

PROOF OF SERVICE BY AN INMATE  
ACCORDING TO PRISONER MAILBOX RULE

157  
20  
COPY

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;

~~SUPERIOR COURT  
257 WEST THIRD ST  
S.B.CA.92415~~

~~DISTRICT ATTORNEY OFFICE  
247 WEST THIRD ST  
S.B.CA.92415~~

~~SHERIFF, DEPT.  
222 HOSPITALITY  
S.B.CA.92415~~

This service contained the following documents;

PITCHES/BRADY HYBRID BY L.W.O.P. INMATE

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;

SANDIEGO

92415

CITY

ZIP CODE

This service was conducted on the \_\_\_\_\_ day of \_\_\_\_\_ of the month of \_\_\_\_\_, 20\_\_\_\_\_

ACCORDING TO THE PRISONER MAILBOX RULE

THIS SERVICE IS FILED WITH THE COURTS ON THIS DAY

UNDER THE PENALTY OF PERJURY

The forgoing is truthful and accurate to the knowledge of

JOHN HENRY YABLONSKY

Print Name

Signature

MY ADDRESS IS \_\_\_\_\_

480 alta rd.s.d.ca.92179

File in  
ADP  
DATES  
You  
MAIL

You keep this copy

John Henry Yablonsky AL0373  
D18-129  
480 Alta rd.  
Sandiego,ca,92179

COPY

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANBERNARDINO

THE PEOPLE,  
OF THE STATE OF CALIFORNIA,  
RESPONDING PARTY,  
RESPONDENT,

VS.

JOHN HENRY YABLONSKY,  
MOVING PARTY,  
PETITIONER,

FOR CASE #FVI900518

PITCHES/BRADY HYBRID MOTION FOR  
LIFE WITHOUT PAROLE POST TRIAL  
DEVELOPMENT, NOTICE OF MOTION AND  
MOTION TO DISCLOSE OFFICERS PERSONNEL  
INFORMATION, RECORDS AND/OR IN  
CAMERA REVIEW, MEMORANDUM POINTS  
AND AUTHORITIES HEREIN CA. EV§ 1043  
DATE:  
TIME:  
DEPT:

To; The Sanbernardino sheriff department and District Attorney  
Michael Ramos for the respondent

Please take notice that on the date and time in the depart-  
ment stated above, the moving party also known as inmate sentenced  
to life without the possibility of parole John Henry Yablonsky  
moves this party (Defendant) for a Court order under California  
Evidence code §§ 1043, and 1074. To compell the custodian of personnel  
records for Robert Alexander badge number #A1672, and Greg Myler  
badge number #M42 85 to [disclose] these records and information  
from those records to the defendant, and or in camera review by  
the Court and impartial representative of the defendant.

1 The defendant seeks these records and information from  
2 these records for use in post trial challenges for the case noticed  
3 above for the entitled proceedings therefrom. That there is [good]  
4 cause for their disclosure as this information is material to post  
5 trial challenges.

6 The motion is based upon attention to memorandum of points  
7 and authorities, and of the declaration of the defendant, and on  
8 such oral documentary evidence may be presented.

9  
10 Date \_\_\_\_\_ John Henry Yablonsky  
11 Pro se  
L.W.O.P. candidate

12 That on or about February 24, 2012 defendant was sentenced  
13 to life without the possibility of parole, sentenced by the Superior  
14 Court of California case # FVI900518 by the honorable judge John  
15 Tomberlin. Making this post trial motion available to defendant  
16 herein.

17  
18 MEMORANDUM OF POINTS AND AUTHORITIES

19  
20 California statutory law conditionally provides 1) The  
21 [personnel records] of [peace officers] 2) Any [complaints by members  
22 of the public] against officers named, and 3) information obtained  
23 from the records or complaints, no matter who has physical custody  
24 of that information. P.C. §§ 832.7, 832.5 and 832.8 [deering]; People  
25 v. Gutierrez, 112 Cal.App.4th 1463, 1476 (2003) (noting conditional  
26 privilege); Hackett v Superior Court, 13 Cal.App.4th 96, 101 (1993)  
27 ) legislative intent is clear to include within the conditional  
28 privilege all information in a peace officers personnel file, .....with  
regard to whether the information could also be obtained elsewhere.

1 Before a Court will conduct an in camera review of these  
2 privileged records in part to a criminal case must have filed a  
3 motion,

4 1) That identifies

5 a) The proceeding which discovery is being sought

6 b) That the party seeking

7 c) The officers records who are sought

8 d) The government agency having control of these records

9 Ca.Evidence code § 1043(b)1)

10 2) Sets the time and place for the hearing and motion Id.

11 3) Describes "with specificity" the types of records or information  
12 sought Id § 1043 (b)(2)

13 People v Salcido, 44 Cal.4th 93,146(2008)

14 4) Is accompanied by an affidavit or declaration showing [good cause]  
15 for the discovery sought

16 Ca.Evidence code § 1043(b)(3)

17 5) Accompanied by police reports

18 6) P.O.S. (proof of service)

19 Because these requirements are derived from our Supreme  
20 Court decisions in Pitches v Superior Court, 11 Cal.3d 531(1974)  
21 motion complying with Evidence code § 1043 is to this day called  
22 [Pitches Motion] for the reasons discussed below;

23 Element #1 Scope and detail

24 Defendant is filing pitches to obtain evidence or inform-  
25 ation that will lead to evidence, for use in (habeas corpus P.C.  
26 § 1473) The motion is appropriate because pitches motions may be  
27 made to end up or lead into suppression motions. Bryant v Superior  
28 Court, 108 Cal.app.4th 100,, 108-09(2003) and post trial proceedings  
People v Johnson, 218 Cal.App.4th 938,943(2013)

1 Defendant is seeking the records of two sheriffs officers  
2 named Greg Myler Id#M4285 and Robert Alexander Id#A1672  
3 because they have been employed by the Sanbernardino Sheriffs Depart-  
4 ment.

5  
6 DECLARATION BY DEFENDANT

7 I John Henry Yablonsky am an adult and a party  
8 to this action, and state the following under the penalty  
9 of perjury and if called to testify will state the  
10 following under the oathe to the courts under penalty  
11 of perjury. That I am the defendant in the above stated  
12 case #FVI900518 and was interrogated by these two officers  
13 on March 8,2009 between the hours of 0900 hours and  
14 up until 1600 hours that same day without MIRANDA warnings  
15 or proper waiver. I was interrogated at 1700 E Silva  
16 st.in Long Beach California 90807, and the signal Hill  
17 police station (address unknown) about a crime that  
18 these officers had warrant for arrest of defendant that  
19 had been sworn by Robert Alexander beofre the honorable  
20 Judge Nakata onMarch 4,2009. The recording made to this  
21 iinterrogation were by three seperate pieces of equip-  
22 ment, two personal recorders carried by greg Myler, and  
23 Robert Alexander, and one cam corder that was mounted  
24 in the interrogation room at the Signal hill police  
25 depratment ina lock location of the police station.

26 That on or about November 23,2010 these recordionsg  
27 were then copied and combined into one consecutive  
28 recording that was three hours and forty eight minutes  
long, creating over 136 pages of transcripts. This  
transcript was conducted and verified by Robert alexander  
into two seperate and different transcripts.

- 1) one holding 113 pages and without custodial markers
- 2) One with 136 pages with custodial markers
- 3) Both copies held answers that had been altered from one answer to another (manufacturing)

1           Only the 113 page transcript was produced in  
2 trial, and placed into the state records for case FVI900518  
3 as exhibit [49A -The 113 page transcript]. Robert Alexander  
4 then testified at trial that this was an accurate and  
5 exact copy of the interrogation recording. The state  
6 then placed into the states records as exhibit[49 -  
7 the compact disc made from the three separate recording  
8 devices, which shows at one hour seven minute and twenty  
9 five seconds that defendant had stated one answer, while  
10 the 1123 page transcript shows a different. That at  
11 one hour and seven minutes and thirty five seconds  
12 into state exhibit [49- the compact disc] shows that  
13 defendant had answered one way, while the transcript  
14 shows that there had been another answer placed . These  
15 altered answers were then presented to the jury to determine  
16 what was asked and answered, placing evidence into the  
17 possession of defendant that the [real time] original  
18 recording devices show defendant had not stated  
19 (113 page transcript)(PP44;22-23)

20 Q-Okay did you guys have a key to Rita's house ?

21 A-Um, Yea

22 (Defendant had said [NO] in the original recording[exhibit,49]  
23 (113 page transcript) (PP44:27-PP45:3)

24 Q- Did she have a pss key to your apartment ?

25 A- No.

26 (Defendant had said (um,yea) inthe original recording(49)

27 Q-Did she have a pss key to your apartment ?

28 A- No

(Defendant had said[yes she did] inthe original recording(49)

29           These alter4ed answers were used to place evidence  
30 into the possession of the defendant, which the jury  
31 had relied as an element.[RETAINING A KEY TO A HOUSE  
32 THAT DID NOT BELONG TO DEFENDANT FOR THE PURPOSE OF  
33 COMMITTING A CRIME]

34           That during post trial facts development under  
35 P.C. § 1054.9 THESE FACTS WERE DEVELOPED AFTER TRIAL[EMPHASIS]

1 The defendant filed post trial facts development  
2 procedures through the state bar case number# 1417946  
3 and Supreme Court for the State of California case  
4 number # S227210 under Benal code section § 1054.9  
5 where the courts instructed briefing, and the bar  
6 association ordered the release of the defendants  
7 discovery. That on July 24,2014, three years after  
8 the conviction these material and relevant facts had  
9 been produced by David Sanders and Hal Smith and  
10 Richard Levy who provided sufficient showing that  
11 there had been ;

- 12 a) Two separate transcripts created
- 13 b) That the answers in both copies had altered answers
- 14 c) That there was a copy of states exhibit 49 compact  
15 disc which was a copy of the original recording
- 16 d) That there was a copy of states exhibit 49A the  
17 113 page transcript
- 18 e) Both c and d were used in trial readiness, but not in trial.
- 19 f) That states exhibit 49 and 49A are not the same  
20 and provide proof that defendants answers had been  
21 switched from one to another in many locations,  
22 but specifically placing evidence into the possession  
23 of the defendant
- 24 g) The altered version was used in trial on January  
25 27,2011

26 These records had been verified by impartial  
27 parties other than defendant and provided sworn affidavots  
28 regarding their findings regarding states exhibit  
29 49 versus 49A.

30 I John Henry Yablonsky, and a party to this  
31 acti<sup>on</sup> also known as the defendant here am the narrator  
32 of this declaration and if called to testify will  
33 swear the above under the penalty of perjury .Defendant  
34 also has tangible proof of these declared statement.

35 Date:

John Henry Yablonsky

1 Thus the pertinent personnel records, citizens complaint,  
2 and other information derive from these documents are in the custody  
3 and control of the SanBernardino sheriff department inside the  
4 county of SanBernardino for the state of California also known  
5 as a government body (Id § [citation]) for these purposes it does  
6 not matter whether (Robert Alexander or Greg Myler) were off duty  
7 at the time of the incidents. People v Superior Court(McKunes)62  
8 Cal.App.3d 853(1976)\* or are now no longer employed by the SanBer-  
9 nardino sheriffs departmentPeople v Moreno,192 Cal.app.4th 692,702-  
10 03(2011);People v superior Court(Gremminger)58 Cal.App.4th 397  
11 (1997); Davis v City of Sacramento,24 Cal.App.4th 393,400(1992)

12  
13 Element #2 Hearing date

14  
15 The hearing of this motion is set for(date) \_\_\_\_\_

16 This motion and accompanying documents are timely.

17 The moving party is entitled to this pitches movement  
18 because he is sentenced to life without the possibility of parole  
19 as stated above. Gonzales,51 Cal.3d at 1258;In Re Avena,12 Cal.4th  
20 694,730(1996)

21 Records are sought are in the possession of the sheriff  
22 department as follows;

- 23  
24 a) Complaints by any member of the public or official capacity  
25 b) Any disciplinary reports,records, logs by the department or  
26 any portion of these officers employment records at this station  
26 or any other  
27 c) Reports filed whether disciplined because of or counseled because  
27 of regarding mistatments of facts, perjury, falsified reports,  
28 -tampering with evidence, mishandling of evidence,



- 1 d) Reasons why these officers were directed to work as county jail  
2 directives at West Valley Detention center in Rancho Cucamonga.  
3 e) Any reports or allegations regarding these officers bribing  
4 or coersing, or exchanging favor for testimony about other  
5 defendants by inmates  
6 f) Any and all disciplinary records, reports that would be the  
7 subject to any and all investigations regarding misconduct  
8 irregardless of the findings from those investigations, and the  
9 results therefrom.  
10 g) Any accusations for mishandling of evidence  
11 h) Any specialized training regarding the creations of records  
12 and or transcripts from investigations.

13 Affidavit #3 of Good cause

14 Party making pitches must make sufficient prima facie  
15 showing of good cause to justify having the Court conduct an In  
16 Camera review of the pertinent officers personnel files for any  
17 responsive documents Ca. Ev §§ 1043(a)(b)(3); Abatti v Superior  
18 Court, 172 Cal.App.4th 39(2003) ; Eulloqui v Superior Court, 181  
19 Cal.App.4th 1055(2010) The Good Cause must be set forth in affidavit  
20 and the affidavit may be based on information and belief of an  
21 attorney rather upon the personal knowledge \*Garcia v Superior  
22 Court, 42 Cal. App. 4th 63(2007); People v Mooc, 26 Cal.4th 1216(2001)  
23 cf: City of Santa Cruz v Municipal Court, 49 Cal.3d 74 (1989)  
24 (Personal knowledge not necessary) Brant , 108 Cal.App.4th at 105

25 Where HYBRID Pitches/Brady petitioner recounted statements  
26 of police, having history of embellishing facts and circumstances  
27 surrounding arrest. That he cause liability problems for the department  
28 that his files contained memos of issues and plausible allegations  
that officer might have been untruthful about admissions, meets  
good cause for In Camera under Ev. Code § 1043(b); Abatti v Superior

2  
3 To establish good cause the moving party must;

- 4 1) State upon reasonable belief that the government agency identified  
5 has the records or information sought Ev.Code § 1043(b)(3);and  
6 2) the information sought is material to [pending] litigations]Id.

7  
8 Good cause is a relaxed standard People v Gaines,46 Cal.4th  
9 172(2009) Thta sets a low threshold Id. at 182 and requires minimal  
10 showing only [emphasis]

11 Good cause element one

12 The first element of good cause is met as noted by defendant  
13 who stated with [specificity] and upon reasonable belief that the  
14 SanBernardino sheriff department has that type of information.  
15 defendant seeks City of Santa Cruz, 49 Cal.3d at 91-92;  
16 (CITATION OMMITTED);Warrick,35 Cal.4th at 1021

17 The second, issues sought must be a) relevant and 2) material  
18 to pending litigation which in this case rises through habeas  
19 corpus.E.G.Giovanni B v Superior Court,152 cal.app.4th 312(2007)  
20 P.C.§ 1473 and 42 U.S.C.§ 2254(b)(1)(2) by showing

- 21 1)Specific scenario of officers misconduct that is plausible  
22 when read in light of the information of pertinent documents  
23 6 Yungco v Superior Court,163,Cal.app.4th 1043(2008)and  
24 2)Articulate a logical link between information sought  
25 by the pitches and a proposed defense to the pending  
26 Court. Sisson v Superior Cou rt,216 Cal.App.4th 24 (2013)

27 By explaining how the information would reveal past officers  
28 misconduct that is [similar] to misconduct alleged....in pending

1 litigations California Highway Patrol v superior Court, 34 Cal. app.  
2 4th 1010 (2000) and (b)" [how] the discovery of Robert Alexander  
3 and Greg Myler being sought would support.....[A DEFENSE] under  
4 habeas corpus proceedings, or would impeach the officers version  
5 of the factual events and evidence he collected, processed and then  
6 presented as authentic and [accurate] Garcia Cal.4th at 71

7 The second element is also met for [good cause] through  
8 records and/or information sought must be material to pending  
9 litigations \*Giovanni G. Superior Court 152 Cal.App.4th 312(2007)

10  
11 HOW THIS APPLIES IN THIS MATTER

12 — The declaration by defendant has therefore discharged  
13 a) Its duty to present an[alternative] version of the facts(emphasis)  
14 People v Sanderson, 181 Cal.App.4th 1334(2010);  
15 b) That is plausible in evaluating whether alternative versions  
16 is plausible, a Court is not asked it is persuadable or credible  
17 People v Thompson, 141 Cal. app. 4th 1312(2006); Sanderson, 181 Cal. App.  
18 4th at 1340

19 Here the officers collected data through recording devices  
20 for accuracy about statements made, which in this case were i) coerced  
21 ii) outside department policy MIRANDA iii) were multiple in collection  
22 by three separate types and components. These were then processed  
23 as real time recordings, and two sets of transcripts were made from  
24 the original recordings, where complete redactions of custodial markers  
25 were removed, and answers were changed ~~of~~ of the interrogated party  
26 to place evidence into the defendants possession. These copies  
27 were then used to create a trial version of the altered answers  
28 where the DDA then re-recorded the sound track from the copies of  
interrogations to relocate [sound] into the new answers by defendant.

1 Robert Alexander then was identified by the Courts as  
2 the states lead investigator and officer that collected and transcr-  
3 ibered these record that the state relied as states exhibit 49 and  
4 49A, shown to the jury that defendant had held evidence into his  
5 possession for months, in order to return and commit a crime. The  
6 real time recordings will verify that these were not the answers  
7 by defendant, and that Robert Alexander ,Greg Myler, had committed  
8 fraud upon the state of California, and the Courts (emphasis added)

9 Here the moving party need not show that the information  
10 would be admissible as long as it could be [lead] to 'ADMISSIBLE  
11 EVIDENCE' Gaines 46 Cal.4th at 182;Garcia 42 Cal.4th at 71 in this  
12 case, the information sought could lead to the identification of  
13 percipient witnesses to prior misconduct and those witnesses  
14 testimony would be admissible at trial.

15  
16 Furthermore while the Court is conducting its In Camera  
17 review of personnel records of officer Alexander and Myler, the  
18 Court should also look for any favorable and material evidence that  
19 would be subject to disclosure under Brady v Maryland 373 US 83  
20 (1963) If those records were in possession of the ["prosecution  
21 team"] such review is permissible and upon request, required City  
22 of Los Angeles v superior Court, 29 Cal.4th 14(2002);Eulloqui v  
23 Superior Court,181 Cal.App.4th 1055(2010;Abatti v Superior Court,  
24 112 Cal App.4th 39(2003).

25 When the Court conducts this review it must disclose  
26 information that predates the Criminal Act character in this case  
27 my more than five years People v Superior Court(Johnson)61 Cal.4th  
28 696(2015)

1 I John Henry Yablonsky as the declarant and moving party as the  
2 defendant and petitioner here in this matter state;

3 1) That I am a pro se litigant for the case Yablonsky v Paramo  
4 #16-55441 For the Supreme Court of the United States post  
5 conviction challenge of case #FVI900518 for the state of  
6 California

7 2) I make the following information statement of belief

8 A) That Sanbernardino sheriff department at 222 Hospitality  
9 lane Sanbernardino California 92415 keeps and maintains  
10 personnel records on its sworn officers and keeps and maintain  
11 written personnel records regarding Robert Alexander #A1572  
12 and Greg Myler #M4285, and that these records include;  
13 i) Complaints from citizens against officers  
14 ii) Records of regular investigations of citizens complaints  
15 iii) Records regarding internal investigations for [any]  
16 misconduct by these officers or participations in therefrom

17 I can therefore state upon information and belief that  
18 the Sanbernardino sheriffs department has the records sought by  
19 the moving party, namely John Henry Yablonsky.

20 B) That disclosure of these records is a matter to the current  
21 litigation under habeas corpus 42 U.S.C. § 1983 and other  
22 post trial challenges primarily that;

23 Robert Alexander and Greg Myler did collect and then alter evidence  
24 they knew would be used in a hearing regarding statements made  
25 by the defendant. Placing this evidence into the possession of  
26 the defendant by these alterations regarding an element of the  
27 charged offense defendant had been charged (PLACING A KEY TO THE  
28 VICTIMS HOME INTO THE POSSESSION OF THE DEFEDNANT THROUGH THESE  
ALTERED, MANUFACTURED RECORDINGS, TRANSCRIPTS)

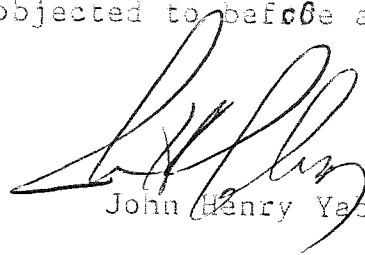
That Robert Alexander and or Greg Myler altered this evidence  
they knew to be against state and federal laws regarding the collectio  
and preservations of evidence they knew to be material.

1 and relevant regarding a charged crime(emphasis added)

2 That Robert Alexander then did for the purpose of defrauding  
3 the state of California, the jury , and defendants rights, of the  
4 truth and facts related to a [statement] made by defendant in  
5 real time and verbatim recordings regarding a [KEY] to the victims  
6 home. That Robert Alexander then presented this altered evidence  
7 to the state as accurate, knowing that it was not and had been  
8 altered and would be used to influence a panel of jurists and fact  
9 finders. That Robert Alexander then swore under ~~the~~ oathe of the  
10 State and color to ~~fact~~s regarding the [authenticity] and accruacy  
11 of this altered evidence as being [unaltered], and authentic,  
12 knowing that it was not, providing the Court with false, misleading  
13 information before the jury.

14 That Robert Alexander was appointed and accepted by the  
15 Court as the states lead investigator regarding this case invest-  
16 igation, ensuring the processing of these manufactured records  
17 to be unthwarted, challenged, or objected to bef~~ore~~ an injury  
18 could be stopped.

19  
20 Date MAY 22, 17

  
John Henry Yablonsky

21  
22 ANTICIPATED FINDINGS

23 That the official and professional records of Greg Myler  
24 and Robert Alexander suggestst and provide informations, reports  
25 of previous and repeated infract.ions== to the department policies,  
26 and the rules and laws of the state of California regarding evidence  
27 and unreliability as sworn officers for accurate and truthfullness.

28

COURT FILINGS AS A RESULT OF THIS INFORMATION

1  
2 I. That the sheriffs department of Sanbernardino violated rights  
3 protected under California constitution art.I § 7and XIV Amend-  
4 ment United States constitution to due process when they prese-  
5 nted false evidence to the District Attorney they knew to be  
6 false.Regarding the authenticity of a transcript.

7 II. That Robert Alexnader violated rightd protected by California  
8 constitution art.I § 7 and XIV Amendment United States constit-  
9 tion due process, VI Amendment right to an impartial panel  
10 of jurist when he gave false and misleading testimony regarding  
11 evidence he knew to be false and altered by his actions.

12 III. That DDA Thomas violated protected rights to due process under  
13 California constitution art.I § 7,XIV Amendment United States  
14 constitution ,and right to impartial jurist under VI Amendment  
15 United States constitution when he knowingly gave suborned and  
16 parjured testimony by Robert Alexnader [his lead investigator]  
17 regarding false evidence of an interrogation recording.

18 IV. That David Sander trial counsel violated right to effective  
19 and meaningful representation when he failed to investigate  
20 and have expertly examined interrogation recordings that were  
21 transcribed, where answers of defendant had been altered for  
22 the purpose of violating protected rights to impartial jurist.  
23 That David sanders did assist, participate and allow false  
24 evidence to be used against his client in a hearing in violation  
25 to due process rights under California constitution art I §7  
26 XIV Amendment United States, and VI Amendment right to effective  
27 and meaningful representation, and failure to object to Robert  
28 Alexanders false authentication under oathe, to impeach his  
testimony the jury found to be genuine and true.

V That the state of California violated right to due process and  
penal laws under §§ 1473,134 when the prosecutor knowingly present  
false evidenc e of his lead investizator against state laws  
statutes and government code violating right to im partial  
jurists under VI amendment

1 The defendant seeks evidence of similar misconduct by  
2 said officers in their past records. This would further support  
3 preferred defenses of John Henry Yablonsky, and would further  
4 serve as relevant character evidence which could be used to impeach  
5 the officers a) Collections of evidence b) Handling of evidences  
6 c) Court testimony regarding facts related to, i) investigations  
7 ii) witnessings, discrediting these officer truthfulness as govern-  
8 ment officers of the court, and county.

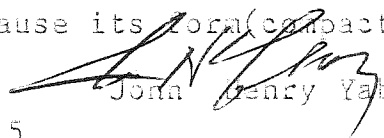
9  
10 RECORDS BEING SOUGHT

11 Where hybrid Pitches/Brady petitions recounted state-  
12 ments of police, having history of embellishing facts and circum-  
13 stances surrounding arrests and collections of evidences. That  
14 they cause liabilities for the department. That his files contained  
15 memos of issues and plausible allegations that officers might have  
16 been truthful about admissions meets good cause for In Camera under  
17 Ev.Code § 1043(b); Abatti v Superior Court (2003 Cal.App.4th dist)  
18 172 Cal.app. 4th 39 [good cause]

19  
20 CONCLUSION

21 For the afore stated reasons, author ity defedant and  
22 moving party begs this court to grant In Camera review of the  
23 allegations presented her, and if true would avail defedant right  
24 to grant habeas corpus in later filings. Defendant here files this  
25 petition with two separate transcript created by robert Alexander  
26 on November 23, 2010. Defendant will file the compact disc for  
27 verification upon the courts request because its ~~copy~~ (compact disc)

28 Date 5/22/17

  
John Henry Yablonsky



# EXHIBIT COVER PAGE



Description of this exhibit:

COPY OF PAGE ONE 113 TRANSCRIPT STATES EXHIBIT 49A

Number of pages to this exhibit: one pages.

**JURISDICTION:** (Check One Only)

- MUNICIPAL COURT
- SUPERIOR COURT
- APPELLATE COURT
- STATE SUPREME COURT
- UNITED STATES DISTRICT COURT
- STATE CIRCUIT COURT
- UNITES STATES SUPREME COURT
- GRAND JURY

STATE EXHIBIT  
49A

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1995-100

(v) Rita Cobb

1 Interviewer: Det. Greg Myler

2 Interviewer: Det. Rob Alexander

3 Interviewee: John Yablonsky

4

5 RA: Test. -- Today's date is March 08, 2009. It's approximately 09:15 hours.

6 GM: Can we talk to you for one second?

7 RA: The following interview will be reference to case number 07-88. (overlapping  
8 conversation)

9 Radio Transmission GM: Alright, we'll be talking to him at the house.

10 Radio Response: We're still gonna stand by right?

11 (door closing)

12 Radio Response Transmission RA: Yes.

13 GM: Hey, how you doing?

14 RA: Hi.

15 (door closing)

16 RA: Hey, we're detectives, we're following up on a, on a case.

17 GM: I'm Greg. (overlapping conversation)

18 RA: We'd like to sit down and talk with you for a couple of minutes. I've got some  
19 photographs I'd like to show you. Do you have a couple of minutes?

20 JY: Yeah, absolutely.

21 RA: Ok, great.

22 JY: And your name is?

23 RA: Rob and Greg.

24 JY: Need to get my dog out of there.

25 RA: Move in the little area here. Is he an attack dog?

26 JY: No, he's a golden retriever. He'll lick you to death. We can go in here...make sure,  
27 c'mon.

28

49A R41  
Reviewed by Det. Rob Alexander

Page 1 of 113

#A1672

November 23 2010

CREATED

SAME DATE B1

# EXHIBIT COVER PAGE

B

EXHIBIT

Description of this exhibit:

COPY OF PAGE ONE 136TRANSCRIPT CREATED TO BAIT AND SWITCH  
ON NOVEMBER 23, 2010 BY ROBERT ALEXANDER

Number of pages to this exhibit: one pages.

**JURISDICTION:** (Check One Only)

- MUNICIPAL COURT
- xxxxxxx  SUPERIOR COURT
- APPELLATE COURT
- STATE SUPREME COURT
- UNITED STATES DISTRICT COURT
- STATE CIRCUIT COURT
- UNITES STATES SUPREME COURT
- GRAND JURY

John  
comment

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(V) Rita Cobb

I in  
earmuffs  
interview  
recording  
120  
Knew  
to you  
had her  
signature  
with  
1/24

1 Interviewer: Det. Greg Myler

2 Interviewer: Det. Rob Alexander

3 Interviewer: John Yablonsky

4

5 RA: Test. -- Today's date is March 08, 2009. It's approximately 09:15 hours.

6 GM: Can we talk to you for one second?

7 RA: The following interview will be reference to case number 07-88. (overlapping  
8 conversation)

9 Radio Transmission GM: Alright, we'll be talking to him at the house.

10 Radio Response: We're still gonna stand by right?

11 (door closing)

12 Radio Response Transmission RA: Yes

13 GM: Hey, how you doing?

14 RA: Hi.

15 (door closing)

16 RA: Hey, we're detectives, we're following up on a, on a case.

17 GM: I'm Greg (overlapping conversation)

18 RA: We'd like to sit down and talk with you for a couple of minutes. I've got some  
19 photographs I'd like to show you. Do you have a couple of minutes?

20 JY: Yeah, absolutely.

21 RA: Ok, great

22 JY: And your name is?

23 RA: Rob and Greg.

24 JY: Need to get my dog out of there.

25 RA: Move in the little area here. Is he an attack dog?

26 JY: No, he's a golden retriever. He'll lick you to death. We can go in here... make sure.  
27 cimon.

CREATED LENS SUIT  
FETAL SUIT  
ANALOG SUIT  
REFER LENS SUIT

FIRST SEEN  
AFTER  
JULY 2014

Page  
6

~~Case #~~  
R472  
R472

MIN. = MINUTES  
SEC. = SECONDS

B-2

# EXHIBIT COVER PAGE



Description of this exhibit:

PAGES 44 AND 45 OF STATES EXHIBIT 49A WHERE ANSWERS WERE  
ALTERED PLACING EVIDENCE INTO THE POSSESSION OF DEFEDANT  
THIS IS VERIFIED BY STAXTES EXHIBIT 49 AT ONE HOURS SEVEN MINUTES  
AND FIFTEEN SECONDS INTO EXHIBIT 49 (A COPY MOF THE ORIGINAL  
RECORDING)

Number of pages to this exhibit: ~~THREE~~ TWO pages.

## JURISDICTION: (Check One Only)

- MUNICIPAL COURT
- SUPERIOR COURT
- APPELLATE COURT
- STATE SUPREME COURT
- UNITED STATES DISTRICT COURT
- STATE CIRCUIT COURT
- UNITES STATES SUPREME COURT
- GRAND JURY

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(w/ Rita Cebo

1 had sex? Never got in any fights with her? She was a nice lady? You're robbing  
2 your head no?

3 JY: Yeah, no

4 GM: Ok.

5 JY: (inaudible)

6 GM: And this is, how was Holly back then? Was she ...

7 RA: Was she strictly with you or did she have boyfriends?

8 JY: I was hoping she would go. As far as I know, she was always with me, just with  
9 me.

10 GM: Ok.

11 RA: So you guys, you guys had a relationship where um, you didn't date outside of  
12 yours and Holly's marriage. Cause I know that some people do that you know

13 GM: Talked a lot of different types of people.

14 RA: Yeah, people do that. That's their thing but that wasn't your guy's thing?

15 JY: Uh-uh

16 RA: Ok.

17 GM: Anything else you can think about? You hear any other rumors back then?

18 JY: No.

19 RA: Any other...

20 GM: Did she get you guys had a key for the rental or ...

21 JY: Yeah, I'm sure we had a key.

22 GM: Ok, did you guys also have a key to Rita's house?

23 JY: Um, yeah.

24 GM: Ok, so she wasn't like that it was strictly business? She didn't allow anybody in her  
25 house?

26 JY: No

27 RA: Did, did she have a key to your apartment?

28 Page 44 of 113

49K

~~RLB~~ ~~BB~~ R43

RLT/REEL FROM  
[ENG] AUDIO + VIDEO  
TO  
SEARCH/INT. 7 SEE  
EXHIBIT 4  
CDI

~~[Signature]~~

INTERVIEW WITH JOHN YABLONSKY

DP #1694056-17 / H.#1985-100

(M) Rita Cobb

1 JY: No

2 RA: Did she have a passkey to your apartment?

3 JY: No

4 RA: So it would not be common for her to go over to your apartment though, right?

5 When you guys were living there she just wouldn't...

6 JY: She was thoughtful.

7 RA: And you guys wouldn't go over to her house obviously because it's two separate  
8 houses.

9 GM: Does she have any pets?

10 JY: I think she had a dog.

11 RA: What kind of dog?

12 JY: (inaudible)

13 RA: You don't remember? Was it a big dog or a small dog or...

14 JY: I don't remember you know I mean honest it's...

15 RA: Did it have a dog house? Was it a outside dog? An inside dog?

16 JY: I don't remember.

17 RA: Excuse me?

18 JY: I don't even remember.

19 RA: Ok.

20 GM: Now what about the pistachio place? We talked to some people up there. Maybe  
21 he might be able to help us on that.

22 RA: Yeah, um, there was a couple other pista- - or couple of other people that we  
23 talked to that lived at the pistachio farm. I'm thinking it's out this way cause you  
24 said Big Bear's over here.

25 JY: Yeah.

26 RA: So...

27 GM: Is 18, does that take you to Big Bear?

49A

ATH

B4

105  
R44

ALFRED FEED  
LYES ARE DIED  
TO [No] SEE CD DISC  
EXHIBIT 475

# EXHIBIT COVER PAGE



EXHIBIT

Description of this exhibit:

COPY OF STATES EXHIBIT THTA WAS PROVIDED TO DEFEDANTS BY POST TRIAL COUNSEL OF EXHIBIT 49 COMPACT DISC OF STATES TRANSCRIPT AND COPPY OF DEFENDANTS INTERROGATION WITH AFFIDAVIT BY KEN YABLONSKY

Number of pages to this exhibit: ONE & compact disc pages.

**JURISDICTION:** (Check One Only)

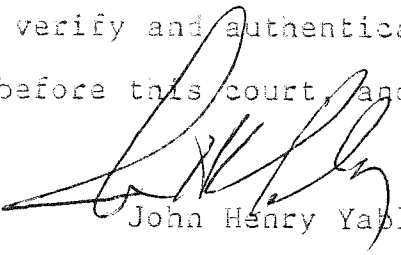
- MUNICIPAL COURT
- XXXXXX  SUPERIOR COURT
- APPELLATE COURT
- STATE SUPREME COURT
- UNITED STATES DISTRICT COURT
- STATE CIRCUIT COURT
- UNITES STATES SUPREME COURT
- GRAND JURY



1 AUTHENTICATION BY MALLIABLE MATERIAL CCP§2017.710  
2 COMPACT DISC

3 The following material claim in this motion is based on  
4 the manufacturing and alterings of evidence pursuant to Penal Code  
5 §§ 134,135. This motion bring forth claims of misconduct by govern-  
6 ment parties, related to a) accuracy b) authenticity c) proofs of  
7 malicious misconduct. Defendant here files this malliable material  
8 known as a compact disc. This disc was presented to defendant by  
9 his post trial counsel Richard Levy and is known to be free from  
10 viruses and anything that could be interpreted as harmful to a  
11 computer or the party handling or using this disc. It is material  
12 to verification of the [fraud] committed by Robert Alexander and  
13 greg Myler for Case #FVI900519. It is imperative this filing be  
14 accepted for the courts to verify and authenticate the claims in  
15 this Pitches/Brady motion before this court, and tribunal.

16  
17 May 22, 2017

  
John Henry Yablonsky

18  
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27 EXHIBIT 0  
28

1 SWORN DECLARATION MADE UNDER PENALTY OF PERJURY

2 I Kenneth Wayne Yablonsky an adult over the age of 18 years  
3 of age and not a party to this action provide this declaration made  
4 under the penalty of perjury and if called to testify will state  
5 the following. That I received a compact disc from my father known  
6 to be computer compatible, and was identified as states exhibit 49  
7 for case FVI 900518. I knew this disc to be authentic and accurate  
8 to what was released by attorney Richard Levy to his clients family.  
9 I placed this compact disc into a computer that has protections  
10 for anti virus malware and other contaminants and know this computer  
11 to be safe, because it is my own. I opened the file and then made  
12 copies therefrom, making two copies for this specific filing for  
13 my brother John Henry Yablonsky. The copies made are clear and accurate  
14 to what was on the compact disc I was given to me from my father  
15 who had received the disc from Richard Levy attorney at law 3858  
16 Carson #205 Carson California 90503 (310)994-3311.

17 I then placed these discs into protective sleeves to be  
18 mailed through the United States Post office with postage fully  
19 prepaid.

20 I know these discs to be accurate copies from the disc our  
21 family received from John's attorney, and believe that it was true  
22 according to what the attorney had stated as being a copy of the  
23 states exhibit 49 he had been provided by state parties for the  
24 direct appeal he had prepared. His contact information is provided  
25 here for verification.,

26 Sworn under the penalty of perjury, I Kenneth W. Yablonsky  
27 make the above statement, and have read the statement in its entirety  
28 and know this to be true. I swear this on (Date) 6-7-17

Kenneth Wayne Yablonsky



SWORN DECLARATION

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PROOF OF SERVICE BY MAIL U.S.P.S.

I Kenneth Wayne Yablonsky am an adult over the age of 18 years of age, and am not a party to this action. Swear under penalty of perjury that I placed the following materials into addressed and postage fully prepaid to be delivered according to USPS practices in seal envelopes addressed to;

SUPERIOR COURT	DISTRICT ATTORNEY OFFICE	SHERIFF DEPART.
247 W Third st	247 w third st	222 Hospitality
Sanber.Ca.92415	Sanber,Ca.92415	Sanber.Ca.92415
	INTEGRITY UNIT	

The contents of these mailing are a motion named PITCHES/BRADY AND IS SERVED WITH EXHIBIT

I placed these mailing into the post office in (location))))))City) Irvine, CA (Zip) 92618 on Date 6-7-17 with poatage fully prepaid to be delivered by USPS according to first class delivery on this date I swear the above under penalty of perjury

*Kenneth W. Yablonsky*  
Kenneth W. Yablonsky

My address is 6 warmsprings lane Aliso Viejo Ca.92656