uncovered  
21 location on the sheets of the bed, and was found within a few inches  
22 of the victims head, on her upper right side.

23           81) This keeper does have DNA located on it, and will prove  
24 that the person who left this behind that killed Rita Cobb while  
25 she in her fight for her life, had broken the watch band of her  
26 assailant, and under the conditions of the fight, forgot to look  
27 for this [key] piece of evidence, *AND DID NOT COME FROM PLAINTIFF.*

Amended 16

1 82)The DNA that belonged to plaintiff recovered from inside  
2 the victims body had been forensically examined, tested, and determine  
3 was the product of a sexual encounter which occurred at least one  
4 and a half to several days [before] the murder occurred to Rita Cobb.

5 83)The DNA located on the keeper will not match plaintiffs  
6 DNA, and just might actually match the person who confessed to  
7 this crime Gregory Randolph.

8 84) The Fourteenth Amendment states that "No state shall  
9 deprive any person of life ,liberty,this clause imposes procedural  
10 limitations on a state power to take away protected elements of  
11 entitlement.D.A.'s Office v.Osborne,557 U.S.52(2009)(Robert's,ch.  
12 J.,joined by Scalia,Kennedy,Thomas,Alit,JJ.

13 85)The examination and result of DNA analysis of this  
14 item will prove reliable and relevant supporting plaintiffs Habeas  
15 claim. Actual innocence

16 86)Thomas withheld evidence of the Red Hair located from  
17 the victims torso, which had the entire root bulb structure attached  
18 preventing this information being brought in front of the jury.

19 87)When the states expert witness was asked about what  
20 was found on the [tape]lifting s, that question was ignored.

21 88) Thomas told the jury that there were no other DNA's  
22 located on this crime scene, or the body [lying].

23 89)Thomas by telling the jury there was no other DNA's  
24 located, he violated plaintiffs fight to a fair trial by withholding  
25 evidence of it's existance, because the jury could have without  
26 forensicsa analysis determine rationally that the red hair did  
27 not belong to the blonde plaintiff.

Amended 17

1 90) It is quite possible that Thomas too seen that this  
2 hair did not match the plaintiff or the victim, and determined  
3 to just keep it hidden and rely on his explanation, that he did  
4 not have this item examined, therefore withhold its exculpatory  
5 values from plaintiff.

6 91) The DNA profile from this item would not match plaintiff  
7 DNA and might match the man who confessed because the victim did  
8 not have red hair, that plaintiff did not have red hair, but Gregory  
9 Randolph did have red hair. *VERIFIED BY HIS REGULAR TOWN BARBER.*

10 92) Thomas presented witness Detective Alexander who under  
11 oath swore to his knowledge that there was no developed finger-  
12 print report for this case, and when defense attempted to probe  
13 for its content, Thomas objected on hearsay.

14 =93) Thomas withheld that this report does exist, and  
15 was developed, before this case ever came to trial, and shows exculp-  
16 ating factors, plaintiffs prints were not located on this report  
17 that was generated from the scene investigations.

18 94) Thomas withheld this key piece of evidence from the  
19 jury, in violations of plaintiffs right to probe witnesses for  
20 facts about the evidence.

21 95) Had this item been presented to the jury, it would  
22 have undermine the prosecutors entire case, because Thomas repeatedly  
23 told the jury there were no other suspects to this case.

24 96) Thomas's statement with regards to the watchpin keeper  
25 (RT596:3-8)" What about the watch band pin? That's [important] because  
26 look where it is. It's above her right side. It's like if somebody  
27 were to hold their hand--if a male were to hold their  
hand, and she was struggling, she might have gotten the watchpin

o  
Amended 17



1 out. It was the [defendant's] watch in "  
THE KEEPER CAME FROM RIGHT HANDED PERSON, PLAINTIFF IS LEFT HANDED.

2 97)(RT647:26-28)"There was no evidence, and you didn't  
3 hear any evidence, linking anybody else to this crime except Mr.  
4 Yablonsky during this whole trial."

5 98)(RT648:26-649:5)"Let's say we did collect--there was  
6 fingerprints, and you didn't [hear] any evidence, but let's say there  
7 was evidence that fingerprints were collected, and it came back  
8 to Mr. Yablonsky." What would his excuse be? Of course Mr. Yablonsky  
9 was in the house at [some] point, but that fingerprint, that wouldn't  
10 tell us that he was in there that Friday night or Saturday morning."

11 99) Thomas withheld that evidence of the fingerprint report  
12 because it would have indicated that plaintiff was not in the home  
13 in the last days of the crime and would have left the jury with  
14 the facts that not just one, but both forensics experts cleared  
15 the DNA of plaintiff to have been there for no less than one and  
16 a half days to several days before the murder occurred. Exculpating  
17 plaintiff, AND INCUHPATING JOSEPH SAUNDERS. HIS PRINT WAS LOCATED AT SCENE.

18 100) Instead Thomas had his lead investigator lie to the  
19 courts about its existence and content. "BRADY VIOLATION"

20 101)) There are only two sets of prints located on this  
21 crime scene, and neither of them belonged to plaintiff, exculpating  
22 plaintiff, and inculpating the man's prints found along with the  
23 victim's prints. These prints could have produced DNA profiles as  
24 well, FOR JOSEPH SAUNDERS.

25 102) Thomas played to the jury transcripts from the inter-  
26 rogation, a set of Video which was played on the overhead screen,  
27 and Audio which was played over court speakers.

Amended 18)

1           111) Thomas withheld the DNA profile that was recovered  
2 from the cigarette butts that was located in the dining area,  
3 which did come back matching Randolphs on at least three of them,  
4 one of which too had victims DNA as well.

5           112) This location of DNA was found in an open area of  
6 the crime scene, and was located with only five other butts,  
7 came back matching Daryll Kramer and another. None of these butts  
8 matched plaintiffs DNA.

9           113) This other DNA profile would have indicated to the  
10 jury that there was someone else very recently at the residence,  
11 and did not belong to the plaintiff, whose DNA had been at the  
12 scene for longer than one full day before the crime ever took place.

13           114) The person who confessed was investigated, and an  
14 application for probable cause for arrest was filed and approved  
15 for the arrest of Gregory Randolph. Plaintiff asks this probable  
16 cause affidavit be released to plaintiff for examination.

17           115) That probable cause affidavit filed by Detective  
18 Palacios instigated an arrest of Gregory Randolph for the murder  
19 of Rita Cobb.

20           116) Thomas withheld this evidence from plaintiff, along  
21 with the arrest warrant leading the officers to arrest Randolph.

22           117) The appellate courts of the state inquired about  
23 this direction, regarding the confession, but because the evidence  
24 was withheld, their decision was biased, and insufficient based  
25 on the historical facts in this case.

26           118) The courts had instructed that they had evidence that  
27 Rita Cobb was not seen in a bar the night she was killed, but presented

Amended 20

1 103) The court recorded the times this recording was played  
2 to the jury, and the length of each play, showing that the jury  
3 heard one hour and fifty five minutes of this interrogation recording.

4 104) Thomas then placed onto the courts records a set  
5 of transcripts which was not played to the jury, a 113 page set  
6 of transcripts that was allegedly transcribed on November 2010.

7 105) Thomas had his detective testify that this states  
8 exhibit was accurate transcription from the actual recording, the  
9 113 page transcript (states exhibit 49A) with the states CD of  
10 the interrogation recording (states exhibit 49)

11 106) The exhibits placed onto the states records are  
12 not the transcript or CD placed onto the hearing for the jury  
13 to review or listen to. A DIFFERENT SET WAS PLACED ON RECORDS,

14 107) The actual interrogation lasted for THREE HOURS  
15 fourty eight minutes long and was conducted on audio recording,  
16 and camcorder recording.

17 108) Plaintiff will move this court for the actual trans-  
18 cript which was played to the jury, and the audio that was palyed  
19 along with it. The camcorder cassette to verify the authenticity  
20 of the transcript.

21 109) When reading the 113 page transcript the state placed  
22 onto the record, as exhibit 49 A, it takes OVER THE 55 MINUTES TO  
23 read it. In dicating what was played to the jury was less than the  
24 113 page version placed onto the records.

25 110) The states exhibit 49 does not match exhibit 49A  
26 by at least 23 pages, and answers were altered. Plaintiff asks that  
27 the transcript in it's odfiginal content be released to plaintiff

Amended 19

1 no evidence that was not perjurious that would support Rita did  
2 not do as she had said she did, violating plaintiffs right to confront  
3 witnesses against him. WHO WAS THIS WITNESS WHO TESTIFIED IN COURT  
OR WAS WITHHELD AGAINST COMPULSORY RIGHTS TO CONFRONT.  
4 119) Thomas withheld all the different statements made  
5 by witnesses Bruce Nash, and John Sullivan, and plaintiff asks  
6 this court to order their release as well, along with  
7 any written agreements for testimony of John Sullivan who gave  
8 catastrophic testimony, and then admitted to being coached, after  
9 his testimony was nothing like any of the other witnesses, was  
10 not supported by anyone else, and is nothing like his initial statement  
11 to the police in 1985, just a days after the crime. when his memory  
12 would have been fresh, and rememberable.

13  
14 120) Thomas withheld a desk blotter that had been determined  
15 had plaintiff's DNA located on it, but this determination was done  
16 twenty five years before the case was tried, and forensics had  
17 become more reliable since. This blotter would have had at least  
18 three different DNA's located on it, if it did in fact have plaintiffs  
19 DNA at all. It was discussed about in the trial but never presented  
20 or revealed to plaintiff.

21 121) This piece of evidence was very crucial to the last  
22 time plaintiff had been with Rita, because that occurrence had yet  
23 another woman who participated in the acts where plaintiffs DNA  
24 would have been placed, placing her DNA as well. The expert that  
25 testified about this evidence could not nor did she state that  
26 the other DNA located on this item was for certain only  
27 Rita's and plaintiff. There was no forensics analysis to this degree  
and assumptions were all that stood. Assumptions are not evidence.

1 MOTION REQUESTING RELEASE OF EVIDENCE IN SUPPORT THEREOF  
2 FIRST AMENDED COMPLAINT

3  
4 UNITED STATES DISTRICT COURT  
5 CENTRAL DISTRICT OF CALIFORNIA

6 John Henry Yablonsky,  
7 Plaintiff,

EDCV 15-00197-PA(DTB)

8 vs.

REQUESTING EVIDENCE OF STATE

9 Michael Ramos,  
10 et al  
11 Defendant/s

DDA Thomas 42 U.S.C. §1983

D.A.'s Office v. Osborne, 557 US 52 (2009)  
The Honorable Tomberlin 42 USC §1983

12 Plaintiff has filed civil rights complaint under  
13 42 U.S.C. §1983 naming several defendants, to include DDA Thomas.

14 The courts have ordered an amended complaint [First  
15 Amended Complaint[] should plaintiff choose to .

16 Defendant Thomas had withheld evidence from the trial,  
17 plaintiff, and the Appeal Courts regarding this case in chief  
18 of prosecutions in case number #FVI900518.

19 The Ninth Circuit with Bracy and Harris, accordingly has  
20 held repeatedly that habeas discovery is appropriate in cases where  
21 the discovery sought only might provide support for a claim.  
22 This motion comes when an absolute miscarriage of justice occurs,  
23 and an innocent person is convicted because of the lack of withheld  
24 evidences and their values in the habeas. Miscarriage of Justice  
25 is supported by the United States Constitutions Fifth and Fourteenth  
26 Amendment. Actual innocence. Edwards v. Sisto, 2009 U.S. Dist. Lexis  
27 18991.;

Amended 21

1 Clifton v. Cline, 2009 U.S. Dist. Lexis 7847, The entire action is  
2 based on the Ninth Circuit case Osborne v. District Attorney off.,  
3 521 f.3d 1118((th.cir.2008) for which Supreme Court granted certiorari  
4 on November 3, 2008: see District Attorney's Office v. Osborne, 129  
5 S.Ct. 488(2008) In Osborne Ninth Circuit found that under facts  
6 of Osborne, plaintiff could bring action under 1983 based on Due  
7 Process right to post conviction access to potentially exculpatory  
8 evidence, Osborne, 521 f.3d at 1122.

9 In setting the standard for required DNA evidence to be  
10 turned over to post conviction challenges. Anthony W. Ishii, Chief  
11 U.S. Dist. Judge. Osborne v. Dist. Attorney office (9th.cir.2008) 521  
12 f.3d 1118, 1113; Pham v. Terhune, 400 f3d 740(9th.cir.2005); Jones v.  
13 Wood, 114 f3d 1002(9th.cir.1997)

14 **The evidences requested and applications**

15 **A. ~~THE~~ DNA RESULT FROM THE WATCH-PIN KEEPER**

16 Here the prosecutor presented evidence of the actual killing  
17 which established that a watchpin keeper was broken from the band  
18 of the person who killed the victim Rita Cobb (Cobb).

19 DDA Thomas (Thomas) presented this as credible and reliable evidence  
20 to the jury during the trial, as proof of the actual struggle she  
21 had endured from the killer. The prosecutor then supported his  
22 evidence, by saying that Cobb had had her watchpin on when the  
23 scene was processed, and that her watch was not broken, and both  
24 pines were still there. The value of this keeper which was supported  
25 by that states expert who said DNA could be collected from this  
26 kind of evidence.

27  
Amended 22

1 Defendant Thomas in this case withheld the DNA profile  
2 that was collected from this item, and did not disclose its value  
3 to the jury, prejudicing the plaintiffs right to an impartial jury.

4  
5 **DECLARATORY AND INJUNCTIVE RELIEF REQUESTED**

6 i. Release the states testing result of this item photograph  
7 # 53 states exhibit item A15 (watch band keeper) Tag#B67999, *OR AND*

8 ii. Release the DNA profile that was generated by this same  
9 item, determining whether that profile matched plaintiffs John  
10 Yablonsky, *OR AND*

11 iii. Or, admit that it does not belong to plaintiff in  
12 a declaratory statement, *OR AND*

13 iv. Release this item for expert analysis, and fund the  
14 examinations by an impartial laboratory.

15  
16 **B. THE RED HAIR WITH THE ROOT BULB ATTACHED**

17 Here the prosecutor withheld evidence of the existence  
18 of this exculpatory evidence from the jury in violation of plaintiffs  
19 right to an impartial jury. The item did not belong to the victim,  
20 and did not belong to plaintiff either, and was collected from  
21 the victim's area, states evidence item ~~81~~ A5 Tag#B67999.

22  
23 **DECLARATORY AND INJUNCTIVE RELIEF REQUESTED**

24 I. Release the forensics results of this evidence that  
25 was generated for this same item, determining whether that profile  
26 matched plaintiff Yablonsky, *OR AND*

27 ii. Release the DNA profile that was generated by this  
same item logged under [Comparison between 44452 and 44659 0 hairs, *OR*  
*AND*.

Amended 23

1           iii.Or, admit that this item does not belong to plaintiff  
2    i) a declaratory statement, *OR AND*

3           iv. Release this item for expert analysis, and fund the  
4    examinations by an impartial laboratory. *i*

5  
6           C. THE FINGERPRINT REPORT FROM THIS CRIME SCENE

7           This defendant objected on hearsay standards of the content  
8    for this report that was created by state officials at the time  
9    of investigations, and does implicate there were prints found.  
10   The report was withheld from the records because of an erroneous  
11   objection, while under state and federal rules of evidence deem  
12   this report as an exception to the hearsay standards.

13           DECLARATORY AND INJUNCTIVE RELIEF REQUESTED

14           i. Release this item of report that was created from the  
15   crime scene the day of or after the crime was reported, and stored  
16   in a government facility for storage, *OR AND*

17           ii. Admit it's content does not contain the latent prints  
18   of plaintiff, and does contain only two prints that were weadable,  
19   one of Rita Cobb, and one of Joseph Saunders. *OR, AND*

20           iii. Admit that Detective Alexander mispoke when he stated  
21   that he was not sure the report had been developed, and that this  
22   evidence was in fact an exception to the state and federal hearsay  
23   standards, *OR AND*

24           iv. Admit that this item was egregiously not, placed onto  
25   the records from the state for appellate review,

26    "

27    "

Amended 24



**B. ACTUAL TRANSCRIPT RECORDING PLAYED THE JURY**

1 The defendant placed onto the records as exhibit 49A (one  
2 113 page transcript of the interrogation) which was then played  
3 to the jury as accurate by his lead investigator Alexander, and  
4 lasted only one hour and fifty five minutes. The recording and  
5 transcript presented to the jury was different than the recording  
6 placed onto the records. The defendant then placed onto the records  
7 as exhibit 49A, a different version of the interrogation transcript.  
8 Defendant then placed onto the records as exhibit 49 (The CD disc  
9 of the interrogation recording) (A CD disc) which was sworn to be  
10 accurate by detective Alexander during trial before the jury heard  
11 the interrogation.

12 Neither exhibit 49 or 49A which was placed onto the states  
13 records are what was played to the jury. The interrogation last  
14 for three hours and forty eight minutes, what the jury heard was  
15 one hour and fifty five minutes. States exhibit 49A (113 page) does  
16 indicate that there are answers that were altered, indicating  
17 culpability factors, and answers were separated from one party  
18 to more than one, indicating this evidence had been fabricated  
19 and then presented the jury.

**DECLARATORY AND INJUNCTIVE RELIEF REQUESTED**

21 I. Release the transcripts that were played to the jury,  
22 as such that they can be verified through deposition as accurate  
23 by the jury that they are what the jury was oplayed. *OR AND*

24 ii. Admit that the recording played to the jury is different  
25 than the evidence placed onto the records as exhibit 49 and 49A  
26 in a declaratory statement, *OR AND*  
27

Amended 25

1           iii. Provide a declaration that detective Alexander falsely  
2 authenticated this evidence before it was played to the jury in  
3 a declaration statement.

4

5           E. DNA ANALYSIS FROM CIGARETTE BUTTS IN ASHTRAY/  
6 PROBABLE CAUSE AFFIDAVITS AND ARREST WARRANT OF  
7 GREGORY RANDOLPH (Code name William Backhoff)

8           There was evidence collected from this crime scene  
9 that was processed and forensics analysis was conducted with regards  
10 to three cigarette butts located in an ashtray on the dining table  
11 of the Cobbresidence. These butts had been processed with positive  
12 results that indicated Randolph/Backhoff had been one of the last  
13 persons in this residence, and contrary to his last known statements  
14 to police that he had not been at the residence for [weeks] before  
15 the murder. The results of this evidence was withheld from the jury  
16 while a separate photograph had been shown of a overflowing ashtray.

17           The results of this analysis was exculpatory for the plaintiff  
18 and does implicate Gregory Randolph's confession more credible  
19 than not.

20           DECLARATORY AND INJUNCTIVE RELIEF REQUESTED

21           I. Release the DNA profile from this examination, and  
22 the photographs from the crime scene showing this tray to have  
23 only had a few butts in it, and was and Randolph's was collected  
24 from that tray. *OR AND*

25           ii. Release the sworn affidavit of officer Palacios or  
26 other officer for the arrest of Gregory Randolph, code name William  
27 Backhoff. *Warrant. OR AND*

28           iii. -Admit this evidence was withheld from the jury in a  
29 sworn declarations statement. *OR AND*

Amended 26

1 F. THE EVIDENCE OR HEARSAY STANDARDS THAT SUPPORTED THE OBJECTION

2 The defendant's Thomas and Judge Tomberlin(Tomberlin)  
3 (defendants)entered an objection under hearsay, and the court supported  
4 this standard which prevented plaintiff from right to confront  
5 compulsory witnesses.The witness was Bruce Nash, who was the last  
6 known operson to spe~~ak~~ with the victim Cobb.

7 That st;atement occured around 9;45 p.m. on Friday 24,1985  
8 just as she was leaving to Sullivan drinking party. She had told  
9 Nash that she did not want him to give her a ride home, that she  
10 was going to go to a bar instead.The prosecutor during trial indicated  
11 this witnesses answer as hearsay, against all state and fedederal  
12 rules of evidence and entered an objection anyways. This right  
13 to confront interfered with probing needs by the defense, since  
14 the last known words befor eh she was killed are relevant and material  
15 to the k historuical facts of the case.The courts then entered  
16 the arguements on this and indicated that they had [witnesses]  
17 that would testify that what she said was not what she had done,  
18 and that she was not seen in[a] bar the nite she was killed after  
19 11;45 p.m. The plaintiffs attorney had had two witnesses that were  
20 readyt to testify they had in fact seen her in the Moose loge that  
21 night, and one was willing to testify she had been seen at the  
22 Zodiac Lounge in a fight with a male that same noight.

23 DECLARATORY AND INJUNCTIVE RELIF REQUESTED

24 i. Release the evidence that was to be played or testified  
25 to the jury to support for the objection of hearsay, *OR AND*

26 ii. Provide the standards that were used to interfere  
27 with plaintiffs right to confront. *OR AND*

Amended 27

1           iii. Admit in a declaratory statement that the standard used  
2 was the improper standard, and that this evidence should have been  
3 allowed into the trial, prejudicing plaintiffs right to a fair  
4 trial, and impartial jury.

5  
6           G. ALL WITHELD STATEMENTS BY NASH AND SULLIVAN

7           Defendant Thomas presented witnesses that had been inter-  
8 viewed several times, and the statements of bothj of these witnesses  
9 were alike in the 1985 statements. Nash told the detectives that  
10 he had left the party of Sullivan's around 9:45 p.m. after his  
11 friend John had fallen asleep. He then told the detectives that  
12 he noticed that Rita Cobb (the victim) had been more drunk than  
13 usual, and offered her a ride home, but that she refused his offer, sayi  
14 saying " That she intended on going to a bar, possibly the Zodiac  
15 Lounge." In Nash' statement to police in 2009, was that he re-stated  
16 the same events, and the officers Alexander and Myler recorded  
17 that he left at 9;45 p.m. and that Rita had told him she was going  
18 to go to a bar, possibly the Zodiac. That he did not give the ride.

19           Sullivan's statement in 1985 had been that he had fallen  
20 asleep around 9;30 after he and Rita had drank some white lightning.

21 Which was identical to [al] other statements, that he had fallen  
22 asleep, (Francesca Drake) (Cynthia Nash) (Bruce Nash).

23 In 2009 Sullivan had said he had now [remembered] that he had not  
24 been asleep and that he personally witnessed Nash giving Rita the  
25 ride home, while Cynthia followed in their [pinto].

26 These second sets of statements were not available until after  
27 the trial, and support subornation of perjury, since the prosecutor

1 had not utilized them when he presented the [police reports] to  
2 Nash and Sullivan in trial just before they testified.

3           What makes these reports so valuable, are that all witnesses  
4 and testimony, and reports produced onto the record, indicate that  
5 Rita had left the party at 11:45 p.m. that Friday nite, two hours  
6 after Nash had left, and Sullivan had fallen asleep. Making Nash  
7 and Sullivans testimony in court meet the criteria of perjury, because  
8 if Nash left at 9:45 and Rita left at 11:45, it would be impossible  
9 for Sullivan to have seen Nash do anything other than leave the  
10 party, and both Nash and Francesca provided testimony and reports  
11 that do indicate Sullivans testimony as false. Since Sullivan had  
12 admitted he was coached the Friday before testifying, it would  
13 appear his altered recollection was at the influence of Thomas  
14 and Alexander.

15           DECLARATORY AND INJUNCTIVE RELIEF REQUESTED

16           i. Release the police reports that were generated by all  
17 of the interviews with Sullivan and Nash. *OR AND*

18           ii. Release the standards and authority that makes Nash's  
19 statement in trail [hearsay]. *OR AND*

20           iii. Release the compensation to Sullivan for his altered  
21 recollection of the facts reports or records. *OR AND*

22           iv. Release the records of phone contacts with these witnesses  
23 by any and all agencies with regards to this case, and any other  
24 case that is directly related. *OR AND*

25           v. Admit in written statements of declaration that these  
26 witnesses had given altered statements in comparison to their other  
27 statements.

Amended 29

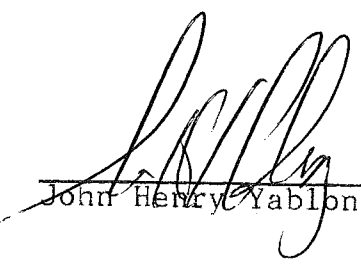
1 It is requested of this court, under Bracy, Harris, and  
2 Edwards v.Sisto,2009 U.S. Dist.Lexis 18991;D.A.'s Office v. Osborne,  
3 557 U.S.52(2009) That these request are being made, and are except-  
4 ions to the Heck standards for immunities.Community Housing,inc.  
5 v. City of Boise,623 f.3d 945(9th.cir.2010);Global v. Maricopa  
6 County,867 f.2d 1201,n.6 (9th.cirt.1989)Colecting cases,American  
7 Fire Inc. v. Gillespæe,932 f2d 816(9th.cir.1991);Fry v.Melar.,939  
8 f2d 833(9th.cir.1991);Hydrick v. Hunter,466 f3d 676 (9th.citr.2006);  
9 Pulliman v. Allen,466 U.S.522,104 s.ct. 1970)(1984).

10 PRAYER

11 Plaintiff moved this court under section 42 U.S.C.§1983  
12 that these parties DDA Thomas, and Judge John Tomberlin be ordered  
13 to release these evidences supporting plaintiff's habeas claim  
14 EDCV14-01877-PA(DTB).That these parties be ordered to provide the  
15 labratory expenses for these evidences, should they fail to releaes  
16 the results of these exculpating materials.  
17 Defendants are being moved under their individual and official  
18 capacity for declaratory and injunctive relief [only].

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Date-- 3/18/15

  
\_\_\_\_\_  
John Henry Yablonsky

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

4 FIRST AMENDED COMPLAINT

5  
6  
7 IN THE UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA

9 John Henry Yablonsky,  
10 Plaintiff,

EDCV 15-00198-PA(DTB)

11 vs.

AUTHORITY UNDER SECTION § 1983  
INDICATED BY CIVIL RIGHTS ACTIONS

12 Michael Ramos, et al.  
13 Defendant,

The honorable magistrate D. Bristow

14  
15 Petitioner has the right to redress under section 1983  
16 for crimes that occurred against his rights under the United States  
17 Constitution. A search and seizure of evidence which fails to con-  
18 form to fourth amendments standards may give rise to an action  
19 under section 1983<sup>2</sup>. Addressing the validity of the section 1983  
20 action, the court found it clear that, assuming the arrests were  
21 valid, the searches had exceeded the legitimate parameters of a  
22 search incident to arrest<sup>3</sup>. While argueably there was probable cause  
23 to arrest those present, the court was persuaded that the arrest  
24 here in question were improperly motivated, undertaking noit in  
25 furtherance of good faith law enforcement because of their political  
26 beliefs. and thus the arrests were illegal.

26 <sup>2</sup>) Wolfenbarger v. Williams, 774 F.2d (10th.c.1985) cer.den., 457 U.S.1065(1986)  
Cuevas v. DeRoco, 531 F.3d 726(9th.c.2009)

27 <sup>3</sup>) Chimel v. California, 395 U.S.89 s.ct.2034 1.ed.2d 685(1969)

1983(1)  
Amended 31



1 Courts have recognized a cause of action under 1983 for  
2 obtaining an incriminating statement in violation of the constitution  
3 rights of the accused<sup>2</sup>. A fractured decision of the Supreme court  
4 in Chavez v. Martinez, 538 U.S. 760 (2003) indicates that for such  
5 a result to obtain, the incriminating evidence [must] have been  
6 presented to prejudice the accused. Chavez involved an interrogation  
7 of a suspect without compliance with miranda warnings, but without  
8 subsequent use of the statement thereby obtained.

9 Justice Thomas, speaking for himself and three justices,  
10 with two additional justices concurring in the judgment, held that  
11 so long as the evidence was not used, the individual had not been  
12 compelled in any criminal case to be witness against himself, and  
13 hence no constitutional deprivation had occurred<sup>3</sup>.

14 Numerous lower courts decisions hold that officers may  
15 not be held civilly liable for failing to give suspect proper miranda  
16 warnings. And the facts that an officer lied to the accused in  
17 telling him that his statement would remain confidential has been  
18 held not to support section 1983 action.

19 More compelling argument for liability may present if  
20 officers have fabricated an incriminating statement attributed

21 2) Cooper v. Dupnik, 953 f2d 1220 (9th.c.) cer.den., 506 U.S. 953 (1992)

22 California attorney's for criminal justice v. Butts, 195 f3d 1039 (9th.ci.1999)  
23 cer.den. 530 U.S. 1261 (2000); Stoot v. City of Everett, 582 f2d 910 (9th.c.2009)  
24 cer.den. 130 s.ct. 2343 (2010); see Fox v. Hayes, 600 f3d 819 (7th.c.2010) (interr-  
25 ogation tactics may shock the conscience of the court)

26 3) United States Constitution, V Amendment  
27

1983(2)

Amended 32





1 to the accused<sup>2</sup>. In Ricciuti v. New York Transit Authjorities,124 f3d 123  
2 (2nd.c.1997),plaintiffs Daniel Ricciuti and his nephew Alfred Ricciuti  
3 were arrested for assault based on a street fight outside Yankee  
4 Stadium. The other party to the affray was defendant Harlice Watson,  
5 a Nwe York City Corrections officer, whose identity apparently  
6 was not revealed until. he displayed his badge.The seconde defendant  
7 Henry Lopez,a New York Transit Authority police officer,who arrested  
8 Daniel Ricciuti at the beheat of Watson. Daniel protested his uncles  
9 innocence and eventually was also arrested.

10 Among the claims brought by plaintiff in the section  
11 1983 action was a racist and inflamatory statements attributed  
12 to Alfred Ricciuti on a memorandum prepard by defendant lieutenant  
13 Robert Wheeler<sup>3</sup>. The plaintiff maintained that the statement was  
14 fabricated, and that at no time did Alfred Ricciuti utter any racial  
15 epêthets. Ultimately,all charges against Ricciuti were dismissed.

16 The defendants argue that so long as there was probable  
17 cause for the arrest the fabrication of the evidence was irrelevant.  
18 The Court of Appeals for the second Circuit emphatically rejected  
19 the arguement.

---

20 2)see comment,Compensating Victims of Police-Fabricated confessions,70 U.Chi  
21 Rev.1119(2003)  
22 3)ld at 125;[Alfred Ricciuti ] states that I was walking down the street and  
23 I bumped into this nigger,I said I was sorry but i was a little drunk and I  
24 don't back down froom anybody"I hit the man and the man pounched me back so I  
25 hit this guy again andf the man hits me back and knocks me down" "Nobody knocks  
26 me down like that and gets away with it....."

1 No arrest, no matter how lawful or objectively reasonable  
2 gives an arresting officer or his fellow licensed  
3 to deliberately manufacture false evidence against an arrestee  
4 To hold that police officers, having lawfully arrested suspect,  
5 are then free to fabricate false confessions at will  
6 would make a mockery of the notion that Americans  
7 enjoy the protections of due process of the law and  
8 fundamentally justice, 124 F.3d at 130.

9 The court concluded that such action violated the constitutional  
10 right to a fair trial and was redressable under section 1983<sup>2</sup>.

11 One federal district court has concluded the Ricciuti  
12 was wrongly decided, because the right to a fair trial was not denied  
13 since the charges were dismissed. "The most that can be said, the  
14 court reasoned in Hennick v. Bowling, 115 F. Supp. 2d 2204 (W.D. Wash. 2000)  
15 is that the false confession had the 'potential' to, but did not  
16 impinge on plaintiffs constitutionally protected rights. Id. at  
17 1209. Hence, the court found no basis for section 1983 claim.

18 The result may be consistent with later decisions of the  
19 Supreme Court in Chavez v. Martinez that no violation of the privilege  
20 against self incrimination occurs and until the incriminating statements  
21 of the accused are used against him. An egregious violation of the  
22 due process clause may be distinguished.

23 In Ricciuti, the statement attributed to the plaintiff  
24 to the bringing more serious charges.

25 @) In a subsequent trial following a remand, however the plaintiff  
26 factual claims were rejected by a jury, and the court ruled in  
27 any event the plaintiff would be entitled to no more than nominal  
damages. Ricciuti v. N.Y.C. Transit Auth., 70 F. Supp. 2d (S.D. N.Y. 1999)

1983(4)  
Amended 34



1 and was described by the courts arguably involving conspiracy  
2 among the officers. This would appear to raise larger constitutional  
3 concerns than simply the potential introduction of tainted evidence<sup>2</sup>.

4 Prosecution availability of section 1983 action for malicious  
5 prosecution was addressable by the Supreme Court in *Albright v.*  
6 *Oliver*, 510 US 266, 114 S.Ct. 807, 127 L.Ed.2d 114 (1994).  
7 Since the decision in *Albright*, some lower courts have declined  
8 to recognize an action may lie if the circumstances involved were  
9 particularly egregious<sup>3</sup>. Still others have approved section 1983  
10 actions provided that the claim has alleged and proven seizure.  
11 A cause of action for malicious prosecutions has also sustained  
12 where charges were brought against claimant in retaliation for  
13 exercising a first amendment right. For example, in *Castillano v.*  
14 *Ragoza*, 353 F.3d 939 (9th Cir. 2004) cert. den. 543 U.S. 808 (2004) The court  
15 of Appeals for the fifth circuit, while dismissing a claim based  
16 on malicious prosecutions in light of *Albright*, never the less concludes  
17 that the complaint's contention that the manufacturing of evidence  
18 and knowing use of perjured testimony attributed the state is a  
19 violation of due process is correct<sup>4</sup>.

20 When the complaint alleges more than mere abuse in the  
21 decision to prosecute, presumably *Albright* presents a barrier. For  
22 example in *King v. Goldsmith*, 323 F.Supp.325 (N.D. Ohio, aff'd 431  
23 Fed.Appx.350 (5th Cir. 2011))

24 2) 124 F.3d at 130

25 3) *Esmail v. Macrane*, 53 F.3d 176 (7th Cir. 1999); *Cameron v. City of*  
26 *New York*, 598 F.3d 50 (2nd Cir. 2010); *Hogue v. City of Fort Wayne*, 559  
27 F.Supp.2d 1009 (N.D. Ind. 2009)

4) Id at 958. The case was remanded for consideration of immunity.  
1983(5)

Amended 36



1 a pre-Albright decision, the Court of Appeals for the seventh  
2 circuit held that under 1983 would lie for the procurement of a  
3 conviction by altering the transcripts of a tape recording without  
4 withholding exculpatory evidence, and suborning perjury<sup>5</sup>. The fabric-  
5 ation of evidence may form the basis for a malicious prosecution  
6 claim<sup>6</sup>.

7 Even when a malicious prosecution is proven or assumed,  
8 the plaintiff must establish a causal relationship between the  
9 decisions and the resulting injury, In *Marytin v. New York*, 793 f.supp.  
10 2d 583(S.D.N.Y.2011) the plaintiff was arrested for possession  
11 of a loaded firearm, arraignment, and when unable to post bond, remanded  
12 to a correctional facility. While incarcerated, he was assaulted  
13 by another inmate who held a grudge against plaintiff. Later the  
14 charges for which he had been arrested were dismissed. The plaintiff  
15 contended in his section 1983 action that a malicious prosecution  
16 had been commenced against him based on false or misleading informa-  
17 tion. The defendant moved for summary judgment and the court assumed  
18 for purposes of the motion that plaintiff could succeed in establishing  
19 the malicious prosecution claim.<sup>7</sup>

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20 4)Id at 958. The case was  
21 5)see also *Harris v. Bornhurst*, 513 f.3d 503(6th.c.) cert.den.128 sa.ct.239(2008);  
22 *Taylor v. Hansen*, 731 f.supp.2d 71(N.D.N.Y.1990)  
23 6)*Williams v. City of Boston*, 771 f.supp.2d 190(D.Mass.2011)  
24 7)The law instructs that each point along this chain constitutes  
25 a possible superceding event insulating a prior actor from liability.  
26 ;  
27

1 Assistance of counsel, the wrongful denial of the assistance  
2 of counsel has been held to give rise to an actual action under  
3 section 1983<sup>8</sup>. Furtherance, the denial of appointed counsel to  
4 those qualified has been held actionable. In *Cinelli v. City of*  
5 *Revere*, 820 f.2d 474(1st.c.) cer.den., 458 U.S.1037(1988), The Court  
6 of Appeal for the first circuit held that a viable claim might  
7 rise if plaintiff could show that his criminal trial was prejudiced  
8 by the divulgence of the defendants strategy during interrogation  
9 at which he had wrongfully denied the presence of counsel.<sup>9</sup>

10 There is no constitutional right to post conviction  
11 counsel including for death sentence inmates<sup>10</sup>. The right to employ  
12 a particular attorney is not, however absolute. In *Davis v. Stalmer*, 650  
13 f.2d 477(3rd.c.1981) the court of appeal for the third circuit held  
14 that the state court had properly denied plaintiff's use of a  
15 particular defense counsel because of the prior involvement to  
16 governments in related matters.

17 In intrusions into attorney client relationship by use of  
18 an undercover agent may constitute a violation of the right to  
19 counsel<sup>11</sup>. Frustrating the ability of an accused to consult with  
20 counsel may give rise to a cause of action<sup>12</sup>.

---

21 8) *Daivids v. Turner*, 197 f2d 847(5th.c.1952); *United States ex rel. Brozowski v.*  
22 *Randall*. 281 f.supp.306(F.D.Pa.1969)

23 9) *French v. Adams County Detention Center*, 379 f3d 1158(10th.c.2004); *Bramlett*  
24 *v. Peterson*, 307 f.supp.1311M.D.Fla.1969)

25 10) *Barbour v. Haley*, 471 f3d 1222(11th.c.2006) cer.den. 127 s.ct.2996(2007)

26 11) *Greater Newburyport Clamshell Alliance v. Public serv.comm'n of N.H.*, 838  
26 f2d 13(1st.cir.1988)

27 12) *Lewis v. Brau*, 227 f2d 124(5th.cir. 1955)



1 [B]y choosing to represent a client in court, the attorney assumed  
2 the role that is in absolute conflict with exercising free speech. For example, see  
3 the attorney is bound by his voluntary relationship to make  
4 only arguments that benefit of his client, regardless of what  
5 the attorney himself might like to say<sup>13</sup>.

6 The court distinguished Legal Services Corporation  
7 v. Velesquez, 531 U.S. 533 (2001) in which the Supreme Court had  
8 vindicated THE FIRST AMENDMENT rights of indigent clients to have  
9 their arguments heard. In dissenting opinion, Circuit Court Judge Moore  
10 emphatically disagreed with the holding that an attorney retains  
11 no personal first amendment rights when representing clients.

12 The denial of a fair trial may give rise to action under  
13 1983. Thus, the accused is entitled to a distinguished disinterested  
14 and impartial judge to hear his case<sup>14</sup>. The denial of a speedy  
15 trial has also been held actionable<sup>15</sup>. But the failures or arresting  
16 officer to appear in court on two occasions has not been held  
17 not to deny an accused access to the courts. Also, the appearance  
18 of the accused in trial in shackles has been held not to deprive  
19 a fair trial.

20 Events which potentially taint the accuracy of the facts'  
21 finding process may give rise to a viable section 1983 claim.

22 13) Id at 719 "Mezibov was not engaged in free speech expressions, he was simply  
23 doing his job. In that narrow capacity, he voluntarily accepted almost uncondit-  
24 ionalk restraints on his personal speech rights. Since his sole reason d'etre  
25 was to vindicate his client's rights. Id at 720

26 14) Rose v. Village of Peninsula, 839 f. supp. 517 (N.D. Ohio 1993)

27 15) Blake v. Katter, 671 f2d 677 (7th. cir. 1982)



1           Such may be the result if a state official thwarts the  
2 ability of defense counsel to interview witnesses<sup>16</sup>, exculpatory  
3 evidence is withheld<sup>17</sup>, or perjured testimony is knowingly used.<sup>18</sup>

4           At least one court has implicated and recognized that section  
5 1983 action may be based on the denial of the Sixth Amendment right  
6 to compulsory process<sup>19</sup>. Sections 1983 may also be employed to secure  
7 DNA evidence for post judgement testing<sup>20</sup>.

8           The act of the court reporter deliberately altering the  
9 trial transcript of plaintiff trial in an effort to "water down"  
10 the Allen charge given the jury was actionable in *Odom v. Wilson*  
11 517 f.supp.474(S.D.Ohio1981)

12           Here elements of section 1983 claim must be determined  
13 according to the applications of,

- 14 A) The plaintiff is a citizen of the United States or injury occurred  
15 within the jurisdiction,  
16 B) The injury occurred depends on some right or guarantee by  
17 the United States Constitution.

18 16) *Coppolino v. Helpern*, 266 f.supp.930(S.D.N.Y.1967)

19 17) *Tennison v. City and County of San Francisco*, 570 f3d 1078(9th.c.2009); *Newsome*  
20 *v. James*, 963 f.supp.1318(N.D.Ill.1990).

21 18) *Kauffman v. Moss*, 517 f3d 1232(11th.cir.2008) 400 U.S. 846(1970)

22 19) *Kjellsen v. Mills* 517 f3d 1232 (11th.cir.2008)

23 20) *Garcia v. Sanchez*. 793 f.supp.866(W.D.TEX) order aff'd 431 fed appx.350(5th  
24 cir.2011);

25 21) *Alvarez v. Wilson*, 431 f.supp 136(N.D.Ill 1977)(Conspiracy to interfere with  
26 civil rights)

27 22) *Byrd v. Local Union no, 24*, 375 f.supp.545(D.MO.1974)(it is essential that  
28 plaintiff prove an agreement to inflict a wrong upon plaintiff.

1983(9)

Amended 39



1 C) This deprivation of rights caused the plaintiff injuries.

2 D)The defendants acted under the cloth of colorable status.

3  
4 INTENT

5 Section 1983 imposes no particular requirement of intent  
6 with regards to the alleged deprivation of Constitutional Rights,  
7 Davidson v. Cannon, 474 U.S. 344 (1985).

8 However, in proving the violations of underlying rights  
9 and depending on the nature of the rights involved, an allegation  
10 that the deprived was caused by mere or simple negligence may  
11 be sufficient to state a claim. Wagar v. Hasenkrug, 486 F. Supp. 47,  
12 50 -53 (D. Mont, 1980).

13  
14 RELEVANCE OF OFFICIALS SUBJECTED STATE OF MIND

15  
16 KNOWLEDGE OF LAW

17 In the first, in Harlow itself, the court recognized  
18 an exception to its own otherwise test of qualified immunity.  
19 If the law was clearly established, the immunity defense ordinarily  
20 should fail since the reasonably competent public official should  
21 know the law in his government position and the conditions of his  
22 positions requirements.

23 Nevertheless, if the official pleading the defense claims  
24 extraordinary circumstances and can prove that he neither knew  
25 or should have known of relevant standards, defense should be sustained  
26 (Quoting) 457 U.S. at 818-19.

27  
Amended 40



1 CONSTITUTIONAL VIOLATION REQUIRED PROOF OF AN IMPERMISSIBLE INTENT  
2 AND OR MOTIVE

3 Second, and even more importantly, certain constitutional  
4 violations require proof of an impermissible intent as an essential  
5 element of the claim. For example, the dismissal of a public employee  
6 may not be unconstitutional, depending on the reason for the employee's  
7 discharge or dismissal. Incompetence is perfectly constitutional  
8 but dismissal of a public employee in retaliation for her exer-  
9 cise of her First Amendment right just as clearly is unconstitutional.  
10 Crawford-El v. Britton, 523 U.S. 574 (1998)

11  
12 KNOWLEDGE OF FACTS

13 Finally, defense state of mind—that is, the knowledge  
14 he possesses at the time he acted, also may be relevant in assessing  
15 whether a [reasonable] public official could have believed the  
16 challenged conduct was ["Lawful"]. An apprehension of this principle  
17 however requires a more detailed consideration of the "Clearly  
18 Established" standards.

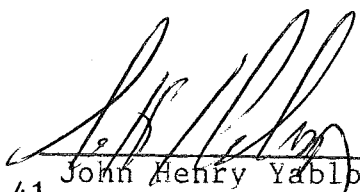
19 THE PARTIES IDENTIFIED IN THIS SUIT ACTED WITH KNOWLEDGE AND INTENT

20 The Honorable Judge John Tomberlin—Had knowledge and intent  
21 DDA John Thomas—Had knowledge and intent  
22 County District Attorney Michael Ramos—Had knowledge and intent  
23 Sheriff detective Robert Alexander—Had knowledge and intent  
24 Sheriff detective Greg Myler—Had knowledge and intent  
25 Deputy Public Defender David Sanders—Had knowledge and intent  
26 Sheriff deputy Captain Wickam—Had knowledge and intent

27 Date

3/18/15

Amended 41

  
John Henry Yablonsky

FIRST AMENDED COMPLAINT

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CLAIM ONE

( 5th Amendment, compulsory witness against self)  
(Plaintiff v. Robert Alexander, Greg Myler )  
(42 U.S.C. §1983 , Individual capacities)

122. The allegations in contained in paragraphs one through onehundred and twentyone, authorities indicated, inclusivley, are hereby incorporated by reference.

123. Defendant s Alexander and Myler interrogated plaintiff outside his constitutional interests outside the presence of his attorney and without Miranda waiver. On March 8, 2009.

124. Defendants with an arrest warrant that was issued on March 4, 2009 entered plaintiffs home to comply with the arrest warrant, and with intent, interrogattd plaintiff without mirandizing the suspect, and recorded this interrogation.

125.-Defendants intentionally and against mandatory requirements: interogated their suspect for which they invaded plaintiffs right to privacy under the fourth Amendment of the United States Constitution.

126.)Defendants acts were intentional and deliberate in thier colæctions of evidence from their suspectr, the plaintiff. Asking direct and manipulative questions regarding plaintiffs knowlege and involvemnt in a crime.

127. Defendants with conscious knowlege and deliberate intent interogated d plaintiff outside his constitutions, for the purpose of collecting evidence.

128. Defendants questions were suggestive, direct, and incriminating to plaintiffs interests, protected by his rights to be free

1           129. Defendant~~s~~ then presented this illegally collected  
2 evidence to the jury against plaintiffs right from compulsory and  
3 incriminating witness against himself. The Fifth Amendment of the  
4 United States Constitution.

5           130. The defendant approached plaintiffs residence on March  
6 8, 2009, and asked if they could question plaintiff.

7           131. Defendant arrived at the residence with other officers  
8 from different agencies, and identified themselves as officers  
9 from the San Bernardino sheriff;'s department.

10          -132. Defendants kept direct control of plaintiff movemnts  
11 in the house, assisted by other officers outside the residence,  
12 and the officers in the house.

13          133. Defendants did not leave when plaintiff asked them  
14 for their card to call them backj later after he had called someone  
15 to see if there was anything he could help them with.

16          134. Plaintiff was not allowed to leave the residence without  
17 the detectives right on his heels, just within reaching distance.

18          135. When plaintiff did exit the house there was at least  
19 one other officer visib;le at the front drive, gaurding the paremeter,  
20 while Alexande r remained withiond arms reach.

21          136. when plaintiff offered a non-custodial area to continue  
22 the questions, the corner cafe, his offer was denied, and was told  
23 he had to go to the police station.

24          137. In a locked facility, with a warrant for arrest in  
25 their poossession, the defendants continued to interrogated plaintiff  
26 for the remainder of the 3 hour and 45 minute interrogation.

27          138. Plaintiff not onee was Mirandized to any degree throughout

1 139. Both Robert Alexander and Greg Myler asked these question  
2 outside Miranda requirements, and against 4th Amendment rights  
3 of plaintiff, while their conduct and presence controlled plaintiffs  
4 movemments without Miranda.

5 140. Robert Alexander and Greg Myler presented this evidence  
6 to the plaintiffs attorney, and presented this evidence to the  
7 jury against his 5th Amendment right of compulsory of incriminating  
8 statements agaisnt himself.

9 RELIEF SOUGHT PRAYER

10  
11 Robert Alexander, in his individual capacity for violations to  
12 plaintiffs 5Th Amendment right of compulsory  
13 witness against himself, which was delêberate  
14 and intentional.

Monatory judgement

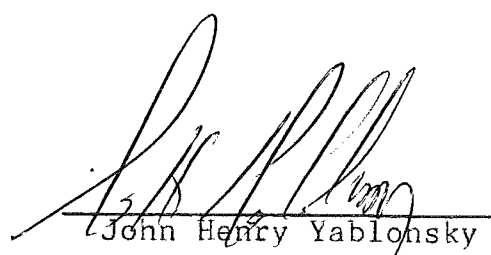
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15  
16  
17 Greg Myler, In his individual capacity for violations to  
18 plaintiffs 5th Amendment right of compulsory  
19 witness against himself, which was deliberate  
20 and intentional.

Monatory judgement

\$ 20,000,000.00

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25 Date 3/18/15

  
John Henry Yablonsky

FIRST AMENDED COMPLAINT

CLAIM TWO

6th Amendment right to counsel

(Plaintiff v. David Sanders)

(42 U.S.C. § 1983, individual capacity)

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141. The allegations contained in paragraphs 1 through 140, authorities indicated, inclusively, are hereby incorporated by reference.

142. Defendant David Sander was appointed as counsel for plaintiff, before trial, and was asked for the evidence to this case, for which plaintiff was charged.

143. Defendant discussed this case with plaintiff, and agreed on a sequence of investigations, which included DNA analysis and witness interviews, and evidence examinations.

144. Defendant Sanders released only 300 of the 4000 pages of the discovery plaintiff had requested, and told plaintiff this was all the evidence except for the DNA graphs for plaintiff's sample. This evidence was mailed on June 2009.

-145.) Defendant withheld the [thher] DNA graphs that were in this collection of evidences, and did not reveal to his client they existed.

146. Defendant discussed investigations for a hair, that was collected from the victim's body, but did not reveal that this hair was red in color, or that this hair had a root bulb fully intact.

147. Defendant released one set of interrogation transcripts, from the detectives who transcribed it, and the set was 113 pages in content. This evidence was only one of the several sets made.

Amended 45

1           148. Defendant did not reveal to the plaintiff that there  
2 were other sets of this interrogation when plaintiff told him  
3 that this set was very [innaccurate], and instead told the plaintiff  
4 that origuinal and verbatim sets would be used in trial.

5           149. Defendant was told answers were not correct, and  
6 that sections of this interrogation were missing by plaintiff,  
7 and defendant assured that verbatim transcripts wou;ld be used.

8           150. Plaintiff was lied to about the content that was  
9 to be used in trial, and defendant allowed the altered transcript  
10 where the answers had been switched from one to another, adn sections  
11 of the interrogation were missing altogether. Lying to his Client

12 cli       151. Defendant told the plaintiff that investigations had  
13 been completed and aksed plaintiff for approval to schedule trial,  
14 when the investigations had not been completed.

15           152. Defendant had written one motion, to recuse the District  
16 Attorney's office, and told the plaintiff that the mmotion would  
17 be writtne about the County District attorney's used of plaintiffs  
18 case in his campaign, but instead discussed the retaliation plaintiff  
19 experienced because of a suit by plaintiff, and not the use of  
20 the case, then failed to conduct his actions according to rules  
21 of court and professional conduct, failing to serve the Attorney  
22 General.

23           153. Defendant wrote a seperate motion for continuance,  
24 after he had already informed plaintiff investigations had been  
25 completed, and scheduled a           trial readiness hearing, but wrote  
26 this motion in another persons name and case number, but included  
27 facts about this case, and witsesse from this case, and instead

Amended 46

1 verbally correcting this error, allowed the motion for continuance  
2 to be rejected, forfeiting a critical point of the investigations  
3 of crucial states witnesses, and to cure his error, he announced  
4 trial readiness instead.

5           154. Defendant discussed this case with the plaintiff,  
6 and plaintiffs long standing relationship with the alleged victim,  
7 and even the last days they had been involved, and defendant discussed  
8 this with the prosecutor without advising his client, the plaintiff.

9           155. Defendant withheld evidence from plaintiff regarding  
10 this case until after the trial had been conducted, and could  
11 not keep hidden. Revealing that there was at least 4000 pages  
12 to this case, releasing only 1300 more pages, different pages  
13 that the first 113 pages, but not until the trial was over.

14           156. Defendant withheld the other sets of the interrogation  
15 transcripts, and other police reports until after the plaintiffs  
16 appeal process had ran it's course, preventing the plaintiff  
17 from identifying which exculpatory evidences actually existed.

18 i. Second police reports of Bruce Nash.

19 ii. Second police reports of John Sullivan

20 iii. Separate set of interrogation transcript the 136 page version.

21 iv. The witnesses statements that Rita Cobb was seen in a bar the  
22 night she was killed.

23 v. The confession report of Gregory Randolph.

24 vi. The arrest reports of Gregory Randolph, and DNA profile collected.

25 vii. The interrogation transcript of Gregory Randolph.

26 viii. The V.I.C.A.P. report for this and other like case Helen  
27 Brooks.

Amended 47

1 157. Defendant repeated lies to plaintiff prevented  
2 plaintiff from making competent and reliable decisions in his  
3 interest, and hid that defendant had not done any of the investig-  
4 ations he had said he would, or that he had did.

5 158. Defendant's actions forfeited plaintiff's rights carelessly  
6 and recklessly, against plaintiff's interests, and right to a fair  
7 trial, and right to an appeal by the state.

8 159. Defendant made numerous and critical decisions regarding  
9 this case, without discussing this case strategies to any degree.

10 160. Defendant had agreed that plaintiff would have to  
11 testify, and told plaintiff he needed to prepare plaintiff for  
12 the state stand, and procedures, but did not make any effort to  
13 fully advise his client of the process or consequences for this  
14 procedure.

15 161. When plaintiff right to access the courts, and been  
16 infringed by the county jail, this attorney forfeited plaintiff's  
17 rights to consult with him before the trial, and did not challenge  
18 this error.

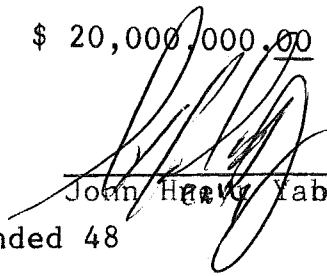
19 RELIEF SOUGHT AND PRAYER

20 David Sanders, In his individual capacity for violations to  
21 plaintiff rights under the 6th Amendment, which  
22 were reckless, incompetent, and in direct violation  
23 of state and federal rules of professional conduct.

24 Monetary Judgement

25 \$ 20,000,000.00

26 Date 3/18/15

27   
John Henry Jablonsky

Amended 48



FIRST AMENDED COMPLAINT

CLAIM THREE

( 1st Amendment right of access to the courts)

(Plaintiff v. Captain Wickam)  
(Facility Commander)

( 42 U.S.C.§ 1983,individual capacity)

162.The allegations in contained in paragraphs 1 through 161,authroities indicated, inclusively, are hereby incorporated by reference.

163.Plaintiff was housed in a county jail while being deteaind , and defendant was assigned as facility commander, between March 2009 and March 2012, related to this claim.

164. Plaintiff had been ordered right of redress by criminal courts and allowed plaintiff permission to sue the county for various issued matters.

165.During this duration,plaintiff initiated suit against the county jail and the County District Attorney Mike Ramos.

166.Plaintiff had addressed these legal practices throught court authorized agents for notary, process servers, and in order to address the courts correctly.While one of the process servers had ebtered the facility to recieve and server the institution commander Wickam, and deputies Ramirez, and Smith, he was informed that plaintiffs right of access to legal assistande was terminated.

167. Defendant Wickam terminated right of access to court of plaintiff to include confidential communications with plaintiff attorney's.

168.Defendant Wickam informed plaintiffs attorney Sanders that this interruption does include trial criminal counsel as well.

1 169. Defendant Wickam ordered this right termination,  
2 and included the opening and examination of incoming and outgoing  
3 legal mail, which was invoked by institution officers in the jail.

4 170. Defendants acts were intentional, in an attempt  
5 to dissuade plaintiff attempt to redress acts by staff, and the  
6 Court County District Attorney.

7 171. One of the suits against the county jail, to include  
8 Captain Wickam was the forcing inmates to share undisinfectd  
9 shavers, whci which injurious exposure caused infections to plaintiff.

10 172. Defendants acts were deliberate and intentional to  
11 interfere with plaintiffs rights to access the courts, preventing  
12 plaintiff confidential communications with his attorney, and  
13 access to the courts free of tampered mail.

14 173. Plaintiff requested from two separate courts to  
15 have the interuption injuntioned, but both requested motions were  
16 denied by two separate courts without consideration.

17 174. Defendant interfered with plaintiff rights of access  
18 to the courts and a confidential environment to communicate with  
19 his attorney, and religeous advisors.

20

21

#### RELIEF SOUGHT AND PRAYER

22

Captain Wickam

23

In his individual; capacity for violations  
of plaintiffs right of access to the court  
guaranteed by the 1st Amendment , , which were  
reckless, deliberate, and intentional.

24

25

Monatary Judgement

26

-\$ 10,000,000.00

27

Date

3/18/15

John Henry Yablonsky

Amended 50

FIRST AMENDED COMPLAINT

CLAIM FOUR

(6th Amendment right to a speedy trial)

(Plaintiff v. Michael Ramos)

( 42 U.S.C.§ 1983,individual capacity)

175.The allegations in contained in paragraphs 1 through 174, authorities indicated,inclusively, are hereby incorporated by feference.

176. Defendant Michael Ramos forced the cancellatioon of plaintiffs right to s speedy trial that had been scheduled on the courts calaandar to begione begin in June 2010.

177. Defendant presented to the entire community data regarding plaintiffs upcoming case, and informed the community, that he personally promised the victims family closure in that trial.

178.Defendants comments which were against state and federal regulatiuons by pretrial publicity of an officer of the bar association, when he mailed innto the homes of every registered and unregistered residencesm and buisnesses three seperate and differedt flyers that he personally arranged,organized, and designed, or developed, for the singular purpose,to prejudice the pool of jurors of the plaintiffs trial, in his re-election campaign.

179. These flyers contained such contaminating matter, that the courts forced the trial cancellation.,whitout further violating plaintiffs rights.



1 180. Defendant was not only appointed as the County District  
2 Attorney, but it was his created Cold Case unit that made the  
3 arrest, and his Cold Case unit that was prosecuting this case,  
4 which would see that this case was brought to trial clothed under  
5 this promise of closure.

6 -181. Defendant had known that the plaintiffs trial was  
7 scheduled, by his Deputy District Attorney Thomas being assigned  
8 primarily to this cold case unit of Ramos'.

9 182. Defendant had had his DDA schedule, and agree to  
10 have the trial of plaintiff, in June 2010, while defendant Ramos  
11 began his mailing fllood in the month of May 2010, Thirty days  
12 after the trial was scheduled. The final of these mailings was  
13 after May 15, 2010, just days before the trial was to begin.

14 183. Plaintiff had filed complaints with the county, applied  
15 for claim of county for Ramos, before the trial scheduled date,  
16 and just days after the first mailing.

17 184.-Plaintiffs trial was taken off calendar on the date  
18 it was scheduled because of the actions of this political agenda  
19 of Ramos, in his Campaign pledge to prosecute plaintiff and promise  
20 the victims family closure.

21 185. Ramos planned, scheduled, and designed for his personal  
22 interest, the creations of these prejudicial flyers, that he had  
23 had three separate designs, all containing his [personal] promise  
24 to the Family in [a] conviction of the accused.

25 185. Ramos had intended to prosecute plaintiff on his scheduled  
26 trial dates in June 2010, where surely every juror would have  
27 been influenced.

Amended 52

1 187. Although the trial had been terminated, because  
2 of this act by Ramos, the trial was again rescheduled six months  
3 later, where the entire pool of jurors were forced to notice this  
4 defendant's acts, the [flyer].

5 188. There were at least four jurors that still had need  
6 to make comments on the prejudicial meaning of these mailers, leaving  
7 the courts no room to ignore the presence of [prejudice].

8 189. Although the defendant's intention was effective,  
9 it violated plaintiff's right to a speedy trial under the 6th Amendment  
10 of the United States Constitution.

11 190. Plaintiff's trial was terminated for the June calendar  
12 date because of this act by an elected official in violation  
13 of 6th Amendment guarantees. AO=Against government professional conduct

14  
15 RELIEF SOUGHT AND PRAYER

16 Michael Ramos

In his individual capacity for violations  
17 to plaintiff's 6th Amendment right of a speedy  
18 trial which were violated by the mailings  
19 of the flyers, he personally injected his  
20 opinion of plaintiff's guilt before trial ever  
21 began.

22 Monetary Judgment

23 \$ 20,000,000.00

24 Date)))

3/18/95

25  
26  
27  
John Henry Yablonsky

Amended 53

FIRST AMENDED COMPLAINT

CLAIM FIVE

(( 42 U.S.C. § 1983, False light type)  
(individual capacity)

(Plaintiff v. Michael Ramos)

191) The allegations contained in paragraphs 1 through 190, inclusively, are hereby incorporated by reference.

192) On or about March of 2010, Michael Ramos planned his re-election campaign tactical actions to become re-elected as the County District Attorney elect. The elections were coming up in just a couple months for the County seat.

193) With the direct influence and interests of Michael Ramos's need for political gain, Michael Ramos decided, planned, negotiated, prefabricated, designed, coordinated the layout, art design and format of his flyers that he was to have printed and delivered into the entire community of registered voters of the San Bernardino County for his election time.

194) Michael Ramos placed his reputation onto these flyers as the [most] successful county official.

195) Michael Ramos declared that he personally worked with the Sheriff's department to start a Cold Case unit in the County that already had a cold case unit in the police division.

196)) Michael Ramos declared that he [has] delivered his promises to deliver in assisting the crime victims, which was supported by Eleanor Rossi ("Parent of murdered child").

197) Michael Ramos then declared that his [team] has filed 19 cold cases, and that John Henry Yablonsky was charged with this murder of Rita Cpbh.

Amended 54

1 198) Michael Ramos then told the readers of his flyer.  
2 that Yablonsky was being held for trial later that year, which  
3 had in fact been arranged to begin on June 11, 2010, just 3 days  
4 after the election voting time.

5 199) Michael Ramos knew this date had been scheduled,  
6 since his team DDA John Thomas and Sheriff Detective Robert  
7 Alexander would be trying the case, and worked directly under  
8 Ramos's authority and discretion.

9 200) Michael Ramos then quoted to his voters that ["A  
10 CASE IS NEVER COLD TO THE FAMILY OF A MURDERED VICTIM. THAT'S  
11 WHY I ( MICHAEL RAMOS) HAVE WORKED WITH SHERIFF TO START THE  
12 COLD CASE UNIT. USING DNA EVIDENCE, WE HAVE FILED MURDER CHARGES  
13 IN 19 COLD CASES. ("TWENTY FIVE YEARS AFTER THE CRIME, RITA COBB'S  
14 FAMILY WILL HAVE CLOSURE")]

15 201) Michael Ramos then placed his authority upon the  
16 "Quote" by placing his name (Mike Ramos, District Attorney)

17 202) Michael Ramos then tells his readers that John  
18 Henry Yablonsky had been charged with the slaying of Lucerne  
19 Valley mother Rita M. Cobb and that Yablonsky was on trial later  
20 that year by ][Mike Ramos' Cold Case Unit]

21 203) Michael Ramos then coordinated the mailings of  
22 these flyers (3 separate styles and formats) into the homes over  
23 the entire county population, and began his mailings right [AFTER]  
24 the trial dates had been scheduled. 4-2-10

25 204) Michael Ramos mailed up to three separate flyers  
26 into the homes of every resident in the entire county's homes  
27 all containing to (Promise the victim's family of Rita Cobb ) [  
[Closure] in the upcoming trial of Yablonsky.

1           205) ) The promise to assist the murder victims family  
2 in a trial that has not been held, declares to the (population)  
3 that the person is guilty of the offense that was charged, which  
4 would be the only way a trial of a suspect for the alleged charged  
5 crime could be given to the victim's family.(Closure)

6           206) There is no other meaning of a victims family  
7 seeking closure, that could be interpreted when placed into the  
8 community. That closure only meant that a conviction of the victims  
9 assailant was in fact plausible, and that is considered (light  
10 of the subjectable context of ones intention, promise, or declaration)  
11 and since the trial had not began. this opinion under the United  
12 States Constitution cannot be interpreted by a County District  
13 Attorney other than false.

14           207.) Michael Ramos subjected the idea, thought, belief,  
15 understanding, knowledge, opinion that John Henry Yablonsky was  
16 guilty of the charged offense, without jeopardizing his authority,  
17 just after he had declared that he had the greatest reputation  
18 in the county for doing more than all else in comparison to every  
19 other county official, and that his word was good.

20           208) The light that shed upon Yabloinsky was false  
21 in nature, because there had been no trial as of the date he  
22 mailed his promise of closure. The only way a promise of closure  
23 could be injected, is with the light of factual merit.

24           209) This light was shed upon the charged persons nature,  
25 behavior and reputation, within the community.

26           210) Michael Ramos displayed these characters as an  
27 appointed and elected official in the governing body of the County's  
officials.

Amended 56



1           211) Michael Ramos's actions were calculated, deliberate  
2 and intentional, for the purpose to enhance the county's impressions  
3 of the Campaign Re-elect for the County District Attorney's office  
4 seat. Michael A. Ramos. In doing so, he shed false light upon a  
5 person for the intention, purpose, reason, of subjecting favor  
6 by the county's voters (new) opinion of John Henry Yablonsky  
7 in an attempt to bolster the favorable light upon himself, as  
8 Yablonsky sat in the shadows of the (upcoming) trial by his personal  
9 team of prosecutors, and detectives, waiting to follow through  
10 with The Promise of a Conviction [CLOSURE].

11           212) The false light in this was not limited, it was  
12 overwhelming, because of the coverage in this intention, mailing  
13 to every home, every apartment, every address in the entire county.  
14 This light carried into the minds of every attachable interests  
15 workplaces, friends, family members, and even carried into the  
16 neighboring counties. This light was shed into post offices where  
17 persons picked up the mail, and did not give the person a choice  
18 of whether he shed the light. Michael Ramos did not ask every  
19 person if he could give them his opinion. This person mailed  
20 to every conceivable address, as many as three separate times,  
21 his light that Yablonsky was guilty.

22           213) In this country, under these Constitutions [every]  
23 person is to be considered innocent until proven otherwise.

24           214) The light under that pretense sheds innocence and  
25 unquestionable light of true light.

26           215) The acts of Michael Ramos premeditatedly shed  
27 false light onto the constitutional blanket of a unconvicted  
man.

Amended 57

1           216 )Defendant Michael Ramos shed false light upon plaintiff  
2 when the presence of innocence before proven guilty clouded the  
3 plaintiff, in an attempt to bolster defendant's reputation for  
4 political gain and success.(exhibit L)

5           217) Defendant's wrongful actions alleged herein are  
6 in direct violation to plaintiff rights to be free from this  
7 act, violating rights, benefits and privileges of plaintiff.

8           218) Defendant acted under the color of state law

9  
10           219 )Defendant knew or should have known this conduct  
11 and actions created an unreasonable risk, violating rights guaranteed  
12 under the United States Constitution.

13           220 )As a proximate result of the defendant's violations  
14 of plaintiff's rights under the United States Constitution, plaintiff  
15 has suffered, is suffering, and will continue to suffer irreparable  
16 harm, and loss of liberty because of this false light.

17           221 )As direct and foreseeable result of defendant's  
18 violations, plaintiff is suffering, will suffer, and continue  
19 to suffer irreparable harm and other injuries.

20           222)As a direct and foreseeable result of defendant's  
21 violations under the Constitution plaintiff has suffered humiliation,  
22 degradation, demoralization, humiliation, shame, emotional distress,  
23 mental distress, and other injuries.

24           223)An actual controversy exists between plaintiff  
25 and defendant regarding their rights, privileges, and obligations

26           224) defendant's actions were wilful, wanton, premeditated,  
27 deliberate malicious, and despicable in conscious deliberate

-Amended 58

1 for plaintiffs rights under the united states consitutiona presentin  
2 the plaintiff into the communities view under the false light  
3 of guilt, before a trial had ever occured.

4  
5 Relief sought and prayer  
6 RELIEF SOUGHT AND PRAYER

7 Michae Ramos

In his individual capacity, for presenting  
8 plaintiff into the false light of guilt, when  
9 there was nothing to support his claim to  
10 the community.

11 Monatary Judgement  
12 \$ 20,000,000.00

13  
14  
15  
16  
17  
18  
19  
20  
21  
22 Date

3/18/15

  
\_\_\_\_\_  
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:

EDCV 15 00197 PA (DTB)  
UNITED STATES DISTRICT COURT  
3470 TWELFTH ST. #134  
RIVERSIDE CA. 92510

This service contained the following documents:

~~EDCV~~ FIRST AMENDED COMPLAINT

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

COALINGA  
CITY

93210  
ZIP CODE

This service was conducted on the WED. day of 18 of the month of MARCH, 20 75

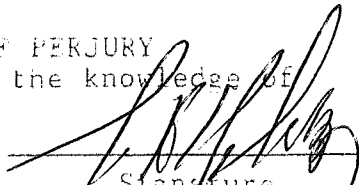
ACCORDING TO THE PRISONER MAILBOX RULE  
THIS SERVICE IS FILED WITH THE COURTS ON THIS DAY

UNDER THE PENALTY OF PERJURY

The forgoing is truthful and accurate to the knowledge of

JOHN YABLONSKY

Print Name



Signature

MY ADDRESS IS Box 8500 Coalinda CA. 93210